

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2190

2001 SENATE INDUSTRY, BUSINESS AND LABOR

SB 2190

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2190

Senate Industry, Business and Labor Committee

Conference Committee

Hearing Date January 23, 2001

Tape Number	Side A	Side B	Meter #
1	x		0 to 20.8
Committee Clerk Signature <i>Donna E. P... (handwritten signature)</i>			

Minutes:

The meeting was called to order. All committee members present. Hearing was opened on SB2190 relating to issuing a check or draft without sufficient funds or account and notice of dishonor.

SENATOR KREBSBACH: Sponsor of this bill. Favors its passage.

SUE BURGER, co-owner Check Rite of Minot. Favors this bill. Requests change in wording: delete "by civil action" on the fee issue. Favors \$5.00 fee increase. Most merchants won't pursue civil action, simply raise prices. Written testimony attached.

DAVID KNUDSEN, Credit Bureau of Bismarck. We need to be profitable, it costs more to do business. We need to hold the check writer responsible and accountable by increasing the fee.

Ask that "by civil action" be removed, municipalities and state attorneys don't want to prosecute.

Page 2

Senate Industry, Business and Labor Committee

Bill/Resolution Number SB2190

Hearing Date January 23, 2001.

TODD KRANDA, ND Collectors Assn. In favor of this bill. Ask for change in fee and for removal of requirement of litigation for recovery of collection fee. In page 1 line 16 remove overstrike of "civil action", do same in page 2 line 25.

RUSS HANSON ND Retail/Petroleum Marketers Assn., favor this bill.

TIMOTHY J. KARSKY, Asst. Commissioner, Dept. of Banking and Financial Institutions.

Neither support or oppose. To clarify. Includes proposed amendment.

SENATOR ESPEGARD: Motion: adopt amendment. SENATOR KREBSBACH: Second.

Roll call vote: 7 yes; 0 no; 0 absent.

SENATOR ESPEGARD: Motion: do pass as amended. SENATOR TOLLEFSON: Second.

Roll call vote: 7 yes; 0 no; 0 absent. Carrier: SENATOR KREBSBACH.

DEPARTMENT OF BANKING AND FINANCIAL INSTITUTIONS

PROPOSED AMENDMENTS TO Senate Bill 2190

Page 1, line 16, remove the overstrike over "civil action"

Page 2, line 25, remove the overstrike over "civil action"





**REPORT OF STANDING COMMITTEE (410)**  
January 23, 2001 4:49 p.m.

Module No: SR-11-1482  
Carrier: Krebsbach  
Insert LC: 18272.0101 Title: .0200

**REPORT OF STANDING COMMITTEE**

**SB 2190: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2190 was placed on the Sixth order on the calendar.**

Page 1, line 16, remove the overstrike over "~~civil action by~~"

Page 2, line 25, remove the overstrike over "~~civil action by~~"

Renumber accordingly



2001 HOUSE INDUSTRY, BUSINESS AND LABOR

SB 2190

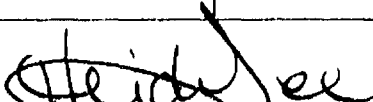
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2190

House Industry, Business and Labor Committee

Conference Committee

Hearing Date March 12, 2001

Tape Number	Side A	Side B	Meter #
2	X		21.9
		X	-34.2
Committee Clerk Signature 			

Minutes: Chairman R. Berg, Vice-Chair G. Keiser, Rep. M. Ekstrom, Rep. R. Frøelich, Rep. G. Froseth, Rep. R. Jensen, Rep. N. Johnson, Rep. J. Kasper, Rep. M. Klein, Rep. Koppang, Rep. D. Lemieux, Rep. B. Pietsch, Rep. D. Ruby, Rep. D. Severson, Rep. E. Thorpe.

Rep. Karen Krebsbach: **Written testimony** as sponsor of bill to raise rate for NSF's and training for employees. Also to remove civil action from procedure.

Todd Kranda: *ND Collector's Assoc.* Support bill to aide collectors in receiving funds and to increase their funds.

