



2024 South Dakota Legislature

Senate Bill 132

Introduced by: **Senator Nesiba**

1 **An Act to increase the state minimum wage.**

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

3 **Section 1. That § 60-11-3 be AMENDED:**

4 **60-11-3.** Every employer shall pay to each employee wages at a rate of not less
 5 than ~~eight twelve~~ twelve dollars and ~~fifty cents~~ an hour beginning on July 1, 2024, thirteen dollars
 6 and fifty cents beginning on January 1, 2025, and fifteen dollars beginning on January 1,
 7 2026. Violation of this section is a Class 2 misdemeanor. The provisions of this section do
 8 not apply to certain employees being paid an opportunity wage pursuant to § 60-11-4.1,
 9 babysitters, or outside salespersons. The provisions of this section also do not apply to
 10 employees employed by an amusement or recreational establishment, an organized camp,
 11 or a religious or nonprofit educational conference center if one of the following apply:

- 12 (1) The establishment, camp, or center does not operate for more than seven months
 13 in any calendar year; or
 14 (2) During the preceding calendar year, the average receipts of the establishment,
 15 camp, or center for any six months of the calendar year were not more than thirty-
 16 three and one-third percent of its average receipts for the other six months of the
 17 year.

18 **Section 2. That § 60-11-3.2 be AMENDED:**

19 **60-11-3.2.** Beginning January 1, ~~2016~~ 2027, and again on January 1 ~~first~~ first of each
 20 year thereafter, the minimum wage provided by § 60-11-3 ~~shall~~ must be adjusted by the
 21 increase, if any, in the cost of living. The increase in the cost of living ~~shall~~ must be
 22 measured by the percentage increase as of August of the immediately preceding year over
 23 the level as measured as of August of the previous year of the Consumer Price Index ~~(~~
 24 for all urban consumers, U.S. city average for all items), for the Midwest Region, or its
 25 successor index as published by the U.S. Department of Labor or its successor agency,

1 with the amount of the minimum wage increase, if any, rounded up to the nearest five
2 cents. In no case ~~shall~~ may the minimum wage be decreased. The ~~Secretary~~ secretary of
3 ~~the South Dakota Department of Labor and Regulation~~ labor and regulation or ~~its~~ the
4 secretary's designee shall publish the adjusted minimum wage rate for the forthcoming
5 year on its internet home page by October ~~15~~ fifteenth of each year, and ~~it shall become~~
6 the rate becomes effective on January ~~1~~ first of the forthcoming year.