

# SOCIAL SECURITY

## CHAPTER 522

SENATE BILL NO. 2231  
(Committee on Industry, Business and Labor)  
(At the request of the Employment Security Bureau)

### JOB SERVICE NORTH DAKOTA

AN ACT to amend and reenact subsections 6 and 26 of section 52-01-01, section 52-02-01 and section 52-07.1-02 of the North Dakota Century Code, relating to the North Dakota Unemployment Compensation Law, and to amend and reenact section 52-08-02 and section 52-08-03 of the North Dakota Century Code, relating to the North Dakota state employment service.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Subsections 6 and 26 of section 52-01-01 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

6. "Bureau" means ~~the--North-Dakota-employment-security job service North Dakota bureau,~~ job service North Dakota bureau.
26. "Executive director" means the executive director of ~~the employment-security-bureau,~~ job service North Dakota.

SECTION 2. AMENDMENT.) Section 52-02-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-02-01. ~~EMPLOYMENT-SECURITY-BUREAU~~ EMPLOYMENT-SECURITY-BUREAU JOB SERVICE NORTH DAKOTA  
CREATED.)

- 1- There is hereby created ~~a--bureau--to--be-known-as-the employment-security-bureau~~ job service North Dakota which is herewith charged with administering the provisions of the North Dakota Unemployment Compensation Law and the provisions of the North Dakota state employment service, as set forth in chapter 52-08 of the North Dakota Century Code, which shall be administered by a full-time salaried executive director, who shall be subject to the supervision and direction of the governor. The governor is authorized to appoint, fix the compensation of, and prescribe the duties of such executive director, provided that such appointment shall be made on a nonpartisan,

merit basis, in accordance with the provisions set forth at chapter 54-42. The duties and responsibilities of the executive director shall extend to and include the power of full administration of the provisions of the North Dakota Unemployment Compensation Law, and the provisions of chapter 52-08 of the North Dakota Century Code relating to the North Dakota state employment service, including job insurance programs, and the establishment and maintenance of free public employment offices. The executive director may also establish such separate divisions and make such separate appointments as he may deem advisable for efficient administration of the duties and responsibilities imposed hereunder. Any such separate appointments shall be on a nonpartisan, merit basis.

~~2---There---is---hereby---established---in---the---employment---security bureau---two---coordinate---divisions,---the---North---Dakota unemployment---compensation---division---and---the---North---Dakota state---employment---service---division,---each---to---be---administered by---a---full-time---salaried---director,---selected---on---a nonpartisan,---merit---basis,---who---shall---be---subject---to---the supervision---and---direction---of---the---bureau.---Each---division shall---be---responsible---for---the---discharge---of---its---distinctive functions,---Each---division---shall---be---a---separate administrative---unit---with---respect---to---personnel,---budget,---and duties,---except---insofar---as---the---executive---director---may---find that---such---separation---is---impracticable.~~

SECTION 3. AMENDMENT.) Section 52-07.1-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-07.1-02. ADMINISTRATION.) ~~The North-Dakota-unemployment compensation-division-of-the-employment-security-bureau~~ job service North Dakota, hereinafter called the "bureau", shall be vested with the duties, powers, and authority to administer the extended benefits program.

SECTION 4. AMENDMENT.) Section 52-08-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-08-02. ~~NORTH--DAKOTA-STATE-EMPLOYMENT-SERVICE~~ JOB SERVICE NORTH DAKOTA AGENT OF STATE FOR WAGNER-PEYSER ACT.) For the purposes provided for in the preceding section, ~~the North-Dakota state-employment-service~~ job service North Dakota is designated and constituted the agency of this state to carry out the purposes of this chapter.

SECTION 5. AMENDMENT.) Section 52-08-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-08-03. ~~NORTH-DAKOTA-STATE-EMPLOYMENT-SERVICE-A-DIVISION-OF EMPLOYMENT-SECURITY--BUREAU~~ JOB SERVICE NORTH DAKOTA - OFFICES MAINTAINED.) ~~The--North--Dakota--state--employment--service--shall constitute-a-division-of-the-employment-security--bureau.~~ The job service North Dakota executive director, ~~through-such-division,~~ shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of chapters 52-01 through 52-08.

