

HOUSE BILL NO. 1309
with Senate Amendments
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Introduced by

Representatives Boschee, Heinert, Martinson, Nathe, M. Ruby, Schneider

Senators Braunberger, Cleary, Dever, K. Roers

1 A BILL for an Act to amend and reenact section 54-52-06.4, subdivisions e and g of
2 subsection 3 of section 54-52-17, and subsection 4 of section 54-52-17 of the North Dakota
3 Century Code, relating to retirement benefits for peace officers employed by the bureau of
4 criminal investigation.

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

6 **SECTION 1. AMENDMENT.** Section 54-52-06.4 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **54-52-06.4. Contribution by peace officers employed by the bureau of criminal**
9 **investigation or security officers employed by the national guard - Employer**
10 **contribution.**

11 1. a. Each peace officer employed by the bureau of criminal investigation who is a
12 member of the public employees retirement system is assessed and shall pay
13 monthly four percent of the employee's monthly salary. Peace officer
14 contributions increase by one percent of the member's monthly salary beginning
15 with the monthly reporting period of January 2012,~~and~~; with an additional
16 increase of one percent, beginning with the reporting period of January 2013;
17 with an additional increase of one percent, beginning with the reporting period of
18 January 2024; and with an additional increase of one percent, beginning with the
19 reporting period of January 2025.

20 b. Effective August 1, 2015, each national guard security officer who is a member of
21 the public employee's retirement system is assessed and monthly shall pay six
22 percent of the employee's monthly salary. National guard security officer
23 contributions decrease by one-half of one percent of the member's monthly
24 salary beginning with the monthly reporting period of January 2016.

1 c. The assessment under this subsection must be deducted and retained out of the
2 employee's salary in equal monthly installments.

3 2. The employer of a peace officer's officer employed by the bureau of criminal
4 investigation or national guard security officer's employer officer shall contribute an
5 amount determined by the board to be actuarially required to support the level of
6 benefits specified in section 54-52-17. The employer's contribution must be paid from
7 funds appropriated for salary or from any other funds available for such purposes. If
8 the peace officer's or security officer's assessment is paid by the employer under
9 subsection 3 of section 54-52-05, the employer shall contribute, in addition, an amount
10 equal to the required peace officer's or security officer's assessment.

11 **SECTION 2. AMENDMENT.** Subdivision e of subsection 3 of section 54-52-17 of the North
12 Dakota Century Code is amended and reenacted as follows:

13 e. Normal retirement date for a peace officer employed by the bureau of criminal
14 investigation is:

15 ~~(1) The~~

16 (1) (a) For a member employed before August 1, 2023, the first day of the
17 month next following the month in which the peace officer attains the
18 age of fifty-five years and has completed at least three eligible years
19 of employment; and

20 (b) For a member employed after July 31, 2023, the first day of the month
21 next following the month in which the peace officer attains the age of
22 fifty-five years and has completed at least ten eligible years of
23 employment; or

24 (2) When the peace officer has a combined total of years of service credit and
25 years of age equal to eighty-five and has not received a retirement benefit
26 under this chapter.

27 **SECTION 3. AMENDMENT.** Subdivision g of subsection 3 of section 54-52-17 of the North
28 Dakota Century Code is amended and reenacted as follows:

29 g. (1) Early retirement date, except for a national guard security officer or
30 firefighter, a firefighter ~~employed by a political subdivision, or a~~ peace
31 officer, or correctional officer employed by ~~the bureau of criminal~~

1 ~~investigation or by a political subdivision, or a peace officer employed by the~~
2 ~~bureau of criminal investigation,~~ is the first day of the month next following
3 the month in which the member attains the age of fifty-five years and has
4 completed three years of eligible employment.

5 (2) For a national guard security officer or firefighter, early retirement date is the
6 first day of the month next following the month in which the national guard
7 security officer or firefighter attains the age of fifty years and has completed
8 at least three years of eligible employment.

9 (3) For a firefighter ~~employed by a political subdivision or a~~ peace officer, or
10 correctional officer employed by the ~~bureau of criminal investigation or by a~~
11 political subdivision, early retirement date is the first day of the month next
12 following the month in which the peace officer, firefighter, or correctional
13 officer attains the age of fifty years and has completed at least three years
14 of eligible employment.

