

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

23/3

2001 SENATE TRANSPORTATION

SB 2313

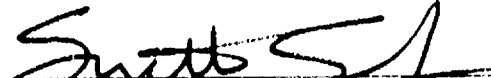
2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2313

Senate Transportation Committee

Conference Committee

Hearing Date 2-2-01;2-15-01

Tape Number	Side A	Side B	Meter #
2	x		30.6-45.9
2-15-01	x		2.9-7.3
Committee Clerk Signature 			

Minutes: SB 2313 relates to the fee for driving without a muffler.

**Senator Kelsh:** (District 26; Supports) States that this bill raises violation fee to \$100 involving a commercial motor vehicle operating without a muffler. Currently the fee is \$20. Many truckers use a Jake brake and have no muffler and it's very noisy. \$20 isn't enough for the enforcement process.

**Senator Espgaard:** Are you opposed to a Jake brake?

**Senator Kelsh:** No, just noise problems. \$100 might be too high, but \$ 20 is too low. I'm willing to find a compromise between the two.

**Leroy Ernst:** (ND Motor Carriers Association; Lobbyist #18; Opposes) States that there are laws in place that already take care of this. Another concern is the "commercial" (motor vehicle) part of the bill.

**Senator Stenchjem:** Here's what I see as the problem: Law enforcement isn't willing to pull these guys over for \$20. Is there a compromise you'd agree to?

Page 2

Senate Transportation Committee

Bill/Resolution Number SB 2313

Hearing Date 2-2-01;2-15-10

**Leroy Ernst:** Yes, I feel "commercial" needs to be taken out of this.

**Senator Kelsh:** I would concur with taking "commercial" out of proposed bill and I'm willing to find a compromise between \$20 and \$100.

Hearing closed.

Committee reopened on 2-15-01.

Senator O'Connell moves proposed amendment. Seconded by Senator Mutch. Roll call 1 taken 5-0-1. Senator O'Connell motions to Do Pass as Amended. Seconded by Senator Trebbeath. Roll Call 2 taken. 2-3-1. FAILED. Senator Mutch motions to Do Not Pass. Seconded by Senator Espegard, Roll call 3 taken. 4-1-1. Floor carrier is Senator Espegard.

Committee closed.

**FISCAL NOTE**  
 Requested by Legislative Council  
 01/23/2001

Bill/Resolution No.: SB 2313

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.*

SB2313 would have no fiscal impact.

**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.*

**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.*

**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.*

<b>Name:</b>	Marsha Lembke	<b>Agency:</b>	NDDOT
<b>Phone Number:</b>	328-4865	<b>Date Prepared:</b>	01/24/2001

10596.0101  
Title.0200

Prepared by the Legislative Council staff for  
Senator O'Connell  
February 15, 2001

*JO3*  
*2-15-1*

PROPOSED AMENDMENTS TO SENATE BILL NO. 2313

Page 1, line 14, remove "commercial" and after "vehicle" insert "that exceeds a registered gross weight of sixteen thousand pounds [7257.48 kilograms]"

Renumber accordingly

2-15

Date:  
Roll Call Vote #: 1

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

2313

Senate Transportation Committee

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

Legislative Council Amendment Number 105 96.0101

Action Taken Remove the Amendment

Motion Made By O'Connell Seconded By Mutch

Senators	Yes	No	Senators	Yes	No
1 Senator Stenejem, Chairman	X		Senator Bercler 6		
2 Senator Trenbeath, Vice-Chair	X		Senator O'Connell 5	X	
4 Senator Espegard	X				
3 Senator Mutch	X				

Total (Yes) 5 No 0

Absent 1

Floor Assignment \_\_\_\_\_

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





Date: 2-15  
 Roll Call Vote #: 3

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

Senate Transportation 2313 Committee

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

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

Action Taken Do Not Pass

Motion Made By Mutch Seconded By E. Espgaard

	Senators	Yes	No	Senators	Yes	No
1	Senator Stenchjem, Chairman	X		Senator Bercler 6		
2	Senator Trenbeath, Vice-Chair	X		Senator O'Connell 5		X
4	Senator Espgaard	X				
3	Senator Mutch	X				

Total (Yes) 4 No 1

Absent 1

Floor Assignment Espgaard

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

**REPORT OF STANDING COMMITTEE**

SB 2313: Transportation Committee (Sen. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2313 was placed on the Sixth order on the calendar.

Page 1, line 14, remove "commercial" and after "vehicle" insert "that exceeds a registered gross weight of sixteen thousand pounds [7257.48 kilograms]"

Renumber accordingly