

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.