

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

653P0411

SENATE BILL NO. 94

Introduced by: Senator Koetzle and Representatives Lucas and Elliott

1 FOR AN ACT ENTITLED, An Act to repeal certain provisions relating to the right to work
2 upon the contingency of repealing the right to work provisions of the Constitution.

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

4 Section 1. That § 60-8-3 be repealed.

5 ~~60-8-3. No person shall be deprived of life, liberty, or property without due process of law.~~
6 ~~The right of persons to work shall not be denied or abridged on account of membership or~~
7 ~~nonmembership in any labor union, or labor organization. Violation of this section is a Class~~
8 ~~2 misdemeanor.~~

9 Section 2. That § 60-8-4 be repealed.

10 ~~60-8-4. Any agreement relating to employment, whether in writing or oral, which by its~~
11 ~~stated terms, or by implication, interpretation, or effect thereof, directly or indirectly denies,~~
12 ~~abridges, interferes with, or in any manner curtails the free exercise of the right to work by any~~
13 ~~citizen of the state of South Dakota, is a Class 2 misdemeanor.~~

14 Section 3. That § 60-8-5 be repealed.

15 ~~60-8-5. Any request, demand or threat made by any person to any employer or employee,~~



1 ~~to persuade or coerce such employer or employee to enter into an agreement violative of the~~
2 ~~provisions contained in §§ 60-8-3 and 60-8-4 and article VI, § 2 of the state Constitution, is a~~
3 ~~Class 2 misdemeanor.~~

4 Section 4. That § 60-8-8 be repealed.

5 ~~— 60-8-8. It shall be the duty of the state's attorney of every county to prosecute all persons~~
6 ~~violating any of the provisions of §§ 60-8-3 to 60-8-6, inclusive, in his county, and he shall be~~
7 ~~responsible for the proper enforcement of such sections, and whenever he shall have any~~
8 ~~information or knowledge or have any reason to believe that any of the provisions of such~~
9 ~~sections are being violated in his county, he shall investigate the same and use every legitimate~~
10 ~~means at his command to secure the necessary and proper evidence of such violation, and~~
11 ~~immediately upon securing such evidence, he shall file a complaint or preliminary information~~
12 ~~against any person against whom he shall have any evidence of any such violation, and he shall~~
13 ~~have such person arrested and shall vigorously prosecute such charges to final judgment.~~

14 Section 5. The provisions of this Act are effective upon the approval of any amendment to
15 Article VI, section 2, of the Constitution which repeals the state right to work provisions.