

**HOUSE BILL NO. 1183
with Senate Amendments
HOUSE BILL NO. 1183**

Introduced by

Representatives Porter, Dockter, Heinert, Karls, Kasper, Louser, Motschenbacher, Ostlie, D.
Ruby, Schauer

Senators Axtman, Larson

1 A BILL for an Act to amend and reenact subsection 12 of section 54-52-01, section 54-52-06.4,
2 subsection 3 of section 54-52-17, and subsection 4 of section 54-52-17 of the North Dakota
3 Century Code, relating to a public employees retirement system retirement plan for peace
4 officers; and to provide for a legislative management study.

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

6 **SECTION 1. AMENDMENT.** Subsection 12 of section 54-52-01 of the North Dakota Century
7 Code is amended and reenacted as follows:

8 12. "Peace officer" means a participating member who is a peace officer as defined in
9 section 12-63-01 and is employed as a peace officer by the ~~bureau of criminal-~~
10 ~~investigation~~state, except by the highway patrol for members of the retirement plan
11 created under chapter 39-03.1, or is employed by a political subdivision and,
12 notwithstanding subsection 13, for persons employed after August 1, 2005, is
13 employed thirty-two hours or more per week and at least twenty weeks each year of
14 employment. A peace officer who is a participating member of the law enforcement
15 retirement plan created by this chapter who begins employment after August 1, 2005,
16 is ineligible to participate concurrently in any other retirement plan administered by the
17 public employees retirement system.

18 **SECTION 2. AMENDMENT.** Section 54-52-06.4 of the North Dakota Century Code is
19 amended and reenacted as follows:

1 **54-52-06.4. Contribution by peace officers employed by the bureau of criminal-**
2 **investigation~~state~~ or security officers employed by the national guard - Employer**
3 **contribution.**

4 1. a. Each peace officer employed by the bureau of criminal investigation who is a
5 member of the public employees retirement system is assessed and shall pay
6 monthly four percent of the employee's monthly salary. Peace officer
7 contributions increase by one percent of the member's monthly salary beginning
8 with the monthly reporting period of January 2012, and with an additional
9 increase of one percent, beginning with the reporting period of January 2013.

10 b. Each peace officer employed by the state, other than a peace officer employed
11 by the bureau of criminal investigation, who is a member of the public employees
12 retirement system is assessed and shall pay six percent of the employee's
13 monthly salary.

14 c. Effective August 1, 2015, each national guard security officer who is a member of
15 the public employee's retirement system is assessed and monthly shall pay six
16 percent of the employee's monthly salary. National guard security officer
17 contributions decrease by one-half of one percent of the member's monthly
18 salary beginning with the monthly reporting period of January 2016.

19 d. The assessment must be deducted and retained out of the employee's salary in
20 equal monthly installments.

21 2. The peace officer's or security officer's employer shall contribute an amount
22 determined by the board to be actuarially required to support the level of benefits
23 specified in section 54-52-17. The employer's contribution must be paid from funds
24 appropriated for salary or from any other funds available for such purposes. If the
25 peace officer's or security officer's assessment is paid by the employer under
26 subsection 3 of section 54-52-05, the employer shall contribute, in addition, an amount
27 equal to the required peace officer's or security officer's assessment.

28 **SECTION 3. AMENDMENT.** Subsection 3 of section 54-52-17 of the North Dakota Century
29 Code is amended and reenacted as follows:

30 3. Retirement dates are defined as follows:

- 1 a. Normal retirement date, except for a national guard security officer or firefighter, a
2 firefighter employed by a political subdivision, ~~or a peace officer employed by the~~
3 ~~state, or a peace officer or correctional officer employed by the bureau of criminal~~
4 ~~investigation or by a political subdivision, is:~~
- 5 (1) The first day of the month next following the month in which the member
6 attains the age of sixty-five years; or
- 7 (2) When the member has a combined total of years of service credit and years
8 of age equal to eighty-five and has not received a retirement benefit under
9 this chapter.
- 10 b. Normal retirement date for members first enrolled after December 31, 2015,
11 except for a national guard security officer or firefighter, a firefighter employed by
12 a political subdivision, a peace officer ~~or~~employed by the state, ~~a peace officer or~~
13 ~~correctional officer employed by the bureau of criminal investigation or by a~~
14 ~~political subdivision, or a supreme court or district court judge, is:~~
- 15 (1) The first day of the month next following the month in which the member
16 attains the age of sixty-five years; or
- 17 (2) When the member has a combined total of years of service credit and years
18 of age equal to ninety and the member attains a minimum age of sixty and
19 has not received a retirement benefit under this chapter.
- 20 c. Normal retirement date for a national guard security officer or firefighter is:
- 21 (1) The first day of the month next following the month in which the national
22 guard security officer or firefighter attains the age of fifty-five years and has
23 completed at least three eligible years of employment; or
- 24 (2) When the national guard security officer or firefighter has a combined total
25 of years of service credit and years of age equal to eighty-five and has not
26 received a retirement benefit under this chapter.
- 27 d. Normal retirement date for a peace officer, firefighter, or correctional officer
28 employed by a political subdivision is:
- 29 (1) The first day of the month next following the month in which the peace
30 officer, firefighter, or correctional officer attains the age of fifty-five years and
31 has completed at least three eligible years of employment; or

