

HOUSE BILL NO. 1419

Introduced by

Representatives Steiner, Delzer, Ertelt, Headland, Kasper, Kempenich, B. Koppelman,
Louser, D. Ruby

Senators Kannianen, G. Lee

1 A BILL ~~for an Act to create and enact a new section to chapter 54-27 and section 54-52.6-02.1-~~
2 ~~of the North Dakota Century Code, relating to transfers from the strategic investment and~~
3 ~~improvements fund and membership in the public employee defined contribution retirement~~
4 ~~plan; to amend and reenact sections 54-52-01, 54-52-02.5, 54-52-02.9, 54-52.6-01, 54-52.6-02,~~
5 ~~54-52.6-03, and 54-52.6-10 of the North Dakota Century Code, relating to closure of the public~~
6 ~~employee defined benefit retirement plan for state employees and participation in the defined~~
7 ~~contribution retirement plan; to repeal section 54-52-06.5 of the North Dakota Century Code,~~
8 ~~relating to the retirement fund one hundred percent trigger; to provide for a legislative~~
9 ~~management study; to provide for an estimate of accumulated value transfer; to provide an~~
10 ~~effective date; and to provide a contingent expiration date.~~ for an Act to provide for a legislative
11 management study considering the spectrum of public employee retirement options.

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

13 ~~— **SECTION 1.** A new section to chapter 54-27 of the North Dakota Century Code is created~~
14 ~~and enacted as follows:~~

15 ~~— **Transfer from strategic investment and improvements fund to public employees**~~
16 ~~**retirement system.**~~

17 ~~— On January first of each year, the state treasurer shall transfer twenty million dollars from~~
18 ~~the strategic investment and improvements fund to the public employees retirement system~~
19 ~~main system retirement fund.~~

20 ~~— **SECTION 2. AMENDMENT.** Section 54-52-01 of the North Dakota Century Code is~~
21 ~~amended and reenacted as follows:~~

22 ~~— **54-52-01. Definition of terms.**~~

23 ~~— As used in this chapter, unless the context otherwise requires:~~

- 1 ~~1. "Account balance" means the total contributions made by the employee, vested~~
2 ~~employer contributions under section 54-52-11.1, the vested portion of the vesting~~
3 ~~fund as of June 30, 1977, and interest credited thereon at the rate established by the~~
4 ~~board.~~
- 5 ~~2. "Beneficiary" means any person in receipt of a benefit provided by this plan or any~~
6 ~~person designated by a participating member to receive benefits.~~
- 7 ~~3. "Correctional officer" means a participating member who is employed as a correctional~~
8 ~~officer by a political subdivision.~~
- 9 ~~4. a. "Eligible employee" means all a permanent employees employee who meets a~~
10 ~~participating member before January 1, 2025, and who meets all of the eligibility~~
11 ~~requirements set by this chapter and who are is eighteen years or more of age,~~
12 ~~and includes an appointive and elective official official under sections 54-52-02.5,~~
13 ~~54-52-02.11, and 54-52-02.12 who is a participating member before January 1,~~
14 ~~2025, and a nonteaching employees employee of the superintendent of public~~
15 ~~instruction, including the superintendent of public instruction, who electelected to~~
16 ~~transfer from the teachers' fund for retirement to the public employees retirement~~
17 ~~system under section 54-52-02.13, and employees an employee of the state~~
18 ~~board for career and technical education who electelected to transfer from the~~
19 ~~teachers' fund for retirement to the public employees retirement system under~~
20 ~~section 54-52-02.14.~~
- 21 ~~b. "Eligible employee" does not include nonclassified state employees who elect to~~
22 ~~become members of the retirement plan established under chapter 54-52.6 but~~
23 ~~does include employees of the judicial branch and employees of the board of~~
24 ~~higher education and state institutions under the jurisdiction of the board;~~
- 25 ~~(1) A state employee who is first employed after December 31, 2024, and is not~~
26 ~~a participating member;~~
- 27 ~~(2) An employee eligible to participate in the national guard retirement plan or a~~
28 ~~law enforcement retirement plan; or~~
- 29 ~~(3) An employee of a political subdivision.~~
- 30 ~~5. "Employee" means any individual employed by a governmental unit, whose~~
31 ~~compensation is paid out of the governmental unit's funds, or funds controlled or~~

1 administered by a governmental unit, or paid by the federal government through any of
2 its executive or administrative officials; licensed employees of a school district means
3 those employees eligible to participate in the teachers' fund for retirement who, except
4 under subsection 2 of section 54-52-17.2, are not eligible employees under this
5 chapter.

