

SOUTH DAKOTA COUNSELING ASSOCIATION  
Legislative Report – Week 6  
February 18, 2022

Week 6 was crazy busy as we had committee meetings in the morning and then after session until 7:30 pm for two nights. Crossover day is Wednesday so we will be busy on Tuesday and Wednesday.

The Governor's bills are still causing much consternation – all the education groups are opposing all of them – CRT, action civics, moment of silence, etc. HB 1337 is one bill you need to be aware of – Gov's anti civics and CRT bill for k-12 – passed House 50 -18 is now in Senate Education and it needs to die or be made into a resolution as it does nothing to help education.

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. HB 1327 is the bill that reduces the sales tax by ½ cent and then removes the sales tax from food. The bill passed House Appropriations Committee 6-1 and now is on the House floor. This is dangerous because it impacts the increase for education and probably reduces it to 3 – 4 % and that will not be enough to help education move forward. Call your House members to oppose.

SB 139 – charter school bill also needs to die in House Education Committee – we have the same objections as we did last year – funding, governance, liability. They can currently do this now without the bill, but they want the money from public education.

There was a disagreement in the Joint Appropriation Committee so now the bills with money in them go to the body that introduced them – Senate to the Senate Appropriations and House to the House Appropriations Committee. They can't agree now so the separation will be interesting to see how it works out as bills need to pass Joint Appropriations in order to put together a budget.

#### SENATE BILLS

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 – passed committee 6-0

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 – passed 32-0

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

SB 194 – Appropriation to Dept of Educ to provide grants to organizations that provide early education programs – passed committee 7-0 and then went to Sen Appropriations Committee and was killed/41<sup>st</sup> 6-3

SB 198 – Revise provisions related to juvenile offenders – it is time to revisit this program – bill passed committee 8-1, fiscal note requested and is on the Senate floor – should support

## HOUSE BILLS

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 – bad bill – bill was killed/41<sup>st</sup> day – 7-6

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

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 – hearing in Senate on 2/22

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 – bill passed committee and amendment will be offered on the House floor to deal with DV – still on House floor

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. Everything was worked out so bill passed Senate as it was in the House – 29-6 so we are okay

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 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

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 – bill was killed/41<sup>st</sup> day 9-6

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

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

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

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

HB 1223 – Authorize the provision of informed consent by a pregnant minor- amended and passed committee 8-4

HB 1241 – Address surrogacy – tabled in committee 11-1

HB 1246 – Fundamental right of parents – House Judiciary – amended to be only one line now – passed committee 13-0 – passed House 63-5

HB 1261 – Retire/Rehire retired teachers under certain circumstances with 3 year sunset – Good bill - should support – unfortunately, this bill was killed/41<sup>st</sup> day 10-3. The Retirement people and Board came down against it after we thought they would agree to the amendment. This was a workforce issue and retirement people thought the sky was falling.

HB 1302 – Modify tuition responsibilities for children in residential treatment centers amended proposed – passed committee 11-3 and is on the House floor

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

HB 1310 – Provide parental review of instructional and curricular materials and publishing on website – bad bill – tabled in committee

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 – see narrative

HB 1338 – Appropriation bill for 2023.

We have to watch all the title bills now as both houses sent 3 bills to the other house. I have removed some of the killed or tabled bills as report is getting too long. Have a good weekend and please call your legislators to support our priority bills. They need to hear from you!