

1999 HOUSE GOVERNMENT AND VETERANS AFFAIRS
HB 1070


1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1070

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 1-14-1999

Tape Number	Side A	Side B	Meter #
2		X	0 - 15.4
Committee Clerk Signature 			

Minutes: Some of the individuals testifying submit written testimony. When noted please refer to it for more detailed information.

Representative Klein, Chairman of the GVA Committee opened the hearing on January 14, 1999.

Summary of the Bill: Relating to contributions to a primary insurance benefit under the old-age and survivor insurance system.

Testimony in Favor:

Jennifer Gladden, ND Job Service submitted a written testimony which she read in it's entirety **(please refer to her testimony)**.

Ray Gurdatas, ND Job Service appeared before the committee to answer questions. He is more familiar with this area of job service.

Representative Klein, Were only talking about 10 or so people and the money is there right?

Gurdatas, Yes.

Representative Kliniske, If there is a balance in the fund at the end, what happens to the money?

Gurdatas, There is no law on that and it would be up to the legislature. These individuals are tough to predict on their longevity and projections of this money. Do we give them more now and then have to deal with additional funding or do we try and balance it and go on the predictions and hope there is enough money to last.

Representative Cleary, Are these 10 people women/

Gurdatas, Yes.

Representative Grande, Where do you get the \$66.66 from?

Gurdatas, Page 4, explains how it works. Also, on page 5, you get \$733.32. Beneficiary receives 75% of the primaries entitlement.

Representative Brekke, These are thrifty people so this little bit of money is going to seem like quite an increase. I say we send it off.

Representative Klein, Closed the hearing on HB 1070.

Committee Action:

Representative Cleary, Made a motion for a Do Pass.

Representative Grande, Seconded the motion for a Do Pass.

Motion Passes, **15-0-0**.

Representative Cleary, Is the carrier for the Bill.

FISCAL NOTE

(Return original and 10 copies)

Bill/Resolution No: HB 1070 Amendment To: _____

Requested by Legislative Council Date of Request: 12-29-98

1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities and school districts.

Narrative: This bill provides for an increase in the Old Age Survivors and Insurance System primary benefit. This will result in an increase of \$50.00 per month increase in benefits for the survivors effective August 1999 and August 2000. The Special Funds is the Old Age Survivors Insurance System Fund.

2. State fiscal effect in dollar amounts:

	1997-1999 Biennium		1999-2001 Biennium		2001-2003 Biennium	
	General Fund	Special Fund	General Fund	Special Fund	General Fund	Special Fund
Revenues:	0	0	0	0	0	0
Expenditures:	0	0	0	\$138,169	0	\$80,018

3. What, if any, is the effect of this measure on the appropriation for your agency of department.
- a. For rest of 1997-99 biennium: 0
- b. For the 1999-2001 biennium: 0
- c. For the 2001-03 biennium: 0

4. County, City and School District fiscal effect in dollar amounts:

1997-99 Biennium			1999-2001 Biennium			2001-03 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
No effect			No effect			No effect		

If additional space is needed, attach a supplemental sheet.

Signed Wayne G. Kindem

Typed Name WAYNE G. KINDEM

Department JOB SERVICE NORTH DAKOTA

Date Prepared: 1/5/99

Phone Number 328-3033

Roll Call Vote #: ~~1020~~ 1 Date: 1-14-99

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1070

House GOVERNMENT AND VETERANS AFFAIRS Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By CLEARY Seconded By GRANDE

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN KLEIN	✓		REP. WINRICH	✓	
VICE-CHAIR KLINISKE	✓				
REP. BREKKE	✓				
REP. CLEARY	✓				
REP. DEVLIN	✓				
REP. FAIRFIELD	✓				
REP. GORDER	✓				
REP. GRANDE	✓				
REP. HAAS	✓				
REP. HAWKEN	✓				
REP. KLEMIN	✓				
REP. KROEBER	✓				
REP. METCALF	✓				
REP. THORESON	✓				

Total (Yes) 15 No 0

Absent 0

Floor Assignment CLEARY

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
January 14, 1999 4:04 p.m.

