

HOUSE BILL NO. 354

INTRODUCED BY J. KEANE

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE TREATMENT OF CERTAIN PENSION PLANS FOR THE PURPOSES OF UNEMPLOYMENT INSURANCE BENEFITS; AMENDING SECTION 39-51-2203, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 39-51-2203, MCA, is amended to read:

**"39-51-2203. Reduction of benefits because of amounts received from certain other sources. (1)**

An individual's weekly benefit amount must be reduced (but not below zero) by the amount that the individual is receiving in the form of a governmental or other pension, retirement pay, annuity, or other similar periodic payment that is based on the previous work of the individual and that is reasonably attributable to the week if:

(a) the payment is made under a plan maintained or contributed to by a base-period or chargeable employer; and

(b) except in the case of payments made under the Social Security Act or the Railroad Retirement Act, the services performed for the employer by the individual after the beginning of the base period or the remuneration for services affect eligibility for or the amount of the pension, retirement pay, annuity, or other similar payment.

(2) (a) The reduction required by subsection (1) does not apply in those instances in which the governmental or other pension, retirement pay, annuity, or other similar periodic payment is made from a fund to which the individual was required to make a direct contribution.

(b) A pension plan negotiated under a collective bargaining agreement is considered a direct employee contribution under this section."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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