

**CHAPTER 71-08-03
DISABILITY**

Section

71-08-03-01 Disability Distribution

71-08-03-01. Disability distribution.

The board shall allow distribution of the participating member's vested account balance if the board determines the participating member has become totally and permanently disabled using the procedure provided in section 71-02-05-06. If approved, the disabled member has the same distribution options as provided in paragraphs 1 and 3 of subdivision a of subsection 3 of North Dakota Century Code section 54-52.6-13. However, if the member chooses the periodic distribution option, the member only must be allowed to receive distributions for as long as the disability continues and the member submits the necessary documentation and undergoes medical testing required by the board, or for as long as the member participates in a rehabilitation program required by the board, or both. The board shall use the redetermination and recertification procedures provided in section 71-02-05-06 to determine whether the member remains disabled. If the board determines that a member no longer meets the eligibility definition, the board shall discontinue the disability retirement benefit.

History: Effective July 1, 2000; amended effective July 1, 2026.

General Authority: NDCC 28-32-02(1)

Law Implemented: NDCC 54-52.6-14