Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023

HOUSE BILL NO. 1539
(Representatives Weisz, Lefor, M. Ruby, Vigesaa)
(Approved by the Delayed Bills Committee)

AN ACT to amend and reenact section 54-35-02.4 of the North Dakota Century Code, relating to duties of the employee benefits programs committee.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-35-02.4 of the North Dakota Century Code is amended and reenacted as follows:

54-35-02.4. Employee benefits programs committee - Powers and duties.

1. ~~The~~During each interim, the employee benefits programs committee shall consider and report on ~~those~~the legislative ~~measures and~~ proposals over which ~~it~~the committee takes jurisdiction and which ~~affect, actuarially or otherwise,~~fiscally impact the retirement programs of state employees or employees of any political subdivision, and health and retiree health plans of state employees or employees of any political subdivision. A majority of the members of the committee has sole authority to determine whether a legislative proposal affects a program. The committee shall make a thorough review of ~~any measure or~~each proposal ~~which it~~the committee takes under its jurisdiction, including an actuarial ~~review~~report. The committee shall take jurisdiction over ~~any measure or~~a proposal that authorizes an automatic increase or other change in benefits beyond the ensuing biennium which would not require legislative approval. The committee ~~must~~shall include in the report of the committee a statement that the proposal would allow future changes without legislative involvement. The committee shall report ~~its~~the findings and recommendations of the committee, along with any necessary legislation, to the legislative management and to the legislative assembly.

2. To carry out ~~its~~the responsibilities of the committee, the committee, or ~~its~~the designee of the committee, may:

   a. Enter contracts, including retainer agreements, with an actuary or actuarial firm for expert assistance and consultation. Each retirement, insurance, or retiree insurance program shall pay, from ~~its~~the program's retirement, insurance, or retiree health benefits fund, as appropriate, and without the need for a prior appropriation, the cost of ~~any~~an actuarial report required ~~by the committee~~under this section which relates to that program.

   b. Call on personnel from state agencies or political subdivisions to furnish such information and render such assistance as the committee ~~may~~ from time to time may request.

   c. Establish rules for ~~its~~the operation of the committee, including the submission and review of proposals and the establishing of standards for actuarial ~~review~~reports.

3. The committee may solicit draft measures and proposals from interested persons during the interim between legislative sessions, and ~~may~~ also may study measures and proposals referred to ~~it~~the committee by the legislative assembly or the legislative management.

4. A copy of the committee's report concerning ~~any~~a legislative measure ~~shall~~, if that measure is introduced for consideration by a legislative assembly, must be appended to the copy of that measure ~~which is referred to a standing committee~~.

5. ~~A~~If a legislative measure affecting a public employees retirement program, public employees health insurance program, or public employee retiree health insurance program ~~may not be~~is

introduced in either house ~~unless it is accompanied by~~without a report from the committee, the chairman and vice chairman of the employee benefits programs committee shall request an actuarial report from the program affected and shall provide the report to the standing committee to which the measure is referred. ~~A majority of the members of the committee, acting through the~~During the legislative session, the employee benefits programs committee chairman~~, has~~ and vice chairman, working together, have sole authority to determine whether ~~any~~a legislative measure or amendment affects a program under this subsection and subsection 6.

6. ~~Any~~During a legislative session, if an amendment is made ~~during a legislative session~~ to a legislative measure ~~affecting~~which fiscally impacts a public employees retirement program, public employees health insurance program, or public employee retiree health insurance program ~~may not be considered by a standing committee unless it is accompanied by a report from~~, the employee benefits programs committee chairman and vice chairman shall request from the affected program an actuarial report on the amendment and shall provide the report to the standing committee to which the bill is referred.

7. ~~Any legislation~~Legislation enacted in contravention of this section is invalid ~~and of no force and effect~~, and any benefits provided under ~~such~~the legislation must be reduced to the level current ~~prior to~~before enactment of the legislation.

Speaker of the House	President of the Senate
Chief Clerk of the House	Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1539.

House Vote:	Yeas 90	Nays 0	Absent 4
Senate Vote:	Yeas 46	Nays 1	Absent 0

Chief Clerk of the House

Received by the Governor at _____M. on _____, 2023.

Approved at _____M. on _____, 2023.

Governor

Filed in this office this _____day of _____, 2023,

at _____ o'clock _____M.

Secretary of State