

**2021 SENATE INDUSTRY, BUSINESS AND LABOR**

**SB 2074**

# 2021 SENATE STANDING COMMITTEE MINUTES

## Industry, Business and Labor Committee Fort Union Room, State Capitol

SB 2074  
1/12/2021

Relating to health insurance utilization reports
--

**Chair Klein** opened hearing at 9:44 a.m. All members were present. Senators: Klein, Larsen, Burckhard, Kreun, Marcellais, Vedaa.

### **Discussion Topics:**

- Employee insurance plans
- Premium costs to the employer

**Chrystal Bartuska, Life/Health/Medicare Division Director North Dakota Insurance**

**Department** [9:45] testified in favor and provided testimony #449.

**Megan Hoan, BSBC** testified in favor with some changes.

**Dillon Wheeler, Sanford Health** [9:52] testified in favor with some changes.

**Senator Klein** closed the hearing at 10:09 a.m.

*Gail Stanek, Committee Clerk*

**SENATE BILL NO. 2074**

**Presented by:**       **Chrystal Bartuska**  
                             **Life/Health/Medicare Division Director**  
                             **North Dakota Insurance Department**

**Before:**               **Senate Industry, Business and Labor**  
                             **Senator Jerry Klein, Chairman**

**Date:**                 **January 12, 2021**

**TESTIMONY**

Good Morning, Chairman Klein and members of the committee. My name is Chrystal Bartuska and I am the Life and Health Division Director for the North Dakota Insurance Department. I appear before you to introduce Senate Bill No. 2074.

This bill is intended to amend a section of the insurance title to allow for consumers in the group market more access to their claims data when shopping for new health insurance policies for their companies. The department worked with the four health insurance companies of the state and this is the agreed upon verbiage.

The current section of code only allows for employers with fifty-one or more eligible employees, which is being removed on line 6 to allow for smaller groups to get their data. Lines 14 through 22, which are being added at the suggestion of the insurance carriers, will create consistency of this data across the market, which will make shopping easier for consumers.

We also want to submit an amendment to the bill, which I have attached with my testimony, that would address any concerns regarding HIPPA privacy.

In conclusion, I respectfully request a “do pass” recommendation from this committee on Senate Bill No. 2074. I am happy to take any questions.

Prepared by the North Dakota  
Insurance Department  
January 12, 2021

PROPOSED AMENDMENTS TO SENATE BILL NO. 2074

Page 1, after line 22, insert:

“d. Any person that obtains a report under this section must treat the data in compliance with the federal Health Insurance Portability and Accountability Act of 1996 [Pub. L. 104-191; 110 Stat. 1936; 29 U.S.C. 1181 et seq.].”

Renumber accordingly

# 2021 SENATE STANDING COMMITTEE MINUTES

## Industry, Business and Labor Committee Fort Union Room, State Capitol

SB 2074  
1/20/2021

relating to health insurance utilization reports
--

Chair Klein called the hearing to order at 10:18 a.m. All members were present. Senators Klein, Larsen, Burckhard, Vedaa, Kreun, and Marcellais.

### Discussion Topics:

- Refresh on the bill

**Senator Vedaa** moved the amendment  
21.8046.01001 Title.02000 [10:19].

**Senator Kreun** seconded the motion [10:19].

[10:19]

Senators	Vote
Senator Jerry Klein	Y
Senator Doug Larsen	Y
Senator Randy A. Burckhard	Y
Senator Curt Kreun	Y
Senator Richard Marcellais	Y
Senator Shawn Vedaa	Y

Motion Passed 6-0-0

**Senator Vedaa** moved a DO PASS AS AMENDED [10:20].

**Senator Larsen** seconded the motion [10:21]

[10:21]

Senators	Vote
Senator Jerry Klein	Y
Senator Doug Larsen	Y
Senator Randy A. Burckhard	Y
Senator Curt Kreun	Y
Senator Richard Marcellais	Y
Senator Shawn Vedaa	Y

Motion passed 6-0-0

**Senator Vedaa** will carry the bill [10:21].

**Chair Klein** closed the hearing at 10:22 a.m.

*Isabella Grotberg, Committee Clerk*

January 19, 2021

CH  
1120  
1 of 1

PROPOSED AMENDMENTS TO SENATE BILL NO. 2074

Page 1, line 6, after "~~fifty-one~~" insert "twenty-six"

Page 1, line 6, remove the overstrike over "~~or more~~"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2074: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2074 was placed on the Sixth order on the calendar.

