



ND TFFR SPECIAL BOARD MEETING

Monday, February 8, 2021, 1:30 p.m.

RIO Conference Room (**Virtual Meeting Host**)

Teleconferencing – 701.328.0950 Participant Code – 630 737 197#

RIO, 3442 East Century Avenue, Bismarck, ND

AGENDA

- I. **CALL TO ORDER AND ACCEPTANCE OF AGENDA**
- II. **Administrative Rules – Ms. Murtha (15 minutes) – *Board Action***
- III. **Legislative Update – Ms. Murtha (5 minutes) - *Informational***
- IV. **ADJOURNMENT**

Any individual requiring an auxiliary aid or service, please contact the Retirement and Investment Office
(701) 328-9885 at least three (3) days prior to the scheduled meeting.

Item II.



MEMORANDUM

TO: TFFR Board
FROM: Jan Murtha
DATE: February 3, 2021
RE: Admin Rules

Staff will present changes to the proposed rules required to implement modifications to actuarial factors previously approved by the Board. In addition, staff suggest a change that would allow TFFR to accept REAL ID as a valid form of proof of age. Attached is a copy of the draft rules. Staff will comment on the required steps for rule promulgation and timeframe at the meeting.

BOARD ACTION REQUESTED: Approve changes to Administrative Rules and authorize staff to initiate the rule promulgation process.

Section 82-05-01-02 is amended as follows:

82-05-01-02. Proof of age.

A teacher applying for a retirement benefit and each beneficiary entitled to a continuing annuity under the joint and survivor option must provide proof of age. The following documents will be accepted as proof of age: REAL ID, birth certificate, baptismal certificate, passport, or official military record.

History: Effective September 1, 1990; amended effective _____.

General Authority: NDCC 15-39.1-07

Law Implemented: NDCC 15-39.1-10; The Real ID Act of 2005, Pub.L. 109-13, 119 Stat. 302.

Section 82-05-04-02 is amended as follows:

82-05-04-02. Actuarial factors - Optional payment forms.

~~Under North Dakota Century Code section 15-39.1-16, the actuarial factors used to determine benefit amounts under the optional joint and survivor, term certain and life, partial lump sum and level income forms of annuity payment shall be based on the following actuarial assumptions:~~

1. Interest rate – ~~7.757.25~~ percent per year, compounded annually.
2. Member's mortality (used for nondisabled members) - A mortality table constructed by blending ~~thirty-threethirty~~ percent of the mortality rates under ~~the RP-2014 male "combined" table, employee and healthy annuitant tables~~ a combination of PubT-2010 Employee and PubT-2010 Healthy Retiree Tables for males, adjusted ~~and projected to 2017~~ by 104% for ages 55 and older, and projected to 2022 using projection scale ~~MP-2014, set back one year~~ MP-2019, with ~~sixty-sevenseventy~~ percent of the mortality rates under ~~the RP-2014 female "combined" table, employee and healthy annuitant tables~~ a combination of PubT-2010 Employee and PubT-2010 Healthy Retiree Tables for females, adjusted ~~and projected to 2017~~ by 104% for ages 55 and older, and projected to 2022 using projection scale ~~MP-2014, set back one year~~ MP-2019.
3. Beneficiary's mortality - A mortality table constructed by blending ~~sixty-sevenseventy~~ percent of the mortality rates under ~~the RP-2014 male "combined" table, employee and healthy annuitant tables~~ a combination of PubT-2010 Employee and Pub-2010 Contingent Survivor Tables for males, adjusted ~~and projected to 2017~~ by 95% for ages 45 and older, and projected to 2022 using projection scale ~~MP-2014, set back one year~~ MP-2019, with ~~thirty-threethirty~~ percent of the mortality rates under ~~the RP-2014 female "combined" table, employee and healthy annuitant tables~~ a combination of PubT-2010 Employee and Pub-2010 Contingent Survivor Tables for females, adjusted ~~and projected to 2017~~ by 95% for ages 45 and older, and projected to 2022 using projection scale ~~MP-2014, set back one year~~ MP-2019. Mortality tables for survivors under age 18 use the RP-2014 Juvenile tables with 50% blending of the male/female rates and projected to 2024 ~~2~~ using projection scale MP-2019.
4. Disabled member's mortality - A mortality table constructed by blending ~~thirty-threethirty~~ percent of the mortality rates under ~~the RP-2014 PubNS-2010 Non-Safety disabled mortality table for males, set forward four years~~ projected to 2022 using projection scale MP-2019, with ~~sixty-sevenseventy~~ percent of the mortality rates under

the ~~RP-2014~~PubNS-2010 Non- Safety disabled mortality table for females, ~~set forward four years projected to 2022 using projection scale MP-2019.~~

