

**JOURNAL OF THE HOUSE****Fifty-eighth Legislative Assembly**

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**Bismarck, March 26, 2003**

The House convened at 1:00 p.m., with Speaker Wentz presiding.

The prayer was offered by Rev. Troy Shirley, Campus Crusade for Christ, Bismarck.

The roll was called and all members were present except Representatives Belter and Onstad.

A quorum was declared by the Speaker.

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on March 25, 2003, I have signed the following: HB 1031, HB 1071, HB 1083, HB 1090, HB 1095, HB 1113, HB 1117, HB 1146, HB 1163, HB 1185, HB 1193, HB 1214, HB 1224, HB 1258, HB 1259, HB 1267, HB 1334, HB 1338, HB 1374, HB 1383, HB 1444, HB 1457, HB 1480, and HB 1481.

**SIXTH ORDER OF BUSINESS**

**REP. BERG MOVED** that the amendments on the Sixth order of business to SB 2254, SB 2311, SB 2323 and SCR 4010 be adopted, which motion prevailed.

SB 2254, SB 2311, SB 2323 and SCR 4010, as amended, were placed on the Fourteenth order of business on the calendar.

**SEVENTH ORDER OF BUSINESS****MOTION**

**REP. DEVLIN MOVED** that the report of the Minority as printed on HJ pages 1044-1045 be substituted for the report of the Majority on Engrossed SB 2394.

**REQUEST**

**REP. DEVLIN REQUESTED** a recorded roll call vote on the motion that the report of the Minority be substituted for the report of the Majority on Engrossed SB 2394, which request was granted.

**ROLL CALL**

The question being on the motion that the report of the Minority be substituted for the report of the Majority on Engrossed SB 2394, the roll was called and there were 41 YEAS, 51 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Boe; Boucher; Brusegaard; DeKrey; Delmore; Delzer; Devlin; Eckre; Glassheim; Grosz; Gulleon; Headland; Johnson, D.; Kelsh, S.; Kempenich; Kingsbury; Kreidt; Kretschmar; Maragos; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Pietsch; Pollert; Price; Schmidt; Severson; Sitte; Skarphol; Solberg; Uglem; Weisz; Wikenheiser; Williams; Wrangham

**NAYS:** Bellew; Berg; Bernstein; Boehning; Carlisle; Carlson; Clark; Dosch; Drovdal; Ekstrom; Froelich; Froeth; Galvin; Grande; Haas; Hanson; Hawken; Herbel; Hunsakor; Iverson; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kerzman; Klein, F.; Klein, M.; Klemin; Koppelman; Kroeber; Meier; Norland; Nottestad; Porter; Potter; Rennerfeldt; Ruby; Sandvig; Svedjan; Thoreson; Thorpe; Tieman; Timm; Wald; Warner; Warnke; Weiler; Wieland; Winrich; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Belter; Onstad

The motion that the report of the Minority be substituted for the report of the Majority on Engrossed SB 2394 failed, therefore, the report of the Majority was adopted.

**MOTION**

**REP. BERG MOVED** that SB 2160, SB 2245, SB 2246, SB 2048, SB 2261, SB 2052, SB 2228, SB 2331, SB 2417, SCR 4009, SCR 4032, and SB 2288 be placed at the top of the calendar, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2160:** A BILL for an Act to create and enact sections 14-09-08.20, 14-09-09.32, 14-09-09.33, and 14-09-09.34, a new section to chapter 34-15, and a new section to chapter 50-09 of the North Dakota Century Code, relating to medical support, agreements to waive child support, judicial offsets of child support, income payer duties, and cooperative agreements for child support enforcement services; to amend and reenact sections 14-09-08.11, 14-09-09.13, and 14-09-09.15, subsections 1 and 9 of section 14-09-09.16, and sections 14-09-09.17, 14-09-09.30, and 26.1-36.5-03 of the North Dakota Century Code, relating to child support, medical support, and past-due child support; to provide a continuing appropriation; to provide for a report; to provide an effective date; and to provide an expiration date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gullekson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Belter; Onstad

