



EMPLOYEE BENEFITS PROGRAMS COMMITTEE

Tuesday, June 21, 2022
Harvest Room, State Capitol
Bismarck, North Dakota

Representative Joshua A. Boschee, Chairman, called the meeting to order at 9:00 a.m.

Members present: Representatives Joshua A. Boschee, Bert Anderson, Claire Cory, Mitch Ostlie, Paul J. Thomas; Senators Brad Bekkedahl, Dick Dever, Tim Mathern, Kristin Roers, Shawn Vedaa

Members absent: Representatives Ron Guggisberg, Matthew Ruby; Senator Randy A. Burckhard

Others present: See [Appendix A](#)

It was moved by Senator Bekkedahl, seconded by Senator Dever, and carried on a voice vote that the minutes of the May 3, 2022, meeting be approved as distributed.

RETIREMENT AND INVESTMENT OFFICE

Ms. Janilyn Murtha, Executive Director, Retirement and Investment Office, presented information ([Appendix B](#)) regarding the status of the State Investment Board and the Teachers' Fund for Retirement (TFFR).

The committee discussed whether the North Dakota Century Code would need to be amended to accomplish the Retirement and Investment Office strategic plan.

Mr. Scott Anderson, Chief Investment Officer, Retirement and Investment Office, presented information ([Appendix C](#)) regarding the status of state investments for the Public Employees Retirement System (PERS) funds, TFFR, and legacy fund.

Bill Draft Recommendation

The committee received technical comments, actuarial information, and comments by interested persons regarding the following bill drafts over which the committee took jurisdiction because the bill drafts affect, actuarially or otherwise, the retirement programs of state employees or employees of any political subdivision, or health and retiree health plans of state employees or employees of any political subdivision pursuant to Section 54-35-02.4.

Bill Draft No. 16

Representative Thomas presented information ([Appendix D](#)) regarding Bill Draft No. 16 [[23.0016.02000](#)], which exempts certain teachers from contributing to TFFR.

Ms. Murtha provided technical comments and presented the actuarial report ([Appendix E](#)) on the bill draft.

The committee discussed the possibility of expanding the scope of this bill draft to include additional retirees, such as retired National Guard members.

Mr. Scott Miller, Executive Director, Public Employees Retirement System, provided technical comments ([Appendix F](#)) and presented the actuarial report ([Appendix G](#)) on the bill draft.

Mr. Nick Archuleta, President, North Dakota United, provided comments regarding the bill draft. He echoed the concerns raised by Ms. Murtha and noted the bill draft may be a slippery slope in allowing other teachers to opt out of the TFFR retirement plan.

It was moved by Senator Mathern, seconded by Senator Dever, and failed on a roll call vote that the committee give a recommendation of no recommendation for Bill Draft No. 16 [23.0016.02000]. Representatives Boschee and Ostlie and Senators Dever and Mathern voted "aye." Representatives Anderson, Cory, and Thomas and Senators Bekkedahl, Roers, and Vedaa voted "nay."

It was moved by Senator Roers, seconded by Senator Vedaa, and carried on a roll call vote the committee give a favorable recommendation for Bill Draft No. 16 [23.0016.02000]. Representatives Boschee, Anderson, Cory, Ostlie, and Thomas and Senators Bekkedahl, Dever, Roers, and Vedaa voted "aye." Senator Mathern voted "nay."

Bill Draft No. 53

Ms. Murtha presented information ([Appendix H](#)) regarding Bill Draft No. 53 [23.0053.01000], which provides for changes relating to TFFR benefits and duties of the TFFR Board and presented the actuarial report ([Appendix I](#)).

A committee member questioned whether under Section 9 of the bill draft the conversion from 175 days to 700 hours is accurate.

Ms. Murtha stated she would provide the committee with clarifying information regarding the conversion from days to hours.

It was moved by Senator Dever, seconded by Senator Mathern, and carried on a roll call vote that the committee give a favorable recommendation for Bill Draft No. 53 [23.0053.01000]. Representatives Boschee, Anderson, Cory, Ostlie, and Thomas and Senators Bekkedahl, Dever, Mathern, and Roers voted "aye." Senator Vedaa voted "nay."

PUBLIC EMPLOYEES RETIREMENT SYSTEM

Interim Retirement Committee

Representative Mike Lefor, Chairman, interim Retirement Committee, presented information ([Appendix J](#)) regarding the activities of the interim Retirement Committee.

Bill Draft Jurisdiction

The committee considered the following bill drafts to determine whether the bill drafts affect, actuarially or otherwise, the retirement programs of state employees or employees of any political subdivision, and health and retiree health plans of state employees or employees of any political subdivision pursuant to Section 54-35-02.4.

Bill Draft No. 2

It was moved by Senator Mathern, seconded by Senator Bekkedahl, and carried on a roll call vote that the committee take jurisdiction of Bill Draft No. 2 [23.0002.02000]. Representatives Boschee, Anderson, Cory, Ostlie, and Thomas and Senators Bekkedahl, Dever, Mathern, Roers, and Vedaa voted "aye." No negative votes were cast.