Page 1, line 6, after "~~fifty-one~~" insert "twenty-six"

Page 1, line 6, remove the overstrike over "~~or more~~"

Renumber accordingly

**2021 HOUSE INDUSTRY, BUSINESS AND LABOR**

**SB 2074**



# 2021 HOUSE STANDING COMMITTEE MINUTES

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

SB 2074  
3/9/2021

### Health insurance utilization reports

(9:58) 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	A	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:

- Access claims data
- New health insurance policies

Jon Godfread~ND Insurance Commissioner. Attachment # 7873.

Sen Kyle Davison~District 41-Fargo. Attachment # 8261.

Megan Houn~Blue Cross Blue Shield of ND. Testified in support.

Dylan Wheeler~Legislative Affairs Specialist-Sanford Health Plan. Testified in support.

Chairman Lefor closed the hearing.

Rep Thomas moved Insurance Dept amendment. Page 1, after line 22, insert:  
“d. Any person that obtains a report under this section must treat the data in compliance with the federal Health Insurance Portability and Accountability Act of 1996.

Rep Adams second.

Voice vote Motion carried.

Rep Kasper moved to amend to return bill to “any employer with eligible employees” & add an emergency clause.

Rep Adams second.

Voice vote Motion carried.

Rep Kasper moved a Do Pass as Amended.

Rep Adams second.

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

Vote roll call taken Motion carried 10-3-1 & Rep Ostlie is the carrier.

(10:36) End time.

*Ellen LeTang, Committee Clerk*

Prepared by the North Dakota  
Insurance Department  
January 12, 2021

PROPOSED AMENDMENTS TO SENATE BILL NO. 2074

Page 1, after line 22, insert:

“d. Any person that obtains a report under this section must treat the data in compliance with the federal Health Insurance Portability and Accountability Act of 1996 [Pub. L. 104-191; 110 Stat. 1936; 29 U.S.C. 1181 et seq.].”

Renumber accordingly

March 9, 2021

DE 3/9/21  
1st

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2074

Page 1, line 1, after "to" insert "create and enact a new subsection to section 26.1-36.4-09 of the North Dakota Century Code, relating to the treatment of health insurance utilization reports; to"

Page 1, line 2, after "reports" insert "; and to declare an emergency"

Page 1, line 6, remove "twenty-six"

Page 1, line 6, overstrike "or more"

Page 1, after line 22, insert:

"**SECTION 2.** A new subsection to section 26.1-36.4-09 of the North Dakota Century Code is created and enacted as follows:

Any person obtaining a report under this section shall treat the data in compliance with the Federal Health Insurance Portability and Accountability Act of 1996 [Pub. L. 104-191; 110 Stat. 1996; 29 U.S.C. 1181 et seq.].

**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2074, as engrossed: Industry, Business and Labor Committee (Rep. Lefor, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2074 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new subsection to section 26.1-36.4-09 of the North Dakota Century Code, relating to the treatment of health insurance utilization reports; to"

Page 1, line 2, after "reports" insert "; and to declare an emergency"

Page 1, line 6, remove "twenty-six"

Page 1, line 6, overstrike "or more"

Page 1, after line 22, insert:

**"SECTION 2.** A new subsection to section 26.1-36.4-09 of the North Dakota Century Code is created and enacted as follows:

Any person obtaining a report under this section shall treat the data in compliance with the Federal Health Insurance Portability and Accountability Act of 1996 [Pub. L. 104-191; 110 Stat. 1996; 29 U.S.C. 1181 et seq.].

**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**ENGROSSED SENATE BILL NO. 2074**

**Presented by:**        **Jon Godfread**  
                              **Insurance Commissioner**  
                              **North Dakota Insurance Department**

**Before:**                **House Industry, Business and Labor**  
                              **Representative Mike Lefor, Chairman**

**Date:**                 **March 9<sup>th</sup>, 2021**

**TESTIMONY**

Good Morning, Chairman Lefor and members of the committee. My name is Jon Godfread and I am the North Dakota Insurance Commissioner. I appear before you to introduce Senate Bill No. 2074.

This bill is intended to amend a section of the insurance title to allow for consumers in the group market more access to their claims data when shopping for new health insurance policies for their companies. The department worked with the four health insurance companies of the state and this is the agreed upon verbiage.

