

AN ACT

ENTITLED, An Act to limit the Department of Labor's authority to recommend settlements in labor disputes.

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

Section 1. That chapter 3-18 be amended by adding thereto a NEW SECTION to read as follows:

If its efforts as conciliator prove unsuccessful, the Department of Labor shall, if requested by either party, impartially investigate the matters in difference between the parties. The request to the department shall be mailed within twenty days after the conclusion of the conciliation procedure provided for in § 60-10-1. The department shall give each party ample opportunity for presentation of its final offer on each unresolved issue and the rationale supporting its final offer on each unresolved issue. Within twenty days following the presentations of the final offers of both parties, the department shall issue a recommendation on each unresolved issue and the rationale supporting each recommendation. The department shall recommend either the final offer of the public employees or the final offer of the public employers on each unresolved issue and may not make any alternative recommendation. The department shall furnish a copy of its recommendation to each of the parties and to any local newspaper for publication for the information of the public.

Section 2. That chapter 3-18 be amended by adding thereto a NEW SECTION to read as follows:

Each party shall submit to the department a copy of the final offer made to the other party on each unresolved issue and the rationale supporting the final offer on each unresolved issue with proof of service of a copy upon the other party. Each party shall also submit a draft, in writing, that includes all tentative agreements reached by the parties. The parties may continue to negotiate all offers until an agreement is reached or until a recommendation and rationale are issued by the department.

Section 3. That § 3-18-8.1 be amended to read as follows:

3-18-8.1. In case of impasse or failure to reach an agreement in negotiations conducted under the

provisions of this chapter, either party may request the Department of Labor to intervene under the provisions of § 60-10-1. Such request shall be mailed within ten days after a written statement is delivered to the designated representative for the other party declaring an impasse. Nothing in this section prohibits the parties to an impasse from adopting any other procedure to facilitate a settlement that is mutually agreeable.

An Act to limit the Department of Labor's authority to recommend settlements in labor disputes.

=====

I certify that the attached Act  
originated in the

SENATE as Bill No. 81

\_\_\_\_\_  
Secretary of the Senate

=====

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Bill No. 81

File No. \_\_\_\_\_

Chapter No. \_\_\_\_\_

=====

Received at this Executive Office  
this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

=====

The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor

=====

STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_ , 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State