NORTH DAKOTA
PUBLIC EMPLOYEES
RETIREMENT SYSTEM

Special Board Meeting Agenda

Location: By phone: 701.328.0950 Conference ID: : 755 881 366#
Date: **Friday, January 17, 2025**
Time: 2:30 P.M. **Join the meeting now**

I. MISCELLANEOUS

A. Legislation – Rebecca (Board Action)

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Public Employees Retirement System
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Memorandum

TO: NDPERS Board

FROM: Rebecca

DATE: January 17, 2025

SUBJECT: Legislation

Since we last met on January 6, 2025, there have been additional bills introduced that could impact NDPERS that staff would like to discuss with the Board. Staff anticipate that hearings may be scheduled as early as next week.

Attachment 1 provides a bill draft that the Employee Benefits Programs Committee Chair and Vice Chair have taken jurisdiction over. It is referenced as Bill Draft 1187 and we anticipate that it will be introduced shortly. As you can see, there is a retroactive application date and emergency clause. The intent of the bill is allow a retiree receiving benefits under normal retirement who returns to work for the same employer be able to waive their participation in the retirement and retiree health insurance credit program, thus would not be actively contributing to the plan and able to continue to receive retirement benefits. The bill is specific to only a retiree who is appointed by an elected state official to an unclassified state position for the duration of the elected official's term until a successor is appointed. We are still awaiting analysis from GRS for their cost and technical analysis. However, we also requested that Ice Miller review the bill draft for federal law compliance and whether there are any plan qualification concerns. Attachment 2 is their analysis. As you can see from the analysis, this bill draft as currently written does create a plan qualification concern with federal law. We have asked Ice Miller to be available during the meeting to answer questions that the Board may have.

Section 2 of House Bill 1248, which is Attachment 3, removes from the Employee Benefits Programs Committee's (EBPC) jurisdiction, and thus process, bill proposals that fiscally impact the health insurance and retiree health plans of state employees or employees of any political subdivision. It also repeals the insurance mandate requirement under Section 3. I have met with the primary sponsor of the bill, explaining the impact to NDPERS if Section 2 of the bill would pass, specifically it would remove our ability to provide thorough,

independent cost and technical analysis on these proposals through the use of our actuary and consultant. Based upon our discussion, I will be bringing forward an amendment to keep the current law in place as it relates to Section 2. As far as Section 3, we discussed the insurance mandate process and opportunities to make it a better process. One observation that I shared was based on both comments from the EBPC and Board as we worked through the mandate process with SB 2140 from last session. It was questioned why the NDPERS Board is responsible to submit a bill for consideration at the next session to roll the coverage out of the NDPERS section of Century Code and into the Insurance Department's section of Century Code for coverage in the commercial market that they regulate. The sponsor asked that I also submit an amendment to remove the language that places this responsibility on the NDPERS Board.

In addition, staff wanted to provide the Board with two additional bills that would impact how we operate.

Senate Bill 2180, which is Attachment 4, requires several changes for public meetings, including a required public comment period at public meetings. Staff have confirmed with legal counsel that this would be required at the NDPERS Board meetings, should the bill pass, given these meetings are public. It is not specific to NDPERS, but any public meeting.

Senate Bill 2215, which is Attachment 5, restricts executive branch agencies from submitting a legislative bill for introduction unless legislative management or a committee of the legislative management requested the agency to submit the bill.

Staff will continue to monitor bills as they are introduced and will bring forward any additional bills for discussion at the meeting. We will discuss each bill and will need direction of the Board regarding the position of the Board for testimony preparation by staff.

Board Action Requested:

Advise staff of the position to take on:

1) Bill Draft 1187 (Attachments 1 and 2)
2) House Bill 1248 (Attachment 3)
3) Senate Bill 2180 - if the Board wishes to take a position on the bill (Attachment 4)
4) Senate Bill 2215 – if the Board wishes to take a position on the bill (Attachment 5)
5) Direction on any additional bills that impact NDPERS introduced prior to the Board meeting

Attachment 1

Sixty-ninth
Legislative Assembly
of North Dakota

BILL NO.

