

Fifty-eighth  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1063

Introduced by

Industry, Business and Labor Committee

(At the request of Job Service North Dakota)

1 A BILL for an Act to create and enact a new section to chapter 52-09 and a new section to  
2 chapter 52-10 of the North Dakota Century Code, relating to administration of the old-age and  
3 survivor insurance system and authority of the executive director of job service North Dakota; to  
4 amend and reenact section 52-09-03, subsection 4 of section 52-09-07, and subsections 6 and  
5 9 of section 52-09-20 of the North Dakota Century Code, relating to administration of the  
6 old-age and survivor insurance system, primary insurance benefits under the old-age and  
7 survivor insurance system, authority of the executive director of job service North Dakota, and  
8 legislative appropriations for the expenses of administration; to repeal section 52-09-04 of the  
9 North Dakota Century Code, relating to the previous authority of the employment security  
10 bureau; and to provide for implementation.

11 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

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

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

22 **52-09-03. Administration.** ~~The agency charged with administering the provisions of~~  
23 ~~the North Dakota Unemployment Compensation Law~~ is vested with authority to administer the  
24 old-age and survivor insurance system. Expenses for the administration of the system must be

1 within the limits of legislative appropriation and funds must be expended by warrant checks  
2 prepared by the office of management and budget after approval by the office of the budget.

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

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

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

16 **52-09-20. Definitions.** When used in this chapter:

- 17 6. "Employment" means any service performed after June 30, 1947, under an  
18 employer-employee relationship, under the provisions of this chapter, except:
- 19 a. Any service performed in the employ of any employer which has as of July 1,  
20 1947, its own retirement plan.
  - 21 b. Any service performed by an employee of the legislative assembly during a  
22 legislative session.
  - 23 c. ~~The director of job service North Dakota is hereby authorized to enter into an~~  
24 ~~agreement with the federal security agency, social security administration~~  
25 ~~bureau of old-age and survivors' insurance to provide coverage for national~~  
26 ~~guard state civilian employees under the old-age and survivors' insurance~~  
27 ~~provisions of the Social Security Act as provided in section 248 of the Social~~  
28 ~~Security Act amendments of 1950 [Pub. L. 81-734; 64 Stat. 514; 42 U.S.C.~~  
29 ~~418]. For the purposes of the agreement, the director is authorized to make~~  
30 ~~such collections, contributions, and reports as may be required by the federal~~  
31 ~~agency under the terms of the agreement.~~

1           ~~e.~~ Any service performed by an undergraduate student while regularly attending  
2           a public school, college, or university for such public school, college, or  
3           university.

4           9. "Primary insurance benefit" means the sum of the following:

- 5           a. (1) Fifty percent of the amount of an individual's average monthly wage if  
6           the average monthly wage does not exceed seventy-five dollars; or  
7           (2) If the average monthly wage exceeds seventy-five dollars, thirty-seven  
8           dollars and fifty cents, plus fifteen percent of the amount by which the  
9           average monthly wage exceeds seventy-five dollars and does not  
10          exceed two hundred fifty dollars;  
11          b. One percent of the amount computed under subdivision a, multiplied by the  
12          number of years in which two hundred dollars or more of wages were paid to  
13          the individual; and  
14          c. (1) Effective August 1, ~~2004~~ 2003, eight hundred ~~twenty-six~~ seventy-nine  
15          dollars and ~~sixty-four~~ ninety-six cents; or  
16          (2) Effective August 1, ~~2002~~ 2004, ~~eight hundred fifty-three~~ nine hundred  
17          six dollars and ~~thirty~~ sixty-two cents.

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

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

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

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