

Introduced by

Representative Steiner

1 A BILL for an Act to create and enact a new section to chapter 54-27 and section 54-52.6-02.1  
2 of the North Dakota Century Code, relating to transfers from the legacy fund and membership in  
3 the public employee defined contribution retirement plan; to amend and reenact sections  
4 54-52-01, 54-52-02.5, 54-52-02.9, 54-52.6-01, 54-52.6-02, 54-52.6-03, and 54-52.6-10 of the  
5 North Dakota Century Code, relating to closure of the public employee defined benefit  
6 retirement plan for state employees and participation in the defined contribution retirement plan;  
7 to provide for an estimate of accumulated value transfer; to provide an effective date; and to  
8 provide a contingent expiration date.

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

10 **SECTION 1.** A new section to chapter 54-27 of the North Dakota Century Code is created  
11 and enacted as follows:

12 **Transfer of legacy fund principal to public employees retirement system.**

13 On January first of each year, the state treasurer shall transfer one hundred eight million  
14 dollars from the principal balance of the legacy fund to the public employees retirement system  
15 main system retirement fund.

16 **SECTION 2. AMENDMENT.** Section 54-52-01 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18 **54-52-01. Definition of terms.**

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

- 20 1. "Account balance" means the total contributions made by the employee, vested  
21 employer contributions under section 54-52-11.1, the vested portion of the vesting  
22 fund as of June 30, 1977, and interest credited thereon at the rate established by the  
23 board.

- 1           2. "Beneficiary" means any person in receipt of a benefit provided by this plan or any  
2           person designated by a participating member to receive benefits.
- 3           3. "Correctional officer" means a participating member who is employed as a correctional  
4           officer by a political subdivision.
- 5           4. a. "Eligible employee" means a permanent employee who meets a  
6           participating member before January 1, 2020, and who meets all of the eligibility  
7           requirements set by this chapter and who is eighteen years or more of age,  
8           and includes an appointive and elective official under sections 54-52-02.5,  
9           54-52-02.11, and 54-52-02.12 who is a participating member before January 1,  
10           2020, and a nonteaching employee of the superintendent of public  
11           instruction, including the superintendent of public instruction, who elected to  
12           transfer from the teachers' fund for retirement to the public employees retirement  
13           system under section 54-52-02.13, and an employee of the state  
14           board for career and technical education who elected to transfer from the  
15           teachers' fund for retirement to the public employees retirement system under  
16           section 54-52-02.14.
- 17           b. "Eligible employee" does not include nonclassified state employees who elect to  
18           become members of the retirement plan established under chapter 54-52.6 but  
19           does include employees of the judicial branch and employees of the board of  
20           higher education and state institutions under the jurisdiction of the board:
- 21           (1) A state employee who is first employed after December 31, 2019, and is not  
22           a participating member;
- 23           (2) An employee eligible to participate in the national guard retirement plan or a  
24           law enforcement retirement plan; or
- 25           (3) An employee of a political subdivision.
- 26           5. "Employee" means any individual employed by a governmental unit, whose  
27           compensation is paid out of the governmental unit's funds, or funds controlled or  
28           administered by a governmental unit, or paid by the federal government through any of  
29           its executive or administrative officials; licensed employees of a school district means  
30           those employees eligible to participate in the teachers' fund for retirement who, except

1 under subsection 2 of section 54-52-17.2, are not eligible employees under this  
2 chapter.

3 6. "Employer" means a governmental unit.

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

12 8. "Funding agent" or "agents" means an investment firm, trust bank, or other financial  
13 institution which the retirement board may select to hold and invest the employers' and  
14 members' contributions.

15 9. "Governmental unit" means the state of North Dakota, except the highway patrol for  
16 members of the retirement plan created under chapter 39-03.1, or a participating  
17 political subdivision thereof.

18 10. "National guard security officer or firefighter" means a participating member who is:  
19 a. A security police employee of the North Dakota national guard; or  
20 b. A firefighter employee of the North Dakota national guard.

21 11. "Participating member" means an eligible employee who through payment into the  
22 plan has established a claim against the plan.

