

# MICROFILM DIVIDER

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ROLL NUMBER
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DESCRIPTION

1452

2007 HOUSE JUDICIARY

HB 1452

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1452

House Judiciary Committee

Check here for Conference Committee

Hearing Date: 1/23/07

Recorder Job Number: 1659

Committee Clerk Signature

*D. Penrose*

Minutes:

**Chairman DeKrey:** We will open the hearing on HB 1452.

**Rep. Kari Conrad:** I am a sponsor of this bill. I support this bill. We are looking at the civil liability of charitable organizations. This bill comes from my personal experience and also at the request of the Dakota Boys and Girls Ranch in Minot. We started two years ago with this bill. Many non-profit organizations have asked me to put this bill in. The purpose of this bill is to save money for non-profit organizations and also to ensure that when people give money to charitable organizations, it is going to the extent possible to the purpose that they want it to go for. Right now we have private insurance that we need to carry. I was a county commissioner of Ward County for 8 years and I looked at the liability of the county and we took care of our insurance through the Insurance Reserve Fund. At the time, a major part of our budget took care of it and it wasn't a big deal. Then I had the opportunity to serve as the Executive Director of the YWCA in Minot. All of a sudden I had \$6,000 of a \$60,000 budget that was insurance and I called the insurance agent and went through the whole process, and found out that there is basically one insurance company in ND that would cover non-profits and we were going to have bake sales to pay our insurance costs, but yet we had never had a claim. Two years ago, the Dakota Boys and Girls Ranch insurance agent was the one whose father had

responsible for creating the insurance reserve fund. He looked at what they were paying and that was roughly \$700/child/year for insurance. A comparable facility, the adolescent treatment center at Jamestown, they were paying \$7/year/child. It is a tremendous change. So what we're doing with this bill is to limit the liability, they will be able to lower their insurance costs. We are not a state that sues, we are able to resolve things without it. I checked with the trial lawyers about this, and what we are extending to the non-profit groups is \$250,000 for a person and \$1,000,000 for any number of claims arising from a single incident. Most trial lawyers that I talked to, when they talk in practical terms, not in philosophical points about caps on liability, they think that is generally very acceptable. They helped me to write this bill the second time around and I hope we have a better bill here. The first thing we do in this bill, we define charitable organizations. We're not talking about non-profits, but we are talking about non-profit charitable organizations. This definition comes from the charitable gaming law, where what groups can benefit from charitable gaming. We used that definition, although we only used the term charitable. We did not include those definitions that would allow for instance, economic development groups, or fraternal organizations, or civic clubs which are non-profit. Those would not benefit under this law. This is only for charitable groups. It is for primarily for groups that give relief for poor, distressed, underprivileged or abused persons, support of youth and youth programs, prevention of cruelty to children or animals, and similar condition of public concern. We are not getting involved in medical. One thing we took out of the definition was the word "diseased". Concerns about medical are handled separately from this. We're not addressing that here. The claim that we are taking care of here, is a claim for money damages brought against a charitable organization or an employee of those organizations for an injury caused by the charitable organization or an employee of the charitable organization acting within the scope of their employment. Then we define the

occurrence, which means an accident, including continuous or repeated exposure to a condition, which results in an injury. The in section 2, page 2, we get to the heart of the matter.

1) The charitable organization may be only held liable for money damages for a personal injury or property damage proximately caused by the negligence or wrongful act or omission of an employee acting within the employee's scope of employment. The liability is \$250,000 per person or \$1,000,000 for any number of claims arising from a single incident. So if someone were hurt and several people were involved, it would only be that cap. The charitable organization may not be held liable, or be ordered to indemnify an employee held liable, for punitive or exemplary damages. The last part is the chapter 28-01.

**Rep. Klemin:** Chapter 28-01 is the chapter dealing with statutes of limitations.

**Rep. Kari Conrad:** There are two lawyers on this bill, I wanted to make sure that we were limiting this and that we were very specific in how we're addressing it and I was very pleased that they accepted being on this bill.

**Rep. Koppelman:** On your definition of employee, I noticed that that is fairly broad. You're including past and present employees, I assume full-time and part-time, it even includes volunteers and temporary employees. It specifically excludes independent contractors. What is your thinking on that.

**Rep. Kari Conrad:** My idea there is that they would not be as controlled by the organization and would perhaps have their own liability insurance.

