

JOURNAL OF THE HOUSE

Fifty-third Legislative Assembly

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Bismarck, April 15, 1993

The House convened at 8:00 a.m., with Speaker R. Berg presiding.

The prayer was offered by the Rev. Ray Martin, First United Methodist Church, Mandan.

The roll was called and all members were present except Representative Kretschmar.

A quorum was declared by the Speaker.

ANNOUNCEMENT BY THE SPEAKER

SPEAKER R. BERG ANNOUNCED that the House would stand in recess until 1:00 p.m.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2541.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2542.

REPORT OF CONFERENCE COMMITTEE

HB 1013, as engrossed: Your conference committee (Sens. Kelly, Yockim, Goetz and Reps. Wald, Gorman, Huether) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1477, adopt amendments as follows, and place HB 1013 on the Seventh order:

That the Senate recede from its amendments as printed on page 1477 of the House Journal and pages 1294-1295 of the Senate Journal and that Engrossed House Bill No. 1013 be amended as follows:

Page 1, line 11, replace "3,332,416" with "3,381,472"

Page 1, line 12, replace "51,889" with "55,845"

Page 1, line 13, replace "588,123" with "573,035"

Page 1, line 14, replace "53,259" with "60,759"

Page 1, line 19, replace "5,086,424" with "5,131,848"

Page 1, line 20, replace "1,084,882" with "1,097,841"

Page 1, line 21, replace "4,001,542" with "4,034,007"

Page 2, line 5, replace "tourism" with "recreation"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 701 - HISTORICAL SOCIETY

CONFERENCE COMMITTEE - The salaries and wages line item is increased by \$49,056, \$29,206 of which is from the general fund for the following:

	GENERAL FUND	SPECIAL FUNDS	TOTAL
Funding for state employee salary increases in accordance with provisions of House Bill No. 1018	\$29,206		\$ 29,206
Additional funding for volunteer coordinator position		\$12,957	12,957
Pay equity increases		<u>6,893</u>	<u>6,893</u>
Total	\$29,206	\$19,850	\$ 49,056

The information services line item is increased by \$3,956, \$3,441 of which is from the general fund in accordance with provisions of House Bill No. 1018.

The operating expenses line item is reduced by \$32,588, \$25,182 of which is from the general fund, to remove funding for indirect cost allocation payments to the Office of Management and Budget.

The operating expenses line item is increased by \$17,500 from the general fund. The House had reduced operating expenses by \$35,000 which the Senate restored.

The equipment line item is increased by \$7,500 from the general fund. The House had reduced equipment by \$15,000 which the Senate restored.

In total, this amendment increases funding for the Historical Society by \$45,424, \$32,465 of which is from the general fund and \$12,959 of other funds.

Engrossed HB 1013 was placed on the Seventh order of business on the calendar.

HOUSE ENGROSSING AND ENROLLING REPORT

The following bills were engrossed and enrolled: HB 1158, HB 1179, HB 1222.

REPORT OF STANDING COMMITTEE

SCR 4077: Human Services Committee (Rep. Rydell, Chairman) recommends **DO NOT PASS** (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). SCR 4077 was placed on the Fourteenth order on the calendar.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker R. Berg presiding.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The President has signed and your signature is respectfully requested on the veto certification of SB 2003.

CORRECTION AND REVISION OF THE JOURNAL

MR. SPEAKER: Your Committee on Correction and Revision of the Journal (Rep. DeWitz, Chairman) has carefully examined the Journal of the Sixty-ninth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1845, after line 27 insert:

"RULING BY THE SPEAKER

SPEAKER R. BERG RULED that in accordance with House Rule 602, Section 5, if the Majority Report proposed amendments to Engrossed SB 2539 are adopted, the proposed amendments of the Minority Report will not be voted upon; however, if the Majority Report proposed amendments are defeated, the Minority Report proposed amendments will be voted upon."

