

N.D.A.G. Letter to Person (Aug. 29, 1985)

August 29, 1985

Mr. Alan Person
Executive Director
North Dakota Public Employees
Retirement System
1930 Burnt Boat Drive
P. O. Box 1214
Bismarck, ND 58502

Dear Mr. Person:

Thank you for your letter of August 12, 1985, concerning the scope of the 1985 Legislative amendments to N.D.C.C. §54-52.1-03 concerning participation in the state health group plan by former legislators of this state.

The key language contained in the 1985 amendment to N.D.C.C. §54-52.1-03, as found in 1985 N.D. Sess. Laws 588, is as follows:

A member or former member of the legislative assembly may elect to continue membership in the uniform group within the applicable time limitations after either termination of eligible employment as a member of the legislative assembly or termination of other eligible employment.

It should be noted that the statutory language uses the phrase "continue membership" as opposed to other language suggesting re-enrollment or other steps needed to enroll in a plan in which they had otherwise not been participating at the time this law took effect. Thus, the conclusion is drawn that the amendment to this particular statute allows members or former members of the Legislative Assembly to continue membership in the plan following termination of their employment. The amendment does not provide for a re-enrollment period or for other participation which does not involve continuation of membership in the plan as of July 1, 1985.

This conclusion is supported by a review of the minutes of the committee hearing held on this particular bill by the 1985 Legislative Assembly. Testimony was provided at the various committee hearings indicating the only intent of this bill was to allow former legislators to remain on the state employees group insurance plan. There is no indication that the intent of the Legislature was to allow new participation by members who were no longer members of the plan at the time this bill took effect.

Sincerely,

Nicholas J. Spaeth

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