

17.0825.03000

FISCAL NOTE STATEMENT

Senate Bill or Resolution No. SB 2247

This bill or resolution appears to affect revenues, expenditures, or fiscal liability of counties, cities, school districts, or townships. However, no state agency has primary responsibility for compiling and maintaining the information necessary for the proper preparation of a fiscal note regarding this bill or resolution. Pursuant to Joint Rule 502, this statement meets the fiscal note requirement.

Sheila Sandness
Senior Fiscal Analyst

17.0825.02000

FISCAL NOTE STATEMENT

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Sheila Sandness
Senior Fiscal Analyst

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FISCAL NOTE STATEMENT

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Sheila Sandness
Senior Fiscal Analyst

2017 SENATE TRANSPORTATION

SB 2247

2017 SENATE STANDING COMMITTEE MINUTES

Transportation Committee Lewis and Clark Room, State Capitol

Sb 2247
1/26/2017
27480

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Mary Munder

Explanation or reason for introduction of bill/resolution:

Relating to the prohibition against parking meters.

Minutes:

Attachment 1-4

Chairman Laffen: Opened the hearing on SB 2247. Welcome Senator Jessica Unruh.

Senator Jessica Unruh: Thank you. You have a couple pieces of paper in front of you and it repeals section 39-01-09 which is a parking meter prohibition. See attachment #1. My main concern here today is local control.

Chairman Laffen: Questions?

Senator Rust: Local control would mean that the city could decide if they want the parking meters. How do you address the people who come into the city and are not part of the local control?

Senator Jessica Unruh: It will be those locals' decision to be able to choose whether or not they will be basically charging a fee for people outside their jurisdiction to come do business inside their jurisdiction. That's all part of the decision making process at the local level.

Chairman Laffen: Further questions for Senator Unruh? None. Any further testimony in favor of SB 2247.

(5:15) Bill Wocken: Appearing on behalf of the North Dakota League of Cities in support of SB 2247. See Attachment #2. (6:55)

Chairman Laffen: Any questions for Mr. Wocken?

Senator Clemens: I see in the statute that we are going to eliminate, it says it is unlawful for the state of North Dakota and its political subdivisions, counties, cities and the state departments of transportation to establish and maintain parking meters. So if we eliminate this we could have parking meters pretty much in the state, is that true?

Bill Wocken: Yes, I believe that would be true.

Senator Clemens: Meters then could be placed in publically financed places. Rest areas and public parks, just to clarify. Correct?

Bill Wocken: Yes, that could be possible, although the meters are not an easy thing to place and they are not very cheap. Parking management is the primary goal of the meters.

Chairman Laffen: Any other questions for Mr. Wocken? None. Welcome Mr. Traynor.

Terry Traynor, Association of Counties: I know of no counties putting in parking meters but we support the cities that are wanting the local control on parking. Thank you.

Chairman Laffen: Any questions for Mr. Traynor? None. Mr. Levi.

(9:20) Grant Levi, Director of the Department of Transportation: The Department of Transportation has no interest or intent in getting into the parking meter business. See attachment #3. (12:42)

Chairman Laffen: Questions for Mr. Levi?

Senator Casper: Is this to start producing more revenue?

Grant Levi: No I didn't call it a tool in the tool box as a basis for collecting revenue. My intent was to say to be able to manage parking. People are already paying for parking, in the ramps, in front of a business, and in parking lots where they are charging.

Senator Casper: Revenue is just more taxes and I was just wondering what they will use these funds for.

Grant Levi: They use it to make sure people come in to do business whatever that business may be. I am sure the revenue they collect is in turn maintaining and taking care of the system that they have in place, whatever that may be, and possibly for making enhancements they need to make.

Senator Casper: One last question. Would the municipalities that put this into place receive less money from the state because they have another revenue source?

Grant Levi: That is not the way the statutes and laws are put in to place. Presently, at least what is distributed from the state is done by a complex distribution formula we will call the Highway Tax Distribution, which is basically a sharing of revenue that is collected and now call them user fees for using the transportation system.

Senator Nelson: In some cities this might come out as a wash? An hour and half lunch with a parking meter would be cheaper than a \$15.00 parking ticket.

Grant Levi: That could be a possibility. I really don't know enough about revenue collections.

Senator Nelson: Some places are like a parking meter now. Inside campuses and in parking areas you talk to the little man in the booth.

Chairman Laffen: Do you have any idea how the Universities are getting by with parking meters?

Grant Levi: I am not sure but it is something we can look at. We are all paying for parking now.

Chairman Laffen: Any more questions? None. Thank you. Testimony in favor? Testimony opposed to SB 2247? Any neutral?

Senator Nelson: I just want to mention that I did get a letter from the mayor of Fargo saying that the city of Fargo is in favor of SB 2247. I passed out the letter. See attachment #4.

Chairman Laffen: We close the bill hearing on SB 2247.

2017 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

SB 2247
2/2/2017
27802

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Mary Munden

Explanation or reason for introduction of bill/resolution:

Relating to the prohibition against parking meters.

Minutes:

Chairman Laffen: Reopened hearing on SB2247.

Senator Campbell: This will be a tax increase for the citizens of North Dakota as they will be forced to put meters in and it will increase.

Chairman Laffen: There is the saying that the Legislature will make a hypocrite out of everybody. On one side of my core belief is, I don't like taxes and on the other side is local control. For me local control wins, as they have the choice as to whether they will raise their parking fees or not. And I think that is where it should lie.

Senator Casper: I would totally agree with the Chairman and I would like to add that with my experience in Fargo, you have a 90-minute limit to a parking space downtown, and it is a high percentage that have paid that tax fee, where with higher technology they might be saving some, so it will boil down to a fee from a parking meter or a ticket.

Senator Campbell: Five or six years ago Minneapolis switched over to the automated system, which is really frustrating, instructions are very poor and people are sitting around fumbling with credit cards, money, or whatever and the line is long. I just do not like that system at all.

Chairman Laffen: On the other hand, we have Salt Lake City where you pull up to a space and open their app on your phone and it recognizes where you are sitting by GPS, recognizes your credit card, asks if you are in such and such a space and how long you will be. It lets you go to your lunch and when you get close to the time being up it gives you an alarm and asks if you need more time. It's spectacular. There are regular parking meters down the street in case you don't have an app too.

Senator Clemens: What if we take a little bit of time and do some research on this or maybe we can even put an amendment in here excepting sporting events. I can see they are worried

about business parking but it would be a nightmare at an NDSU football game so maybe we should work on some exceptions to it.

Senator Casper: With all due respect, I personally wouldn't support any amendments to this bill, because my voting for this is for local control. I don't think we should micromanage any sporting events and I think we should just leave it to the local control.

Chairman Laffen: I agree as there are too many different situations out there to handle. Any other discussion on SB 2247?

Senator Nelson: I move for a Do Pass on SB 2247.

Senator Casper: Seconded.

Roll Call taken. Yeas-6, Nays-0, Absent-0

Senator Nelson will carry the bill.

Date: 2-1-17
Roll Call Vote #: 1

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. "Enter Bill/Resolution No." 2247

Senate Transportation Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Nelson Seconded By Casper

Senators	Yes	No	Senators	Yes	No
Chairman Lonnie J. Laffen	✓		Senator Carolyn Nelson	✓	
Senator Tom Campbell	✓				
Senator David Rust	✓				
Senator David Clemens	✓				
Vice Chairman Jonathan Casper	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Nelson

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

REPORT OF STANDING COMMITTEE

SB 2247: Transportation Committee (Sen. Laffen, Chairman) recommends **DO PASS**
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2247 was placed on the
Eleventh order on the calendar.

2017 HOUSE TRANSPORTATION

SB 2247

2017 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

SB 2247
3/2/2017
#28636

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Jeanette Cook

Explanation or reason for introduction of bill/resolution:

A bill relating to the prohibition against parking meters.

Minutes:

Attachments #1-5

Chairman Ruby opened the hearing on SB 2247.

Senator Unruh, District 33, introduced SB 2247 and provided written testimony. See attachment # 1. Pages 1-2.

Chairman Ruby: Would there be ability for the people within the cities to vote on the city's choice to put in parking meters?

Senator Unruh: I think it would vary according to the city.

Representative Grueneich: Who will own the parking meters and control the revenue stream?

Senator Unruh: It would be up to the cities to decide. The parking is now regulated by the cities.

Chairman Ruby: The ownership would just be up to the cities?

Senator Unruh: That is correct.

Bill Wocken, North Dakota League of Cities, spoke to support SB 2247. Written testimony was provided. See attachment # 2. Pages 1-4.

A letter was provided in support of SB 2247 written by **Doctor Timothy J. Mahoney, Mayor city of Fargo, North Dakota**. See attachment #3.

Recording started here.

