90102.0300

Fifty-sixth Legislative Assembly of North Dakota

FIRST ENGROSSMENT with Senate Amendments

ENGROSSED HOUSE BILL NO. 1071

Introduced by

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Government and Veterans Affairs Committee

(At the request of the Public Employees Retirement System)

- 1 A BILL for an Act to create and enact a new section to chapter 54-52 of the North Dakota
- 2 Century Code, relating to postretirement adjustments for supreme and district court judges
- 3 under the public employees retirement system; to amend and reenact subdivision e of
- 4 subsection 4 of section 54-52-17 and subsection 6 of section 54-52-17 of the North Dakota
- 5 Century Code, relating to disability retirement and survivor's benefits for supreme and district
- 6 court judges under the public employees retirement system; and to declare an emergency.

7 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 54-52 of the North Dakota Century Code is created and enacted as follows:

Judges postretirement adjustments. A supreme or district court judge who, on December 31, 1999, is receiving retirement benefits under subdivision b of subsection 4 of section 54-52-17 is entitled to receive an increase in benefits equal to two percent of the individual's present benefits with the increase payable beginning January 1, 2000. A supreme or district court judge who, on December 31, 2000, is receiving retirement benefits under subdivision b of subsection 4 of section 54-52-17 is entitled to receive an increase in benefits equal to two percent of the individual's present benefits with the increase payable beginning January 1, 2001.

- **SECTION 2. AMENDMENT.** Subdivision e of subsection 4 of section 54-52-17 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:
 - e. Disability Except for supreme and district court judges, disability retirement benefits are twenty-five percent of the member's final average salary.

 Disability retirement benefits for supreme and district court judges are seventy percent of final average salary reduced by the member's primary social security benefits and by any workers' compensation benefits paid. The

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1			mınır	num monthly disability retirement benefit under this section is one		
2			hund	red dollars. A participant who, on July 31, 1997, is receiving disability		
3			retire	ment benefits that are not based upon the benefit multiplier is entitled to		
4			recei	ve an increase in benefits equal to five percent of the individual's present		
5			bene	fit with the increased benefits payable beginning August 1, 1997.		
6	SEC	CTIO	N 3. A	MENDMENT. Subsection 6 of section 54-52-17 of the 1997		
7	Supplemen	t to t	he Nor	th Dakota Century Code is amended and reenacted as follows:		
8	6.	If be	efore r	etiring a member dies after completing five years of eligible employment,		
9		the	board	shall pay the member's account balance to the member's surviving		
10		spo	use. F	However, if there is no surviving spouse or the surviving spouse		
11		des	ignate	s an alternate beneficiary in writing, the board shall pay the member's		
12		account balance to the member's beneficiary or, if there is no named beneficiary,				
13		to the member's estate. If the member has not designated an alternate				
14		beneficiary, the surviving spouse of the member may select one of the following				
15		optional forms of payment a form of payment as follows:				
16		<u>a.</u>	If the	member was a supreme or district court judge, the surviving spouse		
17			may	select one of the following optional forms of payment:		
18			<u>(1)</u>	A lump sum payment of the member's retirement account as of the date		
19				of death.		
20			<u>(2)</u>	Payments as calculated for the deceased member as if the member		
21				was of normal retirement age at the date of death, payable until the		
22				spouse dies.		
23		<u>b.</u>	The s	surviving spouse of all other members may select one of the following		
24		options:				
25		a.	<u>(1)</u>	A lump sum payment of the member's retirement account as of the date		
26				of death.		
27		b.	<u>(2)</u>	Payments for sixty months as calculated for the deceased member as if		
28				the member was of normal retirement age at the date of death.		
29		c.	<u>(3)</u>	Payment of a monthly retirement benefit equal to fifty percent of the		
30				deceased member's accrued single life retirement benefits until the		
31				spouse dies.		

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1	d.	<u>(4)</u>	If the member dies on or after the member's normal retirement date, the
2			payment of a monthly retirement benefit equal to an amount that would
3			have been paid to the surviving spouse if the member had retired on
4			the day of the member's death and had selected a one hundred
5			percent joint and survivor annuity, payable until the spouse dies. A
6			surviving spouse who received a benefit under this subsection as of
7			July 31, 1995, is entitled to the higher of that person's existing benefit
8			or the equivalent of the accrued benefit available under the one
9			hundred percent joint and survivor provision as if the deceased
10			member were of normal retirement age, with the increase payable
11			beginning August 1, 1995.
12	SECTION	N 4. E	EMERGENCY. This Act is declared to be an emergency measure.