

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1216

Introduced by

Representatives Wald, Grande

Senators Krebsbach, Wardner

1 A BILL for an Act to amend and reenact subsections 1 and 2 of section 54-52.6-02 and section
2 54-52.6-03 of the North Dakota Century Code, relating to participation in the defined
3 contribution retirement plan.

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

5 **SECTION 1. AMENDMENT.** Subsections 1 and 2 of section 54-52.6-02 of the 1999
6 Supplement to the North Dakota Century Code are amended and reenacted as follows:

7 1. The board shall provide an opportunity for each eligible employee who is a
8 member of the public employees retirement system on ~~December 31, 1999~~
9 September 30, 2001, and who has not made a written election under this section
10 to transfer to the defined contribution retirement plan before October 1, 2001, to
11 elect in writing to terminate membership in the public employees retirement system
12 and elect to become a participating member under this chapter. Except as
13 provided in section 54-52.6-03, an election made by an eligible employee under
14 this section is irrevocable. The board shall accept written elections under this
15 section from eligible employees during the period beginning on the effective date
16 of this Act and ending 12:01 a.m. ~~January 1, 2000~~ December 14, 2001. An eligible
17 employee who does not make a written election or who does not file the election
18 during the period specified in this section continues to be a member of the public
19 employees retirement system. An eligible employee who makes and files a written
20 election under this section ceases to be a member of the public employees
21 retirement system effective twelve midnight December 31, ~~1999~~ 2001; becomes a
22 participating member in the defined contribution retirement plan under this chapter
23 effective 12:01 a.m. January 1, ~~2000~~ 2002; and waives all of that person's rights to
24 a pension, annuity, retirement allowance, insurance benefit, or any other benefit

1 under the public employees retirement system effective December 31, ~~1999~~ 2001.
2 This section does not affect a person's right to health benefits or retiree health
3 benefits under chapter 54-52.1. An eligible employee who is first employed and
4 entered upon the payroll of that person's employer after ~~December 31, 1999~~
5 September 30, 2001, may make an election at any time during the first six months
6 after the date of employment to participate in the defined contribution retirement
7 plan established under this chapter.

8 2. If an individual who is a deferred member of the public employees retirement
9 system on ~~December 31, 1999~~ September 30, 2001, is reemployed and by virtue
10 of that employment is again eligible for membership in the public employees
11 retirement system under chapter 54-52, the individual may elect in writing to
12 remain a member of the public employees retirement system or if eligible to
13 participate in the defined contribution retirement plan established under this
14 chapter to terminate membership in the public employees retirement system and
15 become a participating member in the defined contribution retirement plan
16 established under this chapter. An election made by a deferred member under this
17 section is irrevocable. The board shall accept written elections under this section
18 from a deferred member during the period beginning on the date of the individual's
19 reemployment and ending upon the expiration of sixty days after the date of that
20 reemployment. A deferred member who makes and files a written election to
21 remain a member of the public employees retirement system retains all rights and
22 is subject to all conditions as a member of that retirement system. A deferred
23 member who does not make a written election or who does not file the election
24 during the period specified in this section continues to be a member of the public
25 employees retirement system. A deferred member who makes and files a written
26 election to terminate membership in the public employees retirement system
27 ceases to be a member of the public employees retirement system effective on the
28 last day of the payroll period that includes the date of the election; becomes a
29 participating member in the defined contribution retirement plan under this chapter
30 effective the first day of the payroll immediately following the date of the election;
31 and waives all of that person's rights to a pension, an annuity, a retirement

1 allowance, insurance benefit, or any other benefit under the public employees
2 retirement system effective the last day of the payroll that includes the date of the
3 election. This section does not affect any right to health benefits or retiree health
4 benefits to which the deferred member may otherwise be entitled.

5 **SECTION 2. AMENDMENT.** Section 54-52.6-03 of the 1999 Supplement to the North
6 Dakota Century Code is amended and reenacted as follows:

7 **54-52.6-03. Transfer of accumulated fund balances.** For an individual who elects to
8 terminate membership in the public employees retirement system under chapter 54-52, the
9 board shall transfer a lump sum amount from the retirement fund to the participating member's
10 account in the defined contribution retirement plan under this chapter. However, if the
11 individual terminates employment prior to receiving the lump sum transfer under this section,
12 the election made under section 54-52.6-02 is ineffective and the individual remains a member
13 of the public employees retirement system under chapter 54-52 and retains all the rights and
14 benefits provided under that chapter. The board shall calculate the amount to be transferred
15 for ~~employees electing to transfer prior to January 1, 2000~~ persons employed before October 1,
16 2001, using the two following formulas, and shall transfer the greater of the two amounts
17 obtained:

- 18 1. The actuarial present value of the individual's accumulated benefit obligation under
19 the public employees retirement system based on the assumption that the
20 individual will retire under the earliest applicable normal retirement age, plus
21 interest from January 1, ~~2000~~ 2001, to the date of transfer, at the rate of one-half
22 of one percent less than the actuarial interest assumption at the time of the
23 election; or
- 24 2. The actual employer ~~and employee~~ contributions made ~~pursuant to sections~~
25 54-52-05 and 54-52-06, less vested employer contributions pursuant to section
26 54-52-11.1, plus interest at the rate of one-half of one percent less than the
27 actuarial interest assumption at the time of the election and the employee account
28 balance.

29 The board shall calculate the amount to be transferred for persons employed after
30 ~~December 31, 1999~~ September 30, 2001, using only the formula contained in subsection 2.