

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1304

2007 HOUSE POLITICAL SUBDIVISIONS

HB 1304

2007 HOUSE STANDING COMMITTEE MINUTES

Bill No. HB 1304

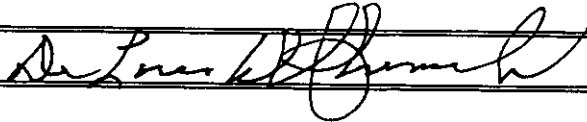
House Political Subdivisions Committee

Check here for Conference Committee

Hearing Date: January 19, 2007

Recorder Job Number: 1454, 1455

Committee Clerk Signature



Minutes:

Chairman Herbel opened the hearing on HB 1304.

Rep. Nancy Johnson: I submitted this bill at the request of the Secretary of State and I will turn it over to him.

Al Jaeger: Secretary of State: (see testimony #1).

Rep. Lee Kaldor: In the first paragraph, the current situation, an additional fee of five dollars is already in existence. It is just to make sure everything matches up. Two sessions ago we did article 9 revisions and this is just one thing that needs to be taken care of.

Rep. William Kretschmar: Are these filing fees basic things

Al Jaeger: They can fine on line and I believe these are not on line. The central index does not allow for on line searches and on line filing and that is a subscription service. That is not open to the general public. This is just to clarify the text.

Opposition: None

Hearing Closed.

Chairman Herbel reopened the hearing on HB 1304.

Do Pass Motion Made By Rep. Kari Conrad Seconded By Rep. Kim Koppelman

Discussion: None

Vote: 13 Yes 0 No 1 Absent Carrier: Rep. Lawrence Klemin

Hearing closed.

FISCAL NOTE

Requested by Legislative Council

03/08/2007

Amendment to: HB 1304

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.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 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.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The intent of this bill is to clarify the current law related to the fees pertaining to secured transactions. There is NO increase in the fees. The only purpose of the bill and the amendments is to clarify the text of the law regarding the fees already established in state law.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

There is no fiscal impact. This bill will not produce any more or any less revenue than currently received for these services. It is neutral.

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.*

N/A

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.*

N/A

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

N/A

Name:	Al Jaeger	Agency:	Secretary of State
Phone Number:	328-2900	Date Prepared:	03/08/2007

FISCAL NOTE

Requested by Legislative Council

01/10/2007

Bill/Resolution No.: HB 1304

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.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 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.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The intent of this bill is to establish fees in 41-09-96 already being charged and to match the fees under 35-29-05. In addition, text is changed for clarity.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

There is no fiscal impact. This bill will not produce any more or any less revenue than currently received for these services. It is neutral.

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.*

N/A

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.*

N/A

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

N/A

Name:	Al Jaeger	Agency:	Secretary of State
Phone Number:	328-2900	Date Prepared:	01/11/2007

Date: 1-19-07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1304

House Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do PASS

Motion Made By Rep Conrad Seconded By Rep. Koppelman

Representatives	Yes	No	Representatives	Yes	No
Rep. Gil Herbel-Chairman	✓		Rep. Kari Conrad	✓	
Rep. Dwight Wrangham-V. Chair	✓		Rep. Chris Griffin	✓	
Rep. Donald Dietrich	✓		Rep. Lee Kaldor	✓	
Rep. Patrick Hatlestad	✓		Rep. Louis Pinkerton	—	
Rep. Nancy Johnson	✓		Rep. Steve Zaiser	✓	
Rep. Lawrence Klemin	✓				
Rep. Kim Koppelman	✓				
Rep. William Kretschmar	✓				
Rep. Vonnie Pietsch	✓				

Total (Yes) 13 No 0

Absent _____

Floor Assignment Rep. Klemin

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

REPORT OF STANDING COMMITTEE (410)
January 19, 2007 11:19 a.m.

Module No: HR-13-0813
Carrier: Klemin
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1304: Political Subdivisions Committee (Rep. Herbel, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1304 was placed on the Eleventh order on the calendar.

2007 SENATE POLITICAL SUBDIVISIONS

HB 1304

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **HB 1304**

Senate Political Subdivisions Committee

Check here for Conference Committee

Hearing Date: **March 2, 2007**

Recorder Job Number: **4283**

Committee Clerk Signature

Shirley Borg

Minutes:

Chairman Cook called the Senate Political Subdivisions Committee to order. All members (5) present.

Chairman Cook opened the hearing on HB 1304 relating to secured filing fees.

Representative Nancy Johnson, District 37, Dickinson, ND introduced and testified in support of HB 1304. The bill was submitted at the request of the Secretary of State and as I understand it is a lot of clean up language and not a fee increase.

Al Jaeger, Secretary of State, testified in support of HB 1304. One of the duties in my office that I have is the central indexing system. This system is connected with my office and the County Records office in all fifty three counties. (Attachment #1) When this bill did pass the house a couple of things were caught that needed to be added so the second page is an amendment for thing that should be clarified.

Senator Hacker: What is the one dollar fee per page for?

Al Jaeger referred the questions to Tracy Filbrant, Section Leader for the Department that handles that in Attorney Generals Office.

