

FULL NOTICE OF INTENT TO ADOPT AND AMEND
ADMINISTRATIVE RULES RELATING TO
N.D.A.C. ARTICLES 71-02 & 71-08
REGARDING ELECTED COUNTY OFFICIALS
PARTICIPATION IN NDPERS RETIREMENT PLANS

TAKE NOTICE that the North Dakota Public Employees Retirement System will hold a public hearing to address proposed adoption of and amendments to administrative rules in N.D. Admin. Code sections 71-02-02-01, 71-02-02-02, 71-02-07-02, 71-08-02-03, 71-08-09-01, and 71-08-10-01 at 11:00 A.M. on Wednesday, September 10, 2025, at 1600 East Century Avenue Suite 2, Bismarck, North Dakota. The purpose of the proposed rules and amendments is to meet a mandate of federal law due to a conflict between North Dakota law and the Internal Revenue Code related to the participation of elected county officials in NDPERS retirement plans. The proposed rules and amendments address:

Section 71-02-02-01. Membership - General rule is amended to remove subsection 5 giving elected county and state officials the option to enroll or waive participation in the public employees retirement system.

Section 71-02-02-02. Nonstate Elected Officials – Membership and Return to Service is created to establish rules governing membership of county elected officials in the public employees retirement system and to permit county elected officials to receive in-service benefit distributions in certain narrow circumstances.

Section 71-02-07-02. Return to service - Retired member is amended to add a cross-reference to the new provision at section 71-02-02-02 on county elected official return to service.

Section 71-08-02-03. Nonstate Elected Officials – Membership and Return to Service is created to establish rules governing membership of county elected officials in the defined contribution retirement plan and to permit county elected officials to receive in-service benefit distributions in certain narrow circumstances.

Section 71-08-09-01. Return to service - Retired member is amended to add a cross-reference the new provision at section 71-08-02-03 on county elected official return to service.

Section 71-08-10-01. Permanent employee participation is amended to add a cross-reference to the new provision section 71-08-02-03 on county elected official participation in the defined contribution retirement plan.

The proposed rules and amendments are not expected to have an impact on the regulated community in excess of \$50,000.

These rules are emergency rules with an effective date of July 31, 2025.

The proposed rules may be reviewed on the website of the North Dakota Public Employees Retirement System (www.ndpers.nd.gov) or at the office of the North Dakota Public Employees Retirement System, 1600 East Century Avenue Suite 2, Bismarck, North Dakota. A copy of the proposed rules may be requested by writing to PO Box 1657, Bismarck, ND 58502, e-mailing NDPERS-info@nd.gov, or calling 701-328-3900. Written comments on the proposed rules can be mailed to PO Box 1657, Bismarck, ND 58502 or emailed to NDPERS-info@nd.gov. Oral comments can be submitted by calling 701-328-3900. Comments received by no later than 5:00 p.m. on September 22, 2025, will be fully considered.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the North Dakota Public Employees Retirement System at the above telephone number or address at least seven days prior to the public hearing.

Dated this 31st day of July, 2025


Rebecca Fricke
Executive Director