

1999 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1356

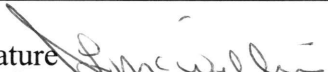
1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1356

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 1-28-1999

Tape Number	Side A	Side B	Meter #
1	X		7.6 - 11.5
Committee Clerk Signature 			

Minutes: Some of the individuals testifying submit written testimony. When noted please refer to this for more detailed information.

Representative Klein, Chairman of the GVA Committee opened the hearing on January 28, 1999.

Summary of the Bill: Relating to fees collected by the Secretary of State.

Testimony in Favor:

Representative Clark, Appeared before the committee to introduce the bill.

Clara Jenkins, Secretary of States Office submitted a written testimony which she read in it's entirety (**please refer to her testimony**).

Testimony in Opposition: None.

Committee Action:

Representative Haas, Made a motion for a Do Pass.

Representative Grande, Seconded the motion.

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House Government and Veterans Affairs Committee

Bill/Resolution Number HB 1356

Hearing Date 1-28-1999

Motion Passes: Do Pass **13-0-2**.

Representative Haas, Is the carrier for the bill.

FISCAL NOTE

(Return original and 10 copies)

Resolution No.: HB 1356 Amendment to: _____

Requested by Legislative Council Date of Request: January 15, 1999

- Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts. Please provide breakdowns, if appropriate, showing salaries and wages, operating expenses, equipment, or other details to assist in the budget process. In a word processing format, add lines or space as needed or attach a supplemental sheet to adequately address the fiscal impact of the measure.

Narrative: There is no fiscal impact. The Secretary of State's office already provides services at no charge to other state agencies and others as listed in current law. This bill makes it clear that services pertaining to the filing of any "process, notice, or demand for service" may also be provided at no charge.

- State fiscal effect in dollar amounts:

	1997-99 Biennium		1999-2001 Biennium		2001-03 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	None	None	None	None	None	None
Expenditures	None	None	None	None	None	None

- What, if any, is the effect of this measure on the budget for your agency or department:


a. For rest of 1997-99 biennium: None
(Indicate the portion of this amount included in the 1999-2001 executive budget:)

b. For the 1999-2001 biennium: None
(Indicate the portion of this amount included in the 1999-2001 executive budget:)

c. For the 2001-03 biennium: None

- County, city, and school district fiscal effect in dollar amounts:

1997-99 Biennium			1999-2001 Biennium			2001-03 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
None	None	None	None	None	None	None	None	None

Signed: 
 Typed Name: Alvin A. Jaeger
 Department: Secretary of State
 Phone Number: 328-2900
 Date Prepared: January 18, 1999

FLOOR 1-28

Date: 1-28-99

Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1356

House GOVERNMENT AND VETERANS AFFAIRS Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By HAAS Seconded By GRANDE

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN KLEIN	✓		REP. WINRICH	✓	
VICE-CHAIR KLINISKE	✓				
REP. BREKKE					
REP. CLEARY	✓				
REP. DEVLIN	✓				
REP. FAIRFIELD					
REP. GORDER	✓				
REP. GRANDE	✓				
REP. HAAS	✓				
REP. HAWKEN	✓				
REP. KLEMIN	✓				
REP. KROEBER	✓				
REP. METCALF	✓				
REP. THORESON	✓				

Total (Yes) 13 No 0

Absent 2

Floor Assignment HAAS

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

REPORT OF STANDING COMMITTEE (410)
January 28, 1999 12:17 p.m.

Module No: HR-18-1371
Carrier: Haas
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1356: Government and Veterans Affairs Committee (Rep. Klein, Chairman)
recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING).
HB 1356 was placed on the Eleventh order on the calendar.

