

1999 SENATE INDUSTRY, BUSINESS AND LABOR

SB 2229

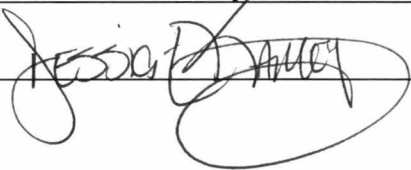
1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2229

Senate Industry, Business and Labor Committee

Conference Committee

Hearing Date January 18, 1999

Tape Number	Side A	Side B	Meter #
1	x	x	5,215
Committee Clerk Signature 			

Minutes:

Senator Mutch opened the hearing on SB2229.

Senator Mutch, on behalf of Senator Freeberg, introduced the bill.

Dwayne Oster, register of deeds from McLean County, testified in support of SB2229. His testimony is included.

Discussion took place.

SENATOR MUTCH: You want to eliminate your responsibility as the register of deeds and place it in the hands of the courts, right?

MR. OSTER: Yes, sir.

Sheila Dalen, register of deed from Ward County, testified in support of SB2229. Her testimony is included.

AL Jaeger, Secretary of State, spoke in support of SB2229. His testimony is included.

Page 2

Senate Industry, Business and Labor Committee

Bill/Resolution Number Sb2229

Hearing Date January 18, 1999

Senator Krebsbach: Is there a legal description of an undertaking?

AL JAEGER: No there is not.

Discussion took place.

Senator Sand moved to pass he amendment, Senator Klein seconded the motion. Passed 6 to 0, with 1 absent and not voting.

Senator Sand moved for a do pass on SB2229. Senator Mathern seconded the motion. Passed 6 to 0, with 1 absent and not voting.

Senator Mutch is the carrier.

Bill came back to committee came back to committee for discussion about the amendment on January 20, 1999.

Senator Krebsbach moved to resend the amendments. Senator Thompson seconded her motion.

The motion was successful with a unanimous vote.

Senator Sand moved for a do pass on SB2229. Senator Thompson seconded his motion. The motion was successful with a unanimous vote

January 18, 1999

PROPOSED AMENDMENTS TO SENATE BILL NO. 2229

Page 2, line 5, overstrike "registered" and remove the overstrike over "~~certified~~"

Renumber accordingly

DO PASS W/OUT AMENDMENTS

Date: 01/18/99 to type Date
 Roll Call Vote #: 3229 to type Roll Call Vote #

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 3229

Senate INDUSTRY, BUSINESS AND LABOR COMMITTEE Committee

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken TO AMEND

Motion Made By SAND Seconded By _____

Senators	Yes	No	Senators	Yes	No
Senator Mutch	X				
Senator Sand	X				
Senator Klein	X				
Senator Krebsbach	X				
Senator Heitkamp					
Senator Mathern	X				
Senator Thompson	X				

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Date: 1/18/99 *here to type Date*
 Roll Call Vote #: 2229 *here to type Roll Call Vote #*

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2229

Senate INDUSTRY, BUSINESS AND LABOR COMMITTEE Committee

Subcommittee on _____
 or

Conference Committee

Legislative Council Amendment Number _____

Action Taken DU PASS

Motion Made By SAND Seconded By MATHERN

Senators	Yes	No	Senators	Yes	No
Senator Mutch	X				
Senator Sand	X				
Senator Klein	X				
Senator Krebsbach	X				
Senator Heitkamp					
Senator Mathern	X				
Senator Thompson	X				

Total (Yes) 6 No 0

Absent 1

Floor Assignment _____

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

Date: 1/20/99
Roll Call Vote #: 2229 3

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2229

Senate INDUSTRY, BUSINESS AND LABOR COMMITTEE Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken TO RECONSIDER

Motion Made By KREBSBACH Seconded By THOMPSON

Senators	Yes	No	Senators	Yes	No
Senator Mutch	X				
Senator Sand	X				
Senator Klein	X				
Senator Krebsbach	X				
Senator Heitkamp	X				
Senator Mathern	X				
Senator Thompson	X				

