

HOUSE BILL NO. 1183

Introduced by

Representatives Porter, Dockter, Heinert, Karls, Kasper, Louser, Motschenbacher, Ostlie, D.
Ruby, Schauer

Senators Axtman, Larson

1 A BILL for an Act to amend and reenact subsection 12 of section 54-52-01, section 54-52-06.4,
2 subsection 3 of section 54-52-17, and subdivision d of subsection 4 of section 54-52-17 of the
3 North Dakota Century Code, relating to a public employees retirement system retirement plan
4 for peace officers.

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

6 **SECTION 1. AMENDMENT.** Subsection 12 of section 54-52-01 of the North Dakota Century
7 Code is amended and reenacted as follows:

8 12. "Peace officer" means a participating member who is a peace officer as defined in
9 section 12-63-01 and is employed as a peace officer by the ~~bureau of criminal-~~
10 ~~investigation~~state, except by the highway patrol for members of the retirement plan
11 created under chapter 39-03.1, or is employed by a political subdivision and,
12 notwithstanding subsection 13, for persons employed after August 1, 2005, is
13 employed thirty-two hours or more per week and at least twenty weeks each year of
14 employment. A peace officer who is a participating member of the law enforcement
15 retirement plan created by this chapter who begins employment after August 1, 2005,
16 is ineligible to participate concurrently in any other retirement plan administered by the
17 public employees retirement system.

18 **SECTION 2. AMENDMENT.** Section 54-52-06.4 of the North Dakota Century Code is
19 amended and reenacted as follows:

1 **54-52-06.4. Contribution by peace officers employed by the ~~bureau of criminal~~**
2 **~~investigation~~state or security officers employed by the national guard - Employer**
3 **contribution.**

4 1. Each peace officer employed by the ~~bureau of criminal investigation~~state who is a
5 member of the public employees retirement system is assessed and shall pay monthly
6 ~~four~~six percent of the employee's monthly salary. ~~Peace officer contributions increase~~
7 ~~by one percent of the member's monthly salary beginning with the monthly reporting~~
8 ~~period of January 2012, and with an additional increase of one percent, beginning with~~
9 ~~the reporting period of January 2013.~~ Effective August 1, 2015, each national guard
10 security officer who is a member of the public employee's retirement system is
11 assessed and monthly shall pay six percent of the employee's monthly salary. National
12 guard security officer contributions decrease by one-half of one percent of the
13 member's monthly salary beginning with the monthly reporting period of January 2016.
14 The assessment must be deducted and retained out of the employee's salary in equal
15 monthly installments.

16 2. The peace officer's or security officer's employer shall contribute an amount
17 determined by the board to be actuarially required to support the level of benefits
18 specified in section 54-52-17. The employer's contribution must be paid from funds
19 appropriated for salary or from any other funds available for such purposes. If the
20 peace officer's or security officer's assessment is paid by the employer under
21 subsection 3 of section 54-52-05, the employer shall contribute, in addition, an amount
22 equal to the required peace officer's or security officer's assessment.

23 **SECTION 3. AMENDMENT.** Subsection 3 of section 54-52-17 of the North Dakota Century
24 Code is amended and reenacted as follows:

25 3. Retirement dates are defined as follows:

26 a. Normal retirement date, except for a national guard security officer or firefighter, a
27 firefighter employed by a political subdivision, ~~or a peace officer employed by the~~
28 ~~state, or a peace officer or~~ state, or a peace officer or correctional officer employed by the ~~bureau of criminal~~
29 ~~investigation or by a political subdivision, is:~~

30 (1) The first day of the month next following the month in which the member
31 attains the age of sixty-five years; or

- 1 (2) When the member has a combined total of years of service credit and years
2 of age equal to eighty-five and has not received a retirement benefit under
3 this chapter.
- 4 b. Normal retirement date for members first enrolled after December 31, 2015,
5 except for a national guard security officer or firefighter, a firefighter employed by
6 a political subdivision, a peace officer ~~or employed by the state, a peace officer or~~
7 correctional officer employed by ~~the bureau of criminal investigation or by a~~
8 political subdivision, or a supreme court or district court judge, is:
- 9 (1) The first day of the month next following the month in which the member
10 attains the age of sixty-five years; or
- 11 (2) When the member has a combined total of years of service credit and years
12 of age equal to ninety and the member attains a minimum age of sixty and
13 has not received a retirement benefit under this chapter.
- 14 c. Normal retirement date for a national guard security officer or firefighter is:
- 15 (1) The first day of the month next following the month in which the national
16 guard security officer or firefighter attains the age of fifty-five years and has
17 completed at least three eligible years of employment; or
- 18 (2) When the national guard security officer or firefighter has a combined total
19 of years of service credit and years of age equal to eighty-five and has not
20 received a retirement benefit under this chapter.
- 21 d. Normal retirement date for a peace officer, firefighter, or correctional officer
22 employed by a political subdivision is:
- 23 (1) The first day of the month next following the month in which the peace
24 officer, firefighter, or correctional officer attains the age of fifty-five years and
25 has completed at least three eligible years of employment; or
- 26 (2) When the peace officer, firefighter, or correctional officer has a combined
27 total of years of service credit and years of age equal to eighty-five and has
28 not received a retirement benefit under this chapter.
- 29 e. Normal retirement date for a peace officer employed by the ~~bureau of criminal-~~
30 ~~investigation~~state is:

- 1 (1) The first day of the month next following the month in which the peace
2 officer attains the age of fifty-five years and has completed at least three
3 eligible years of employment; or
- 4 (2) When the peace officer has a combined total of years of service credit and
5 years of age equal to eighty-five and has not received a retirement benefit
6 under this chapter.
- 7 f. Postponed retirement date is the first day of the month next following the month
8 in which the member, on or after July 1, 1977, actually severs or has severed the
9 member's employment after reaching the normal retirement date.
- 10 g. Early retirement date, except for a national guard security officer or firefighter, a
11 firefighter ~~employed by a political subdivision, or a~~ peace officer, or correctional
12 officer employed by ~~the bureau of criminal investigation or by a political~~
13 subdivision, or a peace officer employed by the state, is the first day of the month
14 next following the month in which the member attains the age of fifty-five years
15 and has completed three years of eligible employment. For a national guard
16 security officer or firefighter, early retirement date is the first day of the month
17 next following the month in which the national guard security officer or firefighter
18 attains the age of fifty years and has completed at least three years of eligible
19 employment. For a peace officer employed by the state or a firefighter employed
20 ~~by a political subdivision or a~~ peace officer, or correctional officer employed by
21 ~~the bureau of criminal investigation or by a political subdivision~~, early retirement
22 date is the first day of the month next following the month in which the peace
23 officer, firefighter, or correctional officer attains the age of fifty years and has
24 completed at least three years of eligible employment.
- 25 h. Disability retirement date is the first day of the month after a member becomes
26 permanently and totally disabled, according to medical evidence called for under
27 the rules of the board, and has completed at least one hundred eighty days of
28 eligible employment. For supreme and district court judges, permanent and total
29 disability is based solely on a judge's inability to perform judicial duties arising out
30 of physical or mental impairment, as determined pursuant to rules adopted by the
31 board or as provided by subdivision a of subsection 3 of section 27-23-03.

- 1 (1) A member is eligible to receive disability retirement benefits only if the
2 member became disabled during the period of eligible employment and
3 applies for disability retirement benefits within twelve months of the date the
4 member terminates employment.
- 5 (2) A member is eligible to continue to receive disability benefits as long as the
6 permanent and total disability continues and the member submits the
7 necessary documentation and undergoes medical testing required by the
8 board, or for as long as the member participates in a rehabilitation program
9 required by the board, or both. If the board determines a member no longer
10 meets the eligibility definition, the board may discontinue the disability
11 retirement benefit. The board may pay the cost of any medical testing or
12 rehabilitation services the board deems necessary and these payments are
13 appropriated from the retirement fund for those purposes. A member's
14 receipt of disability benefits under this section is limited to receipt from the
15 fund to which the member was actively contributing at the time the member
16 became disabled.

17 **SECTION 4. AMENDMENT.** Subdivision d of subsection 4 of section 54-52-17 of the North
18 Dakota Century Code is amended and reenacted as follows:

- 19 d. Early retirement benefits are calculated as for single life benefits accrued to the
20 date of termination of employment, but must be actuarially reduced to account for
21 benefit payments beginning before the normal retirement date, as determined
22 under subsection 3. Except for a national guard security officer or firefighter, a
23 firefighter ~~employed by a political subdivision, a~~ peace officer, or correctional
24 officer ~~employed by the bureau of criminal investigation or by a political~~
25 subdivision, a peace officer employed by the state, or a supreme court or district
26 court judge, early retirement benefits for members first enrolled after
27 December 31, 2015, are calculated for single life benefits accrued to the date of
28 termination of employment, but must be reduced by fixed rate of eight percent
29 per year to account for benefit payments beginning before the normal retirement
30 date. A retiree, other than a supreme or district court judge, is eligible for early
31 retirement benefits only after having completed three years of eligible

- 1 employment. A supreme or district court judge retiree is eligible for early
- 2 retirement benefits only after having completed five years of eligible employment.