

Fifty-fifth  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2139

Introduced by

Senators C. Nelson, Krebsbach

Representatives Sabby, Wardner

1 A BILL for an Act to amend and reenact subsection 1 of section 15-39.1-09 and subsection 2 of  
2 section 15-39.1-10 of the North Dakota Century Code, relating to assessments and  
3 computation of benefits under the teachers' fund for retirement; to provide for application; and  
4 to provide a statement of legislative intent.

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

6 **SECTION 1. AMENDMENT.** Subsection 1 of section 15-39.1-09 of the North Dakota  
7 Century Code is amended and reenacted as follows:

8 1. Except as provided in subsection 2 of section 15-39.1-10.3, every teacher is a  
9 member of the fund and must be assessed upon the teacher's salary ~~six~~ seven  
10 and seventy-five hundredths percent per annum, which must be deducted,  
11 certified, and paid monthly to the fund by the disbursing official of the  
12 governmental body by which the teacher is employed. Every governmental body  
13 employing a teacher shall pay to the fund ~~six~~ seven and seventy-five hundredths  
14 percent per annum of the salary of each teacher employed by it. The disbursing  
15 official of the governmental body shall certify the governmental body payments and  
16 remit the payments monthly to the fund.

17 **SECTION 2. AMENDMENT.** Subsection 2 of section 15-39.1-10 of the 1995  
18 Supplement to the North Dakota Century Code is amended and reenacted as follows:

19 2. The amount of retirement benefits is one and ~~fifty-five~~ seventy-five hundredths  
20 percent of the final average monthly salary of the member multiplied by the  
21 number of years of credited service. For the purposes of this subsection, final  
22 average monthly salary means one thirty-sixth of the total of the member's highest  
23 annual salaries earned between July first of a calendar year and June thirtieth of  
24 the subsequent calendar year for any three years of service under the fund.

1           **SECTION 3. APPLICATION OF ACT.** Section 1 of this Act does not apply to existing  
2 contracts between school districts and their employees under which the school district pays the  
3 teacher contribution pursuant to subsection 2 of section 15-39.1-09. Section 2 of this Act  
4 applies only to individuals who begin receiving benefits from the fund under chapter 15-39.1  
5 after June 30, 1997, and applies to those benefits payable after June 30, 1997.

6           **SECTION 4. INTENT.** It is the intent of the legislative assembly that the one percent  
7 increase in the employer contribution contained in subsection 1 of section 15-39.1-09 be  
8 considered during the 1997-98 school district-employee salary negotiations.