

**HOUSE BILL NO.**

Introduced by

Representative Klein

1 A BILL for an Act to amend and reenact subsection 1 of section 15-39.1-19.1 and section  
2 15-39.1-19.2 of the North Dakota Century Code, relating to retired members of the teachers'  
3 fund for retirement returning to covered employment and retired members of the teachers' fund  
4 for retirement returning to teach in shortage areas.

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

6 **SECTION 1. AMENDMENT.** Subsection 1 of section 15-39.1-19.1 of the North Dakota  
7 Century Code is amended and reenacted as follows:

- 8 1. Except as otherwise provided in section 15-39.1-19.2, a retired teacher who is  
9 receiving a retirement annuity under chapter 15-39, 15-39.1, or 15-39.2 may not  
10 return to covered employment until thirty calendar days have elapsed from the  
11 member's retirement date. A retired member may then return to covered  
12 employment under an annual hour limit and continue receiving a monthly  
13 retirement benefit. The annual hour limit is based on the length of the reemployed  
14 retiree's contract as follows:
- 15 a. Retiree reemployment of nine months or less, annual limit is ~~seven~~ four  
16 hundred fifty hours;
  - 17 b. Retiree reemployment of ten months, annual limit is ~~eight~~ five hundred fifty  
18 hours;
  - 19 c. Retiree reemployment of eleven months, annual limit is ~~nine~~ six hundred fifty  
20 hours; or
  - 21 d. Retiree reemployment of twelve months, annual limit is ~~one thousand~~ seven  
22 hundred fifty hours.

1                   Employment as a substitute teacher does not apply to the annual hour limit.  
2                   Professional development and extracurricular duties do not apply to the annual  
3                   hour limit.

4                   Should the retired member's employment exceed the annual hour limit, the  
5                   retired member must immediately notify the fund office in writing. Failure to notify  
6                   the fund office results in the loss of one month's annuity benefit. The retired  
7                   member's monthly benefit must be discontinued the first of the month following the  
8                   date the member reaches the annual hour limit.

9                   A retired member who returns to teaching shall pay the required contributions  
10                  on those earnings received by the retired member after reaching the annual hour  
11                  limit. The employer shall pay the required contributions in a like manner.

12                  **SECTION 2. AMENDMENT.** Section 15-39.1-19.2 of the North Dakota Century Code  
13 is amended and reenacted as follows:

14                  **15-39.1-19.2. Retired teachers return to active service - ~~Critical shortage areas~~**  
15 **~~and disciplines—Rules~~ Discipline areas.**

- 16                  1. A retired teacher who is receiving a retirement annuity under chapter 15-39,  
17                  15-39.1, or 15-39.2 may elect to return to teaching without losing any benefits  
18                  under the provisions of this section or elect to return to teaching under the  
19                  provisions of section 15-39.1-19.1. To return to teaching under this section, a  
20                  retired teacher must:
- 21                  a. Return to teach ~~in a critical shortage geographical area or subject discipline~~  
22                  ~~as determined by the education standards and practices board by rule~~  
23                  mathematics or science; and
- 24                  b. If retired after January 1, 2001, have been receiving a retirement annuity for at  
25                  least one year. A retired teacher may perform noncontracted substitute  
26                  teaching duties but may not engage in full-time or part-time teaching duties  
27                  during the one-year separation from service.
- 28                  2. A retired teacher who returns to teaching under this section is not required to pay  
29                  the employee assessment required by section 15-39.1-09. A retired teacher who  
30                  returns to teaching under the provisions of this section must be treated as retired  
31                  for all other purposes under this chapter. A retired teacher may not earn any

1 additional service during the period of reemployment. The retired teacher's  
2 benefits may not be adjusted to reflect changes in the retired teacher's age or final  
3 average monthly salary at the end of the period of reemployment, any optional  
4 form of payment elected under section 15-39.1-16 remains effective during and  
5 after the period of reemployment, and additional benefits normally available to an  
6 active member, such as disability benefits, are not available to a retired teacher  
7 reemployed under this section.