

JOURNAL OF THE HOUSE

Sixty-third Legislative Assembly

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Bismarck, January 24, 2013

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

The prayer was offered by Chaplain Gary Heaton, Sanford Health, Bismarck.

The roll was called and all members were present except Representatives Devlin, Grande, and Hawken.

A quorum was declared by the Acting Speaker.

CORRECTION AND REVISION OF THE JOURNAL

MR. SPEAKER: Your **Committee on Correction and Revision of the Journal (Rep. Kretschmar, Chairman)** has carefully examined the Journal of the Ninth and Eleventh Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 159, after line 5, insert:

"REPORT OF STANDING COMMITTEE

HB 1075: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1075 was placed on the Eleventh order on the calendar."

Page 197, after line 19, insert "Page 3, line 6, overstrike "or"

Page 197, line 20, replace "6" with "7"

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

SIXTH ORDER OF BUSINESS

ACTING SPEAKER DROVDAL DEEMED approval of the amendments to HB 1091, HB 1117, and HB 1135.

HB 1135, as amended, was rereferred to the **Appropriations Committee**.

HB 1091 and HB 1117, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SECOND READING OF HOUSE BILL

HB 1168: A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to health insurance enrollment periods in the individual market.

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, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsovog; Froseth; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Lanning; Larson; Looyson; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol;

Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser

ABSENT AND NOT VOTING: Grande; Hawken; Speaker Devlin

HB 1168 passed.

SECOND READING OF HOUSE BILL

HB 1243: A BILL for an Act to amend and reenact sections 6-08-16 and 6-08-16.2 of the North Dakota Century Code, relating to issuance of checks without sufficient funds or without an account.

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 79 YEAS, 12 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Becker; Belter; Boe; Boschee; Brabandt; Brandenburg; Damschen; Delmore; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, M.; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Wall; Weisz; Wieland; Williams; Zaiser

NAYS: Beadle; Bellew; Boehning; Carlson; Delzer; Glassheim; Kempenich; Nelson, J.; Onstad; Skarphol; Trottier; Vigesaa

ABSENT AND NOT VOTING: Grande; Hawken; Speaker Devlin

HB 1243 passed.

SECOND READING OF HOUSE BILL

HB 1030: A BILL for an Act to provide that the present use and disposal of coal combustion residues is acceptable in 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, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser

ABSENT AND NOT VOTING: Grande; Hawken; Speaker Devlin

Engrossed HB 1030 passed.

SECOND READING OF HOUSE BILL

HB 1060: A BILL for an Act to amend and reenact sections 61-36-01, 61-36-02, and 61-36-04 of the North Dakota Century Code, relating to the composition and duties of the Devils Lake outlets management advisory committee; and to repeal section 61-36-03 of the North Dakota Century Code, relating to compensation and expenses of the Devils Lake outlet management advisory committee.

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

YEAS: Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser

NAYS: Delzer; Glassheim

ABSENT AND NOT VOTING: Grande; Hawken; Maragos; Speaker Devlin

Engrossed HB 1060 passed.

SECOND READING OF HOUSE BILL

HB 1121: A BILL for an Act to create and enact a new section to chapter 24-12 of the North Dakota Century Code, relating to private actions impacting highway facilities or right of way.

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 53 YEAS, 38 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Becker; Boe; Boschee; Carlson; Delmore; Drovdal; Fehr; Frantsvog; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Keiser; Kelsh, J.; Kelsh, S.; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kretschmar; Kreun; Looyesen; Maragos; Mock; Mooney; Muscha; Nelson, J.; Onstad; Oversen; Owens; Ruby; Sanford; Silbernagel; Steiner; Strinden; Sukut; Vigesaa; Wall; Weisz; Williams; Zaiser

NAYS: Beadle; Bellew; Belter; Boehning; Brabandt; Brandenburg; Damschen; Delzer; Dockter; Dosch; Froseth; Headland; Karls; Kasper; Kempenich; Kiefert; Kreidt; Laning; Larson; Louser; Martinson; Meier; Monson; Nathe; Nelson, M.; Paur; Pollert; Porter; Rohr; Rust; Schatz; Schmidt; Skarphol; Streyle; Thoreson; Toman; Trottier; Wieland

ABSENT AND NOT VOTING: Grande; Hawken; Speaker Devlin

Engrossed HB 1121 passed.