In addition, the above actuarial assumptions shall be used to determine actuarial equivalence for other purposes not covered by sections 82-05-04-01, 82-05-04-03, and 82-05-04-04, such as the determination of the reduction to a member's benefit because of the existence of a qualified domestic relations order.

History: Effective May 1, 2000; amended effective May 1, 2004; July 1, 2008; April 1, 2016; amended effective _____.

General Authority: NDCC 15-39.1-07

Law Implemented: NDCC 15-39.1-16, 15-39.1-24

Section 82-05-04-04 is amended as follows:

82-05-04-04. Actuarial factors - Purchase of service.

Whenever the North Dakota Century Code permits a member to purchase service on an actuarially equivalent basis, the following actuarial assumptions shall be used:

1. Interest rate – ~~7.75~~7.25 percent per year, compounded annually.
2. Mortality rates - the same table specified in section 82-05-04-02 for nondisabled members.
3. Retirement - the member will be assumed to retire at the age at which the member is first eligible for an unreduced retirement benefit. Such unreduced retirement date will be determined taking into account any purchased service and assuming the member continues in full-time covered service.
4. Salary increase rate - Increases are assumed to occur once each year. The following table shows the increase rates indexed by the member's years since hire (excluding any service being purchased):

Nearest Service at Beginning of the Year <u>Years</u> from Hire	Percentage Increase at End of Year
0	14.50%
1	7.75% <u>14.80</u> %
2	7.5% <u>6.80%</u>
3	7.25% <u>6.55%</u>
4	7.00%
<u>4-5</u>	<u>6.30%</u>
5	6.75%

<u>6-7</u>	<u>5.80%</u>
6	6.5%
<u>8-9</u>	<u>5.55%</u>
7	6.25%
<u>10-12</u>	<u>5.30%</u>
8-9	6.00%
<u>13-14</u>	<u>5.05%</u>
40-44	5.75%
<u>15-16</u>	<u>4.80%</u>
12-13	5.50%
<u>17-19</u>	<u>4.55%</u>
44-45	5.25%
<u>20-23</u>	<u>4.30%</u>
16-18	5.00%
<u>24-30</u>	<u>4.05%</u>
19-22	4.75%
<u>31 and over</u>	<u>3.80%</u>
23-24	4.5%
25 or more	4.25%

History: Effective May 1, 2000; amended effective July 1, 2008; April 1, 2016; amended effective _____.

General Authority: NDCC 15-39.1-07

Law Implemented: NDCC 15-39.1-16, 15-39.1-24

RIO Legislative Update

February 5, 2021

Bill No.	Description	Sponsor/Introducer
HB 1022	RIO Budget	Appropriations Committee

<https://www.legis.nd.gov/assembly/67-2021/documents/21-0281-01000.pdf>

HB 1022 contains the 2021-23 budget authority and continuing appropriation for RIO to administer the SIB investment program and TFFR retirement program which are special funds. RIO's 2021-23 budget request is \$6.49 million including a \$311,154 increase in the Governor's Budget primarily for 2% annual salary increases and higher benefit costs, \$73,123 to join the Governor's IT Unification plan and \$52,000 to partially reinstate our Contingency line plus \$309,225 in additional amendments primarily to add one FTE for a Public Information Officer (½ SIB and ½ TFFR) and \$73,000 to fully reinstate our Contingency line (to \$125,000). RIO will also request an amendment to HB 1022 to rollover the remaining balance of the \$9 million one-time funding for the TFFR Pension Administration System (PAS) project into the 2021-23 biennium. RIO's first legislative committee hearing is scheduled for the morning of January 12th. SIB client assets under management have increased by 35% from \$13.4 billion at 1/1/2019 to over \$18 billion at 12/31/2020.

