

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

772T0594

HOUSE BILL NO. 1221

Introduced by: Representatives Kirschman, Blake, Dennert, Elliott, Fargen, Feickert, Gibson, Hunhoff (Bernie), Iron Cloud III, Killer, Kloucek, Lucas, and Schrempp and Senators Bradford, Frerichs, and Hundstad

1 FOR AN ACT ENTITLED, An Act to increase the minimum wage and to provide for annual
2 adjustments in the minimum wage equivalent to the consumer price index.

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

4 Section 1. That § 60-11-3 be amended to read as follows:

5 60-11-3. Every employer shall pay to each employee wages at a rate of not less than ~~seven~~
6 eight dollars ~~and twenty-five cents~~ an hour. Violation of this section is a Class 2 misdemeanor.

7 The provisions of this section do not apply to certain employees being paid an opportunity
8 wage pursuant to § 60-11-4.1, babysitters, or outside salespersons. The provisions of this section
9 also do not apply to employees employed by an amusement or recreational establishment, an
10 organized camp, or a religious or nonprofit educational conference center if one of the following
11 apply:

12 (1) The establishment, camp, or center does not operate for more than seven months in
13 any calendar year; or

14 (2) During the preceding calendar year, the average receipts of the establishment, camp,



1 or center for any six months of the calendar year were not more than thirty-three and
2 one-third percent of its average receipts for the other six months of the year.

3 Section 2. That chapter 60-11 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 No later than September thirtieth of each year, beginning in the year 2013, the auditor
6 general of the Department of Legislative Audit shall calculate an adjustment to the minimum
7 wage, as provided in § 60-11-3, based upon the increase, if any, from August of the preceding
8 year to August of the year in which the calculation is made in the U.S. City Average Consumer
9 Price Index for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics
10 of the United States Department of Labor or its successor. The auditor general shall then round
11 the adjustment figure to the nearest five cents and add the rounded adjustment to the current
12 minimum wage to determine the new minimum wage. The auditor general shall report the new
13 minimum wage to the Code Commission who shall adjust the appropriate statutes accordingly.
14 The new adjusted minimum wage shall be effective on July first in the calendar year after each
15 adjustment is calculated.

16 Section 3. The effective date of this Act is January 1, 2013.