

**Fifty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 9, 2001**

SENATE BILL NO. 2083
(Government and Veterans Affairs Committee)
(At the request of the Public Employees Retirement System)

AN ACT to amend and reenact subdivision e of subsection 3 of section 54-52-17, subdivision b of subsection 4 of section 54-52-17, subsection 9 of section 54-52-17, and section 54-52-17.11 of the North Dakota Century Code, relating to disability retirement, normal retirement benefits, retirement benefit options, and postretirement adjustments for supreme and district court judges under the public employees retirement system; and to repeal section 54-52-17.12 of the North Dakota Century Code, relating to postretirement adjustments for supreme and district court judges under the public employees retirement system.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subdivision e of subsection 3 of section 54-52-17 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

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

- (1) Became disabled during the period of eligible employment; and
- (2) Applies for disability retirement benefits within twelve months of the date the member terminates employment.

A member is eligible to continue to receive disability benefits as long as the permanent and total disability continues and the member submits the necessary documentation and undergoes medical testing required by the board, or for as long as the member participates in a rehabilitation program required by the board, or both. If the board determines that a member no longer meets the eligibility definition, the board may discontinue the disability retirement benefit. ~~The board is authorized to~~ may pay the cost of any medical testing or rehabilitation services it deems necessary and these payments are ~~hereby~~ appropriated from the retirement fund for those purposes.

SECTION 2. AMENDMENT. Subdivision b of subsection 4 of section 54-52-17 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- b. ~~Single life~~ Normal retirement benefits for all supreme and district court judges under the public employees retirement system reaching normal retirement date equal an annual amount, payable monthly, comprised of a benefit as defined in this chapter, ~~which must be determined as follows:~~

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

- (2) Service benefits must include, in addition, an amount equal to the percent specified in subdivision a of final average salary multiplied by the number of years of nonjudicial employee service and employment.
- (3) ~~A participant who retired before August 1, 1995, is entitled to benefits calculated at two and eighty hundredths percent multiplied by the second ten years of judicial service, with the increased benefits payable beginning August 1, 1995.~~

SECTION 3. AMENDMENT. Subsection 9 of section 54-52-17 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

9. The board shall ~~promulgate regulations~~ adopt rules providing for the receipt of retirement benefits in the following optional forms:
 - a. ~~Joint~~ Single life.
 - b. An actuarially equivalent joint and survivor option, with fifty percent or one hundred percent options.
 - ~~b.~~ c. ~~Level~~ An actuarially equivalent level social security option, which shall be is available only to early retirees members who retire prior to attaining the age at which they may begin to receive unreduced social security benefits.
 - ~~e.~~ d. Life with five-year or ten-year certain options.

~~Unless~~ Except for supreme and district court judges, unless a member specifically requests that the member receive benefits according to one of these options at the time of applying for retirement, all retirement benefits must be in the form of a single life benefit. For supreme and district court judges, unless a member specifically requests that the member receive benefits according to one of these options at the time of applying for retirement, all retirement benefits must be in the form of a lifetime monthly pension with fifty percent of the benefit continuing for the life of the surviving spouse, if any.

SECTION 4. AMENDMENT. Section 54-52-17.11 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-52-17.11. Judges postretirement adjustments. A supreme or district court judge or that person's beneficiary who, on December 31, ~~1997~~ 2001, is receiving retirement benefits under subdivision b of subsection 4 of section 54-52-17 is entitled to receive an increase in benefits equal to two percent of the individual's present benefits with the increase payable beginning January 1, ~~1998~~ 2002. A supreme or district court judge or that person's beneficiary who, on December 31, ~~1998~~ 2002, is receiving retirement benefits under subdivision b of subsection 4 of section 54-52-17 is entitled to receive an increase in benefits equal to two percent of the individual's present benefits with the increase payable beginning January 1, ~~1999~~ 2003.

SECTION 5. REPEAL. Section 54-52-17.12 of the North Dakota Century Code is repealed.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-seventh Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2083.

Senate Vote: Yeas 48 Nays 0 Absent 1

House Vote: Yeas 89 Nays 0 Absent 9

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2001.

Approved at _____ M. on _____, 2001.

Governor

Filed in this office this _____ day of _____, 2001,
at _____ o'clock _____ M.

Secretary of State