

SOCIAL WELFARE

CHAPTER 294

H. B. No. 851
(Delayed Bills Committee)

TITLE TO REAL PROPERTY ACQUIRED WITH FEDERAL FUNDS BY UNEMPLOYMENT COMPENSATION DIVISION AND/OR STATE EMPLOYMENT SERVICE TO VEST IN NORTH DAKOTA

AN ACT

To create section 52-0216 relating to title to real property acquired with federal funds.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.) Section 52-0216 of the North Dakota Revised Code of 1943 is hereby created to read as follows:

52-0216. TITLE TO REAL PROPERTY ACQUIRED WITH FEDERAL FUNDS.) The state of North Dakota is hereby authorized to receive and accept title to real property which may be acquired under rental purchase agreements executed or to be executed by the bureau for the North Dakota unemployment compensation division and/or the North Dakota state employment service; provided, however, that such property shall be acquired without appropriation by the state of North Dakota and the cost thereof shall be defrayed by federal funds made available for the administration of the act; sufficiency of title to any property acquired hereunder shall be approved by the attorney general prior to conveyance by general warranty deed to the state of North Dakota; Provided, further, that any property acquired under authority hereof shall be utilized primarily for the use and benefit of the North Dakota unemployment compensation division and/or the North Dakota state employment service, or its successors and after acquisition thereof said property may be occupied by said North Dakota unemployment compensation division and/or the North Dakota state employment service at no cost other than maintenance.

Approved March 5, 1953.

CHAPTER 295

H. B. No. 543
(Legislative Research Committee)
(at the request of)
(The Workmen's Compensation Bureau)

RATES AND BASE OF WAGE CONTRIBUTIONS
PAID BY EMPLOYER

AN ACT

To amend and reenact section 52-0403 of chapter 294 of the North Dakota Session Laws of 1951, relating to employer's contributions under the unemployment compensation law.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.) Section 52-0403 of chapter 294 of the North Dakota session laws of 1951 is hereby amended and reenacted to read as follows:

52-0403. RATES AND BASE OF CONTRIBUTIONS OF WAGES PAID BY EMPLOYER.) Each employer shall pay contributions equal to two and seven-tenths per cent of wages paid by him during the calendar year with respect to employment, except as otherwise provided in this chapter. For the purposes of this chapter and subsequent to January 1, 1951, wages shall not include that part of remuneration which after remuneration equal to three thousand dollars has been paid in a calendar year to an individual by an employer or his predecessor with respect to employment during any calendar year, is paid to such individual by such employer during such calendar year unless that part of the remuneration is subject to a tax under a federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund. For the purpose of this chapter, the term employment shall include service constituting employment under any employment security law of another state or of the federal government.

Approved February 17, 1953.

CHAPTER 296

H. B. No. 544
(Legislative Research Committee)
(at the request of the)
(Workmen's Compensation Bureau)

VARIATIONS IN STANDARD RATES OF CONTRIBUTIONS
IN UNEMPLOYMENT COMPENSATION

AN ACT

To amend and reenact subsection 1 of section 52-0406 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to unemployment compensation.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.) Subsection 1 of section 52-0406 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

1. (a) For the calendar year 1954 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. If such ratio is:
 - a. Less than nine per cent, the schedule of rates at column I will be in effect;
 - b. Nine percent but less than ten percent, the schedule of rates at column II will be in effect;
 - c. Ten percent or more, the schedule of rates at column III will be in effect.

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. Such employer's contribution rate for the ensuing calendar year 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:

Employer's Reserve Ratio	Column I	Column II	Column III
Less than 1%	2.7	2.7	2.7
1% but less than 2%.....	2.7	2.7	2.5
2% but less than 3%.....	2.7	2.5	2.3
3% but less than 4%.....	2.5	2.3	2.1
4% but less than 5%.....	2.3	2.1	1.9
5% but less than 6%.....	2.1	1.9	1.7
6% but less than 7%.....	1.9	1.7	1.5
7% but less than 8%.....	1.7	1.5	1.3
8% but less than 9%.....	1.5	1.3	1.1
9% but less than 10%.....	1.3	1.1	.9
10% but less than 11%.....	1.1	.9	.7
11% but less than 12%.....	.9	.7	.5
12% but less than 13%.....	.7	.5	.3
13% but less than 14%.....	.5	.3	.1
14% but less than 15%.....	.3	.1	.1
15% or over1	.1	.1

(b) 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 after the beginning of such year.

