

# 2025 South Dakota Legislature

## Draft 195

*Requested by: at the request of the Department of Labor and Regulation*

1 **An Act to reduce employer contribution rates and increase the administrative fee**  
2 **rate for reemployment assistance.**

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

4 **Section 1. That § 61-5-25.6 be AMENDED:**

5 **61-5-25.6.** The employer's reserve ratio for calendar year 2024 and each year  
6 thereafter is the result of the balance of credits existing in the employer's experience-  
7 rating account as of June thirtieth preceding the year the rate is to be calculated, divided  
8 by the total taxable payroll of the employer for the preceding three fiscal years. The  
9 employer's experience-rating account balance for the purpose of this section is the balance  
10 on July thirty-first of the year preceding the year rates are calculated and is the difference  
11 between the contributions paid through July thirty-first and the benefits paid through the  
12 preceding June thirtieth.

	Column "A"			Column "B"
	Contribution Rate			Reserve Ratio
	Schedule A	Schedule B	Schedule C	
17	9.45%	9.30%	8.80%	Less than -7.00%
18	8.95%	8.80%	8.30%	-7.00% and Less than -6.50%
19	8.45%	8.30%	7.80%	-6.50% and Less than -6.00%
20	7.95%	7.80%	7.30%	-6.00% and Less than -5.50%
21	7.45%	7.30%	6.80%	-5.50% and Less than -5.00%
22	6.95%	6.80%	6.30%	-5.00% and Less than -4.50%
23	6.45%	6.30%	5.80%	-4.50% and Less than -4.00%
24	5.95%	5.80%	5.30%	-4.00% and Less than -3.50%
25	5.45%	5.30%	4.80%	-3.50% and Less than -3.00%
26	4.95%	4.80%	4.30%	-3.00% and Less than -2.50%

Underscores indicate new language.  
Overstrikes indicate deleted language.

1	4.45%	4.30%	3.80%	-2.50% and Less than -2.00%
2	3.95%	3.80%	3.30%	-2.00% and Less than -1.50%
3	3.45%	3.30%	2.80%	-1.50% and Less than -1.00%
4	2.95%	2.80%	2.30%	-1.00% and Less than -0.75%
5	2.45%	2.30%	1.80%	-0.75% and Less than -0.50%
6	1.95%	1.80%	1.30%	-0.50% and Less than -0.25%
7	1.45%	1.30%	0.80%	-0.25% and Less than 0.00%
8	0.95%	0.80%	0.30%	0.00% and Less than 0.50%
9	0.70%	0.55%	0.05%	0.50% and Less than 0.75%
10	0.55%	0.40%	0.00%	0.75% and Less than 1.00%
11	0.35%	0.20%	0.00%	1.00% and Less than 1.25%
12	0.25%	0.10%	0.00%	1.25% and Less than 1.50%
13	0.15%	0.00%	0.00%	1.50% and Less than 1.75%
14	0.05%	0.00%	0.00%	1.75% and Less than 2.25%
15	0.00%	0.00%	0.00%	2.25% and Over

16 The contribution rates provided in this section apply to taxable wages paid ~~on and~~  
 17 after from January 1, 2024, to December 31, 2025, inclusive.

18 **Section 2. That a NEW SECTION be added to chapter 61-5:**

19 The employer's reserve ratio for calendar year 2026 and each year thereafter is  
 20 the result of the balance of credits existing in the employer's experience-rating account  
 21 as of June thirtieth preceding the year the rate is to be calculated, divided by the total  
 22 taxable payroll of the employer for the preceding three fiscal years. The employer's  
 23 experience-rating account balance for the purpose of this section is the balance on July  
 24 thirty-first of the year preceding the year rates are calculated and is the difference  
 25 between the contributions paid through July thirty-first and the benefits paid through the  
 26 preceding June thirtieth.