**Rep. Koppelman:** I understand if someone volunteers or comes in as a temporary employee, but I would assume that non-profit organizations, particularly in ND, regularly employ third parties, independent contractors or other businesses to perform specific tasks for them which might be on the premises or might be promoting the organization. If your objective is to kind of insulate a non-profit organization from liability, don't you think that including them

would be wise, and don't you think it might have a chilling effect on those organizations being willing to do that kind of work for those individuals, if they know that everybody is covered with the non-profit and indemnified from liability, except you. Wouldn't that also make someone more likely to sue, to look for that person.

**Rep. Kari Conrad:** We want to make sure also that individuals are protected. The independent contractors would not be as closely supervised or a part of the culture of that organization. All of these non-profits have boards and we want to make sure that those boards can be assured that they will have control.

**Rep. Griffin:** Is there any assurance or been any discussion with insurance companies, as to what this will do.

**Rep. Kari Conrad:** Yes, we have.

**Rep. Dahl:** There are some charitable organizations that are run like corporations. Don't some say that litigation and liability insurance is a cost to do business.

**Rep. Kari Conrad:** I think one of the things that we are talking about, is we are talking about groups that are supported by charitable contribution, or by contracting with the state of ND, for instance. The Dakota Boys and Girls Ranch is paid \$900/yr per child being paid out of the foster care payments. We work hard to appropriate those dollars, we don't want the taxpayers to pay that insurance premium. I don't know if you concern really applies.

**Rep. Dahl:** Some of these charitable organizations are huge and liability is a part of doing business.

**Rep. Kari Conrad:** Our concern, whether they are large or small, they are regulated by the IRS, that they are non-profit. They aren't doing it for a profit. If the donations are written off on people's taxes, they are charitable donations. We think this is a good policy.

**Rep. Charging:** We work with charitables and they have specific purposes. What about Ducks Unlimited, they are huge. Does that fall under here.

**Rep. Kari Conrad:** No those are not qualified. The group has to be involved in providing services to people and limited. They aren't in the business of preventing cruelty to animals.

**Rep. Charging:** We could argue that wetlands are important to America. You need to make certain of that. That is my concern about this.

**Chairman DeKrey:** Thank you. Further testimony in support.

**Rep. Jasper Schneider:** Sponsor and support this bill. What this bill does is to provide liability limitations for non-profit charitable organizations. I'll be honest with you, as an attorney I get nervous when I read about liability limitations. The reason I was happy to sign on to this bill, this has more than reasonable liability limitations and it is for charitable organizations. As

Rep. Conrad pointed out, it does provide significant insurance savings for the charitable organization and also for the state.

**Rep. Koppelman:** Is there anywhere else in state law, where we delineate between different types of charitable organizations and prefer certain kinds vs. others. I know we have laws that dictate what constitutes a charitable organization and how they're formed. As Rep. Charging asked earlier, about Ducks Unlimited and organizations like that, obviously the definition in the bill does narrow the focus. Do we do that anywhere else, discriminate among charitable groups.

**Rep. Jasper Schneider:** That is a good question. I don't believe so, but that's within our scope to designate certain charitable organizations over another. Certainly a good attorney can make an argument to any statute in the statute and what the legislative intent was.

**Rep. Onstad:** Do you think the definition of charitable organization should be defined a little bit to take that question, large vs. small or the focus of the charitable organization. What the real purpose is.

**Rep. Jasper Schneider:** Certainly the committee can do as it wishes. Our intent with the bill, was certainly to define charitable organizations to really be the most charitable, charitable organizations, such as the YWCA, the Boys and Girls Ranch, etc. If that can be cleaned up, I would certainly urge the committee to do that.

**Rep. Kretschmar:** Thank you. Further testimony in support.

**Rep. Klemin:** I am one of the sponsors of this bill. This really deals with caps on claims of liability. It doesn't deal with saying that whether you are large or small organization, that you may not be liable because of your size. The same cap would apply to the charitable organization regardless of its size. Those caps are set out in section 2 of the bill, \$250,000 and \$1,000,000. This is not unique in ND law. There are other entities that have caps already, for example, health care providers. There is a section in there on caps for claims against health care providers. Political subdivisions, there are similar caps relating to the liability of political subdivisions. The idea of caps is not unusual. I think in this situation we are trying to lower the cost of insurance to these organizations so that they can get insurance. In some cases, there may be charitable organizations that can't afford the insurance, so they are going without it. It seems to me that most plaintiff's attorneys and plaintiffs who might have injury, would rather than a fund to go against, such as in the form of an insurance policy rather than to be suing a charitable organization that's probably judgment proof because they don't have any assets, or very little. Secondly, except for maybe the most severe claims, there are very few claims that are probably going to be dealing with charitable organizations. It's hard to imagine very many claims that would be in excess of the caps that are in this bill; \$250,000 for



negligence is a pretty significant claim. That would be the cap. Or if it were more than one person, the cap is one million dollars. Those are high caps. I think this is trying to get a handle on the cost of insurance while at the same time, still preserving the ability of people to make claims against negligent organizations. I think it is a benefit to those persons too, by perhaps increasing the likelihood that they may actually be able to collect if they win.

