

Sixty-ninth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1419  
with Senate Amendments**

**HOUSE BILL NO. 1419**

Introduced by

Representatives Porter, Dockter, Heinert, O'Brien, M. Ruby, Satrom, Schauer

Senators Axtman, Cleary, Lee, Meyer, Roers

1 A BILL for an Act to amend and reenact sections 54-52-01, 54-52-02.1, 54-52-02.15,  
2 54-52-06.3, 54-52-06.4, and 54-52-17 of the North Dakota Century Code, relating to the public  
3 employees retirement system public safety retirement plan.

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

5 **SECTION 1. AMENDMENT.** Section 54-52-01 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **54-52-01. Definition of terms.**

8 As used in this chapter, unless the context otherwise requires:

- 9 1. "Account balance" means the total contributions made by the employee, vested  
10 employer contributions under section 54-52-11.1, the vested portion of the vesting  
11 fund as of June 30, 1977, and interest credited thereon at the rate established by the  
12 board.
- 13 2. "Beneficiary" means any person in receipt of a benefit provided by this plan or any  
14 person designated by a participating member to receive benefits.
- 15 3. "Correctional officer" means a participating member who is employed as a correctional  
16 officer by a ~~political subdivision~~ governmental unit and, notwithstanding subsection 16,  
17 for an individual employed on or after the effective date of this Act, is employed at  
18 least thirty-two hours per week and at least twenty weeks each year of employment. A  
19 correctional officer who is a participating member of the public safety retirement plan  
20 created by this chapter who begins employment on or after the effective date of this  
21 Act is ineligible to participate concurrently in any other retirement plan administered by  
22 the public employees retirement system. The term includes an individual employed by

1           a correctional facility as defined in section 12-44.1-01, who is enrolled in, but has not  
2           yet completed, a correctional officer course approved or certified by the North Dakota  
3           department of corrections and rehabilitation.

4           4. "Deferred member" means a participating member who is not actively participating in  
5           the main plan under this chapter and who has an account intact in the main plan under  
6           this chapter.

7           5. "Dispatcher" means a participating member who is employed as a state radio  
8           dispatcher by the state or is employed as a public safety answering point dispatcher  
9           by a political subdivision and, notwithstanding subsection 16, for an individual  
10           employed on or after the effective date of this Act, is employed at least thirty-two hours  
11           per week and at least twenty weeks each year of employment. A dispatcher who is a  
12           participating member of the public safety retirement plan created by this chapter who  
13           begins employment on or after the effective date of this Act is ineligible to participate  
14           concurrently in any other retirement plan administered by the public employees  
15           retirement system.

16           6. "Eligible employee", except as otherwise provided under section 54-52-02.15, means  
17           a permanent employee who meets all of the eligibility requirements set by this chapter  
18           and who is eighteen years or more of age. The term includes appointive and elective  
19           officials under sections 54-52-02.5, 54-52-02.11, and 54-52-02.12, and nonteaching  
20           employees of the superintendent of public instruction, including the superintendent of  
21           public instruction, who elect to transfer from the teachers' fund for retirement to the  
22           public employees retirement system under section 54-52-02.13, and employees of the  
23           state board for career and technical education who elect to transfer from the teachers'  
24           fund for retirement to the public employees retirement system under section  
25           54-52-02.14. The term does not include nonclassified state employees who elected  
26           under section 54-52.6-02 to become members of the retirement plan established  
27           under chapter 54-52.6. The term does include employees of the judicial branch and  
28           employees of the board of higher education and state institutions under the jurisdiction  
29           of the board of higher education.

30           6-7. "Emergency medical services personnel" means a participating member employed by  
31           a political subdivision as an emergency medical services personnel, as defined under

1 section 23-27-02 and, notwithstanding subsection 16, for an individual employed on or  
2 after the effective date of this Act, is employed at least thirty-two hours per week and  
3 at least twenty weeks each year of employment. An emergency medical services  
4 personnel who is a participating member of the public safety retirement plan created  
5 by this chapter who begins employment on or after the effective date of this Act is  
6 ineligible to participate concurrently in any other retirement plan administered by the  
7 public employees retirement system.