Introduced by

Senator Bekkedahl

A BILL for an Act to amend and reenact subsection 1 of section 54-52-05 of the North Dakota Century Code, relating to employee elections to waive future participation in the public employees retirement system; to provide for retroactive application; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 54-52-05 of the North Dakota Century Code is amended and reenacted as follows:

1. a. Every eligible participating political subdivision employee, at the time the political subdivision joins the plan ~~must~~shall so state in writing if the employee concurs in the plan and all future eligible employees of the participating political subdivision are participating members in the plan and must be enrolled in the plan within the first month of employment.

   b. Except as otherwise provided by law, every other eligible governmental unit employee of a participating governmental unit is a participating member in the plan and must be enrolled in the plan within the first month of employment. An employee who was not enrolled in the retirement system when eligible to participate must be enrolled immediately upon notice of the employee's eligibility, unless the employee waives in writing the employee's right to participate for the previous time of eligibility, to avoid contributing to the fund for past service.

   c. An employee ~~who is~~ eligible for normal retirement who accepts a retirement benefit under this chapter and ~~who~~ subsequently becomes employed with a participating employer other than the employer ~~with which~~ the employee was employed with at the time the employee retired under this chapter may, before being re-enrolled in the retirement plan within the first month of employment,

elect to permanently waive future participation in the retirement plan and the retiree health program and maintain that employee's retirement status. An employee making this election is not required to make any future employee contributions to the public employees retirement system nor is the employee's employer required to make any further contributions on behalf of that employee.

d. An employee eligible for normal retirement who accepts a retirement benefit under this chapter and subsequently becomes employed with the same participating employer the employee was employed with at the time the employee retired under this chapter may elect to permanently waive future participation in the retirement plan and the retiree health program and maintain that employee's retirement status if the employee is appointed by an elected state official to an unclassified state position for the duration of the elected official's term until a successor is appointed. An employee making this election is not required to make any future employee contributions to the public employees retirement system nor is the employee's employer required to make any further contributions on behalf of that employee.

SECTION 2. RETROACTIVE APPLICATION. This Act applies retroactively to December 14, 2024.

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

IceMiller

Attachment 2

MEMORANDUM

TO: **Rebecca Fricke, North Dakota Public Employees Retirement System**

FROM: **Audra Ferguson and Robert L Gauss, Ice Miller LLP**

DATE: **January 17, 2025**

RE: **Bill Draft 1187: Retiree Reemployment Election**

This Memorandum is provided in confidence and subject to the attorney-client privilege. We have not provided copies to anyone other than the individual named above. To preserve the attorney-client privilege, you should disclose the contents of this Memorandum only to persons making decisions on the matters discussed herein.

Please allow this memorandum to response to your email on January 15, 2025 regarding us to provide federal law analysis of Bill Draft 1187. As set forth below, as written, Bill Draft 1187 creates an impermissible cash or deferred arrangement ("CODA").

I. DRAFT BILL 1187

Draft Bill 1187 proposes to add the following additional language:

> d. An employee eligible for normal retirement who accepts a retirement benefit under this chapter and subsequently becomes employed with the same participating employer the employee was employed with at the time the employee retired under this chapter may elect to permanently waive future participation in the retirement plan and the retiree health program and maintain that employee's retirement status if the employee is appointed by an elected state official to an unclassified state position for the duration of the elected official's term until a successor is appointed. An employee making this election is not required to make any future employee contributions to the public employees retirement system nor is the employee's employer required to make any further contributions on behalf of that employee.

(Emphasis added.)

II. EVOLUTION OF THE IRS' POSITION ON EMPLOYEE CHOICE AND CODAS IN 2005-2006

In 2005 and 2006, the IRS began a review of its ruling position on giving current plan participants in a qualified governmental plan an election on whether or not to participate in the plan. There were two primary concerns the IRS identified with respect to arrangements involving employee elections between retirement plans, optional retirement plans, or design options:

- Code Section 414(h)(2), which allows certain employee contributions to governmental plans to be "picked-up" and treated as pre-tax contributions (the "taxation issue"); and

- Code Section 401(k)(4)(B)(ii), which generally prohibits a governmental plan from having a "cash or deferred election" – i.e., the ability of a plan participant to choose to have amounts contributed to a plan on a pre-tax basis, or to receive those amounts as cash compensation (the "qualification issue").