Page 1845, remove lines 35 through 40

Page 1847, line 12, remove "the Majority"

Page 1847, line 13, remove "Report amendments to"

Page 1847, line 15, remove "the Majority Report"

Page 1847, line 16, remove "amendments to"

Page 1850, line 42, remove "the Majority"

Page 1850, line 43, remove "Report amendments to"

Page 1878, line 12, remove "the Majority"

Page 1878, line 13, remove "Report amendments to"

Page 1878, line 15, remove "the Majority Report"

Page 1878, line 16, remove "amendments to"

Page 1878, after line 10, insert:

"REQUEST

REP. WILKIE REQUESTED a Ruling by the Speaker as to whether Division C of the bill was germane to the bill as introduced and before the Majority Report amendments were adopted.

RULING BY THE SPEAKER

SPEAKER R. BERG RULED that Division C was germane to Engrossed SB 2539.

REP. WILKIE APPEALED the Ruling by the Speaker. The appeal was upheld on a voice vote."

REP. KUNKEL MOVED that the report be adopted, which motion prevailed.

SIXTH ORDER OF BUSINESS

HB 1513: REP. DALRYMPLE (Appropriations Committee) MOVED that the amendments on HJ pages 1480-1481 be adopted and then be placed on the Eleventh order with DO NOT PASS, which motion prevailed.

HB 1513, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1513: A BILL for an Act to provide an appropriation for capital construction projects at certain institutions under the control of the state board of higher education; to authorize the industrial commission to issue and sell evidences of indebtedness for the projects; to provide for payment of a matching share to assist in the retirement of the evidences of indebtedness; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 27 YEAS, 68 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Carlisle; Carlson, C.; Clayburgh; Gates; Glassheim; Henegar; Keiser; Klein; Kunkel; Maragos; Martin; Martinson; Mutzenberger; Nicholas; Poolman; Porter; Price; Rydell; St. Aubyn; Stenehjem; Svedjan; Thorpe; Timm; Tollefson; Wald; Wardner; Wentz

NAYS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlson, A.; Christopherson; Cleary; Coats; Dalrymple; Dewitz; Dobrinski; Dorso; Drowdal; Freier;

Froseth; Gerntholz; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleason; Hagle; Hanson; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Kelsch; Kempenich; Kerzman; Kilichowski; Kroeber; Laughlin; Mahoney; Monson; Nelson; Ness; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Pyle; Rennerfeldt; Ring; Schindler; Shide; Sitz; Skarphol; Soukup; Stenson; Sveen; Torgerson; Wanzek; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Bateman; Hausauer; Kretschmar

HB 1513 was declared lost.

MOTIONS

REP. BOEHM MOVED that the House reconsider its action whereby HB 1389 failed to pass, which motion prevailed on a roll call vote (50 YEAS, 44 NAYS, 4 ABSENT AND NOT VOTING).

REP. D. OLSEN MOVED that the House reconsider its action whereby the House did concur in the Senate amendments to HB 1389, as printed on pages 1701 and 1702 of the House Journal, and that the House do not concur in the Senate amendments to HB 1389 and that a conference committee on HB 1389 be appointed to meet with a like committee from the Senate, which motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

SPEAKER R. BERG ANNOUNCED that Rep. Gates would replace Rep. Bateman on the conference committee on SB 2022.

ANNOUNCEMENT BY THE SPEAKER

SPEAKER R. BERG ANNOUNCED that the House would stand in recess until 5:00 p.m.

REPORT OF CONFERENCE COMMITTEE

HB 1015, as engrossed: Your conference committee (Sens. Mushik, Redlin, Holmberg and Reps. Wald, Kunkel, Huether) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1605, adopt amendments as follows, and place HB 1015 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1594-1597 of the House Journal and pages 1400-1404 of the Senate Journal and that Engrossed House Bill No. 1015 be amended as follows:

Page 1, line 2, replace "and" with a comma

Page 1, line 3, replace "; and to amend and reenact sections 1 and 4 of chapter 573 of the" with ", and the centennial trees commission."

