

## JOURNAL OF THE HOUSE

## Fifty-fourth Legislative Assembly

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Bismarck, February 7, 1995

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

The prayer was offered by Representative Mutzenberger.

The roll was called and all members were present except Representatives Bernstein, Glassheim, Kliniske, Monson, and Schimke.

A quorum was declared by the Speaker.

## CORRECTION AND REVISION OF THE JOURNAL

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

Page 346, line 29, delete ", HB 1482"

Page 396, line 24, replace "11" with "12" and replace "5" with "4"

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

## SIXTH ORDER OF BUSINESS

## REQUEST

REP. DORSO REQUESTED that the amendments to HB 1011 be voted on as a separate item, which request was granted.

The amendments on the Sixth order of business to Engrossed HB 1057, Engrossed HB 1182, HB 1004, HB 1129, HB 1177, and HB 1337 were adopted.

Engrossed HB 1057, Engrossed HB 1182, HB 1004, HB 1129, HB 1177, and HB 1337, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## SIXTH ORDER OF BUSINESS

HB 1011: REP. DALRYMPLE (Agriculture Committee) MOVED that the amendments on HJ page 395 be adopted.

## REQUEST

REP. TOLLEFSON REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to HB 1011, which request was granted.

## ROLL CALL

The question being on the motion to adopt the proposed amendments to HB 1011, the roll was called and there were 67 YEAS, 29 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Berg; Brown; Carlisle; Carlson; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; DeWitz; Dobrinski; Dorso; Freier; Froseth; Galvin; Gertholz; Gorman; Grosz; Gullerson; Gunter; Hagle; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Jacobs; Johnson; Kelsch; Kempenich; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Nicholas; Nichols; Nottestad; Poolman; Price; Rennerfeldt; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Speaker Martin

**NAYS:** Aarsvold; Austin; Bateman; Belter; Boehm; Boucher; Byerly; Christenson; Christopherson; Clark; Delzer; Drovdal; Glasheim; Grumbo; Hanson; Huether; Kaldor; Keiser; Kerzman; Kroeber; Monson; Mutzenberger; Oban; Olson; Payne; Retzer; Rydell; Skarphol; Wilkie

**ABSENT AND NOT VOTING:** Bernstein; Gorder

The motion to adopt the proposed amendments to HB 1011 passed.

#### MOTION

**REP. DORSO MOVED** that HB 1011, as amended, be placed on the Eleventh order on today's calendar, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1011:** A BILL for an Act to provide an appropriation for defraying the expenses of the state fair association.

#### 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 95 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glasheim; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjøm; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**NAYS:** Oban

**ABSENT AND NOT VOTING:** Bernstein; Gorder

Engrossed HB 1011 passed and the title was agreed to.

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#### MOTION

**REP. TIMM MOVED** that SB 2150, which is on the Fourteenth order, be rereferred to the Finance and Taxation Committee, which motion prevailed. Pursuant to Rep. Timm's motion, SB 2150 was rereferred.

#### SECOND READING OF HOUSE BILL

**HB 1009:** A BILL for an Act to provide an appropriation for defraying the expenses of the veterans' home and the department of veterans' affairs.

#### 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 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glasheim; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs;

Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Bernstein; Gorder

Engrossed HB 1009 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1088:** A BILL for an Act to create and enact a new subsection to section 15-10-17 of the North Dakota Century Code, relating to administration of a motor pool by the state board of higher education.

#### 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 21 YEAS, 76 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Christenson; Coats; Delmore; Dobrinski; Glasheim; Grumbo; Hanson; Huether; Kaldor; Kerzman; Kroeber; Maragos; Martinson; Mutzenberger; Nichols; Sandvig; Sitz; Sveen; Wentz

**NAYS:** Austin; Bateman; Belter; Berg; Boehm; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Clayburgh; Dalrymple; DeKrey; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Gorman; Grosz; Gulleston; Gunter; Hagle; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Laughlin; Lloyd; Mahoney; Mickelson; Monson; Nicholas; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Schimke; Schmidt; Shide; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Bernstein

Engrossed HB 1088 was declared lost.

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#### MOTION

**REP. FREIER MOVED** that the House waive the reading of the title to HB 1111, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1111:** A BILL for an Act to create and enact section 30.1-05-08 of the North Dakota Century Code, relating to protection of payers and other third parties under the Uniform Probate Code; to amend and reenact sections 30.1-12-02, 30.1-12-08, 30.1-15-12, 30.1-22-01, and 30.1-22-02 of the North Dakota Century Code, relating to the provisions of the Uniform Probate Code Article III which pertain to general provisions of probate of wills and administration; to amend and reenact subsections 4, 5, and 53 of section 30.1-01-06, chapter 30.1-05, section 30.1-06-01, subsection 3 of section 30.1-06-02, subsection 2 of section 30.1-07-03, sections 30.1-09-05, 30.1-09-07, 30.1-09-08, 30.1-09-10, 30.1-09.1-02, subdivision b of subsection 1 and subdivision b of subsection 2 of section 30.1-09.1-06, sections 30.1-09.1-07, 30.1-09.1-09, 30.1-09.1-11, subsection 4 of section 30.1-10-01, subsections 5, 8, and 9 of section 30.1-10-03, and subsections 4, 7, and 8 of section 30.1-10-04 of the North Dakota

Century Code as amended or created by sections 2, 15, 16, 20, 31, 33, 34, 36, 39, and 40 of chapter 334 of the 1993 Session Laws, relating to the provisions of the Uniform Probate Code Articles I and II which pertain to definitions, augmented estate, elective share, entitlement of spouse, requirement of survival, nonademption, power of appointment, and probate and nonprobate transfers; to amend and reenact section 51 of chapter 334 of the 1993 Session Laws, relating to the effective date of amendments to the Uniform Probate Code; to repeal section 30.1-04-06 of the North Dakota Century Code, relating to representation; and to provide an effective 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 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleeson; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Bernstein; Thompson

Engrossed HB 1111 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1216:** A BILL for an Act to amend and reenact section 15-60-10 of the North Dakota Century Code, relating to school construction loans.

**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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleeson; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Bernstein

Engrossed HB 1216 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1286:** A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century Code, relating to the suspension of licenses, certificates, permits, or the authority of persons practicing professions, trades, or occupations for failure to pay student loans guaranteed by the state guaranteed student loan program.

**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 95 YEAS, 0 NAVS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bateman; Belter; Berg; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glasshiem; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Austin; Bernstein; Dorso

Engrossed HB 1286 passed and the title was agreed to.

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**THE HOUSE RECOGNIZED THE PRESENCE OF:**

Former Representative Orville Schindler.

**SECOND READING OF HOUSE BILL**

**HB 1353:** A BILL for an Act to create and enact a new section to chapter 40-57.1 of the North Dakota Century Code, relating to reimbursement of income tax exemptions granted for new industries.

**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 95 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bateman; Belter; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glasshiem; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**NAYS:** Berg

**ABSENT AND NOT VOTING:** Austin; Bernstein

Engrossed HB 1353 passed and the title was agreed to.

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## SECOND READING OF HOUSE BILL

**HB 1370:** A BILL for an Act to create and enact a new section to chapter 36-01 of the North Dakota Century Code, relating to the identification of mountain lions, wolves, and wolf hybrids held in captivity; and to amend and reenact section 20.1-07-04 of the North Dakota Century Code, relating to the destruction and disposition of depredating fur-bearing animals.

## 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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gullerson; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Bernstein

Engrossed HB 1370 passed and the title was agreed to.

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## SECOND READING OF HOUSE BILL

**HB 1380:** A BILL for an Act to create and enact a new section to chapter 40-57 of the North Dakota Century Code, relating to issuance of certificates of indebtedness by municipalities and the use of the proceeds by nonprofit hospital corporations in anticipation of revenues or state and federal aid.

## 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 15 YEAS, 82 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Christenson; Clayburgh; Delmore; Dobrinski; Kaldor; Kretschmar; Laughlin; Mutzenberger; Nichols; Oban; Sandvig; Schmidt; Svedjan

**NAYS:** Austin; Bateman; Belter; Berg; Boehm; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gullerson; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kroeber; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Nicholas; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Schimke; Shide; Sitz; Skarphol; Soukup; Stenehjem; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Bernstein

Engrossed HB 1380 was declared lost.

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**SECOND READING OF HOUSE BILL**

**HB 1388:** A BILL for an Act to amend and reenact sections 34-07-02, 34-07-15, and 34-07-16 of the North Dakota Century Code, relating to exempting school-to-work programs from child labor laws.

**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 56 YEAS, 41 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Austin; Bateman; Belter; Berg; Boehm; Brown; Byerly; Carlisle; Carlson; Clark; Coats; Dalrymple; DeKrey; Delzer; DeWitz; Dorso; Freier; Froseth; Gerntholz; Gordier; Gorman; Grosz; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Jacobs; Johnson; Kelsch; Klein; Kretschmar; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Monson; Nicholas; Oban; Olson; Rennerfeldt; Retzer; Sabby; Sandvig; Schimke; Shide; Skarphol; Soukup; Timm; Torgerson; Wald; Walker; Wardner; Speaker Martin

**NAYS:** Aarsvold; Boucher; Christenson; Christopherson; Clayburgh; Delmore; Dobrinski; Drovdal; Galvin; Glassheim; Grumbo; Gulleson; Gunter; Hagle; Hanson; Huether; Kaldor; Keiser; Kempenich; Kerzman; Kliniske; Koppelman; Kroeber; Mickelson; Mutzenberger; Nichols; Nottestad; Payne; Poolman; Price; Rydell; Schmidt; Sitz; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Wentz; Wilkie

ABSENT AND NOT VOTING: Bernstein

Engrossed HB 1388 passed and the title was agreed to.

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**REPORT OF STANDING COMMITTEE**

**HB 1050:** Human Services Committee (Rep. Svedjan, Chairman) A MAJORITY of your committee (Reps. Svedjan, Price, Christopherson, Galvin, Gunter, Hagle, K. Henegar, Thoreson, Walker) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee.

Page 1, line 1, replace "four" with "two" and remove "a"

Page 1, line 2, remove "new chapter to title 23,"

Page 1, line 3, replace "six" with "two"

Page 1, line 4, after the first comma insert "and" and remove ", and a new subdivision to"

Page 1, line 5, remove "subsection 1 of section 57-38-01.2"

Page 1, line 6, replace "establishing a" with "the" and replace "care commission" with "council"

Page 1, remove line 7

Page 1, line 8, remove "savings accounts."

