

SOUTH DAKOTA COUNSELING ASSOCIATION
Legislative Report – Week 3
January 28, 2022

Week three brought all kinds of new bills. Currently there are about 450 bills but we expect to see close to 500 by weeks end. There are many bills that relate to education. Other major issues are the anti- transgender bills, marijuana bills and vaccination bills.

SENATE BILLS

SB 28 – Disqualify for life a person from driving a commercial vehicle who is convicted of a felony offense involving human trafficking – passed committee 6-0 and passed Senate 32-0 on consent

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 then ran into some problems on the House floor. Amendment was proposed to add damages and then 517 which means bill lays over for 2 days. Amendment and bill will be debated on Tuesday – Senate will not accept damages so bill may be around a long time.

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 – passed committee, passed Senate 27-5. Bill has hearing in House Educ Comm on Monday

SB 72 – Establishes the crime of hazing in schools, colleges with penalty – bill was amended in committee and passed Senate 19-16.

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. Hearing on Feb 1

SB 81 – Revise the definition of sexual contact – rewords language – passed committee 6-0 and passed 35-0. This came about from a case in RC.

SB 82 – Revise the admissibility of certain statements made by person with developmental disabilities concerning certain crimes – bill was tabled in committee

SB 83 – Modifies when a motion for expungement of an arrest record may be made – bill has 3 amendments and then passed committee

SB 86 – Allows or changes to physical therapists – be licensed or be licensed under state compact – 1/31 hearing

SB 94 – Education bill requesting Chairs of Sen Education and House Education Committees become members of state board of educational standards – killed/41st day 4-3.

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
SB 139 – Provides for creation and funding Oceti Sakowin community based school – charter school
SB 141 – Title bill for retirement
SB 143 – Title bill for education
SB 167 – Clarify the certification process for teachers and school administrators – deals with violation of code of ethics

HOUSE BILLS

HB 1005 – Provides for the designated use of public school multi-occupancy rooms and sleeping rooms – anti-transgender bill – up for hearing on Monday in House State Affairs
HB 1006 – Fairness in women’s sports – banning transgender girls from participation – same bill as last year – hasn’t been scheduled yet
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 –Bill was killed on Friday/sent to 41st day 9-6 but there is talk of smoking it to the floor of the House for a vote or introduce same bill in the Senate. A victory for education as this is not needed – can currently be done.
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. Bill was tabled by request of sponsor
HB 1026 – Prohibits eligibility for a suspended imposition of sentence for crime of rape – was amended to deal with underage kids charged with rape and then passed committee 11-1 – on House floor
HB 1052 – Places limits on enforcement of federal laws related to guns and ammunition – we need to watch this as sponsor may try to change federal law on domestic violence or in schools - this bill needs to have an amendment as it affects Domestic Violence federal grants. This bill has been here before. Bill was deferred and is being worked on
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 then passed. On Senate floor
HB 1080 – Extending the teacher compensation meeting the salary level of 2017 – there is no percentage of money going to teacher salaries as schools need flexibility to also raise salaries of non-certified personal and others – cooks, nurses, counselors, aids – amended to take out unnecessary language on 85% and then passed committee and passed House 65-1.

HB 1094 – Revises medical marijuana for protection of youth – this bill tied in committee 6-6 and was sent to the floor with no recommendation. That means 2 votes have to be taken – one to calendar the bill and then they will debate the bill. This changes some of the medical marijuana rules.

HB 1110 – Appointment of a guardian or special advocate for abused or neglected child – changing the shall to may – this is coming from UJS. There are two judicial districts that have trouble getting CASA volunteers to help with kids in court – bill is being held to see what can be done.

HB 1111 – Referral of school board decisions

HB 1158 – Regulate school resource officers – we are working on an amendment

HB 1163 – Provides for screening instruments in determining kindergarten readiness

HB 1170 – Incorporates the Oceti Sakowin Essential Understandings in the social studies curriculum

HB 1171 – Revise provisions related to missing indigenous children

HB 1172 – Assist students in objectively reviewing scientific information – I don't know what this bill is intended to do

HB 1192 – Appropriation for Teach For America grant program – withdrawn

HB 1200 – Establish criteria for temporary custody and visitation orders

HB 1201 – Address determinations regarding physical custody of a minor

HB 1202 – Provide for custody entitlement of a child born out of wedlock

HB 1207 – Clarify standards for open enrollment – this is not a good bill as it forces schools to take special education kids even when program is not available

HB 1216 – Remove collective bargaining for school district employees

HB 1217 – Expand criminal provisions regarding the protection of minors from certain forms of sexual exploitation

HB 1218 – Revise the definition of abused or neglected child to include minors subject to human trafficking

HB 1220 – Establish a safe harbor for survivors of human trafficking

HB 1221 – Require training on human trafficking for law enforcement

HB 1223 – Authorize the provision of informed consent by a pregnant minor

HB 1241 – Address surrogacy

HB 1246 – Fundamental right of parents

HB 1261 – Retire/Rehire retired teachers under certain circumstances with 3 year sunset – Good bill

HB 1265 – Increase the units of US govt for high school graduation

HB 1266 – Codify minimum requirements for high school graduation – both 1265 and 1266 are bad bills – this belongs with State Board of Educational Standards

You will see there are a lot of title bills that may or may not be used during the session. There are a lot of bills to read so happy reading. See you on the Zoom call this week.