

Committee: Senate Local Government

Wednesday, February 05, 2020 7:45 AM

Roll Call

Present: Sen. Cammack, Sen. Ewing, Sen. Schoenfish, Sen. Youngberg, Sen. Wismer, Sen. Duhamel, and Sen. Phil Jensen

OTHERS PRESENT: See Original Minutes

**The meeting was called to order by Senator Phil Jensen**

**MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, JANUARY 29<sup>TH</sup>**

Moved by: Youngberg  
Second by: Duhamel  
Action: Prevailed by voice vote

**THE CHAIR DEFERRED SB 79**

**SB 84 : authorize service animals in-training to enter certain establishments.**

Presented by: Senator Rocky Blare  
Proponents: Katie Nold, Labs for Liberty, Onaka  
Nathan Sanderson, SD Retailers Association

**MOTION: AMEND SB 84**

84B

On page 1, line 9, of the Introduced bill, delete "A person who is not a person with a disability may be accompanied by an animal that is in training to become a service animal in any of the places listed in § 20-13-23. 1 without additional charges for the animal." and insert "A service animal trainer may be accompanied by a service animal in training wearing a collar and leash, harness, or cape that identifies the animal as a service animal in training, in any of the places listed in § 20-13-23.1 subject to any conditions and limitations established by law and applicable to service animals, without being required to pay an extra charge for the service animal in training."

On page 1, line 11, of the Introduced bill, remove the overstrikes from " disability"  
On page 1, line 11, of the Introduced bill, delete "service animal " and insert "or a service animal trainer "

On page 1, line 12, of the Introduced bill, after "animal" insert " or service animal in training"  
On page 1, line 15, of the Introduced bill, after "misdemeanor." insert "

**Section 2.** That § 20-13-1 be AMENDED:  
20-13-1. Definition of terms.

Terms used in this chapter mean:

- (1) "Commission," the South Dakota State Commission of Human Rights;
- (2) "Commissioner," a member of the commission;
- (3) "Court," the circuit court in and for the judicial circuit of the State of South Dakota in which the alleged unfair or discriminatory practice occurred;
- (4) "Disability," a physical or mental impairment of a person resulting from disease, injury, congenital condition of birth, or functional disorder which substantially limits one or more of the person's major life functions; a record of having such an impairment; or being regarded as having such an impairment which:

- (a) For purposes of §§ 20-13-10 to 20-13-17, inclusive, is unrelated to an individual's ability to perform the major duties of a particular job or position, or is unrelated to an individual's qualifications for employment or promotion;
- (b) For purposes of §§ 20-13-20 to 20-13-21.1, inclusive, is unrelated to an individual's ability to acquire, rent or maintain property;
- (c) For purposes of §§ 20-13-22 to 20-13-25, inclusive, is unrelated to an individual's ability to utilize and benefit from educational opportunities, programs and facilities at an educational institution.

This term does not include current illegal use of or addiction to marijuana as defined in subdivision 22-42-1(7) or a controlled substance as defined in subdivision 22-42-1(1);

- (5) "Educational institution," any public or private institution of education and includes an academy, college, elementary or secondary school, extension course, kindergarten, nursery, school system, and any business, nursing, professional, secretarial, technical, or vocational school, and includes any agent of such institutions;
- (6) "Employee," any person who performs services for any employer for compensation, whether in the form of wages, salary, commission, or otherwise;
- (7) "Employer," any person within the State of South Dakota who hires or employs any employee, and any person wherever situated who hires or employs any employee whose services are to be partially or wholly performed in the State of South Dakota;
- (8) "Employment agency," any person regularly undertaking, with or without compensation, to procure employees for an employer or to procure for employees opportunities to work for an employer and includes any agent of such a person;
- (9) "Familial status," the relationship of individuals by birth, adoption, or guardianship who are domiciled together;
- (10) "Labor organization," includes any person, employee representation committee, plan in which employees participate, or other organization which exists wholly or in part for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment;
- (11) "Person," includes one or more individuals, partnerships, associations, limited liability companies, corporations, unincorporated organizations, mutual companies, joint stock companies, trusts, agents, legal representatives, trustees, trustees in bankruptcy, receivers, labor organizations, public bodies, public corporations, and the State of South Dakota, and all political subdivisions and agencies thereof;
- (12) "Public accommodations," any place, establishment, or facility of whatever kind, nature, or class that caters or offers services, facilities, or goods to the general public for a fee, charge, or gratuitously. Public accommodation does not mean any bona fide private club or other place, establishment, or facility which is by its nature distinctly private, except when such distinctly private place, establishment, or facility caters or offers services, facilities, or goods to the general public for fee or charge or gratuitously, it shall be deemed a public accommodation during such period of use;
- (13) "Public service," any public facility, department, agency, board, or commission, owned, operated, or managed by or on behalf of the State of South Dakota, any political subdivision thereof, or any other public corporation;
- (14) "Real estate broker" and "real estate salesman," real estate broker and real estate salesman as defined by § 36-21A-6 or as licensed pursuant to § 36-21A-47;

