**AMENDMENT TO EMPLOYER PARTICIPATION AGREEMENT**

**IN THE NORTH DAKOTA PUBLIC EMPLOYEES RETIREMENT SYSTEM**

**GROUP HEALTH INSURANCE PLAN**

This Amendment applies to the Employer Participation Agreement in the North Dakota Public Employees Retirement System Group Health Plan (AGREEMENT) between the North Dakota Public Employees Retirement System (NDPERS) and each political subdivision employer (EMPLOYER) participating within Group Health Insurance Plan. This amendment is being adopted in accordance with section IX of the AGREEMENT, which provides that the AGREEMENT may be amended by NDPERS upon sixty days written notice to the EMPLOYER.  Each EMPLOYER is hereby served with written notice of the amendment to the AGREEMENT, and the terms of this amendment shall be in full force and effect upon sixty days from this service. If any of the following terms and conditions are found to be in conflict with any other terms and conditions between the parties, the following terms and conditions will control the rights and obligations of the parties. All other terms and conditions between the parties that will be directly affected by the following terms and conditions shall be interpreted and modified in such a way that is consistent with the following terms and conditions.

Subsection F of section IV of the AGREEMENT (or any other numbered sub-section as may be appropriate) shall be amended to include the following language:

Employers shall provide notice to NDPERS at least 90 days prior to any employer election which would have the effect of reducing the amount of their current employer contribution. If such an employer election is to take effect before April 1, 2011, and NDPERS determines that the amount of the reduction would cause the entire plan to lose its grandfathered status under the federal law, NDPERS shall have the authority to move the political subdivision, as of July 1, 2011, into a non-grandfathered plan with premiums adjusted at the discretion of the board. If such an employer election is to take effect on or after April 1, 2011, and NDPERS determines that the amount of the reduction would cause the entire plan to lose its grandfathered status under the federal law, NDPERS shall have the authority, upon 60 days notice, to move the political subdivision into a non-grandfathered plan with premiums adjusted at the discretion of the NDPERS board.

The remaining provisions of the AGREEMENT remain in full force and effect.

North Dakota Public Employees Retirement System (NDPERS):

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_