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

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

Date: 1/20/98
 Roll Call Vote #: 2229 4

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 2229

Senate INDUSTRY, BUSINESS AND LABOR COMMITTEE Committee

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken RESEND THE AMENDMENT

Motion Made By KREBSBACH Seconded By THOMPSON

Senators	Yes	No	Senators	Yes	No
Senator Mutch	X				
Senator Sand	X				
Senator Klein	X				
Senator Krebsbach	X				
Senator Heitkamp	X				
Senator Mathern	X				
Senator Thompson	X				

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

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

SR 20922

Date: 1/20/99
Roll Call Vote #: 2229 5

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2229

Senate INDUSTRY, BUSINESS AND LABOR COMMITTEE Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By SAND Seconded By THOMPSON

Senators	Yes	No	Senators	Yes	No
Senator Mutch	X				
Senator Sand	X				
Senator Klein	X				
Senator Krebsbach	X				
Senator Heitkamp	X				
Senator Mathern	X				
Senator Thompson	X				

Total (Yes) 7 No 0

Absent 0

Floor Assignment MATHERN

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

REPORT OF STANDING COMMITTEE (410)
January 20, 1999 3:56 p.m.

Module No: SR-12-0922
Carrier: D. Mathern
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2229: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2229 was placed on the Eleventh order on the calendar.

1999 HOUSE INDUSTRY, BUSINESS AND LABOR

SB 2229

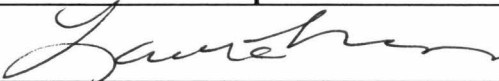
1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2229

House Industry, Business, and Labor Committee

Conference Committee

Hearing Date February 8, 1999

Tape Number	Side A	Side B	Meter #
1	x		7.2-28.5
1	x		33-41.0
Committee Clerk Signature 			

Minutes:

CHAIRMAN BERG OPENED THE HEARING ON SB 2229; A BILL RELATING TO THE RELEASE OF A LEIN BY AN UNDERTAKING.

DEWEY OSTER, Washburn, testified in support of SB 2229 on behalf of the Register of Deeds Association.

CHAIRMAN BERG asked Dewey to give an example of when this scenario would occur.

DEWEY said that if someone owns a house or home and repairs need to be done - the repairer files a lein on it. They will then come to the house with a bond.

CHAIRMAN BERG questioned the position of the Register of Deeds.

DEWEY said that most recently they have had to act as the judge in many cases to decide if the amount being offered in surity is enough. This bill brings both sides to the judge and puts it all in the court. It eliminates the Register in this area.

REP. KEMPENICH asked the cost to the county.

DEWEY was unsure but said he could check.

AL JAEGER, Secretary of State, testified in support of SB 2229.

REP. KEISER asked if this is of cost to the office. The fiscal note was discussed.

AL said no. This is the first time that the office has ever been hit with one of these.

REP. KEISER further asked if most undertakings are already in the courts.

AL said he didn't know how many were in courts. This simply takes them out of the hearing.

REP. STEFONOWICZ asked why this was such a problem.

AL replied that it is not really fair on the budgets of the agencies. They didn't figure it into the budget last year and it can't be figured in this year. The job of the Register of Deeds is to file documents. Now we are asking them to make the decisions too.

BETH BOMSTARGK, Legal Counsel from the Assistant Attorney General's Office, was present to answer technical questions.

REP. GLASSHEIM asked which part of the process gets into the decision making area?

BETH said that when substituting another surety, someone else is promising to pay the lein.

When the lein is bought, someone undertakes it so if they are unable to pay - the undertaker will.

If the undertaker is found to be too poor to pay the lein back, then a hearing needs to be done to check the assets. Right now all of this is lying on the Register.

REP. KEMPENICH questioned the "lein."

BETH said that there is an effort to release the lein by undertaking.

REP. STEFONOWICZ noted that this would only apply in narrow cases, the undertaking being questioned.

