

The purposes of the proposed changes are as follows:

Summary of Proposed Additions, Amendments & Deletions to Rules

71-02-01-01. Definitions – adds a definition of “normal retirement age” and adds the definition of “retirement allowance” to clarify for retiree group insurance eligibility.

71-02-02-01. Membership - General rule – addresses temporary employees who become delinquent and removes ability to re-enroll as a temporary employee at start of plan year.

71-02-03-02.2. Payment – revises language pertinent to purchase payments of retiring members.

71-02-03-02.5. Costs – adds termination provision to purchase contracts for members terminating prior to 90 day contract provision.

71-02-03-06. Conversion of sick leave – revises language to reflect after tax and pre-tax payment of sick leave conversion and adds language to allow more time for individuals to convert sick leave.

71-02-03-07. Employer purchase of service credit or sick leave program – revises language to reflect that an employer may purchase both service credit and unused sick leave rather than one or the other.

71-02-03-08. Eligible sick leave – removes limit on accrual of sick leave for conversion purposes.

71-02-04-03.1. Payment date - Retirement benefits for late retirees – reflects revised language regarding payment of benefits for late retirees to be calculated using normal retirement date rather than normal retirement age.

71-02-04-04. Optional benefits – provides for a new twenty year term certain benefit payment option and removes the five year term certain payment option.

71-02-04-04(5). Partial Lump Sum Option – a new section containing provisions for a new benefit payment option, the partial lump sum option.

71-02-04-07. Amount of early retirement benefit – removes reference to the law enforcement retirement system.

71-02-04-08. Assignment or alienation of plan benefits - - this section is repealed as it duplicates statutory language.

71-02-04-10. Erroneous payment of benefits – Overpayments – provides actuarially based offset provisions in the event repayment arrangements are not made within 60 days of notice of overpayment.

71-02-05-03. Cancellation of disability benefit – reflects revision of language to be normal retirement date rather than age.

71-02-05-05. Conditions for changing to a disability retirement benefit from an early reduced retirement benefit – reflects revision of language to be normal retirement date rather than age.

71-02-05-06. Determination of disability – Procedures. – adds reference to NDPERS application for disability benefits and clarifies documentation requirements relating to social security determination.

71-02-05-07. Optional benefits– provides for a new twenty year term certain benefit payment option and removes the five year term certain option

71-02-05-07.1. Judges’ retirement plan optional benefits – provides for a new twenty year term certain benefit payment option and removes the five year term certain option.

71-02-05-09. Interest accrual on accumulated contributions for disabled annuitants – reflects revised language regarding calculation of interest based upon normal retirement date rather than retirement age for disabled annuitants.

71-02-07-02. Return to service – Retired member – reflects exception to established rule as referenced in North Dakota Century Code

71-02-09-02. Formal review procedure – corrects reference to North Dakota Century Code that was previously incorrect.

71-02-10-02. Qualified domestic relations orders procedures. – removes reference to Executive Director and replaces it with Public Employees Retirement System.

71-02-11-01. Eligibility requirements – law implemented citation is added.

71-02-11-02. Award of service credit – clarifies employee contribution requirements and adds law implementation citation.

71-02-11-03. Documentation requirements – replaces documentation requirement from “Record of Previous Service” to “Purchase Agreement for USERRA Covered Military Active Duty” form.

71-02-11-04. Payment – clarifies employee contribution requirements and adds law implementation cite.

71-02-11-07. Refund of overpayments – makes provision for refunding overpayment to members, revises language pertaining to the calculation of purchase amounts and adds law implementation cite.

71-04-04-04. Employer agreement – amends existing language to require deductions to be sent directly to NDPERS along with documentation.

71-04-04-10. Processing Deductions – new provision providing for processing and remittance of deferred compensation deductions within three business days of receipt.

71-04-05-02. Payroll deductions – amends existing language to provide for remittance of deferred compensation deductions to NDPERS within ten days after each payroll period along with documentation.

71-04-05-03. Monthly report – monthly report section is repealed.

71-04-06-06. Retirement board report – provider company semi-annual reporting requirement is replaced with quarterly reporting

71-05-01-01. Definitions – adds definition of “normal retirement age” for Highway Patrol Retirement System.

71-05-02-01 Disability retirement eligibility – adds reference to normal retirement date for Highway Patrol Retirement System.

71-05-02-01.1. Conditions for changing to a disability retirement benefit from an early reduced retirement benefit – replaces reference to retirement age to retirement date for Highway Patrol Retirement System.

71-05-02-04. Optional benefits - provides for a new twenty year term certain benefit payment option and removes the five year term certain option for Highway Patrol Retirement System disability benefits.

71-05-02-06. Cancellation of disability benefit – replaces reference to retirement age with retirement date for Highway Patrol Retirement System.

71-05-04-04.1. Costs - adds termination provision to purchase contracts for members terminating prior to 90 day contract provision for Highway Patrol Retirement System.

71-05-04-04. Payment - revises language pertinent to purchase payments of terminating contributors.

71-05-04-08. Conversion of sick leave - revises language to reflect after tax and pre-tax payment of sick leave conversion and adds language to allow more time for individuals to convert sick leave.

71-05-04-09. Employer purchase of service credit or sick leave program - revises language to reflect that an employer may purchase both service credit and unused sick leave.

71-05-05-04. Optional benefits - provides for a new twenty year term certain benefit payment option and removes the five year term certain option for Highway Patrol Retirement System.

71-05-05-04(3). Partial Lump Sum Option - –a new section containing provisions for a new benefit payment option, the partial lump sum option.

71-05-05-10. Erroneous payment of benefits – Overpayments – provides actuarially based offset provisions in the event repayment arrangements are not made within 60 days of notice of overpayment

71-05-08-02. Qualified domestic relations orders procedures - removes reference to Executive Director and replaces it with Public Employees Retirement System.

71-08-02-01. Membership– amends language to refer to eligible retirement plan rather than employment for purposes of this chapter.

71-08-04-02. Qualified domestic relations orders procedures - – removes reference to Executive Director and replaces it with Public Employees Retirement System for the Defined Contribution Plan.

71-08-06-01 Eligibility requirements. – a citation is added for law implemented.

71-08-06-02. Award of service credit - clarifies employee contribution requirements and adds law implementation citation.

71-08-06-03. Documentation requirements - replaces documentation requirement from “Record of Previous Service” to “Purchase Agreement for USERRA Covered Military Active Duty” form.

71-08-06-04. Payment - – clarifies employee contribution requirements and adds law implementation citation.

71-08-06-05. Refund of overpayments - – makes provision for refunding overpayment to members, revises language pertaining to the calculation of purchase amounts and adds law implementation cite.

71-08-07-01. Additional employer contributions - revises language to reflect that an employer may purchase both service credit and unused sick leave.

710-8-07-02. Eligible sick leave. – removes limit on accrual of sick leave for conversion purposes.

CHAPTER 71-08-08 TEMPORARY EMPLOYEE PARTICIPATION – new chapter adding provisions for temporary employees new or continued participation in the defined contribution retirement plan.

CHAPTER 71-08-09 RETURN TO SERVICE – RETIRED MEMBER - new chapter makes provision for retired participants of the defined contribution retirement program who return to work.