6 ~~6. "Employer" means a governmental unit.~~

7 ~~7. "Firefighter" means a participating member who is employed as a firefighter by a
8 political subdivision and, notwithstanding subsection 13, for an individual employed
9 after July 31, 2017, is employed at least thirty-two hours per week and at least twenty
10 weeks each year of employment. A firefighter who is a participating member of the law
11 enforcement retirement plan created by this chapter who begins employment after
12 July 31, 2017, is ineligible to participate concurrently in any other retirement plan
13 administered by the public employees retirement system. The term does not include a
14 firefighter employee of the North Dakota national guard.~~

15 ~~8. "Funding agent" or "agents" means an investment firm, trust bank, or other financial
16 institution which the retirement board may select to hold and invest the employers' and
17 members' contributions.~~

18 ~~9. "Governmental unit" means the state of North Dakota, except the highway patrol for
19 members of the retirement plan created under chapter 39-03.1, or a participating
20 political subdivision thereof.~~

21 ~~10. "National guard security officer or firefighter" means a participating member who is:~~

22 ~~a. A security police employee of the North Dakota national guard; or~~

23 ~~b. A firefighter employee of the North Dakota national guard.~~

24 ~~11. "Participating member" means an eligible employee who through payment into the
25 plan has established a claim against the plan.~~

26 ~~12. "Peace officer" means a participating member who is a peace officer as defined in
27 section 12-63-01 and is employed as a peace officer by the bureau of criminal
28 investigation or by a political subdivision and, notwithstanding subsection 13, for
29 persons~~individuals~~ employed after August 1, 2005, is employed thirty-two hours or
30 more per week and at least twenty weeks each year of employment. A peace officer
31 who is a participating member of the law enforcement retirement plan created by this~~

1 chapter who begins employment after August 1, 2005, is ineligible to participate
2 concurrently in any other retirement plan administered by the public employees
3 retirement system.

4 ~~13. "Permanent employee" means a governmental unit employee whose services are not~~
5 ~~limited in duration and who is filling an approved and regularly funded position in an~~
6 ~~eligible governmental unit, and is employed twenty hours or more per week and at~~
7 ~~least twenty weeks each year of employment.~~

8 ~~14. "Prior service" means service or employment before July 1, 1966.~~

9 ~~15. "Prior service credit" means such credit toward a retirement benefit as the retirement~~
10 ~~board may determine under the provisions of this chapter.~~

11 ~~16. "Public employees retirement system" means the retirement plan and program~~
12 ~~established by this chapter.~~

13 ~~17. "Retirement" means the acceptance of a retirement allowance under this chapter upon~~
14 ~~either termination of employment or termination of participation in the retirement plan.~~

15 ~~18. "Retirement board" or "board" means the governing authority created under section~~
16 ~~54-52-03.~~

17 ~~19. "Seasonal employee" means a participating member who does not work twelve~~
18 ~~months a year.~~

19 ~~20. "Service" means employment on or after July 1, 1966.~~

20 ~~21. "Service benefit" means the credit toward retirement benefits as determined by the~~
21 ~~retirement board under the provisions of this chapter.~~

22 ~~22. "Temporary employee" means a governmental unit employee who is not eligible to~~
23 ~~participate as a permanent employee, who is at least eighteen years old and not~~
24 ~~actively contributing to another employer-sponsored pension fund, and, if employed by~~
25 ~~a school district, occupies a noncertified teacher's position.~~

26 ~~23. "Wages" and "salaries" means the member's earnings in eligible employment under~~
27 ~~this chapter reported as salary on the member's federal income tax withholding~~
28 ~~statements plus any salary reduction or salary deferral amounts under 26 U.S.C. 125,~~
29 ~~401(k), 403(b), 414(h), or 457. "Salary" does not include fringe benefits such as~~
30 ~~payments for unused sick leave, personal leave, vacation leave paid in a lump sum,~~
31 ~~overtime, housing allowances, transportation expenses, early retirement incentive pay,~~

1 severance pay, medical insurance, workforce safety and insurance benefits, disability
2 insurance premiums or benefits, or salary received by a member in lieu of previously
3 employer provided fringe benefits under an agreement between the member and
4 participating employer. Bonuses may be considered as salary under this section if
5 reported and annualized pursuant to rules adopted by the board.