**Rep. Koppelman:** Do you know whether we have done this before in terms of treating one class of charitable organization differently than another in state law.

**Rep. Klemin:** I don't know the answer to that question.

**Rep. Boehning:** Would the YWCA fall underneath this provision as well.

**Rep. Klemin:** They could. I think that they provide youth programs.

**Rep. Boehning:** Don't you pay dues to go to the YWCA and exercise, but you are going to get services at Dakota Boys Ranch without payment. Would that be a difference.

**Rep. Klemin:** I think it still goes to the issue of the affordability of the insurance that you can get to cover accidental injury regardless of where it is. I think there may be a direct correlation between the expenses of an organization like the YWCA and the amount of due that they have to charge to maintain their operation. Perhaps if they don't pay as much for liability insurance, they might not have to charge as much in dues. Even there, I think the caps are high enough to take care of most, if not all, of claims.

**Chairman DeKrey:** Would Ducks Unlimited qualify under the definition in this bill.

**Rep. Klemin:** I don't think so. I think if we looked at Ducks Unlimited, as I understand, their primary goal is to maintain and improve habitat for ducks so there are more ducks for hunting. That is contrary to what people believe who are opposed to cruelty to animals. This one section talks about organizations that prevent cruelty to animals.

**Chairman DeKrey:** I'm sure that most of these organizations have some kind of a youth program.

**Rep. Klemin:** I don't have the bill in front of me, but I believe it says whose primary purpose is to do those things. So if those organizations had a secondary or collateral purpose to do some of these other things in an ancillary manner that would not be their primary purpose.

**Rep. Charging:** They do have youth groups, in fact they have a youth magazine. Everyone of these organizations has an ancillary purpose.

**Chairman DeKrey:** I think legislative intent determines the primary purpose. Thank you.  
Further testimony in support of HB 1452.

**Hardy Lieberg, Dakota Boys and Girls Ranch, Minot:** Our organization has had a vision for over 54 years, to help kids; to meet the needs of at-risk children. We have campuses in Fargo and Bismarck and Minot. Over these 54 years, we've reached over 25,000 boys and girls. We are nationally recognized as a leader in meeting the needs of at-risk children. In regard to this bill, we request that you pass this bill. In 2006, Dakota Boys and Girls Ranch paid a liability insurance premium for general liability, \$47,123.00. For professional liability we paid a bill of \$22,079 for a total of \$69,202 in 2006. This is obviously funded through donor support and some reimbursement. We haven't had any claims; although I did not research the total amount we have paid since we were founded. I'm sure it is well in excess of a million dollars. If we even had \$500,000 of those dollars to treat these at-risk kids, kids who have been abused, kids who are under the influence of drugs, kids who are sexual offenders, they cover the gamut of kids that we treat in our programs. Just think what we could have done to help those kids to encourage and improve on our services. This would allow us to save these funds to put them back into these programs. Dakota Boys and Girls Ranch currently employs

over 400 people statewide. These are fine folks, dedicated to helping at-risk kids to survive and reenter society as productive citizens. We ask for your support in passing of this bill.

**Rep. Kretschmar:** Do you know what the limits of your liability insurance policies are, what you are paying.

**Hardy Lieberg:** I think we aren't under this limited liability now.

**Rep. Kretschmar:** What do you cover now.

**Hardy Lieberg:** I don't know. We have visited with our insurance reps and they have been supportive of this.

**Chairman DeKrey:** Thank you. Further testimony in support.

**Larry Mizlowksi, ND Dept. of Insurance, capacity as director of Property and Casualty:** Commissioner Poolman feels that this bill would set some groundwork for potentially seeing a reduction in premiums going forward. That is our message to you.

**Chairman DeKrey:** You don't have a dollar figure of what this could mean.

**Larry Mizlowksi:** It is so difficult to project that. We're still trying to get a handle on what we are talking about here.