23 12. "Peace officer" means a participating member who is a peace officer as defined in  
24 section 12-63-01 and is employed as a peace officer by the bureau of criminal  
25 investigation or by a political subdivision and, notwithstanding subsection 13, for  
26 ~~persons~~individuals employed after August 1, 2005, is employed thirty-two hours or  
27 more per week and at least twenty weeks each year of employment. A peace officer  
28 who is a participating member of the law enforcement retirement plan created by this  
29 chapter who begins employment after August 1, 2005, is ineligible to participate  
30 concurrently in any other retirement plan administered by the public employees  
31 retirement system.

- 1       13. "Permanent employee" means a governmental unit employee whose services are not  
2           limited in duration and who is filling an approved and regularly funded position in an  
3           eligible governmental unit, and is employed twenty hours or more per week and at  
4           least twenty weeks each year of employment.
- 5       14. "Prior service" means service or employment before July 1, 1966.
- 6       15. "Prior service credit" means such credit toward a retirement benefit as the retirement  
7           board may determine under the provisions of this chapter.
- 8       16. "Public employees retirement system" means the retirement plan and program  
9           established by this chapter.
- 10      17. "Retirement" means the acceptance of a retirement allowance under this chapter upon  
11           either termination of employment or termination of participation in the retirement plan.
- 12      18. "Retirement board" or "board" means the governing authority created under section  
13           54-52-03.
- 14      19. "Seasonal employee" means a participating member who does not work twelve  
15           months a year.
- 16      20. "Service" means employment on or after July 1, 1966.
- 17      21. "Service benefit" means the credit toward retirement benefits as determined by the  
18           retirement board under the provisions of this chapter.
- 19      22. "Temporary employee" means a governmental unit employee who is not eligible to  
20           participate as a permanent employee, who is at least eighteen years old and not  
21           actively contributing to another employer-sponsored pension fund, and, if employed by  
22           a school district, occupies a noncertified teacher's position.
- 23      23. "Wages" and "salaries" means the member's earnings in eligible employment under  
24           this chapter reported as salary on the member's federal income tax withholding  
25           statements plus any salary reduction or salary deferral amounts under 26 U.S.C. 125,  
26           401(k), 403(b), 414(h), or 457. "Salary" does not include fringe benefits such as  
27           payments for unused sick leave, personal leave, vacation leave paid in a lump sum,  
28           overtime, housing allowances, transportation expenses, early retirement incentive pay,  
29           severance pay, medical insurance, workforce safety and insurance benefits, disability  
30           insurance premiums or benefits, or salary received by a member in lieu of previously  
31           employer-provided fringe benefits under an agreement between the member and

1 participating employer. Bonuses may be considered as salary under this section if  
2 reported and annualized pursuant to rules adopted by the board.

3 **SECTION 3. AMENDMENT.** Section 54-52-02.5 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **54-52-02.5. Newly elected and appointed state officials.**

6 After December 31, 1999, a ~~person~~ and before January 1, 2020, an individual elected or  
7 appointed to a state office for the first time ~~must~~, from and after the date that ~~person~~ individual  
8 qualifies and takes office, must be a participating member of the public employees retirement  
9 system unless that ~~person~~ individual makes an election at any time during the first six months  
10 after the date the ~~person~~ individual takes office to participate in the retirement plan established  
11 under chapter 54-52.6. After December 31, 2020, an individual elected or appointed to a state  
12 office, from and after the individual qualified and takes office, must be a participating member of  
13 the retirement plan established under chapter 54-52.6 unless the individual is a participating  
14 member under this chapter. As used in this section, the phrase "for the first time" means a-  
15 ~~person~~ an individual appointed, who, after December 31, 1999, does not hold office as an  
16 appointed official at the time of that ~~person's~~ individual's appointment.

17 **SECTION 4. AMENDMENT.** Section 54-52-02.9 of the North Dakota Century Code is  
18 amended and reenacted as follows:

19 **54-52-02.9. Participation by temporary employees.**

20 ~~A~~ Before January 1, 2020, a temporary employee may elect, within one hundred eighty days  
21 of beginning employment, to participate in the public employees retirement system under this  
22 chapter and receive credit for service after enrollment. The temporary employee shall pay  
23 monthly to the fund an amount equal to ~~eight~~ fourteen and twelve-hundredths percent times the  
24 temporary employee's present monthly salary. ~~The amount required to be paid by a temporary~~  
25 ~~employee increases by two percent times the temporary employee's present monthly salary~~  
26 ~~beginning with the monthly reporting period of January 2012, and with an additional two percent~~  
27 ~~increase, beginning with the reporting period of January 2013, and with an additional increase~~  
28 ~~of two percent, beginning with the monthly reporting period of January 2014.~~ The temporary  
29 employee shall also pay the required monthly contribution to the retiree health benefit fund  
30 established under section 54-52.1-03.2. This contribution must be recorded as a member  
31 contribution pursuant to section 54-52.1-03.2. An employer may not pay the temporary

