

ACT 196

H.B. NO. 1357

A Bill for an Act Relating to Employment Security.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 383-23.5, Hawaii Revised Statutes, is amended to read as follows:

“§383-23.5 Retirement payments. (a) For any week with respect to which an individual is receiving a pension (which shall include a governmental or other pension, retirement or retired pay, annuity, or any other similar periodic payment) under a plan maintained or contributed to by a base period or chargeable employer (as determined under applicable law), the weekly benefit amount payable to such individual for such week shall be reduced (but not below zero):

- (1) By one-half the prorated weekly amount of the pension if at least half but less than one hundred per cent of the contributions to the plan were provided by such individual; or
 - (2) By the entire prorated weekly amount of the pension if paragraph (1) or paragraph (3) does not apply; or
 - (3) 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 any person or organization) who is not a base period or chargeable employer as determined under applicable law.
- (b) No reduction shall be made under this section by reason of the receipt of a

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pension if the services performed by the individual during the base period (or remuneration received for such services) for such employer did not affect the individual's eligibility for, or increase the amount of, such pension, retirement or retired pay, annuity, or similar payment. The conditions specified by this subsection shall not apply to pensions paid under the Federal Social Security Act or the Railroad Retirement Act of 1974, or the corresponding provisions of prior law. Payments made under those Acts shall be treated solely in the manner specified by subsection (a)(1), (2), and (3)."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.*

SECTION 3. This Act shall take effect upon its approval.

(Approved June 18, 1981.)

*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.