

On page 1, line 4, of the Introduced bill, after "Dakota:" delete "Section 1. That § 3-12C-401 be AMENDED:

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On page 1, line 5, of the Introduced bill, after "AMENDED:" delete "3-12C-401. Any employee included in § 3-12C-301 shall make a contribution to the system, except as specified in § 3-12C-1405 and section 4 of this Act, and the employer shall make an equal contribution to the system, except as otherwise specified, at the following rates:

(1) Class A members: five percent of compensation through June 30, 2002, and six percent of compensation after June 30, 2002;

(2) Justices, judges, and magistrate judges: nine percent of compensation;

(3) All other Class B members: eight percent of compensation.

The employer shall cause to be deducted on each payroll of the employee for each payroll period the contribution payable by the employee as provided in this section.

Except for those contributions specified in § 3-12C-1405, contributions required of employees by this section shall must be made by the participating unit pursuant to the provisions of § 414(h)(2) of the Internal Revenue Code. The contributions shall must be classified as employee contributions for all purposes under this chapter. An employee may not receive the amount of the contributions directly rather than as contributions under this section."

On page 2, line 7, of the Introduced bill, delete " 4" and insert " 2"

On page 2, line 10, of the Introduced bill, after "benefit." delete "Section 3. That § 3-12C-1401 be AMENDED:

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On page 2, line 11, of the Introduced bill, after "AMENDED:" delete "3-12C-1401. Except as provided in § 3-12C-1401. 1 and section 4 of this Act, a retired member's retirement is invalid if the member is reemployed by a participating unit unless the member's employment relationship with the initial participating unit has been terminated, as defined in this chapter and as required pursuant to Revenue Ruling 57-115 by the Internal Revenue Service, and the member has been separated from service for three consecutive calendar months after the member's effective date of retirement. The initial participating unit's system representative shall certify to the system that the termination of the employment relationship took place. In addition, any second participating unit shall subject the member to all proceedings and requirements associated with the hiring and employment of any new employee by the second participating unit, and that unit's system representative shall so certify to the system. If a single participating unit is both the member's initial participating unit and the member's second participating unit, the unit shall follow all termination procedures and all hiring procedures relative to the member as outlined by this section, and its chief executive officer, the officer's agent, or the chair of the unit's governing commission or board shall so certify."

On page 2, line 26, of the Introduced bill, after "certify." delete "Section 4. That chapter 3-12C be amended with a NEW SECTION:

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On page 2, line 27, of the Introduced bill, after "SECTION:" delete "A retired member's retirement remains valid if the member comes back to work a full-time, Class A credited service position for a

participating unit at least thirty days after the termination of the member's employment with the participating unit or another participating unit, during which time the member had no contract or employment relationship with a participating unit, if:

- (1) The salary of the position is seventy-five percent or less of the salary the member received from the participating unit prior to termination;
- (2) The participating unit hiring the member certifies that it has not been successful in filling the position with a qualified candidate before hiring the member; and
- (3) The participating unit hiring the member contributes to the system twelve percent of the salary of the position, with no contribution from the member.

A retired member reemployed under this section will continue to receive COLA increases and will not be subject to the benefit reduction referenced in § 3-12C-1405."

On page 3, after line 6, of the Introduced bill, insert: "

Section 2. That chapter 3-12C be amended with a NEW SECTION:

A retired member may be reemployed in an emergency full-time position for a participating unit if:

- (1) The member has been separated from service for at least twelve consecutive months after the member's effective retirement date; and
- (2) The participating unit hiring the member demonstrates that a good faith effort, as described in section 3 of this Act, was made to hire appropriately qualified personnel who are not receiving a retirement benefit from the system.

A retired member reemployed under this section will continue to receive COLA increases and will not be subject to the benefit reduction referenced in § 3-12C-1405 until June 30, 2025. However, all other provisions of § 3-12C-1405 apply."

On page 3, after line 6, of the Introduced bill, insert: "

Section 3. That chapter 3-12C be amended with a NEW SECTION:

To demonstrate that a good faith effort was made, the participating unit shall provide the following documentation of actions taken to recruit an appropriately qualified person for the emergency position:

- (1) The participating unit's need for the emergency position and the efforts made to fill the position;
- (2) A plan for hiring appropriately qualified personnel without using the emergency position in the future;

- (3) A description of the retired member's experience, knowledge, and abilities; and
- (4) A certification that no formal or informal agreement existed to reemploy the retired member.

Participating units shall advertise the position in at least two publicly accessible resources for at least one month, within the six months preceding the emergency employment. All copies of postings must be included with the documentation."

On page 3, line 8, of the Introduced bill, after "§ 3-12C-1405.1" delete " and section 4 of this Act"

On page 3, line 13, of the Introduced bill, delete "The" and insert "Except as provided in section 2 of this Act, the"

On page 3, line 30, of the Introduced bill, delete " section 4" and insert " sections 2 and 3"

On page 3, line 30, of the Introduced bill, delete " act" and insert " Act"