

**Fifty-fifth Legislative Assembly, State of North Dakota, begun in the  
Capitol in the City of Bismarck, on Monday, the sixth day of January,  
one thousand nine hundred and ninety-seven**

SENATE BILL NO. 2017  
(Appropriations Committee)  
(At the request of the Governor)

AN ACT to provide an appropriation for defraying the expenses of job service North Dakota; to provide that job service North Dakota and the workers compensation bureau conduct mutual auditing assistance; to create and enact a new section to chapter 44-04 and a new section to chapter 52-02 of the North Dakota Century Code, relating to records of the North Dakota occupational information coordinating committee and audits of job service North Dakota; and to declare an emergency.

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

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

|                                  |                     |
|----------------------------------|---------------------|
| Salaries and wages               | \$31,989,975        |
| Operating expenses               | 8,246,905           |
| Equipment                        | 483,766             |
| Capital improvements             | 446,976             |
| Grants                           | 7,811,918           |
| Work Force 2000                  | 1,850,754           |
| New jobs program                 | 83,261              |
| Total all funds                  | <u>\$50,913,555</u> |
| Less estimated income            | <u>49,062,801</u>   |
| Total general fund appropriation | \$ 1,850,754        |

**SECTION 2. APPROPRIATION.** All federal funds received by job service North Dakota in excess of those funds appropriated in section 1 of this Act are hereby appropriated to job service North Dakota for the biennium beginning July 1, 1997, and ending June 30, 1999.

**SECTION 3. WORK FORCE 2000 ALLOCATIONS.** For the year beginning July 1, 1997, a minimum of \$150,000, of the \$1,850,754 provided for work force 2000, is to be available for projects in areas in the state that are not within five miles [8.05 kilometers] of any city with a population of more than eight thousand. Any work force 2000 funds remaining after June 30, 1998, may be used for projects in any area of the state.

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

employers to be audited by each to avoid a duplication of efforts by the agencies and to reduce the administrative burden on employers subject to the audits.

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

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

**SECTION 6.** A new section to chapter 52-02 of the North Dakota Century Code is created and enacted as follows:

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

**SECTION 7. EMERGENCY.** Section 5 of this Act is declared to be an emergency measure.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-fifth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2017 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote:      Yeas          46              Nays          0              Absent        3

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote:      Yeas          80              Nays          13              Absent        4

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 1997.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 1997.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 1997,  
at \_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State