

# SOCIAL SECURITY

## CHAPTER 475

SENATE BILL NO. 2228  
(Hernett, Sanstead)

### UNEMPLOYMENT COMPENSATION DEFINITIONS

AN ACT to create and enact subdivisions h and i of subsection 11 of section 52-01-01, subdivisions f, g, h, i, j, k of subsection 13 of section 52-01-01, paragraphs (10) and (11) of subdivision i of subsection 15 of section 52-01-01, subsections 28, 29, and 30 of section 52-01-01, section 52-04-18, section 52-04-19, section 52-04-20, and subsection 11 of section 52-06-02 of the North Dakota Century Code, relating to unemployment compensation definitions and benefits, and to amend and reenact subsection 4 of section 52-01-01, subdivisions a, b, c, e, f, g of subsection 11 of section 52-01-01, subdivision a of subsection 13 of section 52-01-01, subdivision a of subsection 15 of section 52-01-01, paragraphs (1) and (5) of subdivision i of subsection 15 of section 52-01-01, section 52-04-07, subdivision a of subsection 3 of section 52-06-01 and subsection 6 of section 52-06-02 of the North Dakota Century Code, subdivision e of subsection 13 of section 52-01-01 and section 52-05-03 of the 1969 Supplement to the North Dakota Century Code, relating to unemployment compensation definitions, accounts, coverage and benefits, and to repeal subdivision c of subsection 15 of section 52-01-01 and subsection 17 of section 52-01-01 of the North Dakota Century Code, relating to unemployment compensation definitions.

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

SECTION 1.) Subdivisions h and i of subsection 11 of section 52-01-01 of the North Dakota Century Code are hereby created and enacted to read as follows:

- h. Any employing unit for which service in employment, as defined in section 52-01-01, subsection 13, subdivision f, is performed after December 31, 1971;
- i. Any employing unit for which service in employment, as defined in section 52-01-01, subsection 13, subdivision g, is performed after December 31, 1971.

SECTION 2.) Subdivisions f, g, h, i, j and k of subsection 13 of section 52-01-01 of the North Dakota Century Code are hereby created and enacted to read as follows:

- f. Service performed after December 31, 1971 by an individual in the employ of this State or any of its instrumentalities (or in the employ of this State and one or more other states or their instrumentalities) for a hospital or institution of higher education located in this State provided that such service is excluded from "employment" as defined in the Federal Unemployment Tax Act solely by reason of section 3306(c)(7) of that Act and is not excluded from "employment" under subdivision h herein.
- g. Service performed after December 31, 1971 by an individual in the employ of a religious, charitable, educational or other organization but only if the following conditions are met:
  - (1) the service is excluded from "employment" as defined in the Federal Unemployment Tax Act solely by reason of section 3306(c)(8) of that Act; and
  - (2) the organization had four or more individuals in employment for some portion of a day in each of twenty different weeks, whether or not such weeks were consecutive, within either the current or preceding calendar year, regardless of whether they were employed at the same moment of time.
- h. For the purposes of subdivisions f and g herein the term "employment" does not apply to service performed
  - (1) in the employ of
    - (a) a church or convention or association of churches, or
    - (b) an organization which is operated primarily for religious purposes and which is operated, supervised, controlled or principally supported by a church or convention or association of churches; or
  - (2) by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or
  - (3) in the employ of a school which is not an institution of higher education; or
  - (4) in a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or

- physical or mental deficiency or injury or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work; or
- (5) as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any Federal agency or an agency of a State or political subdivision thereof, by an individual receiving such work relief or work training; or
  - (6) for a hospital in a State prison or other State correctional institution by an inmate of the prison or correctional institution.
- i. The term "employment" shall include the service of an individual who is a citizen of the United States, performed outside the United States (except in Canada or the Virgin Islands), after December 31, 1971 in the employ of an American employer (other than service which is deemed "employment" under the provisions of subdivision b of this subsection and subsection 14 of this section or the parallel provisions of another State's law), if:
- (1) the employer's principal place of business in the United States is located in this State; or
  - (2) the employer has no place of business in the United States, but
    - (a) the employer is an individual who is a resident of this State; or
    - (b) the employer is a corporation which is organized under the laws of this State; or
    - (c) the employer is a partnership or a trust and the number of the partners or trustees who are residents of this State is greater than the number who are residents of any one other State; or
  - (3) none of the criteria of paragraph (1) and (2) of this subdivision is met but the employer has elected coverage in this State or, the employer having failed to elect coverage in any State, the individual has filed a claim for benefits, based on such service, under the law of this State.

- (4) An "American employer", for purposes of this subdivision, means a person who is
- (a) an individual who is a resident of the United States; or
  - (b) a partnership if two-thirds or more of the partners are residents of the United States; or
  - (c) a trust, if all of the trustees are residents of the United States; or
  - (d) a corporation organized under the laws of the the United States or of any State.
- (5) The term "United States" for purposes of this subdivision includes the States, the District of Columbia, and the Commonwealth of Puerto Rico.
- j. Notwithstanding subdivision b of this subsection, all service performed after December 31, 1971 by an officer or member of the crew of an American vessel on or in connection with such vessel, if the operating office, from which the operations of such vessel operating on navigable waters within, or within and without, the United States are ordinarily and regularly supervised, managed, directed and controlled is within this State; and
- k. Notwithstanding any other provisions of this subsection, service with respect to which a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a State unemployment fund or which as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act is required to be covered under the North Dakota Unemployment Compensation Law.

SECTION 3.) Paragraphs (10) and (11) of subdivision i of subsection 15 of section 52-01-01 of the North Dakota Century Code are hereby created and enacted to read as follows:

- (10) By an individual under the age of twenty-two who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except that this paragraph shall not apply to service performed in a program established

for or on behalf of an employer or group of employees;

- (11) In the employ of a hospital, if such service is performed by a patient of the hospital, as defined in subsection 29 of this section.