SECOND READING OF HOUSE BILL

HB 1072: A BILL for an Act to amend and reenact section 19-02.1-15.1 of the North Dakota

Century Code, relating to a criminal penalty for serving as an agent, intermediary, or other entity causing use of the internet to bring together a buyer and seller for dispensing a controlled substance or other specified drug.

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, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser

ABSENT AND NOT VOTING: Grande; Hawken; Speaker Devlin

Engrossed HB 1072 passed.

SECOND READING OF HOUSE BILL

HB 1103: A BILL for an Act to create and enact chapter 15-18.1 of the North Dakota Century Code, relating to authority of the state board of higher education to provide authorizations to operate postsecondary educational institutions offering instruction at the associate in arts level or higher and to false academic degrees and accreditation mills; to amend and reenact subsections 1, 4, 7, and 10 of section 15-20.4-01, sections 15-20.4-02 and 15-20.4-02.1, subsections 1, 2, 3, 4, 5, and 8 of section 15-20.4-03, sections 15-20.4-03.1 and 15-20.4-04, subsections 1 and 2 of section 15-20.4-05, sections 15-20.4-06, 15-20.4-08, 15-20.4-09, and 15-20.4-13, and subsection 1 of section 15-20.4-14 of the North Dakota Century Code, relating to authority of the state board for career and technical education to provide authorizations to operate private postsecondary career schools offering instruction at the level of no higher than the associate of applied science level; to repeal sections 15-20.4-15, 15-20.4-16, 15-20.4-17, and 15-20.4-18 of the North Dakota Century Code, relating to false academic degrees and accreditation mills; 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 87 YEAS, 4 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Damschen; Delmore; Dockter; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser

NAYS: Carlson; Delzer; Dosch; Toman

ABSENT AND NOT VOTING: Grande; Hawken; Speaker Devlin

HB 1103 passed.

SECOND READING OF HOUSE BILL

HB 1146: A BILL for an Act to amend and reenact sections 15.1-01-01, 15.1-12-05, 15.1-12-09.1, 15.1-12-10, and 15.1-12-27 of the North Dakota Century Code, relating to the state board of public school education and school district annexation, reorganization, and dissolution proceedings.

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, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemm; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser

ABSENT AND NOT VOTING: Grande; Hawken; Speaker Devlin

HB 1146 passed.

SECOND READING OF HOUSE BILL

HB 1196: A BILL for an Act to create and enact section 26.1-30-03.1 of the North Dakota Century Code, relating to issuance of insurance policies in foreign languages.

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 68 YEAS, 23 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson; Beadle; Bellew; Boe; Boehning; Boschee; Damschen; Delmore; Dockter; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemm; Kreidt; Kretschmar; Kreun; Larson; Looyesen; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Porter; Ruby; Rust; Sanford; Silbernagel; Skarphol; Steiner; Strinden; Toman; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser

NAYS: Amerman; Becker; Belter; Brabandt; Brandenburg; Carlson; Delzer; Dosch; Hatlestad; Kasper; Koppelman, B.; Koppelman, K.; Laning; Louser; Paur; Pollert; Rohr; Schatz; Schmidt; Streyle; Sukut; Thoreson; Trottier

ABSENT AND NOT VOTING: Grande; Hawken; Speaker Devlin

HB 1196 passed.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2043, SB 2046, SB 2141, SB 2145, SB 2207.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable

consideration is requested on: SB 2176.

MOTION

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

MOTION

REP. VIGESAA MOVED that the House be on the Fourth, Fifth, and Ninth orders of business and at the conclusion of those orders, the House stand adjourned until 12:30 p.m., Friday, January 25, 2013, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1049: Political Subdivisions Committee (Rep. N. Johnson, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1049 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1075: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1075 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1076: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO NOT PASS** (11 YEAS, 1 NAYS, 2 ABSENT AND NOT VOTING). HB 1076 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1079: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1079 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the first comma with "and"

Page 1, line 1, remove the second comma

Page 1, line 2, remove "and subsection 2 of section 54-60.1-01"

Page 1, line 4, remove "and the definition of business incentive"

Page 2, remove lines 7 through 31

Page 3, remove lines 1 through 22

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1084: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1084 was placed on the Sixth order on the calendar.