Page 1, line 11, remove "and reimbursement for nutrition services,"

Page 1, line 13, after the comma insert "and"

Page 1, line 14, remove ", and providing a tax deduction for health insurance"

Page 1, line 15, remove "premiums" and after "sections" insert "23-01-02,"

Page 1, line 16, after the fifth comma insert "subdivision a of subsection 1 of section 26.1-08-05, subsection 2 of section 26.1-08-05, subdivision a of subsection 1 of section 26.1-08-06, subsection 2 of section 26.1-08-06,"

Page 1, line 17, remove "subdivision e of"

Page 1, remove line 18

Page 1, line 19, replace the first "subsection" with "subsections" and after "11" insert "and 23"

Page 1, line 20, remove the second comma

Page 1, remove line 21

Page 1, line 22, remove "57-38-30.3" and after "to" insert "membership of the health council,"

Page 1, line 23, after the comma insert "minimum benefits of a qualified health coverage plan,"

Page 2, line 1, remove "preexisting conditions limitations,"

Page 2, line 2, after the second comma insert "and"

Page 2, line 3, remove ", income tax rates, and an income tax"

Page 2, line 4, remove "deduction for health insurance premiums"

Page 2, line 6, remove the second "to provide an"

Page 2, line 7, remove "effective date;"

Page 2, line 10, replace "Three" with "A" and replace "sections" with "section"

Page 2, line 11, replace "are" with "is"

Page 2, remove lines 12 through 18

Page 2, line 19, replace the first "care commission" with "council" and replace the second "care commission" with "council"

Page 2, line 23, replace "legislative assembly, after consultation with the" with "appropriate interim legislative committee"

Page 2, line 24, remove "health council"

Page 2, remove lines 26 through 28

Page 3, replace lines 1 through 3 with:

"SECTION 2. AMENDMENT. Section 23-01-02 of the North Dakota Century Code is amended and reenacted as follows:

**23-01-02. Health council - Members, terms of office, vacancies, compensation, officers, meetings.** The health council consists of



seventeen nine members appointed by the governor in the following manner: ~~Two four persons from a list of four submitted by the state hospital association, one of whom must represent a rural hospital and one of whom must represent an urban hospital, one person from a list of two submitted by the state medical association, one person from a list of two submitted by the state long term care association, one person from a list of two submitted by the state dental association, one person from a list of two submitted by the state optometric association, one person from a list of two submitted by the state nurses association, one person from a list of two submitted by the state pharmaceutical association, and nine persons who are consumers of health care services and not employed in the health care field to the health council. One health care consumer member must be a representative of the business community, one health care consumer member must be a representative of the agriculture community, one health care consumer member must be a representative of organized labor, and one health care consumer member must be a representative of elderly citizens. For the purposes of this section, a rural hospital is a hospital located in a city with a population of less than twenty thousand, and an urban hospital is a hospital located in a city with a population of twenty thousand or more the health care field and five persons representing consumer interests. The governor may select members to the council from recommendations submitted by trade, professional, and consumer organizations. On the expiration of the term of any member, the governor, in the manner provided by this section, shall appoint for a term of three years, persons to take the place of members whose terms on the council are about to expire. The officers of the council must be elected annually. Any state agency may serve in an advisory capacity to the health council at the discretion of the council. The council shall meet at least twice each year and at other times as the council or its chairman may direct. The health council shall have as standing committees any committees the council may find necessary. The chairman of the council shall select the members of these committees must be selected by the chairman of the health council. The members of the council are entitled to receive the same compensation per day as provided in section 54-35-10 for members of the legislative council and their necessary mileage and travel expenses as provided in sections 54-06-09 and 44-08-04 while attending council meetings, or in the performance of ~~such~~ any special duties as the council may direct. The per diem and expenses must be audited and paid in the manner in which the expenses of state officers are audited and paid. The compensation provided for in this section may not be paid to any member of the council who received salary or other compensation as a regular employee of the state, or any of its political subdivisions, or any institution or industry operated by the state."~~

Page 3, line 10, after "compile" insert "relevant"

Page 3, line 12, after the underscored period insert "The department shall establish and consult a provider advisory committee composed of health care providers regarding the data that is a cost-effective process for collecting and evaluating the information."

Page 3, line 13, replace "department shall" with "state health officer may" and replace "fee of five" with "penalty of one"

Page 3, line 14, replace "does not" with "willfully refuses to"

Page 3, line 15, after "program" insert ", but the penalty may not exceed one thousand dollars for each request"

Page 3, line 16, replace "department" with "state health council. If the provider fails to pay the penalty, the health council may, in the"

county where the provider's principal place of business is located, initiate a civil action against the provider to collect the penalty"

Page 3, remove lines 25 through 29

Page 4, remove lines 1 through 28

Page 5, remove lines 1 through 29

Page 6, remove lines 1 through 29

Page 7, remove lines 1 through 29

Page 8, remove lines 1 through 29

Page 9, remove lines 1 through 29

Page 10, remove lines 1 through 29

Page 11, remove lines 1 through 29

Page 12, remove lines 1 through 29

Page 13, remove lines 1 through 27

Page 23, after line 7, insert:

**"SECTION 14. AMENDMENT.** Subdivision a of subsection 1 of section 26.1-08-05 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- a. The minimum benefits for covered individuals must, subject to this subdivision, be equal to at least eighty percent of the cost of covered services in excess of an annual deductible which must not be less than five hundred dollars per person. The coverage must include a limitation of three thousand dollars per person on the total annual out-of-pocket expenses for services covered under this subsection. Coverage may be subject to a maximum lifetime benefit of not less than ~~five hundred thousand~~ one million dollars.

**SECTION 15. AMENDMENT.** Subsection 2 of section 26.1-08-05 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. A plan of health coverage is a number one qualified plan A if it meets the requirements established by the laws of this state and provides for the payment of at least eighty percent of the covered expenses required by this section in excess of a deductible which must not be less than one thousand dollars per person. The coverage must include a limitation of three thousand dollars per person on the total annual out-of-pocket expenses for services covered under subsection 1. Coverage may be subject to a maximum lifetime benefit of not less than ~~five hundred thousand~~ one million dollars.

**SECTION 16. AMENDMENT.** Subdivision a of subsection 1 of section 26.1-08-06 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- a. The minimum benefits for covered individuals must, subject to this subdivision, be equal to at least eighty percent of the cost of covered services in excess of an annual deductible which must not be less than five

hundred dollars per person. The coverage must include a limitation of three thousand dollars per person on the total annual out-of-pocket expenses for services covered under this subsection. The coverage may be subject to a maximum lifetime benefit of not less than ~~five hundred thousand~~ one million dollars.

**SECTION 17. AMENDMENT.** Subsection 2 of section 26.1-08-06 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. A plan of health coverage is a number one qualified plan B if it meets the requirements established by the laws of this state and provides for the payment of at least eighty percent of the covered expenses required by this section in excess of a deductible which must not be less than one thousand dollars per person. The coverage must include a limitation of three thousand dollars per person on the total annual out-of-pocket expenses for services covered under subsection 1. Coverage may be subject to a maximum lifetime benefit of not less than ~~five hundred thousand~~ one million dollars."

Page 23, remove lines 14 through 29

Page 24, remove lines 1 through 29

Page 25, remove lines 1 through 28

Page 26, remove lines 1 through 17

Page 32, replace lines 14 through 29 with:

"**SECTION 20.** A new chapter to title 26.1 of the North Dakota Century Code is created and enacted as follows:

Application and scope. This chapter applies to all policies issued or renewed after July 31, 1995. The provisions of chapter 26.1-36 apply when not in conflict with this chapter.

Definitions. As used in this chapter, unless the context otherwise requires:

1. "Insurer" means an insurance company, nonprofit health service organization, fraternal benefit society, health maintenance organization, or any other entity providing a plan of health insurance or health benefits subject to state insurance regulation.
2. "Policy" means any hospital or medical or major medical policy, certificate, or subscriber contract issued on a group or individual basis by an insurer. The term does not include accident-only, credit, dental, vision, medicare supplement, long-term care, or disability income insurance, coverage issued as a supplement to liability insurance, or automobile medical payment insurance, or a policy or certificate of specified disease, hospital confinement indemnity, limited benefit health insurance, or short-term major medical policies with policy terms no longer than twelve months.

Limits on preexisting conditions provisions. A policy must provide coverage, with respect to a disease or physical condition of a person which existed prior to the effective date of the person's coverage under the policy, except for a preexisting disease or physical condition that was diagnosed or treated within the six months immediately prior to the effective date of the person's coverage. The

limitation may not apply to loss incurred after the end of the twelve-month period commencing on the effective date of the person's coverage.

Portability of insurance policies. An insurer shall waive any time period applicable to a preexisting condition, for a policy with respect to particular services for the period of time an individual was previously covered by qualifying previous coverage that provided benefits with respect to the services, if the qualifying previous coverage as defined in section 26.1-36.3-01 is continuous until at least ninety days before the effective date of the new coverage. The period of continuous coverage may not include a waiting period or the effective date of the new coverage applied by the insurer.

Guaranteed issue and renewability of health insurance coverage - Discrimination prohibited.

1. An insurer issuing policies under this chapter shall provide for the renewability or continuability of coverage unless:
  - a. The individual or group has failed to pay the required premiums.
  - b. The individual or group has misrepresented information or committed fraud with respect to coverage of the individual or group.
  - c. The group has failed to comply with the insurer's minimum participation requirements.
  - d. The insurer has elected to nonrenew all of its policies, other than guaranteed renewable individual policies, in this state. In that case the insurer shall:
    - (1) Provide advance notice of its decision not to renew to the commissioner; and
    - (2) Provide notice of the decision not to renew coverage to every affected insured and to the commissioner at least one hundred eighty days before the nonrenewal of the policy or contract by the insurer. Notice to the commissioner under this paragraph must be provided at least three business days before notice to an affected insured.
2. An insurer that elects not to renew a policy as required by this section may not write new business in the individual or group market in this state for a period of five years from the date of notice of its intention not to renew.
3. The commissioner may allow an insurer to nonrenew a policy if the commissioner finds that continuation of coverage is not in the best interests of policyholders or it would impair the insurer's ability to meet its contractual obligations. The commissioner shall assist the policyholder in finding replacement coverage.

