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ROLL NUMBER

DESCRIPTION

2231

2005 SENATE INDUSTRY, BUSINESS AND LABOR

SB 2231

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2231

Senate Industry, Business and Labor Committee

☐ Conference Committee

Hearing Date 1-24-05

Tape Number	Side A	Side B	Meter #
1		x	833-1600
Committee Clerk Signature <i>Lisa VanBerken</i>			

Minutes: **Chairman Mutch** opened the hearing on SB 2231. All Senators were present.

SB 2231 relates to product rebates; and to provide a penalty.

Senator Erbele, District 28, introduced the bill.

Senator Erbele: This bill is on behalf of a constituent who was not able to be here today. It's a situation of her doing rebating and getting refused because the rebators will not mail to a post office box. I suppose because of fraud, I suppose. I have handed out a letter that she received from her local post office (see attached). At the bottom of it, I photo copied a rebate indicating that the state of Washington does not restrict post office boxes. Legislative Council looked for some law in Washington that we could pattern our law after, but couldn't find it, so we drew up this bill as is. If you look on the letter from the post office, they indicated the proper format for including your street address. This lady has done that and recently, a pen company refused it because it had a box number on it. I would appreciate your consideration on this bill.

Chairman Mutch : In other words, giving both addresses, she was still denied?

Senator Erbele: They still refused it because of the box number being on the address.

Senator Klein : Doesn't that go against postal.....we get delivered to a post office box and we have also added our street address to our definition of location. The post office is saying that you will not get your mail if you do not have your box number. Can we circumvent the postal service?

Senator Erbele: This lady also indicated to me that they have a small post office box in this town and also an address of where she lives. She received a letter from a credit card company that was very important to her, that was only addressed to street address. In this case, the post master struggled with whether or not to send the letter back or call her and tell her that she had mail.

Senator Krebsbach: I don't think that this is going to address it, if she had included both her addresses and they still refused to send her check, because this just requires a purchaser to provide a street address. We may have put language in saying "must be delivered to post office box".

Chairman Mutch : There is federal regulation on that.

Senator Nething : Apparently, the state of Washington has a restriction, because on the example of a coupon here, they say that. So I guess if we put on a restriction, the rebate will say Washington and North Dakota. We haven't lost anything if we try it.

Courtney Koebele, DeHart & Darr, spoke in opposition to the bill. See attached testimony.

Senator Heitkamp : Aren't you usually, people who send rebates, usually sending checks?

Courtney: Right.

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Senate Industry, Business and Labor Committee

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Senator Heitkamp : So if you send me a check, I can't cash it unless I am Joel Heitkamp if the bank is doing it's job, right?

Courtney: Yes. But it is just one more restriction that they are opposed to.

The hearing was closed. No action was taken.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2231

Senate Industry, Business and Labor Committee

☐ Conference Committee

Hearing Date 1-26-05

Tape Number	Side A	Side B	Meter #
3	xxx		201
Committee Clerk Signature <i>Lisa VanBerkom</i>			

Minutes: **Chairman Mutch** opened committee discussion on SB 2231. All Senators were present. SB 2231 relates to product rebates.

Senator Krebsbach: My problem on this bill is the fact that this constituent does not have mail delivered to her home. She receives it only at the post office and even though they provided a street address, they still would not deliver it.

Chairman Mutch : They should have the post office box on the address.

Senator Krebsbach: They did and they still wouldn't deliver. It's not the post office who is denying the mail, it's the rebate company.

Senator Heitkamp moved a DO PASS.

Senator Fairfield seconded.

Roll Call Vote: 7 yes. 0 no. 0 absent.

Carrier: Senator Fairfield

Date: 1-26-05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2231

Senate Industry, Business and Labor Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Heitkamp Seconded By Fairfield

Senators	Yes	No	Senators	Yes	No
Senator Mutch, Chairman	X		Senator Fairfield	X	
Senator Klein, Vice Chairman	X		Senator Heitkamp	X	
Senator Krebsbach	X				
Senator Nething	X				
Senator Espegard	X				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Fairfield

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

REPORT OF STANDING COMMITTEE (410)
January 27, 2005 7:45 a.m.

Module No: SR-18-1157
Carrier: Fairfield
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2231: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2231 was placed on the Eleventh order on the calendar.

2005 HOUSE INDUSTRY, BUSINESS AND LABOR

SB 2231

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2231

House Industry, Business and Labor Committee

☐ Conference Committee

Hearing Date 3-2-05

Tape Number	Side A	Side B	Meter #
2	x		15-29.4
2		x	9.2-11.4
Committee Clerk Signature <i>Joseph Benke</i>			

Minutes:

Vice-Chairman N. Johnson: Opened the hearing on SB 2231.

Senator Erberle: Appeared in support of bill, provided some **written testimony** and also was a sponsor. The bill I have before you today is about rebating and the problem with addresses and where the rebates can be delivered to.

Representative Boe: I just want to clarify for the record that everyone in North Dakota do not have street addresses we do not have street addresses in Mylo, North Dakota, we have no 911 system, we have no street address.

