

**SECOND ENGROSSMENT  
with Conference Committee Amendments**

Fifty-sixth  
Legislative Assembly  
of North Dakota

**REENGROSSED HOUSE BILL NO. 1443**

Introduced by

Representatives Dorso, Byerly, Koppang

Senators Kringstad, Robinson, Traynor

1 A BILL for an Act to create and enact five new sections to chapter 52-08 of the North Dakota  
2 Century Code, relating to work force training; to amend and reenact subsection 6 of section  
3 15-10-01 and subsection 13 of section 15-10-17 of the North Dakota Century Code, relating to  
4 name changes of institutions of higher education; to repeal section 15-11-02.1 of the North  
5 Dakota Century Code, relating to supervision of the college at Devils Lake; and to provide an  
6 appropriation.

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

8 **SECTION 1. AMENDMENT.** Subsection 6 of section 15-10-01 of the North Dakota  
9 Century Code is amended and reenacted as follows:

10 6. The following ~~junior colleges and off-campus educational center:~~ Bismarck state  
11 college, ~~university of North Dakota – Lake Region~~ state college, and ~~the university~~  
12 ~~of North Dakota – Williston center~~ state college.

13 **SECTION 2. AMENDMENT.** Subsection 13 of section 15-10-17 of the 1997  
14 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15 13. To establish a retirement program as an alternative to chapter 15-39.1 for  
16 employees of institutions under its control, subject to the following guidelines:

17 a. Benefits under the program ~~shall~~ must be provided through annuity contracts  
18 purchased by the board but which ~~shall~~ become the property of the  
19 participants;

20 b. The cost of the annuity contracts ~~shall~~ must be defrayed by contributions  
21 made pursuant to rules of the state board of higher education;

22 c. Eligible employees appointed before July 1, 1973, shall participate in the  
23 alternate retirement program only by their individual election. When the  
24 electing eligible employee is a member of the teachers' fund for retirement,

1 the employee's assessments and employer's contributions together with  
2 interest credited at the current rate for one-year certificates then being paid by  
3 the Bank of North Dakota ~~shall~~ must be transferred to the employee's account  
4 in the alternate program. ~~Such~~ The election ~~shall~~ must be made ~~prior to~~  
5 before July 1, 1980, and shall relinquish all rights the eligible employee or the  
6 employee's beneficiary may have to benefits provided in chapters 15-39 and  
7 15-39.2;

8 d. Employees of Bismarck state college and ~~university of North Dakota~~ Lake  
9 Region state college coming under the jurisdiction of the board who are  
10 members of the teachers' fund for retirement may elect ~~prior to~~ before July 1,  
11 1985, to continue membership in the teachers' fund for retirement in lieu of  
12 the alternate retirement program. If an employee does not elect to continue  
13 membership in the teachers' fund for retirement, membership in that fund will  
14 terminate and the employee will become a member of the alternate retirement  
15 program established by the board effective July 1, 1985. An employee of ~~the~~  
16 ~~above-named~~ these colleges who becomes a member of the alternate  
17 retirement program may elect ~~prior to~~ before July 1, 1985, to have the  
18 employee's assessments and employer's contributions in the teachers' fund  
19 for retirement with interest transferred by the board of trustees of the  
20 teachers' fund for retirement to the employee's account in the alternate  
21 retirement program. If an employee elects to transfer the employee's  
22 assessment and employer's contributions together with interest to the  
23 alternate retirement program, the employee relinquishes all rights the  
24 employee or the employee's beneficiary may have to benefits provided in  
25 chapters 15-39, 15-39.1, and 15-39.2; and

26 e. Employees of institutions under the control of the state board of higher  
27 education who are members of the public employees retirement system and  
28 who become entitled to participate in the alternate retirement program are  
29 entitled to a special annuity purchase in the alternate retirement program in  
30 accordance with this subdivision. An eligible employee who consents to have  
31 that employee's contribution included is entitled to have that employee's

1 contribution and employer's contribution, with interest, in the public  
2 employees retirement system fund, used by the retirement board of the public  
3 employees retirement system to purchase for that employee an annuity in the  
4 alternate retirement program in lieu of any other rights under the public  
5 employees retirement fund. However, before the employer's contribution may  
6 be used for an annuity purchase, the employee's combined years of service  
7 with the public employees retirement system and the alternate retirement  
8 program must equal or exceed the years of service necessary to be eligible  
9 for retirement benefits under the public employees retirement system. An  
10 employee who transferred from the public employees retirement system ~~prior~~  
11 ~~to~~ before March 30, 1987, and who received a refund of that employee's  
12 contribution is entitled to have the employer's contribution, with interest, used  
13 to purchase an annuity even if that employee did not purchase an annuity in  
14 the alternate employee program with the employee's contribution. If an  
15 employee makes the election allowed under this subdivision, that employee  
16 relinquishes all rights the employee or any of the employee's beneficiaries  
17 may have had to benefits provided under chapter 54-52.

18 The board shall provide for the administration of the alternate retirement program  
19 and establish rules ~~therefor~~ for the program consistent with ~~the foregoing~~  
20 ~~guidelines~~ this subsection. ~~Nothing in this~~ This subsection shall be construed in  
21 ~~derogation of~~ does not derogate any existing retirement programs approved by the  
22 board.

23 **SECTION 3.** A new section to chapter 52-08 of the North Dakota Century Code is  
24 created and enacted as follows:

25 **Institution to serve work force needs.** Subject to state board of higher education  
26 policies, the president of an institution of higher education that is assigned primary  
27 responsibility for work force training shall establish a division or other unit within the institution  
28 to serve the work force needs of business and industry and to serve as a broker in arranging  
29 the delivery of training.

