

AN ACT

ENTITLED, An Act to clarify the employment status of certain election workers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 61-1-10.4 be amended to read as follows:

61-1-10.4. For the purposes of §§ 61-1-10.2 and 61-1-10.3 the term, employment, does not apply to service performed:

- (1) In the employ of:
 - (a) A church or convention or association of churches, or
 - (b) An organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches; or
- (2) By a duly ordained, commissioned, or licensed minister of a church in the exercise of duties required by the church or by a member of a religious order in the exercise of duties required by the order; or
- (3) In the employ of a school which is not an institution of higher education prior to January 1, 1978; or in the employ of a governmental entity referred to in § 61-1-10.2 after December 31, 1977, if the service is performed by an individual in the exercise of duties:
 - (a) As an elected official;
 - (b) As a member of a legislative body, or a member of the judiciary, of a state or political subdivision;
 - (c) As a member of the state national guard or air national guard;
 - (d) As an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency;
 - (e) In a position which, under or pursuant to the laws of this state, is designated as a major nontenured policymaking or advisory position, or a policymaking position the

performance of the duties of which ordinarily does not require more than eight hours per week;

- (f) As a precinct election official or automatic tabulating system worker if the amount of remuneration received by the individual during the calendar year for services as a precinct election official or automatic tabulating system worker is less than one thousand dollars; or
- (4) In a facility conducted for the purpose of carrying out a program of rehabilitation for any individual whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for any individual who because of impaired physical or mental capacity cannot be readily absorbed in the competitive labor market by an individual receiving such rehabilitation or remunerative work; or
- (5) As part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision, by an individual receiving such work relief or work training; or
- (6) By an inmate of a custodial or penal institution.

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I certify that the attached Act
originated in the

SENATE as Bill No. 3

Secretary of the Senate

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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 3
File No. _____
Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,

19__ at ____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 19__

Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State