

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

572H0640

SENATE BILL NO. 173

Introduced by: Senators Koetzle and McIntyre and Representatives Bradford and Burg

1 FOR AN ACT ENTITLED, An Act to provide for an alternative base period for the purposes
2 of determining unemployment compensation.

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

4 Section 1. That subdivision (2) of § 61-1-1 be amended to read as follows:

5 (2) "Base period," the first four out of the last five completed calendar quarters
6 immediately preceding an individual's benefit year except as provided in section 2 of
7 this Act. However, for an individual who fails to meet the qualifications of § 61-6-7
8 due to the receipt of temporary total disability payments under worker's
9 compensation, the base period is the first four of the last five completed quarters
10 preceding the disability if a claim for unemployment benefits is filed within
11 twenty-four months of the date on which the individual's disability was incurred;

12 Section 2. That chapter 61-1 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 For benefit years effective on or after the effective date of this Act, if an individual does not
15 have sufficient wages in the base period as defined in § 61-1-1 to qualify for benefits pursuant



1 to this title, the individual's alternative base period shall be the last four completed calendar
2 quarters immediately preceding the first day of the individual's benefit year if the period qualifies
3 the individual for benefits under this title. The department shall promulgate rules pursuant to
4 chapter 1-26 for obtaining wage information if wage information for the most recent quarter of
5 the alternate base period is not available to the department from regular quarterly reports of
6 wage information that is systematically accessible.

7 Wages that fall within the base period of claims established under this section are not
8 available for reuse in qualifying for any subsequent benefit years.

9 In the case of a combined-wage claim pursuant to the arrangement approved by the United
10 States secretary of labor, the base period is that base period applicable under the unemployment
11 compensation law of the paying state.