

SOUTH DAKOTA COUNSELING ASSOCIATION  
Legislative Report – Week 7  
February 26, 2022

Week 7 was busy as usual since it was Crossover Day. We have two weeks left and many bills plus the budget to complete.

HB 1337 is one bill you need to be focused on – 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. It was amended in House Education but still needs a lot of work. It is up for hearing in Senate Education Committee on Tuesday – 3/1. Call to oppose. SB 139 is the Charter School Bill and is up for hearing in House Education Committee on Wednesday – March 2. Call to oppose as we still have problems with the funding, governance, and liability issue.

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 passed the House 39-31. 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. The good news is that it was defeated/41<sup>st</sup> day in Senate State Affairs Committee on Friday 8-1.

#### 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. Hearing on 2/28 in House Judiciary

SB 81 – Revise the definition of sexual contact – rewords language – passed committee 6-0 and passed 35-0. Hearing on 2/28 in House Judiciary

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. Passed House Educ Committee and is on consent in the Senate

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.

SB 141 – Title bill for retirement

SB 143 – Title bill for education – passed 32-0 – Now in the House to use if needed

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. Bill passed House Educ Committee 6-0 and is on consent on Senate floor

SB 198 – Revise provisions related to juvenile offenders – it is time to revisit this program – bill passed committee 8-1, fiscal note requested passed Senate 22-13 – should support. Bill is now in House.

## HOUSE BILLS

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. Hearing in Senate Educ on Tuesday – 3/1

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 – bill was killed/41<sup>st</sup> day in Senate committee 4-3

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 – bill was killed on House floor 28-39.

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 – Conf committee meeting on 2/28

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. Gov signed

HB 1110 – Appointment of a guardian or special advocate for abused or neglected child – changing the shall to may 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; passed Sen Committee 6-1.

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. Bill was amended to change the date to October 31 for admitting students – bill then passed 6-1

HB 1223 – Authorize the provision of informed consent by a pregnant minor- amended and passed committee 8-4; passed House 37-33. Hearing on 2/28 in Sen Health

HB 1246 – Fundamental right of parents – House Judiciary – amended to be only one line now – passed committee 13-0 – passed House 63-5. Bill was killed. 41<sup>st</sup> day 6-1 in Sen Judiciary

HB 1302 – Modify tuition responsibilities for children in residential treatment centers amended proposed – passed committee 11-3 and passed House 54-13. Sent to Sen Health

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; passed Sen Committee 5-2 and is on the Senate floor

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 – hearing on Tuesday 3/2 in Senate Education Committee

HB 1338 – Appropriation bill for 2023.

Have a good weekend!