Dan Ruby: The argument was made that parking meters would allow for more turnover in parking in downtown areas, but you just told us that a person having lunch could electronically pay to increase the time they pay to park. Isn't that a contradiction?

Bill Wocken: It would be different according to the areas, and the amount of parking needed. In some areas you may be able to increase the time, but very busy areas you may not.

Vice Chairman Rick C. Becker: One reason given to have parking meters is that it will increase the number of people coming to downtown. I don't think that you are taking a look at how parking meters and the cost of parking will actually cause a certain number of people to NOT go downtown. They will instead go to the strip mall. It will have a deterrent effect. In Bismarck we have parking ramps available, but people will drive around and around the block for fifteen minutes rather than take 30 seconds to drive up the ramp and pay the \$2.00 it costs to leave their car there. They have not embraced the idea of paying for parking. Now you have given a reason, if this passes, for people to not go to the areas where there are parking meters because it doesn't sit well with them. As much as we are being asked to provide taxpayer dollars to subsidize businesses to develop downtown, it seems to me this is contrary to the whole concept. What is your argument to this thought, that it is actually a deterrent to bringing business to downtowns?

Bill Wocken: As you look at the needs of downtown, there will be some areas that won't need parking meters, in which traditional regulation might be best. There are other areas where parking meters and the versatility that they offer, might be the better alternative. You have to take that into account when the city council makes the decision on where and when to put in meters. The white paper that I provided with my testimony has some interesting information regarding the availability of parking, and that meters actually improve circulation on the availability of spaces. See attachment #2, pages 3-4.

Vice Chairman Rick C. Becker: I think this is a matter of discussion of what we think is best for North Dakota, whether we are going to have improved traffic, rotation, and economic activity going on downtown because of parking meters or less. You do not feel that the pain of paying for parking for the first time in 68 years is going to have a deterrent effect for people shop in a specific area?

Bill Wocken: It appears that it hasn't happened in other areas. I can only assume what we will see happening in our cities.

Steve Salwei, Transportation Program Director, North Dakota Department of Transportation, spoke in support of SB 2247. Written testimony was provided to the committee. See attachment #4. 7:20

Chairman Ruby: Why is the Department taking a position on this bill?

Steve Salwei: The Department of Transportation works with a lot of the cities. Currently, when federal aid comes to the Department, the cities above 5000 in population share a percentage of the federal aid with us. As we work with those communities one of the challenges that we run into in some of the areas is parking. We believe that those

communities should have the ability to consider parking meters. That is why we are supporting this bill.

Vice Chairman Rick C. Becker: This really has no bearing on the Department of Transportation with regard to revenue or the things that you specifically help the cities with. This is just a sidebar deal, isn't it? Or am I not understanding? Do you have an additional role specifically with parking?

Steve Salwei: Often times we work with communities on projects. Some of the projects that we work with are on the state highway system, others are not. They are local Urban Collectors Street System. It is a federal aid system. Many times one of the biggest concerns that we hear about from the public is parking and the lack of it. Some of the studies that we have read say that parking meters help in the turnover of the parking in those areas. Therefore, if the installation of a parking meter would help a community, we would like the communities to have the ability to install them, if they so choose. The question was asked if the city council had the ability to install parking meters, or if they have to go back to the public. I believe that is probably up to the community that they are in. Some may have a public hearing and others may make the decision on their own. The Department of Transportation has no interest in installing any parking meters or getting revenue from them. We just support our local partners.

There was no further support for SB 2247.

Dawn Kopp, Executive Director of the Downtown Business Association of Bismarck, spoke to oppose SB 2247. Written testimony was provided. See attachment #5.

Chairman Ruby: Is your membership 200 members?

Dawn Kopp: Approximately 200.

Chairman Ruby: Did your association have a vote on this?

Dawn Kopp: Not the association, but the board discussed it. We did an informal poll of some of the businesses that do require parking churn (mostly retailers and restaurants).

Chairman Ruby: You commented that the funds be used in the district where the revenue is collected. Would your ideal situation be that if it was taxed in a certain area, the improvements would be made in that area as well?

Dawn Kopp: It would be nice to see something along that line.

There was no further opposition to SB 2247.

The hearing was closed on SB 2247.

Representative Owens: I have an amendment that I would like to get.

Chairman Ruby: We will hold SB 2247 until the amendment is ready.

2017 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

SB 2247
3/3/2017
#28693

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Jeannette Cook

Explanation or reason for introduction of bill/resolution:

A bill relating to the prohibition against parking meters.

Minutes:

Attachment #1

Chairman Ruby brought SB 2247 back before the committee.

Representative Owens provided an amendment #17.0825.01001. See attachment #1.

Representative Owens moved the amendment #17.0825.01001.

Representative Dobervich seconded the motion.

Vice Chairman Rick C. Becker: When you strike "upon the streets and highways", will the voters of Grand Forks and Fargo have to approve the lots on NDSU and UND campuses?

Representative Owens: Yes.

Representative Jones: What about a sunset?

Chairman Ruby: I don't think it is necessary.

Representative Anderson: I am not going to support the amendments or the bill. As a local official I think you should let the local people decide what is going to happen locally. I think this is micromanagement.

Representative Schobinger: Is the intent of the amendment to require the use of tokens or coins? In testimony they talked about using apps or some other type of system.

Representative Owens: That was in current language.

Representative Schobinger: Yes, but the bill we had before us repealed that section. If we go back to the old, and the votes pass the ability to do it, then the city will be required to use coins or tokens.

Representative Owens: In reality the prohibition is on parking meters that use coins or tokens. If the prohibition stays in place, and we give them the ability to vote, they can do anything with the way they write the local ordinance.

Chairman Ruby: If the prohibition is just on using coins and tokens, they could probably do it now in another form, like an app, under existing language.

Representative Grueneich: I did some research on this last night. A solar power operated parking meter costs about \$7500, and it can be used with a credit card or phone app. There are other meters that have been reformed from the coin operated. They average from \$750 to \$1250, and you can use a credit card. I found that there were some large cities that have made these changes, and most of them are pulling them out because the administrative portion of it is more than can be generated. Based on that I am going to resist the whole portion of that.

Chairman Ruby: I think that they could do a high tech change under today's law. Maybe repealing it is not that big of a deal.

Representative Paur: Would this amendment make the meters at UND and NDSU illegal unless it is approved by the voters? Which voters?

Representative Owens: The local voters in the city. I just put this in because I think we should allow the voters to decide if we remove the prohibition.

Chairman Ruby: **Representative Anderson** is a city mayor. Representative Anderson, if you put parking meters in your city, would you do it as a board without public input?

Representative Anderson: Speaking as a mayor, this is something that you would **never** do unless it was discussed and was something that the downtown business people wanted.

A roll call vote was taken: Aye 6 Nay 8 Absent 0
The motion failed. Vote #1

Representative Anderson moved a DO PASS on SB 2247.
The motion was seconded by Representative Sukut.

Vice Chairman Rick C. Becker: A lot of the people that want this bill are the Fargo based people. They specifically didn't want the amendment of going to the voters, because they fully anticipate that the voters will vote it down, but the commissioners will institute them readily.

Chairman Ruby: There is the local control aspect, that I am struggling with. What do we care if the cities have parking meters; it is up to them. There are not many states that have a ban like we do.

Representative Dobervich: Hailing from one of the cities that is interested in having parking meters, I asked people in my district, and they didn't really have an opinion one way or the

other. I like the amendment giving the vote to the people. I keep going back to the idea of local control as well. I will be supporting the bill.

**A roll call vote was taken on SB 2247: Aye 7 Nay 7 Absent 0
The motion failed. Vote #2**

Representative Weisz: To me it is a local control issue. I think that it should be up to the cities to decide. If the people don't like them, they can get rid of them.

Discussion on previous information.

Representative Sukut: We have spent a lot of time talking about the pros and cons of parking meters. That is really not our decision. We are just supposed to be deciding if we want to return the ability for communities to make that decision on their own. We are not supposed to micromanage and decide whether they are good or bad things. We can give the communities the opportunity to make the decisions themselves.

Representative Jones: Can we reconsider the amendment?

Representative Owens: I move to reconsider my amendment with the removal of the overstrike of "streets and highways". Then it will no longer affect UND or any of the colleges. Also, overstrike the "require the deposit therein the deposit of coins or tokens.

Representative Schobinger seconded the motion.

**A roll call vote was taken on the new amendment: Aye 12 Nay 2 Absent 0
The motion carried. Vote #3**

Representative Sukut moved a DO PASS as amended on SB 2247. (17.0825.01002)
Representative Dobervich seconded the motion.

**A roll call vote was taken: Aye 12 Nay 2 Absent 0
The motion carried. Vote #4**

Representative Grueneich will carry SB 2247.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2247

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 39-01-09 of the North Dakota Century Code, relating to prohibiting parking meters.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-01-09 of the North Dakota Century Code is amended and reenacted as follows:

39-01-09. Parking meters prohibited - Exemption.

