

SOUTH DAKOTA COUNSELING ASSOCIATION
Legislative Report – Week 1
January 15, 2022

The first week of the session is in the books and it promises to be a busy session. The main focus will be on the budget since SD received all kinds of federal money plus we ended up with an excess of state money over projections.

There are 32 marijuana bills introduced on medical and recreational marijuana. We will only cover the ones that affect education. The medical marijuana is in pretty good shape but the Supreme Court declared the recreational marijuana unconstitutional so some legislators are attempting to fix/regulate recreational marijuana so it doesn't have to be on the ballot again this fall. We will see if that works.

Governor's proposal in the budget is for 6% increase for education, state employees, and providers. Some legislators think it should be less and some think it should be more. Most are supporting the 6%.

There will also be some bills to help the workforce shortage, mental health issues, and housing.

SENATE BILLS

SB 28 – Disqualify for life a person from driving a commercial vehicle who is convicted of a felony offense involving human trafficking

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. Bill will be on Senate floor on Wednesday.

SB 59 – Standard bill from Finance Office on state aid levies, teacher salary target, formula distribution, special ed categories and funding – will be decided at end of session

SB 71 – Tax credit bill for additional appropriation for private school scholarships – increases to \$3.5 million from \$2 million – Sen Educ Comm on Tuesday

SB 72 – Establishes the crime of hazing in schools, colleges with penalty

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

SB 81 – Revise the definition of sexual contact – rewords language

SB 82 – Revise the admissibility of certain statements made by person with developmental disabilities concerning certain crimes

SB 83 – Modifies when a motion for expungement of an arrest record may be made

HOUSE BILLS

HB 1006 – Fairness in women’s sports – banning transgender girls from participation – same bill as last year

HB 1008 – Bill allowing a cause of action if certain employees are required to receive a vaccination as a condition of employment – has emergency clause

HB 1012 – Gov’s bill on Critical Race Theory – all education groups are opposing as this is not happening in SD.

HB 1015 – Gov’s bill on moment of silence – another non issue and some are talking about this as a moment of prayer

HB 1064 – Bill to direct DOE to use certain fall enrollment count to calculate state aid for districts that declined in enrollment for 2020 or 2021. They must use the higher enrollment, and this is for one year only due to pandemic. Federal dollars could be used for this

HB 1026 – Prohibits eligibility for a suspended imposition of sentence for crime of rape

HB 1052 – Places limits on enforcement of federal laws related to guns and ammunition

HB 1068 – Bill to clarify the processing of sexual assault kits performed on 16 & 17 year olds – still requires mandatory obligation in law – Hearing on Thursday in House Judiciary

All bills have to be in by January 31 so we will see many more bills in the coming weeks. If you have any questions or concerns on bills, email us at sdca.counseling@gmail.com Thanks for the opportunity to work for you!