Approved March 11, 1953.

CHAPTER 297

S. B. No. 48
(Legislative Research Committee)
(at the request of the)
(North Dakota Workmen's Compensation Bureau)

BENEFITS AND EXEMPTIONS, UNEMPLOYMENT
COMPENSATION

AN ACT

To amend and reenact section 52-0407 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to benefits and exemptions under the unemployment compensation law and repealing subsections 9 and 10 of section 52-0602 of the 1949 Supplement to the North Dakota Revised Code of 1943.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.) Section 52-0407 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

52-0407. BENEFITS PAID CHARGEABLE TO ACCOUNTS OF BASE-PERIOD EMPLOYERS; EXEMPTIONS.)

1. Benefits paid to an individual shall be charged against the accounts of his base-period employers. The amount of benefits so chargeable against each base-period employer's account shall bear the same ratio to the total benefits paid to an individual as the base-period wages paid to the individual by such employer bear to the total amount of the base-period wages paid to the individual by all his base-period employers.
2. Notwithstanding the provisions of subsection 1 of this section, an employer's account shall not be charged with benefits paid an individual if it is found by the bureau that such benefits are based on wages earned from such employer prior to the individual's separation from work from such employer by reason of his discharge for misconduct connected with his work or voluntary leaving without good cause or with good cause not involving fault on the part of such employer.

§ 2. REPEAL.) Subsections 9 and 10 of section 52-0602 of the 1949 Supplement to the North Dakota Revised Code of 1943 are hereby repealed.

Approved March 13, 1953.

CHAPTER 298

H. B. No. 545

(Legislative Research Committee)

(at the request of the)

(North Dakota Workmen's Compensation Bureau)

DISQUALIFICATION FOR UNEMPLOYMENT
COMPENSATION BENEFITS

AN ACT

To amend and reenact subsections 1, 2 and 6 of section 52-0602 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to disqualification for benefits under the unemployment compensation law.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.) Subsection 1 of section 52-0602 of the 1949 Supplement to the North Dakota Revised Code of 1943 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, and for not more than the seven consecutive weeks which immediately follow the week in which said valid claim was filed, as determined according to the circumstances in each case;

§ 2. AMENDMENT.) Subsection 2 of section 52-0602 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

2. For the week in which he has filed an otherwise valid claim for benefits after he has been discharged for misconduct in connection with his last employment, and for not more than the ten consecutive weeks which immediately follow the week in which said valid claim was filed, as determined according to the circumstances in each case;

§ 3. AMENDMENT.) Subsection 6 of section 52-0602 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

6. For any week of unemployment if such individual has left his most recent work for the purposes of attending an educational institution; or if the individual is a student registered for full attendance at and is regularly attending an established school, college or university, or is on vacation within the school term.

Approved February 17, 1953.

CHAPTER 299

S. B. No. 47
(Legislative Research Committee)
(at the request of the)
(Unemployment Compensation Division of the)
(North Dakota Workmen's Compensation Bureau)

AMOUNTS OF UNEMPLOYMENT COMPENSATION BENEFITS

AN ACT

To amend and reenact section 52-0604 of chapter 293 of the 1951 Session Laws of the State of North Dakota, relating to amount of benefits, qualifying wage and definitions under the unemployment compensation law.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.) Section 52-0604 of chapter 293 of the 1951 session laws of the state of North Dakota relating to amount of benefits, qualifying wage and definitions under the unemployment compensation law.

52-0604. AMOUNT OF BENEFITS: TABLE; QUALIFYING WAGE; DEFINITIONS.)

