

2023 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1183

2023 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

HB 1183
1/20/2023

Relating to a public employee's retirement system retirement plan for peace officers.

Meeting called to order by **Chairmen Schauer at 8:31AM**

Chairmen Austen Schauer, Vice Chairmen Bernie Satrom, Reps. Landon Bahl, Claire Cory, Jeff A. Hoverson, Jorin Johnson, Karen Karls, Scott Louser, Carrie McLeod, Karen M. Rohr, Vicky Steiner, Steve Vetter, Mary Schneider. All present.

Discussion Topics:

- Equal Retirement
- Current retirement plans
- Fiscal note
- Defined benefit plan
- Safety of peace officers
- Retirement age
- Recruitment and retention

Representative Porter- Testifies in favor.

Tom Erhardt- Director of ND Parole & Probation- Testifies in favor. (Testimony #14817)

Scott Winkelman- Chief Game Warden of NDG&F- Testifies in favor. (Testimony #14269)

Cody Schulz, Director of ND Parks & Rec Department- Testifies in favor. (Testimony #14644)

Blair Thoreson- ND Peace Officers Association- Testifies orally in favor.

Scott Miller, Executive Director of the ND Public Employees Retirement System- Testifies neutrally. (Testimony # 14634)

Chairman Schauer- Closes the hearing for HB 1183 at 9:38 AM

Phillip Jacobs, Committee Clerk by Risa Berube

2023 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

HB 1183
2/2/2023

Relating to a public employee's retirement system retirement plan for peace officers.

Meeting called to order by **Chairmen Schauer at 11:03AM**

Chairmen Austen Schauer, Vice Chairman Bernie Satrom, Reps. Landon Bahl, Claire Cory, Jeff A. Hoverson, Jorin Johnson, Karen Karls, Scott Louser, Carrie McLeod, Karen M. Rohr, Vicky Steiner, Mary Schneider. Rep. Steve Vetter not present.

Discussion Topics:

- Committee work

Chairman Schauer- Called for a discussion on HB 1183.

Rep. Louser – Moved a do pass on HB 1183 and rereferral to the House Appropriations Committee.

Rep. Cory – Seconded the motion.

Roll Call Vote:

Representatives	Vote
Representative Austen Schauer	Y
Representative Bernie Satrom	Y
Representative Landon Bahl	Y
Representative Claire Cory	Y
Representative Jeff A. Hoverson	Y
Representative Jorin Johnson	Y
Representative Karen Karls	Y
Representative Scott Louser	Y
Representative Carrie McLeod	Y
Representative Karen M. Rohr	N
Representative Mary Schneider	Y
Representative Vicky Steiner	N
Representative Steve Vetter	AB

Motion carries 10-2-1.

Carried by Rep. Johnson.

Chairman Schauer- Closes the hearing for HB 1183 at 11:09 AM

Phillip Jacobs, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1183: Government and Veterans Affairs Committee (Rep. Schauer, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1183 was rereferred to the **Appropriations Committee**.

2023 HOUSE APPROPRIATIONS

HB 1183

2023 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee
Brynhild Haugland Room, State Capitol

HB 1183
2/14/2023

Relating to a public employees retirement system retirement plan for peace officers.

4:14 PM Chairman Vigesaa- Meeting was called to order and roll call was taken:

Members present; Chairman Vigesaa, Representative Kempenich, Representative B. Anderson, Representative Brandenburg, Representative Hanson, Representative Kreidt, Representative Martinson, Representative Mitskog, Representative Meier, Representative Mock, Representative Monson, Representative Nathe, Representative J. Nelson, Representative O'Brien, Representative Pyle, Representative Richter, Representative Sanford, Representative Schatz, Representative Schobinger, Representative Strinden, Representative G. Stemen and Representative Swiontek.

Members not Present- Representative Bellew

Discussion Topics:

- Officer Retirement Plan
- Peace Officer Retention
- Lower Retirement Age for Officers

Representative Schauer- Introduces the bill. (Testimony #20831)

Chairman Vigesaa Closed the meeting for HB 1183 @ 4:23 PM

Risa Berube, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee Brynhild Haugland Room, State Capitol

HB 1183
2/16/2023

Relating to a public employees retirement system retirement plan for peace officers.

10:42 AM Chairman Vigesaa- Meeting was called to order and roll call was taken:

All Members Present; Chairman Vigesaa, Representative Kempenich, Representative B. Anderson, Representative Bellew, Representative Brandenburg, Representative Hanson, Representative Kreidt, Representative Martinson, Representative Mitskog, Representative Meier, Representative Mock, Representative Monson, Representative Nathe, Representative J. Nelson, Representative O'Brien, Representative Pyle, Representative Richter, Representative Sanford, Representative Schatz, Representative Schobinger, Representative Strinden, Representative G. Stemen and Representative Swiontek.

Discussion Topics:

- Peace Officers Retirement Plan
- PERS Vs. BCI Plan

Chairman Vigesaa – Asks for committee discussion.

Lonnie Graboska BCI Director- Answers questions for the committee

10:49 AM Chairman Vigesaa Closed the meeting for HB 1183, no action taken.

Risa Berube, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee Brynhild Haugland Room, State Capitol

HB 1183
2/17/2023

Relating to a public employees retirement system retirement plan for peace officers.

11:08 AM Chairman Vigesaa- Meeting was called to order and roll call was taken:

Members present; Chairman Vigesaa, Representative B. Anderson, Representative Bellew, Representative Brandenburg, Representative Hanson, Representative Kreidt, Representative Martinson, Representative Mitskog, Representative Meier, Representative Mock, Representative Monson, Representative Nathe, Representative J. Nelson, Representative O'Brien, Representative Pyle, Representative Richter, Representative Sanford, Representative Schatz, Representative Schobinger, Representative Strinden, Representative G. Stemen and Representative Swiontek.

Members not Present- Representative Kempenich

Discussion Topics:

- Peace Officer Retirement Plan

Representative Martinson Do Pass

Representative Swiontek- Seconds the motion.

Committee discussion- Roll call vote

Representatives	Vote
Representative Don Vigesaa	Y
Representative Keith Kempenich	A
Representative Bert Anderson	Y
Representative Larry Bellew	N
Representative Mike Brandenburg	Y
Representative Karla Rose Hanson	Y
Representative Gary Kreidt	Y
Representative Bob Martinson	Y
Representative Lisa Meier	Y
Representative Alisa Mitskog	Y
Representative Corey Mock	Y
Representative David Monson	Y
Representative Mike Nathe	Y
Representative Jon O. Nelson	Y
Representative Emily O'Brien	Y
Representative Brandy Pyle	Y
Representative David Richter	Y

House Appropriations Committee

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Representative Mark Sanford	Y
Representative Mike Schatz	Y
Representative Randy A. Schobinger	Y
Representative Greg Stemen	Y
Representative Michelle Strinden	Y
Representative Steve Swiontek	Y

Motion Carries 21-1-1 Representative J. Johnson will carry the bill.

Additional Testimony: #21093

11:10 AM Chairman Vigesaa Closed the meeting for HB 1183

Risa Berube, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1183: Appropriations Committee (Rep. Vigesaa, Chairman) recommends **DO PASS** (21 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1183 was placed on the Eleventh order on the calendar.

2023 SENATE STATE AND LOCAL GOVERNMENT

HB 1183

2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

HB 1183
3/9/2023

Relating to a public employees retirement system retirement plan for peace officers.

10:07 AM Chair Roers opened the hearing. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

Discussion Topics:

- Fair plan
- Bureau of Criminal Investigation
- Peace Officers Plan
- Retention and recruitment
- Employees

Rep Porter, Dist 34, bill sponsor, testified in support with no written testimony.

Tom Erhardt, Dir Parole/Probation, testified in support #22922.

Scott Winkelman, ND Game and Fish, testified in support #23116.

Jeff Indovina, ND Game and Fish testified in support with no written testimony.

Scott Miller, Dir Public Employees Retirement system, testified neutral #22326.

10:39 AM Chair Roers closed the hearing.

Pam Dever, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

HB 1183
3/10/2023

Relating to a public employees retirement system retirement plan for peace officers.

11:16 AM Chair Roers opened committee work. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

Discussion Topics:

- One plan
- Committee action

Sen Estenson moved a DO NOT PASS.

Died for lack of a second.

Chair Roers and the committee discussed the bill.

11:23 AM Chair Roers adjourned the meeting.

Pam Dever, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

HB 1183
3/16/2023

Relating to a public employees retirement system retirement plan for peace officers.

11:09 Chair Roers opened committee work. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

Discussion Topics:

- Bill review

Sen Cleary asked for more time for an amendment.

Chair Roers asked the intern to ask Legislative Council to help meld HB 1309 with HB 1183.

11:12 AM Chair Roers adjourned the meeting.

Pam Dever, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

HB 1183
3/24/2023

Relating to public employees retirement system retirement plan for peace officers.

10:36 AM Chair Roers opened committee work. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

Discussion Topics:

- Review

Senator Cleary shared proposed amendment 23.0008.01002 (#28019). Jennifer Clark, Legislative Council Senior Council and Code Revisor, answered questions regarding the proposed amendment.

Chair Roers requests another meeting regarding amendments.

10:40 AM Chair Roers adjourned the meeting.

Pam Dever, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

HB 1183
3/24/2023

Relating to a public employees retirement system retirement plan for peace officers.