Page 1, line 7, after "reenact" insert "subsection 4 of section 6-01-07.1,"

Page 1, line 7, replace "subsection" with "subsections"

Page 1, line 7, after "6" insert "and 7"

Page 1, line 9, after "to" insert "the confidentiality of information shared with a nationwide multistate licensing system,"

Page 1, after line 14, insert:

"SECTION 1. AMENDMENT. Subsection 4 of section 6-01-07.1 of the North Dakota Century Code is amended and reenacted as follows:

4. The commissioner may furnish information and enter ~~into~~-sharing agreements as to matters of mutual interest to an official or examiner of the federal reserve system, federal deposit insurance corporation, federal home loan bank board, national credit union administration, office of thrift supervision, comptroller of the currency, any other federal government agency, insurance commissioner, office of the securities commissioner, regulatory trade associations, ~~or~~ any state bank or credit union supervisors or supervisors of other licensed entities of other states, or a nationwide multistate licensing system."

Page 7, after line 22, insert:

"SECTION 9. AMENDMENT. Subsection 7 of section 13-08-12 of the North Dakota Century Code is amended and reenacted as follows:

7. If a check or electronic debit is returned to the licensee from a payer financial institution due to insufficient funds, closed account, or a stop payment order, the licensee has the right to all civil remedies available to collect the obligation. The licensee may contract for and collect a returned check or electronic debit charge not to exceed ~~twenty dollars~~ the collection fees and costs authorized in subdivision c of subsection 2 of section 6-08-16. No other fee or charge may be collected as a result of a returned check or electronic debit or as a result of default by the customer in timely payment to the licensee."

Page 11, line 11, after "check" insert ", except that officers and directors of a publicly traded company and subsidiaries of the publicly traded company may not be required to submit fingerprints under this section"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1092: 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 1092 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 43-37 of the North Dakota Century Code, relating to licensing out-of-state audiologists and speech-language pathologists; to"

Page 1, line 19, overstrike "The board"

Page 1, overstrike lines 20 and 21

Page 1, line 22, overstrike "board"

Page 1, line 22, remove ", except as provided by the board by rule"

Page 1, line 22, overstrike the period

Page 1, after line 23, insert:

"SECTION 2. A new section to chapter 43-37 of the North Dakota Century Code is created and enacted as follows:

Licensing of out-of-state practitioners.

1. The board may adopt rules establishing licensure requirements for applicants who hold a current license in good standing to practice as an audiologist or speech-language pathologist in a state or jurisdiction other than this state and who are not the subject of a pending disciplinary action in any state or jurisdiction.

2. Notwithstanding section 43-37-04, as it relates to the licensure eligibility of an out-of-state audiologist or speech-language pathologist, the board's rules may allow for:
 - a. Waiver of the examination requirement if the applicant meets the requirements established by the board.
 - b. Consideration of education and experience in order to meet the education requirements."

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1098: Finance and Taxation 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 1098 was placed on the Sixth order on the calendar.

Page 1, line 19, after the underscored period insert "The insurance commissioner may make a written request only if the insurance commissioner has started an investigation of an applicant or licensee on grounds other than failure to comply with chapter 57-38 or has started an investigation of a suspected or actual fraudulent insurance act."

Page 2, line 2, after the underscored period insert "For the purposes of this subsection, a taxpayer is deemed in compliance with this chapter if the taxpayer has entered an agreement with the tax commissioner to cure the taxpayer's noncompliance and the taxpayer is current with those obligations under the agreement."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1105: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). HB 1105 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1106: Finance and Taxation 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 1106 was placed on the Sixth order on the calendar.

Page 2, line 22, remove ", however, the"

Page 2, line 23, remove "second notice must be published more than ten days prior to the date of the meeting"

Page 2, line 24, replace "the date and time of the meetings and" with "a statement"

Page 2, line 25, replace "office of the clerk or auditor" with "regular meeting place of the governing board or other place designated by that board"

Page 4, line 7, replace "this chapter" with "section 57-06-17.3"

Page 5, line 2, replace "this chapter" with "section 57-06-17.3"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1114: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1114 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1157: Political Subdivisions Committee (Rep. N. Johnson, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1157 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1171: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1171 was placed on the Sixth order on the calendar.

Page 1, line 2, after "benefits" insert "; and to amend and reenact section 47-30.1-07 of the North Dakota Century Code, relating to the state's unclaimed property act"

Page 3, line 20, replace "pursuant to" with "under"

Page 3, line 21, replace "An" with "Within one hundred twenty days following a potential match identified as a result of a death master file or revised death master file match, an"

Page 3, line 21, remove "upon the expiration of the"

Page 3, line 22, remove "statutory time period for escheat"

Page 3, line 28, replace "such" with "providing"

Page 3, line 28, after "notice" insert "under subsection 7"

Page 3, after line 30, insert:

Application.

