

Fifty-fifth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2296**

Introduced by

Senators Mathern, DeMers, Tallackson

Representatives Callahan, Glassheim, Oban

1 A BILL for an Act to create and enact a new subsection to section 54-52-04, a new subsection  
2 to section 54-52.1-01, and five new sections to chapter 54-52.1 of the North Dakota Century  
3 Code, relating to the expansion of the uniform group insurance program to allow participation by  
4 permanent and temporary employees of private sector employers and by any other person who  
5 is otherwise without health insurance coverage; to amend and reenact section 54-52.1-02 of the  
6 North Dakota Century Code, relating to subgroups under the uniform group insurance program;  
7 and to provide an appropriation.

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

9 **SECTION 1.** A new subsection to section 54-52-04 of the 1995 Supplement to the  
10 North Dakota Century Code is created and enacted as follows:

11 The board shall operate the uniform group insurance program as a governmental  
12 benefit plan. If it is determined that federal approval is required to operate as a  
13 governmental benefit plan, the board shall apply to the federal government to  
14 receive exempt status under the Employee Retirement Income Security Act to  
15 allow for the expansion of the uniform group insurance program under sections 3,  
16 4, 5, 6, 7, and 8 of this Act.

17 **SECTION 2.** A new subsection to section 54-52.1-01 of the 1995 Supplement to the  
18 North Dakota Century Code is created and enacted as follows:

19 "Private sector employer" means a person or entity other than a state or local  
20 governmental agency, department, or board who regularly pays to one or more  
21 employees wages or salary that is reportable to the internal revenue service for  
22 income tax purposes.

23 **SECTION 3. AMENDMENT.** Section 54-52.1-02 of the 1995 Supplement to the North  
24 Dakota Century Code is amended and reenacted as follows:

**54-52.1-02. Uniform group insurance program created - Formation into**

**subgroups.** In order to promote the economy and efficiency of employment in the state's service, to reduce personnel turnover, and to offer an incentive to high-grade men and women to enter and remain in the service of state employment, to provide access to health care for every citizen of the state, to attract a highly qualified work force to the state, and to promote the general health and well-being of the people of North Dakota, there is hereby created a uniform group insurance program. The uniform group must be composed of eligible and retired public employees, permanent employees of private sector employers, temporary employees of private sector employers, and private citizens, and be formed to provide hospital benefits coverage, medical benefits coverage, and life insurance benefits coverage in the manner set forth in this chapter. The uniform group may be divided into the following subgroups at the discretion of the board:

1. Medical and hospital benefits coverage group consisting of active eligible employees and retired employees not eligible for medicare. In determining premiums for coverage under this subsection for active eligible employees, the total projected premium requirements of the entire subgroup must be reduced by the projected aggregate monthly credit toward hospital and medical benefits coverage allowed retired employees not eligible for medicare under sections 54-52.1-03.2 and 54-52.1-03.3. The reduced premium requirements must then be divided by the number of subgroup members to determine the premiums for active eligible employees. Premiums for coverage under this subsection for retired employees not eligible for medicare must be calculated based on the projected premium requirements of the entire subgroup less the total projected premium income as determined under this subsection for active eligible employees.
2. Retired medicare-eligible employee group medical and hospital benefits coverage.
3. Active eligible employee life insurance benefits coverage.
4. Retired employee life insurance benefits coverage.
5. Terminated employee continuation group medical and hospital benefits coverage.
6. Terminated employee conversion group medical and hospital benefits coverage.
7. Dental benefits coverage.
8. Vision benefits coverage.

9. Long-term care benefits coverage.

10. Employee assistance benefits coverage.

11. Private sector employee and private citizen group medical and hospital benefits coverage.

**SECTION 4.** A new section to chapter 54-52.1 of the North Dakota Century Code is created and enacted as follows:

**Permanent employees of private sector employers authorized to join uniform group insurance program - Employer contribution.** A private sector employer in this state may extend the benefits of the uniform group insurance program under this chapter to its permanent employees, subject to minimum requirements established by the board and a minimum period of participation of sixty months. If a participating employer withdraws from participation in the uniform group insurance program, before completing sixty months of participation, that employer shall make payment to the board in an amount equal to any expenses incurred in the uniform group insurance program which exceed income received on behalf of the employees as determined under rules adopted by the board. A participating employer may determine the amount of the employer's monthly contribution toward the total monthly premium amount for each employee required to be paid by each eligible participating employee. Section 54-52.1-10 does not apply to the provisions of this section. For purposes of this section, the board may define the term "permanent employee" by rule.

**SECTION 5.** A new section to chapter 54-52.1 of the North Dakota Century Code is created and enacted as follows:

**Participation by temporary employees of private sector employers.** A temporary employee of a private sector employer participating in the uniform group insurance program pursuant to section 4 of this Act may elect to participate in the uniform group insurance program by completing the necessary enrollment forms and qualifying under the medical underwriting requirements established by the board. The board may use risk adjusted premiums for individual insurance contracts to implement this section. A temporary employee participating in the uniform group insurance program under this section shall pay monthly to the board the premiums in effect for the coverage being provided. Section 54-52.1-10 does not apply to the provisions of this section.

1           **SECTION 6.** A new section to chapter 54-52.1 of the North Dakota Century Code is  
2 created and enacted as follows:

3           **Participation by private citizens.** A person who is a resident of this state and who  
4 does not have health insurance coverage through a private insurer or through a public benefits  
5 plan provided by a governmental entity may elect to participate in the uniform group insurance  
6 program by completing the necessary enrollment forms and qualifying under the medical  
7 underwriting requirements established by the board. The board may use risk adjusted  
8 premiums for individual insurance contracts to implement this section. For purposes of this  
9 section, "resident" means a person who has actually lived within this state or maintained a  
10 home in this state for at least six months immediately preceding the date on which the person  
11 applies to participate in the uniform group insurance plan. A person may only be a resident of  
12 one state at a time. A person participating in the uniform group insurance program under this  
13 section shall pay monthly to the board the premiums in effect for the coverage being provided.  
14 Section 54-52.1-10 does not apply to the provisions of this section.

15           **SECTION 7.** A new section to chapter 54-52.1 of the North Dakota Century Code is  
16 created and enacted as follows:

17           **Use of agents authorized.** The board may use, and pay commissions to, insurance  
18 agents licensed under chapter 26.1-26 to sell health insurance for coverage under sections 3,  
19 4, 5, and 6 of this Act. The board may adopt rules to implement the provisions of this section.

20           **SECTION 8.** A new section to chapter 54-52.1 of the North Dakota Century Code is  
21 created and enacted as follows:

22           **Acceptance of moneys - Continuing appropriation.** The board may accept grants,  
23 donations, legacies, and devises for the purpose of implementing this chapter. All of these  
24 moneys, not otherwise appropriated, are hereby appropriated to the board for the purpose of  
25 implementing this chapter.

26           **SECTION 9. APPROPRIATION.** There is hereby appropriated out of any moneys  
27 received by the North Dakota public employees retirement system board in the form of  
28 insurance premiums, grants, donations, legacies, and devises, not otherwise appropriated, the  
29 sum of \$300,000, or so much of the sum as may be necessary, to the public employees  
30 retirement system for the purpose of expanding the uniform group insurance program for the

- 1 biennium beginning July 1, 1997, and ending June 30, 1999. The board is authorized three
- 2 additional full-time equivalent positions to implement this Act.