

**FIRST ENGROSSMENT
with House Amendments
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 section 54-52-03 of the North Dakota Century Code,
2 relating to retirement board membership; to provide an effective date; and to declare an
3 emergency.

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

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

7 **54-52-03. Governing authority.**

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

14 ~~4.~~ Two

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

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

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

- 1 2. ~~One member~~The majority leader of the house of representatives shall appoint two
2 members of the house of representatives and the majority leader of the senate shall
3 appoint two members of the senate. The members appointed under this subsection
4 shall serve a term of two years.
- 5 3. Four members of the board must be appointed by the governor to serve a term of five
6 years. ~~The~~Each appointee under this subsection must be a North Dakota citizen who
7 is not a state or political subdivision employee and who ~~by experience~~ is familiar with
8 ~~money management~~retirement and employee benefit plans. The governor shall
9 appoint one citizen member ~~is to serve as~~ chairman of the board.
- 10 3. ~~One member of the board must be appointed by the attorney general from the~~
11 ~~attorney general's legal staff and shall serve a term of five years.~~
- 12 4. ~~The state health officer appointed under section 23-01-05 or the state health officer's~~
13 ~~designee is a member of the board.~~
- 14 ~~5.4.~~ Three board members must be elected by and from among the active participating
15 members, members of the retirement plan established under chapter 54-52.6,
16 members of the retirement plan established under chapter 39-03.1, and members of
17 the job service North Dakota retirement plan. Employees who have terminated their
18 employment for whatever reason are not eligible to serve as elected members of the
19 board under this subsection. Board members must be elected to a five-year term
20 pursuant to an election called by the board. Notice of board elections must be given to
21 all active participating members. The time spent in performing duties as a board
22 member may not be charged against any employee's accumulated annual or any
23 other type of leave.
- 24 6. ~~One board member must be elected by and from among those individuals who are~~
25 ~~receiving retirement benefits under this chapter. The board shall call the election and~~
26 ~~must give prior notice of the election to the individuals eligible to participate in the~~
27 ~~election pursuant to this subsection. The board member shall serve a term of five~~
28 ~~years.~~
- 29 ~~7.5.~~ The members of the board are entitled to receive one hundred forty-eight dollars per
30 day compensation and necessary mileage and travel expenses as provided in
31 sections 44-08-04 and 54-06-09. This is in addition to any other pay or allowance due

1 the chairman or a member, plus an allowance for expenses they may incur through
2 service on the board.

3 ~~8.6.~~ A board member shall serve ~~a five-year term~~ and until the board member's successor
4 qualifies. Each board member is entitled to one vote, and ~~nine~~six of the ~~eleven~~
5 board members constitute a quorum. ~~Five~~Six votes are necessary for resolution or
6 action by the board at any meeting.

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

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