8 8. "Employee" means any individual employed by a governmental unit, whose  
9 compensation is paid out of the governmental unit's funds, or funds controlled or  
10 administered by a governmental unit, or paid by the federal government through any of  
11 its executive or administrative officials; licensed employees of a school district means  
12 those employees eligible to participate in the teachers' fund for retirement who, except  
13 under subsection 2 of section 54-52-17.2, are not eligible employees under this  
14 chapter.

15 7-9. "Employer" means a governmental unit.

16 8-10. "Firefighter" means a participating member who is employed as a firefighter by a  
17 political subdivision and, notwithstanding subsection 13, for an individual employed  
18 after July 31, 2017, is employed at least thirty-two hours per week and at least twenty  
19 weeks each year of employment. A firefighter who is a participating member of the ~~law~~  
20 ~~enforcement~~ public safety retirement plan created by this chapter who begins  
21 employment after July 31, 2017, is ineligible to participate concurrently in any other  
22 retirement plan administered by the public employees retirement system. The term  
23 does not include a firefighter employee of the North Dakota national guard.

24 9-11. "Funding agent" or "agents" means an investment firm, trust bank, or other financial  
25 institution which the retirement board may select to hold and invest the employers' and  
26 members' contributions.

27 10-12. "Governmental unit" means the state of North Dakota, except the highway patrol for  
28 members of the retirement plan created under chapter 39-03.1, or a participating  
29 political subdivision of the state.

30 11-13. "National guard security officer or firefighter" means a participating member who is:  
31 a. A security police employee of the North Dakota national guard; or

1           b.    A firefighter employee of the North Dakota national guard.

2   ~~42.14.~~   "Participating member" means an eligible employee who through payment into the  
3           plan has established a claim against the plan.

4   ~~43.15.~~   "Peace officer" means a participating member who is a peace officer as defined in  
5           section 12-63-01 and is employed as a peace officer by the state, except by the  
6           highway patrol for members of the retirement plan created under chapter 39-03.1, or is  
7           employed by a political subdivision and, notwithstanding subsection 14, for persons  
8           employed after August 1, 2005, is employed thirty-two hours or more per week and at  
9           least twenty weeks each year of employment. A peace officer who is a participating  
10          member of the ~~law enforcement~~public safety retirement plan created by this chapter  
11          who begins employment after August 1, 2005, is ineligible to participate concurrently in  
12          any other retirement plan administered by the public employees retirement system.

13   ~~44.16.~~   "Permanent employee" means an employee whose services are not limited in duration  
14          and who is filling an approved and regularly funded position in an eligible  
15          governmental unit, and is employed twenty hours or more per week and at least  
16          twenty weeks each year of employment.

17   ~~45.17.~~   "Prior service" means service or employment before July 1, 1966.

18   ~~46.18.~~   "Prior service credit" means such credit toward a retirement benefit as the retirement  
19          board may determine under the provisions of this chapter.

20   ~~47.19.~~   "Public employees retirement system" means the retirement plan and program  
21          established by this chapter.

22   ~~48.20.~~   "Retirement" means the acceptance of a retirement allowance under this chapter upon  
23          either termination of employment or termination of participation in the retirement plan.

24   ~~49.21.~~   "Retirement board" or "board" means the governing authority created under section  
25          54-52-03.

26   ~~20.22.~~   "Seasonal employee" means a participating member who does not work twelve  
27          months a year.

28   ~~24.23.~~   "Service" means employment on or after July 1, 1966.

29   ~~22.24.~~   "Service benefit" means the credit toward retirement benefits as determined by the  
30          retirement board under the provisions of this chapter.

1 ~~23-25.~~ "Temporary employee" means an employee who is not eligible to participate as a  
2 permanent employee, who is at least eighteen years old and not actively contributing  
3 to another employer-sponsored pension fund, and, if employed by a school district,  
4 occupies a noncertified teacher's position.

5 ~~24-26.~~ "Wages" and "salaries" means the member's earnings in eligible employment under  
6 this chapter reported as salary on the member's federal income tax withholding  
7 statements plus any salary reduction or salary deferral amounts under 26 U.S.C. 125,  
8 401(k), 403(b), 414(h), or 457. "Salary" does not include fringe benefits such as  
9 payments for unused sick leave, personal leave, vacation leave paid in a lump sum,  
10 overtime, housing allowances, transportation expenses, early retirement incentive pay,  
11 severance pay, medical insurance, workforce safety and insurance benefits, disability  
12 insurance premiums or benefits, or salary received by a member in lieu of previously  
13 employer-provided fringe benefits under an agreement between the member and  
14 participating employer. Bonuses may be considered as salary under this section if  
15 reported and annualized pursuant to rules adopted by the board.

