

SOCIAL SECURITY

CHAPTER 391

SENATE BILL NO. 2185

(Senators Poolman, Grindberg)
(Representatives Dockter, Larson, Looyesen, Nathe)

AN ACT to create and enact a new subsection to section 52-01-03 of the North Dakota Century Code, relating to job service North Dakota sharing data with the attorney general for the purpose of offender registration compliance.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 52-01-03 of the North Dakota Century Code is created and enacted as follows:

The bureau shall enter into a data sharing agreement with the attorney general for the purpose of monitoring individuals who are required to register as sexual offenders or offenders against children. Under such agreement, the bureau may furnish unemployment insurance employee or claimant contact information and the names and addresses of the employers for whom the employee or claimant has worked.

Approved April 1, 2013
Filed April 1, 2013

CHAPTER 392

HOUSE BILL NO. 1111

(Industry, Business and Labor Committee)
(At the request of Job Service North Dakota)

AN ACT to amend and reenact subsection 3 of section 52-04-07 of the North Dakota Century Code, relating to the prohibition of noncharging of unemployment compensation benefits attributable to the accounts of base period employers; and to provide for application.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 3 of section 52-04-07 of the North Dakota Century Code is amended and reenacted as follows:

3. Subsection 2 does not apply to benefit payments ~~which are financed under a reimbursable method if:~~
 - a. Benefit payments are financed under a reimbursable method.
 - b. An overpayment of unemployment compensation benefits results from:
 - (1) The employer, or the agent of the employer, failing to respond timely or adequately to the request from the bureau for information relating to a claim for unemployment compensation; and
 - (2) The employer, or agent of the employer, has established a demonstrated pattern of failing to respond to such requests.

This section applies to overpayments established after October 21, 2013.

Approved March 26, 2013
Filed March 27, 2013

CHAPTER 393

HOUSE BILL NO. 1112

(Industry, Business and Labor Committee)
(At the request of Job Service North Dakota)

AN ACT to amend and reenact subsection 2 of section 52-04-12 and subsection 4 of section 52-06-02 of the North Dakota Century Code, relating to use of liens to collect contributions owed to job service North Dakota and to unemployment insurance eligibility in the case of a labor dispute.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 2 of section 52-04-12 of the North Dakota Century Code is amended and reenacted as follows:

2. Whenever any employer, liable to pay contributions, interest, or penalty, fails to pay, the amount of contributions, interest, penalty, and costs that accrue is a lien in favor of the state upon all property and all rights to property belonging to the employer. The lien attaches at the time the contributions, interest, or penalty becomes due, and continues until the liability is satisfied. To preserve the lien against subsequent mortgages, purchasers for value and without notice of the lien, judgment creditors, and lienholders, job service North Dakota shall file ~~with~~a notice of lien utilizing one of these methods:
 - a. In the central indexing system maintained by the secretary of state. Job service North Dakota shall index in the central indexing system the following data:
 - (1) The name of the employer.
 - (2) The name "job service North Dakota" as claimant.
 - (3) The date and time the notice of lien was indexed.
 - (4) The amount of the lien.

The notice of lien is effective as of eight a.m. following the indexing of the notice. Job service North Dakota shall index any notice of lien without payment of a fee or cost to the secretary of state. Upon payment of contributions, interest, penalty, and costs, job service North Dakota shall index a satisfaction of the lien in the central indexing system without fees or costs.

- b. With the recorder, in the county in which the property is located, a notice of the lien. The lien is effective from the time of filing of the notice. The recorder shall preserve the notice and endorse on it the day, hour, and minute when it was received. The recorder shall index the notice of lien in an appropriate index record and record the notice of lien in the manner provided for recording real estate mortgages. The recorder shall accept the notice of lien for filing without payment of a fee by job service North Dakota. Upon payment of the contributions, interest, penalty, and costs, job service North Dakota shall file with the recorder a satisfaction of the

lien. The recorder shall enter the satisfaction on the notice of lien, index the satisfaction in an appropriate index record, and record the satisfaction in the manner provided for recording satisfactions of real estate mortgages. The recorder shall accept the satisfaction for filing without payment of a fee by job service North Dakota. ~~The~~

In either method, the attorney general, upon request of job service North Dakota, may bring suit without bond, to foreclose the lien.

SECTION 2. AMENDMENT. Subsection 4 of section 52-06-02 of the North Dakota Century Code is amended and reenacted as follows:

4. For any week with respect to which it is found that the individual's unemployment is due to any kind of labor dispute, including a strike, sympathy strike, or a claimant's work stoppage dispute of any kind which exists because of a labor dispute at the factory, establishment, or other premises at which the individual is or was last employed~~lockout~~; provided, that this subsection does not apply if it is shown that:
 - a. The individual is not participating in or directly interested in the labor dispute ~~which caused the strike, sympathy strike, or a claimant's work stoppage dispute of any kind~~; and
 - b. The individual does not belong to a grade or class of workers of which, immediately before the commencement of the ~~stoppage~~labor dispute, there were members employed at the premises at which the ~~strike, sympathy strike, or a claimant's work stoppage~~labor dispute of any kind occurs, any of whom are participating in or directly interested in the labor dispute; provided, that if in any case separate branches of work, which are commonly conducted as separate businesses in separate premises, are conducted in separate departments of the same premises, each such department must, for the purpose of this subsection, be deemed to be a separate factory, establishment, or other premises.

Approved April 26, 2013
Filed April 26, 2013

CHAPTER 394

SENATE BILL NO. 2111

(Industry, Business and Labor Committee)
(At the request of Job Service North Dakota)

AN ACT to amend and reenact section 52-06-33 of the North Dakota Century Code, relating to a monetary penalty imposed when unemployment compensation benefits are obtained through false statements; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 52-06-33 of the North Dakota Century Code is amended and reenacted as follows:

52-06-33. Recovery and recoupment - Penalty.

A person who has received any amount of benefits under the North Dakota unemployment compensation law to which the person is not entitled shall be liable to refund to the bureau for the fund the amount so paid or to have such amount deducted from any future benefits payable to the person under the North Dakota unemployment compensation law or the unemployment compensation law of another state or the federal government following a finding that such payment occurred. Such findings shall have become final and shall specify the reason for such finding, the week or weeks for which such benefits were paid, and the amount of benefits so paid. The bureau, in its discretion, may release such person from liability to refund when it finds that recovery would be contrary to equity and good conscience. Amounts determined collectible may be so collected by civil action in the name of the bureau. If the bureau has found that the individual has made a false statement for the purpose of obtaining unemployment compensation benefits to which the individual was not lawfully entitled, the bureau shall assess a monetary penalty of fifteen percent of the amount of unemployment compensation benefits overpaid. The penalty must be applied to all forms of state and federal unemployment compensation and the federally mandated penalty amounts collected must be deposited in the state unemployment compensation fund. Amounts unpaid on the date on which they are due and payable, as determined by the bureau, may bear interest at the rate of one and one-half percent per month from and after that date until payment plus accrued interest is received by the bureau. However, no interest may be assessed for the first one hundred eighty days on any overpayment ~~occurring without fault on the part of the individual~~ when the bureau has found that the individual did not make a false statement to obtain benefits to which the individual was not lawfully entitled.

Approved March 21, 2013
Filed March 21, 2013