

# MICROFILM DIVIDER

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ROLL NUMBER

DESCRIPTION

2072

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10/15/03  
Date

2003 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2072

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2072

Senate Government and Veterans Affairs Committee

Conference Committee

Hearing Date 01/24/03

Tape Number	Side A	Side B	Meter #
Tape 1	x		0-750
Committee Clerk Signature <i>L. Swathys</i>			

Minutes:

**Senator Karen Krebsbach, Chairman** call SB 2072 open. All senators present.

**Al Jaeger, Secretary of State** to testify in support of SB 2072. (Testimony attached)

Questions

**Senator Krebsbach** : Do you know why registered mail was not included before?

**S. Jaeger**: I think it was normally hand delivered whether it be from a sheriff or special people that will hand deliver it. As I have noted this would not extend to electronic communication because of the electronic signatures that we still have to work through along with electronic notarization.

**Senator Nelson** : I move a DO PASS on SB 2072

**Senator Brown**: 2nd

6 Yes, 0 No, 0 Absent and not voting

Carrier: Senator Dever

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10/15/03  
Date

**FISCAL NOTE**  
 Requested by Legislative Council  
 01/03/2003

Bill/Resolution No.: SB 2072

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.

This bill creates a new section to chapter 54-09 because the sentence on page 2, beginning at line 15 and ending on line 18 currently counteracts the provisions in the sentence beginning on line 26. Because it did, the Secretary of State's office was forced to charge a fee to other agencies, in those rare situations where they needed information that was filed in the Secretary of State's Central Indexing System. However, those charges are contrary to the intent in line 15 whereby agencies are not to be charged. By creating a new section in chapter 54-09, the agencies and others will be exempted from those charges for information filed in the Central Indexing System. The end-result is, that in the big budget picture, the change is revenue and expense neutral because another agency will not have to pay the Secretary of State's office from that agency's general fund for information, which payment is just deposited back into the general fund by the Secretary of State.

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.

Not applicable

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.

Not applicable

C. **Appropriations:** Explain the appropriation amounts. Provide detail, when appropriate, of the effect on

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La Costa Rickford 10/15/03  
 Operator's signature Date

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.

Not applicable

Name:	Al Jaeger	Agency:	Secretary of State
Phone Number:	328-2900	Date Prepared:	01/03/2002

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10/15/03  
Date

Date: 01/24/03  
Roll Call Vote #: 1

**2003 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. SB 2072**

Senate Government and Veteran Affairs Committee

Check here for Conference Committee

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

Action Taken DO PASS

Motion Made By Nelson Seconded By Brown

Senators	Yes	No	Senators	Yes	No
Senator Karen Krebsbach, Chr.	x		Senator April Fairfield	x	
Senator Dick Dever, Vice Chr.	x		Senator Carolyn Nelson	x	
Senator Richard Brown	x				
Senator Rich Wardner	x				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Dever  
\_\_\_\_\_  
\_\_\_\_\_

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

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Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)  
January 24, 2003 11:33 a.m.

Module No: SR-14-1036  
Carrier: Dever  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**  
**SB 2072: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)**  
recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2072  
was placed on the Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-14-1036

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Operator's Signature

*10/15/03*  
Date

2003 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2072

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La Costa Rickford  
Operator's Signature

10/15/03  
Date



2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2072

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 3-06-03

Tape Number	Side A	Side B	Meter #
1	x		0-6.8
Committee Clerk Signature <i>Jody Renke</i>			

Minutes: Chairman Klein: opened the hearing on SB 2072. All committee members were present.

Al Jaeger, Secretary of State, North Dakota: was present and was the sponsor of SB 2072. **(SEE ATTACHED TESTIMONY).**

Chairman Klein: Basically what your doing, instead of charging the Attorney General, and then putting it back into the general fund, and creating additional bookkeeping and paper work you are now deleting that and saying you have the right to ask for information and I don't charge you.

No further testimony.

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*Jacosta Rickford*  
Operator's Signature

10/15/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2072

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 3-07-03

Tape Number	Side A	Side B	Meter #
2	x		21.-24.1
Committee Clerk Signature <i>Joey Riecke</i>			

Minutes: Chairman Klein: lets take up SB 2072.

