

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

938Q0314

HOUSE BILL NO. 1230

Introduced by: Representatives Kirschman, Blake, Burg, Dennert, Elliott, Engels, Fargen, Feickert, Feinstein, Frerichs, Gibson, Hunhoff (Bernie), Lange, Nygaard, Schrempp, Street, Thompson, and Vanderlinde and Senators Kloucek, Ahlers, Bartling, Bradford, Hanson (Gary), Maher, Merchant, and Miles

1 FOR AN ACT ENTITLED, An Act to provide for the assessment of actual representation
2 expenses from nonunion employees.

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

4 Section 1. For the purposes of this section, actual representation expenses are only those
5 actual expenses which are sustained by a labor union or labor organization in processing any
6 grievance of a nonunion employee. For grievances arising from actions occurring while an
7 employee was a member of a bargaining unit of a management entity with which a labor union
8 or labor organization has a contract, but while that employee was not a member of that union
9 or organization, that labor union or labor organization shall collect actual representation
10 expenses from that nonunion employee. Actual representation expenses may be assessed only
11 in instances in which a nonunion employee has specifically requested in writing to use
12 representation by the labor union or labor organization. A nonunion employee may not be
13 compelled to pay any expenses incurred by a labor union or labor organization in the course of
14 general contract negotiations or collective bargaining. An assessment under this section is not



1 an abridgement of any rights guaranteed under § 60-8-3. This section does not abridge or in any
2 way interfere with rights guaranteed employees generally under the Labor-Management
3 Reporting and Disclosure Act of 1959 as amended to January 1, 2009.