1. It is unlawful for the state of North Dakota, its political subdivisions, ~~counties, cities,~~ and the state department of transportation to establish and maintain any mechanical device or devices known as "parking meters", or by whatever name designated, requiring the deposit therein of coins or tokens for the privilege of parking cars or other vehicles ~~upon the streets and highways in the state of North Dakota. Any and all ordinances and resolutions now existing authorizing the establishment and maintenance of such mechanical devices or parking meters, or by whatever name designated, are hereby declared null and void.~~
2. Notwithstanding subsection 1, if approved by a majority of the voters of the jurisdiction voting on the question at a general election, a political subdivision or an agency, department, or institution of the state may approve the use of parking meters."

Renumber accordingly

March 3, 2017

3/3/17 DP

PROPOSED AMENDMENTS TO SENATE BILL NO. 2247

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39-01-09. Parking meters prohibited - Exemption.

1. It is unlawful for the state of North Dakota, its political subdivisions, ~~counties, cities,~~ and the state department of transportation to establish and maintain any mechanical device or devices known as "parking meters", or by whatever name designated, ~~requiring the deposit therein of coins or tokens for the privilege of parking cars or other vehicles upon the streets and highways in the state of North Dakota. Any and all ordinances and resolutions now existing authorizing the establishment and maintenance of such mechanical devices or parking meters, or by whatever name designated, are hereby declared null and void.~~
2. Notwithstanding subsection 1, if approved by a majority of the voters of the jurisdiction voting on the question at a general election, a political subdivision or an agency, department, or institution of the state may approve the use of parking meters."

Renumber accordingly

Date: 3-3-17
Roll Call Vote #: 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB2247

House Transportation Committee

☐ Subcommittee

Amendment LC# or Description: 17.0825.01001 (Attach.#1)

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Owens Seconded By Dobervich

Representatives	Yes	No	Representatives	Yes	No
Chairman Dan Ruby		<input checked="" type="checkbox"/>	Rep. Gretchen Dobervich	<input checked="" type="checkbox"/>	
Vice Chair. Rick C. Becker		<input checked="" type="checkbox"/>	Rep. Marvin Nelson	<input checked="" type="checkbox"/>	
Rep. Bert Anderson		<input checked="" type="checkbox"/>			
Rep. Jim Grueneich		<input checked="" type="checkbox"/>			
Rep. Terry Jones		<input checked="" type="checkbox"/>			
Rep. Emily O'Brien	<input checked="" type="checkbox"/>				
Rep. Mark Owens	<input checked="" type="checkbox"/>				
Rep. Gary Paur		<input checked="" type="checkbox"/>			
Rep. Randy Schobinger	<input checked="" type="checkbox"/>				
Rep. Gary Sukut		<input checked="" type="checkbox"/>			
Rep. Robin Weisz	<input checked="" type="checkbox"/>				
Rep. Greg Westlind		<input checked="" type="checkbox"/>			

Total (Yes) 6 No 8

Absent 0

Floor Assignment _____

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

Attach. #1

Date: 3-3-17
Roll Call Vote #: 2

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2247

House Transportation Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Anderson Seconded By Sukut

Representatives	Yes	No	Representatives	Yes	No
Chairman Dan Ruby	✓		Rep. Gretchen Dobervich	✓	
Vice Chair. Rick C. Becker	✓		Rep. Marvin Nelson		✓
Rep. Bert Anderson	✓				
Rep. Jim Grueneich		✓			
Rep. Terry Jones		✓			
Rep. Emily O'Brien		✓			
Rep. Mark Owens		✓			
Rep. Gary Paur		✓			
Rep. Randy Schobinger	✓				
Rep. Gary Sukut	✓				
Rep. Robin Weisz	✓				
Rep. Greg Westlind		✓			

Total (Yes) 7 No 7

Absent _____

Floor Assignment _____

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

Date: 3-3-17
Roll Call Vote #: 3

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2247

House Transportation Committee

☐ Subcommittee

Amendment LC# or Description: 17. 0825. 01002

Recommendation: ☒ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐

Motion Made By Owens Seconded By Schobinger

Representatives	Yes	No	Representatives	Yes	No
Chairman Dan Ruby	<input checked="" type="checkbox"/>		Rep. Gretchen Dobervich	<input checked="" type="checkbox"/>	
Vice Chair. Rick C. Becker		<input checked="" type="checkbox"/>	Rep. Marvin Nelson	<input checked="" type="checkbox"/>	
Rep. Bert Anderson		<input checked="" type="checkbox"/>			
Rep. Jim Grueneich	<input checked="" type="checkbox"/>				
Rep. Terry Jones	<input checked="" type="checkbox"/>				
Rep. Emily O'Brien	<input checked="" type="checkbox"/>				
Rep. Mark Owens	<input checked="" type="checkbox"/>				
Rep. Gary Paur	<input checked="" type="checkbox"/>				
Rep. Randy Schobinger	<input checked="" type="checkbox"/>				
Rep. Gary Sukut	<input checked="" type="checkbox"/>				
Rep. Robin Weisz	<input checked="" type="checkbox"/>				
Rep. Greg Westlind	<input checked="" type="checkbox"/>				

Total (Yes) 12 No 2

Absent 0

Floor Assignment _____

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

17.0825.01001 amended as follows:
~~Remove: overstrike - streets & highway~~
→ overstrike - require deposit ... coins & tokens

Date: 3-3-17
Roll Call Vote #: 4

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2247

House Transportation Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Sukut Seconded By Dobervich

Representatives	Yes	No	Representatives	Yes	No
Chairman Dan Ruby	✓		Rep. Gretchen Dobervich	✓	
Vice Chair. Rick C. Becker	✓		Rep. Marvin Nelson		✓
Rep. Bert Anderson		✓			
Rep. Jim Grueneich	✓				
Rep. Terry Jones	✓				
Rep. Emily O'Brien	✓				
Rep. Mark Owens	✓				
Rep. Gary Paur	✓				
Rep. Randy Schobinger	✓				
Rep. Gary Sukut	✓				
Rep. Robin Weisz	✓				
Rep. Greg Westlind	✓				

Total (Yes) 12 No 2

Absent 0

Floor Assignment Grueneich

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

REPORT OF STANDING COMMITTEE

SB 2247: Transportation Committee (Rep. D. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2247 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 39-01-09 of the North Dakota Century Code, relating to prohibiting parking meters.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-01-09 of the North Dakota Century Code is amended and reenacted as follows:

39-01-09. Parking meters prohibited - Exemption.

1. It is unlawful for the state of North Dakota, its political subdivisions, ~~counties, cities,~~ and the state department of transportation to establish and maintain any mechanical device or devices known as "parking meters", or by whatever name designated, ~~requiring the deposit therein of coins or tokens for the privilege of parking cars or other vehicles upon the streets and highways in the state of North Dakota. Any and all ordinances and resolutions now existing authorizing the establishment and maintenance of such mechanical devices or parking meters, or by whatever name designated, are hereby declared null and void.~~
2. Notwithstanding subsection 1, if approved by a majority of the voters of the jurisdiction voting on the question at a general election, a political subdivision or an agency, department, or institution of the state may approve the use of parking meters."

Renumber accordingly

2017 CONFERENCE COMMITTEE

SB 2247

2017 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

SB 2247
4/3/2017
29896

☐ Subcommittee
☒ Conference Committee

Committee Clerk Signature

Mary Munder

Explanation or reason for introduction of bill/resolution:

Relating to prohibition against parking meters.

Minutes:

Chairman Rust opened the hearing on SB 2247. (:35) Attendance taken with Representative Grueneich absent.

Purpose of this meeting is to have the House explain the amendment and the rationale for it if you would please.

Representative Rick Becker: When the House committee took it up, there was much discussion about the aspect of local control versus the state control and I think the general feeling was that there may be a time that local control is good and to get rid of the state level of prohibition. There was much more discussion on the aspect of the amendment itself which is what constitutes local control. Does the committee want to go immediately from a prohibition to a situation where the local jurisdictions will immediately implement that? How do we ascertain whether this is what the voters want and is there any better way than taking it to a vote of the people? This way we got the state out of it, the local jurisdiction has control but it requires a vote of the people. We took into account the fact this was I believe twice demanded by the people of the state of N.D. where they implemented the ban, so it is one thing to do away with the state prohibition, are we superseding the people despite it being several decades later. We just took into account of keeping it local but keeping within the wishes of the people.

Chairman Rust: Your amendment essentially does what?

Rep. Becker: The amendment allows the placement of parking meters, as long as the people of that local jurisdiction in the city or county vote to allow them.

Chairman Rust: Anything further discussion on the amendment?

