

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

475E0775

HOUSE BILL NO. 1281

Introduced by: Representative Flowers

1 FOR AN ACT ENTITLED, An Act to disallow the use of certain pension, annuity, or retirement
2 payments as a setoff against unemployment benefits.

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

4 Section 1. That § 61-6-20 be amended to read as follows:

5 61-6-20. An individual is not entitled to any benefits for a week for which ~~he~~ such individual
6 is receiving, has received, or will receive remuneration in the form of:

7 (1) Termination, vacation, holiday, severance, or dismissal payments or wages in lieu of
8 notice whether legally required or not. However, in the case of lump sum termination,
9 vacation, holiday, severance, or dismissal payments, the lump sum payment shall be
10 allocated over a period of weeks equal to the lump sum divided by the employee's
11 regular pay while employed. However, the payment shall be applied for a period of
12 weeks immediately following the last day of work. Payments made to an individual
13 based entirely on ~~his~~ the individual's contributions to a fund from which the payments
14 are made are not vacation pay or;

15 (2) Compensation for temporary partial disability under the workers' compensation law

1 of any state or under a similar law of the United States; or

2 ~~(3) The prorated weekly amount of any pension, annuity or retirement payment including~~
3 ~~disability pension payments, based on the previous work of the individual. This~~
4 ~~subdivision applies only to primary social security retirement benefits and to payments~~
5 ~~made under a plan contributed to by a base period employer. This does not apply to~~
6 ~~military service-connected disability payments or to that part, if any, of a pension,~~
7 ~~annuity or retirement payment that is attributable to contributions of the individual.~~

8 If such remuneration is less than the benefits which would otherwise be due under this
9 chapter, ~~he~~ the individual shall receive for such week, if otherwise eligible, benefits reduced by
10 the amount of such remuneration.