

PROPOSED AMENDMENTS TO

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~~ 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~~:

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

1 proposals referred to the committee by the legislative assembly or the legislative
2 management.

3 4. A copy of the committee's report concerning a legislative measure, if that measure is
4 introduced for consideration by a legislative assembly, must be appended to the copy
5 of that measure.

6 5. If a legislative measure affecting a public employees retirement program, [public](#)
7 [employees health insurance program](#), or [public employee retiree health insurance](#)
8 [program](#) is introduced in either house without a report from the committee, the
9 chairman and vice chairman of the employee benefits programs committee shall
10 request an actuarial report from the program affected and shall provide the report to
11 the standing committee to which the measure is referred. During the legislative
12 session, the employee benefits programs committee chairman and vice chairman,
13 working together, have sole authority to determine whether a legislative measure or
14 amendment affects a program under this subsection and subsection 6.

15 6. During a legislative session, if an amendment is made to a legislative measure which
16 fiscally impacts a public employees retirement program, [public employees health](#)
17 [insurance program](#), or [public employee retiree health insurance program](#), the
18 employee benefits programs committee chairman and vice chairman shall request
19 from the affected program an actuarial report on the amendment and shall provide the
20 report to the standing committee to which the bill is referred.

21 7. [A committee of the legislative assembly may not act on a legislative measure the](#)
22 [legislative management or committee determines mandates health insurance](#)
23 [coverage of services or payment for specified providers of services for the health and](#)
24 [retiree health plans of state employees or employees of any political subdivision](#)
25 [unless the measure as recommended by the committee provides:](#)

26 [a. The measure is effective through June thirtieth of the second odd-numbered year](#)
27 [following the year in which the legislative assembly enacted the measure, and](#)
28 [after that date the measure is ineffective.](#)

29 [b. The application of the mandate begins with the contract for health insurance](#)
30 [which becomes effective after June thirtieth of the year in which the measure](#)
31 [becomes effective.](#)

1 c. For the second legislative assembly following the year in which the legislative
2 assembly enacted the measure, the public employees retirement system may
3 prepare and request introduction of a bill to repeal the expiration date and to
4 extend the mandated coverage or payment on the system's health insurance
5 programs.

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

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

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