

January 25, 2019

Driver's License Manuals/Tests in Spanish???

Isn't that un-American?

South Dakota needs workers – badly.

There are an estimated 8,000 Spanish speaking adults who could fill many of those jobs - assuming they can get to work – even if they have to drive themselves there!

South Dakota has a policy of using the English language for official documents. Following this policy, the manual used to study for the driver's license test is printed in English only. The test itself is given in English only. People writing and speaking other languages can bring, at their own expense, an interpreter to help them with the written test. However, they must take the driving portion of the exam with an English speaking examiner and **without** the interpreter.

The unofficial term for this situation is . . . ***doomed.***

A push is being mounted to help Spanish speaking legal immigrants study for and take the noncommercial driver's license test in Spanish. With leadership from the Sioux Falls Chamber of Commerce and support from a growing number of business associations, including the South Dakota Chamber of Commerce and Industry, the Associated General Contractors and the Rapid City Chamber of Commerce, a bill is being drafted to direct the Department of Public Safety to

“offer license and permit applications, examination materials, or conduct examinations in Spanish language, in addition to English, for noncommercial drivers licenses and permits.”

The goal is to help Spanish speaking people be able to get to a job so they can be part of the workforce, be able to support their families and become members of the community, which will strengthen their ability to speak English as well.

Action Needed. This bill is going to cost money. Not much – but when opponents are looking to kill bills – any cost is a problem. The proponents estimate of the cost is somewhere around \$67,000. Last year, opponents to the idea suggested the cost was more than \$600,000 but they had a difficult time repeating that claim with a straight face. When this idea has a bill number, Capitol-ism will be asking Chamber members to send faxes (if you even remember what those are) or emails and make calls to show that this idea has support beyond a handful of lobbyists clamoring for the kind of change that will make things different, the most difficult kind of change.

Concealed Weapons

The previous issue of Capitol-ism focused on the six bills dealing with concealed weapons. As noted in that issue, the Chamber's concern is making sure that proposed bills do not interfere with a business's right to prohibit firearms on their property or in their buildings.

SB 47 – Greenfield (R-Clark) - repeal and revise certain provisions regarding permits to carry a concealed pistol

The bill would repeal the need to get a permit to carry a concealed pistol. It would not repeal the list of conditions one must meet to qualify to carry a concealed pistol, just eliminate the application process and thereby the advanced background check to see if each individual meets those requirements.

The Chamber is still analyzing the impact on keeping businesses right to prohibit firearms from their property. Initial checks with attorneys serving as legislators indicate SB 47 does not interfere with property rights in that regard.

Here is the floor vote on SB 47:

SB 47, Senate, Do Pass – 2019

Yeas 23 Nays 11 Excused 1 Absent 0

Blare	Yea	Bolin	Nay	Cammack	Yea
Cronin	Yea	Curd	Yea	DiSanto	Yea
Ewing	Yea	Foster	Nay	Greenfield (Brock)	Yea
Heinert	Yea	Jensen (Phil)	Yea	Kennedy	Nay
Klumb	Yea	Kolbeck	Yea	Langer	Yea
Maher	Yea	Monroe	Yea	Nelson	Yea
Nesiba	Nay	Novstrup	Yea	Otten (Ernie)	Yea
Partridge	Nay	Rusch	Nay	Russell	Yea
Schoenbeck	Nay	Smith (VJ)	Nay	Soholt	Nay
Solano	Excused	Stalzer	Yea	Steinhauer	Yea
Sutton	Yea	White	Nay	Wiik	Yea
Wismer	Nay	Youngberg	Yea		

Gender Identity/Schools

SB 49 – Bolin (R-Canton) - declare void the transgender procedure adopted by the South Dakota High School Activities Association and to establish a determinant in identifying a student's sexual identity for the purpose of participation in high school athletics.

SB 49 had its hearing Thursday January 24, 2019 before the Senate Education Committee.

The bill was “deferred to the 41st day” (aka – killed) in the committee on a vote of 5–2. See vote below.

The bill would have overridden the policy of the state high school athletic association regarding gender identity issues. SB 49 dealt strictly with students participating on sports teams and required them to play on teams that matched their gender as marked on their birth certificates. It did not deal with bathrooms or locker rooms.

Senator Bolin based SB 49 on the Texas athletic council’s policy but it only uses a portion of the Texas policy (see last week’s Capitol-ism dated [https://sdchamber.biz/newslettersreports/capitolism/2019capitolismjanuary22/]January 22).

The Chamber’s Executive Board decided that the Chamber would speak as an opponent to SB 49 but a 30 minute time limit was reached while other groups more directly involved were still waiting to testify so the South Dakota Chamber “signed in” as an opponent and did not testify.