Module No: HR-08-0645
Carrier: Cleary
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1070: Government and Veterans Affairs Committee (Rep. Klein, Chairman)
recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
HB 1070 was placed on the Eleventh order on the calendar.

1999 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1070

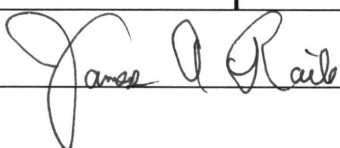
1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1070

Senate Government and Veterans Affairs Committee

Conference Committee

Hearing Date FEBRUARY 11, 1999

Tape Number	Side A	Side B	Meter #
1	X		5532 - end
		X	0 - 901
Committee Clerk Signature 			

Minutes:

The hearing for HB1070 was opened by SENATOR KREBSBACH. All Senators were present. RAY GUDAJTES with Job Service North Dakota testified in support of HB1070. His testimony is attached.

SENATOR DEMERS If we are repealing the tax, are we anticipating that if it were needed, that it would be there?

RAY GUDAJTES If in the event, the amount of dollars is so significant.

SENATOR STENEHJEM Isn't there a bill around to assess this same amount, to be used for technology?

SENATOR KREBSBACH There was a bill submitted by the counties about their now current retirement program.

SENATOR WARDNER I am carrying that bill on the floor today. The counties have an oasis mill levy authority. They use it for paying Social Security and Retirement Plan. It was a bill to allow a 5 mill technology levy, but it had to be within an existing mill levy. It has nothing to do with the Oasis Trust Fund.

SENATOR DEMERS if you needed additional funds, and we repealed this section, where do you go for those.

RAY GUDAJTES To the legislature.

SENATOR DEMERS Why not wait?

RAY GUDAJTES It has not been triggered for 10 years. With the small number of people, administratively it would be a cut, for the small number of people.

SENATOR STENEHJEM Why don't you amend the rate?

RAY GUDAJTES I feel that could be done. There is a small amount of people and it could be a administrative nightmare.

SENATOR KREBSBACH On Page 211 in the Legislative Interim Report, there was a favorable recommendation from the committee on this. It is reviewed every biennium by this committee.

The hearing was closed on HB1070.

SENATOR STENEHJEM made a motion for a Do Pass of HB1070. Senator DeMers seconded the motion. The motion was carried with a vote of 7 Yes, 0 No, 0 Absent. SENATOR

DEMERS will carry the bill.

Date: 2-11-99 -1
Roll Call Vote #: HB1070

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB1070

Senate GOVERNMENT AND VETERAN'S AFFAIRS Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Stenehjem Seconded By Demers

Senators	Yes	No	Senators	Yes	No
SENATOR KREBSBACH	X				
SENATOR WARDNER	X				
SENATOR KILZER	X				
SENATOR STENEHJEM	X				
SENATOR THANE	X				
SENATOR DEMERS	X				
SENATOR MUTZENBERGER	X				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Senator Demers.

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
February 11, 1999 1:52 p.m.

Module No: SR-28-2601
Carrier: DeMers
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1070: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)
recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1070
was placed on the Fourteenth order on the calendar.

1999 SENATE APPROPRIATIONS

HB 1070

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1070

Senate Appropriations Committee

Conference Committee

Hearing Date 3/10/99; 3/18/99

Tape Number	Side A	Side B	Meter #
1	x		340-670
3/18/99 2	2450-2680		
Committee Clerk Signature <i>Glaudia Anderson</i>			

Minutes:

SENATOR NETHING: Opened the hearing on HB 1070; a BILL for an Act to amend and reenact sections 52-09-07, 52-09-08, and subsection 9 of section 52-09-20 of the North Dakota Century Code, relating to contributions to and primary insurance benefits under the old-age and survivor insurance system; and to repeal sections 52-09-09, 52-09-10, 52-09-11, 52-09-12, and 52-09-13 of the North Dakota Century Code, relating to old-age survivor insurance taxes.