**Rep. Boehning:** What do surrounding states do in situations of charitable organizations, do you know.

**Larry Mizlowksi:** I'm not aware of anything specific with them.

**Chairman DeKrey:** Why have these liability rates gone so nuts. I'm using our local Masonic lodge hall in Steele, ND; we've never had a claim and our exposure is so limited, we have 5 guys that meet once a month. The biggest item in our budget is the insurance. We don't know of anybody who's ever been sued. Why are insurance companies arriving at these rates that are just so terribly out of line. What is the purpose of the high rates.

**Larry Mizlowksi:** A general response to that, the general class of business, if you're looking at it, deals with a lot of volunteers for one thing. Untrained individuals, that sort of thing. While it is true that there may not be a lot of claims in terms of frequency, and they do it on a nationwide basis, rather than for ND, obviously. Claims tend to be fairly high if they do happen. If somebody gets injured severely, that kind of thing. I do know that ND does suffer from a lack of volume in terms of size and numbers of risks, so it becomes very difficult to argue that in price, when they start to look at a larger group of numbers. We do pay a price for that.

**Rep. Griffin:** Do you have any of the numbers of the other areas where we capped liability before and how that affected insurance rates, for example lowered the rates.

**Larry Mizlowksi:** Currently, there are caps in the medical malpractice field, and there wasn't a huge decrease in premiums.

**Chairman DeKrey:** Thank you. Further testimony in support.

**Tom Newberger:** I support this. I am here to applaud the efforts of the sponsors. I hope that the committee will pass this bill. Two quick points, the first goes back to Rep. Onstad's comment about definitions. What I would ask is that there is debate on the definitions and I would ask that they include people with developmental disabilities. By the definition, since it is used in charitable gaming, we would be included, because we do offer a charitable gaming, but it is not listed specifically in there. The second point that Rep. Koppelman brought up, about excluding charities in century code. I'm not an expert or an attorney, but we do have charitable gaming. The definition as it is used does exclude certain charities from getting into that business, for example charitable gaming. I cannot open up a 501c3 and tomorrow get a charitable gaming license. We have to wait two years, so it excludes certain charities.

Fraternal clubs, as mentioned earlier, are excluded. It is done in century code right now. As

Rep. Kretschmar asked, there are limits. We currently have a \$2 million dollar limit, I don't know what we paid. I would hope that through this bill, we could cut our coverage in half and thereby save some dollars.

**Chairman DeKrey:** Thank you. Further testimony in support, testimony in opposition or neutral. We are going to close the hearing on HB 1452.

# 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1452

House Judiciary Committee

Check here for Conference Committee

Hearing Date: 1/30/07

Recorder Job Number: 2307

Committee Clerk Signature *Penrose*

Minutes:

**Chairman DeKrey:** We will take a look at HB 1452.

**Rep. Meyer:** I've got a comment on this bill. I want to propose an amendment, where on line 6 after children, put elderly and delete the rest of the sentence.

**Rep. Delmore:** I think they wanted elderly and disabled. That would be a logical thing to add. I agree to get rid of animals, etc.

**Rep. Meyer:** I was going to put disabled behind underprivileged. So on line 5, after underprivileged, then put "disabled" there. Then put after children, on line 6, "and elderly" and then cross off "or animals or similar condition of public concern". The reason I bring that forward, I don't like the word animals in here, because I don't want the PETA organization to fall under a charitable organization and be immune from liability.

**Rep. Koppelman:** I'm not necessarily against the amendment, it probably includes it, but I have a couple of big problems with the bill. I'm sympathetic to the intent of the bill, but what concerns me is I don't know if anywhere else in the state law, we discriminate against charitable organizations. We have put them in a certain class as an organization, and it seems to me that this bill tries to get at charitable organizations that do a, b, or c or act in such a manner, I think that is a dangerous precedent, and I think what it does, you're concerned about

PETA. I would be too. I think Planned Parenthood could fit in this description, they provide relief for poor and distressed people. I think we are just opening a door here, that all kinds of folks are going to define themselves to fit this definition so that they can get some liability relief. I would say that if we are going to do this, and do it for charitable organizations, we need to just do it for charitable organizations, and not try to crack the definition. Number 2, my other concern is, on line 14 and 15, the fact that it doesn't include independent contractors, I understand maybe where they were going with this or why they did it, but I think that opens all kinds of problems too. If they hire a cleaning company to come and clean their office at night, instead of hiring a custodian; if they hire a custodian that person is included in this definition. If they hire ABC Janitorial Service, they're not.

