

2009 SENATE EDUCATION

SB 2078

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. sb 2078

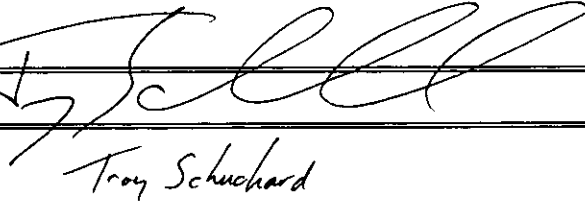
Senate Education Committee

Check here for Conference Committee

Hearing Date: January 13, 2009

Recorder Job Number: 6865

Committee Clerk Signature

  
Troy Schuchard

Minutes:

**Chairman Freborg** opened the hearing on SB 2078, all were present.

**Beth Zander**, from Job Service of North Dakota, testified in support of SB 2078. (See attachment #1)

**Senator Flakoll** made a motion to pass SB 2078, **Senator Taylor** seconded motion.

**Chairman Freborg** called for a vote on SB 2078, 5-0.



**REPORT OF STANDING COMMITTEE**

**SB 2078: Education Committee (Sen. Freborg, Chairman) recommends DO PASS**  
(5 YEAS, 0 NAYS, ABSENT AND NOT VOTING). SB 2078 was placed on the  
Eleventh order on the calendar.

2009 HOUSE EDUCATION

SB 2078

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2078

House Education Committee

Check here for Conference Committee

Hearing Date: March 2, 2009

Recorder Job Number: 9904

Committee Clerk Signature

*Carmen Hart*

Minutes:

**Beth Zander, Customer Service Area Director, Job Service North Dakota, appeared. (See Attachment 1.)**

**Vice Chair Lisa Meier:** I am assuming these were all general funds. Correct?

**Beth Zander:** What we understand that if the funds would have been state funds to accompany the federal funds, \_\_\_to accomplish this.

There was no opposition.

The hearing was closed.

**Chairman Kelsch** handed out a copy of the repealed section. **(See Attachment 2.)**

**Rep. Lyle Hanson** made a motion for a **Do Pass**. **Rep. Corey Mock** seconded the motion.

**DO PASS. 14 YEAS, 0 NAYS.** **Rep. Mike Schatz** is the carrier of the bill.

Date: 2-2-09  
Roll Call Vote #: \_\_\_\_\_

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2078

House Education Committee

Check here for Conference Committee

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

Action Taken  Do Pass  Do Not Pass  Amended

Motion Made By Rep. Hanson Seconded By Rep. Mock

Representatives	Yes	No	Representatives	Yes	No
Chairman RaeAnn Kelsch	✓		Rep. Lyle Hanson	✓	
Vice Chairman Lisa Meier	✓		Rep. Bob Hunsakor	✓	
Rep. Brenda Heller	✓		Rep. Jerry Kelsh	✓	
Rep. Dennis Johnson	✓		Rep. Corey Mock	✓	
Rep. Karen Karls	✓		Rep. Phillip Mueller	✓	
Rep. Mike Schatz	✓		Rep. Lee Myxter	✓	
Rep. John D. Wall	✓				
Rep. David Rust	✓				

Total (Yes) 14 No 0

Absent \_\_\_\_\_

Floor Assignment Rep. Schatz

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

**REPORT OF STANDING COMMITTEE**

**SB 2078: Education Committee (Rep. R. Kelsch, Chairman) recommends DO PASS**  
(14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2078 was placed on the  
Fourteenth order on the calendar.



2009 TESTIMONY

SB 2078

House Bill 2078  
Testimony of Beth Zander  
Job Service North Dakota  
before the  
House Education Committee  
Representative Kelsch, Chair  
March 2, 2009

*Attachment 1*  
*Same given*  
*to Senate*  
*1-13-09.*

**Repeal of Section 52-02-02.1**

Madam Chair and members of the committee, I am Beth Zander, the Customer Service Area Director of Job Service North Dakota. I am here today in support of Senate Bill 2078, which repeals section 52-02-02.1 of the North Dakota Century Code.