RAY GUDAJTES: Job Service North Dakota, presented testimony relating to HB 1070. (testimony attached) (tape 340-670)

SENATOR ST. AUBYN: What happens when there are no longer beneficiaries? What happens to the fund? Is the OASIS a federal program?

GUDAJTES: There is no language in the law to indicate what would be done. It would be up to the legislature to decide that. OASIS is a state program.

SENATOR ANDRIST: If and when the fund runs out of money, and it triggers a tax, who pays that tax?

GUDAJTES: All municipal, county and state entities on all of their employees even though they aren't recipients of that. The last time the tax was levied was in 1989, and it was only levied for 6 months because of the large amount of money collected in that time period.

SENATOR TALLACKSON: Does this bill remove that language?

GUDAJTES: Yes.

SENATOR TALLACKSON: Where does the funding come from?

GUDAJTES: The current OASIS fund in place is where the dollars for the beneficiaries and the administration of the fund come from. The \$66.66 is to increase the primary beneficiary amount, but the actual survivors who are the remaining recipients would receive 75% of that. They're actually getting \$50/month added to their benefits.

SENATOR NAADEN: What are the administrative costs?

GUDAJTES: The current costs are \$8,000/year.

SENATOR ST. AUBYN: Does Job Service invest this fund and does the interest earned from this fund go back into the fund?

GUDAJTES: The custodian of the funds is the State Treasurer, and they do invest them. The interest goes into the fund.

SENATOR ANDRIST: It strikes me that \$8,000 to cut 10 checks/month is high administrative costs. There isn't a whole lot of actuarial management going on. What is the source of this \$8,000 and how can we reduce that to spread the fund out a little longer? Is this a line item?

GUDAJTES: The administrative fees come from the OASIS fund and goes to Job Service. I believe the Treasurer's Office has some of the dollars as well for printing and managing the funds.

SENATOR ANDRIST: I'd like to examine the administrative costs.

SENATOR ST. AUBYN: This bill was referred by GVA, and only deals with the disbursement of an increased benefit. Administrative costs are part of the budget and we should deal with those costs there, rather than in this bill.

PAUL KRAMER: (LC) The Treasurer's budget is all general fund dollars. They don't have other funds in their budget.

SENATOR ST. AUBYN: So how do they get reimbursed?

PAUL KRAMER: That's the Treasurer's Office function to write checks. Their reimbursement is their appropriation from the General Fund to do what they're supposed to do.

SENATOR ANDRIST: If the Treasurer writes all of the checks, it seems to me we could simply take this \$8,000 out of the Job Service appropriation and leave the direction that they're still supposed to manage it.

SENATOR HOLMBERG: I think we should pass this bill and let the subcommittee look at it. This is a state program, and the funds that Job Service has is federal money and there are some pretty stiff restrictions on having them do state functions without state reimbursement.

SENATOR NAADEN: Closed the hearing on HB 1070. (tape 1, side A 670)

=====
3/18/99 (tape 2, A, 2450-2680)

SENATOR NETHING: Reopened the hearing on HB 1070, and called for the motion.

SENATOR HOLMBERG: Moved do pass HB 1070.

SENATOR TALLACKSON: Seconded the motion.

ROLL CALL: 14 yeas; 0 nays

MOTION CARRIED DO PASS HB 1070.

CARRIER: SENATOR DeMERS

SENATOR NETHING: Closed the hearing on HB 1070.

