

**SECOND ENGROSSMENT  
with Senate 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 four 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 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 be defrayed by contributions made  
21 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 be transferred to the employee's account in  
4 the alternate program. Such election shall be made prior to July 1, 1980, and  
5 shall relinquish all rights the eligible employee or the employee's beneficiary  
6 may have to benefits provided in chapters 15-39 and 15-39.2;

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

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

employees retirement system to purchase for that employee an annuity in the alternate retirement program in lieu of any other rights under the public employees retirement fund. However, before the employer's contribution may be used for an annuity purchase, the employee's combined years of service with the public employees retirement system and the alternate retirement program must equal or exceed the years of service necessary to be eligible for retirement benefits under the public employees retirement system. An employee who transferred from the public employees retirement system prior to March 30, 1987, and who received a refund of that employee's contribution is entitled to have the employer's contribution, with interest, used to purchase an annuity even if that employee did not purchase an annuity in the alternate employee program with the employee's contribution. If an employee makes the election allowed under this subdivision, that employee relinquishes all rights the employee or any of the employee's beneficiaries may have had to benefits provided under chapter 54-52.

The board shall provide for the administration of the alternate retirement program and establish rules therefor consistent with the foregoing guidelines. Nothing in this subsection shall be construed in derogation of any existing retirement programs approved by the board.

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

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

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

**Work force training board - Formation.** Subject to state board of higher education policies, the president of an institution of higher education that is assigned primary responsibility for work force training shall appoint a work force training board consisting of

1 representatives from businesses, labor, and industries located within the institution's delivery  
2 area. The work force training board must consist of at least seven but no more than fifteen  
3 members including at least one representative from one of the following: an Indian-owned  
4 business, the tribal government, or the tribal colleges within the designated region.

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

7       **Preparation of business plan - Revolving loans.** Subject to state board of higher  
8 education policies, the president of an institution of higher education that is assigned primary  
9 responsibility for work force training shall prepare an annual business plan that must include  
10 provisions for use of the training capacity of the tribal colleges within the designated region, in  
11 consultation with the work force training board as established in section 4 of this Act. The work  
12 force training board shall approve the business plan and make recommendations for funding of  
13 the business plan to the state board of higher education. The state board of higher education  
14 may establish for each institution of higher education assigned primary responsibility for work  
15 force training a revolving loan fund for work force training program startups using the borrowing  
16 authority provided for in section 15-10-16.1.

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

19       **Performance measurements for work force training.** Subject to state board of  
20 higher education policies, the president of an institution of higher education that is assigned  
21 primary responsibility for work force training shall develop, in consultation with the work force  
22 training board established under section 4 of this Act, performance measurements for work  
23 force training. The measurements must include requirements for being time sensitive and  
24 results oriented and must determine how well the training needs of business and industry are  
25 being met.

26       **SECTION 7. REPEAL.** Section 15-11-02.1 of the North Dakota Century Code is  
27 repealed.

28       **SECTION 8. APPROPRIATION.** There is hereby appropriated out of any moneys in  
29 the general fund in the state treasury, not otherwise appropriated, the sum of \$5,000, or so  
30 much of the sum as may be necessary, to state board for vocational and technical education for  
31 the purpose of contracting with institutions of higher education assigned primary responsibility

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- 1 for work force training in this state for the biennium beginning July 1, 1999, and ending
- 2 June 30, 2001.