

Sixty-seventh  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2130

Introduced by

Senators Lee, Anderson, Dever

Representatives Keiser, Meier, Weisz

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

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

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

8 **26.1-36-01.1. Scope - Accident and health insurance policy mandates.**

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

13 **SECTION 2. AMENDMENT.** Section 54-03-28 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15 **54-03-28. Health insurance mandated coverage of services - Cost-benefit analysis**  
16 **requirement.**

- 17 1. Alf the legislative management determines a legislative measure mandating mandates  
18 health insurance coverage of services or payment for specified providers of services,  
19 the measure may not be acted on by any committee of the legislative assembly unless  
20 the measure is accompanied by a cost-benefit analysis provided by the legislative  
21 council; referred to a committee of the legislative assembly unless a cost-benefit  
22 analysis provided by the legislative management is appended to that measure.  
23 a. If a committee of the legislative assembly determines a measure mandating  
24 health insurance coverage of services or payment of specified providers was

1           referred to committee without a cost-benefit analysis, the committee shall request  
2           the legislative management provide a cost-benefit analysis. The committee may  
3           not act on the measure unless the measure is accompanied by the cost-benefit  
4           analysis.

5           b. If a committee of the legislative assembly determines a proposed amendment to  
6           a measure mandates health insurance coverage of services or payment of  
7           specified providers, the committee may not act on the proposed amendment  
8           unless the amendment is accompanied by a cost-benefit analysis or amended  
9           cost-benefit analysis provided by the legislative management.

10          2. Factors to consider in this~~considered in the cost-benefit analysis~~ must include:

- 11           a. The extent to which the proposed mandate would increase or decrease the cost  
12           of the service.
- 13           b. The extent to which the proposed mandate would increase the appropriate use of  
14           the service.
- 15           c. The extent to which the proposed mandate would increase or decrease the  
16           administrative expenses of insurers and the premium and administrative  
17           expenses of insureds.
- 18           d. The impact of the proposed mandate on the total cost of health care.

19          2-3. A committee of the legislative assembly may not act on a legislative measure  
20          ~~mandating that the legislative management or committee determines mandates~~ health  
21          insurance coverage of services or payment for specified providers of services may not  
22          ~~be acted on by any committee of the legislative assembly~~ unless the measure as  
23          recommended by the committee provides:

- 24           a. The measure is effective through June thirtieth of the next odd-numbered year  
25           following the year in which the legislative assembly enacted the measure, and  
26           after that date the measure is ineffective.
- 27           b. The application of the mandate is limited to the public employees health  
28           insurance program and the public employee retiree health insurance program.  
29           The application of such mandate begins with every contract for health insurance  
30           which becomes effective after June thirtieth of the year in which the measure  
31           becomes effective.

1           c. That for the next legislative assembly, the public employees retirement system  
2           shall prepare and request introduction of a bill to repeal the expiration date and to  
3           extend the mandated coverage or payment to apply to accident and health  
4           insurance policies. The public employees retirement system shall append to the  
5           bill a report regarding the effect of the mandated coverage or payment on the  
6           system's health insurance programs. The report must include information on the  
7           utilization and costs relating to the mandated coverage or payment and a  
8           recommendation on whether the coverage or payment should continue. For  
9           purposes of this section, the bill is not a legislative measure mandating health  
10          insurance coverage of services or payment for specified providers of services,  
11          unless the bill is amended following introduction so as to change the bill's  
12          mandate.

13       ~~3. A majority of the members of the committee, acting through the chairman, has sole~~  
14       ~~authority to determine whether a legislative measure mandates coverage of services~~  
15       ~~under this section.~~

16       ~~4. Any amendment made during a legislative session to a measure which mandates~~  
17       ~~health insurance coverage of services may not be acted on by a committee of the~~  
18       ~~legislative assembly unless the amendment is accompanied by a cost-benefit analysis~~  
19       ~~provided by the legislative council. The legislative management shall adopt a procedure~~  
20       ~~for identifying measures and proposed measures mandating health insurance~~  
21       ~~coverage of services or payment for specified providers of services. The procedure~~  
22       ~~must include solicitation of draft measures and proposals during the interim between~~  
23       ~~legislative sessions from legislators and agencies with bill introduction privileges and~~  
24       ~~must include deadlines for identification of the measures or proposals.~~

25       5. The legislative council shall contract with a private entity, after receiving one or more  
26       recommendations from the insurance commissioner, to provide the legislative  
27       management the cost-benefit analysis required by this section. The insurance  
28       commissioner shall pay the cost of the contracted services to the entity providing the  
29       services.

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

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