2025 HOUSE GOVERNMENT AND VETERANS AFFAIRS
HB 1371

Government and Veterans Affairs Committee

Pioneer Room, State Capitol

HB 1371 1/31/2025

Relating to uniform group insurance program benefits for retired peace officers.

9:35 a.m. Chairman Schauer opened the hearing.

Members present: Chairman Schauer, Vice Chairman Satrom, Representatives Bahl, Brown, Christy, Grindberg, Karls, McLeod, Rohr, Schneider, Steiner, VanWinkle, Vetter, Wolff

Discussion Topics:

- Peace officer retention
- Pre-Medicare plans

9:36 a.m. Representative Hauck. District 36, introduced the bill and submitted testimony, #33183.

9:40 a.m. Cory Lee, Sheriff of the Stark County Sheriff's Office, testified in favor.

9:47 a.m. Lyle Sinclair, President of the North Dakota Law Enforcement Canine Association, testified in favor and submitted testimony, #33190.

9:52 a.m. Stephanie Ingberson, North Dakota Police Chiefs Association, testified in favor.

9:43 a.m. Calvin Benson, North Dakota Peace Officers Association, testified in favor.

9:54 a.m. Rebecca Fricke, Executive Director of NDPERS, provided neutral testimony and submitted testimony, #32220.

Additional written testimony:

Patrick Bohn, Retired Peace Officer, submitted testimony in favor, #33020. Verlan Kvande, Sheriff of the Williams County Sheriff's Office, submitted testimony in favor, #33033.

10:10 a.m. Chairman Schauer closed the hearing.

Jackson Toman, Committee Clerk

TESTIMONY OF REBECCA FRICKE

House Bill 1371 – Pre-Medicare Plan Coverage for Retired Peace Officers

Good Morning, Mr. Chairman and members of the committee. My name is Rebecca Fricke and I am the Executive Director of the North Dakota Public Employees Retirement System, or NDPERS. I appreciate the committee taking the time to analyze House Bill 1371, which requires a subgroup of the NDPERS health insurance plan be available to eligible retired peace officers that are not yet eligible for Medicare. I am here today on behalf of the NDPERS Board to provide information in a neutral capacity so the policy makers are able to make an informed decision regarding the bill.

House Bill 1371 does the following:

- Creates a new subgroup for eligibility in the NDPERS health insurance plan specific to retired peace officers who are not eligible for Medicare.
 - Requires retired peace officer have worked 20 or more years of employment as a peace officer within the State or a political subdivision, working at least 32 hours per week for 20 or more weeks per year
 - Defines peace officer under provisions of NDCC 12-63-01
 - Does not require participation in NDPERS retirement programs to be eligible
 - Retired eligible peace officer cannot be charged any portion of premium

Our consultant, Deloitte Consulting, provided analysis which is attached to my testimony. A few overview points include:

- If passed, it is likely the size of the retired peace officer subgroup will increase over time, possibly resulting in additional premiums, which will need to be accounted for when developing overall rates.
- Overall financial health of the plan may also be affected by the increased costs associated with covering the new subgroup. The long-term sustainability of covering the full premium for retired peace officers will need to be evaluated.

- The current premiums being charged to the remaining pre-Medicare retirees (those that retired prior to July 1, 2015 and former legislators) was used in this analysis.
- There is not claims information available for the population of peace officers.
 Therefore, Deloitte assumed that this population will be consistent with the claims experience of the current pre-Medicare retiree population of NDPERS. If claim variations result in different premiums for this new subgroup, the cost estimates may differ.

Deloitte estimates that the bill would have a financial impact on the NDPERS health insurance plan and estimates an increase in premium of approximately 1.9%, or 16,720,000, in the 2025-2027 biennium. The financial impact was derived based upon information provided by NDPERS regarding the current number of actively employed peace officers and retired peace officers within the NDPERS Public Safety and Highway Patrol Plans. Additionally, data from the Bureau of Justice Statistics was used to estimate additional peace officers that may be eligible that are not part of the NDPERS retirement plans.

Another area I wanted to share with the Committee relates to previous legislation, House Bill 1058, that was passed during the 2013 legislative session. The legislation closed our pre-Medicare retiree plan to NDPERS members that retired after July 1, 2015. Therefore, current NDPERS retirees that are not yet eligible for Medicare are only eligible to stay on the health insurance plan if covered as an active employee and only for the 18 months of COBRA available to them. After COBRA expires, the retiree must obtain coverage outside of the NDPERS health insurance and then is able to return upon coming eligible for Medicare. The only exception to this is former legislators.

The driver of this previous legislation was due to an impact that having retirees on the pre-Medicare retiree plan had on the financial statements of the State. The rates for the pre-Medicare retiree population are set in statute under NDCC 54-52.1-02. These rates are not based upon the actuarial requirements of the group. These rates, while high, do not reflect the full cost of that subgroup. If the rates are set based upon the actuarial requirement for the pre-Medicare group, they would be even higher. The difference between the statutory rate and the actuarial rate is called an implicit subsidy in the plan. In 2013, the implicit subsidy for each retiree in this subgroup was \$95 per month.

Relating to the financial reporting of this implicit subsidy, the Governmental Accounting Standards Board (GASB) finalized statements 43 (GASB 43 for funded OPEB plans) and 45 (GASB 45 for employers) and are required reporting in its Annual Comprehensive Financial Report, or ACFR. The statements' objectives are to establish uniform standards of financial reporting by state and local governmental entities for

post-employment benefit plans other than pension benefits, which are referred to as OPEB plans. This included post-employment health care benefits such as the one provided to North Dakota pre-Medicare retirees at that time. Pursuant to these requirements, the State must report the present value of this implicit subsidy as an unfunded liability on the State's ACFR. In 2013, the amount of the implicit subsidy that had to be reported was \$65.2 million. Again, the amount per contract that was considered an implicit subsidy was \$95 per month per pre-Medicare retiree contract.

With the passing of HB 1058 in 2013, the eligible population of the pre-Medicare plan was reduced as new retirees could not enroll if they retired after July 1, 2015 and eventually, the majority of the existing retiree population aged out of the subgroup as they became eligible for Medicare. Therefore, this implicit subsidy was reduced to the point that in 2019, the amount was considered incidental and was no longer required to be reported on the State's financial reporting statements. NDPERS also no longer needed to retain a consultant to calculate the implicit subsidy for reporting on these statements.

