

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

11/68

2005 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1168

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1168

House Industry, Business and Labor Committee

☐ Conference Committee

Hearing Date 1-11-05

Tape Number
2

Side A
x

Side B

Meter #
37-44.0

Committee Clerk Signature



Minutes:

Chairman Keiser: Opened the hearing on HB 1168. All committee members were present.

Bob Entringer, Asst. Commissioner, Department of Financial Institutions: Appeared in support of HB 1168 and provided written testimony (SEE ATTACHED TESTIMONY) and also provided amendments to the bill.

Representative Dietrich: Moved to adopt amendments on HB 1168.

Representative Ekstrom: SECOND the amendments on HB 1168.

Representative Kasper: I MOVE a DO PASS AS AMENDED on HB 1168.

Representative Thorpe: SECOND the motion on a DO PASS AS AMENDED ON HB 1168.

MOTION CARRIED VOTE: 13-YES 0-NO 1-ABSENT (BOE).

Meeting adjourned.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1168

Page 1, line 9, after "institutions" insert ", credit unions"

Page ²~~3~~ line 30, after "institution" insert ", credit union"

Renumber accordingly

58170.0101
Title.0200

Adopted by the Industry, Business and Labor
Committee

January 11, 2005

VR
1/11/05

HOUSE AMENDMENTS TO HOUSE BILL NO. 1168 IBL 1-11-05

Page 1, line 9, after "institutions" insert ", credit unions,"

HOUSE AMENDMENTS TO HB 1168 IBL 1-11-05

Page 2, line 30, after "institution" insert ", credit union,"

Renumber accordingly

Date: 1-11-05
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1168

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. Ekstrom

| 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 | X | | | | |
| Rep. G. Froseth | X | | | | |
| Rep. J. Kasper | X | | | | |
| Rep. D. Nottestad | X | | | | |
| Rep. D. Ruby | X | | | | |
| Rep. D. Vigesaa | X | | | | |

Total (Yes)

14

No

0

Absent

0

Floor Assignment

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

As presented by Financial Institutions

Date: 1-11-05
Roll Call Vote #: 2

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1168

House

INDUSTRY, BUSINESS AND LABOR

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

58170. 0101

Action Taken

Do Pass As Amended

Motion Made By

Rep. Kasper

Seconded By

Rep Thorpe

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

Total (Yes)

13

No

0

Absent

(1) Rep. Boe

Floor Assignment

Rep. Kasper

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

REPORT OF STANDING COMMITTEE (410)
January 11, 2005 4:07 p.m.

Module No: HR-06-0313
Carrier: Kasper
Insert LC: 58170.0101 Title: .0200

REPORT OF STANDING COMMITTEE

HB 1168: Industry, Business and Labor Committee (Rep. Kelser, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1168 was placed
on the Sixth order on the calendar.

Page 1, line 9, after "institutions" insert ", credit unions."

Page 2, line 30, after "institution" insert ", credit union."

Renumber accordingly

2005 SENATE INDUSTRY, BUSINESS AND LABOR

HB 1168

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1168

Senate Industry, Business and Labor Committee

☐ Conference Committee

Hearing Date March 16, 2005

| Tape Number | Side A | Side B | Meter # |
|-------------|--------|--------|---------|
| 1 | X | | 1-340 |

Committee Clerk Signature



Minutes: **Chairman Mutch called the hearing to order on HB 1168. All Senators were present.**

Bob Entringer, Assistant Commissioner for the Department of Financial Institutions appeared before the committee. See written testimony.

There was no further testimony.

Chairman Mutch closed the hearing on HB 1168.

Action taken:

Senator Klein moved for a Do Pass recommendation for HB 1168. Seconded by Senator Heitkamp. The vote was 7-0-0. Senator Krebsbach is the carrier of the bill.

Date: 3-16-05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1168

Senate Industry, Business, and Labor

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Do Pass

Motion Made By

Klein

Seconded By

Heitkamp

Senators
Chairman Mutch
Senator Klein
Senator Krebsbach
Senator Espegard
Senator Nething

Yes No
X
X
X
X
X

Senators
Senator Fairfield
Senator Heitkamp

Yes No
X
X

Total (Yes)

7

No

0

Absent

0

Floor Assignment

Klein Krebsbach

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

REPORT OF STANDING COMMITTEE (410)
March 18, 2005 9:02 a.m.

