

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1498

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La Costa Rickford  
Operator's Signature

10/16/03  
Date

2003 HOUSE INDUSTRY, BUSINESS AND LABOR  
HB 1498

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Salvatore Riccardi  
Operator's Signature

10/6/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1498

House Industry, Business and Labor Committee

☐ Conference Committee

Hearing Date February 3, 2003

Tape Number	Side A	Side B	Meter #
4	X		5152-end
4		X	327-548
Committee Clerk Signature <i>Elizabeth R. Greer</i>			

Minutes: **Chair Keiser**: Opened hearing on HB 1498

**Clara Jenkins** (Dir. of Business Division, Secretary of State Office): Supports with written testimony.

**Rep. Ekstrom**: Requested clarification on the "fictitious" name. Jenkins said that names such as "Goldmark" are fictitious because they are not names of the owners.

**Chair Keiser**: Closed hearing on HB 1498

Rep. Klien moved DP. Seconded by Rep. Ekstrom.

Vote: **14** Yes **0** No **0** Absent Floor Assignment: Rep. Ekstrom

**FISCAL NOTE**  
Requested by Legislative Council  
01/23/2003

Bill/Resolution No.: HB 1498

**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.*

The sole purpose of this bill is to achieve efficiency with file maintenance and filing procedures. It also prevents disclosure of social security and federal identification numbers.

**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.*

None

**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.*

None

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

None

Name:	Al Jaeger	Agency:	Secretary of State
Phone Number:	328-2900	Date Prepared:	01/24/2003

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*La Costa Richard*  
Operator's Signature

*10/16/03*  
Date

Date: 3 Feb 03

Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1498

House Industry, Business & Labor Committee

☐ Check here for Conference Committee

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

Action Taken DP

Motion Made By Klein Seconded By Ekstrom

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	✓		Rep.Boe	✓	
Rep.Severson, Vice-Chair	✓		Rep.Ekstrom	✓	
Rep.Dosch	✓		Rep.Thorpe	✓	
Rep. Froseth	✓		Rep. Zaiser	✓	
Rep. Johnson	✓				
Rep.Kasper	✓				
Rep. Klein	✓				
Rep. Nottlestad	✓				
Rep. Ruby	✓				
Rep.Tieman	✓				

Total (Yes) 14 No 0

Absent \_\_\_\_\_

Floor Assignment Ekstrom

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

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Sal Costa Rickford  
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10/16/03  
Date

**REPORT OF STANDING COMMITTEE (410)**  
February 3, 2003 6:01 p.m.

**Module No: HR-20-1572**  
**Carrier: Ekstrom**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**  
**HB 1498: Industry, Business and Labor Committee (Rep. Kelser, Chairman)**  
recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).  
HB 1498 was placed on the Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-20-1572

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10/16/03  
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2003 SENATE INDUSTRY, BUSINESS AND LABOR

HB 1498

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Salvatore Riccardi  
Operator's Signature

10/16/03  
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1498

Senate Industry, Business and Labor Committee

☐ Conference Committee

Hearing Date 03-18-03

Tape Number	Side A	Side B	Meter #
1		xxxx	850-1642
Committee Clerk Signature <i>Lisa VanBerkum</i>			

Minutes: Chairman Mutch opened the hearing on HB 1498. Senator Espegard was absent.

HB 1498 relates to fictitious name certificates and trade name registrations.

**Testimony in support of HB 1498**

**Representative Tieman** introduced the bill. Back in college, I worked during Christmas at a men's clothing store. I worked for two brothers who had taken over the store when it was called Palmer's Clothing. If they were to file electronically, they would go under Palmer's Clothing. Also Gold Mark in Fargo, it doesn't go under individual names. My purpose is to introduce the bill and the Secretary of State's Office will speak to the bill.

**Clara Jenkins**, of the Secretary of State's Office, spoke in support of the bill. See written testimony.

**Senator Klein:** Fictitious name isn't really fictitious, it's just a name that a company decides to adopt and file with your office?

