

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

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

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

7 **52-06-33. Recovery and recoupment - Penalty.**

8 A person who has received any amount of benefits under the North Dakota unemployment  
9 compensation law to which the person is not entitled shall be liable to refund to the bureau for  
10 the fund the amount so paid or to have such amount deducted from any future benefits payable  
11 to the person under the North Dakota unemployment compensation law or the unemployment  
12 compensation law of another state or the federal government following a finding that such  
13 payment occurred. Such findings shall have become final and shall specify the reason for such  
14 finding, the week or weeks for which such benefits were paid, and the amount of benefits so  
15 paid. The bureau, in its discretion, may release such person from liability to refund when it finds  
16 that recovery would be contrary to equity and good conscience. Amounts determined collectible  
17 may be so collected by civil action in the name of the bureau. If the bureau has found that the  
18 individual has made a false statement for the purpose of obtaining unemployment  
19 compensation benefits to which the individual was not lawfully entitled, the bureau shall assess  
20 a monetary penalty of fifteen percent of the amount of unemployment compensation benefits  
21 overpaid. The penalty must be applied to all forms of state and federal unemployment  
22 compensation and the federally mandated penalty amounts collected must be deposited in the  
23 state unemployment compensation fund. Amounts unpaid on the date on which they are due  
24 and payable, as determined by the bureau, may bear interest at the rate of one and one-half

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1 percent per month from and after that date until payment plus accrued interest is received by  
2 the bureau. However, no interest may be assessed for the first one hundred eighty days on any  
3 overpayment ~~occurring without fault on the part of the individual~~when the bureau has found that  
4 the individual did not make a false statement to obtain benefits to which the individual was not  
5 lawfully entitled.