

**2023 HOUSE GOVERNMENT AND VETERANS AFFAIRS**

**HB 1219**

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Pioneer Room, State Capitol

HB 1219  
1/20/2023

Relating to the teachers' fund for retirement board authority and teachers' fund for retirement benefits.
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Meeting called to order by **Chairmen Schauer at 9:52 AM**

Chairmen Austen Schauer, Vice Chairmen Bernie Satrom, Reps. Landon Bahl, Claire Cory, Jeff A. Hoverson, Jorin Johnson, Karen Karls, Scott Louser, Carrie McLeod, Karen M. Rohr, Vicky Steiner, Steve Vetter, Mary Schneider. All present.

### **Discussion Topics:**

- Retired Teachers workforce development
- Public pension plan

**Representative Kempenich** – Testifies in favor.

**Janilyn Murtha, JD, MPAP Executive Director**- Testifies in favor. (Testimony #14747)

**Dr. Aimee Copas, ND Council of Education Leaders**- Testifies in favor of HB 1219

**Representative Schauer**- Closes the hearing for HB 1219 at 10:28 AM

*Phillip Jacobs, Committee Clerk by Risa Berube*

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Pioneer Room, State Capitol

HB 1219  
2/2/2023

Relating to the teachers' fund for retirement board authority and teachers' fund for retirement benefits.
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Meeting called to order by **Chairmen Schauer at 11:23 AM**

Chairmen Austen Schauer, Vice Chairmen Bernie Satrom, Reps. Landon Bahl, Claire Cory, Jeff A. Hoverson, Jorin Johnson, Karen Karls, Scott Louser, Carrie McLeod, Karen M. Rohr, Vicky Steiner, Steve Vetter, Mary Schneider. All present.

### Discussion Topics:

- Committee work

**Chairman Schauer** – Called for a discussion on HB 1219.

Rep. Rohr moved a do pass on HB 1219.

Seconded by Rep. Vetter.

Roll Call Vote:

Representatives	Vote
Representative Austen Schauer	Y
Representative Bernie Satrom	Y
Representative Landon Bahl	Y
Representative Claire Cory	Y
Representative Jeff A. Hoverson	Y
Representative Jorin Johnson	Y
Representative Karen Karls	Y
Representative Scott Louser	Y
Representative Carrie McLeod	Y
Representative Karen M. Rohr	Y
Representative Mary Schneider	Y
Representative Vicky Steiner	Y
Representative Steve Vetter	Y

Motion carries 13-0-0.

Carried by Rep. Rohr.

**Representative Schauer**- Closes the hearing for HB 1219 at 11:25 AM

*Phillip Jacobs, Committee Clerk by Risa Berube*

**REPORT OF STANDING COMMITTEE**

**HB 1219: Government and Veterans Affairs Committee (Rep. Schauer, Chairman)**  
recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB  
1219 was placed on the Eleventh order on the calendar.

**2023 SENATE STATE AND LOCAL GOVERNMENT**

**HB 1219**

# 2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee  
Room JW216, State Capitol

HB 1219  
3/9/2023

Relating to the teachers' fund for retirement board authority and teachers' fund retirement benefits.
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9:40 AM Chair Roers opened the hearing. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

**Discussion Topics:**

- Administrative code
- Seven-member board
- Foundation of governance

Janilyn Murtha, ND Teacher Retirement/Investment office, testified in support #23275.

Nick Archuleta, ND United, testified in support #23056.

Dr. Aimee Copas, Dir Council Educational Leaders, testified in support #22976.

Alexis Baxley, ND School Boards, testified in support with no written testimony.

Chair Roers sent an email to committee. #27622.

10:05 AM Chair Roers closed the hearing.

*Pam Dever, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee  
Room JW216, State Capitol

HB 1219  
3/10/2023

Relating to the teachers' fund for retirement board authority and teachers' fund retirement benefits.
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11:00 AM Chair Roers opened committee work. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

**Discussion Topics:**

- Committee action

Sen Estenson moved a DO PASS.

