

**HOUSE BILL NO. 1266**

Introduced by

Representatives R. Kelsch, L. Meier, Sitte

Senators Cook, O'Connell, Stenehjem

1 A BILL for an Act to create and enact a new subsection to section 54-52.6-02 of the North  
2 Dakota Century Code, relating to returning to employment after retirement under the public  
3 employees retirement system defined contribution retirement plan; and to amend and reenact  
4 subsection 1 of section 54-52-05 of the North Dakota Century Code, relating to returning to  
5 employment after retirement under the public employees retirement system defined benefit  
6 retirement plan.

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

8 **SECTION 1. AMENDMENT.** Subsection 1 of section 54-52-05 of the North Dakota  
9 Century Code is amended and reenacted as follows:

10 1. Every eligible governmental unit employee concurring in the plan must so state in  
11 writing and all future eligible employees are participating members. An employee  
12 who was not enrolled in the retirement system when eligible to participate must be  
13 enrolled immediately upon notice of the employee's eligibility, unless the employee  
14 waives in writing the employee's right to participate for the previous time of  
15 eligibility, to avoid contributing to the fund for past service. An employee who is  
16 eligible for normal retirement who accepts a retirement benefit under this chapter  
17 and who subsequently becomes employed with a participating employer other than  
18 the employer with which the employee was employed at the time the employee  
19 retired under this chapter may, before reenrolling in the retirement plan, elect to  
20 permanently waive future participation in the retirement plan and the retiree health  
21 program and maintain that employee's retirement status. An employee making this  
22 election is not required to make any future employee contributions to the public  
23 employees retirement system nor is the employee's employer required to make  
24 any further contributions on behalf of that employee.

1           **SECTION 2.** A new subsection to section 54-52.6-02 of the North Dakota Century Code  
2 is created and enacted as follows:

3           A former participating member who has accepted a retirement distribution pursuant  
4           to section 54-52.6-13 and who subsequently becomes employed by an entity  
5           different from the employer with which the member was employed at the time the  
6           member retired but which does participate in any state-sponsored retirement plan  
7           may, before reenrolling in the defined contribution retirement plan, elect to  
8           permanently waive future participation in the defined contribution retirement plan,  
9           whatever plan in which the new employing entity participates, and the retiree health  
10           program and maintain that member's retirement status. Neither the member nor  
11           the employer are required to make any future retirement contributions on behalf of  
12           that employee.