
SOCIAL SECURITY

CHAPTER 292

H. B. No. 559
(Legislative Research Committee)
at the request of
(The Unemployment Compensation Division)

DEFINITIONS OF TERMS USED IN N. D. UNEMPLOYMENT COMPENSATION LAW

AN ACT

To amend and reenact subsection 5; subdivision d, and subparagraph a of paragraph 1, and paragraph 5 of subdivision i of subsection 15; and subsection 22 of section 52-0101 of the North Dakota Revised Code of 1943, as amended, relating to definitions of terms used in the North Dakota unemployment compensation law.

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

§ 1. AMENDMENT.) Subsection 5 of section 52-0101 of the North Dakota Revised Code of 1943, as amended, is hereby amended and reenacted to read as follows:

5. "Benefit year" means the one-year period beginning with the day as of which an insured worker first files a request for determination of his insured status and thereafter the one-year period beginning with the day as of which the individual next files such request after the end of his last preceding benefit year. The filing of a notice of unemployment shall be deemed a request for determination of insured status if a current benefit year has not been previously established.

§ 2 AMENDMENT.) Subdivision d of subsection 15 of section 52-0101 of the North Dakota Revised Code of 1943, as amended, is hereby amended and reenacted to read as follows:

- d. Service not in the course of the employing unit's trade or business performed after January 1, 1951, in any calendar quarter by an individual, unless the cash remuneration paid for such service is fifty dollars or more and such service is performed by an individual who is regularly employed by such employing unit to perform such service. For the purposes of this title an individual shall be deemed to be regularly employed to perform service

not in the course of an employing unit's trade or business during a calendar quarter only if on each of some twenty-four days during such quarter or during the immediately preceding quarter, such individual performed such service for some portion of a day.

§ 3. AMENDMENT.) Subparagraph a of paragraph 1 of subdivision i of subsection 15 of section 52-0101 of the North Dakota Revised Code of 1943, as amended, is hereby amended and reenacted to read as follows:

- (a) The remuneration for such service does not exceed fifty dollars; or

§ 4. AMENDMENT.) Paragraph 5 of subdivision i of subsection 15 of section 15-0101 of the North Dakota Revised Code of 1943, as amended, is hereby amended and reenacted to read as follows:

- (5) In any calendar quarter in the employ of a school, college, or university, not exempt from income tax under section 101 of the federal internal revenue Code, if such service is performed by a student who is enrolled and regularly is attending classes at such school, college, or university.

§ 5. AMENDMENT.) Subsection 22 of section 52-0101 of the North Dakota Revised Code of 1943, as amended, is hereby amended and reenacted to read as follows:

22. "Wages" means all remuneration for service from whatever source, including commissions and bonuses and the cash value of all remuneration in any medium other than cash. Gratuities customarily received by an individual in the course of his service from persons other than his employing unit shall be treated as wages received from his employing unit. After January 1, 1951, back pay awarded under any statute of this state or of the United States shall be treated as wages. The reasonable cash value of remuneration in any medium other than cash, and the reasonable amount of gratuities, shall be estimated and determined in accordance with rules as prescribed by the bureau. For the purpose of a determination of insured status only, back-pay awards after January 1, 1951, shall be allocated to the quarters with respect to which they were paid. If the remuneration of an individual is not based upon a fixed period or duration of time or if his wages are paid at irregular intervals or in such manner as not to exceed regularly over the period

of employment, for the purposes of a determination of insured status only, the wages shall be allocated to weeks or quarters in accordance with regulations prescribed by the bureau. Such regulations shall, so far as possible, produce results reasonably similar to those which would prevail if the individual were paid his wages at regular intervals.

