

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

716C0516

SENATE STATE AFFAIRS COMMITTEE

ENGROSSED NO. **SB145** - 2/8/99

Introduced by: Senators Rounds, Brown (Arnold), Dunn (Jim), Duxbury, Lawler, and Moore
and Representatives Roe, Davis, Fischer-Clemens, Garnos, Lockner, Lucas,
Michels, Monroe, Munson (Donald), and Smidt

1 FOR AN ACT ENTITLED, An Act to authorize the donation of annual leave by state employees
2 in certain circumstances.

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

4 Section 1. That chapter 3-6 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any employee of the state may donate vacation leave to another state employee who meets
7 all of the following criteria:

8 (1) The recipient employee will use the donated leave to care for the recipient employee's
9 spouse, child, or parent who is terminally ill;

10 (2) The recipient employee's spouse, child, or parent is suffering from an acutely life
11 threatening illness or injury which has been certified by a licensed physician as having
12 a significant likelihood of terminating fatally; and

13 (3) All leave benefits for which the recipient employee is eligible have been exhausted.

14 The total paid leave, including the donated vacation leave pursuant to this section, may not
15 exceed twelve weeks annually per recipient employee. The donation shall be approved by the

1 Bureau of Personnel under rules promulgated pursuant to chapter 1-26 by the Career Service
2 Commission, including number of hours to be donated, confidentiality of a donation, definition
3 of terminally ill, definition of life threatening illness or injury, criteria for determining employee
4 eligibility to receive or donate leave and for prorating donated leave for part-time employees, and
5 in compliance with the provisions of §§ 3-6-6 and 3-6-6.1, and procedures for approval of the
6 donation.

7 Section 2. That § 3-6-8.5 be amended to read as follows:

8 3-6-8.5. Any donation of leave pursuant to § 3-6-8.4 or section 1 of this Act may be
9 restricted as follows:

- 10 (1) The donating employee may only donate leave to an employee who is at the same or
11 lower paygrade as the donating employee;
- 12 (2) The donation may be denied based upon funding considerations within the agency, at
13 the discretion of the commissioner.

1 **BILL HISTORY**

2 1/26/99 First read in Senate and referred to State Affairs. S.J. 196

3 2/1/99 Scheduled for Committee hearing on this date.

4 2/1/99 State Affairs Deferred to another day.

5 2/5/99 Scheduled for Committee hearing on this date.

6 2/5/99 State Affairs Do Pass Amended, Passed, AYES 7, NAYS 1. S.J. 348