



***2019 POST SESSION  
LEGISLATIVE ANALYSIS***

***SON OF A GUN, IT'S FINALLY DONE***

# ***THE LEGISLATURE - PARTISAN/GENDER***

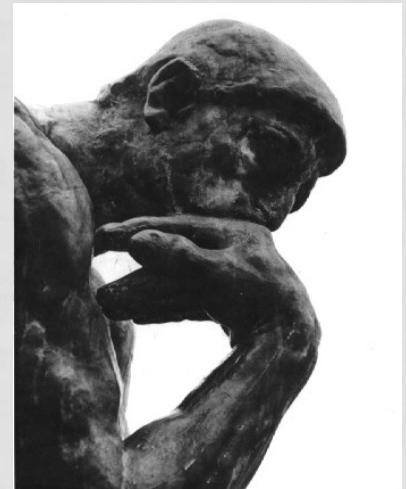
- **Senate: 35 members**

- 30 Republicans
- 5 Democrats

- **House: 70 Members**

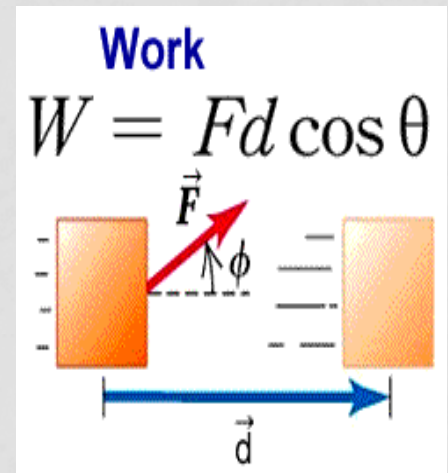
- 59 Republicans
- 11 Democrats

- **25 Women (6-Senate; 19-House)**



# *THEIR "REAL" LIVES*

- 47 – Business/Professionals
- 19 – Retired People
- 17 – Agriculture
- 7 – Legal/Attorneys
- 5 – Health Care
- 5 – Educators
- 5 – Non-profit professionals
- *No public employees or clergy*



# THE SESSION BY THE NUMBERS

• Senate	<b>191</b> bills	<b>5</b> SJR =	<b>196</b> - total + (78 resolutions)
• House	<b>272</b> bills	<b>7</b> HJR =	<b>279</b> - total + (41 resolutions)
• Totals	<b>463</b>	<b>12</b>	<b>475</b>

<u>Sn/Hs</u>	<u>Bills</u>	<u>Passed</u>	<u>%</u>	<u>Notes</u>
• Senate	<b>191</b>	<b>96</b>	<b>50.3%</b>	2 Veto – Sustained/agreed
• House	<b>272</b>	<b>121</b>	<b>44.5%</b>	2-veto - Sustained/agreed
• Total	<b>463</b>	<b>217</b>	<b>46.9%</b>	

Senate Vetoes – 2

House Vetoes – 2

Total Vetoes - 4

**2 vetoes; 2 style and form – all agreed/sustained**



# NUMBER OF BILLS & PASS RATE

<u>Year</u>	<u>Senate</u>	<u>House</u>	<u>Total</u>	<u>Pass</u>
• <b>2019</b>	<b>191</b>	<b>272</b>	<b>463</b>	<b>47%*</b>
• 2018	215	320	535	54%
• 2017	178	211	389	56%
• 2016	172	247	419	58%
• 2015	193	236	429	61%
• 2014	188	261	449	55%
• 2013	242	250	492	53%
• 2012	197	274	471	54%
• 2011	202	256	458	47%
• 2010	169	278	447	51%
• 2009	203	301	504	54%

- **\*Limit vehicle bills to 15 rather than 46 – pass rate = 50%**

# READY, FIRE, - AIM

- **12 Bills dealing with firearms**
  - 7 - Concealed Carry – 2 passed/signed
    - Conceal and Capitol Carry
  - 5 – Firearms – 2 passed/signed
    - Firearms on UTV; lcl preemption regs and fees
- **SD is open carry state**
  - Need(ed) permit to carry gun “concealed”
  - SB 47 – don’t need the permit – rules still apply
- **HB 1173 – Guns N Trunks**
  - **First draft put carrying for self defense over employer rules**
  - Amended/ Federal regs; Passed committee – died on floor



# DRIVER'S LICENSE MANUALS & TESTS IN SPANISH - SB 117

- **Workforce Issue** – Getting to work - NOT CDL
- **Governor Opposed**
  - Cost
  - Trend – more languages
- **Offer from Governor's Team**
  - Private Sector Translate the Manual/ State provide test
- **Fiscal Note = \$15,000** – Offer declined
  - **Passed Senate – 19-15;**
  - **Sent to Hse St Aff – killed 9-4**