Representative Klemm: presented amendments to the committee.

Representative Klemm: made a motion to move to **AMEND** SB 2072 as presented.

Representative Kasper: **SECOND** the motion to amend. All were in favor.

Representative Devlin: made a motion to **DO PASS** as amended.

Representative Meier: **SECOND** the motion to do pass as amended.

**VOTE: 14-YES 0-NO 0-ABSENT.**

Motion carried.

Representative Kasper: will carry the bill to the floor.

Meeting adjourned.

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10/15/03  
Date

38250.0101  
Title.0200

Adopted by the Government and Veterans  
Affairs Committee  
March 7, 2003

**House Amendments to SB 2072 - Government and Veterans Affairs Committee**  
03/07/2003

Page 3, line 18, overstrike "an original and two" and insert immediately thereafter "three"  
Renumber accordingly

1 of 1

38250.0101

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Operator's Signature

10/15/03  
Date

Date: 3-7-03

Roll Call Vote #:

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTE  
SENATE BILL/RESOLUTION NO. SB 2072

House GOVERNMENT AND VETERANS AFFAIRS Committee

Check here for Conference Committee

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

Action Taken D/Move to Amend page 3 line 18

Motion Made By By Klemm Seconded By Kasper

Representatives	Yes	No	Representatives	Yes	No
Chairman M.M. Klein			B. Amerman		
Vice Chairman B.B. Grande			L. Potter		
W.R. Devlin			C. Williams		
C.B. Haas			L. Winrich		
J. Kasper					
L.R. Klemm					
L. Meier					
M. Sitte					
W.W. Tieman					
R.H. Wikenheiser					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent All in favor

Floor Assignment \_\_\_\_\_

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

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Lacosta Rickford 10/15/03  
Operator's Signature Date

Roll Call Vote #: \_\_\_\_\_ Date: 3-07-03

**2003 HOUSE STANDING COMMITTEE ROLL CALL VOTE  
SENATE BILL/RESOLUTION NO. SB 2072**

House GOVERNMENT AND VETERANS AFFAIRS Committee

Check here for Conference Committee

Legislative Council Amendment Number 38250.0101

Action Taken Do Pass As Amended

Motion Made By Rep. Devlin Seconded By Rep. Meier

Representatives	Yes	No	Representatives	Yes	No
Chairman M.M. Klein	X		B. Amerman	X	
Vice Chairman B.B. Grande	X		L. Potter	X	
W.R. Devlin	X		C. Williams	X	
C.B. Haas	X		L. Winrich	X	
J. Kasper	X				
L.R. Klemin	X				
L. Meier	X				
M. Sitte	X				
W.W. Tieman	X				
R.H. Wikenheiser	X				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Rep. Kasper

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

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Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)  
March 7, 2003 3:17 p.m.

Module No: HR-41-4290  
Carrier: Kasper  
Insert LC: 38250.0101 Title: .0200

**REPORT OF STANDING COMMITTEE**  
**SB 2072: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)**  
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends  
**DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2072 was placed  
on the Sixth order on the calendar.

Page 3, line 18, overstrike "an original and two" and insert immediately thereafter "three"

Renumber accordingly

(2) DESK, (3) COMM

Page No. 1

HR-41-4290

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*10/15/03*  
Date

2003 TESTIMONY

SB 2072

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10/15/03  
Date

ALVIN A. JAEGER  
SECRETARY OF STATE

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**SECRETARY OF STATE**

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

January 23, 2003

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

FR: Al Jaeger, Secretary of State

RE: SB 2072 – Secretary of State fees and service of process

Section 1: This section eliminates contradictory provisions contained in N.D.C.C. § 54-09-04, which is a section of law pertaining to fees charged by the Secretary of State. On page 2, beginning at line 15, one of the contradictory provisions is removed by deleting the text that begins on that line. This text is being moved to a new section of law that is being created in section 2 of this bill. The intent of the deleted text was being compromised by the last sentence in N.D.C.C. § 54-09-04 that begins on line 26 of page 2. This sentence exempts the fees charged by the Central Indexing System from the provisions of this particular section of law. Therefore, whenever a state agency (e.g., Attorney General) requested information from the Central Indexing System, it no longer fell under the exemption in line 15. Consequently, the Secretary of State's office had no choice but to charge them for that information. However, that is not the intent of the deleted text, which states that state or county officers are not to be charged.