Page 3
House Transportation Committee
Bill/Resolution Number Sb 2229
Hearing Date February 8, 1999

BETH said yes.

REP. STEFONOWICZ further asked if there is an confusion between the Register of Deeds and the Clerk of Deeds.

BETH said no.

REP. KEISER asked the number of different types of leins? Does undertaking apply to all leins?

BETH said that she is unaware you can do undertaking against an Agricultural lein You would need to notify the debtor that will file if it is not paid in the time constraint.

CHAIRMAN BERG CLOSED THE HEARING ON SB 2229.

COMMITTEE ACTION

REP. KEMPENICH moved to ADOPT THE AMENDMENTS presented by the Secretary of State. REP. FROSETH seconded the motion. The motion carried. A unanimous voice vote was heard and the amendment was adopted.

REP. KLEIN moved a DO PASS AS AMENDED on SB 2229. REP. KOPPANG seconded the motion. The motion carried.

ROLL CALL - 15 YEA, 0 NAE, 0 ABSENT AND NOT VOTING.

FLOOR ASSIGNMENT - REP. GLASSHEIM

PROPOSED AMENDMENTS TO HOUSE BILL 2229

Page 2, line 5, overstrike “registered”, and remove the overstrike over “certified”

Renumber accordingly

Date: 2/8
Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2279

House Industry, Business and Labor Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken ADOPT amendment

Motion Made By Rep Kempenich Seconded By Rep Froseth

Representatives	Yes	No	Representatives	Yes	No
Chair - Berg			Rep. Thorpe		
Vice Chair - Kempenich					
Rep. Brekke					
Rep. Eckstrom					
Rep. Froseth					
Rep. Glassheim					
Rep. Johnson					
Rep. Keiser					
Rep. Klein					
Rep. Koppang					
Rep. Lemieux					
Rep. Martinson					
Rep. Severson					
Rep. Stefonowicz					

Total (Yes) 15 No 0

Absent _____

Floor Assignment _____

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

Date: 2/8
Roll Call Vote #: 2

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2229

House Industry, Business and Labor Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken No pass as amended

Motion Made By Rep Klein Seconded By Rep Koppang

Representatives	Yes	No	Representatives	Yes	No
Chair - Berg	✓		Rep. Thorpe	✓	
Vice Chair - Kempenich	✓				
Rep. Brekke	✓				
Rep. Eckstrom	✓				
Rep. Froseth	✓				
Rep. Glassheim	✓				
Rep. Johnson	✓				
Rep. Keiser	✓				
Rep. Klein	✓				
Rep. Koppang	✓				
Rep. Lemieux	✓				
Rep. Martinson	✓				
Rep. Severson	✓				
Rep. Stefonowicz	✓				

Total (Yes) 15 No 0

Absent _____

Floor Assignment Rep Glassheim

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

REPORT OF STANDING COMMITTEE (410)
February 17, 1999 9:52 a.m.

Module No: HR-32-3296
Carrier: Koppang
Insert LC: 90581.0102 Title: .0200

REPORT OF STANDING COMMITTEE

SB 2229: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2229 was placed on the Sixth order on the calendar.

Page 2, line 5, overstrike "registered" and remove the overstrike over "certified"

Renumber accordingly

1999 SENATE INDUSTRY, BUSINESS AND LABOR

SB 2229

CONFERENCE COMMITTEE

(Bill Number) B 2229 (, as (re)engrossed):

Your Conference Committee

For the Senate:

For the House:

SENATOR MITCH
SENATOR SAND
SENATOR D. MATHERN

REP. JENSEN
REP. B. THOMPSON
REP. ROSE.

[X] recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)
the (Senate/House) amendments on (SJ/HJ) page(s) _____ - _____

[] and place _____ on the Seventh order.

[] , adopt (further) amendments as follows, and place
_____ on the Seventh order:

[] having been unable to agree, recommends that the committee be discharged
and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the
calendar.

