

**2021 SENATE HUMAN SERVICES**

**SB 2130**

# 2021 SENATE STANDING COMMITTEE MINUTES

**Human Services Committee**  
Sakakawea Room, State Capitol

SB 2130  
1/19/2021

A BILL for an Act to amend and reenact section 54-03-28 of the North Dakota Century Code, relating to a cost-benefit analysis for mandated health insurance coverage measures.

**Madam Chair Lee** opened the hearing on SB 2130 at 10:44 a.m. All members present: Senator Lee, Senator K. Roers, Senator Clemens, Senator Hogan, Senator Anderson, Senator O. Larsen.

**Discussion Topics:**

- Employee cost benefits analysis

**[10:44] Senator Lee, District 13.** Introduced SB 2130.

**[10:47] Chrystal Bartuska, Product Filing Division Director, North Dakota Insurance Department.** Provided testimony in favor.

**[10:49] Megan Houn, Director of Government Relations, Blue Cross and Blue Shield.** Provided testimony in favor.

**[10:50] Mark Gardner, Greater North Dakota Chamber.** Provided testimony in favor.

**[10:51] Scott Miller, Executive Director, North Dakota Public Employees Retirement System (NDPERS).** Provided neutral testimony.

**Additional written testimony: (2)**

**Rebecca Fricke, Chief Benefits Officer, NDPERS.** Provided written neutral testimony #1315.

**Derrick Hohbein, Chief Operating/Financial Officer, NDPERS.** Provided written neutral testimony #1318.

**Madam Chair Lee** closed the hearing on SB 2130 at 11:05 a.m.

*Justin Velez, Committee Clerk*

## **TESTIMONY OF REBECCA FRICKE**

### **Senate Bill 2130 – Mandates for Insurance Coverage**

Good morning, my name is Rebecca Fricke. I am the Chief Benefits Officer of the North Dakota Public Employees Retirement System, or NDPERS. I appear before you today in a neutral position on Senate Bill 2130. I am available should there be any questions related to the impact of the bill on any of the NDPERS benefits.

## **TESTIMONY OF DERRICK HOHBEIN**

### **Senate Bill 2130 – Mandates for Insurance Coverage**

Good morning, my name is Derrick Hohbein. I am the Chief Operating/Financial Officer of the North Dakota Public Employees Retirement System, or NDPERS. I appear before you today in a neutral position on Senate Bill 2130. I am available should there be any questions related to the impact of the bill on any of the NDPERS benefits.

# 2021 SENATE STANDING COMMITTEE MINUTES

## Human Services Committee Sakakawea Room, State Capitol

SB 2130  
1/26/2021

A BILL for an Act to amend and reenact section 54-03-28 of the North Dakota Century Code, relating to a cost-benefit analysis for mandated health insurance coverage measures.

**Madam Chair Lee** opened the committee discussion on SB 2130 at 3:52 p.m. Senators present: Lee, K. Roers, Hogan, Anderson, Clemens, O. Larsen.

### Discussion Topics:

- Employee benefits
- Legal definition of may V.S. shall

**Senator K. Roers** moves to **ADOPT AMENDMENT** on page 3, line 15, remove “may” and insert “shall”.

**Senator Hogan** seconded.

Voice vote – motion passed.

**Senator K. Roers** moves to **WITHDRAW AMENDMENT MOTION**.

**Senator Hogan** seconded.

Voice vote – motion passed.

**Senator K. Roers** moves to **ADOPT AMENDMENT** at the end of line 10, after the word “measure”, include the word “that”, on page 3, line 15, remove “may” and insert “shall”.

**Senator Hogan** seconded.

Voice vote – motion passed.

**Senator K. Roers** moves **DO PASS, AS AMENDED**.

**Senator Hogan** seconded.

Senators	Vote
Senator Judy Lee	Y
Senator Kristin Roers	Y
Senator Howard C. Anderson, Jr.	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Oley Larsen	ABSENT

The motion passed 5-0-1

**Senator K. Roers** will carry SB 2130.

**Additional written testimony:** N/A

Senate Human Services Committee

SB 2130

1/26/2021

Page 2

**Madam Chair Lee** closed the discussion on BS 2130 at 4:04 p.m.

*Justin Velez, Committee Clerk*

January 26, 2021

PROPOSED AMENDMENTS TO SENATE BILL NO. 2130

Page 2, line 11, after "mandating" insert "that"

Page 3, line 13, replace "may" with "must"

Page 3, line 15, replace "may" with "must"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2130: Human Services Committee (Sen. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2130 was placed on the Sixth order on the calendar.