Senate Education Committee Chairman Solano (R-Rapid City) deserves credit for running a hearing that called on proponents and opponents to be respectful and focus on the bill to avoid any unneeded acrimony during the hearing. The Chairman’s firm hand on the hearing and the sincere desire of participants to avoid an ugly incident resulted in a well-focused exchange of ideas about how best to deal with this issue.

Capitol-ism concludes that the majority thinking that resulted in the bill not advancing was a belief that the current policy of the High School Activities Association seems to be dealing with the issue of gender identity in an adequate manner.

Here is the committee vote to “defer to the 41st day”

SB 49, Senate Education, Deferred to the 41st legislative day - 2019

Yeas **5** Nays **2** Excused **0** Absent **0**

Bolin Nay Jensen (Phil) Nay Smith (VJ) Yea

Steinhauer Yea Heinert Yea Curd Yea

Solano Yea

Legislative Terms and Term Limits - SJR 1 – Rusch (R-Vermillion) - A JOINT RESOLUTION, Proposing and submitting to the

electors at the next general election an amendment to the Constitution of the State of South Dakota, related to terms of office for members of the Legislature.

Legislative terms are set by the South Dakota Constitution and, currently, all 105 legislators serve two year terms; and all 105 of them face election every two years. Many states use longer terms for the Senate (usually four years) and have only half of the Senators facing election every two years. This is how the US Senate is organized only using six year terms with one-third of all Senators facing election every two years.

A reading of the Federalist Papers explains that the longer terms allow the members of Senate to be “withheld from the ill humors of society” for part of their term. Discussing your reading of the Federalist Papers will get you sitting alone at lunch.

SJR 1 would create four year terms with term limits set at two terms (eight consecutive years) in the House and the same in the Senate. The term limits would match the current limits. This would allow legislators to focus a bit more long-term and not on reelection every two years.

There is a rather cynical analysis that suggests newly elected and reelected legislators cannot take on tough issues right after an election because they made all kinds of promises a few months prior. This same line of reasoning holds that legislators can’t face tough choices the second year of their term because they are running for election again and must face the voters.

Of course, conservatives would sit back and sigh, content with that situation because “that is the whole point”. The South Dakota Chamber of Commerce and Industry has not taken a position on SJR 1.

Betting on Team Sports - SJR 2 – Ewing (R-Spearfish) - Proposing and submitting to the voters an amendment to the Constitution of the State of South Dakota, providing for wagering on sporting events.

This will place a Constitutional amendment on the ballot to allow Deadwood (and the casinos on various reservations) to offer betting on sports teams. This is possible at this time since the US Supreme Court overturned a federal law that limited sports betting to Las Vegas.

The Deadwood Gaming Association has also filed an initiative to place this same amendment on the ballot via signatures, in case the legislature declines to put it on the ballot via SJR 2.

The Gaming Association isn’t interested in sports betting because they think this is the pot of gold at the end of rainbow. In fact, the Association predicts the net revenues will be in the range of one million dollars.

So why is this important? It is important because it will be expected as part of being a gambling destination. Capitol-ism compares the future faced by Deadwood and other casinos without sports gaming to being a burger joint without cheese on the menu – what’s the point?

The South Dakota Chamber of Commerce supports making sports betting available in South Dakota and will support having the legislature place the issue on the ballot.

Now, what does everyone want to bet that they pass SJR 2?

Business Day at the Legislature

The South Dakota Chamber's Business Day at the Legislature is set for Thursday, February 21, 2019 at the Pierre Ramkota.

After a thorough review of last year's event, and input from local communities, the Business Day Committee determined that further condensing events of the day would be beneficial.

To address overcrowded schedules and minimize time away, we have established an informative, interesting event that allows for active participation while maintaining an efficiency of time. ***Attending Business Day is time well spent to stay informed of trending issues, vote your opinions during Business Caucus and network with business and community peers and legislative leaders from across the state.*** Here is this year's schedule.