30 **SECTION 4.** A new section to chapter 52-08 of the North Dakota Century Code is  
31 created and enacted as follows:

1           **Work force training board - Formation.** Subject to state board of higher education  
2 policies, the president of an institution of higher education that is assigned primary  
3 responsibility for work force training shall appoint a work force training board consisting of  
4 representatives from businesses, labor, and industries located within the institution's delivery  
5 area. The work force training board must consist of at least seven but no more than fifteen  
6 members and must include at least one representative from either an Indian-owned business,  
7 the tribal government, or the tribal colleges within the designated region.

8           **SECTION 5.** A new section to chapter 52-08 of the North Dakota Century Code is  
9 created and enacted as follows:

10           **Preparation of business plan - Revolving loans.** Subject to state board of higher  
11 education policies, the president of an institution of higher education that is assigned primary  
12 responsibility for work force training shall prepare an annual business plan that must include  
13 provisions for use of the training capacity of the tribal colleges within the designated region, in  
14 consultation with the work force training board. The work force training board shall approve the  
15 business plan and make recommendations for funding of the business plan to the state board  
16 of higher education. The state board of higher education may establish for each institution of  
17 higher education assigned primary responsibility for work force training a revolving loan fund for  
18 work force training program startups using the borrowing authority provided in section  
19 15-10-16.1.

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

22           **Performance measurements for work force training.** Subject to state board of  
23 higher education policies, the president of an institution of higher education that is assigned  
24 primary responsibility for work force training shall develop, in consultation with the work force  
25 training board, performance measurements for work force training. The measurements must  
26 include requirements for being time sensitive and results oriented and must determine how well  
27 the training needs of business and industry are being met.

28           **SECTION 7.** A new section to chapter 52-08 of the North Dakota Century Code is  
29 created and enacted as follows:

30           **Work force training - Investment fee.**

- 1           1. Except for employers with fewer than twenty-five employees and public and private  
2           elementary and secondary schools, job service North Dakota shall assess each  
3           employer a work force training investment fee of three one-hundredths of one  
4           percent of taxable wages paid by the employer to employees during each calendar  
5           year. The work force training investment fee is a fee separate from contributions  
6           made under chapter 52-04 and may not be deposited in the unemployment  
7           compensation fund. Job service shall assess the fee on an annual basis and may  
8           assess the fee in the same manner as it collects contributions and taxable wages  
9           reported by reimbursing employers under chapter 52-04. The work force training  
10           investment fee payments may not be included in computing unemployment  
11           compensation rates assigned to employers and may not be deducted by an  
12           employer from the wages of the employer's employees.
- 13           2. Funds collected under this section must be deposited in a work force training  
14           investment account and used to provide work force training programs at  
15           institutions of higher education that are assigned primary responsibility for work  
16           force training as defined by the state board of higher education. Administrative  
17           costs incurred by job service for collection of the work force training investment fee  
18           and for costs related to the establishment and maintenance of the work force  
19           training investment account must be paid from the work force training investment  
20           account. The funds may not be used by institutions of higher education for capital  
21           construction projects. The funds must be used to provide work force training,  
22           including operation and administration of a training division, acquisition of  
23           equipment, marketing, and program development. The institutions of higher  
24           education, job service, the work force 2000 advisory board and the tribal colleges  
25           in the state shall cooperate in addressing work force training needs in the state.
- 26           3. The state board of higher education shall establish up to four regions reflecting the  
27           geographical areas of work force training responsibility for the institutions of higher  
28           education eligible for funds under this section. Funds collected under this section  
29           must be allocated for use in the region of the state in which the funds were  
30           collected based upon covered employment, as defined by job service, in that  
31           region of the state.

1           4. Each institution of higher education providing a work force training program shall  
2           submit a report annually to the legislative council, the governor, the state board of  
3           higher education, the state board for vocational and technical education, and the  
4           North Dakota work force development council regarding the work force training  
5           programs receiving funds under this section.

6           **SECTION 8. APPROPRIATION.** There is hereby appropriated out of any moneys in  
7 the general fund in the state treasury, not otherwise appropriated, the sum of \$875,000, or so  
8 much of the sum as may be necessary, to the state board for vocational and technical  
9 education for the purpose of contracting with institutions of higher education assigned primary  
10 responsibility for work force training in this state for the biennium beginning July 1, 1999, and  
11 ending June 30, 2001.

12           **SECTION 9. APPROPRIATION.** There is hereby appropriated out of any moneys in  
13 the general fund in the state treasury, not otherwise appropriated, the sum of \$71,000, or so  
14 much of the sum as may be necessary, to job service North Dakota for the purpose of creating  
15 the collection structure and administering collection of the work force training investment fee for  
16 providing work force training programs under this Act, for the biennium beginning July 1, 1999,  
17 and ending June 30, 2001.

18           **SECTION 10. APPROPRIATION.** There is hereby appropriated out of any moneys in  
19 the work force training investment account, not otherwise appropriated, the sum of \$1,000,000,  
20 or so much of the sum as may be necessary, to the state board for vocational and technical  
21 education for the purpose of contracting with institutions of higher education assigned primary  
22 responsibility for providing work force training programs under this Act, for the biennium  
23 beginning July 1, 1999, and ending June 30, 2001.

24           **SECTION 11. APPROPRIATION.** There is hereby appropriated out of any moneys in  
25 the work force training investment account, not otherwise appropriated, the sum of \$40,000, or  
26 so much of the sum as may be necessary, to job service North Dakota for the purpose of  
27 administering the collection of the work force training investment fee for providing work force  
28 training programs under this Act, for the biennium beginning July 1, 1999, and ending June 30,  
29 2001.

30           **SECTION 12. REPEAL.** Section 15-11-02.1 of the North Dakota Century Code is  
31 repealed.