

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.~~

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

1 ~~7-5.~~ The members of the board are entitled to receive one hundred forty-eight dollars per
2 day compensation and necessary mileage and travel expenses as provided in
3 sections 44-08-04 and 54-06-09. This is in addition to any other pay or allowance due
4 the chairman or a member, plus an allowance for expenses they may incur through
5 service on the board.

6 ~~8-6.~~ A board member shall serve ~~a five-year term~~ and until the board member's successor
7 qualifies. Each board member is entitled to one vote, and ~~nine~~six of the ~~eleven~~
8 board members constitute a quorum. ~~Five~~Six votes are necessary for resolution or
9 action by the board at any meeting.

10 **SECTION 2. PUBLIC EMPLOYEES RETIREMENT SYSTEM - MAIN SYSTEM DEFINED**

11 **BENEFIT PLAN INVESTMENTS.** During the 2023-25 biennium, the retirement board may not
12 reduce the actuarial rate of return assumption for the public employees retirement system main
13 system defined benefit plan below six and one-half percent.

14 **SECTION 3. PUBLIC EMPLOYEES RETIREMENT SYSTEM - RETIREMENT PLAN**

15 **TRANSITION EDUCATION.** During the 2023-25 biennium, the public employees retirement
16 system shall conduct an informational campaign to educate current and prospective state
17 employees of the transition from the defined benefit retirement plan to the defined contribution
18 retirement plan.

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

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

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