DATE: ____/____/____

CARRIER: _____

LC NO. _____ of amendment

LC NO. _____ of engrossment

Emergency clause added or deleted _____

Statement of purpose of amendment _____

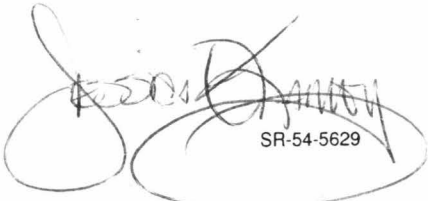
(1) LC (2) LC (3) DESK (4) COMM.

Insert LC: .

REPORT OF CONFERENCE COMMITTEE

SB 2229: Your conference committee (Sens. Klein, Sand, D. Mathern and Reps. Klein, N. Johnson, Glassheim) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 604 and place SB 2229 on the Seventh order.

SB 2229 was placed on the Seventh order of business on the calendar.


SR-54-5629

1999 TESTIMONY

SB 2229

TESTIMONY ON SB 2229

Good morning. Chairman Mutch and Committee Members. I am Dwayne “Dewey” Oster, register of deeds from McLean County and currently President of the ND Register of Deeds Association. I’m present this morning to introduce and testify in support of SB 2229, which relates to a release of lien by an undertaking.

For a bit of background....this statute basically provides a defense mechanism for an owner of property who has had a lien filed against him and there is a disagreement as to amount or validity of the lien.

As the statute is presently written....the filing officer....whether it be the register of deeds or the secretary of state or whoever.... is involved in acting as the judge to determine if the sureties justified and whether the lien could be “discharged by undertaking”.

We as filing officers do not feel we are qualified to act as the judge in this type of procedure. It is a judicial/court matter and should be handled as such. A judge would be better qualified to access the evidence and proceed with action pursuant to guidelines as set forth in NDCC 32-02 which governs the justification of sureties.

Initially the secretary of state’s office and the RODs wanted to repeal the statute altogether....but upon advice of legal counsel it was felt that the law needs to remain on the books....owners of property have the right to a defense against a lien filing.

I must admit that I don’t fully understand the intricate details of this entire procedure, but I do know that any filing officer that has had to deal with this statute has had nightmares. I believe we have some other testimony forthcoming.

I’d be happy to try and answer any questions. Hopefully some of the individuals in this hearing room can give me an assist if I can’t adequately respond. Thank you for your time.

Dewey Oster



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

January 18, 1999

TO: Senator Mutch and Members - Senate Industry, Business and Labor Committee
FR: Al Jaeger, Secretary of State
RE: SB 2229 – Release of a lien by Undertaking

The Secretary of State's office is in favor of the changes proposed in this bill.

Fortunately, the "release by lien by undertaking" has not been used very often. Under current law, the filing officer is responsible for conducting a hearing regarding the disagreement between the parties as to the amount or validity of the lien. However, the filing office is just an office of record and should not be placed into the position of having to conduct a hearing in a civil matter between two parties.

Unfortunately, during the present biennium, a "release of lien by undertaking" was filed with the Secretary of State's office and, much to our consternation, cost my office almost \$1,000 for the hearing.

This bill places the resolution of such a matter into the court system where it properly belongs.

In light of discussion that took place before another Senate committee last week, I would recommend the bill be amended in one spot. On page 2, line 5, I suggest the word "registered" be over struck and that the over strike on "certified" be removed.

**To: Industry, Business & Labor Committee
Chairman Senator Duane Mutch**

**From: Sheila K Dalen
Ward County Register of Deeds**

**Re: SB 2229 Amendment to Sec. 35-21-02, 35-21-03, 35-21-04 & 35-21-05
Release of Lien By an Undertaking**

This process is being used not only for the areas of Uniform Commercial Code but also in releasing Liens placed upon Real Estate in the property records. An example is Mechanics Liens, at one time Mechanics Liens were filed in the Clerk of District Court. They are now recorded in the Register of Deeds Office which bumps this release process into the Register of Deeds office. This places the Register of Deeds in a position of handling the release process, as they have control of the record of the lien. What this procedure does is release the property from the lien so the property can be transferred. A court process would then determine if in fact the lien that was placed of record is in fact a valid lien.

