

**MEMO# 2238**

October 3, 1990

## **NORTH DAKOTA EXEMPTS MUTUAL FUND SALES LITERATURE FROM FILING REQUIREMENT**

October 3, 1990 TO: STATE SECURITIES MEMBERS NO. 31-90 BLUE SKY GUIDE RECIPIENTS  
RE: NORTH DAKOTA EXEMPTS MUTUAL FUND SALES LITERATURE FROM FILING

REQUIREMENT \_\_\_\_\_ As you know, the Institute has been working for several years to eliminate the sales literature filing requirement in all states. In 1984, the North American Securities Administrators Association ("NASAA") adopted a resolution encouraging its members to repeal their respective laws, rules and policies which require the filing of sales literature of mutual funds and unit investment trusts. At the time the resolution was passed, approximately thirteen states required sales literature to be filed. Currently, ten states still require sales literature to be filed. The Institute has contacted each of the states that require sales literature be filed to request that such requirement be eliminated, particularly since the SEC has eliminated its filing requirement for sales literature that has been filed with the NASD and the NASD requires that sales literature used by both underwriters and dealers be filed. A copy of the Institute's letter to the North Dakota Securities Commissioner is attached. We are pleased to inform you that as a result of the Institute's efforts, the North Dakota Securities Act ("the Act") has been amended to exempt mutual fund advertising material from the filing requirements of the Act, effective September 1, 1990. A copy of Section 73-02-04-01 of the Act is attached. We will keep you advised of further developments. Patricia Louie Assistant General Counsel Attachments