Sen Barta seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Sean Cleary	AB
Senator Judy Estenson	Y
Senator Judy Lee	Y

ROLL CALL VOTE: YES – 5 NO – 0 Absent – 1 Motion PASSED

Sen Barta will carry the bill.

11:02 AM Chair Roers adjourned the meeting.

*Pam Dever, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**HB 1219: State and Local Government Committee (Sen. K. Roers, Chairman)**  
recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB  
1219 was placed on the Fourteenth order on the calendar. This bill does not affect  
workforce development.



# 2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee  
Room JW216, State Capitol

HB 1219  
3/23/2023

Relating to the teachers' fund for retirement board authority and teachers' fund for retirement benefits.
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2:55 PM Chair Roers opened committee work. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

**Discussion Topics:**

- Bill review
- Special Education Units
- Amendment

Chair Roers reviewed the bill and shared an amendment #27622.

3:01 PM Chair Roers adjourned meeting.

*Pam Dever, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee  
Room JW216, State Capitol

HB 1219  
3/23/2023

Relating to the teachers' fund for retirement board authority and teachers' fund for retirement benefits.
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3:26 PM Chair Roers opened committee work. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

## **Discussion Topics:**

- Bill review
- Policy discrepancy
- Double pay
- Teacher retention

Jan Murtha, Director ND Investment Board answered questions.

Dr Aimee Copas, ND Council Educational Leaders answered questions.

Dr Robert Lech, Chair ND Investment board, Jamestown, ND gave an opinion.

3:50 PM Chair Roers adjourned meeting.

*Pam Dever, Committee Clerk*

**TESTIMONY**

**HB 1219**

**House Bill 1219**  
**North Dakota Retirement and Investment Office (RIO)**  
**Testimony on behalf of the Teachers' Fund for Retirement Board of Trustees**  
**in support of HB 1219 before the House Government and Veterans Affairs**  
**Committee**  
**Representative Austen Schauer, Chair**  
**Representative Bernie Satrom, Vice Chair**

**Janilyn Murtha, JD, MPAP – Executive Director**

**I. Introduction**

The Retirement and Investment Office (hereinafter “RIO”) was created by the 1989 Legislative Assembly to capture administrative and investment cost savings in the management of the investment program of the State Investment Board (SIB) and the retirement program of the Teachers' Fund for Retirement (TFFR). Statutory authority for the agency is found in North Dakota Century Code chapter 54-52.5 and the programs are governed by chapters 21-10 (SIB) and 15-39.1 (TFFR).

TFFR is a qualified defined benefit public pension plan. The program is managed by a seven-member board of trustees which consists of the State Treasurer, State Superintendent, two active teachers, two retired teachers and one school administrator all appointed by the Governor.

The plan covers North Dakota public school teachers and administrators. Benefit funding comes from member and employer contributions (43%) and investment earnings (57%). During the past decade, active membership has increased 16.4% from 10,138 to over 11,800 participants, while retirees and beneficiaries have increased 26.0% from 7,489 to over 9,400.

Our 2022 actuarial valuation projects the TFFR plan to reach 100% fully funded status by 2044. The successful funding path is largely attributable to the statutory changes to the plan, including the creation of a tiered benefit structure and increase in contributions passed by the Legislature in 2011.<sup>1</sup>

During this past biennium RIO underwent a strategic review and plan initiative to evolve both programs and the agency to better serve the needs of our clients, members, stakeholders, and the State of North Dakota. This review has resulted in changes to our board and agency governance, identifying and implementing improvements to our infrastructure, a concerted focus on the development of our workforce and a focus on improving communication and outreach efforts with our clients, members, employers, and other stakeholders.