Status: Committee Work 2/3/21

HB 1037	Legacy Earnings Fund and Transfers	Legislative Management/Legacy Earnings Committee
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<https://www.legis.nd.gov/assembly/67-2021/documents/21-0111-02000.pdf>

HB 1037 gives the SIB authority over the investment of a newly created "Legacy Earnings Fund" and requires all legacy fund earnings, which are constitutionally required to be transferred to the general fund at the end of each biennium, be immediately transferred into the new Legacy Earnings Fund. This bill would go into effect for legacy fund earnings generated and transferred during the 2021-23 biennium. **The bill then spells out the amount available for appropriation out of this new fund as six percent (6%) of the five-year average value of legacy fund assets as determined by SIB.** Any amounts in the new legacy earnings fund in excess of this 6% amount are to be retained in the fund as a reserve balance for future use only if the amounts transferred from the legacy fund are insufficient to cover the calculated 6% of average value amount. Beginning with the 2023-25 biennium, the legislature will be able to appropriate out of the new legacy earnings fund an amount equal to the six percent amount calculated above or the balance of the fund, whichever is less. **For the 2021-23 biennium and going forward, all constitutionally mandated legacy fund earnings which are transferred to the general fund will be immediately transferred to the new legacy earnings fund. All interest and earnings derived from this fund will also be kept in this fund. Therefore, for the 2021-23 biennium, there will be a reduction in available general fund revenues in an amount equal to**

the legacy fund earnings in the biennium. RIO will also note the Legacy Earnings Fund could be set-up as a sub-account within Legacy Fund, if desired.

Status: [Committee Hearing \(House Appropriations\) 2/2/21](#)

HB 1038 **Legacy Fund Earnings Committee** **Legislative Management**

<https://www.legis.nd.gov/assembly/67-2021/documents/21-0178-01000.pdf>

HB 1038 creates the legacy fund earnings committee to study the potential uses of legacy fund earnings, including the use of earnings to provide tax relief, provide for reinvestment of legacy fund earnings, fund research and technological advancements, promote economic growth and diversification, and promote workforce development and career and technical education. The committee may consider public input on the use of legacy fund earnings and review the operation of other funds, such as Norway's sovereign wealth fund. Legislative management shall report its findings and recommendations, together with any legislation required to implement those recommendations, to the sixty-eighth legislative assembly.

Status: [Passed House and Sent to Senate 1/12; referred to Senate Finance and Tax Committee](#)

HB 1041 **PERS Program**

<https://www.legis.nd.gov/assembly/67-2021/documents/21-0091-01000.pdf>

A BILL for an Act to amend and reenact subsection 2 of section 54-52-06, section 54-52.1-06, and subsection 2 of section 54-52.6-09 of the North Dakota Century Code, relating to public employees retirement system penalties for late payments or failures to follow required processes; and to provide a penalty.

Status: [Passed House and Sent to Senate 1/12; referred to Senate GVA Committee 2/3](#)

HB 1114 **Teacher Support Program** **Rep. Heinert and Owens, Senator Schaible**

<https://www.legis.nd.gov/assembly/67-2021/documents/21-0255-01000.pdf>

A BILL for an Act to amend and reenact sections 15.1-18.2-05 and 15.1-18.2-06 of the North Dakota Century Code, relating to the expansion of the teacher support program to provide mentoring to all first- and second-year teachers in the state; and to provide an appropriation.

Status: [Committee Work 2/5/21](#)

HB 1138 **Free Speech** **Rep. Kading, Becker, Lefor, D. Ruby, Schatz, and Schauer**
Sen. Heitkamp, O. Larsen, Myrdal

<https://www.legis.nd.gov/assembly/67-2021/documents/21-0454-01000.pdf>

To provide for a civil action against state/political subdivision for state constitutional free speech violation.
Status: Committee Hearing 1/20/21; Committee recommends "Do Not Pass" 2/4/21.