Page 2, line 11, after "mandating" insert "that"

Page 3, line 13, replace "may" with "must"

Page 3, line 15, replace "may" with "must"

Renumber accordingly



**2021 HOUSE INDUSTRY, BUSINESS AND LABOR**

**SB 2130**

# 2021 HOUSE STANDING COMMITTEE MINUTES

## Industry, Business and Labor Committee Room JW327C, State Capitol

SB 2130  
3/15/2021

<b>Cost-benefit analysis for mandated health insurance coverage measures.</b>
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(3:03) Chairman Lefor called the hearing to order.

Representatives	Attendance	Representatives	Attendance
Chairman Lefor	P	Rep Ostlie	P
Vice Chairman Keiser	P	Rep D Ruby	P
Rep Hagert	P	Rep Schauer	P
Rep Kasper	P	Rep Stemen	P
Rep Louser	P	Rep Thomas	P
Rep Nehring	P	Rep Adams	P
Rep O'Brien	P	Rep P Anderson	P

### Discussion Topics:

- Cost benefit analysis
- Employee Benefits Program

Sen Lee~District 13-West Fargo introduced the bill.

Jon Godfread~ND Insurance Commissioner. Testified in favor.

Rick Clayburgh~ND Banker's Association. Explained Vice Chairman Keiser amendment - attachment #9307.

Megan Houn~Director Government Relations-Blue Cross Blue Sheild of ND. Testified in favor.

Matt Gardner~Director of Government Affairs of the Greater ND Chamber. Attachment #9225.

Chairman Lefor closed the hearing.

Vice Chairman Keiser moved amendment 21.0058.02001.

Rep Stemen second.

Voice vote Motion carried.

Rep Stemen moved a Do Pass as Amended.

Rep Hagert second.

<b>Representatives</b>	<b>Vote</b>
Chairman Lefor	Y
Vice Chairman Keiser	Y
Rep Hagert	Y
Rep Jim Kasper	Y
Rep Scott Louser	Y
Rep Nehring	Y
Rep O'Brien	Y
Rep Ostlie	Y
Rep Ruby	Y
Rep Schauer	Y
Rep Stemen	Y
Rep Thomas	Y
Rep Adams	Y
Rep P Anderson	Y

Vote roll call taken Motion carried 14-0-0 & Rep Hagert is the carrier.

(3:31) End time.

*Ellen LeTang, Committee Clerk*

March 15, 2021

JP  
3/15/21

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2130

Page 1, line 1, after "to" insert "create and enact section 26.1-36-01.1 of the North Dakota Century Code, relating to the scope of health insurance mandates; and to"

Page 1, after line 3, insert:

"**SECTION 1.** Section 26.1-36-01.1 of the North Dakota Century Code is created and enacted as follows:

**26.1-36-01.1. Scope - Accident and health insurance policy mandates.**

Unless expressly provided otherwise, an accident and health insurance policy health coverage mandate under this chapter does not apply to an accident and health insurance policy that is a high-deductible health plan under 26 U.S.C. 223 if the mandate would cause the policy to fail to qualify as a high-deductible health plan under this federal law."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2130, as engrossed: Industry, Business and Labor Committee (Rep. Lefor, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2130 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact section 26.1-36-01.1 of the North Dakota Century Code, relating to the scope of health insurance mandates; and to"

Page 1, after line 3, insert:

**"SECTION 1.** Section 26.1-36-01.1 of the North Dakota Century Code is created and enacted as follows:

**26.1-36-01.1. Scope - Accident and health insurance policy mandates.**

Unless expressly provided otherwise, an accident and health insurance policy health coverage mandate under this chapter does not apply to an accident and health insurance policy that is a high-deductible health plan under 26 U.S.C. 223 if the mandate would cause the policy to fail to qualify as a high-deductible health plan under this federal law."

Renumber accordingly

21.0058.02001  
Title.

Prepared by the Legislative Council staff for  
Representative Keiser  
March 15, 2021

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2130

Page 1, line 1, after "to" insert "create and enact section 26.1-36-01.1 of the North Dakota Century Code, relating to the scope of health insurance mandates; and to"

Page 1, after line 3, insert:

"**SECTION 1.** Section 26.1-36-01.1 of the North Dakota Century Code is created and enacted as follows:

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Unless expressly provided otherwise, an accident and health insurance policy health coverage mandate under this chapter does not apply to an accident and health insurance policy that is a high-deductible health plan under 26 U.S.C. 223 if the mandate would cause the policy to fail to qualify as a high-deductible health plan under this federal law."

Renumber accordingly

# 9225



**Greater North Dakota Chamber  
House Industry, Business, and Labor Committee  
SB 2130  
March 15, 2021**

Mr. Chairman and members of the committee, my name is Matt Gardner, Director of Government Affairs for the Greater North Dakota Chamber (GNDC). GNDC is the largest statewide business advocacy organization in the state and stands in Support of SB 2130.

Health insurance premiums in most cases is the second highest cost for employers next to wages. Health insurance premiums have seen significant increases over the last 10 years and much of this is due to additional mandates at the state level.