- 1 (2) When the peace officer, firefighter, or correctional officer has a combined
2 total of years of service credit and years of age equal to eighty-five and has
3 not received a retirement benefit under this chapter.
- 4 e. (1) Normal retirement date for a peace officer employed by the bureau of
5 criminal investigation is:
- 6 (1)(a) The first day of the month next following the month in which the peace
7 officer attains the age of fifty-five years and has completed at least
8 three eligible years of employment; or
- 9 (2)(b) When the peace officer has a combined total of years of service credit
10 and years of age equal to eighty-five and has not received a
11 retirement benefit under this chapter.
- 12 (2) Normal retirement date for a peace officer employed by the state, other than
13 a peace officer employed by the bureau of criminal investigation, is:
- 14 (a) The first day of the month next following the month in which the peace
15 officer attains the age of fifty-five years and has completed at least
16 three eligible years of employment; or
- 17 (b) When the peace officer has a combined total of years of service credit
18 and years of age equal to eighty-five and has not received a
19 retirement benefit under this chapter.
- 20 f. Postponed retirement date is the first day of the month next following the month
21 in which the member, on or after July 1, 1977, actually severs or has severed the
22 member's employment after reaching the normal retirement date.
- 23 g. (1) Early retirement date, except for a national guard security officer or
24 firefighter, a firefighter ~~employed by a political subdivision, or a~~ peace
25 officer, or correctional officer employed by ~~the bureau of criminal~~
26 ~~investigation or by a political subdivision, or a peace officer employed by the~~
27 state, is the first day of the month next following the month in which the
28 member attains the age of fifty-five years and has completed three years of
29 eligible employment.
- 30 (2) For a national guard security officer or firefighter, early retirement date is the
31 first day of the month next following the month in which the national guard

1 security officer or firefighter attains the age of fifty years and has completed
2 at least three years of eligible employment.

3 (3) For a peace officer employed by the state, other than a peace officer
4 employed by the bureau of criminal investigation, or a firefighter employed
5 by a political subdivision or a peace officer, or correctional officer employed
6 by the bureau of criminal investigation or by a political subdivision, early
7 retirement date is the first day of the month next following the month in
8 which the peace officer, firefighter, or correctional officer attains the age of
9 fifty years and has completed at least three years of eligible employment.

10 (4) For a peace officer employed by the bureau of criminal investigation, early
11 retirement date is the first day of the month next following the month in
12 which the peace officer attains the age of fifty years and has completed at
13 least three years of eligible employment.

14 h. Disability retirement date is the first day of the month after a member becomes
15 permanently and totally disabled, according to medical evidence called for under
16 the rules of the board, and has completed at least one hundred eighty days of
17 eligible employment. For supreme and district court judges, permanent and total
18 disability is based solely on a judge's inability to perform judicial duties arising out
19 of physical or mental impairment, as determined pursuant to rules adopted by the
20 board or as provided by subdivision a of subsection 3 of section 27-23-03.

21 (1) A member is eligible to receive disability retirement benefits only if the
22 member became disabled during the period of eligible employment and
23 applies for disability retirement benefits within twelve months of the date the
24 member terminates employment.

25 (2) A member is eligible to continue to receive disability benefits as long as the
26 permanent and total disability continues and the member submits the
27 necessary documentation and undergoes medical testing required by the
28 board, or for as long as the member participates in a rehabilitation program
29 required by the board, or both. If the board determines a member no longer
30 meets the eligibility definition, the board may discontinue the disability
31 retirement benefit. The board may pay the cost of any medical testing or

1 rehabilitation services the board deems necessary and these payments are
2 appropriated from the retirement fund for those purposes. A member's
3 receipt of disability benefits under this section is limited to receipt from the
4 fund to which the member was actively contributing at the time the member
5 became disabled.

6 **SECTION 4. AMENDMENT.** Subsection 4 of section 54-52-17 of the North Dakota Century
7 Code is amended and reenacted as follows:

8 4. The board shall calculate retirement benefits as follows:

9 a. Normal retirement benefits for all retirees, except supreme and district court
10 judges, peace officers employed by the bureau of criminal investigation, and
11 other peace officers employed by the state, reaching normal retirement date
12 equal an annual amount, payable monthly, comprised of a service benefit and a
13 prior service benefit, as defined in this chapter, which is determined as follows:

14 (1) For members first enrolled:

15 (a) Before January 1, 2020, service benefit equals two percent of final
16 average salary multiplied by the number of years of service
17 employment.

