

**Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023**

SENATE BILL NO. 2022
(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the retirement and investment office; to create and enact a new subsection to section 54-44.3-20 and a new section to chapter 54-52.5 of the North Dakota Century Code, relating to exemptions from the state employee classification system and an incentive compensation program; to amend and reenact section 54-52.5-03 of the North Dakota Century Code, relating to operating costs of the retirement and investment office; to provide an exemption; to provide a report; and to declare an emergency.

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 office for the purpose of defraying the expenses of the retirement and investment office, for the biennium beginning July 1, 2023, and ending June 30, 2025, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$6,785,839	\$2,124,208	\$8,910,047
Operating expenses	1,323,528	1,546,409	2,869,937
Contingencies	<u>100,000</u>	<u>100,000</u>	<u>200,000</u>
Total special funds	\$8,209,367	\$3,770,617	\$11,979,984
Full-time equivalent positions	25.00	9.00	34.00

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO THE SIXTY-NINTH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixty-seventh legislative assembly for the 2021-23 biennium and the 2023-25 biennium one-time funding items included in the appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2021-23</u>	<u>2023-25</u>
Pension administration software implementation	\$0	\$574,900
Temporary salaries	<u>0</u>	<u>50,000</u>
Total special funds	\$0	\$624,900

The 2023-25 biennium one-time funding amounts are not a part of the entity's base budget for the 2025-27 biennium. The retirement and investment office shall report to the appropriations committees of the sixty-ninth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2023, and ending June 30, 2025.

SECTION 3. A new subsection to section 54-44.3-20 of the North Dakota Century Code is created and enacted as follows:

Investment and fiscal operations positions of the state retirement and investment office necessary for the management of the investment of funds under the control of the state investment board.

SECTION 4. AMENDMENT. Section 54-52.5-03 of the North Dakota Century Code is amended and reenacted as follows:

54-52.5-03. State retirement and investment fund - Cost of operation of agency.

A special fund known as the "state retirement and investment fund" is established for the purpose of defraying administrative expenses of the state retirement and investment office. The actual amount of

administrative expenses incurred by the state retirement and investment office must be paid from the respective funds listed under section 21-10-06 and are hereby appropriated to the state retirement and investment fund in proportion to the services rendered for each fund as estimated by the state investment board. The amount necessary to pay all administrative expenses of the state retirement and investment office must be paid from the state retirement and investment fund in accordance with the agency's appropriation authority and earnings lawfully available for such purposes. Any interest income earned on the state retirement and investment fund must be credited to the fund.

SECTION 5. A new section to chapter 54-52.5 of the North Dakota Century Code is created and enacted as follows:

Incentive compensation program - Report to legislative management.

The state retirement and investment office may develop an incentive compensation program for full-time equivalent investment and fiscal operations positions necessary for the management of the investment of funds under the control of the state investment board. The program must promote profitability, productivity, and responsible fund management. The provisions of the program must be approved annually by the state investment board. The provisions must ensure that the payouts do not occur unless the risk-based performance of the investments that are internally managed exceed the risk-based performance of policy benchmarks. Any amounts paid under this program must be considered compensation and not personal profit on behalf of the employee. Each interim, the state retirement and investment office shall provide at least one report to the legislative management regarding the status of the program, including the provisions of the program; the total amount of incentives paid out to employees each year; and the minimum, maximum, and average payout per eligible full-time equivalent position.

SECTION 6. EXEMPTION - PENSION ADMINISTRATION SYSTEM PROJECT. The sum of \$9,000,000 appropriated in section 1 of chapter 47 of the 2019 Session Laws and continued into the 2021-23 biennium pursuant to section 3 of chapter 22 of the 2021 Session Laws for the pension administration system is not subject to the provisions of section 54-44.1-11 and any unexpended funds are available for completing the project during the biennium beginning July 1, 2023, and ending June 30, 2025.

SECTION 7. REPORT TO BUDGET SECTION. Prior to the implementation of the incentive compensation program under section 5 of this Act and after approval of the program by the state investment board, the state retirement and investment office shall provide a report to the budget section regarding the provisions of the program, during the period beginning with the effective date of this Act and ending June 30, 2025.

SECTION 8. EMERGENCY. Section 7 of this Act is declared to be an emergency measure.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2022 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 44 Nays 2 Absent 1

President of the Senate

Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 86 Nays 4 Absent 4

Speaker of the House

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2023.

Approved at _____ M. on _____, 2023.

Governor

Filed in this office this _____ day of _____, 2023,

at _____ o'clock _____ M.

Secretary of State