Page 1, remove lines 4 and 5

Page 1, line 11, replace "and" with a comma

Page 1, line 12, after "committee" insert ", and the centennial trees commission"

Page 1, line 17, replace "7,012,249" with "7,044,722"

Page 1, line 18, replace "87,192" with "93,747"

Page 1, line 19, replace "7,631,320" with "7,478,650"

Page 2, line 3, replace "53,904,620" with "53,790,978"

Page 2, line 4, replace "48,394,524" with "48,258,894"

Page 2, line 5, replace "5,510,096" with "5,532,084"

Page 2, line 8, replace "472,157" with "419,031"

Page 2, line 9, replace "8,665" with "7,253"

Page 2, line 10, replace "180,386" with "60,558"

Page 2, line 12, replace "785,386" with "745,386"

Page 2, remove line 13

Page 2, line 14, replace "all funds" with "general fund appropriation" and replace "1,507,594" with "1,233,228"

Page 2, replace lines 15 and 16 with:

"Subdivision 3.

CENTENNIAL TREES COMMISSION

Salaries and wages	\$105,368
Information services	2,123
Operating expenses	<u>47,758</u>
Total special funds appropriation	\$155,249"

Page 2, line 17, replace "6,751,073" with "6,765,312"

Page 2, line 18, replace "48,661,141" with "48,414,143"

Page 2, line 19, replace "Grant" with "Grand" and replace "55,412,214" with "55,179,455"

Page 2, line 29, after "in" insert "subdivision 1 of section 1 of"

Page 3, line 23, replace "estimated income" with "total special funds appropriation" and replace "2" with "3"

Page 3, line 24, replace "\$214,131" with "\$155,249"

Page 3, line 26, remove "and the soil conservation committee"

Page 3, line 27, remove "The amounts appropriated"

Page 3, remove lines 28 and 29

Page 4, replace lines 1 through 3 with:

"SECTION 10. CENTENNIAL TREES COMMISSION - PRIVATIZATION. The centennial trees commission, during the biennium beginning July 1, 1993, and ending June 30, 1995, shall study the feasibility of creating a private, nonprofit organization to conduct the programs and activities of the centennial trees commission and methods of funding these programs and activities. The commission shall present a report of the commission's recommendations together with any legislation required to implement the commission's recommendations to the fifty-fourth legislative assembly."

Page 4, remove lines 8 through 28

Page 5, remove lines 1 through 24

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 710 - SOIL CONSERVATION COMMITTEE

CONFERENCE COMMITTEE - This amendment removes funding added by the House for the Centennial Trees Commission operations as follows (Centennial Trees Commission is provided a separate appropriation):

Salaries and wages (1 FTE)	\$ (59,165)
Information services	(1,962)
Operating expenses	(105,490)
Grants	(40,000)
Grants to state agencies	<u>(60,000)</u>
Total special funds	\$(266,617)

The salaries and wages line item is increased by \$6,039 from the general fund to reflect the state employee salary increase provisions of House Bill No. 1018.

The information services line item is increased by \$550 from the general fund in accordance with the provisions of House Bill No. 1018.

Funding from the general fund of \$57,840 added in the House for indirect cost allocation payments to the Office of Management and Budget is removed from the operating expenses line item because the agency will not be charged indirect costs during the 1993-95 biennium because it receives funding only from the general fund.

The operating expenses line item is increased by \$43,502 from the general fund for operating costs of the Soil Conservation Committee which would have been paid for from special funds relating to the Centennial Trees Commission.

In total, this amendment reduces funding for the Soil Conservation Committee by \$274,366, \$7,749 of which is from the general fund and \$266,617 from special funds.