18 (b) After December 31, 2019, service benefit equals one and seventy-five
19 hundredths percent of final average salary multiplied by the number of
20 years of service employment.

21 (2) Prior service benefit equals two percent of final average salary multiplied by
22 the number of years of prior service employment.

23 b. Normal retirement benefits for all supreme and district court judges under the
24 public employees retirement system reaching normal retirement date equal an
25 annual amount, payable monthly, comprised of a benefit as defined in this
26 chapter, determined as follows:

27 (1) Benefits must be calculated from the time of appointment or election to the
28 bench and must equal three and one-half percent of final average salary
29 multiplied by the first ten years of judicial service, two and eighty hundredths
30 percent of final average salary multiplied by the second ten years of judicial

1 service, and one and one-fourth percent of final average salary multiplied by
2 the number of years of judicial service exceeding twenty years.

3 (2) Service benefits must include, in addition, an amount equal to the percent
4 specified in subdivision a of final average salary multiplied by the number of
5 years of nonjudicial employee service and employment.

6 c. Normal retirement benefits for a peace officer employed by the bureau of criminal
7 investigation reaching the normal retirement date equals an annual amount,
8 payable monthly, comprised of a service benefit and a prior service benefit
9 determined as follows:

10 (1) For members first enrolled:

11 (a) Before January 1, 2020, service benefit equals two percent of final
12 average salary multiplied by the number of years of service
13 employment.

14 (b) After December 31, 2019, service benefit equals one and seventy-five
15 hundredths percent of final average salary multiplied by the number of
16 years of service employment.

17 (2) Prior service benefit equals two percent of final average salary multiplied by
18 the number of years of prior service employment.

19 d. Normal retirement benefits for a peace officer employed by the state, other than
20 by the bureau of criminal investigation, reaching the normal retirement date
21 equals an annual amount, payable monthly, comprised of a service benefit and a
22 prior service benefit determined as follows:

23 (1) For members first enrolled:

24 (a) Before January 1, 2020, service benefit equals two percent of final
25 average salary multiplied by the number of years of service
26 employment.

27 (b) After December 31, 2019, service benefit equals one and seventy-five
28 hundredths percent of final average salary multiplied by the number of
29 years of service employment.

30 (2) Prior service benefit equals two percent of final average salary multiplied by
31 the number of years of prior service employment.

- 1 e. Postponed retirement benefits are calculated as for single life benefits for those
2 members who retired on or after July 1, 1977.
- 3 d-f. Early retirement benefits are calculated as for single life benefits accrued to the
4 date of termination of employment, but must be actuarially reduced to account for
5 benefit payments beginning before the normal retirement date, as determined
6 under subsection 3. Except for a national guard security officer or firefighter, a
7 firefighter ~~employed by a political subdivision, a~~ peace officer, or correctional
8 officer employed by ~~the bureau of criminal investigation or by a political~~
9 subdivision, a peace officer employed by the state, or a supreme court or district
10 court judge, early retirement benefits for members first enrolled after December
11 31, 2015, are calculated for single life benefits accrued to the date of termination
12 of employment, but must be reduced by fixed rate of eight percent per year to
13 account for benefit payments beginning before the normal retirement date. A
14 retiree, other than a supreme or district court judge, is eligible for early retirement
15 benefits only after having completed three years of eligible employment. A
16 supreme or district court judge retiree is eligible for early retirement benefits only
17 after having completed five years of eligible employment.
- 18 e-g. Except for supreme and district court judges, disability retirement benefits are
19 twenty-five percent of the member's final average salary. Disability retirement
20 benefits for supreme and district court judges are seventy percent of final
21 average salary reduced by the member's primary social security benefits and by
22 any workforce safety and insurance benefits paid. The minimum monthly
23 disability retirement benefit under this section is one hundred dollars.

24 **SECTION 5. LEGISLATIVE MANAGEMENT STUDY - PEACE OFFICER AND PUBLIC**
25 **SAFETY PERSONNEL RETIREMENT PLANS.** During the 2023-24 interim, the legislative
26 management shall consider studying the retirement system for peace officers and public safety
27 personnel in the state. The study must include consideration of the public employees retirement
28 system retirement plans offered to peace officers and safety personnel; how political
29 subdivisions provide retirement benefits to peace officers and safety personnel; how other
30 states provide retirement benefits to peace officers and safety personnel; the level of benefits
31 and contributions in the state, political subdivision, and other state plans; how peace officers

Sixty-eighth
Legislative Assembly

- 1 and public safety personnel transition between these retirement plans; and factors unique to
- 2 retirement plans in the public safety sector. The legislative management shall report its findings
- 3 and recommendations, together with any legislation required to implement the
- 4 recommendations, to the sixty-ninth legislative assembly.