6 ~~— **SECTION 3. AMENDMENT.** Section 54-52-02.5 of the North Dakota Century Code is
7 amended and reenacted as follows:~~

8 ~~— **54-52-02.5. Newly elected and appointed state officials.**~~

9 ~~— After December 31, 1999, a person and before January 1, 2025, an individual elected or
10 appointed to a state office for the first time must, from and after the date that person individual
11 qualifies and takes office, must be a participating member of the public employees retirement
12 system unless that person individual makes an election at any time during the first six months
13 after the date the person individual takes office to participate in the retirement plan established
14 under chapter 54-52.6. After December 31, 2024, an individual elected or appointed to a state
15 office, from and after the individual qualified and takes office, must be a participating member of
16 the retirement plan established under chapter 54-52.6 unless the individual is a participating
17 member under this chapter. As used in this section, the phrase "for the first time" means a
18 person an individual appointed, who, after December 31, 1999, does not hold office as an
19 appointed official at the time of that person's individual's appointment.~~

20 ~~— **SECTION 4. AMENDMENT.** Section 54-52-02.9 of the North Dakota Century Code is
21 amended and reenacted as follows:~~

22 ~~— **54-52-02.9. Participation by temporary employees.**~~

23 ~~— ABefore January 1, 2025, a temporary employee may elect, within one hundred eighty days
24 of beginning employment, to participate in the public employees retirement system under this
25 chapter and receive credit for service after enrollment. The temporary employee shall pay
26 monthly to the fund an amount equal to eightfourteen and twelve-hundredths percent times the
27 temporary employee's present monthly salary. The amount required to be paid by a temporary
28 employee increases by two percent times the temporary employee's present monthly salary
29 beginning with the monthly reporting period of January 2012, and with an additional two percent
30 increase, beginning with the reporting period of January 2013, and with an additional increase
31 of two percent, beginning with the monthly reporting period of January 2014. The temporary~~

1 ~~employee shall also pay the required monthly contribution to the retiree health benefit fund~~
2 ~~established under section 54-52.1-03.2. This contribution must be recorded as a member~~
3 ~~contribution pursuant to section 54-52.1-03.2. An employer may not pay the temporary~~
4 ~~employee's contributions. A temporary employee who is a participating member before~~
5 ~~January 1, 2025, may continue to participate as a temporary employee in the public employees-~~
6 ~~retirement system until termination of employment or reclassification of the temporary employee~~
7 ~~as a permanent employee. A temporary employee may not purchase any additional credit,~~
8 ~~including additional credit under section 54-52-17.4 or past service under section 54-52-02.6.~~

9 ~~— **SECTION 5. AMENDMENT.** Section 54-52.6-01 of the North Dakota Century Code is~~
10 ~~amended and reenacted as follows:~~

11 ~~— **54-52.6-01. Definition of terms.**~~

12 ~~— As used in this chapter, unless the context otherwise requires:~~

13 ~~— 1. "Board" means the public employees retirement system board governing authority~~
14 ~~created under section 54-52-03.~~

15 ~~— 2. "Deferred member" means a personan individual who elected to receive deferred~~
16 ~~vested retirement benefits under chapter 54-52.~~

17 ~~— 3. a. "Eligible employee" means a permanent state employee, except an employee of~~
18 ~~the judicial branch or an employee of the board of higher education and state~~
19 ~~institutions under the jurisdiction of the board, who is eighteen years or more of~~
20 ~~age and who is in a position not classified by North Dakota human resource~~
21 ~~management services. If a participating member loses permanent employee~~
22 ~~status and becomes a temporary employee, the member may still participate in~~
23 ~~the defined contribution retirement plan.~~

24 ~~— b. "Eligible employee" does not include a supreme court judge or a district court~~
25 ~~judge, an employee eligible to participate in the national guard retirement plan or~~
26 ~~a law enforcement retirement plan, an employee of a political subdivision, or an~~
27 ~~employee of the board of higher education and state institutions under the~~
28 ~~jurisdiction of the board who is participating in the teachers' insurance and~~
29 ~~annuity association of America - college retirement equities fund retirement plan.~~

30 ~~— 4. "Employee" means any personan individual employed by the state, whose~~
31 ~~compensation is paid out of state funds, or funds controlled or administered by the~~

1 state or paid by the federal government through any of its executive or administrative-
2 officials.