1999 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1356

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1356

Senate Government and Veterans Affairs Committee

Conference Committee

Hearing Date March 12, 1999

Tape Number	Side A	Side B	Meter #
1		X	530-1090
Committee Clerk Signature <i>James A. Raik</i>			

Minutes: CHAIRMAN KREBSBACH opened the hearing on HB 1356 which relates to fees collected by the secretary of state. Appearing before the committee as a representative of Secretary Jaeger was CLARA JENKINS of the Business Division of the Secretary of States office. A copy of the written testimony presented is attached. SENATOR STENEHJEM asked Ms. Jenkins to give the committee an example of what would be included in a filing of a process a notice or a demand. CLARA JENKINS indicated that the only agency that submits any requests of this nature is Workers Comp when they are trying to collect past claims or premiums from employers. Those are the one's we are doing now. CHAIRMAN KREBSBACH, do you have any idea how many filings we are speaking of in a year? Ms. Jenkins, at this time we are averaging 100 requests from Workers Comp. Right now workers comp is the only agency we receive these requests from. There were no further questions from the committee. There was no further testimony offered in support of , in neutral position on, or opposition to HB 1356.

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Senate Government and Veterans Affairs Committee

Bill/Resolution Number HB 1356 Minutes

Hearing Date March 12, 1999

CHAIRMAN KREBSBACH closed the hearing at this time. SENATOR W. STENEHJEM made a motion for a DO PASS, seconded by SENATOR WARDNER. ROLL CALL VOTE indicated 7 YEAS, 0 NAYS, 0 ABSENT OR NOT VOTING. SENATOR DEMERS will carry the bill.

Date: 3/12/99
Roll Call Vote #:

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1356

Senate GOVERNMENT AND VETERAN'S AFFAIRS Committee

Subcommittee on _____
or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Sen. Stenehjem Seconded By Sen Wardner

Senators	Yes	No	Senators	Yes	No
SENATOR KREBSBACH	✓				
SENATOR WARDNER	✓				
SENATOR KILZER	✓				
SENATOR STENEHJEM	✓				
SENATOR THANE	✓				
SENATOR DEMERS	✓				
SENATOR MUTZENBERGER	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Sen. DeMars

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

REPORT OF STANDING COMMITTEE (410)
March 12, 1999 11:44 a.m.

Module No: SR-45-4647
Carrier: DeMers
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1356: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)
recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1356
was placed on the Fourteenth order on the calendar.

1999 TESTIMONY

HB 1356

SECRETARY OF STATE
ALVIN A. JAEGER

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SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

January 28, 1999

HB 1356

TO: Rep. Klein and Members – House Government and Veterans Affairs Committee

FR: Al Jaeger, Secretary of State

RE: HB 1356 – Service of Process for Other State Agencies

The intent of this bill is to make it clear in the law that the Secretary of State's office is not required to charge other state agencies a fee of \$20 for their filing of any "process, notice, or demand for service."

At the present time, the Secretary of State's office is not charging other state agencies for this service. However, based on an exact and strict reading of the law, legal counsel has advised that the law is not clear in this regard and that the Secretary of State's office probably should be charging other state agencies a filing fee for this service.

However, I believe it is inappropriate for one state agency to charge another state agency for a service such as this.

Currently, both SB 2149 and HB 1170 now under consideration by the legislative assembly expands the role of the Secretary of State's office related to service of process for other state agencies. Therefore, my office believes it is important for the legislature to clarify the current law now with the passage of this bill. That is, to make it clear that the Secretary of State's office is not required to charge other state agencies for the filing of any "process, notice, or demand for service."

SECRETARY OF STATE
ALVIN A. JAEGER

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SECRETARY OF STATE

STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

March 12, 1999

TO: Senator Krebsbach and Members – Senate Government and Veterans Affairs Committee

FR: Al Jaeger, Secretary of State

RE: HB 1356 – Service of Process for other State Agencies

The intent of this bill is to make it clear in the law that the Secretary of State's office is not required to charge other state agencies a fee of \$20 for their filing of any "process, notice, or demand for service."

At the present time, the Secretary of State's office is not charging other state agencies for this service. However, based on an exact and strict reading of the law, legal counsel has advised that the law is not clear in this regard and that the Secretary of State's office probably should be charging other state agencies a filing fee for this service.

However, the Secretary of State's office believes it is inappropriate for one state agency to charge another state agency for a service such as this.

Currently, both SB 2149 and HB 1170 now under consideration by the Legislative Assembly expands the role of the Secretary of State's office related to service of process for other state agencies.

Therefore, the Secretary of State's office believes it is important for current law to be clarified now as intended by this bill. That is, to make it clear that the Secretary of State's office is not required to charge other state agencies for the filing of any "process, notice, or demand for service."