

23.1171.01005

Sixty-eighth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1547**

Introduced by

Legislative Management

1 A BILL for an Act to amend and reenact section 54-52-03 of the North Dakota Century Code,  
2 relating to the membership of the public employees retirement system board; to provide for  
3 duties of the public employees retirement system and public employees retirement system  
4 board; to provide an exemption; to provide for retroactive application; and to provide an effective  
5 date.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Section 54-52-03 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **54-52-03. Governing authority.**

10 1. A state agency is hereby created to constitute the governing authority of the system to  
11 consist of a board of ~~nine~~eleven individuals known as the retirement board. No more  
12 than one elected member of the board may be in the employ of a single department,  
13 institution, or agency of the state or in the employ of a political subdivision. An  
14 employee of the public employees retirement system or the state retirement and  
15 investment office may not serve on the board.

16 ~~4. Two~~

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

19 ~~a. If the same political party has the greatest number of members in both the house~~  
20 ~~and senate, one member must be from that majority party and one member from~~  
21 ~~the political party with the next greatest number of members in the house and~~  
22 ~~senate.~~

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- 1           ~~b.~~ If the same political party does not have the greatest number of members in both  
2           the house and senate, one member must be from the majority party in the house  
3           and one member must be from the majority party in the senate.
- 4           2. ~~One member~~ The majority leader of the house of representatives shall appoint two  
5           members of the house of representatives and the majority leader of the senate shall  
6           appoint two members of the senate. The members appointed under this subsection  
7           shall serve a term of two years. The members appointed under this subsection serve  
8           at the pleasure of the appointing majority leader.
- 9           3. Four members of the board must be appointed by the governor to serve a term of five  
10          years. ~~The~~Each appointee under this subsection must be a North Dakota citizen who  
11          is not a state or political subdivision employee and who ~~by~~ experience is familiar with  
12          ~~money management retirement and employee benefit plans.~~ The governor shall  
13          appoint one of the citizen ~~member is~~ members to serve as chairman of the board. The  
14          members appointed under this subsection serve at the pleasure of the governor.
- 15          3. ~~One member of the board must be appointed by the attorney general from the~~  
16          ~~attorney general's legal staff and shall serve a term of five years.~~
- 17          4. ~~The state health officer appointed under section 23-01-05 or the state health officer's~~  
18          ~~designee is a member of the board.~~
- 19          ~~5.4.~~ Three board members must be elected by and from among the active participating  
20          members, members of the retirement plan established under chapter 54-52.6,  
21          members of the retirement plan established under chapter 39-03.1, and members of  
22          the job service North Dakota retirement plan. Employees who have terminated their  
23          employment for whatever reason are not eligible to serve as elected members of the  
24          board under this subsection. Board members must be elected to a five-year term  
25          pursuant to an election called by the board. Notice of board elections must be given to  
26          all active participating members. The time spent in performing duties as a board  
27          member may not be charged against any employee's accumulated annual or any  
28          other type of leave.
- 29          6. ~~One board member must be elected by and from among those individuals who are~~  
30          ~~receiving retirement benefits under this chapter. The board shall call the election and~~  
31          ~~must give prior notice of the election to the individuals eligible to participate in the~~

1 election pursuant to this subsection. The board member shall serve a term of five-  
2 years.

3 ~~7.5.~~ The members of the board are entitled to receive one hundred forty-eight dollars per  
4 day compensation and necessary mileage and travel expenses as provided in  
5 sections 44-08-04 and 54-06-09. This is in addition to any other pay or allowance due  
6 the chairman or a member, plus an allowance for expenses they may incur through  
7 service on the board.

8 ~~8.6.~~ A board member shall serve a five-year term and until the board member's successor  
9 qualifies. Each board member is entitled to one vote, and ~~nine~~<sup>six</sup> of the ~~eleven~~  
10 board members constitute a quorum. ~~Five~~<sup>Six</sup> votes are necessary for resolution or  
11 action by the board at any meeting.

12 7. A legislator member does not have a conflict of interest in a matter before the board  
13 based solely on that member's status of being a legislator.

14 8. A person may not bring a civil action against the board unless that person has a  
15 unique and significant injury.

16 **SECTION 2. PUBLIC EMPLOYEES RETIREMENT SYSTEM - MAIN SYSTEM DEFINED**  
17 **BENEFIT PLAN INVESTMENTS.** During the 2023-25 biennium, the retirement board may not  
18 reduce the actuarial rate of return assumption for the public employees retirement system main  
19 system defined benefit plan below six and one-half percent.

20 **SECTION 3. PUBLIC EMPLOYEES RETIREMENT SYSTEM - RETIREMENT PLAN**  
21 **TRANSITION EDUCATION.** During the 2023-25 biennium, the public employees retirement  
22 system shall conduct an informational campaign to educate current and prospective state  
23 employees of the transition from the defined benefit retirement plan to the defined contribution  
24 retirement plan.

25 **SECTION 4. EXEMPTION - EMPLOYEE BENEFITS PROGRAMS COMMITTEE.** This Act  
26 is exempt from the requirements of section 54-35-02.4.

27 **SECTION 5. RETROACTIVE APPLICATION.** Sections 2 and 3 of this Act apply  
28 retroactively to July 1, 2023.

29 **SECTION 6. EFFECTIVE DATE.** This Act becomes effective immediately upon its filing with  
30 the secretary of state.