HB 1140 Contingency Fee Arrangements Rep Klemin, Devlin, Roers Jones, Sen. Dwyer, Larson, Lee

<https://www.legis.nd.gov/assembly/67-2021/documents/21-0612-01000.pdf>

A BILL for an Act to amend and reenact section 54-12-08.1 of the North Dakota Century Code, relating to contingent fee arrangements. This may be impactful to securities litigation agreements. **SOS Jaeger did an excellent job presenting this bill and highlighting its interesting history.**

Status: Passed House 2/2/21

HB 1174 TFFR Program Rep. Kempenich and Kreidt, Senator Klein

<https://www.legis.nd.gov/assembly/67-2021/documents/21-0677-01000.pdf>

HB 1174 enacts the requirements of the Secure Act of 1999 which changed federal law relating to "required minimum distributions" (RMD's) in retirement plans. RMD's are minimum amounts that a retirement plan account owner must withdraw annually starting when the member reaches a certain age. The Secure Act changed that age. This bill was reviewed by plan actuaries who found no impact to the actuarial position of the fund, or material impact to liabilities or costs.

Status: Passed House 1/22/21

HB 1188 Certs for Special Education Teacher Rep. Schreiber-Beck, D. Johnson, Sen. Oban

<https://www.legis.nd.gov/assembly/67-2021/documents/21-0670-01000.pdf>

A BILL for an Act to create and enact a new section to chapter 15.1-32 of the North Dakota Century Code, relating to services provided by special education technicians; and to amend and reenact section 15.1-02-16 of the North Dakota Century Code, relating to a certificate of completion for special education technicians.

Status: Committee Recommend Do Pass as amended 2/2/21

HB 1209 PERS Program Rep. M. Ruby, Dockter, O'Brien, Schauer, Sen. Anderson, Dever

<https://www.legis.nd.gov/assembly/67-2021/documents/21-0566-01000.pdf>

A BILL for an Act to amend and reenact section 54-52-02.9, 54-52-06, 54-52-06.5, and 54-52.6-09 of the North Dakota Century Code, relating to public employees retirement system employer and temporary employee contribution rates; and to provide an effective date.

Status: Committee Hearing 1/21/21

HB 1211 **Veterans' Funds** **Rep. Magrum, Hoverson, Kasper, B. Koppelman, Louser, Schauer, Vetter**
Sen. Meyer, Vedaa

<https://www.legis.nd.gov/assembly/67-2021/documents/21-0690-02000.pdf>

A BILL for an Act to amend and reenact sections 37-14-03 and 37-14-14 of the North Dakota Century Code, relating to the veterans' aid fund and veterans' postwar trust fund; and to declare an emergency.

Status: Committee Recommends "Do Pass" 2/1/21

HB 1231 **SIB Program** **Rep. Satrom, K. Koppelman, Ostlie, Paulson, D. Ruby, Schauer, Vetter**
Sen. Conley

<https://www.legis.nd.gov/assembly/67-2021/documents/21-0127-01000.pdf>

A BILL for an Act to amend and reenact section 21-10-05 of the North Dakota Century Code, relating to duty of the investment director to consider investing locally. This may have implications for both the PERS and TFFR plans.

Status: Committee Hearing 1/22/21

HB 1260 **Wage Moratorium** **Rep. Becker, Kasper, B. Koppelman, Rohr, Steiner**
Sen. Anderson, Heitkamp

<https://www.legis.nd.gov/assembly/67-2021/documents/21-0598-06000.pdf>

A BILL for an Act to create and enact a new section to chapter 54-06 of the North Dakota Century Code, relating to a wage and salary moratorium on state or local officials and employees if certain temporary restrictions on businesses are imposed.

Status: Amended and referred back to Committee 1/29/21.

HB 1275 **Legacy Earnings & Transfers** **Reps. Boschee, P. Anderson, Buffalo, Dobervich, Ista, Mitskog**
Senators Heckaman, Hogan, Mathern, Oban

<https://www.legis.nd.gov/assembly/67-2021/documents/21-0668-02000.pdf>

HB 1275 is similar to HB 1037 and gives the SIB authority over the investment of a new “Legacy Earnings Fund” and a new “Human Services and Public Health Stabilization Fund”, but also provides a distribution waterfall for the continuing appropriation of funds from the Legacy Earnings Fund including the “Arts and Culture Endowment Fund” and “Human Services and Public Health Stabilization Fund” among others.

