

Committee: Senate State Affairs

Friday, February 21, 2020 10:00 AM

Roll Call

Present: Sen. Bolin, Sen. Brock Greenfield, Sen. Heinert, Sen. Kennedy, Sen. Langer, Sen. Novstrup, Sen. Youngberg, Sen. Klumb, and Sen. Ewing

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Ewing

MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 19TH

Moved by: Novstrup
Second by: Langer
Action: Prevailed by voice vote

SB 140 : provide for the resolution of alleged certain disability violations.

Presented by: Senator Al Novstrup
Proponents: Senator Wayne Steinhauer
Jasper Diegel, South Dakota Hotel and Lodging Association
Justin G. Smith, Sioux Falls Chamber of Commerce
Doug Abraham, South Dakota Retailers Association
Lindsay Riter-Rapp, National Federation of Independent Businesses
Dawna Leitzke, South Dakota Petroleum and Propane Marketers Association

MOTION: AMEND SB 140

140B

On page 1, line 6, of the Introduced bill, after "law " insert "that "
On page 1, line 7, of the Introduced bill, after "to " insert "websites owned and operated by an entity physically located in the state, "
On page 1, line 11, of the Introduced bill, delete the period and insert a semicolon
On page 3, line 1, of the Introduced bill, delete "60 " and insert "30 "
On page 3, line 2, of the Introduced bill, delete "60-DAY " and insert "30-DAY "
On page 3, line 5, of the Introduced bill, delete "60-DAY " and insert "30-DAY "
On page 3, line 6, of the Introduced bill, delete "60-DAY " and insert "30-DAY "
On page 3, line 8, of the Introduced bill, delete "60 " and insert "30 "
On page 4, line 17, of the Introduced bill, after "described" delete " in"

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

MOTION: DO PASS SB 140 AS AMENDED

Moved by: Youngberg
Second by: Langer
Action: Prevailed by roll call vote (8-0-1-0)

Voting Yes: Bolin, Heinert, Kennedy, Langer, Novstrup, Youngberg, Klumb, and Ewing

Excused: Brock Greenfield

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 140 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 186 : revise certain leave policies for state employees.

Presented by: Senator Kris Langer

Proponents: Mallori Barnett, Bureau of Human Resources

Kayla Bastian, Board of Regents

MOTION: AMEND SB 186

186A

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

"

Section 1. That § 3-6C-4 be AMENDED:

3-6C-4. Vacation leave--Accrual and accumulation--Advanced leave.

Each permanent employee shall earn up to one hundred twenty hours vacation leave per full year of employment. A permanent employee with more than fifteen years employment shall earn up to one hundred sixty hours vacation leave per full year of employment. Vacation leave shall be accrued on an hourly, biweekly, semimonthly, or monthly basis as determined by the human resources commissioner. ~~Vacation leave may not be used until the employee has served the initial six-month period.~~ Vacation leave is cumulative only to the extent of that which may be earned in a period of time not exceeding two years of regular and continuous state employment. Vacation leave may not be advanced to an employee at any time.

Section 2. That § 3-6C-5 be REPEALED.

3-6C-5. Employees entitled to vacation leave.

Section 3. That § 3-6C-7 be AMENDED:

3-6C-7. Sick leave--Accrual and accumulation--Medical certificate--Vacation leave used for sickness--Personal emergency leave.

Each permanent employee shall earn up to one hundred twelve hours sick leave per full year of employment. Sick leave shall be accrued on an hourly, biweekly, semimonthly, or monthly basis as determined by the human resources commissioner and shall accumulate without limit as to the number of hours of such accumulation. The use of sick leave shall be supported by a medical certificate upon the request of the human resources commissioner. An employee is not entitled to more than the employee's accrued sick leave without first using all of the employee's accumulated vacation leave.

~~An employee may use up to forty hours of the employee's accrued sick leave annually for personal emergency reasons. Leave for personal emergencies may not be accumulated from year to year.~~ The commission, pursuant to chapter 1-26, shall promulgate rules to implement this provision.

Adoption of a child by an employee is treated as natural childbirth for leave purposes.

Section 4. That a NEW SECTION be added:

3-6C-7.1. Paid family leave.

Each permanent employee who has been employed by the state for a continuous period of six months is entitled to paid family leave following the birth of a child or placement of a child for adoption.

Section 5. That § 3-6C-15 be AMENDED:

3-6C-15. Donation of vacation leave to recipient caring for terminally ill family member-- Approval by bureau.

