

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER
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DESCRIPTION

2089

2001 SENATE TRANSPORTATION

SB 2089

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2089

Senate Transportation Committee

Conference Committee

Hearing Date 1-11-01

Tape Number	Side A	Side B	Meter #
I	X		17.0-24.6
Committee Clerk Signature <i>Doyle Schulz</i>			

Minutes: SB 2089 relates to special permit fees for vehicles of excess size and weight.

**Doyle Schulz (Motor Carrier Operations Director)**, supports SB 2089. See attached testimony.

**Senator Mutch:** What are you charging now?

**Doyle Schulz:** \$5 for faxing permits out and no charge for someone who walks in to get it.

**Senator Espegard:?** So this is a cleanup?

**Doyle Schulz:** The way the law states now is that every permit is supposed to be charged and we believe that was not the original intention. **Hearing closed.**

**Senator O'Connell** made a motion to pass. **Seconded by Senator Bercler.** Roll call is 6-0.

## FISCAL NOTE

Requested by Legislative Council

12/14/2000

Bill/Resolution No.: SB 2089

Amendment to:

**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.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

**2. Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill was submitted for a word change only. If passed, it will have no fiscal impact. It is unclear what the intent of the Legislature was in passing the initial bill and using the word "filing." It was the understanding of the Highway Patrol the word "faxing" should have been used, as that was our intent in suggesting the fee to the Department of Transportation.

**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.*

If this bill is defeated and it was the intent of the Legislature to charge a "filing" fee on every permit issued, it is estimated that \$100,000 would be added to the State Highway Fund.

**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.*

We faxed 1,641 permits in the year 2000 for an estimated cost of \$100 per year. This is expected to remain the same with no additional costs to the department.

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive*

*budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

The estimated cost of faxing permits is included in our projected budget.

<b>Name:</b>	James M. Hughes	<b>Agency:</b>	Highway Patrol
<b>Phone Number:</b>	328-2455	<b>Date Prepared:</b>	12/21/2000

Date: 1-11  
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2089

Senate Transportation Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

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

Action Taken do pass

Motion Made By Sen. O'Connell Seconded By Sen. Bercier

Senators	Yes	No	Senators	Yes	No
Senator Stenejem, Chairman	X		Senator Bercier	X	
Senator Trenbeath, Vice-Chair	X		Senator O'Connell	X	
Senator Espegard	X				
Senator Mutch	X				

Total (Yes) 6 No 0

Absent None

Floor Assignment Sen. Bercier

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

**REPORT OF STANDING COMMITTEE (410)**  
January 11, 2001 11:18 a.m.

**Module No: SR-03-0886**  
**Carrier: Bercler**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2089: Transportation Committee (Sen. Stenehjem, Chairman) recommends DO PASS**  
**(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2089 was placed on the**  
**Eleventh order on the calendar.**

2001 HOUSE TRANSPORTATION

SB 2089



2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2089

House Transportation Committee

Conference Committee

Hearing Date February 16, 2001

Tape Number	Side A	Side B	Meter #
1	x		1,007
		x	1,649
Committee Clerk Signature <i>Lauren H. Zirk</i>			

Minutes: Rep. Pollert - Vice Chairman: opened the hearing on SB 2089; A BILL for an Act to amend and reenact subsection 3 of section 39-12-02 of the North Dakota Century Code, relating to special permit fees for vehicles of excess size and weight.

Doyle Schulz: I am Doyle Schulz, Director of Motor Carrier Operations for the North Dakota Highway Patrol. I have copies of my testimony for each of you. A copy of his written testimony is attached.

Rep. Grumbo: ( 1223 ) How many faxes do you do in a year?

Doyle Schulz: We do about 25 - 30,000 permits a year -- we fax out about 40 per day or about 3100 per year. This is a fiscal note attached to my testimony handout.

Rep. Pollert - Vice Chairman: ( 1338 ) closed the hearing on SB 2089 as there was no one wishing to appear for or against SB 2089.

SIDE 2 ( 1649 ) COMMITTEE ACTION

Rep. Hawken: I move a "Do Pass" for SB 2089.

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House Transportation Committee

Bill/Resolution Number SB 2089

Hearing Date February 16, 2001

Rep. Price; ( 1712 ) I second the motion.

Motion carried on a roll call vote: 14 yeas 0 nays 0 absent

Rep. Price was designated to carry SB 2089 on the floor.

Date: 2/16/01  
Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2089

House Transportation Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

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

Action Taken Do Pass

Motion Made By Rep. Hawken Seconded By Rep. Price

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman			Howard Grumbo		
Chet Pollert - Vice Chairman			John Mahoney		
Al Carlson			Arlo E. Schmidt		
Mark A. Dosch			Elwood Thorpe		
Kathy Hawken					
Roxanne Jensen					
RaeAnn G. Kelsch					
Clara Sue Price					
Dan Ruby					
Laurel Thoreson					

Total (Yes) 14 No 0

Absent 0

Floor Assignment Rep. Price

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

**REPORT OF STANDING COMMITTEE (410)**  
March 1, 2001 11:58 a.m.

Module No: HR-35-4587  
Carrier: Price  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**SB 2089: Transportation Committee (Rep. Welaz, Chairman) recommends DO PASS**  
**(14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2089 was placed on the**  
**Fourteenth order on the calendar.**

2001 TESTIMONY

SB 2089

**Senate Bill 2089**

**Submitted by**

**Mr. Doyle Schulz, Motor Carrier Operations Director  
North Dakota Highway Patrol**

Good morning, Mr. Chairman and members of the Senate Transportation Committee. My name is Doyle Schulz and I'm the director of Motor Carrier Operations for the North Dakota Highway Patrol.

The purpose of Senate Bill 2089 is to change a word that we believe was incorrectly placed in 39-12-02 section 3.e. First, I would like to provide a little background on the initial change that took place during the 1997 session.

Mrs. Leanna Emmer, the supervisor of our permits section, and I have reviewed all the testimony, written and taped, on this section and found that during Mr. Marshall Moore's testimony on his budget before the Senate Appropriation's Committee the question of fees charged for permits came up and subsequently most permit fees were increased. While this discussion was taking place, Sergeant Dennis Erickson, the former supervisor of the permit section, suggested to Mr. Moore that a **FAXING** fee be assessed to recoup some of the cost of faxing permits.

We were unable to find any testimony or reference to a faxing fee; we did find one reference to "filing a permit \$5.00" was made by Representative Soukup when addressing the House Appropriation's Committee. We have been operating under the assumption that the intent of the Legislature was to charge a faxing fee and have done so. Recently, we were advised by the Attorney General's office that the words "filing fee" should be construed to mean that an additional \$5.00 should be added to the permit charge. We do not believe this was the intention of the 1997 Legislature and are asking that the intent be clarified by changing the word "filing" to "faxing."

Thank you. I will attempt to answer any questions you may have at this time.