

## JOURNAL OF THE HOUSE

## Fifty-ninth Legislative Assembly

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Bismarck, April 19, 2005

The House convened at 8:00 a.m., with Speaker Klein presiding.

The prayer was offered by Pastor Joel Samuelson, House of Prayer Lutheran Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the Speaker.

**MOTION**

**REP. MONSON MOVED** that SB 2004 and SB 2007 be laid over one legislative day, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2274, as engrossed:** Your conference committee (Sens. Mutch, Espegard, Bercier and Reps. Ruby, Vigesaa, S. Meyer) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1144-1145, adopt amendments as follows, and place SB 2274 on the Seventh order:

That the House recede from its amendments as printed on pages 1144 and 1145 of the Senate Journal and pages 1308 and 1309 of the House Journal and that Engrossed Senate Bill No. 2274 be amended as follows:

Page 1, line 2, remove the first "and"

Page 1, line 4, after "vehicles" insert "; and to declare an emergency"

Page 6, line 19, replace "Variable" with:

"1. For a motor vehicle manufactured after July 31, 2005, variable"

Page 6, line 22, after "compartment" insert "if there is more than one variable load suspension axle or retractable axle, or a combination of each" and after the underscored period insert

"2."

Page 6, line 24, after "device" insert "unless allowed by subsection 1"

Page 6, after line 27, insert:

"**SECTION 7. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

Engrossed SB 2274 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. RUBY MOVED** that the conference committee report on Engrossed SB 2274 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2274, as amended, was placed on the Fourteenth order.

**SECOND READING OF SENATE BILL**

**SB 2274:** A BILL for an Act to create and enact a new section to chapter 24-03 of the North Dakota Century Code, relating to bids for highway grade stakes; and to amend and reenact section 25-16.2-02, subsection 2 of section 39-06.1-06, and sections 39-06.1-09, 39-12-02, 39-12-05.3, and 39-12-08 of the North Dakota Century Code, relating to bidding with work activity centers, weight and size limitations, and permits for vehicles.

**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 93 YEAS, 1 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** Froseth

Engrossed SB 2274 passed, the title was agreed to, and the emergency clause was declared carried.

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**MOTION**

**REP. MONSON MOVED** that the House stand in recess until 1:00 p.m., which motion prevailed.

**THE HOUSE RECONVENED** pursuant to recess taken, with Speaker Klein presiding.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2204, as engrossed:** Your conference committee (Sens. Krebsbach, Espeward, Fairfield and Reps. Porter, Nelson, Kaldor) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 974, adopt amendments as follows, and place SB 2204 on the Seventh order:

That the House recede from its amendments as printed on page 974 of the Senate Journal and page 1221 of the House Journal and that Engrossed Senate Bill No. 2204 be amended as follows:

Page 1, line 19, remove ". Except for a creditor that is a"

Page 1, line 20, remove "licensed nursing facility or a basic care facility, a late payment", overstrike "charge", and after "~~cannot~~" insert ". A late payment charged by a hospital"

Renumber accordingly

Engrossed SB 2204 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. PORTER MOVED** that the conference committee report on Engrossed SB 2204 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2204, as amended, was placed on the Fourteenth order.

**SECOND READING OF SENATE BILL**

**SB 2204:** A BILL for an Act to amend and reenact section 13-01-14 of the North Dakota Century Code, relating to the amount of late payment charges on medical bills.

**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 84 YEAS, 8 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Devlin; Dietrich; Dosch; Ekstrom; Froseth; Galvin; Grande; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klemin; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson;

Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** Bellew; Delzer; Drovdal; Froelich; Glassheim; Kempenich; Koppelman; Ruby

**ABSENT AND NOT VOTING:** Belter; Nicholas

Engrossed SB 2204 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**HB 1359, as engrossed:** Your conference committee (Sens. J. Lee, Dever, Warner and Reps. Porter, Nelson, Kaldor) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1190, adopt amendments as follows, and place HB 1359 on the Seventh order:

That the Senate recede from its amendments as printed on page 1190 of the House Journal and page 739 of the Senate Journal and that Engrossed House Bill No. 1359 be amended as follows:

Page 1, line 1, after "to" insert "create and enact a new section to chapter 13-01 of the North Dakota Century Code, relating to the amount of late payment charges and finance charges on medical bills; and to", replace "section" with "sections", and after "13-01-14" insert "and 13-01-15"

Page 1, line 6, after "**receivable**" insert "- Exceptions"

Page 1, line 10, overstrike "Except as provided in subsection 4, the" and insert immediately thereafter "The" and after "charge" insert "provided under this section"

Page 1, line 12, overstrike "in" and insert immediately thereafter "under", after "may" insert "not", and overstrike "only if" and insert immediately thereafter "unless"

Page 1, line 15, overstrike "A creditor may not charge, receive, or collect a late payment charge on medical or"

Page 1, overstrike line 16

Page 1, line 17, overstrike "charge may be imposed at a rate that does not exceed one percent per month"

Page 1, line 18, overstrike ". This subsection does not"

Page 1, overstrike line 19

Page 1, line 20, overstrike "5."