Module No: SR-50-5388
Carrier: Krebsbach
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1168, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1168 was placed on the Fourteenth order on the calendar.

2005 TESTIMONY

HB 1168

TESTIMONY FOR ENGROSSED HOUSE BILL NO. 1168

House Industry, Business and Labor Committee

Bob Entringer Asst. Commissioner
Testimony of Timothy J. Karsky, Commissioner, Department of Financial Institutions, in support of Engrossed House Bill No. 1168.

Chairman Keiser and members of the House Industry, Business and Labor Committee, I am Timothy Karsky, Commissioner of the Department of Financial Institutions. I am here to testify in support of House Bill No. 1168.

Mr. Chairman and members of the Committee, House Bill No. 1168 pertains to Section 6-01-07.1 of the North Dakota Century Code regarding records and the confidentiality of these records for the Department of Financial Institutions. Currently, this Section determines what records are confidential for financial institutions. Currently, financial institutions are defined in North Dakota Century Code Section 6-01-02(11), and states financial institution means any bank, industrial loan company, or savings and loan association organized under laws of this state or of the United States. Mr. Chairman when preparing testimony for today's hearing I realized that credit unions were not covered by this confidentiality statute and, therefore, I am going to offer amendments to House Bill No. 1168 which I have prepared for your use. Specifically, on page 1, line 9, the Department would place a comma after financial institutions and type in the words

"credit unions", and again on page 2, line 30, we would add a comma after financial institutions and type in the words "credit unions", so that credit union are included in this statute. I am sorry for the inconvenience.

In addition to the amendment, the bill would add other licensed entities under the supervision of the Commissioner, which include money brokers, collection agencies, deferred presentment service providers (payday lenders), sale of checks, and consumer finance companies. This amendment would make it clear that our reports of examination would be confidential and any investigations that are in progress would also be confidential. Under advice from our counsel from the Attorney General's Office, he felt by amending this Section instead of adding a confidentiality Section to all the other Sections of entities we regulate, it would be easier for individuals to determine what records are confidential by placing the language in this Section.

I would be happy to answer any questions of the Committee.

Thank you.

TESTIMONY FOR ENGROSSED HOUSE BILL NO. 1168

Senate Industry, Business and Labor Committee

Testimony of Robert J. Entringer, Assistant Commissioner, Department of Financial Institutions, in support of Engrossed House Bill No. 1168.

Chairman Mutch and members of the Senate Industry, Business and Labor Committee, I am Robert Entringer, Assistant Commissioner of the Department of Financial Institutions. I am here to testify in support of Engrossed House Bill No. 1168.

Mr. Chairman and members of the Committee, Engrossed House Bill No. 1168 pertains to Section 6-01-07.1 of the North Dakota Century Code regarding records and the confidentiality of these records for the Department of Financial Institutions. Currently, this Section determines what records are confidential for financial institutions. Financial institutions are defined in North Dakota Century Code Section 6-01-02(11), and states financial institution means any bank, industrial loan company, or savings and loan association organized under laws of this state or of the United States. As you can see credit unions are not covered by this confidentiality statute and the information we obtain through an examination should be subject to the same confidentiality as banks and savings and loans.

In addition, this engrossed bill would add to the confidentiality statutes other licensed entities under the supervision of the Commissioner, which include money brokers, collection agencies, deferred presentment service providers (payday lenders), sale of checks, and consumer finance companies. This makes it clear that our reports of examination would be confidential and any investigations that are in progress would also be confidential.

As we were drafting this legislation our attorney advised us it would be much cleaner to amend Section 6-01-07.1 instead of adding a confidentiality Section to all the other Sections of law for the various entities we regulate. It would also be easier for individuals to determine what records are confidential by placing the language in this Section.

I would be happy to answer any questions of the Committee.

Thank you.