Jack McDonald, Attorney, DeHart & Darr: Appeared in opposition of SB 2231 in its present form but I'm proposing amendments as provided (SEE ATTACHED TESTIMONY).

Representative Dietrich: I move to **ADOPT** amendments.

Representative Vigesaa: **SECOND** the motion to **ADOPT** amendments.

Motion carried.

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House Industry, Business and Labor Committee

Bill/Resolution Number SB 2231

Hearing Date 3-2-05

Representative Dietrich: I move a **DO PASS** as **AMENDED** on **SB 2231**.

Representative Ruby: **SECOND** the **DO PASS** as **AMENDED** motion on **SB 2231**.

Motion carried. **VOTE: 12-YES 1-NO 1-Absent (DOSCH).**

Representative Ekstrom will carry the bill to the floor.

Hearing closed.

Date: 3-2-05
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2231

House INDUSTRY, BUSINESS AND LABOR Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Adopt Amendments

Motion Made By Rep. Dietrich Seconded By Rep. Vigesaa

Representatives	Yes	No	Representatives	Yes	No
G. Keiser-Chairman	X		Rep. B. Amerman	X	
N. Johnson-Vice Chairman	X		Rep. T. Boe	X	
Rep. D. Clark	X		Rep. M. Ekstrom	X	
Rep. D. Dietrich	X		Rep. E. Thorpe	X	
Rep. M. Dosch	A				
Rep. G. Froseth	X				
Rep. J. Kasper	X				
Rep. D. Nottestad	X				
Rep. D. Ruby	X				
Rep. D. Vigesaa	X				

Total (Yes) 13 No 0

Absent (1) Rep. Dosch

Floor Assignment _____

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

Date: 3-2-05
Roll Call Vote #: 2

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2231

House INDUSTRY, BUSINESS AND LABOR Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 50477.0101 .0200

Action Taken DO PASS As Amended

Motion Made By Rep. Dietrich Seconded By Rep. Ruby

Representatives	Yes	No	Representatives	Yes	No
G. Keiser-Chairman	X		Rep. B. Amerman	X	
N. Johnson-Vice Chairman	X		Rep. T. Boe	X	
Rep. D. Clark	X		Rep. M. Ekstrom	X	
Rep. D. Dietrich	X		Rep. E. Thorpe		X
Rep. M. Dosch	A				
Rep. G. Froseth	X				
Rep. J. Kasper	X				
Rep. D. Nottestad	X				
Rep. D. Ruby	X				
Rep. D. Vigesaa	X				

Total (Yes) 12 No 1

Absent (1) Rep. Dosch

Floor Assignment Rep. Ekstrom

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

REPORT OF STANDING COMMITTEE

SB 2231: Industry, Business and Labor Committee (Rep. Kelser, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2231 was placed on the Sixth order on the calendar.

Page 1, replace lines 6 through 8 with:

"Product rebates - Acceptable mailing addresses. A person who is eligible to receive a mail-in rebate for the purchase of a product or merchandise must be given the option of providing either a street address or a post-office box number as a mailing address."

Renumber accordingly

2005 TESTIMONY

SB 2231

Dear Postal Customer:

do not deliver to PO Boxes.....

Have you heard this before from some mail order companies that you do business with? These companies generally request that you give them a street address. However, your **MAILING/DELIVERY** address is where you **RECEIVE** your mail, whether it is a Post Office Box Number, a Street Address, Rural Route or Highway Contract Route.

You may ask "What does this have to do with me?" very little if you are presently using your complete, correct mailing address when corresponding with neighbors, friends, relatives, and business contacts. Proper addressing is the key to successful and timely deliveries. In many cases your mailpieces are processed by automated equipment that identifies your delivery address. This equipment has the capabilities to read, process, and distribute mail with great speed. Unfortunately, items that are **incorrectly addressed** must often times be discarded (standard mail items) or returned to sender as **undeliverable** (first-class items). Other mailpieces with incorrect addresses that do make it to their destinations are delayed, with increased mail handling costs incurred.

For example, if your delivery address is a PO Box, and your mail is coming addressed to a physical street address, your mailpiece is **incompletely and incorrectly addressed**. The proper format for your **MAILING** address should look like this:

PO BOX DELIVERY:

**JOHN DOE
PO BOX 1
ANYWHERE ND 57000-0001**

If you have PO BOX delivery, please refrain from using a street address on your correspondence. If you choose to use a dual address, or need to give a street address to a business, insist that the street address be placed above your correct mailing address; your PO Box number. The proper formatting for a dual address looks like this:

DUAL ADDRESS DELIVERY:

**JOHN DOE
123 MAIN ST
PO BOX 1
ANYWHERE ND 57000-0001**

Many customers do not realize the effect that incorrect addressing can have on their mail...especially in a small town. After all, everyone knows everyone else.... right? Wrong. People change, and as we all know, times have changed. By working together, we can ensure that your official and personal correspondence moves through the mailstream in a timely and cost efficient manner. I thank you in advance for your cooperation in this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,