Approved March 13, 1979

## CHAPTER 523

SENATE BILL NO. 2265  
(Committee on Industry, Business and Labor)  
(At the request of the Employment Security Bureau)

UNEMPLOYMENT COMPENSATION  
CONTRIBUTIONS

AN ACT to amend and reenact subsections 2 and 3 of section 52-04-03 of the North Dakota Century Code, relating to wages subject to unemployment compensation contributions; to amend and reenact section 52-04-05 of the North Dakota Century Code, relating to standard rate of unemployment compensation contributions; to amend and reenact section 52-04-06 of the North Dakota Century Code, relating to variations in standard rate of unemployment compensation contributions; to provide an effective date; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Subsections 2 and 3 of section 52-04-03 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

2. The amount of an individual's wages paid to him in a calendar year by each employer and subject to tax shall not be in excess of three thousand dollars for the years prior to 1968, nor in excess of three thousand three hundred dollars for 1968, nor in excess of three thousand four hundred dollars for 1969, nor in excess of three thousand eight hundred dollars for 1970, nor in excess of four thousand dollars for 1971, nor in excess of four thousand four hundred dollars for 1972, ~~and not~~ nor in excess of four thousand two hundred dollars for 1973, 1974, 1975, and 1976, nor in excess of four thousand three hundred dollars for 1977, and not in excess of six thousand dollars in 1978.
3. For the year ~~1974~~ 1979 and ~~for any~~ each year thereafter, the ~~maximum~~ amount of an individual's wages subject to tax, paid by each employer, shall be in such amount as may be determined ~~by either of the following:~~

~~a--When--the--unemployment--trust--fund--at--the--beginning--of  
any--such--calendar--year--equals--or--exceeds--one--and--a~~

~~half---times---the---highest--amount--of--unemployment compensation--benefits--paid--in--any--calendar--year--the amount--of--an--individual's--wages--subject--to--tax--for such--year--shall--be--in--the--same--amount--that--is--subject to--tax--under--the--Federal--Unemployment--Tax--Act--or~~

~~b.--When--the--unemployment--trust--fund--at--the--beginning--of any--such--calendar--year--does--not--equal--one--and--a--half times--the--highest--amount--of--unemployment--compensation benefits--paid--in--any--calendar--year--the--amount--of--an individual's--wages--subject--to--tax--for--such--year--shall to be in an amount that is equal to seventy percent of a statewide average annual wage determined by the bureau on or before each first day of December October by the following computation:~~

~~(1) The total wages reported on contribution reports for the third and fourth quarters of the preceding calendar year and the first and second quarters of the current calendar year shall be divided by the average monthly number of covered workers for the same four quarters, whose number shall be determined by dividing by twelve the total covered employment reported on contribution reports for those quarters, and the quotient obtained by dividing the total wages by the average monthly number of covered workers, rounded to the nearest multiple of one hundred, shall be the statewide average annual wage--and.~~

~~(2)--When--the--taxable--wage--base--is--determined--under this--subdivision--and--such--computation--results--in the--calculation--of--a--taxable--wage--base--that--is one--hundred--dollars--or--more--higher--than--the taxable--wage--base--of--the--Federal--Unemployment Compensation--Act--then--notwithstanding--such higher--taxable--wage--base--the--taxable--wage--base shall--not--be--increased--in--any--one--year--more--than one--hundred--dollars--over--the--taxable--wage--base--of the--preceding--year.~~

SECTION 2. AMENDMENT.) Section 52-04-05 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-04-05. STANDARD RATE OF CONTRIBUTIONS - REDUCTION OF RATES.) For the calendar year ~~1976~~ 1979 and each calendar year thereafter, the standard rate of contributions payable by each employer shall be ~~two-and-seven-tenths-percent~~ the rate fixed for employers who have a minus balance reserve ratio which is applicable for the given year in the schedule of rates under section 52-04-06. No employer's rate shall be reduced below the standard rate for any calendar year unless and until his account has been chargeable with benefits throughout the thirty-six-consecutive-calendar-month period

ending on December thirty-first of the preceding calendar year, except that an employer who has not been subject to the law for a period of time sufficient to meet this requirement may qualify for a reduced rate if his account has been chargeable with benefits throughout a lesser period of time but in no event less than the twelve-consecutive-calendar-month period ending on December thirty-first of the preceding calendar year.