SECTION 4.) Subsections 28, 29 and 30 of section 52-01-01 of the North Dakota Century Code are hereby created and enacted to read as follows:

- 28. "Institution of higher education", for the purposes of the North Dakota Unemployment Compensation Law, means an educational institution which
  - a. admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate; and
  - b. is legally authorized in this State to provide a program of education beyond high school; and
  - c. provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, a program of post-graduate or post-doctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation; and
  - d. is a public or other nonprofit institution.
  - e. Notwithstanding any of the foregoing provisions of this subsection, all colleges and universities in this State are institutions of higher education for purposes of the North Dakota Unemployment Compensation Law.
- 29. "Hospital" means an institution which has been licensed as a hospital by the licensing authority of the State of North Dakota.
- 30. "Extended benefits" means benefits (including benefits payable to Federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) payable to an individual under the provisions of chapter 52-07.1 for weeks of unemployment in his eligibility period.

SECTION 5.) Section 52-04-18 of the North Dakota Century Code is hereby created and enacted to read as follows:

52-04-18. FINANCING BENEFITS PAID TO EMPLOYEES OF NONPROFIT ORGANIZATIONS.) Benefits paid to employees of nonprofit organizations shall be financed in accordance with the provisions of this

section. For the purpose of this section, a nonprofit organization is an organization (or group of organizations) described in section 501(c)(3) of the U. S. Internal Revenue Code which is exempt from income tax under section 501(a) of such Code.

1. "Liability for contributions and election of reimbursement." Any nonprofit organization which, pursuant to section 52-01-01, subsection 11, subdivision i, is, or becomes, subject to the North Dakota Unemployment Compensation Law on or after January 1, 1972 shall pay contributions under the provisions of chapter 52-04, unless it elects, in accordance with this subsection, to pay to the bureau for the unemployment fund an amount equal to the amount of regular benefits and of one-half of the extended benefits paid, that is attributable to service in the employ of such nonprofit organization, to individuals for weeks of unemployment which begin during the effective period of such election.
  - a. Any nonprofit organization which is, or becomes, subject to the North Dakota Unemployment Compensation Law on January 1, 1972 may elect to become liable for payments in lieu of contributions for a period of not less than one taxable year beginning with January 1, 1972 provided it files with the bureau a written notice of its election within the thirty day period immediately following such date or within a like period immediately following the date of enactment of this subdivision, whichever occurs later.
  - b. Any nonprofit organization which becomes subject to the North Dakota Unemployment Compensation Law after January 1, 1972 may elect to become liable for payments in lieu of contributions for a period of not less than twelve months beginning with the date on which such subjectivity begins by filing a written notice of its election with the bureau not later than thirty days immediately following the date of the determination of such subjectivity.
  - c. Any nonprofit organization which makes an election in accordance with subdivision a or subdivision b of this subsection will continue to be liable for payments in lieu of contributions until it files with the bureau a written notice terminating its election not later than thirty days prior to the beginning of the taxable year for which such termination shall first be effective.
  - d. Any nonprofit organization which has been paying contributions under the North Dakota Unemployment

Compensation Law for a period subsequent to January 1, 1972 may change to a reimbursable basis by filing with the bureau not later than thirty days prior to the beginning of any taxable year a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminable by the organization for that and the next year.

- e. The bureau may for good cause extend the period within which a notice of election, or a notice of termination, must be filed and may permit an election to be retroactive but not any earlier than with respect to benefits paid after December 31, 1969.
  - f. The bureau, in accordance with such regulations as it may prescribe, shall notify each nonprofit organization of any determination which it may make of its status as an employer and of the effective date of any election which it makes and of any termination of such election. Such determinations shall be subject to reconsideration, appeal and review in accordance with administrative regulations of the bureau established for appeals from determinations on claims for benefits and thereafter the decision of the bureau shall be subject to judicial review as provided for in chapter 52-06 of the North Dakota Century Code.
2. "Reimbursement payments." Payments in lieu of contributions shall be made in accordance with the provisions of this subsection including either subdivision a or subdivision b herein.
- a. At the end of each calendar quarter, or at the end of any other period as determined by the bureau, the bureau shall bill each nonprofit organization (or group of such organizations) which has elected to make payments in lieu of contributions for an amount equal to the full amount of regular benefits plus one-half of the amount of extended benefits paid during such quarter or other prescribed period that is attributable to service in the employ of such organization.
  - b. An alternative method for reimbursement payments may be as follows:
    - (1) Each nonprofit organization that has elected payments in lieu of contributions may request permission to make such payments as hereinafter provided. Such method of payment shall become effective upon approval by the bureau;

- (2) At the end of each calendar quarter, the bureau shall bill each nonprofit organization for an amount representing one of the following:
    - (a) For 1972, two-tenths of one percent of its total payroll for 1971.
    - (b) For years after 1972, such percentage of its total payroll for the immediately preceding calendar year as the bureau shall determine. Such determination shall be based each year on the average benefit costs attributable to service in the employ of nonprofit organizations during the preceding calendar year.
    - (c) For any organization which did not pay wages throughout the four calendar quarters of the preceding calendar year, such percentage of its payroll during such year as the bureau shall determine;
  - (3) At the end of each taxable year, the bureau may modify the quarterly percentage of payroll thereafter payable by the nonprofit organization in order to minimize excess or insufficient payments; and
  - (4) At the end of each taxable year, the bureau shall determine whether the total of payments for such year made by a nonprofit organization is less than, or in excess of, the total amount of regular benefits plus one-half of the amount of extended benefits paid to individuals during such taxable year based on wages attributable to service in the employ of such organization. Each nonprofit organization whose total payments for such year are less than the amount so determined shall be liable for payment of the unpaid balance to the fund in accordance with subdivision c. If the total payments exceed the amount so determined for the taxable year, all or a part of the excess may, at the discretion of the bureau, be refunded from the fund or retained in the fund as part of the payments which may be required for the next taxable year.
- c. Payment of any bill rendered under subdivision a or subdivision b shall be made not later than thirty days after such bill was mailed to the last known address of the nonprofit organization or was otherwise delivered to it, unless there has been an application for review in accordance with subdivision e.



