

Fifty-eighth  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2225

Introduced by

Senators Heitkamp, Thane

Representatives Maragos, Thorpe

1 A BILL for an Act to amend and reenact subsection 2 of section 52-06-04 and sections  
2 52-06-05 and 52-07.1-05 of the North Dakota Century Code, relating to unemployment  
3 compensation benefit amounts, maximum potential benefits, and eligibility for extended  
4 benefits.

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

6 **SECTION 1. AMENDMENT.** Subsection 2 of section 52-06-04 of the North Dakota  
7 Century Code is amended and reenacted as follows:

8 2. To qualify as an insured worker an individual must have been paid wages for  
9 insured work in at least two calendar quarters of the individual's base period  
10 totaling not less than one and one-half times the individual's total wages paid  
11 during the quarter of the individual's base period in which the individual's wages  
12 were the highest. An individual who has been paid wages for insured work in at  
13 least two calendar quarters of the individual's base period but whose total  
14 base-period wages are less than one and one-half times the individual's total  
15 wages paid during the quarter of the individual's base period in which the  
16 individual's wages were the highest may qualify as an insured worker provided the  
17 total base-period wages paid to the individual for insured work are not less than  
18 twenty times the average weekly wage. However, the wage credits of an individual  
19 earned during the period commencing with the end of the prior base period and  
20 ending on the date on which the individual filed a valid claim are not available for  
21 benefit purposes in a subsequent benefit year unless, in addition thereto, the  
22 individual has subsequently earned wages for insured work in an amount equal to  
23 at least ten times the individual's current weekly benefit amount. Base-period  
24 wages used to determine an individual's monetary eligibility under this subsection,

1 as a result of the following employment, may not exceed ten times the individual's  
2 weekly benefit amount:

- 3 a. Employment by a partnership, if one-fourth or greater ownership interest in  
4 the partnership is or during such employment was owned or controlled,  
5 directly or indirectly by the individual's spouse or child, or by the individual's  
6 parent if the individual is under age eighteen, or by a combination of two or  
7 more of them.
- 8 b. Employment by a corporation, if one-fourth or more of the ownership interest,  
9 however designated or evidenced in the corporation is or during such  
10 employment was owned or controlled, directly or indirectly, by the individual  
11 or by the individual's spouse or child, or by the individual's parent if the  
12 individual is under age eighteen, or by a combination of two or more of them.
- 13 c. Employment by a limited liability company, if one-fourth or more of the  
14 ownership interest, however designated or evidenced in the limited liability  
15 company is or during such employment was owned or controlled, directly or  
16 indirectly, by the individual's spouse or child, or by the individual's parent if  
17 the individual is under eighteen, or by a combination of two or more of them.
- 18 d. This provision does not apply if, at the time of the claim, such ownership  
19 interest has been ceded.

20 **SECTION 2. AMENDMENT.** Section 52-06-05 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22 **52-06-05. Maximum potential benefits.** Any otherwise eligible individual is entitled  
23 during the individual's benefit year to benefits for the number of times the individual's weekly  
24 benefit amount appearing in the following table on the line which includes the individual's ratio  
25 of total base-period wages to highest quarter base-period wages:

26	Ratio of Total Base-Period	Times Weekly
27	Wages to High Quarter	Benefit Amount
28	1.50 to 2.29	12
29	2.30 to 2.44	14
30	2.45 to 2.59	16
31	2.60 to 2.74	18

1	2.75 to 2.89	20
2	2.90 to 3.04	22
3	3.05 to 3.19	24
4	3.20 or more	26

5 Any otherwise eligible individual whose total base-period wages are less than one and one-half  
6 times the individual's total wages paid during the quarter of the individual's base period in which  
7 the individual's wages were the highest is entitled during the individual's benefit year to benefits  
8 twelve times the individual's weekly benefit amount.

9 **SECTION 3. AMENDMENT.** Section 52-07.1-05 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11 **52-07.1-05. Eligibility requirements for extended benefits.**

12 1. An individual is eligible to receive extended benefits with respect to any week of  
13 unemployment in the individual's eligibility period only if the bureau finds that with  
14 respect to such week:

15 ~~4.~~ a. The individual is an "exhaustee" as defined in subsection 3 of section  
16 52-07.1-03; and

17 ~~2.~~ b. The individual has satisfied the requirement of this chapter for the receipt of  
18 regular benefits that are applicable to individuals claiming extended benefits,  
19 including not being subject to a disqualification for the receipt of benefits.

20 2. To qualify for extended benefits, an individual must have been paid wages for  
21 insured work in at least two calendar quarters of the individual's base period  
22 totaling not less than one and one-half times the individual's total wages paid  
23 during the quarter of the individual's base period in which the individual's wages  
24 were the highest.