Prior to 2005, the IRS had issued private letter rulings ("PLRs") which allowed pick-up contributions for existing employees who were permitted to choose a new benefit tier, as well as for employees who were making a service purchase. Over time, the rulings had become more and more expansive in allowing the employee contributions for these purposes to be treated as pre-tax. However, after new Treasury Regulations ("Treas. Reg.") were issued for Code § 401(k) plans in 2004 (effective for plan years on and after January 1, 2006), the IRS began reviewing its position with regard to pick-up contributions in qualified 401(a) (non-401(k)) plans. As discussed in Section I.B. (below), Treas. Reg. § 1.401(k)-1(a)(3) defines a "cash or deferred election" and provides an exception for one-time, irrevocable elections, as follows:

> (v) *Certain one-time elections not treated as cash or deferred elections*. **A cash or deferred election does not include a one-time irrevocable election made no later than the employee's first becoming eligible under the plan or any other plan or arrangement of the employer that is described in section 219(g)(5)(A)** (whether or not such other plan or arrangement has terminated), to have contributions equal to a specified amount or percentage of the employee's compensation (including no amount of compensation) made by the employer on the employee's behalf to the plan and a specified amount or percentage of the employee's compensation (including no amount of compensation) divided among all other plans or arrangements of the employer (including plans or arrangements not yet established) for the duration of the employee's employment with the employer, or in the case of a defined benefit plan to receive accruals or other benefits (including no benefits) under such plans. Thus, for example, employer contributions made pursuant to a one-time irrevocable election described in this paragraph are not treated as having been made pursuant to a cash or deferred election and are not includible in an employee's gross income by reason of § 1.402(a)-1(d).

(Emphasis added).

In other words, a governmental plan may allow a one-time, irrevocable election for pre-tax employee contributions by members, **but that election must be made upon first becoming eligible under the plan or any plan of the employer** (often, this is at the commencement of employment but could be after the expiration of a waiting period). In your case, it would be upon first becoming employed by an employer and being covered by Plan 3. After that one-time irrevocable election (or after the first eligibility under the plan has passed), the employee is not permitted to modify the pick-up election or have a new election opportunity so long as the

employee is employed by that employer or a related employer (for instance the State likely is consideration the employer for all its departments agencies). **The 401(k) regulations, effective in 2006, changed the wording with respect to one-time irrevocable elections from elections made at various times during a career (e.g., when eligible for a different plan) to elections made upon first eligibility for any retirement plan (as noted above)**.

The most critical shift in "formal" guidance on picked-up contributions during this period is found in Rev. Rul. 2006-43, which sets forth the current requirements for a valid pick-up, and the IRS' current ruling position. Under Rev. Rul. 2006-43, mandatory employee contributions to a governmental retirement plan can be picked-up and treated as pre-tax contributions only if:

(1) the employer takes formal action to provide for the pick-up (or if state or local law or the plan requires the pick-up), **and**

(2) the employee has no election with respect to the amount or duration of the contribution after the employee's initial employment.

Rev. Rul. 2006-43 allows the one exception – an election with respect to picked-up contributions **if** that election is made when the employee **is first eligible under any plan of the employer**.

Thus, the IRS and U.S. Department of Treasury ("Treasury") agree that a one-time irrevocable election at the time the employee is first eligible under any retirement plan of the employer is permissible. Consequently, the policy reflected in Rev. Rul. 2006-43 involves elections by existing employees with respect to pre-tax contributions. Importantly, IRS and Treasury have not raised concerns with regard to elections involving **post-tax employee contributions** by any employees, whether new or existing.

