

**Sixtieth Legislative Assembly of North Dakota
In Regular Session Commencing Wednesday, January 3, 2007**

SENATE BILL NO. 2336
(Senators Dever, Fischer, Warner)
(Representative Klemin)

AN ACT to create and enact a new subdivision to subsection 1 of section 14-09-09.7 and a new subsection to section 14-09-09.7 of the North Dakota Century Code, relating to liability for children's health insurance coverage or other medical support; to amend and reenact section 14-09-08.10, subsection 3 of section 14-09-08.11, section 14-09-08.15, and subsection 3 of section 14-09-09.10 of the North Dakota Century Code, relating to liability for children's health insurance coverage or other medical support; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 14-09-08.10 of the North Dakota Century Code is amended and reenacted as follows:

14-09-08.10. Order. Each order entered under this code for the support of a minor child or the support of a child after majority under section 14-09-08.2 must include a provision for the child's health insurance coverage ~~for that child~~ or other medical support.

1. ~~Except as provided in subsection 2, the~~ Responsibility for the child's health insurance coverage or other medical support must be established according to rules adopted by the public authority. To the extent permitted by federal law and rules promulgated by the secretary of the United States department of health and human services, the rules adopted under this section must be based on the income of the obligated parent and include a limitation on the obligation of a low-income parent to provide medical support unless health insurance coverage is available to the parent at no or nominal cost. The order must require the obligor obligated party to provide satisfactory health insurance coverage whenever that coverage is accessible to the child, as defined by the public authority, and available at reasonable cost or becomes accessible and available at reasonable cost.
2. ~~If the obligee is an individual with physical custody of the child, the obligee must be required to provide satisfactory health insurance whenever that coverage is available at no or nominal cost.~~

To assist a court in identifying appropriate health insurance coverage under this section, the public authority may publish a list of child-only health insurance policies for children who are not eligible for public health coverage under chapter 50-29. To the extent permitted by federal law and rules promulgated by the secretary of the United States department of health and human services, the rules adopted by the public authority under this section may not impair a child's ability to apply for and receive public health coverage under chapter 50-29.

SECTION 2. AMENDMENT. Subsection 3 of section 14-09-08.11 of the North Dakota Century Code is amended and reenacted as follows:

3. ~~Withholding~~ Unless otherwise provided by the public authority in compliance with rules promulgated by the secretary of the United States department of health and human services, withholding required by an order issued under section 14-09-09.15 must be satisfied before any payment is made to the insurer. If the amount remaining is insufficient to pay the obligor's share of premiums for health insurance coverage, the obligor may authorize additional withholding to pay the obligor's share. If the obligor does not authorize additional withholding, and the health insurance coverage will lapse as a result, the employer must promptly inform the public authority of the insufficiency.

SECTION 3. AMENDMENT. Section 14-09-08.15 of the North Dakota Century Code is amended and reenacted as follows:

14-09-08.15. Reasonable cost of health insurance. For purposes of this chapter, health insurance is considered reasonable in cost if it is available to the obligor on a group basis or through an employer or union, regardless of service delivery mechanism, or as otherwise defined by the public authority in compliance with rules promulgated by the secretary of the United States department of health and human services. The definition of reasonable cost established by the public authority under this section must consider the scope of covered services, the cost of coverage, and the amount of any copayments or deductibles.

SECTION 4. A new subdivision to subsection 1 of section 14-09-09.7 of the North Dakota Century Code is created and enacted as follows:

Include consideration of an obligated party's responsibility for health insurance coverage or other medical support under section 14-09-08.10.

SECTION 5. A new subsection to section 14-09-09.7 of the North Dakota Century Code is created and enacted as follows:

The guidelines established under this section may include a separate amount of child support for the child's health insurance coverage, reimbursement for public health coverage provided under chapter 50-29, and other medical support.

SECTION 6. AMENDMENT. Subsection 3 of section 14-09-09.10 of the North Dakota Century Code is amended and reenacted as follows:

3. "Child support" means payments for the support of children, including payments for health insurance coverage or other medical support, and combined payments for the support of children and spouses or former spouses, however denominated, if the payment is required by the order of a court or other governmental agency having authority to issue such orders.

SECTION 7. EFFECTIVE DATE. Sections 1, 2, and 3 of this Act become effective on the date the department of human services certifies to the legislative council as the effective date of rules adopted to implement this Act.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixtieth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2336.

Senate Vote: Yeas 46 Nays 0 Absent 1

House Vote: Yeas 89 Nays 4 Absent 1

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2007.

Approved at _____ M. on _____, 2007.

Governor

Filed in this office this _____ day of _____, 2007,

at _____ o'clock _____ M.

Secretary of State