Virginia Moch
Postmaster, U.S. Postal Service
PO Box 9998
Hazelton ND 58544-9998

CONSUMER: To receive your \$2.00 rebate on E&J VS Brandy or E&J VSOP, mail this completed form, along with the original UPC code from the E&J VSOP label and the original cash register receipt imprinted with the store name and the purchase price circled as proof of purchase. Sales receipt must be dated between 09/01/2004 and 12/15/2004. Residents of Maryland or New Jersey do not need to send cash register receipts. Residents of WA do not need to send UPC code. To remove the UPC code: Soak empty bottle in hot tap water (approximately 130 degrees) and liquid dishwashing soap. The UPC code can then be lifted off in 5-10 minutes. **WARNING:** Do not soak full bottle!
MAIL TO: E&J DISTILLERS REBATE OFFER #67491, P.O. BOX 60034, MESA, AZ 85274-0034

Signature: _____ THIS OFFER MUST BE SIGNED TO BE VALID
Name: _____ PLEASE PRINT - ADDRESS LABELS WILL NOT BE ACCEPTED
Address: _____
City: _____ State: _____ Zip: _____
NOTE: P.O. BOX NOT ACCEPTABLE ADDRESS*

NOTE: OFFER VOID WHERE PROHIBITED BY LAW. This offer is void where prohibited by law, and for employees of any of the following: E&J Distillers, affiliated companies, state liquor commissions, and other alcoholic beverage related government agencies; alcoholic beverage licensees; any household member or immediate family of any employee of one of these entities; or persons under the legal drinking age. Limit one (1) offer per household. Offer expires 12/15/2004. Rebate must be postmarked by 12/31/2004. Please allow up to eight (8) weeks for delivery of your rebate check. You may contact Customer Service at 888-259-8135 if rebate is not received by that date. Rebate check will not be delivered to post office box. No obligation arises from purchase of the designated product or from issuance of any rebate check. Rebate check must be presented for payment before the sponsoring company has any obligation to pay this rebate. Facsimiles of official rebate form, register receipt or UPC code will not be honored. Purchase, sale or trade of rebate form, or UPC symbols is prohibited. Fraudulent submission of rebate certificate may result in federal prosecution for mail fraud under 18 USC Section 1341, 1344.

*WA - No P.O. Box Restriction

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January 24, 2005

~~OPPOSED~~

SENATE INDUSTRY, BUSINESS & LABOR COMMITTEE
SB 2231

CHAIRMAN MUTCH AND COMMITTEE MEMBERS:

My name is Courtney Koebele. I am appearing today on behalf of DeHart & Darr, a marketing agency doing business in many states, including North Dakota. We oppose **SB 2231** and respectfully request a **do not pass**.

We certainly respect the intentions of the sponsors of this bill, but we question how the companies we represent will be able to send the rebates back if we don't have accurate street addresses. We haven't seen any problems with this regard and don't see why this legislation is needed. Further, our companies operate across the country and this bill, if enacted, will put different rules in effect in North Dakota than elsewhere across the country. It will make it that much more difficult for our businesses to operate in North Dakota.

If you have any questions, I'd be glad to try to answer them. THANK YOU FOR YOUR TIME AND CONSIDERATION.

March 2, 2005

HOUSE INDUSTRY, BUSINESS & LABOR COMMITTEE
SB 2231

CHAIRMAN KEISER AND COMMITTEE MEMBERS:

My name is Jack McDonald. I am appearing today on behalf of DeHart & Darr, a marketing agency doing business in many states, including North Dakota. We oppose **SB 2231** in its present form and respectfully request the amendment listed below.

We certainly respect the intentions of the sponsors of this bill, but we question how the companies we represent will be able to send the rebates back if we don't have accurate street addresses. The way the bill reads now, a person literally would not have to give any address. It just doesn't look right.

Therefore, we're proposing the amendment listed below. This would seem to solve the problems described by the sponsors and still make it workable.

If you have any questions, I'd be glad to try to answer them. THANK YOU FOR YOUR TIME AND CONSIDERATION.

PROPOSED AMENDMENTS TO SENATE BILL 2231

Page 1, line 6, replace "may not be" with "or post office box number"

Page 1, line 7, remove "not"

Page 1, line 8, after "address" insert "or post office box"

Renumber accordingly.

PROPOSED ENGROSSED LANGUAGE

Product Rebates – Consumer street address or post office box number required. A person offering a mail-in rebate to the purchaser of a product or merchandise may require the purchaser to provide a street address or post office box as a condition to receive a rebate.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2231

Page 1, line 6, replace "offering" with "receiving"

Page 1, line 7, remove "to the purchaser" and remove "not require the purchaser to"

Page 1, line 8, after "address" insert "or a post office box number"

SECTION 1. A new section to chapter 51-12 of the North Dakota Century Code is created and enacted as follows:

Product rebates – Consumer street address may not be required. A person receiving a mail-in-rebate of a product or merchandise may provide a street address or a post office box number as a condition to receive a rebate.