The term "wages" shall not include :

- a. The amount of any payment made after the first day of January, 1951 including any amount paid by an employing unit for insurance or annuities, or into a fund, to provide for any such payment to, or on behalf of, an individual or any of his dependents under a plan or system established by an employing unit which makes provision generally for individuals performing service for it or for such individuals generally and their dependents or for a class or classes of such individuals, or for a class or classes of such individuals and their dependents, on account of:
 - (1) Retirement;
 - (2) Sickness or accident disability;
 - (3) Medical and hospitalization expenses in connection with sickness or accident disability; or
 - (4) Death;
- b. The amount of any payment on account of sickness or accident disability, or medical or hospitalization expenses in connection with sickness or accident disability, made after January 1, 1951, by an employing unit to, or on behalf of an individual performing services for it after the expiration of six calendar months following the last calendar month in which the individual performed services for such employing unit;
- c. The amount of any payment made after January 1, 1951, by an employing unit to, or on behalf of, an individual performing services for it or his beneficiary (i) from or to a trust exempt from tax under section 165 (a) of the Federal Internal Revenue Code at the time of such payment unless such payment is made to an individual performing services for the trust as remuneration for such services and not as a beneficiary of the trust, or (ii) under or to an annuity plan which, at the time of such

payments, meets the requirements of section 165 (a) (3), (4), (5), and (6) of the Federal Internal Revenue Code;

- d. The amount of any payment made by an employing unit, without deduction from the remuneration of the individual in its employ, of the tax imposed upon an individual in its employ under section 1400 of the Federal Internal Revenue Code with respect to services performed after January 1, 1951;
- e. Remuneration paid after January 1, 1951, in any medium other than cash to an individual for services not in the course of the employing unit's trade or business;
- f. The amount of any payment, other than vacation or sick pay, made after January 1, 1951, to an individual after the month in which he attains the age of sixty-five, if he did not perform services for the employing unit in the period for which such payment is made; or
- g. Dismissal payments before December 31, 1951, which the employing unit legally is not required to make.

Approved February 21, 1951.

CHAPTER 293

H. B. No. 560
(Legislative Research Committee)
at the request of
(The Unemployment Compensation Division)

AMOUNTS OF UNEMPLOYMENT COMPENSATION BENEFITS

AN ACT

To amend and reenact sections 52-0604 and 52-0605 of the 1949 Supplement to the North Dakota Revised Code of 1943, and sections 52-0629 and 52-0633 of the North Dakota Revised Code of 1943, and to repeal subsection 5 of section 52-0601, of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to unemployment compensation benefits.

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

§ 1. AMENDMENT.) Section 52-0604 of the 1949 Supplement

to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

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 weekly benefit amount shall be his basic weekly benefit amount, plus the dependents' allowances in the Column E, F, or G of the table in this subsection which shows the number of his dependents on the line on which, in column B, there appears his basic weekly benefit amount. 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.

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 and over	25	750	500

Augmented Weekly Benefit Amount		
Column E	Column F	Column G
1	3	3
Dependent	Dependents	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

2. **Qualifying Wage.** To qualify as an insured worker an individual must have been paid wages for insured work in his base period totaling not less than the amount in column C of the table in subsection 1 of this section on the line on which, in column B, there appears his basic weekly benefit amount, and such wages must have been paid in at least two quarters of his base period; however, if any individual during his base period has not been paid such an amount but has been paid wages totaling not less than the amount appearing in column C on the line immediately above, he can qualify as an insured worker and his weekly benefit amount shall be the amount appearing in Column B on such line.

3. **Definitions.** For the purposes of this title, the term "insured worker" means an individual who with respect to a base period, meets the wage and employment requirements of this chapter. For the purposes of this title a "dependent" means a claimant's unmarried child, including stepchild and adopted child, whether or not legally adopted, who is under 18 years of age and is living with the claimant or receiving regular support from the claimant.

§ 2. AMENDMENT.) Section 52-0605 of the 1949 Supple-

ment to the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

52-0605. MAXIMUM POTENTIAL BENEFITS.) The maximum potential basic benefits for any insured worker in a benefit year shall be equal to twenty times his basic weekly benefit amount. In addition, he shall be entitled to dependents' allowances for each week of employment for which benefits are payable. Dependents' allowances paid in accordance with this title shall not be chargeable to the employer's account for experience rating purposes.

