Fifty-seventh Legislative Assembly of North Dakota In Regular Session Commencing Tuesday, January 9, 2001

HOUSE BILL NO. 1471 (Representatives Ekstrom, Berg, Pietsch) (Senators D. Mathern, T. Mathern)

AN ACT to amend and reenact subsection 3 of section 52-04-05 of the North Dakota Century Code, relating to unemployment compensation employer rates; to provide an effective date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 3 of section 52-04-05 of the North Dakota Century Code is amended and reenacted as follows:

- Except as otherwise provided in this subsection, an employer's rate may not be less 3. than the negative employer minimum rate for a calendar year unless the employer's account has been chargeable with benefits throughout thirty-six-consecutive-calendar-month period ending on September thirtieth of the preceding calendar year. If an employer in construction services has not been subject to the law as required, that employer qualifies for a reduced rate if the account has been chargeable with benefits throughout twenty-four-consecutive-calendar-month period ending September thirtieth of the preceding calendar year. If an employer in nonconstruction services has not been subject to the law as required, the employer in nonconstruction services qualifies for a reduced rate if the account has been chargeable with benefits throughout the twelve-consecutive-calendar-month period ending September thirtieth of the preceding calendar year. During the building of the trust fund reserve, the rate assigned to an employer may not exceed one hundred thirty percent of the previous year's rate for that employer and an employer may not receive more than a ten percent decrease in that employer's rate from the previous year's rate, for the calendar years 2000, 2001, and 2002. However, this rate limitation provision for calendar years 2000, 2001, and 2002 does not apply to an experience-rated employer that was a new employer the previous year, a negative employer that was a positive employer the previous year, a positive employer that was a negative employer the previous year, an employer that has failed to file a report, a new employer, and an employer that chose to make payments in lieu of contributions. During the building of the trust fund reserve for calendar years 2000, 2001, and 2002, a negative employer that was a negative employer the previous year may not make excess contributions under subsection 4 of section 52-04-06 to become a positive employer. executive director may provide any negative employer whose contributions paid into the trust fund are greater than the benefit charges against that employer's account, for a minimum of three consecutive years immediately preceding the computation date or subject to the law as required, with up to a thirty percent reduction to that employer's rate for any year if that employer has in place a plan approved by the bureau which addresses substantive changes to that employer's business operation and ensures that any rate reduction provided will not put the employer account back into a negative status.
 - b. An employer that does not qualify under subdivision a is subject to a rate determined as follows:
 - (1) For each calendar year new employers must be assigned a rate that is one hundred fifty percent of the positive employer maximum rate or a rate of one percent, whichever is greater, unless the employer is classified in construction services. However, an employer must be assigned within the negative

- employer rate ranges for any year if, as of the computation date, the cumulative benefits charged to that employer's account equal or exceed the cumulative contributions paid on or before October thirty-first with respect to wages paid by that employer before October first of that year.
- (2) New employers in construction services must be assigned the negative employer maximum rate.
- (3) Assignment by the bureau of an employer's industrial classification for the purposes of this section must be the two-digit major group provided in the standard industrial classification manual, in accordance with established classification practices found in the standard industrial classification manual issued by the executive office of the president, office of management and budget.
- **SECTION 2. EFFECTIVE DATE.** This Act is retroactively effective to January 1, 2000.
- **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.

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	Speaker of the House			President of the Senate				
	Chief Clerk of the House				Secretary of the Senate			
Legislative	Assembly	of North Dak	ota and is knov	vn on the	se of Representati records of that boo epresentatives vote	ly as Ho	ouse Bill No. 1471	
Vote:	Yeas	92	Nays	0	Absent	6		
	Speaker of the House				Chief Clerk of the House			
This certifi	es that two-	thirds of the i	members-elect	of the Se	enate voted in favor	of said	law.	
Vote:	Yeas	43	Nays	1	Absent	5		
President of the Senate					Secretary of the Senate			
Received by the Governor at M. on							_, 2001.	
Approved at M. on							_, 2001.	
				- (Governor			
Filed in this office this day of							_, 2001,	
at	o'clock _	M.						
				-	Secretary of State			