A permanent employee may donate accrued vested vacation leave to another permanent employee who meets all of the following criteria:

- (1) The recipient employee will use the donated leave to care for the recipient employee's spouse, child, or parent who is terminally ill;
- (2) The recipient employee's spouse, child, or parent is suffering from an acutely life threatening illness or injury which has been certified by a licensed physician as having a significant likelihood of terminating fatally; and
- (3) The recipient employee has exhausted all accrued vacation ~~and personal emergency leave.~~

The total paid leave, including the donated vacation leave pursuant to this section, may not exceed twelve weeks annually per recipient employee. The donation shall be approved by the bureau under rules promulgated pursuant to chapter 1-26 by the commission, including number of hours to be donated, confidentiality of a donation, definition of terminally ill, definition of life threatening illness or injury, criteria for determining employee eligibility to receive or donate leave and for prorating donated leave for part-time employees, and procedures for approval of the donation. Any donation shall be in compliance with the provisions of §§ 3-6C-4 ~~and 3-6C-5.~~

Section 6. That § 3-6C-18 be AMENDED:

3-6C-18. Promulgation of rules governing leave and other benefits.

The commission may, pursuant to chapter 1-26, promulgate rules to further define and administer the types of leave permitted to be taken as sick leave, vacation leave, paid family leave, and leave of absence, including the following: child care, jury duty, military service, maternity, and education and other fringe benefits.

"

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

MOTION: DO PASS SB 186 AS AMENDED

Moved by: Bolin
Second by: Youngberg
Action: Prevailed by roll call vote (8-0-1-0)

Voting Yes: Bolin, Heinert, Kennedy, Langer, Novstrup, Youngberg, Klumb, and Ewing

Excused: Brock Greenfield

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 186 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SCR 602 : To invite responsible gun owners from Virginia to relocate to South Dakota.

Presented by: Senator John Wiik

MOTION: DO PASS SCR 602

Moved by: Klumb

Second by: Langer
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION: DEFER SCR 602 TO THE 41ST LEGISLATIVE DAY

Moved by: Kennedy
Second by: Heinert
Action: Prevailed by roll call vote (6-2-1-0)

Voting Yes: Bolin, Heinert, Kennedy, Youngberg, Klumb, and Ewing

Voting No: Langer and Novstrup

Excused: Brock Greenfield

SB 159 : provide that Native American populations be protected in the legislative redistricting process.

Presented by: Senator Troy Heinert
Proponents: Ross Garelick-Bell, Yankton and Crow Creek Sioux Tribes

MOTION: AMEND SB 159

159A

On page 1, line 11, of the Introduced bill, after "boundaries" insert ", specifically counties, municipalities, and community improvement districts"
On page 1, line 11, of the Introduced bill, remove the overstrikes from " and"
On page 1, line 12, of the Introduced bill, after "and (4)" delete "Protection of the Native American population in counties with federal Indian trust land; and

(5) "
Moved by: Bolin
Second by: Langer
Action: Withdrawn

MOTION: DEFER SB 159 TO THE 41ST LEGISLATIVE DAY

Moved by: Bolin
Second by: Langer
Action: Prevailed by roll call vote (6-3-0-0)

Voting Yes: Bolin, Brock Greenfield, Langer, Novstrup, Youngberg, and Klumb

Voting No: Heinert, Kennedy, and Ewing

SJR 503 : Rescinding House Joint Resolutions calling for a constitutional convention for the sole purpose of changing the Constitution of the United States.

Presented by: Senator Brock Greenfield
Proponents: Linda Schauer, Concerned Women of America
Representative David Johnson
Opponents: Senator Jim Stalzer

Representative Manny Steele
Lindsey Riter-Rapp, National Federation Independent Business

MOTION: DEFER SJR 503 TO THE 41ST LEGISLATIVE DAY

Moved by: Langer
Second by: Bolin
Action: Failed by roll call vote (3-5-1-0)

Voting Yes: Bolin, Langer, and Youngberg

Voting No: Brock Greenfield, Heinert, Kennedy, Klumb, and Ewing

Excused: Novstrup

MOTION: DO PASS SJR 503

Moved by: Kennedy
Second by: Brock Greenfield
Action: Failed by roll call vote (4-4-1-0)

Voting Yes: Brock Greenfield, Heinert, Kennedy, and Klumb

Voting No: Bolin, Langer, Youngberg, and Ewing

Excused: Novstrup

THE CHAIR DEFERRED SJR 503 UNTIL MONDAY, FEBRUARY 24TH 2020

THE CHAIR DEFERRED SB 147 UNTIL MONDAY, FEBRUARY 24TH 2020

MOTION: ADJOURN

Moved by: Klumb
Second by: Langer
Action: Prevailed by voice vote

Mary Beth Fravel, Committee Secretary

/s/ BOB EWING
Bob Ewing, Chair