DEPARTMENT 712 - CENTENNIAL TREES COMMISSION

CONFERENCE COMMITTEE - This amendment provides that the Centennial Trees Commission not be under the supervision of the Soil Conservation Committee and continue in existence until June 30, 2001. The amendment provides a separate appropriation for the Centennial Trees Commission as follows:

Salaries and wages (1 FTE)	\$105,368
Information services	2,123
Operating expenses	<u>47,758</u>
Total funding from centennial trees program trust fund	\$155,249

In comparison to the House funding for the Centennial Trees Commission, this amendment makes the following changes:

Federal funding of \$50,000 which is not expected to be received is removed including one FTE volunteer coordinator position relating to the America the Beautiful tree program.

Funding for salaries, wages, and benefits of \$105,368 is provided for one FTE director position of \$90,912 and for temporary salaries of \$14,456.

Funding for information services is increased by \$161 in accordance with the provisions of House Bill No. 1018.

The indirect cost allocation payments of \$12,430 are removed from the operating expenses line item.

Funding for grants of \$100,000 is removed.

DEPARTMENT 770 - STATE WATER COMMISSION

CONFERENCE COMMITTEE - This amendment makes the following changes:

	GENERAL FUNDS	OTHER FUNDS	TOTAL
Salaries and wages are adjusted to provide the legislative salary increase recommendation as contained in House Bill No. 1018	\$ 23,661		\$ 23,661
Restore House reduction made to reduce the number of Water Commission meetings from 3 to 2 days per month, will allow funds for reclassification of a clerk position to an accountant	8,812		8,812
Total	<u>\$ 32,473</u>	<u>\$ 0</u>	<u>\$ 32,473</u>
Information services is increased to restore a portion of the House reduction in accordance with the provisions of House Bill No. 1018 (The House cut a total of \$9,688.)	<u>\$ 6,555</u>	<u>\$ 0</u>	<u>\$ 6,555</u>
Operating expenses are reduced to adjust costs for indirect cost allocation (allows a total of \$23,806 from other funds for indirect costs, including \$10,278 in the original executive budget. The House had added a total of \$166,198, including \$17,040 from the general fund.)	<u>\$ (17,040)</u>	<u>\$ (135,630)</u>	<u>\$ (152,670)</u>
Total conference committee changes to Engrossed House Bill No. 1015	<u>\$ 21,988</u>	<u>\$ (135,630)</u>	<u>\$ (113,642)</u>

Engrossed HB 1015 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1012, as engrossed: Your conference committee (Sens. Kelly, Lips, Naaden and Reps. Wald, Bateman, Nichols) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1555-1556, adopt amendments as follows, and place HB 1012 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1555-1556 of the House Journal and pages 1354-1355 of the Senate Journal and that Engrossed House Bill No. 1012 be amended as follows:

Page 1, line 2, after "department" insert "; and to create and enact a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to fees for game and fish licenses and permits"

Page 1, line 11, replace "9,291,659" with "9,344,087"

Page 1, line 12, replace "361,654" with "349,324"

Page 1, line 13, replace "5,179,429" with "5,452,225"

Page 2, line 4, replace "21,067,476" with "20,780,370"

Page 2, line 26, replace the second "the" with "up to \$1,000,000 of the amount that the state game and fish operating fund balance exceeds \$6,000,000 on July 1, 1993, plus the amount that the game and fish operating fund balance exceeds \$5,500,000 on July 1, 1994, plus any"

Page 2, line 27, after "revenues" insert "are projected to"

Page 2, line 28, remove "but not to exceed \$600,000,"

Page 3, line 1, remove "The 1993-95 estimated revenues are"

Page 3, replace line 2 with:

"SECTION 6. A new subsection to section 20.1-03-12 of the North Dakota Century Code is created and enacted as follows:

For an annual nonresident license to sell minnows or other live bait at wholesale, two hundred dollars."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 720 - GAME AND FISH

CONFERENCE COMMITTEE - The salaries and wages line item is increased by \$52,428 to reflect the \$60 per month salary increase plan in accordance with the provisions of House Bill No. 1018.

The information services line item is decreased by \$12,330 in accordance with the provisions of House Bill No. 1018.