I mention this as NDPERS has confirmed with Ice Miller (analysis also attached to testimony), our federal tax consultant, that should HB 1371 pass, opening the pre-Medicare plan to retired eligible peace officers, an implicit subsidy would result for each retired peace officer that became part of the plan. However, rather than the \$95 per contract per month subsidy of our previous pre-Medicare population that resulted in the closing of the plan, the entire premium being paid will be considered an implicit subsidy since the retired peace officer may not be charged any portion of premium. For example, if it is determined that the current pre-Medicare retiree premium is to be used, this would be \$1,194.24 for single coverage, \$2,385.22 for family of 2 coverage and \$2,980.72 for family of 3 or more coverage. Note these are monthly premiums. It is anticipated that based on the claims experience of the group, the premium necessary to be paid (not by retiree) would be higher than these subsidized premiums, which may result in an even higher implicit subsidy.

Given this and should this bill pass, the State will again need to begin reporting the implicit subsidy as an unfunded liability on the State's financial statement or ACFR. In addition, NDPERS would need to retain a consultant to evaluate the implicit subsidy and calculate the amount as an unfunded liability that the State needs to report. Given one has not been retained since 2019, at this time we are unsure the cost of this type of consultant and would need to go through a competitive request for proposal process to retain one. It is unknown what the cost of this process would be, or the amount that NDPERS would need to pay a consultant to perform the calculation.

Mr. Chairman, I appreciate the committee taking the time to learn more about the impact this bill will have to the State. This concludes my testimony, and I'd be happy to answer any questions the committee may have.



Deloitte Consulting LLP

50 South Sixth Street Suite 2800 Minneapolis, MN 55402

USA

Tel: 612 397 4000

www.deloitte.com

Memo

Date: January 21, 2025

To: Rebecca Fricke - Executive Director, North Dakota Public Employees Retirement System

Representative Austen Schauer - Chair, Legislative Employee Benefits Programs

Committee, North Dakota State Government

From: Tim Egan, Dan Plante, Ford Edgerton, and Karno Sarkar - Deloitte Consulting LLP

Subject: FINANCIAL REVIEW OF PROPOSED BILL 25.0558.02000

Deloitte Consulting LLP (Deloitte ⁱ) was engaged to review the proposed legislation and the potential financial impact to the Uniform Group Insurance Program (Program) administered by the North Dakota Public Employees Retirement System (NDPERS), as well as other considerations that may contribute to the evaluation of the legislation.

The information included in the review relies on data provided by NDPERS, as well as publicly available data and industry studies. From the data provided by NDPERS, some of these data sources were developed by NDPERS, while others were prepared or created by third parties and delivered to NDPERS.

As part of the review, all data were reviewed for reasonableness, but an audit was not performed on the data. To the extent the data contain errors or anomalies that were unknown at the time the data were provided, the analysis may be affected by those issues.

OVERVIEW OF PROPOSED BILL

The Bill amends and reenacts section 54-52.1-02 of the North Dakota Century Code relating to the formation of the Uniform Group Insurance Program into subgroups. The amendment revises the population of the Uniform Group to include retired peace officers and specifies that retired peace officers are exempt from the existing medical and hospital benefits coverage group. The amendment then creates a new subgroup for peace officers who retired after July 1, 2015.

The new subgroup is made up of retired peace officers who have 20 or more years of employment as a peace officer, are not eligible for Medicare, and are determined by their employer to be eligible for retirement. These peace officers are eligible to receive medical and hospital benefits coverage through the Uniform Group Insurance Program and cannot be charged any amount of premium.

The amendment further defines a peace officer to be a retiree who was a peace officer under section 12-63-01. Regardless of participation in a Public Employees Retirement System program, this individual must have been employed in a permanent position as a peace officer by North Dakota, or by a political subdivision of North Dakota. Additionally, the individual must satisfy the following employment length terms: thirty-two hours or more per week, twenty or more weeks per year, and twenty or more years as a peace officer.

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IMPLICATIONS OF BILL

The intent of the proposed Bill is to give retirees that have at least twenty years of employment as a peace officer the ability to join the Uniform Group Insurance Program's pre-Medicare plan and not pay premiums towards coverage.

Currently, retired peace officers already in the Program are part of the pre-Medicare plan, and they are subject to the same premiums as the rest of the Program's members. This Bill will move retired peace officers who retired after July 1, 2015, and meet the criteria into their own subgroup. The new subgroup is exempt from the statutorily set premium and will need to have it estimated based on their claims experience. However, the premium set will be entirely covered by the Uniform Group Insurance Program. Like the pre-Medicare plan, this new subgroup will also be fully insured, and so the program will cover all the costs.

Retired peace officers who meet the criteria and are already in the Program will have their premiums covered completely by the Uniform Group Insurance Program. Retired peace officers who meet the criteria and are not in the Program will be able to join, and their premiums will also be covered by the Program.

With premium costs being fully covered, there will likely be an increase in the size of the retired peace officer subgroup. Therefore, a potential increase in the size of the retired peace officer population will result in additional premiums, which will have to be accounted for when developing the overall rates.

The overall financial health of the Program may also be affected by the increased costs associated with covering the new subgroup. The long-term sustainability of covering the full costs for retired peace officers will need to be evaluated, and the Program may need to assess the potential impact on the financial reserves and consider adjustments to funding strategies.

ESTIMATED FINANCIAL IMPACT

Based on the analysis, it is anticipated that the proposed legislation will have a financial impact on the Uniform Group Insurance Program. It is estimated that the financial impact of the proposed legislation is approximately \$16,720,000 (approximately 1.9% of the total premium) in the 2025-2027 biennium ending 6/30/2027.

It is estimated that there are currently 1,535 actively employed peace officers and 269 total retired peace officers within the NDPERS Public Safety and Highway Patrol retirement plans. Our analysis uses these two groups to determine the distribution of peace officer characteristics in North Dakota. Some of the additional primary modeling considerations include but are not limited to: total peace officer population within North Dakota, retirement dates of the retired peace officers within the NDPERS Public Safety and Highway Patrol retirement plans, number of peace officers not within the Program who may transfer into the Program, proportion of current active peace officers who may retire in the biennium, division into coverage tier according to the current distribution of peace officer characteristics in the Program, and the source for the law enforcement population in North Dakota.

