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Sixty-eighth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2258

Introduced by

Senators Paulson, Beard

Representatives Heilman, Hoverson, Louser

A BILL for an Act to create and enact section 15-39.1-19.3 of the North Dakota Century Code, relating to retired teachers benefits if returning to teach in a critical shortage area.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 15-39.1-19.3 of the North Dakota Century Code is created and enacted as follows:

15-39.1-19.3. Retired teachers immediate return to active service - Critical shortage in unfilled positions - Rules.

1. A retired teacher who is receiving a retirement annuity under chapter 15-39, 15-39.1, or 15-39.2 may elect to return to teaching without losing any benefits under the provisions of this section or elect to return to teaching under the provisions of section 15-39.1-19.1. To return to teaching under this section, a retired teacher shall:
   a. Return to teach in a school district that has an unfilled opening in a critical shortage area;
   b. Sign a contract after August first of the current academic year if the school district has conducted a thorough search and no other qualified applicant has accepted the position; and
   c. Notify the fund office in writing within ten days of the retired member's return to covered employment. The retired member's employer also shall notify the fund office in writing within ten days of the retired member's return to covered employment.
2. A retired teacher who returns to teaching under this section shall pay the member contributions required by section 15-39.1-09 on the salary of the retired member. The member contributions must be included in the retired member's account value and may not be refunded except as provided under section 15-39.1-17. A retired teacher

who returns to teaching under this section must be treated as retired for all other purposes under this chapter. A retired teacher may not earn any additional service during the period of re-employment. The retired teacher's benefits may not be adjusted to reflect changes in the retired teacher's age or final average monthly salary at the end of the period of re-employment, any optional form of payment elected under section 15-39.1-16 remains effective during and after the period of re-employment, and additional benefits normally available to an active member, such as disability benefits, are not available to a retired teacher re-employed under this section.

3. A participating employer that employs a retired member under this section shall pay the employer contributions required by section 15-39.1-09 on the salary of the retired member.