The operating expenses line item is increased by \$272,796 for indirect cost allocation payments to the Office of Management and Budget.

This amendment increases the maximum of the contingent appropriation by \$400,000, from \$600,000 to \$1,000,000. The amendments provide that the contingent appropriation is based on the amount the game and fish operating fund balance exceeds \$6 million on July 1, 1993, or \$5.5 million on July 1, 1994. The contingent appropriation is also based on revenues exceeding estimates by \$150,000.

The amendment removes the provision that estimated revenues are to include revenue increases provided by the 1993 Legislative Assembly.

Also, the authority for the three FTEs deleted by the House is reinstated without funding. The three FTEs can be filled if additional funding becomes available.

A section is added that creates a new subsection to North Dakota Century Code Section 20.1-03-12 providing for an annual \$200 nonresident license to sell minnows or other live bait.

Engrossed HB 1012 was placed on the Seventh order of business on the calendar.

HOUSE ENROSSING AND ENROLLING REPORT

The following bill was engrossed: HB 1513.

REPORT OF CONFERENCE COMMITTEE

HB 1504, as engrossed: Your conference committee (Sens. Krauter, Mathern, Nalewaja and Reps. Price, Stenehjem, Brodshaug) recommends that the

SENATE RECEDE from the Senate amendments on HJ pages 1317-1321, adopt amendments as follows, and place HB 1504 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1317-1321 of the House Journal and pages 974-978 of the Senate Journal and that Engrossed House Bill No. 1504 be amended as follows:

Page 1, line 1, after "to" insert "group health care coverage and"

Page 1, line 2, replace "a" with "two" and replace "section" with "sections"

Page 1, line 3, after the first "to" insert "copayments, prenatal and children's preventive health services, and" and after the semicolon insert "to amend and reenact section 26.1-36-37.1 of the North Dakota Century Code, relating to a standard health insurance proof of loss form;"

Page 1, line 7, underscore "Definitions. As used in this Act, unless the context" and after "in" insert "sections 1 through 12 and section 16 of"

Page 1, underscore lines 8 through 20

Page 2, underscore lines 1 through 29

Page 3, underscore lines 1 through 28

Page 4, underscore lines 1 through 28

Page 5, underscore lines 1 through 28

Page 6, underscore lines 1 through 29

Page 7, underscore lines 1 through 10

Page 7, line 11, underscore "Applicability and scope."

Page 7, underscore lines 12 through 29

Page 7, line 12, replace "This" with "Sections 1 through 12 and section 16 of this" and replace "applies" with "apply"

Page 7, line 26, after "by" insert "sections 1 through 12 and section 16 of"

Page 8, underscore lines 1 through 26

Page 8, line 3, after "of" insert "sections 1 through 12 and section 16 of"

Page 8, line 27, underscore "Establishment of classes of business."

Page 9, underscore lines 1 through 22

Page 9, line 23, underscore "Restrictions relating to premium rates."

Page 9, underscore lines 24 through 28

Page 9, line 24, after "to" insert "sections 1 through 12 and section 16 of"

