

**HOUSE BILL NO. 1274**

Introduced by

Representative S. Kelsh

1 A BILL for an Act to amend and reenact section 52-04-07 of the North Dakota Century Code,  
2 relating to unemployment benefits chargeable against a nonprofit organization as a base period  
3 employer.

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

5 **SECTION 1. AMENDMENT.** Section 52-04-07 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **52-04-07. Benefits paid chargeable to accounts of base-period employers.**

- 8 1. Benefits paid to an individual must be charged against the accounts of the individual's  
9 base-period employers. The amount of benefits so chargeable against each  
10 base-period employer's account must bear the same ratio to the benefits paid to an  
11 individual as the base-period wages paid to the individual by such employer bear to  
12 the total amount of the base-period wages paid to the individual by all of the  
13 individual's base-period employers.
- 14 2. Notwithstanding subsection 1, an employer's account may not be charged for any of  
15 the following:
- 16 a. With benefits paid to an individual for unemployment that is directly caused by a  
17 major natural disaster declared by the president pursuant to section 102(2) of the  
18 Disaster Relief Act of 1974 [Pub. L. 93-288; 88 Stat. 143; 42 U.S.C. 5122(2)], if  
19 the individual would have been eligible for disaster unemployment assistance  
20 with respect to that unemployment but for the individual's receipt of  
21 unemployment insurance benefits.
- 22 b. With benefits paid to an individual who either:

- 1                   (1) Left the employment of the base-period employer voluntarily without good  
2                   cause or with good cause not involving fault on the part of the base-period  
3                   employer; or  
4                   (2) Who was discharged from employment by the base-period employer for  
5                   misconduct.  
6                   c. As provided under section 52-06-29.  
7                   d. With benefits paid to an individual who is in training with the approval of job  
8                   service North Dakota.  
9                   e. With benefits paid to an individual who is subsequently determined not entitled to  
10                  receive the benefits.  
11                  f. With benefits paid to an individual who is currently employed part time with that  
12                  employer when the hiring agreement between the individual and the employer  
13                  has not changed since the individual commenced work for that employer. This  
14                  subdivision does not apply to an employee of a temporary help firm.  
15                  3. Subsection 2 does not apply to benefit payments which are financed under a  
16                  reimbursable method.  
17                  4. Any nonprofit organization which elects to make payments in lieu of contributions into  
18                  the unemployment compensation fund as provided in section 52-04-18 is not liable to  
19                  make such payments with respect to the benefits paid to any individual whose  
20                  base-period wages include wages for previously uncovered services as defined in  
21                  subsection 3 of section 52-06-04 to the extent that the unemployment compensation  
22                  fund is reimbursed for such benefits pursuant to section 121 of Pub. L. 94-566.  
23                  5. Notwithstanding subsection 1, a nonprofit organization that elects to make payments  
24                  in lieu of contributions into the unemployment compensation fund as provided in  
25                  section 52-04-18 is not liable to make such payments with respect to the benefits paid  
26                  to any individual whose base-period wages include wages paid by the nonprofit  
27                  organization if the individual left employment with the nonprofit organization voluntarily  
28                  without good cause attributable to the nonprofit organization employer.  
29                  6. Notwithstanding the provisions of subsection 1, an employer's account may not be  
30                  charged with benefits paid for previously uncovered services as defined in

- 1 subsection 3 of section 52-06-04 to the extent that the unemployment compensation
- 2 fund is reimbursed for such benefits pursuant to section 121 of Pub. L. 94-566.