

**1999 SENATE INDUSTRY, BUSINESS AND LABOR**

**SB 2150**


1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2150

Senate Industry, Business and Labor Committee

Conference Committee

Hearing Date January 6, 1999

Tape Number	Side A	Side B	Meter #
1	X		
Committee Clerk Signature 			

Minutes:

SENATOR MUTCH: called the meeting to order. All senators present.

Senator Mutch opened discussion on SB2150

Cory Fong, election director for the Secretary of States office spoke in support of SB2150 his testimony is attached.

SENATOR KREBSBACH: Do you have any indication of election workers in the process collecting over \$1000 in the calendar year.

MR. FONG: No, I don't think that there would be any election worker in North Dakota that would be earning over \$1000. I think that's why it was set at that level, because I think that, even nationwide electionworker payment is set at such a level that they don't earn a lot of money.

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Senate Industry, Business and Labor Committee

Bill/Resolution Number Sb2150

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The purpose behind it was that election workers as a civic duty that they take this opportunity on 1 or 2 days per year and there were a few in larger states, granted California and Michigan, that were using that as a way to gain unemployment compensation.

Senator Mutch asked if anyone else would like to make an appearance on SB2150.

Senator Mutch closed discussion on SB2150.

Senator Krebsbach moved for a do pass on SB2150.

Senator Mathern seconded the motion.

SB 2150 was passed with a 7 to 0 vote.

The floor carrier is Senator Krebsbach

FISCAL NOTE

(Return original and 10 copies)

Bill/Resolution No.: SB 2150 Amendment to: \_\_\_\_\_

Requested by Legislative Council Date of Request: 12-30-98

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

**Narrative:** The employers affected will be the state's political subdivision who are virtually all reimbursable accounts. These entities are charged for benefits paid only if a former employee filed and is eligible for unemployment insurance benefits and any part of the employee's earnings from this entity are included in the base period. Job Service does not have statistical data available to identify the number of election officials or election workers employed or the amount of earnings from these activities.

There will be a decrease in benefit payments to claimants and a like decrease in benefit charges to the employers. Job Service is not able

2. State fiscal effect in dollar amounts: (SEE BACK)

	1997-99 Biennium		1999-2001 Biennium		2001-03 Biennium	
	General Fund	Special Funds	General Fund	Special Funds	General Fund	Special Funds
Revenues:	--0--	--0--	--0--	--0--	--0--	--0--
Expenditures:	--0--	--0--	--0--	--0--	--0--	--0--

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

- a. For rest of 1997-99 biennium: --0--
- b. For the 1999-2001 biennium: --0--
- c. For the 2001-03 biennium: --0--

4. County, City, and School District fiscal effect in dollar amounts:

1997-99 Biennium			1999-2001 Biennium			2001-03 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
--0--	--0--	--0--	--0--	--0--	--0--	--0--	--0--	--0--

If additional space is needed, attach a supplemental sheet.

Signed Wayne E. Kindem

Typed Name MR. ADMIN SUPPORT AREA

Department JOB SERVICE

Date Prepared: 1/4/99

Phone Number 701-328-3033

Narrative (Cont.)

to make an estimate on the dollar amounts that may be affected.

Date: 1/6/99  
Roll Call Vote #: 2150

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO.

Senate INDUSTRY, BUSINESS AND LABOR Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken \_\_\_\_\_

Motion Made By \_\_\_\_\_ Seconded By \_\_\_\_\_

Senators	Yes	No	Senators	Yes	No
Senator Mutch	X				
Senator Sand	X				
Senator Klein	X				
Senator Krebsbach	X				
Senator Heitkamp	X				
Senator Mathern	X				
Senator Thompson	X				

Total (Yes) 7 No 0

Absent \_\_\_\_\_

Floor Assignment SENATOR KREBSBACH

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)  
January 6, 1999 1:17 p.m.

Module No: SR-02-0340  
Carrier: Krebsbach  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**SB 2150: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2150 was placed on the Eleventh order on the calendar.