- d. Payments made by any nonprofit organization under the provisions of this subsection shall not be deducted or deductible, in whole or in part, from the remuneration of individuals in the employ of the organization.
  - e. The amount due specified in any bill from the bureau shall be conclusive on the organization unless, not later than fifteen days after the bill was mailed to the last known address or otherwise delivered to it, the organization files an appeal with the bureau setting forth the grounds for such appeal. Proceedings on appeal to the bureau from the amount of a bill rendered under this subsection shall be in accordance with administrative regulations of the bureau and thereafter the decision of the bureau shall be subject to judicial review as provided for in chapter 52-06.
  - f. Past due payments of amounts in lieu of contributions shall be subject to the same interest, delinquency fee and penalties that, pursuant to chapter 52-04 apply to past due contributions.
3. "Authority to terminate elections." If any nonprofit organization is delinquent in making payments in lieu of contributions as required under subsection 2 of this section, the bureau may terminate such organization's election to make payments in lieu of contributions as of the beginning of the next taxable year, and such termination shall be effective for that and the next taxable year.
  4. "Allocation of benefit costs." Each employer that is liable for payments in lieu of contributions shall pay to the bureau for the fund the amount of regular benefits plus the amount of one-half of extended benefits paid that are attributable to service in the employ of such employer. If benefits paid to an individual are based on wages paid by more than one employer and one or more of such employers are liable for payments in lieu of contributions, the amount payable to the fund by each employer that is liable for such payments shall be determined in accordance with the provisions of subdivision a or subdivision b of this subsection.
    - a. "Proportionate allocation (when fewer than all base-period employers are liable for reimbursement)." If benefits paid to an individual are based on wages paid by one or more employers that are liable for payments in lieu of contributions and on wages paid by one or more employers who are liable for contributions, the amount of

benefits payable by each employer that is liable for payments in lieu of contributions shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base-period wages paid to the individual by such employer bear to the total base-period wages paid to the individual by all of his base-period employers.

- b. "Proportionate allocation (when all base-period employers are liable for reimbursement)." If benefits paid to an individual are based on wages paid by two or more employers that are liable for payments in lieu of contributions, the amount of benefits payable by each such employer shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base period wages paid to the individual by such employer bear to the total base period wages paid to the individual by all of his base period employers.
5. Notwithstanding any provisions in this section, any nonprofit organization that prior to January 1, 1969, paid contributions required by chapter 52-04, and elects, within thirty days after the effective date of this section, to make payments in lieu of contributions, shall not be required to make any such payment on account of any regular or extended benefits paid, on the basis of wages paid by such organization to individuals for weeks of unemployment which begin on or after the effective date of such election until the total amount of such benefits equals the amount of the positive balance in the experience rating account of such organization.

SECTION 6.) Section 52-04-19 of the North Dakota Century Code is hereby created and enacted to read as follows:

52-04-19. FINANCING BENEFITS PAID TO EMPLOYEES OF THE STATE HOSPITALS OR STATE INSTITUTIONS OF HIGHER EDUCATION.) Benefits paid to employees of the state hospitals or of state institutions of higher education shall be financed in accordance with the provisions of this section. For the purpose of this section and section 52-01-01, subsection 11, subdivision h, an institution of higher education means an educational institution defined in section 52-01-01, subsection 28 and a state hospital means an institution defined in section 52-01-01, subsection 29.

1. "Liability for contributions and election of reimbursement." An employing unit which, pursuant to section 52-01-01, subsection 11, subdivision h, is, or becomes, subject to the North Dakota Unemployment Compensation Law on or after January 1, 1972 shall pay contributions

under the provisions of chapter 52-04, unless it elects as hereafter provided to pay to the bureau for the unemployment fund:

- a. An amount equal to the amount of regular benefits and of one-half of the extended benefits paid, that is attributable to service in the employ of such state hospital or such state institution of higher education, to individuals for weeks of unemployment which begin during the effective period of such election. Payments in lieu of contributions shall be made at the end of each calendar quarter or at the end of any other period determined by the bureau.

SECTION 7.) Section 52-04-20 of the North Dakota Century Code is hereby created and enacted to read as follows:

52-04-20. GROUP ACCOUNTS.) Two or more employers that have become liable for payments in lieu of contributions may file a joint application to the bureau for the establishment of a group account for the purpose of sharing the cost of benefits paid that are attributable to service in the employ of such employers. Each such application shall identify and authorize a group representative to act as the group's agent for the purposes of the North Dakota Unemployment Compensation Law. Upon the approval of the application, the bureau shall establish a group account for such employers effective as of the beginning of the calendar quarter in which it receives the application and shall notify the group's representative of the effective date of the account. Such account shall remain in effect for not less than two years and thereafter until terminated at the discretion of the bureau or upon application by the group. Upon establishment of the account, each member of the group shall be liable for payments in lieu of contributions with respect to each calendar quarter in the amount that bears the same ratio to the total benefits paid in such quarter that are attributable to service performed in the employ of all members of the group as the total wages paid for service in employment by such member in such quarter bear to the total wages paid during such quarter for service performed in the employ of all members of the group. The bureau shall prescribe such regulations as it deems necessary with respect to applications for establishment, maintenance and termination of group accounts that are authorized by this section, for addition of new members to, and withdrawal of active members from, such accounts, and for the determination of the amounts that are payable under this section by members of the group and the time and manner of such payments.