The current section of code only allows for employers with fifty-one or more eligible employees, which is being removed on line 6 to allow for smaller groups to get their data. Lines 14 through 22, which are being added at the suggestion of the insurance carriers, will create consistency of this data across the market, which will make shopping easier for consumers.

As this bill was introduced, it removed the fifty-one or more language on line 6. Effectively meaning that once per calendar year any employer would be entitled to this report. The Senate IBL Committee amended this bill to change fifty-one to twenty-six, in a sense splitting the difference between the Insurance Departments request and the industries proposal. I am happy to talk more about this portion if you would like, but as it was amended we did support the bill with the twenty-six language as it does make these records available to more small business owners.

I believe Senator Davison is going to also offer some information regarding this portion and I am happy to defer to his experience in this area.

I also wanted to make you aware that we submitted an amendment to the bill, which was supported and brought to us by the industry, we also support this amendment as it addresses concerns with individuals who receive this report and their requirement to follow the HIPPA privacy regulations as these reports will contain personal health information about in employees. This amendment was not adopted by the Senate Committee, I believe this was an oversight, as much of the discussion we had was with regard to the number on line 6 of the bill and its my opinion this amendment simply got lost in the shuffle of the other discussions that were going on at the time. I would humbly request that this committee adopt our proposed amendment as it does provide some clarification that the employers receiving these reports do have a duty to maintain compliance with HIPPA.

In conclusion, I respectfully request a “do pass” recommendation from this committee on Engrossed Senate Bill No. 2074, with our proposed amendment. I am happy to take any questions.

Prepared by the North Dakota  
Insurance Department  
January 12, 2021

PROPOSED AMENDMENTS TO SENATE BILL NO. 2074

Page 1, after line 22, insert:

“d. Any person that obtains a report under this section must treat the data in compliance with the federal Health Insurance Portability and Accountability Act of 1996 [Pub. L. 104-191; 110 Stat. 1936; 29 U.S.C. 1181 et seq.].”

Renumber accordingly



# Regional Education Association



NORTH DAKOTA REGIONAL  
EDUCATION ASSOCIATION

The mission of NDREA is to support and strengthen education in North Dakota.

## WHO

### Who are members of the NDREA?

The North Dakota Regional Education Association's (NDREA) primary members are the regional education association (REA)\* directors and REA staff members. Other members include REA lead administrators and representatives from other organizations that help to advance the mission.

### What does the NDREA do?

The NDREA provides support to strengthen the seven REAs across the state. Through these seven REAs we serve 99.9% of the state's public schools and over 112,000 public school students, plus over 6,450 students in private schools, Bureau of Indian Education Schools, ND School for the Deaf and ND Youth Correctional Center. We believe through collaboration, a systemic approach, solution-oriented strategies and a focus on continuous improvement we can improve the quality of education across North Dakota.

NDREA members use a systematic approach to effectively share methods and practices that research has found to produce the best performance and results. Members support each other to ensure such practices are modeled in the operation of each respective REA.

## WHAT

## HOW

### How does NDREA support education?

- Identifies and establishes clear standards of quality for professional development/ learning including standards for quality outcomes and processes.
- Exercises leadership to plan and implement high-quality programs and services within each REA and statewide.
- Capitalizes on new statewide strategic initiative opportunities that will benefit all schools.

\*A Regional Education Association (REA) is a group of school districts seeking to improve their educational programs and services through cooperation and pooling of resources. There are seven REAs in North Dakota and 99% of all the public school districts in the state are members of an REA. About 99% of all public school students in the state are served by an REA. Each REA offers unique program and services based on the needs of the region and they strive to offer high-quality programs and services that are delivered in the areas of professional development, technology support, data system support, school improvement support, and curriculum enrichment. Beginning in 2011, all the REAs began working toward consistent offerings of high-quality programs and services in the areas of professional development, technology support, data systems support, school improvement support, and curriculum enrichment.



