

**Fifty-fifth Legislative Assembly, State of North Dakota, begun in the
Capitol in the City of Bismarck, on Monday, the sixth day of January,
one thousand nine hundred and ninety-seven**

HOUSE BILL NO. 1137
(Government and Veterans Affairs Committee)
(At the request of the Public Employees Retirement System)

AN ACT to amend and reenact subdivision a of subsection 3 and subdivisions a and e of subsection 4 of section 54-52-17, sections 54-52-17.5, and 54-52-17.10 of the North Dakota Century Code, relating to normal retirement date, computation of benefits, disability retirement benefits, postretirement adjustments, and prior service retiree adjustments under the public employees retirement system.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subdivision a of subsection 3 of section 54-52-17 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- a. Normal retirement date, except for a national guard security officer or firefighter, is:
 - (1) The first day of the month next following the month in which the member attains the age of sixty-five years; or
 - (2) When the member has a combined total of years of service credit and years of age equal to ~~eighty-eight~~ eighty-five and has not received a retirement benefit under this chapter.

SECTION 2. AMENDMENT. Subdivisions a and e of subsection 4 of section 54-52-17 of the 1995 Supplement to the North Dakota Century Code are amended and reenacted as follows:

- a. Normal retirement benefits for all retirees, except supreme and district court judges, reaching normal retirement date equal an annual amount, payable monthly, comprised of a service benefit and a prior service benefit, as defined in this chapter, which is determined as follows:
 - (1) Service benefit equals one and ~~seventy-four~~ seventy-seven hundredths percent of final average salary multiplied by the number of years of service employment.
 - (2) Prior service benefit equals one and ~~seventy-four~~ seventy-seven hundredths percent of final average salary multiplied by the number of years of prior service employment.
 - (3) All participants who retired before ~~January 1, 1994~~ August 1, 1997, are entitled to benefits calculated at one and ~~seventy-four~~ seventy-seven hundredths percent of final average salary, multiplied by the number of years of service employment, with the increased benefits payable beginning ~~January 1, 1994~~ August 1, 1997.
- e. Disability retirement benefits are twenty-five percent of the member's final average salary. The minimum monthly disability retirement benefit under this section is one hundred dollars. A participant who, on July 31, 1997, is receiving disability retirement benefits that are not based upon the benefit multiplier is entitled to receive an increase in benefits equal to five percent of the individual's present benefit with the increased benefits payable beginning August 1, 1997.

SECTION 3. AMENDMENT. Section 54-52-17.5 of the North Dakota Century Code is amended and reenacted as follows:

54-52-17.5. Postretirement adjustments. An individual who, on ~~June 30, 1989~~ July 31, 1997, is receiving retirement benefits under ~~this chapter~~ subdivision a of subsection 4 of section 54-52-17 is entitled to receive an increase in benefits equal to ~~five and seventy-six hundredths~~ three percent of the individual's present benefits with the increase payable beginning August 1, 1997.

SECTION 4. AMENDMENT. Section 54-52-17.10 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-52-17.10. Prior service retiree adjustment. Prior service retirees who are receiving benefits under this chapter on ~~December 31, 1993~~ July 31, 1997, are entitled to receive an increase in benefits equal to ~~one~~ five percent of the individual's present benefit, with the increased benefits payable beginning ~~January 1, 1994~~ August 1, 1997. A prior service retiree is a former participating employee who receives a supplemental monthly payment from the retirement system based upon the original prior service credit system.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-fifth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1137.

House Vote: Yeas 85 Nays 9 Absent 3

Senate Vote: Yeas 46 Nays 0 Absent 3

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 1997.

Approved at _____ M. on _____, 1997.

Governor

Filed in this office this _____ day of _____, 1997,

at _____ o'clock _____ M.

Secretary of State

Date of Action: March 31, 1997

Honorable Alvin A. Jaeger
Secretary of State
Bismarck, North Dakota

I certify that this Act, House Bill No. 1137, together with the objections of Governor Edward T. Schafer, was returned to the House, being the body in which it originated, on March 28, 1997, at 3:45 p.m.; that the objections of the Governor were read at length and entered upon the Journal; that the Bill was taken up for reconsideration; that the motion for reconsideration prevailed; and that the roll was called and the Bill did pass, with more than two-thirds of the members-elect voting in the affirmative.

Vote:	Yeas	76
	Nays	16
	Absent and not voting	5

Speaker of the House

Chief Clerk of the House

Date of Action: April 2, 1997

Honorable Alvin A. Jaeger
Secretary of State
Bismarck, North Dakota

I certify that this Act, House Bill No. 1137, together with the objections of Governor Edward T. Schafer, was received from the House, being the body in which it originated, on April 1, 1997; that the objections of the Governor were read at length; that the Bill was taken up for reconsideration; that the motion for reconsideration prevailed on April 2, 1997; and that the roll was called and the Bill did pass, with more than two-thirds of the members-elect voting in the affirmative.

Vote:	Yeas	43
	Nays	4
	Absent and not voting	2

President of the Senate

Secretary of the Senate