

2021 SENATE INDUSTRY, BUSINESS AND LABOR

SB 2338

2021 SENATE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Fort Union Room, State Capitol

SB 2338
2/1/2021

relating to auctioneer's and clerk's licenses and standards

Chair Klein opened the hearing at 10:30 a.m. Members present: Senators Klein, Larsen, Burckhard, Vedaa, Kreun. Senator Marcellais absent

Discussion Topics:

- Licensing fees for auctioneers
- Length of time since fees had been raised

Senator Fors introduced the bill and testified in support [10:30].

Representative Trottier testified in support [10:32].

Randy Christmann, Public Service Commissioner testified in support and submitted testimony #4254 [10:38].

Senator Vedaa moved a DO PASS [10:48].

Senator Kreun seconded the motion [10:48].
[10:49]

Senators	Vote
Senator Jerry Klein	Y
Senator Doug Larsen	Y
Senator Randy A. Burckhard	Y
Senator Curt Kreun	Y
Senator Richard Marcellais	A
Senator Shawn Vedaa	Y

Motion passed: 5-0-1

Senator Vedaa will carry the bill [10:49].

Chair Klein closed the hearing at 10:49 a.m.

Isabella Grotberg, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2338: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2338 was placed on the Eleventh order on the calendar.

Senate Bill 2338

Presented by: Randy Christmann, Commissioner
Public Service Commission

Before: Senate Industry, Business & Labor Committee
The Honorable Jerry Klein, Chair

Date: Feb. 1, 2021

TESTIMONY

Mr. Chair and committee members, I am Commissioner Randy Christmann with the Public Service Commission (Commission). I am here to testify in support of SB 2338, which updates language in century code related to the regulation of auctioneers and auction clerks and provides the authority for the Commission to require criminal background checks for initial license applicants.

The Commission is tasked with licensing and regulating auctioneers and auction clerks. The first proposed amendments in subsection 1 of section 51-05.1-01.1 updates language regarding how application forms are submitted to the Commission and changes the due date for license renewals without a late fee from January 31st to December 31st. After December 31st, a late fee would be imposed. Furthermore, the initial license or renewal fee for an auctioneer or auction clerk license is increased from \$35 to \$50 and the late fee from \$25 to \$50. The license fee has not been increased since 1987 and the late fee has not been increased since it was enacted in 2001.

Additionally, language is removed from subsection 1 of section 51-05.1-01.1 requiring an applicant to submit their application at least ten days prior to the

first auction sale the applicant is to conduct or clerk. Over the last four years, the Commission has moved to an electronic license processing and issuing system. These changes, coupled with the number of days a criminal background check takes to complete, have made the ten-day requirement unnecessary.

The major amendment included in SB 2338 gives the Commission the authority to request both a statewide and nationwide criminal background check for initial license applicants. An applicant would pay the costs associated with performing the background check and it would not be deducted from the license fee. The Commission strongly supports this amendment as it gives us the ability to look more thoroughly at new applicants to ensure they meet the licensing standards as required in subsection 1 of section 51-05.1-02, which only allows licenses to be issued to persons who bear a good reputation for honesty, truthfulness, and fair dealing. Auctioneers and auction clerks are trusted by clients to run an auction that will get them the best results, and buyers are trusting a fair and honest process. Having the ability to conduct background checks on new applicants for licenses will ensure we can continue to maintain core values such as honesty and integrity within the licensees we regulate.

Finally, subsection 2 of section 12-60-24 (this is section 1 of the bill) is amended to authorize the Bureau of Criminal Investigation to conduct statewide and nationwide background checks and to provide those results to the Commission. Background checks cannot be performed without this authorization.

Mr. Chair, this concludes my testimony. Thank you for the opportunity to present this information. I will be happy to answer any questions.

2021 HOUSE INDUSTRY, BUSINESS AND LABOR

SB 2338

2021 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Room JW327C, State Capitol

SB 2338
3/16/2021

Auctioneer's & clerk's licenses & standards.

(9:08) Chairman Lefor called the hearing to order.