Peace Officer Population

According to the Bureau of Justice Statistics (BJS), there were approximately 2,637 full-time state and local law enforcement employees in North Dakota in 2018.^[1] To estimate the employees for 2025, the US Census data for 2018-2024 was used for the US and North Dakota populations in 2025. The Bureau of Labor Statistics (BLS) data from 2023 was utilized to estimate the ratio of North Dakota law enforcement over the entire North Dakota population. The BJS estimate of full-

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time state and local law enforcement employees was trended forward using the change in the BLS ratios over time to arrive at approximately 3,276 in 2025.^[2-9]

The ratio of North Dakota law enforcement over the entire North Dakota population from 2023 was assumed to remain stable across 2024-2025. Additionally, the BJS estimates a standard error of seventy-five individuals in its 2018 estimate of the full-time law enforcement employee population in North Dakota, which could affect these estimates.

Within the current distribution of peace officer characteristics in the Program, the population of eligible retired peace officers is approximately 15.5% of the population of active peace officers. When applying this assumption to the 2025 estimated full-time law enforcement population, it is estimated there are approximately 508 eligible retired peace officers in 2025.

Retirement Dates

The retirement dates for the retired peace officers within the NDPERS Public Safety and Highway Patrol retirement plans were calculated assuming that all retirees began employment at 21 (since the employee start dates were not available). This results in approximately 76.5% of the eligible retired peace officers being eligible for the new subgroup. Using this proportion, approximately 388 of the eligible retired peace officers in North Dakota in 2025 qualified for the new subgroup.

Migration into the Program

While all individuals within the Program will likely be moved to this new subgroup, it is assumed that only 50% of eligible retired peace officers not within the Program will transfer over from their current coverage. This results in a final approximation of 285 retired peace officers in the new subgroup who will have their premiums fully covered in 2025.

Retirement in the Biennium

Because the Program will be covering all premiums, it is assumed that all actively employed peace officers will join the Program upon retirement. We assumed that only 5% of the actively employed peace officer population who have twenty or more years of service will retire each year. Therefore, it is estimated that 27 actively employed peace officers will retire and join the new subgroup in 2025. Removing the 27 actively employed peace officers who retire in 2025 from the eligible actively employed population and including actively employed peace officers who, after one year, have twenty or more years of service, it is estimated that 29 additional actively employed peace officers will retire and join in 2026. Incorporating the newly-retired peace officers to those anticipated to transfer to the Program yields a final estimate of approximately 312 in 2025 and approximately 341 in 2026.

Coverage Tier

We are assuming that the distributions for the final approximations of these two groups (current retirees and active employees who will retire) are consistent with the current distribution of peace officer characteristics in the Program. For the purpose of applying premiums, the current distribution is applied to the final approximations from the BJS population statistic.

Premiums

Our analysis utilizes anticipated 2025-2027 non-Medicare retiree premium rates by tier as an estimate for the peace officer retiree premiums in conjunction with the estimated enrollment assumptions noted earlier to develop the financial estimate. The fiscal impact to the upcoming biennium is estimated to be approximately \$16,720,000 (1.9% of total premium) for the 2025-2027 biennium.

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Other Sources

Estimates for the full-time law enforcement population in North Dakota vary based on alternate data sources. For example, data available by the North Dakota Attorney General indicate approximately 28% less total law enforcement officers, whereas the Bureau of Labor Statistics indicates approximately 19% more officers.

However, the North Dakota Attorney General's estimate uses the Uniform Crime Reporting report, which may not contain all peace officers in North Dakota such as university law enforcement, transit police, or other special jurisdiction agencies. Similarly, the Bureau of Labor Statistics includes all protective service occupations and requires self-selection of subgroups to include in the estimate. Potentially, not all employees within the selected subgroups will be peace officers, which could result in an overestimate of the total peace officer population within North Dakota.

Other Considerations

The preceding analysis was completed using the current population of peace officers within the Uniform Group Insurance Program to estimate the statewide peace officer retiree distribution by plan tier. However, if the actual coverage distribution of retiree peace officers differs from that in the Program, actual costs may differ from the current estimate.

Throughout the analysis, it is assumed that no members are phased out during the biennium, either due to mortality or election, because of the relatively short time period.

Additionally, there is currently no claims information available for the population of peace officers. Therefore, it is assumed that claims experience will be consistent with the existing population of non-Medicare retirees within the Program. Furthermore, if claims variations result in different premiums for the new subgroup, the cost estimates may differ.

Finally, this analysis assumes that all law enforcement employees are peace officers. The cost estimates could change if the actual number of peace officers differs from the number of reported law enforcement officers.

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^[1] Bureau of Justice Statistics, Census of State and Local Law Enforcement Agencies, 2018 – Statistical Tables, https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/csllea18st.pdf

^[2] U.S. Census Bureau, "Population, Population Change, and Estimated Components of Population Change: April 1, 2010 to July 1, 2019 (NST-EST2019-alldata)," State Population Totals and Components of Change: 2010-2019, https://www.census.gov/data/tables/time-series/demo/popest/2010s-state-total.html, accessed on January 14, 2025.

^[3] U.S. Census Bureau, "Annual Population Estimates, Estimated Components of Resident Population Change, and Rates of the Components of Resident Population Change for the United States, States, District of Columbia, and Puerto Rico: April 1, 2020 to July 1, 2024 (NST-EST2024-ALLDATA)," State Population Totals and Components of Change: 2020-2024, < https://www.census.gov/data/tables/time-series/demo/popest/2020s-state-total.html>, accessed on January 14, 2025.

^[4] U.S. Bureau of Labor Statistics, "May 2018 State," Occupational Employment and Wage Statistics (OEWS) Tables, https://www.bls.gov/oes/tables.htm, accessed on January 14, 2025.

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^[5] U.S. Bureau of Labor Statistics, "May 2019 State," Occupational Employment and Wage Statistics (OEWS) Tables, https://www.bls.gov/oes/tables.htm, accessed on January 14, 2025.