16 **SECTION 2. AMENDMENT.** Section 54-52-02.1 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18 **54-52-02.1. Political subdivisions authorized to join public employees retirement**  
19 **system.**

- 20 1. A political subdivision may, on behalf of its permanent employees, on behalf of its  
21 peace officers, firefighters, dispatchers, emergency medical services personnel, and  
22 correctional officers separately from its other employees, and permanent noncertified  
23 employees only in the case of school districts, enter agreements with the retirement  
24 board for the purpose of extending the benefits of the public employees retirement  
25 system, as provided in this chapter, to those employees. The agreement may, in  
26 accordance with this chapter, contain provisions relating to benefits, contributions,  
27 effective date, modification, administration, and other appropriate provisions as the  
28 retirement board and the political subdivision agree upon, but the agreement must  
29 provide:
- 30 a. The political subdivision will contribute on behalf of each eligible employee an  
31 amount equal to that provided in section 54-52-06 or 54-52-06.3 for peace

- 1                   officers, firefighters, dispatchers, emergency medical services personnel, and  
2                   correctional officers participating separately from other political subdivision  
3                   employees.
- 4                   b.    A portion of the moneys paid by the political subdivision may be used to pay  
5                   administrative expenses of the retirement board.
- 6                   2.    Notwithstanding any other provision of law, a political subdivision having an existing  
7                   police, dispatcher, emergency medical services personnel, or firefighter pension plan  
8                   may merge that plan into the public employees retirement system under rules adopted  
9                   by and in a manner determined by the board.
- 10                  3.    Notwithstanding any other provision of this chapter, a political subdivision of this state  
11                  not currently participating in the public employees retirement system may not become  
12                  a participant in the retirement system until an actuarial study is performed under the  
13                  direction of the board to calculate the required employer contribution for any past  
14                  service liability and the required employer contribution must be an amount determined  
15                  sufficient to amortize and fund any past service liability over a period not to exceed  
16                  thirty years as determined by the board. Any fees incurred in performing the actuarial  
17                  study must be paid for by the political subdivision in a manner determined by the  
18                  board.

19                  **SECTION 3. AMENDMENT.** Section 54-52-02.15 of the North Dakota Century Code is  
20                  amended and reenacted as follows:

21                  **54-52-02.15. Public employees retirement system main plan - Closure to new hires -**  
22                  **Multiple plan membership.**

- 23                  1.    Under this section "eligible employee" means a permanent employee who:  
24                  a.    Meets all the eligibility requirements set by this chapter;  
25                  b.    Is at least eighteen years of age;  
26                  c.    Becomes a participating member after December 31, 2024; and  
27                  d.    Is not eligible to participate in the ~~law enforcement~~public safety plan, judges' plan,  
28                  highway patrol plan, teachers' fund for retirement plan, or alternative retirement  
29                  program established under section 15-10-17 for university system employees.
- 30                  2.    Effective January 1, 2025, the public employees retirement system defined benefit  
31                  main plan maintained for employees is closed to new eligible employees. However, an

1 employee who becomes a participating or deferred member under this chapter before  
2 January 1, 2025, remains in the defined benefit retirement plan under this chapter,  
3 regardless of being rehired after December 31, 2024.

4 3. Except as otherwise provided under this section, effective January 1, 2025, an eligible  
5 employee who begins employment with an employer shall participate in the defined  
6 contribution retirement plan under chapter 54-52.6 as provided under section  
7 54-52.6-02.1.

8 4. This section does not impact an employee to the extent the employee is a participating  
9 member in one or more of the following enumerated retirement plans: ~~law-~~  
10 ~~enforcement~~ public safety plan, judges' plan, highway patrol plan, teachers' fund for  
11 retirement plan, or alternative retirement program established under section 15-10-17  
12 for university system employees.

13 a. A participating or deferred member in the defined contribution retirement plan  
14 under chapter 54-52.6 who becomes eligible to participate in a plan enumerated  
15 under this subsection is eligible to participate in the retirement plan enumerated  
16 under this subsection.