Section 2: This part of the bill creates a new section of law in the Century Code, which is essentially the same as the text that was just deleted in the previous section. By removing this text from the previous section, it eliminates the conflict and makes it clear that the Secretary of State may not charge other state or county offices a fee for information that they may request from the Secretary of State's office.

Section 3: Currently, when the Secretary of State is the agent for receiving a service of process, that service must be hand delivered to the Secretary of State's office. Therefore, whenever a service of process is received through a delivery service, e.g., first-class postal mail, overnight, etc., it must be rejected. The change in this section provides an option. It makes it clear that a service of process must be made either by personal delivery or by registered mail, which is an option not available under current law.

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

March 6, 2003

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

FR: Al Jaeger, Secretary of State

RE: SB 2072 – Secretary of State fees and service of process

Section 1: This section eliminates a contradiction in intent that is now contained in N.D.C.C. § 54-09-04, which is a section of law pertaining to the fees charged by the Secretary of State.

On page 2, beginning at line 15, the deleted text is being moved to a new section of law in Chapter 54-09 that is being created in section 2 of this bill.

The provisions of the deleted text were being contradicted by the last sentence in N.D.C.C. § 54-09-04 that begins on line 26 of page 2. This particular sentence exempts the fees charged by the Central Indexing System from the provisions of this particular section of law.

However, the unintended consequence was that whenever a state agency (e.g., Attorney General) requested information from the Central Indexing System, it no longer fell under the exemption on page 2 in line 15 (now over struck). That is, that state or county officers were not to be charged for information obtained from the Secretary of State's office.

However, because of the Central Indexing System was exempt from the provisions of this particular section of law, the Secretary of State's office had no choice but to charge agencies for information they requested from the Central Indexing System.

Section 2: This part of the bill creates a new section of law in the Century Code, which is essentially the same as the text that was just deleted in the previous section.

The benefit in creating this new section of law is that it eliminates the conflict in N.D.C.C. § 54-09-04. It makes it clear that the Secretary of State may not charge other state or county offices a fee for information that they may request from the Secretary of State's office regardless of the Division from which the information is requested.

Section 3: Under current law, whenever the Secretary of State is the agent for receiving a service of process, that service of process must be hand delivered to the Secretary of State's office. Consequently, whenever a service of process is now received through a delivery service, e.g., first-class postal mail, overnight delivery, etc., it must be rejected.

The proposed change in this section of the bill provides an option. It makes it clear that a service of process can be made either by personal delivery to the Secretary of State's office or by registered mail (Registered mail is defined in N.D.C.C. § 1-02-36 as "Wherever the term 'registered mail' appears in the laws of the state of North Dakota it means 'registered or certified mail'".)

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

March 6, 2003

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

FR: Al Jaeger, Secretary of State

RE: SB 2072 – Service of process

In 2002, the Secretary of State's office received 24 requests for service of process. Of these, a copy certified by the court was required with only one request because the only original copy had been filed with the court. In that particular case, a Minneapolis law firm submitted the service of process request.

According to my staff, they have found that most often attorneys execute duplicate original copies so that they can file one copy with the Court and the other with the Secretary of State's office.

Traditionally, one original document (plus two copies) has been served on the Secretary of State. The original document serves to verify the integrity of the document since with a copy, it could have omissions or could have been altered in some manner from documents filed with the court.

After consulting with the Secretary of State's assigned Assistant Attorney General, it appears as if a copy could satisfy the Secretary of State service of process responsibilities in the same manner as a copy now serves the requirements of service of process on corporations or officers as defined in Civil Procedure, Rule 4.

Therefore, although the statistics do not appear to demand that a change be made, the Secretary of State's office will not oppose an amendment to this bill either. However, if the committee does decide to amend section 3 of SB 2072, I will need to know as soon as possible. In order to be consistent with other sections of law, which I believe is very important, my office will need to prepare comparable amendments to HB 1362, which is being heard before the Senate Judiciary committee on Monday, March 10.

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