

JOURNAL OF THE HOUSE

Sixty-first Legislative Assembly

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Bismarck, January 22, 2009

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

The prayer was offered by Pastor Larry Giese, Lord of Life Lutheran Church, Bismarck

The roll was called and all members were present except Representatives Hanson and Winrich.

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. Delzer, Chairman)** has carefully examined the Journal of the 5th, 8th, 9th, 10th and 11th Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 99, line 38, after "21-04-09", insert " of the North Dakota Century Code".

Page 132, line 30, replace "HB 1142, as amended," with "Engrossed HB 1142".

Page 141, line 33, delete "the roll was called and there were".

Page 141, delete lines 34 and 35.

Page 142, line 25, replace "HB 1024, as amended," with "Engrossed HB 1024".

Page 142, line 47, replace "HB 1158, as amended," with "Engrossed HB 1158".

Page 156, line 3, replace "HB 1035, as amended," with "Engrossed HB 1035".

Page 177, line 17, replace "HB 1099, as amended," with "Engrossed HB1099".

Page 177, line 38, replace "HB 1136, as amended," with "Engrossed HB 1136".

Page 178, line 4, replace "HB 1143, as amended," with "Engrossed HB 1143".

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

SIXTH ORDER OF BUSINESS

SPEAKER MONSON DEEMED approval of the amendments to HB 1089, HB 1100, HB 1152, HB 1154, HB 1192, HB 1220, HB 1258, and HB 1368.

HB 1089, HB 1100, HB 1152, HB 1154, HB 1192, HB 1220, HB 1258, and HB 1368, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SECOND READING OF HOUSE BILL

HB 1026: A BILL for an Act to provide for the control of noxious weeds; to amend sections 4-33-11 and 57-15-06.10 of the North Dakota Century Code, relating to pest control and consolidated levies; to repeal chapter 63-01.1 of the North Dakota Century Code, relating to noxious weed control and pest control; and to provide a penalty.

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 88 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury;

Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Monson

NAYS: Brandenburg; DeKrey; Schatz; Weisz

ABSENT AND NOT VOTING: Hanson; Winrich

HB 1026 passed.

SECOND READING OF HOUSE BILL

HB 1170: A BILL for an Act to amend and reenact section 38-18.1-06 of the North Dakota Century Code, relating to termination of mineral interest notices.

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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Monson

ABSENT AND NOT VOTING: Hanson; Winrich

HB 1170 passed.

MOTION

REP. VIGESAA MOVED that HB 1179 and HB 1184, which are on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1191: A BILL for an Act to amend and reenact section 26.1-40-17.1 of the North Dakota Century Code, relating to insurance coverage for rental vehicles.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 2 YEAS, 89 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Boehning; Wald

NAYS: Amerman; Bellew; Belter; Berg; Boe; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Monson

ABSENT AND NOT VOTING: Hanson; Kasper; Winrich

HB 1191 lost.

SECOND READING OF HOUSE BILL

HB 1196: A BILL for an Act to amend and reenact section 26.1-36.4-06 of the North Dakota Century Code, relating to elimination of the reporting requirement of modified community rating of insurance policies.

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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Monson

ABSENT AND NOT VOTING: Hanson; Winrich

HB 1196 passed.

SECOND READING OF HOUSE BILL

HB 1199: A BILL for an Act to amend and reenact subsection 1 of section 57-38.3-02 of the North Dakota Century Code, relating to setoff of income tax refund for debts owed to any fund or program administered by the insurance commissioner; and to provide an effective date.

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 91 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Monson

NAYS: Delzer

ABSENT AND NOT VOTING: Hanson; Winrich

HB 1199 passed.

SECOND READING OF HOUSE BILL

HB 1200: A BILL for an Act to create and enact a new section to chapter 57-02 of the North Dakota Century Code, relating to property taxation of certain otherwise exempt property for the cost of fire, law enforcement, and emergency services; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 36 YEAS, 57 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bellew; Berg; Conklin; Damschen; DeKrey; Delmore; Dosch; Froelich; Glassheim; Griffin; Kaldor; Keiser; Kerzman; Kilichowski; Klein; Klemin; Koppelman; Meier, L.; Metcalf; Meyer, S.; Mock; Myxter; Nathe; Nottestad; Pietsch; Porter; Potter; Ruby; Schatz; Skarphol; Sukut; Thoreson; Vig; Weiler; Wieland; Zaiser

NAYS: Amerman; Belter; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conrad; Dahl; Delzer; Drovda; Ekstrom; Frantsvog; Froseth; Grande; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kingsbury; Kreidt; Kretschmar; Kroeber; Martinson; Mueller; Nelson; Onstad; Pinkerton; Pollert; Rust; Schmidt; Schneider; Svedjan; Thorpe; Uglem; Vigesaa; Wald; Wall; Weisz; Williams; Wolf; Wrangham; Speaker Monson

ABSENT AND NOT VOTING: Winrich

HB 1200 lost.

