

**Fifty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2003**

HOUSE BILL NO. 1063
(Industry, Business and Labor Committee)
(At the request of Job Service North Dakota)

AN ACT to create and enact a new section to chapter 52-09 and a new section to chapter 52-10 of the North Dakota Century Code, relating to administration of the old-age and survivor insurance system and authority of the executive director of job service North Dakota; to amend and reenact section 52-09-03, subsection 4 of section 52-09-07, and subsections 6 and 9 of section 52-09-20 of the North Dakota Century Code, relating to administration of the old-age and survivor insurance system, primary insurance benefits under the old-age and survivor insurance system, authority of the executive director of job service North Dakota, and legislative appropriations for the expenses of administration; to repeal section 52-09-04 of the North Dakota Century Code, relating to the previous authority of the employment security bureau; and to provide for implementation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 52-09 of the North Dakota Century Code is created and enacted as follows:

Administration of chapter - Definition. The retirement board responsible for managing the public employees retirement system under chapter 54-52 shall administer this chapter and the retirement system described in this chapter. The state treasurer shall manage the old-age and survivors' insurance trust fund as provided in section 52-09-06. As used in this chapter, the terms "bureau" and "agency" mean the retirement board of the public employees retirement system, or that board's designated staff.

SECTION 2. AMENDMENT. Section 52-09-03 of the North Dakota Century Code is amended and reenacted as follows:

52-09-03. Administration. ~~The agency charged with administering the provisions of the North Dakota Unemployment Compensation Law is vested with authority to administer the old-age and survivor insurance system. Expenses for the administration of the system must be within the limits of legislative appropriation and funds must be expended by warrant checks prepared by the office of management and budget after approval by the office of the budget.~~

SECTION 3. AMENDMENT. Subsection 4 of section 52-09-07 of the North Dakota Century Code is amended and reenacted as follows:

4. ~~The legislative assembly may appropriate moneys from this the old-age and survivors' fund to be used by the bureau for the purposes of administration of this chapter and may also appropriate from this fund funds for the administration of chapter 52-10. Appropriations from the old-age and survivors' fund for the expenses of administration of chapter 52-10 must be appropriated to job service North Dakota. The bureau and job service North Dakota shall maintain complete and accurate records of all appropriations under this subsection and expenditures made from those appropriations. All disbursements for administrative expenses from the fund must be paid by warrant checks prepared by the bureau.~~

SECTION 4. AMENDMENT. Subsections 6 and 9 of section 52-09-20 of the North Dakota Century Code are amended and reenacted as follows:

52-09-20. Definitions. When used in this chapter:

6. "Employment" means any service performed after June 30, 1947, under an employer-employee relationship, under the provisions of this chapter, except:
 - a. Any service performed in the employ of any employer which has as of July 1, 1947, its own retirement plan.
 - b. Any service performed by an employee of the legislative assembly during a legislative session.
 - c. ~~The director of job service North Dakota is hereby authorized to enter into an agreement with the federal security agency, social security administration bureau of old age and survivors' insurance to provide coverage for national guard state civilian employees under the old age and survivors' insurance provisions of the Social Security Act as provided in section 218 of the Social Security Act amendments of 1950 [Pub. L. 81-734; 64 Stat. 514; 42 U.S.C. 418]. For the purposes of the agreement, the director is authorized to make such collections, contributions, and reports as may be required by the federal agency under the terms of the agreement.~~
 - d. Any service performed by an undergraduate student while regularly attending a public school, college, or university for such public school, college, or university.
9. "Primary insurance benefit" means the sum of the following:
 - a. (1) Fifty percent of the amount of an individual's average monthly wage if the average monthly wage does not exceed seventy-five dollars; or
(2) If the average monthly wage exceeds seventy-five dollars, thirty-seven dollars and fifty cents, plus fifteen percent of the amount by which the average monthly wage exceeds seventy-five dollars and does not exceed two hundred fifty dollars;
 - b. One percent of the amount computed under subdivision a, multiplied by the number of years in which two hundred dollars or more of wages were paid to the individual; and
 - c. (1) Effective August 1, ~~2004~~ 2003, eight hundred ~~twenty-six~~ seventy-nine dollars and ~~sixty-four~~ ninety-six cents; or
(2) Effective August 1, ~~2002~~ 2004, ~~eight hundred fifty-three~~ nine hundred six dollars and ~~thirty~~ sixty-two cents.

SECTION 5. A new section to chapter 52-10 of the North Dakota Century Code is created and enacted as follows:

Authority of executive director - Social security coverage for national guard employees.

The executive director of job service North Dakota may enter into an agreement with the federal security agency, social security administration bureau of old-age and survivor insurance to provide coverage for national guard state civilian employees under the old-age and survivor insurance provisions of the Social Security Act as provided in section 218 of the Social Security Act amendments of 1950 [Pub. L. 81-734; 64 Stat. 514; 42 U.S.C. 418]. For purposes of the agreement, the executive director may make such collections, contributions, and reports as may be required by the federal agency under the terms of the agreement.

SECTION 6. REPEAL. Section 52-09-04 of the North Dakota Century Code is repealed.

SECTION 7. IMPLEMENTATION. The old age and survivors' insurance trust fund is an identified funding source for the public employees retirement system, subject to the appropriation provided in Senate Bill No. 2024.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1063.

House Vote: Yeas 89 Nays 0 Absent 5

Senate Vote: Yeas 46 Nays 0 Absent 1

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2003.

Approved at _____ M. on _____, 2003.

Governor

Filed in this office this _____ day of _____, 2003,
at _____ o'clock _____ M.

Secretary of State