

South Dakota Legislative Research Council

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A REVIEW OF LEGISLATIVE STUDIES OF HIGHER EDUCATION

Introduction

With the exceptions of the State Aid to Education Formula and the broad category of taxes, perhaps no single topic has been studied by the Legislature during more interims than higher education. Targets of higher education studies have ranged from specific programs to institutions to systemic concepts such as funding. In some years committees were given the sole charge of a particular higher education study, while in other years the studies have been assigned to committees having more varied syllabi. In all the years of studies of higher education by all the committees, however, few significant measures have been introduced and passed by the subsequent legislative assemblies. This paper provides a non-quantitative review of the Legislature's interim studies of higher education during the last quarter of a century.

The Status Quo

The system of higher education in South Dakota is virtually the same as it was over a hundred years ago. The student population is much bigger and there are many more buildings, but the institutions governed and the governing body are still there.¹ (See LEGISLATOR

BRIEFING BOOK Chapter V, *The Board of Regents: A Fourth Branch of Government* for a more in-depth discussion.) There is now a four-year medical school, though, and the names of all the institutions have been changed--several times each for several of them--but not much is different in the big picture of South Dakota's higher education system.

That is not to say there haven't been attempts to make significant changes, or that the Legislature has not busied itself with studying higher education year in and year out. Since 1972, the state's system of higher education--or some aspect of it--has been studied by 20 interim legislative committees. The following is a synopsis of those committees and the topics they were assigned:

- 1972--The Committee on Appropriations had as one of its assignments a "Comprehensive study of the role and financing of vocational education in elementary and secondary schools, post-secondary vocational education, and the technical institute at the University of South Dakota at Springfield."
- 1973--The Special Committee on Medical Education was

assigned a “Comprehensive review of possible arrangements for provision of medical education of South Dakota students with consideration to be given to the adequacy of present residency programs in the state and such other factors which may influence health care delivery in South Dakota.”

- 1974--The Special Committee on Vocational Education conducted a “Comprehensive study of the role and financing of vocational education in elementary and secondary schools, multi-district secondary occupational-vocational education centers, post-secondary vocational education and higher education institutions [and] study of the feasibility of transferring vocational-technical education programs to the state Board of Education and the Board of Regents.”
- 1976--The Committee on Appropriations reviewed “the financing and budgeting problems in higher education.”
- 1977--The Committee on Appropriations studied “higher education tuition levels, collection of fees, and fund distribution in colleges and universities.”
- 1978--By the Committee on Vocational Education, “Review the relationship between public supported post-secondary vocational schools and the state institutions of higher education.”
- 1979--The Committee on Higher Education studied: “the

financial needs of public higher education during the coming decade...the role of the Office of the Commissioner of Higher Education...[and] the outside contracts held by the higher education institutions and their staff.”

- 1980--The Committee on Education addressed “the role and mission of the South Dakota School for the Deaf and the South Dakota School for the Visually Handicapped as they relate to providing educational services for handicapped children” (a Board of Regents issue).
- 1984--The Education Committee looked into the “relationships of higher education and vocational education, and curriculum requirements for majors in education.” The Higher Education Committee conducted a “study of higher education tuition and fees, including a review and analysis of tuition rates, the disbursement formula, program improvement fees and reciprocity.” They were also charged with a “study of the physician residency program and the state appropriations therefor.”
- 1987--The Interim Appropriations Committee studied the Cooperative Extension Service.
- 1988--The Interim Appropriations Committee studied “average funding per student FTE” and reviewed building utilization on each campus. The same interim there

was a Nursing Education Study Committee which conducted “a comprehensive study of nursing education in the state.”