**Clara:** That is correct.

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*L. Costa*  
Operator's Signature

*10/16/03*  
Date



Page 2

Senate Industry, Business and Labor Committee

Bill/Resolution Number 1498

Hearing Date 03-18-03

**Senator Mutch:** Do you have to register every year?

**Clara:** Every five years.

**Senator Mutch:** Do you notify them?

**Clara:** Yes, 90 days prior to the due date.

**Senator Krebsbach:** Has this always been five years?

**Clara:** This goes back to the 1980's.

**No Opposition. The hearing was closed.**

**Senator Klein moved a DO PASS.**

**Senator Krebsbach seconded.**

**Roll Call Vote: 5 yes. 0 no. 2 absent.**

**Carrier: Senator Every**

Date: 3-18-03  
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1498

Senate \_\_\_\_\_ Committee \_\_\_\_\_

☐ Check here for Conference Committee

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

Action Taken Do Pass

Motion Made By Klein Seconded By Krebsbach

Senators	Yes	No	Senators	Yes	No
Sen. Mutch, Chairman	X				
Sen. Klein, Vice Chairman	X				
Sen. Krebsbach	X				
Sen. Nething	A				
Sen. Heitkamp	X				
Sen. Every	X				
Sen. Espegard	A				

Total (Yes) 5 No 0

Absent 2

Floor Assignment Every

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

**REPORT OF STANDING COMMITTEE (410)**  
March 18, 2003 11:37 a.m.

Module No: SR-48-5017  
Carrier: Every  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**  
HB 1498: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends  
**DO PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1498 was placed  
on the Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-48-5017

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10/16/03  
Date

2003 TESTIMONY

HB 1498

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Richard Costa  
Operator's Signature

10/16/03  
Date

ALVIN A. JAEGER  
SECRETARY OF STATE

HOME PAGE [www.state.nd.us/seo](http://www.state.nd.us/seo)



SECRETARY OF STATE

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

February 3, 2003

PHONE (701) 328-2900  
FAX (701) 328-2992

E-MAIL [sos@state.nd.us](mailto:sos@state.nd.us)

TO: Rep. Kelsner, Chairman, and Members of the House Industry, Business, and Labor Committee

FR: Clara Jenkins, Director, Business Division on behalf of Al Jaeger, Secretary of State

RE: HB 1498 -- Partnership Fictitious Names and Trade Names

The adoption of this bill will do the following:

Section 1: Allow the electronic filing of partnership fictitious name certificates.

Sections 2 and 3: Eliminate a \$10 fee, reduce the number of forms needed when a partnership changes the address of their principal office, and change a timeline. Because the fee is rarely paid, it will be more expedient and less expensive to change the address when the information is provided by the partnership than attempt to collect the fee. In Section 2, the mailing time for a renewal notice for a partnership fictitious name certificate is changed from 60 to 90 days prior to its expiration date. This will make it consistent with the change that is being made in Section 7.

Section 4: Exempt social security numbers and federal ID numbers from the open records law when they are recorded on a partnership fictitious name registration form.

Section 5: Allow the electronic filing of trade name registrations.

Section 6: Provide that a trade name registration cannot include a business structure identifier in the trade name unless the filer, and subsequent owner of the trade name, is an identical business structure.

Section 7: Allow trade name renewal registrations to be filed within 90 days of their expiration date. Even though the law mandates the Secretary of State's office to mail renewal notices 90 days prior to a trade name's expiration date, the current law prohibits the filing of those renewals until after the 30th day before the expiration date. The change will result in processing efficiencies because the renewals can be filed as soon as they are returned rather than having to wait until after the 30-day threshold.

Section 8: Change a word related to trade name registrations from "provided" to "prescribed."

Section 9: Exempt social security numbers and federal ID numbers from the open records law when they are recorded on a trade name registration form.

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*Al Costa*

Date

10/16/03

ALVIN A. JAEGER  
SECRETARY OF STATE

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**SECRETARY OF STATE**

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

March 18, 2003

PHONE (701) 328-2900

FAX (701) 328-2992

E-MAIL [sos@state.nd.us](mailto:sos@state.nd.us)

TO: Senator Mutch, Chairman, and Members of the Senate Industry, Business, and Labor Committee

FR: Clara Jenkins, Director, Business Division on behalf of Al Jaeger, Secretary of State

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*Alvin A. Jaeger*  
Operator's Signature

*10/16/03*  
Date