

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

4042

2001 SENATE TRANSPORTATION

SCR 4042

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SCR 4042

Senate Transportation Committee

Conference Committee

Hearing Date 3-1-01;3-5-01

Tape Number	Side A	Side B	Meter #
1		x	0.0-8.9
1	X		16.7-22.6
Committee Clerk Signature <i>Sybil Schaper</i>			

Minutes: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of a centralized process for administering non criminal traffic violations.

Lynn Heinert: (NDDOT; Supports) At my request this bill was introduced. Part of what we do is maintain ND driving records. What we are asking for is a study to see if we can centralize a location where drivers can pay bond or traffic fees instead of the 53 different districts. This would speed process along for the driver and the court system and getting conviction on driving record faster. This would only affect non criminal traffic violations.

Senator Trenbeath: This may cause problems with the mailing time involved.

Keith Nelson: (State Court Administrator; Supports) Currently we have 53 districts to process cases. Some are busy and efficient, others are slow and inefficient. There are some advantages of doing this. A small number of people will become efficient in dealing with these cases. There are advantages with the judicial system and particularly the clerks of courts. OMV is very much in favor of this. This would make processing cases quicker and more simplified. Highway Patrol

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Senate Transportation Committee
Bill/Resolution Number SCR 4042
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favors this also. 99% of these cases are forfeited and that's the end of the case. The judicial system is tying up judicial resources with something that is an administrative task.

Senator Espgaard: Would you consider taking electronic payments at the site?

Keith Nelson: This is not mentioned. That is what the study would figure out. Also, this unit doesn't have to be set up in Bismarek, it could be set up anywhere.

Senator Trenbeath: You said 99% are forfeitures and clerk of courts take care of them. Would that adjust need requirements for the clerks of courts in the counties?

Keith Nelson: Possibly, but there is a difficulty there. We ran a study and found out that it totals approximately 7-8 positions to process these cases and that is spread out over all 53 counties.

Hearing closed.

Committee reopened on 3-5-01.

Discussion held.

Senator O'Connell motions to Do Pass. Seconded by Senator Mutch. Roll call taken. 4-1-1. Floor carrier is Senator O'Connell.

Committee closed.

Date: 3-5
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SCR 4042

Senate Transportation Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By O'Connell Seconded By Mutch

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

Total (Yes) 4 No 1

Absent 1

Floor Assignment O'Connell

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

REPORT OF STANDING COMMITTEE (410)
March 5, 2001 3:39 p.m.

Module No: SR-37-4859
Carrier: O'Connell
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

**SCR 4042: Transportation Committee (Sen. Stenehjem, Chairman) recommends DO
PASS (4 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SCR 4042 was placed on
the Eleventh order on the calendar.**

2001 HOUSE TRANSPORTATION

SCR 4042

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SCR 4042

House Transportation

Conference Committee

Hearing Date 3/22/01

Tape Number	Side A	Side B	Meter #
I	X		80-2224
Committee Clerk Signature <i>Robin L. Small</i>			

Minutes:

REP. WEISZ called the committee to order, with all members present, except REP. MAHONEY.

In favor:

KEITH MAGNUSON, NORTH DAKOTA DEPARTMENT OF TRANSPORTATION

MAGNUSON states to the committee that they are here in support of this resolution. This is a study of non-criminal traffic violations. This is a topic that we as an agency, especially the drivers license division has been talking to the Supreme Court for quite a number of years. I know that several years ago that the Supreme Court had their own study that took a look at this. and even had a bill drafted, having us do it. But there wasn't any funding for it. So after we said we'll do it, but you got to find the funding. With new technology and transitions that have happened now, where the Supreme Court is sort of the Administrators Office is much more involved in the clerk of court functions. Things can be processed right away. Those who want hearings can be sent out to the proper court. This is also something that can be done any place in the state. As long as they have the technology. We just ask that you support this resolution and

ask Legislative Council to study this. We would be very happy to provide, during the study, any expertise that they may need. REP. WEISZ asks if counties get any type of reimbursement, if someone requested a type of hearing, how would that function. MAGNUSON replies that the Supreme Court could tell you more about the functions of the clerks office. But right now if the offense was on a county road, it would go into the clerk of court for that county. If someone asked for a hearing then it goes on to be scheduled with the judge. If they don't, they take care of the process and send record of conviction to us, and then we put it on their driving record. The counties do not keep the fees that you see in the statute in the violation. If they have some cost then they keep that. That was a change a couple of sessions ago, that money is taken from the county into the general fund. The big cities still keep that. If it is a criminal offense, that is a fine. This wouldn't cover that at all. Those go into the common pool of trust funds. Funding of the clerk of courts office now is something that KEITHE NELSON can discuss. We think that this is a topic that we should take a look at that is feasible. REP. PRICE asks why can't it be held at the county level? MAGNUSON replies at this time counties do it many different ways. They don't all communicate. We are trying to get as much of a conviction now. So there isn't any communication. Especially in the light of the clerk of court.

