

FISCAL NOTE

Return in triplicate)

Bill/Resolution No.: SB 2097 Amendment to:

Requested by Legislative Council Date of Request: 12-29-92

1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, and cities.

Narrative: SB 2097 exempts the state and political subdivisions from the definition of "employer" for the purposes of NDCC 34-06. Until 1992 it was assumed political subdivisions were solely within the jurisdiction of the federal government for purposes of minimum wage and maximum work week requirements. AG Nick Spaeth opined that in fact these entities were subject to ND-DOL requirements. Specifically, this would require all political subdivisions to pay overtime for all hours worked in addition to forty in lieu of the commonly used practice of granting "compensatory time." Such a move would create an undeterminable, but obviously high, financial impact on payroll budgets. Since the political subdivisions were, in our estimation, complying with the federal requirements there is no need to confuse the situation and create greater cost burdens for them. Finally, the DOL does not have adequate staff or operating monies to monitor and enforce such a requirement.

2. State fiscal effect in dollar amounts:

Table with 3 columns for Biennium (1991-93, 1993-95, 1995-97) and 2 rows for Revenues and Expenditures. Each cell contains 'NA'.

3. What, if any, is the effect of this measure on the appropriation for your agency or department:

- a. For rest of 1991-93 biennium: NA
b. For the 1993-95 biennium: NA
c. For the 1995-97 biennium: NA

4. County and City fiscal effect in dollar amounts:

Table with 3 columns for Biennium (1991-93, 1993-95, 1995-97) and 2 rows for Counties and Cities. Each cell contains 'NA'.

If additional space is needed, attach a supplemental sheet.

Signed Tony Weiler
Typed Name Tony Weiler
Department LABOR
Phone Number 224-2660

Date Prepared: 12/30/92