2:17 PM Chair Roers opened committee work. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

Discussion Topics:

- Committee action

Sen Cleary discussed 23.0008.01003 and he wanted the bill to be a study. #26659, #26719

Sen Cleary moved amendment LC 23.0008.01004.
Sen Barta seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Sean Cleary	Y
Senator Judy Estenson	Y
Senator Judy Lee	Y

ROLL CALL VOTE: YES – 6 NO – 0 Absent – 0 Motion PASSED

Sen Cleary moved a DO PASS as Amended and Rerefer to Appropriations.

Senators	Vote
Sen Barta seconded the motion.	
Senator Kristin Roers	N
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Sean Cleary	Y
Senator Judy Estenson	N
Senator Judy Lee	Y

ROLL CALL VOTE: YES – 4 NO – 2 Absent – 0 Motion PASSED

Sen Cleary will carry the bill.

2:30 PM Chair Roers adjourned the meeting.

Pam Dever, Committee Clerk

AG
3-24-23
(1-4)

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1183

Page 1, line 2, remove "subdivision d of"

Page 1, line 4, after "officers" insert "; and to provide for a legislative management study"

Page 2, line 4, after "1." insert "a."

Page 2, line 4, remove the overstrike over "~~bureau of criminal investigation~~"

Page 2, line 4, remove "state"

Page 2, line 6, remove the overstrike over "~~four~~"

Page 2, line 6, remove "six"

Page 2, line 6, remove the overstrike over "~~Peace officer contributions increase~~"

Page 2, remove the overstrike over lines 7 and 8

Page 2, line 9, remove the overstrike over "~~the reporting period of January 2013.~~" and insert immediately thereafter:

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

"c."

Page 2, after line 13, insert:

"d."

Page 3, line 29, after "e." insert "(1)"

Page 3, line 29, remove the overstrike over "~~bureau of criminal~~"

Page 3, line 30, remove the overstrike over "~~investigation~~"

Page 3, line 30, remove "state"

Page 4, line 1, overstrike "(1)" and insert immediately thereafter "(a)"

Page 4, line 4, overstrike "(2)" and insert immediately thereafter "(b)"

Page 4, after line 6, insert:

"(2) Normal retirement date for a peace officer employed by the state, other than a peace officer employed by the bureau of criminal investigation, is:

(a) The first day of the month next following the month in which the peace officer attains the age of fifty-five years and has completed at least three eligible years of employment; or

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

Page 4, line 10, after "g." insert "(1)"

Page 4, line 15, after the period insert

"(2)"

Page 4, line 19, after the period insert

"(3)"

Page 4, line 19, after "state" insert ", other than a peace officer employed by the bureau of criminal investigation."

Page 4, after line 24, insert:

"(4) For a peace officer employed by the bureau of criminal investigation, early retirement date is the first day of the month next following the month in which the peace officer attains the age of fifty years and has completed at least three years of eligible employment."

Page 5, remove lines 17 through 31

Page 6, replace lines 1 and 2 with:

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

4. The board shall calculate retirement benefits as follows:

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

(1) For members first enrolled:

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

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

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

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

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(2-4)

- (1) Benefits must be calculated from the time of appointment or election to the bench and must equal three and one-half percent of final average salary multiplied by the first ten years of judicial service, two and eighty hundredths percent of final average salary multiplied by the second ten years of judicial service, and one and one-fourth percent of final average salary multiplied by the number of years of judicial service exceeding twenty years.
- (2) Service benefits must include, in addition, an amount equal to the percent specified in subdivision a of final average salary multiplied by the number of years of nonjudicial employee service and employment.
- c. Normal retirement benefits for a peace officer employed by the bureau of criminal investigation reaching the normal retirement date equals an annual amount, payable monthly, comprised of a service benefit and a prior service benefit determined as follows:
- (1) For members first enrolled:
- (a) Before January 1, 2020, service benefit equals two percent of final average salary multiplied by the number of years of service employment.
- (b) After December 31, 2019, service benefit equals one and seventy-five hundredths percent of final average salary multiplied by the number of years of service employment.
- (2) Prior service benefit equals two percent of final average salary multiplied by the number of years of prior service employment.
- d. Normal retirement benefits for a peace officer employed by the state, other than by the bureau of criminal investigation, reaching the normal retirement date equals an annual amount, payable monthly, comprised of a service benefit and a prior service benefit determined as follows:
- (1) For members first enrolled:
- (a) Before January 1, 2020, service benefit equals two percent of final average salary multiplied by the number of years of service employment.
- (b) After December 31, 2019, service benefit equals one and seventy-five hundredths percent of final average salary multiplied by the number of years of service employment.
- (2) Prior service benefit equals two percent of final average salary multiplied by the number of years of prior service employment.
- e. Postponed retirement benefits are calculated as for single life benefits for those members who retired on or after July 1, 1977.
- d.f. Early retirement benefits are calculated as for single life benefits accrued to the date of termination of employment, but must be actuarially reduced to account for benefit payments beginning before the normal retirement date, as determined under subsection 3. Except for a national guard security officer or firefighter, a firefighter employed

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(3-4)

~~by a political subdivision, a peace officer, or correctional officer employed by the bureau of criminal investigation or by a political subdivision, a peace officer employed by the state,~~ or a supreme court or district court judge, early retirement benefits for members first enrolled after December 31, 2015, are calculated for single life benefits accrued to the date of termination of employment, but must be reduced by fixed rate of eight percent per year to account for benefit payments beginning before the normal retirement date. A retiree, other than a supreme or district court judge, is eligible for early retirement benefits only after having completed three years of eligible employment. A supreme or district court judge retiree is eligible for early retirement benefits only after having completed five years of eligible employment.

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3-21-23
(4-4)

- e.g. Except for supreme and district court judges, disability retirement benefits are twenty-five percent of the member's final average salary. Disability retirement benefits for supreme and district court judges are seventy percent of final average salary reduced by the member's primary social security benefits and by any workforce safety and insurance benefits paid. The minimum monthly disability retirement benefit under this section is one hundred dollars.

SECTION 5. LEGISLATIVE MANAGEMENT STUDY - PEACE OFFICER AND PUBLIC SAFETY PERSONNEL RETIREMENT PLANS. During the 2023-24 interim, the legislative management shall consider studying the retirement system for peace officers and public safety personnel in the state. The study must include consideration of the public employees retirement system retirement plans offered to peace officers and safety personnel; how political subdivisions provide retirement benefits to peace officers and safety personnel; how other states provide retirement benefits to peace officers and safety personnel; the level of benefits and contributions in the state, political subdivision, and other state plans; how peace officers and public safety personnel transition between these retirement plans; and factors unique to retirement plans in the public safety sector. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1183: State and Local Government Committee (Sen. K. Roers, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1183 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 2, remove "subdivision d of"

Page 1, line 4, after "officers" insert "; and to provide for a legislative management study"

Page 2, line 4, after "1." insert "a."

Page 2, line 4, remove the overstrike over "~~bureau of criminal investigation~~"

Page 2, line 4, remove "state"

Page 2, line 6, remove the overstrike over "~~four~~"

Page 2, line 6, remove "six"

Page 2, line 6, remove the overstrike over "~~Peace officer contributions increase~~"

Page 2, remove the overstrike over lines 7 and 8

Page 2, line 9, remove the overstrike over "~~the reporting period of January 2013.~~" and insert immediately thereafter:

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

c."

Page 2, after line 13, insert:

"d.

Page 3, line 29, after "e." insert "(1)"

Page 3, line 29, remove the overstrike over "~~bureau of criminal~~"

Page 3, line 30, remove the overstrike over "~~investigation~~"

Page 3, line 30, remove "state"

Page 4, line 1, overstrike "(1)" and insert immediately thereafter "(a)"

Page 4, line 4, overstrike "(2)" and insert immediately thereafter "(b)"

Page 4, after line 6, insert:

"(2) Normal retirement date for a peace officer employed by the state, other than a peace officer employed by the bureau of criminal investigation, is:

(a) The first day of the month next following the month in which the peace officer attains the age of fifty-five years and has completed at least three eligible years of employment; or

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

Page 4, line 10, after "g." insert "(1)"

Page 4, line 15, after the period insert

"(2)"

Page 4, line 19, after the period insert

"(3)"

Page 4, line 19, after "state" insert ", other than a peace officer employed by the bureau of criminal investigation."

Page 4, after line 24, insert:

- "(4) For a peace officer employed by the bureau of criminal investigation, early retirement date is the first day of the month next following the month in which the peace officer attains the age of fifty years and has completed at least three years of eligible employment."

