

HOUSE BILL NO. 1098

Introduced by

Industry, Business and Labor Committee

(At the request of Job Service North Dakota)

1 A BILL for an Act to amend and reenact section 52-06-21 of the North Dakota Century Code,
2 relating to unemployment insurance benefit determinations.

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

4 **SECTION 1. AMENDMENT.** Section 52-06-21 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **52-06-21. Conclusiveness of determinations and decisions.** ~~Except insofar as~~
7 ~~reconsideration of any determination is had under the provisions of the North Dakota~~
8 ~~Unemployment Compensation Law, any~~ Any right, fact, or matter in issue directly passed upon
9 or necessarily involved in a determination or redetermination which has become final, or ~~in~~
10 which has become final following a decision or appeal under the North Dakota Unemployment
11 Compensation Law which has become final, is conclusive for all the purposes of the North
12 Dakota Unemployment Compensation Law as between the bureau, the claimant, and all
13 employing units who had notice of such determination, redetermination, or decisions. ~~Subject~~
14 ~~to appeal proceedings and judicial review as provided in the North Dakota Unemployment~~
15 ~~Compensation Law, any~~ Any determination, redetermination, or decision as to rights to benefits
16 ~~is conclusive for all the purposes of the North Dakota Unemployment Compensation Law and is~~
17 ~~not~~ which has become final and conclusive in accordance with this section is not subject to
18 collateral attack by any employing unit, irrespective of notice. As used in this section, "collateral
19 attack by any employing unit" includes a collateral attack by a reimbursing or contributory base
20 period employer on a final and conclusive determination of benefits involving a different
21 employer provided that an employer challenging the propriety of charging any benefits paid as a
22 result of a final determination, redetermination, or decision is entitled to receive data and
23 information from job service North Dakota concerning the monetary basis for the claimant's
24 right to the benefits at issue. Provided further, that at any hearing on the challenge, job service

Fifty-eighth
Legislative Assembly

- 1 North Dakota is not required to call or subpoena the claimant or the claimant's last or most
- 2 recent employer as a witness.