17 b. A participating member of a retirement plan enumerated under this subsection  
18 who becomes an eligible employee is not eligible to participate in the defined  
19 benefit retirement plan under this chapter but instead participates in the defined  
20 contribution retirement plan under chapter 54-52.6. However, this subdivision  
21 does not apply to an individual who before January 1, 2025, is a participating or a  
22 deferred member under this chapter, as that individual continues to participate in  
23 the defined benefit retirement plan under this chapter.

24 5. The board shall adopt rules to implement this section.

25 **SECTION 4. AMENDMENT.** Section 54-52-06.3 of the North Dakota Century Code is  
26 amended and reenacted as follows:

27 **54-52-06.3. Contribution by peace officers, firefighters, dispatchers, emergency**  
28 **medical services personnel, and correctional officers employed by political subdivisions**  
29 **- Employer contribution.**

30 1. Each peace officer, firefighter, dispatcher, emergency medical services personnel, or  
31 correctional officer employed by a political subdivision that enters an agreement with

1 the retirement board on behalf of its peace officers, firefighters, dispatchers,  
2 emergency medical services personnel, and correctional officers separately from its  
3 other employees and who is a member of the public employees retirement system is  
4 assessed and shall pay monthly four percent of the employee's monthly salary. Peace  
5 officer, firefighter, dispatcher, emergency medical services personnel, or correctional  
6 officer contributions increase by one-half of one percent of the member's monthly  
7 salary beginning with the monthly reporting period of January 2012, and with an  
8 additional increase of one-half of one percent, beginning with the monthly reporting  
9 period of January 2013, and with an additional increase of one-half of one percent,  
10 beginning with the monthly reporting period of January 2014. The assessment must be  
11 deducted and retained out of the employee's salary in equal monthly installments.

12 2. The peace officer's, firefighter's, dispatcher's, emergency medical services  
13 personnel's, or correctional officer's employer shall contribute an amount determined  
14 by the board to be actuarially required to support the level of benefits specified in  
15 section 54-52-17. If the peace officer's, firefighter's, dispatcher's, emergency medical  
16 services personnel's, or correctional officer's assessment is paid by the employer  
17 under subsection 3 of section 54-52-05, the employer shall contribute, in addition, an  
18 amount equal to the required peace officer's, firefighter's, dispatcher's, emergency  
19 medical services personnel's, or correctional officer's assessment.

20 **SECTION 5. AMENDMENT.** Section 54-52-06.4 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22 **54-52-06.4. Contribution by peace officers and dispatchers employed by the state or**  
23 **security officers employed by the national guard - Employer contribution. (Retroactive**  
24 **application - [See note](#))**

- 25 1. a. Each peace officer employed by the bureau of criminal investigation who is a  
26 member of the public employees retirement system is assessed and shall pay  
27 monthly four percent of the employee's monthly salary. Peace officer  
28 contributions increase by one percent of the member's monthly salary beginning  
29 with the monthly reporting period of January 2012; with an additional increase of  
30 one percent, beginning with the reporting period of January 2013; with an  
31 additional increase of one percent, beginning with the reporting period of



1 January 2024; and with an additional increase of one percent, beginning with the  
2 reporting period of January 2025.

3 b. Each dispatcher and peace officer employed by the state, other than a peace  
4 officer employed by the bureau of criminal investigation, who is a member of the  
5 public employees retirement system is assessed and shall pay six percent of the  
6 employee's monthly salary.

7 c. Effective August 1, 2015, each national guard security officer who is a member of  
8 the public employee's retirement system is assessed and monthly shall pay  
9 six percent of the employee's monthly salary. National guard security officer  
10 contributions decrease by one-half of one percent of the member's monthly  
11 salary beginning with the monthly reporting period of January 2016.

12 d. The assessment under this subsection must be deducted and retained out of the  
13 employee's salary in equal monthly installments.

14 2. The employer of a dispatcher or peace officer employed by the state or national guard  
15 security officer shall contribute an amount determined by the board to be actuarially  
16 required to support the level of benefits specified in section 54-52-17. The employer's  
17 contribution must be paid from funds appropriated for salary or from any other funds  
18 available for such purposes. If the dispatcher's, peace officer's, or security officer's  
19 assessment is paid by the employer under subsection 3 of section 54-52-05, the  
20 employer shall contribute, in addition, an amount equal to the required dispatcher's,  
21 peace officer's, or security officer's assessment.