^[6] U.S. Bureau of Labor Statistics, "May 2020 State," Occupational Employment and Wage Statistics (OEWS) Tables, https://www.bls.gov/oes/tables.htm, accessed on January 14, 2025.

^[7] U.S. Bureau of Labor Statistics, "May 2021 State," Occupational Employment and Wage Statistics (OEWS) Tables, https://www.bls.gov/oes/tables.htm, accessed on January 14, 2025.

^[8] U.S. Bureau of Labor Statistics, "May 2022 State," Occupational Employment and Wage Statistics (OEWS) Tables, https://www.bls.gov/oes/tables.htm, accessed on January 14, 2025.

^[9] U.S. Bureau of Labor Statistics, "May 2023 State," Occupational Employment and Wage Statistics (OEWS) Tables, https://www.bls.gov/oes/tables.htm, accessed on January 14, 2025.



MEMORANDUM

TO: Rebecca Frick, North Dakota ERS

FROM: Christopher S. Sears, Ice Miller LLP

DATE: January 21, 2025

RE: Bill Draft 558

This memorandum is given to you in confidence and with the attorney-client privilege. We have not delivered or mailed any copies of this memorandum to anyone else, other than those individuals noted in this memorandum. You should disclose the contents of this memorandum only to those employees, officers, or trustees who need to know the contents in order to make informed decisions on the matters discussed herein.

You asked us to review Bill Draft 558 (attached), which is a bill that would require the North Dakota Public Employees Retirement System ("NDPERS") to provide health insurance coverage to peace officers within the State who retire with 20 years of employment. Under the Bill Draft, a peace officer would not have to be enrolled in NDPERS to be eligible for this benefit. Eligible peace officers will not be charged any premium for the coverage. You asked for our observations on whether the addition of this benefit would require reporting under the Governmental Accounting Standards Board ("GASB") guidelines and whether we see other issues from a federal tax and compliance standpoint.

GASB. I asked our actuary, Eric Dawes, to take a look at the Bill Draft and provide his thoughts on your question related to whether the Bill Draft would result in an implicit or explicit subsidy that would need to be reported for GASB purposes. In short, it is his view that it will. It appears that since 2015, the need to report any implicit subsidy has diminished because the pool of individuals who remained eligible for the pre-Medicare health care coverage has diminished significantly. However, with the addition of an entire class of individuals who will be newly eligible – and who will not be responsible for any portion of the premium – a new implicit subsidy will exist that will need to be reported. Your e-mail further asks for the potential impact of this. We believe that this additional question would need to be addressed by the plan's health care actuary based on the population that could enter the plan and the current costs under the plan.

<u>Trust Document Compliance</u>. We do not have a copy of any trust document that might exist that is the funding vehicle for retiree health care coverage. To the extent there is one, it should be reviewed to ensure that its language is broad enough to support paying for the cost of health care coverage for the peace officers (<u>e.g.</u>, ensure that the language is not limited to certain departments of State government or certain classes of employees that would not include peace

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officers). You will also need to ensure that the trust is not limited to paying for health care costs for individuals who are receiving a retirement benefit from NDPERS.

Non-Discrimination for Self-Funded Health Plans. There could be a theoretical nondiscrimination issue, but it probably does not exist. Under Internal Revenue Code Section 105(h), a self-funded health plan (even one sponsored by a governmental entity) may not discriminate in favor of highly compensated individuals. Generally, a highly compensated individual is one who is in the top 25% of employees in terms of compensation. If there is a disproportionate amount of highly compensated individuals to whom coverage is offered compared to the employer's non-highly compensated workforce, then the highly compensated individuals could be taxed on their health care claims. It would also be necessary to look at the classes of employees covered to ensure providing the coverage to peace officers with no premium obligation would not violate nondiscrimination rules. We would assume that, when looking at the State's entire retiree population and the amount of highly compensated individuals who are <u>not</u> going to be offered the coverage, the nondiscrimination rules would likely not be implicated, but they should be considered.

Governmental Plan Status. The final issue we might raise relates to maintaining the governmental status of the health plan. Would all of the peace officers clearly be employed by a governmental entity? In other words, would any of the peace officers be employed by any quasi-governmental or non-governmental entities? If any are not clearly employed by an obvious governmental entity, it would be important to look at the entities that employ them to ensure that including the employees would not compromise the governmental status of the health plan.

<u>Conclusion</u>. Other than these points, we do not see any other material federal issues related to offering retiree health coverage to peace offers as proposed in the attached Bill Draft. If you would like to discuss our observations or have questions, please do not hesitate to let me know.

HOUSE GOVERNMENT AND VETERAN'S AFFAIRS COMMITTEE REPRESENTATIVE AUSTEN SCHAUER, CHAIRMAN JANUARY 30, 2025

PATRICK N. ROHN RETIRED LAW ENCORCEMENT

PATRICK N. BOHN, RETIRED LAW ENFORCEMENT PRESENTING TESTIMONY IN SUPPORT OF HB 1371

My name is Pat Bohn and I am writing in support of HB 1371 relating to a Health Insurance Benefit Program for retired peace officers. I retired from the North Dakota Department of Corrections and Rehabilitation as the Director for Parole and Probation in 2022 after serving 32 years in corrections/law enforcement with 27 of those years as a licensed peace officer in North Dakota.

The timing for this bill is excellent as our country faces a law enforcement personnel crisis. The profession is not experiencing a high volume of very qualified applicants. Agencies are still paying hiring and retention bonuses. With the recent move by the state to a defined contribution retirement program from a defined benefit program, I anticipate fewer people will serve 30+ year careers. I believe adding this retirement benefit for peace officers will help improve recruiting and retention of highly qualified and skilled peace officers to keep your communities safe and respond to the call when you or your loved ones have an emergency.

As I look back on my career, I'm grateful for all the people I served with and so many stakeholders that supported our work that have become friends, along with all the experiences. I enjoyed the work but after 32 years, I was burned out. Law enforcement and corrections work is not a job that you leave after the workday is over. The job is a lifestyle. You live it 365 days a year 24/7. You are on constant alert trying to prevent or react to the next problem or human tragedy by planning, training, reflecting, learning, listening, talking, strategizing and problem-solving. There are many successes in the career but the culmination of tragedies and stress take their toll.