Representatives	Attendance	Representatives	Attendance
Chairman Lefor	P	Rep Ostlie	P
Vice Chairman Keiser	P	Rep D Ruby	P
Rep Hagert	P	Rep Schauer	P
Rep Kasper	P	Rep Stemen	P
Rep Louser	P	Rep Thomas	P
Rep Nehring	P	Rep Adams	P
Rep O'Brien	P	Rep P Anderson	P

Discussion Topics:

- Auctioneers & auction clerks' regulation

Randy Christmann~Public Service Commissioner. Attachment #9215.

Sen Fors~District 19 testified in support.

(9:27) End time.

Ellen LeTang, Committee Clerk

Senate Bill 2338

Presented by: Randy Christmann, Commissioner
Public Service Commission

Before: House Industry, Business & Labor Committee
The Honorable Mike Lefor, Chair

Date: March 16, 2021

TESTIMONY

Mr. Chair and committee members, I am Commissioner Randy Christmann with the Public Service Commission (Commission). I am here to testify in support of SB 2338, which updates language in century code related to the regulation of auctioneers and auction clerks and provides the authority for the Commission to require criminal background checks for initial license applicants. The Commission is tasked with licensing and regulating auctioneers and auction clerks.

I will address the changes in Section 1 of the bill last. The proposed changes in Section 2 of the bill (subsection 1 of section 51-05.1-01.1) update language regarding how application forms are submitted and changes the due date for license renewals without a late fee from January 31st to December 31st. After December 31st, a late fee would be imposed. Furthermore, the initial license or renewal fee for an auctioneer or auction clerk license is increased from \$35 to \$50 and the late fee from \$25 to \$50. The license fee has not been increased since 1987 and the late fee has not been increased since it was enacted in 2001.

Additionally, language is removed from lines 16-19 of the bill requiring an applicant to submit their application at least ten days prior to the first auction sale

the applicant is to conduct or clerk. Over the last four years, the Commission has moved to an electronic license processing and issuing system. These changes, coupled with the number of days a criminal background check takes to complete, have made the ten-day requirement unnecessary.

Section 3 of SB 2338 gives the Commission the authority to request both a statewide and nationwide criminal background check for initial license applicants. An applicant would pay the costs associated with performing the background check in addition to the license fee. The Commission strongly supports this amendment as it gives us the ability to look more thoroughly at new applicants to ensure they meet the licensing standards as required in subsection 1 of section 51-05.1-02, which only allows licenses to be issued to persons who bear a good reputation for honesty, truthfulness, and fair dealing. Auctioneers and auction clerks are trusted by clients to run an auction that will get them the best results, and buyers are trusting a fair and honest process. Having the ability to conduct background checks on new applicants for licenses will ensure we can continue to maintain core values such as honesty and integrity among licensees.

Finally, Section 1 of the bill (subsection 2 of section 12-60-24) is amended to authorize the Bureau of Criminal Investigation to conduct statewide and nationwide background checks and to provide those results to the Commission. Background checks cannot be performed by the BCI without this authorization.

Mr. Chair, this concludes my testimony. Thank you for the opportunity to present this information. I will be happy to answer any questions.

2021 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Room JW327C, State Capitol

SB 2338
3/23/2021

Auctioneer's & clerk's licenses & standards.

(9:33) Chairman Lefor called the hearing to order.

Representatives	Attendance	Representatives	Attendance
Chairman Lefor	P	Rep Ostlie	P
Vice Chairman Keiser	P	Rep D Ruby	P
Rep Hagert	P	Rep Schauer	P
Rep Kasper	P	Rep Stemen	P
Rep Louser	P	Rep Thomas	P
Rep Nehring	P	Rep Adams	P
Rep O'Brien	P	Rep P Anderson	P

Discussion Topics:

- Committee work

Randy Christmann~Public Service Commissioner. Attachment #10512.

Rep D Ruby moved to amend to remove the increase on fees.

Rep Kasper second.

Konrad Crockford~Compliance Director-Public Service Commission. Answered questions.

