



Public Service Commission
State of North Dakota

DEC 09 2010

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9 December 2010

Mr. Jim Smith, Director
Legislative Council
State Capitol
Bismarck, North Dakota 58505-0360

Re: Public Service Commission Prefiled Agency Bill

Dear Mr. Smith:

Enclosed for filing is the Public Service Commission's prefiled bill draft for the Sixty-second Legislative Assembly relating to auctioneer and clerk definitions, and internet auctions.

If you have any questions or require additional information, please contact us.

Best regards,

A handwritten signature in black ink, appearing to read "Illona A. Jeffcoat-Sacco".

Illona A. Jeffcoat-Sacco
General Counsel

Enclosures

LC# _____

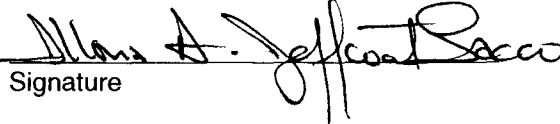
PREFILING OF AGENCY BILLS*

I wish to prefile a bill described as follows:

A bill amending the North Dakota Century Code relating to auctioneer and clerk definitions, and internet auctions.

This bill (does) **(does not)** affect the appropriation requested for this agency.

Ilona A. Jeffcoat-Sacco, General Counsel


Signature

Public Service Commission
Agency

328-2400
Phone

600 E. Boulevard Ave. Dept. 408
Bismarck, ND 58505-0480
Address

Contact person (if signer is not contact person)

Phone and address of contact person

If a legislator is sponsoring an agency bill and the bill is prefiled by December 9, the bill will include the name of the requesting agency. In order for a legislator to be identified as sponsor, **the legislator must sign this form or a copy of the bill.**

I approve the prefilling of this bill with my name as sponsor.

Signature of legislator

(Print name here)

I approve as a cosponsor the prefilling of this bill.

Signature of cosponsoring legislator

(Print name here)

*After you have prefiled a bill, it will be assigned a number by the Legislative Council staff, printed in advance of the regular session, and assigned to the appropriate committee by the presiding officer.

Introduced by

A BILL for an Act to amend and reenact section 51-05.1-04 of the North Dakota Century Code, relating to auctioneer and clerk definitions, and internet auctions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 51-05.1-04 of the North Dakota Century Code is amended and reenacted as follows:

51-05.1-04. Definitions.

1. Except as provided in subsection 5, An an auctioneer within the meaning of this chapter is 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.
2. Except as provided in subsection 5, A a clerk within the meaning of this chapter 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.

3. ~~A single act performed or isolated transactions in the selling of property at auction for another shall not constitute the person performing, offering, or attempting to perform any of the acts enumerated herein, an auctioneer within the meaning of this chapter. "Internet auction" means the selling or offering for sale either real or personal property at public auction exclusively via the internet.~~
4. "Seller" means the owner or consignor of property to be sold at auction.
5. A person performing a single act or an isolated transaction in the selling of property at auction for another does not constitute the person performing, offering, or attempting to perform any of the acts enumerated in this section, and is not an auctioneer or clerk within the meaning of this chapter. A person conducting or employed by a person conducting an internet auction is not an auctioneer or clerk within the meaning of this chapter.