2020 South Dakota Legislature

House Bill 1251

Introduced by: ***Representative*** *Mulally*

An Act to establish membership of the Board of Regents.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 13-49-1 be AMENDED:

13-49-1. Control of educational institutions vested in board--Appointment of members.

The control of the public postsecondary educational institutions of the state offering college credit, which are sustained wholly or in part by the state, is vested in a ~~board of nine members, designated as the~~ Board of Regents~~. The~~, appointed by the Governor ~~shall appoint the members,~~ with the consent of the Senate.

Section 2. That § 13-49-2 be AMENDED:

13-49-2. Qualifications of members of board.

Each regent ~~who is a regular member~~ shall be a person of probity and wisdom and selected from among the best known citizens, who are residents of different portions of the state.

No regent may be a resident of a county in which an institution of higher education under the board's control maintains its principal physical presence.

No two regents may be residents ~~in~~ of the same county ~~and not more than six may be members of the same political party. One regent shall be the student regent as provided in § 13-49-6.1~~.

A regent's residence is determined by where the regent is registered to vote.

Section 3. That § 13-49-3 be AMENDED:

13-49-3. Term of office of regents.

~~Each regent, except the student regent, shall be appointed for a term of six~~

The term of each person serving as a regent on June 30, 2020, shall expire on July 1, 2020, and the Governor shall then appoint five members to serve as the Board of Regents.

The Governor shall determine who among the five appointees shall serve for a term of one year, which two among the five appointees shall serve for a term of two years, and which two among the five appointees shall serve for a term of three years. Thereafter, the term of each regent appointed under this section must be three years.

The term ~~shall expire~~ expires on the last day of ~~March~~ June or when a successor is appointed and qualified, unless removed as provided in § 3-17-1.

No regent appointed on or after July 1, ~~2018, and without any previous service on the board~~ 2020, may serve more than two consecutive three year terms. ~~However, after serving two consecutive terms, a regent may be reappointed after at least two years have passed since the expiration of the regent's last term. Any partial term to fill a vacancy on the board~~ An appointment to a term having a duration of less than three years may not count against the two-term limit.

Section 4. That § 13-49-4 be AMENDED:

13-49-4. Filling of vacancies--Failure of senate to confirm--New appointee named.

If a vacancy occurs as provided in § 3-4-1, the Governor shall fill the vacancy by appointment, and the appointee shall serve for the balance of the unexpired term. ~~However, if~~ If the Senate, at the next legislative session, fails to confirm the appointee, the appointee shall only serve until the last day of ~~March. Then~~ June. Thereafter, a new appointee shall be named by the Governor. The subsequent appointee is subject to the same conditions as set forth in this section.

Section 5. That § 13-49-6.1 be REPEALED.

13-49-6.1. Student regent appointed by Governor--Term of appointment--Voting member.