Senator Laffen: I am trying to understand; do we require a vote in our statute for municipalities for anything else other than indebtedness? I am trying to think back on all we

have voted on and I think unless we are creating further debt or placing property as collateral to debt, I don't think it requires a vote for anything else other than an election.

Rep. Nelson: Effectively this is debt, because it is expensive to put parking meters in and the cities will have to spend a lot of money to do so. We quite commonly require votes on building projects, and this is going to be a bigger project than we actually require for other things, it just won't be a building. Basically that is going to start out as debt.

Senator Laffen: In this case you could use a revenue bond because the parking meters will be used to make money.

Rep. Nelson: We never had any testimony that the purpose of the parking meters was to make money. The purpose is to control parking in the downtown area or attempt to and to efficiently use spaces for shopping. There wasn't anybody that ever came and said we want to put parking meters into our town in order to make money. Maybe it will cover it but many of these cities have not had the experience that the parking meters had actually covered the cost of the program. You maybe can use revenue bonds but the city will still be on the hook.

Representative Becker: The other aspect of whether this rises to the level of what we require voting on is that we are now changing something that the people have twice over wanted a prohibition and I think everyone acknowledges that without the amendment the parking meters will be in place, period. The city commissions will place them. We should hand it off to the locals but still give the citizens one additional time to have their say. I think in discussions in the house there may not be the appetite for passing the bill, this was a way for allowing it to happen to a degree and allowing the voices of the people to be heard. I think it was a general consensus that it would be a NO vote without this amendment.

Chairman Rust: The last time it was referred was in 1952. Any other discussion?

Senator Clemens: When we Submitted this bill to the floor it was our thinking that we just repeal the section and be out of the parking meter business and I still think the communities will make that decision without a requirement. I don't like to say that they have to have an election. I think leave this with the cities and the people and let them handle it.

Chairman Rust: Is there anything to prohibit asking for a vote to begin with? The one way it would seem it would be permissive is for the city commission to ask for a vote. This way it would be mandatory, am I correct?

Rep. Becker: To my understanding, yes.

Chairman Rust: Any other discussion?

Rep. Becker: The idea that the state had control to prevent this and now passes it off to city commissions which will institute it, presumably without a vote, that it could be viewed by the citizens of N.D. in fact an action by the legislature itself to place the parking meters.

Chairman Rust: How many cities would put in parking meters?

Senator Laffen: I have offices in all 6 big cities in N.D. and I would say one; Fargo, as they are the one that has the downtown parking problem. Driving in them all I would say the rest are good.

Chairman Rust: I think we should take some time and think about this and get scheduled for another meeting on it.

Majority agreed. **Closed the hearing on SB 2247.**

2017 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

SB 2247
4/5/2017
29949

☐ Subcommittee
☒ Conference Committee

Committee Clerk Signature *Mary Menden*

Explanation or reason for introduction of bill/resolution:

Relating to prohibition against parking meters.

Minutes:

Attachment #1-2

Chairman Rust: Called the hearing on SB 2247 to order. Attendance taken with all present.

Chairman Rust: I have an amendment to hand out for your consideration. **See attachment #1.** There won't be just a one-person decision as it will require a vote. Representative Grueneich, I think you have an amendment that is similar.

Representative Grueneich: Yes, going through yours, I think we are both going in the same direction, so to be honest, I couldn't offer anything that would be better.

Chairman Rust: Discussion?

Senator Clemens: When it says the state, would that pertain to the parks?

Chairman Rust: Yes, universities also.

Rep. Becker: How is this different, not in text, but in function from what was passed in the Senate? It is permissive to allow a vote but that is already inherent in the capabilities of the governing body.

Chairman Rust: There probably is not a lot of difference other than it specifies that some sort of a vote must take place in order for parking meters to be installed.

Senator Laffen: Just to add a little bit to that, I don't know if it was possible in the language before, for the administrative part of the city, like an administrator or the mayor, to just implement that on their own. It may have been possible before without a vote of the elected officials.

Chairman Rust: I did hand out to you a bill that was passed today in the House, SB 2012, and if you go to page 6 it has a section on parking meters prohibited. **See attachment #2.** I would think the following could happen. Let's suppose # .01005 amendment should pass this

group, then 1 of 2 things would have to happen to SB 2012. (1. It would have to be corrected in a conference committee or (2. I am of the understanding that the last bill to pass is the one that predominates.

Senator Laffen: While I think that's true, and I am just asking a question for the group, the language in SB 2012 is probably stronger. It might supersede this amendment you are proposing just by virtue of being the bigger body. I am not sure, or it might simply be the last one to be enacted.

Representative Nelson: I think the way it would work with the #3 in the spending bill is that even if we passed this one last, since there is no 3, I think #3 would survive, and we would just be changing 1 and 2. Generally speaking I am assuming spending bills come out of conference committee later than ours so I am thinking that they're going to be the last bill.

Chairman Rust: That would seem logical, so then it would be a case of trying to correct this in a conference committee.

Rep. Nelson: I am not sure that is how it works. If you notice 2012 doesn't have the cross out on the coins and tokens. They are not quite following our bill, but they are close.

Chairman Rust: No they're not. Would you think conference committee would be the place to get that ironed out? That's probably the best place. Like you said if we are the last bill there is confusion and if did a conference committee we could eliminate that confusion.

Rep. Becker: I agree that adding that #3 in there is a whole thing outside the realm obviously of either the transportation committees were discussing.

Senator Laffen: I agree that this one will probably be later and I would propose we move our amendment and we then have a version that would be overwritten by whatever comes along in the transportation bill. That way we can see what it does.

Chairman Rust: Is that a motion?

Senator Laffen: I am not sure what the motion would be and I don't think I can make it.

Rep. Grueneich: Someone from the House has to do it.

Chairman Rust: If we were to take this amendment then it would probably be that the House recedes from its amendment and amends as follows.

Rep. Grueneich: The only amendment out here is yours and I think that the motion would be, and I would make that motion, to ascend to the Senates amendments and wait for a second.

Chairman Rust: I think we still have to have the House recede from the amendment and that SB 2247 be amended as follows and that would be it.

Representative Becker: Mr. Chairman, could we recess for today and reschedule for tomorrow?

Chairman Rust: We will reschedule.

Senator Laffen: I will be gone the next couple of days and you will have to replace me or reschedule later.

Chairman Rust: Anything else? We are adjourned.

2017 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

SB 2247
4/6/2017
29984

☐ Subcommittee
☒ Conference Committee

Committee Clerk Signature *Mary Munder*

Explanation or reason for introduction of bill/resolution:

Relating to prohibition against parking meters.

Minutes:

Chairman Rust called the hearing on SB 2247 to order. Attendance taken with all present.

Representative Grueneich: Read through the new amendment.

Chairman Rust: That is actually pretty close to what we had. Discussion?

Senator Campbell: I move that the Senate accede to the House amendment and further amend.

Chairman Rust: Per 17.0825.01009?

Senator Campbell: Yes.

Chairman Rust: Is there a second?

Senator Clemens: Seconded.

Chairman Rust: Discussion?

Senator Campbell: Do you think it will work on your floor like this then?

Representative Becker: The gist of the matter is whether it's a requirement of the vote of the people or not. The House amendment was a vote of the people and the Senate version prior to that was not. The conference committee amended version is still not although it does sound better. That was the point and no matter how we cut it, it does not require a vote of the people.

Representative Grueneich: I do think you agree that the language is a little bit iffy. As this is written, a mayor of a small city would agree that it would have to go to the vote of the

people, I think in most areas you govern yourself that would happen, but in the larger cities I think it is ok where it is.

Chairman Rust: Any other discussion?

Roll Call: Yeas-5, Nays-1, Absent-0.

Chairman Rust: Motion carried. Discussion? None. We are adjourned.

April 6, 2017

CM
4/6/17

PROPOSED AMENDMENTS TO SENATE BILL NO. 2247

That the House recede from its amendments as printed on pages 721 and 722 of the Senate Journal and pages 884 and 885 of the House Journal and that Senate Bill No. 2247 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with " for an Act to amend and reenact section 39-01-09 of the North Dakota Century Code, relating to parking meters.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-01-09 of the North Dakota Century Code is amended and reenacted as follows:

39-01-09. Parking meters-prohibited.

