

**ARTICLE 82-05  
RETIREMENT BENEFITS**

Chapter	
82-05-01	Procedural Requirements
82-05-02	Forms of Benefit Payments
82-05-03	Payment of Benefits
82-05-04	Actuarial Factors
82-05-05	Deferred Retirement Eligibility
82-05-06	Retiree Return to Work Program

**CHAPTER 82-05-01  
PROCEDURAL REQUIREMENTS**

Section	
82-05-01-01	Application for Benefits
82-05-01-02	Proof of Age
82-05-01-03	Designation of Beneficiary
82-05-01-04	Proof of Marriage [Repealed]
82-05-01-05	Benefit Eligibility Calculation

**82-05-01-01. Application for benefits.**

A member or beneficiary must make written application for benefits on enrollment forms provided by the fund before benefits can be paid. The enrollment form must be signed by the member or beneficiary and notarized or witnessed by a plan representative. The form of payment option selected may not be changed after the first benefit payment has been accepted by the member or beneficiary except as allowed under sections 82-05-01-03 and 82-05-02-02. If the member dies before accepting the first benefit payment, the member's beneficiary is eligible for death benefits the first day of the month following the member's death.

Retirement benefits may not be issued to a member who has terminated a teaching position only for the summer months or for a leave of absence.

**History:** Effective September 1, 1990; amended effective April 1, 1994; May 1, 2000; July 1, 2012; April 1, 2024.

**General Authority:** NDCC 15-39.1-07

**Law Implemented:** NDCC 15-39.1-10, 15-39.1-17

**82-05-01-02. Proof of age.**

A teacher applying for a retirement benefit and each beneficiary entitled to a continuing annuity under the joint and survivor option must provide proof of age. The following documents will be accepted as proof of age: REAL ID, birth certificate, baptismal certificate, passport, or official military record.

**History:** Effective September 1, 1990; amended effective July 1, 2021.

**General Authority:** NDCC 15-39.1-07

**Law Implemented:** NDCC 15-39.1-10; The REAL ID act of 2005 [Pub. L. 109-13; 119 Stat. 311; 49 U.S.C. § 30301 note]

**82-05-01-03. Designation of beneficiary.**

A member may designate a beneficiary in writing on forms provided by the fund prior to the beginning of benefit payments.

After benefit payments have begun, the member may not change the designated beneficiary, except under the following circumstances:

1. Members who select the single life, five-year term certain and life (option no longer available to new retirees), twenty-year term certain and life, or ten-year term certain and life annuity plans may change their beneficiary at any time.
2. Members who select the one hundred percent joint and survivor or fifty percent joint and survivor annuity plans may only name one beneficiary and may not change their beneficiary after retirement, except under the following circumstances:
  - a. If the member's designated beneficiary precedes the member in death; or
  - b. If the marriage of a member and the designated beneficiary is dissolved and the divorce decree provides for sole retention of the retirement benefits by the member.

In these cases, the form of benefits shall automatically revert to the standard form of benefit payment under section 82-05-02-01 and a new beneficiary may be designated. The member, upon remarriage, may designate the new spouse as the primary beneficiary and may elect a joint and survivor benefit option under section 82-05-02-02.

**History:** Effective September 1, 1990; amended effective April 1, 1994; May 1, 2000; May 1, 2002; May 1, 2004; July 1, 2012.

**General Authority:** NDCC 15-39.1-07

**Law Implemented:** NDCC 15-39.1-04, 15-39.1-16, 15-39.1-17

**82-05-01-04. Proof of marriage.**

Repealed effective May 1, 2000.

**82-05-01-05. Benefit eligibility calculation.**

In determining eligibility for benefits under North Dakota Century Code chapter 15-39.1, the calculations for age and service credit are rounded to the nearest one thousandth (.000).

**History:** Effective July 1, 2012.

**General Authority:** NDCC 15-39.1-07

**Law Implemented:** NDCC 15-39.1-10, 15-39.1-27