

Committee: House Education

Monday, February 24, 2020 7:45 AM

Roll Call

Present: Rep. Brunner, Rep. Johns, Rep. Marty, Rep. Randolph, Rep. Rasmussen, Rep. Reimer, Rep. Steele, Rep. Wiese, Rep. Healy, Rep. Ring, Rep. Glanzer, and Rep. Lana Greenfield

Excused: Rep. Deutsch, Rep. Latterell, and Rep. Olson

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Lana Greenfield

MOTION: TO APPROVE THE MINUTES OF FRIDAY, FEBRUARY 21ST

Moved by: Randolph

Second by: Brunner

Action: Prevailed by voice vote

HB 1213 : preclude the assignment of exclusive broadcast rights for certain high school interscholastic activities.

Presented by: Representative Spencer Gosch

Opponents: Dan Swartos, South Dakota High School Activities Association (Handout(s) #1 & 2)

MOTION: DEFER HB 1213 TO THE 41ST LEGISLATIVE DAY

Moved by: Johns

Second by: Ring

Action: Failed by Majority Members Elect (5-9-1-0)

Voting Yes: Johns, Olson, Healy, Ring, and Glanzer

Voting No: Brunner, Latterell, Marty, Randolph, Rasmussen, Reimer, Steele, Wiese, and Lana Greenfield

Excused: Deutsch

MOTION: DO PASS HB 1213

Moved by: Brunner

Second by: Randolph

Action: Prevailed by Majority Members Elect (9-5-1-0)

Voting Yes: Brunner, Latterell, Marty, Randolph, Rasmussen, Reimer, Steele, Wiese, and Lana Greenfield

Voting No: Johns, Olson, Healy, Ring, and Glanzer

Excused: Deutsch

HB 1198 : to repeal provisions regarding maximum taxes levied by the board of a school district for the capital outlay fund.

Presented by: Representative Spencer Gosch

Proponents: Senator Kyle Schoenfish
Wade Pogany, Associated School Boards of South Dakota
Rob Monson, School Administrators of South Dakota
Lenny Schoeder, Herried School District
Quinton Cermak, Highmore School District

Opponents: Michael Held, South Dakota Farm Bureau
Cody Stoeser, Department of Education
Justin G. Smith, Sioux Falls Chamber of Commerce

MOTION: AMEND HB 1198

1198A

On page 1, line 1, of the Introduced bill, delete "to repeal provisions regarding maximum taxes levied by the board of a school district" and insert "provide an excess levy"

On page 1, line 7, of the Introduced bill, after "state " delete "may "

On page 1, line 8, of the Introduced bill, delete "authorize an the annual levy of a tax not to exceed three dollars per thousand dollars of taxable valuation on the taxable valuation of the district for " and insert "may by resolution and upon a two-thirds vote provide for the imposition of an excess tax levy.

The resolution shall identify:

- (1) The total amount to be levied;
- (2) The number of years that the levy will be applied; and
- (3) The maximum levy to be applied against the taxable valuation of:
 - (a) Agricultural property;
 - (b) Nonagricultural property; and
 - (c) Owner-occupied single family dwellings.

The revenue generated must be deposited into "

On page 1, line 12, of the Introduced bill, after "Authority. " insert "

The board must mail a copy of the resolution to every property owner in the district, within twenty days of the board's vote to impose the levy under this section.

If the board, within ninety days of the board's vote to impose the levy under this section, receives a petition signed by registered voters of the district equal in number to at least fifteen percent of those who voted in the last school board election, the board shall schedule a referendum election on or before October first of the year prior to that for which the taxes are payable.

"

On page 1, line 12, of the Introduced bill, after "levy " insert "authorized by this section "

On page 1, line 20, of the Introduced bill, after "thereon" delete ", but not to exceed the three dollars per thousand dollars of taxable valuation in any year authorized to be levied hereby."

Moved by: Brunner

Second by: Olson

Action: Prevailed by voice vote

MOTION: DO PASS HB 1198 AS AMENDED

Moved by: Brunner

Second by: Rasmussen

Action: Prevailed by Majority Members Elect (8-6-1-0)

Voting Yes: Brunner, Latterell, Marty, Randolph, Rasmussen, Steele, Wiese, and Lana Greenfield

Voting No: Johns, Olson, Reimer, Healy, Ring, and Glanzer

Excused: Deutsch

HB 1255 : remove the requirement for a mandatory appraisal in exchanges of land between school districts.

