

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2108

2005 SENATE INDUSTRY, BUSINESS AND LABOR

SB 2103

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2108

Senate Industry, Business and Labor Committee

☐ Conference Committee

Hearing Date 1-11-05

Tape Number	Side A	Side B	Meter #
no tape - failed			
Committee Clerk Signature <i>Lia VanBerkom</i>			

Minutes: Chairman Mutch opened the hearing on SB 2108. All Senators were present.

SB 2108 relates to charging of certain benefit payments to reimbursing employers' accounts, charging of benefits to base period employers, and to the definition of a full-time student who would be disqualified from receiving benefits under employment compensation insurance system.

John Graham, Job Service of North Dakota, introduced the bill. See attached testimony.

Senator Nething : You are talking about a voluntary quit or discharge for misconduct?

John: Yes.

There was no opposition.

Senator Nething moved a DO PASS. Senator Espegard seconded.

Roll Call Vote: 7 yes. 0 no. 0 absent.

Carrier: Senator Nething

FISCAL NOTE
Requested by Legislative Council
12/20/2004

Bill/Resolution No.: SB 2108

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This Bill will not have an impact on Job Service North Dakota's appropriation for the 2005-2007 biennium; will not have a significant adverse impact on the Unemployment Insurance Trust Fund, and will not significantly increase the Unemployment Insurance programs' operating costs. This Bill will require in-house changes in our operating procedures, but no programming of our mainframe computer system.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

There will be no impact on revenues as a result of passage of this Bill.

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

There will be no appreciable increase in expenditures as a result of passage of this Bill.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

This Bill will require no change in Job Service North Dakota's 2005-2007 appropriations.

Name:	John Graham	Agency:	Job Service
Phone Number:	701-328-2843	Date Prepared:	01/07/2005

Date: 1-11-05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2108

Senate Industry, Business and Labor Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Nothing Seconded By Espegard

Senators	Yes	No	Senators	Yes	No
Senator Mutch, Chairman	X		Senator Fairfield	X	
Senator Klein, Vice Chairman	X		Senator Heitkamp	X	
Senator Krebsbach	X				
Senator Nething	X				
Senator Espegard	X				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Nothing

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

REPORT OF STANDING COMMITTEE (410)
January 11, 2005 12:29 p.m.

Module No: SR-06-0266
Carrier: Nething
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2108: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2108 was placed on the Eleventh order on the calendar.

2005 HOUSE INDUSTRY, BUSINESS AND LABOR

SB 2108

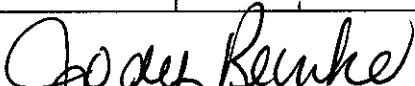
2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2108

House Industry, Business and Labor Committee

☐ Conference Committee

Hearing Date 2-23-05

Tape Number	Side A	Side B	Meter #
1	x		49.0-end
1		x	0-16.5
Committee Clerk Signature 			

Minutes:

Chairman Keiser: Opened the hearing SB 2108. All committee members were present.

John Graham, Unemployment Insurance, Job Service, North Dakota:

Appeared in support of bill and provided a written statement (SEE ATTACHED TESTIMONY). The first section you will find some what familiar because I amended it the last session. This section is the section that deals with the charging of employers, or the non charging of employers or tax rated employers in certain situations. When there is a non charge to a tax rated employer, all employers pay or we should say that the fund pays. What this is, is a fairness statute, because what you have is a situation where you have 2 base rate employers, one of whom gets non charged because the quit happened in the main period, and one whom does not because of size basically, it is an attempt to

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House Industry, Business and Labor Committee

Bill/Resolution Number SB 2108

Hearing Date 2-23-05

balance this out. The impact would be on the fund. On an annual basis, I can find this out for you. Instead of a charge reflecting on my account, the fund just pays it and it becomes absorbed.

Representative Ruby: I MOVE a DO PASS motion on SB 2108.

Representative Ekstrom: SECOND the DO PASS motion on SB 2108.

Motion carried. VOTE: 14-YES 0-NO 0-Absent.

Representative Froseth will carry the bill to the floor.

Hearing adjourned.

Date: 2-23-05
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2108

House INDUSTRY, BUSINESS AND LABOR Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. Ruby Seconded By Rep. Ekstrom

Representatives	Yes	No	Representatives	Yes	No
G. Keiser-Chairman	X		Rep. B. Amerman	X	
N. Johnson-Vice Chairman	X		Rep. T. Boe	X	
Rep. D. Clark	X		Rep. M. Ekstrom	X	
Rep. D. Dietrich	X		Rep. E. Thorpe	X	
Rep. M. Dosch	X				
Rep. G. Froseth	X				
Rep. J. Kasper	X				
Rep. D. Nottestad	X				
Rep. D. Ruby	X				
Rep. D. Vigesaa	X				

Total (Yes) 14 No 0

Absent -0-

Floor Assignment Rep. Froseth

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

REPORT OF STANDING COMMITTEE (410)
February 23, 2005 3:24 p.m.

Module No: HR-33-3526
Carrier: Froseth
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2108: Industry, Business and Labor Committee (Rep. Kelser, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2108 was placed on the Fourteenth order on the calendar.

2005 TESTIMONY

SB 2108

Testimony on Senate Bill No. 2108
Before the Senate Industry, Business & Labor Committee
Senator Duane Mutch, Chairman

Presented by John Graham
Job Service North Dakota
January 11, 2005

*same
given to
the House*

Mr. Chairman, members of the Committee, my name is John Graham, and I am representing Job Service North Dakota, which caused this bill to be introduced. Senate Bill No. 2108 is a composite bill addressing three different UI topics. I will discuss the bill section by section.

Section 1 would amend current law to provide that base period employers' Unemployment Insurance accounts would not be charged if the claimant had quit or been discharged by that employer either during **or after** the base period. Current law only allows that non-charging if the quit or discharge occurred during the base period.

[Reference to display chart.]

Section 2 addresses the other two topics, by amending subsections 1 and 6 of NDCC Section 52-06-02. Subsection 1, among other things, currently provides that if a claimant left employment due to illness or injury and pursuant to a doctor's orders, with certain other prerequisites, the account of

the separating employer is not to be charged with the benefits paid in that circumstance. However, the current law does not provide that a reimbursing employer would not be charged for such benefits paid.

The amendment to subsection 1 would make it clear, as should have been the case, that reimbursing employers would be charged for benefits paid in such cases. Thus, a reimbursing employer would be treated in situations where the employee left employment pursuant to doctor's orders as it would be in all other cases, that is, the employer is not excused from paying for benefits paid to a former employee for whom the employer is a base period employer.

Subsection 6 currently describes the disqualification from benefits that is imposed on a student who is "registered for full attendance at and is regularly attending" school. This provision was put into the law when school attendance was almost always a weekday-daytime affair. That is no longer the case; and quite often, claimants can be pursuing educational goals and be able and available for work during the normal hours of work from which they separated. The current law is very difficult for our claimstakers to interpret, and does not take into consideration weekend curricula; or Internet courses.

The proposed amendment would provide that to be disqualified because of student status, the claimant would have to be taking a "full-time curriculum" [defined as twelve or more credit hours], and have scheduled class hours during the same time period or periods as he or she worked for the base period employer from whom the claimant earned the most wages.

Mr. Chairman, I would be happy to answer the Committee's questions.