Modified community rating. Premium rates for individual policies are subject to the following:

1. For any class of individuals, the premium rates charged during a rating period to the individuals in that class for the same or similar coverage may not vary by a ratio of more than six to one after August 1, 1995, and by a ratio of more than five to one after August 1, 1996, when age, industry,

gender, and duration of coverage of the individuals are considered. Gender and duration of coverage may not be used as a rating factor for policies issued after August 1, 1997.

2. An insurer may, in addition to the factors set forth in subsection 1, use geography, family composition, healthy lifestyles, and benefit variations to determine premium rates.
3. The commissioner shall design and adopt reporting forms to be used by an insurer to report information as to insurer's experience as to insurance provided under this chapter on a periodic basis to determine the impact of the reforms and implementation of modified community rating contained in this chapter, and the commissioner shall report to the legislative assembly or a committee designated by the legislative council the findings of the commissioner."

Page 33, remove lines 1 through 28

Page 34, remove lines 1 through 28

Page 35, remove lines 1 through 29

Page 36, remove lines 1 through 28

Page 37, remove lines 1 through 29

Page 38, remove lines 1 through 29

Page 39, remove lines 1 through 29

Page 40, remove lines 1 through 28

Page 41, remove lines 1 through 28

Page 42, remove lines 1 through 28

Page 43, line 9, replace "health benefit plan must include, at" with "and"

Page 43, line 10, remove "a minimum, the coverages required to be offset under the"

Page 43, line 11, replace "plan" with "plans must be those" and remove "The standard health"

Page 43, remove lines 12 through 17

Page 43, line 18, remove "the board of dietetic practice."

Page 44, remove lines 7 through 20

Page 44, line 21, replace "Subsection 4 of section" with "Section"

Page 44, after line 22, insert:

**"SECTION 23. AMENDMENT.** Section 26.1-36-22 of the North Dakota Century Code is amended and reenacted as follows:

**26.1-36-22. Group health insurance for dependents.** A group health insurance policy may be extended to insure the employees or members with respect to their family members or dependents including dependents of dependents, or any class or classes thereof, subject to the following:

1. The premium for the insurance must be paid either from funds contributed by the employer, union, association, or other person to whom the policy has been issued, or from funds contributed by the covered persons, or from both. A policy on which no part of the premium for the family members or dependents coverage is to be derived from funds contributed by the covered persons must insure all eligible employees or members with respect to their family members or dependents, or any class or classes thereof.
2. An insurer may exclude or limit the coverage on any family member or dependent as to whom evidence of individual insurability is not satisfactory to the insurer.
3. A policy that provides coverage for a dependent child of an employee or other member of the covered group must provide such coverage up to a limiting age of ~~nineteen~~ twenty-two years of age, if the dependent child physically resides with the employee or other member and is chiefly dependent upon the employee or member for support and maintenance."

Page 45, line 12, after "child" insert ", including a dependent of an unmarried child."

Page 45, line 13, overstrike "nineteen" and insert immediately thereafter "twenty-two"

Page 45, line 15, overstrike "parent" and insert immediately thereafter "enrollee" and after "child" insert ", including a dependent of an unmarried child."

Page 45, line 16, overstrike "parent" and insert immediately thereafter "enrollee"

Page 45, after line 17, insert:

"SECTION 25. AMENDMENT. Subsection 23 of section 26.1-36.3-01 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

23. "Qualifying previous coverage" and "qualifying existing coverage" mean benefits or coverage provided under one or more of the following:
  - a. Medicare or, medicaid, civilian health and medical program for uniformed services, Indian health services program, or any other similar publicly sponsored program.
  - b. ~~An employer-based~~ A health insurance or health benefit arrangement that provides benefits similar to or exceeding benefits provided under the basic health benefit plan.
  - c. An individual health insurance policy, including coverage issued by a health maintenance organization, nonprofit health service corporation, and fraternal benefit society that provides benefits similar to or exceeding the benefits provided under the basic health benefit plan, provided that the policy has been in effect for a period of at least one year."

Page 46, line 27, remove the overstrike over "~~Adjustments in rates for claim experience, health status, and~~"

Page 46, remove the overstrike over line 28

Page 46, line 29, remove the overstrike over "~~or dependents.~~"

Page 47, line 1, replace "two" with "four" and replace "when" with "after January 1, 1997."

Page 47, remove lines 2 through 7

Page 47, line 8, remove "employers." and remove "in rates"

Page 47, line 11, remove the overstrike over "e-" and remove "f."

Page 47, line 15, remove the overstrike over "f-" and remove "g."

Page 47, line 20, remove the overstrike over "g-" and remove "h."

Page 48, line 12, remove the overstrike over "h-" and remove "i."

Page 48, line 22, remove the overstrike over "i-" and remove "j."

Page 48, remove the overstrike over lines 28 and 29

Page 49, remove the overstrike over line 1

Page 49, line 2, remove the overstrike over "~~commissioner.~~" and insert immediately thereafter "Gender may not be used as a case characteristic after January 1, 1996."

Page 50, line 1, remove the first "system" and remove "a system that"

Page 50, line 2, remove "provides for"

Page 50, line 17, remove the second "or" and after "warn" insert an underscored comma

Page 50, line 18, replace "instruction" with "failure"

Page 51, line 12, replace "two" with "five" and remove "fifty"

Page 51, remove lines 19 through 29

Page 52, remove lines 1 through 29

Page 53, replace lines 1 through 9 with:

"Alternative dispute resolution.

1. Before initiating a health care malpractice action, the attorney representing a claimant shall advise the claimant about all reasonably available alternative dispute resolution options that may be available to the parties to settle the claim.
2. At the earliest opportunity after the attorney for a health care provider has notice of a potential health care malpractice claim or action, the attorney shall advise the health care provider about all reasonably available alternative dispute resolution options that may be available to the parties to settle the claim.
3. The claimant and health care provider shall make a good-faith effort to resolve part or all of the health care malpractice claim through alternative dispute resolution before the claimant initiates a health care malpractice action.

4. The attorneys for the claimant and health care provider shall state in the pleadings that they have complied with subsections 1 and 2 and that the parties have complied with subsection 3.
5. The court may sanction an attorney who fails to comply with subsections 1 or 2.
6. Notwithstanding section 28-26-01, the court may, upon a finding that a party refused to comply with subsection 3, award reasonable actual and statutory costs, including part or all of the attorney's fees to the prevailing party or parties.

Effective date. Within one hundred eighty days of the effective date of this chapter, each medical malpractice insurance provider shall file with the commissioner of insurance, pursuant to chapter 26.1-25, revised rates, rate schedules, or rate manuals for medical malpractice insurance coverages which reflect the projected impacts of this chapter and annually thereafter shall file a statement of the actual impacts of this chapter on the company's rates, rate schedules, or rate manuals no later than February first of each year."

Page 53, line 14, replace "described in subsection 2 and" with an underscored colon and insert:

- "a. Medically needy persons who have countable income that does not exceed an amount determined under subsection 2; and
  - b. Minors who have countable income that does not exceed an amount determined under subsection 3.
2. The department of human services shall establish an income level for medically needy persons at an amount, no less than required by federal law, that, consistent with the requirements of subsection 3, is the greatest income level achievable without exceeding legislative appropriations for that purpose.
  3. The department of human services shall establish income levels for minors, based on the age of the minors, at amounts, no less than required by federal law, that provide an income level for all minors born before September 30, 1983, equal to one hundred percent of the federal poverty level in the month for which eligibility for medical assistance benefits is being determined, and that do not exceed legislative appropriations for that purpose."

Page 53, remove lines 15 through 28

Page 54, remove lines 1 through 29

Page 55, remove lines 1 through 6

Page 55, remove lines 13 through 28

Page 56, remove lines 1 through 29

Page 57, remove lines 1 through 29

Page 58, remove lines 1 through 21

Page 58, remove lines 24 through 29



Page 59, remove lines 1 and 2

Page 59, line 5, replace "\$3,000,000" with "\$1,000,000 as noted in House Bill No. 1006"

Page 59, line 8, after the period insert "The department shall pursue funding from the Robert Wood Johnson Foundation to help fund the operations of the health council."

Page 59, line 9, replace "There is hereby appropriated out of any" with "The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund of the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the department of human services for the purpose of expanding medical assistance coverage to children and pregnant women for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Total all funds	\$11,110,630
Less estimated income	<u>8,110,179</u>
Total general fund appropriation	\$ 3,000,451

**SECTION 34. APPROPRIATION.** There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$20,000, or so much of the sum as may be necessary, to the supreme court if the court initiates a program to develop alternative dispute resolution options for parties in disputes, including health care malpractice claims, for the biennium beginning July 1, 1995, and ending June 30, 1997.

**SECTION 35. APPROPRIATION.** There is hereby appropriated out of any moneys in the insurance regulatory trust fund, not otherwise appropriated, the sum of \$96,920, or so much of the sum as may be necessary, to the commissioner of insurance for the purpose of implementing insurance reforms for the biennium beginning July 1, 1995, and ending June 30, 1997."

Page 59, remove lines 10 through 21

Page 59, line 22, replace "Section 29 of this Act does not apply" with "The limitation on noneconomic damages in section 28 of this Act applies to injuries that occur after the effective date of this Act. The duties imposed on parties and counsel in the alternative dispute resolution provision of section 28 apply to health care malpractice claims that accrued before the effective date of this Act."