HB1275 states the amount available for appropriation out of this new fund as seven percent (7%) of the five-year average value of legacy fund assets as determined by SIB (versus 6% for HB 1037). Any amounts in the new legacy earnings fund in excess of this 7% amount are to be retained in the fund as a reserve balance for future use only if the amounts transferred from the legacy fund are insufficient to cover the calculated 7% of average value amount. Beginning with the 2023-25 biennium, the legislature will be able to appropriate out of the new legacy earnings fund an amount equal to the six percent amount calculated above or the balance of the fund, whichever is less. **For the 2021-23 biennium and going forward, Section 7 of the bill will require all of the constitutionally mandated legacy fund earning which are transferred to the general fund to be immediately transferred to the new legacy earnings fund. All interest and earnings derived from this fund will be kept in this fund.** Therefore, for the 2021-23 biennium, there will be a reduction in available general fund revenues in an amount equal to the legacy fund earnings in the biennium. **RIO will also note the Legacy Earnings Fund could be reported as a sub-account within the Legacy Fund, if desired.**

Status: Committee Hearing (House Appropriations) [2/1/21](#)

HB 1342	PERS Retirement	Rep. Lefor, Dockter, Nathe, O'Brien Sen. Anderson, Dever, Wardner
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<https://www.legis.nd.gov/assembly/67-2021/documents/21-0202-05000.pdf>

A BILL for an Act to amend and reenact subsection 1 of section 54-52-02.9, subsection 2 of section 54-52-05, subsection 1 of section 54-52-06, subsection 6 of section 54-52.6-02, subsection 1 of section 54-52.6-09, and subsection 2 of section 54-52.6-09 of the North Dakota Century Code, relating to increased employer and employee contributions under the public employees retirement system defined benefit and defined contribution plans; to provide an appropriation; and to provide a statement of legislative intent.

Status: Status: House Gov. & Veterans' Affairs Comm. [2/4/21](#)

HB 1380	SIB/Legacy Fund	Rep. Lefor, Bosch, Dockter, Headland, Howe, Nathe, Porter, M. Ruby, Steiner Sen. Patten, Sorvaag, Wardner
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<https://www.legis.nd.gov/assembly/67-2021/documents/21-0218-05000.pdf>

A BILL for an Act to create and enact a new section to chapter 6-09, a new section to chapter 6-09.4, a new section to chapter 15-20.1, a new section to chapter 21-10, a new section to chapter 50-06, two new sections to chapter 54-44, and a new section to chapter 54-59 of the North Dakota Century Code, relating to an economic diversification research fund, a **legacy sinking and interest fund**, a career and technical education support fund, a **legacy earnings fund**, a behavioral health support fund, a **legacy infrastructure project fund**, a state building maintenance and project fund, and an information technology cybersecurity fund; **to amend and reenact subsection 1 of section 21-10-06 and section 21-10-12 of the North Dakota Century Code,**

relating to funds invested by the state investment board and legacy fund definitions; to provide for a transfer; and to provide a report. For the 2021-23 biennium and going forward, Section 6 of the bill will require all of the constitutionally mandated legacy fund earnings which are transferred to the general fund to be immediately transferred to the new legacy earnings fund. All interest and earnings derived from this fund will be kept in this fund. Therefore, for the 2021-23 biennium, there will be a reduction in available general fund revenues in an amount equal to the legacy fund earnings in the biennium. **RIO will also note the Legacy Earnings Fund could be reported as a sub-account within the Legacy Fund, if desired.**

Status: House Appropriations Committee Hearing [2/2/21](#)

HB 1425 SIB/Legacy Fund Rep. Nathe, D. Anderson, Bosch, Headland, Howe, Lefor, Mock, Porter
Sen. Meyer, Bell, Wardner