SECOND READING OF HOUSE BILL

HB 1209: A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to a long-term care partnership plan individual income tax credit; to amend and reenact subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to a long-term care partnership plan individual income tax credit; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 68 YEAS, 25 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Boe; Boehning; Boucher; Clark; Conklin; Conrad; Damschen; DeKrey; Delmore; Dosch; Ekstrom; Froelich; Glassheim; Griffin; Gruchalla; Hanson; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Klemin; Koppelman; Kreidt; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Porter; Potter; Ruby; Schatz; Schmidt; Schneider; Thoreson; Uglem; Vig; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser

NAYS: Belter; Berg; Brandenburg; Carlson; Dahl; Delzer; Drovda; Frantsvog; Froseth; Grande; Hatlestad; Kempenich; Klein; Kretschmar; Pollert; Rust; Skarphol; Sukut; Svedjan; Thorpe; Vigesaa; Wald; Wall; Weiler; Speaker Monson

ABSENT AND NOT VOTING: Winrich

HB 1209 passed.

MOTION

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

MOTION

REP. VIGESAA MOVED that the House be on the Fifth and Ninth orders of business and at the conclusion of those orders, the House stand adjourned until 12:30 p.m., Friday, January 23, 2009, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1094: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1094 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1097: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1097 was placed on the Sixth order on the calendar.

Page 1, line 10, after the period insert:

"2."

Page 1, line 12, after "covers" insert "unless the authorization clearly indicates that the period is in perpetuity or until revoked in writing or upon separation of employment"

Page 1, line 17, replace "2." with "3." and replace "shall" with "may"

Page 1, line 18, replace "stolen property" with "monetary damages resulting from a criminal act by the employee" and remove "the employee"

Page 1, line 19, replace "Voluntarily" with "The employee voluntarily"

Page 1, line 20, replace "1" with "2"

Page 1, line 21, replace "theft or" with "a crime resulting in monetary damages to the employer which is"

Page 1, line 22, remove "property or funds"

Page 1, line 23, remove "of theft" and replace the second "theft" with "crime"

Page 1, line 24, after "employment" insert "or the next regularly scheduled payday, whichever occurs later"

Page 2, line 2, replace "theft" with "crime"

Page 2, line 5, replace "theft" with "the alleged crime"

Page 2, line 6, replace "the value of the theft" with "an amount to be determined by the court"

Page 2, line 8, replace "value of the theft" with "loss incurred by the employer due to the crime"

Page 2, line 9, after "interest" insert ", at the rate established by section 47-14-09"

Page 2, after line 9, insert:

"4. This section may not be construed as prohibiting the withholding of amounts authorized in writing by the employee to be contributed by the employee to charitable organizations, to employer-sponsored retirement accounts, or qualified plans sponsored by the employer, nor may this section prohibit deductions authorized under a collective bargaining agreement, including dues or service fees not otherwise prohibited by law."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1159: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1159 was placed on the Sixth order on the calendar.

Page 1, line 13, after "~~director~~" insert "attorney general and the"

Page 1, line 14, after the first underscored comma insert "the department of corrections and rehabilitation,"

Page 1, line 15, after "~~director~~" insert "attorney general and the"

Page 1, line 16, after the first underscored comma insert "the department of corrections and rehabilitation,"

Page 1, line 19, after "The" insert "attorney general, the"

Page 1, line 20, after "services" insert ", the department of corrections and rehabilitation,"

Page 1, line 21, remove "department's or agencies" and after "retention" insert "policy of that official, department, or agency"

Page 1, line 22, remove "policies"

Page 1, line 23, after "director" insert "attorney general and the"

Page 2, line 1, after the first underscored comma insert "the department of corrections and rehabilitation,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1176: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1176 was placed on the Sixth order on the calendar.