SECTION 8.) Subsection 11 of section 52-06-02 of the North Dakota Century Code is hereby created and enacted to read as follows:

11. Which are based on service in an instructional,

research, or principal administrative capacity in an institution of higher education (as defined in section 52-01-01, subsection 28) for any week of unemployment which begins during the period between two successive academic years or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services in any such capacity for any institution or institutions of higher education for both such academic years or both such terms. Except for the provisions of this subsection, benefits based on service in employment as defined in section 52-01-01, subsection 13, subdivision f and subdivision g shall be payable in the same amount, on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to the North Dakota Unemployment Compensation Law.

SECTION 9. AMENDMENT.) Subsection 4 of section 52-01-01 of 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;

SECTION 10. AMENDMENT.) Subdivisions a, b, c, e, f, and g of subsection 11 of section 52-01-01 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

- a. Any employing unit which for some portion of a day, but not necessarily simultaneously, in each of twenty different calendar weeks, whether or not such weeks are or were consecutive, within either the current or the preceding calendar year has or had in employment four or more individuals, irrespective of whether the same individuals are or were employed in each such day. After December 31, 1971, any employing unit which in any calendar quarter in either the current or preceding calendar year paid for services in employment wages of fifteen hundred dollars or more, or which for some portion of a day in each of twenty different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, had in employment at least one individual (irrespective of whether the same individual was in employment in each such day). For the purpose of this definition, if any week includes both December thirty-first and January first, the days that precede January first shall be deemed one calendar week

and the days beginning January first another such week;

- b. Any individual who or employing unit which acquired the organization, trade or business, or substantially all of the assets thereof, of another who or which at the time of such acquisition was an employer subject to the provisions of the North Dakota Unemployment Compensation Law, or who or which acquired a part of the organization, trade or business of another which at the time of such acquisition was an employer subject to the provisions of the North Dakota Unemployment Compensation Law if such other would have been an employer under subdivision a of this subsection if such part had constituted its entire organization, trade, or business;
- c. Any individual who or employing unit which acquired the organization, trade, or business, or substantially all the assets thereof, of another employing unit if the employment record of such individual or employing unit subsequent to such acquisition, together with the employment record of the acquired unit prior to such acquisition, both within the same calendar year, would be sufficient to constitute an employing unit an employer subject to the North Dakota Unemployment Compensation Law, under subdivision a of this subsection. After December 31, 1971, any individual who or employing unit which acquired the organization, trade, or business, or substantially all the assets of another employing unit if such individual or employing unit subsequent to such acquisition, and such acquired unit prior to such acquisition, both within the same calendar quarter, together paid for services in employment wages totaling fifteen hundred dollars or more;
- e. Any employing unit not an employer by reason of any of the provisions of this subsection for which services in employment are performed with respect to which such employing unit is liable for any federal tax against which credit may be taken for contributions paid into a state unemployment compensation fund or an employing unit which, as a condition for approval of the North Dakota Unemployment Compensation Law for full tax credit against the tax imposed by the Federal Unemployment Tax Act, is required, pursuant to such Act, to be an "employer" under the North Dakota Unemployment Compensation Law;
- f. Any employing unit which, having become an employer

under any one of subdivisions a, b, c, or e, has not under chapter 52-05 ceased to be an employer subject to the North Dakota Unemployment Compensation Law; or

- g. For the effective period of its election pursuant to sections 52-05-02 and 52-05-03, any other employing unit which has elected to become fully subject to the North Dakota Unemployment Compensation Law;

SECTION 11. AMENDMENT.) Subdivision a of subsection 13 of section 52-01-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- a. Any service performed prior to January 1, 1972, which was employment as defined in this subsection prior to such date, and subject to the other provisions of this subsection, service performed after December 31, 1971, including service in interstate commerce, by
- (1) any officer of a corporation; or
  - (2) any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of an employee; or
  - (3) any individual other than an individual who is an employee under paragraph (1) or (2) who performs services for remuneration for any person--
    - (a) as an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages (other than milk), or laundry or dry-cleaning services, for his principal; or
    - (b) as a traveling or city salesman, other than as an agent-driver or commission-driver, engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, his principal (except for side-line sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations;

Provided, that for purposes of subdivision a, paragraph (3), the term "employment" shall include services described in either subparagraph (a) or (b) performed after December 31, 1971 only if:

- 1.) The contract of service contemplates that substantially all of the services are to be performed personally by such individual;
- 2.) The individual does not have a substantial investment in facilities used in connection with the performance of the services (other than in facilities for transportation); and
- 3.) The services are not in the nature of a single transaction that is not part of a continuing relationship with the person for whom the services are performed.

SECTION 12. AMENDMENT.) Subdivision e of subsection 13 of section 52-01-01 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- e. Services performed by an individual for wages or under any contract of hire shall be deemed to be employment subject to the North Dakota Unemployment Compensation Law unless and until it is shown that such individual, under the usual common-law rules applicable in determining the employer-employee relationship, has the status of an independent contractor, or such individual (except an officer of a corporation) is not an employee under such common-law rules provided that this subdivision shall not operate to exclude services as defined in section 52-01-01, subsection 13, subdivision a, paragraph (3);

SECTION 13. AMENDMENT.) Subdivision a of subsection 15 of section 52-01-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- a. Service performed by an individual in agricultural labor. For purposes of this subdivision, the term "agricultural labor" means
  - (1) any service performed prior to January 1, 1972 which was agricultural labor as defined in this subdivision prior to such date and
  - (2) remunerated service performed after December 31, 1971 in agricultural labor as defined in section 3306(k), Federal Unemployment Tax Act.