Page 5, remove lines 17 through 31

Page 6, replace lines 1 and 2 with:

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

4. The board shall calculate retirement benefits as follows:
 - a. Normal retirement benefits for all retirees, except supreme and district court judges, peace officers employed by the bureau of criminal investigation, and other peace officers employed by the state, reaching normal retirement date equal an annual amount, payable monthly, comprised of a service benefit and a prior service benefit, as defined in this chapter, which is determined as follows:
 - (1) For members first enrolled:
 - (a) Before January 1, 2020, service benefit equals two percent of final average salary multiplied by the number of years of service employment.
 - (b) After December 31, 2019, service benefit equals one and seventy-five hundredths percent of final average salary multiplied by the number of years of service employment.
 - (2) Prior service benefit equals two percent of final average salary multiplied by the number of years of prior service employment.
 - b. Normal retirement benefits for all supreme and district court judges under the public employees retirement system reaching normal retirement date equal an annual amount, payable monthly, comprised of a benefit as defined in this chapter, determined as follows:

- (1) Benefits must be calculated from the time of appointment or election to the bench and must equal three and one-half percent of final average salary multiplied by the first ten years of judicial service, two and eighty hundredths percent of final average salary multiplied by the second ten years of judicial service, and one and one-fourth percent of final average salary multiplied by the number of years of judicial service exceeding twenty years.
 - (2) Service benefits must include, in addition, an amount equal to the percent specified in subdivision a of final average salary multiplied by the number of years of nonjudicial employee service and employment.
- c. Normal retirement benefits for a peace officer employed by the bureau of criminal investigation reaching the normal retirement date equals an annual amount, payable monthly, comprised of a service benefit and a prior service benefit determined as follows:
- (1) For members first enrolled:
 - (a) Before January 1, 2020, service benefit equals two percent of final average salary multiplied by the number of years of service employment.
 - (b) After December 31, 2019, service benefit equals one and seventy-five hundredths percent of final average salary multiplied by the number of years of service employment.
 - (2) Prior service benefit equals two percent of final average salary multiplied by the number of years of prior service employment.
- d. Normal retirement benefits for a peace officer employed by the state, other than by the bureau of criminal investigation, reaching the normal retirement date equals an annual amount, payable monthly, comprised of a service benefit and a prior service benefit determined as follows:
- (1) For members first enrolled:
 - (a) Before January 1, 2020, service benefit equals two percent of final average salary multiplied by the number of years of service employment.
 - (b) After December 31, 2019, service benefit equals one and seventy-five hundredths percent of final average salary multiplied by the number of years of service employment.
 - (2) Prior service benefit equals two percent of final average salary multiplied by the number of years of prior service employment.
- e. Postponed retirement benefits are calculated as for single life benefits for those members who retired on or after July 1, 1977.
- d.f. Early retirement benefits are calculated as for single life benefits accrued to the date of termination of employment, but must be actuarially reduced to account for benefit payments beginning before the normal retirement date, as determined under subsection 3. Except for a national guard security officer or firefighter, a firefighter employed by a political subdivision, a peace officer, or correctional officer employed by the bureau of criminal investigation or by a

political subdivision, a peace officer employed by the state, or a supreme court or district court judge, early retirement benefits for members first enrolled after December 31, 2015, are calculated for single life benefits accrued to the date of termination of employment, but must be reduced by fixed rate of eight percent per year to account for benefit payments beginning before the normal retirement date. A retiree, other than a supreme or district court judge, is eligible for early retirement benefits only after having completed three years of eligible employment. A supreme or district court judge retiree is eligible for early retirement benefits only after having completed five years of eligible employment.

- e.g. Except for supreme and district court judges, disability retirement benefits are twenty-five percent of the member's final average salary. Disability retirement benefits for supreme and district court judges are seventy percent of final average salary reduced by the member's primary social security benefits and by any workforce safety and insurance benefits paid. The minimum monthly disability retirement benefit under this section is one hundred dollars.

SECTION 5. LEGISLATIVE MANAGEMENT STUDY - PEACE OFFICER AND PUBLIC SAFETY PERSONNEL RETIREMENT PLANS. During the 2023-24 interim, the legislative management shall consider studying the retirement system for peace officers and public safety personnel in the state. The study must include consideration of the public employees retirement system retirement plans offered to peace officers and safety personnel; how political subdivisions provide retirement benefits to peace officers and safety personnel; how other states provide retirement benefits to peace officers and safety personnel; the level of benefits and contributions in the state, political subdivision, and other state plans; how peace officers and public safety personnel transition between these retirement plans; and factors unique to retirement plans in the public safety sector. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly."

Renumber accordingly

2023 SENATE APPROPRIATIONS

HB 1183

2023 SENATE STANDING COMMITTEE MINUTES

Appropriations - Human Resources Division Roughrider Room, State Capitol

HB 1183
3/30/2023

A BILL relating to a public employees retirement system retirement plan for peace officers; and to provide for a legislative management study.
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8:36 AM Chairman Dever called the meeting to order. Members present: Senators Dever, Burckhard, Mathern, Kreun. Absent: Senator Davison.

Discussion Topics:

- Main PERS plan
- Retirement age
- Employee retention
- Licensed police officers
- Employment flexibility
- Contribution increase

8:38 AM Todd Porter, Representative, District 34, introduced HB 1138, and verbally testified in favor.

9:24 AM Sean Cleary, Representative, District 35, spoke in favor.

9:26 AM Scott Miller, Executive Director, ND Public Employees Retirement System, verbally provided information.

9:39 AM Scott Peterson, Deputy Director, ND Game and Fish Department, verbally testified in favor.

9:50 AM Tom Erhardt, Director, Parole and Probation Department, verbally testified in favor.

9:53 AM Cole Garman, Outreach and Engagement Chief Officer for ND Parks and Recreation, verbally testified in favor.

9:58 AM Stephanie Dassinger Engebretson, Executive Director, ND League of Cities, verbally testified neutral.

10:00 AM Chairman Dever adjourned the meeting.

Susan Huntington, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Appropriations - Human Resources Division Roughrider Room, State Capitol

HB 1183
4/5/2023

A BILL for an Act relating to a public employees retirement system retirement plan for peace officers; and to provide for a legislative management study.

10:24 AM Chairman Dever opened the meeting.

Members present: Senators Dever, Mathern, Davison, Burckhard, and Kreun.

Discussion Topics:

- Peace office retirement plans
- Definition
- Retirement date
- Retirement plans
- Contributions

10:25 AM Scott Miller, Executive Director, Public Employment Retirement System, testified in favor, no written testimony.

10:47 AM Tom Erhardt, Director, ND Parole & Probation Services, testified in favor, no written testimony.

11:07 AM Stephanie Dassinger Engebretson, ND League of Cities, testified neutral, no written testimony.

11:09 AM Senator Mathern moved DO PASS on HB 1183.
Senator Kreun seconded.

11:11 AM Roll call vote.

Senators	Vote
Senator Dick Dever	Y
Senator Randy A. Burckhard	Y
Senator Kyle Davison	N
Senator Curt Kreun	Y
Senator Tim Mathern	Y

Motion carried 4-1-0.

Senator Kreun will carry the bill.

11:12 AM Chairman Dever closed the meeting.

Susan Huntington, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee Roughrider Room, State Capitol

HB 1183
4/7/2023

A BILL for an Act relating to a public employees retirement system retirement plan for peace officers; and to provide for a legislative management study.

9:17 AM Chairman Bekkedahl opened the hearing on HB 1183.

Members present: Senators Bekkedahl, Krebsbach, Burckhard, Davison, Dever, Dwyer, Erbele, Kreun, Meyer, Roers, Schaible, Sorvaag, Wanzek, Rust, and Mathern.

Members absent: Senator Vedaa

Discussion Topics:

- Peace officers
- Retirement system
- OMB budget
- Committee action

9:17 AM Senator Kreun introduced the bill, no written testimony.

9:26 AM Scott Miller, Executive Director North Dakota Public Employees Retirement System, answered questions from the committee, no written testimony.

9:39 AM Senator Kreun moved DO PASS.
Senator Mathern seconded the motion.

Senators	Vote
Senator Brad Bekkedahl	Y
Senator Karen K. Krebsbach	Y
Senator Randy A. Burckhard	Y
Senator Kyle Davison	N
Senator Dick Dever	Y
Senator Michael Dwyer	N
Senator Robert Erbele	Y
Senator Curt Kreun	Y
Senator Tim Mathern	Y
Senator Scott Meyer	Y
Senator Jim P. Roers	Y
Senator David S. Rust	Y
Senator Donald Schaible	Y
Senator Ronald Sorvaag	Y
Senator Shawn Vedaa	AB
Senator Terry M. Wanzek	Y

Motion passed 13-2-1.

Senator Cleary will carry the bill.

9:43 AM Chairman Bekkedahl closed the hearing.

Kathleen Hall, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1183, as amended: Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **DO PASS** (13 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1183, as amended, was placed on the Fourteenth order on the calendar. This bill affects workforce development.

TESTIMONY

HB 1183



House Government and Veterans Affairs Committee
Testimony on HB 1183

North Dakota Game and Fish Department
Scott Winkelman, Chief Game Warden
January 20, 2023

Chairman Schauer and members of the House Government and Veterans Affairs Committee, my name is Scott Winkelman, Chief Game Warden for the North Dakota Game and Fish Department. I am testifying today in support of HB 1183.

The North Dakota Game and Fish Department law enforcement division includes 38 licensed peace officers, authorized by North Dakota Century Code (N.D.C.C.) to enforce state laws and make arrests. Currently, the Game Wardens are part of the regular PERS retirement plan. This bill would change the definition of peace officer under Subsection 12 of section 54-52-01 of the N.D.C.C. to include all peace officers employed by the state, including Game Wardens, and move them to the PERS law enforcement retirement plan. Beginning on January 1, 2016, the normal retirement date for Game Wardens became the rule of 90 and minimum age 60. Most of the officers hired by the North Dakota Game and Fish Department are hired while in their lower to mid-twenties and have served the state around 30 years when they reach the age of 55. The job duties of a Game Warden in North Dakota are high stress, both physically and mentally. When Game Wardens who have dedicated their lives and careers to serving and protecting the citizens and wildlife of our state are either physically or mentally ready to move to the next stage of their lives but are forced to keep working because they have not met their retirement age it becomes a potential liability for the officer, department, and the state. Officer productivity and moral decreases when the Game Wardens are working even though they are physically or mentally "checked out" and are only working because they are forced to by the retirement plan. Passing this bill would allow Game Wardens who have faithfully served to know they have the state's support and an option to retire at an age between 55 and 60 and protect the state, department, and officer.

