

Committee: Senate Education

Thursday, February 04, 2021 7:45 AM

Roll Call

Present: Sen. Bolin, Sen. V. J. Smith, Sen. Steinhauer, Sen. Tobin, Sen. Schoenfish,
and Sen. Curd

Excused: Sen. Heinert

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Curd

MOTION: TO APPROVE THE MINUTES OF TUESDAY, FEBRUARY 02ND

Moved by: Steinhauer

Second by: Bolin

Action: Prevailed by voice vote

HB 1025 : delete or revise certain outdated language relating to education.

Presented by: Tiffany Sanderson, Department of Education

MOTION: DO PASS HB 1025

Moved by: Tobin

Second by: V. J. Smith

Action: Prevailed by roll call vote (6-0-1-0)

Voting Yes: Bolin, V. J. Smith, Steinhauer, Tobin, Schoenfish, and Curd

Excused: Heinert

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1025 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

HB 1082 : revise certain state aid to education definitions for the 2021-2022 school year.

Presented by: Shannon Malone, Department of Education

Proponents: Loren M Paul, South Dakota Education Association, Pierre

MOTION: DO PASS HB 1082

Moved by: Steinhauer

Second by: V. J. Smith

Action: Prevailed by Majority Members Elect (6-0-1-0)

Voting Yes: Bolin, V. J. Smith, Steinhauer, Tobin, Schoenfish, and Curd

Excused: Heinert

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1082 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 128 : preclude the assignment of exclusive broadcast rights for certain high school interscholastic activities by an association.

Presented by: Brock Greenfield, Senator (Handout(s) 1)

Proponents: Jody Brozik, Liveticket

Justin Smith, South Dakota Newspaper Association

Steve Willard, South Dakota Broadcasters Association, Pierre

Opponents: Dan Swartos, South Dakota High School Athletic Association (Handout(s) 2)

MOTION: AMEND SB 128

128A

On page 1, line 1, of the Introduced bill, delete "preclude the assignment of exclusive broadcast rights for certain high school interscholastic activities by an association" and insert "revise certain provisions related to news media coverage of high school activities"

On page 1, line 4, of the Introduced bill, after "Dakota:" delete "Section 1. That § 13-36-4 be AMENDED:

"

On page 1, line 5, of the Introduced bill, after "AMENDED:" delete "13-36-4. "

On page 1, line 5, of the Introduced bill, after "13-36-4. " delete "Delegation of control, supervision, and regulation of high school interscholastic activities to association."

On page 1, line 6, of the Introduced bill, after "association." delete "

The school board of a public school, approved and accredited by the secretary of the Department of Education, may delegate, on a year to year basis, the control, supervision, and regulation of any high school interscholastic activities to any association which is voluntary and nonprofit if:

- (1) Membership in the association is open to all high schools approved and accredited pursuant to this section, including any school that allows participation by students receiving alternative instruction as set forth in § 13-27-3, pursuant to the provisions of this title;
- (2) The constitution, bylaws, and rules of the association are subject to ratification by the school boards of the member public school districts and the governing boards of the member nonpublic schools and include a provision for a proper review procedure and review board;
- (3) The report of any audit required by § 13-26-5 is made public on the association's website as well as the Department of Legislative Audit's website;
- (4) The association complies with the provisions of chapter 1-25 and chapter 1-27. However, the association, and its employees, meetings, and records, are afforded the same exemptions and protections as a political subdivision or public body is provided under chapter 1-25 and chapter 1-27; and
- (5) The association shall report to the Government Operations and Audit Committee annually, or at the call of the chair.

The governing body of a nonpublic school, approved and accredited by the secretary of the Department of Education, or AdvancED, or the Association of Christian Schools International (ACSI), or the Association of Classical and Christian Schools (ACCS), or Christian Schools International (CSI), or National Lutheran School Accreditation (NLSA), or Commission for Oceti Sakowin Accreditation (COSA), or Wisconsin Evangelical Lutheran Synod School Accreditation, may also delegate, on a year to year basis, the control, supervision, and regulation of any high school interscholastic activities to any association which is voluntary and nonprofit if membership in such association is open to all high schools approved and accredited pursuant to this section, including any school that allows participation by students receiving alternative

instruction as set forth in § 13-27-3, pursuant to the provisions of this title, and if the constitution, bylaws, and rules of the association are subject to ratification by the school boards of the member public school districts and the governing boards of the member nonpublic schools and include a provision for a proper review procedure and review board.