SECTION 3. AMENDMENT.) Section 52-04-06 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-04-06. VARIATIONS IN STANDARD RATE OF CONTRIBUTIONS - HOW DETERMINED.) Variations from the standard rate of contributions shall be determined in accordance with the following requirements:

1. For the calendar ~~years-1977-and-1978~~ year 1979 the rate of contributions will not be higher than the rates at column ~~II~~ III of the schedule of rates.
2. For the calendar year ~~1979~~ 1980 and ~~for~~ each calendar year thereafter the bureau shall determine the ratio of reserves for the payment of benefits as of December thirty-first of the preceding calendar year, to ~~taxable wages--for--such--preceding--calendar-year-which-have-been reported-to-the-bureau-on-or-before--January--thirty-first of--the--succeeding--calendar--year~~ the highest amount of benefits paid, less reimbursables, in any one of the preceding five years. If such ratio is:
  - a. Less than ~~three-percent~~ .5, the schedule of rates at column I will be in effect;
  - b. ~~Three--percent~~ .5 but less than ~~four-percent~~ .7, the schedule of rates at column II will be in effect;
  - c. ~~Four--percent~~ .7 but less than ~~five-percent~~ .9, the schedule of rates at column III will be in effect;
  - d. ~~Five--percent~~ .9 but less than ~~six-percent~~ 1.1, the schedule of rates at column IV will be in effect;
  - e. ~~Six--percent~~ 1.1 but less than ~~seven-percent~~ 1.3, the schedule of rates at column V will be in effect;
  - f. ~~Seven-percent~~ 1.3 but less than ~~eight-percent~~ 1.5, the schedule of rates at column VI will be in effect;
  - g. ~~Eight--percent~~ 1.5 but less than ~~nine-percent~~ 1.7, the schedule of rates at column VII will be in effect;
  - h. ~~Nine--percent~~ 1.7 or more, the schedule of rates at column VIII will be in effect.

~~If the fund reserve ratio decreases during the calendar year 1978 or any calendar year thereafter, the schedule of rates will not be advanced by more than one column for any calendar year, except that the schedule of rates at column I will be in effect for each calendar year that the fund reserve ratio is less than three percent on December thirty-first of the preceding calendar year.~~ The percent of the average annual payroll by which the cumulative contributions paid by an employer on or before January thirty-first of any year, with respect to wages paid by him prior to the first day of January of that calendar year, exceeds the cumulative benefits which were chargeable to his account and paid on or before December thirty-first of the preceding calendar year, shall be such employer's reserve ratio. The contribution rate for the ensuing calendar year of an employer eligible under section 52-04-05 will be the rate of contribution on the line in the schedule of rates opposite his reserve ratio as established for that year.

SCHEDULE OF RATES - FUND RESERVE RATIO  
(Reserve for payment of benefits to benefits paid)

	Col. II-	Col. III-	Col. IV-	Col. V-	Col. VI-	Col. VII-	Col. VIII-
	.5	.7	.9	1.1	1.3	1.5	1.7
Col. I-	But	But	But	But	But	But	But
Less Than	Less Than	Less Than	Less Than	Less Than	Less Than	Less Than	9%
RESERVE RATIO	3%	4%	5%	6%	7%	8%	9% and Over
	.5	.7	.9	1.1	1.3	1.5	1.7
Minus Balance or Standard Rate	4.2%	4.2%	4.2%	4.2%	4.2%	4.2%	4.2%
	6.0%	5.0%	4.8%	4.6%	4.4%		
0% but less than 1%	2.7%	2.7%	2.7%	2.7%	2.7%	2.7%	2.7%
	4.5%	4.3%	4.1%	3.9%	3.7%	3.5%	3.3%
1% but less than 2%	2.7%	2.7%	2.7%	2.7%	2.7%	2.7%	2.5%
	4.3%	4.1%	3.9%	3.7%	3.5%	3.3%	3.1%
2% but less than 3%	2.7%	2.7%	2.7%	2.7%	2.7%	2.7%	2.5%
	4.1%	3.9%	3.7%	3.5%	3.3%	3.1%	2.9%
3% but less than 4%	2.7%	2.7%	2.7%	2.7%	2.7%	2.7%	2.5%
	3.9%	3.7%	3.5%	3.3%	3.1%	2.9%	2.7%
4% but less than 5%	2.7%	2.7%	2.7%	2.7%	2.7%	2.5%	2.3%
	3.7%	3.5%	3.3%	3.1%	2.9%	2.7%	2.5%
5% but less than 6%	2.7%	2.7%	2.7%	2.7%	2.7%	2.5%	2.3%
	3.5%	3.3%	3.1%	2.9%			
6% but less than 7%					2.7%	2.5%	2.3%
						2.1%	1.9%