SECTION 14. AMENDMENT.) Paragraphs (1) and (5) of subdivision i of subsection 15 of section 52-01-01 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

- (1) In any calendar quarter in the employ of any organization exempt from income tax under section 501(a) (other than an organization described in section 401(a) ) or under section 521, Federal Internal Revenue Code, if the remuneration for such service is less than fifty dollars;
- (5) In any calendar quarter in the employ of a school, college, or university, if such service is performed by a student who is enrolled and regularly is attending classes at such school, college, or university;

SECTION 15. AMENDMENT.) Section 52-04-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-04-07. BENEFITS PAID CHARGEABLE TO ACCOUNTS OF BASE-PERIOD EMPLOYERS.) 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 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.

SECTION 16. AMENDMENT.) Section 52-05-03 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-05-03. EMPLOYMENT NOT INCLUDED WITHIN TITLE MAY BE DEEMED SUBJECT TO PROVISIONS OF TITLE.)

1. Any political subdivision of this State may elect to cover under the North Dakota Unemployment Compensation Law service performed by employees in all of the hospitals and institutions of higher education, as defined in section 52-01-01, subsections 28 and 29, operated by such political subdivision.
  - a. Election is to be made by filing with the bureau a notice of such election at least thirty days prior to the effective date of such election. The election may exclude any services described in section 52-01-01, subsection 13, subdivision h. Any political subdivision electing coverage under this subsection shall make payments in lieu of contributions with respect to benefits attributable to such employment in the same manner



- provided for payment by nonprofit organizations in chapter 52-04.
- b. The provisions in section 52-06-02, subsection 11, with respect to benefit rights based on service for State and nonprofit institutions of higher education shall be applicable also to service covered by an election under this section.
  - c. The amounts required to be paid in lieu of contributions by any political subdivision under this section shall be billed and payment made as provided in chapter 52-04 with respect to similar payments by nonprofit organizations.
  - d. An election under this subsection may be terminated, by filing with the bureau written notice not later than thirty days preceding the last day of the calendar year in which the termination is to be effective. Such termination becomes effective as of the first day of the next ensuing calendar year with respect to services performed after that date.
2. Any other employing unit for which services are performed that do not constitute employment as defined in the North Dakota Unemployment Compensation Law may file with the bureau a written election that all such services with respect to which payments are not required under an unemployment compensation law of any other state or of the federal government, and which are performed by individuals in its employ in one or more distinct establishments or places of business shall be deemed to constitute employment by an employer for all the purposes of the North Dakota Unemployment Compensation Law for not less than two calendar years. Upon the written approval of such election by the bureau, such services shall be deemed to constitute employment subject to the provisions of the North Dakota Unemployment Compensation Law from and after the date stated in such approval. Such services shall cease to be deemed employment subject hereto as of January first of any calendar year subsequent to such two calendar years, only if during January of such year such employing unit has filed with the bureau a written notice to that effect. The bureau in its discretion may on its own motion terminate any election agreement under this subsection upon thirty days' notice to the employer. The rate of contribution for employment covered by an election under this subsection shall be seven percent of wages paid subject to tax, unless the employer qualifies for a rate of contribution of less than the standard rate, as

provided in chapter 52-04, except, however, an electing governmental unit in addition to those provided for in subsection 1, which hereafter becomes an employer under this chapter, shall reimburse the state unemployment fund in an amount equal to its share of costs to the unemployment fund.

3. After the termination of an election under this chapter, governmental units shall remain liable for their proportionate share of benefits which are based on wages paid for services during the period of election.

SECTION 17. AMENDMENT.) Subdivision a of subsection 3 of section 52-06-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- 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.

SECTION 18. AMENDMENT.) Subsection 6 of section 52-06-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6. For any week of unemployment if such individual is a student registered for full attendance at and is regularly attending an established school, college or university, except as provided in section 52-06-01, subsection 3, subdivision a;

SECTION 19. REPEAL.) Subdivision c of subsection 15 of section 52-01-01 of the North Dakota Century Code is hereby repealed.

SECTION 20. REPEAL.) Subsection 17 of section 52-01-01 of the North Dakota Century Code is hereby repealed.

Approved March 17, 1971

## CHAPTER 476

SENATE BILL NO. 2310  
(Sanstead)

## EMPLOYMENT SECURITY BUREAU

AN ACT to amend and reenact section 52-01-04 of the 1969 Supplement to the North Dakota Century Code, sections 52-01-07, 52-02-15, 52-02-16, and 52-04-08 of the North Dakota Century Code, relating to penalty for disclosure of information or use of list of names obtained from the North Dakota employment security bureau, a short title for chapters 52-01 through 52-07.1, reciprocal arrangements for unemployment compensation, acquisition of real property for the use and benefit of the North Dakota employment security bureau, and succession to predecessors rights, accounts, contributions, benefit experience and ratings under the North Dakota Unemployment Compensation Law.

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

SECTION 1. AMENDMENT.) Section 52-01-04 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-01-04. PENALTY FOR DISCLOSURE OF INFORMATION OR USE OF LIST OF NAMES.) Any employee, appeals referee, member of any appeals tribunal, executive director, who in violation of the provisions of section 52-01-03 makes any disclosure of information obtained from any employing unit or individual in the administration of the North Dakota Unemployment Compensation Law, or any person who has obtained any list of applicants for work, claimants or recipients of benefits from the bureau under any pretext whatever, who uses or permits the use of such list for any political purpose, is guilty of a misdemeanor and shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not longer than ninety days, or by both such fine and imprisonment.

SECTION 2. AMENDMENT.) Section 52-01-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-01-07. SHORT TITLE.) Chapters 52-01 through 52-07.1 shall be known and may be cited as the "North Dakota Unemployment Compensation Law."