§ 3. AMENDMENT.) Section 52-0629 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

52-0629. PAYMENT OF BENEFITS; BENEFITS TO A DECEASED OR MENTALLY INCOMPETENT INSURED WORKER.) Benefits shall be paid promptly in accordance with a determination or redetermination except that if such determination or redetermination is upon the first claim with respect to a benefit year, or if the record of the proceeding on the claim indicates that a disqualification has been alleged or may exist, such benefits shall not be paid prior to the expiration of the period for appeal. If pursuant to a determination or redetermination, benefits are payable in any amount as to which there is no dispute, such amount of benefits shall be paid promptly regardless of any appeal. The commencement of a proceeding for judicial review pursuant to section 52-0627 shall not operate as a supersedeas or stay unless the bureau shall so order and the filing of a petition for judicial review shall not authorize the bureau or any court to direct the denial of any benefits which would have been payable under the bureau's decision. If any benefits are paid to any individual by reason of a determination, redetermination, or decision of an appeals tribunal or of the bureau or of any court, and said determination or decision is later reversed, no employer's account shall be charged with such benefits so paid pursuant to such erroneous decision, but benefits shall not be paid for any subsequent weeks of unemployment involved in such reversal. Benefits due and payable to a deceased or judicially declared incompetent person may be paid in accordance with such regulations as the bureau shall prescribe, to the person or persons, payment to whom the bureau finds would effectuate the purposes of this title. Such regulations need not conform to the statutes applicable to the descent and distribution of decedent's estates. A receipt from the person or persons to whom the bureau makes payment shall fully discharge the fund and the bureau from liability for such benefits.

§ 4. AMENDMENT.) Section 52-0633 of the North Dakota

Revised Code of 1943 is hereby amended and reenacted to read as follows:

52-0633. RECOVERY AND RECOUPMENT.)

1. Any person who makes, or causes to be made by another, a false statement or representation of a material fact knowing it to be false or knowingly fails, or causes another to fail, to disclose a material fact, and as a result thereof has received any amount as benefits under this title to which he was not entitled shall, in the discretion of the bureau, be allowed to repay such amount to the bureau for the fund or to have such amount deducted from any future benefits payable to him under this title within the two-year period following the finding, if the evidence of such non-disclosure or misrepresentation has been found by a court of competent jurisdiction or in connection with a reconsideration or appeal pursuant to chapter 52-06 of this title.

2. No redetermination or decision shall be construed to authorize the recovery of the amount of any benefits paid to a claimant or the deduction of such amount from future benefits payable to him unless the written notice of such redetermination or decision specifies that he is liable to repay to the fund the amount of benefits paid to him by reason of a non-disclosure or misrepresentation of a material fact as specified in subsection 1 of this section, the nature of such non-disclosure or misrepresentation, and the week or weeks for which such benefits were paid.

3. In any case in which under this section a claimant is liable to repay any amount to the bureau, such amount shall be collectible without interest by civil action in the name of the bureau. ffff

§ 5. REPEAL.) Subsection 5 of section 52-0601 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby repealed.

Approved February 21, 1951.

CHAPTER 294

H. B. No. 558
(Legislative Research Committee)
at the request of
(The Unemployment Compensation Division)

PAYMENTS; RATES AND BASE OF CONTRIBUTIONS TO
UNEMPLOYMENT COMPENSATION FUND

AN ACT

To amend and reenact sections 52-0401 and 52-0403 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to payment of contributions to the unemployment compensation fund.

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

§ 1. AMENDMENT.) Section 52-0401 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

52-0401. PAYMENT OF CONTRIBUTIONS BY EMPLOYER; WHEN; How; (CONTRIBUTIONS PAID IN ERROR TO ANOTHER STATE.)