**1999 HOUSE INDUSTRY, BUSINESS AND LABOR**

**SB 2150**



1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2150

House Industry, Business and Labor

Conference Committee

Hearing Date 2-2-99

Tape Number	Side A	Side B	Meter #
1		x	2.7-7.0
Committee Clerk Signature <i>Lisa Horner</i>			

Minutes: BILL SUMMARY: Relating to exempting services performed by certain election workers for unemployment compensation purposes. Chairman Berg called the hearing to order. Cory Fong, Sec. of the State Office : testified in support of the bill. This is a housekeeping bill.

(See attached testimony)

Rep. Ekstrom : Are there any officials that make more then the \$1000 exemption?

Cory : No, not to my knowledge.

Rep. Klein : What is the average pay for these people?

Cory : They are required to take at least minimum wage, and 25% more if they attend the training session.

Rep. Klein : Do any claim unemployment?

Cory : No, not that we are aware of.

Rep. Lemieux : Do the county auditors, now, when they pay the employees, deduct unemployment?

Cory : I believe it's the county responsibility, because they are paid by the county. It saves the auditor a bit of work.

Chairman Berg asked if anyone else is here to testify. Hearing none, the hearing is closed.

ACTION: Rep. Lemieux made a motion of DO PASS and Rep. N. Johnson seconded the motion.

ROLL CALL VOTE: 15 YES and 0 NO with 0 ABSENT. Passed. Rep. Ekstrom will carry the bill.

Date: 2-2-99  
Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2150

House Industry, Business and Labor Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Lemieux Seconded By Johnson

Representatives	Yes	No	Representatives	Yes	No
Chair - Berg	/		Rep. Thorpe	/	
Vice Chair - Kempenich	/				
Rep. Brekke	/				
Rep. Eckstrom	/				
Rep. Froseth	/				
Rep. Glassheim	/				
Rep. Johnson	/				
Rep. Keiser	/				
Rep. Klein	/				
Rep. Koppang	/				
Rep. Lemieux	/				
Rep. Martinson	/				
Rep. Severson	/				
Rep. Stefonowicz	/				

Total (Yes) 15 No 0

Absent \_\_\_\_\_

Floor Assignment Ekstrom

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE (410)**  
February 24, 1999 2:49 p.m.

**Module No: HR-33-3489**  
**Carrier: Ekstrom**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2150: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2150 was placed on the Fourteenth order on the calendar.**

**1999 TESTIMONY**

**SB 2150**



**SECRETARY OF STATE**

STATE OF NORTH DAKOTA  
600 EAST BOULEVARD AVENUE DEPT 108  
BISMARCK ND 58505-0500

January 6, 1999

**TO:** Senator Mutch and Members of the Senate Industry, Business and Labor Committee  
**FR:** Al Jaeger, Secretary of State  
**RE: SB 2150 – Unemployment Compensation Exemption for Election Workers**

In August of 1997, federal legislation was passed by the Congress and signed by the President (Public Law 105-33) which exempts service performed by election workers from federal unemployment tax if they are paid less than \$1,000 in a calendar year.<sup>1</sup>

The legislation was adopted to remedy situations in which poll workers were able to collect thousands of dollars in unemployment compensation on the basis of triggering eligibility by working one day as a poll worker. It enables the states to avoid this situation by adopting the provision incorporated in the above-cited section of the law.

However, the exemption does not automatically apply. States must first incorporate the exemption into their State unemployment compensation laws. While the problem of election workers making unemployment compensation claims has not yet been a problem in North Dakota, SB 2150 simply intends to prevent it from occurring in the future by incorporating the federal exemption for election workers earning less than \$1,000 into North Dakota law.

For these reasons, I encourage your support for Senate Bill 2150.

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<sup>1</sup> According to the Department of Labor, the amounts excluded from employment tax cannot later be used to calculate the unemployment compensation due. Amounts excluded for taxes are likewise excluded when calculating benefits.