Page 1, after line 22, insert:

"c. Money due a medical services provider on accounts receivable for medical bills.

**SECTION 2.** A new section to chapter 13-01 of the North Dakota Century Code is created and enacted as follows:

Late payment charge on accounts receivable for medical services - Limitations on extensions of credit by medical providers.

1. A creditor that is a medical services provider may not charge, receive, or collect a late payment charge on money due on an account receivable for medical services except as provided under this section. For purposes of late charges on accounts receivable under this section:
  - a. An account for medical services, except an account for medical services of a licensed nursing facility or basic care facility, does not become delinquent until ninety days have passed following receipt of the billed medical services; and

- b. An account for medical services of a licensed nursing facility or basic care facility does not become delinquent until forty-five days have passed following billing of the medical services.
- 2. The account receivable late payment charge allowed under this section may not be charged unless, when the obligation was incurred, the creditor did not intend to extend any credit and late payment of the obligation was unanticipated.
- 3. A creditor that is not a hospital or clinic may charge, receive, and collect an account receivable late payment charge under this section at a rate that does not exceed one percent per month. A creditor that is a hospital or clinic may charge, receive, and collect an account receivable late payment charge under this section at a rate that does not exceed one percent per month, not to exceed fifty dollars per month.
- 4. Notwithstanding a higher rate or amount that may be allowed under chapter 51-14, section 47-14-05, or a written agreement, the finance charge, credit service charge, or rate of interest for an extension of credit for medical services which is charged by:
  - a. A medical services provider that is not a hospital or clinic may not exceed one percent per month.
  - b. A hospital or clinic may not exceed one percent per month, not to exceed fifty dollars per month.

**SECTION 3. AMENDMENT.** Section 13-01-15 of the North Dakota Century Code is amended and reenacted as follows:

**13-01-15. Late payment on accounts receivable - Periodic statement to be furnished to debtor.**

- 1. A creditor may not charge the account receivable late payment charge provided for ~~in~~ under section 13-01-14 ~~only if~~ or section 2 of this Act unless the creditor promptly supplies the debtor with a statement as of the end of each monthly period, or other regular period agreed upon by the creditor and the debtor, in which there is any unpaid balance.
- 2. Such statement must ~~recite~~ state, in any order, the following:
  - 4- a. The percentage amount of the late payment charge which will be charged beginning thirty days after the obligation is incurred for purposes of section 13-01-14, or beginning after the billed medical services become delinquent for purposes of section 2 of this Act.
  - 2- b. The unpaid balance at the end of the period.
  - 3- c. An identification of any amount debited to the debtor's account during the period.
  - 4- d. The payments made by or for the debtor to the creditor during the period.
  - 5- e. The amount of the late payment charge.

~~The items need not be stated in the sequence or order set forth above.~~

- 3. Additional items may be included in the statement to explain the computations made in determining the amount to be paid by the debtor."

Renumber accordingly

Engrossed HB 1359 was placed on the Seventh order of business on the calendar.

#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. PORTER MOVED** that the conference committee report on Engrossed HB 1359 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1359, as amended, was placed on the Eleventh order.

### SECOND READING OF HOUSE BILL

**HB 1359:** A BILL for an Act to amend and reenact section 13-01-14 of the North Dakota Century Code, relating to the amount of late payment charges on medical bills.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 2 YEAS, 90 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Monson; Price

**NAYS:** Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleston; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mueller; Nelson; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Belter; Nicholas

Engrossed HB 1359 lost.

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### MOTION

**REP. MONSON MOVED** that HB 1004, SB 2002, SB 2019 and HB 1397 be laid over one legislative day, and SB 2157 be laid over one legislative day, which motion prevailed.

#### MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently failed: HB 1359.

#### MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2204.

#### MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

**MR. PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2274.

#### MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

**MR. PRESIDENT:** The Speaker has signed: SB 2190, SB 2300, SB 2409.

#### MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1259, HB 1459.

#### MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

**MR. PRESIDENT:** The Speaker has signed: SB 2298.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1259, HB 1459.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2190, SB 2300, SB 2409.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2298.

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

**MR. SPEAKER:** The President has signed: HB 1108, HB 1189, HB 1342, HB 1370, HB 1454, HB 1500, HB 1531.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The President has signed: SB 2047, SB 2111, SB 2174, SB 2187, SB 2200, SB 2251, SB 2266, SB 2302, SB 2372.

**MOTION**

**REP. MONSON MOVED** that the House be on the Fifth, Thirteenth, Fourteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Wednesday, April 20, 2005, which motion prevailed.

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

**Bradley C. Fay, Chief Clerk**