

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2404

Page 1, line 1, replace "a" with "five" and replace "section" with "sections"

Page 1, line 2, after the semicolon insert "to amend and reenact subsection 6 of section 15-10-01 and subsection 13 of section 15-10-17 of the North Dakota Century Code, relating to name changes of institutions of higher education; to repeal section 15-11-02.1 of the North Dakota Century Code, relating to supervision of the college at Devils Lake;"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Subsection 6 of section 15-10-01 of the North Dakota Century Code is amended and reenacted as follows:

6. The following ~~junior colleges and off-campus educational center:~~ Bismarck state college, ~~university of North Dakota~~ Lake Region state college, and ~~the university of North Dakota~~ Williston center state college.

**SECTION 2. AMENDMENT.** Subsection 13 of section 15-10-17 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

13. To establish a retirement program as an alternative to chapter 15-39.1 for employees of institutions under its control subject to the following guidelines:
  - a. Benefits under the program shall be provided through annuity contracts purchased by the board but which shall become the property of the participants;
  - b. The cost of the annuity contracts shall be defrayed by contributions made pursuant to rules of the state board of higher education;
  - c. Eligible employees appointed before July 1, 1973, shall participate in the alternate retirement program only by their individual election. When the electing eligible employee is a member of the teachers' fund for retirement, the employee's assessments and employer's contributions together with interest credited at the current rate for one-year certificates then being paid by the Bank of North Dakota shall be transferred to the employee's account in the alternate program. Such election shall be made prior to July 1, 1980, and shall relinquish all rights the eligible employee or the employee's beneficiary may have to benefits provided in chapters 15-39 and 15-39.2;
  - d. Employees of Bismarck state college and ~~university of North Dakota~~ Lake Region state college coming under the jurisdiction of the board who are members of the teachers' fund for retirement may elect prior to July 1, 1985, to continue membership in the teachers' fund for retirement in lieu of the alternate retirement program. If an employee does not elect to continue membership in the teachers' fund for retirement, membership in that fund will terminate and the employee will become a member of the alternate retirement program established by the board effective July 1, 1985. An employee of the above-named

colleges who becomes a member of the alternate retirement program may elect prior to July 1, 1985, to have the employee's assessments and employer's contributions in the teachers' fund for retirement with interest transferred by the board of trustees of the teachers' fund for retirement to the employee's account in the alternate retirement program. If an employee elects to transfer the employee's assessment and employer's contributions together with interest to the alternate retirement program, the employee relinquishes all rights the employee or the employee's beneficiary may have to benefits provided in chapters 15-39, 15-39.1, and 15-39.2; and

- e. Employees of institutions under the control of the state board of higher education who are members of the public employees retirement system and who become entitled to participate in the alternate retirement program are entitled to a special annuity purchase in the alternate retirement program in accordance with this subdivision. An eligible employee who consents to have that employee's contribution included is entitled to have that employee's contribution and employer's contribution, with interest, in the public employees retirement system fund, used by the retirement board of the public employees retirement system to purchase for that employee an annuity in the alternate retirement program in lieu of any other rights under the public employees retirement fund. However, before the employer's contribution may be used for an annuity purchase, the employee's combined years of service with the public employees retirement system and the alternate retirement program must equal or exceed the years of service necessary to be eligible for retirement benefits under the public employees retirement system. An employee who transferred from the public employees retirement system prior to March 30, 1987, and who received a refund of that employee's contribution is entitled to have the employer's contribution, with interest, used to purchase an annuity even if that employee did not purchase an annuity in the alternate employee program with the employee's contribution. If an employee makes the election allowed under this subdivision, that employee relinquishes all rights the employee or any of the employee's beneficiaries may have had to benefits provided under chapter 54-52.

The board shall provide for the administration of the alternate retirement program and establish rules therefor consistent with the foregoing guidelines. Nothing in this subsection shall be construed in derogation of any existing retirement programs approved by the board."