SECTION 3. AMENDMENT.) Section 52-02-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-02-15. RECIPROCAL ARRANGEMENTS WITH OTHER STATES AND FEDERAL GOVERNMENT.) The bureau shall enter into reciprocal arrangements with appropriate and duly authorized agencies of other states or of the federal government or both, whereby:

1. Services performed by an individual for a single employing unit, which services customarily are performed in more than one state, shall be deemed to be services performed entirely within any one of the states:
  - a. In which any part of such individual's services is performed;
  - b. In which such individual has his residence; or
  - c. In which the employing unit maintains a place of business if there is in effect as to such services, an election, approved by the agency charged with the administration of such state's unemployment compensation law, pursuant to which all the services performed by such individual for such employing unit, are deemed to be entirely within such state;
2. Potential rights to benefits accumulated under the unemployment compensation laws of one or more states or under one or more such laws of the federal government, or both, may constitute the basis for the payment of benefits through a single appropriate agency under terms which the bureau finds will be fair and reasonable as to all affected interests and will not result in any substantial loss to the fund;
3. Wages or services, upon the basis of which an individual may become entitled to benefits under an unemployment compensation law of another state or of the federal government, shall be deemed to be wages for insured work for the purpose of determining his rights to benefits under the North Dakota Unemployment Compensation Law, and wages for insured work, on the basis of which an individual may become entitled to benefits under the North Dakota Unemployment Compensation Law, shall be deemed to be wages or services on the basis of which unemployment compensation under such law of another state or of the federal government is payable. No such arrangement shall be entered into unless it contains provisions for reimbursements to the fund for such of the benefits paid under the

North Dakota Unemployment Compensation Law upon the basis of such wages or services, and provisions for reimbursements from the fund for such of the compensation paid under such other law upon the basis of wages for insured work, as the bureau finds will be fair and reasonable as to all affected interests; and

4. Contributions due under the North Dakota Unemployment Compensation Law with respect to wages for insured work, for the purposes of sections 52-04-11 through 52-04-14, shall be deemed to have been paid to the fund as of the date payment was made as contributions therefor under another state or federal unemployment compensation law, but no such arrangement shall be entered into unless it contains provisions for such reimbursements to the fund of such contributions and the actual earnings thereon as the bureau finds will be fair and reasonable as to all affected interests.

SECTION 4. AMENDMENT.) Section 52-02-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-02-16. TITLE TO REAL PROPERTY ACQUIRED WITH FEDERAL FUNDS.) The state of North Dakota may receive and accept title by general warranty deed to real property which may be acquired under standard legal practices, or combinations thereof, for acquisition of real estate in accordance with the needs and requirements of the particular transaction by documents executed or to be executed by the North Dakota employment security bureau, provided the 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 said bureau. Sufficiency of title to any property acquired hereunder shall be approved by the attorney general prior to execution of documents for acquisition of such property. Property acquired under authority hereof shall be for the use and benefit of the North Dakota employment security bureau to carry out and perform the duties, powers and authority vested therein, and to administer and participate in federal programs delegated thereto by federal authority. Upon completion of negotiations for acquisition said property may be held and occupied by the North Dakota employment security bureau at no cost other than maintenance.

SECTION 5. AMENDMENT.) Section 52-04-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-04-08. SUCCESSION TO PREDECESSORS RIGHTS, ACCOUNTS, CONTRIBUTIONS, BENEFIT EXPERIENCE AND RATINGS.) For the purpose of establishing benefit experience and fixing contributions to be paid, an employing unit which in any manner succeeds to or acquired substantially all of the organization, trade, business,

or the assets thereof, of any employing unit shall upon request be substituted to the position and all rights of the predecessor employing unit with respect to such predecessor employing unit's separate account, actual contributions and benefit experience, annual payroll, or otherwise, as if no change with respect to such separate account, contributions and benefit experience, payrolls or otherwise had occurred. The bureau upon notification thereof shall forthwith transfer to such succeeding employing unit all rights, accounts, contributions, benefit experience and all ratings of such predecessor employing unit in accordance with such regulations as the bureau may prescribe; provided that if good cause can be shown to the bureau why such transfer would be inequitable, the bureau may refuse the same.

Approved March 19, 1971

## CHAPTER 477

SENATE BILL NO. 2424  
(Unruh)

STATE AND LOCAL EMPLOYMENT  
SECURITY ADVISORY COUNCILS

AN ACT to amend and reenact section 52-02-07 of the North Dakota Century Code, relating to employment security bureau advisory councils.

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

SECTION 1. AMENDMENT.) Section 52-02-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-02-07. STATE AND LOCAL ADVISORY COUNCILS APPOINTED BY BUREAU - COMPOSITION - DUTIES - COMPENSATION.) The bureau shall appoint a state advisory council and local advisory councils, composed in each case of an equal number of employer representatives and employee representatives who may be regarded fairly as representative because of their vocation, employment, or affiliations, and of such members representing the general public as the bureau may designate. Such councils shall aid the bureau in formulating policies, and discussing problems related to the administration of the North Dakota employment security bureau and in assuring impartiality and freedom from political influence in the solution of such problems. Such advisory councils shall be reimbursed for any necessary expenses but shall serve without further compensation except such as may be authorized and fixed by the bureau by regulation.

Approved March 3, 1971

## CHAPTER 478

HOUSE BILL NO. 1192  
(Gerl, Gengler, Metzger, Mushik, Stone)

## UNEMPLOYMENT COMPENSATION ELIGIBILITY

AN ACT to create and enact subdivision d of subsection 3 of section 52-06-01 of the North Dakota Century Code relating to unemployment compensation eligibility requirements.

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

SECTION 1.) Subdivision d of subsection 3 of section 52-06-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

- 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 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 18, 1971



## CHAPTER 479

HOUSE BILL NO. 1430  
(Gengler, Gerl)

## DISQUALIFICATION FOR BENEFITS

AN ACT to repeal subsection 9 of section 52-06-02 of the North Dakota Century Code, relating to disqualification for benefits.