1 employee's contributions. A temporary employee who is a participating member before  
2 January 1, 2020, may continue to participate as a temporary employee in the public employees  
3 retirement system until termination of employment or reclassification of the temporary employee  
4 as a permanent employee. A temporary employee may not purchase any additional credit,  
5 including additional credit under section 54-52-17.4 or past service under section 54-52-02.6.

6 **SECTION 5. AMENDMENT.** Section 54-52.6-01 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **54-52.6-01. Definition of terms.**

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

- 10 1. "Board" means the ~~public employees retirement system board~~governing authority  
11 created under section 54-52-03.
- 12 2. "Deferred member" means a ~~person~~an individual who elected to receive deferred  
13 vested retirement benefits under chapter 54-52.
- 14 3. a. "Eligible employee" means a permanent state employee, ~~except an employee of~~  
15 ~~the judicial branch or an employee of the board of higher education and state~~  
16 ~~institutions under the jurisdiction of the board~~, who is eighteen years or more of  
17 age and who is in a position not classified by North Dakota human resource  
18 management services. If a participating member loses permanent employee  
19 status and becomes a temporary employee, the member may still participate in  
20 the defined contribution retirement plan.  
21 b. "Eligible employee" does not include a supreme court judge or a district court  
22 judge, an employee eligible to participate in the national guard retirement plan or  
23 a law enforcement retirement plan, an employee of a political subdivision, or an  
24 employee of the board of higher education and state institutions under the  
25 jurisdiction of the board who is participating in the teachers' insurance and  
26 annuity association of America - college retirement equities fund retirement plan.
- 27 4. "Employee" means ~~any person~~an individual employed by the state, whose  
28 compensation is paid out of state funds, or funds controlled or administered by the  
29 state or paid by the federal government through any of its executive or administrative  
30 officials.
- 31 5. "Employer" means the state of North Dakota.

- 1       6. "Participating member" means an eligible employee who ~~elects to~~  
2       participateparticipates in the defined contribution retirement plan established under  
3       this chapter.
- 4       7. "Permanent employee" means a state employee whose services are not limited in  
5       duration and who is filling an approved and regularly funded position and is employed  
6       twenty hours or more per week and at least five months each year.
- 7       8. "Temporary employee" means a governmental unit employee who is not eligible to  
8       participate as a permanent employee, who is at least eighteen years old and not  
9       actively contributing to another employer-sponsored pension fund, and, if employed by  
10      a school district, occupies a noncertified teacher's position.
- 11      9. "Wages" and "salaries" means earnings in eligible employment under this chapter  
12      reported as salary on a federal income tax withholding statement plus any salary  
13      reduction or salary deferral amounts under 26 U.S.C. 125, 401(k), 403(b), 414(h), or  
14      457. "Salary" does not include fringe benefits such as payments for unused sick leave,  
15      personal leave, vacation leave paid in a lump sum, overtime, housing allowances,  
16      transportation expenses, early retirement, incentive pay, severance pay, medical  
17      insurance, workforce safety and insurance benefits, disability insurance premiums or  
18      benefits, or salary received by a member in lieu of previously employer-provided fringe  
19      benefits under an agreement between an employee and a participating employer.  
20      Bonuses may be considered as salary under this section if reported and annualized  
21      pursuant to rules adopted by the board.

22      **SECTION 6. AMENDMENT.** Section 54-52.6-02 of the North Dakota Century Code is  
23      amended and reenacted as follows:

24      **54-52.6-02. Election.**

- 25      1. The board shall provide an opportunity for each eligible employee who is first  
26      employed before January 1, 2020, and who is a member of the public employees  
27      retirement system on September 30, 2001, and who has not made a written election  
28      under this section June 30, 2020, to transfer to the defined contribution retirement plan  
29      before October 1, 2001, to electby electing in writing to terminate membership in the  
30      public employees retirement system and elect to become a participating member  
31      under this chapter. Except as provided in section 54-52.6-03, an election made by an