Page 10, underscore lines 1 through 28

Page 11, underscore lines 1 through 29

Page 12, underscore lines 1 through 29

Page 13, underscore lines 1 through 28

- Page 14, underscore lines 1 through 28
- Page 15, underscore lines 1 through 10
- Page 15, line 6, after "of" insert "sections 1 through 12 and section 16 of"
- Page 15, line 11, underscore "**Renewability of coverage.**"
- Page 15, underscore lines 12 through 28
- Page 15, line 12, after "to" insert "sections 1 through 12 and section 16 of"
- Page 16, underscore lines 1 through 21
- Page 16, line 22, underscore "**Availability of coverage.**"
- Page 16, underscore lines 23 through 29
- Page 17, underscore lines 1 through 29
- Page 17, line 4, after "with" insert "sections 1 through 12 and section 16 of"
- Page 18, underscore lines 1 through 29
- Page 18, line 17, after "of" insert "sections 1 through 12 and section 16 of"
- Page 19, underscore lines 1 through 29
- Page 20, underscore lines 1 through 29
- Page 21, underscore lines 1 through 29
- Page 22, underscore lines 1 through 3
- Page 22, line 4, underscore "**Small employer carrier reinsurance program.**"
- Page 22, underscore lines 5 through 29
- Page 23, underscore lines 1 through 28
- Page 24, underscore lines 1 through 29
- Page 24, line 15, after "of" insert "sections 1 through 12 and section 16 of"
- Page 24, line 26, after "under" insert "sections 1 through 12 and section 16 of"
- Page 25, underscore lines 1 through 29
- Page 26, underscore lines 1 through 29
- Page 26, line 3, after "under" insert "sections 1 through 12 and section 16 of"
- Page 27, underscore lines 1 through 28
- Page 27, line 13, after "under" insert "sections 1 through 12 and section 16 of"
- Page 28, underscore lines 1 through 28

Page 29, underscore lines 1 through 28

Page 30, underscore lines 1 through 28

Page 31, underscore lines 1 through 29

Page 31, line 23, after "by" insert "sections 1 through 12 and section 16 of"

Page 32, underscore lines 1 through 25

Page 32, line 8, after "in" insert "sections 1 through 12 and section 16 of"

Page 32, line 15, replace "the provisions" with "sections 1 through 12 and section 16"

Page 32, line 16, after "of" insert "sections 1 through 12 and section 16 of"

Page 32, line 25, replace "all provisions" with "sections 1 through 12 and section 16"

Page 32, line 26, underscore "Health benefit plan committee."

Page 32, underscore lines 27 through 29

Page 33, underscore lines 1 through 26

Page 33, line 27, underscore "Periodic market evaluation. In consultation with members"

Page 33, underscore lines 28 and 29

Page 33, line 28, after the second "of" insert "sections 1 through 12 and section 16 of"

Page 34, underscore lines 1 through 8

Page 34, line 1, after "of" insert "sections 1 through 12 and section 16 of"

Page 34, line 5, after "of" insert "sections 1 through 12 and section 16 of"

Page 34, line 9, underscore "Waiver of certain state laws. Any law requiring the"

Page 34, underscore lines 10 through 13

Page 34, line 13, after "under" insert "sections 1 through 12 and section 16 of"

Page 34, line 14, underscore "Standards to assure fair marketing."

Page 34, underscore lines 15 through 29

Page 35, underscore lines 1 through 28

Page 36, underscore lines 1 through 15

Page 36, line 16, underscore "Restoration of terminated coverage. The commissioner may"

Page 36, underscore lines 17 through 23

Page 36, after line 23, insert:

"SECTION 13. Group health care coverage - Cooperative agreement allowed. The commissioner of insurance shall adopt rules to enable groups to form a cooperative that would allow those groups to purchase group health insurance coverage as one entity.

SECTION 14. A new section to chapter 26.1-36 of the North Dakota Century Code is created and enacted as follows:

Preventive health care - Copayments. The standard health benefit plan developed under section 8 of this Act must provide coverage for prenatal care visits for a covered person and recommended immunizations and well child visits for a covered person from birth to the age of five years. The plan may impose only a five dollar copayment for each prenatal care visit and a two dollar copayment for each well child visit or immunization visit.

SECTION 15. AMENDMENT. Section 26.1-36-37.1 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

26.1-36-37.1. Standard health insurance proof of loss form - Claim payment time limits. The commissioner shall prescribe by rule a standard health insurance proof of loss and claim form for use in filing proof of loss and a claim for all health care services. For purposes of this section, "health care service" means any service included in providing an individual with medical, dental, or hospital care or any service incident to providing medical, dental, or hospital care as well as any service provided to prevent, alleviate, care, or heal human illness or injury. After receipt of a health insurance proof of loss form, the insurer shall, within fifteen business days, pay the claim or that portion of the claim that is not contested, deny the claim, or make an initial request for additional information. If a claim or a portion of a claim is contested, the insured or the insured's assignee must be notified in writing that the claim is contested and the reasons for the contest. Nothing in this notification precludes the insurer from denying the claim in whole or in part, for other reasons at a later date. Within fifteen business days of the receipt of the information initially requested, the insurer shall pay or deny the claim."