## Great Northwest Education Cooperative [GNWEC]

16 Public School Districts  
11,324 Students



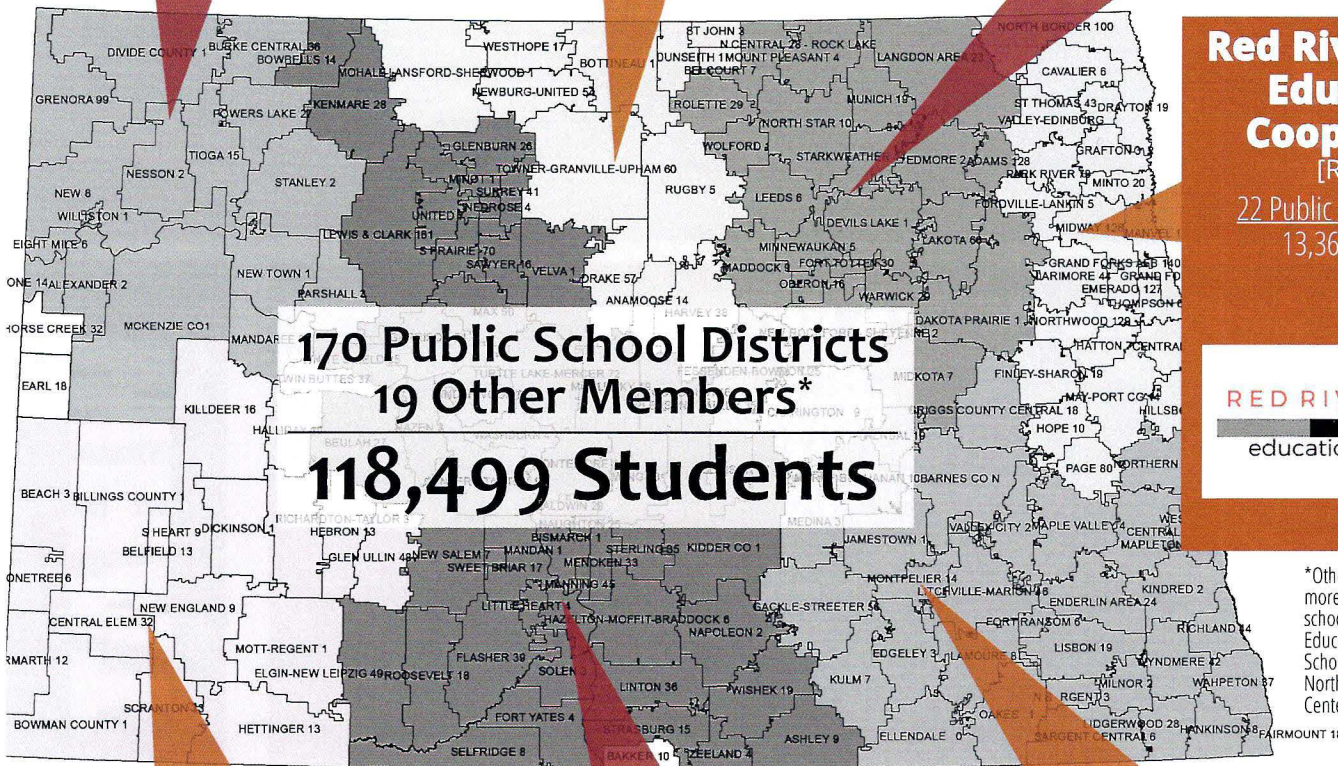
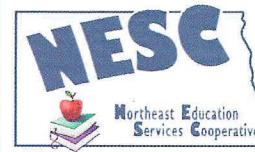
## North Central Education Cooperative [NCEC]

12 Public School Districts  
5,146 Students  
4 Other Members\*  
623 Students



## Northeast Education Services Cooperative [NESC]

21 Public School Districts  
5,124 Students  
4 Other Members\*  
660 Students



## Red River Valley Education Cooperative [RRVEC]

22 Public School Districts  
13,363 Students

RED RIVER VALLEY  
education cooperative

\*Other members include one or more of the following: private schools, Bureau of Indian Education (BIE) schools, N.D. School for the Deaf (NDS), or North Dakota Youth Correctional Center (NDYCC).

## Roughrider Education Services Program [RESP]

18 Public School Districts  
7,266 Students



## Central Regional Education Association [CREA]

48 Public School Districts  
34,499 Students  
7 Other Members\*  
3,199 Students



## South East Education Cooperative [SEEC]

33 Public School Districts  
35,305 Students  
4 Other Members\*  
1,990 Students





## ConnectEd [NESC]



The NESC supports ND educators in their efforts to provide high-quality, extended day programming for students through live lessons & instructional resources in the areas of STEAM & Problem-based Learning, 21st Century Skills & the 4Cs, Career Exploration & Community Partners, & Social & Emotional Learning. Weekly synchronous & asynchronous opportunities are available for K-8 students statewide. This is possible through partnerships with [NESC 21st Century Community Learning Centers](#) & [ND Afterschool Network](#) & is supported in part by a [ND Council on the Arts](#) grant which receives funding from the state legislature & the National Endowment for the Arts. *Resources and lesson schedules are available at <https://sites.google.com/nescnd.org/nescconnected>.*