3 ~~5. "Employer" means the state of North Dakota.~~

4 ~~6. "Participating member" means an eligible employee who elects to~~
5 ~~participate~~participates in the defined contribution retirement plan established under
6 this chapter.

7 ~~7. "Permanent employee" means a state employee whose services are not limited in~~
8 ~~duration and who is filling an approved and regularly funded position and is employed~~
9 ~~twenty hours or more per week and at least five months each year.~~

10 ~~8. "Temporary employee" means a governmental unit employee who is not eligible to~~
11 ~~participate as a permanent employee, who is at least eighteen years old and not~~
12 ~~actively contributing to another employer-sponsored pension fund, and, if employed by~~
13 ~~a school district, occupies a noncertified teacher's position.~~

14 ~~9. "Wages" and "salaries" means earnings in eligible employment under this chapter~~
15 ~~reported as salary on a federal income tax withholding statement plus any salary~~
16 ~~reduction or salary deferral amounts under 26 U.S.C. 125, 401(k), 403(b), 414(h), or~~
17 ~~457. "Salary" does not include fringe benefits such as payments for unused sick leave,~~
18 ~~personal leave, vacation leave paid in a lump sum, overtime, housing allowances,~~
19 ~~transportation expenses, early retirement, incentive pay, severance pay, medical~~
20 ~~insurance, workforce safety and insurance benefits, disability insurance premiums or~~
21 ~~benefits, or salary received by a member in lieu of previously employer-provided fringe~~
22 ~~benefits under an agreement between an employee and a participating employer.~~
23 Bonuses may be considered as salary under this section if reported and annualized
24 pursuant to rules adopted by the board.

25 ~~**SECTION 6. AMENDMENT.** Section 54-52.6-02 of the North Dakota Century Code is~~
26 ~~amended and reenacted as follows:~~

27 ~~**54-52.6-02. Election.**~~

28 ~~1. The board shall provide an opportunity for each eligible employee who is first~~
29 ~~employed before January 1, 2025, and who is a member of the public employees~~
30 ~~retirement system on September 30, 2001, and who has not made a written election~~
31 ~~under this section to transfer to the defined contribution retirement plan before~~

1 ~~October 1, 2001, to elect~~by electing in writing to terminate membership in the public
2 employees retirement system and elect to become a participating member under this
3 chapter. Except as provided in section 54-52.6-03, an election made by an eligible
4 employee under this section is irrevocable. The board shall accept written elections
5 under this section from eligible employees during the period beginning on July 1,
6 1999, and ending 12:01 a.m. December 14, 2001. An eligible employee who does not
7 make a written election or who does not file the election during the period specified in
8 this section continues to be a member of the public employees retirement system. An
9 eligible employee who makes and files a written electiontransfers to the defined-
10 contribution plan under this section ceases to be a member of the public employees
11 retirement system effective twelve midnight December 31, 2001and; becomes a
12 participating member in the defined contribution retirement plan under this chapter
13 effective 12:01 a.m. January 1, 2002; and waives all of that person'sindividual's rights
14 to a pension, annuity, retirement allowance, insurance benefit, or any other benefit
15 under the public employees retirement system effective December 31, 2001. This
16 section does not affect a person'san individual's right to health benefits or retiree
17 health benefits under chapter 54-52.1. An eligible employee who is first employed and
18 entered upon the payroll of that person'sindividual's employer after September 30,
19 2001, may make an election to participate in the defined contribution retirement plan
20 established under this chapter at any time during the first six months after the date of
21 employment. If the board, in its sole discretion, determines that the employee was not
22 adequately notified of the employee's option to participate in the defined contribution
23 retirement plan, the board may provide the employee a reasonable time within which
24 to make that election, which may extend beyond the original six-month decision-
25 windowperiod beginning July 1, 2020, and ending 5:00 p.m. December 30, 2024.

