

**OPINION
71-329**

August 25, 1971 (OPINION)

Mr. Tor Hegland

Executive Director

North Dakota Public Employees

Retirement System

RE: State - Group Insurance - Life Insurance

This is in response to your letter in which you refer to an opinion issued by this office on August 9, 1971, and its conclusion and then state the following:

"It has come to my attention that approximately 1,500 state employees, primarily female employees, are covered by hospital-surgical and major medical insurance under their husbands' contract. In accordance with your opinion, these state employees would not be entitled to the state contribution of \$7.50 per month when they do not apply for the hospital-surgical, major medical coverage.

"If the group insurance provided for a spouse is equal to the Blue Cross-Blue Shield plan, the question has come up whether these state employees who do not qualify for the \$7.50 state contribution, would not qualify for the \$1,000 basic group life plan and if so, that they would receive the 56 cents per month state contribution for membership in this part of the group plan."

In the opinion of August 9 we were not informed of the situation above, nor did we take those factors into consideration. We were primarily concerned whether or not a person could elect not to carry medical and hospital coverage, but only life insurance coverage.

In reviewing the history of the provisions of chapter 54-52.1, known as the Uniform Group Insurance Program, it appears that the legislature deemed it advisable and beneficial for state employees to carry a basic medical and hospital coverage and life insurance.

The Retirement Board apparently allowed an option for an employee to carry either a family type coverage for either spouse or a single type coverage.

If either the husband or wife selected family coverage, including the other spouse, both would be included in the basic medical and hospital coverage under one policy. Similarly, a spouse covered by a nonstate employee spouse's policy would have basic coverage.

Under such program, the spouse, under a family type coverage, has the basic coverage except for life insurance coverage and would thus qualify for the basic \$1,000 life insurance coverage.

It is therefore our opinion that where a spouse is covered by the basic policy of the other spouse, for medical and hospital coverage as stated in your letter, the spouse so covered would qualify for the basic life insurance coverage of \$1,000 and the state can contribute 56 cents per month in the same manner as it contributes to other employees for such life insurance coverage. The opinion of August 9, 1971, is accordingly modified.

HELGI JOHANNESON

Attorney General