

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

HOUSE BILL NO. 1112
(Industry, Business and Labor Committee)
(At the request of Job Service North Dakota)

AN ACT to amend and reenact subsection 2 of section 52-04-12 and subsection 4 of section 52-06-02 of the North Dakota Century Code, relating to use of liens to collect contributions owed to job service North Dakota and to unemployment insurance eligibility in the case of a labor dispute.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 2 of section 52-04-12 of the North Dakota Century Code is amended and reenacted as follows:

2. Whenever any employer, liable to pay contributions, interest, or penalty, fails to pay, the amount of contributions, interest, penalty, and costs that accrue is a lien in favor of the state upon all property and all rights to property belonging to the employer. The lien attaches at the time the contributions, interest, or penalty becomes due, and continues until the liability is satisfied. To preserve the lien against subsequent mortgages, purchasers for value and without notice of the lien, judgment creditors, and lienholders, job service North Dakota shall file ~~with~~ a notice of lien utilizing one of these methods:
 - a. In the central indexing system maintained by the secretary of state. Job service North Dakota shall index in the central indexing system the following data:
 - (1) The name of the employer.
 - (2) The name "job service North Dakota" as claimant.
 - (3) The date and time the notice of lien was indexed.
 - (4) The amount of the lien.

The notice of lien is effective as of eight a.m. following the indexing of the notice. Job service North Dakota shall index any notice of lien without payment of a fee or cost to the secretary of state. Upon payment of contributions, interest, penalty, and costs, job service North Dakota shall index a satisfaction of the lien in the central indexing system without fees or costs.

- b. With the recorder, in the county in which the property is located, a notice of the lien. The lien is effective from the time of filing of the notice. The recorder shall preserve the notice and endorse on it the day, hour, and minute when it was received. The recorder shall index the notice of lien in an appropriate index record and record the notice of lien in the manner provided for recording real estate mortgages. The recorder shall accept the notice of lien for filing without payment of a fee by job service North Dakota. Upon payment of the contributions, interest, penalty, and costs, job service North Dakota shall file with the recorder a satisfaction of the lien. The recorder shall enter the satisfaction on the notice of lien, index the satisfaction in an appropriate index record, and record the satisfaction in the manner provided for recording satisfactions of real estate mortgages. The recorder shall accept the satisfaction for filing without payment of a fee by job service North Dakota.~~The~~

In either method, the attorney general, upon request of job service North Dakota, may bring suit without bond, to foreclose the lien.

SECTION 2. AMENDMENT. Subsection 4 of section 52-06-02 of the North Dakota Century Code is amended and reenacted as follows:

4. For any week with respect to which it is found that the individual's unemployment is due to any kind of labor dispute, including a strike, sympathy strike, or a claimant's work stoppage dispute of any kind which exists because of a labor dispute at the factory, establishment, or other premises at which the individual is or was last employed~~lockout~~; provided, that this subsection does not apply if it is shown that:
 - a. The individual is not participating in or directly interested in the labor dispute ~~which caused the strike, sympathy strike, or a claimant's work stoppage dispute of any kind~~; and
 - b. The individual does not belong to a grade or class of workers of which, immediately before the commencement of the ~~stoppage~~labor dispute, there were members employed at the premises at which the ~~strike, sympathy strike, or a claimant's work stoppage~~labor dispute of any kind occurs, any of whom are participating in or directly interested in the labor dispute; provided, that if in any case separate branches of work, which are commonly conducted as separate businesses in separate premises, are conducted in separate departments of the same premises, each such department must, for the purpose of this subsection, be deemed to be a separate factory, establishment, or other premises.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-third Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1112.

House Vote: Yeas 62 Nays 30 Absent 2

Senate Vote: Yeas 32 Nays 14 Absent 1

Chief Clerk of the House

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