Engrossed SB 2160, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2245:** A BILL for an Act to create and enact a new section to chapter 50-09 of the North Dakota Century Code, relating to disclosure of the identity of child support obligors.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 66 YEAS, 26 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Berg; Bernstein; Boehning; Carlisle; Carlson; Clark; Delmore; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Glassheim; Grande; Grosz; Gullekson; Hanson; Hawken; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Pietsch; Porter; Price; Rennerfeldt; Sandvig; Severson; Sitte; Svedjan; Thoreson; Tieman; Uglem; Warner; Warnke; Weiler; Wieland; Wikenheiser; Williams; Speaker Wentz

**NAYS:** Bellew; Boe; Boucher; Brusegaard; DeKrey; Delzer; Devlin; Galvin; Haas; Headland; Kasper; Klein, F.; Niemeier; Pollert; Potter; Ruby; Schmidt; Skarphol; Solberg; Thorpe; Timm; Wald; Weisz; Winrich; Wrangham; Zaiser

**ABSENT AND NOT VOTING:** Belter; Onstad

SB 2245, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2246:** A BILL for an Act to create and enact a new subsection to section 14-09-09.3 and a new section to chapter 50-09 of the North Dakota Century Code, relating to late fees charged to a child support income payer and the withholding, restriction, or suspension of licenses, permits, and registrations for failure to pay child support or comply with a subpoena; and to amend and reenact subsection 3 of section 14-09-08.1, subsection 2 of section 14-09-08.16, subsection 2 of section 14-09-09.3, and subsection 6 of section

14-09-25 of the North Dakota Century Code, relating to notice of child support arrears, duties and responsibilities of a child support income payer, and judgment interest for past-due child support.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 53 YEAS, 39 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Berg; Boehning; Boucher; Carlisle; Clark; Delmore; Devlin; Eckre; Ekstrom; Froelich; Glassheim; Guleson; Hanson; Hawken; Herbel; Hunskor; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kerzman; Kingsbury; Klein, M.; Koppelman; Kreidt; Kroeber; Maragos; Metcalf; Mueller; Nelson; Nicholas; Norland; Nottestad; Pietsch; Porter; Potter; Price; Sandvig; Severson; Skarphol; Svedjan; Tieman; Uglem; Warner; Warnke; Wieland; Wikenheiser; Williams; Winrich; Zaiser; Speaker Wentz

**NAYS:** Bellew; Bernstein; Boe; Brusegaard; Carlson; DeKrey; Delzer; Dosch; Drovda; Froseth; Galvin; Grande; Grosz; Haas; Headland; Iverson; Kasper; Kelsch, S.; Kempenich; Klein, F.; Klemin; Kretschmar; Martinson; Meier; Monson; Niemeier; Pollert; Rennerfeldt; Ruby; Schmidt; Sitte; Solberg; Thoreson; Thorpe; Timm; Wald; Weiler; Weisz; Wrangham

**ABSENT AND NOT VOTING:** Belter; Onstad

SB 2246, as amended, passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2048:** A BILL for an Act to create and enact a new section to chapter 20.1-03 and a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to resident waterfowl licenses; and to amend and reenact sections 20.1-03-07.1 and 20.1-08-04 of the North Dakota Century Code, relating to a limitation on the number of nonresident waterfowl hunters.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 45 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Berg; Bernstein; Boe; Boehning; Boucher; Carlisle; Carlson; Clark; Delmore; Dosch; Eckre; Glassheim; Grande; Hanson; Hawken; Johnson, D.; Kasper; Kelsch, R.; Kelsch, S.; Kerzman; Koppelman; Kretschmar; Kroeber; Maragos; Meier; Metcalf; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Pietsch; Porter; Potter; Price; Solberg; Svedjan; Thorpe; Timm; Warnke; Weiler; Wieland; Williams; Winrich; Zaiser

**NAYS:** Amerman; Bellew; Brusegaard; DeKrey; Delzer; Devlin; Drovda; Ekstrom; Froelich; Froseth; Galvin; Grosz; Guleson; Haas; Headland; Herbel; Hunskor; Iverson; Johnson, N.; Keiser; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Kreidt; Martinson; Monson; Pollert; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Thoreson; Tieman; Uglem; Wald; Warner; Weisz; Wikenheiser; Wrangham; Speaker Wentz

**ABSENT AND NOT VOTING:** Belter; Onstad

Engrossed SB 2048, as amended, lost.

