

Sixtieth
Legislative Assembly
of North Dakota

HOUSE BILL NO.

Introduced by

Representative Klein

1 A BILL for an Act to amend and reenact subsection 1 of section 15-39.1-19.1 and section
2 15-39.1-19.2 of the North Dakota Century Code, relating to retired members of the teachers'
3 fund for retirement returning to covered employment and retired members of the teachers' fund
4 for retirement returning to teach in shortage areas.

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

6 **SECTION 1. AMENDMENT.** Subsection 1 of section 15-39.1-19.1 of the North Dakota
7 Century Code is amended and reenacted as follows:

- 8 1. Except as otherwise provided in section 15-39.1-19.2, a retired teacher who is
9 receiving a retirement annuity under chapter 15-39, 15-39.1, or 15-39.2 may not
10 return to covered employment until thirty calendar days have elapsed from the
11 member's retirement date. A retired member may then return to covered
12 employment under an annual hour limit and continue receiving a monthly
13 retirement benefit. The annual hour limit is based on the length of the reemployed
14 retiree's contract as follows:
- 15 a. Retiree reemployment of nine months or less, annual limit is ~~seven~~ four
16 hundred fifty hours;
 - 17 b. Retiree reemployment of ten months, annual limit is ~~eight~~ five hundred fifty
18 hours;
 - 19 c. Retiree reemployment of eleven months, annual limit is ~~nine~~ six hundred fifty
20 hours; or
 - 21 d. Retiree reemployment of twelve months, annual limit is ~~one thousand~~ seven
22 hundred fifty hours.

Employment as a substitute teacher does not apply to the annual hour limit. Professional development and extracurricular duties do not apply to the annual hour limit.

Should the retired member's employment exceed the annual hour limit, the retired member must immediately notify the fund office in writing. Failure to notify the fund office results in the loss of one month's annuity benefit. The retired member's monthly benefit must be discontinued the first of the month following the date the member reaches the annual hour limit.

A retired member who returns to teaching shall pay the required contributions on those earnings received by the retired member after reaching the annual hour limit. The employer shall pay the required contributions in a like manner.

SECTION 2. AMENDMENT. Section 15-39.1-19.2 of the North Dakota Century Code is amended and reenacted as follows:

15-39.1-19.2. Retired teachers return to active service - ~~Critical shortage areas~~ and disciplines—Rules Discipline areas.

1. A retired teacher who is receiving a retirement annuity under chapter 15-39, 15-39.1, or 15-39.2 may elect to return to teaching without losing any benefits under the provisions of this section or elect to return to teaching under the provisions of section 15-39.1-19.1. To return to teaching under this section, a retired teacher must:
 - a. ~~Return to teach in a critical shortage geographical area or subject discipline as determined by the education standards and practices board by rule~~ mathematics or science; and
 - b. If retired after January 1, 2001, have been receiving a retirement annuity for at least one year. A retired teacher may perform noncontracted substitute teaching duties but may not engage in full-time or part-time teaching duties during the one-year separation from service.
2. A retired teacher who returns to teaching under this section is not required to pay the employee assessment required by section 15-39.1-09. A retired teacher who returns to teaching under the provisions of this section must be treated as retired for all other purposes under this chapter. A retired teacher may not earn any

1 additional service during the period of reemployment. The retired teacher's
2 benefits may not be adjusted to reflect changes in the retired teacher's age or final
3 average monthly salary at the end of the period of reemployment, any optional
4 form of payment elected under section 15-39.1-16 remains effective during and
5 after the period of reemployment, and additional benefits normally available to an
6 active member, such as disability benefits, are not available to a retired teacher
7 reemployed under this section.