22 **SECTION 6. AMENDMENT.** Section 54-52-17 of the North Dakota Century Code is  
23 amended and reenacted as follows:

24 **54-52-17. Formulation of plan. (Retroactive application - [See note](#))**

25 Participating members shall receive benefits according to this section and according to  
26 rules adopted by the board, not inconsistent with this chapter. ~~No person~~An individual is not  
27 entitled to receive a prior service benefit if the ~~person~~individual was not continuously employed  
28 by a governmental unit in North Dakota for a period of not less than two years immediately ~~prior~~  
29 ~~to~~before eligibility for retirement.

30 1. Participating members shall receive credit for full-time employment or its equivalent  
31 from the date they attain eligibility until their normal retirement date, postponed

1 retirement date, or early retirement date, as defined in this section. Part-time  
2 employment will be recognized as full-time employment on a prorated basis as the  
3 board may prescribe.

- 4 2. Retirement benefits are calculated from the participating member's final average  
5 salary, which is the average of the highest salary received by the member for any  
6 thirty-six months employed during the last one hundred twenty months of employment.  
7 For members who terminate employment on or after August 1, 2010, final average  
8 salary is the average of the highest salary received by the member for any thirty-six  
9 months employed during the last one hundred eighty months of employment. For  
10 members who terminate employment between July 31, 2005, and August 1, 2010, final  
11 average salary is the average of the highest salary received by the member for any  
12 thirty-six months employed during the period for which the board has appropriate and  
13 accurate salary records on the board's electronic database, but that period may not be  
14 more than the last one hundred eighty months of employment. For members who  
15 terminate employment after December 31, 2019, final average salary is the higher of  
16 the final average salary calculated on December 31, 2019, or the average salary  
17 earned in the three highest periods of twelve consecutive months employed during the  
18 last one hundred eighty months of employment. Months without earnings are excluded  
19 for the purpose of computing an average. If the participating member has worked for  
20 less than thirty-six months at the normal retirement date, the final average salary is the  
21 average salary for the total months of employment.

- 22 3. Retirement dates are defined as follows:

- 23 a. Normal retirement date, except for a national guard security officer or firefighter, a  
24 ~~firefighter employed by a political subdivision, a dispatcher or peace officer~~  
25 ~~employed by the state, or a firefighter, dispatcher, emergency medical services~~  
26 ~~personnel~~, peace officer, or correctional officer employed by a political  
27 subdivision, is:

- 28 (1) The first day of the month next following the month in which the member  
29 attains the age of sixty-five years; or

- 1                   (2) When the member has a combined total of years of service credit and years  
2                   of age equal to eighty-five and has not received a retirement benefit under  
3                   this chapter.
- 4           b. Normal retirement date for members first enrolled after December 31, 2015,  
5           except for a national guard security officer or firefighter, a ~~firefighter employed by~~  
6           ~~a political subdivision, a dispatcher or peace officer employed by the state, a~~  
7           firefighter, dispatcher, emergency medical services personnel, peace officer, or  
8           correctional officer employed by a political subdivision, or a supreme court or  
9           district court judge, is:
- 10           (1) The first day of the month next following the month in which the member  
11           attains the age of sixty-five years; or
- 12           (2) When the member has a combined total of years of service credit and years  
13           of age equal to ninety and the member attains a minimum age of sixty and  
14           has not received a retirement benefit under this chapter.
- 15           c. Normal retirement date for a national guard security officer or firefighter is:
- 16           (1) The first day of the month next following the month in which the national  
17           guard security officer or firefighter attains the age of fifty-five years and has  
18           completed at least three eligible years of employment; or
- 19           (2) When the national guard security officer or firefighter has a combined total  
20           of years of service credit and years of age equal to eighty-five and has not  
21           received a retirement benefit under this chapter.
- 22           d. Normal retirement date for a ~~dispatcher, emergency medical services personnel,~~  
23           peace officer, firefighter, or correctional officer employed by a political subdivision  
24           is:
- 25           (1) The first day of the month next following the month in which the ~~dispatcher,~~  
26           emergency medical services personnel, peace officer, firefighter, or  
27           correctional officer attains the age of fifty-five years and has completed at  
28           least three eligible years of employment; or
- 29           (2) When the ~~dispatcher, emergency medical services personnel,~~ peace officer,  
30           firefighter, or correctional officer has a combined total of years of service