Representatives	Vote
Chairman Lefor	Y
Vice Chairman Keiser	Y
Rep Hagert	Y
Rep Jim Kasper	Y
Rep Scott Louser	Y
Rep Nehring	N
Rep O'Brien	N
Rep Ostlie	N
Rep Ruby	Y
Rep Schauer	N
Rep Stemen	Y
Rep Thomas	Y
Rep Adams	N
Rep P Anderson	Y

Vote roll call taken Motion carried 9-5-0.

Rep D Ruby moved a Do Pass as Amended.

Rep Adams second.

Representatives	Vote
Chairman Lefor	Y
Vice Chairman Keiser	Y
Rep Hagert	Y
Rep Jim Kasper	Y
Rep Scott Louser	Y
Rep Nehring	N
Rep O'Brien	N
Rep Ostlie	N
Rep Ruby	Y
Rep Schauer	N
Rep Stemen	Y
Rep Thomas	Y
Rep Adams	N
Rep P Anderson	Y

Vote roll call taken Motion carried 14-0-0 & Rep Adams is the carrier.

(9:53) End time.

Ellen LeTang, Committee Clerk

March 23, 2021

3/23/21

PROPOSED AMENDMENTS TO SENATE BILL NO. 2338

Page 1, line 19, remove the overstrike over "~~thirty-five~~"

Page 1, line 19, remove "fifty"

Page 1, line 23, remove the overstrike over "~~twenty-five~~"

Page 1, line 23, remove "fifty"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2338: Industry, Business and Labor Committee (Rep. Lefor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2338 was placed on the Sixth order on the calendar.

Page 1, line 19, remove the overstrike over "~~thirty-five~~"

Page 1, line 19, remove "fifty"

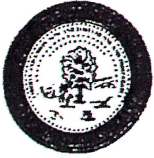
Page 1, line 23, remove the overstrike over "~~twenty-five~~"

Page 1, line 23, remove "fifty"

Renumber accordingly

10512

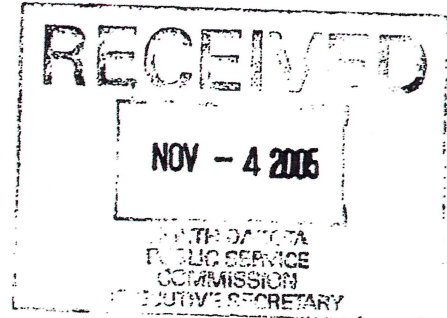
51-05.1



Wayne Stenehjem
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LETTER OPINION
2005-L-40

November 4, 2005

Tony Clark, President
Susan Wefald, Commissioner
Kevin Cramer, Commissioner
Public Service Commission
600 E Boulevard Ave Dept 408
Bismarck, ND 58505-0480

Dear Commissioners:

Thank you for requesting my opinion regarding the need for an auctioneer's or auction clerk's license to sell items through an Internet auction service. **It is my opinion that sales similar to those conducted by eBay are not auctions within the contemplation of the statute.** Because eBay does not conduct actual auctions, it is not an auctioneer, so eBay does not need an auctioneer's license, regardless of its domicile. Likewise, persons or businesses that assist sellers in placing items for sale on eBay are not conducting an auction or acting as auctioneers. Further, because the statute anticipates that an auction clerk works in conjunction with an auctioneer at a public auction, persons or businesses that assist sellers in placing items for sale on eBay are not required to obtain a clerk's license. There are various other businesses that offer items for sale via the Internet in a manner that more closely resembles traditional or conventional auctions. Whether those entities are required to obtain an auctioneer's or clerk's license depends on the facts of each case.

ANALYSIS

You first ask whether an Internet auction service domiciled either inside or outside of North Dakota is required to obtain an auctioneer's license in North Dakota. Chapter 51-05.1, N.D.C.C., regulates licensure for auctioneers. **Section 51-05.1-04(1), N.D.C.C., defines an auctioneer as "a person, who for a compensation or valuable consideration, sells or offers for sale either real or personal property at public auction as a whole or partial vocation."**

- Comm, Selma
Legal
Lue
Original - I see

LETTER OPINION 2005-L-40

November 4, 2005

Page 2

There are a number of different types of "Internet auction" services. Certainly the most widely known service is that offered by the Internet company "eBay, Inc." ("eBay"), which provides a site where sellers can list their items, and potential buyers can bid on those items or otherwise offer to purchase them from the sellers. Other Internet sites transmit live audio-video feeds of auctions, and allow potential bidders to place real-time bids online during the course of those auctions.¹ While the vast number of different types of these services prevents me from opining on all of them, I can specifically address the eBay model, and I will provide guidance for addressing other models.