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Let the record show that Rep. Iverson intended to vote yea on SB 2048.

#### FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Monson, R. Kelsch, Skarphol and Sens. Freborg, Holmberg, Robinson introduced:  
(Approved by the Delayed Bills Committee)

**HCR 3079:** A concurrent resolution urging Congress to continue the Schools and Libraries Universal Service Support Mechanism, more commonly known as the e-rate program.

Was read the first time and referred to the **Education Committee**.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1416, HCR 3027, HCR 3040, HCR 3041, HCR 3053.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1416**

Page 1, line 1, remove "subsection 6 of"

Page 1, replace lines 5 through 13 with:

**"SECTION 1. AMENDMENT.** Section 55-08-05 of the North Dakota Century Code is amended and reenacted as follows:

**55-08-05. Charges for services.** The director ~~is hereby authorized to~~ may provide special services within state parks, state campgrounds, state recreation areas, and reserves; provide special technical assistance services; and ~~to make rules and regulations~~ for the use of ~~such~~ those services. The director shall establish and cause to be collected charges, fees, and rentals for the use of all ~~such~~ special services, and shall revise the same, when necessary, in ~~such~~ the manner that the revenue derived ~~therefrom~~ will be sufficient to pay the cost of providing each ~~such~~ service and to pay the principal of and interest on all bonds issued for projects furnishing the facilities for ~~any such~~ the services, and to maintain a reserve for the security of ~~said the bonds as herein provided~~. The director may waive the collection of charges, fees, and rentals for the use of ~~all such~~ special services by health care-related charitable organizations conducting group camp activities without charge to participants. However, the director shall waive the collection of charges, fees, and rentals for the use of all special services by any care-related charitable organization sponsoring or conducting summer group camp activities without charge for fourteen days for children from age eight through age fourteen who have diabetes. Nothing in this section requires the director to provide camp services if the camp facilities are otherwise closed due to adverse administrative or fiscal impacts upon the department. Specifically, ~~but without limitation of said general authorization,~~ the director may:

1. Provide special parking space for automobiles or other motor-driven vehicles in any state park or state recreation area.
2. Provide special parking spurs and campgrounds for automobiles and sites for tent camping and special auto trailer coach parking spaces for the use of the individual charged for ~~such~~ the space according to the daily rate which must be determined and fixed by the director consistent with the type of facility provided for the accommodation of visitors in any particular park and with similar facilities offered for tourist camping in the area.
3. Charge a fee for entrance to any pageant grounds ~~which may be~~ created in any state park, state recreation area, or reserve for the purpose of having historical or other pageants conducted by the agent of any authorized agency.
4. Provide water, sewer, and electric service to trailer or tent campsites and buildings and structures included in projects authorized by the legislative assembly.
5. Provide facilities for the sale to the public of food, nonintoxicating beverages, except beer and wine sales as provided in ~~subsection~~ subsections 6 and 7, and other merchandise and personal services of a suitable nature, and make buildings, structures, and other recreational facilities available for use and occupancy by the public, or contract for the lease of ~~any such~~ the buildings, structures, and facilities to a concessionaire to be operated on ~~such~~ the terms and compensation basis as the director determines to be in the best interest of the state. A bond must be required of each concessionaire in ~~such~~ the amount ~~as~~ the director determines, conditioned upon the faithful performance of all duties under the lease and proper accounting for all funds.
6. Allow the sale of beer and wine by concessionaires on property leased to the department by the United States department of the army, corps of engineers, ~~provided if~~ the concessionaire also obtains the appropriate local and state licenses required by section 5-02-01.
7. Allow the sale of on-sale beer and wine by operating, liquor-licensed concessionaires for fourteen events per year on property under the management of the director which borders the Missouri river and which is within fifteen miles [24.14 kilometers] of a city with a population in excess of twenty thousand, if the concessionaire also obtains the appropriate local and state licenses required by section 5-02-01.