1 eligible employee under this section is irrevocable. ~~The board shall accept written~~  
2 ~~elections under this section from eligible employees during the period beginning on~~  
3 ~~July 1, 1999, and ending 12:01 a.m. December 14, 2001. An eligible employee who~~  
4 ~~does not make a written election or who does not file the election during the period~~  
5 ~~specified in this section continues to be a member of the public employees retirement~~  
6 ~~system. An eligible employee who makes and files a written election~~transfers to the  
7 defined contribution plan under this section ceases to be a member of the public  
8 employees retirement system effective ~~twelve midnight December 31, 2001~~and;  
9 becomes a participating member in the defined contribution retirement plan under this  
10 chapter effective ~~12:01 a.m. January 1, 2002~~; and waives all of that  
11 ~~person's~~individual's rights to a pension, annuity, retirement allowance, insurance  
12 benefit, or any other benefit under the public employees retirement system effective  
13 ~~December 31, 2001~~. This section does not affect a ~~person's~~an individual's right to  
14 health benefits or retiree health benefits under chapter 54-52.1. An eligible employee  
15 who is first employed and entered upon the payroll of that ~~person's~~individual's  
16 employer ~~after September 30, 2001~~, may make an election to participate in the  
17 defined contribution retirement plan established under this chapter at any time during  
18 ~~the first six months after the date of employment. If the board, in its sole discretion,~~  
19 ~~determines that the employee was not adequately notified of the employee's option to~~  
20 ~~participate in the defined contribution retirement plan, the board may provide the~~  
21 ~~employee a reasonable time within which to make that election, which may extend~~  
22 ~~beyond the original six month decision window~~period beginning July 1, 2020, and  
23 ending 5:00 p.m. December 30, 2020.

- 24 2. If an individual who is a deferred member of the public employees retirement system  
25 on ~~September 30, 2001~~December 31, 2019, is re-employed and by virtue of that  
26 employment is again eligible for membership in the public employees retirement  
27 system under chapter 54-52, the individual may elect in writing to remain a member of  
28 the public employees retirement system or if eligible to participate in the defined  
29 contribution retirement plan established under this chapter to terminate membership in  
30 the public employees retirement system and become a participating member in the  
31 defined contribution retirement plan established under this chapter. An election made



1 by a deferred member under this section is irrevocable. The board shall accept written  
2 elections under this section from a deferred member during the period beginning on  
3 the date of the individual's re-employment and ending upon the expiration of six  
4 months after the date of that re-employment. If the board, in its sole discretion,  
5 determines that the employee was not adequately notified of the employee's option to  
6 participate in the defined contribution retirement plan, the board may provide the  
7 employee a reasonable time within which to make that election, which may extend  
8 beyond the original six-month decision window. A deferred member who makes and  
9 files a written election to remain a member of the public employees retirement system  
10 retains all rights and is subject to all conditions as a member of that retirement system.  
11 A deferred member who does not make a written election or who does not file the  
12 election during the period specified in this section continues to be a member of the  
13 public employees retirement system. A deferred member who makes and files a  
14 written election to terminate membership in the public employees retirement system  
15 ceases to be a member of the public employees retirement system effective on the  
16 last day of the payroll period that includes the date of the election; becomes a  
17 participating member in the defined contribution retirement plan under this chapter  
18 effective the first day of the payroll immediately following the date of the election; and  
19 waives all of that ~~person's~~individual's rights to a pension, an annuity, a retirement  
20 allowance, insurance benefit, or any other benefit under the public employees  
21 retirement system effective the last day of the payroll that includes the date of the  
22 election. This section does not affect any right to health benefits or retiree health  
23 benefits to which the deferred member may otherwise be entitled.

- 24 3. An eligible employee who elects to participate in the retirement plan established under  
25 this chapter must remain a participant even if that employee returns to the classified  
26 service or becomes employed by a political subdivision that participates in the public  
27 employees retirement system. The contribution amount must be as provided in this  
28 chapter, regardless of the position in which the employee is employed.  
29 Notwithstanding the irrevocability provisions of this chapter, if a member who elects to  
30 participate in the retirement plan established under this chapter becomes a supreme  
31 or district court judge, becomes a member of the highway patrol, becomes employed