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

SECTION 1. REPEAL.) Subsection 9 of section 52-06-02  
of the North Dakota Century Code is hereby repealed.

Approved March 18, 1971

## CHAPTER 480

HOUSE BILL NO. 1220  
(Gengler)

## DISQUALIFICATION PERIOD

AN ACT to amend and reenact subsection 10 of section 52-06-02 of the 1969 Supplement to the North Dakota Century Code, relating to unemployment compensation benefit disqualifications.

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

SECTION 1. AMENDMENT.) Subsection 10 of section 52-06-02 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

10. The period of disqualification set out in section 52-06-02, subsection 1, subdivision a, section 52-06-02, subsection 2, subdivision a, and section 52-06-02, subsection 3, subdivision a shall be overcome if claimant first completes a ten-week disqualification period following the week in which a claim was filed.

Approved March 18, 1971

## CHAPTER 481

SENATE BILL NO. 2231  
(Hernett, Sanstead)

EXTENDED UNEMPLOYMENT COMPENSATION  
BENEFITS

AN ACT to create and enact chapter 52-07.1 of the North Dakota Century Code to provide a program for the payment of extended unemployment compensation benefits to workers who during periods of high unemployment in the State, or in the nation, have exhausted their rights to regular benefits under the North Dakota Unemployment Compensation Law, or under Federal law as administered by the North Dakota employment security bureau; to provide conditions of entitlement to extended benefits; to provide for the administration and carrying out of the program; and to provide an effective date.

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

SECTION 1.) Chapter 52-07.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

52-07.1-01. EXTENDED BENEFIT PROGRAM - PURPOSE - EFFECTIVE DATE.) Effective January 1, 1972, an unemployment program is hereby established to provide for the payment of extended unemployment compensation benefits to hereinafter qualified workers who during periods of high unemployment in the state, or in the nation, have exhausted their rights to regular benefits under the North Dakota Unemployment Compensation Law, or under Federal law as administered by the North Dakota employment security bureau.

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

52-07.1-03. DEFINITIONS.) In this chapter, unless the context or subject matter otherwise requires:

1. "Extended benefit period" means a period which begins with the third week after whichever of the following weeks occurs first: a week for which there is a national "on" indicator, or a week for which there is a State "on" indicator; and ends with either of the

following weeks, whichever occurs later: the third week after the first week for which there is both a national "off" indicator and a State "off" indicator; or the thirteenth consecutive week of such period; provided, that no extended benefit period may begin by reason of a State "on" indicator before the fourteenth week following the end of a prior extended benefit period which was in effect with respect to this State.

2. There is a "national 'on' indicator" for a week if the U. S. Secretary of Labor determines that for each of the three most recent completed calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all States equaled or exceeded 4.5 percent.
3. There is a "national 'off' indicator" for a week if the U. S. Secretary of Labor determines that for each of the three most recent completed calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all States was less than 4.5 percent.
4. There is a "State 'on' indicator" for this State for a week if the bureau determines, in accordance with the regulations of the U. S. Secretary of Labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) under this Act--
  - a. equaled or exceeded 120 percent of the average of such rates for the corresponding 13-week period ending in each of the preceding two calendar years, and
  - b. equaled or exceeded 4 percent.
5. There is a "State 'off' indicator" for this State for a week if the bureau determines, in accordance with the regulations of the U. S. Secretary of Labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) under this Act--
  - a. was less than 120 percent of the average of such rates for the corresponding 13-week period ending in each of the preceding two calendar years, or
  - b. was less than 4 percent.
6. "Rate of insured unemployment," for purposes of

subsections 4 and 5 of this section, means the percentage derived by dividing

- a. the average weekly number of individuals filing claims in this State for weeks of unemployment with respect to the most recent 13-consecutive-week period, as determined by the bureau on the basis of its reports to the U. S. Secretary of Labor, by
- b. the average monthly employment covered under the North Dakota Unemployment Compensation Law for the first four of the most recent six completed calendar quarters ending before the end of such 13-week period.

Computations provided for in this subsection shall be made by the bureau in accordance with regulations provided by the U. S. Secretary of Labor.

7. "Regular benefits" means benefits payable to an individual under chapter 52-06 of the North Dakota Century Code or under any other State law (including benefits payable to Federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85), other than extended benefits.
8. "Extended benefits" means benefits (including benefits payable to Federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) payable to an individual under the provisions of this chapter for weeks of unemployment in his eligibility period.
9. "Eligibility period" of an individual means the period consisting of the weeks in his benefit year which begin in an extended period and, if his benefit year ends within such extended benefit period, any weeks thereafter which begin in such period.
10. "Exhaustee" means an individual who, with respect to any week of unemployment in his eligibility period:
  - a. has received, prior to such week, all of the regular benefits that were available to him under chapter 52-06 of the North Dakota Century Code or any other State law (including dependents' allowances and benefits payable to Federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his current benefit year that includes such week; provided, that for the purposes of this subdivision, an individual shall be deemed to have received all of the regular benefits that were available to him although, as a result of a pending appeal with respect to wages that were not considered in the

- original monetary determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits; or
- b. his benefit year having expired prior to such week, has no, or insufficient, wages on the basis of which he could establish a new benefit year that would include such week; and
  - c. has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive Products Trade Act of 1965 and such other Federal laws as are specified in regulations issued by the U. S. Secretary of Labor; and has not received and is not seeking unemployment benefits under the unemployment compensation law of the Virgin Islands or of Canada; but if he is seeking such benefits and the appropriate agency finally determines that he is not entitled to benefits thereunder he shall be considered an exhaustee.
11. "State law" means the unemployment insurance law of any State, approved by the U. S. Secretary of Labor under section 3304 of the Internal Revenue Code of 1954.

