

Sixtieth  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2050

Introduced by

Government and Veterans Affairs Committee

(At the request of the Public Employees Retirement System)

1 A BILL for an Act to amend and reenact sections 54-52-02.9 and 54-52-27, subsection 1 of  
2 section 54-52.1-03.2, and subsection 2 of section 54-52.1-03.3 of the North Dakota Century  
3 Code, relating to contributions and benefits under the retiree health benefits fund of the public  
4 employees retirement system.

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

6 **SECTION 1. AMENDMENT.** Section 54-52-02.9 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **54-52-02.9. Participation by temporary employees.** A temporary employee may  
9 elect, within one hundred eighty days of beginning employment, to participate in the public  
10 employees retirement system and receive credit for service after enrollment. The temporary  
11 employee shall pay monthly to the fund an amount equal to eight and twelve-hundredths  
12 percent times the temporary employee's present monthly salary. The temporary employee  
13 shall also pay the required monthly contribution to the retiree health benefit fund established  
14 under section 54-52.1-03.2 ~~one percent times the temporary employee's present monthly~~  
15 ~~salary~~. This contribution must be recorded as a member contribution pursuant to section  
16 54-52.1-03.2. An employer may not pay the temporary employee's contributions. A temporary  
17 employee may continue to participate as a temporary employee in the public employees  
18 retirement system until termination of employment or reclassification of the temporary  
19 employee as a permanent employee. A temporary employee may not purchase additional  
20 credit under section 54-52-17.4.

21 **SECTION 2. AMENDMENT.** Section 54-52-27 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23 **54-52-27. Purchase of sick leave credit.** At termination of eligible employment a  
24 member is entitled to credit in the retirement system for each month of unused sick leave, as

certified by the member's employer, if the member or the member's employer pays an amount equal to the member's final average salary, times the number of months of sick leave converted, times the percent of employer and employee contributions to the retirement program of the member, plus ~~one percent~~ the required contribution for the retiree health benefits program. Hours of sick leave equal to a fraction of a month are deemed to be a full month for purposes of conversion to service credit. A member may convert all of the member's certified sick leave or a part of the member's certified sick leave. All conversion payments must be made within sixty days of termination of employment and before the member receives a retirement annuity unless the member has submitted an approved payment plan to the board.

**SECTION 3. AMENDMENT.** Subsection 1 of section 54-52.1-03.2 of the North Dakota Century Code is amended and reenacted as follows:

1. The board shall establish a retiree health benefits fund account with the Bank of North Dakota for the purpose of prefunding and providing hospital benefits coverage and medical benefits coverage under the uniform group insurance program for retired eligible employees or surviving spouses of retired eligible employees and their dependents as provided in this chapter. The state shall contribute monthly to the retiree health benefits fund an amount equal to one and fifteen hundredths percent of the monthly salaries and wages of all participating members of the highway patrolmen's retirement system under chapter 39-03.1, and one and fifteen hundredths percent of the monthly salaries of all supreme or district court judges who are participating members of the public employees retirement system under chapter 54-52. Each governmental unit that contributes to the public employees retirement system fund under section 54-52-06 or the retirement plan under chapter 54-52.6 shall contribute monthly to the retiree health benefits fund an amount equal to one and fifteen hundredths percent of the monthly salaries or wages of all participating members of the public employees retirement system under chapter 54-52 or chapter 54-52.6, except for nonteaching employees of the superintendent of public instruction who elect to participate in the public employees retirement system pursuant to section 54-52-02.13. For nonteaching employees of the superintendent of public instruction who elect to participate in the public employees retirement system pursuant to section

54-52-02.13, the superintendent of public instruction shall contribute monthly to the retiree health benefits fund an amount equal to three and ~~one-tenth~~ twenty-five hundredths percent of the monthly salaries or wages of those nonteaching employee members, beginning on the first of the month following the transfer under section 54-52-02.13 and continuing thereafter for a period of eight years, after which time the superintendent of public instruction shall contribute one and fifteen hundredths percent of the monthly salary or wages of those nonteaching employee members. The employer of a national guard security officer or firefighter shall contribute monthly to the retiree health benefits fund an amount equal to one and fifteen hundredths percent of the monthly salaries or wages of all national guard security officers or firefighters participating in the public employees retirement system under chapter 54-52. Job service North Dakota shall reimburse monthly the retiree health benefits fund for credit received under section 54-52.1-03.3 by members of the retirement program established by job service North Dakota under section 52-11-01. The board, as trustee of the fund and in exclusive control of its administration, shall:

- a. Provide for the investment and disbursement of moneys of the retiree health benefits fund and administrative expenditures in the same manner as moneys of the public employees retirement system are invested, disbursed, or expended.
- b. Adopt rules necessary for the proper administration of the retiree health benefits fund, including enrollment procedures.

**SECTION 4. AMENDMENT.** Subsection 2 of section 54-52.1-03.3 of the North Dakota Century Code is amended and reenacted as follows:

2. The board shall calculate the allowable monthly credit toward hospital and medical benefits coverage for a person eligible under subsection 1 in an amount equal to ~~four~~ five dollars ~~and fifty cents~~ multiplied by the member's or deceased member's number of years of credited service under the highway patrolmen's retirement system, the public employees retirement system, the retirement program established by job service North Dakota under section 52-11-01, or the judges' retirement program established under chapter 27-17. For a member of the public

1 employees retirement system receiving an early retirement benefit or the surviving  
2 spouse of that member, or a former participating member of the defined  
3 contribution retirement plan who is receiving a periodic distribution and would not  
4 meet the normal retirement provisions of the public employees retirement system,  
5 the allowable monthly credit must be reduced by three percent if the member  
6 terminates employment within one year prior to attaining the age of sixty-five and  
7 an additional reduction factor of six percent shall apply for each year the member  
8 terminates employment prior to attaining the age of sixty-four. For a member of  
9 the highway patrolmen's retirement system receiving an early retirement benefit or  
10 the surviving spouse of that member, the allowable monthly credit must be  
11 reduced by three percent if the member terminates employment within one year  
12 prior to attaining the age of fifty-five and an additional reduction factor of six  
13 percent shall apply for each year the member terminates employment prior to  
14 attaining the age of fifty-four. For a member of the retirement program established  
15 by job service North Dakota under section 52-11-01 receiving an early retirement  
16 benefit or a discontinued service annuity under the plan provisions of that  
17 retirement program or the surviving spouse of that member, the allowable monthly  
18 credit must be reduced by three percent if the member terminates employment  
19 within one year prior to attaining the age of sixty-five and an additional reduction  
20 factor of six percent applies for each year the member terminates employment  
21 prior to attaining the age of sixty-four.