Based on the statutory definition of "auctioneer," it is necessary to determine if a service is: 1) a person; 2) who, for compensation; 3) sells or offers for sale real or personal property; 4) at public auction; 5) as a whole or partial vocation.² Chapter 51-05.1, N.D.C.C., does not define "person." Section 1-01-49(8), N.D.C.C., contains a definition of "person" that is to be used unless the context requires otherwise. Under that definition, "person" includes an "organization."³ An "organization" includes "a foreign or domestic association, business trust, corporation, enterprise, estate, joint venture, limited liability company, limited liability partnership, limited partnership, partnership, trust, or any legal or commercial entity."⁴

The context in which "person" is used in N.D.C.C. ch. 51-05.1, however, indicates that the Legislative Assembly intended a different meaning. The definition of "auctioneer" uses the single term "person," while the definition of "clerk" in the same section expands the list of eligible entities beyond "person" to include "any person, firm, partnership, copartnership, association, corporation, or limited liability company." The inclusion of other non-individual entities to the definition of "clerk" while excluding them from the definition of "auctioneer" indicates the Legislative Assembly did not intend those additional entities that are not individuals to come within the definition of "auctioneer."

In addition, whether a person is an "auctioneer" depends on whether the person's "whole or partial vocation" is being an auctioneer.⁵ The North Dakota Century Code does not define "vocation," and so we must use the plain meaning of that word.⁶ A dictionary definition of "vocation" is a "regular occupation or profession, esp. one for which a person

¹ For example, see the Ritchie Bros. Auctioneers website:
<http://www.rbauktion.com/index.jsp>.

² N.D.C.C. § 54-05.1-04(1).

³ N.D.C.C. § 1-01-49(8).

⁴ N.D.C.C. § 1-01-49(5).

⁵ N.D.C.C. § 54-05.1-04(1).

⁶ N.D.C.C. § 1-02-02.

is specially suited or qualified.”⁷ Whether being an auctioneer is a person’s “whole or partial vocation”⁸ is fact-specific and to be determined on a case-by-case basis.

But the fact that auctioneering must be a “vocation” appears to preclude the licensure of businesses as auctioneers. Businesses do not have “vocations,” but rather provide services or sell goods. Employees of businesses, including online auction services, may have auctioneering vocations, and may therefore be required to obtain an auctioneer license, but the businesses themselves do not. Accordingly, as used in N.D.C.C. § 54-05.1-04, “person” only means a single individual, rather than the broader definition of “person” in N.D.C.C. § 1-01-49(8). Applying that definition, eBay does not meet the definition of a “person” because it is a corporation rather than an individual.⁹ Whether that conclusion would apply to other auction sites depends on the facts of each situation.

Recognizing the changing landscape produced by the advent of the Internet, the Legislature enacted specific legislation to regulate one type of Internet auction business. Chapter 36-05.1, N.D.C.C., prohibits “internet livestock auctions” from transacting business in North Dakota unless licensed under chapter 36-05.1. “‘Internet livestock auction’ means a place or establishment conducted or operated for compensation or profit as a public market where livestock located in this state is sold or offered for sale at a facility or web site within or outside the state through the use of the internet.”¹⁰ Thus, although business entities cannot be licensed under N.D.C.C. ch. 51-05.1, an internet livestock auction is required to be licensed under N.D.C.C. ch. 36-05.1. Whether other types of businesses that offer similar Internet sales ought to be regulated is an issue the Legislature may need to address.