The RIO team worked closely with the SIB and TFFR Boards to evolve the governance structure of both Boards and Board staff relations to establish a foundation of governance that supported

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<sup>1</sup> H.B. 1134, 62<sup>nd</sup> N.D. Legislative Assembly (2011-2013).

program growth. During this past biennium the TFFR Board established a new Governance and Policy Review (“GPR”) Committee to better support the needs of the program. The TFFR GPR Committee oversaw a review of program plan laws, rules, and policies in anticipation of the implementation of a new pension system modernization project (“Pioneer Project”) and made several recommendations to the TFFR Board for consideration in relation to this project.

The Pioneer Project is a large multi-year IT project for the development and deployment of a modernized pension administration system. The project is currently on-time and in the development and implementation of the vendor solution phase (the third and final phase), with an expected completion date of 4th quarter 2024. During the first phase of the project TFFR retained a consultant to perform an analysis of our current business state and provide recommendations for a desired future business state. This analysis served to guide the procurement efforts of the TFFR Board, RIO agency, and Executive Steering Committee (ESC) for the vendor solution. These consultant recommendations identified the need to proactively address clarification needs in current program documents to effectively and efficiently inform how the new vendor solution would be developed, programed, and implemented. Program documents include the state laws, administrative rules, and board policies governing the TFFR plan.

The changes proposed in H.B. 1219 reflect the recommendations and requested changes of the TFFR Board related to clarifying program rules and regulations in anticipation of programing the new pension administration system. It also includes two policy related requests that the TFFR Board is requesting to incentivize retired teachers to return to the classroom as an effort to address teacher shortage in K-12 education in North Dakota.

## **II. TFFR Board Support of H.B. 1219**

### **A. Sections 1 through 3, and Section 9 of H.B. 1219**

Sections 1 through 3 and 9 of H.B. 1219 do not change administration of the TFFR plan, rather the requested changes clarify existing law. Section 1 clarifies the definition of retirement annuity as a payment as opposed to a timing of a payment. Section 2 clarifies that the TFFR Board is not restricted to conveying input to the State Investment Board only through resolution (as opposed to surveys, letters, staff recommendations etc.). Section 3 doesn’t remove any requirements of qualified domestic relations orders (QDRO’s) under the plan, rather because the model language for QDRO’s is found in Title 82 of the North Dakota Administrative Code, the recommended change is an attempt to reduce confusion and provide clarify to the members and attorneys who must draft QDRO’s. Section 9 doesn’t change but clarifies computation of service by referring to service hours to reflect how school district employers report service hours.

### **B. Sections 4 through 6 of H.B. 1219**

Section 4 through 6 of H.B. 1219 reflect minor adjustments to the TFFR plan design that will provide consistency in administration of the plan so as to aid in the development and programing of the new pension administration system. Section 4 relates to teachers who have withdrawn from the fund and desire to return to teach and buy back their service

credit; this section provides that the cost to repurchase that service shall be based on an actuarial determined basis for all members as opposed to differentiating between those that have been out of the fund for more or less than five years. Sections 5 and 6 remove the level retirement income with social security option for members. This option is very rarely selected by members at the time of retirement and was also removed as an option in the PERS Main Defined Benefit Plan several sessions ago.

### **C. Sections 7 & 8 of H.B. 1219**

Sections 7 and 8 of H.B. 1219 reflect the TFFR Boards support of retired teachers returning to the classroom. Section 7 serves to incentive returning retired teachers to work full time under the annual hour limit rule, and whose retirement benefit would be suspended upon returning full time to the classroom, by allowing for a recalculation of the retirement benefit to include any amount of new service upon re-retirement and clarifies that professional development and extracurricular activities do not disqualify a teacher from returning to teach under the critical shortage area rule in the following section. Section 8 merely reflects that the Education Standards and Practices Board (ESPB) does not define critical shortage areas by administrative rule.

### **III. Summary**

The changes proposed in Section 7 of the H.B. 1219 have been reviewed by TFFR plan actuaries and are expected to extend the projected date of reaching 100% fully funded status by one month. To aide in the programming and administration of the new pension administration system, and to incentivize retired teachers to return to the classroom, the TFFR Board supports H.B. 1219.



