FIRST ENGROSSMENT

Sixty-eighth Legislative Assembly of North Dakota

ENGROSSED SENATE BILL NO. 2164

Introduced by

Senator Dever

Representatives Brandenburg, Hatlestad, D. Johnson, Monson, Schauer

- 1 A BILL for an Act to amend and reenact subsection 1 of section 54-52-03 of the North Dakota
- 2 <u>Century Code, relating to members of the public employees retirement board.for an Act to</u>
- 3 amend and reenact section 54-52-03 of the North Dakota Century Code, relating to retirement
- 4 <u>board membership; to provide an effective date; and to declare an emergency.</u>

5 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

6	SECTION 1. AMENDMENT. Subsection 1 of section 54-52-03 of the North Dakota Century
7	Code is amended and reenacted as follows:
8	
9	legislative management to serve on the board.
10	a. If the same political party has the greatest number of members in both the house
11	and senate, one member must be from that majority party and one member from-
12	the political party with the next greatest number of members in the house and
13	senate.
14	b. If the same political party does not have the greatest number of members-
15	in both the house and senate, one member must be from the majority party in the
16	house and one member must be from the majority party in the senate. <u>The</u>
17	majority leaders of the senate and house, in consultation with the minority
18	leaders, shall each appoint one member.
19	SECTION 1. AMENDMENT. Section 54-52-03 of the North Dakota Century Code is
20	amended and reenacted as follows:
21	54-52-03. Governing authority.
22	<u>1.</u> A state agency is hereby created to constitute the governing authority of the system to
23	consist of a board of nine <u>eleven</u> individuals known as the retirement board. No more
24	than one elected member of the board may be in the employ of a single department,
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Sixty-eighth Legislative Assembly

1institution, or agency of the state or in the employ of a political subdivision. An2employee of the public employees retirement system or the state retirement and3investment office may not serve on the board.41. Two52. Four members of the legislative assembly must be appointed by the chairman of the6legislative-management to serve on the board.7a. If the same political party has the greatest number of members in both the house8and senate, one member must be from that majority party and one member from9the political party with the next greatest number of members in the house and10senate.11b. If the same political party does not have the greatest number of members in both12the house and-senate, one member must be from the majority party in the house and13and one member must be from the majority party in the house142. One member The majority leader of the house of representatives shall appoint two15members of the house of representatives and the majority leader of the senate shall16appoint two members of the senate. The members appointed under this subsection17shall serve a term of two years.183. Four members of the board must be appointed by the governor to serve a term of five20years. TheEach appointee under this subsection must be a North Dakota citizen who21appoint one citizen member isto serve as chairman of the board.223. One member of the board must be appointed by the attorney general from the-21appoint one of the board must			
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	31		employment for whatever reason are not eligible to serve as elected members of the

1		board under this subsection. Board members must be elected to a five-year term
2		pursuant to an election called by the board. Notice of board elections must be given to
3		all active participating members. The time spent in performing duties as a board
4		member may not be charged against any employee's accumulated annual or any
5		other type of leave.
6	<u> </u>	One board member must be elected by and from among those individuals who are
7		receiving retirement benefits under this chapter. The board shall call the election and
8		must give prior notice of the election to the individuals eligible to participate in the
9		election pursuant to this subsection. The board member shall serve a term of five-
10		years.
11	7.<u>5.</u>	The members of the board are entitled to receive one hundred forty-eight dollars per
12		day compensation and necessary mileage and travel expenses as provided in
13		sections 44-08-04 and 54-06-09. This is in addition to any other pay or allowance due
14		the chairman or a member, plus an allowance for expenses they may incur through
15		service on the board.
16	<mark>8.</mark> 6.	A board member shall serve a five-year term and until the board member's successor
17		qualifies. Each board member is entitled to one vote, and fivesix of the nineeleven
18		board members constitute a quorum. Five Six votes are necessary for resolution or
19		action by the board at any meeting.
20	SEC	TION 2. EFFECTIVE DATE. This Act becomes effective June 1, 2023.
21	SEC	TION 3. EMERGENCY. This Act is declared to be an emergency measure.