1. WEEKLY BENEFIT AMOUNT. Except as provided in subsection 2 of this section an insured worker's basic weekly benefit amount shall be the amount in column B of the table in this subsection on the line on which, in column A, there appears his total wages paid for insured work in that quarter of his base period in which such total wages were highest; and his augmented benefit amount, if he has dependents, shall be the amount on the same line in the column E, F, or G of the table in this subsection which shows the number of his dependents. The number of dependents shall be determined as of the day with respect to which he first files a request for a determination of insured status in any benefit year, and shall be fixed for the duration of such benefit year, and for the duration of such benefit year no dependent who has been included in the determination shall be included as a dependent in any determination which is made on behalf of another insured worker.

No dependent's allowance shall be payable with respect to any week unless unemployment benefits are also payable with respect to such week.

Column A High Quarter Wages	Column B Basic Weekly Benefit Amount	Column C Minimum Qualifying Wage	Column D Maximum Potential Basic Benefits
\$ 52.50-\$168.00	\$ 7	\$210	\$140
168.01- 192.00	8	240	160
192.01- 216.00	9	270	180
216.01- 240.00	10	300	200
240.01- 264.00	11	330	220
264.01- 288.00	12	360	240
288.01- 312.00	13	390	260
312.01- 336.00	14	420	280
336.01- 360.00	15	450	300
360.01- 384.00	16	480	320
384.01- 408.00	17	510	340
408.01- 432.00	18	540	360
432.01- 456.00	19	570	380
456.01- 480.00	20	600	400
480.01- 504.00	21	630	420
504.01- 528.00	22	660	440
528.01- 552.00	23	690	460
552.01- 576.00	24	720	480
576.01- 602.00	25	750	500
602.01- and over	26	780	520

Augmented Weekly Benefit Amount

Column E 1 Dependent	Column F 2 Dependents	Column G 3 or more Dependents
\$ 9	\$10	\$10
10	12	12
11	13	13
12	14	15
13	15	16
14	16	18
15	17	19
16	18	20
17	19	21
18	20	22
19	21	23
20	22	24
21	23	25
22	24	26
23	25	27
24	26	28
25	27	29
26	28	30
27	29	31
28	30	32

Approved March 11, 1953.

CHAPTER 300

S. B. No. 49
(Legislative Research Committee)
(at the request of the)
(Unemployment Compensation Division of the Workmen's)
(Compensation Bureau)

NOTICE OF APPEAL; APPEAL; REVIEW OF APPEAL
TRIBUNAL'S DECISION BY BUREAU IN UNEM-
PLOYMENT COMPENSATION CASES

AN ACT

To amend and reenact sections 52-0613, 52-0615 and 52-0619 of the North Dakota Revised Code of 1943, relating to notice of appeal from determination, appeal tribunal's decision and review of decision of appeal tribunal by the Bureau as used in the North Dakota Unemployment Compensation Law.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.) Section 52-0613 of the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

52-0613. NOTICE OF APPEAL FROM DETERMINATION; FILING; HEARING; SPECIAL NOTICE REQUIRED.) The claimant or any other party entitled to a notice of a determination as provided in this title may file an appeal from such determination with the appeal tribunal within twelve days after the date of mailing of the notice to his last known address or, if such notice is not mailed, within twelve days after the service of such notice. Unless the appeal is withdrawn with the permission of the appeal tribunal or is removed to the bureau, the appeal tribunal after affording the parties reasonable opportunity for a fair hearing shall make findings and conclusions and on the basis thereof shall affirm, modify, or reverse such determination. Whenever an appeal involves a question as to whether services were performed by claimant in employment or for an employer, the tribunal shall give special notice of such issue and of the pendency of the appeal to the employing unit and to the bureau, both of whom thenceforth shall be parties to the proceeding and shall be afforded a reasonable opportunity to adduce evidence bearing on such question.