1:30 PM	Registration opens at the Ramkota
2-3:30 PM	Legislative Update and Business Caucus (audience response session)
3:30-5 PM	Open Schedule – Time to view the legislative process at the Capitol
4:15 PM	Update at Capitol (<i>Addressing a timely issue being debated by the Legislature</i>)
5-7 PM	Economic Developer's Reception and Manufacturer's Showcase

In lieu of the traditional banquet, we will provide heavy hors d'oeuvres and extended time for networking

6-6:30 PM Business Day Program and Awards Presentations

Guest Speaker US Chamber President Tom Donohue has been invited

7 PM Adjourn

Benefits of Attending Business Day

Providing leadership on legislative, regulatory and ballot initiative issues is the core strength of the Chamber and our strengths in these areas comprise the core benefits of membership in the Chamber. Business Day provides an opportunity:

- To bring together like-minded members to learn about and discuss the legislative, regulatory and ballot initiative issues being debated
- To demonstrate the collective voice of business and industry to state policy makers, including legislators, executive branch and statewide officials
- For attendees to voice their opinions on these issues during Business Caucus
- For networking, which is a valued component of the event
- To inform and advocate with department officials and legislators on these issues

Business Day Registration

Online registration at [<https://business.sdchamber.biz/events/details/business-day-at-the-legislature-77>]www.sdchamber.biz is up and running. Register by February 14 for the reduced

fee of \$50. On February 15, the rate increases to \$60. For registration assistance, call Shavonne Mitchell at 1-800-742-8112.

Here is a list of bills being monitored or acted on by the South Dakota Chamber of Commerce and Industry:

Bill List

Bill	Title	
	[https://sdlegislature.gov/Legislative_Session/Bills/Bill.aspx?Bill=1040&Session=2019] HB 1040	establish certain provisions regarding the opportunity scholarship program.
	[https://sdlegislature.gov/Legislative_Session/Bills/Bill.aspx?Bill=1041&Session=2019] HB 1041	provide for the carrying of a concealed pistol without a permit.
	[https://sdlegislature.gov/Legislative_Session/Bills/Bill.aspx?Bill=1050&Session=2019] HB 1050	revise certain provisions regarding the use and possession of scanning devices and reencoders.
	[https://sdlegislature.gov/Legislative_Session/Bills/Bill.aspx?Bill=1051&Session=2019] HB 1051	establish the South Dakota state seal of civics literacy program.

Bill	Title	
	[https://sdlegislature.gov/Legislative_Session/Bills/Bill.aspx?Bill=1056&Session=2019] HB 1056	prohibit certain local ordinances regarding firearms.
	[https://sdlegislature.gov/Legislative_Session/Bills/Bill.aspx?Bill=1066&Session=2019] HB 1066	require students to take a civics test before graduating from high school.
	[https://sdlegislature.gov/Legislative_Session/Bills/Bill.aspx?Bill=1074&Session=2019] HB 1074	provide a privilege for journalists and newscasters regarding refusal to disclose information.
	[https://sdlegislature.gov/Legislative_Session/Bills/Bill.aspx?Bill=9&Session=2019] SB 9	provide for the Servicemember Firearms Protection Act.
	[https://sdlegislature.gov/Legislative_Session/Bills/Bill.aspx?Bill=12&Session=2019] SB 12	revise certain provisions pertaining to the disqualification of commercial driver license holders for failure to

Bill	Title	
		consent to chemical analyses.
	[https://sdlegislature.gov/Legislative_Session/Bills/Bill.aspx?Bill=36&Session=2019] SB 36	revise the membership of the State Workers' Compensation Advisory Council.
	[https://sdlegislature.gov/Legislative_Session/Bills/Bill.aspx?Bill=37&Session=2019] SB 37	revise certain provisions regarding association health plans.
	[https://sdlegislature.gov/Legislative_Session/Bills/Bill.aspx?Bill=38&Session=2019] SB 38	provide for the carrying of a concealed pistol without a permit.
	[https://sdlegislature.gov/Legislative_Session/Bills/Bill.aspx?Bill=47&Session=2019] SB 47	repeal and revise certain provisions regarding permits to carry a concealed pistol.
	[https://sdlegislature.gov/Legislative_Session/Bills/Bill.aspx?Bill=49&Session=2019] SB 49	declare void the transgender procedure adopted by

Bill	Title	
		the South Dakota High School Activities Association and to establish a determinant in identifying a student's sexual identity for the purpose of participation in high school athletics.
	[https://sdlegislature.gov/Legislative_Session/Bills/Bill.aspx?Bill=50&Session=2019] SB 50	remove restrictions regarding the carrying of a concealed weapon in the state capitol by permit holders.
	[https://sdlegislature.gov/Legislative_Session/Bills/Bill.aspx?Bill=59&Session=2019] SB 59	revise certain provisions regarding public records.
	[https://sdlegislature.gov/Legislative_Session/Bills/Bill.aspx?Bill=86&Session=2019] SB 86	provide for calculations of sales tax revenues from sellers located

Bill	Title	
		outside of the state.
	[https://sdlegislature.gov/Legislative_Session/Bills/Bill.aspx?Bill=101&Session=2019]SB 101	establish certain provisions regarding out-of-state businesses that provide disaster or emergency related work.

Thank you for your support of the South Dakota Chamber of Commerce & Industry.