

**HOUSE BILL NO. 1499**

Introduced by

Representatives M. Ruby, Becker, Bellew, Kading, Steiner

Senators O. Larsen, Vedaa

1 A BILL for an Act to amend and reenact section 54-35-02.4 of the North Dakota Century Code,  
2 relating to the duties of the employee benefits programs committee.

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

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

6 **54-35-02.4. Employee benefits programs committee - Powers and duties.**

7 1. The employee benefits programs committee shall consider and report on those  
8 legislative measures and proposals over which ~~the committee~~ takes jurisdiction ~~and~~  
9 ~~which affect, actuarially or otherwise, the retirement programs of state employees or~~  
10 ~~employees of any political subdivision, and health and retiree health plans of state~~  
11 ~~employees or employees of any political subdivision~~under this section. The committee  
12 shall make a thorough review of ~~any~~ a measure or proposal over which ~~the committee~~  
13 takes jurisdiction ~~under its jurisdiction~~this section, including an actuarial review.

14 a. The committee shall take jurisdiction over a measure or proposal sponsored by  
15 the judicial branch or an executive branch agency with bill introduction privileges  
16 which affects, actuarially or otherwise, the retirement programs of state  
17 employees or employees of any political subdivision or the health and retiree  
18 health plans of state employees or employees of any political subdivision.

19 b. The committee shall take jurisdiction over any ~~a~~ a measure or proposal ~~that~~  
20 sponsored by the judicial branch or an executive branch agency with bill  
21 introduction privileges which authorizes an automatic increase or other change in  
22 benefits beyond the ensuing biennium which would not require legislative  
23 approval. The committee ~~must~~shall include in the report of the committee a

- 1 statement that the proposal would allow future changes without legislative  
2 involvement.
- 3 c. The committee shall report ~~its~~the committee's findings and recommendations,  
4 along with any necessary legislation, to the legislative management ~~and to the~~  
5 ~~legislative assembly.~~
- 6 2. To carry out ~~its~~the committee's responsibilities, the committee, or ~~its~~the committee's  
7 designee, may:
- 8 a. Enter contracts, including retainer agreements, with an actuary or actuarial firm  
9 for expert assistance and consultation. Each retirement, insurance, or retiree  
10 insurance program shall pay, from ~~its~~the program's retirement, insurance, or  
11 retiree health benefits fund, as appropriate, and without the need for a prior  
12 appropriation, the cost of any actuarial report required by the committee which  
13 relates to that program.
- 14 b. Call on personnel from state agencies or political subdivisions to furnish such  
15 information and render such assistance as the committee may from time to time  
16 request.
- 17 c. Establish rules for ~~its~~the committee's operation, including the submission and  
18 review of proposals and the establishing of standards for actuarial review.
- 19 3. The committee may solicit draft measures and proposals from interested persons  
20 during the interim between legislative sessions, and may also study measures and  
21 proposals referred to ~~it~~the committee by the legislative assembly or the legislative  
22 management. However, this subsection does not require a legislator or a legislative  
23 committee to submit to the committee a draft measure or proposal for review.
- 24 4. Alf a measure over which the committee takes jurisdiction under this section is  
25 introduced for consideration by a legislative assembly, a copy of the committee's  
26 report concerning any~~the~~ legislative measure shall, if that measure is introduced for  
27 ~~consideration by a legislative assembly,~~must be appended to the copy of that measure  
28 ~~which is referred to a standing committee.~~
- 29 5. A~~The~~ judicial branch or an executive branch agency with bill introduction privileges  
30 may not introduce a legislative measure ~~affecting a public employees retirement~~  
31 ~~program, public employees health insurance program, or public employee retiree~~

- 1           health insurance program may not be introduced in either house over which the  
2           committee may have jurisdiction under subsection 1, unless ~~if~~ the legislative measure  
3           is accompanied by a report from the committee or the committee has determined the  
4           committee does not have jurisdiction. A majority of the members of the committee,  
5           acting through the chairman, has sole authority to determine whether ~~any legislative~~  
6           ~~measure affects a program~~ the committee has jurisdiction under this section.
- 7           6. ~~Any amendment made during a legislative session to a legislative measure affecting a~~  
8           ~~public employees retirement program, public employees health insurance program, or~~  
9           ~~public employee retiree health insurance program may not be considered by a~~  
10           ~~standing committee unless it is accompanied by a report from the employee benefits~~  
11           ~~programs committee.~~
- 12           7. ~~Any legislation~~ Legislation enacted in contravention of this section is invalid and of no  
13           force and effect, and any benefits provided under such legislation must be reduced to  
14           the level current ~~prior to~~ before enactment.