



EMPLOYEE BENEFITS PROGRAMS COMMITTEE

Tuesday, December 13, 2022
Roughrider Room, State Capitol
Bismarck, North Dakota

Representative Josh Boschee, Chairman, called the meeting to order at 2:00 p.m.

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

Member absent: Senator Randy A. Burckhard

Others present: Representative Jim Kasper, Fargo; and Representative Lisa Meier, Bismarck
See [Appendix A](#) for additional persons present.

It was moved by Senator Dever, seconded by Senator Roers, and carried on a voice vote that the minutes of the October 26, 2022, meeting be approved as distributed.

BILL DRAFT ACTUARIAL REPORTS

The committee received technical comments, actuarial information, and comments by interested persons relating to the following seven bill drafts, over which the committee took jurisdiction, which 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 North Dakota Century Code Section 54-35-02.4:

- **Bill Draft No. 92** [[23.0092.01000](#)], which provides for the implementation of a prescription drug reference rate pilot program.
- **Bill Draft No. 93** [[23.0093.01000](#)], which provides for Public Employees Retirement System (PERS) health benefits coverage of fertility benefits.
- **Bill Draft No. 147** [[23.0147.01000](#)], which provides for PERS health benefits coverage of fertility benefits.
- **Bill Draft No. 160** [[23.0160.01000](#)], which provides for the state to pay the member contribution for state retirement plans.
- **Bill Draft No. 203** [[23.0203.01000](#)], which provides for a PERS health benefit diabetes pilot program.
- **Bill Draft No. 196** [[23.0196.05000](#)], which provides for closure of the PERS defined benefit plan to new hires effective January 1, 2024, and which provides for the state to pay the actuarially determined employer contribution rate.
- **Bill Draft No. 280** [[23.0280.03000](#)], which provides for closure of the PERS defined benefit plan to new hires effective January 1, 2025, and which provides for the state to pay the actuarially determined employer contribution rate.

Mr. Scott Miller, Executive Director, Public Employees Retirement System, provided technical comments ([Appendix B](#)) and actuarial information ([Appendix C](#)) on the seven bill drafts.

Representative Lisa Meier testified in favor of Bill Draft No. 92.

Ms. Janell Moos, AARP North Dakota, testified in support of Bill Draft No. 92. She provided written testimony ([Appendix D](#)) from Mr. Josh Askvig, AARP North Dakota, and Ms. Kathi Schwan, AARP North Dakota.

Ms. Chrystal Bartuska, Division Director, Life Health Medicare Division, Insurance Department, provided testimony regarding Bill Draft No. 92. She indicated the Insurance Department does not have regulatory authority over pharmacies and drug manufacturers.

It was moved by Senator Mathern, seconded by Senator Dever, and failed on a roll call vote that the committee give a favorable recommendation to Bill Draft No. 92. Representatives Boschee, Cory, and Schneider and Senators Dever and Mathern voted "aye." Representatives Anderson, Ostlie, and Thomas and Senators Bekkedahl, Roers, and Vedaa voted "nay."

It was moved by Senator Bekkedahl, seconded by Senator Vedaa, and carried on a roll call vote that the committee give a recommendation of no recommendation on Bill Draft No. 92. Representatives Anderson, Cory, Ostlie, Schneider, and Thomas and Senators Bekkedahl, Dever, Roers, and Vedaa voted "aye." Representative Boschee and Senator Mathern voted "nay."

Senator Mathern testified he will not be introducing Bill Draft No. 93.

It was moved by Senator Roers, seconded by Representative Thomas, and carried on a roll call vote to withdraw from committee consideration Bill Draft No. 93. Representatives Boschee, Anderson, Cory, Ostlie, Schneider, and Thomas and Senators Bekkedahl, Dever, Mathern, Roers, and Vedaa voted "aye." No negative votes were cast.

Ms. Tara Brandner, President, Everlasting Hope, testified in favor of Bill Draft No. 147.

Mr. Dylan Wheeler, Senior Legislative Affairs Specialist, Sanford Health Plan, testified in opposition to Bill Draft No. 147.

It was moved by Senator Mathern, seconded by Senator Vedaa, and failed on a roll call vote that the committee give a favorable recommendation to Bill Draft No. 147. Representatives Boschee, Ostlie, and Schneider and Senators Mathern and Vedaa voted "aye." Representatives Anderson, Cory, and Ruby and Senators Bekkedahl, Dever, and Roers voted "nay."

