

FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1248

Introduced by

Representatives Weisz, Frelich, McLeod, M. Ruby

Senators Lee, Dever

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

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

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

9 **26.1-36-09.12. Medical services related to suicide.**

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

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

19 **54-35-02.4. Employee benefits programs committee - Powers and duties.**

20 1. During each interim, the employee benefits programs committee shall ~~consider~~:
21 a. Consider and report on the legislative proposals over which the committee takes
22 jurisdiction and which fiscally impact the retirement programs of state employees

- 1 or employees of any political subdivision, and health and retiree health plans of
2 state employees or employees of any political subdivision. A majority of the
3 members of the committee has sole authority to determine whether a legislative
4 proposal affects a program. ~~The committee shall make~~
- 5 b. Make a thorough review of each proposal the committee takes under its
6 jurisdiction, including an actuarial report. ~~The committee shall take~~
- 7 c. Take jurisdiction over a proposal that authorizes an automatic increase or other
8 change in benefits beyond the ensuing biennium which would not require
9 legislative approval. ~~The committee shall include~~
- 10 d. Include in the report of the committee a statement that the proposal would allow
11 future changes without legislative involvement. ~~The committee shall report~~
- 12 e. Report the findings and recommendations of the committee, along with any
13 necessary legislation, to the legislative management and to the legislative
14 assembly.
- 15 2. To carry out the responsibilities of the committee, the committee, or the designee of
16 the committee, may:
- 17 a. Enter contracts, including retainer agreements, with an actuary or actuarial firm
18 for expert assistance and consultation. Each retirement, insurance, or retiree
19 insurance program shall pay, from the program's retirement, insurance, or retiree
20 health benefits fund, as appropriate, and without the need for a prior
21 appropriation, the cost of an actuarial report required under this section which
22 relates to that program.
- 23 b. Call on personnel from state agencies or political subdivisions to furnish such
24 information and render such assistance as the committee ~~from time to time~~ may
25 request.
- 26 c. Establish rules for the operation of the committee, including the submission and
27 review of proposals and the establishing of standards for actuarial reports.
- 28 3. The committee may solicit draft measures and proposals from interested persons
29 during the interim between legislative sessions, and also may study measures and
30 proposals referred to the committee by the legislative assembly or the legislative
31 management.

- 1 4. A copy of the committee's report concerning a legislative measure, if that measure is
2 introduced for consideration by a legislative assembly, must be appended to the copy
3 of that measure.
- 4 5. If a legislative measure affecting a public employees retirement program, public
5 employees health insurance program, or public employee retiree health insurance
6 program is introduced in either house without a report from the committee, the
7 chairman and vice chairman of the employee benefits programs committee shall
8 request an actuarial report from the program affected and shall provide the report to
9 the standing committee to which the measure is referred. During the legislative
10 session, the employee benefits programs committee chairman and vice chairman,
11 working together, have sole authority to determine whether a legislative measure or
12 amendment affects a program under this subsection and subsection 6.
- 13 6. During a legislative session, if an amendment is made to a legislative measure which
14 fiscally impacts a public employees retirement program, public employees health
15 insurance program, or public employee retiree health insurance program, the
16 employee benefits programs committee chairman and vice chairman shall request
17 from the affected program an actuarial report on the amendment and shall provide the
18 report to the standing committee to which the bill is referred.
- 19 7. A committee of the legislative assembly may not act on a legislative measure the
20 legislative management or committee determines mandates health insurance
21 coverage of services or payment for specified providers of services for the health and
22 retiree health plans of state employees or employees of any political subdivision
23 unless the measure as recommended by the committee provides:
- 24 a. The measure is effective through June thirtieth of the second odd-numbered year
25 following the year in which the legislative assembly enacted the measure, and
26 after that date the measure is ineffective.
- 27 b. The application of the mandate begins with the contract for health insurance
28 which becomes effective after June thirtieth of the year in which the measure
29 becomes effective.
- 30 c. For the second legislative assembly following the year in which the legislative
31 assembly enacted the measure, the public employees retirement system may

1 prepare and request introduction of a bill to repeal the expiration date and to
2 extend the mandated coverage or payment on the system's health insurance
3 programs.

4 d. If the public employees retirement system introduces a bill to repeal the
5 expiration date under subdivision c, the public employees retirement system shall
6 append to the bill a report regarding the effect of the mandated coverage or
7 payment on the system's health insurance programs. The report must include
8 information on the utilization and costs relating to the mandated coverage or
9 payment.

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

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