The second test is whether compensation is paid.¹¹ eBay offers its services to members only. There is no fee to become a member, but a registration process is required.¹² While eBay does not charge its members to buy an item through the eBay system, eBay does charge those members who place items for sale on eBay. The seller is required to pay an “insertion fee” for placing the item for sale and, if the item is sold, the seller is required to pay a “final value fee.” The insertion fee is a flat, nonrefundable fee based on the seller’s

⁷ The American Heritage Dictionary 1353 (2d coll. ed. 1991).

⁸ N.D.C.C. § 54-05.1-04(1).

⁹ See Earth Flag Ltd. v. Alamo Flag Co., 153 F.Supp.2d 349, 351 (S.D.N.Y.,2001). (“eBay is a Delaware corporation, with its principal place of business in San Jose, California.”).

¹⁰ N.D.C.C. § 36-05.1-01(2).

¹¹ N.D.C.C. § 54-05.1-04(1).

¹² eBay Registration Form (2005), *available at*:

https://scgi.ebay.com/ws/eBayISAPI.dll?RegisterEnterInfo&siteid=0&co_partnerid=2&usage=0&ru=default&raflid=0&encRaflid=default.

initial offering price and ranges from \$0.25 to \$4.80.¹³ The "final value fee" is a percentage of the selling price.¹⁴ Because eBay receives compensation, it meets the second prong of the statute. Again, whether another entity receives compensation is fact-specific.

The third prong requires that the person "sells or offers for sale real or personal property."¹⁵ eBay's "User Agreement" states, in part:

3.1 eBay is not an Auctioneer. Although we are commonly referred to as an online auction web site, it is important to realize that we are not a traditional "auctioneer." Instead, the Site acts as a venue to allow anyone to offer, sell, and buy just about anything, at anytime, from anywhere, in a variety of pricing formats, including a fixed price format and an auction-style format commonly referred to as "online auctions" or "auctions." We are not involved in the actual transaction between buyers and sellers. As a result, we have no control over the quality, safety or legality of the items advertised, the truth or accuracy of the listings, the ability of sellers to sell items or the ability of buyers to pay for items. We cannot ensure that a buyer or seller will actually complete a transaction.¹⁶

The United States District Court for the Southern District of California has summarized the eBay process as follows:

eBay provides an Internet website service where over 25 million buyers and sellers of consumer goods and services have come together to buy and sell items through either an auction or a fixed-price format. Pursuant to their agreement with eBay, users set up user IDs or "screen names" to conduct business on eBay's website in a semi-anonymous fashion. Buyers and sellers reveal their real identities to each other in private communications to complete sales transactions.

eBay's website allows sellers to post "listings" (or advertisements) containing descriptions of items they wish to offer for sale; and it allows buyers to bid for items they wish to buy. People looking to buy items can either browse through eBay's 4,700 categories of goods and services or search for items

¹³ eBay.com fees (2005), available at <http://pages.ebay.com/help/sell/fees.html>.

¹⁴ *Id.*

¹⁵ N.D.C.C. § 54-05.1-04(1).

¹⁶ eBay User Agreement (2005), available at:

https://scgi.ebay.com/ws/eBayISAPI.dll?RegisterEnterInfo&siteid=0&co_partnerid=2&usage=0&ru=http%3A%2F%2Fpages.ebay.com%2Fhelp%2Fpolicies%2Fuser%2520agreement.html%3FssPageName%3Df%3Af%3AUS&rafid=0&encRafid=default.

by typing words into eBay's search engine. Every day, eBay users place on average over one million new listings on eBay's website. At any given time, there are over six million listings on the website.¹⁷

eBay's User Agreement and the court's summary clearly show that eBay itself is not offering to "sell" anything;¹⁸ the offer for sale is made by the member who places the goods for sale. Because eBay does not "sell or offer for sale real or personal property," the third prong of the test also fails and eBay cannot be considered an "auctioneer" as defined in North Dakota law. It is therefore my opinion that since eBay is not an auctioneer it does not need an auctioneer's license, regardless of its domicile. Whether another entity is actually selling real or personal property depends on the circumstances of each case.