	<del>2.7%</del> 3.3%	<del>2.7%</del> 3.1%	<del>2.7%</del> 2.9%	2.7%	2.5%	<del>1.9%</del> 2.3%	<del>1.7%</del> 2.1%	<del>1.5%</del> 1.9%
7% but less than 8%								
	<del>2.7%</del> 3.1%	<del>2.7%</del> 2.9%	2.7%	2.5%	2.3%	<del>1.7%</del> 2.1%	<del>1.5%</del> 1.9%	<del>1.3%</del> 1.7%
8% but less than 9%								
	<del>2.7%</del> 2.9%	2.7%	2.5%	2.3%	2.1%	<del>1.5%</del> 1.9%	<del>1.3%</del> 1.7%	<del>1.1%</del> 1.5%
9% but less than 10%								
	2.7%	2.5%	2.3%	2.1%	1.9%	<del>1.3%</del> 1.7%	<del>1.1%</del> 1.5%	<del>0.9%</del> 1.3%
10% but less than 11%								
	2.7%	2.3%	2.1%	1.9%	1.7%	<del>1.1%</del> 1.5%	<del>0.9%</del> 1.3%	<del>0.7%</del> 1.1%
11% but less than 12%								
	2.7%	2.1%	1.9%	1.7%	1.5%	<del>0.9%</del> 1.3%	<del>0.7%</del> 1.1%	<del>0.5%</del> 0.9%
12% but less than 13%								
	2.7%	1.9%	1.7%	1.5%	1.3%	<del>0.7%</del> 1.1%	<del>0.5%</del> 0.9%	<del>0.3%</del> 0.7%
13% but less than 14%								
	2.7%	1.7%	1.5%	1.3%	1.1%	<del>0.5%</del> 0.9%	<del>0.3%</del> 0.7%	<del>0.3%</del> 0.5%
14% but less than 15%								
	2.7%	1.5%	1.3%	1.1%	0.9%	<del>0.3%</del> 0.7%	<del>0.3%</del> 0.5%	0.3%
15% but less than 16%								
	2.7%	1.3%	1.1%	0.9%	0.7%	<del>0.3%</del> 0.5%	0.3%	0.3%
16% but less than 17%								
	2.7%	1.1%	0.9%	0.7%	0.5%	0.3%	0.3%	0.3%
17% but less than 18%								
	2.7%	0.9%	0.7%	0.5%	0.3%	0.3%	0.3%	<del>0.2%</del> 0.3%
18% but less than 19%								
	2.7%	0.7%	0.5%	0.3%	0.3%	0.3%	0.3%	<del>0.2%</del> 0.3%
19% and over								
	2.7%	0.5%	0.3%	0.3%	0.3%	0.3%	0.3%	<del>0.2%</del> 0.3%

3. Any employer may voluntarily pay into the unemployment compensation fund an amount in excess of the contributions required to be paid under the provisions of this section and such amount shall be credited to his separate account. His rate of contribution shall be computed or recomputed with such amount included in the calculation. Such contributions voluntarily paid shall not be refunded or used as a credit in the payment of contributions in whole or in part. In no event shall any such amount be included in the computation or recomputation for any year unless it is paid within ~~one-hundred-twenty-days~~ four months after the beginning of such year.

4. If the total benefits chargeable against an employer's account for all periods prior to January first of such calendar year, including benefits paid on or before January first, with respect to weeks of unemployment compensated prior to January first, exceed the total contributions paid by such employer for the same period, including contributions paid on or before January thirty-first with respect to wages paid prior to January first of the same year, his contribution rate for the ensuing calendar year shall be ~~four--and--two-tenths--percent~~ the standard rate.
5. In the bureau's determination of the trust fund reserve ratio, neither the amount ~~of--contribution~~ paid by, nor the cost of benefits charged to, those employers who have elected to pay ~~contributions~~ on a basis other than that which is computed under the provisions of sections 52-04-03 and 52-04-06, shall be taken into account in the computation of contribution rates and taxable wage base.

