

September 26, 2023

Ms. Liz Fordahl
Assistant Code Revisor
North Dakota Legislative Council
State Capitol
600 East Boulevard, 2nd Floor
Bismarck, ND 58505-0360

Dear Ms. Fordahl:

The Full Notice of Intent to **Adopt, Amend, and Repeal** Administrative Rules and a copy of the proposed rules are enclosed as required by N.D.C.C. § 28-32-10(1). Please let me know if you have any questions or concerns.

Sincerely,



Jan Murtha
Executive Director

Enclosures

FULL NOTICE OF INTENT TO ADOPT, AMEND, AND REPEAL ADMINISTRATIVE RULES

TAKE NOTICE that the ND Retirement and Investment Office, on behalf of the ND Teachers’ Fund for Retirement Board will hold a public hearing to address proposed new N.D. Admin. Code 82-03-01-10, 82-05-03-04, 82-05-03-05, 82-05-03-06, 82-05-03-07, amendments to N.D. Admin. Code 82-01-01-01, 82-02-01-01, 82-03-01-01, 82-03-01-04, 82-05-01-01, 82-05-03-01, 82-05-03-03, 82-05-04-02, 82-05-06-01, 82-07-01-01, 82-07-01-03, 82-07-03-01, 82-07-04-01, 82-08-01-03, 103-01-01-01 and repeal of N.D. Admin. Code 82-05-02-03 at 9:00a.m. on Friday, October 27, 2023, at the ND Retirement and Investment Office located at 1600 E. Century Avenue, Suite 3, Bismarck, ND 58507 (mailing address is P.O. Box 7100, Bismarck, ND 58507-7100). The purpose of the proposed rules, amendments, and rule repeal is to implement statute, including changes made to statute as a result of the most recent legislative session, make administrative process changes necessary to modernize a pension administration system, and clarify existing code provisions as such provisions relate to the administration of the North Dakota Teachers’ Fund For Retirement (TFFR) program. The proposed rules, amendments, and repeal addresses the following:

Rule (amended unless otherwise noted)	Description/Reason for Change
<u>82-01-01-01 & 103-01-01-01 - Amend</u>	Organization and Administration of the Fund and Agency -Amend agency address – refer to website.
<u>82-02-01-01 - Amend</u>	Definitions- Add definition of dual member. Needed for HB 1040 – closing PERS main plan. Clarify retirement date definition.
<u>82-03-01-01 - Amend</u>	Amend Fund refund process - Change medical “doctor” to “provider”.
<u>82-03-01-04 - Amend</u>	Amend repurchase of forfeited service credit provisions – Needed for HB 1219.
<u>82-03-01-10 - Create</u>	Create a Veteran’s exception – Needed for HB 1150.
<u>82-05-01-01 - Amend</u>	Amend application for benefits provisions.
<u>82-05-02-03 - Repeal</u>	Repeal level social security retirement benefit option – Needed for HB 1219.
<u>82-05-03-01 - Amend</u>	Amend to clarify timing of benefit payments.

<u>82-05-03-03 - Amend</u>	Amend to clarify overpayment of benefit and write off process.
<u>82-05-03-04 - Create</u>	Create – to clarify interest accrual on accounts for pre-retirement death benefits.
<u>82-05-03-05 - Create</u>	Create – to clarify overpayment of benefit process.
<u>82-05-03-06 - Create</u>	Create – to clarify underpayment of benefit process.
<u>82-05-03-07 - Create</u>	Create – to clarify appeals of actions relating to erroneous payment of benefits.
<u>82-05-04-02 - Amend</u>	Amend to remove level social security option – Needed for HB 1219.
<u>82-05-06-01 - Amend</u>	Amend to change retiree reemployment reporting requirements – Needed for HB 1219.
<u>82-07-01-01 - Amend</u>	Amend to clarify disability retirement eligibility definitions.
<u>82-07-01-03 - Amend</u>	Amend to clarify disability retirement determination process.
<u>82-07-03-01 - Amend</u>	Amend to remove level social security option – Needed for HB 1219.
<u>82-07-04-01 – Amend</u>	Amend to clarify suspension of disability benefit process.
<u>82-08-01-03 – Amend</u>	Amend to clarify pre-retirement Model Qualified Domestic Relations Order benefits.

The proposed rules, amendments, and repeal is not expected to have an impact on the regulated community in excess of \$50,000.

The proposed rulemaking implements bill numbers 1040, 1150, and 1219, enacted during the most recent legislative session, concerning closing of the ND Public Employees Retirement System main plan as it relates to dual members of the NDPERS and NDTFFR plans, and changes made to North Dakota Century Code Chapter 15-39.1 relating to administration of the TFFR program, including creation of a veteran’s exception.

The proposed rules may be reviewed at the Retirement and Investment Office on behalf of the ND Teachers’ Fund for Retirement Board. A copy of the proposed rules and/or a regulatory analysis may be requested by writing the above address, viewed on

the agency website located at www.rio.nd.gov, emailing rio@nd.gov, or calling 701-328-9885. Written or oral comments on the proposed rules sent to the above address or telephone number and received by Wednesday, November 8, 2023, will be fully considered.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the Retirement and Investment Office at the above telephone number or address at least one day prior to the public hearing.

Dated this 22nd day of September, 2023.

Janilyn Murtha
Executive Director
Retirement and Investment Office