This bill was enacted in the 1989 Legislative Session to provide up \$500 in additional funds to Job Training Partnership Act (JTPA) participants in adult basic and secondary education and training programs. However, no funds were appropriated, and the law was not operational. The JTPA program has since expired and been replaced by the Workforce Investment Act (WIA), which can be used to assist with the costs of post-secondary education and extraordinary costs of adult basic education, such as the cost of GED tests.

Discussion with external auditors also resulted in recommendation that we get this law repealed, since it is obsolete.

Madam Chair, this concludes my testimony. At this time I would be happy to answer any questions from the committee.

**CHAPTER 52-02  
JOB SERVICE NORTH DAKOTA**

**52-02-01. Job service North Dakota created.** There is hereby created job service North Dakota which is charged with administering the provisions of the North Dakota unemployment compensation law and the provisions of the North Dakota state employment service, as set forth in chapter 52-08, which must be administered by a full-time salaried executive director, who is subject to the supervision and direction of the governor. The governor is authorized to appoint, fix the compensation of, and prescribe the duties of the executive director, provided that the appointment must be made on a nonpartisan, merit basis. The duties and responsibilities of the executive director extend to and include the power of full administration of the provisions of the North Dakota unemployment compensation law, and the provisions of chapter 52-08 relating to the North Dakota state employment service, including job insurance programs, and the establishment and maintenance of free public employment offices. The executive director may also establish separate divisions and make separate appointments as the executive director deems advisable for efficient administration of the duties and responsibilities imposed hereunder. Any separate appointments must be on a nonpartisan, merit basis.

**52-02-02. Powers, duties, organization, and methods of procedure of bureau - Seal.** The bureau may adopt, amend, or rescind such rules and regulations, make such expenditures, require such reports, make such investigations, and take such other action as it deems necessary or suitable in the administration of the North Dakota unemployment compensation law. Such rules and regulations are effective upon publication in the manner, not inconsistent with the provisions of the North Dakota unemployment compensation law, which the bureau shall prescribe. The bureau shall determine its own organization and methods of procedure in accordance with the provisions of the North Dakota unemployment compensation law and shall have an official seal which shall be noticed judicially.

**52-02-02.1. Adult education and training - Grants to students.** Job service North Dakota may make grants of up to five hundred dollars per person to Job Training Partnership Act eligible students enrolled in adult basic and secondary education programs and training programs for adults approved by job service North Dakota. No grants may be made unless federal funds received by the state for job training services as defined in the Job Training Partnership Act [Pub. L. 97-300; 96 Stat. 1361; 29 U.S.C. 1604] have been obligated. Job service North Dakota may collect an administrative fee not to exceed ten percent of the amount of grants made under this section. Job service North Dakota shall, in cooperation with the superintendent of public instruction, the department of career and technical education, and any other state agency providing or administering adult education services, coordinate the grant program established under this section. Job service North Dakota shall adopt rules to implement the grant program established under this section including rules regarding eligibility requirements and use of grant proceeds.

**52-02-03. Biennial report - Recommendations by bureau.** The bureau shall submit a biennial report to the governor and the secretary of state in accordance with section 54-06-04. Whenever the bureau believes that a change in contribution or benefit rates shall become necessary to protect the solvency of the fund, it shall inform the governor and the legislative assembly promptly and make recommendations with respect thereto.

**52-02-04. General and special rules and regulations of the bureau - When effective.** General and special rules may be adopted, amended, or rescinded by the bureau only after public hearing or opportunity to be heard thereon, of which proper notice has been given. General rules become effective ten days after filing with the secretary of state and publication in one or more newspapers of general circulation in this state. Special rules become effective ten days after notification or mailing to the last-known address of the individuals or concerns affected thereby. Regulations may be adopted, amended, or rescinded by the bureau and become effective in the manner and at the time prescribed by the bureau.