Any association which that complies with this section may exercise the control, supervision, and regulation of interscholastic activities, including interscholastic athletic events of member schools, except as otherwise provided in § 13-36-4. 1. The association may promulgate reasonable uniform rules, to make decisions and to provide and enforce reasonable penalties for the violation of the rules."

On page 2, line 20, of the Introduced bill, after "rules." delete "Section 2. That a NEW SECTION be added:

"

On page 2, line 21, of the Introduced bill, after "added:" delete "13-36-4. 1. "

On page 2, line 21, of the Introduced bill, after "-36-4.1. " delete "Exclusive broadcast rights--Lack of authority."

On page 2, line 21, of the Introduced bill, after "authority." delete "

The authority to exercise control, supervision, and regulation of interscholastic activities, including interscholastic athletic events, as set forth in § 13-36-4, does not include the authority to grant or assign exclusive broadcast rights for state-level events to a media contractor."

On page 2, after line 25, of the Introduced bill, insert "

Section 1. That § 13-1-57 be AMENDED.

13-1-57. Definitions regarding news media coverage of high school activities.

Terms used in §§ 13-1-58 and 13-1-59 mean:

(1) "Association," any association created under chapter 13-36;

(2) "Journalism," the gathering, preparing, collecting, photographing, recording, streaming, broadcasting, writing, editing, reporting, or publishing of news or information that concerns matters of public interest for dissemination to the public, including on the internet;

~~(2)~~(3) "Media contractor" any entity that contracts with a school board, school district, or association to conduct journalism at any interscholastic high school activity or event;

(4) "News media," personnel of a newspaper or other periodical issued at regular intervals, a news service, a radio station, a television station, or a television network, regardless of whether the news media is in print, electronic, or digital format;

~~(3)~~(5) "School district," the same meaning as in § 13-5-1;

~~(4)~~(6) "School board," the same meaning as in § 13-8-1.

"

On page 2, after line 25, of the Introduced bill, insert "

Section 2. That § 13-1-58 be AMENDED.

13-1-58. Interference with news media coverage of high school activities prohibited.

No school district ~~or~~, school board, association, or media contractor may interfere with the right of news media to attend and engage in journalism concerning any interscholastic high school activity or event. The school district or school board shall prevent any school under its authority from interfering with the right of news media to engage in journalism at any such activity or event. The provisions of this section do not apply to any state interscholastic event.

"

On page 2, after line 25, of the Introduced bill, insert "

Section 3. That § 13-1-59 be AMENDED.

13-1-59. Promulgation of rules to accommodate news media coverage of high school activities.

Each school district and school board may adopt rules governing reasonable accommodations for news media to conduct journalism at all interscholastic high school activities and events. The rules on reasonable accommodations shall allow news media all necessary access to conduct journalism at such events, free of charge, subject to reasonable limitations for public safety, available space, and the right of the general public to attend such events.

"

Moved by: Steinhauer
Second by: Bolin
Action: Prevailed by voice vote

THE CHAIR DEFERRED SB 128 UNTIL UNDETERMINED FUTURE DATE

HB 1083 : grant authority to the secretary of education to waive accountability requirements in certain situations.

Presented by: Shannon Malone, Department of Education
Proponents: Loren M Paul, South Dakota Education Association, Pierre
Wade Pogany, Associated School Boards of South Dakota

MOTION: DO PASS HB 1083

Moved by: V. J. Smith
Second by: Tobin
Action: Prevailed by roll call vote (6-0-1-0)

Voting Yes: Bolin, V. J. Smith, Steinhauer, Tobin, Schoenfish, and Curd

Excused: Heinert

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1083 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

MOTION: ADJOURN

Moved by: Schoenfish
Second by: Steinhauer
Action: Prevailed by voice vote

Sharon Welch, Committee Secretary

/s/ R. BLAKE CURD
R. Blake Curd, Chair