It is unlawful for the~~The~~ state of North Dakota, its political subdivisions, counties, cities, and, the state department of transportation to, or the governing body of a political subdivision, upon a simple majority vote of the governing body of the political subdivision, may establish and maintain any mechanical device or devices known as "parking meters", or by whatever name designated, ~~requiring the deposit therein of coins or tokens for the privilege of parking cars or other vehicles upon the streets and highways in the state of North Dakota. Any and all ordinances and resolutions now existing authorizing the establishment and maintenance of such mechanical devices or parking meters, or by whatever name designated, are hereby declared null and void. A governing body of a political subdivision may place on the ballot the question of whether metered parking should be approved for use in the political subdivision.~~

Renumber accordingly

2017 SENATE CONFERENCE COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. SB 2247 as (re) engrossed

Senate Transportation Committee

- Action Taken ☐ SENATE accede to House Amendments
☐ SENATE accede to House Amendments and further amend
☐ HOUSE recede from House amendments
☐ HOUSE recede from House amendments and amend as follows
- ☐ Unable to agree, recommends that the committee be discharged and a new committee be appointed

Motion Made by: _____ Seconded by: _____

Senators	4/3	4/5		Yes	No		Representatives	4/3	4/5		Yes	No
Chairman David S. Rust	✓	✓					Rep. Jim Grueneich		✓			
Senator Lonnie J. Laffen	✓	✓					Rep. Rick C. Becker	✓	✓			
Senator David A. Clemens	✓	✓					Rep. Marvin E. Nelson	✓	✓			
Total Senate Vote							Total Rep. Vote					

Vote Count Yes: _____ No: _____ Absent: _____

Senate Carrier _____ House Carrier _____

LC Number _____ of amendment

LC Number _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

Date: 4/6/17
Roll Call Vote #: 1

2017 SENATE CONFERENCE COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. "Enter Bill/Resolution No." as (re) engrossed

Senate "Enter committee name" Committee

- Action Taken ☐ SENATE accede to House Amendments
☒ SENATE accede to House Amendments and further amend
☐ HOUSE recede from House amendments
☐ HOUSE recede from House amendments and amend as follows

☐ Unable to agree, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Senator Campbell Seconded by: Senator Clemens

Senators	4/6			Yes	No		Representatives	4/6			Yes	No
Chairman David S. Rust	✓			✓			Rep. Jim Grueneich	✓			✓	
Senator Tom Campbell	✓			✓			Rep. Rick C. Becker	✓			✓	
Senator David A. Clemens	✓			✓			Rep. Marvin E Nelson	✓				✓
Total Senate Vote				3	0		Total Rep. Vote				2	1

Vote Count Yes: 5 No: 1 Absent: 0

Senate Carrier Senator Rust House Carrier Representative Grueneich

LC Number 17.0825.01009 of amendment

LC Number Title # . 03000 of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

Insert LC: 17.0825.01009
Senate Carrier: Rust
House Carrier: Grueneich

REPORT OF CONFERENCE COMMITTEE

SB 2247: Your conference committee (Sens. Rust, Campbell, Clemens and Reps. Grueneich, Rick C. Becker, M. Nelson) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ pages 721-722, adopt further amendments as follows, and place SB 2247 on the Seventh order:

That the House recede from its amendments as printed on pages 721 and 722 of the Senate Journal and pages 884 and 885 of the House Journal and that Senate Bill No. 2247 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with " for an Act to amend and reenact section 39-01-09 of the North Dakota Century Code, relating to parking meters.

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Renumber accordingly

SB 2247 was placed on the Seventh order of business on the calendar.

2017 TESTIMONY

SB 2247

Memo

To: Senator Jessica K. Unruh, District 33
From: Brady Pelton, Legislative Intern
Date: January 25, 2017
Re: Initiative/Referendum History on Parking Meter Prohibition

I contacted LeeAnn Oliver with the Secretary of State's Elections Division (328-4146) regarding your inquiry into the history of North Dakota's parking meter prohibition. She provided information you may find useful.

The prohibition on parking meters was formally added to the N.D.C.C. in 1949 following a voter-initiated measure that was voted on by the people in the June primary on June 29, 1948. The measure to ban parking meters passed, the margin being about 2,500 votes out of 190,000 votes cast.

Before the law took effect, citizens presented petitions to get rid of the ban, and the issue was back on the ballot in the general election of November 1948. Repeal of the prohibition failed by almost 23,000 votes.

In 1951, the Legislature repealed the ban. A referral was initiated, and the decision of the 1951 Legislative Assembly was put before the people again. In the June primary of 1952, the voters rejected the action of the 1951 Assembly by approximately 3,200 votes, and N.D.C.C. 39-01-09 has remained within the Century Code since.

Further information may be found through editorials, which I have included below:

<http://www.grandforksherald.com/opinion/op-ed-columns/3640169-onlooker-north-dakota-embraced-parking-meter-ban>

http://bismarcktribune.com/news/opinion/editorial/parking-meter-ban-still-makes-sense/article_538bafa2-5aee-11e4-b4cd-233b6383de3c.html

Please let me know of any questions. I can be reached via email at intern6@nd.gov or by phone at (701) 260-2479.

Respectfully yours,

Brady Pelton, Legislative Intern

BSP

4. If any dispute exists concerning the amount or nature of the insurance coverage, the dispute must be tried separately before the main trial determining the claims and damages of the claimant.
5. This statute confers no right for a claimant to sue the insurer directly.
6. When liability insurance is carried pursuant to this section or pursuant to section 32-12.1-05, no defense in a negligence action may be raised by the insurance carrier upon the basis of section 39-07-05.

39-01-08.1. Senior citizens group motor vehicle - Availability of coverage under political subdivision policies.

Any political subdivision may provide for the inclusion of buses, vans, or other motor vehicles used by senior citizens groups to transport members in a motor vehicle insurance policy of the political subdivision. The political subdivision may require payment by a senior citizens group for any increase in the premium rate charged to the political subdivision which is attributable to the coverage provided to that senior citizens group. The political subdivision may provide for a payment procedure to require the payment of any premium or premium portion attributable to the coverage provided for the senior citizens group.

39-01-08.2. Senior citizens group motor vehicle - Availability of coverage under state policies.

Except as otherwise provided in this section, any insurance policy providing coverage of state-owned motor vehicles must provide, at the request of a senior citizens group prior to the issuance or renewal of the policy, for the inclusion of buses, vans, or other motor vehicles used by the senior citizens group to transport members. The state agency negotiating the insurance policy may require payment by a senior citizens group for any increase in the premium rate charged to the state agency which is attributable to the coverage provided to that senior citizens group. The state agency shall provide by rule for the payment by the senior citizens group of the premium portion attributable to the group's coverage under the policy. The state agency may refuse to provide coverage to a senior citizens group if the coverage would hinder the ability of or not allow the state to obtain insurance.

39-01-09. Parking meters prohibited.

It is unlawful for the state of North Dakota, its political subdivisions, counties, cities, and the state department of transportation to establish and maintain any mechanical device or devices known as "parking meters", or by whatever name designated, requiring the deposit therein of coins or tokens for the privilege of parking cars or other vehicles upon the streets and highways in the state of North Dakota. Any and all ordinances and resolutions now existing authorizing the establishment and maintenance of such mechanical devices or parking meters, or by whatever name designated, are hereby declared null and void.

39-01-10. Proof of payment of registration fees and taxes.

The director of the department of transportation may require all owners or operators of motor vehicles using the highways of this state or registered in this state to show proof of the payment of all proper taxes and registration fees upon such motor vehicles.

39-01-11. Nonresident motor vehicle user - Service upon.

The use and operation by a resident of this state or that person's agent, or by a nonresident or that person's agent, of a motor vehicle upon or over the highways of this state must be deemed an appointment by such resident when that person has been absent from this state continuously for six months or more following an accident or by such nonresident at any time, of the director of the department of transportation of this state to be the person's true and lawful attorney upon whom may be served all legal process in any action or proceeding against the person growing out of the use or operation of the motor vehicle resulting in damages or loss to person or property, whether the damage or loss occurs upon a public highway or upon public or private property, and such use or operation constitutes an agreement that any such process in

Testimony in Support of Senate Bill 2247
January 26, 2017
Senate Transportation Committee
Bill Wocken on behalf of North Dakota League of Cities

Good Afternoon Mr. Chairman and members of the Senate Transportation Committee.

For the record, my name is Bill Wocken, appearing on behalf of the North Dakota League of Cities in support of Senate Bill 2207.

Senate Bill 2207 seeks to repeal the prohibition on cities using parking meters for on-street parking management. This prohibition has been in place since 1949. The ban was one man's obsession with parking meters. The prohibition has been on the books for 67 years.

In most cities parking availability in the downtown area is monitored and policed by enforcement agents. There is a not inconsequential cost in this approach but the nature of downtowns demands the regulation of on-street parking resources. Cities are not even able to allow vehicles to park for an extended time and to pay for the privilege. This is clumsily administered parking supply regulation at a premium cost. A lose – lose proposition.

1-26-17 Attachment #2 ~~pg 2~~

SB - 2247 pg. 2

The North Dakota League of Cities feels the time has come to deal with this issue and to allow individual cities to determine for themselves if and how they wish to regulate downtown parking. It is a decision best reached on the local level with local citizens who vote for city elected officials. Please give SB 2247 a DO PASS recommendation.

