

Fifty-eighth  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2029

Introduced by

Legislative Council

(Budget Committee on Health Care)

1 A BILL for an Act to amend and reenact section 54-03-28 of the North Dakota Century Code,  
2 relating to requirements for a legislative measure mandating health insurance coverage.

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

4 **SECTION 1. AMENDMENT.** Section 54-03-28 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **54-03-28. Health insurance mandated coverage of services - Cost-benefit**  
7 **analysis requirement - Public employee pilot project.**

- 8 1. A legislative measure mandating health insurance coverage of services or  
9 payment for specified providers of services may not be acted on by any committee  
10 of the legislative assembly unless the measure is accompanied by a cost-benefit  
11 analysis provided by the legislative council. Factors to consider in this analysis  
12 include:
- 13 a. The extent to which the proposed mandate would increase or decrease the  
14 cost of the service.
  - 15 b. The extent to which the proposed mandate would increase the appropriate  
16 use of the service.
  - 17 c. The extent to which the proposed mandate would increase or decrease the  
18 administrative expenses of insurers and the premium and administrative  
19 expenses of insureds.
  - 20 d. The impact of the proposed mandate on the total cost of health care.
- 21 2. A majority of the members of the committee, acting through the chairman, has sole  
22 authority to determine whether a legislative measure mandates coverage of  
23 services under this section.

- 1           3. Any amendment made during a legislative session to a measure which mandates  
2           health insurance coverage of services may not be acted on by a committee of the  
3           legislative assembly unless the amendment is accompanied by a cost-benefit  
4           analysis provided by the legislative council.
- 5           4. The legislative council shall contract with a private entity, after receiving one or  
6           more recommendations from the insurance commissioner, to provide the  
7           cost-benefit analysis required by this section. The insurance commissioner shall  
8           pay the cost of the contracted services to the entity providing the services.
- 9           5. A legislative measure mandating health insurance coverage of services or  
10          payment for specified providers of services expires as of July first of the next  
11          odd-numbered year following the year in which the legislative assembly enacted  
12          the measure.
- 13          6. A legislative measure mandating health insurance coverage of services or  
14          payment for specified providers of services applies only to the public employees  
15          health insurance program and the public employee retiree health insurance  
16          program during the first biennium following the legislative session during which the  
17          measure is enacted. The public employees retirement system shall include the  
18          mandated coverage or payment in any contract for health insurance which  
19          becomes effective after the adjournment of the legislative session during which the  
20          mandated coverage or payment was enacted regardless of whether the measure  
21          becomes effective after the effective date of the contract. The public employees  
22          retirement system shall report to the appropriate standing committees of the  
23          Legislative Assembly during the next regular session of the Legislative Assembly  
24          on the effect of the mandated coverage or payment on the system's health  
25          insurance programs. The report must include information on the utilization and  
26          costs relating to the mandated coverage or payment and a recommendation on  
27          whether the coverage or payment shall continue. The public employees retirement  
28          system shall prepare and request introduction of a bill to exempt the mandated  
29          coverage or payment from the expiration requirement of subsection 5.