I'll never forget the day in October 2022 just as I was winding down my career and transitioning to retirement. I took my two grandkids and my daughter to Papa's Pumpkin Patch. We spent a couple hours that nice fall afternoon with the kids playing on the haybales, the corn pit, and a host of other activities. We then left and I was driving south on River Road and then it happened, I got emotional as it dawned on me that it was the first time in nearly three decades that I was full present in the moment with my daughter and grandkids. No phone calls, no texts, no thinking about problems or issues at work that needed attention and it felt good, even though my next thoughts went to guilt about how much I was not fully present for so many other things for so long.

There are various studies showing law enforcement officer's life expectancy is much lower than the general population. Unfortunately, North Dakota just recently had to active duty officers' die. One in Bismarck and the other in Minot. I'm sure many others will be talking about the challenges of the job and the data, so I'll leave that to them as I just wanted to share with you a real experience.

I do believe there are some opportunities to consider as you weigh the viability of this bill. A few ideas include:

- Require a retiree to contribute to the health insurance policy in the amount of 10% or something in that range.
- Require the retiree to contribute their entire Retiree Health Insurance Credit that current retired PERS participants have earned.
- Restrict the time for coverage to no more than 10 years.
- Offer solely to those who have participated in and retired from the ND PERS system.

In closing, we need courageous action by leaders such as you to change the trajectory of the law enforcement profession by incentivizing and rewarding those who spend career answering the call in maybe the most traumatic moment in your life or your community. Thank you.



Williams County SHERIFF'S OFFICE

Verlan Kvande, Sheriff

223 E. Broadway Suite 301, Williston, ND 58801 Phone 701.577.7700 | Fax 701.577.7705 www.williamsnd.com

"We will protect the citizens of Williams County with honor, integrity, and professionalism"

House Bill 1371 Testimony: In Favor – DO PASS

January 31, 2025 | 9:00 am | House Government and Veterans Affairs

Chairman Schauer and members of the Committee,

I am writing you in full support of HB1371. In my 27 years of service with the Williams County Sheriff's Office, I have learned that one of the most significant challenges that law enforcement professionals face as they near retirement is the need for health insurance. The rising cost of health insurance, particularly for those retiring before becoming eligible for Medicare, forces many to consider delaying retirement. Individuals sometimes even feel forced to start a new career to ensure continued access to health coverage.

If HB 1371 were to pass, the cost of health insurance would be covered for retired peace officers who are not Medicare-eligible. The opportunity for law enforcement professionals to truly retire at 55, or when reaching the required service years, with access to fully funded health insurance, would be life-changing for these dedicated professionals.

Thank you for your time and consideration of my testimony and this bill. I respectfully request a DO PASS for HB 1371, which will undoubtedly positively impact the law enforcement community.

Sincerely,

Sheriff Verlan Kvande

Representative Dori Hauck, District 36 2461 81st Ave SW, Hebron ND 58638 dorihauck@ndlegis.gov

January 30, 2025

HB1371

Thank you Chairman Schauer and members of the Government and Veterans Affairs Committee. For the record, Dori Hauck, Representative for District 36 which is portions of Stark, Morton and Dunn counties in western North Dakota.

House bill 1371 aims to create another tool for recruitment and retention for career peace officers in North Dakota. There are individuals today who will testify in greater detail how this retirement benefit will help for recruitment of law enforcement officers.

The language added beginning on page 2 line 24 details the request. Health insurance benefits will be provided to peace officers employed by the State or a political subdivision who have a minimum of 20 years of service to North Dakota. The benefit is provided to retired peace officers who are not eligible for Medicare health insurance benefits.

On page 3 lines 1 and 2: it states that whether the political subdivision participates in the public employees retirement system program or not, the peace officer would be eligible.

The Bureau of Justice Statistics estimates the 2025 estimated full time law enforcement officers to be 3,276. The report continues stating that within the current distribution of peace officers in the program, the eligible retired peace officers is approximately 15.5% which equates to 508 eligible officers. The financial impact estimate is \$16,720,000 in premiums for the 2025-2027 biennium.

Every career has its pros and cons and our peace officers are asked to stand in the gap when needed. Thank you for your consideration of adding another tool to help recruit more qualified individuals to this field.

Thank you, Mr. Chairman and members of the committee. I will stand for any questions.

All,

My name is Lyle Sinclair. I am here as the President of the North Dakota Law Enforcement Canine Association; I am here today in support of House Bill 1371.

I have over 31 years of Law Enforcement service and over 21 years in the police k9 industry in North Dakota. Over the years, I have attended K9 trainings across the country becoming friends with a lot of the K9 instructors. I often bring these instructors to North Dakota for our local K9 teams to learn from. Not only do I try to improve police K9's in North Dakota but policing in general. I often ask questions regarding how their respective departments operate. Most of the instructors I bring here are nearing retirement, as am I, so retirement is often a topic of our discussions.

One K9 instructor recently retired from the Los Angeles Sheriff's Office after a long career. The deciding factor for him back in 1992, between Los Angeles Police Department, who paid more, and Los Angeles Sheriff's Office, who paid less, was simple. It was full medical insurance after working 25 years is why he chose the Los Angeles Sheriff's Office.

Another K9 instructor from the Phoenix Valley, explained to me some departments in their area have started to offer medical insurance after 20 years of service as a recruitment and retention tool. The other departments in the area that do not offer similar assistance are finding it harder to recruit and retain high-quality candidates.

House Bill 1371 will be money well invested, giving North Dakota the opportunity to not only retain our outstanding current law enforcement officers but will also incentivize and recruit potential candidates from across the country. House Bill 1371 will give back to those law enforcement officers who have given this great state so much.

Respectfully,

Lyle Sinclair

Government and Veterans Affairs Committee

Pioneer Room, State Capitol

HB 1371 2/6/2025

Relating to uniform group insurance program benefits for retired peace officers.

12:02 p.m. Chairman Schauer opened the meeting.

Members present: Chairman Schauer, Vice Chairman Satrom, Representatives Brown, Grindberg, Karls, McLeod, Rohr, Schneider, Steiner, VanWinkle, Vetter, Wolff

Members absent: Representative Bahl

Discussion Topics:

Proposed amendments relating to beneficiaries

12:02 p.m. Representative Steiner discussed status of peace officers under

NDPERS and the fiscal note.