Presented by: Representative Herman Otten

Proponents: Wade Pogany, Associated School Boards of South Dakota
Sam Nelson, Sioux Falls School District

MOTION: DO PASS HB 1255

Moved by: Olson

Second by: Reimer

Action: Prevailed by Majority Members Elect (14-0-1-0)

Voting Yes: Brunner, Johns, Latterell, Marty, Olson, Randolph, Rasmussen, Reimer, Steele, Wiese, Healy, Ring, Glanzer, and Lana Greenfield

Excused: Deutsch

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1255 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

HB 1251 : establish membership of the Board of Regents.

Presented by: Representative Tina Mulally

Proponents: Scott Rausch, self, Piedmont

Opponents: Paul B. Beran, Board of Regents
Tiffany Sanderson, Governor's Office
Allyson Monson, SDSU Student Association
Corey Berscheit, Vice President, SDSU Students' Association

MOTION: AMEND HB 1251

1251B

On page 1, line 1, of the Introduced bill, delete "establish " and insert "address "
On page 1, line 3, of the Introduced bill, after "Dakota:" delete "Section 1. That § 13-49-1 be
AMENDED:

"

On page 1, line 4, of the Introduced bill, after "AMENDED:" delete "13-49-1. "
On page 1, line 4, of the Introduced bill, after "13-49-1. " delete "Control of educational institutions
vested in board--Appointment of members. "

On page 1, line 5, of the Introduced bill, after "members. " delete "
The control of the public postsecondary educational institutions of the state offering college credit,
which are sustained wholly or in part by the state, is vested in a board of nine

members, designated as the Board of Regents. The, appointed by the Governor shall appoint the members, with the consent of the Senate."

On page 1, line 21, of the Introduced bill, after "vote." delete "Section 3. That § 13-49-3 be AMENDED:

"

On page 1, line 22, of the Introduced bill, after "AMENDED:" delete "13-49-3. "

On page 1, line 22, of the Introduced bill, after "13-49-3. " delete "Term of office of regents. "

On page 1, line 22, of the Introduced bill, after "regents. " delete "

Each regent, except the student regent, shall be appointed for a term of six

The term of each person serving as a regent on June 30, 2020, shall expire on July 1, 2020, and the Governor shall then appoint five members to serve as the Board of Regents.

The Governor shall determine who among the five appointees shall serve for a term of one year, which two among the five appointees shall serve for a term of two years, and which two among the five appointees shall serve for a term of three years. Thereafter, the term of each regent appointed under this section must be three years.

The term shall expire expires on the last day of March June or when a successor is appointed and qualified, unless removed as provided in § 3-17-1.

No regent appointed on or after July 1, 2018, and without any previous service on the board 2020, may serve more than two consecutive three year terms. However, after serving two consecutive terms, a regent may be reappointed after at least two years have passed since the expiration of the regent's last term. Any partial term to fill a vacancy on the board An appointment to a term having a duration of less than three years may not count against the two-term limit."

On page 2, line 16, of the Introduced bill, after "limit." delete "Section 4. That § 13-49-4 be AMENDED:

"

On page 2, line 17, of the Introduced bill, after "AMENDED:" delete "13-49-4. "

On page 2, line 17, of the Introduced bill, after "13-49-4. " delete "Filling of vacancies--Failure of senate to confirm--New appointee named. "

On page 2, line 18, of the Introduced bill, after "named. " delete "

If a vacancy occurs as provided in § 3-4-1, the Governor shall fill the vacancy by appointment, and the appointee shall serve for the balance of the unexpired term. However, if If the Senate, at the next legislative session, fails to confirm the appointee, the appointee shall only serve until the last day of March. Then June. Thereafter, a new appointee shall be named by the Governor. The subsequent appointee is subject to the same conditions as set forth in this section."

On page 2, line 25, of the Introduced bill, after "section." delete "Section 5. That § 13-49-6. 1 be REPEALED.