Page 1, line 5, remove "43-28-08,"

Page 5, line 20, overstrike "inefficiency" and insert immediately thereafter "incompetency"

Page 6, line 8, remove "improper, unfair, or"

Page 11, line 15, after "licenses" insert "or registration"

Page 11, remove lines 19 through 29

Page 18, line 13, after "technicians" insert "without first having furnished the dental laboratory or dental laboratory technician a written prescription"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1185: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1185 was placed on the Sixth order on the calendar.

Page 2, line 7, replace "of" with "or"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1204: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1204 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "subdivisions g and h of"

Page 1, replace lines 8 through 24 with:

"SECTION 1. AMENDMENT. Subsection 2 of section 26.1-36-04 of the North Dakota Century Code is amended and reenacted as follows:

2. Except as provided in subsection 3, ~~ne an~~ an accident and health insurance policy delivered or issued for delivery to any person in this state may not contain provisions respecting the matters described in this subsection unless the provisions in the policy are not less favorable in any respect to the insured or the beneficiary.
 - a. A provision that if the insured is injured or contracts sickness after having changed occupation to one classified by the insurer as more hazardous than that stated in the policy or while doing for compensation anything pertaining to an occupation so classified, the insurer will pay only such portion of the indemnities provided in the

policy as the premium paid would have purchased at the rates and within the limits fixed by the insurer for the more hazardous occupation. If the insured changes occupation to one classified by the insurer as less hazardous than that stated in the policy, the insurer, upon receipt of proof of the change of occupation, will reduce the premium rate accordingly, and will return the excess pro rata unearned premium from the date of change of occupation or from the policy anniversary date immediately preceding receipt of proof, whichever is the more recent. The provision must provide that the classification of occupational risk and the premium rates will be such as have been last filed by the insurer ~~prior to~~ before the occurrence of the loss for which the insurer is liable or ~~prior to~~ before date of proof of change in occupation with the state official having supervision of insurance in the state where the insured resided at the time the policy was issued; but if the filing was not required, then the classification of occupational risk and the premium rates will be those last made effective by the insurer in such state ~~prior to~~ before the occurrence of the loss or ~~prior to~~ before the date of proof of change in occupation.

- b. A provision that if the age of the insured has been misstated, all amounts payable under the policy will be such as the premium paid would have purchased at the correct age.
- c. A provision that if an accident or health or accident and health policy or policies previously issued by the insurer to the insured are in force concurrently therewith, making the aggregate indemnity for the type of coverage or coverages, in excess of the maximum limit of indemnity or indemnities, the excess insurance is void and all premiums paid for the excess will be returned to the insured or to the insured's estate. In lieu of this type of provision, the policy may provide that insurance effective at any one time on the insured under the policy and a like policy or policies in the insurer is limited to the one such policy elected by the insured, the insured's beneficiary, or the insured's estate, as the case may be, and the insurer will return all premiums paid for all other such policies.
- d. A provision that upon the payment of a claim under the policy, any premium then due and unpaid or covered by any note or written order may be deducted ~~therefrom~~ from the payment.
- e. Subject to chapter 26.1-36.4, a provision that the insurer may cancel the policy at any time by written notice delivered to the insured, or mailed to the insured's last address as shown by the records of the insurer, stating when, not less than five days thereafter, the cancellation is effective; and after the policy has been continued beyond its original term the insured may cancel the policy at any time by written notice delivered or mailed to the insurer, effective upon receipt or on such later date as may be specified in the notice. The provision must provide that in the event of cancellation, the insurer will return promptly the unearned portion of any premium paid, and, if the insured cancels, the earned premium will be computed by the use of the short-rate table last filed in the state where the insured resided when the policy was issued. The provision must provide that if the insurer cancels, the earned premium shall be computed pro rata. The provision must provide that cancellation is without prejudice to any claim originating prior to the effective date of cancellation.
- f. A provision that any provision of the policy which, on its effective date, is in conflict with the statutes of the state in which the insured resides on such date is amended to conform to the minimum requirements of such statutes.
- g. A provision that the insurer is not liable for any loss to which a contributing cause was the insured's commission of or attempt to commit a felony or to which a contributing cause was the insured's being engaged in an illegal occupation.
- h. ~~A provision that the insurer is not liable for any loss sustained or contracted in consequence of the insured's being intoxicated or under~~

~~the influence of any narcotic unless administered on the advice of a physician.~~