26 — 2. — If an individual who is a deferred member of the public employees retirement system
27 on September 30, 2001December 31, 2024, is re-employed and by virtue of that
28 employment is again eligible for membership in the public employees retirement
29 system under chapter 54-52, the individual may elect in writing to remain a member of
30 the public employees retirement system or if eligible to participate in the defined-
31 contribution retirement plan established under this chapter to terminate membership in

1 the public employees retirement system and become a participating member in the
2 defined contribution retirement plan established under this chapter. An election made
3 by a deferred member under this section is irrevocable. The board shall accept written
4 elections under this section from a deferred member during the period beginning on
5 the date of the individual's re-employment and ending upon the expiration of six
6 months after the date of that re-employment. If the board, in its sole discretion,
7 determines that the employee was not adequately notified of the employee's option to
8 participate in the defined contribution retirement plan, the board may provide the
9 employee a reasonable time within which to make that election, which may extend
10 beyond the original six-month decision window. A deferred member who makes and
11 files a written election to remain a member of the public employees retirement system
12 retains all rights and is subject to all conditions as a member of that retirement system.
13 A deferred member who does not make a written election or who does not file the
14 election during the period specified in this section continues to be a member of the
15 public employees retirement system. A deferred member who makes and files a
16 written election to terminate membership in the public employees retirement system
17 ceases to be a member of the public employees retirement system effective on the
18 last day of the payroll period that includes the date of the election; becomes a
19 participating member in the defined contribution retirement plan under this chapter
20 effective the first day of the payroll immediately following the date of the election; and
21 waives all of that person's individual's rights to a pension, an annuity, a retirement
22 allowance, insurance benefit, or any other benefit under the public employees
23 retirement system effective the last day of the payroll that includes the date of the
24 election. This section does not affect any right to health benefits or retiree health
25 benefits to which the deferred member may otherwise be entitled.

26 ~~3. An eligible employee who elects to participate in the retirement plan established under~~
27 ~~this chapter must remain a participant even if that employee returns to the classified~~
28 ~~service or becomes employed by a political subdivision that participates in the public~~
29 ~~employees retirement system. The contribution amount must be as provided in this~~
30 ~~chapter, regardless of the position in which the employee is employed.~~

31 Notwithstanding the irrevocability provisions of this chapter, if a member who elects to

1 participate in the retirement plan established under this chapter becomes a supreme-
2 or district court judge, becomes a member of the highway patrol, becomes employed
3 in a position subject to teachers' fund for retirement membership, or becomes an
4 employee of the board of higher education or state institution under the jurisdiction of
5 the board who is eligible to participate in an alternative retirement program established
6 under subsection 6 of section 15-10-17, the member's status as a member of the
7 defined contribution retirement plan is suspended, and the member becomes a new
8 member of the retirement plan for which that member's new position is eligible. The
9 member's account balance remains in the defined contribution retirement plan, but no
10 new contributions may be made to that account. The member's service credit and
11 salary history that were forfeited as a result of the member's transfer to the defined-
12 contribution retirement plan remain forfeited, and service credit accumulation in the
13 new retirement plan begins from the first day of employment in the new position. If the
14 member later returns to employment that is eligible for the defined contribution plan,
15 the member's suspension must be terminated, the member again becomes a member
16 of the defined contribution retirement plan, and the member's account resumes
17 accepting contributions. At the member's option, and pursuant to rules adopted by the
18 board, the member may transfer any available balance as determined by the
19 provisions of the alternate retirement plan into the member's account under this
20 chapter.

21 ~~4.~~ After consultation with its actuary, the board shall determine the method by which a
22 participating member or deferred member may make a written election under this
23 section. If the participating member or deferred member is married at the time of the
24 election, the election is not effective unless the election is signed by the individual's
25 spouse. However, the board may waive this requirement if the spouse's signature
26 cannot be obtained because of extenuating circumstances.

27 ~~5.~~ If the board receives notification from the internal revenue service that this section or
28 any portion of this section will cause the public employees retirement system or the
29 retirement plan established under this chapter to be disqualified for tax purposes
30 under the Internal Revenue Code, then the portion that will cause the disqualification
31 does not apply.

