

**SENATE BILL NO. 2130**

Introduced by

Senators Lee, Anderson, Dever

Representatives Keiser, Meier, Weisz

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

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

4 **SECTION 1. AMENDMENT.** Section 54-03-28 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **54-03-28. Health insurance mandated coverage of services - Cost-benefit analysis**  
7 **requirement.**

8 1. ~~Alf the legislative management determines a legislative measure mandating mandates~~  
9 ~~health insurance coverage of services or payment for specified providers of services,~~  
10 ~~the measure may not be acted on by any committee of the legislative assembly unless~~  
11 ~~the measure is accompanied by a cost benefit analysis provided by the legislative~~  
12 ~~council;referred to a committee of the legislative assembly unless a cost-benefit~~  
13 ~~analysis provided by the legislative management is appended to that measure.~~

14 a. ~~If a committee of the legislative assembly determines a measure mandating~~  
15 ~~health insurance coverage of services or payment of specified providers was~~  
16 ~~referred to committee without a cost-benefit analysis, the committee shall request~~  
17 ~~the legislative management provide a cost-benefit analysis. The committee may~~  
18 ~~not act on the measure unless the measure is accompanied by the cost-benefit~~  
19 ~~analysis.~~

20 b. ~~If a committee of the legislative assembly determines a proposed amendment to~~  
21 ~~a measure mandates health insurance coverage of services or payment of~~  
22 ~~specified providers, the committee may not act on the proposed amendment~~  
23 ~~unless the amendment is accompanied by a cost-benefit analysis or amended~~  
24 ~~cost-benefit analysis provided by the legislative management.~~

- 1        2. Factors ~~to consider in this~~ considered in the cost-benefit analysis must include:
- 2            a. The extent to which the proposed mandate would increase or decrease the cost
- 3            of the service.
- 4            b. The extent to which the proposed mandate would increase the appropriate use of
- 5            the service.
- 6            c. The extent to which the proposed mandate would increase or decrease the
- 7            administrative expenses of insurers and the premium and administrative
- 8            expenses of insureds.
- 9            d. The impact of the proposed mandate on the total cost of health care.
- 10        2.3. ~~A committee of the legislative assembly may not act on a legislative measure~~
- 11            mandating the legislative management or committee determines mandates health
- 12            insurance coverage of services or payment for specified providers of services ~~may not~~
- 13            ~~be acted on by any committee of the legislative assembly~~ unless the measure as
- 14            recommended by the committee provides:
- 15            a. The measure is effective through June thirtieth of the next odd-numbered year
- 16            following the year in which the legislative assembly enacted the measure, and
- 17            after that date the measure is ineffective.
- 18            b. The application of the mandate is limited to the public employees health
- 19            insurance program and the public employee retiree health insurance program.
- 20            The application of such mandate begins with every contract for health insurance
- 21            which becomes effective after June thirtieth of the year in which the measure
- 22            becomes effective.
- 23            c. That for the next legislative assembly, the public employees retirement system
- 24            shall prepare and request introduction of a bill to repeal the expiration date and to
- 25            extend the mandated coverage or payment to apply to accident and health
- 26            insurance policies. The public employees retirement system shall append to the
- 27            bill a report regarding the effect of the mandated coverage or payment on the
- 28            system's health insurance programs. The report must include information on the
- 29            utilization and costs relating to the mandated coverage or payment and a
- 30            recommendation on whether the coverage or payment should continue. For
- 31            purposes of this section, the bill is not a legislative measure mandating health

1 insurance coverage of services or payment for specified providers of services,  
2 unless the bill is amended following introduction so as to change the bill's  
3 mandate.

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

7 ~~4. Any amendment made during a legislative session to a measure which mandates~~  
8 ~~health insurance coverage of services may not be acted on by a committee of the~~  
9 ~~legislative assembly unless the amendment is accompanied by a cost-benefit analysis~~  
10 ~~provided by the legislative council.~~The legislative management shall adopt a procedure  
11 for identifying measures and proposed measures mandating health insurance  
12 coverage of services or payment for specified providers of services. The procedure  
13 may include solicitation of draft measures and proposals during the interim between  
14 legislative sessions from legislators and agencies with bill introduction privileges and  
15 may include deadlines for identification of the measures or proposals.

16 5. The legislative council shall contract with a private entity, after receiving one or more  
17 recommendations from the insurance commissioner, to provide the legislative  
18 management the cost-benefit analysis required by this section. The insurance  
19 commissioner shall pay the cost of the contracted services to the entity providing the  
20 services.