SB 2247 Attachment #2 pg 3
1-26-17

January 26, 2017

RE: Support a Do Pass SB 2247

Chairman Laffen and committee members,

The city of Dickinson would like to go on record as supporting SB 2247; the repeal of current law that would allow the use of parking meters or other control devices.

The city of Dickinson has no current intentions of installing parking meters but would like to have the option of doing so in the future if the city commission deems it appropriate.

We believe this topic is more about allowing local control of issues affecting local citizens. Being able to manage parking within city limits is a delicate and ever challenging task. Balancing the needs of shoppers, apartment dwellers, homeowners, business owners and other stakeholders evolves over the course of time and having a flexible tool in the toolbox to help address the needs of these stakeholders is always welcome.

Parking meters is the language used in the century code conjuring up images of machines, located at each parking stall, that accept coins in exchange for time. Technology has allowed many other options that are safer, easier and less costly to install or maintain.

Please support SB 2247 and allow local political subdivisions to respond to their needs and the needs of their stakeholders.

Thank you for your attention.

Scott Decker, Commission President

Shawn Kessel, City Administrator

City of Dickinson

SENATE TRANSPORTATION COMMITTEE
January 26, 2017 – 2:00 p.m. – Lewis & Clark Room
North Dakota Department of Transportation
Grant Levi, P.E. – Director
SB 2247

Mr. Chairman and members of the Committee, good afternoon, my name is Grant Levi, Director for the North Dakota Department of Transportation (Department). The Department supports SB 2247.

One of the duties defined in state statute for the Department is to ensure the state has an integrated transportation system. To accomplish this task, we work closely with cities, counties and townships. In cities we assist them with the plans and the implementation of those plans by providing resources for transportation enhancements. As we work with those communities we encounter many challenges. Because resources are limited to address all of those challenges both the cities and the Department are required to prioritize projects and use all available transportation strategies to lower the costs for improvements.

One of the challenges encountered is parking. Management of parking requires communities to consider and assess a number of options. High demand areas such as downtowns, educational and hospital campuses, and other concentrated places of retail and employment face a variety of parking challenges. To ensure the success of these locations, communities typically develop and implement parking management strategies which consider: on and off-street parking supply; pricing of parking; marketing; and parking enforcement. On-street parking is often a key resource used within an overall parking management strategy to address short-term parking needs. Transportation industry experts recognize that one of the most common tools for effectively managing on-street parking challenges is through the use of metered parking. Without the ability to meter parking, the state is removing one of the tools from the cities in their ability to address the parking challenges.

The first parking meters were introduced in the 1930s as a tool to manage high demand parking areas. Since then communities across the country have used parking meters as a piece of their overall parking management strategy to bolster the economic vitality of their downtowns and other high demand parking areas. When appropriate pricing techniques are used, parking meters have been found to be an effective tool in managing on-street parking supply by increasing turn-over and providing more parking access for customers. Advancements in parking meter technology allow for more convenient payment options for customers and can gather valuable occupancy data to help communities and businesses better understand parking demand in specific locations, allowing for better parking management decision making. The advancements in technology also allows the cities to modify pricing for different times of the day making the best use of the parking spaces.

By allowing cities to use parking meters, we would be adding another tool in the toolbox to address one of the many challenges in transportation. By having more options, we believe we can lower infrastructure costs. As a result, the Department supports SB 2247 which gives local governments the option to use parking meters as one of their transportation strategies.

In closing, we believe that North Dakota's communities are best positioned to understand the parking challenges and solutions, impacting their residents and businesses. By repealing Section 39-01-09 of the North Dakota Century Code the State's communities are given an important tool to consider in addressing complex parking problems facing their areas.

Mr. Chairman, that concludes my testimony, I would be happy to answer any questions you may have. Thank you.

Attachment # 4 pg. 1
1-26-17 SB 2247

Nelson, Carolyn C.

From: Tim Mahoney <TMahoney@cityoffargo.com>
Sent: Thursday, January 26, 2017 12:35 PM
To: Nelson, Carolyn C.
Subject: Senate Bill 2247

Senator Nelson:

I, along with the City of Fargo's Parking Commission and the Downtown Community Partnership Board of Directors, support the removal of the prohibition on parking meters.

I'm asking that you allow the choice of whether or not to deploy parking meters be vetted and decided upon at the local level. In Fargo, that would be at the City Commission level.

The option to use parking meters on streets where parking is in high demand increases the availability of parking for customers who wish to shop, dine or do other business in the downtown. Downtown patrons can pay for as little or as much parking as they need that day.

The availability of short-term parking is essential to businesses in downtowns. When downtown employees park on the street in time zones and shuffle cars from block to block to avoid parking tickets, parking is less available to main street business. Each available parking spot increases sales in the downtown.

Technology available with parking meters of today allow a city to provide the first hour free, which would allow free parking for short-term parkers, and a modest fee for additional time. Parking meters of today allow businesses to pay for parking of their customers. There are also "pay by phone" applications that are used in downtown Fargo surface parking lots.

The removal of the ban on parking meters would allow the potential for downtown businesses and the City of Fargo to work in partnership to manage parking spaces in downtown Fargo.

Thanks for your consideration. Please let me know if I can provide any other information which may be helpful.

Dr. Timothy J. Mahoney, Mayor
City of Fargo, North Dakota
tmahoney@cityoffargo.com
Phone: (701) 241-1310
Cell: (701) 541-5628



Memo

SB 2247
3/2/17
#1
Page 1

To: Senator Jessica K. Unruh, District 33
From: Brady Pelton, Legislative Intern
Date: January 25, 2017
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Before the law took effect, citizens presented petitions to get rid of the ban, and the issue was back on the ballot in the general election of November 1948. Repeal of the prohibition failed by almost 23,000 votes.

In 1951, the Legislature repealed the ban. A referral was initiated, and the decision of the 1951 Legislative Assembly was put before the people again. In the June primary of 1952, the voters rejected the action of the 1951 Assembly by approximately 3,200 votes, and N.D.C.C. 39-01-09 has remained within the Century Code since.

Further information may be found through editorials, which I have included below:

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http://bismarcktribune.com/news/opinion/editorial/parking-meter-ban-still-makes-sense/article_538bfa2-5aee-11e4-b4cd-233b6383de3c.html

Please let me know of any questions. I can be reached via email at intern6@nd.gov or by phone at (701) 260-2479.

Respectfully yours,

Brady Pelton, Legislative Intern

BSP

4. If any dispute exists concerning the amount or nature of the insurance coverage, the dispute must be tried separately before the main trial determining the claims and damages of the claimant.
5. This statute confers no right for a claimant to sue the insurer directly.
6. When liability insurance is carried pursuant to this section or pursuant to section 32-12.1-05, no defense in a negligence action may be raised by the insurance carrier upon the basis of section 39-07-05.

39-01-08.1. Senior citizens group motor vehicle - Availability of coverage under political subdivision policies.

Any political subdivision may provide for the inclusion of buses, vans, or other motor vehicles used by senior citizens groups to transport members in a motor vehicle insurance policy of the political subdivision. The political subdivision may require payment by a senior citizens group for any increase in the premium rate charged to the political subdivision which is attributable to the coverage provided to that senior citizens group. The political subdivision may provide for a payment procedure to require the payment of any premium or premium portion attributable to the coverage provided for the senior citizens group.

39-01-08.2. Senior citizens group motor vehicle - Availability of coverage under state policies.

Except as otherwise provided in this section, any insurance policy providing coverage of state-owned motor vehicles must provide, at the request of a senior citizens group prior to the issuance or renewal of the policy, for the inclusion of buses, vans, or other motor vehicles used by the senior citizens group to transport members. The state agency negotiating the insurance policy may require payment by a senior citizens group for any increase in the premium rate charged to the state agency which is attributable to the coverage provided to that senior citizens group. The state agency shall provide by rule for the payment by the senior citizens group of the premium portion attributable to the group's coverage under the policy. The state agency may refuse to provide coverage to a senior citizens group if the coverage would hinder the ability of or not allow the state to obtain insurance.

39-01-09. Parking meters prohibited.

It is unlawful for the state of North Dakota, its political subdivisions, counties, cities, and the state department of transportation to establish and maintain any mechanical device or devices known as "parking meters", or by whatever name designated, requiring the deposit therein of coins or tokens for the privilege of parking cars or other vehicles upon the streets and highways in the state of North Dakota. Any and all ordinances and resolutions now existing authorizing the establishment and maintenance of such mechanical devices or parking meters, or by whatever name designated, are hereby declared null and void.

39-01-10. Proof of payment of registration fees and taxes.

The director of the department of transportation may require all owners or operators of motor vehicles using the highways of this state or registered in this state to show proof of the payment of all proper taxes and registration fees upon such motor vehicles.

39-01-11. Nonresident motor vehicle user - Service upon.