- 1 credit and years of age equal to eighty-five and has not received a  
2 retirement benefit under this chapter.
- 3 e. (1) Normal retirement date for a peace officer employed by the bureau of  
4 criminal investigation is:
- 5 (a) [1] For a member employed before August 1, 2023, the first day of  
6 the month next following the month in which the peace officer  
7 attains the age of fifty-five years and has completed at least  
8 three eligible years of employment; and
- 9 [2] For a member employed after July 31, 2023, the first day of the  
10 month next following the month in which the peace officer attains  
11 the age of fifty-five years and has completed at least ten eligible  
12 years of employment; or
- 13 (b) When the peace officer has a combined total of years of service credit  
14 and years of age equal to eighty-five and has not received a  
15 retirement benefit under this chapter.
- 16 (2) Normal retirement date for a dispatcher or peace officer employed by the  
17 state, other than a peace officer employed by the bureau of criminal  
18 investigation, is:
- 19 (a) The first day of the month next following the month in which the  
20 dispatcher or peace officer attains the age of fifty-five years and has  
21 completed at least three eligible years of employment; or
- 22 (b) When the dispatcher or peace officer has a combined total of years of  
23 service credit and years of age equal to eighty-five and has not  
24 received a retirement benefit under this chapter.
- 25 f. Postponed retirement date is the first day of the month next following the month  
26 in which the member, on or after July 1, 1977, actually severs or has severed the  
27 member's employment after reaching the normal retirement date.
- 28 g. (1) Early retirement date, except for a national guard security officer or  
29 firefighter, a dispatcher, emergency medical services personnel, firefighter,  
30 peace officer, or correctional officer employed by a political subdivision, or a  
31 dispatcher or peace officer employed by the state, is the first day of the

- 1 month next following the month in which the member attains the age of  
2 fifty-five years and has completed three years of eligible employment.
- 3 (2) For a national guard security officer or firefighter, early retirement date is the  
4 first day of the month next following the month in which the national guard  
5 security officer or firefighter attains the age of fifty years and has completed  
6 at least three years of eligible employment.
- 7 (3) For a dispatcher or peace officer employed by the state, other than a peace  
8 officer employed by the bureau of criminal investigation, or a dispatcher,  
9 emergency medical services personnel, firefighter, peace officer, or  
10 correctional officer employed by a political subdivision, early retirement date  
11 is the first day of the month next following the month in which the dispatcher,  
12 emergency medical services personnel, peace officer, firefighter, or  
13 correctional officer attains the age of fifty years and has completed at least  
14 three years of eligible employment.
- 15 (4) For a peace officer employed by the bureau of criminal investigation, early  
16 retirement date is the first day of the month next following the month in  
17 which the peace officer attains the age of fifty years and has completed at  
18 least three years of eligible employment.
- 19 h. Disability retirement date is the first day of the month after a member becomes  
20 permanently and totally disabled, according to medical evidence called for under  
21 the rules of the board, and has completed at least one hundred eighty days of  
22 eligible employment. For supreme and district court judges, permanent and total  
23 disability is based solely on a judge's inability to perform judicial duties arising out  
24 of physical or mental impairment, as determined pursuant to rules adopted by the  
25 board or as provided by subdivision a of subsection 3 of section 27-23-03.
- 26 (1) A member is eligible to receive disability retirement benefits only if the  
27 member became disabled during the period of eligible employment and  
28 applies for disability retirement benefits within twelve months of the date the  
29 member terminates employment.
- 30 (2) A member is eligible to continue to receive disability benefits as long as the  
31 permanent and total disability continues and the member submits the

1 necessary documentation and undergoes medical testing required by the  
2 board, or for as long as the member participates in a rehabilitation program  
3 required by the board, or both. If the board determines a member no longer  
4 meets the eligibility definition, the board may discontinue the disability  
5 retirement benefit. The board may pay the cost of any medical testing or  
6 rehabilitation services the board deems necessary and these payments are  
7 appropriated from the retirement fund for those purposes. A member's  
8 receipt of disability benefits under this section is limited to receipt from the  
9 fund to which the member was actively contributing at the time the member  
10 became disabled.