## ND Educational Hub [NCEC]



The ND Educational Hub (NCEC) – The ND Educational Hub provides educators and school districts a cost effective and convenient way to learn and grow together. In 2017, NCEC began providing virtual professional learning communities for educators, which then grew to include online professional development and book reads. The ND Educational Hub allows educators who may be isolated and often singletons in rural schools the opportunity to learn alongside other educators like them. Educators can take classes at their convenience with no travel or subs required. In 2020, interest in the Hub expanded to include visitors from 46 states and 15 countries with users taking 31 classes earning 263 professional learning credits during the 2019-2020 school year.

## Passion & Purpose for Teaching & Learning [RRVEC]



The RRVEC provides quality learning experiences that promote innovation and success in our schools. Collaborative efforts include Career Exploration, Technology services, and ongoing professional development aligned to principal and teacher support. Examples include instructional rounds, proficiency scale collaboration, and standards-referenced implementation.

## North Dakota Public Health Insurance Trust (NDPHIT) [SEEC]



The SEEC has worked diligently over the past couple of years to address the need for more competitive health insurance options for public schools across North Dakota. After selecting to work with health insurance consultant, Hays Companies, it was determined that forming a Voluntary Employee Benefit Association (VEBA) trust would give us the flexibility and savings to meet our schools need. During our initial start-up work, we found an additional partner in the North Dakota Insurance Reserve Fund (NDIRF) and their members. In Dec. 2020, the first board meeting was held and on Jan. 1, 2021 NDPHIT launched with over 1,100 individuals from public entities across the state. NDPHIT's next step is to focus on educating schools on NDPHIT and benefit options including medical, dental, vision, life, disability, COBRA, flexible spending cafeteria plans and health savings accounts. New members to NDPHIT would begin their benefit period Oct. 1, 2021.

## Pathways to Reading (PTR) [RESP]



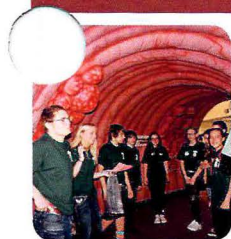
PTR, a curriculum for beginning readers in grades K-2 and struggling readers in upper grades, asks the critical question, "What must be learned in order to transform the printed letters on the page to words that have meaning?" It's primary focus, guided by 40+ years of research, is to help teachers understand, and apply in the classroom, five scientifically validated core components of the reading process: phonemic awareness; phonics; fluency; vocabulary; and comprehension. RESP training reached six member districts with small/large group instructional strategies, assessments and lesson plans.

## ND eCARE School Health Program [CREA]



The ND eCARE School Health Program provides or extends school nursing services via a telehealth (live audio/video) platform in an affordable manner to increase access to healthcare for under-served ND students. The goal of the program is to minimize health-related barriers to learning by providing safe, effective care from an experienced school nurse to keep students in school and caregivers at work.

## Great Northwest Scrubs Camp [GNWEC]



The Great Northwest Scrubs Camp was attended by 187 students from 10 school districts in Northwest ND for a day of health career exploration. Students chose eight sessions from the 15 stations on health careers taught by 38 presenters. This event provides 7th grade students hands on opportunities in the health career fields they might be interested in learning more about. The GNWEC received the "R-COOL-Health Scrubs Camp of the Year" award for 2017 for hosting the Scrubs Camp deemed as the top camp of the year.