1 HB 1219

2 Testimony in support

3 Chairwoman Roers and members of the Senate State and Local Government committee,  
4 my name is Dr. Aimee Copas, and I am the Executive Director for the North Dakota  
5 Council of Educational Leaders representing school leaders across North Dakota.

6 I am here to testify in support of HB 1219. This bill provide for a fiscally responsible  
7 way for retired teachers to return to the profession due to teacher shortage issues and to  
8 not negatively impact their retirement nor tremendously impact the TFFR fund and its  
9 progress toward being fully funded.

10 One of the calls I get often in my office from fellow administrators is to whether we could  
11 do something – even for a short time – to allow for retired teachers to come back and to  
12 not be bound by the 750-hour limitation. This call comes to me most often in our rural  
13 schools. This option could provide a 1-2 year stop gap as the district continues to try to  
14 find a qualified employee to fill that open position.

15 In this bill the teacher would begin again receiving their teacher’s salary under their  
16 contract. They would temporarily suspend their retirement benefit. The employee and  
17 employer would contribute to the TFFR fund while they are working. When they choose  
18 to “re-retire” there would be a recalculation of benefits – this would be in the best  
19 interest of the teacher. This would benefit the field and not be detrimental to the TFFR  
20 fund. We’d ask that you consider this testimony as you discuss this bill.

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*Great Public Schools*

*Great Public Service*

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**Testimony Before the Senate State and Local Government Committee  
HB 1219  
March 9, 2023**

Chairwoman Roers and members of the Committee, for the record, my name is Nick Archuleta, and I am the president of North Dakota United. I rise today in support of HB 1219 and to urge a do pass recommendation for this bill.

Madam Chair, the majority of this bill clarifies existing law or makes minor changes in the TFFR defined benefit plan that make it better. Our principal support of the plan, however, is embodied in Section 7. That section incentivizes retired teachers to return to the classroom and to remain longer. It does so by acknowledging a returning teacher's continued service by allowing for a re-calculation of their benefits upon re-retirement. We believe that this option will benefit retired teachers long term.

Chairwoman Roers and members of the Committee, we believe that the passage of HB 1219 will help to alleviate the teacher shortage in North Dakota as it provides for experienced and knowledgeable educators to return to the classroom as we work to make a career in education to a new generation of young people.

For these reasons, Madam Chair, and members of the Committee, I urge a do pass recommendation for HB 1219. I am happy to stand for questions.



**House Bill 1219**  
**North Dakota Retirement and Investment Office (RIO)**  
**Testimony on behalf of the Teachers' Fund for Retirement Board of Trustees**  
**in support of HB 1219 before the Senate State and Local Government**  
**Committee**  
**Senator Kristin Roers, Chair**  
**Senator Jeff Barta, Vice Chair**

**Janilyn Murtha, JD, MPAP – Executive Director**

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### **III. Summary**

The changes proposed in Section 7 of the H.B. 1219 have been reviewed by TFFR plan actuaries and are expected to extend the projected date of reaching 100% fully funded status by approximately one month.<sup>2</sup> To aide in the programming and administration of the new pension administration system, and to incentivize retired teachers to return to the classroom, the TFFR Board supports H.B. 1219 and respectfully requests a Do Pass recommendation.

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<sup>2</sup> 6-21-22 ND Legislature Employee Benefits Programs Committee meeting, actuarial analysis of proposed legislation.

**Amendments to HB 1219, starting on page 5, line 18**

**SECTION 7. AMENDMENT.** Section 15-39.1-19.1 of the North Dakota Century Code is amended and reenacted as follows:

15-39.1-19.1. Retired teachers return to active service - Annuities discontinued on resumption of teaching over annual hour limit.

1.

