

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

490H0329

## HOUSE BILL NO. 1147

Introduced by: Representatives Kloucek, Bartling, Bradford, Davis, Elliott, and Nachtigal and  
Senators Hagen, Koetzle, McIntyre, Moore, and Sutton (Dan)

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 is receiving, has  
6 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 contributions to a fund from which the payments are made are  
14 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 shall receive for such week, if otherwise eligible, benefits reduced by the amount of  
10 such remuneration.