

ND Retirement and Investment Office

NOV 16 2011



*Teachers' Fund for Retirement
State Investment Board*

1930 Burnt Boat Drive
P.O. Box 7100
Bismarck, ND 58507-7100
Telephone 701-328-9885
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November 16 , 2011

Mr. John Walstad
Code Revisor
North Dakota Legislative Council
State Capitol
600 East Boulevard, 2nd Floor
Bismarck, ND 58505-0360

Dear Mr. Walstad:

The Notice of Intent to Adopt and Amend Administrative Rules and a copy of the proposed rules are enclosed as required by N.D.C.C. 28-32-10(1).

Sincerely,

Fay Kopp
Deputy Director and Chief Retirement Officer
ND Retirement and Investment Office
ND Teachers' Fund for Retirement

Enclosures



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ND RETIREMENT AND INVESTMENT OFFICE – ND TEACHERS' FUND FOR RETIREMENT
NOTICE OF INTENT TO ADOPT AND AMEND
TITLE 82 OF ND ADMINISTRATIVE CODE

TAKE NOTICE that the ND Retirement and Investment Office – ND Teachers' Fund for Retirement will hold a public hearing to address proposed new rules and amendments to Title 82 of the N.D. Administrative Code at 1:00 p.m. on Thursday, January 26, 2012, in the Peace Garden Room of the State Capitol, in Bismarck, North Dakota. The proposed new rules and amendments address the following:

Section	Description of Change	Reason for Change
82-02-01-01	Definitions – creates definitions for the following words or phrases.	Implement 2011 legislation, and Administrative update
82-02-01-01(1)	Defines "acceptance of benefit" as the benefit payment date which is first calendar day of each month for purposes of determining when retirement occurs.	HB1133, Section 4-Death Benefits, and Administrative update
82-02-01-01(5)	Defines "bonus" as an amount paid in addition to regular contract salary which does not increase member's base rate of pay, is not expected to recur, or is not expected to be a permanent salary increase. Clarifies that bonus pay is not eligible retirement salary under N.D.C.C. § 15-39.1-04(9).	HB 1133, Section 1-Salary
82-02-01-01(11)	Defines "member" as a teacher. Teacher is defined in N.D.C.C. § 15-39.1-04(11). Clarifies that "member" and "teacher" are used interchangeably.	Administrative update
82-02-01-01(12)	Updates rule to make consistent with N.D.C.C. § 15-39.1-04(11)(a), which requires area career and technology centers to be included as "participating employers" .	Administrative update
82-02-01-01(13)	Defines "performance or merit pay" as an amount paid pursuant to a written compensation plan which links pay to attainment of specific performance goals and duties. Clarifies that pay for performance of duties is eligible retirement salary as defined in N.D.C.C. § 15-39.1-04(9).	HB1133, Section 1-Salary
82-02-01-01(16)	Updates rule to make consistent with N.D.C.C. § 15-39.1-04(9) which allows amounts deducted for qualifying transportation expenses pursuant to 26 U.S.C. 132(f) to be included as eligible salary .	Administrative update
82-03-01-06	Veterans' rights – incorporates provisions of HEART Act outlining benefit eligibility for member who dies or becomes disabled while performing qualified USERRA military service. Updates terminology from "teacher assessments" to "member contributions."	Federal law change (HEART Act, Public Law No. 110-245), and Administrative update.

82-04-01-01	Employer contributions and member contributions Updates terminology from "teacher assessments" to "member contributions."	Administrative update
82-04-01-02	Employer payment of member contributions - Removes requirement that employer and member contributions must be equal since statutory rates are not equal. Adds requirement that employers must file new forms under certain conditions. Updates terminology from "teacher assessments" to "member contributions."	HB1134, Section 2 - Contributions, and Administrative update
82-04-02-01	Criteria for Eligible Salary Determinations New Chapter created to outline the criteria and documentation required by the board to determine whether certain benefits or payments are included as eligible retirement salary under N.D.C.C. § 15-39.1-04(9).	HB1133, Section 1-Salary
82-05-01-01	Application for Benefits – Clarifies how death benefits are handled if death occurs before accepting the first benefit payment. Updates terminology from "teacher" to "member."	HB1133, Section 4-Death Benefits, and Administrative update
82-05-01-03	Designation of beneficiary – Clarifies beneficiary designation requirements, and removes language relating to payment of death benefits pursuant to HB1133. Updates terminology from "teacher" to "member."	HB1133, Sections 1,4 - Death Benefits, and Administrative update
82-05-01-05	Benefit Eligibility - New section created to clarify that age and service credit is rounded to nearest thousandth (0.000) when determining benefit eligibility.	Administrative update
82-05-03-02	Death Benefits – Adds language requiring documentation naming administrator or personal representative before death benefits are paid to a member's estate.	HB1133, Section 4-Death Benefits
82-05-06-01	Retiree reemployment – Updates rule to match statute which requires member contributions to also be paid on salary earned by retirees.	HB1134, Sections 6, 7
82-07-01-02	Disability retirement eligibility – Updates rule to match statute which changed vesting for disability from 1 to 5 years. Updates terminology from "teacher" to "member." The 5 year provision will go into effect July 1, 2013.	HB1134, Section 5 and Administrative update.
82-07-01-03	Determination of disability – Updates terminology from "teacher" to "member." Removes unnecessary statutory reference in body of rule.	Administrative update
82-07-03-01	Forms of disability benefits – Updates rule to match statute which does not allow partial lump sum distribution option for disability benefits.	Administrative update

The proposed rules are not expected to have an impact on the regulated community in excess of \$50,000.

The proposed rules may be reviewed at the below referenced address and are available on the NDTFFR website at http://www.nd.gov/rio/tffr/Administrative_Rules_Changes/default.htm. A copy of the proposed rules may be requested by writing or calling:

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1930 Burnt Boat Drive, P.O. Box 7100, Bismarck, ND 58507-7100
Phone 701.328.9885 or toll free 1.800.952.2970

Written or oral comments on the proposed rules may be entered at the hearing or sent to the above address or telephone number. Written or oral comments on the proposed rules received by 5:00 p.m. on February 10, 2012, will be fully considered.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the ND Retirement and Investment Office at the above telephone number or address at least three days prior to the public hearing.

Dated this 16 day of November, 2011.



Fay Kopp, Deputy Director and Chief Retirement Officer
ND Retirement and Investment Office
ND Teachers' Fund for Retirement