

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO.

Introduced by

Senators Mathern, Flakoll

Representatives Berg, Holman

(Approved by the Delayed Bills Committee)

1 A BILL for an Act to amend and reenact section 52-06-01 of the North Dakota Century Code,
2 relating to eligibility for unemployment compensation in cases of emergencies; to provide for
3 application; to provide an expiration date; and to declare an emergency.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 52-06-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **52-06-01. Conditions required to be eligible for benefits.** An unemployed individual
8 is eligible to receive benefits with respect to any week only if the bureau finds that:

- 9 1. The individual has made a claim for benefits with respect to such week in
10 accordance with such regulations as the bureau may prescribe;
- 11 2. The individual has registered for work at, and thereafter continued to report at, an
12 employment office in accordance with such regulations as the bureau may
13 prescribe, except that the bureau may, by regulation, waive or alter either or both
14 of the requirements of this subsection as to individuals attached to regular jobs and
15 as to such other types of cases or situations with respect to which it finds that
16 compliance with such requirements would be oppressive, or would be inconsistent
17 with the purposes of the North Dakota unemployment compensation law; provided,
18 that ~~no such~~ the regulation ~~shall~~ may not conflict with section 52-06-03;
- 19 3. The individual is able to work and is available for suitable work and actively
20 seeking work, provided:
 - 21 a. That notwithstanding any other provisions in this section, no otherwise eligible
22 individual may be denied benefits for any week because the individual is in
23 training with the approval of the bureau by reason of the application of
24 provisions of this subsection relating to availability for work and to active

1 search for work, or the provisions of subsection 3 of section 52-06-02 relating
2 to disqualification for benefits for failure to apply for, or a refusal to accept,
3 suitable work; and

4 b. That no claimant may be considered ineligible in any week of unemployment
5 for failure to comply with this subsection, if the failure is due to an illness or
6 disability not covered by workforce safety and insurance and which occurred
7 after the claimant has registered for work and no work has been offered the
8 claimant which is suitable;

9 4. ~~The~~ Except in the case of a disaster as defined under section 37-17.1-04 for which
10 the president of the United States has declared a disaster under 42 U.S.C. 5170,
11 et seq. and for which the governor has issued an executive order directing the
12 bureau to waive the one-week waiting period otherwise required under this
13 subsection, the individual has been unemployed for a waiting period of one week.
14 The effective date of an executive order issued under this subsection must
15 coincide with the effective date of the presidential disaster declaration. ~~No~~ A week
16 may not be counted as a week of unemployment for the purposes of this
17 subsection:

18 a. Unless ~~it~~ the week occurs within the benefit year ~~which~~ that includes the week
19 with respect to which the individual claims payment of benefits;

20 b. If benefits have been paid with respect thereto; and

21 c. Unless the individual was eligible for benefits, with respect thereto as provided
22 in this section and section 52-06-02; and

23 5. The individual participates in reemployment services, such as job search
24 assistance services, if the individual has been determined to be likely to exhaust
25 regular benefits and to need reemployment services pursuant to a profiling system
26 established by the bureau, unless the bureau determines that:

27 a. The individual has completed these services; or

28 b. There is justifiable cause for the claimant's failure to participate in these
29 services.

1 **SECTION 2. EMERGENCY - APPLICATION.** This Act applies to unemployment
2 compensation claims filed after March 23, 2009, and this Act is declared to be an emergency
3 measure.

4 **SECTION 3. EXPIRATION DATE.** This Act is effective through July 31, 2011, and
5 after that date is ineffective.