

**Fifty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2005**

HOUSE BILL NO. 1202
(Representatives Keiser, Delzer, Nicholas)
(Senators Flakoll, Warner)

AN ACT to amend and reenact subsection 15 of section 52-06-02 of the North Dakota Century Code, relating to when individuals are disqualified for unemployment compensation benefits.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

15. For any week with respect to which an individual is receiving a pension, ~~which shall include including a governmental or pension other than federal social security retirement benefits, and any other pension, retirement or pay, retired pay, annuity, or and any other similar periodic payment;~~ under a plan maintained or contributed to by a base-period or chargeable employer; as determined under applicable law, unless the weekly benefit amount payable to such individual for such week ~~shall be~~ is reduced, but not below zero:
- a. By the prorated weekly amount of the pension after deduction of three-fourths of the portion of the pension that is directly attributable to the percentage of the contributions made to the plan by such individual for claims filed ~~on or after July 4~~ June 30, 1985, and by the prorated weekly amount of the pension after deduction of the portion of the pension that is directly attributable to the percentage of the contributions made to the plan by such individual for claims filed ~~on or after July 4~~ June 30, 1986;
 - b. By the entire prorated weekly amount of the pension if subdivision a or c does not apply; or
 - c. By one-fourth of the pension if the entire contributions to the plan were provided by such individual, ~~or by the individual and an employer, or by any other person or organization, who that~~ is not a base-period or chargeable employer; as determined under applicable law, for claims filed ~~on or after July 4~~ June 30, 1985, and by no part of the pension if the entire contributions to the plan were provided by such individual, ~~or by the individual and an employer, or by any other person or organization, who that~~ is not a base-period or chargeable employer; as determined under applicable law, for claims filed ~~on or after July 4~~ June 30, 1986.

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

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-ninth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1202.

House Vote: Yeas 87 Nays 0 Absent 7

Senate Vote: Yeas 44 Nays 0 Absent 3

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2005.

Approved at _____ M. on _____, 2005.

Governor

Filed in this office this _____ day of _____, 2005,

at _____ o'clock _____ M.

Secretary of State