

mandate transfer of experience from one employer to another when there is substantially common ownership, management, or control; apply to both total and partial transfers;
prohibit transfer of experience if a person becomes an employer by acquiring an existing business and if the purpose of the acquisition is to obtain a lower contribution rate; apply to persons, who prior to the acquisition of the business, (a) had no employees and (b) had some employees but not enough to be an employer for state law purposes;
provide meaningful civil and criminal penalties for knowingly violating or attempting to violate the law's requirements, and for knowingly advising to violate the law; and establish procedures to identify the transfer or acquisition of a business for purposes of the law.

MAINE HB 141 ENACTED and EFFECTIVE April 1, 2005
 (CH 40)

Financing

Requires charging benefits paid against the General Fund instead of the last employer's experience rating record if the claimant was hired by the claimant's last employer to fill a position left open by an individual who left to enter active duty in the U.S. military, and the claimant's separation from this employer was because the employer restored the military serviceperson to the person's former employment upon separation from military service.

MAINE SB 51 ENACTED and EFFECTIVE April 1, 2005
 (CH 39)

Appeals

Allows an individual under the Maine Enterprise Option Program (1) to appeal to the Commission from a hearing officer's decision as long as the appealing party participated in the hearing and was notified in writing of the effect of the failure to participate prior to the hearing and (2) to appeal from the Commission's decision pursuant to the state law.

MONTANA HB 567 ENACTED and EFFECTIVE April 7, 2005
 (CH 187)

Financing

Noncharges an employer's account for benefits paid due to a voluntary quit or discharge because of circumstances resulting from sexual assault or stalking.

Nonmonetary Eligibility

Defines the terms sexual assault and stalking; redefines the term domestic violence.

Provides that an individual will not be denied benefits because of leaving work or for being discharged due to circumstances resulting from the individual or a child of the individual being a victim of sexual assault or stalking, or the individual left work or was discharged because of an attempt on the individual's part to protect the individual or the individual's child from sexual assault or stalking.

NORTH DAKOTA HB 1202 ENACTED and EFFECTIVE March 15, 2005

Nonmonetary Eligibility

Changes the pension offset provision to provide that the weekly benefit amount will not be reduced due to receipt of Federal Social Security retirement benefits.

OREGON HB 2124 ENACTED May 13, 2005
 (CH 35) EFFECTIVE January 1, 2006

Financing

Amends state law to include SUTA dumping prevention provisions which:

mandate transfer of experience from one employer to another when there is substantially common ownership, management, or control; apply to both total and partial transfers;
prohibit transfer of experience if a person becomes an employer by acquiring an existing business and if the purpose of the acquisition is to obtain a lower contribution rate; apply to persons, who prior to the acquisition of the business, (a) had no employees and (b) had some employees but not enough to be an employer for state law purposes;
provide meaningful civil and criminal penalties for knowingly violating or attempting to violate the law's requirements, and for knowingly advising to violate the law; and establish procedures to identify the transfer or acquisition of a business for purposes of the law.

Applies to tax years beginning on and after January 1, 2006.

OREGON SB 35 ENACTED June 29, 2005
 (CH 336) EFFECTIVE January 1, 2006

Financing

Authorizes the state agency to issue warrants to collect unemployment insurance taxes and other debts in any case in which a there is a favorable judgment rendered for amounts due.

SOUTH DAKOTA SB 13 ENACTED and EFFECTIVE February 15, 2005
 (CH 281)

Financing

Amends state law to include SUTA dumping prevention provisions which:

mandate transfer of experience from one employer to another when there is substantially common ownership, management, or control; apply to both total and partial transfers;
prohibit transfer of experience if a person becomes an employer by acquiring an existing business and if the purpose of the acquisition is to obtain a lower contribution rate; apply to persons, who prior to the acquisition of the business, (a) had no employees and (b) had some employees but not enough to be an employer for state law purposes;
provide meaningful civil and criminal penalties for knowingly violating or attempting

to violate the law's requirements, and for knowingly advising to violate the law; and establish procedures to identify the transfer or acquisition of a business for purposes of the law.

SOUTH DAKOTA SB 14 ENACTED and EFFECTIVE February 1, 2005
(CH 279)

Monetary Entitlement

Modifies the definition of base period to include that no calendar quarter used in one base period of a valid claim may be used in a subsequent base period.

SOUTH DAKOTA SB 85 ENACTED and EFFECTIVE March 2, 2005
(CH 283)

Financing

Noncharges experience-rated employers' accounts for benefits directly attributable to the reinstatement of another employee upon that employee's completion of service in the uniformed services as of January 1, 2005, or the completion of state active duty by members of the National Guard who are activated pursuant to a call from the Governor as provided by law.

VIRGINIA SB 1112 ENACTED and EFFECTIVE March 20, 2005
(CH 44)

Financing

Deletes the requirement that individuals return to their regular full-time employment once the business reopened, for purposes of noncharging an employer's account for benefits received by an individual unable to work at his regular employment due to a disaster-related business closure.

VIRGINIA HB 2371 ENACTED and EFFECTIVE March 21, 2005
(CH 464)

Nonmonetary Eligibility

Disqualifies an individual for misconduct connected with his work due to chronic absenteeism or tardiness in deliberate violation of a known policy of the employer or one or more unapproved absences following a written reprimand or warning relating to more than one unapproved absence; provides that the Commission may consider evidence of mitigating circumstances in determining whether misconduct occurred.

VIRGINIA HB 2416 ENACTED and EFFECTIVE March 20, 2005
(CH 105)

Financing

Noncharges employers for benefits paid to an individual hired to replace a member of the Reserve of the United States Armed Forces or the National Guard called into active duty in connection with an international conflict and whose employment is terminated concurrent with and because of that member's return from active duty; deletes reference to Operation

Desert Storm/Shield.

VIRGINIA

HB 2050(CH 918)
SB 799(CH 23)

ENACTED April 6, 2005
ENACTED March 20, 2005

Monetary Entitlement

Increases the minimum and maximum weekly benefit amounts from \$50 to \$54 and from \$326 to \$330, respectively, effective July 3, 2005.

Increases the earnings needed in the 2 highest quarters of the base period to qualify from \$2,500 to \$2,700, effective July 3, 2005.

WYOMING

SB 97
(CH 72)

ENACTED February 18, 2005
EFFECTIVE July 1, 2005

Financing

Provides that upon full satisfaction of an employer's delinquent account and by written request, the department may, for good cause shown, reduce or eliminate the additional amounts payable as a result to the 2 percent delinquency rate assigned for failing to pay contributions, interest and penalties or failing to submit quarterly contribution reports.