1. Contributions shall accrue and become payable by each employer, for each calendar year in which he is subject of this title, with respect to wages for employment. Such contributions shall become due and shall be paid by each employer to the bureau for the fund in accordance with such regulations as the bureau may prescribe, and shall not be deducted in whole or in part, from the wages of individuals in such employer's employ. In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent; and
2. Contributions due with respect to wages for insured work 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 employment security law, if payment into the fund of such contributions is made on such terms as the bureau finds will be fair and reasonable as to all affected interests.

§ 2. AMENDMENT.) Section 52-0403 of the 1949 Supplement to the North Dakota Revised Code of 1943 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 percent of wages paid by him during the calendar year with respect to employment; except as otherwise provided in this chapter. For the purpose of this title 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 employment fund. For the purpose of this title, the term employment shall include service constituting employment under any employment security law of another state or of the federal government.

Approved February 19, 1951.

CHAPTER 295

Senate Bill No. 239
(Schoeder, Geelan and Thomas)

PRESERVATION OF RIGHTS OF PUBLIC EMPLOYEES IN MILITARY SERVICE

AN ACT

To protect the benefits of chapter 52-09 of the 1949 Supplement to the North Dakota Revised Code of 1943 to public employees who are called into the military service of the United States during the continuance of such service; and declaring an emergency.

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

§ 1. PRESERVATION OF RIGHTS OF PERSON IN MILITARY SERVICE.) If any person who is now employed in the public service of the State of North Dakota or any political subdivision thereof and is contributing to the fund provided for by section 22-0905 of the 1949 Supplement to the North Dakota Revised Code of 1943 at the time of induction is inducted into the military service of the United States, all rights of such employee and his dependents accrued under the provisions of chapter 52-09 shall be preserved unimpaired during the continuance of such military service; and

if such person, within 90 days after discharge from such military service, resumes his status as a public employee, he shall have full credit for the time of such service the same as if during such time he had continued in the public service upon his paying into said fund the sum which he would have contributed thereto had he remained in such public service, at the rate of contribution he was making at the time of such induction.

§ 2. CONTRIBUTION BY EMPLOYER CONTINUED.) In the event such employee shall elect to resume his status and pay into the fund an additional contribution as provided in Section 1 hereof, then the employer, within sixty days after notice of such election and payment, shall pay into such fund the contributions required to match such payments.

§ 3. 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 February 27, 1951.

CHAPTER 296

S. B. No. 53

(Legislative Research Committee)

at the request of

(The Unemployment Compensation Division)

RETIREMENT OF PUBLIC EMPLOYEES; BENEFIT PAYMENTS

AN ACT

To amend and reenact subsection G of section 52-0914, subsection A of section 52-0915 and subsection D 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 G of section 52-0914 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

G. Upon the death, after June 30, 1947, of an individual who died a fully or currently insured individual leaving no surviving widow, child, or parent who would, on filing application in the month in which such individual died,

be entitled to a benefit for such month under subsection C, D, E, or F of this section, an amount equal to three times a primary insurance benefit of such individual shall be paid in a lump sum to the following person, or if more than one, shall be distributed among them, whose relationship to the deceased is determined by the bureau, and who is living on the date of such determination, to the widow or widower of the deceased, or, if no such widow or widower be then living, to any child or children of the deceased and to any other person or persons who are, under the intestacy law of the state where the deceased was domiciled, entitled to share as distributees with such children of the deceased, in such proportions as is provided by such law, or, if no widow or widower and no such child and no such other person be then living, to the parent or to the parents of the deceased, in equal shares. A person who is entitled to share as distributee with an above-named relative of the deceased shall not be precluded from receiving a payment under this subsection by reason of the fact that no such named relative survived the deceased or of the fact that no such named relative of the deceased was living on the date of such determination. If none of the persons described in this subsection be living on the date of such determination, such amount shall be paid to any person or persons, equitably thereto, to the extent and in the proportions that he or they shall have paid expenses of burial of the deceased. No payment shall be made to any person under this subsection, unless application therefor shall have been filed, by or on behalf of any such person, whether or not legally competent, prior to the expiration of two years after the death of such individual.