12:02 p.m. Chairman Schauer closed the meeting.

Jackson Toman, Committee Clerk

Government and Veterans Affairs Committee

Pioneer Room, State Capitol

HB 1371 2/6/2025

Relating to uniform group insurance program benefits for retired peace officers.

2:46 p.m. Chairman Schauer opened the meeting.

Members present: Chairman Schauer, Vice Chairman Satrom, Representatives Bahl, Brown, Christy, Grindberg, Karls, McLeod, Rohr, Schneider, Steiner, VanWinkle, Vetter, Wolff

Members absent: Representative Christy

Discussion Topics:

- Committee work
- Legislative study

2:47 p.m. Rebecca Fricke, Executive Director of NDPERS, testified neutrally and answered questions.

2:55 p.m. Chairman Schauer closed the meeting.

Jackson Toman, Committee Clerk

Government and Veterans Affairs Committee

Pioneer Room, State Capitol

HB 1371 2/13/2025

Relating to uniform group insurance program benefits for retired peace officers.

9:55 a.m. Chairman Schauer opened the meeting.

Members present: Chairman Schauer, Vice Chairman Satrom, Representatives Brown, Grindberg, Karls, Rohr, Schneider, Steiner, VanWinkle, Vetter, Wolff Members absent: Representatives Bahl, Christy, McLeod

Discussion Topics:

- Committee work
- Proposed amendments relating to a study
- Proposed amendments relating to eligibility
- 9:57 a.m. Representative Steiner introduced amendments #45233, LC#25.0558.02002.
- 9:59 a.m. Vice-Chairman Satrom moved to adopt the amendments, LC#25.0558.02002.
- 9:59 a.m. Representative Steiner seconded the motion.
- 10:00 a.m. Rebecca Fricke, Executive Director of NDPERS, testified and answered questions.
- 10:04 a.m. Vice-Chairman Satrom amended the motion to amend the bill relating to a study and relating to eligibility.
- 10:05 a.m. Representative Steiner seconded the motion.
- 10:09 a.m. Rebecca Fricke proposed amendments relating to the impact of financial reporting.
- 10:10 a.m. Vice-Chairman Satrom amended the motion to amend the bill relating to a study, relating to eligibility and relating to financial reporting.
- 10:10 a.m. Representative Steiner seconded the motion.
- 10:10 a.m. Voice vote passed.
- 10:11 a.m. Representative Steiner moved a Do Pass as Amended.
- 10:11 a.m. Representative Karls seconded the motion.

Representatives	Vote
Representative Austen Schauer	Υ

Representative Bernie Satrom	N
Representative Landon Bahl	AB
Representative Collette Brown	N
Representative Josh Christy	AB
Representative Karen Grindberg	N
Representative Karen Karls	Υ
Representative Carrie McLeod	AB
Representative Karen Rohr	N
Representative Mary Schneider	Υ
Representative Vicky Steiner	Υ
Representative Lori VanWinkle	N
Representative Steve Vetter	Υ
Representative Christina Wolff	N

10:11 a.m. Motion failed 5-6-3.

10:12 a.m. Representative Wolff moved a Do Not Pass as Amended.

10:13 a.m. Representative Grindberg seconded the motion.

Representatives	Vote
Representative Austen Schauer	N
Representative Bernie Satrom	Υ
Representative Landon Bahl	AB
Representative Collette Brown	Υ
Representative Josh Christy	AB
Representative Karen Grindberg	Υ
Representative Karen Karls	N
Representative Carrie McLeod	AB
Representative Karen Rohr	Υ
Representative Mary Schneider	N
Representative Vicky Steiner	N
Representative Lori VanWinkle	Υ
Representative Steve Vetter	N
Representative Christina Wolff	Υ

10:13 a.m. Motion passed 6-5-3.

Representative Wolff will carry the bill.

10:14 a.m. Chairman Schauer closed the meeting.

Jackson Toman, Committee Clerk

25.0558.02003 Title.03000 Adopted by the Government and Veterans Affairs Committee February 13, 2025

Sixty-ninth Legislative Assembly of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1371

Introduced by

Representatives Hauck, Dockter, Heinert, Marschall, Vetter Senator Larson

A BILL for an Act to amend and recenact section 54-52.1-02 of the North Dakota Century Code,
relating to uniform group insurance program benefits for retired peace officers. for an Act to
provide for a legislative management study relating to providing uniform group insurance
program health insurance benefits coverage for retired peace officers.

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

6	— SECTION 1. AMENDMENT. Section 54-52.1-02 of the North Dakota Century Code is
7	amended and reenacted as follows:
8	54-52.1-02. Uniform group insurance program created - Formation into subgroups.
9	— 1. In order to promote the economy and efficiency of employment in the state's service,
10	reduce personnel turnover, and offer an incentive to high-grade individuals to enter
11	and remain in the service of state employment, there is oreated a uniform group
12	insurance program. The uniform group must be composed of eligible and retired
13	employees and peace officers, and be formed to provide hospital benefits coverage,
14	medical benefits coverage, and life insurance benefits coverage in the manner set
15	forth in this chapter.
16	— 2. The uniform group may be divided into the following subgroups at the discretion of the
17	board:
18	- 1. <u>a.</u> Medical and hospital benefits coverage group consisting of active eligible
19	employees and retired employees not eligible for Medicare, except for <u>peace</u>
20	officers and employees who first retire after July 1, 2015, and are not eligible for

