Public Law 87-423

March 22, 1962
[H. R. 5143]

AN ACT

To amend section 801 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 801 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (31 Stat. 1189, 1321), is amended to read as follows:

D. C. Murder in first and second degrees. Punishment. D. C. Code 22-2404.

"SEC. 801. PUNISHMENT.—The punishment of murder in the first degree shall be death by electrocution unless the jury by unanimous vote recommends life imprisonment; or if the jury, having determined by unanimous vote the guilt of the defendant as charged, is unable to agree as to punishment it shall inform the court and the court shall thereupon have jurisdiction to impose and shall impose either a sentence of death by electrocution or life imprisonment.

"Notwithstanding any other provision of law, a person convicted of first degree murder and upon whom a sentence of life imprisonment is imposed shall be eligible for parole only after the expiration of twenty years from the date he commences to serve his sentence.

"Whoever is guilty of murder in the second degree shall be imprisoned for life or not less than twenty years.

"Cases tried prior to the effective date of this Act and which are before the court for the purpose of sentence or resentence shall be governed by the provisions of law in effect prior to the effective date of this Act: *Provided*, That the judge may, in his sole discretion, consider circumstances in mitigation and in aggravation and make a determination as to whether the case in his opinion justifies a sentence of life imprisonment, in which event he shall sentence the defendant to life imprisonment. Such a sentence of life imprisonment shall be in accordance with the provisons of this Act.

"In any case tried under this Act as amended where the penalty prescribed by law upon conviction of the defendant is death except in cases otherwise provided, the jury returning a verdict of guilty may by unanimous vote fix the punishment at life imprisonment; and thereupon the court shall sentence him accordingly; but if the jury shall not thus prescribe the punishment the court shall sentence the defendant to suffer death by electrocution unless the jury by its verdict indicates that it is unable to agree upon the punishment, in which case the court shall sentence the defendant to death or life imprisonment."

Approved March 22, 1962.

Public Law 87-424

March 30, 1962
[H. R. 5968]

AN ACT

To amend the District of Columbia Unemployment Compensation Act, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b)(5)(G) of the first section of the District of Columbia Unemployment Compensation Act (D.C. Code, sec. 46–301(b)(5)(G)) is amended by striking out "religious, charitable, scientific, literary, or educational purposes," and inserting in lieu thereof "religious, or charitable purposes,".

D. C. Unemployment Compensation Act, amendment. 57 Stat. 101.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

SEC. 2. The first section of the District of Columbia Unemployment Compensation Act (D.C. Code, sec. 46–301) is further amended by adding at the end thereof the following: 68 Stat. 989.

"(v) The term 'insured work' means employment for employers." "Insured work."

SEC. 3. Section 3(c)(1) of the District of Columbia Unemployment Compensation Act (D.C. Code, sec. 46–303(c)(1)) is amended to read as follows: 57 Stat. 106.

"(1) The Board shall maintain a separate account for each employer, and shall credit his account with all of the contributions paid by him after June 30, 1939, with respect to employment subsequent to May 31, 1939. Each year the Board shall credit to each of such accounts having a positive reserve on the computation date, the interest earned from the Federal Government in the following manner: Each year the ratio of the credit balance in each individual account to the total of all the credit balances in all employer accounts shall be computed as of such computation date, and an amount equal to the interest credited to the District's account in the unemployment trust fund in the Treasury of the United States for the four most recently completed calendar quarters shall be credited prior to the next computation date on the pro rata basis to all employers' accounts having a credit balance on the computation date. Such amount shall be prorated to the individual accounts in the same ratio that the credit balance in each individual account bears to the total of the credit balances in all such accounts. In computing the amount to be credited to the account of an employer as a result of interest earned by funds on deposit in the unemployment trust fund in the Treasury of the United States to the account of the District, any voluntary contribution made by an employer after June 30 of any year shall not be considered a part of the account balance of the employer until the next computation date occurring after such voluntary contribution was made. Nothing in this Act shall be construed to grant any employer or individual in his service prior claims or rights to the amounts paid by him into the fund either on his own behalf or on behalf of such individuals." Employer contributions.

SEC. 4. Section 3(c)(8)(i) of the District of Columbia Unemployment Compensation Act (D.C. Code, sec. 46–303(c)(8)(i)) is amended to read as follows: 68 Stat. 991.

"(i) If as of the computation date the total of all contributions credited to any employer's account, with respect to employment since May 31, 1939, is in excess of the total benefits paid after June 30, 1939, then chargeable or charged to his account, such excess shall be known as the employer's reserve, and his contribution rate for the ensuing calendar year or part thereof shall be— Employer's reserve.

