

2009 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB..2363

# 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2363

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 02/12/09

Recorder Job Number: 9301

Committee Clerk Signature *Katie Owa*

Minutes:

**Alvin Jager:** See attached testimony #1.

**Senator Dever:** Nowadays there is a lot of light on national charitable organizations.

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No.2363

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 02/12/09

Recorder Job Number: 9302

Committee Clerk Signature *Karla Owen*

Minutes:

A motion was made for a do pass by Senator Cook with a second by Senator Oehlke. The motion passed 5-0 and is carried by Senator Cook.

Date: 2-12-09  
 Roll Call Vote #: 7

**2009 SENATE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO.**

*2363  
 Carried  
 Cook*

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

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

Action Taken Do Pass

Motion Made By Sen Cook Seconded By Oehlke

Senators	Yes	No	Senators	Yes	No
Dick Dever	X		Dwight Cook	X	
Dave Oehlke	X		Carolyn Nelson	X	
Robert M. Home	X				

Total Yes 5 No 0

Absent 0

Floor Assignment 11th Order

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

**REPORT OF STANDING COMMITTEE (410)**  
February 12, 2009 2:10 p.m.

**Module No: SR-28-2544**  
**Carrier: Cook**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2363: Government and Veterans Affairs Committee (Sen. Dever, Chairman)**  
recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2363  
was placed on the Eleventh order on the calendar.

2009 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2363

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2363

House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 3-6-09

Recorder Job Number: 10359

Committee Clerk Signature

*Nancy L. Gerhardt*

Minutes:

**Chairman Grande:** We'll open the hearing on SB 2363.

**Al Jaeger: Secretary of State – See Attachment # 1**

**Rep. Amerman:** What do you perceive as "promptly"?

**Mr. Jaeger:** The Attorney General would have his definition as to what "promptly" means. It doesn't mean a month.

**Chairman Grande:** Anyone else in favor of SB 2363? Opposition? Neutral? We will close the hearing on SB 2363.

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. Committee Work One SB 2363

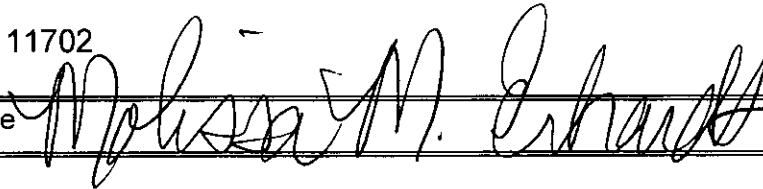
House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 4/2/2009

Recorder Job Number: 11702

Committee Clerk Signature



Minutes:

### COMMITTEE WORK ONE:

**Chairman Grande:** We will discuss SB 2363. I think what we are doing is really clean up language to this type of thing. I think one of the key points are that it is

going to remove the mandates to have to provide certain information from the charitable's and then it just kind of streamlines the process a little bit more.

Some of the documentation just really isn't necessary in the Secretary of State's office and so they are not going to require all that and it would only be required then, I think from my understanding, in the Attorney General's office when enforcement purposes would be necessary instead of stockpiling a lot of information in the Secretary of State's office.

**Rep. Dahl:** Motion for a Do Pass.

**Rep. Wolf:** 2<sup>nd</sup>.

**Chairman Grande:** We have a Do Pass by Rep. Dahl, 2<sup>nd</sup> by Rep. Wolf. Any discussion? Clerk will call the roll on a Do Pass motion.



**Clerk Erhardt:** Roll Call: Yes: 11. No: 2. Absent: 0. Carrier: Rep. Meier.

Date: 4/2/14

Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2363

House Government and Veterans Affairs Committee

Check here for Conference Committee

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

Action Taken  Do Pass  Do Not Pass  Amended

Motion Made By Dahl Seconded By Wolf

Representatives	Yes	No	Representatives	Yes	No
Chairman Grande	✓		Rep. Amerman	✓	
Vice Chairman Boehning		✓	Rep. Conklin	✓	
Rep. Dahl	✓		Rep. Schneider	✓	
Rep. Froseth	✓		Rep. Winrich	✓	
Rep. Karls	✓		Rep. Wolf	✓	
Rep. Kasper		✓			
Rep. Meier	✓				
Rep. Nathe	✓				

Total (Yes) 11 No 2

Absent 0

Floor Assignment Rep Meier

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

**REPORT OF STANDING COMMITTEE (410)**  
April 2, 2009 4:37 p.m.

**Module No: HR-56-6061**  
**Carrier: L. Meier**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2363: Government and Veterans Affairs Committee (Rep. Grande, Chairman)**  
recommends **DO PASS** (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2363  
was placed on the Fourteenth order on the calendar.

2009 TESTIMONY

SB 2363

ALVIN A. JAEGER  
SECRETARY OF STATE

HOME PAGE [www.nd.gov/sos](http://www.nd.gov/sos)



PHONE (701) 328-2900

FAX (701) 328-2992

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

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

February 12, 2009

TO: Senator Dever, Chairman,  
and Members of the Senate Government and Veterans Affairs Committee

FR: Al Jaeger, Secretary of State

RE: SB 2363 – Charitable Organizations

Section 1, Page 1, Line 9: Changes the word from "acknowledge" to "certify".

Section 2, Page 1, Line 21: Removes the words, "under oath".

Section 2, Page 2, Lines 2 and 3: Removes the reference to an oath.

Section 3, Page 3, Lines 16 thru 18; and Lines 21 thru 23: When the information requested is not easily available within the records of a large multi-state charitable organization, it allows the Secretary of State a means to request a reasonable estimate of amounts transferred out of state or disbursed within the state.

Section 3, Page 4, Lines 1 and 2 and Line 5: Allows the Secretary of State or Attorney General to obtain information.

Section 4, Page 4, Lines 21 and 22: Inserts the word "promptly" and expands on the type of information that can be requested.

ALVIN A. JAEGER  
SECRETARY OF STATE

PHONE PAGE www.nd.gov/sos



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

March 6, 2009

Attachment  
#1

PHONE (701) 328-2900

FAX (701) 328-2992

E-MAIL sos@nd.gov

TO: Rep. Grande, Chairman,  
and Members of the House Government and Veterans Affairs Committee

FR: Al Jaeger, Secretary of State

RE: SB 2363 – Charitable Organizations

Section 1, Page 1, Line 9: Changes the word from “acknowledge” to “certify” which matches the same word used in another portion of this subsection.

Section 2, Page 1, Line 21: Removes the words, “under oath”.

Section 2, Page 2, Lines 2 and 3: Removes the reference to an oath.

Section 3, Page 3, Lines 16 thru 18; and Lines 21 thru 23: When the requested information is not easily available within the records of a large multi-state charitable organization, the change allows the Secretary of State a means to request a reasonable estimate of amounts of funds transferred out of state or disbursed within the state.

Section 3, Page 4, Lines 1 and 2 and Line 5: Removes the mandate to provide certain information (such as 990 forms) with an organization’s annual report. However, at the same time, it is clearly stated the information must be promptly provided if requested by the Secretary of State or the Attorney General.

By removing the mandate, the agency will no longer be required to retain thousands and thousands of pages of information. For example, under current law, the Secretary of State’s office last year received and scanned 40,000 pages of information that was never accessed or viewed. The Attorney General is in support of these changes because of the enforcement provisions available to that office in N.D.C.C. § 50-22-05, if needed.

Section 4, Page 4, Lines 21 and 22: Inserts the word “promptly” in N.D.C.C. § 50-22-02 and expands on the type of information that can be requested by Attorney General.