

# SOCIAL SECURITY

## CHAPTER 455

SENATE BILL NO. 2234

(Committee on Industry, Business, and Labor)  
(At the request of the Employment Security Bureau)

### DISQUALIFICATION FOR UNEMPLOYMENT BENEFITS

AN ACT to amend and reenact subsection 4 of section 52-01-01 of the North Dakota Century Code, relating to definition of disqualification for unemployment compensation benefits.

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

SECTION 1. 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 and in the event of a disqualification for benefits as provided for in subsections 1, 2, or 3 of section 52-06-02 the payment of benefits shall be postponed for the period of time prescribed therein or until such postponement is overcome as provided for in subsection 10;

Approved March 25, 1975

## CHAPTER 456

SENATE BILL NO. 2236

(Committee on Industry, Business, and Labor)  
(At the request of the Employment Security Bureau)

## EMPLOYMENT OF CHILD BY PARENT

AN ACT to amend and reenact subdivision e of subsection 15 of section 52-01-01 of the North Dakota Century Code, relating to an exclusion from the definition of "Employment" of services performed by a child in the employ of his father or mother for unemployment compensation purposes.

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

SECTION 1. AMENDMENT.) Subdivision e of subsection 15 of section 52-01-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- e. Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of eighteen in the employ of his father or mother;

Approved March 22, 1975

## CHAPTER 457

SENATE BILL NO. 2238  
(Committee on Industry, Business, and Labor)  
(At the request of the Employment Security Bureau)

## UNEMPLOYMENT COMPENSATION RATES

AN ACT to amend and reenact section 52-04-05, subsection 1 of section 52-04-06, and subsection 3 of section 52-04-06 of the North Dakota Century Code, relating to the standard rate of contributions, to variations in the rate of contributions and the rate of contributions of deficit accounts, for unemployment compensation, to amend and reenact subsection 2 of section 52-05-03 of the North Dakota Century Code, relating to the unemployment compensation contributions rate for voluntary coverage, to amend and reenact subdivision b of subsection 1 of section 52-06-04 of the North Dakota Century Code, relating to schedule of unemployment compensation benefits; and to repeal subsection 4 of section 52-04-06 of the North Dakota Century Code, relating to the unemployment compensation rate of an employer with a variable payroll.

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

SECTION 1. AMENDMENT.) Section 52-04-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-04-05. STANDARD RATE OF CONTRIBUTIONS - REDUCTION OF RATES.) For the calendar year 1976 and each calendar year thereafter, the standard rate of contributions payable by each employer shall be two and seven-tenths percent. No employer's rate shall be reduced below the standard rate for any calendar year unless and until his account has been chargeable with benefits throughout the thirty-six-consecutive-calendar-month period ending on December thirty-first of the preceding calendar year, except that an employer who has not been subject to the law for a period of time sufficient to meet this requirement may qualify for a reduced rate if his account has been chargeable with benefits throughout a lesser period of time but in no event less than the twelve-consecutive-calendar-month period ending on December thirty-first of the preceding calendar year.

SECTION 2. AMENDMENT.) Subsection 1 of section 52-04-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. For the calendar year 1976 and for each calendar year thereafter the bureau shall determine the ratio of reserves for the payment of benefits as of December thirty-first of the preceding calendar year, to taxable wages for such preceding calendar year which have been reported to the bureau on or before January thirty-first of the succeeding calendar year. If such ratio is:
  - a. Less than three percent, the schedule of rates at column I will be in effect;
  - b. Three percent but less than four percent, the schedule of rates at column II will be in effect;
  - c. Four percent but less than five percent, the schedule of rates at column III will be in effect;
  - d. Five percent but less than six percent, the schedule of rates at column IV will be in effect;
  - e. Six percent but less than seven percent, the schedule of rates at column V will be in effect;
  - f. Seven percent but less than eight percent, the schedule of rates at column VI will be in effect;
  - g. Eight percent but less than nine percent, the schedule of rates at column VII will be in effect;
  - h. Nine percent or more, the schedule of rates at column VIII will be in effect.

