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10/17/03

2003 SENATE INDUSTRY, BUSINESS AND LABOR

SB 2205

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10/17/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2205

Senate Industry, Business and Labor Committee

☐ Conference Committee

Hearing Date 1-20-03

Tape Number	Side A	Side B	Meter #
1	xx		0
Committee Clerk Signature <i>Lisa VanBerkom</i>			

Minutes: Chairman Mutch opened the hearing on SB 2205. Senator Krebsbach absent.

SB 2205 relates to the extension of time for an insurance company to file a statement with the insurance commissioner.

Testimony in support of SB 2205

Senator Klein introduced the bill on behalf of himself and Senator Espegard.

Patrick Ward, attorney with the law firm of Zuger Kirmis & Smith of Bismarck, spoke on behalf of ND Domestic Insurance Companies in support of SB 2205. See attached testimony.

Testimony neutral or opposed to SB 2205

Carole Kessel of the ND Department of Insurance wanted to go on record that the department was neutral.

Hearing closed. Senator Heltkamp moved a DO PASS. Seconded by Senator Espegard.

Roll Call Vote: 6 Yes. 0 No. 1 Absent.

Carrier Sen. Nothing

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Deanne Heltkamp
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01/17/03
Date

FISCAL NOTE

Requested by Legislative Council
01/15/2003

Bill/Resolution No.: SB 2205

1A. **State fiscal effect:** Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. **County, city, and school district fiscal effect:** Identify the fiscal effect on the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. **Narrative:** Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

Even though the proposed amendment allows the Commissioner to waive a late filing penalty, very few, if any, companies filed late in the past so that the impact on the general fund will be negligible, if any.

3. **State fiscal effect detail:** For information shown under state fiscal effect in 1A, please:

A. **Revenues:** Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

N/A

B. **Expenditures:** Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

N/A

C. **Appropriations:** Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

N/A

Name:	Charles E. Johnson	Agency:	Insurance Department
Phone Number:	328-2440	Date Prepared:	01/16/2003

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Date: 1-20-03
Roll Call Vote #:

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2205

Senate IBL Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By Heitkamp Seconded By Espgaard

Senators	Yes	No	Senators	Yes	No
Sen. Duane Mutch, Chairman	✓		Sen. Michael Every	✓	
Sen. Jerry Klein, Vice Chairman	✓		Sen. Joel Heitkamp	✓	
Sen. Duaine Espgaard	✓				
Sen. Karen Krebsbach	Absent	→			
Sen. Dave Nething	✓				

Total (Yes) 6 No 0

Absent 1 - Krebsbach

Floor Assignment Nething

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

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Deanne Nellis
Operator's Signature

10/17/03
Date

REPORT OF STANDING COMMITTEE (410)
January 20, 2003 12:49 p.m.

Module No: SR-10-0765
Carrier: Nothing
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2205: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2205 was placed on the Tenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-10-0765

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10/17/03
Date

2003 HOUSE INDUSTRY, BUSINESS AND LABOR

SB 2205

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10/17/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2205

House Industry, Business and Labor Committee

☐ Conference Committee

Hearing Date March 5, 2003

Tape Number	Side A	Side B	Meter #
1		x	32.8-37.8
Committee Clerk Signature <i>Heidi Hammer</i>			

Minutes: **Chairman Keiser** opened the hearing on SB 2205.

Pat Ward, representing domestic insurance companies, introduced the bill and testified in its support. (See attached #1)

Rep. Ruby: When you say good cause, what are reasons that might necessitate an extension?

Ward: A company who files electronically might have their computers crash--that is the best example I can offer you.

Rep. Ruby: Was the penalty waived in that instance?

Carol Kessel , Chief Examiner for the North Dakota Insurance Department: The statute as it currently stands gives the Commissioner no discretion to waive the penalty. The Insurance Department is neutral in regards to this legislation.

As there was no one else present to testify either in support of or in opposition to SB 2205, the hearing was closed.

Rep. Boe moved a Do Pass.

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10/17/03
Date

Page 2
House Industry, Business and Labor Committee
Bill/Resolution Number SB 2205
Hearing Date March 5, 2003

Rep. Klein seconded the motion.

Chairman Keiser summarized the intent of this bill. The Commissioner is allowed the
disgression to extend the date, to waive the penalty for good cause, or to reduce the penalty.

Results of the roll call voter were: 13-0-1.

Rep. Boe will carry this on the floor.

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10/17/03
Date

Date: 3/5/03
Roll Call Vote #:

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2205

House INDUSTRY BUSINESS & LABOR Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Do Pass

Motion Made By

Boe

Seconded By

Klein

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	✓		Boe	✓	
Vice-Chair Severson	✓		Ekstrom	✓	
Dosch	✓		Thorpe	✓	
Froseth	✓		Zaiser	✓	
Johnson	✓				
Kasper	✓				
Klein	✓				
Nottestad	✓				
Ruby	✓				
Tieman	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Boe

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

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Deanne Hall

10/17/03
Date

REPORT OF STANDING COMMITTEE (410)
March 5, 2003 11:51 a.m.

Module No: HR-39-3937
Carrier: Boe
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

**SB 2205: Industry, Business and Labor Committee (Rep. Kelsner, Chairman) recommends
DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2205 was placed
on the Fourteenth order on the calendar.**

(2) DESK, (3) COMM

Page No. 1

HR-39-3937

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12/17/03
Date

2003 TESTIMONY

SB 2205

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10/17/03
Date

Testimony of Patrick Ward In Support of Bill No. SB 2205

My name is Patrick Ward. I am an attorney with the law firm of Zuger Kirmis & Smith of Bismarck. I represent the North Dakota Domestic Insurance Companies in support of this bill.

Section 26.1-03-16 of the North Dakota Century Code provides that an insurance company doing business in North Dakota which neglects to make and file any statement within the time prescribed in the chapter forfeits \$100 for each day's neglect upon notice by the commissioner to that effect and its authority to do new business ceases during the default. The proposed amendment to this section simply provides that the commissioner may grant an insurance company an extension beyond the date designated in the section and may waive or reduce any penalty during the extension upon a showing of good cause by the insurance company.

The purpose of this legislation is simply to clarify that the commissioner's office should have authority to grant extensions for good cause. We do not expect it that this exception would be used liberally by the industry. We urge a Do Pass.

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