

SOUTH DAKOTA COUNSELING ASSOCIATION
Legislative Report – Week 5
February 11, 2022

Week 5 was extremely busy as we are drawing closer to crossover day and all bills need to get through the first house. I am deleting some of the bills that have been killed.

This week we will also get the Revenue Estimates for 2023 Budget. They are predicted to be very good.

Continue to talk to your legislators about the 6% proposed increase for education, providers and state employees because the bills to decrease the state tax on food and decrease the sales tax by ½ % are going to be up in committee and the way to pay for this is by using some of the 6% money.

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, Gov signed

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 and this is certainly disappointing.

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. Gov signed

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 – 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. It now goes to the House and we are still opposing.

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 – hearing on 2/15

SB 194 – Appropriation to Dept of Educ to provide grants to organizations that provide early education programs – passed committee 7-0 and now goes to the Joint Appropriations Committee

SB 198 – Revise provisions related to juvenile offenders – it is time to revisit this program – hearing on Wednesday 2/16

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 was killed/41st day 6-1 in Senate Judiciary

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

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 – this bill needs to have an amendment as it affects Domestic Violence federal grants. Bill was deferred and is being worked on – hearing on 2/14

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. Passed Senate committee and then ran into trouble on the Senate floor. Some senators want to increase the target salary from 2017, which is the base for the 1/2 sales tax, to reflect current inflation and state aid increases. If this happens, education groups will oppose because money is not there to do this. On Senate floor on Monday for debate again.

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 – 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. Bill was killed in committee/41st day 10-3

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

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, on House floor

HB 1171 – Revise provisions related to missing indigenous children – House Judiciary – failed in committee/41st day 7-2

HB 1172 – Assist students in objectively reviewing scientific information – unfortunately this bill passed committee 8-7 and failed on House floor – 28-40

HB 1200 – Establish criteria for temporary custody and visitation orders – passed committee but failed on House floor 28-38

HB 1201 – Address determinations regarding physical custody of a minor – failed in committee/41st day

HB 1202 – Provide for custody entitlement of a child born out of wedlock – failed/41st day in committee

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 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 – amended to be only one line now – passed committee 13-0

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

HB 1265 – Increase the units of US govt for high school graduation – tabled at request of sponsor

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 – tabled at request of sponsor

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

HB 1308 – Provide payment of signing bonuses to school district staff members – this is the new bill concept instead of HB 1216 – hearing on Monday in House State Affairs

HB 1310 – Provide parental review of instructional and curricular materials and publishing on website –hearing on 2/14

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

HB 1338 – Appropriation bill for 2023.

Have a good week!