Section 47-30.1-07 and chapter 47-30.1, relating to unclaimed property, apply to a contract or policy to the extent the laws do not conflict with this chapter.

Page 4, after line 2, insert:

"SECTION 2. AMENDMENT. Section 47-30.1-07 of the North Dakota Century Code is amended and reenacted as follows:

47-30.1-07. Funds owing under life insurance policies.

1. Funds held or owing under any life or endowment insurance policy or annuity contract that has matured or terminated are presumed abandoned if unclaimed for more than three years after the funds became due and payable as established from the records of the insurance company holding or owing the funds, but property described in subdivision b of subsection 3 is presumed abandoned if unclaimed for more than three years. If the policy or annuity contract provides for death benefits and is covered under section 1 of this Act, the insurance company shall comply with section 1 of this Act.
2. If a person other than the insured or annuitant is entitled to the funds and an address of the person is not known to the company or it is not definite and certain from the records of the company who is entitled to the funds, it is presumed that the last known address of the person entitled to the funds is the same as the last known address of the insured or annuitant according to the records of the company.
3. For purposes of this chapter, a life or endowment insurance policy or annuity contract not matured by actual proof of the death of the insured or annuitant according to the records of the company is matured and the proceeds due and payable if:
 - a. The company knows that the insured or annuitant has died; or

- b. (1) The insured has attained, or would have attained if the insured were living, the limiting age under the mortality table on which the reserve is based;
 - (2) The policy was in force at the time the insured attained, or would have attained, the limiting age specified in paragraph 1; and
 - (3) Neither the insured nor any other person appearing to have an interest in the policy within the preceding three years, according to the records of the company, has assigned, readjusted, or paid premiums on the policy, subjected the policy to a loan, corresponded in writing with the company concerning the policy, or otherwise indicated an interest as evidenced by a memorandum or other record on file prepared by an employee of the company.
4. For purposes of this chapter, the application of an automatic premium loan provision or other nonforfeiture provision contained in an insurance policy does not prevent a policy from being matured or terminated under subsection 1 if the insured has died or the insured or the beneficiary of the policy otherwise has become entitled to the proceeds thereof before the depletion of the cash surrender value of a policy by the application of those provisions.
 5. If the laws of this state or the terms of the life insurance policy require the company to give notice to the insured or owner that an automatic premium loan provision or other nonforfeiture provision has been exercised and the notice, given to an insured or owner whose last known address according to the records of the company is in this state, is undeliverable, the company shall make a reasonable search to ascertain the policyholder's correct address to which the notice must be mailed.
 6. Notwithstanding any other provision of law, if the company learns of the death of the insured or annuitant and the beneficiary has not communicated with the insurer, within four months after ninety days following the company learning of the death, the company shall take reasonable steps to pay the proceeds to the beneficiary:
 - a. Complete a good-faith effort, which the company shall document, to confirm the death of the insured or annuitant against other available records and information; and
 - b. Determine whether benefits are due in accordance with the applicable insurance policy or annuity contract, and if benefits are due in accordance with the applicable policy or contract the company shall:
 - (1) Use good-faith efforts, which the company shall document, to locate the beneficiary or beneficiaries; and
 - (2) Provide the appropriate claims forms or instructions to the beneficiary or beneficiaries to make a claim, including the need to provide an official death certificate, if applicable under the policy or contract.
 7. ~~Commencing two years after July 1, 1985, every~~Every change of beneficiary form issued by an insurance company under any life or endowment insurance policy or annuity contract to an insured or owner who is a resident of this state must request the following information:
 - a. The name of each beneficiary, or if a class of beneficiaries is named, the name of each current beneficiary in the class;
 - b. The address of each beneficiary; and

- c. The relationship of each beneficiary to the insured."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1185: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1185 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and"

Page 1, line 2, after "exemption" insert "; and to declare an emergency"

Page 2, line 10, after the period insert "In order for an owner of nonowner-occupied property to qualify for a loan under this section, the owner of the property must have been the owner at the time of the presidentially declared disaster and the number of households in the property rebuilt under this section must remain the same as before the presidentially declared disaster."

Page 3, after line 3, insert:

"SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

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

Buell J. Reich, Chief Clerk