Page 59, remove lines 23 and 24

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1050: Human Services Committee (Rep. Svedjan, Chairman) A MINORITY of your committee (Reps. Boucher, Kerzman, Mutzenberger, Sandvig) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee.**

Page 1, line 1, replace "four" with "two" and remove "a"

Page 1, line 2, remove "new chapter to title 23,"

Page 1, line 3, replace "six" with "two"

Page 1, line 4, after the first comma insert "and" and remove ", and a new subdivision to"

Page 1, line 5, remove "subsection 1 of section 57-38-01.2"

Page 1, line 6, replace "establishing a" with "the" and replace "care commission" with "council"

Page 1, remove line 7

Page 1, line 8, remove "savings accounts,"

Page 1, line 11, remove "and reimbursement for nutrition services,"

Page 1, line 13, after the comma insert "and"

Page 1, line 14, remove ", and providing a tax deduction for health insurance"

Page 1, line 15, remove "premiums" and after "sections" insert "23-01-02,"

Page 1, line 16, after the fifth comma insert "subdivision a of subsection 1 of section 26.1-08-05, subsection 2 of section 26.1-08-05, subdivision a of subsection 1 of section 26.1-08-06, subsection 2 of section 26.1-08-06,"

Page 1, line 17, remove "subdivision e of"

Page 1, remove line 18

Page 1, line 19, replace the first "subsection" with "subsections" and after "11" insert "and 23"

Page 1, line 20, remove the second comma

Page 1, remove line 21

Page 1, line 22, remove "57-38-30.3" and after "to" insert "membership of the health council,"

Page 1, line 23, after the comma insert "minimum benefits of a qualified health coverage plan,"

Page 2, line 1, remove "preexisting conditions limitations,"

Page 2, line 2, after the second comma insert "and"

Page 2, line 3, remove ", income tax rates, and an income tax"

Page 2, line 4, remove "deduction for health insurance premiums"

Page 2, line 6, remove the second "to provide an"

Page 2, line 7, remove "effective date;"

Page 2, line 10, replace "Three" with "A" and replace "sections" with "section"

Page 2, line 11, replace "are" with "is"

Page 2, remove lines 12 through 18

Page 2, line 19, replace the first "care commission" with "council" and replace the second "care commission" with "council"

Page 2, line 23, replace "legislative assembly, after consultation with the" with "appropriate interim legislative committee"

Page 2, line 24, remove "health council"

Page 2, remove lines 26 through 28

Page 3, replace lines 1 through 3 with:

"SECTION 2. AMENDMENT. Section 23-01-02 of the North Dakota Century Code is amended and reenacted as follows:

23-01-02. Health council - Members, terms of office, vacancies, compensation, officers, meetings. The health council consists of seventeen nine members appointed by the governor in the following manner: Two ~~Four~~ persons from a list of four ~~submitted by the state hospital association, one of whom must represent a rural hospital and one of whom must represent an urban hospital, one person from a list of two submitted by the state medical association, one person from a list of two submitted by the state long term care association, one person from a list of two submitted by the state dental association, one person from a list of two submitted by the state optometric association, one person from a list of two submitted by the state nurses association, one person from a list of two submitted by the state pharmaceutical association, and nine persons who are consumers of health care services and not employed in the health care field to the health council.~~ One health care consumer member must be a representative of the business community, one health care consumer member must be a representative of the agriculture community, one health care consumer member must be a representative of organized labor, and one health care consumer member must be a representative of elderly citizens. For the purposes of this section, a rural hospital is a hospital located in a city with a population of less than twenty thousand, and an urban hospital is a hospital located in a city with a population of twenty thousand or more the health care field and five persons representing consumer interests. The governor may select members to the council from recommendations submitted by trade, professional, and consumer organizations. On the expiration of the term of any member, the governor, in the manner provided by this section, shall appoint for a term of three years, persons to take the place of members whose terms on the council are about to expire. The officers of the council must be elected annually. Any state agency may serve in an advisory capacity to the health council at the discretion of the council. The council shall meet at least twice each year and at other times as the council or its chairman may direct. The health council shall have as standing committees any committees the council may find necessary. The chairman of the council shall select the members of these committees must be selected by the chairman of the health council. The members of the council are entitled to receive the same compensation per day as provided in section 54-35-10 for members of the legislative council and their necessary mileage and travel expenses as provided in sections 54-06-09 and 44-08-04 while attending council meetings, or in the performance of such any special duties as the council may direct. The per diem and expenses must be audited and paid in the manner in which the expenses of state officers are audited and paid. The compensation provided for in this section may not be paid to any member of the council who received salary or other compensation as a regular employee of the state, or any of its political subdivisions, or any institution or industry operated by the state."

Page 3, line 10, after "compile" insert "relevant"

Page 3, line 12, after the underscored period insert "The department shall establish and consult a provider advisory committee composed of health care providers regarding the data that is a cost-effective process for collecting and evaluating the information."

Page 3, line 13, replace "department shall" with "state health officer may" and replace "fee of five" with "penalty of one"

Page 3, line 14, replace "does not" with "willfully refuses to"

Page 3, line 15, after "program" insert ", but the penalty may not exceed one thousand dollars for each request"

Page 3, line 16, replace "department" with "state health council. If the provider fails to pay the penalty, the health council may, in the county where the provider's principal place of business is located, initiate a civil action against the provider to collect the penalty"

Page 3, remove lines 25 through 29

Page 4, remove lines 1 through 28

Page 5, remove lines 1 through 29

Page 6, remove lines 1 through 29

Page 7, remove lines 1 through 29

Page 8, remove lines 1 through 29

Page 9, remove lines 1 through 29

Page 10, remove lines 1 through 29

Page 11, remove lines 1 through 29

Page 12, remove lines 1 through 29

Page 13, remove lines 1 through 27

Page 23, after line 7, insert:

**"SECTION 14. AMENDMENT.** Subdivision a of subsection 1 of section 26.1-08-05 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- a. The minimum benefits for covered individuals must, subject to this subdivision, be equal to at least eighty percent of the cost of covered services in excess of an annual deductible which must not be less than five hundred dollars per person. The coverage must include a limitation of three thousand dollars per person on the total annual out-of-pocket expenses for services covered under this subsection. Coverage may be subject to a maximum lifetime benefit of not less than ~~five hundred thousand~~ one million dollars.

**SECTION 15. AMENDMENT.** Subsection 2 of section 26.1-08-05 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. A plan of health coverage is a number one qualified plan A if it meets the requirements established by the laws of this state and provides for the payment of at least eighty percent of the covered expenses required by this section in excess of a deductible which must not be less than one thousand dollars per person. The coverage must include a limitation of three thousand dollars per person on the total annual out-of-pocket expenses for services covered under subsection 1. Coverage

may be subject to a maximum lifetime benefit of not less than ~~five hundred thousand~~ one million dollars.

**SECTION 16. AMENDMENT.** Subdivision a of subsection 1 of section 26.1-08-06 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- a. The minimum benefits for covered individuals must, subject to this subdivision, be equal to at least eighty percent of the cost of covered services in excess of an annual deductible which must not be less than five hundred dollars per person. The coverage must include a limitation of three thousand dollars per person on the total annual out-of-pocket expenses for services covered under this subsection. The coverage may be subject to a maximum lifetime benefit of not less than ~~five hundred thousand~~ one million dollars.

**SECTION 17. AMENDMENT.** Subsection 2 of section 26.1-08-06 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. A plan of health coverage is a number one qualified plan B if it meets the requirements established by the laws of this state and provides for the payment of at least eighty percent of the covered expenses required by this section in excess of a deductible which must not be less than one thousand dollars per person. The coverage must include a limitation of three thousand dollars per person on the total annual out-of-pocket expenses for services covered under subsection 1. Coverage may be subject to a maximum lifetime benefit of not less than ~~five hundred thousand~~ one million dollars."

Page 23, remove lines 14 through 29

Page 24, remove lines 1 through 29

Page 25, remove lines 1 through 28

Page 26, remove lines 1 through 17

Page 32, replace lines 14 through 29 with:

**"SECTION 20.** A new chapter to title 26.1 of the North Dakota Century Code is created and enacted as follows:

Application and scope. This chapter applies to all policies issued or renewed after July 31, 1995. The provisions of chapter 26.1-36 apply when not in conflict with this chapter.

Definitions. As used in this chapter, unless the context otherwise requires:

1. "Insurer" means an insurance company, nonprofit health service organization, fraternal benefit society, health maintenance organization, or any other entity providing a plan of health insurance or health benefits subject to state insurance regulation.
2. "Policy" means any hospital or medical or major medical policy, certificate, or subscriber contract issued on a group or individual basis by an insurer. The term does not include accident-only, credit, dental, vision, medicare supplement, long-term care, or disability income insurance, coverage issued as a supplement to liability insurance, or automobile

medical payment insurance, or a policy or certificate of specified disease, hospital confinement indemnity, limited benefit health insurance, or short-term major medical policies with policy terms no longer than twelve months.

Limits on preexisting conditions provisions. A policy must provide coverage, with respect to a disease or physical condition of a person which existed prior to the effective date of the person's coverage under the policy, except for a preexisting disease or physical condition that was diagnosed or treated within the six months immediately prior to the effective date of the person's coverage. The limitation may not apply to loss incurred after the end of the twelve-month period commencing on the effective date of the person's coverage.

Portability of insurance policies. An insurer shall waive any time period applicable to a preexisting condition, for a policy with respect to particular services for the period of time an individual was previously covered by qualifying previous coverage that provided benefits with respect to the services, if the qualifying previous coverage as defined in section 26.1-36.3-01 is continuous until at least ninety days before the effective date of the new coverage. The period of continuous coverage may not include a waiting period or the effective date of the new coverage applied by the insurer.

Guaranteed issue and renewability of health insurance coverage - Discrimination prohibited.

1. An insurer issuing policies under this chapter shall provide for the renewability or continuability of coverage unless:
  - a. The individual or group has failed to pay the required premiums.
  - b. The individual or group has misrepresented information or committed fraud with respect to coverage of the individual or group.
  - c. The group has failed to comply with the insurer's minimum participation requirements.
  - d. The insurer has elected to nonrenew all of its policies, other than guaranteed renewable individual policies, in this state. In that case the insurer shall:
    - (1) Provide advance notice of its decision not to renew to the commissioner; and
    - (2) Provide notice of the decision not to renew coverage to every affected insured and to the commissioner at least one hundred eighty days before the nonrenewal of the policy or contract by the insurer. Notice to the commissioner under this paragraph must be provided at least three business days before notice to an affected insured.
2. An insurer that elects not to renew a policy as required by this section may not write new business in the individual or group market in this state for a period of five years from the date of notice of its intention not to renew.
3. The commissioner may allow an insurer to nonrenew a policy if the commissioner finds that continuation of coverage is not in the best interests of policyholders or it would impair the insurer's ability to meet its contractual obligations. The

commissioner shall assist the policyholder in finding replacement coverage.

Modified community rating. Premium rates for individual policies are subject to the following:

1. For any class of individuals, the premium rates charged during a rating period to the individuals in that class for the same or similar coverage may not vary by a ratio of more than six to one after August 1, 1995, and by a ratio of more than five to one after August 1, 1996, when age, industry, gender, and duration of coverage of the individuals are considered. Gender and duration of coverage may not be used as a rating factor for policies issued after August 1, 1997.
2. An insurer may, in addition to the factors set forth in subsection 1, use geography, family composition, healthy lifestyles, and benefit variations to determine premium rates.
3. The commissioner shall design and adopt reporting forms to be used by an insurer to report information as to insurer's experience as to insurance provided under this chapter on a periodic basis to determine the impact of the reforms and implementation of modified community rating contained in this chapter, and the commissioner shall report to the legislative assembly or a committee designated by the legislative council the findings of the commissioner."

