

SOUTH DAKOTA COUNSELING ASSOCIATION  
Legislative Report – Week 8  
March 4, 2022

Week 8 was really chaotic with all the bills going through the second body and trying to get all the appropriations bills through the House and Senate Appropriations Committees. There is still a dispute between the two appropriations committees and the Joint Appropriations Committee has not met for the past 3 days. All bills are going through either the House or Senate Appropriations Committee and then to the floor. Interesting development was that the House Appropriations Committee killed a number of bills on Wednesday and Thursday and then they were all smoked to the House floor to be voted on.

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 and was killed/41<sup>st</sup> day in the Senate Education Committee – 4-3. The Gov was not happy about this and is trying to revive it on Monday – you need to call your Senators to ask them to keep this bill dead as it does nothing to move education forward. It is simply a statement of values.

SB 139 is the Charter School Bill and it was killed/41<sup>st</sup> day in House Education Committee 8-4. This bill has problems with governance, funding, liability, and other issues. It can currently be done if they go to a local school board and attempt to get a magnet or immersion school.

The 6% increase for education, providers, and state employees is still on track but we have to be watchful as this week all the work will be on SB 59 and SB 60.

One week left and we will definitely be busy!

#### 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. Bill was killed/41<sup>st</sup> day 9-3 in the House State Affairs Committee.

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. Bill passed House committee 11-0 and passed House 70-0

SB 81 – Revise the definition of sexual contact – rewords language – passed committee 6-0 and passed 35-0. Bill was amended in House committee to only deal with coaches and people in power and passed committee 7-6; bill is now on House floor

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. Bill passed House committee 11-0 and passed House 65-0

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 passed House 62-3

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. See the narrative – bill failed in House Education Committee 8-4

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, was removed from consent calendar and then it passed House 54-15.

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 was amended in House State Affairs Committee to take out the hammer/enforcement part and so now it is simply a summer study. Bill passed committee 12-0 and is on the House floor

## 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. Bill passed Senate Educ Committee 4-3 and is on the Senate 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. Conference Committee met and put the bill back to the original bill that passed the House and then both bodies adopted the report.

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, passed Senate 32-3

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, bill failed on Senate floor 10-25.

HB 1223 – Authorize the provision of informed consent by a pregnant minor- amended and passed committee 8-4; passed House 37-33. Bill passed Senate Comm 7-0 and passed Senate 30-5

HB 1302 – Modify tuition responsibilities for children in residential treatment centers amended proposed – passed committee 11-3 and passed House 54-13. Bill passed Sen Committee 6-0 and passed Senate on consent

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 passed Senate 34-1

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. Passed House 50-18 – see narrative – bill was killed/41<sup>st</sup> day 4-3 in House Education Committee

HB 1338 – Appropriation bill for 2023.

One more week left and I think everyone will be happy to come home.