SECTION 4. EFFECTIVE DATE.) The provisions of this Act shall become effective on January 1, 1979.

SECTION 5. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in effect from and after its passage and approval.

Approved March 13, 1979



## CHAPTER 524

SENATE BILL NO. 2202  
(Committee on Industry, Business and Labor)  
(At the request of the Employment Security Bureau)

UNEMPLOYMENT COMPENSATION RATE  
VARIATIONS

AN ACT to create and enact a new subsection to section 52-04-06 of the North Dakota Century Code, relating to variations in unemployment compensation rates.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1.) A new subsection to section 52-04-06 of the 1977 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

When an employer has a quarterly taxable payroll in excess of fifty thousand dollars and at least three times its established average annual payroll, the tax rate for such employer shall be the standard rate of contribution in effect that year, beginning the first day of the calendar quarter in which it occurred and for the remainder of the calendar year.

Approved March 15, 1979

## CHAPTER 525

SENATE BILL NO. 2204  
(Committee on Industry, Business and Labor)  
(At the request of the Employment Security Bureau)

## UNEMPLOYMENT COMPENSATION BENEFIT ELIGIBILITY

AN ACT to amend and reenact subsection 3 of section 52-06-01 of the North Dakota Century Code, relating to eligibility for unemployment compensation benefits.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Subsection 3 of section 52-06-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. He is able to work and is available for suitable work and actively seeking work; provided,
  - a. That notwithstanding any other provisions in this section, no otherwise eligible individual shall be denied benefits for any week because he is in training with the approval of the bureau by reason of the application of provisions of this subsection relating to availability for work and to active search for work, or the provisions of subsection 3 of section 52-06-02 relating to disqualification for benefits for failure to apply for, or a refusal to accept, suitable work.
  - b. and c. Repealed by S.L. 1973, ch. 391, § 24.
  - d. That an unemployed individual shall not be ineligible with respect to any week of unemployment for failure to comply with the provisions of this subsection, if such failure is due to an illness or disability not covered by workmen's compensation insurance and which occurs during an uninterrupted period of unemployment with respect to which benefits are claimed and no work has been offered the claimant which would have been suitable prior to the beginning of such illness and disability.

Approved March 15, 1979

## CHAPTER 526

SENATE BILL NO. 2232  
(Committee on Industry, Business and Labor)  
(At the request of the Employment Security Bureau)

UNEMPLOYMENT COMPENSATION BENEFIT  
DISQUALIFICATION

AN ACT to amend and reenact subsection 4 of section 52-01-01 and subsection 1 of section 52-06-02 of the North Dakota Century Code; and to repeal subsection 10 of section 52-06-02 of the North Dakota Century Code, relating to disqualification for unemployment compensation benefits.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Subsection 4 of section 52-01-01 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. "Benefits" means the money payments payable to an individual with respect to his unemployment as provided in chapter 52-06 and in the event of a disqualification for benefits as provided for in subsections 1, 2, or 3 of section 52-06-02 the payment of benefits shall be postponed for the period of time prescribed therein ~~or until such postponement is overcome as provided for in subsection 10.~~

SECTION 2. AMENDMENT.) Subsection 1 of section 52-06-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. For the week in which he has filed an otherwise valid claim for benefits after he has left his last employment voluntarily without good cause attributable to the employer, and thereafter until such time as he:
  - {a} a. Can demonstrate that he has earned remuneration for personal services in employment equivalent to at least ~~ten~~ five times his weekly benefit amount as determined under section 52-06-04; and
  - {b} b. Has not left his last work under disqualifying circumstances.

SECTION 3. REPEAL.) Subsection 10 of section 52-06-02 of the North Dakota Century Code is hereby repealed.

