

Notice of Intent to request suspension of administrative code contained in Article 71-08 as follows:

The NDPERS Board will be requesting temporary suspension of the administrative code sections noted below at approximately 2:45 p.m. on December 12, 2013 at the meeting of the Legislative Administrative Rules Committee, due to provisions contained in HB1452, passed this last legislative session. The Legislative Administrative Rules Committee will be meeting in the Roughrider Room at the State Capitol. The suspension period being requested is from October 1, 2013 through July 31, 2017. Please submit any comments or questions to ndpers-info@nd.gov by December 9, 2013.

<p align="center">Article 71-08 Defined Contribution Administrative Rules</p>	<p align="center">Proposed Changes</p>
<p>Chapter 71-08-01 Election and Transfer</p>	<p>Chapter 71-08-01 Election and Transfer</p>
<p>71-08-01-02. Vesting in transferred accumulated fund balance. Vesting in that portion of the accumulated fund balance attributable to the employer’s contribution which is transferred from the defined benefit public employees retirement system pursuant to North Dakota Century Code section 54-52.6-03 will follow the same schedule provided in North Dakota Century Code section 54-52.6-10.</p> <p>History: Effective July 1, 2000. General Authority: NDCC 28-32-02(1) Law Implemented: NDCC 54-52.6-03, 54-52.6-10</p>	<p>Suspend from October 1, 2013 through July 31, 2017: Section 19 of HB 1452 (2013) suspends N.D.C.C. § 54-52.6-03 from October 1, 2013, through July 31, 2017.</p>
<p>71-08-01-03. Spousal signature requirements. For purposes of the spousal signature requirements of subsection 4 of North Dakota Century Code section 54-52.6-02 and North Dakota Century Code section 54-52.6-11, extenuating circumstances alleviating the requirement of a spouse’s signature are only present if the board determines the spouse is unavailable for the entire election period or the member has a power of attorney over</p>	<p>Suspend from October 1, 2013 through July 31, 2017: Sections 18 and 19 of HB 1452 (2013) makes the amendments to N.D.C.C. § 54-52.6-02 effective from October 1, 2013, through July 31, 2017. The spousal signature requirements of N.D.C.C. § 54-52.6-02 referenced in this rule are repealed pursuant to this amendment.</p>

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<p>the spouse which would legally allow the member to sign for the spouse.</p> <p>History: Effective July 1, 2000. General Authority: NDCC 28-32-02(1) Law Implemented: NDCC 54-52.6-02(4), 54-52.6-11</p>	
<p>71-08-01-05. Transfer amount of persons transferring into eligible employment after December 31, 1999. The amount the board shall transfer for persons beginning or transferring to eligible employment after December 31, 1999, shall equal the actual employer and employee contributions plus interest, as provided in subsection 2 of North Dakota Century Code section 54-52.6-03.</p> <p>History: Effective July 1, 2000. General Authority: NDCC 28-32-02(1) Law Implemented: NDCC 54-52.6-03</p>	<p>Suspend from October 1, 2013 through July 31, 2017: Section 19 of HB 1452 (2013) suspends N.D.C.C. § 54-52.6-03 from October 1, 2013, through July 31, 2017.</p>
<p>Chapter 71-08-02 Membership in Defined Contribution Retirement Plan</p>	<p>Chapter 71-08-02 Membership in Defined Contribution Retirement Plan</p>
<p>71-08-02-01. Membership of individuals who become employees covered under the judges’ retirement plan, the highway patrol retirement plan, the law enforcement plan, the teachers’ fund for retirement plan, or the alternate retirement plan of the state board of higher education. If a member of the defined contribution retirement plan begins employment in a position covered under the judges’ retirement plan, the highway patrol retirement plan, the law enforcement plan, the teachers’ fund for retirement plan, or the alternate retirement plan of the state board of higher education, the member’s status as a member of the defined</p>	<p>Suspend from October 1, 2013 through July 31, 2017: Sections 18 and 19 of HB 1452 (2013) makes the amendments to N.D.C.C. §§ 54-52-01 and 54-52.6-01 effective from October 1, 2013, through July 31, 2017. Some of the DC plan eligibility requirements referenced in this rule are repealed pursuant to these amendments.</p>

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<p>contribution retirement plan is suspended and the member becomes a new member of the retirement plan for which that member's new position is eligible. The member's account balance remains in the defined contribution retirement plan, but no new contributions may be made to that account. The member's service credit and salary history that were forfeited as a result of the member's transfer to the defined contribution retirement plan remain forfeited, and service credit accumulation in the new retirement plan begins from the first day of employment in the new position. If the member later returns to employment that is eligible for the defined contribution plan, the member's suspension is terminated, the member again becomes a member of the defined contribution plan, and the member's account shall resume accepting contributions.</p> <p>The contributions to the alternate retirement plan shall remain with that plan unless at the member's option, the member elects to transfer any available balance as determined by the provisions of the alternate retirement plan into the member's account in the defined contribution retirement plan.</p> <p>History: Effective July 1, 2000; amended effective April 1, 2002; July 1, 2006. General Authority: NDCC 28-32-02(1) Law Implemented: NDCC 54-52.6-01(3)</p>	
<p>71-08-02-02. Continuation of membership. Other than as provided in section 71-08-02-01, a former participating member of the defined contribution retirement plan who returns to state employment following a previous termination or retirement continues to be a member of the defined contribution</p>	<p>Suspend from October 1, 2013 through July 31, 2017: Due to reference in rule to proposed suspended rule 71-08-02-01. Further, Sections 18 and 19 of HB 1452 (2013) makes the amendments to N.D.C.C. §§ 54-52-01 and 54-52.6-01 effective from October 1, 2013, through July 31, 2017. Some of the DC plan participation</p>

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<p>retirement plan even if the member took one of the distributions allowed by North Dakota Century Code section 54-52.6-13.</p> <p>History: Effective July 1, 2000. General Authority: NDCC 28-32-02(1) Law Implemented: NDCC 54-52.6-02</p>	<p>requirements referenced in this rule are repealed pursuant to these amendments.</p>