The North Dakota Game and Fish Department also is having increased difficulty in the recruitment and retention of Game Wardens. Passing this bill would put the Game and Fish Department on equal footing with other law enforcement agencies in the state who are already members of the law enforcement retirement plan and allow all law enforcement officers employed by the state to be treated similarly and fairly. Therefore, the Department is asking the committee to send a recommendation of do pass for HB 1183 as written.

TESTIMONY OF SCOTT MILLER

House Bill 1183 – Public Safety Retirement Plan Membership

Good Morning, my name is Scott Miller. I am the Executive Director of the North Dakota Public Employees Retirement System, or NDPERS. I am here to testify in a neutral position regarding House Bill 1183.

- Adds “peace officers employed by the state” to the BCI agent Public Safety Retirement Plan
- “Peace officers” to include campus police, park rangers, game wardens, and parole and probation officers (BCI Agents are already in the Public Safety plan)
- Consultant notes (IceMiller):
 - The Internal Revenue Code does not generally recognize people who are not employed by a “police department or fire department” or who do not “provide police protection [or] fire fighting services” as public safety employees. Internal Revenue Code sections 71(t)(10) and 415(b). As a result, park rangers, game wardens, and parole and probation officers who retire early may be subject to a 10% tax penalty.
- Consultant notes (GRS):
 - The actuarial impact depends on the number and age of new members who would transfer, and the amount of liabilities and assets that would be transferred.
 - Approximately 430 members would transfer from the Main PERS plan to the Public Safety with prior Main service plan. Future members would start in the Public Safety plan.
 - Because the Public Safety system contains more favorable retirement provisions than the Main system, there would be an increase in past service liability because of the transfer.
 - The net impact of the transfer is expected to result in an increase in unfunded actuarial accrued liability to the Public Safety system due to an asset transfer that is about 78% of the actuarial accrued liability under the Main system.
 - Note this went down to 65% with the 2022 valuation
 - Normal cost of benefits goes down from 12.97% to 11.91% because of the expansion
 - Employer contributions will increase by 8.83%
 - If HB 1309 also passes, employer contributions will increase 14.44%

Testimony – HB 1183
House Government and Veterans Affairs Committee
January 20, 2023
By Cody Schulz
Director, ND Parks and Recreation

Good morning Chairman Schauer and members of the House Government and Veterans Affairs Committee, my name is Cody Schulz. I am the Director of the North Dakota Parks & Recreation Department. I offer this testimony in support of HB 1183.

North Dakota Parks and Recreation employs 26 sworn law enforcement officers. All of our Park Managers and Park Rangers are certified Peace Officers and skillfully fulfill all of the duties and responsibilities of law enforcement officers that are currently eligible to participate in this retirement plan. I offer the following excerpt of a 2017 report from the Congressional Research Service on the subject of “Retirement Benefits for Federal Law Enforcement Personnel.”

The duties of law enforcement personnel place unique physical and psychological demands on individuals employed in those positions. Because physical and mental health decline with age, Congress deemed it necessary to maintain a youthful workforce to ensure the quality of law enforcement services. Law enforcement personnel are subject to a mandatory retirement age to maintain this goal, which leads to an expectation of limited federal service for these employees. Consequently, Congress has established enhanced retirement benefits for individuals in these occupations.

The provision of enhanced retirement benefits for law enforcement personnel was initially implemented with two primary intentions. The first was to create a retirement system under which it is financially reasonable for officers to retire at an earlier age with fewer years of service than regular civilian federal employees. Second, the enhanced retirement benefits, which encourage entry at a young age, continuous service, and early retirement, are intended to help maintain a young and vigorous federal law enforcement workforce.

In addition to the benefits to the workforce and public we serve detailed above, I believe this bill would also help in recruiting and retention of team members. In many cases we are competing for the same candidates as county sheriff's offices and city police departments who already offer this retirement benefit to their sworn officers. Having this benefit certainly be a recruiting tool to attract law enforcement officers from states that are not as friendly and supportive of law enforcement as North Dakota.

On behalf of North Dakota Parks and Recreation, I recommend HB 1183 receive a Do Pass.

Thank you for your time; I will do my best to answer any questions you may have.

**HOUSE GOVERNMENT AND VETERANS AFFAIRS
REPRESENTATIVE AUSTEN SCHAUER, CHAIR
JANUARY 20, 2023**

**TOM ERHARDT, DIRECTOR, PAROLE AND PROBATION
PRESENTING TESTIMONY IN SUPPORT OF HOUSE BILL 1183**

Chairman Schauer and members of the Government and Veterans Affairs Committee, my name is Tom Erhardt and I am the Director of North Dakota Parole and Probation, a division of the North Dakota Department of Corrections and Rehabilitation. I was hired as the Director in September 2022. I am approaching my 27th year as an employee of the DOCR and am in my 21st year as a sworn peace officer of this state. I stand before you today to testify in favor of House Bill 1183.

Parole and Probation employs approximately 98 sworn parole and probation officers. N.D.C.C. 12-59-20 authorizes parole officers as peace officers, and those officers are not in the ND PERS retirement plan for peace officers. We have 17 district offices throughout the state serving our communities to provide supervision of approximately 6,500 adults released from incarceration to parole, sentenced to probation by the district courts, and transferred from other states via the Interstate Compact for Adult Offender Supervision. Our job is unique in that we take on two roles. Our primary role is helping the individuals we supervise find resources, teaching them prosocial skills to handle risky situations, and provide mentorship so they can desist from crime. The second role is holding these individuals accountable to the

conditions of supervision and to enforce those conditions, including enforcement of the laws of this state. An officer's day can range from a routine office visit where an individual is met with, drug tested, referred for services and coached on avoiding risky situations; to participating in a drug raid with dangerous, uncooperative suspects. Many times, this dichotomy happens at a moment's notice and officers must "switch gears" to complete their mission. Additionally, parole officers conduct announced and unannounced home visits on supervised individuals to detect and intervene on their activities at home. Officers are increasingly encountering dangerous situations including fentanyl, firearms, and dangerous weapons. In 2021 and 2022, officers conducted 583 searches, confiscating over 31 pounds of illegal narcotics, and 57 illegally possessed firearms (handguns, rifles, shotguns) and, among other prohibited items, 2 live hand grenades.

In the past two years Parole and Probation continues to face challenges in turnover and salaries compared to market. I believe being able to offer prospective recruits the same retirement plan as other law enforcement agencies will help attract and retain professional and experienced staff to assist in our mission.

As of today, under the ND PERS Main Defined Benefit retirement plan, 32 sworn parole officers qualify for the rule of 90 – they were hired after January 1, 2016. This means that they, and others who are starting their careers must work to about age 60 to achieve retirement. We will see the effects of the rule of 90 in the years to come as veteran staff retire, and new staff enter the parole and

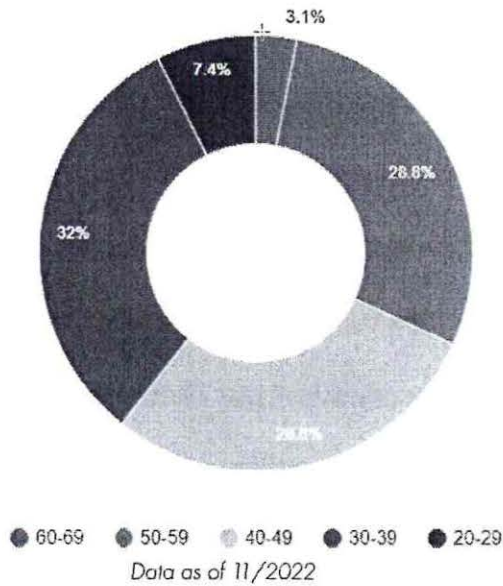
probation work force. Having officers in the 55-60 age range performing high intensity enforcement tasks may compromise their safety, as well as the safety of their fellow officers. I'm certainly not saying that people in that age range cannot perform those tasks, but Father Time forgets no one. Parole and Probation has very few positions where those staff could move to that would pay the same rate and minimize the risk of personal safety.

According to the 2011 Florida Mortality Study by the Florida State Fraternal Order of Police on average, law enforcement and correctional officers died 12 years earlier than the general population. In other words, law enforcement and correctional officers lived 62.4 years compared to 74.2 years for the general population. Other studies I found show a life expectancy of 59 for law enforcement and correctional officers compared to 77 for general population. Whichever you choose, it is not good news for these public safety professionals to enjoy a lot of time in a much-earned retirement.

House Bill 1183 would provide Parole and Probation a benefit to attract and retain skilled staff and "level the playing field" with other law enforcement agencies who are currently in the retirement plan for peace officers when competing for employees. It would allow all state peace officers normal retirement at age 55 with three years of eligible employment, or at the rule of 85. We are not asking for anything more than other law enforcement agencies, but the same benefit for our officers. I believe that after 25-30 years of service as a peace officer, these individuals have earned this benefit. We put our personal safety at risk each day in performance of our service to the citizens of this great

state, and statistically, are at a higher risk of dying sooner than the general population. I ask that you support your state peace officers employed by state agencies by recommending a do pass on House Bill 1183. I will stand to answer any questions I can. Thank you.

Parole and Probation PERCENTAGE OF SWORN STAFF



TOTAL STAFF IN AGE GROUP

60-69...	3
50-59...	27
40-49...	27
30-39...	30
20-29...	7

Good morning, Mr. Chairman, and members of the appropriations committee.