# REASON FOR MANUAL IN SPANISH



Robot Crossing



Silly Walk District



Knitting Area



Paintball Area



Rollerskater Crossing



Library Ahead



Wi-Fi Area



Shopping District



MIND THE FALLING ANVILS



# PROFESSIONAL/OCCUPATIONAL LICENSURE - HB 1111

- **Help military spouses and personnel keep working**
  - Not a slam dunk – plenty of details and work done.
- Essential to awarding of B-21 training mission
- **Congratulations Ellsworth/Rapid City**
- **Not a single “Nay” vote – in committee or floor**
  - **House vote – 66-0; Senate vote – 35-0**

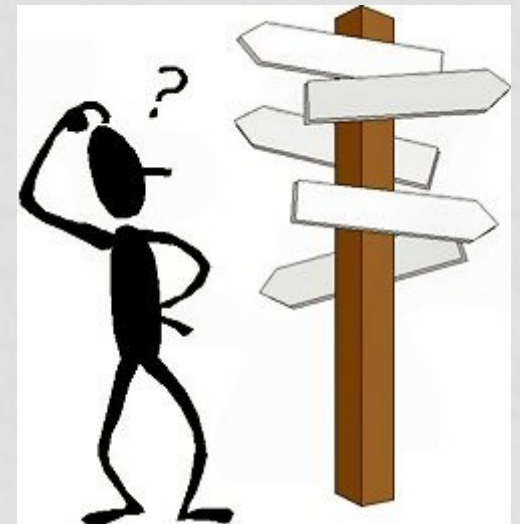


# GENDER IDENTITY ISSUE

- **Chamber's issue is economic consequences**
  - Conventions
  - Tournaments
  - Entertainers
- **SB 49 – Over rule SDHSAA policy**
  - Gender determined by birth certificate
    - Failed in Committee – 5 to 2
- **HB 1225 – same control for playing sports**
  - Tied vote in Cmte; Smoked out; Failed 34-34

# AMENDING THE *PARTRIDGE* AMENDMENT

- **If state allowed to tax internet sales**
  - Revenue used to decrease half-penny
  - Every \$20 million – reduce 0.1%
- No public hearing – floor amendment
- **SB 86 – Report to Appropriations.**
  - Committee to decide use of funds
- **Complications –**
  - Don't know the amount
  - Marketplaces just starting
  - Some started prior to the Wayfair decision



# AMENDING THE *PARTRIDGE* AMENDMENT

- **HB 1265 – Americans for Prosperity**
  - Reduce the 0.5% increase in increments of 0.1%
  - Look at all revenue – not just online taxes
    - Not reduce if overall taxes declining
- **Alternative – Reduce tax on Food**
  - \$20 million/online tax = reduce tax food 1.0%
- **Filed for an initiative**
- **Bills were switched – Both Died.**



# SCHOOL LEVIES

## *\$500 THOUSAND TAXABLE VALUE*

- **General Fund Levy**

<u>Property</u>	<u>Levy</u>	<u>Tax Payment</u>	<u>Decrease</u>
• Agriculture	1.512/1.437	\$756/\$737	\$ 19 (2.5%)
• Homeowner	3.383/3.296	\$1,691/\$1,648	\$ 44 (2.6%)
• Commercial	7.001/6.821	\$3,500/\$3,411	\$ 89 (2.5%)

- **Special Education Levy**

- Payable 2019 - 1.567 mils = \$783
- Payable 2020 – 1.616 mils = \$808 – Incr. \$25 (3.1%)

- **Capital Outlay Levy –**

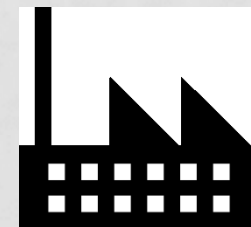
- Limited by revenue increase like other levies

# SCHOOL LEVIES

## \$500 THOUSAND TAXABLE VALUE

- **Combined increase 2019/ 2020**

<u>Property</u>	<u>General Fund</u>	<u>Special Ed</u>	<u>Total</u>	<u>Incr/Dcr</u>
• Agriculture	\$756/\$737	\$783/\$808	\$1,539/\$1,545	\$6 (+0.3%)
• Homeowner	\$1,691/\$1,648	\$783/\$808	\$2,474/\$2,456	\$-18 (-0.7%)
• Commercial	\$3,500/\$3,411	\$783/\$808	\$4,284/\$4,219	\$-65 (-1.5%)



# STUFF THAT GOT DONE

## Unemployment Rates Down

- **HB 1034** – Rates Reduced
  - Trust Fund Balance
  - Exceeds set goal
  - 1.6 X Av Highest Losses
- **HB 1035** – Meet the Reemployment Assistance Program

## Electronic Notarization

- **HB 1272** –
- A notarial officer in this state, while located in this state, may perform by means of communication technology a notarial act executed on a document by a person who appears before, but is not in the physical presence of the notarial officer if the notarial officer:

# MORE STUFF THAT GOT DONE

## Health Plans – SB 37

- **Department of Labor**
  - US – DOL rule change
- **SD DOL Sponsor**
  - Update regulations
  - Employers ban together to offer association health plans
  - Small businesses
  - Follow state laws
  - Across state lines
  - Stay in plan three years

## Public Settlements – SB 59

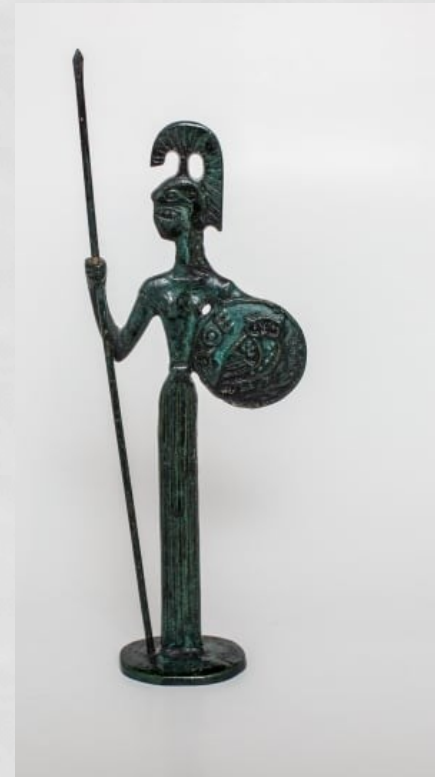
- **State and other governments –**
- Cannot enter into secret settlements of lawsuits



# EVEN MORE STUFF THAT GOT DONE

## Shield Law – HB 1074

- Privilege of protecting reporters from disclosing confidential sources.
- Not change liable laws.
- Not apply to bloggers
- Established new organizations



# AND EVEN MORE . . . PIPELINES

- **Pipelines – Economic Growth**
  - Jobs during construction
  - Expanded tax base for decades
- **Protesters and 1<sup>st</sup> Amendment**
  - Bulldozers as bon fires – who pays?
- **Senate Bill 189 -**
  - Fund if protesters are held accountable
- **Senate Bill 190**
  - Fee paid by pipeline company as reliable source
- **Introduced 3.04; Passed 3.07 both Houses**

# FLIP SIDE - STUFF THAT DIDN'T PASS

- **Early Learning Advisory Council**
  - Officially appointed Council
    - Fiscal Note = \$14,000
  - Federal Head Start Program
  - Collect data from early childhood programs
  - Assess quality of programs
  - Barriers for participating
  - Potential Funding
  - Failed Hs St Affairs: 9-2



# OTHER - STUFF THAT DIDN'T

## Non-Compete – SB 120

- **An employee may agree to not compete**
  - Current law – 2 years
  - SB 120 – 1 year
- Took out insurance section
- Failed in Senate – 16 to 18

## Time for Local Referendums

- **HB 1115 & SB 170**
- Added 15 days for city referendums
  - From 20 to 35 days
- Added 30 for county referendums
  - From 20 to 50 days

# MORE STUFF THAT DIDN'T

## Civics Test – HB 1066

- Governor's Request
- 100 Question
  - Citizenship & Immigration
- Answer 50 – 70% correct
  - Hs Ed Cmte – 10 Questions
- Passed House 38 – 31
- Sen Ed Cmte – Restored
- Senate Amended – 70%
- Failed in Senate 13-21

## Industrial Hemp – HB 1191

- National Farm Bill Allows
- Hemp – No HTC
  - **Rope not Dope/CBD/ Lotion**
- House Vote: 65-2
- Senate 1<sup>st</sup> vote failed: 21-14
  - Needed 2/3rds (24 votes)
- Amend; Passed 21-14
- House Concurred: 58-8
- Veto
- **Override failed: 20-13**



# SPORTS BETTING & YANKTON

## Sports betting – SJR 2

- **US Supreme Court**
  - Struck down 1992 federal law
- **South Dakota – Constitutional Amendment**
  - Sen Committee 5-4
  - Sen 18-14
  - Failed Hs Comm – 7-3
  - Recalled
  - Failed Floor Vote 33-32
- **Get on Ballot w/Signatures**

**SPORTS**  
BETTING

## Yankton – SJR 5

- **Port Yankton**
  - New large casino license
  - One license only
  - Reservations
- **Votes**
  - Committee – Failed 4-5
  - Recalled
  - Calendared 20-11
  - Sen Floor Failed 13-22
- **Get on ballot w/signatures**

- That's All Folks
- **Business Day 2020 – Thursday February 20<sup>th</sup>.**
  - *Thursday after Presidents Day Holiday*
- Any Questions????

