

Fifty-ninth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1202

Introduced by

Representatives Keiser, Delzer, Nicholas

Senators Flakoll, Warner

1 A BILL for an Act to amend and reenact subsection 15 of section 52-06-02 of the North Dakota
2 Century Code, relating to when individuals are disqualified for unemployment compensation
3 benefits.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subsection 15 of section 52-06-02 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 15. For any week with respect to which an individual is receiving a pension, ~~which shall~~
8 ~~include~~ including a governmental or pension other than federal social security
9 retirement benefits, and any other pension, retirement or pay, retired pay, annuity,
10 ~~or and~~ any other similar periodic payment; under a plan maintained or contributed
11 to by a base-period or chargeable employer; as determined under applicable law,
12 unless the weekly benefit amount payable to such individual for such week ~~shall be~~
13 is reduced, but not below zero:

14 a. By the prorated weekly amount of the pension after deduction of three-fourths
15 of the portion of the pension that is directly attributable to the percentage of
16 the contributions made to the plan by such individual for claims filed ~~on or~~
17 after ~~July 1~~ June 30, 1985, and by the prorated weekly amount of the pension
18 after deduction of the portion of the pension that is directly attributable to the
19 percentage of the contributions made to the plan by such individual for claims
20 filed ~~on or~~ after ~~July 1~~ June 30, 1986;

21 b. By the entire prorated weekly amount of the pension if subdivision a or c does
22 not apply; or

23 c. By one-fourth of the pension if the entire contributions to the plan were
24 provided by such individual, ~~or~~ by the individual and an employer, or by any

1 other person ~~or organization, who that~~ is not a base-period or chargeable
2 employer; as determined under applicable law, for claims filed ~~on or~~ after
3 ~~July 1~~ June 30, 1985, and by no part of the pension if the entire contributions
4 to the plan were provided by such individual, ~~or~~ by the individual and an
5 employer, or by any other person ~~or organization, who that~~ is not a
6 base-period or chargeable employer; as determined under applicable law, for
7 claims filed ~~on or~~ after ~~July 1~~ June 30, 1986.

8 ~~No~~ A reduction may not be made under this subsection by reason of the receipt of
9 a pension if the services performed by the individual during the base period, or
10 remuneration received for such services, for the employer did not affect the
11 individual's eligibility for, or increase the amount of, the pension, retirement pay, ~~or~~
12 retired pay, annuity, or similar payment. This limitation does not apply to pensions
13 paid under the ~~Social Security Act or the~~ Railroad Retirement Act of 1974, or the
14 corresponding provisions of prior law. Payments made under ~~these Acts~~ the
15 Railroad Retirement Act of 1974 must be treated solely in the manner specified by
16 subdivisions a, b, and c. A reduction may not be made under this subsection by
17 reason of receipt of federal social security retirement benefits.