My name is Austen Schauer representing **District 13** in West Fargo.

The **backbone** of **HB 1183** is fair treatment for North Dakota's law enforcement along with retention and recruitment for our law enforcement personnel.

During the **DAPL** uprising and many other emergency situations before and after, members of multiple law enforcement agencies have responded.

And with **clear evidence**, they have done their job.

They all work under stress, danger, and challenges of the job.

However, they are **not** working under the same retirement plan.

They are being treated **differently**.

HB 1183 aims to change that.

Under the current **BCI** plan, agents working for the Attorney General can retire at age **55**.

And this is good because we know through various studies and research, that the demands and intensity of law enforcement are built for younger people, **not** 55- to 65-year-olds despite what our minds may tell us.

We also know **statistically**, the life expectancy for those in law enforcement is shorter than those **not** in law enforcement.

And therein is reason why **HB 1183** was advanced by both the **Employee Benefits** and the **GVA** committees.

HB 1183 will take approximately **400** sworn officers from the state and move them into the **BCI retirement plan** which will be renamed the **Peace Officers Retirement Plan**.

These officers are mostly from North Dakota **Parole and Probation**, North Dakota **Game and Fish** and North Dakota **Parks and Rec**.

Several more are **investigators** working for the North Dakota **Insurance department** and other state agencies.

They are trained. They are skilled. They educated.

Most have a four-year degree in criminal justice.

They are certified and licensed through North Dakota post-board.

They all wear a **badge**.

But these **400 peace officers** are currently under the **main PERS plan** and cannot retire until **age 65**.

Under **HB 1183**, these officers will be moved to the new **Peace Officers Retirement** plan and can retire at age **55**.

However, that doesn't mean they will.

Because of an IRS rule, these **400 officers** cannot begin drawing on the retirement plan **without penalty** until they are **59 and a half**.

They can, however, retire from law enforcement at **55**...and work at a less stressful state job...before drawing full retirement benefits four and a half years later.

I must mention, **HB 1183** does not impact **Highway Patrol** as they have their own retirement plan.

To the point of **fairness**.

All North Dakota peace officers are protecting our people, responding to emergencies, carrying out the laws we pass, going after the bad actors yet the state treats them **differently** when it comes to retirement benefits.

We believe that needs to change and it will under **HB 1183**.

To the second point of **recruiting and training**.

The **400 peace officers** are highly sought after by other agencies in today's **employee driven** market.

Why? Because they are trained and experienced.

It takes a considerable amount of time, effort, and money to get a peace officer up to speed.

We have all seen what happens with law enforcement is not trained properly.

Once our state officers are trained, we need to retain them as best as possible from federal, county, city, and other agencies who would "**poach**" or "**scalp**" them as was mentioned by the bill sponsor.

If our benefits are not on par for all, we open a big **door** to losing trained officers and who's fault is that?

Finally, a look at the fiscal note.

We believe the fiscal note is **wrong** despite efforts to fix it with **PERS**.

Two glaring errors.

The first is **ID number 125** regarding the Attorney General's line item.

HB 1183 is not adding one **BCI** agent onto the retirement plan so you can remove the **\$853, 209** expense.

Glaring error number two: **ID number 540** regarding the Adjutant Generals' line item.

HB 1183 does **not** impact any guard member's retirement plan so you can remove the **\$179, 643** expense.

The **accurate** Fiscal Note should be **\$2.9 million**.

To summarize, **HB 1183** will keep **all** North Dakota law enforcement under one retirement plan. The only caveat being the **IRS** rule.

And number two, **HB 1183** will help in recruiting and retaining much need peace officers.

This is a stand-alone issue.

Thank you, Mr. Chairman, and committee members. I stand open for questions.

Current Funding Policy

- Employer/employee contribution rates are based on fixed rates set by Statute

Plan	Employer Rate	Employee Rate	Total Rate	Total Actuarial Rate
Main System ^d	7.35%	7.00%	14.35%	21.70%
Judges	17.52%	8.00%	25.52%	19.90%
Public Safety With ^a	9.81%	5.50% ^b	15.31%	16.94%
Public Safety Without ^a	7.93%	5.50%	13.43%	14.66%
Highway Patrol ^c	20.20%	13.80%	34.00%	53.15%
RHIC ^d	1.14%	0.00%	1.14%	1.35%
Job Service	0.00%	7.00%	7.00%	NA

^a Public Safety with and without prior Main System service.

^b Employee rate for BCI members of Public Safety with prior Main System service is 6.00%.

^c Highway Patrol employer and employee statutory contribution rates are to increase by 0.5 percentage points annually beginning on January 1, 2022, with the last increase occurring January 1, 2025.

^d RHIC rate for members first enrolled on or after January 1, 2020 is made to the Main System for Main System members and to the DC System for DC System members. Main System employer rate of 7.35% is a blend of 7.12% for pre-2020 enrollees and 8.26% for members first enrolled in 2020 or later.



TESTIMONY OF SCOTT MILLER

House Bill 1183 – Public Safety Retirement Plan Membership

Good Morning, my name is Scott Miller. I am the Executive Director of the North Dakota Public Employees Retirement System, or NDPERS. I am here to testify in a neutral position regarding House Bill 1183.

- Adds “peace officers employed by the state” to the BCI agent Public Safety Retirement Plan
- “Peace officers” to include campus police, park rangers, game wardens, and parole and probation officers (BCI Agents are already in the Public Safety plan)
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 - The Internal Revenue Code does not generally recognize people who are not employed by a “police department or fire department” or who do not “provide police protection [or] fire fighting services” as public safety employees. Internal Revenue Code sections 71(t)(10) and 415(b). As a result, park rangers, game wardens, and parole and probation officers who retire early may be subject to a 10% tax penalty.
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 - Note this went down to 65% with the 2022 valuation
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 - Employer contributions will increase by 8.83%

**SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
SENATOR KRISTIN ROERS, CHAIR
MARCH 9, 2023**

**TOM ERHARDT, DIRECTOR, PAROLE AND PROBATION
PRESENTING TESTIMONY IN SUPPORT OF HOUSE BILL 1183**

Madam Chair Roers and members of the State and Local Government Committee, my name is Tom Erhardt, and I am the Director of Parole and Probation, a division of the North Dakota Department of Corrections and Rehabilitation (DOCR). I stand before you today to testify in favor of House Bill 1183.

The DOCR's Parole and Probation Division employs approximately 98 sworn parole and probation officers. N.D.C.C. Section 12-59-20 requires parole and probation officers be peace officers. However, parole and probation officers are not in the ND PERS retirement plan for peace officers. The Parole and Probation Division has 17 district offices throughout the state serving our communities by supervising approximately 6,500 adults who are released from incarceration to parole, sentenced to probation by the district courts, or transferred from other states via the Interstate Compact for Adult Offender Supervision.

A parole and probation officer's job is unique in that we take on two roles. Our primary role is helping the individuals we supervise find resources, teaching them prosocial skills to handle risky situations, and providing mentorship so they can desist from crime. The second role is holding these individuals accountable

to the conditions of supervision and enforcing those conditions, including enforcement of the laws of this state.

A parole and probation officer's day can vary widely. A parole and probation officer may be conducting routine office visits during which the parole and probation officer meets with individuals, drug tests them, refers them to needed services, and coaches them on avoiding risky situations. However, the next day, or even moments later, the officer may participate in a drug raid with dangerous, uncooperative suspects or conduct announced and unannounced home visits of supervised individuals to detect and intervene in their activities at home. Officers are increasingly encountering danger, including fentanyl, firearms, and dangerous weapons. In 2021 and 2022, officers conducted 583 searches, confiscating over 31 pounds of illegal narcotics, 57 illegally possessed firearms (handguns, rifles, shotguns) and, among other prohibited items, 2 live hand grenades. Many times, this dichotomy happens at a moment's notice and parole and probation officers must "switch gears" from office visits to field operations to complete their duties.

In the past two years, the Parole and Probation Division continues to face challenges in turnover and salaries compared to market. I believe being able to offer prospective recruits the same retirement plan as other law enforcement agencies will help attract and retain professional and experienced staff to assist in our mission.

As of today, under the ND PERS Main Defined Benefit retirement plan, 32 sworn parole officers qualify for the rule of 90 – they were hired after January 1,

2016. This means that they, and others who are starting their careers, must work to at least about age 60 to achieve retirement. We will see the effects of the rule of 90 in the years to come as veteran staff retire, and new staff enter the parole and probation work force. When parole and probation officers reach the age of 55-60, they are more likely to have health conditions that could interfere with performing some tasks in the field; when a parole and probation officer attempts to perform tasks the officer is not able to complete, it can compromise their safety and the safety of their fellow officers. I'm not saying that people in that age range cannot perform those tasks, but it becomes more likely that they have health conditions that interfere with these tasks. Parole and Probation has very few positions to which staff with these health conditions can move that would pay the same rate and minimize the risk of personal safety.

