

## Breastfeeding and Pregnancy Accommodation – Bill Dead Sponsor Offers Glimpse of Future Strategy

**HB 1153 – Rep. Ahlers (R-Dell Rapids)** create certain protections and accommodations for pregnant and breastfeeding mothers in their places of employment.

As introduced, HB 1153 would have required certain reasonable accommodations for women who are pregnant, who are recovering from child birth and who are breastfeeding. The bill required accommodations such as

*The term, reasonable accommodations, includes more frequent or longer breaks, time off to recover from childbirth, adjustment of seating, temporary transfer to a less strenuous or hazardous position, job restructuring, private non-bathroom space for breastfeeding, assistance with manual labor, modified work schedules, or any other reasonable request directly related to pregnancy, childbirth, or a related condition.*

It applied only to businesses with more than 50 employees and offered these limits on what employers had to do with the following language *“However, no employer is required by this Act to create additional employment, unless the employer does so for other classes of employees that need accommodation. No employer is required to discharge any employee, transfer any employee with more seniority, or promote an unqualified employee for purposes of the accommodation”*.

The Chamber and many other business groups opposed the bill because it is redundant to a number of federal laws and regulations particularly because of the 50 employee requirement. Employment law often gives the legislature a dilemma based on business size; large businesses already face many regulations and imposing these laws on small business creates a real burden on local shops.

Facing this conundrum Representative Ahlers did offer a creative alternative approach that garnered support among several other members of the House Commerce and Energy Committee from both political parties.

Representative Ahlers offered a “hoghouse” of his original bill (which means it is entirely rewritten below the title). Here is his amendment:

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

*“Section 1. That the code be amended by adding a NEW SECTION to read:*

*Written or unwritten employment policies and practices, except for insurance, shall be applied to pregnancy and childbirth on the same terms and conditions as they are applied to other temporary disabilities.”*

The amendment uses language that is taken straight out of South Dakota Administrative Regulations which read as follows:

**20:03:09:12. Employment policies relating to pregnancy and childbirth.** *Written or unwritten employment policies and practices, except for insurance, shall be applied to pregnancy and childbirth on the same terms and conditions as they are applied to other temporary disabilities. No employer shall provide for child care leave which discriminates on the basis of sex.*

Moving this language from administrative rule to statute may give it more punch and may have the effect of increasing violations from being an administrative hearing to a court proceeding. Look for this approach to be pursued next session.

The committee ended the bill for this year on a vote of 9 to 3 which is recorded below.

**HB 1153, House Commerce and Energy, Deferred to the 41st legislative day - 2018**

Yea 9 Nays 3 Excused 1 Absent 0

Beal	Yea	Gosch	Yea	Greenfield (Lana) Yea
Hawley	Nay	Johnson	Excused	May Yea
McCleerey	Nay	Mills	Yea	Pischke Yea
Steinhauer	Nay	Willadsen	Yea	Zikmund Yea
Rounds	Yea			

## **Update On Driving Tests In A Language Other Than English?**

SB 136 – Senator Nesiba (D – Sioux Falls) - authorize other languages to be used in the process of issuing certain driver licenses and permits.

Many people in the country are looking forward to self-driving cars so they can drink a latte and read the paper (on their smart phones and tablets of course) on the way to work. The idea of a large 18-wheel truck driving next your car without a driver behind the wheel may not be as universally embraced.

The issue of Capitol-ism sent on January 31<sup>st</sup> mentioned SB 136 which had its hearing before Senate Transportation on Monday morning. As expected, the bill was defeated but not before members of the committee expressed an understanding that the issue was a serious one that deserved some kind of evaluation.

The Rapid City and Sioux Falls Chambers of Commerce are leading an effort to explore the realities of offering the driving tests in languages other than English. Look for this issue to gain traction – meanwhile here is the vote that ended consideration of SB 126:

### **SB 136, Senate Transportation, Deferred to the 41st legislative day - 2018**

Yea 5 Nays 1 Excused 1 Absent 0

Bolin	Yea	Curd	Yea	Russell	Excused
Solano	Yea	Frerichs	Nay	Stalzer	Yea
Otten (Ernie)	Yea				

## **How To Build/Repair Roads If Vehicles Don't Use Gasoline/Diesel?**

HB 1241 – Duvall (R-Pierre) - establish an annual fee for certain electric motor vehicles and hybrid motor vehicles.

Anyone that remembers watching the Jetson's cartoon show saw a world that didn't need roads because everyone "drove" flying-saucers everywhere they went. Cooler yet, the saucers folded up into a briefcase and could be carried with you into the house or office. Fifty years later, this has not happened, a huge bummer especially for Baby-Boomers.

The world still moves on paved roads - that are built and maintained with funds from taxes on gasoline and diesel fuel. One thing that is changing at a quickening pace is that more and more cars are NOT using fuel at all or not as much because they are electric or hybrids. Yet they still add to the wear and tear of the roads.

Today's question and tomorrow's challenge is how to get cars that don't use fuel to pay to maintain the roads they are using. Representative Duvall is proposing a fee for those cars of \$100 for all-electric vehicles and \$50 for hybrids. This fee would be collected when the cars are renewing their license plate tags.

A chart showing estimates of how much gas tax is paid by vehicles based on the gas mileage and annual miles traveled shows that the \$100 level would represent a vehicle that gets 30 miles to the gallon and would drive about 10,000 miles. Not a bad start.

**The South Dakota Chamber of Commerce supports the basic idea behind HB 1241 and appreciates Representative Duvall's striving to find a solution to this growing conundrum.**

## **Chamber Vice President Reappointed to Game Fish and Parks Commission.**

The South Dakota Chamber of Commerce and Industry is proud to support the nomination of Vice President Mary Anne Boyd to GF&P Commission. She has been serving on the Commission for most of this year and is being reappointed to serve a full term.

Mary Anne Boyd is former Executive Vice President of the Yankton Chamber of Commerce, a post she held for 10 years. She brings a unique perspective to the Commission as a person that has promoted the State Parks and has used those parks for recreation more than hunting or fishing.

**Congratulations Mary Anne Boyd – The South Dakota Chamber of Commerce and Industry looks forward to your service on the Game Fish and Parks Commission!**