Page 1, underscore line 6

Page 1, line 7, underscore "1.", replace "Job" with "Except for employers with fewer than twenty-five employees and schools, job", and underscore "service North Dakota shall assess each employer a work force training"

Page 1, line 8, underscore "investment fee of", replace "four" with "three", and underscore "one-hundredths of one percent of taxable wages paid by the"

Page 1, underscore lines 9 through 18

Page 1, line 19, underscore "investment account" and insert immediately thereafter "under the control of the state board for vocational and technical education" and underscore "and used to provide work force training programs at"

Page 1, underscore line 20

Page 1, line 21, underscore "force training", remove "as defined by the state board of higher education", and underscore ". Administrative"

Page 1, underscore lines 22 through 24

Page 2, underscore lines 1 through 4

Page 2, line 5, underscore "education shall cooperate with job service," and insert immediately thereafter "the state board for vocational and technical education," and underscore "the work force 2000 advisory board,"

Page 2, underscore lines 6 and 7

Page 2, remove lines 8 through 15

Page 2, line 16, replace "4." with "3." and underscore "The state board of higher education shall establish up to four regions reflecting the"

Page 2, underscore lines 17 through 19

Page 2, line 20, underscore "collected based upon covered employment in that region of the state." and insert immediately thereafter "The state board for vocational and technical education may reallocate up to twenty percent of the funds collected in any region to another region based upon the increased need for work force training funds in that region."

Page 2, line 21, replace "5." with "4." and underscore "Each institution of higher education providing a work force training program shall"

Page 2, line 22, underscore "submit a report annually to the", remove "legislative council, the governor, the", underscore "state board", and remove "of"

Page 2, line 23, replace "higher" with "for vocational and technical", underscore "education", remove the comma, and underscore "and the North Dakota work force development council regarding"

Page 2, underscore line 24

Page 2, after line 24, insert:

**SECTION 4.** A new section to chapter 52-08 of the North Dakota Century Code is created and enacted as follows:

**Institution to serve work force needs.** Subject to state board of higher education policies, the president of an institution of higher education that is assigned primary responsibility for work force training shall establish a division or other unit within the institution to serve the work force needs of business and industry and to serve as a broker in arranging the delivery of training.

**SECTION 5.** A new section to chapter 52-08 of the North Dakota Century Code is created and enacted as follows:

**Work force training board - Formation.** Subject to state board of higher education policies, the president of an institution of higher education that is assigned primary responsibility for work force training shall appoint a work force training board consisting of representatives from businesses, labor, and industries located within the institution's delivery area. The work force training board must consist of at least seven but no more than fifteen members including at least one representative from one of the

following: an Indian-owned business, the tribal government, or the tribal colleges within the designated region.

**SECTION 6.** A new section to chapter 52-08 of the North Dakota Century Code is created and enacted as follows:

**Preparation of business plan - Revolving loans.** Subject to state board of higher education policies, the president of an institution of higher education that is assigned primary responsibility for work force training shall prepare an annual business plan that must include provisions for use of the training capacity of the tribal colleges within the designated region, in consultation with the work force training board. The work force training board shall approve the business plan and make recommendations for funding of the business plan to the state board of higher education. The state board of higher education may establish for each institution of higher education assigned primary responsibility for work force training a revolving loan fund for work force training program startups using the borrowing authority provided for in section 15-10-16.1.

**SECTION 7.** A new section to chapter 52-08 of the North Dakota Century Code is created and enacted as follows:

**Performance measurements for work force training.** Subject to state board of higher education policies, the president of an institution of higher education that is assigned primary responsibility for work force training shall develop, in consultation with the work force training board, performance measurements for work force training. The measurements must include requirements for being time-sensitive and results-oriented and must determine how well the training needs of business and industry are being met.

**SECTION 8. REPEAL.** Section 15-11-02.1 of the North Dakota Century Code is repealed."

Page 2, line 26, replace "special" with "work force training investment" and remove "created in section 1 of this Act"

Page 2, line 27, replace "\$1,963,100" with "\$1,000,000" and replace "job service North Dakota for the" with "the institutions of higher education assigned primary responsibility for"

Page 2, line 28, remove "purpose of" and after "under" insert "sections 3 through 7 of"

Page 2, line 29, after the period insert "Any excess funds collected for deposit in the work force training investment account must remain in the account."

**SECTION 10. INITIAL FUNDING - REPAYMENT.** The Bank of North Dakota shall provide a loan of not more than \$400,000 to provide initial funds for deposit in the work force training investment account for work force training through institutions of higher education. The loan must be repaid from funds collected under section 3 of this Act by December 31, 2002."

Renumber accordingly