- i. A provision that after the loss-of-time benefit of the policy has been payable for ninety days, such benefit will be adjusted, as provided ~~below under this subdivision~~, if the total amount of unadjusted loss-of-time benefits provided in all valid loss-of-time coverage upon the insured should exceed a percentage of the insured's earned income as provided in the policy; provided, however, that if the information contained in the application discloses that the total amount of loss-of-time benefits under the policy and under all other valid loss-of-time coverage expected to be effective upon the insured in accordance with the application for this policy exceeded an alternative percentage of the insured's earned income as provided in the policy, at the time of the application, such higher percentage will be used in place of the original percentage provided.
- (1) The provision must provide that the adjusted loss-of-time benefit under the policy for any month will be only such proportion of the loss-of-time benefit otherwise payable under the policy as ~~(4)~~ (a) the product of the insured's earned income and the original percent, or, if higher, the alternative percentage, bears to ~~(2)~~ (b) the total amount of loss-of-time benefits payable for such month under the policy and all other valid loss-of-time coverage on the insured, without giving effect to the "overinsurance provision" in this or any other coverage, less in both ~~(4)~~ (a) and ~~(2)~~ (b) any amount of loss-of-time benefits payable under other valid loss-of-time coverage which does not contain an "overinsurance provision".
 - (2) The provision must provide that in making the computation, all benefits and earnings will be converted to a consistent basis weekly if the loss-of-time benefit of the policy is payable weekly, or monthly if the benefit is payable monthly, or otherwise, based upon the time period. If the numerator of the foregoing ratio is zero or is negative, no benefit is payable.
 - (3) The provision must provide that in no event does the provision operate to reduce the total combined amount of loss-of-time benefits for such month payable under the policy and all other valid loss-of-time coverage below the lesser of three hundred dollars and the total combined amount of loss-of-time benefits determined without giving effect to any "overinsurance provision", nor operate to increase the amount of benefits payable under the policy above the amount which would have been paid in the absence of the provision, nor take into account or operate to reduce any benefit other than the loss-of-time benefit.
 - (4) The provision must provide that:
 - ~~(4)~~ (a) "Earned income", except when otherwise specified, means the greater of the monthly earnings of the insured at the time disability commences and the insured's average monthly earnings for a period of two years immediately preceding the commencement of the disability, and does not include any investment income or any other income not derived from the insured's vocational activities.
 - ~~(2)~~ (b) "Overinsurance provision" includes this type of provision and any other provision with respect to any loss-of-time coverage which may have the effect of reducing an insurer's liability if the total amount of loss-of-time benefits under all coverage exceeds a stated relationship to the insured's earnings.
 - (5) This type of provision may be included only in a policy ~~which~~ that provides a loss-of-time benefit which may be payable for at least fifty-two weeks, which is issued on the basis of selective

underwriting of each individual application, and for which the application includes a question designed to elicit information necessary either to determine the ratio of the total loss-of-time benefits of the insured to the insured's earned income or to determine that such ratio does not exceed the percentage of earnings, not less than sixty percent, selected by the insurer and inserted in lieu of the blank factor above. The insurer may require, as part of the proof of claim, the information necessary to administer this provision. If the application indicates that other loss-of-time coverage is to be discontinued, the amount of such other coverage must be excluded in computing the alternative percentage in the first sentence of the overinsurance provision. The policy must include a definition of "valid loss-of-time coverage" which may include coverage provided by governmental agencies and by organizations subject to regulation by insurance law and by insurance departments of this or any other state or of any other country or subdivision thereof, coverage provided for the insured pursuant to any disability benefits statute or any workforce safety and insurance or employer's liability statute, benefits provided by labor-management trustee plans or union welfare plans or by employer or employee benefit organizations, or by salary continuance or pension programs, and any other coverage the inclusion of which may be approved."

Page 2, line 9, remove "For"

Page 2, remove lines 10 and 11

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1223: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1223 was placed on the Sixth order on the calendar.