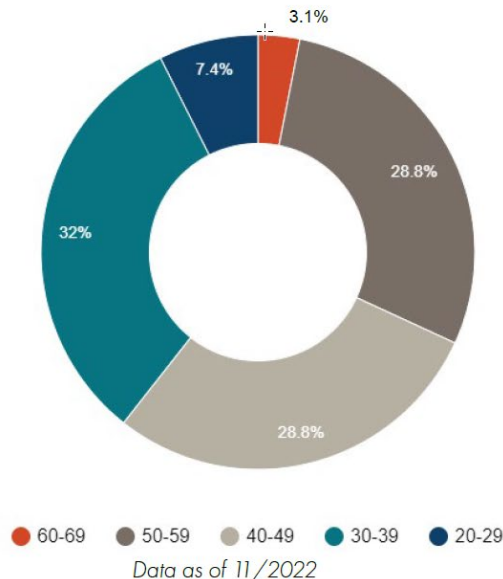
According to the 2011 Florida Mortality Study by the Florida State Fraternal Order of Police, on average, law enforcement and correctional officers died 12 years earlier than the general population. In other words, law enforcement and correctional officers lived 62.4 years compared to 74.2 years for the general population. Other studies I found show a life expectancy of 59 for law enforcement and correctional officers compared to 77 for general population. Given their shorter life expectancy, public safety professionals do not have a lot of time to enjoy a much-earned retirement.

House Bill 1183 would provide Parole and Probation a benefit to attract and retain skilled staff and "level the playing field" with other law enforcement agencies who are currently in the retirement plan for peace officers when

competing for employees. It would allow all state peace officers to retire at age 55 with three years of eligible employment or when the officer's age plus years of service credit equal eighty-five (85). We are not asking for anything more than other law enforcement agencies; we just want the same benefit for our officers. I believe that after 25-30 years of service as a peace officer, these individuals have earned this benefit. We put our personal safety at risk each day in performance of our service to the citizens of this great state, and statistically are at a higher risk of dying sooner than the general population.

The House of Representatives passed this bill with strong support, and I ask that you support your peace officers employed by state agencies by recommending a do pass on House Bill 1183. I will stand to answer any questions I can. Thank you.

PAROLE AND PROBATION PERCENTAGE OF SWORN STAFF



TOTAL STAFF IN AGE GROUP

60-69... 3
 50-59... 27
 40-49... 27
 30-39... 30
 20-29... 7



Senate State and Local Government Committee
Testimony on HB 1183

North Dakota Game and Fish Department
Scott Winkelman, Chief Game Warden
March 9, 2023

Madam Chair Roers and members of the Senate State and Local Government Committee, my name is Scott Winkelman, Chief Game Warden for the North Dakota Game and Fish Department. I am testifying today in support of HB 1183.

The North Dakota Game and Fish Department law enforcement division includes 38 licensed peace officers, authorized by North Dakota Century Code (NDCC) to enforce state laws and make arrests. Currently, the Game Wardens are part of the regular PERS retirement plan. This bill would change the definition of peace officer under Subsection 12 of section 54-52-01 of the NDCC to include all peace officers employed by the state, including Game Wardens, and move them to the PERS law enforcement retirement plan. Beginning on January 1, 2016, the normal retirement date for Game Wardens became the rule of 90 and minimum age 60. Most of the officers hired by the North Dakota Game and Fish Department are hired while in their lower to mid-twenties and have served the state around 30 years when they reach the age of 55. The job duties of a Game Warden in North Dakota are high stress, both physically and mentally. When Game Wardens who have dedicated their lives and careers to serving and protecting the citizens and wildlife of our state are either physically or mentally ready to move to the next stage of their lives but are forced to keep working because they have not met their retirement age it becomes a potential liability for the officer, department, and the state. Officer productivity and moral decreases when the Game Wardens are working even though they are physically or mentally “checked out” and are only working because they are forced to by the retirement plan. Passing this bill would allow Game Wardens who have faithfully served to know they have the state’s support and an option to retire at an age between 55 and 60 and protect the state, department, and officer.

The North Dakota Game and Fish Department also is having increased difficulty in the recruitment and retention of Game Wardens. Passing this bill would put the Game and Fish Department on equal footing with other law enforcement agencies in the state who are already members of the law enforcement retirement plan and allow all law enforcement officers employed by the state to be treated similarly and fairly. Therefore, the Department is asking the committee to send a recommendation of do pass for HB 1183 as written.

23.0008.01002

Sixty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1183

Introduced by

Representatives Porter, Dockter, Heinert, Karls, Kasper, Louser, Motschenbacher, Ostlie, D. Ruby, Schauer

Senators Axtman, Larson

1 A BILL for an Act to amend and reenact subsection 12 of section 54-52-01, section 54-52-06.4,
2 subsection 3 of section 54-52-17, and ~~subdivision d of~~ subsection 4 of section 54-52-17 of the
3 North Dakota Century Code, relating to a public employees retirement system retirement plan
4 for peace officers.

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

6 **SECTION 1. AMENDMENT.** Subsection 12 of section 54-52-01 of the North Dakota Century
7 Code is amended and reenacted as follows:

8 12. "Peace officer" means a participating member who is a peace officer as defined in
9 section 12-63-01 and is employed as a peace officer by the ~~bureau of criminal~~
10 ~~investigation~~ state, except by the highway patrol for members of the retirement plan
11 created under chapter 39-03.1, or is employed by a political subdivision and,
12 notwithstanding subsection 13, for persons employed after August 1, 2005, is
13 employed thirty-two hours or more per week and at least twenty weeks each year of
14 employment. A peace officer who is a participating member of the law enforcement
15 retirement plan created by this chapter who begins employment after August 1, 2005,
16 is ineligible to participate concurrently in any other retirement plan administered by the
17 public employees retirement system.

18 **SECTION 2. AMENDMENT.** Section 54-52-06.4 of the North Dakota Century Code is
19 amended and reenacted as follows:

1 **54-52-06.4. Contribution by peace officers employed by the ~~bureau of criminal~~**
2 **~~investigation~~state or security officers employed by the national guard - Employer**
3 **contribution.**

4 1. a. Each peace officer employed by the ~~bureau of criminal investigation~~state who is a
5 member of the public employees retirement system is assessed and shall pay
6 monthly ~~four~~six percent of the employee's monthly salary. ~~Peace officer~~
7 ~~contributions increase by one percent of the member's monthly salary beginning~~
8 ~~with the monthly reporting period of January 2012, and with an additional~~
9 ~~increase of one percent, beginning with the reporting period of January 2013.~~

10 b. ~~Each peace officer employed by the state, other than a peace officer employed~~
11 ~~by the bureau of criminal investigation, who is a member of the public employees~~
12 ~~retirement system is assessed and shall pay six percent of the employee's~~
13 ~~monthly salary.~~

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

19 d. The assessment must be deducted and retained out of the employee's salary in
20 equal monthly installments.

21 2. The peace officer's or security officer's employer shall contribute an amount
22 determined by the board to be actuarially required to support the level of benefits
23 specified in section 54-52-17. The employer's contribution must be paid from funds
24 appropriated for salary or from any other funds available for such purposes. If the
25 peace officer's or security officer's assessment is paid by the employer under
26 subsection 3 of section 54-52-05, the employer shall contribute, in addition, an amount
27 equal to the required peace officer's or security officer's assessment.

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

30 3. Retirement dates are defined as follows:

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

1 (2) When the peace officer, firefighter, or correctional officer has a combined
2 total of years of service credit and years of age equal to eighty-five and has
3 not received a retirement benefit under this chapter.

4 e. (1) Normal retirement date for a peace officer employed by the bureau of
5 criminal investigation ~~state~~ is:

6 ~~(1)~~(a) The first day of the month next following the month in which the peace
7 officer attains the age of fifty-five years and has completed at least
8 three eligible years of employment; or

9 ~~(2)~~(b) When the peace officer has a combined total of years of service credit
10 and years of age equal to eighty-five and has not received a
11 retirement benefit under this chapter.

12 (2) Normal retirement date for a peace officer employed by the state, other than
13 a peace officer employed by the bureau of criminal investigation, is:

14 (a) The first day of the month next following the month in which the peace
15 officer attains the age of fifty-five years and has completed at least
16 three eligible years of employment; or

17 (b) When the peace officer has a combined total of years of service credit
18 and years of age equal to eighty-five and has not received a
19 retirement benefit under this chapter.

20 f. Postponed retirement date is the first day of the month next following the month
21 in which the member, on or after July 1, 1977, actually severs or has severed the
22 member's employment after reaching the normal retirement date.

23 g. Early retirement date, except for a national guard security officer or firefighter, a
24 firefighter ~~employed by a political subdivision, or a~~ peace officer, or correctional
25 officer employed by ~~the bureau of criminal investigation or by a political~~
26 subdivision, or a peace officer employed by the state, is the first day of the month
27 next following the month in which the member attains the age of fifty-five years
28 and has completed three years of eligible employment. For a national guard
29 security officer or firefighter, early retirement date is the first day of the month
30 next following the month in which the national guard security officer or firefighter
31 attains the age of fifty years and has completed at least three years of eligible

1 employment. For a peace officer employed by the state or a firefighter employed
2 ~~by a political subdivision or a~~ peace officer, or correctional officer employed by
3 ~~the bureau of criminal investigation or by a political subdivision~~, early retirement
4 date is the first day of the month next following the month in which the peace
5 officer, firefighter, or correctional officer attains the age of fifty years and has
6 completed at least three years of eligible employment.

7 h. Disability retirement date is the first day of the month after a member becomes
8 permanently and totally disabled, according to medical evidence called for under
9 the rules of the board, and has completed at least one hundred eighty days of
10 eligible employment. For supreme and district court judges, permanent and total
11 disability is based solely on a judge's inability to perform judicial duties arising out
12 of physical or mental impairment, as determined pursuant to rules adopted by the
13 board or as provided by subdivision a of subsection 3 of section 27-23-03.