11 4. The board shall calculate retirement benefits as follows:

12 a. Normal retirement benefits for all retirees, except supreme and district court  
13 judges; and peace officers employed by the bureau of criminal investigation, ~~and~~  
14 ~~other peace officers employed by the state~~, reaching normal retirement date  
15 equal an annual amount, payable monthly, comprised of a service benefit and a  
16 prior service benefit, as defined in this chapter, which is determined as follows:

17 (1) For members first enrolled:

18 (a) Before January 1, 2020, service benefit equals two percent of final  
19 average salary multiplied by the number of years of service  
20 employment.

21 (b) After December 31, 2019, service benefit equals one and seventy-five  
22 hundredths percent of final average salary multiplied by the number of  
23 years of service employment.

24 (2) Prior service benefit equals two percent of final average salary multiplied by  
25 the number of years of prior service employment.

26 b. Normal retirement benefits for all supreme and district court judges under the  
27 public employees retirement system reaching normal retirement date equal an  
28 annual amount, payable monthly, comprised of a benefit as defined in this  
29 chapter, determined as follows:

30 (1) Benefits must be calculated from the time of appointment or election to the  
31 bench and must equal three and one-half percent of final average salary

- 1 multiplied by the first ten years of judicial service, two and eighty hundredths  
2 percent of final average salary multiplied by the second ten years of judicial  
3 service, and one and one-fourth percent of final average salary multiplied by  
4 the number of years of judicial service exceeding twenty years.
- 5 (2) Service benefits must include, in addition, an amount equal to the percent  
6 specified in subdivision a of final average salary multiplied by the number of  
7 years of nonjudicial employee service and employment.
- 8 c. Normal retirement benefits for a peace officer employed by the bureau of criminal  
9 investigation reaching the normal retirement date equals an annual amount,  
10 payable monthly, comprised of a service benefit and a prior service benefit  
11 determined as follows:
- 12 (1) The first twenty years of credited service multiplied by three percent of final  
13 average salary.
- 14 (2) For years in excess of twenty years of credited service multiplied by one  
15 and seventy-five hundredths percent of final average salary.
- 16 ~~d. Normal retirement benefits for a peace officer employed by the state, other than~~  
17 ~~by the bureau of criminal investigation, reaching the normal retirement date~~  
18 ~~equals an annual amount, payable monthly, comprised of a service benefit and a~~  
19 ~~prior service benefit determined as follows:~~
- 20 ~~(1) For members first enrolled:~~
- 21 ~~(a) Before January 1, 2020, service benefit equals two percent of final~~  
22 ~~average salary multiplied by the number of years of service~~  
23 ~~employment.~~
- 24 ~~(b) After December 31, 2019, service benefit equals one and seventy-five~~  
25 ~~hundredths percent of final average salary multiplied by the number of~~  
26 ~~years of service employment.~~
- 27 ~~(2) Prior service benefit equals two percent of final average salary multiplied by~~  
28 ~~the number of years of prior service employment.~~
- 29 e. Postponed retirement benefits are calculated as for single life benefits for those  
30 members who retired on or after July 1, 1977.





- 1           6.    If before retiring a member dies after completing three years of eligible employment,  
2                   except for supreme and district court judges, who must have completed five years of  
3                   eligible employment, the board shall pay the member's account balance to the  
4                   member's designated beneficiary as provided in this subsection. If the member has  
5                   designated an alternate beneficiary with the surviving spouse's written consent, the  
6                   board shall pay the member's account balance to the named beneficiary. If the  
7                   member has named more than one primary beneficiary, the board shall pay the  
8                   member's account balance to the named primary beneficiaries in the percentages  
9                   designated by the member or, if the member has not designated a percentage for the  
10                  beneficiaries, in equal percentages. If one or more of the primary beneficiaries has  
11                  predeceased the member, the board shall pay the predeceased beneficiary's share to  
12                  the remaining primary beneficiaries. If any beneficiary survives the member, yet dies  
13                  before distribution of the beneficiary's share, the beneficiary must be treated as if the  
14                  beneficiary predeceased the member. If there are no remaining primary beneficiaries,  
15                  the board shall pay the member's account balance to the contingent beneficiaries in  
16                  the same manner. If there are no remaining designated beneficiaries, the board shall  
17                  pay the member's account balance to the member's estate. If the member has not  
18                  designated an alternate beneficiary or the surviving spouse is the beneficiary, the  
19                  surviving spouse of the member may select a form of payment as follows:
- 20                a.    If the member was a supreme or district court judge, the surviving spouse may  
21                    select one of the following optional forms of payment:
- 22                    (1)   A lump sum payment of the member's retirement account as of the date of  
23                    death.
- 24                    (2)   Payments as calculated for the deceased member as if the member was of  
25                    normal retirement age at the date of death, payable until the spouse dies.
- 26                b.    The surviving spouse of all other members may select one of the following  
27                    options:
- 28                    (1)   A lump sum payment of the member's retirement account as of the date of  
29                    death.