Page 1, line 11, remove the overstrike over "or the" and after "~~court~~" insert "administrator"

Page 4, line 17, replace the first underscored comma with "or" and remove ", the parole board, or the department"

Page 4, line 18, replace the underscored comma with "or"

Page 4, line 19, remove ", the parole board, or the department"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1234: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1234 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1236: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO NOT PASS** (9 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1236 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1263: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1263 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1269: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (9 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HB 1269 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1291: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1291 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 14-07.1 of the North Dakota Century Code, relating to the use of electronic monitoring as a condition of release for certain individuals.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 14-07.1 of the North Dakota Century Code is created and enacted as follows:

Release conditions. If an individual charged with or arrested for a crime involving domestic violence, including a violation of a domestic violence protection order under section 14-07.1-03 or an order prohibiting contact under section 14-07.1-13, is released from custody, a district or municipal court may require that electronic home detention or global positioning system monitoring be used for the individual as a condition of release."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1297: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO NOT PASS** (7 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING). HB 1297 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1301: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1301 was placed on the Sixth order on the calendar.

Page 1, line 6, after "57-55-01" insert "and subsection 2 of section 57-55-10"

Page 21, after line 16, insert:

"SECTION 14. AMENDMENT. Subsection 2 of section 57-55-10 of the North Dakota Century Code is amended and reenacted as follows:

2. This chapter does not apply to a mobile home that:
 - a. Is used only for the temporary living quarters of the owner or other occupant while the person is engaged in recreational or vacation activities, provided the unit:
 - (1) Displays a current travel trailer license; or
 - (2) Is a park model trailer that is used only for seasonal or recreational living quarters and not as a primary residence, and which is located in a trailer park or campground, and for which the owner has paid a park model trailer fee under section 39-18-03.2. For purposes of this paragraph, "park model" trailer means a recreational vehicle not exceeding forty feet [12.19 meters] in length which is primarily designed to provide temporary living quarters for recreation, camping, or seasonal use, is built on a single chassis, is mounted on wheels, has a gross trailer area not exceeding four hundred square feet [37.16 square meters] of enclosed living space in the setup mode, and is certified by the manufacturer as complying with American national standards institute standard A119.5.
 - b. Qualifies as a farm residence as described by subsection 15 of section 57-02-08, provided such mobile home is permanently attached to ~~the ground~~ a foundation.

- c. Is permanently attached to a foundation and is assessed as real property, provided the owner of such mobile home also owns the land on which such mobile home is located or is in possession of the real property under the terms of a lease in recordable form which has a term that continues for at least twenty years after the date of execution with the consent of the lessor of the real property.
- d. Is owned by a licensed mobile home dealer who holds such mobile home solely for the purpose of resale, and provided that such mobile home is not used as living quarters or as the place for the conducting of any business."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1315: Human Services Committee (Rep. Weisz, Chairman) recommends **DO NOT PASS** (7 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING). HB 1315 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1330: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1330 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1344: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1344 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections", after "21-04-09" insert "and 21-06-07 of the North Dakota Century Code", and remove "security for"

Page 3, line 4, after "administration" insert "as determined by the commissioner of financial institutions"

Page 3, after line 7, insert:

"SECTION 2. AMENDMENT. Section 21-06-07 of the North Dakota Century Code is amended and reenacted as follows:

21-06-07. Political subdivisions may invest funds.

1. Counties , cities, school districts, park districts, and townships in this state may invest moneys in their general fund, or balances in any special or temporary fund, in:
 - a. Bonds, treasury bills and notes, or other securities that are a direct obligation of, or an obligation insured or guaranteed by, the treasury of the United States, or its agencies, instrumentalities, or organizations created by an act of Congress.
 - b. Securities sold under agreements to repurchase written by a financial institution in which the underlying securities for the agreement to repurchase are of a type listed above.
 - c. Certificates of deposit fully insured by the federal deposit insurance corporation or by the state.
 - d. Obligations of the state.
 - e. Certificates of deposit fully insured or guaranteed by the federal deposit insurance corporation and placed for the benefit of the public depositor by a public depository through an appropriate reciprocal deposit placement service as determined by the commissioner of financial institutions.
2. Bonds, treasury bills and notes, or other securities so purchased must be taken into consideration in making levies for the ensuing year, and when

funds are needed for current expenses, the governing board and authorities of such municipalities may convert those obligations into cash."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1345: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1345 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1365: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1365 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1381: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1381 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1383: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1383 was placed on the Sixth order on the calendar.

Page 1, line 4, replace "; to authorize the North Dakota pipeline authority to issue and sell evidences of" with a period

Page 1, remove line 5

Page 2, remove lines 1 through 12

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1385: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1385 was placed on the Eleventh order on the calendar.

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

Buell J. Reich, Chief Clerk