The issues I would like to raise to the Senators are these:

1. The Register of Deeds is a Recording Officer. The Century Code governing the Register of Deeds nowhere addresses the Register of Deeds making these kinds of Judgment calls prior to recording. If a document is deemed recordable it can be placed of record, regardless of the validity or legality of the document.

2. Section 35-21-02 through 05 as it stands currently places the Register of Deeds in a position of confirming that a surety being offered is in fact protecting a secured lien. This is a judgment call, not a recording function. This process should pass through a court system not a recording system.

A. The Register of Deeds is in the position of scheduling a hearing, at which time the attorney's for the plaintiff and defendant may appear and object to the sureties being offered to cover a particular lien.

B. A Recording Office is not set up to hold hearings to decide legality or validity of proceedings. To even attempt this process I have had to engage the assistance of my States Attorney to assist me in determining the validity of the sureties that have been offered. They are my legal counsel and they too feel this process opens up the Register of Deeds for some liability that is misplaced.

3. Another thing this process does is place the Register of Deeds in the position of holding large amounts of money, again not a function of a recording office:

The Sureties being offered are held by the Register of Deeds until the hearing date is held in our office or sometimes until the process goes through the court system. In either case the Recording officer is now responsible for these large amounts of money being offered as sureties.

As I stated previously not a recording function as set out in the Century Code. We are a recording office.

I have been through this process 3 times now and with each attorney that has presented it, it has been done 3 different ways based on the their interpretation of the law. It makes it a very complicated and legal process for a Recording Officer to preside over. I feel it should be handled in the courts where it is ultimately decided if in fact the lien placed of record is even valid.

Written Testimony submitted this 18th day of January 1999.



Sheila K Dalen
Ward County
Register of Deeds

North Dakota



Register of Deeds Association

Dwayne J. Oster
McLean County
President

Vicki Kubat
Cavalier County
1st Vice President

Karen Samek
Stutsman County
2nd Vice President

Ann Johnsrud
McKenzie County
Secretary-Treasurer

TO: Representative Berg and Members-House Industry, Business and Labor Committee

FR: Dwayne "Dewey" Oster-register of deeds, McLean County and President ND Register of Deeds Association

RE: SB 2229 - Release of Lien by Undertaking

Good morning. Chairman Berg and Committee Members. I'm present today to introduce and testify in support of SB 2229, which relates to a release of lien by undertaking.

For a bit of background....this statute basically provides a defense mechanism for an owner of property who has had a lien filed against him and there is a disagreement as to amount or validity of the lien.

As the statute is presently written....the filing officer....whether it be the register of deeds or the secretary of state or whoever....is involved in acting as the judge to determine if the sureties justify and whether the lien can be "discharged by undertaking".

We as filing officers do not feel we are qualified to act as the judge in this type of procedure. It is a judicial/court matter and should be handled as such. A judge would be better qualified to access the evidence and proceed with action pursuant to guidelines as set forth in NDCC 32-02 which governs the justification of sureties. We as RODs may know a bit about the law - through our work - but we are not attorneys or judges.

Initially the Secretary of State's office and the RODs wanted to repeal the statute altogether....but upon advice of legal counsel it was felt that the law needs to remain in the Code....owners of property have the right to a defense against a lien filing.

I must admit that I don't fully understand the intricate details of this entire procedure, but I do know that any filing officer that has had to deal with this statute has had nightmares. For example: 1) We become involved with holding large amounts of money 2) Attorneys present arguments for and against and it becomes like a mini trial and 3) it can be costly to the county or state. I believe we have some other testimony forthcoming.

I'd be happy to try and answer any questions. Hopefully some of the individuals in this hearing room can give me an assist if I can't adequately respond. Thank you for your time.



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

February 8, 1999

TO: Rep. Rick Berg and Members - House Industry, Business and Labor Committee
FR: Al Jaeger, Secretary of State
RE: SB 2229 – Release of a lien by Undertaking

The Secretary of State's office supports the changes proposed in this bill.