Date: 3-18-99
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1070

Senate APPROPRIATIONS Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By SENATOR HOLMBERG Seconded By SENATOR TALLACKSON

Senators	Yes	No	Senators	Yes	No
Senator Nething, Chairman	✓				
Senator Naaden, Vice Chairman	✓				
Senator Solberg	✓				
Senator Lindaas	✓				
Senator Tallackson	✓				
Senator Tomac	✓				
Senator Robinson	✓				
Senator Krauter	✓				
Senator St. Aubyn	✓				
Senator Grindberg	✓				
Senator Holmberg	✓				
Senator Kringstad	✓				
Senator Bowman	✓				
Senator Andrist	✓				

Total (Yes) 14 No 0

Absent 0

Floor Assignment SENATOR DEMERS

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
March 18, 1999 3:31 p.m.

Module No: SR-49-5136
Carrier: DeMers
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1070: Appropriations Committee (Sen. Nething, Chairman) recommends DO PASS
(14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1070 was placed on the
Fourteenth order on the calendar.

1999 TESTIMONY

HB 1070

HOUSE BILL 1070
Testimony Before the House Committee On
Government and Veterans Affairs
Mathew Klein, Chairperson
January 14, 1999

Mr. Chairman and members of the committee, I am Jennifer Gladden, Executive Director of Job Service North Dakota. Chapter 52-09 of the North Dakota Century Code (NDCC) governs the operation of the Old Age and Survivor Insurance System (OASIS) and makes Job Service North Dakota responsible for its administration.

House Bill 1070:

1. Increases the OASIS primary benefit amount by \$66.66 per month on August 1, 1999 and on August 1, 2000; and
2. Removes language in NDCC 52-09-09 which requires an automatic trigger of a one percent OASIS tax when the fund balance drops below one and one-half times the amount paid out of the fund on October 1, during the previous twelve months.

HISTORY
The OASIS Program provided a retirement program for state and local government employees between 1947 and 1957. It was discontinued when federal Social Security coverage became available for these employees. Covered employees eligible to retire before 1957, and their spouses, are entitled to receive benefits from the system for life. There are no longer any living primary beneficiaries, but there are 10 surviving spouses still receiving benefits. Their ages range from 86 to 101. The current monthly benefit payments range from \$530.68 to \$552.11, averaging \$544.00. The monthly total of retirement benefits paid out of the OASIS retirement fund is \$5,432.83.

The OASIS Program does not provide automatic cost of living adjustments. The legislature has, however, increased primary benefit amounts each session since 1967. Increases were provided as follows:

1967 and 1969	\$10.00 per month in each year
1971 and 1973	\$30.00 per month in each year
1975, 1977, 1979, 1980	\$10.00 per month in each year
1981 through 1996	\$20.00 per month in each year
1997 and 1998	\$133.33 per month in each year

Survivors are entitled to 75% of the primary benefit amount. The \$66.66 increase in this bill will increase the survivors monthly benefits by \$50 each month, a 10% increase. As I said earlier, there are no primary beneficiaries, but 10 surviving spouses.

The fund balance was \$320,900 on January 1 of this year. Based on Life Expectancy Tables for North Dakota, obtained from the U.S. Department of Health and Human Services, this amount should be sufficient to cover benefits through June of 2005, the projected end of the program, even with similar increases each year until then. Projections for the fund are detailed on the attached spread sheet.

Benefits are paid from the OASIS Trust Fund. This fund was originally funded by equal employer and employee contributions. There have been no employee contributions withheld since 1957. Employer contributions were last collected for the calendar year 1989. Employer contributions are collected only if the balance of the OASIS Trust Fund is less than one and one-half times the amount paid out during the previous year. If collected, they are levied on employee wages for all municipal, county, and state employers.

With the \$66.66 increase in this bill and similar increases each year through the projected end of the program in June of 2005, it is expected that an OASIS tax may trigger in the year 2004. This bill removes the language which automatically triggers an OASIS tax. The projections for the fund detailed on the attached spread sheet indicates that sufficient funding will be available in the OASIS Trust Fund to cover benefits through the end of the program.

Mr. Chairman, this concludes my testimony. I would try to answer any question from the committee. Thank you.