III. OVERVIEW OF ONE-TIME IRREVOCABLE ELECTIONS IN CODE AND REGULATIONS AS APPLICABLE TO 401(a) PLANS

IRS Announcement 94-101 discussed the one-time irrevocable election exception under Treas. Reg. 1.401(k)-1(a)(3)(v) as follows:

> Although any choice between cash and a deferral is technically a CODA, the regulations, at Section 1.401(k)-1(a)(3)(1)(iv), provide an exception. **A one-time irrevocable election by the employee, when first hired or first eligible for any plan of the employer, is deemed not to be a choice between cash and a deferral. Once such an election is made, it cannot be changed**. Thus, if an employer terminated a money purchase pension plan and replaced it with a different money purchase pension plan, an employee who elected to receive a 5% contribution under the old plan may only receive a 5% contribution from the new plan. In addition, a change in status, such as from associate to partner or union employee to supervisor does NOT give rise to another one-time irrevocable election. **Once an employee has participated in ANY plan of the employer, the one-time election is unavailable**.

(Emphasis added).

In summary, the current regulations under Code § 402(g)(3) state that an employee contribution is not an elective deferral if the contribution is made pursuant to a one-time irrevocable election made at the initial eligiblity to participate in any retirement plan of the employer. The regulations under Code § 402(g)(3) define elective deferral to have the same meaning as under the § 401(k) regulations. Treas. Reg. § 1.401(k)-1(a)(3)(iv) provides that a one-time irrevocable election is not an elective deferral if it was made no later than the employee's first becoming eligible under **the plan or any other 401(a) or 403(b) plan of the employer**. "Employer" for this purpose means the employer and all related employers under Code §§ 414(b), (c) or (m). **Thus, participants who have irrevocably elected to participate in one retirement plan offered by the employer cannot at a later time elect to change their pre-tax employee contribution rate or to participate instead in another plan sponsored by the employer or a related employer without violating the previous one-time irrevocable election exemption.** Moreover, participants must make their one-time irrevocable election at the time they first become eligible under *any retirement plan* sponsored by that employer.

IV. MOST RECENT IRS RULINGS

Starting in 2014, the IRS began clearing out a number of pending private letter rulings ("PLRs"). These new rulings give practical examples of the IRS and Treasury views of employee choice, and application of the above-described statutes and regulations. PLRs are binding only on the entities they were issued to, but can be very helpful in seeing the IRS's application of the regulations:

- PLR 201540014 outlines appropriate pick-up mechanics in a situation where there is no employee choice, but which would also apply if a choice exists.

- PLR 201532036 describes an employee choice process **with different amounts of employee contributions** depending on the employee's election. The conclusion is that to offer employees who are already participating in one plan an election to stay in that plan or go to another plan would be an impermissible cash or deferred arrangement.

- PLR 201529009 demonstrates one acceptable way to structure an election – make pre-tax employee contributions the same regardless of what plan is elected. **If the employee pre-tax contributions are always the same regardless of what coverage the employee selects, there is no election problem**.

- PLR 201443035 reviews irrevocable elections and what constitutes an acceptable one-time irrevocable election in terms of timing. The IRS views this very narrowly – **the election must occur only before the employee is covered in any retirement type plan of the employer**.

- The rulings also stress that these limitations only apply if the employee contributions are **pre-tax. If the employee contributions are always post-tax, there is no election problem.**

- PLR 201720009 confirmed the rulings in PLR 201529009 that an election for a current employee between two plans in which the employee's rate of contribution is the same regardless of which plan the employee selects will not constitute a cash or deferred arrangement.

In summary, at this point, the IRS provides very limited exceptions for an employee election that would not constitute an impermissible CODA. The allowable employee contribution change exceptions are as follows:

- ***Employer Mandate*** – the employer mandates a contribution rate change across all members under a plan (e.g., all employees are mandatorily moved to a new tier or new plan with a different contribution rate, with no employee choice).

- ***Level Contribution*** – the employee contribution rate is the same across all applicable plans subject to the choice.

- ***Post-Tax Contribution*** – the lowest pre-tax employee contribution rate in a set of plans subject to an election is treated as picked-up (pre-tax), and any incremental rate among that set of plans is treated as post-tax employee contributions.

V. ANALYSIS OF DRAFT BILL 1187

Draft Bill 1187 gives retirees who return to work with the same employer from which they retired, the option to waive participation in the retirement plan (and the mandatory pre-tax employee contribution) and continue receiving his/her benefit or cease receiving his/her retirement benefit and participate in the retirement plan and make the mandatory pre-tax employee contribution. The election to make the mandatory pre-tax contribution or not make the mandatory pre-tax contribution is an impermissible CODA and creates a plan qualification concern because the retiree is being reemployed by the same employer and has already been eligible to participate in a retirement plan of that employer. As a reminder, maintaining qualified status is critical to receiving significant federal tax benefits for plan members. There is no other way (under federal law) to qualify members for these tax benefits. These tax benefits include:

- Employer contributions are not taxable to members as they are made (or even when vested); taxation only occurs at distribution.

