

## HOUSE BILL NO. 1097

Introduced by

Industry, Business and Labor Committee

(At the request of Job Service North Dakota)

1 A BILL for an Act to amend and reenact section 52-04-09 of the North Dakota Century Code,  
2 relating to the setting of unemployment insurance tax rates.

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

4 **SECTION 1. AMENDMENT.** Section 52-04-09 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **52-04-09. Classification of employers to determine contributions - Regulations**  
7 **governing.** An employer's rate for a calendar year must be determined on the basis of the  
8 employer's experience with contribution payments and benefit charges as of October first of the  
9 preceding year. If when such determination is to be made, an employer has failed to file a  
10 required report or filed an insufficient report, ~~the bureau~~ job service North Dakota shall notify  
11 the employer thereof by certified mail addressed to the employer's last-known address. Unless  
12 the employer files the report or a sufficient report within fifteen days after mailing of the notice,  
13 the employer's rate for the following calendar year ~~may not be less than the negative employer~~  
14 ~~maximum rate. For employers identified as belonging to industry group number 161, highway~~  
15 ~~and street construction, except elevated highways, for the effective period set forth in section~~  
16 ~~52-04-05, the employer's rate for the following calendar year may not be less than the negative~~  
17 ~~employer maximum rate plus one and one-half percent.~~ must be set as follows:

- 18 1. Experience-rated positive employers must be assigned the negative employer  
19 minimum rate.  
20 2. Experience-rated negative employers must be assigned the negative employer  
21 maximum rate.  
22 3. New positive nonconstruction employers must be assigned the negative employer  
23 minimum rate.

1           4.   New positive construction employers must be assigned the negative employer  
2               maximum rate.

3           5.   New negative employers must be assigned the negative employer maximum rate.

4   If, at any time, an employer has failed to file a required report or filed an insufficient report, ~~the~~  
5   ~~bureau~~ job service North Dakota may, at any time, estimate the wage information required by  
6   the report on the basis of reasonably available evidence. ~~The bureau~~ Job service North Dakota  
7   shall notify the employer of the estimate by certified mail addressed to the employer's  
8   last-known address. Unless the employer files the report or a sufficient report within fifteen  
9   days after the mailing of the notice, the estimate becomes final for all purposes, except that if  
10   the amount of estimated wages is less than the actual wages, ~~the bureau~~ job service North  
11   Dakota may reconsider the estimate.