1 ~~6. A participating member who becomes a temporary employee may still participate in~~
2 ~~the defined contribution retirement plan upon filing an election with the board within~~
3 ~~one hundred eighty days of transferring to temporary employee status. The~~
4 ~~participating member may not become a member of the defined benefit plan as a~~
5 ~~temporary employee. The temporary employee electing to participate in the defined~~
6 ~~contribution retirement plan shall pay monthly to the fund an amount equal to~~
7 ~~eightfourteen and twelve hundredths percent times the temporary employee's present~~
8 ~~monthly salary. The amount required to be paid by a temporary employee increases~~
9 ~~by two percent times the temporary employee's present monthly salary beginning with~~
10 ~~the monthly reporting period of January 2012, and with an additional increase of two~~
11 ~~percent, beginning with the monthly reporting period of January 2013, and with an~~
12 ~~additional increase of two percent, beginning with the monthly reporting period of~~
13 ~~January 2014. The temporary employee shall also pay the required monthly~~
14 ~~contribution to the retiree health benefit fund established under section 54-52.1-03.2.~~
15 ~~This contribution must be recorded as a member contribution pursuant to section~~
16 ~~54-52.1-03.2. An employer may not pay the temporary employee's contributions. A~~
17 ~~temporary employee may continue to participate as a temporary employee until~~
18 ~~termination of employment or reclassification of the temporary employee as a~~
19 ~~permanent employee.~~

20 ~~7. A former participating member who has accepted a retirement distribution pursuant to~~
21 ~~section 54-52.6-13 and who subsequently becomes employed by an entity different~~
22 ~~from the employer with which the member was employed at the time the member~~
23 ~~retired but which does participate in any state-sponsored retirement plan may, before~~
24 ~~re-enrolling in the defined contribution retirement plan, elect to permanently waive~~
25 ~~future participation in the defined contribution retirement plan, whatever plan in which~~
26 ~~the new employing entity participates, and the retiree health program and maintain~~
27 ~~that member's retirement status. Neither the member nor the employer are required to~~
28 ~~make any future retirement contributions on behalf of that employee.~~

29 ~~**SECTION 7.** Section 54-52.6-02.1 of the North Dakota Century Code is created and~~
30 ~~enacted as follows:~~

1 ~~54-52.6-02.1. Membership.~~

2 ~~1. All eligible employees are participating members.~~

3 ~~2. Within one hundred eighty days of beginning employment, a temporary employee may~~
4 ~~elect to participate in the defined contribution retirement plan under this chapter. The~~
5 ~~temporary employee electing to participate in the defined contribution retirement plan~~
6 ~~shall pay monthly to the fund an amount equal to fourteen and twelve hundredths~~
7 ~~percent times the temporary employee's present monthly salary. The temporary~~
8 ~~employee also shall pay the required monthly contribution of the retiree health benefit~~
9 ~~fund established under section 54-52.1-03.2. This contribution must be recorded as a~~
10 ~~member contribution pursuant to section 54-52.1-03.2. An employer may not pay the~~
11 ~~temporary employee's contributions. A temporary employee may continue to~~
12 ~~participate as a temporary employee in the public employees retirement system until~~
13 ~~termination of employment.~~

14 ~~SECTION 8. AMENDMENT.~~ Section 54-52.6-03 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 ~~54-52.6-03. Transfer of accumulated fund balances.~~

17 ~~For an individual who elects to terminate membership in the public employees retirement~~
18 ~~system under chapter 54-52, the board shall transfer a lump sum amount from the retirement~~
19 ~~fund to the participating member's account in the defined contribution retirement plan under this~~
20 ~~chapter. However, if the individual terminates employment prior to receiving the lump sum~~
21 ~~transfer under this section, the election made under section 54-52.6-02 is ineffective and the~~
22 ~~individual remains a member of the public employees retirement system under chapter 54-52~~
23 ~~and retains all the rights and benefits provided under that chapter. The board shall calculate the~~
24 ~~amount to be transferred for persons employed before October 1, 2001, using the two following~~
25 ~~formulas, and shall transfer the greater of the two amounts obtained:~~

26 ~~1. The actuarial present value of the individual's accumulated benefit obligation under the~~
27 ~~public employees retirement system based on the assumption that the individual will~~
28 ~~retire under the earliest applicable normal retirement age, plus interest from January 1,~~
29 ~~2001, to the date of transfer, at the rate of one-half of one percent less than the~~
30 ~~actuarial interest assumption at the time of the election; or~~