- a. Except as otherwise provided in section 15-39.1-19.2, a retired teacher who is receiving a retirement annuity under chapter 15-39, 15-39.1, or 15-39.2 may not return to covered employment until thirty calendar days have elapsed from the member's retirement date. A retired member may then return to covered employment in a school district, special education unit, regional education association, regional career and technical education center, or the North Dakota center for distance education under an annual hour limit and continue receiving a monthly retirement benefit. The annual hour limit is based on the length of the re-employed retiree's contract as follows:
  - i. Retiree ~~reemployment~~ re-employment of nine months or less, annual limit is seven hundred hours;
  - ii. Retiree ~~reemployment~~ re-employment of ten months, annual limit is eight hundred hours;
  - iii. Retiree ~~reemployment~~ re-employment of eleven months, annual limit is nine hundred hours; or
  - iv. Retiree ~~reemployment~~ re-employment of twelve months, annual limit is one thousand hours.
- b. Employment as a noncontracted substitute teacher ~~does not apply to the annual hour limit. Professional, professional~~ development, and extracurricular duties do not apply to the annual hour limit. The fund may not collect contributions for these activities.
- c. The retired member and the retired member's employer must notify the fund office in writing within thirty days of the retired member's return to covered employment.
- d. A retired member who returns to teaching in a school district, special education unit, regional education association, regional career and technical education center, or the North Dakota center for distance education shall pay the member contributions required by section 15-39.1-09 on the salary received by the retired member. The member contributions must be included in the retired member's account value and may not be refunded except as provided under subdivision a of subsection 2 of section 15-39.1-19.1 and section 15-39.1-17.
- e. A participating employer who employs a retired member under this section shall pay the employer contributions required by section 15-39.1-09 on the salary of the retired member.
- f. A retired teacher who returns to teaching and does not exceed the annual hour limit must be treated as retired for all other purposes under this chapter. A retired teacher may not earn any additional service during the period of re-employment. The retired teacher's benefits may not be adjusted to reflect changes in the retired teacher's age or

final average monthly salary at the end of the period of re-employment, any optional form of payment elected under section 15-39.1-16 remains effective during and after the period of re-employment, and additional benefits normally available to an active member, such as disability benefits, are not available to a retired teacher re-employed under this section.

- g. A retired teacher who returns to teaching in a school district, special education unit, regional education association, regional career and technical education center, or the North Dakota center for distance education and exceeds the annual hour limit must immediately notify the fund office in writing. Failure to notify the fund office results in the loss of one month's annuity benefit for the member. The retired member's monthly benefit must be discontinued the first of the month following the date the member reaches the annual hour limit.
2. Upon the ~~retired teacher's~~ subsequent retirement of a member who returns to teach in a school district, special education unit, regional education association, regional career and technical education center, or the North Dakota center for distance education and whose monthly benefit is discontinued, the member's benefit must be resumed as follows:
    - ~~a. If the teacher subsequently retires with less than two years of additional earned credited service, the teacher's contributions paid to the fund after the member's benefit was suspended must be refunded in accordance with section 15-39.1-20 and the teacher is entitled to receive the discontinued annuity, plus any postretirement benefit adjustments granted during the period of re-employment, the first day of the month following the teacher's re-retirement.~~
    - ~~b. If the teacher subsequently retires with two or more but less than five years of additional earned credited service, the retired person's annuity is the greater of the sum of the discontinued annuity, plus an additional annuity computed according to this chapter based upon years of service and average salaries earned during the period of re-employment plus any postretirement benefit adjustments granted during the period of re-employment, or a recalculated annuity computed according to this chapter based on total years of service credit earned during both employment periods offset by the actuarial value of payments already received. The new annuity is payable the first day of the month following the member's re-retirement.~~
    - ~~c. If the teacher subsequently retires with five or more years of additional earned credited service, the retired person's annuity is the greater of the sum of the discontinued annuity plus an additional annuity based upon years of service and average salaries earned during the period of re-employment plus any postretirement benefit adjustments granted during the period of re-employment, or a recalculated annuity based on all years of service computed under subsection 2 of section 15-39.1-10. The new annuity is payable the first day of the month following the member's re-retirement~~
  - a. The member must have selected the same benefit option as the option selected at initial retirement.
  - b. The member's total benefit upon subsequent retirement must equal the original benefit plus the calculated benefit for the return to work period.