

# State of South Dakota

NINETIETH SESSION  
LEGISLATIVE ASSEMBLY, 2015

400W0130

## HOUSE BILL NO. 1024

Introduced by: The Committee on Commerce and Energy at the request of the Department  
of Labor and Regulation

1 FOR AN ACT ENTITLED, An Act to repeal certain outdated and unnecessary statutes related  
2 to the Department of Labor and Regulation.

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

4 Section 1. That § 36-14-8 be repealed.

5 ~~—36-14-8. The Board of Barber Examiners shall report annually to the Governor.~~

6 Section 2. That § 36-25-9 be repealed.

7 ~~—36-25-9. The secretary-treasurer shall give a bond in such sum as may be fixed by the~~  
8 ~~commission, with sufficient sureties to be approved by the commission, for the faithful~~  
9 ~~discharge of his duties.~~

10 Section 3. That § 58-25-21 be repealed.

11 ~~—58-25-21. Appeals from the director as to matters arising under this chapter shall be taken~~  
12 ~~in accordance with chapter 1-26.~~

13 Section 4. That § 61-5-26 be repealed.

14 ~~—61-5-26. Notwithstanding any other provision of this chapter, an employer who transfers all~~  
15 ~~or a segregable part of the employer's operations from another state to this state for the purposes~~



1 of this chapter shall be deemed to be a qualified employer within the meaning of § 61-5-25, as  
2 of the computation date applicable to the calendar year within which the transfer occurs, if:

3 ~~—(1)—~~ The employer has paid wages subject to the federal unemployment tax act for  
4 eighteen consecutive completed calendar quarters immediately preceding the  
5 computation date specified above;

6 ~~—(2)—~~ Within ninety days of the transfer of operations, the employer notifies the department  
7 thereof and requests a contribution rate under the provisions of §§ 61-5-25.1 and 61-  
8 5-25.2; and

9 ~~—(3)—~~ The employer certifies to the department all information with respect to wages,  
10 contributions, and benefit charges in connection with the transferred operations and  
11 any other information which the department determines to be necessary.

12 Section 5. That § 61-5-26.1 be repealed.

13 ~~—61-5-26.1. The employer has fifteen days after receipt of notice of determination of~~  
14 ~~contribution rate computed under §§ 61-5-25.1 and 61-5-25.2 within which to withdraw the~~  
15 ~~employer's request for application of the provisions of § 61-5-26.~~

16 Section 6. That § 61-5-26.2 be repealed.

17 ~~—61-5-26.2. The employer shall furnish to the department at such times as the department~~  
18 ~~prescribes all information which the department determines to be necessary with respect to those~~  
19 ~~benefits paid, subsequent to the transfer and prior to each succeeding computation date, which~~  
20 ~~were based on wages, applicable to the transferred operations, paid in such other state.~~

21 Section 7. That § 61-5-26.3 be repealed.

22 ~~—61-5-26.3. Wages, contributions, and benefits resulting in rating account charges in~~  
23 ~~connection with the transferred operations, shall be deemed to have been paid in this state for~~  
24 ~~the purpose of computing rates under §§ 61-5-25.1 and 61-5-25.2. The employer's rating~~

1 ~~account balance applicable to the transferred operations prior to the transfer date shall be the~~  
2 ~~balance used in determining the first year's rate. The balance for the second and third years shall~~  
3 ~~be the amount transferred from the other state less benefits after the date of transfer and the~~  
4 ~~contributions paid less benefits charged in this state during the period.~~

5 Section 8. That § 61-5-26.4 be repealed.

6 ~~—61-5-26.4. The contribution rate to be assigned to the employer in South Dakota shall be the~~  
7 ~~rate obtained by the computation provided in §§ 61-5-25.1 and 61-5-25.2, but in no event may~~  
8 ~~the rate assigned be lower than one and one-half percent.~~