

Introduced by

(North Dakota Public Employees Retirement System)

1 A BILL for an Act to create and enact a new section to chapter 54-52 and a new section to  
2 chapter 54-52.6 of the North Dakota Century Code, relating to inservice benefit distributions to  
3 county elected officials; to amend and reenact sections 54-52-02.11 and 54-52.6-02.1 of the  
4 North Dakota Century Code, relating to county elected officials' participation in retirement plans  
5 administered by the public employees retirement system; and to provide for retroactive  
6 application.

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

8 **SECTION 1. AMENDMENT.** Section 54-52-02.11 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **54-52-02.11. Participation requirements for nonstate elected officials.**

- 11 1. ~~Before January 1, 2025, eligible elected officials of participating counties, at their~~  
12 ~~individual option, may enroll in the defined benefit plan within the first six months of~~  
13 ~~their term.~~
- 14 2. ~~After December 31, 2024, eligible~~Eligible elected officials of participating counties, at  
15 ~~their individual option~~from and after the date of first taking office, may enrollshall  
16 participate in the defined contribution retirement plan under chapter 54-52.6 ~~within the~~  
17 ~~first six months of their term.~~unless at the time of taking office the eligible elected  
18 official is:
- 19 a. Eligible to participate in the public safety retirement plan created by this chapter,  
20 in which case the eligible elected official shall participate in the public safety  
21 retirement plan; or
- 22 b. A participating or deferred member under this chapter, in which case the eligible  
23 elected official shall participate in the defined benefit plan.

- 1        2. Elected officials of participating counties who are not eligible employees have the  
2            same participation options as temporary employees.

3        **SECTION 2.** A new section to chapter 54-52 of the North Dakota Century Code is created  
4 and enacted as follows:

5        **Nonstate elected officials - Inservice benefit distributions.**

6        The board shall approve a request to receive inservice benefit distributions while serving as  
7 an elected official of the county of prior employment, submitted before August 1, 2027, by a  
8 participating member who has reached the member's normal retirement date, returned to  
9 service or continued employment as an elected official of the same participating county with  
10 which the member was employed at the time the member retired, and is not contributing to the  
11 public safety retirement plan, the defined benefit retirement plan, or the defined contribution  
12 retirement plan.

13        **SECTION 3. AMENDMENT.** Section 54-52.6-02.1 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15        **54-52.6-02.1. Participation in defined contribution retirement plan.**

- 16        1. Except as otherwise provided under section 54-52-02.5 or 54-52-02.15 or this chapter,  
17            effective January 1, 2025, an eligible employee who is first enrolled shall participate in  
18            the defined contribution retirement plan under this chapter.
- 19        2. A temporary employee may elect to participate in the defined contribution retirement  
20            plan as provided under section 54-52.6-09.6.
- 21        3. A county elected official ~~may elect to~~ shall participate in the defined contribution  
22            retirement plan as provided under section 54-52-02.11.
- 23        4. A nonstate appointed official shall participate in the defined contribution retirement  
24            plan as provided under section 54-52-02.12.

25        **SECTION 4.** A new section to chapter 54-52.6 of the North Dakota Century Code is created  
26 and enacted as follows:

27        **Nonstate elected officials - Inservice benefit distributions.**

28        The board shall approve a request to receive inservice benefit distributions while serving as  
29 an elected official of the county of prior employment, submitted before August 1, 2027, by a  
30 participating member who has reached the member's normal retirement date, returned to  
31 service or continued employment as an elected official of the same participating county with

1 which the member was employed at the time the member retired, and is not contributing to the  
2 public safety retirement plan, the defined benefit retirement plan, or the defined contribution  
3 retirement plan.

4 **SECTION 5. RETROACTIVE APPLICATION.** Sections 2 and 4 of this Act apply  
5 retroactively to July 1, 2007.