

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

HOUSE BILL NO. 1432

By: Erwin

AS INTRODUCED

An Act relating to labor; amending 40 O.S. 1991, Section 2-411, as amended by Section 1, Chapter 46, O.S.L. 1993 (40 O.S. Supp. 1994, Section 2-411), which relates to retirement payments; eliminating Social Security benefits as disqualifying for benefits under the Employment Security Act of 1980; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 40 O.S. 1991, Section 2-411, as amended by Section 1, Chapter 46, O.S.L. 1993 (40 O.S. Supp. 1994, Section 2-411), is amended to read as follows:

Section 2-411. RETIREMENT PAYMENTS. (1) An individual shall be disqualified for benefits for any week which begins in a period with respect to which such individual is receiving a governmental or other pension, retirement or retired pay, annuity or any other similar periodic retirement payment which is based on the previous work of such individual, except for any payment or benefit payment made pursuant to the federal Social Security Act if:

- (a) Such pension, retirement or retired pay, annuity or similar payment is under a plan maintained, or contributed to, by a base period or chargeable employer; and
- (b) In the case of such a payment not made under the ~~Social Security Act, 42 U.S.C., Section 301 et seq.,~~ ~~or the~~ Railroad Retirement Act of 1974, 45 U.S.C., Section 231 et seq., services performed for such employer by the individual after the beginning of the base period, or remuneration for such services, affect eligibility for or increase the amount of, such pension, retirement or retired pay, annuity or similar payment.

(2) If the total of such remuneration is less than the benefits which would otherwise be due under the Employment Security Act of 1980, Section 1-101 et seq. of this title, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration.

~~(3) If payments referred to in this section are being received by an individual under the federal Social Security Act, the Commission shall take into account the individual's contribution to social security and make no reduction in the weekly benefit amount for such contribution.~~

SECTION 2. This act shall become effective July 1, 1995.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

45-1-5820

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