8. Charge and collect motor vehicle permit fees in the amounts prescribed by the legislative assembly, which fees are and must be imposed for the sole purposes of paying capital costs of projects required to provide the special services herein described and referred to, and of meeting the principal and interest and reserve requirements of bonds issued to finance such projects.
8. 9. Charge a fee for providing special technical assistance to groups requesting information from the natural heritage inventory data base."

Renumber accordingly

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE CONCURRENT**

Page 1, line 3, replace "veterans" with "veterans"

Page 1, line 6, after "veterans" insert ", proper flag etiquette, and the continued necessity of participation in the armed services"

Page 1, after line 11, insert:

**"WHEREAS**, the flag is symbolic of the freedom our veterans' contributions and sacrifices have provided and which our armed forces continue to defend; and"

Page 1, line 20, after the comma insert "the proper etiquette and use of the flag," after the first "the" insert "continued", and after the second "of" insert "and participation in"

Page 1, line 25, replace "veterans" with "veterans"

Page 2, line 3, after "veterans" insert ", proper flag etiquette, and the continued need for participation in the armed services"

Page 2, after line 4, insert:

**"BE IT FURTHER RESOLVED**, that veterans' organizations be requested to provide written information to public events facilities throughout the state regarding proper flag etiquette and use; and"

Renumber accordingly

#### **SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3040**

Page 2, line 20, replace "Missouri River" with "Northwestern"

Renumber accordingly

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE**

Page 1, line 25, after the semicolon insert "and

**WHEREAS**, the United States Congress enacted a Demonstration Lakes Initiative of which Lake Sakakawea is designated a pilot lake;"

Page 2, after line 7, insert:

**"BE IT FURTHER RESOLVED**, that the Fifty-eighth Legislative Assembly urges the President of the United States, the Secretary of the Army, and the United States Army Corps of Engineers to continue to improve, rehabilitate, and repair sites and facilities on Lake Sakakawea under the provisions of the Demonstration Lakes Initiative; and"

Renumber accordingly

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE CONCURRENT**

Page 1, line 1, after the second "the" insert "state's" and replace "powers of the" with "management system, the impact of federal emergency reorganization on the state's emergency operations plan, and the emergency management preparedness of state agencies and local governments."

Page 1, remove line 2

Page 1, after line 5, insert:

"WHEREAS, the North Dakota disaster act gives the governor broad, but appropriate, powers in the event of a disaster or emergency; and"

Page 1, line 8, remove "on the state"

Page 1, line 9, remove "level" and replace "current emergency powers of the executive branch of" with "the state emergency management system, the impact of federal reorganization on the state's emergency operations plan, and the ability of state agencies and local governments to carry out that plan and"

Page 1, line 10, remove "government to"

Page 1, line 14, after the second "the" insert "state's" and replace "powers of the executive branch" with "management system, the impact of federal emergency management reorganization on the state's emergency operations plan, and the emergency management preparedness of state agencies and local governments"

Renumber accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The Senate has failed to pass: HB 1274, HB 1475.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The Senate has passed unchanged: HB 1371, HB 1404, HB 1424, HCR 3008, HCR 3023, HCR 3055, HCR 3056, HCR 3063, HCR 3076.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The President has signed: HB 1238, HB 1263, HB 1299, HB 1423, HCR 3038, HCR 3048, HCR 3062, HCR 3064, HCR 3075.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2196.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The President has signed: HB 1105.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The President has signed: HCR 3073.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The President has signed: HB 1052, HB 1056, HB 1062, HB 1073, HB 1082, HB 1101, HB 1168, HB 1195, HB 1200, HB 1215, HB 1227, HB 1235, HB 1237, HB 1239, HB 1249, HB 1252, HB 1261, HB 1268, HB 1277, HB 1316, HB 1322, HB 1331, HB 1336, HB 1382, HB 1410, HB 1498, HCR 3015, HCR 3019, HCR 3020, HCR 3025, HCR 3028, HCR 3031, HCR 3032, HCR 3036, HCR 3042, HCR 3050, HCR 3052, HCR 3054, HCR 3060, HCR 3072.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolutions were delivered to the Secretary of State for filing on March 26, 2003: HCR 3015, HCR 3019, HCR 3020, HCR 3025, HCR 3028, HCR 3031, HCR 3032, HCR 3036, HCR 3042, HCR 3050, HCR 3052, HCR 3054, HCR 3060, HCR 3072, HCR 3073.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2160, SB 2245, SB 2246.

