

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 ~~Century Code, relating to members of the public employees retirement board.~~for an Act to  
3 amend and reenact section 54-52-03 of the North Dakota Century Code, relating to retirement  
4 board membership; to provide an effective date; and to declare an emergency.

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 ~~1. Two members of the legislative assembly must be appointed by the chairman of the~~  
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. The~~  
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 1. A state agency is hereby created to constitute the governing authority of the system to  
23 consist of a board of ~~nine~~eleven 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,

1 institution, or agency of the state or in the employ of a political subdivision. An  
2 employee of the public employees retirement system or the state retirement and  
3 investment office may not serve on the board.

4 ~~1. Two~~

5 ~~2. Four~~ members of the legislative assembly must be appointed ~~by the chairman of the~~  
6 ~~legislative management~~ to serve on the board.

7 ~~a. If the same political party has the greatest number of members in both the house~~  
8 ~~and senate, one member must be from that majority party and one member from~~  
9 ~~the political party with the next greatest number of members in the house and~~  
10 ~~senate.~~

11 ~~b. If the same political party does not have the greatest number of members in both~~  
12 ~~the house and senate, one member must be from the majority party in the house~~  
13 ~~and one member must be from the majority party in the senate.~~

14 ~~2. One member~~ The majority leader of the house of representatives shall appoint two  
15 members of the house of representatives and the majority leader of the senate shall  
16 appoint two members of the senate. The members appointed under this subsection  
17 shall serve a term of two years.

18 ~~3. Four members~~ of the board must be appointed by the governor to serve a term of five  
19 years. ~~The~~ Each appointee under this subsection must be a North Dakota citizen who  
20 is not a state or political subdivision employee and who ~~by experience~~ is familiar with  
21 ~~money management~~ retirement and employee benefit plans. The governor shall  
22 appoint one citizen member ~~is to serve as~~ chairman of the board.

23 ~~3. One member of the board must be appointed by the attorney general from the~~  
24 ~~attorney general's legal staff and shall serve a term of five years.~~

25 ~~4. The state health officer appointed under section 23-01-05 or the state health officer's~~  
26 ~~designee is a member of the board.~~

27 ~~5.4.~~ Three board members must be elected by and from among the active participating  
28 members, members of the retirement plan established under chapter 54-52.6,  
29 members of the retirement plan established under chapter 39-03.1, and members of  
30 the job service North Dakota retirement plan. Employees who have terminated their  
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 ~~6. 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 7.5. 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 ~~8.6.~~ 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 ~~nine~~fivesix of the ~~eleven~~eleven  
18 board members constitute a quorum. ~~Five~~Six votes are necessary for resolution or  
19 action by the board at any meeting.

20 **SECTION 2. EFFECTIVE DATE.** This Act becomes effective June 1, 2023.

21 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.