Page 33, remove lines 1 through 28

Page 34, remove lines 1 through 28

Page 35, remove lines 1 through 29

Page 36, remove lines 1 through 28

Page 37, remove lines 1 through 29

Page 38, remove lines 1 through 29

Page 39, remove lines 1 through 29

Page 40, remove lines 1 through 28

Page 41, remove lines 1 through 28

Page 42, remove lines 1 through 28

Page 43, line 9, replace "health benefit plan must include, at" with "and"

Page 43, line 10, remove "a minimum, the coverages required to be offset under the"

Page 43, line 11, replace "plan" with "plans must be those" and replace "The standard health" with "Both plans must include comprehensive coverage for mental illness and chemical addiction equal to the coverage provided for physical illness."

Page 43, remove lines 12 through 17

Page 43, line 18, remove "the board of dietetic practice."

Page 44, remove lines 7 through 20

Page 44, line 21, replace "Subsection 4 of section" with "Section"

Page 44, after line 22, insert:

"SECTION 23. AMENDMENT. Section 26.1-36-22 of the North Dakota Century Code is amended and reenacted as follows:

**26.1-36-22. Group health insurance for dependents.** A group health insurance policy may be extended to insure the employees or members with respect to their family members or dependents including dependents of dependents, or any class or classes thereof, subject to the following:

1. The premium for the insurance must be paid either from funds contributed by the employer, union, association, or other person to whom the policy has been issued, or from funds contributed by the covered persons, or from both. A policy on which no part of the premium for the family members or dependents coverage is to be derived from funds contributed by the covered persons must insure all eligible employees or members with respect to their family members or dependents, or any class or classes thereof.
2. An insurer may exclude or limit the coverage on any family member or dependent as to whom evidence of individual insurability is not satisfactory to the insurer.
3. A policy that provides coverage for a dependent child of an employee or other member of the covered group must provide such coverage up to a limiting age of ~~nineteen~~ twenty-two years of age, if the dependent child physically resides with the employee or other member and is chiefly dependent upon the employee or member for support and maintenance."

Page 45, line 12, after "child" insert ", including a dependent of an unmarried child,"

Page 45, line 13, overstrike "nineteen" and insert immediately thereafter "twenty-two"

Page 45, line 15, overstrike "parent" and insert immediately thereafter "enrollee" and after "child" insert ", including a dependent of an unmarried child,"

Page 45, line 16, overstrike "parent" and insert immediately thereafter "enrollee"

Page 45, after line 17, insert:

"SECTION 25. AMENDMENT. Subsection 23 of section 26.1-36.3-01 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

23. "Qualifying previous coverage" and "qualifying existing coverage" mean benefits or coverage provided under one or more of the following:
  - a. Medicare or, medicaid, civilian health and medical program for uniformed services, Indian health services program, or any other similar publicly sponsored program.
  - b. ~~An employer-based~~ A health insurance or health benefit arrangement that provides benefits similar to or exceeding benefits provided under the basic health benefit plan.



- c. An individual health insurance policy, including coverage issued by a health maintenance organization, nonprofit health service corporation, and fraternal benefit society that provides benefits similar to or exceeding the benefits provided under the basic health benefit plan, provided that the policy has been in effect for a period of at least one year."

Page 46, line 27, remove the overstrike over "~~Adjustments in rates for claim experience, health status, and~~"

Page 46, remove the overstrike over line 28

Page 46, line 29, remove the overstrike over "~~or dependents.~~"

Page 47, line 1, replace "two" with "four" and replace "when" with "after January 1, 1997."

Page 47, remove lines 2 through 7

Page 47, line 8, remove "employers." and remove "in rates"

Page 47, line 11, remove the overstrike over "~~e-~~" and remove "f."

Page 47, line 15, remove the overstrike over "~~f-~~" and remove "g."

Page 47, line 20, remove the overstrike over "~~g-~~" and remove "h."

Page 48, line 12, remove the overstrike over "~~h-~~" and remove "i."

Page 48, line 22, remove the overstrike over "~~i-~~" and remove "j."

Page 48, remove the overstrike over lines 28 and 29

Page 49, remove the overstrike over line 1

Page 49, line 2, remove the overstrike over "~~commissioner.~~" and insert immediately thereafter "Gender may not be used as a case characteristic after January 1, 1996."

Page 50, line 1, remove the first "system" and remove "a system that"

Page 50, line 2, remove "provides for"

Page 50, line 17, remove the second "or" and after "warn" insert an underscored comma

Page 50, line 18, replace "instruction" with "failure"

Page 51, line 12, replace "two" with "five" and remove "fifty"

Page 51, remove lines 19 through 29

Page 52, remove lines 1 through 29

Page 53, replace lines 1 through 9 with:

"Alternative dispute resolution.

1. Before initiating a health care malpractice action, the attorney representing a claimant shall advise the claimant about all reasonably available alternative dispute resolution options that may be available to the parties to settle the claim.

2. At the earliest opportunity after the attorney for a health care provider has notice of a potential health care malpractice claim or action, the attorney shall advise the health care provider about all reasonably available alternative dispute resolution options that may be available to the parties to settle the claim.
3. The claimant and health care provider shall make a good-faith effort to resolve part or all of the health care malpractice claim through alternative dispute resolution before the claimant initiates a health care malpractice action.
4. The attorneys for the claimant and health care provider shall state in the pleadings that they have complied with subsections 1 and 2 and that the parties have complied with subsection 3.
5. The court may sanction an attorney who fails to comply with subsections 1 or 2.
6. Notwithstanding section 28-26-01, the court may, upon a finding that a party refused to comply with subsection 3, award reasonable actual and statutory costs, including part or all of the attorney's fees to the prevailing party or parties.

Effective date. Within one hundred eighty days of the effective date of this chapter, each medical malpractice insurance provider shall file with the commissioner of insurance, pursuant to chapter 26.1-25, revised rates, rate schedules, or rate manuals for medical malpractice insurance coverages which reflect the projected impacts of this chapter and annually thereafter shall file a statement of the actual impacts of this chapter on the company's rates, rate schedules, or rate manuals no later than February first of each year."

Page 53, line 14, replace "described in subsection 2 and" with an underscored colon and insert:

- a. Medically needy persons who have countable income that does not exceed an amount determined under subsection 2; and
- b. Minors who have countable income that does not exceed an amount determined under subsection 3.
2. The department of human services shall establish an income level for medically needy persons at an amount, no less than required by federal law, that, consistent with the requirements of subsection 3, is the greatest income level achievable without exceeding legislative appropriations for that purpose.
3. The department of human services shall establish income levels for minors, based on the age of the minors, at amounts, no less than required by federal law, that provide an income level for all minors born before September 30, 1983, equal to one hundred percent of the federal poverty level in the month for which eligibility for medical assistance benefits is being determined, and that do not exceed legislative appropriations for that purpose."

Page 53, remove lines 15 through 28

Page 54, remove lines 1 through 29

Page 55, remove lines 1 through 6

Page 55, remove lines 13 through 28

Page 56, remove lines 1 through 29

Page 57, remove lines 1 through 29

Page 58, remove lines 1 through 21

Page 58, remove lines 24 through 29

Page 59, remove lines 1 and 2

Page 59, line 5, replace "\$3,000,000" with "\$1,000,000 as noted in House Bill No. 1006"

Page 59, line 8, after the period insert "The department shall pursue funding from the Robert Wood Johnson Foundation to help fund the operations of the health council."

Page 59, line 9, replace "There is hereby appropriated out of any" with "The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund of the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the department of human services for the purpose of expanding medical assistance coverage to children and pregnant women for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Total all funds	\$11,110,630
Less estimated income	<u>8,110,179</u>
Total general fund appropriation	\$ 3,000,451

**SECTION 34. APPROPRIATION.** There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$20,000, or so much of the sum as may be necessary, to the supreme court if the court initiates a program to develop alternative dispute resolution options for parties in disputes, including health care malpractice claims, for the biennium beginning July 1, 1995, and ending June 30, 1997.

**SECTION 35. APPROPRIATION.** There is hereby appropriated out of any moneys in the insurance regulatory trust fund, not otherwise appropriated, the sum of \$96,920, or so much of the sum as may be necessary, to the commissioner of insurance for the purpose of implementing insurance reforms for the biennium beginning July 1, 1995, and ending June 30, 1997."

Page 59, remove lines 10 through 21

Page 59, line 22, replace "Section 29 of this Act does not apply" with "The limitation on noneconomic damages in section 28 of this Act applies to injuries that occur after the effective date of this Act. The duties imposed on parties and counsel in the alternative dispute resolution provision of section 28 apply to health care malpractice claims that accrued before the effective date of this Act."

Page 59, remove lines 23 and 24

Renumber accordingly

The reports of the majority and the minority were placed on the Seventh order of business on the calendar.

## SEVENTH ORDER OF BUSINESS

REP. BOUCHER MOVED that the report of the Minority be substituted for the report of the Majority.

## REQUEST

REP. KERZMAN REQUESTED a recorded roll call vote on the motion to substitute the report of the Minority for the report of the Majority on HB 1050, which request was granted.

## ROLL CALL

The question being on the motion to substitute the report of the Minority for the report of the Majority on HB 1050, the roll was called and there were 25 YEAS, 73 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Christenson; Coats; Delmore; Dobrinski; Glassheim; Grumbo; Gulleson; Hanson; Huether; Kaldor; Kerzman; Kroeber; Laughlin; Mahoney; Mutzenberger; Nichols; Oban; Sabby; Sandvig; Schmidt; Sitz; Sveen; Wilkie

**NAYS:** Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Clayburgh; Dalrymple; DeKrey; Deizer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Gorman; Grosz; Gunter; Hagle; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Lloyd; Maragos; Martinson; Mickelson; Monson; Nicholas; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Schimke; Shide; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Speaker Martin

The motion to substitute the report of the Minority for the report of the Majority to HB 1050 failed.

## RULING BY THE SPEAKER

SPEAKER MARTIN RULED that since the motion to substitute the report of the Minority for the report of the Majority failed, the report of the Majority amendments to HB 1050 would be placed on the Sixth order of business on the calendar for the succeeding legislative day.