27	<u>Column "A"</u>			<u>Column "B"</u>
	<u>Contribution Rate</u>			<u>Reserve Ratio</u>
	<u>Schedule A</u>	<u>Schedule B</u>	<u>Schedule C</u>	
	<u>9.39%</u>	<u>9.24%</u>	<u>8.52%</u>	<u>Less than -7.00%</u>
	<u>8.89%</u>	<u>8.74%</u>	<u>8.02%</u>	<u>-7.00% and Less than -6.50%</u>

Underscores indicate new language.  
 Overstrikes indicate deleted language.

1	<u>8.39%</u>	<u>8.24%</u>	<u>7.52%</u>	<u>-6.50% and Less than -6.00%</u>
	<u>7.89%</u>	<u>7.74%</u>	<u>7.02%</u>	<u>-6.00% and Less than -5.50%</u>
	<u>7.39%</u>	<u>7.24%</u>	<u>6.52%</u>	<u>-5.50% and Less than -5.00%</u>
	<u>6.89%</u>	<u>6.74%</u>	<u>6.02%</u>	<u>-5.00% and Less than -4.50%</u>
	<u>6.39%</u>	<u>6.24%</u>	<u>5.52%</u>	<u>-4.50% and Less than -4.00%</u>
	<u>5.89%</u>	<u>5.74%</u>	<u>5.02%</u>	<u>-4.00% and Less than -3.50%</u>
	<u>5.39%</u>	<u>5.24%</u>	<u>4.52%</u>	<u>-3.50% and Less than -3.00%</u>
	<u>4.89%</u>	<u>4.74%</u>	<u>4.02%</u>	<u>-3.00% and Less than -2.50%</u>
	<u>4.39%</u>	<u>4.24%</u>	<u>3.52%</u>	<u>-2.50% and Less than -2.00%</u>
	<u>3.89%</u>	<u>3.74%</u>	<u>3.02%</u>	<u>-2.00% and Less than -1.50%</u>
	<u>3.39%</u>	<u>3.24%</u>	<u>2.52%</u>	<u>-1.50% and Less than -1.00%</u>
	<u>2.89%</u>	<u>2.74%</u>	<u>2.02%</u>	<u>-1.00% and Less than -0.75%</u>
	<u>2.39%</u>	<u>2.24%</u>	<u>1.52%</u>	<u>-0.75 and Less than -0.50%</u>
	<u>1.89%</u>	<u>1.74%</u>	<u>1.02%</u>	<u>-0.50% and Less than -0.25%</u>
	<u>1.39%</u>	<u>1.24%</u>	<u>0.52%</u>	<u>-0.25% and Less than 0.00%</u>
	<u>0.89%</u>	<u>0.74%</u>	<u>0.02%</u>	<u>0.00% and Less than 0.50%</u>
	<u>0.64%</u>	<u>0.49%</u>	<u>0.00%</u>	<u>0.50% and Less than 0.75%</u>
	<u>0.49%</u>	<u>0.34%</u>	<u>0.00%</u>	<u>0.75% and Less than 1.00%</u>
	<u>0.29%</u>	<u>0.14%</u>	<u>0.00%</u>	<u>1.00% and Less than 1.25%</u>
	<u>0.19%</u>	<u>0.04%</u>	<u>0.00%</u>	<u>1.25% and Less than 1.50%</u>
	<u>0.09%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>1.50% and Less than 1.75%</u>
	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>1.75% and Less than 2.25%</u>
	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>2.25% and Over</u>

2        The contribution rates provided in this section apply to taxable wages paid on and  
 3        after July 1, 2026.

3        **Section 3. That § 61-5-28.1 be AMENDED:**

4                **61-5-28.1.** Each employer eligible for experience rating, ~~as defined~~ provided for  
 5        in § 61-5-24, on the computation date for the year, shall also pay an administrative fee  
 6        on wages, as defined by this title. If an employer's reserve ratio, as determined pursuant  
 7        to § 61-5-25.4 through calendar year 2019, pursuant to § 61-5-25.5 for calendar year  
 8        2020 through calendar year 2023, and pursuant to § 61-5-25.6 for calendar year 2024  
 9        ~~and each year thereafter through calendar year 2025,~~ is less than two and one-quarter  
 10        percent, an administrative fee of two-hundredths percent ~~shall~~ must be paid by the

1 employer. For calendar year 2026 and each year thereafter, an administrative fee of eight-  
2 hundredths percent must be paid by the employer.

