

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

929Z0205

HOUSE ENGROSSED NO. **HB 1199** - 2/13/2018

Introduced by: Representatives Mickelson, Anderson, Beal, Clark, DiSanto, Goodwin, Gosch, Greenfield (Lana), Haugaard, Heinemann, Howard, Jensen (Kevin), Johnson, Karr, Kettwig, Latterell, Lust, Marty, May, Otten (Herman), Peterson (Kent), Peterson (Sue), Pischke, Qualm, Rhoden, Rounds, Schaefer, Steinhauer, Stevens, Willadsen, and Zikmund and Senators Bolin, Cronin, Curd, Greenfield (Brock), Haverly, Klumb, Langer, Maher, Monroe, Peters, and Youngberg

1 FOR AN ACT ENTITLED, An Act to prohibit collective bargaining by employees of the Board
2 of Regents.

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

4 Section 1. That chapter 13-49 be amended by adding a NEW SECTION to read:

5 The collective bargaining provisions set forth in chapters 3-18 and 60-9A do not apply to
6 any person employed by the Board of Regents or employed by an institution under the authority
7 of the Board of Regents.

8 Section 2. That § 3-18-1 be amended to read:

9 3-18-1. The words "public employees" as used in this chapter shall mean any person holding
10 a position by appointment or employment in the government of the State of South Dakota or in
11 the government of any one or more of the political subdivisions thereof, or in the service of the
12 public schools, or in the service of any authority, commission, or board, or any other branch of



1 the public service. The term does not include:

2 (1) Elected officials and persons appointed to fill vacancies in elective offices and
3 members of any board or commission;

4 (2) Administrators except elementary and secondary school administrators,
5 administrative officers, directors, or chief executive officers of a public employer or
6 major divisions thereof as well as chief deputies, first assistants, and any other public
7 employees having authority in the interest of the public employer to hire, transfer,
8 suspend, layoff, recall, promote, discharge, assign, reward, or discipline other public
9 employees, or the responsibility to direct them, or to adjust their grievances, or to
10 effectively recommend such action, if in connection with the foregoing, the exercise
11 of such authority is not of a merely routine or clerical nature, but requires the use of
12 independent judgment;

13 (3) Students working as part-time employees twenty hours per week or less;

14 (4) Temporary public employees employed for a period of four months or less;

15 (5) Commissioned and enlisted personnel of the South Dakota National Guard;

16 (6) Judges and employees of the unified court system;

17 (7) Legislators and the full-time and part-time employees of the legislature or any state
18 agency that statutorily is directed by the legislative branch; or

19 (8) Any person employed by the Board of Regents or employed by an institution under
20 the authority of the Board of Regents.

21 This section does not preclude employees described in subdivisions (1) to ~~(7)~~ (8), inclusive,
22 from joining professional, noncollective bargaining organizations.