

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for defraying the expenses of job service North  
2 Dakota; to create and enact a new section to chapter 52-08 of the North Dakota Century Code,  
3 relating to job task analysis services; to amend and reenact subdivision a of subsection 3 of  
4 section 52-04-05 and section 52-04-22 of the North Dakota Century Code and section 4 of  
5 chapter 433 of the 1999 Session Laws, relating to unemployment compensation employer  
6 rates, the federal advance interest repayment fund, and the unemployment compensation  
7 incentive fund; to provide a continuing appropriation; to provide for retroactive application; and  
8 to declare an emergency.

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

10 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the  
11 funds as may be necessary, are hereby appropriated out of any moneys in the general fund in  
12 the state treasury, not otherwise appropriated, and from special funds derived from federal  
13 funds and other income, to job service North Dakota for the purpose of defraying its expenses,  
14 for the biennium beginning July 1, 2001, and ending June 30, 2003, as follows:

|                                     |                   |
|-------------------------------------|-------------------|
| 15 Salaries and wages               | \$33,830,614      |
| 16 Operating expenses               | 13,420,143        |
| 17 Equipment                        | 786,830           |
| 18 Capital improvements             | 453,545           |
| 19 Grants                           | 7,818,672         |
| 20 Work Force 2000                  | <u>2,000,356</u>  |
| 21 Total all funds                  | \$58,310,160      |
| 22 Less estimated income            | <u>56,309,804</u> |
| 23 Total general fund appropriation | \$2,000,356       |

1           **SECTION 2. APPROPRIATION.** All federal funds received by job service North  
2 Dakota in excess of those funds appropriated in section 1 of this Act are hereby appropriated  
3 for the biennium beginning July 1, 2001, and ending June 30, 2003.

4           **SECTION 3. WORK FORCE 2000 ALLOCATIONS.** For the year beginning July 1,  
5 2001, a minimum of \$150,000, of the \$2,000,356 provided for work force 2000, is to be  
6 available for projects in areas in the state which are not within five miles [8.05 kilometers] of  
7 any city with a population of more than eight thousand. Any work force 2000 funds remaining  
8 after June 30, 2002, may be used for projects in any area of the state.

9           **SECTION 4. AMENDMENT.** Subdivision a of subsection 3 of section 52-04-05 of the  
10 North Dakota Century Code as amended in section 1 of House Bill No. 1471, as approved by  
11 the fifty-seventh legislative assembly, is amended and reenacted as follows:

- 12           3.   a.   Except as otherwise provided in this subsection, an employer's rate may not  
13                   be less than the negative employer minimum rate for a calendar year unless  
14                   the employer's account has been chargeable with benefits throughout the  
15                   thirty-six-consecutive-calendar-month period ending on September thirtieth of  
16                   the preceding calendar year. If an employer in construction services has not  
17                   been subject to the law as required, that employer qualifies for a reduced rate  
18                   if the account has been chargeable with benefits throughout the  
19                   twenty-four-consecutive-calendar-month period ending September thirtieth of  
20                   the preceding calendar year. If an employer in nonconstruction services has  
21                   not been subject to the law as required, the employer in nonconstruction  
22                   services qualifies for a reduced rate if the account has been chargeable with  
23                   benefits throughout the twelve-consecutive-calendar-month period ending  
24                   September thirtieth of the preceding calendar year. During the building of the  
25                   trust fund reserve, the rate assigned to an employer may not exceed one  
26                   hundred thirty percent of the previous year's rate for that employer and an  
27                   employer may not receive more than a ten percent decrease in that  
28                   employer's rate from the previous year's rate, for the calendar years 2000,  
29                   2001, and 2002. However, this rate limitation provision for calendar years  
30                   2000, 2001, and 2002 does not apply to an experience-rated employer that  
31                   was a new employer the previous year, a negative employer that was a

1 positive employer the previous year, a positive employer that was a negative  
2 employer the previous year, an employer that has failed to file a report, a new  
3 employer, and an employer that chose to make payments in lieu of  
4 contributions. ~~During the building of the trust fund reserve for calendar years~~  
5 ~~2000, 2001, and 2002, a negative employer that was a negative employer the~~  
6 ~~previous year may not make excess contributions under subsection 4 of~~  
7 ~~section 52-04-06 to become a positive employer.~~ The executive director may  
8 provide any negative employer whose contributions paid into the trust fund  
9 are greater than the benefit charges against that employer's account, for a  
10 minimum of three consecutive years immediately preceding the computation  
11 date or subject to the law as required, with up to a thirty percent reduction to  
12 that employer's rate for any year if that employer has in place a plan approved  
13 by the bureau which addresses substantive changes to that employer's  
14 business operation and ensures that any rate reduction provided will not put  
15 the employer account back into a negative status.