13-49-6. 1. "

On page 2, line 26, of the Introduced bill, after "13-49-6.1. " delete "Student regent appointed by Governor--Term of appointment--Voting member. "

Moved by: Latterell

Second by: Brunner

Action: Failed by voice vote

MOTION: AMEND HB 1251

1251A

On page 1, line 1, of the Introduced bill, after "establish " insert "a task force to study the"

On the Introduced bill, delete everything after the enacting clause and insert:

"

Section 1. That a NEW SECTION be added:

Task force—Board of Regents—Recommendations.

The Executive Board of the Legislative Research Council shall establish a task force to study the South Dakota Board of Regents. The task force shall:

(1) Examine the history of the Board of Regents;

- (2) Examine the constitutional and statutory requirements and limitations pertaining to the Board of Regents;
- (3) Determine whether the structure, operation, and authority of the Board of Regents is an appropriate governance model, given the challenges being faced and anticipated in the delivery and administration of higher education in the coming years; and
- (4) Recommend any changes that it determines to be in the best interests of the students, the institutions, and the taxpayers of this state.

The task force shall provide its recommendations, together with any legislation required to implement the recommendations, to the Executive Board of the Legislative Research Council on or before December first, 2020.

The task force must be staffed and funded as an interim legislative committee.

"

Moved by: Brunner
Second by: Marty
Action: Failed by Majority Members Elect (6-8-1-0)

Voting Yes: Brunner, Marty, Randolph, Rasmussen, Wiese, and Lana Greenfield

Voting No: Johns, Latterell, Olson, Reimer, Steele, Healy, Ring, and Glanzer

Excused: Deutsch

MOTION: DEFER HB 1251 TO THE 41ST LEGISLATIVE DAY

Moved by: Healy
Second by: Latterell
Action: Prevailed by Majority Members Elect (11-3-1-0)

Voting Yes: Johns, Latterell, Olson, Rasmussen, Reimer, Steele, Wiese, Healy, Ring, Glanzer, and Lana Greenfield

Voting No: Brunner, Marty, and Randolph

Excused: Deutsch

The Chair called for a recess. Committee to reconvene after today's afternoon session.

The meeting reconvened at 5:40 PM.

The meeting was called to order by Representative Lana Greenfield.

HB 1258 : provide for child safety accounts for students subject to certain safety incidents.

Presented by: Representative Kaleb Weis

MOTION: TO TABLE HB 1258

Moved by: Brunner
Second by: Steele
Action: Prevailed by Majority Members Elect (10-3-2-0)

Voting Yes: Brunner, Johns, Rasmussen, Reimer, Steele, Wiese, Healy, Ring, Glanzer, and Lana Greenfield

Voting No: Latterell, Marty, and Randolph

Excused: Deutsch and Olson

MOTION: DEFER HB 1237 TO THE 41ST LEGISLATIVE DAY

Moved by: Brunner
Second by: Randolph
Action: Was not acted on.

HB 1237 : establish the Early Learning Advisory Council.

Presented by: Representative Erin Healy
Proponents: Senator Jeff Partridge (Handout(s) #4)
Rob Monson, School Administrators of South Dakota
Sam Nelson, Sioux Falls School District
Kathy Cruse, SD Head Start Association
Tiffany Sanchez, Sts. Peter and Paul Preschool, Pierre
Dr. Carolyn Kippes, Sioux Falls
Nikki Otten, self, Sioux Falls
Tony Martinet, self, Sioux Falls
Fran Apland, SD Association for the Education of Young Children, Sioux Falls
Justin G. Smith, Sioux Falls Chamber of Commerce
Sr. Kathleen Bierm, Presentation Sisters
Mary McCorkle, South Dakota Education Association
Wade Pogany, Associated School Boards of South Dakota
Dr. Naomi Ludeman-Smith, LEAD South Dakota
Opponents: Dr. Ben Jones, Secretary, South Dakota Department of Education
Linda Schauer, Concerned Women of America

MOTION: DO PASS HB 1237

Moved by: Olson
Second by: Johns
Action: Failed by Majority Members Elect (5-9-1-0)

Voting Yes: Johns, Olson, Healy, Ring, and Glanzer

Voting No: Brunner, Latterell, Marty, Randolph, Rasmussen, Reimer, Steele, Wiese, and Lana Greenfield

Excused: Deutsch

MOTION: DEFER HB 1237 TO THE 41ST LEGISLATIVE DAY

Moved by: Brunner
Second by: Randolph
Action: Prevailed by Majority Members Elect (10-4-1-0)

Voting Yes: Brunner, Latterell, Marty, Randolph, Rasmussen, Reimer, Steele, Wiese, Glanzer, and Lana Greenfield

Voting No: Johns, Olson, Healy, and Ring

Excused: Deutsch

HB 1177 : require that school district elections occur in conjunction with the general election.

