

HOUSE BILL NO. 1309

Introduced by

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

Senators Braunberger, Cleary, Dever, K. Roers

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

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

5 **SECTION 1. AMENDMENT.** Subdivision e of subsection 3 of section 54-52-17 of the North
6 Dakota Century Code is amended and reenacted as follows:

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

9 ~~(1) The~~

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

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

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

21 **SECTION 2. AMENDMENT.** Subsection 4 of section 54-52-17 of the North Dakota Century
22 Code is amended and reenacted as follows:

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

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

1 (1) The first twenty years of credited service multiplied by three percent of final
2 average salary.

3 (2) For years in excess of twenty years of credited service multiplied by one
4 and seventy-five hundredths percent of final average salary.

5 d. Postponed retirement benefits are calculated as for single life benefits for those
6 members who retired on or after July 1, 1977.

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

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