Current statute requires health insurance mandates apply to NDPERS for two years before applied to the private market. The NDPERS pilot is good in concept but not always practical. Many bills are written to bypass the NDPERS pilot and apply directly to the private market immediately. Additionally, the data collected from NDPERS during the pilot is not always applicable when applied to private business.

A cost benefit analysis on every proposed health care mandate would aid in expressing the true cost to private businesses. This would inform legislators and assist in making educated decisions. The analysis would also inform the business community on the costs of a proposed mandate and how they need to engage.

GNDC has continuously supported efforts to improve and protect North Dakota's business climate. It is with this in mind that GNDC requests a Do Pass on SB 2130. I would stand for any questions that the committee may have.

**2021 CONFERENCE COMMITTEE**

**SB 2130**



# 2021 SENATE STANDING COMMITTEE MINUTES

**Human Services Committee**  
Sakakawea Room, State Capitol

SB 2130  
4/13/2021  
Conference Committee

A BILL for an Act to create and enact section 26.1-36-01.1 of the North Dakota Century Code, relating to the scope of health insurance mandates; and to amend and reenact section 54-03-28 of the North Dakota Century Code, relating to a cost-benefit analysis for mandated health insurance coverage measures.

**Madam Chair Lee** opened the conference committee on SB 2130 at 3:02 p.m. Members present: Senator Lee, K. Roers, Anderson, Representative Keiser, Kasper, Adams.

## **Discussion Topics:**

- House actions
- HSA protection
- Effective date
- Carry forward provision
- Emergency clause
- Cost sharing structure
- Presidential executive orders

**[3:08] Rick Clayburgh, President & CEO, ND Bankers Association.** Provided additional information.

**[3:12] Chrystal Bartuska, ND Insurance Department.** Provided additional information.

**Representative Kasper** moves the **SENATE ACCEDE TO HOUSE AMENDMENTS AND FUTHER AMEND 21.0058.02002.**

**Senator Anderson** seconded.

Motion passed 6-0-0

**Senator Anderson** and **Representative Kasper** will carry SB 2130.

**Additional written testimony:** N/A

**Madam Chair Lee** closed the conference committee on SB 2130 at 3:22 p.m.

*Justin Velez, Committee Clerk*

April 13, 2021

CS  
4/13  
1001

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2130

That the Senate accede to the House amendments as printed on page 947 of the Senate Journal and page 1170 of the House Journal and that Engrossed Senate Bill No. 2130 be further amended as follows:

Page 1, line 2, after "measures" insert "; to provide an effective date; and to declare an emergency"

Page 3, after line 20, insert:

**"SECTION 3. EFFECTIVE DATE.** This Act is effective May 1, 2021.

**SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**2021 SENATE CONFERENCE COMMITTEE  
ROLL CALL VOTES**

BILL/RESOLUTION NO. SB 2130 as (re) engrossed

**Senate Human Services Committee**

- Action Taken**    ☐ **SENATE accede to House Amendments**  
                          ☒ **SENATE accede to House Amendments and further amend**  
                          ☐ **HOUSE recede from House amendments**  
                          ☐ **HOUSE recede from House amendments and amend as follows**
- ☐ **Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Representative Kasper      Seconded by: Senator Anderson

Senators				Yes	No		Representatives				Yes	No
Senator Lee				X			Representative Keiser				X	
Senator K. Roers				X			Representative Kasper				X	
Senator Anderson				X			Representative Adams				X	
Total Senate Vote				3	0		Total Rep. Vote				3	0

Vote Count            Yes: 6                      No: 0                      Absent: 0

Senate Carrier Senator Anderson      House Carrier Representative Kasper

LC Number 21.0058                      . 02002                      of amendment

LC Number 21.0058                      . 04000                      of engrossment

**Emergency clause added** or deleted

Statement of purpose of amendment:

Effective date of May 1<sup>st</sup>, 2021

Insert LC: 21.0058.02002  
Senate Carrier: Anderson  
House Carrier: Kasper

**REPORT OF CONFERENCE COMMITTEE**

**SB 2130, as engrossed:** Your conference committee (Sens. Lee, Anderson, K. Roers and Reps. Keiser, Kasper, Adams) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ pages 947-948, adopt further amendments as follows, and place SB 2130 on the Seventh order:

That the Senate accede to the House amendments as printed on page 947 of the Senate Journal and page 1170 of the House Journal and that Engrossed Senate Bill No. 2130 be further amended as follows:

Page 1, line 2, after "measures" insert "; to provide an effective date; and to declare an emergency"

Page 3, after line 20, insert:

**"SECTION 3. EFFECTIVE DATE.** This Act is effective May 1, 2021.

**SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

Engrossed SB 2130 was placed on the Seventh order of business on the calendar.