The fourth prong is whether the sale is at "public auction."¹⁹ "Cases interpreting [the phrase 'public auction'] generally, and as used in the Uniform Commercial Code, have held that several conditions, such as publicity, competitive bidding and invitation to the public must be met before a sale can be classified as a public sale."²⁰ This is, of course, a fact-specific determination to be made in each case.

You also ask whether an auctioneer or clerk's license is required for what you call an "Internet auction trader/listing service provider" ("listing service provider"). You indicate that listing service providers act as agents for individuals who would like to sell merchandise through Internet auction services. They may take consignments of merchandise, arrange to have that merchandise offered for sale through Internet auction services, deliver the merchandise and collect and disperse the proceeds from any sale.

Whether a listing service provider is an "auctioneer" depends on the resolution of several factual issues as applied to the five criteria provided in N.D.C.C. § 51-05.1-04(1). But at least as far as a listing service provider who assists a seller in selling items on eBay is concerned, for the reasons mentioned, such a provider is not an auctioneer.

¹⁷ Hendrickson v. eBay, Inc., 165 F.Supp.2d 1082, 1084 (C.D. Cal. 2001) (footnotes omitted).

¹⁸ See also 86 Ops. Cal. Atty. Gen. 48, Opin. No. 02-111 (Apr. 10, 2003) ("We have little doubt that eBay does not sell or offer to sell or buy or offer to buy, on behalf of another or others . . ."); Gentry v. eBay, 99 Cal. App. 4th 816, 827 (2002) ("eBay is not in the business of selling or offering to sell the collectables at issue; rather, it is the individual defendants who sold the items to plaintiff, using eBay as a venue.")

¹⁹ N.D.C.C. § 54-05.1-04(1).

²⁰ Liberty National Bank of Fremont v. Greiner, 405 N.E.2d 317, 321 (Ohio 1978).

A "clerk," on the other hand, is

any person, firm, partnership, copartnership, association, corporation, or limited liability company, who for a compensation or valuable consideration, is employed either directly or indirectly by an owner while the sale is in progress to record each item offered for sale, its selling price, the buyer's name or number, to collect all proceeds of said sale, to pay all expenses connected with the sale, to prepare a full closing statement of all receipts and disbursements, and make settlement thereon to parties properly entitled thereto within a reasonable length of time.²¹

Whether an entity is a "clerk" also depends on the facts of each case, so I cannot issue a general opinion on the question. One thing to note when considering the question is that when the term "clerk" is used within the chapter as a whole, it is always used in the context of an "auction."²² The rules of interpretation state that "[t]he entire statute is intended to be effective"²³ and that "a just and reasonable result is intended."²⁴ Therefore, the term "clerk" cannot be looked at in isolation, but must be viewed in context with the entire chapter, including the term's association with an "auction."

State law does not define the term "auction," but the plain meaning,²⁵ dictionary definition of "auction" is a "sale of property to the highest bidder."²⁶

In the eBay case, the sale does not always go to the highest bidder. If an item is offered for sale in a fixed price format, then the first member willing to pay that price will acquire that item, even if another member is willing to pay a higher price. If an item is offered in an auction format, the item still may not go to the member willing to pay the highest price, but rather to the member who offers the highest price within the time limit set by the seller. Once the time limit has expired, the item is sold even if other members are willing to pay a higher price.

Therefore, if an auction is defined as a sale of property "to the highest bidder," an Internet auction service like eBay would not meet the definition of "auction." It follows that if the Internet auction service's activities do not meet the definition of an auction, then the actions of a listing service provider are not that of a traditional "auction clerk" and no clerk's

²¹ N.D.C.C. § 54-05.1-03.1(2). Notably, unlike an auctioneer a clerk may be a business or an individual.

²² See e.g., N.D.C.C. §§ 51-05.1-01.1(1), 51-05.1-03(1)(b), (c), (f), (g).

²³ N.D.C.C. § 1-02-38(3).

²⁴ N.D.C.C. § 1-02-38(4).

²⁵ N.D.C.C. § 1-02-02.

²⁶ Black's Law Dictionary 125 (7th ed. 1999).