Bill Draft No. 87

It was moved by Senator Mathern, seconded by Senator Roers, and carried on a roll call vote that the committee take jurisdiction of Bill Draft No. 87 [23.0087.01000]. Representatives Boschee, Anderson, Cory, Ostlie, and Thomas and Senators Bekkedahl, Dever, Mathern, Roers, and Vedaa voted "aye." No negative votes were cast.

Bill Draft No. 92

It was moved by Representative Thomas, seconded by Senator Dever, and carried on a roll call vote that the committee take jurisdiction of Bill Draft No. 92 [23.0092.01000]. Representatives Boschee, Anderson, Cory, Ostlie, and Thomas and Senators Bekkedahl, Dever, Mathern, Roers, and Vedaa voted "aye." No negative votes were cast.

Bill Draft No. 93

It was moved by Senator Mathern, seconded by Senator Bekkedahl, and carried on a roll call vote that the committee take jurisdiction of Bill Draft No. 93 [23.0093.01000]. Representatives Boschee, Anderson, Cory, Ostlie, and Thomas and Senators Bekkedahl, Dever, Mathern, Roers, and Vedaa voted "aye." No negative votes were cast.

Health Benefits Insurance Contract

Mr. Miller presented information ([Appendix K](#)) regarding the status of the PERS health benefits insurance contract review.

Bill Draft Recommendation

The committee received technical comments, actuarial information, and comments by interested persons regarding the following bill drafts over which the committee took jurisdiction because the bill drafts affect, actuarially or otherwise, the retirement programs of state employees or employees of any political subdivision, or health and retiree health plans of state employees or employees of any political subdivision pursuant to Section 54-35-02.4.

Bill Draft No. 34

Mr. Miller provided technical comments ([Appendix L](#)) and presented the actuarial report ([Appendix M](#)) on Bill Draft No. 34 [[23.0034.02000](#)], which narrows the scope of duties of the Employee Benefits Programs Committee.

It was moved by Senator Bekkedahl, seconded by Senator Roers, and carried on a roll call vote that the committee give an unfavorable recommendation to Bill Draft No. 34 [[23.0034.02000](#)]. Representatives Boschee, Anderson, Cory, Ostlie, and Thomas and Senators Bekkedahl, Dever, Mathern, Roers, and Vedaa voted "aye." No negative votes were cast.

Bill Draft No. 45

Mr. Miller provided technical comments ([Appendix N](#)) and presented the actuarial report ([Appendix O](#)) on Bill Draft No. 45 [[23.0045.01000](#)], which revises the membership of the PERS Board and revises the process for approval of PERS health benefits coverage contracts.

It was moved by Senator Dever, seconded by Senator Mathern, and carried on a roll call vote that the committee give an unfavorable recommendation to Bill Draft No. 45 [[23.0045.01000](#)]. Representatives Boschee, Anderson, Cory, Ostlie, and Thomas and Senators Bekkedahl, Dever, Mathern, Roers, and Vedaa voted "aye." No negative votes were cast.

Bill Draft No. 54

Mr. Miller provided technical comments ([Appendix P](#)) and presented the actuarial report ([Appendix Q](#)) on Bill Draft No. 54 [[23.0054.01000](#)], which provides for a change in the computation of final average salary for PERS retirement benefits.

It was moved by Senator Mathern, seconded by Senator Roers, and carried on a roll call vote that the committee give a favorable recommendation to Bill Draft No. 54 [[23.0054.01000](#)]. Representatives Boschee, Anderson, Cory, Ostlie, and Thomas and Senators Bekkedahl, Dever, Mathern, Roers, and Vedaa voted "aye." No negative votes were cast.

Bill Draft No. 71

Ms. Sara Behrens, Staff, Court Services Administration Committee, presented information ([Appendix R](#)) regarding Bill Draft No. 71 [[23.0071.01000](#)], which provides for clerks of court to be state judicial employees. She noted the Court Services Administration Committee has voted to remove from the bill draft the section that affects PERS.

Mr. Miller provided technical comments ([Appendix S](#)).

It was moved by Senator Bekkedahl, seconded by Senator Roers, and carried on a roll call vote that the committee give a favorable recommendation to Bill Draft No. 71 [[23.0071.01000](#)]. Representatives Boschee, Anderson, Cory, and Ostlie and Senators Bekkedahl, Dever, Mathern, Roers, and Vedaa voted "aye." Representative Thomas voted "nay."

Chairman Boschee noted that because the actuarial reports were not completed, Bill Draft Nos. 8 [[23.0008.01000](#)] and 77 [[23.0077.01000](#)] will be reviewed at the next meeting.

Chairman Boschee noted the tentative date for the next meeting is Wednesday, October 26, 2022.

No further business appearing, Chairman Boschee adjourned the meeting at 1:45 p.m.

Jennifer S. N. Clark
Senior Counsel and Code Revisor

ATTACH:19