Tracy Filbrant: When a customer runs a search, they can search by information, copies or information and copies. If they do just an information search they can send back a list of file

numbers on letter head that they would like copied. If they are in our office we will charge them a dollar a page.

No further testimony.

Chairman Cook closed the hearing on HB 1304

Senator Warner moved a do pass on the Amendments

Senator Hacker seconded the motion.

Discussion

Voice vote: All members (5) in support.

Senator Warner moved a Do Pass as Amended.

Senator Hacker seconded the motion.

Roll call vote: Yes 5 No 0 Absent 0

Carrier: **Senator Hacker**

Date: 3-2-07
Roll Call Vote #: 2

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1304

Senate Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Senator Warner Seconded By Senator Hacker

Senators	Yes	No	Senators	Yes	No
Senator Dwight Cook, Chairman	X		Senator Arden C. Anderson	X	
Senator Curtis Olafson, ViceChair	X		Senator John M. Warner	X	
Senator Nicholas P. Hacker	X				

Total Yes 5 No 0

Absent 0

Floor Assignment Senator Hacker

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

REPORT OF STANDING COMMITTEE

HB 1304: Political Subdivisions Committee (Sen. Cook, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1304 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections 35-17-08, 35-30-06, 35-31-06, and"

Page 1, line 2, after "to" insert "certain lien and"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 35-17-08 of the North Dakota Century Code is amended and reenacted as follows:

35-17-08. Fees - Penalty. The fee for filing an agister's lien and related documents with the secretary of state or the county recorder is ~~ten dollars.~~ The fee for filing a termination statement is five dollars. The termination fee must be paid at the time the fee for filing the lien is paid. The fee for filing an amendment or assignment of an agister's lien is ten dollars the same as that provided for in section 41-09-96. If a lienholder fails to file a termination statement within sixty days after the lien ~~is~~ has been satisfied, the lienholder is liable to the debtor for one hundred dollars.

SECTION 2. AMENDMENT. Section 35-30-06 of the North Dakota Century Code is amended and reenacted as follows:

35-30-06. Fees - Penalty. The fee for filing an agricultural processor's lien and related documents with the secretary of state or the county recorder is ~~ten dollars.~~ The fee for filing a termination statement is five dollars. The termination fee must be paid at the time the fee for filing the lien is paid. The fee for filing an amendment or assignment of an agricultural processor's lien is ten dollars the same as that provided for in section 41-09-96. If a lienholder fails to file a termination statement within sixty days after the lien has been satisfied, the lienholder is liable to the debtor for one hundred dollars.

SECTION 3. AMENDMENT. Section 35-31-06 of the North Dakota Century Code is amended and reenacted as follows:

35-31-06. Fees - Penalty. The fee for filing an agricultural supplier's lien and related documents with the secretary of state or the county recorder is ~~ten dollars.~~ The fee for filing a termination statement is five dollars. The termination fee must be paid at the time the fee for filing the lien is paid. The fee for filing an amendment or assignment of an agricultural supplier's lien is ten dollars the same as that provided for in section 41-09-96. If a lienholder fails to file a termination statement within sixty days after the lien has been satisfied, the lienholder is liable to the debtor for one hundred dollars."

ReNUMBER accordingly

2007 TESTIMONY

HB 1304

#1

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 19, 2007

TO: Rep. Herbel, Chairman, and Members of the Political Subdivisions Committee

FR: Al Jaeger, Secretary of State

RE: HB 1304 – Secured Transaction Filing Fees

This bill does not add new fees or raise fees.

The intent of this bill is simply to clarify the text in the law under what circumstances fees are charged and to match Chapter 41-09, the applicable law in this bill, with text already existing in Chapter 35-29.

attch. 1

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 2, 2007

TO: Senator Cook, Chairman,
and Members of the Senate Political Subdivisions Committee

FR: Al Jaeger, Secretary of State

RE: HB 1304 – Secured Transaction Filing Fees

This bill does not add new fees or raise fees.

The intent of this bill, as introduced, was simply to clarify the text in existing law under what circumstances fees are charged and to match Chapter 41-09, the applicable law in this bill, with text already existing in Chapter 35-29.

After the House passed the bill, three additional sections were discovered in current law that needed similar clarifying language referring to Chapter 41-09. Therefore, I respectfully ask the committee to adopt the attached amendments and then give the bill a do pass recommendation.

PROPOSED AMENDMENTS TO HOUSE BILL 1304

Page 1, line 1, replace "section" with "sections 35-17-08, 35-30-06, 35-31-06, and"

Page 1, line 2, after "to" insert "certain lien and"

Page 1, line 4, after the second "Section" insert "35-17-08 of the North Dakota Century Code is amended and reenacted as follows:

35-17-08. Fees – Penalty. The fee for filing an agister's lien and related documents with the secretary of state or the county recorder is ten dollars. ~~The fee for filing a termination statement is five dollars. The termination fee must be paid at the time the fee for filing the lien is paid. The fee for filing an amendment or assignment of an agister's lien is ten dollars the same as that provided for in section 41-09-96.~~ If a lienholder fails to file a termination statement within sixty days after the lien is has been satisfied, the lienholder is liable to the debtor for one hundred dollars.

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SECTION 4. AMENDMENT. Section"

Renumber accordingly