- 1                   (2) Payment of a monthly retirement benefit equal to fifty percent of the  
2                   deceased member's accrued single life retirement benefits until the spouse  
3                   dies.
- 4                   (3) If the member dies on or after the member's normal retirement date, the  
5                   payment of a monthly retirement benefit equal to an amount that would have  
6                   been paid to the surviving spouse if the member had retired on the day of  
7                   the member's death and had selected a one hundred percent joint and  
8                   survivor annuity, payable until the spouse dies. A surviving spouse who  
9                   received a benefit under this subsection as of July 31, 1995, is entitled to  
10                  the higher of that person's existing benefit or the equivalent of the accrued  
11                  benefit available under the one hundred percent joint and survivor provision  
12                  as if the deceased member were of normal retirement age, with the increase  
13                  payable beginning August 1, 1995.
- 14                7. If a member not coming under the provisions of subsection 6 terminates employment  
15                because of death, permanent and total disability, or any voluntary or involuntary  
16                reason prior to retirement, the member or the member's designated beneficiary is  
17                entitled to the member's account balance at termination. The board automatically shall  
18                refund a member's account balance if the member has completed less than three  
19                years of eligible employment, has an account balance of less than one thousand  
20                dollars, and was not a supreme or district court judge. If the member was a supreme  
21                or district court judge, the board automatically shall refund a member's account  
22                balance if the member completed less than five years of eligible employment. A  
23                member may waive the refund if the member submits a written statement to the board,  
24                within thirty days after termination, requesting that the member's account balance  
25                remain in the fund.
- 26                8. The surviving spouse of a member receiving retirement benefits must be the  
27                member's primary beneficiary unless there is no surviving spouse or the surviving  
28                spouse designates an alternate beneficiary in writing. If a member receiving retirement  
29                benefits or the member's surviving spouse receiving retirement benefits dies before  
30                the total amount of benefits paid to either or both equals the amount of the member's  
31                account balance at retirement, the difference must be paid to the named beneficiary of

1 the recipient or, if there is no named beneficiary, to the recipient's estate. A benefit  
2 payment owed to the member, surviving spouse, or alternate beneficiary which was  
3 not paid before the death of the member, surviving spouse, or alternate beneficiary  
4 must be paid to the named beneficiary of the recipient or, if there is no named  
5 beneficiary, to the recipient's estate.

6 9. The board shall adopt rules providing for the receipt of retirement benefits in the  
7 following optional forms:

8 a. Single life.

9 b. An actuarially equivalent joint and survivor option, with fifty percent or one  
10 hundred percent options.

11 c. Actuarially equivalent life with ten-year or twenty-year certain options.

12 d. An actuarially equivalent partial lump sum distribution option with a twelve-month  
13 maximum lump sum distribution.

14 e. An actuarially equivalent graduated benefit option with either a one percent or  
15 two percent increase to be applied the first day of January of each year.

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

24 10. The fund may accept rollovers from other eligible plans under rules adopted by the  
25 board for the purchase of additional service credit, but only to the extent the transfer is  
26 a rollover contribution that meets the requirement of section 408 of the Internal  
27 Revenue Code.

28 11. The board may accept trustee-to-trustee transfers as permitted by Internal Revenue  
29 Code section 403(b)(13) and section 457(e)(17) from an Internal Revenue Code  
30 section 403(b) annuity or Internal Revenue Code section 457 deferred compensation  
31 plan for the purchase of permissive service credit, as defined in Internal Revenue

- 1           Code section 415(n)(3)(A) or as repayment of a cashout from a governmental plan  
2           under Internal Revenue Code section 415(k)(3).
- 3       12.   The board may establish individual retirement accounts and individual retirement  
4           annuities as permitted under section 408(q) of the Internal Revenue Code to allow  
5           employees to make voluntary employee contributions. The board may adopt rules to  
6           implement and administer the accounts and annuities under this section.