

SOUTH DAKOTA COUNSELING ASSOCIATION  
Legislative Report – Week 9  
March 13, 2022

Week 9 was the end of the regular session and ended in a flurry of activity. The general appropriations bill passed so education, providers, and state employees will get a 6% increase – the most ever. Veto Day is March 28.

HB 1337 is one bill we focused on – Gov's anti civics and CRT bill for k-12 – passed House 50 -18 and was killed/41<sup>st</sup> day in the Senate Education Committee – 4-3. The Gov was not happy about this and tried to revive it with the Senate attempting to add this bill to HB 1012 – the amendment failed 14-20. HB 1012 passed as is – the CRT bill for higher education only.

One interesting development this week was HB 1281 – bill to give the legislature oversight on any additional federal money related to COVID 19 that comes to the state. The bill passed both bodies with more than 2/3rds vote. The Governor does not like this bill as she has had the authority to distribute the federal money. This was a deal between the House and Senate that if 1281 passed, then SB 59, SB 60 and the General Appropriations Bill would pass. We will have to see what happens with this bill and if the Governor vetoes it or not.

#### SENATE BILLS

SB 46 – Gov's bill on fairness in women's sports (anti-transgender) – forces a girl to participate according to her birth certificate – all education groups plus various other groups opposed this bill. Bill passed Senate State Affairs Committee 8-1 and was amended to hold schools harmless – state has to defend any lawsuits and pay the damages. Passed Senate 26-7. Bill passed House committee and passed House 50-17. Amendment was tabled. Gov signed.

SB 59 – Standard bill from Finance Office on state aid levies, teacher salary target, formula distribution, special ed categories and funding – passed committee 6-0. Bill sets the levies for property taxes, target teacher salary, and special education disability levels. Bill passed Senate 34-0 and House 67-2.

SB 77 – Enhance the penalty on registered sex offenders who commit sexual contact without consent from a person capable of consenting. Goes to a Class 6 felony. Bill passed committee and Senate 35-0. Bill passed House committee 11-0 and passed House 70-0. On Gov's desk

SB 81 – Revise the definition of sexual contact – rewords language – passed committee 6-0 and passed 35-0. Bill was amended in House committee to only deal with coaches and people in power and passed committee 7-6; bill passed House and Senate failed to concur with the amendment. Conference Committee met and accepted the House amendment so bill passed. On Gov's desk

SB 83 – Modifies when a motion for expungement of an arrest record may be made – bill has 3 amendments and then passed committee, passed Senate 34-0. Bill passed House committee 11-0 and passed House 65-0. On Gov's desk

SB 95 – Changes the time for review of Teacher Compensation report from every 3 years to 2 years and changes the term of appointment. Passed committee 7-0, passed Senate 34-0. Passed House Educ Committee and passed House 62-3. On Gov's desk

SB 139 – Provides for creation and funding Oceti Sakowin community based school – charter school – passed committee 6-1, passed Senate 22-13 – we still have problems with funding, governance, board structure, transparency and who is responsible for what. Two amendments were put on the bill reducing the number from 4 to 2 and then allowing sponsoring district to accept or deny the application if it is complete. See the narrative – bill failed in House Education Committee 8-4

SB 141 – Title bill for retirement

SB 143 – Title bill for education – passed 32-0 – Now in the House to use if needed – bill was tabled

SB 167 – Clarify the certification process for teachers and school administrators – deals with violation of code of ethics – amendment was agreed too, and bill passed committee and passed Senate 32-0. Bill passed House Educ Committee 6-0, was removed from consent calendar and then it passed House 54-15.

SB 198 – Revise provisions related to juvenile offenders – it is time to revisit this program – bill passed committee 8-1, fiscal note requested passed Senate 22-13 – should support. Bill was amended in House State Affairs Committee to take out the hammer/enforcement part and so now it is simply a summer study. Bill passed committee 12-0 and passed House 37-32. Senate failed to concur with amendment and failed to appoint conference committee, so bill is dead. The education groups may put together a task force to deal with possible changes and then bring in legislation next year.

## HOUSE BILLS

HB 1012 – Gov's bill on Critical Race Theory – all education groups are opposing as this is not happening in SD. Bill was houghoused to be a bill affecting only higher education and technical schools. Section 1 was amended out and amended again at the end so bill really does nothing. Title was amended so now CRT isn't even mentioned in the bill – passed committee and passed House 54-14. Bill passed Senate Educ Committee 4-3 and then passed Senate with a minor amendment 27-8– House concurred with the amendment 60-10.

HB 1068 – Bill to clarify the processing of sexual assault kits performed on 16 & 17 year olds – still requires mandatory obligation in law – passed committee 12-0 and passed House 67-0 on consent. Bill was amended in Senate committee and passed Senate. House failed to concur. Conference Committee met and put the bill back to the original bill that passed the House and then both bodies adopted the report. On Gov's desk

HB 1110 – Appointment of a guardian or special advocate for abused or neglected child  
There are two judicial districts that have trouble getting CASA volunteers to help with

kids in court – amended to include appointment of a special advocate by the courts and then bill passed committee, passed House 68-0; passed Sen Committee 6-1, passed Senate 32-3. Gov signed

HB 1163 – Provides for screening instruments in determining kindergarten readiness – this bill has problems and various people are working on it but right now it is not ready for prime time – amendments were made to change the dates to Sept 1 to Sept 30 and local school district to pay for screening tool. Passed House committee 12-3, passed House 40-28. Bill was amended to change the date to October 31 for admitting students – bill then passed 6-1, bill failed on Senate floor 10-25.

HB 1223 – Authorize the provision of informed consent by a pregnant minor- amended and passed committee 8-4; passed House 37-33. Bill passed Senate Comm 7-0 and passed Senate 30-5. On Gov's desk

HB 1302 – Modify tuition responsibilities for children in residential treatment centers amended proposed – passed committee 11-3 and passed House 54-13. Bill passed Sen Committee 6-0 and passed Senate on consent. On Gov's desk

HB 1308 – Provide payment of signing bonuses to school district staff members – this is the new bill concept instead of HB 1216 – passed committee 10-1 and passed House 67-0; passed Sen Committee 5-2 and passed Senate 34-1. Gov signed

HB 1337 – Gov's bill – To protect elementary and secondary students from political indoctrination – this is the CRT bill and action civics bill now – oppose – this is not happening in SD. Bill was significantly amended to delete sections 1 and 4 through 7. Then bill passed committee 13-2. More work needed on this bill or kill it as it is only a bill of values and opinions on teachers and techniques. Passed House 50-18 – bill was killed/41<sup>st</sup> day 4-3 in House Education Committee – see top of report

HB 1338 – Appropriation bill for 2023 – bill was tabled, and new General Appropriations Bill was then introduced – HB 1340 (this is the normal process) passed House 59-10 and 31-1 in the Senate.

Have a great week and I appreciate the opportunity to work for your group!