

# State of South Dakota

EIGHTIETH SESSION  
LEGISLATIVE ASSEMBLY, 2005

400L0560

## SENATE BILL NO. 85

Introduced by: The Committee on Commerce at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to modify certain provisions relating to the charging of  
2 employers for the payment of unemployment insurance benefits.

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

4 Section 1. That § 61-5-29 be amended to read as follows:

5 61-5-29. Each employer's experience-rating account shall be charged with all benefits  
6 chargeable, as provided in this title, except extended benefits paid as provided in §§ 61-6-29 to  
7 61-6-45, inclusive, against wages paid for employment by ~~such~~ the employer. However, no  
8 benefits paid on the basis of a period of employment may be charged to the experience-rating  
9 account of any employer, except as provided in § 61-5-29.2, if the claimant:

- 10 (1) Voluntarily separated without good cause attributable to the employer or the  
11 employment;
- 12 (2) Was discharged or suspended for misconduct connected with the employment, or for  
13 conduct mandated by religious belief which belief cannot be reasonably  
14 accommodated by the employer;
- 15 (3) Was discharged or suspended for inability or incompetence to successfully complete  
16 a ninety-day probationary period established between the employer and employee at



1 the time of employment;

2 (4) Earned total base period wages of less than one hundred dollars with one employer;

3 (5) Is receiving benefits while in approved training authorized by § 61-6-15.1;

4 (6) Performed services while incarcerated in a custodial or penal institution and  
5 terminated such employment because of his transfer or release from the institution;

6 or

7 (7) Received benefits for unemployment directly caused by a major natural disaster  
8 declared by the president pursuant to section 410(a) of the Robert T. Stafford  
9 Disaster Relief and Employment Assistance Act, 42 U.S.C. 5177, if the individual  
10 would have been eligible for disaster unemployment assistance with respect to that  
11 unemployment but for their receipt of unemployment insurance benefits; or

12 (8) Received benefits for unemployment resulting directly from the reinstatement of  
13 another employee upon that employee's completion of service in the uniformed  
14 services as provided in 38 U.S.C. 4303(13) as of January 1, 2005, or the completion  
15 of state active duty by members of the national guard who are activated pursuant to  
16 a call from the Governor as provided by law.