

SOUTH DAKOTA COUNSELING ASSOCIATION  
Legislative Report – Week 4  
February 6, 2022

Thanks to all who participated in the Zoom call last week. We have around 500 plus bills introduced and 24 title bills so we will definitely be busy in the coming weeks.

Some developments this week – HB 1012 – CRT bill – was hoghoused (complete new bill) to be a bill now for just higher education and technical schools. K-12 is out for now but has been put in HB 1337. HB 210 – voucher bill for home schools – was withdrawn. Some of the human trafficking bills will also be withdrawn as they have numerous problems.

#### 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 – passed House on consent, on Gov's desk

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 – 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 passed committee and House 44-23. Now on Gov's desk

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. Bill passed committee and Senate 35-0

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 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

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.

SB 139 – Provides for creation and funding Oceti Sakowin community based school – charter school – same bill as last year – passed committee 6-1 – on Senate floor on Monday and has all the same problems as last year – funding, governance, board structure, transparency and who is responsible for what

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 – still working on an amendment

SB 194 – Appropriation to Dept of Educ to provide grants to organizations that provide early education programs

SB 198 – Revise provisions related to juvenile offenders – it is time to revisit this program

## HOUSE BILLS

HB 1005 – Provides for the designated use of public school multi-occupancy rooms and sleeping rooms – anti-transgender bill – passed committee, passed House 38-29 – very disappointing. Bill assigned to Sen. Judiciary Committee

HB 1006 – Fairness in women's sports – banning transgender girls from participation – same bill as last year – this bill will be tabled since SB 46 passed and was signed

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. See narrative – bill was hoghoused to be a bill affecting only higher education and technical schools.

HB 1015 – Gov's bill on moment of silence – another non issue and some are talking about this as a moment of prayer – oppose – Bill was killed on Friday/sent to 41<sup>st</sup> 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.

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 – passed House 64-0

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 - oppose – 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 passed Senate. House failed to concur so both houses will appoint a conference committee and try to figure out a compromise

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. Hearing in Senate Ed on 2/8

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. Bill failed to get calendared so is dead

HB 1110 – Appointment of a guardian or special advocate for abused or neglected child – changing the shall to may – this is coming from UJS and I need to see what is going on here and why. 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

HB 1111 – Referral of school board decisions – 2/8 hearing

HB 1158 – Regulate school resource officers – bill was tabled at request of sponsor

HB 1163 – Provides for screening instruments in determining kindergarten readiness –

HB 1170 – Incorporates the Oceti Sakowin Essential Understandings in the social studies curriculum – bill was sent to 41<sup>st</sup> day/killed – 8-7

HB 1171 – Revise provisions related to missing indigenous children – House Judiciary

HB 1172 – Assist students in objectively reviewing scientific information – I don't know what this bill is intended to do – unfortunately this bill passed committee 8-7 and is on the House floor

HB 1200 – Establish criteria for temporary custody and visitation orders – 2/7 Hearing in House Judiciary after session

HB 1201 – Address determinations regarding physical custody of a minor – 2/7 hearing in House Jud after session

HB 1202 – Provide for custody entitlement of a child born out of wedlock – 2/7 hearing in House Jud

HB 1207 – Clarify standards for open enrollment

HB 1216 – Remove collective bargaining for school district employees - withdrawn

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

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

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

HB 1221 – Require training on human trafficking for law enforcement – may be withdrawn

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

HB 1241 – Address surrogacy

HB 1246 – Fundamental right of parents – House Judiciary

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

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 – seems like some legislators want to take over running the public schools

HB 1302 – Modify tuition responsibilities for children in residential treatment centers

HB 1308 – Provide payment of signing bonuses to school district staff members – this is the new bill concept instead of HB 1216

HB 1310 – Provide parental review of instructional and curricular materials and publishing on website

HB 1337 – Gov's bill – To protect elementary and secondary students from political indoctrination – this is the CRT bill and action civics bill now

HB 1338 – Appropriation bill for 2023.

Keep talking to your legislators and thank you for all you do for kids in South Dakota.  
Have a good week!