§ 2. AMENDMENT.) Section 52-0615 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

52-0615. APPEAL TRIBUNAL'S DECISION: COPY TO BE FURNISHED; TO BE FINAL; EXCEPTION.) The parties shall be notified promptly of an appeal tribunal's decision upon an appeal taken as is provided in section 52-0613 and shall be furnished with a copy of the decision and the findings and conclusions in support thereof. Such decision shall be final unless, within twelve days after the date of mailing the notice thereof to the party's last known address, or in the absence of such mailing, within twelve days after the delivery of such notice, further review is initiated pursuant to section 52-0616, subsection 3.

§ 3. AMENDMENT.) Section 52-0619 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

52-0619. REVIEW OF DECISION OF APPEAL TRIBUNAL BY THE BUREAU.) The bureau, on its own motion, and within the time specified in section 52-0615, may initiate a review of the decision of the appeal tribunal or may allow an appeal from such decision upon an application filed within such time by any party entitled to notice of such decision. An appeal filed by such parties shall be allowed as a matter of right if such decision was not unanimous, or if the examiner's determination was not affirmed by the appeal tribunal. Upon a review on its own motion, or upon an appeal, the bureau upon the basis of the evidence previously submitted in such case or upon the basis of such additional evidence as it may direct to be taken, may affirm, modify, or reverse the findings and conclusions of the appeal tribunal. The bureau may remove to itself or transfer to another appeal tribunal the proceedings on any claim pending before an appeal tribunal. Any proceedings removed to the bureau prior to the completion of a fair hearing shall be heard by the bureau in the same manner as proceedings before an appeal tribunal. The bureau shall notify promptly the parties to any proceeding before it of its decision, including its findings and conclusions in support thereof. Such decision shall be final unless within twelve days after the mailing of a notice thereof to the party's last known address, or in the absence of such mailing, within twelve days after service of such notice, a proceeding for a judicial review is initiated pursuant to section 52-0627. Upon a denial by the bureau of an application for appeal from the decision of the appeal tribunal, the decision of the appeal tribunal shall be deemed to be a decision of the bureau within the meaning of this section for the purposes of judicial review and shall be subject to judicial review within the time and in the manner provided with respect to decisions of the bureau, except that the time for initiating such review shall run from the date of notice of the order by the bureau denying the application for appeal.

Approved March 16, 1953.

CHAPTER 301

H. B. No. 546
(Legislative Research Committee)
(at the request of)
(Unemployment Compensation Division of the Workmen's)
(Compensation Bureau)

DEDUCTIONS FROM AND ADDITIONS TO UNEMPLOYMENT
COMPENSATION BENEFITS

AN ACT

To amend and reenact subsection D and to create subsection G of section 52-0915 and to amend and reenact subdivision 1 of subsection F of section 52-0920 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to retirement of public employees.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.) Subsection D of section 52-0915 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

- D. Deductions, in such amounts and at such time or times as the bureau shall determine, shall be made from any payment or payments under this chapter to which an individual is entitled, until the total of such deductions equals such individual's benefit or benefits for any month in which:
- (1) a child under eighteen and over sixteen years of age, failed to attend school regularly and the bureau finds that attendance was feasible; or
 - (2) a widow entitled to a widow's current insurance benefit did not have in her care a child of her deceased husband entitled to receive a child's insurance benefit.
 - (3) Such individual rendered services for the state of North Dakota or any of its political subdivisions or instrumentalities for wages of seventy-five dollars or more.

§ 2. AMENDMENT.) Subsection G of section 52-0915 of the 1949 Supplement to the North Dakota Revised Code of 1943, is hereby created to read as follows:

G. A wife or child entitled to a wife's or child's insurance benefit will not be entitled to a benefit for any month in which the individual, with respect to whose wages such benefit was payable, rendered services for the state of North Dakota or any of its political subdivisions or instrumentalities, for wages of seventy-five dollars or more.

§ 3. AMENDMENT.) Subdivision 1 of subsection F of section 52-0920 of the 1949 Supplement to the North Dakota Revised Code of 1943 as amended is hereby amended and reenacted to read as follows:

1. He had not less than one quarter of coverage for each of two of the quarters elapsing after July 1, 1947, and up to but excluding the quarter in which he retired after he had obtained the age of sixty-five, or died, whichever first occurred; or

Approved February 17, 1953.

