

**Sixty-third Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 8, 2013**

SENATE BILL NO. 2111
(Industry, Business and Labor Committee)
(At the request of Job Service North Dakota)

AN ACT to amend and reenact section 52-06-33 of the North Dakota Century Code, relating to a monetary penalty imposed when unemployment compensation benefits are obtained through false statements; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 52-06-33 of the North Dakota Century Code is amended and reenacted as follows:

52-06-33. Recovery and recoupment - Penalty.

A person who has received any amount of benefits under the North Dakota unemployment compensation law to which the person is not entitled shall be liable to refund to the bureau for the fund the amount so paid or to have such amount deducted from any future benefits payable to the person under the North Dakota unemployment compensation law or the unemployment compensation law of another state or the federal government following a finding that such payment occurred. Such findings shall have become final and shall specify the reason for such finding, the week or weeks for which such benefits were paid, and the amount of benefits so paid. The bureau, in its discretion, may release such person from liability to refund when it finds that recovery would be contrary to equity and good conscience. Amounts determined collectible may be so collected by civil action in the name of the bureau. If the bureau has found that the individual has made a false statement for the purpose of obtaining unemployment compensation benefits to which the individual was not lawfully entitled, the bureau shall assess a monetary penalty of fifteen percent of the amount of unemployment compensation benefits overpaid. The penalty must be applied to all forms of state and federal unemployment compensation and the federally mandated penalty amounts collected must be deposited in the state unemployment compensation fund. Amounts unpaid on the date on which they are due and payable, as determined by the bureau, may bear interest at the rate of one and one-half percent per month from and after that date until payment plus accrued interest is received by the bureau. However, no interest may be assessed for the first one hundred eighty days on any overpayment ~~occurring without fault on the part of the individual~~ when the bureau has found that the individual did not make a false statement to obtain benefits to which the individual was not lawfully entitled.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-third Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2111.

Senate Vote: Yeas 47 Nays 0 Absent 0

House Vote: Yeas 93 Nays 0 Absent 1

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2013.

Approved at _____ M. on _____, 2013.

Governor

Filed in this office this _____ day of _____, 2013,

at _____ o'clock _____ M.

Secretary of State