- 1989--The Interim Appropriations Committee this time studied “the administrative responsibility for the Schools for the Deaf and the Visually Handicapped.” The Medical School Study Committee studied “the University of South Dakota School of Medicine to weigh the cost of the School of Medicine against the benefits received by the state’s communities from having doctors educated in South Dakota” as well as “the availability of health care in rural South Dakota, especially as it relates to the cost and availability of insurance providers.”
- 1990--The Interim Appropriations Committee studied “goal setting for higher education.” This study considered: the proper and attainable percentage of state support of higher education; how faculty salaries should rank nationally; what it cost to address or correct both of those and in how much time it could be done. The committee also studied tuition and fees and compared them to average annual incomes for South Dakotans, and reviewed the availability of student financial aid and indebtedness of graduates.
- 1991--This year the Interim Appropriations Committee undertook the same study assignment given the year

before, but which it was unable to complete.

- 1992--One of the topics addressed by the Interim Appropriations Committee this interim was another study of space utilization in higher education, only this time the role of the State Engineer was considered.
- 1993--No topic specific to higher education was studied, but the Appropriations Committee reviewed state-owned aircraft, most of which are owned by universities.
- 1994--Funding “of higher education, considering all sources of funding for the six major state higher education institutions, including the higher education funding formula” was the topic of the Higher Education Funding Study Committee.
- 1995--Again the Appropriations Committee studied state-owned aircraft, but this time it also studied fleets of vehicles.
- 1997--Finally, a fiscal review of the University of South Dakota “with the objective of cataloging all funding sources available to the University and the degree to which each is used” is being conducted by the USD Fiscal Review Committee.

Higher education in South Dakota has also studied itself in-house, as was done in 1970 by the Board of Regents under the leadership of then Commissioner Richard Gibb. His study resulted in the document,

A Master Plan for Public Higher Education in South Dakota (State Library, Pierre, South Dakota: State Publishing Company, 1972). A few years later, Richard Bowen's study was written up as *Higher Education in South Dakota* (Vermillion: University of South Dakota, College of Arts & Sciences, 1981). Both of these studies essentially retread some of the same ground--and confirmed the findings of--a high profile study commissioned by the Legislature in 1953 and conducted by the national consulting firm Griffenhagen and Associates (See LEGISLATOR BRIEFING BOOK Chapter V, *The Board of Regents: A Fourth Branch of Government*).

Accomplishments

Few of the above study committees, if they adopted any legislation for introduction during their subsequent sessions, were successful in getting that legislation passed. It has made no difference, either, the number of times a particular finding is reached. Almost "all studies of the higher educational system in South Dakota dating back to 1918 include recommendations for the consolidation of programs, if not institutions."² Rather, one could consider the most significant ideas or changes introduced and passed to have been almost "surprise" ideas. A classic example is the closure of the University of South Dakota at Springfield.³ Even for ideas which originated during session and which led to a study during the following interim, there has been no record of success.

Definitely, governors have no

record of introducing their initiatives to interim committees, either. Instead, these sometimes startling or drastic innovations are exposed to the Legislature during the Budget Report at the earliest. More often, however, governors like to reveal their ideas during the State of the State speech at the opening of a session, or even some time later. Clearly, this puts the Legislature in a hasty, reactionary mode, rather than that which it might attain if the idea could be studied in public during the relative calm of an interim, then brought to session.

Be that as it may, certain acts of the Legislature stand alone as examples of significant interim study topics which passed. The following are probably the three most significant items of legislation adopted by higher education study committees, introduced in the following session, and passed:

- The 1973 Special Committee on Medical Education recommended that the 1974 Legislature create and appropriate money for a four-year, MD degree granting medical school. The Legislature enacted Senate Bill 30 (Session Law Chapter 139) which created a family practice oriented, four-year medical school at the University of South Dakota.
- Although not part of its assignment, the 1977 Interim Committee on Appropriations introduced legislation, SB 106 (SL Chapter 135), recognizing the primary care physician residency program and providing funding for it.

- The 1994 Higher Education Funding Study Committee introduced four concurrent resolutions in 1995, all of which passed. One of those resolutions expressed legislative support for the Board of Regents' higher education funding formula as a tool for distributing instructional funding among the universities.⁴ Another of the resolutions asked the Board to assemble a long-term plan for controlling enrollments.