1 ~~2. The actual employer contribution made, less vested employer contributions made~~
2 ~~pursuant to section 54-52-11.1, plus compound interest at the rate of one-half of one-~~
3 ~~percent less than the actuarial interest assumption at the time of the election plus the~~
4 ~~employee account balance.~~

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

7 ~~**SECTION 9. AMENDMENT.** Section 54-52.6-10 of the North Dakota Century Code is~~
8 ~~amended and reenacted as follows:~~

9 ~~**54-52.6-10. Vesting.**~~

10 ~~1. A participating member is immediately one hundred percent vested in that member's~~
11 ~~contributions made to that member's account under this chapter. A participating~~
12 ~~member vests one hundred percent vested in the employer contributions made on~~
13 ~~that member's behalf to an account under this chapter according to the following~~
14 ~~schedule:~~

15 ~~1. Upon completion of two years of service, fifty percent.~~

16 ~~2. Upon upon completion of three years one year of service, seventy-five percent.~~

17 ~~3. Upon completion of four years of service, one hundred percent.~~

18 ~~2. A participating member also becomes one hundred percent vested in the employer~~
19 ~~contributions upon reaching age sixty-five.~~

20 ~~3. A participating member who was a member or deferred member of the public~~
21 ~~employees retirement system under chapter 54-52 who makes an election to~~
22 ~~participate in the defined contribution retirement plan pursuant to this chapter must be~~
23 ~~credited with the years of service accrued under the public employees retirement~~
24 ~~system on the effective date of participation in the defined contribution retirement plan~~
25 ~~for the purpose of meeting vesting requirements for benefits under this section.~~

26 ~~4. Any forfeiture as a result of the failure of a participating member to vest in the~~
27 ~~employer contribution must be deposited in the administrative expenses account.~~

28 ~~**SECTION 10. REPEAL.** Section 54-52-06.5 of the North Dakota Century Code is repealed.~~

29 ~~**SECTION 11. LEGISLATIVE MANAGEMENT STUDY - PUBLIC EMPLOYEES**~~

30 ~~**RETIREMENT FUND.** During the 2019-20 interim, the legislative management shall consider~~
31 ~~studying the spectrum of public employee retirement fund options, including a defined benefit~~

1 plan, hybrid plan, and defined contribution plan. The study must include receipt of information
2 from a nonbiased, nonprofit third party regarding pension fund risk. The legislative management
3 shall report its findings and recommendations, together with any legislation necessary to
4 implement the recommendations, to the sixty-seventh legislative assembly.

5 ~~— SECTION 12. PUBLIC EMPLOYEES RETIREMENT SYSTEM – ESTIMATE OF~~

6 ~~ACCUMULATED BALANCE TRANSFER.~~ For the period beginning January 1, 2020, and
7 ending June 30, 2021, upon the request of an individual who is eligible for termination of
8 membership in the public employees retirement system under chapter 54-52 as provided for in
9 subsection 1 of section 54-52.6-02, the public employees retirement system shall estimate the
10 individual's accumulated balance transfer amount by calculating the actuarial present value of
11 the individual's accumulated benefit obligation under the public employees retirement system
12 based on the assumption that the individual will retire under the earliest applicable normal
13 retirement age.

14 ~~— SECTION 13. EFFECTIVE DATE.~~ Sections 2, 3, 4, 5, and 7 of this Act become effective
15 January 1, 2025.

16 ~~— SECTION 14. CONTINGENT EXPIRATION DATE.~~ Section 1 of this Act is effective until the
17 executive director of the public employees retirement system certifies to the state treasurer and
18 to the employee benefits programs committee that the actuarial valuation of the public
19 employees retirement system main system shows a ratio of the actuarial value of assets to the
20 actuarial accrued liability of the public employees retirement system main system that is equal
21 to or greater than one hundred percent, and after that date is ineffective.

22 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - PUBLIC EMPLOYEES**

23 **RETIREMENT FUND.** During the 2019-20 interim, the legislative management shall consider
24 studying the spectrum of public employee retirement fund options, including a defined benefit
25 plan, hybrid plan, and defined contribution plan. The study must include receipt of information
26 from an unbiased, nonprofit third party regarding pension fund risk. The legislative management
27 shall report its findings and recommendations, together with any legislation necessary to
28 implement the recommendations, to the sixty-seventh legislative assembly.