

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2310

Introduced by

Senators Heitkamp, Mutzenberger, Thane

Representative Cleary

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

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

5 **SECTION 1. AMENDMENT.** Subsection 2 of section 52-06-04 of the 1997
6 Supplement to the North Dakota Century Code is amended and reenacted as follows:

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

1 the following employment, may not exceed ten times the individual's weekly benefit
2 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 1997 Supplement to the North
21 Dakota Century Code is amended and reenacted as follows:

22 **52-06-05. (Effective through December 31, 1999) Maximum potential benefits.**

- 23 1. Except as provided in subsection 2, any otherwise eligible individual is entitled
24 during the individual's benefit year to benefits for the number of times the
25 individual's weekly benefit amount appearing in the following table on the line that
26 includes the individual's ratio of total base-period wages to highest quarter
27 base-period wages:

28	Ratio of Total Base-Period	Times Weekly
29	Wages to High Quarter	Benefit Amount
30	1.50 to 2.29	12
31	2.30 to 2.44	14

1	2.45 to 2.59	16
2	2.60 to 2.74	18
3	2.75 to 2.89	20
4	2.90 to 3.04	22
5	3.05 to 3.19	24
6	3.20 or more	26

7 2. Any otherwise eligible individual whose entire base-period earnings were paid by
8 an employer belonging to industry group number 161, highway and street
9 construction, except elevated highways, pursuant to the standard industrial
10 classification manual is entitled during the individual's benefit year to benefits for
11 the number of times the individual's weekly benefit amount appearing in the
12 following table on the line that includes the individual's ratio of total base-period
13 wages to highest quarter base-period wages:-. Any otherwise eligible individual
14 whose total base-period wages are less than one and one-half times the
15 individual's total wages paid during the quarter of the individual's base period in
16 which the individual's wages were the highest is entitled during the individual's
17 benefit year to benefits twelve times the individual's weekly benefit amount:

18	Ratio of Total Base-Period	Times Weekly
19	Wages to High Quarter	Benefit Amount
20	1.50 to 1.73	12
21	1.74 to 1.97	14
22	1.98 to 2.21	16
23	2.22 to 2.45	18
24	2.46 to 2.69	20
25	2.70 to 2.93	22
26	2.94 to 3.17	24
27	3.18 or more	26

28 **(Effective after December 31, 1999) Maximum potential benefits.** Any otherwise
29 eligible individual is entitled during the individual's benefit year to benefits for the number of
30 times the individual's weekly benefit amount appearing in the following table on the line which
31 includes the individual's ratio of total base-period wages to highest quarter base-period wages:

1	Ratio of Total Base-Period	Times Weekly
2	Wages to High Quarter	Benefit Amount
3	1.50 to 2.29	12
4	2.30 to 2.44	14
5	2.45 to 2.59	16
6	2.60 to 2.74	18
7	2.75 to 2.89	20
8	2.90 to 3.04	22
9	3.05 to 3.19	24
10	3.20 or more	26

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