

SD 2016 Legislative Session in Review

by Maggie Cockburn, University of South Dakota Law student and SD KIDS COUNT Staff Associate

The South Dakota Legislature is composed of two bodies (bicameral): the Senate and the House of Representatives. Legislators are elected by the constituents in the state's 35 districts, one senator and two representatives from each district. The Senate is made up of 35 members and the House of Representatives has 70 members. Each legislative session is limited to 40 days each spring. The legislature typically meets 38 days per year with a 39th day reserved for Governor vetoes.

How an Idea Becomes a Law

★ For more information on the South Dakota Legislature and the current legislative session, see the Legislative Research Council website at <http://legisl.sd.gov>. On this website you can access contact information for all legislators, information on current bills, and other legislative information. Additionally, you can listen to live or archived broadcasts of committee hearings or floor sessions.



A bill begins as an **idea** that someone would like to see become a law. Anyone can propose a bill, but only a State Representative or State Senator can take the idea and guide it to final passage through the state legislature. The **drafting** of the idea into a bill is done by the Legislative Research Council, the permanent, non-partisan staff of the Legislature. If the bill is sponsored by a Senator, it is a Senate Bill. If the bill is sponsored by a Representative, it is a House Bill. The bill is **introduced** at a First Reading in the "House of Origin." The Senate President or

Speaker of the House then assigns the bill to a **committee**.

The committee has the responsibility to examine the bill carefully, take testimony for and against the bill, and decide what to do with the bill. The committee has four options: 1) Send it to the floor with a "Do Pass" recommendation; 2) "Table the bill," which means it is dead, unless the full body orders the committee to send the bill to the floor; 3) Defer it to the 41st Day, essentially killing the bill because there are only 40 days in the legislative process; 4) In rare cases,

a committee may not be able to get enough votes to pass or kill the bill, a bill may be sent to the floor without a recommendation. In that case, a full body must vote whether they want to place the bill on the calendar for consideration.

If the bill reaches the floor, it is **debated** and voted on by the body. If it passes both the House and Senate, it goes to the Governor. If signed by the Governor, the bill becomes a **law**. If it is vetoed by the Governor, the Legislature can decide whether to override, needing a two-thirds vote, or uphold the veto.

A Selected Overview of Legislation Affecting Children in South Dakota

Education

- ✓ SB 9: Makes an appropriation to fund the Native American achievement schools grant program and paraprofessional tuition assistance scholarship program.
- ✓ SB 81: Creates a paraprofessional tuition assistance scholarship program.
- ✓ SB 82: Establishes the Native American achievement schools grant program.

HB 1008: Restricts access to certain restrooms and locker rooms in public schools.

- ✓ HB 1013: Revises certain provisions regarding alternative instruction achievement tests for children excused from school attendance.
- ✓ HB 1146: Authorizes the Governor to enter agreements with Indian tribes regarding the high school equivalency tests administered on Indian reservations.

- ✓ HB 1182: Increases the state sales tax, the state use tax, the excise tax on farm machinery, and amusement device tax for the purpose of increasing education funding and reducing property taxes, and to declare an emergency.

- ➔ SB 151: Lowers the state sales and use tax on most food items to increase the rate of taxation for the sales and use tax on certain goods and services, to increase the amusement device tax, and to increase the per student allocation in the state aid formula.

Criminal Justice

- ✓ SB 55: Revises certain provisions of the HOPE probation program.
- ✓ SB 97: Provides for the automatic removal of all petty offenses, municipal ordinance violations, and Class 2 misdemeanor charges or convictions from background check records after ten years when certain conditions are met.
- ➔ HB 1192 & 1193: These acts prohibit certain inquiries during a public employment application or initial private employment application process about an applicant's criminal history and to provide a penalty for a violation thereof.

- ✓ Passed by Legislature and signed by Governor
- ➔ Deferred to the 41st Legislative day
- ✗ Did not pass

- ✓ SB 140: Eliminates life sentences for defendants under the age of eighteen at the time of the crime.

Economic

- ✓ SB 2: Revises the distribution of the revenue from the alcoholic beverage fund to counties.
- ➔ SB 153 & HB 1076: These bills provide for drug testing certain TANF applicants, and for certain assistance applicants.
- ✗ HB 1161: Provides for and regulates consumer lines of credit and provides a penalty for certain violations.

Health

- ✓ SB 22: Adds emergency medical technicians and paramedics to the list of mandatory reporters of suspected child abuse and neglect.
 - ✓ SB 28: Requires a child to be immunized for meningococcal meningitis before entering school.
 - ✓ HB 1110: Provides medical care for unborn children whose mothers are not eligible for public coverage.
- The decision on the Medicaid Expansion plan has been delayed. It will be addressed in special session or in the 2017 legislative session.

Safety

- ✓ SB 26: Revises certain provisions concerning sex offender registration and to require an offender to notify of intended foreign travel. (Similar to HB 1244).
- ✓ HB 1021: Allows child advocacy centers and tribal agencies that provide child placement services to obtain results from a check of the central registry for abuse and neglect.
- ✓ HB 1063: Revises provisions regarding required notice of relocation of a minor child when a protection order is in place.

2016 General Ballot Measures

South Dakota has some ballot initiatives for the November election to address predatory lending and excessive interest rates. One is an initiated measure to set a maximum finance charge for certain licensed money lenders of 36 percent. Another is an amendment to the South Dakota Constitution which would limit the ability to set statutory interest rate for loans above 18 percent.

Look for more information from the Secretary of State office at <http://sdsos.gov> closer to the election to determine what a “for or against” vote would mean for the ballot measure or initiative.





SD KIDS COUNT Project
Beacom School of Business
The University of South Dakota
414 East Clark Street
Vermillion, SD 57069

Facts on KIDS in South Dakota is published by South Dakota KIDS COUNT, Beacom School of Business, University of South Dakota. The South Dakota KIDS COUNT Project is a national and state-by-state effort, sponsored by the Annie E. Casey Foundation, to track the status of children in the United States. Additional support for the state project comes from the South Dakota Department of Human Services.

Thank you to:
Maggie Cockburn, Staff Associate, SD KIDS COUNT for researching and writing this special edition of FACTS on KIDS in South Dakota.

Hanna E. Conrad, Summer Staff Associate for layout & design of this edition. Ms. Conrad is enrolled in the Master of Art's program in English at the University of South Dakota.

For more information, go to the SD Legislative Research Council at <http://sdlegislature.gov>