Approved March 15, 1979

## CHAPTER 527

SENATE BILL NO. 2339  
(Senators Tennefos, Peterson, Solberg)  
(Representative Kloubec)

### DISQUALIFICATION FOR RECEIVING PENSION BENEFITS

AN ACT to create and enact a new subsection to section 52-06-02 of the North Dakota Century Code, relating to disqualification for unemployment compensation benefits.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1.) A new subsection to section 52-06-02 of the 1977 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

For any week which begins after March 31, 1980, and which begins in a period with respect to which the individual is receiving a governmental or other pension, unless the weekly benefit amount payable to the individual for the week is reduced, but not below zero:

- a. By one-half the prorated weekly amount of the pension if at least one-half the cost of the pension plan was contributed by an employer who employed the individual during the base period, or whose account would be chargeable with any unemployment compensation paid to the individual for the week; or
- b. By the entire prorated weekly amount of the pension if the entire cost of the pension plan was contributed by such an employer; or
- c. By the entire prorated weekly amount of any governmental or other pension except service disability pension, retirement or retired pay, annuity, or any other similar periodic payment which is based on any previous work of the individual if the reduction is required as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act.

Approved March 21, 1979

## CHAPTER 528

SENATE BILL NO. 2229  
(Committee on Industry, Business and Labor)  
(At the request of the Employment Security Bureau)

## WEEKLY AND MAXIMUM BENEFIT AMOUNTS

AN ACT to amend and reenact subsections 1 and 2 of section 52-06-04 of the North Dakota Century Code, relating to unemployment compensation weekly benefit amount and qualifying wages; and to amend and reenact section 52-06-05 of the North Dakota Century Code, relating to maximum potential unemployment compensation benefits.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Subsections 1 and 2 of section 52-06-04 of the 1977 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

1. The procedures, provisions and conditions of this section shall determine the "weekly benefit amount" of those individuals who establish a benefit year on and after the first day of July of 1973:
  - a. For the purpose of this section the bureau shall each year, on or before the first day of June, determine the average annual wage paid to insured workers and, from that determination, an "average weekly wage", by the following computation:

the total wages reported on contribution reports for the preceding calendar year shall be divided by the average monthly number of covered workers, whose number shall be determined by dividing by twelve the total covered employment reported on contribution reports for the preceding calendar year, and the quotient obtained by dividing the total wages by the average monthly number of covered workers shall be the average annual wage; and such quotient shall be divided by fifty-two and the amount thus obtained, rounded to the nearest cent, shall be the "average weekly wage";

- b. An individual's "weekly benefit amount" shall be an amount equal to one twenty-sixth (if not a multiple of one dollar, to be computed to the next higher multiple of one dollar) of ~~his~~ the individual's total wages for insured work paid during the quarter of ~~his~~ the individual's base period in which ~~his~~ the individual's wages were the highest, but in no case to be less than a "minimum weekly benefit amount" of ~~fifteen--dollars~~ eighteen percent of the average weekly wage rounded to the next higher multiple of one dollar if not a multiple of one dollar nor more than a "maximum weekly benefit amount" as hereinafter provided:
- (1) Fifty-five percent of the "average weekly wage", rounded to the next higher multiple of one dollar if not a multiple of one dollar, shall be the "maximum weekly benefit amount" that can be paid to any individual whose benefit year commences on or after the first day of July of 1973.
  - (2) Sixty percent of the "average weekly wage", rounded to the next higher multiple of one dollar if not a multiple of one dollar, shall be the "maximum weekly benefit amount" that can be paid to any individual whose benefit year commences on or after the first day of July of 1975.
  - (3) Sixty-seven percent of the "average weekly wage", rounded to the next higher multiple of one dollar if not a multiple of one dollar, shall be the "maximum weekly benefit amount" that can be paid to any individual whose benefit year commences on or after the first day of July of 1976.
2. To qualify as an insured worker an individual must have been paid wages for insured work in at least two calendar quarters of ~~his~~ the individual's base period totaling not less than forty times the minimum weekly benefit amount ~~and--not--less--than--six--hundred--dollars~~. However, the wage credits of an individual earned during the period commencing with the end of the prior base period and ending on the date on which ~~he~~ the individual filed a valid claim shall not be available for benefit purposes in a subsequent benefit year unless, in addition thereto, such individual has subsequently earned wages for insured work in an amount equal to at least ten times ~~his~~ the individual's current weekly benefit amount.