The use and operation by a resident of this state or that person's agent, or by a nonresident or that person's agent, of a motor vehicle upon or over the highways of this state must be deemed an appointment by such resident when that person has been absent from this state continuously for six months or more following an accident or by such nonresident at any time, of the director of the department of transportation of this state to be the person's true and lawful attorney upon whom may be served all legal process in any action or proceeding against the person growing out of the use or operation of the motor vehicle resulting in damages or loss to person or property, whether the damage or loss occurs upon a public highway or upon public or private property, and such use or operation constitutes an agreement that any such process in

Testimony in Support of Senate Bill 2247
March March 2, 2017
House Transportation Committee
Bill Wocken on behalf of North Dakota League of Cities

SB2247
3-2-17
#2
Page 1

Good Afternoon Mr. Chairman and members of the House Transportation Committee.

For the record, my name is Bill Wocken, appearing on behalf of the North Dakota League of Cities in support of Senate Bill 2207.

Senate Bill 2247 seeks to repeal the prohibition on cities using parking meters for on-street parking management. This prohibition has been in place since 1949. The ban was one man's obsession with parking meters. The prohibition has been on the books for 67 years.

In most cities parking availability in the downtown area is monitored and policed by enforcement agents. There is a not inconsequential cost in this approach but the nature of downtowns demands the regulation of on-street parking resources. Cities are not even able to allow vehicles to park for an extended time and to pay for the privilege. This is clumsily administered parking supply regulation at a premium cost. A lose – lose proposition.

I have included with my testimony a short white paper dealing with parking space management in downtown areas. It stresses the need for management of parking resources in the downtown as a strategy to increase turnover and provide merchants with the business exposure they need to survive in today's downtown. I am sure you will find it interesting.

Mr. Chairman and committee members, I have not found any city who is poised to jump into a large scale parking meter installation program at this time. I am aware that a number of cities would like the option to consider the use of meters as many other cities in the Midwest have.

The North Dakota League of Cities feels the time has come to deal with this issue and to allow individual cities to determine for themselves if and how they wish to regulate downtown parking. It is a decision best reached on the local level with local citizens who vote for city elected officials. Please give SB 2247 a DO PASS recommendation.

Parking is considered by industry experts as one of the most important factors in a successful high demand retail area such as a downtown. Individuals, naturally prefer to park as close to their destination as possible. On-street parking provides a valuable but scarce resource in meeting this need. Generally, it is preferred to maintain a 15% vacancy rate, or one empty stall for every seven parking spaces, throughout high demand areas to ensure a parking space will always be available within a close walking distance of a desired destination.

As high demand parking areas often have a limited supply of parking, it becomes necessary to make the most efficient use of the existing supply to create what is known as parking turnover. Parking turnover refers to the number different cars which use a given space in a single day. The reason parking turnover is important to businesses in hard to park areas is that each parking space represents an economic value, which is significantly enhanced, when utilized by multiple customers. The ability to maximize parking turnover, increases access for more customers, ultimately allowing the opportunity for the area to generate more revenue. Professional analysts estimate that with effective parking management strategies, a single parking stall can turn over at least 10 to 12 times per day which translates to approximately \$150,000 to \$250,000 in annual retail sales. Experts believe that a lack of convenient on-street parking does not allow a hard to park area such as a downtown to compete with nearby shopping centers. Lower retail sales, fewer retailers, and weaker property lease rates can result if parking is not managed appropriately in these high demand parking areas. As these areas have limited parking supply it is imperative to manage the limited existing supply available as efficiently as possible to provide convenient access to as many prospective customers as possible.

The primary reason to charge for on-street parking is to manage parking turnover. Paying for parking assigns an economic value to a limited resource which encourages people to use the resource more effectively. Studies indicate that when on-street parking in high demand areas is free, less turn over results. Free on-street spaces tend to be occupied for longer periods of time by a single user which often is an employee of an establishment or resident within the area resulting in reduced access to prospective customers.

Although limiting parking stalls by time and enforcement is an option, and currently the only option available to North Dakota communities, it has several disadvantages. Timed parking is not flexible. If an individual needs to stay longer at a location for some reason, timed parking would not allow the individual the flexibility to do so. Additionally, timed parking can be difficult to enforce, requiring the potential for labor intensive enforcement techniques.

The label of "free" on-street parking can be misleading. The reality is the "free" on-street parking which exists in North Dakota's communities has a variety of costs including, construction/reconstruction, maintenance, and enforcement. Given that parking is often in limited supply expensive parking structures may be needed in these areas to compensate for limited available parking. These costs are currently the responsibility of North Dakota's local communities to address.

Depending on the circumstances metered on-street parking may or may not be an appropriate consideration for individual communities within North Dakota. However, local communities should be allowed a range of the most effective options to consider

when addressing parking challenges. Ultimately, North Dakota's communities in coordination with their residents and businesses should be allowed the opportunity to determine which parking management strategies can most effectively meet their needs.

Resources

Carl Walker, *White Paper: On-street Pay Parking*, Carl Walker; at [http://www.manitouspringsgov.com/library/documents/general/White Paper On Street Pay Parking.pdf](http://www.manitouspringsgov.com/library/documents/general/White_Paper_On_Street_Pay_Parking.pdf)

Jaffe, Eric (2012), *Four Reasons Retailers Don't Need Free Parking to Thrive*, The Atlantic: City Lab; at <http://www.citylab.com/work/2012/11/4-reasons-retailers-dont-need-free-parking-thrive/3978/>

Tyler, Sophie; Semper, Giles; Guest, Peter and Fieldhouse, Ben (2012), *The Relevance of Parking in the Success of Urban Centres, A Review for London Councils*

Wieck, Angie (2016), *City planners, business owners gather for North Dakota Downtown Conference*, Fargo Forum: at <http://admin.inforum.com/business/4140625-city-planners-business-owners-gather-north-dakota-downtown-conference>

Shoup, Donald (1997), *The High Cost of Free Parking*, Journal of Planning Education and Research

March 2, 2017
House Transportation Committee
SB 2247
Chair, Rep. Dan Ruby

SB 2247
3-2-17
#3

Chairman Ruby and members of the Committee:

I, along with the City of Fargo's Parking Commission and the Downtown Community Partnership Board of Directors, support the removal of the prohibition on parking meters.

I'm asking that you allow the choice of whether or not to deploy parking meters be vetted and decided upon at the local level. In Fargo, that would be at the City Commission level.

The option to use parking meters on streets where parking is in high demand increases the availability of parking for customers who wish to shop, dine or do other business in the downtown. Downtown patrons can pay for as little or as much parking as they need that day.

The availability of short-term parking is essential to businesses in downtowns. When downtown employees park on the street in time zones and shuffle cars from block to block to avoid parking tickets, parking is less available to main street business. Each available parking spot increases sales in the downtown.

Technology available with parking meters of today allow a city to provide the first hour free, which would allow free parking for short-term parkers, and a modest fee for additional time. Parking meters of today allow businesses to pay for parking of their customers. There are also "pay by phone" applications that are used in downtown Fargo surface parking lots.

The removal of the ban on parking meters would allow the potential for downtown businesses and the City of Fargo to work in partnership to manage parking spaces in downtown Fargo.

Thanks for your consideration. Please let me know if I can provide any other information which may be helpful.

Dr. Timothy J. Mahoney, Mayor
City of Fargo, North Dakota
tmahoney@cityoffargo.com
Phone: (701) 241-1310
Cell: (701) 541-5628



SB2247
3-2-17
#4

HOUSE TRANSPORTATION COMMITTEE
March 2, 2017 - 2:00 p.m. – Fort Totten Room
North Dakota Department of Transportation
Steve Salwei, P.E. – Transportation Programs Director
SB 2247

Mr. Chairman and members of the Committee, good afternoon, my name is Steve Salwei, Transportation Programs Director, for the North Dakota Department of Transportation (DOT). The Department Supports SB 2247.

One of the duties defined in state statute for the Department is to ensure the state has an integrated transportation system. To accomplish this task, we work closely with cities, counties and townships. In cities we assist them with the plans and the implementation of those plans by providing resources for transportation enhancements. As we work with those communities we encounter many challenges. Because resources are limited to address all of those challenges both the cities and the Department are required to prioritize projects and use all available transportation strategies to lower the costs for improvements.

Oftentimes one of the challenges encountered is parking. Management of parking requires communities to consider and assess a number of options. High demand areas such as downtowns, educational and hospital campuses, and other concentrated places of retail and employment face a variety of parking challenges. To ensure the success of these locations, communities typically develop and implement parking management strategies which consider: on and off-street parking supply; pricing of parking; marketing; and parking enforcement. On-street parking is often a key resource used within an overall parking management strategy to address short-term parking needs. Transportation industry experts recognize that one of the most common tools for effectively managing on-street parking challenges is through the use of metered parking. Without the ability to meter parking, the state would be removing one of the tools from the cities which could affect their ability to address their parking challenges.