Presented by: Representative Doug Post

Proponents: Dr. Ben Jones, Secretary, South Dakota Department of Education

Opponents: Wade Pogany, Associated School Boards of South Dakota (Handout(s) #5)
Roger Tellinghuisen, South Dakota Association of County Officials
Rob Monson, School Administrators of South Dakota
Kea Warne, Secretary of State

MOTION: AMEND HB 1177

1177D

After page 1, line 3, of the Introduced bill, insert "

Section 1. That § 12-1-2 be AMENDED:

12-1-2. Application to local elections.

The provisions of this title apply to township, municipal, school board, and other subdivision elections, unless otherwise provided by the statutes specifically governing ~~their~~ those elections or this title.

"

After page 1, line 3, of the Introduced bill, insert "

Section 2. That § 12-1-11 be AMENDED:

12-1-11. Costs paid by county--Exception for local elections.

Except as may be otherwise provided by law, in any election in which all voters of a county participate, the costs relating to the election shall be paid by the county from funds appropriated therefor. In all other elections costs therefor shall be paid from funds appropriated by the governing board of municipalities, school districts, and other political subdivisions requiring an election for their own purposes. Costs relating to a combined municipal and school board election, conducted before January 1, 2024, may be shared under the provisions of §§ 9-13-1.1 and 13-7-10.1.

"

After page 1, line 3, of the Introduced bill, insert "

Section 3. That § 12-16-11 be AMENDED:

12-16-11. Separate nonpolitical ballot.

At each general election when judicial officers are elected, there ~~shall~~ must be a separate ballot entitled "nonpolitical judiciary ballot" which ~~shall~~ must be prescribed by the State Board of Elections.

At each general election when members of a school board are elected, there must be a separate ballot entitled "nonpolitical school board ballot," which must be prescribed by the State Board of Elections.

"

On page 1, line 20, of the Introduced bill, delete "new school district" and insert "county"

On page 2, line 5, of the Introduced bill, after "year " delete "beginning July first of "

On page 2, line 13, of the Introduced bill, after "the " delete "end of the current"

On page 2, line 14, of the Introduced bill, delete "fiscal year" and insert "new board becomes operational. Notwithstanding any other law, the terms of office for members of a board created under this section must be four years and must be staggered so as to accommodate the provisions of § 13-8-2"

After page 2, line 25, of the Introduced bill, insert "

Section 7. That § 13-7-5 be AMENDED:

13-7-5. Publication of notice of vacancies on school board--Newly created school districts. Between the fifteenth day and the thirtieth day of the month three months preceding the election, ~~except in the case of the joint election as provided in § 13-7-10.1,~~ the business manager of each school district shall publish once each week for two consecutive weeks in the official newspaper, a notice setting forth the vacancies ~~which that~~ will occur by termination of the terms of the elective or appointive school board members. ~~However, if~~

If the vacancies set forth in the notice exist within a new school the board of a newly created school district ~~entity~~ pursuant to § 13-6-62, the ~~county~~ auditor of the county having jurisdiction over the election shall publish the notice once each week for two consecutive weeks at least one month preceding the election.

The notice ~~shall also~~ must state the time and place where nominating petitions ~~for school board membership~~ may be filed for the board vacancies.

"

After page 2, line 25, of the Introduced bill, insert "

Section 8. That § 13-7-6 be AMENDED:

13-7-6. Filing of candidate's nominating petition--Formal declaration of candidacy-- Contents, circulation, and verification of nominating petition.

No candidate for elective school board membership may be nominated unless such person is a resident voter of the school district and unless a nominating petition has been filed on such person's behalf with the business manager of the school district. The nominating petition shall be filed no later than five p.m. on the Friday thirty-nine days before the date of the election. The petition is considered filed if it is mailed by registered mail by five p.m. on the Friday thirty-nine days before the election. Beginning in 2024, the nominating petition required by this section must be filed with the auditor of the county in which the school district is headquartered, no later than the first Tuesday in August, and no later than five p.m. central time.