16 **SECTION 5. AMENDMENT.** Section 52-04-22 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18 **52-04-22. Federal advance interest repayment fund - ~~Appropriation~~ Continuing**  
19 **appropriation.** There is created the federal advance interest repayment fund, to which will be  
20 credited all assessments collected by the division for the purpose of paying interest due on  
21 federal advances to the state trust fund. The fund must consist of all interest collected on  
22 delinquent contributions, all penalties provided by the Unemployment Compensation Law, and  
23 funds borrowed from sources other than federal advances which are placed in this fund. All  
24 moneys accruing to this fund in any manner must be maintained in this separate  
25 interest-bearing account at the Bank of North Dakota or invested in deposits of the Bank of  
26 North Dakota.

27 Moneys in this fund may also be used for the purpose of repaying funds placed in this  
28 fund which are borrowed from sources other than federal advances and for the purpose of  
29 paying interest due on other than federal advances. However, moneys in this fund may not be  
30 expended or available for expenditure in any manner which would permit their substitution for,

1 or a corresponding reduction in, federal funds which would in the absence of the moneys be  
2 available to finance expenditures for the administration of the bureau.

3 Moneys in this fund may also be used for the purpose of paying principal and interest  
4 costs associated with the acquisition and renovation of land and a building to be used as an  
5 office facility by job service North Dakota in Grand Forks, North Dakota. Moneys in this fund  
6 also may be used for the purpose of paying principal and interest costs associated with the  
7 acquisition and renovation of land and building to be used as an office facility by job service  
8 North Dakota in Bismarck, North Dakota. Moneys in this fund may be used for the purpose of  
9 paying the costs of repair, renovation, or alteration of job service-owned office facilities.  
10 Moneys in this fund may be used for the purpose of paying the replacement rate charged for  
11 use of state fleet vehicles. Moneys in this fund are hereby appropriated for the purposes  
12 specified in this section including the purpose of paying principal and interest costs associated  
13 with the acquisition and renovation of land and a building to be used as an office facility by job  
14 service North Dakota in Grand Forks, North Dakota. Moneys in this fund are appropriated for  
15 the purpose of paying the principal and interest costs associated with the acquisition and  
16 renovation of land and a building to be used as an office facility by job service North Dakota in  
17 Bismarck, North Dakota. Moneys in this fund are appropriated for the purpose of paying the  
18 costs of repair, renovation, or alteration of job service-owned office facilities. Moneys in this  
19 fund are appropriated for the purpose of paying the replacement rate charged for use of state  
20 fleet vehicles.

21 **SECTION 6.** A new section to chapter 52-08 of the North Dakota Century Code is  
22 created and enacted as follows:

23 **Job task analysis services - Authorization to charge fees - Continuing**  
24 **appropriation.** Job service North Dakota may provide job task analysis services to an  
25 employer requesting these services. Notwithstanding the reference to free public employment  
26 offices in this chapter or in any other provision of law, job service North Dakota may charge  
27 reasonable fees to employers for providing job task analysis services. All fees collected under  
28 this section must be deposited in a separate interest-bearing account at the Bank of North  
29 Dakota and must be used for the purpose of providing job task analysis services. Moneys in  
30 this fund are appropriated on a continuing basis for the purpose of providing job task analysis  
31 services.

1           **SECTION 7. AMENDMENT.** Section 4 of chapter 433 of the 1999 Session Laws is  
2 amended and reenacted as follows:

3           **SECTION 4. APPROPRIATION.** The unemployment compensation incentive fund is  
4 established from all moneys credited to this state under section 2 of this Act for federal fiscal  
5 years 2000, 2001, and 2002. ~~The amount of \$327,000 from this unemployment compensation~~  
6 ~~incentive fund, to the extent funds are available in this fund, is hereby appropriated to job~~  
7 ~~service North Dakota every year in which job service North Dakota achieves an average~~  
8 ~~duration of benefits that is at least one half week less than the average duration of benefits for~~  
9 ~~the preceding program year, excluding every claimant who is on temporary layoff and returning~~  
10 ~~to employment with the former employer within four weeks and excluding every claimant with~~  
11 ~~demonstrated job attachment and a reasonable expectation of returning to a former base~~  
12 ~~period employer once work becomes available for the biennium beginning July 1, 1999, and~~  
13 ~~ending June 30, 2001. All moneys in this fund are appropriated to job service North Dakota for~~  
14 administration of the unemployment compensation program.

15           **SECTION 8. RETROACTIVE APPLICATION.** Section 4 of this Act is retroactive in  
16 application to January 1, 2000.

17           **SECTION 9. EMERGENCY.** Section 4 of this Act is declared to be an emergency  
18 measure.