"(A) 2.7 per centum if such reserve is less than 0.8 per centum of his average annual payroll;

"(B) 2 per centum if such reserve equals or exceeds 0.8 per centum but is less than 1.3 per centum of his average annual payroll;

"(C) 1.5 per centum if such reserve equals or exceeds 1.3 per centum but is less than 1.8 per centum of his average annual payroll;

"(D) 1 per centum if such reserve equals or exceeds 1.8 per centum but is less than 2.8 per centum of his average annual payroll;

"(E) 0.5 per centum if such reserve equals or exceeds 2.8 per centum but is less than 3.3 per centum of his average annual payroll;

"(F) 0.1 per centum if such reserve equals or exceeds 3.3 per centum of his average annual payroll."

SEC. 5. Section 3(c)(8) of the District of Columbia Unemployment Compensation Act (D.C. Code, sec. 46–303(c)(8)) is further amended by adding at the end thereof the following:

60 Stat. 528.

Employer's voluntary contributions.

"(iv) Any employer, at any time, may voluntarily pay into the unemployment compensation fund an amount in excess of the contributions required to be paid under the provisions of this Act, and such amount shall be forthwith credited to his reserve account. His rate of contribution shall be computed, or recomputed, as the case may be, with such amount included in the calculation. To affect such employer's rate of contribution for any year, such amount shall be paid not later than thirty days following the mailing of notice of his rate of contribution for such year, and not later than one hundred and twenty days after the commencement of such year. Such amount, when paid as aforesaid, shall not be refunded or used as a credit in the payment of contributions in whole or in part."

SEC. 6. Subsections (b), (c), and (d) of section 7 of the District of Columbia Unemployment Compensation Act (D.C. Code, sec. 46–307 (b), (c), and (d)) are amended to read as follows:

68 Stat. 993.

"Weekly benefit amount."

"(b) An individual's 'weekly benefit amount' shall be an amount equal to one twenty-third (computed to the next higher multiple of $1) of his total wages for insured work paid during that quarter of his base period in which such total wages were highest, with such other following limitations. If an individual's weekly benefit amount is less than $8, it shall be $8. The Director shall determine annually a maximum weekly benefit amount by computing 50 per centum of the average weekly wage paid to employees in insured work, and shall on or before January 1 of the calendar year in which it shall be effective announce by publication in at least one newspaper of general circulation in the District, the maximum weekly benefit amount so determined. Such computation shall be made by determining total wages reported as paid for insured work by employers in each twelve-month period ending June 30, and dividing said total wages by a figure resulting from fifty-two times the average of midmonth employment reported by employers for the same period. For the period from the effective date of this Act to December 31, 1962, the maximum weekly benefit amount shall be determined and announced by the Director in accordance with the foregoing formula on the basis of wages and employment in the twelve-month period ending June 30, 1961. The maximum weekly benefit amount so determined and announced for a calendar year shall apply only to those claims filed in that year qualifying for maximum payment under the foregoing formula. All claims qualifying for payment at the maximum weekly benefit amount shall be paid at the maximum weekly benefit amount in effect when the benefit year to which the claim relates was first established, notwithstanding a change in said amount for a subsequent calendar year. If the maximum weekly benefit amount is not a multiple of $1, then said maximum weekly benefit amount shall be computed to the next higher multiple of $1.

Qualification standards.

"(c) To qualify for benefits an individual must have (1) been paid wages for employment of not less than $130 in one quarter in his base period, (2) been paid wages for employment of not less than $276 in not less than two quarters in such period, and (3) received during such period wages the total amount of which is equal to at least one and one-half times the amount of his wages for the quarter in such period in which his wages were the highest. Notwithstanding the provisions of clause (3), any otherwise qualified individual, the total amount of whose wages during such period is less than the amount required to have been received during such period under such clause, may qualify for benefits if the differences between the

amounts so required to have been received and the total amount of his wages during such period does not exceed $70, but the amount of his weekly benefit, as computed under section 7(b), shall be reduced by $1 if such difference does not exceed $35 or by $2 if such difference is more than $35. Wages received by an individual in the period intervening between the end of his last base period and the beginning of his last benefit year and paid by employers who were his base period employers in such last base period shall not be available for benefit purposes in a subsequent benefit year unless he has, subsequent to the commencement of such last benefit year, received remuneration for personal services, whether or not such services were performed in employment as defined in this Act, in an amount equal to at least ten times the weekly benefit amount for which he qualifies in such last benefit year. Benefits payable to an individual with respect to a week shall be reduced, under regulations prescribed by the Board, by any amount received with respect to such week as a retirement pension or annuity under a public or private retirement plan or system provided, or contributed to, by any base period employer. An amount received with respect to a period other than a week shall be prorated by weeks. No reduction shall be made under the preceding two sentences for (A) any retirement pension or annuity received by reason of disability, or (B) any amount received under title II of the Social Security Act.