On the other hand, during the same time period many very significant higher education concepts have been introduced as legislation--some more than once and some which were successful--without having been sired by interim committees. The most notable among these are:

- the various attempts at creating a single university system (1973, 1974, 1976, 1977, 1988, 1991, and 1996);
- creation of the Tuition and Fees Fund (1977 SL Ch. 143);
- dedication of 20 percent of tuition revenue and creation of the Higher Education Facilities Fund for maintenance and repair and lease payments (1978 SL Ch. 126);
- repeal of the Tuition and Fees Fund so that tuition and fees were deposited in the state general fund (1983 SL Ch. 137);
- changing the mission of Dakota State College to dedicate it to

computer-related skills (1984 SL Ch. 142);

- prohibition of a foreign language requirement for freshman applicants (1986 SL Ch. 143);
- Recreation of the Tuition and Fees Fund (1994 SL Ch. 95);
- creation of a prepaid tuition plan⁵ (1994 SL Ch. 145); and
- codification of stricter residency requirements for in-state tuition (1996 SL Ch. 130).

Conclusion

Thus, despite the Legislature's and other entities' studying myriad aspects of South Dakota's higher education during numerous interims, significant changes in the system have rarely come from those studies, if at all. Instead, the Legislature has tended toward disfavoring legislation that comes from those studies, more often enacting "new" ideas during the same sessions in which they are introduced. Since governors have no history of revealing their initiatives much more than a month preceding session, the most drastic, new ideas the Legislature has shown more likely to enact have come from the Executive.

History has it that President George Washington once defended his support of a US Senate to his Secretary of State Thomas Jefferson after Jefferson's return from a trip to France. A popular belief among the day's politicians was in there being little worth of a senate. When Jefferson pressed

Washington during a discussion over breakfast, the President responded with his own question, "Why did you pour that coffee into your saucer?" To which, Jefferson answered "To cool it" as it was too hot to drink. "Even so," said Washington, "we pour legislation into the senatorial saucer to cool it."⁶

Interim committees often act as the saucers into which the most heated ideas or legislation during a session overflow. Thus, what might be a

hotly contested or divisive issue during session often cools before or during the following interim to such a degree that if it is reintroduced in the next session, it has lost most, if not all, of its steam. That energy which can be lost may be the crucial support needed to pass a controversial measure. That, or the whole issue itself subsides enough during the discussions that nothing need actually be done about it.

NOTES:

¹ What had once been a state vocational college in Springfield was closed by Governor Bill Janklow and the Legislature in 1984. Created as Springfield Normal School in 1919, it was made a branch of the University of South Dakota in 1971.

² Hoaglund, Monica, "Organizing the System of Higher Education: The South Dakota Board of Regents," From Idea to Institution: Higher Education in South Dakota, edited by Herbert T. Hoover, Ruth Ann Alexander, Patricia M. Peterson, and Larry J. Zimmerman (Vermillion: University of South Dakota Press, 1989), p. 10.

³ In 1984, Senate Bill 104, which initially failed and was ultimately passed as Senate Bill 221, was originally introduced on behalf of the Governor. The 1983 Interim Appropriations Committee's Subcommittee on Penitentiary Study had been introduced to the concept of transforming USD/S but it gave no endorsement or condemnation of the idea. In fact, the subcommittee reported to the full committee and eventually to the Legislature that there be further study.

⁴ This summer the Board of Regents is beginning a study of replacing its formula.

⁵ The prepaid tuition plan, found in SDCL Chapter 13-55E, has not yet put into operation by the Board of Regents.

⁶ Farrand, Max, editor. The Records of the Federal Convention of 1787, Volume III. (New Haven, Connecticut: Yale University Press, 1966), p. 359. Also quoted in The Unknown Washington by John Corbin (New York: Charles Scribner's Sons, 1930), p. 316.

This issue memorandum was written by Mark Zickrick, Principal Fiscal Analyst for the Legislative Research Council. It is designed to supply background information on the subject and is not a policy statement made by the Legislative Research Council.