## Central Regional

### Education Association [CREA]

128 Soo Line Dr Ste 102 900 N Broadway, Ste 300  
Bismarck, ND 58051 Minot, ND 58703  
www.creand.org

Luke Schaefer, Director  
luke.schaefer@k12.nd.us  
701-751-4041

## Red River Valley

### Education Cooperative [RRVEC]

4201 James Ray Dr, Ste 2001  
Grand Forks, ND 58202  
www.rrvecnd.org

Janet O'Hara, Director  
janet.ohara@rrvecnd.org  
218-779-5121

## Great Northwest

### Education Cooperative [GNWEC]

222 University Ave  
Williston, ND 58801  
www.gnwec.k12.nd.us

Brian Lawton, Director  
brian.lawton@k12.nd.us  
701-609-5681

## Roughrider Education

### Services Program [RESP]

300 13th Ave W, Ste 6C  
Dickinson, ND 58601  
www.resp-k12-education.org

Riley Mattson, Director  
riley.mattson@k12.nd.us  
701-483-0999

## North Central

### Education Cooperative [NCEC]

620 Main St  
Bottineau, ND 58318  
www.ncec.k12.nd.us

Debby Marshall, Director  
debby.marshall@k12.nd.us  
701-537-3195

## South East

### Education Cooperative [SEEC]

1305 9th Ave S  
Fargo, ND 58103  
www.ndseec.com

Kyle Davison, Director  
kyle.davison@k12.nd.us  
701-446-3175

## Northeast Education

### Services Cooperative [NESC]

810 10th St SE  
Devils Lake, ND 58301  
www.nesc.k12.nd.us

Jennifer Carlson, Director  
jennifer.carlson@nescnd.org  
888-701-NESC (6372)

2019-2020

## NDREA Impact Data

**407** STUDENT EVENTS  
AND PROGRAMS

**24,426**  
ENGAGED STUDENTS

*\*Students may have attended more than one opportunity meaning this number isn't a unique count.*

UNIQUE PROJECTS,  
ACTIVITIES, EVENTS

**371**

**1,354**  
sessions

**4,095**  
hours

**5,983**  
UNIQUE educators

**22,473**  
TOTAL participants

OF PROFESSIONAL  
LEARNING DELIVERED

**2021 CONFERENCE COMMITTEE**

**SB 2074**

# 2021 SENATE STANDING COMMITTEE MINUTES

## Industry, Business and Labor Committee Fort Union Room, State Capitol

SB 2074  
4/9/2021  
Conference Committee

relating to health insurance utilization reports; and to declare an emergency
---

**Senator Vedaa** opened the meeting at 10:00 a.m. All members were present. Senators Vedaa, Kreun, and Marcellais. Representatives Ostlie, Keiser, and P. Anderson.

### Discussion Topics:

- Employee privacy
- Patient Information
- Requirements to report

**Senator Klein** moved to adjourn and reconvene at a later time [10:20].

**Representative Keiser** seconded the motion [10:20].

**Voice vote: passed**

**Senator Vedaa** closed the meeting at 10:21 a.m.

*Isabella Grotberg, Committee Clerk*

# 2021 SENATE STANDING COMMITTEE MINUTES

## Industry, Business and Labor Committee Fort Union Room, State Capitol

SB 2074  
4/12/2021  
Conference Committee

relating to health insurance utilization reports; and to declare an emergency
---

**Senator Vedaa** opened the meeting at 9:30 a.m. All members were present. Senators Vedaa, Klein, and Marcellais. Representatives Ostlie, Keiser, and P. Anderson.

### Discussion Topics:

- Policies for requirements of data
- Number of employees
- Non-profit business data

**Chrystal Bartuska, North Dakota Insurance Department** testified to provide information [9:31].

**Megan Hoan, Blue Cross Blue Shield of North Dakota** testified to provide information [9:44].

**Dylan Wheeler, Sanford Health** testified to provide information [9:58].

**Senator Vedaa** closed the meeting at 10:00 a.m.

*Isabella Grotberg, Committee Clerk*

# 2021 SENATE STANDING COMMITTEE MINUTES

## Industry, Business and Labor Committee Fort Union Room, State Capitol

SB 2074  
4/13/2021  
Conference Committee

relating to health insurance utilization reports
--

**Senator Vedaa** opened the meeting at 3:30 p.m. All members were present. Senators, Vedaa, Klein, and Marcellais. Representatives Ostlie, Keiser, and P. Anderson.

### Discussion Topics:

- Insurance markets
- Small businesses
- Requirements on small businesses

**Representative Keiser** introduced amendments 21.8046.02003 testimony #11511 [15:31].

**Chrystal Bartuska, ND Insurance Department** testified to answer questions [15:34].

**Representative Kasper** testified in response to questions [15:43].

**Melissa Hauer, NDHA** testified with concerns to amendments [15:47].

**Representative Kasper** testified in response to questions [15:50].

**Dylan Wheeler, Sanford Health** testified in response to questions [15:52].

**Senator Vedaa** closed the hearing at 4:00 p.m.

*Isabella Grotberg, Committee Clerk*



21.8046.02003

## FIRST ENGROSSMENT

Sixty-seventh  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2074

Introduced by

Industry, Business and Labor Committee

(At the request of the Insurance Commissioner)

1 A BILL for an Act to create and enact a new subsection to section 26.1-36.4-09 of the North  
2 Dakota Century Code, relating to treatment of health insurance utilization reports; to amend and  
3 reenact subsection 1 of section 26.1-36.4-09 of the North Dakota Century Code, relating to  
4 health insurance utilization reports; and to declare an emergency.