- Earnings and income are not taxed to the trust or the members until distribution.

- Favorable tax treatment may be available to members when they receive plan distributions, e.g., ability to rollover eligible distributions.

- Employers and members do not pay employment taxes on employer contributions (even if the positions are Social Security covered) when contributions are made or when benefits are paid.

These advantages would generally not apply to a non-qualified plan.

As such, Draft Bill 1187 should not be passed as written.

Instead, below are the options available if the legislature would like to allow former employers to rehire retirees:

- **Mandate into NDPERS**: The rehired retirees could be mandated into NDPERS. This would remove the impermissible "election."

- **Mandate Ineligibility to Participate in NDPERS**: The rehired retirees could be determined to be ineligible to participate in NDPERS. Again, this would remove the impermissible "election."

Certainly, we understand the retirement systems' concern about changing the return to work laws for a subset of retirees as this can increase the complexity of administering the plan. In order to simplify and streamline administration, the group of retirees eligible for the amendment could be defined narrowly, including limiting the population to certain job descriptions and may even include a "window" of time in which the return to work amendments will be applicable.

We hope this helps to provide some guidance. Of course, if we can address any additional questions, please do not hesitate to let us know.

Attachment 3

Sixty-ninth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1248

Introduced by

Representatives Weisz, Frelich, McLeod, M. Ruby

Senators Lee, Dever

A BILL for an Act to amend and reenact sections 26.1-36-09.12 and 54-35-02.4 of the North Dakota Century Code, relating to medical services related to suicide and the powers and duties of the employee benefits programs committee; and to repeal section 54-03-28 of the North Dakota Century Code, relating to the cost-benefit analysis requirement for health insurance mandated coverage of services.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 26.1-36-09.12 of the North Dakota Century Code is amended and reenacted as follows:

26.1-36-09.12. Medical services related to suicide.

An insurance company, nonprofit health service corporation, or health maintenance organization may not deliver, issue, execute, or renew ~~any~~a hospital, surgical, medical, or major medical benefit policy on an individual, group, blanket, franchise, or association basis unless the policy, contract, or evidence of coverage provides benefits, of the same type offered under the policy or contract for illnesses, for health services to any individual covered under the policy or contract for injury or illness resulting from suicide, attempted suicide, or self-inflicted injury. ~~The medical benefits provided for in this section are exempt from section 54-03-28.~~

SECTION 2. AMENDMENT. Section 54-35-02.4 of the North Dakota Century Code is amended and reenacted as follows:

54-35-02.4. Employee benefits programs committee - Powers and duties.

1. During each interim, the employee benefits programs committee shall consider and report on the legislative proposals over which the committee takes jurisdiction and which fiscally impact 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~~. A majority of the members of the committee

has sole authority to determine whether a legislative proposal affects a program. The committee shall make a thorough review of each proposal the committee takes under its jurisdiction, including an actuarial report. The committee shall take jurisdiction over a proposal that authorizes an automatic increase or other change in benefits beyond the ensuing biennium which would not require legislative approval. The committee shall include in the report of the committee a statement that the proposal would allow future changes without legislative involvement. The committee shall report the findings and recommendations of the committee, along with any necessary legislation, to the legislative management and to the legislative assembly.

