

Introduced by

Senators Bekkedahl, Boschee, Roers

Representatives Fegley, Lefor, Schauer

1 A BILL for an Act to amend and reenact subsection 1 of section 54-52-05 of the North Dakota
2 Century Code, relating to employee elections to waive future participation in the public
3 employees retirement system; to provide for retroactive application; and to declare an
4 emergency.

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

6 **SECTION 1. AMENDMENT.** Subsection 1 of section 54-52-05 of the North Dakota Century
7 Code is amended and reenacted as follows:

8 1. a. Every eligible participating political subdivision employee, at the time the political
9 subdivision joins the plan ~~must~~shall so state in writing if the employee concurs in
10 the plan and all future eligible employees of the participating political subdivision
11 are participating members in the plan and must be enrolled in the plan within the
12 first month of employment.

13 b. Except as otherwise provided by law, every other eligible governmental unit
14 employee of a participating governmental unit is a participating member in the
15 plan and must be enrolled in the plan within the first month of employment. An
16 employee who was not enrolled in the retirement system when eligible to
17 participate must be enrolled immediately upon notice of the employee's eligibility,
18 unless the employee waives in writing the employee's right to participate for the
19 previous time of eligibility, to avoid contributing to the fund for past service.

20 c. An employee ~~who~~ is eligible for normal retirement who accepts a retirement
21 benefit under this chapter and ~~who~~ subsequently becomes employed with a
22 participating employer other than the employer ~~with which~~ the employee was
23 employed with at the time the employee retired under this chapter may, before
24 being re-enrolled in the retirement plan within the first month of employment,

1 elect to permanently waive future participation in the retirement plan and the
2 retiree health program and maintain that employee's retirement status. An
3 employee making this election is not required to make any future employee
4 contributions to the public employees retirement system nor is the employee's
5 employer required to make any further contributions on behalf of that employee.

6 d. An employee eligible for normal retirement who accepts a retirement benefit
7 under this chapter and subsequently becomes employed with the same
8 participating employer the employee was employed with at the time the employee
9 retired under this chapter may elect to permanently waive future participation in
10 the retirement plan and the retiree health program and maintain that employee's
11 retirement status if the employee is appointed by an elected state official to an
12 unclassified state position for the duration of the elected official's term until a
13 successor is appointed. An employee making this election is not required to make
14 any future employee contributions to the public employees retirement system nor
15 is the employee's employer required to make any further contributions on behalf
16 of that employee.

17 **SECTION 2. RETROACTIVE APPLICATION.** This Act applies retroactively to
18 December 14, 2024.

19 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.