

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1389

2001 HOUSE JUDICIARY

HB 1389

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1389

House Judiciary Committee

Conference Committee

Hearing Date 01-30-01

Tape Number	Side A	Side B	Meter #
TAPE II		x	1760 to 2040
Committee Clerk Signature <i>Joan DeKrey</i>			

Minutes: Chairman DeKrey opened the hearing on HB 1389. Relating to payment of no-fault benefits for injuries incurred on buses. Is there anyone hear in opposition to HB 1389?

Jo Zschomer: Director of the Risk Management Division of OMB (see attached testimony)

Chairman DeKrey: Questions, thank you for appearing, since there were no proponents, we will close the hearing on HB 1389.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1389a

House Judiciary Committee

Conference Committee

Hearing Date 01-31-01

Tape Number	Side A	Side B	Meter #
TAPE I		X	455 to 644
Committee Clerk Signature <i>Joan Diers</i>			

Minutes: Chairman DeKrey called the committee to order and called for additional testimony on HB 1389.

Rep Wald: District 37, Dickinson. Talked about insurance of a child riding a school bus. If a child is injured they would be covered under a parents personal auto insurance. This would be covered under the no fault part of insurance. We changed that so that the parents policy would respond if the child was injured. The reason for that is, there is no market for school bus insurance in North Dakota. I would encourage that you not change that section of the bill. The only exception to that is if there is no auto insurance in the family, that child would then collect from the company insuring the school bus.

Chairman DeKrey: Any questions for Rep Wald, if not thank you for appearing.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1389c

House Judiciary Committee

Conference Committee

Hearing Date 01-31-01

Tape Number	Side A	Side B	Meter #
TAPE II		x	1559 to 1870
Committee Clerk Signature <i>Joan DeW</i>			

Minutes: Chairman DeKrey called the committee to order and took up HB 1389. We never did get the testimony on the pros on this bill. What are the wishes of the committee.

COMMITTEE ACTION

Rep Grande move a DO NOT PASS, seconded by Rep DeMore. The clerk will call the roll on a DO NOT PASS motion. The motion passes with 13 YES 1 NO and 1 ABSENT the carrier for the bill Rep Kingsbury.

Date: 01-31-01  
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1389

House JUDICIARY Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

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

Action Taken DO NOT Pass

Motion Made By Rep Grande Seconded By Rep Delmore

Representatives	Yes	No	Representatives	Yes	No
CHR - Duane DeKrey		✓			
VICE CHR -- Wm E Kretschmar	✓				
Rep Curtis E Brekke	✓				
Rep Lois Delmore	✓				
Rep Rachael Disrud	✓				
Rep Bruce Eckre	✓				
Rep April Fairfield	✓				
Rep Bette Grande	✓				
Rep G. Jane Gunter	✓				
Rep Joyce Kingsbury	✓				
Rep Lawrence R. Klemin	✓				
Rep John Mahoney	✓				
Rep Andrew G Maragos	✓				
Rep Kenton Onstad					
Rep Dwight Wrangham	✓				

Total (Yes) 13 No 1

Absent 1

Floor Assignment Rep Kingsbury

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

**REPORT OF STANDING COMMITTEE (410)**  
February 1, 2001 8:49 a.m.

Module No: HR-18-2070  
Carrier: Kingsbury  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**HB 1389: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO NOT PASS**  
(13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1389 was placed on the  
Eleventh order on the calendar.

2001 TESTIMONY

HB 1389



**TESTIMONY BY JO ZSCHOMLER**  
**Director, Risk Management Division, OMB**  
**Judiciary Committee**  
**January 30, 2001**

Mr. Chairman, and members of Judiciary Committee, my name is Jo Zschomler. I am the Director of the Risk Management Division of OMB. I appear today merely to provide information to the Committee. I neither support or oppose House Bill 1389.

The 1995 Legislature passed the Tort Claims Act that established the Risk Management Fund. Our Division administers the Fund to pay tort claims and costs associated with lawsuits filed against the State. We also provide liability coverage for the State Fleet. The Fleet owns 15 busses and shuttle busses. The bus passenger capacities are: 10, 14, 18, 21, 24, three at 25, two at 29, two at 35, a 36, and two at 45.

Currently under N.D.C.C. § 26.1-41-13(2)(c) the no fault insurer of a bus passenger is required to pay no-fault benefits. If a passenger in a State owned bus does not have basic no fault coverage, the Risk Management Fund would be responsible for paying those benefits. If HB 1389 is enacted, the Risk Management Fund would be the no fault insurer for all passengers. The Fund's actuary advises that if this Bill is enacted, a conservative estimate of the additional contributions required for the Fund for the 2001-2003 biennium will be \$150,000.00.

This concludes my prepared remarks.