§ 2. AMENDMENT.) Subsection A 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:

- A. Whenever the total of benefits under section 52-0914, payable for a month with respect to an individual's wage, is more than \$20 and exceeds (1) \$150.00, or (2) an amount equal to 80 per centum of his average monthly wage as defined in section 52-0920 (e), whichever of such amounts is least, such total of benefits shall, prior to any deductions under subsection (D) be reduced to such least amount or to \$20 whichever is the greater.

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

- D. The term "primary insurance benefits" means an amount equal to the sum of the following:
- (1) (a) 50 per centum of the amount of an individual's average monthly wage if such average monthly wage does not exceed \$75, or (b) if such average monthly wage exceeds \$75, 50 per centum of \$75, plus 15 per centum of the amount by which such average monthly wage exceeds \$75 and does not exceed \$250, and
 - (2) An amount equal to 1 per centum of the amount computed under paragraph (1) multiplied by the number of years in which \$200 or more of wages were paid to such individual. Where the primary insurance benefits thus computed is less than \$10, such benefit shall be \$10.

Approved February 27, 1951.

CHAPTER 297

H. B. No. 563
(Legislative Research Committee)
at the request of
(The Unemployment Compensation Division)

RETIREMENT OF PUBLIC EMPLOYEES

AN ACT

To amend and reenact subdivision 1 of subsection F and subsection P of section 52-0920, and section 52-0909 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.) Subdivision 1 of subsection F of section 52-0920 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

- (1) He had not less than one quarter of coverage for each two of the quarters elapsing after July 1, 1947, and up to but excluding the quarter in which he retired after he had attained the age of sixty-five, or died, whichever first occurred and in no case less than six quarters of coverage, excepting that no employee who has passed his sixtieth birthday prior to July 1, 1947, shall be paid any benefits until he would have been covered for ten full quarters immediately preceding his retirement or death; or

§ 2. AMENDMENT.) Subsection P of section 52-0920 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

P. Wherever the words "political subdivision" appear in this chapter they shall include municipal corporations, and counties and other political subdivisions or instrumentalities electing coverage in accordance with the provisions of section 52-0923.

§ 3. AMENDMENT.) Section 52-0909 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

52-0909. RATE OF CONTRIBUTION.) In addition to all other taxes there is hereby levied upon each employer, as defined in section 52-0920 and also upon each employee, as defined in section 52-0920, a tax equal to one and one-half per centum of the wages, to be paid by each employer and each employee. The 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.

Approved February 20, 1951.

CHAPTER 298

S. B. No. 108
(Nordhougen and Page)

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, relating to coverage under the state old age and survivors insurance system.

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

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

M. Members of the state legislative assembly, officials of the state, city, village, township, and county, and other governmental instrumentalities elected by the vote of the people; 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 exempted from the provisions of this chapter. Elected state 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.

Approved February 27, 1951.

SPORTS AND AMUSEMENTS

CHAPTER 299

H. B. No. 785
(Leier)

REGULATION AND LICENSING OF AMUSEMENT GAMES AND DEVICES

AN ACT

To license and regulate the operation of amusement games and devices; levying a tax therefor, appropriating revenue derived therefrom, and repealing all Acts and parts of Acts in conflict therewith.

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

§ 1 AMENDMENT.) Section 53-0401 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

53-0401. Definitions. In this chapter, unless the context or subject matter otherwise requires;

1. "Amusement games or devices" shall include such games and devices as electric ray guns, music boxes, picture boxes, bumperball or pinball, and other similar miniature games or devices, whether or not they show a score, where a charge for playing or operating is collected but shall not apply to any machine which may constitute a lottery under the laws of this state;
2. "Person" shall include any partnership or corporation.