

**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 subdivision d of subsection 4 of section 54-52-17 of the  
3 North Dakota Century Code, relating to a public employees retirement system retirement plan  
4 for peace 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. Each peace officer employed by the ~~bureau of criminal investigation~~state who is a  
5 member of the public employees retirement system is assessed and shall pay monthly  
6 ~~four~~six percent of the employee's monthly salary. ~~Peace officer contributions increase~~  
7 ~~by one percent of the member's monthly salary beginning with the monthly reporting~~  
8 ~~period of January 2012, and with an additional increase of one percent, beginning with~~  
9 ~~the reporting period of January 2013.~~ Effective August 1, 2015, each national guard  
10 security officer who is a member of the public employee's retirement system is  
11 assessed and monthly shall pay six percent of the employee's monthly salary. National  
12 guard security officer contributions decrease by one-half of one percent of the  
13 member's monthly salary beginning with the monthly reporting period of January 2016.  
14 The assessment must be deducted and retained out of the employee's salary in equal  
15 monthly installments.

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

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

25       3. Retirement dates are defined as follows:

26       a. Normal retirement date, except for a national guard security officer or firefighter, a  
27 firefighter employed by a political subdivision, ~~or a peace officer~~ employed by the  
28 state, or a peace officer or correctional officer employed by the ~~bureau of criminal~~  
29 ~~investigation or by a political subdivision, is:~~

30           (1) The first day of the month next following the month in which the member  
31           attains the age of sixty-five years; or

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

- 1           (1) The first day of the month next following the month in which the peace  
2           officer attains the age of fifty-five years and has completed at least three  
3           eligible years of employment; or
- 4           (2) When the peace officer has a combined total of years of service credit and  
5           years of age equal to eighty-five and has not received a retirement benefit  
6           under this chapter.
- 7           f. Postponed retirement date is the first day of the month next following the month  
8           in which the member, on or after July 1, 1977, actually severs or has severed the  
9           member's employment after reaching the normal retirement date.
- 10          g. Early retirement date, except for a national guard security officer or firefighter, a  
11          firefighter ~~employed by a political subdivision, or a~~ peace officer, or correctional  
12          officer employed by ~~the bureau of criminal investigation or by a political~~  
13          subdivision, or a peace officer employed by the state, is the first day of the month  
14          next following the month in which the member attains the age of fifty-five years  
15          and has completed three years of eligible employment. For a national guard  
16          security officer or firefighter, early retirement date is the first day of the month  
17          next following the month in which the national guard security officer or firefighter  
18          attains the age of fifty years and has completed at least three years of eligible  
19          employment. For a peace officer employed by the state or a firefighter employed  
20          ~~by a political subdivision or a~~ peace officer, or correctional officer employed by  
21          ~~the bureau of criminal investigation or by a political subdivision~~, early retirement  
22          date is the first day of the month next following the month in which the peace  
23          officer, firefighter, or correctional officer attains the age of fifty years and has  
24          completed at least three years of eligible employment.
- 25          h. Disability retirement date is the first day of the month after a member becomes  
26          permanently and totally disabled, according to medical evidence called for under  
27          the rules of the board, and has completed at least one hundred eighty days of  
28          eligible employment. For supreme and district court judges, permanent and total  
29          disability is based solely on a judge's inability to perform judicial duties arising out  
30          of physical or mental impairment, as determined pursuant to rules adopted by the  
31          board or as provided by subdivision a of subsection 3 of section 27-23-03.

- 1           (1) A member is eligible to receive disability retirement benefits only if the  
2           member became disabled during the period of eligible employment and  
3           applies for disability retirement benefits within twelve months of the date the  
4           member terminates employment.
- 5           (2) A member is eligible to continue to receive disability benefits as long as the  
6           permanent and total disability continues and the member submits the  
7           necessary documentation and undergoes medical testing required by the  
8           board, or for as long as the member participates in a rehabilitation program  
9           required by the board, or both. If the board determines a member no longer  
10          meets the eligibility definition, the board may discontinue the disability  
11          retirement benefit. The board may pay the cost of any medical testing or  
12          rehabilitation services the board deems necessary and these payments are  
13          appropriated from the retirement fund for those purposes. A member's  
14          receipt of disability benefits under this section is limited to receipt from the  
15          fund to which the member was actively contributing at the time the member  
16          became disabled.

17           **SECTION 4. AMENDMENT.** Subdivision d of subsection 4 of section 54-52-17 of the North  
18   Dakota Century Code is amended and reenacted as follows:

- 19           d. Early retirement benefits are calculated as for single life benefits accrued to the  
20           date of termination of employment, but must be actuarially reduced to account for  
21           benefit payments beginning before the normal retirement date, as determined  
22           under subsection 3. Except for a national guard security officer or firefighter, a  
23           firefighter ~~employed by a political subdivision,~~ a peace officer, or correctional  
24           officer ~~employed by the bureau of criminal investigation or by a political~~  
25           subdivision, a peace officer employed by the state, or a supreme court or district  
26           court judge, early retirement benefits for members first enrolled after  
27           December 31, 2015, are calculated for single life benefits accrued to the date of  
28           termination of employment, but must be reduced by fixed rate of eight percent  
29           per year to account for benefit payments beginning before the normal retirement  
30           date. A retiree, other than a supreme or district court judge, is eligible for early  
31           retirement benefits only after having completed three years of eligible

1 employment. A supreme or district court judge retiree is eligible for early  
2 retirement benefits only after having completed five years of eligible employment.

3 **SECTION 5. LEGISLATIVE MANAGEMENT STUDY - PEACE OFFICER AND PUBLIC**  
4 **SAFETY PERSONNEL RETIREMENT PLANS.** During the 2023-24 interim, the legislative  
5 management shall consider studying the retirement system for peace officers and public safety  
6 personnel in the state, including consideration of public employees retirement system retirement  
7 plans offered to peace officers and safety personnel; how political subdivisions provide  
8 retirement benefits to peace officers and safety personnel; how other states provide retirement  
9 benefits to peace officers and safety personnel; the level of benefits and contributions in the  
10 state, political subdivision, and other state plans; how peace officers and public safety  
11 personnel transition between these retirement plans; and factors unique to retirement plans in  
12 the public safety sector. The legislative management shall report its findings and  
13 recommendations, together with any legislation required to implement the recommendations, to  
14 the sixty-ninth legislative assembly.