## MOTION

REP. DORSO MOVED that House Rule 601, Section 4, be suspended and the proposed Majority report amendments to HB 1050 be placed on the Sixth order of business on today's calendar, which motion prevailed.

## MOTION

REP. DORSO MOVED that House Rule 601, Section 4, be suspended and that the House consider the proposed Majority report amendments to HB 1050 on the Sixth order of business on today's calendar, which motion prevailed.

## REQUEST

REP. SVEDJAN REQUESTED that Rep. Price be allowed to assist with the explanation of the proposed Majority report amendments to HB 1050, which request was granted.

## SIXTH ORDER OF BUSINESS

HB 1050: REP. SVEDJAN (Human Services Committee) MOVED that the Majority report amendments to HB 1050 be adopted and then be REREFERRED to the Appropriations Committee with DO PASS, which motion prevailed.

HB 1050, as amended, was rereferred to the Appropriations Committee.

## MOTION

REP. FREIER MOVED that the House stand in recess until 3:30 p.m., which motion prevailed.

## HOUSE ENROSSING REPORT

The following bills were engrossed: HB 1004, HB 1011, HB 1050, HB 1129, HB 1177, HB 1337.

The following bills were reengrossed: HB 1057 and HB 1182.

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

## SECOND READING OF HOUSE BILL

HB 1389: A BILL for an Act to amend and reenact section 9-08-06 of the North Dakota Century Code, relating to exceptions to contracts that restrain business.

## 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, 1 NAY, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; DeKrey; Delmore; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Delzer

ABSENT AND NOT VOTING: Boucher; Byerly; Dalrymple; Henegar, D.; Kretschmar

Engrossed HB 1389 passed and the title was agreed to.

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## SECOND READING OF HOUSE BILL

HB 1398: A BILL for an Act to create and enact a new section to chapter 26.1-40 of the North Dakota Century Code, relating to requiring an insurance loss reporting service to furnish a copy of a claims history report to an automobile insurance applicant.

## 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 95 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Nichols

**ABSENT AND NOT VOTING:** Byerly; Henegar, D.

Engrossed HB 1398 passed and the title was agreed to.

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**MOTION**

**REP. TIMM MOVED** that the House reconsider its action whereby HB 1306 passed, which motion prevailed on a verification vote.

**MOTION**

**REP. DORSO MOVED** that HB 1306 be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Rep. Dorso's motion, HB 1306 was rereferred.

**SECOND READING OF HOUSE BILL**

**HB 1417:** A BILL for an Act to amend and reenact section 61-24.5-10 of the North Dakota Century Code, relating to the taxing authority of the southwest water authority.

**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 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drowdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Byerly; Henegar, D.

Engrossed HB 1417 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1476:** A BILL for an Act to amend and reenact section 57-38-30.3 of the North Dakota Century Code, relating to computation of income tax liability on the short-form return for individuals, estates, and trusts; and to provide an effective date.

**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, 69 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Christenson; Clark; Coats; DeKrey; Delmore; DeWitz; Drowdal; Glassheim; Gorman; Grumbo; Gulleson; Holm; Kaldor; Keiser; Kerzman; Kretschmar; Kroeber; Maragos; Mutzenberger; Nichols; Oban; Rydell; Schmidt; Wentz; Wilkie

**NAYS:** Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Carlisle; Carlson; Christopherson; Clayburgh; Dalrymple; Delzer; Dobrinski; Dorso; Freier; Froseth; Galvin; Gerntholz; Gorder; Grosz; Gunter;

Hagle; Hanson; Hausauer; Henegar, K.; Howard; Huether; Jacobs; Johnson; Kelsch; Kempenich; Klein; Kliniske; Koppelman; Kunkel; Laughlin; Lloyd; Mahoney; Martinson; Mickelson; Monson; Nicholas; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Sabby; Sandvig; Schimke; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Speaker Martin

ABSENT AND NOT VOTING: Byerly; Henegar, D.

Engrossed HB 1476 was declared lost.

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#### SECOND READING OF HOUSE BILL

HB 1492: A BILL for an Act to create and enact a new paragraph to subdivision b of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to the penalty for driving without liability insurance; and to amend and reenact section 39-08-20 of the North Dakota Century Code, relating to driving without liability insurance.

#### 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 93 YEAS, 1 NAY, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gordner; Gorman; Grosz; Grumbo; Guleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Klein; Kliniske; Koppelman; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Kerzman

ABSENT AND NOT VOTING: Byerly; Henegar, D.; Kretschmar; Stenehjem

Engrossed HB 1492 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

HB 1499: A BILL for an Act to amend and reenact section 57-15-16 of the North Dakota Century Code, relating to school district building fund levies.

#### 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 36 YEAS, 59 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Brown; Coats; Dorso; Drovdal; Froseth; Galvin; Gerntholz; Gorman; Gunter; Hanson; Hausauer; Johnson; Kelsch; Kretschmar; Kroeber; Kunkel; Lloyd; Mahoney; Monson; Nicholas; Olson; Payne; Rennerfeldt; Sabby; Sandvig; Schmidt; Shide; Skarphol; Stenehjem; Thompson; Thoreson; Timm; Torgerson; Wardner; Wentz; Speaker Martin

**NAYS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Freier; Glassheim; Gorder; Grosz; Grumbo; Gulleson; Hagle; Henegar, K.; Holm; Howard; Huether; Jacobs; Kaldor; Keiser; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Laughlin; Maragos; Martinson; Mickelson; Mutzenberger; Nichols; Nottestad; Oban; Poolman; Price; Retzer; Rydell; Schimke; Sitz; Soukup; Svedjan; Sveen; Tollefson; Walker; Wilkie

**ABSENT AND NOT VOTING:** Byerly; Henegar, D.; Wald

Engrossed HB 1499 was declared lost.

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#### SECOND READING OF HOUSE BILL

**HB 1500:** A BILL for an Act to provide for the use and investment of public employee retirement funds.

#### 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 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Byerly; Henegar, D.

Engrossed HB 1500 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1055:** A BILL for an Act to amend and reenact section 54-06-08.1 of the North Dakota Century Code, relating to accounts maintained by state agencies at banks other than the Bank of North Dakota.

#### 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 91 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Skarphol; Soukup; Stenehjem; Svedjan; Sveen;



Thompson; Thoreson; Timm; Torgerson; Wald; Walker; Wardner; Wilkie; Speaker Martin

**NAYS:** Kunkel; Nicholas; Price; Tollefson; Wentz

**ABSENT AND NOT VOTING:** Byerly; Henegar, D.

Reengrossed HB 1055 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1083:** A BILL for an Act to amend and reenact section 34-14-02 of the North Dakota Century Code, relating to the time of payment of wages by employers.

#### 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 57 YEAS, 39 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Bernstein; Boehm; Boucher; Christenson; Clark; Clayburgh; Dalrymple; DeKrey; Delmore; DeWitz; Dobrinski; Freier; Glassheim; Gorder; Guleson; Hagle; Hanson; Holm; Huether; Johnson; Kaldor; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Maragos; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Sandvig; Schimke; Sitz; Soukup; Svedjan; Sveen; Thompson; Wentz; Wilkie; Speaker Martin

**NAYS:** Belter; Berg; Brown; Carlisle; Carlson; Christopherson; Coats; Delzer; Dorso; Drovda; Froseth; Galvin; Gerntholz; Gorman; Grosz; Grumbo; Gunter; Hausauer; Henegar, K.; Howard; Jacobs; Keiser; Kelsch; Kempenich; Mahoney; Martinson; Rydell; Sabby; Schmidt; Shide; Skarphol; Stenehjem; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner

**ABSENT AND NOT VOTING:** Byerly; Henegar, D.

Engrossed HB 1083 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1207:** A BILL for an Act to amend and reenact section 65-04-20 of the North Dakota Century Code, relating to the installment payment of premiums for workers' compensation.

#### 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 95 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Guleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**NAYS:** Kerzman

**ABSENT AND NOT VOTING:** Byerly; Henegar, D.

Engrossed HB 1207 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1208:** A BILL for an Act to amend and reenact sections 65-02-08, 65-02-15, 65-02-20, subsection 1 of section 65-05.1-06.1, and section 65-10-03 of the North Dakota Century Code, relating to workers' compensation attorney fees; to repeal sections 65-02-17 and 65-02-18 of the North Dakota Century Code, relating to binding arbitration; and to provide an effective 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 70 YEAS, 26 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Carlisle; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Gorman; Grosz; Gunter; Hagle; Hausauer; Henegar, K.; Holm; Howard; Jacobs; Johnson; Keiser; Kempenich; Klein; Kliniske; Koppelman; Kunkel; Lloyd; Maragos; Martinson; Mickelson; Monson; Nicholas; Nichols; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Schimke; Shide; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Speaker Martin

**NAYS:** Aarsvold; Boucher; Christenson; Clayburgh; Coats; Delmore; Glassheim; Grumbo; Gulleson; Hanson; Huether; Kaldor; Kelsch; Kerzman; Kretschmar; Kroeber; Laughlin; Mahoney; Mutzenberger; Oban; Sandvig; Schmidt; Sitz; Sveen; Wentz; Wilkie

**ABSENT AND NOT VOTING:** Byerly; Henegar, D.

Engrossed HB 1208 passed and the title was agreed to.

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#### MOTION

**REP. DORSO MOVED** that HB 1212 be moved to the foot of the calendar, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1253:** A BILL for an Act to amend and reenact sections 54-03-25, 65-05.1-01, 65-05.1-04, and subdivision b of subsection 2 of section 65-05.1-06.1 of the North Dakota Century Code, relating to actuarial impact statements for workers' compensation measures, rehabilitation services for injured employees, an injured employee's responsibilities for rehabilitation of a work-related injury, and the twenty-five percent additional rehabilitation allowance given to injured workers.

#### MOTION

**REP. AUSTIN MOVED** the previous question, which motion prevailed.

#### 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 86 YEAS, 10 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Carlisle; Carlson; Christopherson; Clark; Clayburgh; Dalrymple; DeKrey; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hausauer; Rydell; Sabby; Schimke; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Laughlin; Lloyd; Maragos; Martinson; Mickelson; Monson; Nicholas; Nichols; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**NAYS:** Christenson; Coats; Delmore; Hanson; Kerzman; Kroeber; Mahoney; Mutzenberger; Oban; Sandvig

**ABSENT AND NOT VOTING:** Byerly; Henegar, D.

Engrossed HB 1253 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1233:** A BILL for an Act to create and enact two new subsections to section 5-04-01 and a new section to chapter 5-04 of the North Dakota Century Code, relating to definitions applicable to beer wholesalers and brewers brand extensions.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Bateman; Byerly; Henegar, D.