If the fund reserve ratio decreases during the calendar year 1976 or any calendar year thereafter, the schedule of rates will not be advanced by more than one column for any calendar year, except that the schedule of rates at column I will be in effect for each calendar year that the fund reserve ratio is less than three percent on December thirty-first of the preceding calendar year. The percent of the average annual payroll by which the cumulative contributions paid by an employer on or before January thirty-first of any year, with respect to wages paid by him prior to the first day of January of that calendar year, exceeds the cumulative benefits which were chargeable to his account and paid on or before December thirty-first of the preceding calendar year, shall be such employer's reserve ratio. The contribution rate for the ensuing calendar year of an employer eligible under section 52-04-05 will be the rate of contribution on the line in the schedule of rates opposite his reserve ratio as established for that year.

## SCHEDULE OF RATES--FUND RESERVE RATIO

EMPLOYER'S RESERVE RATIO	Col. I-- Less Than 3%	Col. II-- 3% But Less Than 4%	Col. III-- 4% But Less Than 5%	Col. IV-- 5% But Less Than 6%	Col. V-- 6% But Less Than 7%	Col. VI-- 7% But Less Than 8%	Col. VII-- 8% But Less Than 9%	Col. VIII-- 9% and Over
Minus Balance	4.2%	4.2%	4.2%	4.2%	4.2%	4.2%	4.2%	4.2%
0% but less than 1%	2.7%	2.7%	2.7%	2.7%	2.7%	2.7%	2.7%	2.7%
1% but less than 2%	2.7%	2.7%	2.7%	2.7%	2.7%	2.7%	2.7%	2.5%
2% but less than 3%	2.7%	2.7%	2.7%	2.7%	2.7%	2.7%	2.5%	2.3%
3% but less than 4%	2.7%	2.7%	2.7%	2.7%	2.7%	2.5%	2.3%	2.1%
4% but less than 5%	2.7%	2.7%	2.7%	2.7%	2.7%	2.3%	2.1%	1.9%
5% but less than 6%	2.7%	2.7%	2.7%	2.7%	2.7%	2.1%	1.9%	1.7%
6% but less than 7%	2.7%	2.7%	2.7%	2.7%	2.5%	1.9%	1.7%	1.5%
7% but less than 8%	2.7%	2.7%	2.7%	2.5%	2.3%	1.7%	1.5%	1.3%
8% but less than 9%	2.7%	2.7%	2.5%	2.3%	2.1%	1.5%	1.3%	1.1%
9% but less than 10%	2.7%	2.5%	2.3%	2.1%	1.9%	1.3%	1.1%	0.9%
10% but less than 11%	2.7%	2.3%	2.1%	1.9%	1.7%	1.1%	0.9%	0.7%
11% but less than 12%	2.7%	2.1%	1.9%	1.7%	1.5%	0.9%	0.7%	0.5%
12% but less than 13%	2.7%	1.9%	1.7%	1.5%	1.3%	0.7%	0.5%	0.3%
13% but less than 14%	2.7%	1.7%	1.5%	1.3%	1.1%	0.5%	0.3%	0.3%
14% but less than 15%	2.7%	1.5%	1.3%	1.1%	0.9%	0.3%	0.3%	0.3%
15% but less than 16%	2.7%	1.3%	1.1%	0.9%	0.7%	0.3%	0.3%	0.3%
16% and over	2.7%	1.1%	0.9%	0.7%	0.5%	0.3%	0.3%	0.3%

SECTION 3. AMENDMENT.) Subsection 3 of section 52-04-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. If the total benefits chargeable against an employer's account for all periods prior to January first of such calendar year, including benefits paid on or before January first, with respect to weeks of unemployment

compensated prior to January first, exceed the total contributions paid by such employer for the same period, including contributions paid on or before January thirty-first with respect to wages paid prior to January first of the same year, his contribution rate for the ensuing calendar year shall be four and two-tenths percent.

SECTION 4. AMENDMENT.) Subsection 2 of section 52-05-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. Any other employing unit, inclusive of governmental units, 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 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.