A formal declaration of a candidate shall be signed by the candidate before the circulation of the petition. The petition shall be signed by not less than twenty voters of the school district or if the school district is divided into school board representation areas, the petition shall be signed by not less than twenty voters who reside within the school board representation area. No petition may be circulated until ten weeks prior to the election. There shall be added by either the signer or the circulator the signer's place of residence and date of signing. The petition shall be verified under oath by the person circulating it. The filing of the nominating petition shall constitute nomination and will entitle the candidate to have the candidate's name placed on the ballot for the term the candidate specifies on the petition only upon verification signed by the business manager that the nominating petition contains the minimum number of signatures and that the candidate is a resident voter.

"

After page 3, line 10, of the Introduced bill, insert "

Section 11. That § 13-7-11 be AMENDED:

13-7-11. Voting precincts and polling places.

The number and place of voting precincts shall be determined by the school board.

Beginning with the general election in November 2024, the board of the school district may provide recommendations to the auditor of the county. The auditor shall

determine the number and location of voting precincts in order to coordinate arrangements with requirements for the general election.

"

After page 3, line 10, of the Introduced bill, insert "

Section 12. That § 13-7-13 be AMENDED:

13-7-13. Ballots and election supplies--Form and content of ballots--Absentee ballots.

The business manager of the school district shall provide proper ballots, pollbooks, voting booths, and necessary supplies as required by law to the proper election officials on election day. The ballots shall be as prescribed by the State Board of Elections. The quantity of ballots provided shall be at least ten percent more than the number of voters at the last comparable election. No party affiliation may appear on the ballot and the names of the candidates for the respective vacancies shall be printed on the ballot. Each candidate's position on the ballot shall be chosen by lot by the business manager and each candidate may be present or represented when the position on the ballot is being determined. The ballots for school elections shall be available for absentee voting no later than fifteen days prior to election day, except that beginning with the general election in November 2024, the provisions governing absentee voting for school elections, including the availability of ballots, must be identical to those set forth in chapter 12-19.

"

After page 3, line 10, of the Introduced bill, insert "

Section 13. That a NEW SECTION be added:

13-7-19.5. Recounts.

Notwithstanding the manner in which a school board election recount is requested and conducted under §§ 13-7-19.1 through 13-7-19.4, beginning with the general election in November 2024, the provisions governing school board election recounts must be identical to those set forth in chapter 12-21.

"

On page 7, line 14, of the Introduced bill, delete "§ " and insert "§§ "

On page 7, line 14, of the Introduced bill, after "13-6-63" insert ", 13-7-10. 1, 13-7-10. 2, 13-7-10. 3, and 13-7-10. 4"

On page 7, line 15, of the Introduced bill, after "REPEALED." delete "Section 15. That § 13-7-10. 1 be REPEALED.

13-7-10. 1. "

On page 7, line 16, of the Introduced bill, after "13-7-10.1. " delete "Joint school district and municipal elections authorized--Date--Sharing costs and responsibilities. "

On page 7, line 18, of the Introduced bill, after "responsibilities." delete "Section 16. That § 13-7-10. 2 be REPEALED.

13-7-10. 2. "

On page 7, line 19, of the Introduced bill, after "13-7-10.2. " delete "Notices and nomination procedure for certain joint elections. "

After page 7, line 19, of the Introduced bill, insert "

Section 23. That a NEW SECTION be added:

Effective date.

Sections 13-7-5, 13-7-10, and 13-7-30 of this Act are effective on January 1, 2024.

Section 22 of this Act is effective on June 30, 2023.

"

Moved by: Latterell

Second by: Brunner

Action: Prevailed by voice vote

MOTION: DEFER HB 1177 TO THE 41ST LEGISLATIVE DAY

Moved by: Healy

Second by: Ring
Action: Prevailed by Majority Members Elect (9-5-1-0)

Voting Yes: Johns, Olson, Rasmussen, Reimer, Wiese, Healy, Ring, Glanzer, and Lana Greenfield

Voting No: Brunner, Latterell, Marty, Randolph, and Steele

Excused: Deutsch

MOTION: ADJOURN

Moved by: Ring
Second by: Healy
Action: Prevailed by voice vote

Sharon Johnson, Committee Secretary

/s/ LANA GREENFIELD
Lana Greenfield, Chair