SECTION 2. AMENDMENT.) Section 52-06-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-06-05. MAXIMUM POTENTIAL BENEFITS.) ~~The--maximum--potential--benefits--for--any--insured--worker--in--a--benefit--year--shall--be--equal--to--eighteen--times--his--weekly--benefit--amount--when--his--qualifying--wages~~

are forty times his weekly benefit amount but less than fifty-five times his weekly benefit amount, and twenty-two times his weekly benefit amount when his qualifying wages are fifty-five times his weekly benefit amount but less than seventy times his weekly benefit amount, and twenty-six times his weekly benefit amount when his qualifying wages are seventy times or over his weekly benefit amount. Any otherwise eligible individual shall be entitled during the individual's benefit year to benefits for the number of times the individual's weekly benefit amount appearing in the following table on the line which includes the individual's ratio of total base period earnings to highest quarter base period earnings:

<u>Ratio of Total Base Period Earnings to High Quarter</u>	<u>Times Weekly Benefit Amount</u>
1.50 to 1.75	12
1.76 to 1.95	14
1.96 to 2.15	16
2.16 to 2.35	18
2.36 to 2.55	20
2.56 to 2.75	22
2.76 to 2.95	24
2.96 or more	26

Not approved or disapproved by the Governor

Filed March 23, 1979

## CHAPTER 529

SENATE BILL NO. 2278  
(Senators Lips, Reiten, Tennesos)  
(Representative Olson)

## BENEFIT ELIGIBILITY NOTIFICATION

AN ACT to provide for notification by the employment security bureau to base-period employers of actual or estimated charges against the base-period employers' accounts.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. DETERMINATION OF ELIGIBILITY - NOTIFICATION OF CHARGES.) The bureau shall, upon determination of an individual's eligibility for benefits chargeable against each base-period employer's account, notify each of the individual's base-period employers, including employers electing to finance benefit payments on a reimbursable basis, of the individual's eligibility and maximum potential charges against the base-period employer's account resulting from the individual's eligibility for benefits.

Approved March 15, 1979



## CHAPTER 530

SENATE BILL NO. 2201  
(Committee on Industry, Business and Labor)  
(At the request of the Employment Security Bureau)

## PRIMARY OASIS BENEFIT

AN ACT to amend and reenact section 52-09-03 of the North Dakota Century Code, relating to the administration of the old-age and survivors insurance system and to amend and reenact subsection D of section 52-09-20 of the North Dakota Century Code, relating to the determination of the primary insurance benefit under the North Dakota old-age and survivor insurance system.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 52-09-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-09-03. ADMINISTRATION.) The ~~North--Dakota-unemployment compensation-division-of-the-employment-security-bureau,-hereinafter called---the---"bureau",~~ agency charged with administering the provisions of the North Dakota Unemployment Compensation Law shall be vested with authority to administer the old-age and survivors insurance system. Expenses for the administration of the old-age and survivor insurance system shall be within the limits of legislative appropriation and funds shall be expended by warrant-checks prepared by the department of accounts and purchases after approval by the state auditing board.

SECTION 2. AMENDMENT.) Subsection D of section 52-09-20 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- D. The term "primary insurance benefit" means an amount equal to the sum of the following:
- (1) (a) Fifty percentum of the amount of an individual's average monthly wage if such average monthly wage does not exceed seventy-five dollars, or (b) if such average monthly wage exceeds seventy-five dollars, fifty percentum of seventy-five dollars, plus fifteen percentum of the amount by which such average monthly

wage exceeds seventy-five dollars and does not exceed two hundred fifty dollars, and

- (2) An amount equal to one percentum of the amount computed under subdivision (1) multiplied by the number of years in which two hundred dollars or more of wages were paid to such individual.
- (3) ~~From--and--after--July-17-1977~~, Effective July 1, 1979 the term "primary insurance benefit" shall be the total of the sums determined in subdivisions (1) and (2) of this subsection plus one hundred ten dollars. Where the primary insurance benefit thus computed is less than one hundred ten dollars, such benefit shall be one hundred ten dollars. Effective July 1, 1980 the term "primary insurance benefit" shall be the total of the sums determined in subdivisions (1) and (2) of this subsection plus one hundred twenty dollars. Where the primary insurance benefit thus computed is less than one hundred twenty dollars, such benefit shall be one hundred twenty dollars. The provisions herein shall apply to valid claims filed before and after the specified date.

Approved March 13, 1979