**REPORT OF STANDING COMMITTEE**

**SB 2029, as engrossed:** Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2029 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 54-03-28 of the North Dakota Century Code, relating to legislative measures mandating health insurance coverage of services.

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

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

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

1. A legislative measure mandating health insurance coverage of services or payment for specified providers of services may not be acted on by any committee of the legislative assembly unless the measure is accompanied by a cost-benefit analysis provided by the legislative council. Factors to consider in this analysis include:
  - a. The extent to which the proposed mandate would increase or decrease the cost of the service.
  - b. The extent to which the proposed mandate would increase the appropriate use of the service.
  - c. The extent to which the proposed mandate would increase or decrease the administrative expenses of insurers and the premium and administrative expenses of insureds.
  - d. The impact of the proposed mandate on the total cost of health care.
2. A legislative measure mandating health insurance coverage of services or payment for specified providers of services may not be acted on by any committee of the legislative assembly unless the measure as recommended by the committee provides:
  - a. The measure is effective through June thirtieth of the next odd-numbered year following the year in which the legislative assembly enacted the measure, and after that date the measure is ineffective.
  - b. The application of the mandate is limited to the public employees health insurance program and the public employee retiree health insurance program. The application of such mandate begins with every contract for health insurance which becomes effective after June thirtieth of the year in which the measure becomes effective.
  - c. That for the next legislative assembly, the public employees retirement system shall prepare and request introduction of a bill to repeal the expiration date and to extend the mandated coverage or payment to apply to accident and health insurance policies. The public employees retirement system shall append to the bill a report regarding the effect of the mandated coverage or payment on the system's health insurance programs. The report must include information on the utilization and costs relating to the mandated coverage or payment and a recommendation on whether the coverage or payment should continue. For purposes of this section, the bill is not a legislative measure mandating health insurance coverage of services or payment for specified providers of services, unless the bill is amended following introduction so as to change the bill's mandate.
3. A majority of the members of the committee, acting through the chairman, has sole authority to determine whether a legislative measure mandates coverage of services under this section.
- ~~3.~~ 4. Any amendment made during a legislative session to a measure which mandates health insurance coverage of services may not be acted on by a committee of the legislative assembly unless the amendment is accompanied by a cost-benefit analysis provided by the legislative council.
4. ~~5.~~ The legislative council shall contract with a private entity, after receiving one or more recommendations from the insurance commissioner, to provide the cost-benefit analysis required by this section. The insurance

commissioner shall pay the cost of the contracted services to the entity providing the services."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2041, as reengrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (18 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). Reengrossed SB 2041 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on page 921 of the House Journal, Reengrossed Senate Bill No. 2041 is amended as follows:

Page 1, line 1, remove "to create and enact"

Page 1, remove line 2

Page 1, line 3, remove "history checks;", replace "section" with "sections", and after "12-60-16.2" insert "and 12-60-16.9"

Page 1, line 4, after "information" insert "and fees for criminal history record checks"

Page 3, replace lines 11 through 17 with:

**"SECTION 3. AMENDMENT.** Section 12-60-16.9 of the North Dakota Century Code is amended and reenacted as follows:

**12-60-16.9. Criminal history record information - Fee for record check.**

The bureau shall impose a fee of ~~twenty~~thirty dollars for each record check. The bureau shall waive the fee for any criminal justice agency or court, and shall impose a fee of three dollars for each record check for a nonprofit organization that is organized and operated in this state exclusively for charitable purposes for the exclusive benefit of minors."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2095, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** (9 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2095 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2096, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** (7 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2096 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2210, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2210 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to alternative group health policy and health service contract substance abuse coverage; and to"

Page 1, line 2, replace "; and to" with a period

Page 1, remove line 3

Page 1, line 11, overstrike the second "or" and insert immediately thereafter an underscored comma, overstrike the third "or" and insert immediately thereafter an underscored comma, and after "franchise" insert an underscored comma

Page 1, line 14, overstrike "person" and insert immediately thereafter "individual"

Page 1, line 17, overstrike "and" and insert immediately thereafter an underscored comma

Page 1, line 18, remove "residential treatment."