70 Stat. 817.
42 USC 401-425.

"(d) Any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to thirty-four times his weekly benefit amount or 50 percent of the wages for employment paid to such individual by employers during his base period, whichever is the lesser. Such total amount of benefits, if not a multiple of $1, shall be computed to the next higher multiple of $1."

SEC. 7. Subsection (f) of section 7 of the District of Columbia Unemployment Compensation Act (D.C. Code, sec. 46–307(f)) is amended by striking out "$30" and inserting in lieu thereof "the established maximum benefit amount".

68 Stat. 994.

SEC. 8. Clause (b) of section 9 of the District of Columbia Unemployment Compensation Act (D.C. Code, sec. 46–309) is amended to read as follows:

57 Stat. 114.

"(b) that he has during his base period been paid wages for employment by employers equal to those required by subsection (c) of section 7."

SEC. 9. Subsections (d) and (e) of section 10 of the District of Columbia Unemployment Compensation Act (D.C. Code, sec. 46–310 (d) and (e)) are amended to read as follows:

"(d)(1) Benefits shall not be denied to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (A) If the position offered is vacant due directly to a strike, lockout, or other labor dispute; (B) if the wages, earnings, hours, or other conditions of the work offered are less favorable to the individual than those prevailing for similar work in the locality; (C) if as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

Disqualification for benefits, exceptions.

"(2) Compensation shall not be denied to any otherwise eligible individual for any week during which he is attending a training or retraining course with the approval of the Board, and such individual shall be deemed to be otherwise eligible for any such week despite the provisions of section 9(d) and subsection (c) of this section.

"(e) If any individual otherwise eligible for benefits fails, without good cause as determined by the Board under regulations prescribed

Training or retraining course, eligibility condition.

by it, to attend a training or retraining course when recommended by the manager of the employment office or by the Board and such course is available at public expense, he shall not be eligible for benefits with respect to any week in which such failure occurred."

Effective date.

SEC. 10. The amendments made by this Act shall take effect on the first day of the first calendar quarter which begins after the date of enactment of this Act.

Approved March 30, 1962.

Public Law 87-425

March 30, 1962
[S. 2533]

AN ACT

To amend the requirements for participation in the 1962 feed grain program.

Agriculture.
Feed grain program, 1962.
72 Stat. 994;
75 Stat. 301.
7 USC 1441 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 105 (c) (4) of the Agricultural Act of 1949 is amended by changing the parenthetical statement in the first sentence to read as follows: "(except in the case of a producer of malting barley as hereinafter described and except in the case of a producer of barley on a summer-fallow farm as hereinafter described)", and by changing the period at the end of such section to a colon and adding the following: "*Provided further*, That no producer of barley on a farm where summer fallow is the normal practice shall be required to participate in the special agricultural conservation program for 1962 for barley if he (i) does not knowingly devote an acreage on the farm to barley in excess of the average acreage devoted on the farm to barley in 1959 and 1960 plus the acreage devoted to summer fallow in 1961 which is diverted from the production of wheat under the special 1962 wheat program, and (ii) does not knowingly devote an acreage on the farm to corn, grain sorghums, and barley in excess of 80 per centum of the average acreage devoted on the farm to corn, grain sorghums, and barley in 1959 and 1960."

49 Stat. 1151;
75 Stat. 302.
16 USC 590p.

SEC. 2. Section 16(d) (1) of the Soil Conservation and Domestic Allotment Act is amended by changing the parenthetical statement in the second sentence to read as follows: "(other than a producer of malting barley as described in section 105(c) (4) of the Agricultural Act of 1949, or a producer of barley on a summer-fallow farm as described in such section)", and by inserting after the second sentence a new sentence reading as follows: "The excess, if any, of the acreage devoted to barley in 1962 on a summer-fallow farm as decribed in section 105(c) (4) of the Agricultural Act of 1949 over the average acreage devoted to barley on such farm in 1959 and 1960 shall be considered as planted to corn and grain sorghums for the purpose of determining extent of participation and payments under the special agricultural conservation program for 1962 for corn and grain sorghums."

Approved March 30, 1962.