Fortunately, the "release by lien by undertaking" process has not been used very often. That is good, because under current law, the filing officer is charged with the responsibility for conducting a hearing in the event there is a disagreement between the respective parties on a particular lien as to the amount or validity of that lien. However, the filing officer is the custodian of an office of record and should not be placed into the position of having to conduct a hearing involving a civil dispute between two parties.

Unfortunately, during the present biennium, a "release of lien by undertaking" application was filed with the Secretary of State's office and, much to our dismay, my office had to pay almost \$1,000 to hold the hearing.

This bill places the resolution of this type of civil dispute into the court system where it properly belongs.

My office does recommend that one amendment be made to the bill.

On page 2, line 5, the word "registered" should have an overstrike and the overstrike on the word "certified" should be removed. This change would make the method of mailing, certified versus registered, consistent with other sections of the Century Code. Registered mail is commonly used to mail something that has a substantial monetary value and certified mail is the method used to convey documents. The proposed amendment is attached as a part of this testimony.



SECRETARY OF STATE

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

March 11, 1999

TO: Senators Klein, Sand, and D Mathern

FR: Al Jaeger, Secretary of State

RE: SB 2229 Release of Undertaking

It is my understanding that the Senate IB&L committee has a concern about the change of the wording from "registered" to "certified" that was made by the House on page 2, line 5.

It doesn't make any difference to me. My office only offered that amendment for the sole purpose of clarifying the law regarding the method of mailing. According to the attached printout taken from the United State Postal Service, "certified" mail would be the correct and preferred method of mailing. "Registered" mail is for "maximum protection and security for valuables" and would not be the preferred method of mailing and would be more costly.

After the House adopted the amendments, I learned that the word "registered" is defined under 1-02-36 as meaning either registered or certified. However, most people only look at the section of law that pertains to their concerns and do not refer back to Chapter 1-02 that pertains to the Rules of Interpretation.

In my opinion, the law should say what it means without people having to look elsewhere for the meaning of words. This is especially important because, during this session, the Legislative Council bill drafters have been eliminating "certified" from "by registered or certified mail" wherever that is referred to in the Code.

It should be noted that this particular combination of words (by registered or certified) is quite common in the Century Code. However, because the word "certified" describes a specific and preferred service provided by the postal service and because the word "registered" describes a specific service that would be inappropriate to use, it seems as if the goal of all legislation should be to describe the correct service.

Section 1-02-36 has not been amended since 1959. In my opinion, every reference to "registered" mail in the code should have been changed to "certified" mail in HB 1045, which was the obsolete corrections bill. However, it was too late in the session to make that change.

I have encouraged Legislative Council to consider it for next session. My purpose of offering the amendment on the House side was just one small step towards having the law say what the law should say without having to go to another section of the code to find out what it means. Whatever word the conference committee decides to use is fine with me. The bill is entirely too important and must be adopted.

68 20.31
69 21.19
70 21.47

Special Services

Certificate of Mailing
Certified Mail
Collect on Delivery (COD)
Insured Mail
Money Order
Return Receipt for Merchandise
Registered Mail
Restricted Delivery
Return Receipt

*from
usps
Website*

Certificate of Mailing

Provides evidence of mailing. Must be purchased at time of mailing. No record kept at the post office.

Fee in addition to postage—\$0.60

Certified Mail

Provides a mailing receipt. A record is kept at the recipient's post office. A return receipt can also be purchased for an additional fee. Available only with First-Class Mail and Priority Mail.

<http://www.usps.gov/consumer/domestic.htm>

Consumer Postal Rates and Fees

3/11/99

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Fee in addition to postage—\$1.40

Collect on Delivery (COD)

Allows mailers to collect the price of goods and/or postage on merchandise ordered by addressee when it is delivered. COD service can be used for merchandise sent by First-Class Mail, registered mail, Express Mail, Priority Mail, and Standard Mail (B). This service is not available for international mail or for mail addressed to APO and FPO addresses.

