

FIRST ENGROSSMENT

ENGROSSED SENATE BILL NO. 2227

Introduced by

Senators Bekkedahl, Boschee, Roers

Representatives Fegley, Lefor, Schauer

1 A BILL for an Act to amend and reenact subsection 1 of section 54-52-05 of the North Dakota
2 Century Code, relating to employee participation in the public employees retirement system; to
3 provide for retroactive application; and to declare an emergency.

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

5 **SECTION 1. AMENDMENT.** Subsection 1 of section 54-52-05 of the North Dakota Century
6 Code is amended and reenacted as follows:

7 1. a. Every eligible participating political subdivision employee, at the time the political
8 subdivision joins the plan ~~must~~shall so state in writing if the employee concurs in
9 the plan and all future eligible employees of the participating political subdivision
10 are participating members in the plan and must be enrolled in the plan within the
11 first month of employment.

12 b. Except as otherwise provided by law, every other eligible governmental unit
13 employee of a participating governmental unit is a participating member in the
14 plan and must be enrolled in the plan within the first month of employment. An
15 employee who was not enrolled in the retirement system when eligible to
16 participate must be enrolled immediately upon notice of the employee's eligibility,
17 unless the employee waives in writing the employee's right to participate for the
18 previous time of eligibility, to avoid contributing to the fund for past service.

19 c. An employee ~~who is~~ eligible for normal retirement who accepts a retirement
20 benefit under this chapter and ~~who~~ subsequently becomes employed with a
21 participating employer other than the employer ~~with which~~ the employee was
22 employed with at the time the employee retired under this chapter may, before

1 being re-enrolled in the retirement plan within the first month of employment,
2 elect to permanently waive future participation in the retirement plan and the
3 retiree health program and maintain that employee's retirement status. An
4 employee making this election is not required to make any future employee
5 contributions to the public employees retirement system nor is the employee's
6 employer required to make any further contributions on behalf of that employee.

7 d. An employee eligible for normal retirement who accepts a retirement benefit
8 under this chapter and subsequently becomes employed with the same
9 participating employer the employee was employed with at the time the employee
10 retired under this chapter may not participate in the retirement plan or the retiree
11 health program and may maintain that employee's retirement status if the
12 employee is appointed by an elected state official to an unclassified state position
13 for the duration of the elected official's term until a successor is appointed.

14 **SECTION 2. RETROACTIVE APPLICATION.** This Act applies retroactively to
15 December 14, 2024.

16 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.