

Introduced by

Representative Porter

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 ~~investigationstate~~, 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:

20 **54-52-06.4. Contribution by peace officers employed by the ~~bureau of criminal~~**  
21 **~~investigationstate~~ or security officers employed by the national guard - Employer**  
22 **contribution.**

23 1. Each peace officer employed by the ~~bureau of criminal investigationstate~~ who is a  
24 member of the public employees retirement system is assessed and shall pay monthly

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

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

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

- 20           3. Retirement dates are defined as follows:
- 21           a. Normal retirement date, except for a national guard security officer or firefighter, a  
22           firefighter employed by a political subdivision, ~~or a peace officer employed by the~~  
23           state, or a peace officer or correctional officer employed by the bureau of criminal  
24           investigation or by a political subdivision, is:
- 25           (1) The first day of the month next following the month in which the member  
26           attains the age of sixty-five years; or
- 27           (2) When the member has a combined total of years of service credit and years  
28           of age equal to eighty-five and has not received a retirement benefit under  
29           this chapter.
- 30           b. Normal retirement date for members first enrolled after December 31, 2015,  
31           except for a national guard security officer or firefighter, a firefighter employed by

1 a political subdivision, a peace officer ~~employed by the state, a peace officer or~~  
2 correctional officer employed by the ~~bureau of criminal investigation or by a~~  
3 political subdivision, or a supreme court or district court judge, is:

- 4 (1) The first day of the month next following the month in which the member  
5 attains the age of sixty-five years; or  
6 (2) When the member has a combined total of years of service credit and years  
7 of age equal to ninety and the member attains a minimum age of sixty and  
8 has not received a retirement benefit under this chapter.

9 c. Normal retirement date for a national guard security officer or firefighter is:

- 10 (1) The first day of the month next following the month in which the national  
11 guard security officer or firefighter attains the age of fifty-five years and has  
12 completed at least three eligible years of employment; or  
13 (2) When the national guard security officer or firefighter has a combined total  
14 of years of service credit and years of age equal to eighty-five and has not  
15 received a retirement benefit under this chapter.

16 d. Normal retirement date for a peace officer, firefighter, or correctional officer  
17 employed by a political subdivision is:

- 18 (1) The first day of the month next following the month in which the peace  
19 officer, firefighter, or correctional officer attains the age of fifty-five years and  
20 has completed at least three eligible years of employment; or  
21 (2) When the peace officer, firefighter, or correctional officer has a combined  
22 total of years of service credit and years of age equal to eighty-five and has  
23 not received a retirement benefit under this chapter.

24 e. Normal retirement date for a peace officer employed by the ~~bureau of criminal-~~  
25 ~~investigation~~state is:

- 26 (1) The first day of the month next following the month in which the peace  
27 officer attains the age of fifty-five years and has completed at least three  
28 eligible years of employment; or  
29 (2) When the peace officer has a combined total of years of service credit and  
30 years of age equal to eighty-five and has not received a retirement benefit  
31 under this chapter.

- 1 f. Postponed retirement date is the first day of the month next following the month  
2 in which the member, on or after July 1, 1977, actually severs or has severed the  
3 member's employment after reaching the normal retirement date.
- 4 g. Early retirement date, except for a national guard security officer or firefighter, a  
5 firefighter ~~employed by a political subdivision, or a~~ peace officer, or correctional  
6 officer employed by ~~the bureau of criminal investigation or by a political~~  
7 subdivision, or a peace officer employed by the state, is the first day of the month  
8 next following the month in which the member attains the age of fifty-five years  
9 and has completed three years of eligible employment. For a national guard  
10 security officer or firefighter, early retirement date is the first day of the month  
11 next following the month in which the national guard security officer or firefighter  
12 attains the age of fifty years and has completed at least three years of eligible  
13 employment. For a peace officer employed by the state or a firefighter employed  
14 ~~by a political subdivision or a~~ peace officer, or correctional officer employed by  
15 ~~the bureau of criminal investigation or by a political subdivision~~, early retirement  
16 date is the first day of the month next following the month in which the peace  
17 officer, firefighter, or correctional officer attains the age of fifty years and has  
18 completed at least three years of eligible employment.
- 19 h. Disability retirement date is the first day of the month after a member becomes  
20 permanently and totally disabled, according to medical evidence called for under  
21 the rules of the board, and has completed at least one hundred eighty days of  
22 eligible employment. For supreme and district court judges, permanent and total  
23 disability is based solely on a judge's inability to perform judicial duties arising out  
24 of physical or mental impairment, as determined pursuant to rules adopted by the  
25 board or as provided by subdivision a of subsection 3 of section 27-23-03.
- 26 (1) A member is eligible to receive disability retirement benefits only if the  
27 member became disabled during the period of eligible employment and  
28 applies for disability retirement benefits within twelve months of the date the  
29 member terminates employment.
- 30 (2) A member is eligible to continue to receive disability benefits as long as the  
31 permanent and total disability continues and the member submits the

1 necessary documentation and undergoes medical testing required by the  
2 board, or for as long as the member participates in a rehabilitation program  
3 required by the board, or both. If the board determines a member no longer  
4 meets the eligibility definition, the board may discontinue the disability  
5 retirement benefit. The board may pay the cost of any medical testing or  
6 rehabilitation services the board deems necessary and these payments are  
7 appropriated from the retirement fund for those purposes. A member's  
8 receipt of disability benefits under this section is limited to receipt from the  
9 fund to which the member was actively contributing at the time the member  
10 became disabled.

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

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