CHAPTER 302

S. B. No. 55

(Legislative Research Committee)

(at the request of the)

(Unemployment Compensation Division of the Workmen's)

(Compensation Bureau)

REFUNDS OF OLD AGE AND SURVIVOR'S INSURANCE SYSTEM

AN ACT

To amend and reenact subsection A of section 52-0921 of the 1949 Supplement to the North Dakota Revised Code of 1943 relating to refunds as used in the North Dakota old age and survivor insurance system law.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.) Subsection A of section 52-0921 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

52-0921. REFUNDS.)

A. Any individual, who has not been employed in at least

1. half of the twelve quarters immediately preceding the quarter in which he terminated his employment, or
2. one-half the quarters elapsing after July 1, 1947, and up to, but excluding the quarter in which he terminated his employment

may withdraw from the fund, or his eligible survivor may withdraw from the fund, the employee's individual contributions paid to said fund for such period of employment, without interest. Any individual who receives a refund under this subsection will not be entitled to credit for a benefit determination for any quarter or quarters for which a refund has been paid.

Approved March 6, 1953.

CHAPTER 303

H. B. No. 669

(Haugland, Lynch, Gefreh, Larson of Burleigh,
(Bourgeois, Brown, Thompson and Haugen)

COVERAGE UNDER OLD AGE AND SURVIVORS INSURANCE SYSTEM

AN ACT

To amend and reenact subsection M of section 52-0920 of the 1949 Supplement to the North Dakota Revised Code of 1943, as amended and reenacted by chapter 298 of the 1951 Session Laws, relating to coverage under the state old age and survivors insurance system of North Dakota, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.) Section 52-0920 of the 1949 Supplement to the North Dakota Revised Code of 1943, as amended and reenacted by chapter 298 session laws of 1951, is hereby amended and reenacted to read as follows:

52-0920. SUBDIVISION M. COVERAGE OF OLD AGE AND SURVIVORS INSURANCE SYSTEM.) M. Members of the state legislative assembly, officials of the state, city, village, township, county, and other governmental instrumentalities elected by the vote of the people may be covered by this act. Employees who are members of any other retirement system in the state which is maintained in whole or in part by public contributions unless such political subdivision or its instrumentalities as a whole elect to adopt this system are exempt from the provisions of this Act. Such officials may individually elect to adopt this

system by application to the bureau for such coverage. Such coverage may, at the option of the applicant, be made retroactive to January 1, 1950, upon payment by the applicant of his accrued contribution for the retroactive period. Any such official who has heretofore in good faith made such payment shall automatically be covered from January 1, 1950, upon proof of such payment.

§ 2. EMERGENCY.) This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 4, 1953.

CHAPTER 304

S. B. No. 215
(Thomas and Schoeder)

OLD AGE AND SURVIVOR INSURANCE COVERAGE FOR CIVILIAN EMPLOYEES OF THE NORTH DAKOTA NATIONAL GUARD

AN ACT

To create subdivision 3 of subsection B of section 52-0920 of the 1949 Supplement to the North Dakota Revised Code of 1943, authorizing the director of the unemployment compensation division to enter into an agreement with the social security administrator for old age and survivor insurance coverage for civilian employees of the North Dakota national guard.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.) Subdivision 3 of subsection B of section 52-0920 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby created to read as follows:

3. The director of the North Dakota unemployment compensation division is hereby authorized to enter into an agreement with the federal security agency, social security administration, bureau of old age and survivors insurance to provide coverage for national guard state civilian employees under the old age and survivor insurance provisions of the social security act as provided in section 218 of the social security act amendments of 1950. (Public Law 734, 81st congress). For the purposes of the agreement the director is authorized to make such collections, contributions and reports as may be required by the federal agency under the terms of the agreement.

Approved March 13, 1953.