INCREASE \$66.66 PER MONTH

OASIS FUNDING USAGE

/Age on 6/30/98	Duration (Months)	7/98-6/99 +A (8/98)	7/99-6/00 +B (8/99)	7/00-6/01 +C (8/00)	7/01-6/02 +D (8/01)	7/02-6/03 +E (8/02)	7/03-6/04 +F (8/03)	7/04-6/05 +G (8/04)	7/05-6/06 +H (8/05)
/ 86	77	\$6,321.88	\$7,021.88	\$7,621.88	\$8,221.88	\$8,821.88	\$9,421.88	\$4,117.45	\$0.00
/ 86	77	\$6,258.88	\$6,958.88	\$7,558.88	\$8,158.88	\$8,758.88	\$9,358.88	\$4,091.20	\$0.00
/90 now 91	57	\$6,405.76	\$7,105.76	\$7,705.76	\$8,305.76	\$6,654.32	\$0.00	\$0.00	\$0.00
/90	57	\$6,425.32	\$7,125.32	\$7,725.32	\$8,325.32	\$6,668.99	\$0.00	\$0.00	\$0.00
/ 92	49	\$6,168.16	\$6,868.16	\$7,468.16	\$8,068.16	\$680.68	\$0.00	\$0.00	\$0.00
/ 94	43	\$6,418.96	\$7,118.96	\$7,718.96	\$4,811.06	\$0.00	\$0.00	\$0.00	\$0.00
/ 94	2	\$896.54	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
/ 96 now 97	38	\$6,213.16	\$6,913.16	\$7,513.16	\$1,268.86	\$0.00	\$0.00	\$0.00	\$0.00
/ 96 now 97	38	\$6,240.52	\$6,940.52	\$7,540.52	\$1,273.42	\$0.00	\$0.00	\$0.00	\$0.00
/ 99	32	\$6,374.80	\$7,074.80	\$5,083.20	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
/ 101	28	\$6,366.52	\$7,066.52	\$2,488.84	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL		\$64,090.50	\$70,193.96	\$68,424.68	\$48,433.34	\$31,584.75	\$18,780.76	\$8,208.65	\$0.00
Beginning Balance		\$351,727.00	\$293,705.58	\$227,259.84	\$159,925.56	\$109,889.24	\$74,700.06	\$50,907.30	\$36,734.94
Benefits Paid		64,090.50	70,193.96	68,424.68	48,433.34	31,584.75	18,780.76	8,208.65	0.00
Admin Cost		8,000.00	8,000.00	8,000.00	8,000.00	8,000.00	8,000.00	8,000.00	0.00
Earnings		14,069.08	11,748.22	9,090.39	6,397.02	4,395.57	2,988.00	2,036.29	0.00
Ending Balance		\$293,705.58	\$227,259.84	\$159,925.56	\$109,889.24	\$74,700.06	\$50,907.30	\$36,734.94	\$36,734.94

HOUSE BILL 1070
Testimony Before the Senate Committee On
Government and Veterans Affairs
Senator Karen Krebsbach, Chairperson
February 11, 1999

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The OASIS Program provided a retirement program for state and local government employees between 1947 and 1957. It was discontinued when federal Social Security coverage became available for these employees. Covered employees eligible to retire before 1957, and their spouses, are entitled to receive benefits from the system for life. There are no longer any living primary beneficiaries, but there are 10 surviving spouses still receiving benefits. Their ages range from 86 to 101. The current monthly benefit payments range from \$530.68 to \$552.11, averaging \$544.00. The monthly total of retirement benefits paid out of the OASIS retirement fund is \$5,432.83.

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INCREASE \$66.66 PER MONTH

OASIS FUNDING USAGE

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Admin Cost		8,000.00	8,000.00	8,000.00	8,000.00	8,000.00	8,000.00	8,000.00	0.00
Earnings		14,069.08	11,748.22	9,090.39	6,397.02	4,395.57	2,988.00	2,036.29	0.00
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Increase per month		100	50	50	50	50	50	50	0