HB 1233 passed and the title was agreed to.

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#### MOTION

**REP. DORSO MOVED** that HB 1233 be moved to the top of the calendar, which motion prevailed.

#### MOTION

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

#### MOTION

**REP. FREIER MOVED** that the House be on the Fifth, Twelfth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Wednesday, February 8, 1995, which motion prevailed.

## REPORT OF STANDING COMMITTEE

HB 1064: Transportation Committee (Rep. Belter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1064 was placed on the Sixth order on the calendar.

Page 1, line 4, after "assigned" insert "; and to provide an effective date"

Page 2, line 11, after "therein" insert "or chapter 39-18"

Page 3, line 16, after the underscored period insert "To provide the transferee adequate time to obtain a new registration, the director may provide for the issuance of a temporary registration certificate to permit the transferee to operate the vehicle for thirty days after the date of acquisition. The certificate must be available to the transferee from licensed vehicle dealers, law enforcement agencies, and motor vehicle branch offices. The vehicle may be operated for five days from date of purchase without a plate or certificate of ownership if dated evidence of ownership is carried in the vehicle. The evidence of ownership must be in a form as prescribed by the department."

Page 4, after line 8, insert:

"SECTION 5. EFFECTIVE DATE. This Act is effective January 1, 1997."

Re-number accordingly

## REPORT OF STANDING COMMITTEE

HB 1146: Natural Resources Committee (Rep. Olson, Chairman) A MAJORITY of your committee (Reps. Brown, Carlson, DeKrey, Drovdal, Galvin, Gorder, K. Henegar, Lloyd, Nottestad, Olson, Torgerson) recommends DO PASS.

## REPORT OF STANDING COMMITTEE

HB 1146: Natural Resources Committee (Rep. Olson, Chairman) A MINORITY of your committee (Reps. Gulleon, Hanson, Mutzenberger) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS.

Page 1, line 1, after "to" insert "create and enact a new subsection to section 23-29-04 and a new section to chapter 23-29 of the North Dakota Century Code, relating to the powers and duties of the state department of health and consolidated laboratories and the prohibition of certain actions by solid waste management facility permitholders and solid waste transporter permitholders; and to"

Page 1, after line 4, insert:

"SECTION 1. A new subsection to section 23-29-04 of the 1993 Supplement to the North Dakota Century Code is created and enacted as follows:

Certify persons to conduct ground water monitoring, testing, or inspection programs required under this chapter. The department shall establish certification standards and criteria for persons who perform ground water monitoring, testing, or inspections under this chapter. This subsection does not apply to employees of energy conversion facilities or coal mining operations that dispose of their solid waste onsite.

SECTION 2. A new section to chapter 23-29 of the North Dakota Century Code is created and enacted as follows:

Certain actions by permitholders prohibited. Neither a solid waste management facility permitholder nor a solid waste transporter

permitholder may discharge, discipline, threaten discrimination, or penalize any person regarding that person's compensation, conditions, location, or privileges of employment because of the results of monitoring, testing, or inspection conducted under this chapter in an appropriate manner. This section does not apply to energy conversion facilities or coal mining operations that dispose of their solid waste onsite."

Renumber accordingly

The reports of the majority and the minority were placed on the seventh order of business on the calendar for the succeeding legislative day.

**REPORT OF STANDING COMMITTEE**

**HB 1150: Judiciary Committee (Rep. Kretschmar, Chairman) recommends DO NOT PASS (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1150 was placed on the Eleventh order on the calendar.**

**REPORT OF STANDING COMMITTEE**

**HB 1172: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1172 was placed on the Sixth order on the calendar.**

Page 1, line 1, remove "to create and enact a new chapter to title 13 of the North"

Page 1, remove line 2

Page 1, line 3, remove "brokers;", remove "subsection 1 of section 6-01-01.1,", and after "sections" insert "13-04.1-02,"

Page 1, line 5, after "43-23-13.1" insert "of the North Dakota Century Code"

Page 1, line 6, remove "financial institutions regulatory fund and" and replace "mortgage" with "money"

Page 1, line 7, remove ", license standards, license applications,"

Page 1, remove line 8

Page 1, line 9, remove "penalty"

Page 1, replace lines 11 through 22 with:

**"SECTION 1. AMENDMENT.** Section 13-04.1-02 of the North Dakota Century Code is amended and reenacted as follows:

**13-04.1-02. Money broker license required.** Except as otherwise herein provided, no person other than a money broker licensed and authorized under this chapter may advertise or solicit either in print, by letter, in person, or otherwise in North Dakota, the right to find lenders or provide loans for persons or businesses desirous of obtaining funds for any purposes. As used in this chapter, the term "money broker" does not include banks, credit unions, savings and loan associations, insurance companies, small loan companies, consumer finance companies, state or federal agencies and their employees, institutions chartered by the farm credit administration, trust companies, or any other person or business regulated and licensed by the state of North Dakota. The term "money broker" also does not include a real estate broker, broker, or a real estate salesperson as defined in section 43-23-06.1 when the person engages in the financing for real estate sold by the real estate broker, broker, or real estate salesperson."

Page 2, remove lines 1 through 29

Page 3, remove lines 1 through 27

Page 4, remove lines 1 through 29

Page 5, remove lines 1 through 29

Page 6, remove lines 1 through 29

Page 7, remove lines 1 through 17

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1210:** Natural Resources Committee (Rep. Olson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1210 was placed on the Sixth order on the calendar.

Page 1, line 15, after "site" insert "within six months of the completion of the reclamation"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1214:** Political Subdivisions Committee (Rep. Soukup, Chairman) recommends DO PASS (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1214 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1234:** Political Subdivisions Committee (Rep. Soukup, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1234 was placed on the Sixth order on the calendar.

Page 1, line 11, overstrike "and for which the principal amount of any one issue does not exceed"

Page 1, line 12, overstrike "two hundred thousand dollars"

Page 1, line 12, remove the overstrike over "~~However, the bond bank may lend money to~~"

Page 1, remove the overstrike over lines 13 and 14

Page 1, line 15, remove the overstrike over "~~bonds issued, if the~~"

Page 1, line 22, after "~~issue~~" insert "municipal securities are issued in conjunction with a state or federal program that allows the political subdivision to obtain below-market interest rates" and remove the overstrike over the period

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1246:** Political Subdivisions Committee (Rep. Soukup, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1246 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "surpluses" with "funds"

Page 1, line 6, overstrike "~~surpluses~~" and insert immediately thereafter "funds"

Page 1, line 9, overstrike "surpluses" and insert immediately thereafter "moneys"

Page 1, line 10, overstrike "surpluses" and insert immediately thereafter "balances"

Page 1, line 15, replace "excluding high risk" with "if the agency security does not exceed five years in maturity in securities sold under agreements to repurchase. The agreements to repurchase must be written by a financial institution in which the underlying securities for the agreement to repurchase are of a type listed above, in certificates of deposit fully insured by the federal deposit insurance corporation or by the state, or in obligations of the state."

Page 1, remove lines 16 through 21

Page 2, remove lines 1 through 10

Page 2, line 11, replace "3." with "2."

Page 2, after line 15, insert:

"3. Notwithstanding all other restrictions, an investment may not be made that risks the principal investment if held to maturity."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

HB 1260: Natural Resources Committee (Rep. Olson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HB 1260 was placed on the Sixth order on the calendar.

Page 1, line 20, remove "oil payments,"

Page 2, line 28, remove "oil payments,"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

HB 1274: Political Subdivisions Committee (Rep. Soukup, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1274 was placed on the Sixth order on the calendar.

Page 1, remove the overstrike over line 8

Page 1, line 9, remove the overstrike over "a telecommunications company" and remove the overstrike over "must"

Page 1, line 10, remove the overstrike over "allow a caller", remove the overstrike over "on a per call" and insert immediately thereafter "and a per-line", remove the overstrike over "basis", and remove the overstrike over "to withhold"

Page 1, line 11, remove the overstrike over "display of a caller's telephone number from the"

Page 1, remove the overstrike over lines 12 and 13

Page 1, line 14, remove the overstrike over "2-" and overstrike "or rural telephone cooperative"

Page 1, line 18, after "basis" insert ". A charge may be assessed by the telecommunications company for subsequent requests for per-line blocking for the same line"

Page 1, line 19, remove the overstrike over "3-", remove "2.", and overstrike "or rural telephone cooperative"

Page 2, remove the overstrike over "4-" and remove "3."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1317: Political Subdivisions Committee (Rep. Soukup, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1317 was placed on the Sixth order on the calendar.**

Page 1, line 2, remove "rural"

Page 1, line 17, remove "rural"

Page 3, line 23, replace "clerk of district court" with "state engineer" and replace "district court" with "state engineer"

Page 3, line 24, remove ", not then included in any other district,"

Page 3, line 26, after the period insert "An area to be included in a district may not include property then included in any other district or included in the service area of a nonprofit corporation or cooperative association established under title 10 to operate a rural water system, except as otherwise permitted under section 61-35-25."

Page 3, after line 26, insert:

**"61-35-03. Petition contents."**

Page 4, remove lines 4 through 6

Page 4, line 7, remove "with clerk of district court"

Page 4, line 8, replace "clerk of" with "state engineer"

Page 4, line 9, remove the first "district court" and replace "clerk of district court shall inform the district court" with "state engineer"

Page 4, line 10, remove "and the district court"

Page 4, line 12, replace "clerk of district court" with "state engineer"

Page 4, line 17, replace "district" with "state engineer"

Page 4, line 18, remove "court"

Page 4, line 19, replace "clerk of" with "state engineer"

Page 4, line 20, remove "district court"

Page 4, line 24, replace "district court" with "state engineer"

Page 5, line 8, replace "district court" with "state engineer"

Page 5, line 10, replace "district court" with "state engineer"

Page 5, line 11, replace "it" with "the state engineer"



Page 5, line 12, replace "it" with "the state engineer"

Page 5, line 14, replace "it" with "the state engineer"

Page 5, line 18, replace "district court" with "state engineer"

Page 5, line 19, replace "its" with "the state engineer's"

Page 5, line 21, replace "district court" with "state engineer"

Page 10, after line 28, insert:

"22. Contract debts and borrow money, pledge property of the district for repayment of indebtedness other than bonded indebtedness, and provide for payment of debts and expenses of the district."