Page 36, underscore lines 26 through 29

Page 37, underscore lines 1 through 7

Re-number accordingly

Engrossed HB 1504 was placed on the Seventh order of business on the calendar.

MOTION

REP. GROSZ MOVED that the House reconsider its action whereby Engrossed SB 2539 failed to pass, which motion prevailed.

ANNOUNCEMENT

THE CHIEF CLERK ANNOUNCED that the Governor's office delivered to the Speaker vetoed HB 1304, with the Governor's objections to same, at the hour of 1:45 p.m. on Thursday, April 15, 1993.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

April 15, 1993

Attached please find House Bill 1304, which I have vetoed as of this date.

The bill creates a new board of five members for the purposes of licensing and regulating electrologists in North Dakota. There are 24 licensed

electrologists in North Dakota at the present time who are currently subject to the licensing standards, rules and regulations of the State Health Council as provided in NDCC 43-38.

The present status of the law allows members of this occupation to practice their trade subject to licensing by the State Health Council. In the past, I have suggested that North Dakota's boards and commissions be reviewed for consolidation in the future to attain cost savings for the taxpayer, and efficient service to the constituencies served by those boards and commissions.

I would much prefer that we leave the law in its current status, refrain from creating a new board, and consider combining the electrologists with similar occupations that are currently licensed and regulated by an existing board.

For these reasons, I have vetoed House Bill 1304 and respectfully return the same to you.

MOTION

REP. MARTINSON MOVED that HB 1304 be reconsidered pursuant to Article V, Section 9 of the Constitution of the State of North Dakota for the purpose of overriding the Governor's veto, and that HB 1304 be placed on the Eleventh order, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1389: Reps. D. Olsen, Klein, Thorpe.

MOTION

REP. MARTINSON MOVED that SB 2539 be rereferred to the Finance and Taxation Committee, which motion prevailed. Pursuant to Rep. Martinson's motion, SB 2539 was rereferred.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1389 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1389: Reps. D. Olsen; Klein; Thorpe

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has appointed Rep. Gates to replace Rep. Bateman on the conference committee on: SB 2022.

MOTION

REP. FREIER MOVED that the absent member be excused, which motion prevailed.

MOTION

REP. FREIER MOVED that the House be on the Fourth and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Friday, April 16, 1993, which motion prevailed.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

April 15, 1993

This is to inform you that on April 14, 1993, I signed the following: HB 1009, HB 1019, HB 1079, HB 1089, HB 1096, HB 1111, HB 1168, HB 1180, HB 1187, HB 1225, HB 1267, HB 1300, HB 1344, HB 1374, HB 1469, HB 1479, and HB 1490.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

April 15, 1993

This is to inform you that on April 15, 1993, I signed the following: HB 1181, HB 1238, HB 1239, and HB 1462.

FIRST READING OF SENATE BILLS

SB 2541: A BILL for an Act to amend and reenact sections 57-39.2-02.1, 57-39.2-03.2, 57-39.2-08.2, 57-40.2-02.1, 57-40.2-03.2, 57-40.3-02, and 57-40.5-02 of the North Dakota Century Code, relating to sales, use, motor vehicle excise, and aircraft excise tax rates; to provide an effective date; and to provide an expiration date.

Was read the first time and referred to the **Finance and Taxation Committee.**

SB 2542: A BILL for an Act to create and enact a new section to chapter 28-01 of the North Dakota Century Code, relating to limitation of actions for certain asbestos claims by public building owners; and to declare an emergency.

Was read the first time and referred to the **Industry, Business and Labor Committee.**

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

ROY GILBREATH, Chief Clerk