Fees include insurance. Maximum amount is \$600.

Amount to be collected or insurance desired	COD fee
\$0.01 to \$ 50.00	\$4.00
50.01 to 100.00	5.00
100.01 to 200.00	6.00
200.01 to 300.00	7.00
300.01 to 400.00	8.00
400.01 to 500.00	9.00
500.01 to 600.00	10.00

Delivery record—\$7.00

Registered Mail

Provides maximum protection and security for valuables. Available only for items paid at Priority Mail and First-Class Mail rates. May be combined with COD, restricted delivery, or return receipt. Postal insurance is provided for articles with a declared value up to a maximum of \$25,000. Only items with no declared value may use registry service without insurance.

Declared value without postal insurance	Fee in addition to postage
\$ 0.00	\$6.00
Declared value with postal insurance	Fee in addition to postage
\$0.01 to \$100.00	\$6.20
100.01 to 500.00	6.75


<http://www.usps.gov/consumer/domestic.htm>

Consumer Postal Rates and Fees

/11/99

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500.01 to 1,000.00	7.30
1,000.01 to 2,000.00	7.85
2,000.01 to 3,000.00	8.40
3,000.01 to 4,000.00	8.95
4,000.01 to 5,000.00	9.50
5,000.01 to 6,000.00	10.05
6,000.01 to 7,000.00	10.60
7,000.01 to 8,000.00	11.15
8,000.01 to 9,000.00	11.70
9,000.01 to 10,000.00	12.25
10,000.01 to 11,000.00	12.80
11,000.01 to 12,000.00	13.35
12,000.01 to 13,000.00	13.90
13,000.01 to 14,000.00	14.45

For higher values see the [Domestic Rate Calculator](#) or  Domestic Mail Manual R Module.

Restricted Delivery

Permits a mailer to direct delivery only to the addressee or addressee's authorized agent. The addressee must be an individual. If COD, mail insured for more than \$50, or

Source: R.C. 1943, § 1-0235.

19-05-10, 40-18-07, 40-18-08, 40-18-10,
40-18-11, 40-18-16, 40-18-17, 40-18-18,
54-11-02, 54-14-01, 54-14-02, 54-27-05,
54-27-06, 54-27-09, 57-37-24; and chapters
15-39, 15-40, 20-13, 20-14, 25-08, 26-22,
37-06, 40-07, 54-15.

Note.

Among the sections listed in the above section as exceptions, the following repeals are effective: sections 4-01-14, 6-01-21.4, 18-04-06, 19-01-08, 19-05-08, 19-05-09,

1-02-36. Registered or certified mail. Wherever the term "registered mail" appears in the laws of the state of North Dakota it means "registered or certified mail".

Source: S.L. 1959, ch. 88, § 1.

1-02-37. Citations. All amendments of and additions to the North Dakota Century Code appearing in pocket part supplements must be cited as sections of the North Dakota Century Code.

Source: S.L. 1961, ch. 96, § 5.

1-02-38. Intentions in the enactment of statutes. In enacting a statute, it is presumed that:

1. Compliance with the constitutions of the state and of the United States is intended.
2. The entire statute is intended to be effective.
3. A just and reasonable result is intended.
4. A result feasible of execution is intended.
5. Public interest is favored over any private interest.

Source: S.L. 1967, ch. 72, § 7.

1-02-39. Aids in construction of ambiguous statutes. If a statute is ambiguous, the court, in determining the intention of the legislation, may consider among other matters:

1. The object sought to be attained.
2. The circumstances under which the statute was enacted.
3. The legislative history.
4. The common law or former statutory provisions, including laws upon the same or similar subjects.
5. The consequences of a particular construction.
6. The administrative construction of the statute.
7. The preamble.

Source: S.L. 1967, ch. 72, § 8.

1-02-40. Statutory references. A reference to any portion of a statute applies to all reenactments, revisions, or amendments thereof.