It was moved by Senator Mathern, seconded by Senator Bekkedahl, and carried on a roll call vote that the committee give a recommendation of no recommendation on Bill Draft No. 147. Representatives Boschee, Anderson, Cory, Ostlie, and Schneider and Senators Dever, Mathern, and Vedaa voted "aye." Representatives Ruby and Thomas and Senators Bekkedahl and Roers voted "nay."

Senator Mathern testified he will be introducing Bill Draft No. 203.

It was moved by Senator Mathern, seconded by Representative Schneider, and failed on a roll call vote that the committee give a favorable recommendation on Bill Draft No. 203. Representatives Boschee and Schneider and Senators Mathern and Vedaa voted "aye." Representatives Anderson, Cory, Ostlie, Ruby, and Thomas and Senators Bekkedahl, Dever, and Roers voted "nay."

It was moved by Representative Ruby, seconded by Senator Dever, and carried on a roll call vote that the committee give an unfavorable recommendation on Bill Draft No. 203. Representatives Anderson, Cory, Ostlie, Ruby, and Thomas and Senators Bekkedahl, Dever, and Roers voted "aye." Representatives Boschee and Schneider and Senators Mathern and Vedaa voted "nay."

Ms. Jennifer S. N. Clark, Senior Counsel and Code Revisor, testified the committee should move forward with making a recommendation on Bill Draft No. 160, as the committee has taken jurisdiction of the bill draft and the sponsor could make arrangements to have someone introduce the bill draft on their behalf.

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 on Bill Draft No. 160. Representatives Boschee, Cory, and Schneider and Senators Dever, and Mathern voted "aye." Representatives Anderson and Ostlie 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 that the committee give an unfavorable recommendation on Bill Draft No. 160. Representatives Anderson, Cory, Ostlie, Ruby, and Thomas and Senators Bekkedahl, Dever, Roers, and Vedaa voted "aye." Representatives Boschee and Schneider and Senator Mathern voted "nay."

Ms. Clark summarized Bill Draft Nos. 196 and 280.

Ms. Rebecca Fricke, Chief Benefits Officer, Public Employees Retirement System, testified PERS provides investment counseling services at the time of enrollment.

Mr. Nick Archuleta, President, North Dakota United, testified in opposition to Bill Draft Nos. 196 and 280.

Representative Jim Kasper testified he has concerns regarding payment of the unfunded liability of the PERS defined benefit plan.

It was moved by Senator Mathern, seconded by Senator Dever, and carried on a roll call vote that the committee give an unfavorable recommendation to Bill Draft No. 196. Representatives Boschee, Anderson, Cory, Ostlie, Ruby, Schneider, and Thomas and Senators Bekkedahl, Dever, Mathern, Roers, and Vedaa voted "aye." No negative votes were cast.

It was moved by Representative Thomas, seconded by Representative Ruby, and carried on a roll call vote that the committee give a favorable recommendation to Bill Draft No. 280. Representatives Anderson, Cory, Ostlie, Ruby, and Thomas and Senators Bekkedahl, Roers, and Vedaa voted "aye." Representative Boschee and Schneider and Senators Dever and Mathern voted "nay."

BILL DRAFT JURISDICTION

The committee considered Bill Draft No. 372 to determine whether the bill draft affects, 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.

Representative Kasper testified to the importance of an actuarial report that determines the amount each political subdivision would need to pay under the bill draft.

Senator Dever noted it will be important to have political subdivision data.

It was moved by Senator Dever, seconded by Senator Bekkedahl, and carried on a roll call vote that the committee take jurisdiction over Bill Draft No. 372. Representatives Boschee, Anderson, Cory, Ostlie, Ruby, Schneider, and Thomas and Senators Bekkedahl, Dever, Mathern, Roers, and Vedaa voted "aye." No negative votes were cast.

Mr. Miller testified the actuary will not be able to determine with any specificity the actuarial liability for each individual subdivision.

No further business appearing, Chairman Boschee adjourned the meeting at 5:35 p.m.

Jennifer S. N. Clark
Senior Counsel and Code Revisor

ATTACH: 4