

Fifty-fifth  
Legislative Assembly  
of North Dakota

**SENATE CONCURRENT RESOLUTION NO. 4021**

Introduced by

Senators C. Nelson, Krebsbach, Lindaas

Representatives Hanson, Sabby, Wilkie

1 A concurrent resolution directing the Legislative Council to study participation in the teachers'  
2 fund for retirement by retired persons who have resumed teaching.

3 **WHEREAS**, the 1995-96 interim Employee Benefits Programs Committee considered a  
4 proposal that would have allowed retired persons to return to teaching for up to one year  
5 without losing any benefits if at least 50 percent of the salary earned by that person was  
6 donated to in the school district's educational foundation; and

7 **WHEREAS**, the consulting actuary of the teachers' fund for retirement reported that the  
8 proposal would not have had a measurable actuarial impact on the teachers' fund for retirement  
9 but that the proposal could endanger the qualified status of the plan under federal law; and

10 **WHEREAS**, under qualified retirement plans, benefits are not taxable until they are  
11 received, but if a plan loses its qualified status, accrued vested benefits become immediately  
12 taxable; and

13 **WHEREAS**, because the consulting actuary reported that the proposal could endanger  
14 the qualified status of the plan, the committee gave the proposal an unfavorable  
15 recommendation; and

16 **WHEREAS**, school district educational foundations help support school districts in an  
17 era when school districts need all the financial help available; and

18 **WHEREAS**, retired teachers have a vast reservoir of experience and knowledge which  
19 would greatly benefit the students if school districts were able to tap this reservoir;

20 **NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE**  
21 **HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

22 That the Legislative Council study participation in the teachers' fund for retirement by  
23 retired persons who have resumed teaching; and

- 1           **BE IT FURTHER RESOLVED**, that the Legislative Council report its findings and
- 2   recommendations, together with any legislation required to implement the recommendations, to
- 3   the Fifty-sixth Legislative Assembly.