1	Medicare on their retirement. In determining premiums for coverage under this
2	subsectionsubdivision for retired employees not eligible for Medicare, the rate for
3	a non-Medicare retiree single:
4	(1) Single plan is one hundred fifty percent of the active member single plan
5	rate, the rate for a non-Medicare retiree family:
6	(2) Family plan of two peopleindividuals is twice the non-Medicare retiree single
7	plan rate, and the rate for a non-Medicare retiree family; and
8	(3) Family plan of three or more persons individuals is two and one-half times
9	the non-Medicare retiree single plan-rate.
10	2. <u>b</u> In addition to the coverage provided in subsection 1 subdivision a, another
11	coverage option may be provided for retired employees not eligible for Medicare,
12	except for peace officers and employees who first retire after July 1, 2015, and
13	are not eligible for Medicare on their retirement, provided the option does not
14	increase the implicit subsidy as determined by the governmental accounting
15	standards board's other postemployment benefit reporting procedure. In offering
16	this additional option, the board may have an open enrollment but thereafter
17	enrollment for this option must be as specified in section 54-52.1-03.
18	3. c. Retired Medicare-eligible employee group medical and hospital benefits
19	coverage.
20	4. <u>d.</u> Active eligible employee life insurance benefits coverage.
21	5. <u>e.</u> Retired employee life insurance benefits coverage.
22	6. <u>f.</u> Terminated employee continuation group medical and hospital benefits coverage.
23	7. g. Terminated employee conversion group medical and hospital benefits coverage.
24	- 8. <u>h.</u> Dental benefits coverage.
25	9. <u>i.</u> Vision benefits coverage.
26	— 10. j. Long-term care benefits coverage.
27	— 11. <u>k.</u> Employee assistance benefits coverage.
28	— 12. <u>I. Prescription drug coverage.</u>
29	m. Medical and hospital benefits coverage group consisting of retired peace officers
30	who are not eligible for Medicare and who are eligible for retirement, as
31	determined by the peace officer's employer.

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As used in this section, a "peace officer" means a retiree who was a peace officer as defined in section 12-63-01 and was employed in a permanent position as a peace officer by this state or by a political subdivision of this state for thirty two hours or more per week, at least twenty weeks each year of employment, and for at least twenty years of employment, regardless of participation in a public employees retirement system program.

The board shall pay the full necessary and proper premium amount to the proper carrier on a monthly basis for a retired peace officer who is not eligible for Medicare but is eligible for retirement, as determined by the peace officer's employer, to receive coverage through the uniform group insurance program. The retired peace officer may not be charged by the board for any portion of the premium amount.

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - PUBLIC EMPLOYEES

RETIREMENT SYSTEM UNIFORM GROUP INSURANCE PROGRAM HEALTH INSURANCE

BENEFITS FOR RETIRED PEACE OFFICERS. During the 2025-26 interim, the legislative

management shall consider studying the impact of providing uniform group insurance program

health insurance benefits for retired peace officers. The study must include a thorough review of

benefits provided for peace officers and consideration of health insurance benefit options,

premium costs, eligibility requirements for retirement, years of service limitations, eligibility for

Medicare, potential costs to the state and political subdivisions, the effect of providing benefits

on recruitment and retention, any impact on the state's financial reporting of postemployment

benefit-related unfunded liability, and establishing a retired peace officer health insurance pool.

The legislative management shall reports its findings and recommendations, together with any

legislation necessary to implement the recommendations, to the seventieth legislative assembly.

Module ID: h_stcomrep_26_033 Carrier: Wolff Insert LC: 25.0558.02003 Title: 03000

REPORT OF STANDING COMMITTEE HB 1371

Government and Veterans Affairs Committee (Rep. Schauer, Chairman) recommends **AMENDMENTS (25.0558.02003)** and when so amended, recommends **DO NOT PASS** (6 YEAS, 5 NAYS, 3 ABSENT AND NOT VOTING). HB 1371 was placed on the Sixth order on the calendar.

25.0558.02002 Title. Prepared by the Legislative Council staff for Representative Hauck February 12, 2025

Sixty-ninth Legislative Assembly of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1371

Introduced by

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Representatives Hauck, Dockter, Heinert, Marschall, Vetter

Senator Larson

A BILL for an Act to amend and reenact section 54-52.1-02 of the North Dakota Century Code,
relating to uniform group insurance program benefits for retired peace officers for an Act to
provide for a legislative management study relating to providing uniform group insurance
program health insurance benefits coverage for retired peace officers.

SECTION 1. AMENDMENT. Section 54-52.1-02 of the North Dakota Century Code is

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

Sixty-ninth Legislative Assembly

1	Medicare on their retirement. In determining premiums for coverage under this-
2	subsectionsubdivision for retired employees not eligible for Medicare, the rate for-
3	a non-Medicare-retiree single:
4	(1) Single plan is one hundred fifty percent of the active member single-plan-
5	rate, the rate for a non-Medicare retiree family;
6	(2) Family plan of two peopleindividuals is twice the non-Medicare retiree single-
7	plan rate, and the rate for a non-Medicare retiree family; and
8	(3) Family plan of three or more persons individuals is two and one half times
9	the non-Medicare retiree single plan rate.
10	2. <u>b</u> In addition to the coverage provided in subsection 1 subdivision a, another-
11	coverage option may be provided for retired employees not eligible for Medicare,
12	except for peace officers and employees who first retire after July 1, 2015, and
13	are not eligible for Medicare on their retirement, provided the option does not
14	increase the implicit subsidy as determined by the governmental accounting-
15	standards board's other postemployment benefit reporting procedure. In offering-
16	this additional option, the board may have an open enrollment but thereafter
17	enrollment for this option must be as specified in section 54-52.1-03.
18	- 3. <u>e.</u> Retired Medicare eligible employee group medical and hospital benefits-
19	coverage.
20	4. <u>d.</u> Active eligible employee life insurance benefits coverage.
21	5. <u>e.</u> Retired employee life insurance benefits coverage.
22	6. <u>f.</u> Terminated employee continuation group medical and hospital benefits coverage.
23	7. g. Terminated employee conversion group medical and hospital benefits coverage.
24	
25	9. <u>i.</u> Vision benefits coverage.
26	— 10. <u>j.</u> Long-term care benefits coverage.
27	— 11. <u>k.</u> Employee assistance benefits coverage.
28	—12. <u>I. Prescription drug coverage.</u>
29	m. Medical and hospital benefits coverage group consisting of retired peace officers
30	who are not eligible for Medicare and who are eligible for retirement, as
31	determined by the peace officer's employer.

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As used in this section, a "peace officer" means a retiree who was a peace officer as defined in section 12-63-01 and was employed in a permanent position as a peace officer by this state or by a political subdivision of this state for thirty two hours or more per week, at least twenty weeks each year of employment, and for at least twenty years of employment, regardless of participation in a public employees retirement system program.

The board shall pay the full necessary and proper premium amount to the proper carrier on a monthly basis for a retired peace officer who is not eligible for Medicare but is eligible for retirement, as determined by the peace officer's employer, to receive coverage through the uniform group insurance program. The retired peace officer may not be charged by the board for any portion of the premium amount.

