

Fifty-eighth
Legislative Assembly
of North Dakota

Introduced by

(At the request of the Public Employees Retirement System)

1 A BILL for an Act to create and enact a new subsection of section 54-52.6-02 of the North
2 Dakota Century Code, relating to participation in the defined contribution retirement plan; and to
3 amend and reenact subdivision e of subsection 1 of section 54-52.1-03.3, subsection 1 of
4 section 54-52.6-09, and subsection 4 of section 54-52.6-13 of the North Dakota Century Code,
5 relating to retiree health credits, voluntary contributions, and automatic distribution of accounts
6 under the defined contribution retirement plan.

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

8 **SECTION 1. AMENDMENT.** Subdivision e of subsection 1 of section 54-52.1-03.3 of
9 the North Dakota Century Code is amended and reenacted as follows:

10 e. A former participating member of the defined contribution retirement plan
11 receiving retirement benefits, or the surviving spouse of a former participating
12 member of that retirement plan who was eligible to receive or was receiving
13 benefits, under section 54-52.6-13, is eligible as determined by the board
14 pursuant to its rules.

15 **SECTION 2.** A new subsection of section 54-52.6-02 of the North Dakota Century Code
16 is created and enacted as follows:

17 A temporary employee who previously elected to join the defined contribution
18 retirement plan under this chapter may elect to participate in the defined
19 contribution retirement plan. The temporary employee must make the election to
20 participate within ninety days of beginning temporary employment. The temporary
21 employee shall pay monthly to the fund an amount equal to eight and
22 twelve-hundredths percent times the temporary employee's present monthly
23 salary. The temporary employee shall also pay monthly to the retiree health
24 benefit fund established under section 54-52.1-03.2 one percent times the

1 temporary employee's present monthly salary. This contribution must be recorded
2 as a member contribution. An employer may not pay the temporary employee's
3 contributions. A temporary employee may continue to participate as a temporary
4 employee in the plan until termination of employment or reclassification of the
5 temporary employee as a permanent employee.

6 **SECTION 3. AMENDMENT.** Subsection 1 of section 54-52.6-09 of the North Dakota
7 Century Code is amended and reenacted as follows:

- 8 1. Each participating member shall contribute monthly four percent of the monthly
9 salary or wage paid to the participant, and this assessment must be deducted from
10 the participant's salary in equal monthly installments commencing with the first
11 month of participation in the defined contribution retirement plan established under
12 this chapter. In addition, a participating member may elect to make voluntary
13 contributions to the plan pursuant to the plan document adopted by the board.

14 **SECTION 4. AMENDMENT.** Subsection 4 of section 54-52.6-13 of the North Dakota
15 Century Code is amended and reenacted as follows:

- 16 4. If the former participating member's vested account balance is less than five
17 thousand dollars, the board shall automatically refund the member's vested
18 account balance upon termination of employment. The member may waive the
19 refund if the member submits a written statement to the board, within ~~thirty one~~
20 hundred twenty days after termination, requesting that the member's vested
21 account balance remain in the plan.