

SOCIAL SECURITY

CHAPTER 333

H. B. No. 754

(Hertz, Jungroth, Sanstead, Meschke, Obie, Loerch, Gietzen,)

(Meyer, Myhre, Shorma, Hoffner, Olson, Williamson,)

(Giffey, Gengler)

EMPLOYMENT SECURITY BUREAU

AN ACT

To create and enact subsection 26 of section 52-01-01, and to amend and reenact subsections 6, 7, and 25 of section 52-01-01, sections 52-01-04, 52-02-01, 52-06-14, 52-08-03, 52-09-03, subsection d of section 52-10-02 and to repeal sections 52-08-04, 52-08-05, 52-08-06, and 52-08-07, of the North Dakota Century Code, relating to definitions and creation of employment security bureau.

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

§ 1.) Subsection 26 of section 52-01-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

26. "Executive director" means the executive director of the employment security bureau.

§ 2. **Amendment.)** Subsections 6, 7, and 25 of section 52-01-01 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

6. "Bureau" means the North Dakota employment security bureau;

7. "Division" means the unemployment compensation division of the employment security bureau;

25. "Base-period employers" means the employers by whom an individual was paid his base-period wages;

§ 3. **Amendment.)** Section 52-01-04 of 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, or any employee of said bureau, 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

this title, or any person who has obtained any list of applicants for work, or of claimants or of recipients of benefits under this chapter, 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.

§ 4. **Amendment.)** Section 52-02-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-02-01. Employment Security Bureau Created.)

1. There is hereby created a bureau to be known as the Employment Security Bureau, which shall be administered by a full-time salaried executive director, who shall be subject to the supervision and direction of the governor. The governor is authorized to appoint, fix the compensation of, and prescribe the duties of such executive director, provided that such appointment shall be made on a nonpartisan, merit basis, in accordance with the provisions set forth at chapter 54-42, North Dakota Century Code.

2. There is hereby established in the employment security bureau two (2) coordinate divisions, the North Dakota unemployment compensation division and the North Dakota state employment service division, each to be administered by a full-time salaried director, selected on a nonpartisan, merit basis, who shall be subject to the supervision and direction of the bureau. Each division shall be responsible for the discharge of its distinctive functions. Each division shall be a separate administrative unit with respect to personnel, budget, and duties, except insofar as the executive director may find that such separation is impracticable.

§ 5. **Amendment.)** Section 52-06-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-06-14. Appeal Tribunals — How Comprised — Duties — Fees — Alternates — Chairman.) The bureau shall appoint one or more impartial appeal examiners known as the appeal tribunal, who shall hear and decide appealed claims. Each such tribunal shall consist of a referee selected in accordance with the provisions of chapter 52-02, or a body composed of three members, one of whom shall be a referee who shall serve as chairman and who shall be a salaried full-time member of the staff of the unemployment compensation division, and one of whom shall be a representative of employers,

and the other of whom shall be a representative of employees. Each of the latter two members may be selected without regard to section 52-02-06 and shall serve at the pleasure of the bureau and be paid a fee of twenty-five dollars per day of active service on such tribunal, plus necessary expenses. The bureau may designate alternates to serve in the absence or disqualification of any member of an appeal tribunal. The chairman shall act alone in the absence or disqualification of any other member or his alternates. In no case shall the hearings proceed unless the chairman of the appeal tribunal is present.

§ 6. Amendment.) Section 52-08-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-08-03. North Dakota State Employment Service a Division of Employment Security Bureau — Offices Maintained.) The North Dakota state employment service shall constitute a division of the employment security bureau. The executive director, through such division, shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of chapters 52-01 through 52-08.

§ 7. Amendment.) Section 52-09-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

***52-09-03. Administration.)** The North Dakota unemployment compensation division of the employment security bureau hereinafter called the "bureau" shall be vested with authority to administer the old age and survivors insurance system. Expenses for the administration of the old age and survivor insurance system shall be within the limits of legislative appropriation and funds shall be expended by warrant-checks prepared by the department of accounts and purchases after the approval by the state auditing board.

§ 8. Amendment.) Subsection d of section 52-10-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

d. The term "state agency" means the unemployment compensation division of the employment security bureau;

§ 9. Repeal.) Sections 52-08-04, 52-08-05, 52-08-06, and 52-08-07 of the North Dakota Century Code are hereby repealed.

Approved March 19, 1965.

***Note:** Section 52-09-03 was also amended by section 24, chapter 181, 1965 S.L.

CHAPTER 334

H. B. No. 834

(Haugland, Shablow, Stockman, Meschke, Anderson, Bloom,
(Connolly, Burk)

OLD AGE AND SURVIVOR INSURANCE SYSTEM

AN ACT

To amend and reenact section 52-09-09 of the North Dakota Century Code, as amended by chapter 338, Session Laws 1963, pertaining to rate of contribution of the old age and survivor insurance system.

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

§ 1. **Amendment.)** Section 52-09-09 of the North Dakota Century Code, as amended by chapter 338, Session Laws 1963, 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.

Approved March 17, 1965.

CHAPTER 335

H. B. No. 778
(Fossum, Hoffner)

SOCIAL SECURITY COVERAGE FOR SCHOOL DISTRICTS

AN ACT

To create and enact section 52-10-10 of the North Dakota Century Code, relating to continuation of social security coverage for enlarged or reorganized public school districts.

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

§ 1.) Section 52-10-10 of the North Dakota Century Code is hereby created and enacted to read as follows:

52-10-10. Identification of Enlarged or Reorganized Public School District, Liability of Surviving District.)

1. As used in this section "most populous district" means the public school district involved in annexation or reorganization of school districts:
 - a. Which maintained an elementary school;
 - b. More than one-half of which is included in the enlarged or reorganized public school district; and
 - c. Which had a larger number of children of school age at the school census next preceding the inclusion of such district in the enlarged or reorganized public school district than any other public school district of the type described in paragraphs a and b of this subsection which is included in the enlarged or reorganized public school district.
2. For the purpose of this chapter when an enlarged or reorganized school district is formed:
 - a. The most populous district shall be deemed to be the surviving district for social security purposes.
 - b. The enlarged or reorganized public school district shall retain the same identification number which was previously assigned to the most populous district, as defined in subsection 1 of this section.
 - c. The school districts, or parts thereof, included in the enlarged or recognized district shall be deemed to be annexed to the most populous district, or the part of the most populous district included in the enlarged

or reorganized district, and to become identified with it, and the employees of the public school districts included in the enlarged or reorganized district, or if only part of a district is included in the enlarged or reorganized district, the employees who are employed in schools included within the enlarged or reorganized district, shall be deemed to be employees of the most populous district, which shall succeed the other districts in such enlarged district as a party to their respective contracts of employment.

Approved March 8, 1965.