

State of South Dakota

EIGHTIETH SESSION
LEGISLATIVE ASSEMBLY, 2005

275L0227

HOUSE BILL NO. 1211

Introduced by: Representatives Kroger, Bradford, Davis, Dennert, Elliott, Fryslye, Garnos, Gassman, Glover, Haley, Halverson, Hanks, Hargens, Haverly, Hennies, Howie, Jerke, Lange, McCoy, Miles, Pederson (Gordon), Putnam, Rave, Roberts, Rounds, Schafer, Sigdestad, Street, Thompson, and Van Norman and Senators Bartling, Abdallah, Broderick, Gray, Hundstad, Kloucek, Koetzle, Kooistra, Moore, Napoli, Nesselhuf, Olson (Ed), Peterson (Jim), and Two Bulls

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the reduction of
2 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~~ the 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
9 termination, vacation, holiday, severance, or dismissal payments, the lump sum
10 payment shall be allocated over a period of weeks equal to the lump sum divided by
11 the employee's regular pay while employed. However, the payment shall be applied
12 for a period of weeks immediately following the last day of work. Payments made to
13 an individual based entirely on ~~his~~ the individual's contributions to a fund from which



1 the payments are made are not vacation pay;

2 (2) Compensation for temporary partial disability under the workers' compensation law
3 of any state or under a similar law of the United States; or

4 (3) The prorated weekly amount of any pension, annuity, or retirement payment
5 including disability pension payments, based on the previous work of the individual.

6 This subdivision applies only to ~~primary social security retirement benefits and to~~
7 payments made under a plan contributed to by a base period employer. This does not
8 apply to payments made under Title II of the Social Security Act or the Railroad
9 Retirement Act of 1974, to military service-connected disability payments or to that
10 part, if any, of a pension, annuity or retirement payment that is attributable to
11 contributions of the individual.

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