Page 1, line 20, remove the overstrike over "~~sixty~~" and remove "~~forty-five~~"

Page 1, line 21, overstrike "if provided by a hospital"

Page 1, overstrike line 22

Page 1, line 23, overstrike "department of health" and overstrike ", or as licensed under section"

Page 2, line 1, overstrike "23-17.1-01 offering treatment" and overstrike "of alcoholism, drug"

Page 2, line 2, overstrike "addiction, or other related illness" and after the period insert "Services provided under this subdivision must be provided by an addiction treatment program licensed under chapter 50-31."

Page 2, line 5, overstrike "if" and insert immediately thereafter ". Services provided under this subdivision must be"

Page 2, overstrike line 6

Page 2, line 7, overstrike "state department of health", remove the underscored comma, and overstrike "or as licensed under section"

Page 2, line 8, overstrike "23-17.1-01, or by"

Page 2, line 9, overstrike "section 50-06-05.2, offering treatment"

Page 2, line 10, overstrike "of alcoholism, drug addiction, or other related illness" and insert immediately thereafter "chapter 50-31"

Page 2, line 18, remove the overstrike over "~~forty-six~~" and remove "~~twenty-three~~"

Page 2, line 20, remove "In case of benefits provided for residential treatment, the benefits must be"

Page 2, remove lines 21 through 31

Page 3, remove lines 1 and 2

Page 3, line 3, remove "f."

Page 3, line 14, remove the overstrike over "~~e.~~" and remove "g."

Page 3, after line 18, insert:

"f."

Page 3, line 19, overstrike "'Partial hospitalization'" and insert immediately thereafter "As used in this section and section 2 of this Act, partial hospitalization"

Page 3, replace lines 28 through 31 with:

**"SECTION 2.** A new section to chapter 26.1-36 of the North Dakota Century Code is created and enacted as follows:

Alternative group health policy and health service contract substance abuse coverage.

1. As an alternative to the substance abuse coverage required under subsection 2 of section 26.1-36-08, an insurance company, a nonprofit health service corporation, or a health maintenance organization may provide substance abuse coverage under this section.
2. The provisions of section 26.1-36-08 apply to this alternative, except:
  - a. In addition to the inpatient treatment, treatment by partial hospitalization, and outpatient treatment coverage required under section 26.1-36-08, the coverage must include residential treatment.

- b. In the case of coverage for inpatient treatment, the benefits must be provided for a minimum of forty-five days of services covered under this section and section 26.1-36-09 in any calendar year.
- c. For the purpose of computing the period for which benefits are payable for a combination of inpatient and partial hospitalization, no more than twenty-three days of inpatient treatment benefits required under subdivision a may be traded for treatment by partial hospitalization.
- d. In the case of coverage for residential treatment, the benefits must be provided for a minimum of sixty days of services covered under this section in any calendar year. This residential treatment must be provided by an addiction treatment program licensed under chapter 50-31. If an individual receiving residential treatment services requires more than sixty days of residential treatment services, unused inpatient treatment benefits provided for under subdivision b may be traded for residential treatment benefits. For the purpose of computing the period for which benefits are payable, each day of inpatient treatment is equivalent to two days of treatment by a residential treatment program, provided that no more than twenty-three days of inpatient treatment benefits required by this section may be traded for residential treatment benefits required under this section."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SCR 4008: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SCR 4008 was placed on the Tenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SCR 4028: Human Services Committee (Rep. Price, Chairman)** recommends **DO NOT PASS** (8 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). SCR 4028 was placed on the Fourteenth order on the calendar.

#### MOTION

**REP. MONSON MOVED** that the absent members be excused, which motion prevailed.

#### MOTION

**REP. MONSON MOVED** that the House be on the Fifth, Seventh, Ninth, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Thursday, March 27, 2003, which motion prevailed.

The House stood adjourned pursuant to Representative Monson's motion.

**BRADLEY C. FAY, Chief Clerk**