

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2154

Introduced by

Government and Veterans Affairs Committee

(At the request of the Public Employees Retirement System Board)

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 participation in the public employees retirement system, purchase of sick
4 leave credit, and the retiree health benefits fund.

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 any additional
20 credit, including additional credit under section 54-52-17.4 or past service under section
21 54-52-02.6.

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

1 **54-52-27. Purchase of sick leave credit.** A member is entitled to credit in the
2 retirement system for each month of unused sick leave, as certified by the member's employer,
3 if the member or the member's employer pays an amount equal to the member's final average
4 salary, times the number of months of sick leave converted, times the percent of employer and
5 employee contributions to the retirement program of the member, plus ~~one percent~~ the required
6 contribution for the retiree health benefits program. Hours of sick leave equal to a fraction of a
7 month are deemed to be a full month for purposes of conversion to service credit. A member
8 may convert all of the member's certified sick leave or a part of the member's certified sick
9 leave. All conversion payments must be made within sixty days of termination of employment
10 and before the member receives a retirement annuity unless the member has submitted an
11 approved payment plan to the board.

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

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

employees of the state board for career and technical education who elect to participate in the public employees retirement system pursuant to section 54-52-02.14. 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-four 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 fourteen hundredths percent of the monthly salary or wages of those nonteaching employee members. For employees of the state board for career and technical education who elect to participate in the public employees retirement system pursuant to section 54-52-02.14, the state board for career and technical education shall contribute monthly to the retiree health benefits fund an amount equal to two and ~~eighty-five~~ ninety-nine hundredths percent of the monthly salary or wages of those employee members, beginning on the first of the month following the transfer under section 54-52-02.14 and continuing thereafter for a period of eight years, after which time the state board for career and technical education shall contribute one and fourteen hundredths percent of the monthly salary or wages of those 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 fourteen 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 employees retirement system receiving an early retirement benefit or the surviving spouse of that member, or a former participating member of the defined contribution retirement plan who is receiving a periodic distribution and would not meet the normal retirement provisions of the public employees retirement system, the allowable monthly credit must be reduced by three percent if the member terminates employment within one year prior to attaining the age of sixty-five and an additional reduction factor of six percent shall apply for each year the member terminates employment prior to attaining the age of sixty-four. For a member of the highway patrolmen's retirement system receiving an early retirement benefit or the surviving spouse of that member, the allowable monthly credit must be reduced by three percent if the member terminates employment within one year prior to attaining the age of fifty-five and an additional reduction factor of six percent shall apply for each year the member terminates employment prior to attaining the age of fifty-four. For a member of the retirement program established by job service North Dakota under section 52-11-01 receiving an early retirement benefit or a discontinued service annuity under the plan provisions of that retirement program or the surviving spouse of that member, the allowable monthly credit must be reduced by three percent if the member terminates employment

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- 1 within one year prior to attaining the age of sixty-five and an additional reduction
- 2 factor of six percent applies for each year the member terminates employment
- 3 prior to attaining the age of sixty-four.