Vice-Chairman Keiser: Does SB 2265 affect this bill?

Kranda: No, they are consistent with each other though.

Chairman Berg: What is the Attorney General's opinion?

Kranda: You need to litigate to collect.

Chairman Berg: What is the current practice?

Kranda: The consumer needs to pay a civil fee plus the amount the check is written for.

Rep. Ruby: Has anyone refused to pay based on the current law?

Kranda: No, not based on the current law.

Sue Berger: *Check-Rite Minot* **Written testimony** in support.

Vice-Chairman Keiser: How high would the fee have to be to go to court?

Berger: Small claims court, the average is \$60-70.

Rep. Lemieux: How do the leases work?

Berger: Supply and demand. \$10-30 per month.

Rep. Lemieux: How often are checks run through the bank?

Berger: Sometime three and four times but usually only once.

Rep. Koppang: Has there been a decrease in the last few years?

Berger: The general public hasn't moved on to electronic methods yet. Checks are still a popular method of payment.

David Krenden: (50.2) *ND Credit Bureau of Bismarck* The federal reserve stopped tracking NSF checks because of the quantity. Sixty-nine percent are generally collected within 60 days. The average check is \$25.

Michael LeFor: *NDCA* There are two-hundred plus collection agencies in the state and their licensing fee is \$200.

Russ Hansen: *ND Retail Assoc.* We support this bill.

Tim Karskey: *ND Dept of Banking* We are neutral but we support removing the civil action.

Rep. Lemieux: What is the first time licensing fee?

Karskey: It is \$500 for investigation and licensing. Eleven states have reciprocal laws that allow non-licensing.

Chairman Berg: We'll close the hearing on SB 2190.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2190(B)

House Industry, Business and Labor Committee

Conference Committee

Hearing Date March 14, 2001

Tape Number	Side A	Side B	Meter #
2	X		42.6-54.8
Committee Clerk Signature <i>Deirdre</i>			

Minutes: Chairman R. Berg, Vice-Chair G. Keiser, Rep. M. Ekstrom, Rep. R. Froelich, Rep. G. Froseth, Rep. R. Jensen, Rep. N. Johnson, Rep. J. Kasper, Rep. M. Klein, Rep. Koppang, Rep. D. Lemieux, Rep. B. Pietsch, Rep. D. Ruby, Rep. D. Severson, Rep. E. Thorpe.

Vice-Chairman Keiser: I move a do pass.

Rep. M. Klein: I second.

Rep. Lemieux: I don't feel this is a deterrent.

Rep. Froseth: I think this is just as a pay increase for the collection companies.

Rep. Lemieux: Between bank fees and check fees their already paying an extreme amount.

Rep. Ruby: This is used to get attention that a bill needs to be paid.

**12 yea, 3 nay, 0 absent Carrier Rep. Severson**

Date: 3-14-01  
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2190

House Industry, Business and Labor Committee

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

Action Taken Do Pass

Motion Made By Keiser Seconded By M. Klein

Representatives	Yes	No	Representatives	Yes	No
Chairman- Rick Berg	✓		Rep. Jim Kasper	✓	
Vice-Chairman George Keiser	✓		Rep. Matthew M. Klein	✓	
Rep. Mary Ekstorm	✓		Rep. Myron Koppang		✓
Rep. Rod Froelich		✓	Rep. Doug Lemieux		✓
Rep. Glen Froseth	✓		Rep. Bill Pietsch	✓	
Rep. Roxanne Jensen	✓		Rep. Dan Ruby	✓	
Rep. Nancy Johnson	✓		Rep. Dale C. Severson	✓	
			Rep. Elwood Thorpe	✓	

Total (Yes) 12 No 3

Absent 0

Floor Assignment Rep. Severson

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

**REPORT OF STANDING COMMITTEE (410)**  
March 14, 2001 2:39 p.m.

**Module No: HR-44-5623**  
**Carrier: Severson**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2190, as engrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends DO PASS (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2190 was placed on the Fourteenth order on the calendar.**

2001 TESTIMONY

SB 2190

