

State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017

495Y0315

HOUSE BILL NO. 1134

Introduced by: Representatives Wismer, Ahlers, Brunner, Johns, Otten (Herman), Ring, Rounds, and Schoenfish and Senators Nesiba, Bolin, and Heinert

1 FOR AN ACT ENTITLED, An Act to provide certain protection to state and local government
2 employees regarding the disclosure of information in good faith.

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

4 Section 1. That the code be amended by adding a NEW SECTION to read:

5 No state or local government employer may discharge, discipline, threaten, or otherwise
6 retaliate against an employee regarding the employee's compensation, terms, conditions,
7 location, or privileges of employment because:

8 (1) The employee, or a person acting on behalf of an employee, in good faith, reports an
9 actual, suspected, or planned violation of any federal or state law or rule adopted
10 pursuant to relevant law to an employer, a governmental body, or law enforcement
11 official;

12 (2) The employee is requested by a public body or office to participate in an
13 investigation, hearing, or inquiry;

14 (3) The employee refuses an employer's order to perform an action that the employee has
15 an objective basis in fact to believe the action would violate or contribute to the



1 violation of any federal or state law or rule adopted pursuant to relevant law, and the
2 employee informs the employer that the order is being refused for that reason;

3 (4) The employee, in good faith, reports a situation in which the quality of health care
4 services provided by a health care facility, organization, or health care provider
5 violates a standard established by a federal or state law or rule adopted pursuant to
6 relevant law, or a professionally recognized national clinical or ethical standard and
7 potentially places the public at risk of harm; or

8 (5) The employee communicates information that he or she believes, in good faith, to be
9 truthful or accurate and relates to local or state services, including the financing of
10 local or state services, to:

11 (a) A legislator or a legislative auditor; or

12 (b) A constitutional officer.

13 Section 2. That the code be amended by adding a NEW SECTION to read:

14 This Act does not permit any disclosure that would violate federal or state law or diminish
15 or impair the rights of any person through the continued protection of confidentiality of
16 communications provided by common law.