3 The terms and conditions of this title that apply to the payment and collection of  
4 contributions also apply to the payment and collection of the administrative fee. ~~Proceeds~~  
5 The department must deposit the proceeds from the administrative fee ~~must be deposited~~  
6 in the clearing account of the unemployment compensation fund for clearance only ~~and,~~  
7 The proceeds may not become part of the fund. After clearance, the department must  
8 deposit the money derived from the administrative fee payments, less refunds made  
9 pursuant to the provisions of this title, ~~must be deposited~~ in the employment security  
10 administration fund for expenditure as provided for in § 61-3-24. No administrative fee  
11 payment may be credited to the employer's experience rating account, nor may the  
12 payment be deducted in whole or in part by any employer from the wages of individuals  
13 in its employ.

14 The administrative fee provided in this section applies to taxable wages paid on  
15 and after January 1, 2018.

16 **Section 4. That § 61-5-29 be AMENDED:**

17 **61-5-29.** Employers required by this title to pay contributions, except employers  
18 pursuant to chapter 61-5A, that reimburse the unemployment compensation trust fund  
19 for benefits paid in lieu of contributions, shall also pay an employer's investment in South  
20 Dakota's future fee, hereinafter referred to as the; investment fee, on wages as defined  
21 by this title. The fee rate for employers not eligible for experience rating, as ~~defined~~  
22 provided for in § 61-5-24, must be ~~seventy hundredths~~ seventy-hundredths percent  
23 through calendar year 2006 and fifty-five hundredths percent on and after January 1,  
24 2007. If an employer is eligible for experience rating, the employer's reserve ratio must  
25 be determined pursuant to § 61-5-25.3 through calendar year 2017, pursuant to § 61-5-  
26 25.4 for calendar years 2018 and 2019, pursuant to § 61-5-25.5 for calendar year 2020  
27 through calendar year 2023, ~~and~~ pursuant to § 61-5-25.6 for calendar year 2024 through  
28 calendar year 2025, and pursuant to section 2 of this Act for calendar year 2026 and each  
29 year thereafter, and the employer's investment fee rate must be the rate appearing in  
30 column "A" on the same line the employer's reserve ratio appears in column "B" of the  
31 following rate schedule:

32	Column "A"	Column "B"
33	Investment Fee Rate	Reserve Ratio

1	0.53%	Less than 1.00%
2	0.50%	1.00% and Less than 1.20%
3	0.40%	1.20% and Less than 1.30%
4	0.30%	1.30% and Less than 1.40%
5	0.20%	1.40% and Less than 1.50%
6	0.10%	1.50% and Less than 1.60%
7	0.00%	1.60% and Over

8           The terms and conditions of this title that apply to the payment and collection of  
9 contributions also apply to the payment and collection of the investment fee. ~~Proceeds~~  
10 The department shall deposit the proceeds from the investment fee ~~must be deposited~~ in  
11 the clearing account of the unemployment compensation fund for clearance only ~~and~~. The  
12 proceeds may not become part of the fund. After clearance, the department must deposit  
13 the money derived from the investment fee payments, less refunds made pursuant to the  
14 provisions of this title, ~~must be deposited~~ in the employer's investment in South Dakota's  
15 future fund, as provided for in § 61-5-29.1. No investment fee payment may be credited  
16 to the employer's experience-rating account, nor may the payment be deducted in whole  
17 or in part by any employer from the wages of individuals in its employ.

18           The investment fee rate may not be increased over the applicable 1987 investment  
19 fee rate for any employer with a positive balance in the employer's experience-rating  
20 account on the computation date, as established in rules promulgated by the secretary of  
21 labor and regulation ~~pursuant to~~, in accordance with chapter 1-26, for the current year  
22 and the year preceding the current year.

23           The investment rates provided in this section apply to and are retroactive to taxable  
24 wages paid on and after January 1, 1993.