**Rep. Klemin:** I know that one of the reasons that the sponsor didn't want to include a lot of organizations is because there was a concern, that now we would be getting a lot of other non-profit type organizations, like nursing homes, hospitals, etc. which wasn't her intent at all. That's why she was trying to limit the kind of charitable organization. Hospitals and nursing homes are governed by other rules, so that's the reason that she wanted it limited.

**Rep. Koppelman:** If that is the intent, why not state that. Maybe there might be some nursing homes or hospitals that might try to argue that they fit that descriptions. Why not say all charitable organizations except hospitals and nursing homes, except those that provide health care of that is the intent.

**Rep. Klemin:** If you exclude some, others will say that you didn't specifically mention us, so we're not excluded. The word distressed I think is quite ambiguous. I am just trying to convey what the prime sponsor's intent was, and it wasn't to include those organizations.

**Rep. Griffin:** I would like to point out my opposition to the bill. I understand that the intent of the bill is to lower insurance premiums and I think everyone would like to see that. I asked the

question of the insurance department if they thought this will lower the premium, and they said they're not sure. I don't think they will. This is a bill for an insurance company, not for the charitable organizations.

**Rep. Charging:** Do you know where else in the century code these terms are listed, what defines a charitable organization.

**Rep. Klemin:** I don't know. I think that when this was drafted, they couldn't find one.

**Rep. Charging:** So this is more of an IRS definition. What determines what a charitable is or not.

**Rep. Meyer:** Regarding that, they have a horrible problem with the Dakota Boys and Girls Ranch. When they are faced with thousands of dollars for insurance that could be best served in programs.

**Rep. Boehning:** Speaking of the Dakota Boys and Girls Ranch, they have a couple of stores in Fargo, this may lower the liability of the stores, wouldn't it.

**Rep. Klemin:** As far as the insurance issue goes, I know that Larry Maslowski said the Insurance Department did support this. He said there may be a possible reduction in the premiums. I don't know how you could say that there will be. I do know that Rep. Conrad told me that she talked to some other insurance agents and they said they might go down.

**Rep. Koppelman:** In the amendment, would you consider removing the word distressed and removal of that line that says "the term does not include an independent contractor, and then I could probably support the bill.

**Chairman DeKrey:** We will take a voice vote on the following amendment, on page 1, line 5, replace distressed with disabled; page 1, line 6, after the first underscored comma insert "or the" replace "cruelty" with "abuse" and replace "or animals, or similar" with "and vulnerable



adults"; page 1 line 7, remove "condition of public concern"; line 1, line 14, remove "The"; page 1, remove line 15. Motion carried.

**Rep. Dahl:** I move a Do Pass as amended.

**Rep. Meyer:** Second.

**11 YES 3 NO 0 ABSENT**

**DO PASS AS AMENDED**

**CARRIER: Rep. Dahl**

Date: 1/30/07  
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1452

House JUDICIARY Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass as Amended

Motion Made By Rep. Dahl Seconded By Rep. Meyer

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore	✓	
Rep. Klemin	✓		Rep. Griffin		✓
Rep. Boehning	✓		Rep. Meyer	✓	
Rep. Charging		✓	Rep. Onstad	✓	
Rep. Dahl	✓		Rep. Wolf	✓	
Rep. Heller	✓				
Rep. Kingsbury	✓				
Rep. Koppelman	✓				
Rep. Kretschmar		✓			

Total (Yes) 11 No 3

Absent 0

Floor Assignment Rep. Dahl

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1452: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1452 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "distressed" with "disabled"

Page 1, line 6, after the first underscored comma insert "or the", replace "cruelty" with "abuse", and replace "or animals, or similar" with "and vulnerable adults"

Page 1, line 7, remove "condition of public concern"

Page 1, line 14, remove "The"

Page 1, remove line 15

Renumber accordingly

2007 SENATE JUDICIARY

HB 1452

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1452

### Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: March 6, 2007

Recorder Job Number: 4433

Committee Clerk Signature

*Maria Solberg*

**Minutes:** Relating to limitation on the civil liability of a charitable organization.

**Senator David Nething**, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following hearing:

#### Testimony in Favor of the Bill:

**Harley Lieberg**, Dakota Boys & Girls Ranch, introduced the bill, speaking of the history of the organization. We are a nationally recognized leader for at risk children and there families. We respectfully ask that you pass this bill. In 2006 we paid a general liability insurance premium of \$47, 123 for professional liability \$22, 079 a total of \$69,202 with no claims. Since our founding I am sure we have paid in the excess of 1 million dollars. The passage of a liability insurance premium it will be lower. I realize that it won't at the start and this is a gradual change. This will allow the savings to be passed on to the programs that help the young people we serve. We employ over 400 people state wide and he spoke to there work.