1 in a position subject to teachers' fund for retirement membership, or becomes an  
2 employee of the board of higher education or state institution under the jurisdiction of  
3 the board who is eligible to participate in an alternative retirement program established  
4 under subsection 6 of section 15-10-17, the member's status as a member of the  
5 defined contribution retirement plan is suspended, and the member becomes a new  
6 member of the retirement plan for which that member's new position is eligible. The  
7 member's account balance remains in the defined contribution retirement plan, but no  
8 new contributions may be made to that account. The member's service credit and  
9 salary history that were forfeited as a result of the member's transfer to the defined  
10 contribution retirement plan remain forfeited, and service credit accumulation in the  
11 new retirement plan begins from the first day of employment in the new position. If the  
12 member later returns to employment that is eligible for the defined contribution plan,  
13 the member's suspension must be terminated, the member again becomes a member  
14 of the defined contribution retirement plan, and the member's account resumes  
15 accepting contributions. At the member's option, and pursuant to rules adopted by the  
16 board, the member may transfer any available balance as determined by the  
17 provisions of the alternate retirement plan into the member's account under this  
18 chapter.

- 19 4. After consultation with its actuary, the board shall determine the method by which a  
20 participating member or deferred member may make a written election under this  
21 section. If the participating member or deferred member is married at the time of the  
22 election, the election is not effective unless the election is signed by the individual's  
23 spouse. However, the board may waive this requirement if the spouse's signature  
24 cannot be obtained because of extenuating circumstances.
- 25 5. If the board receives notification from the internal revenue service that this section or  
26 any portion of this section will cause the public employees retirement system or the  
27 retirement plan established under this chapter to be disqualified for tax purposes  
28 under the Internal Revenue Code, then the portion that will cause the disqualification  
29 does not apply.
- 30 6. A participating member who becomes a temporary employee may still participate in  
31 the defined contribution retirement plan upon filing an election with the board within

1 one hundred eighty days of transferring to temporary employee status. The  
2 participating member may not become a member of the defined benefit plan as a  
3 temporary employee. The temporary employee electing to participate in the defined  
4 contribution retirement plan shall pay monthly to the fund an amount equal to  
5 ~~eight~~fourteen and twelve-hundredths percent times the temporary employee's present  
6 monthly salary. ~~The amount required to be paid by a temporary employee increases~~  
7 ~~by two percent times the temporary employee's present monthly salary beginning with~~  
8 ~~the monthly reporting period of January 2012, and with an additional increase of two~~  
9 ~~percent, beginning with the monthly reporting period of January 2013, and with an~~  
10 ~~additional increase of two percent, beginning with the monthly reporting period of~~  
11 ~~January 2014.~~ The temporary employee shall also pay the required monthly  
12 contribution to the retiree health benefit fund established under section 54-52.1-03.2.  
13 This contribution must be recorded as a member contribution pursuant to section  
14 54-52.1-03.2. An employer may not pay the temporary employee's contributions. A  
15 temporary employee may continue to participate as a temporary employee until  
16 termination of employment or reclassification of the temporary employee as a  
17 permanent employee.

- 18 7. A former participating member who has accepted a retirement distribution pursuant to  
19 section 54-52.6-13 and who subsequently becomes employed by an entity different  
20 from the employer with which the member was employed at the time the member  
21 retired but which does participate in any state-sponsored retirement plan may, before  
22 re-enrolling in the defined contribution retirement plan, elect to permanently waive  
23 future participation in the defined contribution retirement plan, whatever plan in which  
24 the new employing entity participates, and the retiree health program and maintain  
25 that member's retirement status. Neither the member nor the employer are required to  
26 make any future retirement contributions on behalf of that employee.

27 **SECTION 7.** Section 54-52.6-02.1 of the North Dakota Century Code is created and  
28 enacted as follows:

29 **54-52.6-02.1. Membership.**

- 30 1. All eligible employees are participating members.

1       2. Within one hundred eighty days of beginning employment, a temporary employee may  
2       elect to participate in the defined contribution retirement plan under this chapter. The  
3       temporary employee electing to participate in the defined contribution retirement plan  
4       shall pay monthly to the fund an amount equal to fourteen and twelve-hundredths  
5       percent times the temporary employee's present monthly salary. The temporary  
6       employee also shall pay the required monthly contribution of the retiree health benefit  
7       fund established under section 54-52.1-03.2. This contribution must be recorded as a  
8       member contribution pursuant to section 54-52.1-03.2. An employer may not pay the  
9       temporary employee's contributions. A temporary employee may continue to  
10       participate as a temporary employee in the public employees retirement system until  
11       termination of employment.