15 (4) For a peace officer employed by the bureau of criminal investigation:

16 (a) Before August 1, 2023, early retirement date is the first day of the
17 month next following the month in which the peace officer attains the
18 age of fifty years and has completed at least three years of eligible
19 employment.

20 (b) After July 31, 2023, early retirement date is the first day of the month
21 next following the month in which the peace officer attains the age of
22 fifty years and has completed at least ten years of eligible
23 employment.

24 **SECTION 4. AMENDMENT.** Subsection 4 of section 54-52-17 of the North Dakota Century
25 Code is amended and reenacted as follows:

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

27 a. Normal retirement benefits for all retirees, except supreme and district court
28 judges and peace officers employed by the bureau of criminal investigation,
29 reaching normal retirement date equal an annual amount, payable monthly,
30 comprised of a service benefit and a prior service benefit, as defined in this
31 chapter, which is determined as follows:

- 1 (1) For members first enrolled:
- 2 (a) Before January 1, 2020, service benefit equals two percent of final
- 3 average salary multiplied by the number of years of service
- 4 employment.
- 5 (b) After December 31, 2019, service benefit equals one and seventy-five
- 6 hundredths percent of final average salary multiplied by the number of
- 7 years of service employment.
- 8 (2) Prior service benefit equals two percent of final average salary multiplied by
- 9 the number of years of prior service employment.
- 10 b. Normal retirement benefits for all supreme and district court judges under the
- 11 public employees retirement system reaching normal retirement date equal an
- 12 annual amount, payable monthly, comprised of a benefit as defined in this
- 13 chapter, determined as follows:
- 14 (1) Benefits must be calculated from the time of appointment or election to the
- 15 bench and must equal three and one-half percent of final average salary
- 16 multiplied by the first ten years of judicial service, two and eighty hundredths
- 17 percent of final average salary multiplied by the second ten years of judicial
- 18 service, and one and one-fourth percent of final average salary multiplied by
- 19 the number of years of judicial service exceeding twenty years.
- 20 (2) Service benefits must include, in addition, an amount equal to the percent
- 21 specified in subdivision a of final average salary multiplied by the number of
- 22 years of nonjudicial employee service and employment.
- 23 c. Normal retirement benefits for a peace officer employed by the bureau of criminal
- 24 investigation reaching the normal retirement date equals an annual amount,
- 25 payable monthly, comprised of a service benefit and a prior service benefit
- 26 determined as follows:
- 27 (1) The first twenty years of credited service multiplied by three percent of final
- 28 average salary.
- 29 (2) For years in excess of twenty years of credited service multiplied by one
- 30 and seventy-five hundredths percent of final average salary.

- 1 d. Postponed retirement benefits are calculated as for single life benefits for those
2 members who retired on or after July 1, 1977.
- 3 d.e. Early retirement benefits are calculated as for single life benefits accrued to the
4 date of termination of employment, but must be actuarially reduced to account for
5 benefit payments beginning before the normal retirement date, as determined
6 under subsection 3. Except for a national guard security officer or firefighter, a
7 firefighter employed by a political subdivision, a peace officer or correctional
8 officer employed by the bureau of criminal investigation or by a political
9 subdivision, or a supreme court or district court judge, early retirement benefits
10 for members first enrolled after December 31, 2015, are calculated for single life
11 benefits accrued to the date of termination of employment, but must be reduced
12 by fixed rate of eight percent per year to account for benefit payments beginning
13 before the normal retirement date. A retiree, other than a supreme or district court
14 judge, is eligible for early retirement benefits only after having completed three
15 years of eligible employment. A supreme or district court judge retiree is eligible
16 for early retirement benefits only after having completed five years of eligible
17 employment.
- 18 e.f. Except for supreme and district court judges, disability retirement benefits are
19 twenty-five percent of the member's final average salary. Disability retirement
20 benefits for supreme and district court judges are seventy percent of final
21 average salary reduced by the member's primary social security benefits and by
22 any workforce safety and insurance benefits paid. The minimum monthly
23 disability retirement benefit under this section is one hundred dollars.