RETIREMENT SYSTEM UNIFORM GROUP INSURANCE PROGRAM HEALTH INSURANCE
BENEFITS FOR RETIRED PEACE OFFICERS. During the 2025-26 interim, the legislative
management shall consider studying the impact of providing uniform group insurance program
health insurance benefits for retired peace officers. The study must include a thorough review of
benefits provided for peace officers and retired peace officers currently and consideration of
health insurance benefit options, premium costs, eligibility requirements for retirement, years of
service limitations, eligibility for Medicare, potential costs to the state and political subdivisions,
the effect of providing benefits on recruitment and retention, and establishing a retired peace
officer health insurance pool. The legislative management shall reports its findings and
recommendations, together with any legislation necessary to implement the recommendations,

Gor report will include

to the seventieth legislative assembly.

impact on state 3 financial reporting of

2025 SENATE STATE AND LOCAL GOVERNMENT
HB 1371

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee

Room JW216, State Capitol

HB 1371 3/20/2025

Relating to providing uniform group insurance program health insurance benefits coverage for retired peace officers.

2:35 p.m. Chair Roers called the hearing to order.

Members Present: Chairman Roers; Vice Chair Castaneda; Senators: Barta, Lee and Walen.

Members Absent: Senator Braunberger

Discussion Topics:

- Recruitment and retention
- Reward for commitment
- 2:35 p.m. Representative Hauck, District #36, introduced the bill and submitted testimony #43297.
- 2:36 p.m. Stephanie Engebretson, Chiefs of Police Association, testified in favor.
- 2:37 p.m. Calvin Benson, Lobbyist Peace Officer Association, testified in favor.
- 2:38 p.m. Rebecca Fricke, Executive Director NDPERS, testified neutral and submitted testimony #41534.
- 2:44 p.m. Chair Roers closed the hearing.

Susan Helbling, Committee Clerk

TESTIMONY OF REBECCA FRICKE

House Bill 1371 – Pre-Medicare Plan Coverage for Retired Peace Officers

Good afternoon, Madame Chair and members of the committee. My name is Rebecca Fricke and I am the Executive Director of the North Dakota Public Employees Retirement System, or NDPERS. I appreciate the committee taking the time to analyze House Bill 1371, which was amended in the House to be a "shall consider" study regarding providing pre-Medicare NDPERS health insurance coverage to eligible retired peace officers.

I am here today on behalf of the NDPERS Board to provide information in a neutral capacity so the policy makers are able to make an informed decision regarding the bill.

The bill as introduced would have required NDPERS to re-open our pre-Medicare retiree health insurance plan to retired peace officers with 20 years of employment as a peace officer if they are not yet eligible for Medicare. The bill also required that the retiree not be charged any portion of premium towards the coverage. My testimony uploaded for the House Government and Veteran's Affairs Committee's consideration discussed potential costs and also information on why the pre-Medicare retiree plan was closed by legislators to NDPERS retirees, including peace officers, effective July 1, 2015. This was due to reporting requirements of unfunded liabilities that had an impact on the State's financial statements.

Given this bill has been amended to be a "shall consider" study, NDPERS will certainly participate in the study should legislative management opt to have the study occur during the interim.

Madame Chair, I welcome any questions that the committee may have.



North Dakota House of Representatives

STATE CAPITOL 600 EAST BOULEVARD BISMARCK, ND 58505-0360



Representative Dori Hauck

District 36 2461 81st Avenue SW Hebron, ND 58638-9510 dorihauck@ndlegis.gov COMMITTEES: Education Agriculture (Vice Chair)

March 20, 2025

HB1371 Peace Office Health Insurance

Thank you, Chair Roers and Members of the State and Local Government Committee

HB1371 asks for an interim study on a recruitment and retention tool for North Dakota peace officers.

Offered to the House Government and Veteran Affairs committee as a recruitment tool, HB1371 sought to provide health insurance benefits for peace officers with a minimum of 20 years of service to North Dakota and retire before being eligible for Medicare. Per retirement eligibility, the bill was aimed at peace officers between the ages of 55 and Medicare eligible.

As with almost every North Dakota industry, we do not have a surplus of peace officers. It was agreed this bill is an opportunity to reward peace officers for their commitment to North Dakota.

We have limited hours and days during the regular session and the committee posed good options to consider. However, due to the detailed PERS analysis necessary to make a great decision and the limited time we have during regular session, this bill was amended into a study. More time is necessary to review a variety of options including minimum age, minimum service, maximum duration and options for full or partial funding.

Chair Roers and Committee Members, Peace officers are trained to be on alert and maintain safety for the greater good and this mindset does end when the shift is over. These individuals are asked to stand in the gap at a moment's notice. I respectfully ask you to support the Shall Consider study so the interim committee may determine the positive impact these benefits will have on the peace officer career within North Dakota.

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee

Room JW216, State Capitol

HB 1371 3/20/2025

Relating to providing uniform group insurance program health insurance benefits coverage for retired peace officers.

4:24 p.m. Chair Roers called the hearing to order.

Members Present: Chairman Roers; Vice Chair Castaneda; Senators: Lee and Walen.

Members Absent: Senator Braunberger and Senator Barta

Discussion Topics:

• Committee Action

4:24 p.m. Senator Walen moved Do Pass.

4:24 p.m. Senator Castaneda seconded the motion.

Senators	Vote
Senator Kristin Roers	Υ
Senator Jose L. Castaneda	Υ
Senator Jeff Barta	AB
Senator Ryan Braunberger	AB
Senator Judy Lee	Υ
Senator Chuck Walen	Υ

Motion Passed 4-0-2

Senator Walen will carry the bill.

4:27 p.m. Chair Roers closed the hearing.

Susan Helbling, Committee Clerk

REPORT OF STANDING COMMITTEE ENGROSSED HB 1371 (25.0558.03000)

Module ID: s_stcomrep_44_025

Carrier: Walen

State and Local Government Committee (Sen. Roers, Chairman) recommends DO PASS (4 YEAS, 0 NAYS, 2 ABSENT OR EXCUSED AND NOT VOTING). HB 1371 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.