<https://www.legis.nd.gov/assembly/67-2021/documents/21-0415-06000.pdf>

A BILL for an Act to create and enact section 6-09-49.1 and a new section to chapter 21-10 of the North Dakota Century Code, relating to the legacy infrastructure revolving loan fund and the state investment board; to amend and reenact sections 21-10-02 and 21-10-11 of the North Dakota Century Code, relating to the state investment board and the legacy and budget stabilization fund advisory board; and to provide a continuing appropriation. **RIO will offer neutral testimony to: 1) raise awareness that most institutional investors seek to follow the “prudent investor rule” to maximum risk adjusted returns for their client investment portfolios including other sovereign wealth funds like the Alaska Permanent Fund; 2) increase understanding the SIB and Advisory Board have supported “in-state investment programs” since their inceptions including a doubling of its target capital commitment to the Bank of North Dakota Match Loan CD Program since mid-2019; and 3) increase awareness that Legacy Fund investments have generally performed in line with market benchmarks and other larger sovereign wealth funds in recent years.**

Status: House Finance and Taxation Committee [2/2/21](#)

HB 1446 SIB/Legacy Fund Rep. Magrum, Ertelt, Kading, B. Koppelman, Simons, Toman
Sen. Clemens, Heitkamp.

<https://www.legis.nd.gov/assembly/67-2021/documents/21-0069-04000.pdf>

A BILL for an Act to create and enact a new section to chapter 21-10 and a new section to chapter 57-02 of the North Dakota Century Code, relating to the transfer of legacy fund earnings to a property tax relief fund and a property tax credit for property used as a primary residence; to provide a continuing appropriation; to provide for a transfer; to provide an exemption; to provide an effective date; and to declare an emergency.

Status: House Finance and Taxation Committee [2/2/21](#)

HB 1475 SIB/Legacy Fund

Rep. Satrom, Haggert, Kempenich, Keifert, Mitskog, Ostlie

Sen. Conley, Wanzek

<https://www.legis.nd.gov/assembly/67-2021/documents/21-0693-02000.pdf>

A BILL for an Act to create and enact a new section to chapter 4.1-01 and a **new section to chapter 21-10 of the North Dakota Century Code, relating to an agriculture innovation fund and a transfer of legacy fund earnings; and to provide a continuing appropriation.**

Status: House Finance and Taxation Committee 2/5/21

SB 2033 NEW Fund

Legislative Management

<https://www.legis.nd.gov/assembly/67-2021/documents/21-0187-03000.pdf>

A BILL for an Act to create and enact a new chapter to title 15 of the North Dakota Century Code, relating to the university system capital building fund; to provide an appropriation; to provide for a transfer; and to declare an emergency.

Status: Amended and Passed by Senate, referred to House 1/25

SB 2040 PERS Retirement

Senate Appropriations Committee

Senators Mathern, Heckaman, Oban Representatives Boschee, Dobervich, Mitskog

<https://www.legis.nd.gov/assembly/67-2021/documents/21-0421-02000.pdf>

Relating to bonded debt repayments; to amend and reenact sections 6-09.4-06, 6-09.4-10, and 15.1-36-08 of the North Dakota Century Code, relating to borrowing and lending authority of the public finance authority, reserve funds associated with bonds, and the school construction assistance revolving loan fund; to provide an appropriation; and to provide a bond issue limit.

Status: Committee Hearing 1/28/21

SB 2042 PERS Retirement

Gov. & Veterans' Affairs Committee

<https://www.legis.nd.gov/assembly/67-2021/documents/21-0089-01000.pdf>

A BILL for an Act to amend and reenact subsection 1 of section 54-52-02.9, subsection 1 of section 54-52-06, subsection 6 of section 54-52.6-02, and subsection 2 of section 54-52.6-09 of the North Dakota Century Code, relating to increased employer and employee contributions under the public employees retirement system defined benefit and defined contribution plans; and to provide a penalty.

Status: Committee hearing 1/29/21

SB 2043 Highway Patrolmen's Retirement Fund Gov. & Veteran's Affairs Committee

<https://www.legis.nd.gov/assembly/67-2021/documents/21-0090-01000.pdf>

A BILL for an Act to amend and reenact section 39-03.1-10 of the North Dakota Century Code, relating to contributions to the highway patrolmen's retirement system by the state.

