

January 29, 2007

PROPOSED AMENDMENTS TO SENATE BILL NO. 2166

Page 1, line 1, replace the second "subsection" with "subsections 2 and"

Page 1, line 2, after the first comma insert "section 54-52-06,"

Page 1, line 5, remove "and" and after "appropriation" insert "; and to provide an effective date"

Page 2, after line 28, insert:

"SECTION 3. AMENDMENT. Section 54-52-06 of the North Dakota Century Code is amended and reenacted as follows:

54-52-06. Employer's contribution to retirement plan. ~~Each~~ Except for the North Dakota mill and elevator association, which shall contribute an amount equal to seven and eighteen-hundredths percent of the monthly salary or wage of a participating member, each governmental unit shall contribute an amount equal to four and twelve-hundredths percent of the monthly salary or wage of a participating member. For those members who elect to exercise their rights under section 54-52-17.14, the employing governmental unit, or in the case of a member not presently under covered employment the most recent employing governmental unit, shall pay the associated employer contribution. If the employee's contribution is paid by the governmental unit under subsection 3 of section 54-52-05, the employer unit shall contribute, in addition, an amount equal to the required employee's contribution. Each governmental unit shall pay the contribution monthly, or in the case of an election made pursuant to section 54-52-17.14 a lump sum, into the retirement fund from its funds appropriated for payroll and salary or any other funds available for these purposes. Any governmental unit failing to pay the contributions monthly, or in the case of an election made pursuant to section 54-52-17.14 a lump sum, is subject to a civil penalty of fifty dollars and, as interest, one percent of the amount due for each month of delay or fraction thereof after the payment became due. In lieu of assessing a civil penalty or one percent per month, or both, interest at the actuarial rate of return may be assessed for each month the contributions are delinquent. If contributions are paid within ninety days of the date they became due, penalty and interest to be paid on delinquent contributions may be waived. An employer is required to submit contributions for any past eligible employee who was employed after July 1, 1977, for which contributions were not made if the employee would have been eligible to become vested had the employee participated and if the employee elects to join the public employees retirement system. Employer contributions may not be assessed for eligible service that an employee has waived pursuant to subsection 1 of section 54-52-05. The board shall report to each session of the legislative assembly the contributions necessary, as determined by the actuarial study, to maintain the fund's actuarial soundness."

Page 3, line 15, replace "Subsection" with "Subsections 2 and"

Page 3, line 16, replace "is" with "are"

Page 3, after line 16, insert:

- "2. ~~The~~ Except for the North Dakota mill and elevator association, which shall contribute an amount equal to seven and eighteen-hundredths of the monthly salary or wage of a participating member, each employer shall contribute an amount equal to four and twelve-hundredths percent of the monthly salary or wage of a participating member. If the employee's contribution is paid by the employer under subsection 3, the employer shall contribute, in addition, an amount equal to the required employee's contribution. The employer shall pay monthly such contribution into the participating member's account from its funds appropriated for payroll and salary or any other funds available for such purposes. If the employer fails to pay the contributions monthly, it is subject to a civil penalty of fifty dollars and, as interest, one percent of the amount due for each month of delay or fraction thereof after the payment became due."

Page 4, line 11, replace "\$8,000" with "\$38,000"

Page 4, after line 18, insert:

"SECTION 7. EFFECTIVE DATE. This Act becomes effective on January 1, 2008."

Renumber accordingly