

**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 mandatingmandates~~  
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 that 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 ~~must~~ include solicitation of draft measures and proposals during the interim  
14 between legislative sessions from legislators and agencies with bill introduction  
15 privileges and may ~~must~~ include deadlines for identification of the measures or  
16 proposals.

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