

April 3, 2009

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2444

Page 1, line 1, after "to" insert "amend and reenact section 52-06-01 of the North Dakota Century Code, relating to eligibility for unemployment compensation in cases of emergencies; to"

Page 1, line 3, after the third semicolon insert "to provide for application; to provide an expiration date;"

Page 1, after line 4, insert:

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

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

1. The individual has made a claim for benefits with respect to such week in accordance with such regulations as the bureau may prescribe;
2. The individual has registered for work at, and thereafter continued to report at, an employment office in accordance with such regulations as the bureau may prescribe, except that the bureau may, by regulation, waive or alter either or both of the requirements of this subsection as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which it finds that compliance with such requirements would be oppressive, or would be inconsistent with the purposes of the North Dakota unemployment compensation law; provided, that ~~no such~~ the regulation ~~shall~~ may not conflict with section 52-06-03;
3. The individual is able to work and is available for suitable work and actively seeking work, provided:
  - a. That notwithstanding any other provisions in this section, no otherwise eligible individual may be denied benefits for any week because the individual is in training with the approval of the bureau by reason of the application of provisions of this subsection relating to availability for work and to active search for work, or the provisions of subsection 3 of section 52-06-02 relating to disqualification for benefits for failure to apply for, or a refusal to accept, suitable work; and
  - b. That no claimant may be considered ineligible in any week of unemployment for failure to comply with this subsection, if the failure is due to an illness or disability not covered by workforce safety and insurance and which occurred after the claimant has registered for work and no work has been offered the claimant which is suitable;
4. ~~The~~ Except in the case of a disaster as defined under section 37-17.1-04 for which the president of the United States has declared a disaster under 42 U.S.C. 5170, et seq. and for which the governor has issued an executive order directing the bureau to waive the one-week waiting period otherwise required under this subsection, the individual has been unemployed for a waiting period of one week. The effective date of an

executive order issued under this subsection must coincide with the effective date of the presidential disaster declaration. No A week may not be counted as a week of unemployment for the purposes of this subsection:

- a. Unless ~~it~~ the week occurs within the benefit year ~~which that~~ includes the week with respect to which the individual claims payment of benefits;
  - b. If benefits have been paid with respect thereto; and
  - c. Unless the individual was eligible for benefits, with respect thereto as provided in this section and section 52-06-02; and
5. The individual participates in reemployment services, such as job search assistance services, if the individual has been determined to be likely to exhaust regular benefits and to need reemployment services pursuant to a profiling system established by the bureau, unless the bureau determines that:
- a. The individual has completed these services; or
  - b. There is justifiable cause for the claimant's failure to participate in these services."

Page 1, line 17, replace "1" with "2"

Page 2, replace line 5 with:

**"SECTION 7. EMERGENCY - APPLICATION.** Section 1 of this Act applies to unemployment compensation claims filed after March 23, 2009, and this Act is declared to be an emergency measure.

**SECTION 8. EXPIRATION DATE.** Section 1 of this Act is effective through July 31, 2011, and after that date is ineffective."

Renumber accordingly