

**Sixty-first Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 6, 2009**

HOUSE BILL NO. 1022  
(Appropriations Committee)  
(At the request of the Governor)

AN ACT to provide an appropriation for defraying the expenses of various state retirement and investment agencies; to provide a transfer; to amend and reenact subsection 1 of section 15-39.1-09 of the North Dakota Century Code, relating to teachers' fund for retirement employer contributions; to provide for application; to provide an effective date; and to provide an expiration date.

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

**SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys from special funds derived from income, to the retirement and investment agencies listed in this section for the purpose of defraying their expenses, for the biennium beginning July 1, 2009, and ending June 30, 2011, as follows:

Subdivision 1.

RETIREMENT AND INVESTMENT OFFICE

	Base Level	Adjustments or Enhancements	Appropriation
Salaries and wages	\$2,334,909	\$339,171	\$2,674,080
Operating expenses	935,999	(11,429)	924,570
Contingencies	82,000	0	82,000
Total special funds	\$3,352,908	\$327,742	\$3,680,650
Full-time equivalent positions	17.00	0	17.00

Subdivision 2.

PUBLIC EMPLOYEES RETIREMENT SYSTEM

	Base Level	Adjustments or Enhancements	Appropriation
Salaries and wages	\$3,746,283	\$490,206	\$4,236,489
Operating expenses	11,247,019	(9,587,020)	1,659,999
Contingencies	250,000	0	250,000
Total all funds	\$15,243,302	(\$9,096,814)	\$6,146,488
Less estimated income	<u>15,243,302</u>	<u>(9,109,814)</u>	<u>6,133,488</u>
Total general fund	\$0	\$13,000	\$13,000
Full-time equivalent positions	33.00	0	33.00

Subdivision 3.

BILL TOTAL

	Base Level	Adjustments or Enhancements	Appropriation
Grand total general fund	\$0	\$13,000	\$13,000
Grand total special funds	<u>18,596,210</u>	<u>(8,757,072)</u>	<u>9,839,138</u>
Grand total all funds	\$18,596,210	(\$8,744,072)	\$9,852,138
Full-time equivalent positions	50.00	0	50.00

**SECTION 2. APPROPRIATION LINE ITEM TRANSFERS.** Upon approval of the respective boards, the retirement and investment office and the public employees retirement system may transfer from their respective contingencies line items in subdivisions 1 and 2 of section 1 of this Act to all other

line items. The agencies shall notify the office of management and budget of each transfer made pursuant to this section.

**SECTION 3. APPROPRIATION.** If Senate Bill No. 2277 is approved by the sixty-first legislative assembly and becomes effective, there is appropriated out of any moneys in the teachers' fund for retirement, not otherwise appropriated, the sum of \$25,000, or so much of the sum as may be necessary, to the retirement and investment office for the purpose of implementing Senate Bill No. 2277, for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 4. AMENDMENT.** If Senate Bill No. 2277 is approved by the sixty-first legislative assembly and becomes effective, subsection 1 of section 15-39.1-09 of the North Dakota Century Code is amended and reenacted as follows:

1. Except as otherwise provided by law, every teacher is a member of the fund and must be assessed upon the teacher's salary seven and seventy-five hundredths percent per annum, which must be deducted, certified, and paid monthly to the fund by the disbursing official of the governmental body by which the teacher is employed. Except as otherwise provided by law, every governmental body employing a teacher shall pay to the fund eight and ~~twenty-five~~ seventy-five hundredths percent per annum of the salary of each teacher employed by it. The disbursing official of the governmental body shall certify the governmental body payments and remit the payments monthly to the fund.

**SECTION 5. APPLICATION.** Section 4 of this Act applies to salaries earned after June 30, 2010.

**SECTION 6. EFFECTIVE DATE.** Section 4 of this Act becomes effective on July 1, 2010.

**SECTION 7. EXPIRATION DATE.** Section 4 of this Act is effective until the ratio of the actuarial value of assets to the actuarial accrued liability of the teachers' fund for retirement increases to ninety percent based upon the actuarial value of assets and expires on the July first that follows the first valuation that shows a ninety percent funded ratio. The board of trustees of the teachers' fund for retirement shall notify the legislative council of the expiration date of section 4 of this Act.

\_\_\_\_\_  
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-first Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1022.

House Vote:      Yeas    89      Nays    3      Absent    2

Senate Vote:    Yeas    46      Nays    0      Absent    1

\_\_\_\_\_  
Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2009.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2009.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2009,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State