

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

942V0567

HOUSE BILL NO. 1153

Introduced by: Representatives Lust, Cronin, Hickey, Hoffman, Kirschman, Novstrup
(David), Peterson, and Schoenfish and Senators Peters, Brown, Kirkeby,
Lederman, Maher, and Solano

1 FOR AN ACT ENTITLED, An Act to define certain entities using a common paymaster as a
2 single employing unit for the purposes of unemployment compensation.

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

4 Section 1. That § 61-1-1 be amended by adding thereto a NEW SUBDIVISION to read as
5 follows:

6 "Common paymaster," if two or more related entities concurrently employ the same
7 individual and compensate the individual through a common paymaster which is one of the
8 entities, each entity shall be considered to have paid as remuneration to the individual only the
9 amounts actually disbursed by it to the individual, and may not be considered to have paid as
10 remuneration to the individual amounts actually disbursed to the individual by another related
11 entity;

12 Section 2. That § 61-1-3 be amended to read as follows:

13 61-1-3. As used in this title, the term, employing unit, means an individual or type of
14 organization, including any partnership, limited liability company, association, trust, estate,



1 joint-stock company, insurance company or corporation, whether domestic or foreign, or the
2 receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a
3 deceased person, which has had in its employ one or more individuals performing services for
4 it within this state. Each individual performing services within this state for any employing unit
5 which maintains two or more separate establishments within this state is deemed to be employed
6 by a single employing unit for all the purposes of this title. Each individual employed to perform
7 or to assist in performing the work of any agent or employee of an employing unit is deemed
8 to be employed by the employing unit for all the purposes of this title, whether the individual
9 was hired or paid directly by the employing unit or by the agent or employee, if the employing
10 unit had actual or constructive knowledge of the work.

11 The term, employing unit, also includes two or more related entities who concurrently
12 employ the same individual and compensate that individual through a common paymaster.