- (15) "Real property," any right, title, interest in or to the possession, ownership, enjoyment, or occupancy of any parcel of land, any building situated thereon, or any portion of such building;
- (16) "Service animal in training," any dog undergoing individual training to provide specific disability-related work or service for an individual with a disability. Dogs are recognized as being in training to provide disability-specific assistance only after they have completed basic obedience training and are housebroken;
- (17) "Service animal trainer," any person who has a disability training their own service animal or a person who trains service animals for individuals with disabilities as an employee, contractor, or volunteer of a nationally recognized service animal training program;
- (18) "Unfair or discriminatory practice," any act or attempted act which because of race, color, creed, religion, sex, ancestry, disability, or national origin accords unequal treatment or separation or segregation of any person, or denies, prevents, limits, or otherwise adversely affects, or if accomplished would deny, prevent, limit, or otherwise adversely affect, the benefit or enjoyment by any person of employment, labor union membership, housing accommodations, property rights, education, public accommodations, and public services.

"  
 Moved by: Youngberg  
 Second by: Duhamel  
 Action: Prevailed by voice vote

**MOTION: DO PASS SB 84 AS AMENDED**

Moved by: Youngberg  
 Second by: Duhamel  
 Action: Prevailed by roll call vote (7-0-0-0)

Voting Yes: Cammack, Ewing, Schoenfish, Youngberg, Wismer, Duhamel, and Phil Jensen

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 84 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**SB 61 : revise certain provisions regarding a municipal office nominating petition.**

Presented by: Senator Helene Duhamel  
 Yvonne Taylor, South Dakota Municipal League  
 Opponents: Tonchi Weaver, Citizens for Liberty

**MOTION: DO PASS SB 61**

Moved by: Ewing  
 Second by: Youngberg  
 Action: Prevailed by roll call vote (7-0-0-0)

Voting Yes: Cammack, Ewing, Schoenfish, Youngberg, Wismer, Duhamel, and Phil Jensen

**SB 90 :        revise the distribution of motor fuel tax revenue, create a small structure and large culvert fund, provide for the use and administration of the fund, and to make an appropriation thereof.**

Presented by: Senator Brock Greenfield

Proponents: Thomas Bisek , South Dakota Townships (Handout(s) 1)  
Dustin Leiseth, South Dakota Towns and Townships, Hazel, SD  
Kody Kyriss, SD Association of Towns and Townships

Opponents: Darin Bergquist, Department of Transportation  
Angela Ehlers, South Dakota Association of Conservation Districts  
Deb Mortenson, Associated General Contractors of South Dakota (Handout(s) 2)  
Yvonne Taylor, South Dakota Municipal League  
Eric Erickson, South Dakota Association of County Commissioners  
Nathan Sanderson, SD Retailers Association

**MOTION:        AMEND SB 90**

90A

On page 3, line 26, of the Introduced bill, delete "One" and insert "Four"

On page 3, line 28, of the Introduced bill, delete "One" and insert "Four"

Moved by: Ewing

Second by: Youngberg

Action: Prevailed by voice vote

**MOTION:        DO PASS SB 90 AS AMENDED**

Moved by: Ewing

Second by: Wismer

Action: Prevailed by roll call vote (4-3-0-0)

Voting Yes: Ewing, Schoenfish, Wismer, and Phil Jensen

Voting No: Cammack, Youngberg, and Duhamel

**SB 91 :        revise provisions regarding the salary for state's attorneys.**

Presented by: Senator Lance Russell

Proponents: Paul Nabholz, Fall River Co  
Paul Bachand, States Attorney Association

**MOTION:        DO PASS SB 91**

Moved by: Youngberg

Second by: Ewing

Action: Prevailed by roll call vote (7-0-0-0)

Voting Yes: Cammack, Ewing, Schoenfish, Youngberg, Wismer, Duhamel, and Phil Jensen

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 91 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**HB 1053 : revise certain provisions regarding the submission process for ballot measures.**

Presented by: Kea Warne, Secretary of State

**MOTION: DO PASS HB 1053**

Moved by: Youngberg  
Second by: Duhamel  
Action: Prevailed by roll call vote (7-0-0-0)

Voting Yes: Cammack, Ewing, Schoenfish, Youngberg, Wismer, Duhamel, and Phil Jensen

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1053 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**MOTION: ADJOURN**

Moved by: Ewing  
Second by: Duhamel  
Action: Prevailed by voice vote

Mary Kirk, Committee Secretary

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/s/ PHIL JENSEN  
Phil Jensen, Chair