12       **SECTION 8. AMENDMENT.** Section 54-52.6-03 of the North Dakota Century Code is  
13       amended and reenacted as follows:

14       **54-52.6-03. Transfer of accumulated fund balances.**

15       For an individual who elects to terminate membership in the public employees retirement  
16       system under chapter 54-52, the board shall transfer a lump sum amount from the retirement  
17       fund to the participating member's account in the defined contribution retirement plan under this  
18       chapter. However, if the individual terminates employment prior to receiving the lump sum  
19       transfer under this section, the election made under section 54-52.6-02 is ineffective and the  
20       individual remains a member of the public employees retirement system under chapter 54-52  
21       and retains all the rights and benefits provided under that chapter. The board shall calculate the  
22       amount to be transferred ~~for persons employed before October 1, 2001~~, using the two following  
23       formulas, and shall transfer the greater of the two amounts obtained:

- 24       1. The actuarial present value of the individual's accumulated benefit obligation under the  
25       public employees retirement system based on the assumption that the individual will  
26       retire under the earliest applicable normal retirement age, plus interest from January 1,  
27       2001, to the date of transfer, at the rate of one-half of one percent less than the  
28       actuarial interest assumption at the time of the election; or  
29       2. The actual employer contribution made, less vested employer contributions made  
30       pursuant to section 54-52-11.1, plus compound interest at the rate of one-half of one

1           percent less than the actuarial interest assumption at the time of the election plus the  
2           employee account balance.

3 ~~The board shall calculate the amount to be transferred for persons employed after~~  
4 ~~September 30, 2001, using only the formula contained in subsection 2.~~

5           **SECTION 9. AMENDMENT.** Section 54-52.6-10 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7           **54-52.6-10. Vesting.**

8           1. A participating member is immediately one hundred percent vested in that member's  
9           contributions made to that member's account under this chapter. A participating  
10           member ~~vests~~ is one hundred percent vested in the employer contributions made on  
11           that member's behalf ~~to an account under this chapter according to the following~~  
12           schedule:

13           ~~1.~~ ~~Upon completion of two years of service, fifty percent.~~

14           ~~2.~~ ~~Upon~~upon completion of ~~three years~~one year of service, ~~seventy-five percent.~~

15           ~~3.~~ ~~Upon completion of four years of service, one hundred percent.~~

16           2. A participating member also becomes one hundred percent vested in the employer  
17           contributions upon reaching age sixty-five.

18           3. A participating member who was a member or deferred member of the public  
19           employees retirement system under chapter 54-52 who makes an election to  
20           participate in the defined contribution retirement plan pursuant to this chapter must be  
21           credited with the years of service accrued under the public employees retirement  
22           system on the effective date of participation in the defined contribution retirement plan  
23           for the purpose of meeting vesting requirements for benefits under this section.

24           4. Any forfeiture as a result of the failure of a participating member to vest in the  
25           employer contribution must be deposited in the administrative expenses account.

26           **SECTION 10. PUBLIC EMPLOYEES RETIREMENT SYSTEM - ESTIMATE OF**

27 **ACCUMULATED BALANCE TRANSFER.** For the period beginning January 1, 2020, and  
28 ending June 30, 2021, upon the request of an individual who is eligible for termination of  
29 membership in the public employees retirement system under chapter 54-52 as provided for in  
30 subsection 1 of section 54-52.6-02, the public employees retirement system shall estimate the  
31 individual's accumulated balance transfer amount by calculating the actuarial present value of

1 the individual's accumulated benefit obligation under the public employees retirement system  
2 based on the assumption that the individual will retire under the earliest applicable normal  
3 retirement age.

4 **SECTION 11. EFFECTIVE DATE.** Sections 2 through 9 of this Act become effective  
5 January 1, 2020.

6 **SECTION 12. CONTINGENT EXPIRATION DATE.** Section 1 of this Act is effective until the  
7 executive director of the public employees retirement system certifies to the state treasurer and  
8 to the employee benefits programs committee that the actuarial valuation of the public  
9 employees retirement system main system shows a ratio of the actuarial value of assets to the  
10 actuarial accrued liability of the public employees retirement system main system that is equal  
11 to or greater than ninety-five percent, and after that date is ineffective.