

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

555B0190

SENATE BILL NO. 3

Introduced by: The Committee on Local Government at the request of the State Board of
Elections

1 FOR AN ACT ENTITLED, An Act to clarify the employment status of certain election workers.

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

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

4 61-1-10.4. For the purposes of §§ 61-1-10.2 and 61-1-10.3 the term, "employment",
5 does not apply to service performed:

6 (1) In the employ of:

7 (a) A church or convention or association of churches, or

8 (b) An organization which is operated primarily for religious purposes and which
9 is operated, supervised, controlled, or principally supported by a church or
10 convention or association of churches; or

11 (2) By a duly ordained, commissioned, or licensed minister of a church in the exercise of
12 ~~his ministry~~ duties required by the church or by a member of a religious order in the
13 exercise of duties required by ~~such~~ the order; or

14 (3) In the employ of a school which is not an institution of higher education prior to
15 January 1, 1978; or in the employ of a governmental entity referred to in § 61-1-10.2

1 after December 31, 1977, if ~~such~~ the service is performed by an individual in the
2 exercise of duties:

- 3 (a) As an elected official;
- 4 (b) As a member of a legislative body, or a member of the judiciary, of a state or
5 political subdivision;
- 6 (c) As a member of the state national guard or air national guard;
- 7 (d) As an employee serving on a temporary basis in case of fire, storm, snow,
8 earthquake, flood, or similar emergency;
- 9 (e) In a position which, under or pursuant to the laws of this state, is designated
10 as a major nontenured policymaking or advisory position, or a policymaking
11 position the performance of the duties of which ordinarily does not require
12 more than eight hours per week; ~~or~~
- 13 (f) As a precinct election official or automatic tabulating system worker if the
14 amount of remuneration received by the individual during the calendar year for
15 services as a precinct election official or automatic tabulating system worker
16 is less than one thousand dollars; or
- 17 (4) In a facility conducted for the purpose of carrying out a program of rehabilitation for
18 ~~individuals~~ any individual whose earning capacity is impaired by age or physical or
19 mental deficiency or injury or providing remunerative work for ~~individuals~~ any
20 individual who because of ~~their~~ impaired physical or mental capacity cannot be readily
21 absorbed in the competitive labor market by an individual receiving such rehabilitation
22 or remunerative work; or
- 23 (5) As part of an unemployment work-relief or work-training program assisted or
24 financed in whole or in part by any federal agency or an agency of a state or political
25 subdivision ~~thereof~~, by an individual receiving such work relief or work training; or

- 1 (6) By an inmate of a custodial or penal institution.