

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2354

2005 SENATE JUDICIARY

SB 2354

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2354

Senate Judiciary Committee

Conference Committee

Hearing Date January 31 , 2005

Tape Number	Side A	Side B	Meter #
1		X	1700 - End
Committee Clerk Signature <i>Mona L Solbey</i>			

Minutes: Relating to Charitable Solicitations.

Senator John (Jack) T. Traynor, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following testimony:

Testimony In Support of the Bill:

Al Jaeger, Secretary of State - Introduced bill (meter 1170) Gave Testimony - Att #1 This is truly a "housekeeping" bill.

Sen. Traynor question the registration of a foreign corporation still having to enter a certificate of authority? Yes.

Testimony in Opposition of the Bill:

none

Senator John (Jack) T. Traynor, Chairman closed the Hearing

Sen. Trenbeath made the motion to Do Pass and **Sen. Nelson** seconded the motion, all were in favor.

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Senate Judiciary Committee
Bill/Resolution Number SB 2354
Hearing Date January 31, 2005

Carrier: **Sen. Trenbeath**

Senator John (Jack) T. Traynor, Chairman closed the Hearing

FISCAL NOTE
 Requested by Legislative Council
 01/24/2005

Bill/Resolution No.: SB 2354

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.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 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.*

2003-2005 Biennium			2005-2007 Biennium			2007-2009 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.*

There is no financial impact.

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.*

See narrative.

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.*

See narrative.

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.*

See narrative.

Name:	Al Jaeger	Agency:	Secretary of State
Phone Number:	328-2900	Date Prepared:	01/25/2005

Date: 1/31/05
Roll Call Vote #: ,

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2354

Senate Judiciary Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Sen Trenbeath Seconded By Sen. Nelson

Senators	Yes	No	SenatorsSen. Nelson	Yes	No
Sen. Traynor	✓		Sen. Nelson	✓	
Senator Syverson	✓		Senator Triplett	✓	
Senator Hacker	✓				
Sen. Trenbeath	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Trenbeath

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

REPORT OF STANDING COMMITTEE (410)
January 31, 2005 1:50 p.m.

Module No: SR-20-1452
Carrier: Trenbeath
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2354: Judiciary Committee (Sen. Traynor, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2354 was placed on the
Eleventh order on the calendar.

2005 HOUSE JUDICIARY

SB 2354

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2354

House Judiciary Committee

Conference Committee

Hearing Date 3/9/05

Tape Number	Side A	Side B	Meter #
2		xx	12.5-18
3	xx		4.2-5.7
Committee Clerk Signature <i>Dawn Penrose</i>			

Minutes: 13 members present, 1 member absent (Rep. Maragos).

Chairman DeKrey: We will open the hearing on SB 2354.

Al Jaeger, Secretary of State: Explained the bill and amendments (see written testimony).

Representative Delmore: On the bottom of page 2, you changed licensee to registrant and then certificate of authority and license to registration and licensee to registrant. What's the rationale for that.

Al Jaeger, Secretary of State: Actually in the last big rewrite that we did, we changed all of the wording from license to register, the reason that was done was that if the Attorney General needs to pursue some action, it's a whole lot different for us to deal with a registration versus a revocation of a license. That's pretty much standard throughout everything.

Representative Klemin: I see you left out Limited Liability Limited Partnerships. Is there some reason for that.

Al Jaeger, Secretary of State: I'd have to do a little checking. Actually what we should be doing, Representative Klemin, if I understand right, we should be using person, which would take care of all of that because that's been our understanding that, in those cases, where there's been some changes made by LC, in form and style, rather than us having to list all of those, the definition of person back in Title I, includes all of the different business entities and organizations. It's supposed to be a catch-all. I'd have to do some checking as to why that wasn't put in.

Representative Klemin: You've got all the rest of them listed.

Al Jaeger, Secretary of State: I'm thinking that it might, maybe checking with LC, it might be better to have person, because my recollection is that we are doing that in some of our other bills.

Representative Klemin: If you use person, you don't have to include these out-of-state entities.

Al Jaeger, Secretary of State: That's true, we had quite a discussion this morning in Senate Judiciary, about the meaning of person. That you can be a person and not an individual or an individual and not a person, or something like that. It has something to do with style. Let me bring up Mary Feist, in the licensing division, she might have an answer for you.

Mary Feist, Secretary of State's office: I don't really know. I think the reason that LLLP wasn't in there because our Director for the Business Division, Clara said LLLP would never be a nonprofit organization.

Chairman DeKrey: Thank you. Further testimony in support, testimony in opposition. We will close the hearing.

(Reopened later in the same session)

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House Judiciary Committee
Bill/Resolution Number SB 2354
Hearing Date 3/9/05

Chairman DeKrey: What are the committee's in regard to SB 2354.

Representative Klemin: I move a Do Pass.

Representative Bernstein: Second.

12 YES 0 NO 2 ABSENT

DO PASS

CARRIER: Rep. Boehning

Date: 3/9/05
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2354

HOUSE JUDICIARY COMMITTEE

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. Klemin Seconded By Rep. Bernstein

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Representative Delmore	✓	
Representative Maragos	A		Representative Meyer	✓	
Representative Bernstein	✓		Representative Onstad	✓	
Representative Boehning	✓		Representative Zaiser	✓	
Representative Charging	✓				
Representative Galvin	✓				
Representative Kingsbury	✓				
Representative Klemin	✓				
Representative Koppelman	A				
Representative Kretschmar	✓				

Total (Yes) 12 No 0

Absent 2

Floor Assignment Rep. Boehning

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

REPORT OF STANDING COMMITTEE (410)
March 9, 2005 2:48 p.m.

Module No: HR-43-4554
Carrier: Boehning
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2354: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS
(12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2354 was placed on the
Fourteenth order on the calendar.

2005 TESTIMONY

SB 2354

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

January 31, 2005

TO: Senator Traynor, Chairman, and Members of the Senate Judiciary Committee

FR: Al Jaeger, Secretary of State

RE: SB 2354 – Charitable Solicitation

Section 1: On page two, line 3, the amendment changes the word “and” to “or.”

Section 2: On page two, lines 15 through 17, this change re-establishes a reporting cycle for initial registrations, which was inadvertently deleted when SB 2341 was adopted last session.

Section 3: On page 3, lines 3 through 7, this addition in text makes it clear that any registrant under Chapter 50-22, which is a foreign business entity, is required to obtain a certificate of authority or similar authorization to operate within the state.

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SECRETARY OF STATE

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

March 9, 2005

TO: Rep. DeKrey, Chairman, and Members of the House Judiciary Committee

FR: Al Jaeger, Secretary of State

RE: SB 2354 – Charitable Solicitation

Section 1: On page two, line 3, the amendment changes the word “and” to “or.”

Section 2: On page two, lines 15 through 17, this change re-establishes a reporting cycle for initial registrations of charitable organizations, which was inadvertently deleted when SB 2341 (2003 Session Laws Chapter 419) was adopted last session.

Section 3: On page 3, lines 3 through 7, this addition in text makes it clear that any registrant under Chapter 50-22, which is a foreign business entity, is required to obtain a certificate of authority or similar authorization to operate within the state.