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

6 **SECTION 1. AMENDMENT.** Subsection 1 of section 26.1-36.4-09 of the North Dakota  
7 Century Code is amended and reenacted as follows:

- 8 1. Once each calendar year, for any employer with ~~fifty-one~~twenty-six or more eligible  
9 employees, any employer investigating becoming part of a health plan, including a  
10 plan sponsored by an association or a multiple employer welfare arrangement, or any  
11 employer upon termination of health insurance coverage ~~for any employer~~, the  
12 employer is entitled to a report from the insurer or administrator of that employer's  
13 employee health plan which includes a:
- 14 a. A monthly accounting for the most recent twenty-four-month period of the total  
15 number of insured or covered employees and dependents by class of coverage,  
16 the total premiums paid, and the ~~total~~separate totals of the medical and  
17 prescription drug benefits paid on behalf of the employer's health plan.
- 18 b. An accounting of high-dollar medical and prescription drug claims paid for  
19 employees and dependents. For purposes of this subdivision, "high-dollar  
20 medical and prescription drug claims" means the total amount of claims paid for  
21 an employee or dependent during each twelve-month period of the most recent  
22 twenty-four-month period equal to or exceeding twenty-five thousand dollars. The  
23 accounting must also include the current status of coverage for any employees  
24 and dependents with high-dollar claims.

- 1           c. A current census of employees and dependents covered under the employer's  
2           health plan.

3           **SECTION 2.** A new subsection to section 26.1-36.4-09 of the North Dakota Century Code is  
4 created and enacted as follows:

5           Any person obtaining a report under this section shall treat the data in compliance with  
6           the federal Health Insurance Portability and Accountability Act of 1996 [Pub. L.  
7           104-191; 110 Stat. 1996; 29 U.S.C. 1181 et seq.].

8           **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.

# 2021 SENATE STANDING COMMITTEE MINUTES

## Industry, Business and Labor Committee Fort Union Room, State Capitol

SB 2074  
4/15/2021  
Conference Committee

relating to health insurance utilization reports; and to declare an emergency
---

**Senator Vedaa** opened the meeting at 10:00 a.m. All members were present. Senators Vedaa, Klein, and Marcellais. Representatives Ostlie, Keiser, and P. Anderson.

### Discussion Topics:

- Wording in bill

**Representative Ostlie** moved to accept version 21.8046.02005 of bill 10:06 a.m.

**Senator Klein** seconded the motion [10:06].

[10:07]

Senators and Reps.	Vote
Senator Shawn Vedaa	Y
Senator Jerry Klein	Y
Senator Richard Marcellais	Y
Representative Mitch Ostlie	Y
Representative George Keiser	N
Representative Pamela Anderson	Y

Motion passed: 5-1-0

**Senator Klein** moved that the House Recede and amend as follows [10:07].

**Representative P. Anderson** seconded the motion [10:07].

[10:07]

Senators	Vote
Senator Shawn Vedaa	Y
Senator Jerry Klein	Y
Senator Randy A. Burckhard	Y
Representative Curt Kreun	Y
Representative Richard Marcellais	Y
Representative Shawn Vedaa	Y

Motion passed: 6-0-0

**Senator Vedaa** will carry in the Senate [10:08].

**Senator Ostlie** will carry in the House [10:08].

**Senator Vedaa** closed the meeting at 10:09 a.m.

*Isabella Grotberg, Committee Clerk*

2  
4/15  
1041

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2074

That the House recede from its amendments as printed on page 998 of the Senate Journal and pages 1215 and 1216 of the House Journal and that Engrossed Senate Bill No. 2074 be amended as follows:

Page 1, line 2, after "reports" insert "; and to declare an emergency"

Page 1, line 6, remove the overstrike over "~~fifty-one~~"

Page 1, line 6, remove "twenty-six"

Page 1, line 7, after "employees" insert ", any employer investigating becoming part of a health plan, including a plan sponsored by an association or a multiple employer welfare arrangement,"

