

# State of South Dakota

NINETY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2019

198B0147

## HOUSE BILL NO. 1122

Introduced by: Representatives Healy, Bordeaux, Deutsch, Duba, Greenfield (Lana), Howard, Jensen (Kevin), Lesmeister, McCleerey, Pourier, Ring, Rounds, Saba, Schoenfish, Smith (Jamie), St John, and Sullivan and Senators Nesiba, Foster, Kennedy, Soholt, Solano, Sutton, Wismer, and Youngberg

1 FOR AN ACT ENTITLED, An Act to revise references to persons who are deaf or hard of  
2 hearing.

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

4 Section 1. That § 1-36A-18 be amended to read:

5 1-36A-18. The Department of Human Services shall establish and administer a state-wide  
6 interpreter mentoring program for interpreters for the deaf. The program may be implemented  
7 through contracts with public and private organizations that provide services to persons who are  
8 deaf or ~~hearing impaired~~ hard of hearing.

9 Section 2. That § 1-45-4.4 be amended to read:

10 1-45-4.4. The Department of Education shall develop and implement a plan to identify and  
11 evaluate ~~hearing deaf or hard of hearing~~ and visually impaired children and coordinate delivery  
12 of direct educational programs and services to meet the needs of all visually ~~and hearing~~  
13 impaired and deaf or hard-of-hearing children in South Dakota.

14 Section 3. That § 19-3-10.1 be amended to read:



1 19-3-10.1. No sign language interpreter or relay service operator who has interpreted for or  
2 relayed information for a deaf, speech impaired, or ~~hearing impaired~~ hard of hearing person may  
3 divulge to any other person any information or communication given to him in his capacity as  
4 such an interpreter or relay service operator. A violation of this section is a Class 2  
5 misdemeanor.

6 Section 4. That § 19-19-514 be amended to read:

7 19-19-514. No sign language interpreter or relay service operator who has interpreted for  
8 or relayed information for a deaf, speech impaired, or ~~hearing impaired~~ hard-of-hearing person  
9 may be compelled to divulge or be examined as part of any proceeding concerning any  
10 information or communication given to him in his capacity as an interpreter or relay service  
11 operator if his client is otherwise accorded a privilege under this chapter.

12 Section 5. That § 36-24-24.1 be amended to read:

13 36-24-24.1. Nothing in this chapter may be construed as preventing or restricting:

- 14 (1) A person licensed or registered by this state in another profession from practicing the  
15 profession for which licensed or registered;
- 16 (2) A person credentialed by this state as a teacher of ~~the hearing impaired~~ deaf or hard-  
17 of-hearing students providing instruction to ~~the hearing impaired~~ persons who are  
18 deaf or hard of hearing;
- 19 (3) A physician or surgeon licensed by this state from performing tasks directly related  
20 to a disorder being treated;
- 21 (4) Any person possessing a valid certificate as a certified industrial audiometric  
22 technician or occupational hearing conservationist recognized by the board as  
23 meeting Council for Accreditation in Occupational Hearing Conservation Standards  
24 if such service is performed in cooperation with either an audiologist licensed under

1           this chapter or a licensed physician of this state.

2           Section 6. That § 49-31-47 be amended to read:

3           49-31-47. The Department of Human Services shall establish and administer a statewide  
4 program to provide telecommunication and other communication devices and services to  
5 residents of this state who have disabilities that prevent them from having communication  
6 access and maintain a dual party relay system making all phases of public telecommunications  
7 and communication service available to persons who are deaf, ~~severely hearing impaired~~ hard  
8 of hearing, or speech impaired. This program may be implemented through contracts with public  
9 or private organizations that provide services to persons who are deaf or persons with other  
10 severe disabilities.

11          Section 7. That the code be amended by adding a NEW SECTION to read:

12          Pursuant to § 2-16-9, the Code Commission and code counsel of the Legislative Research  
13 Council are hereby directed to replace the term, hearing impaired, anywhere the term appears  
14 in the code to make all necessary language modifications to effectuate the purposes of this Act.