In favor:

KEITHE NELSON, JUDICIAL BRANCH

NELSON answers the questions that REP. PRICE asked of MAGNUSON. Grand Forks operates on a an AS400. We operate on a AS400, twenty nine counties are on our system. Grand Forks is on their own, but they use software that we use. We get all of the information we need from Grand Forks. They have not gotten their own system. We currently have a contract to mirror their system, so our 400 can talk to their 400. That's under way, in about three weeks we

will be able to touch a button that tells Grand Forks what is happening in the rest of the state. Cass county the largest, is on their own system. They are very hesitant to come on and use this. But that is another issue all together. We can not talk to them, we can't get information. We give you dollars that we collect for administrative profit that I have to go to Cass county and ask them for the information. Twenty nine counties are already hooked up and completely active. The remaining counties except Cass county and right now Grand Forks county, which will be corrected within a couple of a weeks. The remaining counties put all of their data into our system. They do it in a variety of ways most of them send it in on a hard piece of paper to their district and their district inputs into the system. The problem is, it's late getting in and it's not instantaneous, and the other problem is that we didn't want to create more work for them when we automated. Without automation we don't have some data that we have for some of the other counties. But the other twenty nine counties, if a judge has someone before them, he can hit a button, which most of them have right there on their computer on their station, and they can look to see what happened to that person, wherever they have record. Because we now have all of the data in for the last eight years. So we are making tremendous progress is what we are trying to say. REP. PRICE comments that she is glad to her of their progress. NELSON comments that they have also been active in working with PCI and we are integrating our two systems. So it would also be able to get national records on individuals if they need access as that as well. But I am here to testify on SCR 4042, currently there are fifty three ways of doing administrative traffic in this state. Each county does their own. They do it in a variety of different ways. There is a tremendous difference in volume in Grand Forks county for example, last year they had maybe had just over ten thousand citations processed. The year before they had under ten thousand. Cass county just over ten thousand, on the other hand Sioux county had 43 on an average per

year. So there is tremendous disparity. We did a little study internally, using clerks of court who do this kind of work, as to how much staffing is actually required for that. We came up with 7.1, divided amongst the whole state. Note that no county has one person dedicated to this project. The largest number is Cass county, with .81, Grand Forks also has .81. There was a question on funding to the counties, the eleven counties that are coming under the states system on the first of April, they are the people in the clerk of courts office that are putting in administrative traffic are funded solely by the state. We contract with all remaining counties, except three that opted out, to provide clerk of court services. We factored in this little study that we did on the percentage of FTE's that are required to do that, and their county based on the volume of work. The fifty three ways that we are doing it, in fifty three different locations, the question is there a more efficiency way to do it. I believe there is, but I don't know. That is why we are here to have a study done that we could then make that determination. I know that for a fact that OMB is very much in favor of this study. Very much in favor of some kind of centralized system. There is a large amount of money folks, I don't have the exact amount, but I can get it easy enough, I just didn't have the time to get it and bring it here. But in January alone there were \$302,000.00 in fines and fees and forfeitures turned into the state, from the various counties around. In a normal procedure is when they receive the money, they then put into the account and they sweep it at the end of the month. If the interest on that alone, as far as OMB is concerned, makes it a very desirable operation to get it centralized so they can get a faster sweep and get a hold of the money faster, and not lose the interest on that amount of money. Don't misunderstand this concept that we are stealing from the counties, that is not the case, if it comes about it would be a more efficient way of doing things. This operation could be set up anywhere. REP. THORESON asks if we would be possibly getting the horse before the cart as much as what they are trying to develop in the

state? NELSON replies no, we are working very, very close with those folks. This would not touch anything that they are doing. But we are working very close with them on all of our ID projects. I am just saying that there is no central efficient way to do it. They do it as they see it best within the county. REP. HAWKEN has some concerns with the hook up fees. NELSON states that he thinks there will be cost savings with this. Also very little confusion on paperwork with it. It is absurd that the Highway Patrol and law enforcement are writing tickets by hand and then send them off in the mail. The day will come and our group is working on, that they we electronically add that information in, that then electronically would go to the central data processing base. So there wouldn't be any errors in having to recopy information. It would be quicker and more efficient. We are driving towards that, but we are years away from that at this stage. REP. SCHMIDT asks if any of that \$300,000.00 goes back to the counties? NELSON replies that they contract with the counties that are not under state funding. We contract with them and pay them for the service that they provide, clerk of court service. By we, I mean the state. So those checks will be going out now on the fifteenth of April, for the month of April. The counties that have given up their clerk of court operation, and it is then paid by the state, no they won't be getting anything. But they of course have the advantage now of not having to pay clerk of court costs, salaries, equipment, and all of the rest of things that the state has assumed that. So the counties over all are being reimbursed for this system.

Being there was no further testimony in favor or in opposition, the hearing was then closed.

ACTION:

REP. JENSEN motioned for a DO PASS AND TO BE PLACED ON THE CONSENT CALENDAR, seconded by REP. PRICE. A voice vote was taken with all of the committee saying yes. The motion carries. The CARRIER of the bill is REP. PRICE.

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House Government and Veterans Affairs Committee
Bill/Resolution Number SCR 4042
Hearing Date 3/22/01

SCR 4042: DO PASS PLACED ON THE CONSENT CALENDAR

CARRIER: REP. PRICE

Date: 3/16
Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SCR-2042

House Transportation Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. Jensen 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) 13 No 0

Absent 1

Floor Assignment Price

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

Carried