Page 1, line 7, after "or" insert "any employer"

Page 1, line 7, overstrike "for any employer"

Page 1, line 10, remove "A"

Page 1, line 10, overstrike "monthly accounting for the most recent twenty-four-month period of the total"

Page 1, line 11, overstrike "number of"

Page 1, line 11, overstrike "covered employees"

Page 1, line 11, remove "and dependents by class of coverage"

Page 1, line 11, overstrike the comma

Page 1, line 12, overstrike "the total premiums paid, and the"

Page 1, line 12, remove "separate totals of the medical and"

Page 1, line 13, remove "prescription drug"

Page 1, line 13, overstrike "benefits paid on behalf of the employer's health plan" and insert immediately thereafter "Annual data for the previous three years on the premiums paid by the employer and the claims paid by the insurer or administrator"

Page 1, line 14, remove "An accounting of high-dollar medical and prescription drug claims paid for"

Page 1, remove lines 15 through 20

Page 1, line 21, remove "c."

Page 1, after line 22, insert:

"**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Re-number accordingly

**2021 SENATE CONFERENCE COMMITTEE  
ROLL CALL VOTES**

BILL/RESOLUTION NO. SB 2074 as engrossed

**Senate IBL 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

Vote to accept 21.8046.02005

Motion Made by: Representative Ostlie      Seconded by: Senator Klein

Senators				Yes	No		Representatives				Yes	No
Vedaa				x			Ostlie				x	
Klein				x			Keiser					x
Marcellais				x			P. Anderson				x	
Total Senate Vote	3	0	0				Total Rep. Vote	2	1	0		

Vote Count      Yes: 5      No: 1      Absent: \_\_\_\_\_

Senate Carrier \_\_\_\_\_ House Carrier \_\_\_\_\_

LC Number \_\_\_\_\_ . \_\_\_\_\_ of amendment

LC Number \_\_\_\_\_ . \_\_\_\_\_ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

**2021 SENATE CONFERENCE COMMITTEE  
ROLL CALL VOTES**

BILL/RESOLUTION NO. SB 2074 as engrossed

**Senate IBL 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: Senator Klein                      Seconded by: Representative P. Anderson

Senators				Yes	No		Representatives				Yes	No
Vedaa				x			Ostlie				x	
Klein				x			Keiser				x	
Marcellais				x			P. Anderson				x	
Total Senate Vote	3	0	0				Total Rep. Vote	3	0	0		

Vote Count              Yes: 6                      No: 0                      Absent: 0

Senate Carrier Senator Vedaa                      House Carrier Representative Ostlie

LC Number 21.8046                      . 02005                      of amendment

LC Number 21.8046                      . 04000                      of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

Insert LC: 21.8046.02005  
Senate Carrier: Vedaa  
House Carrier: Ostlie

**REPORT OF CONFERENCE COMMITTEE**

**SB 2074, as engrossed:** Your conference committee (Sens. Vedaa, Klein, Marcellais and Reps. Ostlie, Keiser, P. Anderson) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 998, adopt amendments as follows, and place SB 2074 on the Seventh order:

That the House recede from its amendments as printed on page 998 of the Senate Journal and pages 1215 and 1216 of the House Journal and that Engrossed Senate Bill No. 2074 be amended as follows:

Page 1, line 2, after "reports" insert "; and to declare an emergency"

Page 1, line 6, remove the overstrike over "fifty-one"

Page 1, line 6, remove "twenty-six"

Page 1, line 7, after "employees" insert ", any employer investigating becoming part of a health plan, including a plan sponsored by an association or a multiple employer welfare arrangement,"

Page 1, line 7, after "or" insert "any employer"

Page 1, line 7, overstrike "for any employer"

Page 1, line 10, remove "A"

Page 1, line 10, overstrike "monthly accounting for the most recent twenty-four-month period of the total"

Page 1, line 11, overstrike "number of"

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Page 1, line 11, remove "and dependents by class of coverage"

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Page 1, line 14, remove "An accounting of high-dollar medical and prescription drug claims paid for"

Page 1, remove lines 15 through 20

Page 1, line 21, remove "c."

Page 1, after line 22, insert:

**"SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

**Insert LC: 21.8046.02005**  
**Senate Carrier: Vedaa**  
**House Carrier: Ostlie**

Renumber accordingly

Engrossed SB 2074 was placed on the Seventh order of business on the calendar.