14 (1) A member is eligible to receive disability retirement benefits only if the
15 member became disabled during the period of eligible employment and
16 applies for disability retirement benefits within twelve months of the date the
17 member terminates employment.

18 (2) A member is eligible to continue to receive disability benefits as long as the
19 permanent and total disability continues and the member submits the
20 necessary documentation and undergoes medical testing required by the
21 board, or for as long as the member participates in a rehabilitation program
22 required by the board, or both. If the board determines a member no longer
23 meets the eligibility definition, the board may discontinue the disability
24 retirement benefit. The board may pay the cost of any medical testing or
25 rehabilitation services the board deems necessary and these payments are
26 appropriated from the retirement fund for those purposes. A member's
27 receipt of disability benefits under this section is limited to receipt from the
28 fund to which the member was actively contributing at the time the member
29 became disabled.

30 ~~SECTION 4. AMENDMENT. Subdivision d of subsection 4 of section 54-52-17 of the North~~
31 ~~Dakota Century Code is amended and reenacted as follows:~~

~~d. Early retirement benefits are calculated as for single life benefits accrued to the date of termination of employment, but must be actuarially reduced to account for benefit payments beginning before the normal retirement date, as determined under subsection 3. Except for a national guard security officer or firefighter, a firefighter employed by a political subdivision, a peace officer, or correctional officer employed by the bureau of criminal investigation or by a political subdivision, a peace officer employed by the state, or a supreme court or district court judge, early retirement benefits for members first enrolled after December 31, 2015, are calculated for single life benefits accrued to the date of termination of employment, but must be reduced by fixed rate of eight percent per year to account for benefit payments beginning before the normal retirement date. A retiree, other than a supreme or district court judge, is eligible for early retirement benefits only after having completed three years of eligible employment. A supreme or district court judge retiree is eligible for early retirement benefits only after having completed five years of eligible employment.~~

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

4. The board shall calculate retirement benefits as follows:

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

(1) For members first enrolled:

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

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

- 1 (2) Prior service benefit equals two percent of final average salary multiplied by
2 the number of years of prior service employment.
- 3 b. Normal retirement benefits for all supreme and district court judges under the
4 public employees retirement system reaching normal retirement date equal an
5 annual amount, payable monthly, comprised of a benefit as defined in this
6 chapter, determined as follows:
- 7 (1) Benefits must be calculated from the time of appointment or election to the
8 bench and must equal three and one-half percent of final average salary
9 multiplied by the first ten years of judicial service, two and eighty hundredths
10 percent of final average salary multiplied by the second ten years of judicial
11 service, and one and one-fourth percent of final average salary multiplied by
12 the number of years of judicial service exceeding twenty years.
- 13 (2) Service benefits must include, in addition, an amount equal to the percent
14 specified in subdivision a of final average salary multiplied by the number of
15 years of nonjudicial employee service and employment.
- 16 c. Normal retirement benefits for a peace officer employed by the bureau of criminal
17 investigation reaching the normal retirement date equals an annual amount,
18 payable monthly, comprised of a service benefit and a prior service benefit
19 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 d. Normal retirement benefits for a peace officer employed by the state, other than
30 by the bureau of criminal investigation, reaching the normal retirement date

1 equals an annual amount, payable monthly, comprised of a service benefit and a
2 prior service benefit determined as follows:

3 (1) For members first enrolled:

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

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

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

12 e. Postponed retirement benefits are calculated as for single life benefits for those
13 members who retired on or after July 1, 1977.

14 ~~d.f.~~ Early retirement benefits are calculated as for single life benefits accrued to the
15 date of termination of employment, but must be actuarially reduced to account for
16 benefit payments beginning before the normal retirement date, as determined
17 under subsection 3. Except for a national guard security officer or firefighter, a
18 firefighter ~~employed by a political subdivision, a~~ peace officer, or correctional
19 officer employed by ~~the bureau of criminal investigation or by~~ a political
20 subdivision, a peace officer employed by the state, or a supreme court or district
21 court judge, early retirement benefits for members first enrolled after December
22 31, 2015, are calculated for single life benefits accrued to the date of termination
23 of employment, but must be reduced by fixed rate of eight percent per year to
24 account for benefit payments beginning before the normal retirement date. A
25 retiree, other than a supreme or district court judge, is eligible for early retirement
26 benefits only after having completed three years of eligible employment. A
27 supreme or district court judge retiree is eligible for early retirement benefits only
28 after having completed five years of eligible employment.

29 ~~e.g.~~ Except for supreme and district court judges, disability retirement benefits are
30 twenty-five percent of the member's final average salary. Disability retirement
31 benefits for supreme and district court judges are seventy percent of final

1 average salary reduced by the member's primary social security benefits and by
2 any workforce safety and insurance benefits paid. The minimum monthly
3 disability retirement benefit under this section is one hundred dollars.

23.0008.01001

Sixty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1183

Introduced by

Representatives Porter, Dockter, Heinert, Karls, Kasper, Louser, Motschenbacher, Ostlie, D. Ruby, Schauer

Senators Axtman, Larson

1 A BILL for an Act to amend and reenact subsection 12 of section 54-52-01, section 54-52-06.4,
2 subsection 3 of section 54-52-17, and subdivision d of subsection 4 of section 54-52-17 of the
3 North Dakota Century Code, relating to a public employees retirement system retirement plan
4 for peace officers; and to provide for a legislative management study.

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

6 **SECTION 1. AMENDMENT.** Subsection 12 of section 54-52-01 of the North Dakota Century
7 Code is amended and reenacted as follows:

8 12. "Peace officer" means a participating member who is a peace officer as defined in
9 section 12-63-01 and is employed as a peace officer by the ~~bureau of criminal-~~
10 ~~investigation~~state, except by the highway patrol for members of the retirement plan
11 created under chapter 39-03.1, or is employed by a political subdivision and,
12 notwithstanding subsection 13, for persons employed after August 1, 2005, is
13 employed thirty-two hours or more per week and at least twenty weeks each year of
14 employment. A peace officer who is a participating member of the law enforcement
15 retirement plan created by this chapter who begins employment after August 1, 2005,
16 is ineligible to participate concurrently in any other retirement plan administered by the
17 public employees retirement system.

18 **SECTION 2. AMENDMENT.** Section 54-52-06.4 of the North Dakota Century Code is
19 amended and reenacted as follows:

1 **54-52-06.4. Contribution by peace officers employed by the ~~bureau of criminal~~**
2 **~~investigation~~state or security officers employed by the national guard - Employer**
3 **contribution.**

4 1. Each peace officer employed by the ~~bureau of criminal investigation~~state who is a
5 member of the public employees retirement system is assessed and shall pay monthly
6 ~~four~~six percent of the employee's monthly salary. ~~Peace officer contributions increase~~
7 ~~by one percent of the member's monthly salary beginning with the monthly reporting~~
8 ~~period of January 2012, and with an additional increase of one percent, beginning with~~
9 ~~the reporting period of January 2013.~~ Effective August 1, 2015, each national guard
10 security officer who is a member of the public employee's retirement system is
11 assessed and monthly shall pay six percent of the employee's monthly salary. National
12 guard security officer contributions decrease by one-half of one percent of the
13 member's monthly salary beginning with the monthly reporting period of January 2016.
14 The assessment must be deducted and retained out of the employee's salary in equal
15 monthly installments.

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

23 **SECTION 3. AMENDMENT.** Subsection 3 of section 54-52-17 of the North Dakota Century
24 Code is amended and reenacted as follows:

25 3. Retirement dates are defined as follows:

26 a. Normal retirement date, except for a national guard security officer or firefighter, a
27 firefighter employed by a political subdivision, ~~or a peace officer employed by the~~
28 ~~state, or a peace officer or~~ correctional officer employed by the ~~bureau of criminal~~
29 investigation ~~or by a political subdivision, is:~~

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

- 1 (1) The first day of the month next following the month in which the peace
2 officer attains the age of fifty-five years and has completed at least three
3 eligible years of employment; or
- 4 (2) When the peace officer has a combined total of years of service credit and
5 years of age equal to eighty-five and has not received a retirement benefit
6 under this chapter.
- 7 f. Postponed retirement date is the first day of the month next following the month
8 in which the member, on or after July 1, 1977, actually severs or has severed the
9 member's employment after reaching the normal retirement date.
- 10 g. Early retirement date, except for a national guard security officer or firefighter, a
11 firefighter ~~employed by a political subdivision, or a~~ peace officer, or correctional
12 officer employed by ~~the bureau of criminal investigation or by a political~~
13 subdivision, or a peace officer employed by the state, is the first day of the month
14 next following the month in which the member attains the age of fifty-five years
15 and has completed three years of eligible employment. For a national guard
16 security officer or firefighter, early retirement date is the first day of the month
17 next following the month in which the national guard security officer or firefighter
18 attains the age of fifty years and has completed at least three years of eligible
19 employment. For a peace officer employed by the state or a firefighter employed
20 ~~by a political subdivision or a~~ peace officer, or correctional officer employed by
21 ~~the bureau of criminal investigation or by a political subdivision~~, early retirement
22 date is the first day of the month next following the month in which the peace
23 officer, firefighter, or correctional officer attains the age of fifty years and has
24 completed at least three years of eligible employment.
- 25 h. Disability retirement date is the first day of the month after a member becomes
26 permanently and totally disabled, according to medical evidence called for under
27 the rules of the board, and has completed at least one hundred eighty days of
28 eligible employment. For supreme and district court judges, permanent and total
29 disability is based solely on a judge's inability to perform judicial duties arising out
30 of physical or mental impairment, as determined pursuant to rules adopted by the
31 board or as provided by subdivision a of subsection 3 of section 27-23-03.