Page 12, line 15, replace "district court of" with "state engineer"

Page 12, remove line 16

Page 13, line 6, replace the first "clerk of district court" with "state engineer" and replace "clerk of district court and" with "state engineer"

Page 13, line 7, remove "district court"

Page 13, line 15, replace "district court that issued their original orders" with "state engineer"

Page 13, line 16, remove "under section 61-35-07,"

Page 14, line 15, replace "clerk of district court" with "state engineer" and replace "district court" with "state engineer"

Page 14, line 27, replace "a clerk of district court" with "the state engineer" and replace "district court" with "state engineer"

Page 15, line 7, replace "clerk of district court" with "state engineer"

Page 15, line 8, replace "sections" with "section" and replace "clerk of district" with "state engineer"

Page 15, line 9, remove "court shall inform the district court and the court"

Page 15, line 10, replace "district court" with "state engineer"

Page 15, line 12, replace "district court" with "state engineer"

Page 15, line 13, replace "sections" with "section"

Page 15, line 15, replace "district court" with "state engineer"

Page 15, line 17, replace "district court's" with "state engineer's"

Page 15, line 18, replace "it" with "the state engineer"

Page 15, line 20, replace "district court" with "state engineer" and replace "its" with "the state engineer's"

Page 15, line 23, replace "clerk of district" with "state engineer"

Page 15, line 24, remove "court" and remove "If a"

Page 15, remove lines 25 through 28

Page 16, line 2, replace "district court" with "state engineer"

Page 16, line 5, replace "court" with "state engineer"

Page 17, line 2, replace "district court" with "state engineer"

Page 17, line 8, replace "a district court" with "the state engineer"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1324:** Political Subdivisions Committee (Rep. Soukup, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1324 was placed on the Sixth order on the calendar.

Page 2, line 3, remove "The county treasurer shall"

Page 2, remove lines 4 and 5

Page 2, line 6, remove "collected on account of property situated within any city." and overstrike "All other"

Page 2, line 7, overstrike "proceeds" and insert immediately thereafter "The county treasurer shall retain and deposit in a fund known as the county road fund the proceeds of this tax totaling less than twenty dollars in a taxable year which is collected on account of property situated within any city. Proceeds", after "tax" insert "not turned over to cities pursuant to this section", and overstrike "a distinct fund to be known as"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1367:** Political Subdivisions Committee (Rep. Soukup, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1367 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "23-12-09.1," and remove the second comma

Page 1, line 3, remove "places of employment and"

Page 1, line 4, remove "23-12-10.1,"

Page 1, line 6, remove "employment and"

Page 1, line 11, remove "and employment."

Page 1, remove lines 18 through 22

Page 2, remove lines 1 and 2

Page 2, line 3, replace "4" with "2"

Page 2, line 27, replace "5" with "3"

Page 3, line 1, replace "6" with "4"

Page 3, line 3, replace "7" with "5"

Page 3, remove lines 6 through 17

Page 3, line 21, replace "sections 23-12-09.1 and" with "section" and after "in" insert "the portion of"

Page 3, line 27, replace "sections 23-12-09.1 and" with "section"

Page 4, remove lines 14 through 19

Page 4, line 26, remove ", places of employment."

Page 4, line 28, remove "commissioner of labor."

Page 5, line 17, remove "employer."

Page 5, line 19, remove ", a place of employment."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1368: Transportation Committee (Rep. Belter, Chairman)** recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1368 was placed on the Sixth order on the calendar.

Page 1, line 7, replace ", including" with ". If there is a violation of a"

Page 1, line 8, replace "zones. Notwithstanding" with "zone speed limit, where within that zone individuals engaged in construction were present at the time of the violation, then, notwithstanding"

Page 1, line 9, remove "for violation of this"

Page 1, line 10, remove "subsection"

Page 1, line 12, after "limit" insert ". The highway construction zone speed limit posted sign must state "Minimum Fee \$40""

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1397: Transportation Committee (Rep. Belter, Chairman)** recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1397 was placed on the Sixth order on the calendar.

Page 1, line 12, remove the overstrike over "two-party"

Page 1, line 14, after "dollars" insert "and indirect damages not to exceed one thousand dollars"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1411: Natural Resources Committee (Rep. Olson, Chairman)** recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1411 was placed on the Sixth order on the calendar.

Page 1, line 2, after "hunting" insert "; and provide an expiration date"

Page 1, line 8, after "means" insert "at least", replace "or" with "but not", and after "more" insert "than five"

Page 1, line 10, after the period insert "A person applying for a deer license shall indicate on the application form whether that person intends to group hunt and, if so, shall identify the other members of"

the group deer hunting party on the application. The director shall assign each member of a group deer hunting party a number to identify each member as a member of the group. The person may only group hunt with the members of a party having the same number assigned by the director."

Page 1, after line 19, insert:

"SECTION 2. EXPIRATION DATE. This Act is effective through July 31, 1997, and after that date is ineffective."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1422: Political Subdivisions Committee (Rep. Soukup, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1422 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1437: Transportation Committee (Rep. Belter, Chairman)** recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1437 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1443: Transportation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1443 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "and a"

Page 1, line 2, remove "new section to chapter 51-07"

Page 1, line 3, remove "and requirements"

Page 1, line 4, remove "for purchasers of damaged motor vehicles"

Page 1, line 8, after "in" insert "the sale of" and after "a" insert "damaged"

Page 1, line 9, replace "vehicle-related business" with "vehicle", replace "has" with "is in that person's possession and in which that person claims", and remove "in a motor vehicle in"

Page 1, line 10, replace "that person's possession, or that is" with "as an owner,"

Page 1, line 11, replace "a" with "that" and remove "in possession of that bailee, consignee, or agent,"

Page 1, line 13, replace "nature" with "date"

Page 1, remove lines 15 through 21

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1452: Political Subdivisions Committee (Rep. Soukup, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1452 was placed on the Sixth order on the calendar.

Page 14, line 22, after the underscored period insert "The term does not include any county road construction and maintenance, state highway, or public service commission project governed by titles 11, 24, or 38."

Page 14, line 26 , after "bidder" insert "- Emergency waiver"

Page 15, line 2, after the underscored period insert "If the governing body determines that an emergency situation exists, a contract may be made without seeking bids."

Page 15, line 16, after "architect" insert "or registered professional engineer"

Page 17, line 3, after the first "and" insert "thereafter" and replace "lower" with "lowest"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

HB 1454: Transportation Committee (Rep. Belter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1454 was placed on the Sixth order on the calendar.

Page 5, line 22, remove ", or both"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

HB 1456: Transportation Committee (Rep. Belter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1456 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and"

Page 1, line 3, after "penalty" insert "; and to provide an effective date"

Page 1, line 10, after "by" insert "law or by"

Page 1, line 13, remove ", including an individual's photograph, social security number,"

Page 1, remove line 14

Page 1, line 15, remove "disability information"

Page 3, line 19, after the underscored period insert "Compliance with the Driver's Privacy Protection Act of 1994 [Pub. L. 103-332; 108 Stat. 2099; 18 U.S.C. 2721-2725] satisfies the requirements of this section."

SECTION 2. EFFECTIVE DATE. This Act becomes effective on September 13, 1997."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

HB 1462: Political Subdivisions Committee (Rep. Soukup, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1462 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "county" with "maintenance district"

Page 1, line 7, replace "county with seventy-seven to" with "maintenance district"

Page 1, line 8, remove "eighty-one miles of state highway"

Page 1, line 11, replace "county" with "district"

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1469: Political Subdivisions Committee (Rep. Soukup, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1469 was placed on the Sixth order on the calendar.

Page 2, line 17, overstrike "in" and insert immediately thereafter "within" and overstrike "city or town where such applicant intends to conduct his"

Page 2, line 18, overstrike "business" and insert immediately thereafter "state"

Page 3, line 27, after "given" insert "and which is open to the public" and remove the overstrike over the comma

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1477: Judiciary Committee (Rep. Kretschmar, Chairman)** recommends **DO PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1477 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1481: Political Subdivisions Committee (Rep. Soukup, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1481 was placed on the Sixth order on the calendar.

Page 2, line 20, replace "three" with "eighteen months"

Page 2, line 21, remove "years"

Re-number accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2232, SB 2284, SB 2286, SB 2290, SB 2314, SB 2418, SB 2426, SB 2474.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2193.

**FIRST READING OF SENATE BILLS**

**SB 2232:** A BILL for an Act to repeal chapter 38-18.1 of the North Dakota Century Code, relating to termination of unused mineral interests. Was read the first time and referred to the **Natural Resources Committee**.

**SB 2284:** A BILL for an Act to amend and reenact section 39-12-04 of the North Dakota Century Code, relating to exceptions to vehicle length and width limitations for safety appurtenances. Was read the first time and referred to the **Transportation Committee**.

**SB 2286:** A BILL for an Act to amend and reenact section 39-04-44 of the North Dakota Century Code, relating to credits on the registration of motor vehicles withdrawn from fleet registration. Was read the first time and referred to the **Transportation Committee**.

**SB 2290:** A BILL for an Act relating to the establishment of school safety patrols and immunity from liability; and to repeal sections 15-47-44 and 15-47-45 of the North Dakota Century Code, relating to the authorization and appointment of school safety patrols.

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

**SB 2314:** A BILL for an Act to amend and reenact sections 6-08.1-03, 21-04-09, and 21-06-07 of the North Dakota Century Code, relating to confidentiality of financial institution customer information and the pledge of securities and the investment of surplus funds by political subdivisions.

Was read the first time and referred to the **Political Subdivisions Committee**.

**SB 2418:** A BILL for an Act to provide for the transporting of nonresident chemically dependent patients.

Was read the first time and referred to the **Human Services Committee**.

**SB 2426:** A BILL for an Act to create and enact a new subsection to section 57-38-57 of the North Dakota Century Code, relating to delinquent income and sales taxes; to amend and reenact subsection 1 of section 57-39.2-18 and section 57-39.2-23 of the North Dakota Century Code, relating to delinquent income and sales taxes; and to provide an effective date.

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

**SB 2474:** A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to the issuance of distinctive license plates; and to provide an effective date.

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

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

**ROY GILBREATH, Chief Clerk**