



## 2026 South Dakota Legislature

# House Bill 1217

Introduced by: **Representative Hughes**

1 **An Act to limit the use of taxpayer funds and resources by a public education**  
 2 **employer to support a labor organization or affiliate and to provide a penalty**  
 3 **therefor.**

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

5 **Section 1. That a NEW SECTION be added to chapter 13-1:**

6 Terms used in this section and sections 2 to 5, inclusive, of this Act, mean:

7 (1) "Affiliate," any membership organization affiliated with a labor organization;

8 (2) "Employee," any individual employed by a public education employer;

9 (3) "Labor organization," any person, employee representation committee, plan in  
 10 which employees participate, or other organization, which exists wholly or in part  
 11 for the purpose of dealing with employers concerning grievances, labor disputes,  
 12 wages, rates of pay, hours, or other terms or conditions of employment;

13 (4) "Labor organization activities," an activity undertaken by, at the direction or on  
 14 behalf of, or to advance the purposes of, a labor organization or affiliate to:

15 (a) Support or oppose a candidate for federal, state, or local office;

16 (b) Influence the passage or defeat of any federal or state legislation or  
 17 regulation, local ordinance or resolution, or ballot question;

18 (c) Promote or solicit membership or participation in, or financial support of, a  
 19 labor organization or an affiliate;

20 (d) Seek certification as an exclusive representative pursuant to chapter 3-18;

21 (e) Participate in the administration, business, or internal governance of a labor  
 22 organization or an affiliate;

23 (f) Prepare, conduct, or attend a labor organization event, conference,  
 24 convention, meeting, or training, unless the training is directly related to or  
 25 required for the performance of an employee's job duties;

26 (g) Distribute labor organization or affiliate communications;

- 1            (h) Represent or speak on behalf of a labor organization or an affiliate in any
- 2            setting, venue, or procedure in which the public education employer is not
- 3            a participant; or
- 4            (i) Any representational activity;
- 5        (5) "Public education employer," a school district, as defined by § 13-5-1; a
- 6            cooperative education service unit, established pursuant to § 13-5-31; the Board
- 7            of Technical Education or any institution under its control; or the Board of Regents
- 8            or any institution under its control; and
- 9        (6) "Representational activities," an activity undertaken by, at the direction or on
- 10           behalf of, or to advance the purposes of, a labor organization or affiliate to:
- 11           (a) Prepare, file, or pursue a grievance;
- 12           (b) Represent an employee in an investigatory interview, disciplinary
- 13           proceeding, or appeal, up to and including termination, or other
- 14           administrative or legal proceeding;
- 15           (c) Engage in any form of labor negotiation or related mediation;
- 16           (d) Administer a negotiated contract or agreement with a public education
- 17           employer; or
- 18           (e) Participate in a labor management committee.

19        **Section 2. That a NEW SECTION be added to chapter 13-1:**

- 20           A public education employer or any agent, representative, or other person acting
- 21           on behalf of a public education employer may not use, or authorize the use of, any public
- 22           moneys to support a labor organization by:
- 23           (1) Deducting dues, fees, assessments, fines, or contributions from the pay of any
- 24           employee on behalf of any labor organization or affiliate, notwithstanding the
- 25           provisions of § 3-10-8;
- 26           (2) Increasing the compensation of any employee with the intent that the additional
- 27           compensation, or any part of it, be used to pay the dues, fees, assessments, fines,
- 28           or contributions for a labor organization or affiliate;
- 29           (3) Providing to a labor organization, any personal information of an employee other
- 30           than the information that the employer is required to disclose under chapter 1-27,
- 31           without the written authorization of the employee;
- 32           (4) Requiring or otherwise coercing an employee to meet, communicate, listen to, or
- 33           otherwise interact with a labor organization or affiliate;

- 1        (5) Distributing communications or membership solicitations on behalf of a labor  
 2        organization or affiliate;  
 3        (6) Favoring or endorsing any labor organization;  
 4        (7) Denying any labor organization or entity governed by chapters 47-22 to 47-28,  
 5        inclusive, access to or use of the public education employer's meetings, events,  
 6        communications systems, computer systems, facilities, equipment, supplies, or  
 7        other resources if the public education employer permits similar access to another  
 8        labor organization or affiliate;  
 9        (8) Contributing public moneys, or otherwise expend public moneys on behalf of, a  
 10       labor organization or affiliate; or  
 11       (9) Except as otherwise provided in section 3 of this Act, providing any form of  
 12       compensation or paid leave to an employee, directly or indirectly, for the purpose  
 13       of engaging in labor organization activities.

14       **Section 3. That a NEW SECTION be added to chapter 13-1:**

15            A public education employer may enter into a contract or agreement with a labor  
 16        organization to permit an employee to:

- 17        (1) Take time off from the employee's work, without pay or benefits, to engage in labor  
 18        organization activities, for which the employee may compensated by a labor  
 19        organization;  
 20        (2) Use paid time off, whether earned by the employee as part of the employee's  
 21        compensation or donated to the employee by another individual employed in a  
 22        similar capacity by the public education employer, to engage in labor organization  
 23        activities, if:  
 24            (a) The employee may freely choose how to use the leave; and  
 25            (b) Any donated leave was accrued by the other employee at the same rate  
 26            regardless of whether the donating employee is a member of or otherwise  
 27            participates in a labor organization; and  
 28        (3) Engage in representational activities while employed with the public education  
 29        employer, without the loss of pay or benefits, if:  
 30            (a) The labor organization for which the employee performs the  
 31            representational activity provides a statement to the public education  
 32            employer at least twice each calendar year, documenting the amount of  
 33            time, rounded to the nearest quarter-hour, on which the employee has  
 34            spent performing a representational activity each day;

- 1           (b) Upon receipt of the statement provided pursuant to subsection (a), the  
2           public education employer calculates the pro rata value of wages and  
3           benefits paid to or accrued by each employee for the time spent engaged  
4           in a representation activity and submits an invoice to the labor organization  
5           for the amounts calculated; and  
6           (c) The labor organization remits full payment to the public education employer  
7           within thirty days of receiving the invoice submitted pursuant to subsection  
8           (b).

9           **Section 4. That a NEW SECTION be added to chapter 13-1:**

10           Any person who violates section 2 or 3 of this Act is subject to a civil penalty not  
11           to exceed the amount of moneys inappropriately collected via payroll deduction or the fair  
12           market value of the public education moneys or resources inappropriately used to support  
13           a labor organization or affiliate. The attorney general shall forward any civil penalty  
14           collected under this section to the state treasurer, for deposit in the general fund.

15           **Section 5. That a NEW SECTION be added to chapter 13-1:**

16           Any person may file a complaint alleging a violation of section 2 or 3 of this Act,  
17           with the attorney general or the state's attorney for the county in which a violation is  
18           alleged to have occurred.

19           An employee, public education employer, labor organization, affiliate, or other legal  
20           resident of the jurisdiction in which the alleged violation occurred is entitled to:

- 21           (1) Injunctive relief against any person who violates or threatens to violate the  
22           provisions of section 2 or 3 of this Act; and  
23           (2) Recover any and all damages, including reasonable costs and attorney's fees,  
24           resulting from the violation or threatened violation.