

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 provide that job service North Dakota and the workers compensation bureau
3 conduct mutual auditing assistance; to provide that student participation in school-to-work and
4 work force 2000 is voluntary; to create and enact a new section to chapter 44-04 and a new
5 section to chapter 52-02 of the North Dakota Century Code, relating to records of the North
6 Dakota occupational information coordinating committee and audits of job service North
7 Dakota; and to declare an emergency.

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

9 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the
10 funds as may be necessary, are hereby appropriated out of any moneys in the general fund in
11 the state treasury, not otherwise appropriated, and from special funds derived from federal
12 funds and other income, to job service North Dakota for the purpose of defraying its expenses,
13 for the biennium beginning July 1, 1997, and ending June 30, 1999, as follows:

14 Salaries and wages	\$31,989,975
15 Operating expenses	8,246,905
16 Equipment	483,766
17 Capital improvements	446,976
18 Grants	7,811,918
19 Work Force 2000	1,700,754
20 New jobs program	<u>83,261</u>
21 Total all funds	\$50,763,555
22 Less estimated income	<u>49,062,801</u>
23 Total general fund appropriation	\$ 1,700,754

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 to
3 job service North Dakota for the biennium beginning July 1, 1997, and ending June 30, 1999.

4 **SECTION 3. WORK FORCE 2000 ALLOCATIONS.** For the year beginning July 1,
5 1997, a minimum of \$150,000, of the \$1,700,754 provided for work force 2000, is to be
6 available for projects in areas in the state that are not within five miles [8.05 kilometers] of any
7 city with a population of more than eight thousand. Any work force 2000 funds remaining after
8 June 30, 1998, may be used for projects in any area of the state.

9 **SECTION 4. WORKERS COMPENSATION BUREAU AND JOB SERVICE NORTH**
10 **DAKOTA - MUTUAL AUDITING ASSISTANCE.** The workers compensation bureau and job
11 service North Dakota shall establish a cooperative program under which each agency, during
12 the performance of employer audits, gathers employer audit information relevant to the other
13 agency. The workers compensation bureau shall coordinate training of the auditors of both
14 agencies on the technical aspects and needs of the audit processes. The training must include
15 training on the use of the form developed under section 2 of chapter 523 of the 1995 Session
16 Laws for reporting workers' compensation and job service information on a single form.
17 Training must be completed by December 31, 1997. The auditing program must begin in
18 January 1998. The program must operate within federal funding requirements and any other
19 applicable federal statutes and regulations affecting job service North Dakota, as well as within
20 titles 52 and 65. The program's agreement must identify the amount and method of
21 reimbursement between the workers compensation bureau and job service North Dakota for
22 the mutual auditing services. The agreement also must identify a means by which the agencies
23 will identify the employers to be audited by each to avoid a duplication of efforts by the
24 agencies and to reduce the administrative burden on employers subject to the audits.

25 **SECTION 5. SCHOOL-TO-WORK - STUDENT PARTICIPATION VOLUNTARY.**
26 Before any elementary or secondary school student may participate in any course, program, or
27 project offered under the auspices of the School-to-Work Opportunities Act of 1994, Public Law
28 No. 103-239 [108 Stat. 568; 20 U.S.C. 2394 et seq.], the student's school principal shall obtain
29 the written consent of the student's parent or legal guardian. Participation by a student is
30 voluntary and may not be deemed a condition of graduation. Neither school personnel, school
31 district personnel, nor the superintendent of public instruction may impose any academic

1 penalties or any other sanctions on a student for failure to participate. A student's participation
2 in a course, program, or project offered under the auspices of the School-to-Work Opportunities
3 Act of 1994 is subject to all state and federal child labor laws.

4 **SECTION 6.** A new section to chapter 44-04 of the North Dakota Century Code is
5 created and enacted as follows:

6 **Certain records of occupational information coordinating committee - Exempt.**
7 Records provided to the North Dakota occupational information coordinating committee by any
8 person for use in the followup information on North Dakota education and training system for
9 research or statistical purposes may only be used to prepare aggregate data compilations that
10 do not identify any individual and may not be disclosed to the public by the occupational
11 information coordinating committee. A request for disclosure of the records under section
12 44-04-18 or section 6 of article XI of the Constitution of North Dakota must be directed to the
13 person or entity that has provided the records to the occupational information coordinating
14 committee.

15 **SECTION 7.** A new section to chapter 52-02 of the North Dakota Century Code is
16 created and enacted as follows:

17 **Independent audit.** The state auditor shall appoint on a biennial basis an independent
18 audit firm, with extensive expertise in job service practices and standards, to complete a
19 performance audit of the divisions of job service North Dakota. The audit must evaluate
20 divisions of job service North Dakota, as determined necessary by the state auditor, to
21 determine whether the divisions are providing quality service in an efficient and cost-effective
22 manner. The audit report must contain recommendations for divisional improvement or an
23 explanation of why no recommendations are being made. The executive director of job service
24 North Dakota and the auditor shall present the audit report and any action taken as a result of
25 the audit to the legislative council's legislative audit and fiscal review committee and to the
26 house and senate industry, business and labor standing committees during the next regular
27 session of the legislative assembly following the audit. The executive director shall also
28 provide a copy of the audit report to the state auditor.

29 **SECTION 8. EMERGENCY.** Section 6 of this Act is declared to be an emergency
30 measure.