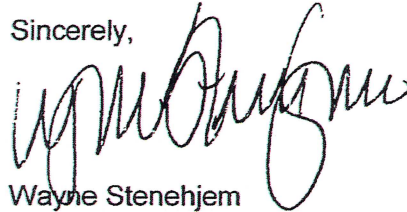
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November 4, 2005

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license is required. Correspondingly, if a listing service provider is providing services at an actual "auction," as is the case in some Internet sales websites, that listing service provider may need to obtain a clerk's license in order to provide that service in North Dakota if its activities fall within the statutory definition of "clerk."

Sincerely,

A handwritten signature in black ink, appearing to read "Wayne Stenehjem", written over the printed name.

Wayne Stenehjem
Attorney General

njl/sam/vkk

This opinion is issued pursuant to N.D.C.C. § 54-12-01. It governs the actions of public officials until such time as the question presented is decided by the courts. See State ex rel. Johnson v. Baker, 21 N.W.2d 355 (N.D. 1946).

2021 CONFERENCE COMMITTEE

SB 2338

2021 SENATE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Fort Union Room, State Capitol

SB 2338
4/9/2021
Conference Committee

relating to auctioneer's and clerk's licenses and standards

Senator Vedaa opened the meeting at 9:30 a.m. All members were present. Senators Vedaa, Kreun, and Marcellais. Representatives Hagert, Schauer, and Adams.

Discussion Topics:

- Raising of fees
- Fiscal impact
- Need for fee raise

Representative Shauer moved that the House Recede and amend with amendment 21.1017.01003 [9:40].

Representative Adams seconded the motion [9:40].

[9:40]

Senators and Reps.	Vote
Senator Shawn Vedaa	Y
Senator Curt Kreun	Y
Senator Richard Marcellais	Y
Representative Jared Hagert	Y
Representative Austen Schauer	Y
Representative Mary Adams	Y

Motion passed: 6-0-0

Senator Vedaa will carry the bill in the Senate [9:40].

Representative Adams will carry the bill in the House [9:41].

Senator Vedaa closed the meeting at 9:42 a.m.

Isabella Grotberg, Committee Clerk

April 9, 2021

SC
1801
4/9

PROPOSED AMENDMENTS TO SENATE BILL NO. 2338

That the House recede from its amendments as printed on page 1083 of the Senate Journal and page 1289 of the House Journal and that Senate Bill No. 2338 be amended as follows:

Page 1, line 23, remove the overstrike over "~~twenty-five~~"

Page 1, line 23, remove "fifty"

Renumber accordingly

**2021 SENATE CONFERENCE COMMITTEE
ROLL CALL VOTES**

BILL/RESOLUTION NO. 2338

Senate "Enter committee name" Committee

- Action Taken ☐ SENATE accede to House Amendments
☐ SENATE accede to House Amendments and further amend
☐ HOUSE recede from House amendments
☒ HOUSE recede from House amendments and amend as follows

☐ Unable to agree, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Representative Schauer Seconded by: Representative Adams

Senators				Yes	No		Representatives				Yes	No
Vedaa				x			Hagert				x	
Kreun				x			Schauer				x	
Marcellais				x			Adams				x	
Total Senate Vote	3	0	0				Total Rep. Vote	3	0	0		

Vote Count Yes: 6 No: 0 Absent: 0

Senate Carrier Vedaa House Carrier Adams

LC Number 21.1017 . 01003 of amendment

LC Number 21.1017 . 03000 of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

Insert LC: 21.1017.01003
Senate Carrier: Vedaa
House Carrier: Adams

REPORT OF CONFERENCE COMMITTEE

SB 2338: Your conference committee (Sens. Vedaa, Kreun, Marcellais and Reps. Hagert, Schauer, Adams) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 1083, adopt amendments as follows, and place SB 2338 on the Seventh order:

That the House recede from its amendments as printed on page 1083 of the Senate Journal and page 1289 of the House Journal and that Senate Bill No. 2338 be amended as follows:

Page 1, line 23, remove the overstrike over "~~twenty-five~~"

Page 1, line 23, remove "fifty"

Renumber accordingly

SB 2338 was placed on the Seventh order of business on the calendar.