- 1 (1) A member is eligible to receive disability retirement benefits only if the
2 member became disabled during the period of eligible employment and
3 applies for disability retirement benefits within twelve months of the date the
4 member terminates employment.
- 5 (2) A member is eligible to continue to receive disability benefits as long as the
6 permanent and total disability continues and the member submits the
7 necessary documentation and undergoes medical testing required by the
8 board, or for as long as the member participates in a rehabilitation program
9 required by the board, or both. If the board determines a member no longer
10 meets the eligibility definition, the board may discontinue the disability
11 retirement benefit. The board may pay the cost of any medical testing or
12 rehabilitation services the board deems necessary and these payments are
13 appropriated from the retirement fund for those purposes. A member's
14 receipt of disability benefits under this section is limited to receipt from the
15 fund to which the member was actively contributing at the time the member
16 became disabled.

17 **SECTION 4. AMENDMENT.** Subdivision d of subsection 4 of section 54-52-17 of the North
18 Dakota Century Code is amended and reenacted as follows:

- 19 d. Early retirement benefits are calculated as for single life benefits accrued to the
20 date of termination of employment, but must be actuarially reduced to account for
21 benefit payments beginning before the normal retirement date, as determined
22 under subsection 3. Except for a national guard security officer or firefighter, a
23 firefighter ~~employed by a political subdivision, a~~ peace officer, or correctional
24 officer ~~employed by the bureau of criminal investigation or by a political~~
25 subdivision, a peace officer employed by the state, or a supreme court or district
26 court judge, early retirement benefits for members first enrolled after
27 December 31, 2015, are calculated for single life benefits accrued to the date of
28 termination of employment, but must be reduced by fixed rate of eight percent
29 per year to account for benefit payments beginning before the normal retirement
30 date. A retiree, other than a supreme or district court judge, is eligible for early
31 retirement benefits only after having completed three years of eligible

1 employment. A supreme or district court judge retiree is eligible for early
2 retirement benefits only after having completed five years of eligible employment.

3 **SECTION 5. LEGISLATIVE MANAGEMENT STUDY - PEACE OFFICER AND PUBLIC**
4 **SAFETY PERSONNEL RETIREMENT PLANS.** During the 2023-24 interim, the legislative
5 management shall consider studying the retirement system for peace officers and public safety
6 personnel in the state, including consideration of public employees retirement system retirement
7 plans offered to peace officers and safety personnel; how political subdivisions provide
8 retirement benefits to peace officers and safety personnel; how other states provide retirement
9 benefits to peace officers and safety personnel; the level of benefits and contributions in the
10 state, political subdivision, and other state plans; how peace officers and public safety
11 personnel transition between these retirement plans; and factors unique to retirement plans in
12 the public safety sector. The legislative management shall report its findings and
13 recommendations, together with any legislation required to implement the recommendations, to
14 the sixty-ninth legislative assembly.

23.0008.01004
Title.02000

Adopted by the Senate State and Local
Government Committee
March 24, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1183

Page 1, line 2, remove "subdivision d of"

Page 1, line 4, after "officers" insert "; and to provide for a legislative management study"

Page 2, line 4, after "1." insert "a."

Page 2, line 4, remove the overstrike over "~~bureau of criminal investigation~~"

Page 2, line 4, remove "state"

Page 2, line 6, remove the overstrike over "~~four~~"

Page 2, line 6, remove "six"

Page 2, line 6, remove the overstrike over "~~Peace officer contributions increase~~"

Page 2, remove the overstrike over lines 7 and 8

Page 2, line 9, remove the overstrike over "~~the reporting period of January 2013.~~" and insert immediately thereafter:

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

c."

Page 2, after line 13, insert:

"d."

Page 3, line 29, after "e." insert "(1)"

Page 3, line 29, remove the overstrike over "~~bureau of criminal~~"

Page 3, line 30, remove the overstrike over "~~investigation~~"

Page 3, line 30, remove "state"

Page 4, line 1, overstrike "(1)" and insert immediately thereafter "(a)"

Page 4, line 4, overstrike "(2)" and insert immediately thereafter "(b)"

Page 4, after line 6, insert:

"(2) Normal retirement date for a peace officer employed by the state, other than a peace officer employed by the bureau of criminal investigation, is:

(a) The first day of the month next following the month in which the peace officer attains the age of fifty-five years and has completed at least three eligible years of employment; or

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

Page 4, line 10, after "g." insert "(1)"

Page 4, line 15, after the period insert

"(2)"

Page 4, line 19, after the period insert

"(3)"

Page 4, line 19, after "state" insert ", other than a peace officer employed by the bureau of criminal investigation."

Page 4, after line 24, insert:

- "(4) For a peace officer employed by the bureau of criminal investigation, early retirement date is the first day of the month next following the month in which the peace officer attains the age of fifty years and has completed at least three years of eligible employment."

Page 5, remove lines 17 through 31

Page 6, replace lines 1 and 2 with:

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

4. The board shall calculate retirement benefits as follows:
 - a. Normal retirement benefits for all retirees, except supreme and district court judges, peace officers employed by the bureau of criminal investigation, and other peace officers employed by the state, reaching normal retirement date equal an annual amount, payable monthly, comprised of a service benefit and a prior service benefit, as defined in this chapter, which is determined as follows:
 - (1) For members first enrolled:
 - (a) Before January 1, 2020, service benefit equals two percent of final average salary multiplied by the number of years of service employment.
 - (b) After December 31, 2019, service benefit equals one and seventy-five hundredths percent of final average salary multiplied by the number of years of service employment.
 - (2) Prior service benefit equals two percent of final average salary multiplied by the number of years of prior service employment.
 - b. Normal retirement benefits for all supreme and district court judges under the public employees retirement system reaching normal retirement date equal an annual amount, payable monthly, comprised of a benefit as defined in this chapter, determined as follows:

- (1) Benefits must be calculated from the time of appointment or election to the bench and must equal three and one-half percent of final average salary multiplied by the first ten years of judicial service, two and eighty hundredths percent of final average salary multiplied by the second ten years of judicial service, and one and one-fourth percent of final average salary multiplied by the number of years of judicial service exceeding twenty years.
 - (2) Service benefits must include, in addition, an amount equal to the percent specified in subdivision a of final average salary multiplied by the number of years of nonjudicial employee service and employment.
- c. Normal retirement benefits for a peace officer employed by the bureau of criminal investigation reaching the normal retirement date equals an annual amount, payable monthly, comprised of a service benefit and a prior service benefit determined as follows:
- (1) For members first enrolled:
 - (a) Before January 1, 2020, service benefit equals two percent of final average salary multiplied by the number of years of service employment.
 - (b) After December 31, 2019, service benefit equals one and seventy-five hundredths percent of final average salary multiplied by the number of years of service employment.
 - (2) Prior service benefit equals two percent of final average salary multiplied by the number of years of prior service employment.
- d. Normal retirement benefits for a peace officer employed by the state, other than by the bureau of criminal investigation, reaching the normal retirement date equals an annual amount, payable monthly, comprised of a service benefit and a prior service benefit determined as follows:
- (1) For members first enrolled:
 - (a) Before January 1, 2020, service benefit equals two percent of final average salary multiplied by the number of years of service employment.
 - (b) After December 31, 2019, service benefit equals one and seventy-five hundredths percent of final average salary multiplied by the number of years of service employment.
 - (2) Prior service benefit equals two percent of final average salary multiplied by the number of years of prior service employment.
- e. Postponed retirement benefits are calculated as for single life benefits for those members who retired on or after July 1, 1977.
- d-f. Early retirement benefits are calculated as for single life benefits accrued to the date of termination of employment, but must be actuarially reduced to account for benefit payments beginning before the normal retirement date, as determined under subsection 3. Except for a national guard security officer or firefighter, a firefighter employed

~~by a political subdivision, a peace officer, or correctional officer employed by the bureau of criminal investigation or by a political subdivision, a peace officer employed by the state,~~ or a supreme court or district court judge, early retirement benefits for members first enrolled after December 31, 2015, are calculated for single life benefits accrued to the date of termination of employment, but must be reduced by fixed rate of eight percent per year to account for benefit payments beginning before the normal retirement date. A retiree, other than a supreme or district court judge, is eligible for early retirement benefits only after having completed three years of eligible employment. A supreme or district court judge retiree is eligible for early retirement benefits only after having completed five years of eligible employment.

- e.g. Except for supreme and district court judges, disability retirement benefits are twenty-five percent of the member's final average salary. Disability retirement benefits for supreme and district court judges are seventy percent of final average salary reduced by the member's primary social security benefits and by any workforce safety and insurance benefits paid. The minimum monthly disability retirement benefit under this section is one hundred dollars.

SECTION 5. LEGISLATIVE MANAGEMENT STUDY - PEACE OFFICER AND PUBLIC SAFETY PERSONNEL RETIREMENT PLANS. During the 2023-24 interim, the legislative management shall consider studying the retirement system for peace officers and public safety personnel in the state. The study must include consideration of the public employees retirement system retirement plans offered to peace officers and safety personnel; how political subdivisions provide retirement benefits to peace officers and safety personnel; how other states provide retirement benefits to peace officers and safety personnel; the level of benefits and contributions in the state, political subdivision, and other state plans; how peace officers and public safety personnel transition between these retirement plans; and factors unique to retirement plans in the public safety sector. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly."

Renumber accordingly