SECTION 5. AMENDMENT.) Subdivision b of subsection 1 of section 52-06-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- b. An individual's "weekly benefit amount" shall be an amount equal to one twenty-sixth (if not a multiple of one dollar, to be computed to the next higher multiple of one dollar) of his total wages for

insured work paid during the quarter of his base period in which his wages were the highest, but in no case to be less than a "minimum weekly benefit amount" of fifteen dollars nor more than a "maximum weekly benefit amount" as hereinafter provided:

- (1) Fifty-five percent of the "average weekly wage", rounded to the next higher multiple of one dollar if not a multiple of one dollar, shall be the "maximum weekly benefit amount" that can be paid to any individual whose benefit year commences on or after the first day of July of 1973;
- (2) Sixty percent of the "average weekly wage", rounded to the next higher multiple of one dollar if not a multiple of one dollar, shall be the "maximum weekly benefit amount" that can be paid to any individual whose benefit year commences on or after the first day of July of 1975;
- (3) Sixty-seven percent of the "average weekly wage", rounded to the next higher multiple of one dollar if not a multiple of one dollar, shall be the "maximum weekly benefit amount" that can be paid to any individual whose benefit year commences on or after the first day of July of 1976.

SECTION 6. REPEAL.) Subsection 4 of section 52-04-06 of the North Dakota Century Code is hereby repealed.

Approved March 22, 1975

## CHAPTER 458

SENATE BILL NO. 2231  
(Committee on Industry, Business, and Labor)  
(At the request of the Employment Security Bureau)

## UNEMPLOYMENT CONTRIBUTIONS PENALTIES

AN ACT to amend and reenact section 52-04-11 of the North Dakota Century Code, relating to interest and penalties for failure to pay contributions and file reports for unemployment compensation.

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

SECTION 1. AMENDMENT.) Section 52-04-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-04-11. UNPAID CONTRIBUTIONS TO BEAR INTEREST -  
PENALTIES FOR FAILURE TO FILE REPORTS - PENALTIES AND INTEREST  
COLLECTED PAID INTO UNEMPLOYMENT COMPENSATION FUND.)

1. Failure of any employing unit subject to the North Dakota unemployment compensation law to file contribution reports and pay contributions in the manner and time prescribed by the bureau shall subject such employing unit to interest and penalty charges as follows:
  - a. Contributions unpaid when due shall bear interest at the rate of one percent per month or fraction thereof from due date;
  - b. In the event of unexcused failure to file contribution reports within sixty days from due date there shall be added a penalty in an amount equal to five percent of such contributions or the sum of ten dollars, whichever is the greater;
  - c. When such unexcused failure to file contribution reports continues for more than sixty days there shall be added an additional penalty in an amount equal to five percent of such contributions for each additional sixty days or fraction thereof, but such additional penalty shall not exceed twenty percent.

2. The amount added pursuant to the provisions of this section shall be collected at the same time and in the same manner and as a part of the contributions and shall be paid into the unemployment trust fund.
3. The executive director, or any bureau employee authorized in writing by him, is authorized to enter into written agreements with employers relating to their liability in respect to delinquent contributions, interest, penalties, and costs when such employers are indebted to the bureau because of failure to pay contributions required to be paid within any given period of time; provided that such agreements shall be in accordance with regulations promulgated by the bureau and filed as provided by law, and further provided that they do not contravene any other law, rule, or regulation.

Approved April 8, 1975

## CHAPTER 459

HOUSE BILL NO. 1577  
(Mushik)

## PRIMARY OASIS BENEFIT

AN ACT to amend and reenact subsection D of section 52-09-20 of the North Dakota Century Code, relating to the determination of the primary insurance benefit under the North Dakota old age and survivor insurance system.

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

SECTION 1. AMENDMENT.) Subsection D of section 52-09-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- D. The term "primary insurance benefit" means an amount equal to the sum of the following:
- (1) (a) Fifty percentum of the amount of an individual's average monthly wage if such average monthly wage does not exceed seventy-five dollars, or (b) if such average monthly wage exceeds seventy-five dollars, fifty percentum of seventy-five dollars, plus fifteen percentum of the amount by which such average monthly wage exceeds seventy-five dollars and does not exceed two hundred fifty dollars, and
  - (2) An amount equal to one percentum of the amount computed under subdivision (1) multiplied by the number of years in which two hundred dollars or more of wages were paid to such individual.
  - (3) From and after July 1, 1975, the term "primary insurance benefit" shall be the total of the sums determined in subdivisions (1) and (2) of this subsection plus ninety dollars. Where the primary insurance benefit thus computed is less than ninety dollars, such benefit shall be ninety dollars. The provisions herein shall apply to valid claims filed before and after the specified date.

Approved March 22, 1975