Status: Committee Hearing 2/11/21

SB 2044 PERS Retirement Gov. & Veteran's Affairs Committee

<https://www.legis.nd.gov/assembly/67-2021/documents/21-0092-01000.pdf>

A BILL for an Act to amend and reenact section 39-03.1-10, subsection 2 of section 39-03.1-11.2, subsection 8 of section 54-52-17, subsection 10 of section 54-52-26, subsection 2 of section 54-52-28, subsection 2 of section 54-52.1-03.2, subsection 1 of section 54-52.1-03.3, and subsection 2 of section 54-52.6-21 of the North Dakota Century Code, relating to public employees retirement system unpaid benefit payments, missing member confidentiality requirements, compliance with Internal Revenue Code distribution requirements, insurance programs for which retiree health insurance credit moneys may be used, and clarification of eligibility for retiree health insurance credit payments.

Status: Passed Senate 1/15/21

SB 2045 PERS Retirement Gov. & Veteran's Affairs Committee

<https://www.legis.nd.gov/assembly/67-2021/documents/21-0094-01000.pdf>

A BILL for an Act to create and enact a new section to chapter 54-52.2 of the North Dakota Century Code, relating to payment of administrative expenses for the public employees retirement system deferred compensation plan; and to provide a continuing appropriation.

Status: Passed Senate 1/18/21

SB 2046 PERS Retirement Gov. & Veteran's Affairs Committee

<https://www.legis.nd.gov/assembly/67-2021/documents/21-0095-01000.pdf>

A BILL for an Act to amend and reenact subsection 1 of section 54-52-02.9, subsection 2 of section 54-52-05, subsection 1 of section 54-52-06, subsection 6 of section 54-52.6-02, and section 54-52.6-09 of the North

Dakota Century Code, relating to increased employer and employee contributions under the public employees retirement system defined benefit and defined contribution plans; and to provide a penalty.

Status: Committee Hearing 2/11/21

SB 2069 Applications for Public Employment Gov. & Veteran’s Affairs Committee

<https://www.legis.nd.gov/assembly/67-2021/documents/21-8037-02000.pdf>

SB 2069 expands the confidentiality of applications for public employment to include finalists.

Status: Pass Senate as amended 1/26

SB 2291 Social Investing Prohibition Senator Bell

<https://www.legis.nd.gov/assembly/67-2021/documents/21-0717-02000.pdf>

A BILL for an Act to create and enact a new section to chapter 21-10, a new section to chapter 54-44, and a new section to chapter 54-60 of the North Dakota Century Code, relating to social investments made by the state investment board and the boycott of energy or commodities companies; to provide for a department of commerce study of the implications of complete divestment of companies that boycott energy or commodities; and to provide for reports to legislative management.

Status: Committee Hearing 2/4/21

PERS Health Care Related Bills

HB 1029 PERS Health Care Legislative Management

<https://www.legis.nd.gov/assembly/67-2021/documents/21-0170-01000.pdf>

A BILL for an Act to amend and reenact section 54-52.1-04.2 of the North Dakota Century Code, relating to public employee uniform group insurance for health benefits; to provide for application; and to declare an emergency.

Status: Passed House 1/12/21; Senate Committee Hearing 2/12/21

HB 1042 PERS Health Care Gov. & Veterans Affairs Committee

<https://www.legis.nd.gov/assembly/67-2021/documents/21-0093-01000.pdf>

A BILL for an Act to amend and reenact subsection 3 of section 54-52.1-04.16, relating to the public employees retirement system's uniform group insurance program part D contracts with pharmacy benefit managers.

Status: Passed House 1/19/21

HB 1147 PERS Health Care Rep. Brandenburg, Dobervich, Mitskog Sen. Erbele, Oban, K. Roers

<https://www.legis.nd.gov/assembly/67-2021/documents/21-0447-01000.pdf>

A BILL for an Act to create and enact section 54-52.1-04.19 of the North Dakota Century Code, relating to public employee fertility health benefits; to amend and reenact section 26.1-36.6-03 of the North Dakota Century Code, relating to self-insurance health plans; to provide for a report; to provide for application; to provide an expiration date; and to declare an emergency.