**Kari Conrad**, Dist. #3, (meter 2:50) the purpose of the bill is to extend the same caps on liability that the state has to some of the not-profit organizations. We have been told by some insurance companies that this should lower some of the rates. The state is using more and

more agencies to run programs, what was not considered were the increase of insurance premiums. She reviewed what non-profit organizations the bill would cover. The insurance agencies have no opposition to this bill.

Rep. Conrad reviewed (meter 5:47)

**Sen. Lyson** questioned (meter 8:00) in Sec. 1 Sub Sec. 3 when you refer to a "present or former" employee, what is former meaning. The coverage is only for the time they were for example; on the board. They are no longer on the board but a situation comes up that happened at the time there were with us, they would be protected.

**Sen. Fiebiger** asked (meter 9:20) the definition in sec. 1 paragraph 1, where did this come from. One of the biggest parts of the bill was coming up with the definition, spoke of its history of the definition. The definition started out of the charitable gaming laws. They discussed what non profits would qualify. The first time I introduce the bill two years ago it died due to it being to open. The bill is a work in progress, we are starting very limited and we will go from there. She spoke of the anticipated activity the bill will bring among the non-profit groups and why they chose the "youth" based language. The committee discussed group that youth are a part of and how it would qualify.

**Rep. Jasper Schneider**, Dist. #21 (meter 13:10) I am not fond of liability caps but the intent of this legislation is to use the cap for the most charitable of the charitable organizations. He spoke to the work in the house and repeated what the other speaker spoke of.

**Larry Maslowski**, ND Insurance Dept. Director and Sr. Analyst (meter 15:12) spoke to the difficulties organizations have to pay for there premium. This is a Pilot start in this particular area. This will not change rate at first, but over time it should, by reducing rates.

**Caitlin McDonald**, ARC ND, SANPS and YMCA. (meter 16:15) We are in support of the bill.

We are in hopes that our organizations do fall with in the definitions. **Sen. Nethings** spoke that this would have to be between the insurance company and the individual.

**Testimony Against the bill:**

None

**Testimony Neutral to the bill:**

None

**Senator David Nething**, Chairman closed the hearing.

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1452

Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: March 12, 2007

Recorder Job Number: 4891

Committee Clerk Signature *Miranda Solby*

**Minutes:** Relating to limitation on the civil liability of a charitable organization.

**Senator David Nething**, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following committee work:

**Sen. Nething** stated that the bill had no opposition. **Sen. Lyson** stated a question on line 11, "employee" discussion of the employment meant you are covered at the time you were with them even 10 years passed the date, but only the time you were with the agency. They spoke of the premiums, the level of premiums and concern for non profits changing there organizations to be a "flood" of "for children" organization. They spoke of it being a work in progress and this was a way to go in as limited as they could. Spoke to who is an employee.

**Sen. Fiebiger** made the motion to Do Pass HB 1452 and **Sen. Olafson** seconded the motion.

All members were in favor except for **Sen. Lyson** and the motion passes.

Carrier: **Sen. Fiebiger**

**Senator David Nething**, Chairman closed the hearing.



Date: 3-12-07

Roll Call Vote # 1 of 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1452

Senate \_\_\_\_\_ Judiciary \_\_\_\_\_ Committee \_\_\_\_\_

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Sen. Fiebigler Seconded By Sen. Olafson

Senators	Yes	No	Senators	Yes	No
Sen. Nething	✓		Sen. Fiebigler	✓	
Sen. Lyson		✓	Sen. Marcellais	✓	
Sen. Olafson	✓		Sen. Nelson	✓	

Total Yes 5 No 1

Absent 0

Floor Assignment Sen. Fiebigler

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE (410)**  
March 12, 2007 2:07 p.m.

**Module No: SR-46-5011**  
**Carrier: Flebiger**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1452, as engrossed: Judiciary Committee (Sen. Nething, Chairman) recommends DO PASS (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1452 was placed on the Fourteenth order on the calendar.**