52-07.1-04. EFFECT OF NORTH DAKOTA UNEMPLOYMENT COMPENSATION LAW PROVISIONS RELATING TO REGULAR BENEFITS ON CLAIMS FOR, AND THE PAYMENT OF, EXTENDED BENEFITS.) Except when the result would be inconsistent with the other provisions of this chapter, as provided by regulations of the bureau, the provisions of chapter 52-06 of the North Dakota Century Code which apply to claims for, or the payment of, regular benefits shall apply to claims for, and the payment of, extended benefits.

52-07.1-05. ELIGIBILITY REQUIREMENTS FOR EXTENDED BENEFITS.) An individual shall be eligible to receive extended benefits with respect to any week of unemployment in his eligibility period only if the bureau finds that with respect to such week:

1. He is an "exhaustee" as defined in subsection 10 of section 52-07.1-03 of the North Dakota Century Code, and
2. He has satisfied the requirement of this chapter for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipt of benefits.

52-07.1-06. WEEKLY EXTENDED BENEFIT AMOUNT.) The weekly

extended benefit amount payable to an individual for a week of total unemployment in his eligibility period shall be an amount equal to the weekly benefit amount payable to him during his applicable benefit year.

52-07.1-07. TOTAL EXTENDED BENEFIT AMOUNT.) The total extended benefit amount payable to any eligible individual with respect to his applicable benefit year shall be the least of the following amounts:

1. Fifty percent of the total amount of regular benefits which were payable to him under chapter 52-06 of the North Dakota Century Code in his applicable benefit year; or
2. Thirteen times his weekly benefit amount which was payable to him under chapter 52-06 of the North Dakota Century Code for a week of total unemployment in the applicable benefit year.

52-07.1-08. BEGINNING AND TERMINATION OF EXTENDED BENEFIT PERIOD.) Whenever an extended benefit period is to become effective in this State (or in all States) as a result of a State or a national "on" indicator, or an extended benefit period is to be terminated in this State as a result of State and national "off" indicators, the bureau shall make an appropriate public announcement.

52-07.1-09. ENFORCEMENT AND CARRYING OUT OF PROGRAM FOR EXTENDED BENEFITS.) The provisions of chapters 52-01, 52-02, 52-03, 52-04, and 52-05 of the North Dakota Century Code in respect to the carrying out of the provisions of this chapter shall be the same as are set forth therein and shall be applicable, insofar as the provisions thereof are consistent with the provisions of this chapter.

Approved March 17, 1971

## CHAPTER 482

HOUSE BILL NO. 1170  
(Dornacker, Haugland)

PRIMARY INSURANCE BENEFIT UNDER  
OLD AGE AND SURVIVOR INSURANCE SYSTEM

AN ACT to amend and reenact section 52-09-09 and subdivision (3) of subsection D of section 52-09-20 of the North Dakota Century Code, relating to contributions and primary insurance benefit under 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 52-09-09 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-09-09. RATE OF CONTRIBUTION.) In addition to all other taxes there is hereby levied upon each employer, as defined in section 52-09-20, and also upon each employee, as defined in section 52-09-20, a tax, equal to one percentum of the wages paid before July 1, 1955, and two percentum of the wages paid after June, 1955, up to July 1, 1957, to be paid by each employer and each employee. The above tax imposed by this chapter shall be collected by the employer from the employee by deducting the amount of the tax from the wages as and when paid. From and after July 1, 1957, and until July 1, 1959, the tax upon each employer shall be equal to four percent of the wages paid to each employee, and after June 30, 1959, up to July 1, 1961 such tax shall be equal to three and one-half percent, and after June 30, 1961, and until July 1, 1963, such tax shall be equal to three percent, and after June 30, 1963 such tax shall be equal to two percent, and after December 31, 1965 such tax shall be equal to one percent. After June 30, 1957, there shall be no tax hereunder upon the employee. Provided, however, if on the first day of October in any year the accumulated contributions under this chapter equals or exceeds an amount two times the annual benefit payments of the twelve months ending on September thirtieth of that year, the tax shall be suspended during the succeeding year, and until such year in which, on the first day of October of the previous year, the accumulated contributions are less than one and one-half times the annual benefit payments for the twelve months ended as of September thirtieth of that year.



SECTION 2. AMENDMENT.) Subdivision (3) of subsection D of section 52-09-20 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- (3) From and after April 1, 1971, the term "primary insurance benefit" shall be the total of the sums determined in (1) and (2) of this subsection plus fifty dollars. Where the primary insurance benefit thus computed is less than fifty dollars, such benefit shall be fifty dollars. The provisions herein shall apply to valid claims filed before and after the specified date.

Approved March 18, 1971

## CHAPTER 483

HOUSE BILL NO. 1165  
(Strinden, Haugland, Solberg)

## SALE OF BUREAU REAL ESTATE

AN ACT authorizing the state of North Dakota acting by the North Dakota employment security bureau to sell and convey lots twenty-two, twenty-three, and twenty-four in block fifty-two, original plat of the city of Bismarck, Burleigh County, State of North Dakota, according to the plat thereof on file and of record in the office of the register of deeds of said county and state and recorded in book "A" of plats in Burleigh County, North Dakota.

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

SECTION 1.) The state of North Dakota acting by the North Dakota employment security bureau is hereby authorized to sell and convey the lots twenty-two, twenty-three, and twenty-four in block fifty-two, original plat of the city of Bismarck, Burleigh County, State of North Dakota, according to the plat thereof on file and of record in the office of register of deeds of said county and state and recorded in book "A" of plats in Burleigh County, North Dakota.

SECTION 2.) The North Dakota employment security bureau may cause the above described land to be sold in the manner prescribed by sections 54-01-05.1 and 54-01-05.2 of the North Dakota Century Code. Proceeds from such sale shall be used as authorized and directed by federal law and regulations thereunder.

Approved February 26, 1971