Status: Committee Hearing 2/8/21

HB 1155 PERS Health Care Rep. Keiser, Sen. Oban

<https://www.legis.nd.gov/assembly/67-2021/documents/21-0135-03000.pdf>

A Bill for an Act to amend and reenact section 54-52.1-02 of the North Dakota Century Code, relating to the public employees retirement system uniform group insurance program benefits; and to provide for application.

Status: Committee Hearing 2/5/21

HB 1233 PERS Health Care Rep. Kasper, Jones, Keiser, Lefor, Louser, Meier, Rohr, Schauer, Steiner

<https://www.legis.nd.gov/assembly/67-2021/documents/21-0147-01000.pdf>

A BILL for an Act to provide for the public employees retirement system to contract for an audit of pharmacy benefit managers providing contract services for the state uniform group health insurance program; and to provide for a legislative management report.

Status: Committee Hearing 2/4/21

HB 1245 PERS Health Care Rep. Kasper, Dockter, Keiser, B. Koppelman, Lefor, Louser, Meier, Pollert, D. Ruby, Steiner Sen. Hogue

<https://www.legis.nd.gov/assembly/67-2021/documents/21-0148-03000.pdf>

A BILL for an Act to amend and reenact sections 54-52.1-04, 54-52.1-04.1, 54-52.1-04.2, 54-52.1-04.7, 54-52.1-04.8, and 54-52.1-05 of the North Dakota Century Code, relating to public employee uniform group insurance plans; to provide for application; and to declare an emergency.

Status: referred to Gov. & Veterans' Affairs Comm. 2/11/21

HB 1250

PERS Health Care

Rep. M. Nelson, Adams Sen. Mathern

<https://www.legis.nd.gov/assembly/67-2021/documents/21-0068-01000.pdf>

A BILL for an Act to create and enact a new section to chapter 54-52.1 of the North Dakota Century Code, relating to public employee health insurance drug benefit coverage; to amend and reenact section 26.1-36.6-03 of the North Dakota Century Code, relating to self-insurance health plans; to require a report; to provide for application; to provide an expiration date; and to declare an emergency.

Status: Failed to Pass House 1/19/21

Failed Bills

HB 1202

Land Board Investments

Reps. Kempenich, Brandenburg, Delzer, M. Ruby, Schatz, Tveit

Senators Klein, Patten

<https://www.legis.nd.gov/assembly/67-2021/documents/21-0252-01000.pdf>

HB 1202 amends NDCC 21-10-06 and NDCC 15-01-02 relating to funds managed by the SIB and board of university and school lands. "Investment authority over the permanent funds derived from the sale of any of the lands" including the "Common schools trust fund and other investments under the control of the board of university and school lands" are transferred to the SIB under HB 1202.

Status: Second Reading Defeated 2/3/21 27-66

HB 1274

Legacy Fund Fiscal Impacts

Reps. Kempenich, B. Anderson, Longmuir, Pollert, Shatz

Senators Erbele, Klein, Wardner

<https://www.legis.nd.gov/assembly/67-2021/documents/21-0248-01000.pdf>

HB 1274 creates and enacts a new section to NDCC 21-10 relating to fiscal impact statements for any measure or policy affecting the legacy fund. The legacy and budget stabilization fund advisory board shall review any legislative measure, initiated or referred measure, or asset allocation and investment policy affecting the legacy fund. **If the advisory board determines the measure or policy will have a fiscal impact on the fund, the board shall request the state retirement and investment office to arrange for the preparation and submission of a fiscal impact statement to the advisory board before the measure or policy is acted upon.** The fiscal impact statement must be prepared by an independent consultant paid by the state retirement and investment office. The fiscal impact statement must include the estimated fiscal impact of the measure or policy for the next biennium and for the next ten biennia. The Senate is

Status: Defeated 1/22/21 24-67

SB 2320

Legacy Fund

Sen. Klein, Wardner, Rep. Kempenich, Kreidt, Pollert

<https://www.legis.nd.gov/assembly/67-2021/documents/21-1004-01000.pdf>

A BILL for an Act to create and enact a new section to chapter 21-10 of the North Dakota Century Code, relating to fiscal impact statements for a measure or policy affecting the legacy fund.

Status: Defeated 2/5/21 0-45