2. To carry out the responsibilities of the committee, the committee, or the designee of the committee, may:
   a. Enter contracts, including retainer agreements, with an actuary or actuarial firm for expert assistance and consultation. Each retirement~~, insurance, or retiree insurance~~ program shall pay, from the program's retirement~~, insurance, or retiree health benefits~~ fund, as appropriate, and without the need for a prior appropriation, the cost of an actuarial report required under this section which relates to that program.
   b. Call on personnel from state agencies or political subdivisions to furnish such information and render such assistance as the committee ~~from time to time~~ may request.
   c. Establish rules for the operation of the committee, including the submission and review of proposals and the establishing of standards for actuarial reports.
3. The committee may solicit draft measures and proposals from interested persons during the interim between legislative sessions, and also may study measures and proposals referred to the committee by the legislative assembly or the legislative management.
4. A copy of the committee's report concerning a legislative measure, if that measure is introduced for consideration by a legislative assembly, must be appended to the copy of that measure.
5. If a legislative measure affecting a public employees retirement program~~, public employees health insurance program, or public employee retiree health insurance~~

~~program~~ is introduced in either house without a report from the committee, the chairman and vice chairman of the employee benefits programs committee shall request an actuarial report from the program affected and shall provide the report to the standing committee to which the measure is referred. During the legislative session, the employee benefits programs committee chairman and vice chairman, working together, have sole authority to determine whether a legislative measure or amendment affects a program under this subsection and subsection 6.

6. During a legislative session, if an amendment is made to a legislative measure which fiscally impacts a public employees retirement program, ~~public employees health insurance program, or public employee retiree health insurance program,~~ the employee benefits programs committee chairman and vice chairman shall request from the affected program an actuarial report on the amendment and shall provide the report to the standing committee to which the bill is referred.

7. Legislation enacted in contravention of this section is invalid, and any benefits provided under the legislation must be reduced to the level current before enactment of the legislation.

SECTION 3. REPEAL. Section 54-03-28 of the North Dakota Century Code is repealed.

25.0269.01000

Attachment 4

Sixty-ninth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2180

Introduced by

Senators Paulson, Luick, Weston

Representatives Louser, D. Ruby, D. Johnston

A BILL for an Act to amend and reenact section 44-04-19 of the North Dakota Century Code, relating to the opportunity to provide public comment at a meeting of a public entity.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 44-04-19 of the North Dakota Century Code is amended and reenacted as follows:

44-04-19. Access to public meetings.

Except as otherwise specifically provided by law, all meetings of a public entity must be open to the public. That portion of a meeting of the governing body of a public entity as defined in subdivision c of subsection 13 of section 44-04-17.1 which does not regard public business is not required to be open under this section.

1. This section is violated when ~~any person~~an individual is denied access to a meeting under this section, unless such refusal, implicitly or explicitly communicated, is due to a lack of physical space in the meeting room for the ~~persons~~individual seeking access or lack of electronic capacity to allow public viewing of the meeting through electronic means.
2. For purposes of this section, if the meeting is held in person, the meeting room must be accessible to, and the size of the room must accommodate, the number of ~~persons~~individuals reasonably expected to attend the meeting. If the meeting is held by electronic means, the electronic capacity must accommodate the number of ~~persons~~individuals reasonably expected to attend the meeting remotely.
3. The right of ~~a person~~an individual to attend a meeting under this section includes the right to photograph, to record on audiotape or videotape, and to broadcast live on radio or television the portion of the meeting that is not held in executive session, provided there is no active interference with the conduct of the meeting. The exercise

of this right may not be dependent upon the prior approval of the governing body. However, the governing body may impose reasonable limitations on recording activity to minimize the possibility of disruption of the meeting.

4. For meetings subject to this section, if the meeting is held through any electronic means, the information necessary to join or view the meeting electronically must be included in the notice issued under section 44-04-20.

5. A meeting of a public entity must include an opportunity for an individual in attendance to provide public comment. A public comment:

   a. May not be subject to approval by the public entity.

   b. Only may be limited by time per speaker.

Attachment 5

Sixty-ninth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2215

Introduced by

Senators Cory, Hogue, Myrdal

Representatives Vetter, Headland, Ostlie

A BILL for an Act to create and enact a new section to chapter 54-03 of the North Dakota Century Code, relating to limitations on the introduction of legislative bills prepared by executive branch agencies and the judicial branch.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 54-03 of the North Dakota Century Code is created and enacted as follows:

Introduction of bills prepared by executive branch agencies and the judicial branch.

Executive branch agencies and the judicial branch may not submit a legislative bill for introduction to the legislative assembly unless the legislative management or a committee of the legislative management requested the agency or judicial branch submit the bill.