Nationally, the first parking meters were introduced in the 1930s as a tool to manage high demand parking areas. National studies have shown, that when appropriate pricing techniques are used, parking meters have been found to be an effective tool in managing on-street parking supply by increasing turn-over and providing more parking access for customers.

By allowing cities to use parking meters, we would be adding another tool in the toolbox to address one of the many challenges in transportation. By having more options, we believe we can lower infrastructure costs.

In closing, the North Dakota Department of Transportation supports local decision making. We believe that North Dakota's communities are best positioned to understand the parking challenges and solutions, impacting their residents and businesses. For these reasons we support SB 2247.

Mr. Chairman, that concludes my testimony, I would be happy to answer any questions you may have. Thank you.

SB2247
3-2-17
#5



DOWNTOWNERS
BISMARCK

North Dakota House Transportation Committee Members

Chairman Ruby and Committee Members,

My Name is Dawn Kopp, Executive Director of the Downtown Business Association of Bismarck. Our organization works on behalf of nearly 200 member businesses in the Downtown and Bismarck area. We have some concerns on SB2247 relating to the repeal of parking meters in the State of North Dakota. While the proposed bill has been framed as a local control issue, the manner of local control raises some questions for our business and property owners. In a time when local budgets get tighter, our concern is that local taxing entities have no direction on how and who can implement meters. Will the businesses affected see the revenue raised from meters go back in their district? Will the businesses affected get to vote on parking meter installation? Will this just be a commission/council vote?

We attended the hearing on January 26, 2017 to get more information on the bill, there was little support from private businesses, and a lot of support from organizations that see this as a potential revenue generator. Which furthers our concerns about how this tool could be used and potentially abused. Much of the testimony focused on meters being potentially added to a Downtown area to create parking churn. This has already been addressed and implemented with "No Reparking" ordinances in Fargo and Bismarck. "No Reparking" ordinances can be added in any community to manage parking churn without adding another user fee for taxpayers.

We'd ask that SB2247 be amended to give direction on the process of implementation. We'd requested that a public hearing and public notification must be required of the municipality considering adopting parking meters.

If no similar implementation amendment is added, we ask that you oppose the SB2247 as written and request a "Do Not Pass" recommendation.

Thank you for your consideration—

Sincerely,

Dawn Kopp

SB 2247
3-3-17
#1

PROPOSED AMENDMENTS TO SENATE BILL NO. 2247

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 39-01-09 of the North Dakota Century Code, relating to prohibiting parking meters.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-01-09 of the North Dakota Century Code is amended and reenacted as follows:

39-01-09. Parking meters prohibited - Exemption.

1. It is unlawful for the state of North Dakota, its political subdivisions, ~~counties, cities,~~ and the state department of transportation to establish and maintain any mechanical device or devices known as "parking meters", or by whatever name designated, requiring the deposit therein of coins or tokens for the privilege of parking cars or other vehicles ~~upon the streets and highways~~ in the state of North Dakota. ~~Any and all ordinances and resolutions now existing authorizing the establishment and maintenance of such mechanical devices or parking meters, or by whatever name designated, are hereby declared null and void.~~
2. Notwithstanding subsection 1, if approved by a majority of the voters of the jurisdiction voting on the question at a general election, a political subdivision or an agency, department, or institution of the state may approve the use of parking meters."

Renumber accordingly

April 5, 2017

PROPOSED AMENDMENTS TO SENATE BILL NO. 2247

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 39-01-09 of the North Dakota Century Code, relating to parking meters.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-01-09 of the North Dakota Century Code is amended and reenacted as follows:

39-01-09. Parking meters prohibited.

~~It is unlawful for the~~The state of North Dakota, its political subdivisions, counties, cities, and, the state department of transportation to, or the governing body of a political subdivision may vote to establish and maintain any mechanical device ~~or devices~~ known as "parking meters", or by whatever name designated, ~~requiring the deposit therein of coins or tokens for the privilege of parking cars or other vehicles upon the streets and highways in the state of North Dakota. Any and all ordinances and resolutions now existing authorizing the establishment and maintenance of such mechanical devices or parking meters, or by whatever name designated, are hereby declared null and void,~~ or the governing body of a political subdivision may place on the ballot the question of whether parking meters should be approved for use in the political subdivision."

Renumber accordingly

17.0520.03000

Sixty-fifth
Legislative Assembly
of North Dakota

Attachment # 2 pg 1
**FIRST ENGROSSMENT
with House Amendments
ENGROSSED SENATE BILL NO. 2012**
*SB 2247
4-5-17*

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the department of
2 transportation; to amend and reenact sections 24-02-37 and 39-01-09 of the North Dakota
3 Century Code, relating to state highway fund expenditures and parking meters; to provide for a
4 transfer; to provide exemptions; to provide for studies; and to provide for reports.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
7 as may be necessary, are appropriated from special funds derived from federal funds and other
8 income, to the department of transportation for the purpose of defraying the expenses of the
9 department of transportation, for the biennium beginning July 1, 2017, and ending June 30,
10 2019, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
11			
12			
13 Salaries and wages	\$207,778,278	(\$5,903,676)	\$201,874,602
14 Operating expenses	295,762,751	(66,381,105)	229,381,646
15 Capital assets	700,081,402	70,624,188	770,705,590
16 Grants	<u>62,918,030</u>	<u>4,610,000</u>	<u>67,528,030</u>
17 Total special funds	\$1,266,540,461	\$2,949,407	\$1,269,489,868
18 Full-time equivalent positions	1,080.50	(36.50)	1,044.00

19 **SECTION 2. HEALTH INSURANCE INCREASE.** The salaries and wages line item in
20 section 1 of this Act includes the sum of \$2,702,395 from other funds for increases in employee
21 health insurance premiums from \$1,130 to \$1,241 per month.

22 **SECTION 3. ONE-TIME FUNDING.** The following amounts reflect the one-time funding
23 items approved by the sixty-fourth legislative assembly for the 2015-17 biennium:

Sixty-fifth
Legislative Assembly

	<u>One-Time Funding Description</u>	<u>2015-17</u>	<u>2017-19</u>
1			
2	General fund transfers to highway fund	\$486,982,489	\$0
3	Transfer to public transportation fund	186,900	0
4	Short line railroad	7,000,000	0
5	Transportation distributions - non-oil-producing counties	104,664,000	0
6	Contingent transfer to highway fund	18,690,000	0
7	Truck harmonization study	56,070	0
8	Recreational road access	1,869,000	0
9	Vehicle registration and titling system replacement	2,500,000	0
10	Motor coach reimbursement	<u>934,500</u>	<u>0</u>
11	Total all funds	\$622,882,959	\$0
12	Total special funds	<u>9,500,000</u>	<u>0</u>
13	Total general fund	\$613,382,959	\$0

SECTION 4. LINE ITEM TRANSFERS. The director of the department of transportation may transfer between the salaries and wages, operating, capital assets, and grants line items in section 1 of this Act when it is cost-effective for construction and maintenance of highways. The department of transportation shall notify the office of management and budget of any transfers made pursuant to this section.

SECTION 5. ADDITIONAL FUNDING FOR FEDERAL HIGHWAY MATCHING FUNDS.

The department of transportation may use up to \$16,300,000 of the funding transferred, pursuant to section 4 of chapter 12 of the 2015 Session Laws, from the general fund to the highway fund to provide state matching funds for federal highway construction funding provided by the federal highway administration during the biennium beginning July 1, 2017, and ending June 30, 2019.

SECTION 6. EXEMPTION - ENHANCED STATE HIGHWAY INVESTMENT FUNDING.

Section 54-44.1-11 does not apply to funding of \$503,115,558 in the capital assets line item relating to enhanced state highway investments in section 1 of chapter 12 of the 2015 Session Laws. Any funds continued into the 2017-19 biennium but not spent by June 30, 2019, must be continued into the biennium beginning July 1, 2019, and ending June 30, 2021, and may be expended only for enhanced state highway investments.

1 **SECTION 7. EXEMPTION - SPECIAL ROADS FUND PROJECTS.** Funding of \$2,000,000
2 appropriated to the department of transportation for special road projects, as contained in
3 section 1 of chapter 12 of the 2015 Session Laws, is not subject to the provisions of
4 section 54-44.1-11. Any unexpended funds from this appropriation are available to the
5 department of transportation for special road projects during the biennium beginning July 1,
6 2017, and ending June 30, 2019.

7 **SECTION 8. DISPOSITION OF MAINTENANCE SECTION SITES.** Notwithstanding any
8 other provision of law, the department of transportation may discontinue operations of
9 department maintenance section sites in New England, Starkweather, Fessenden, Courtenay,
10 Gackle, Litchville, Finley, and Mayville as provided in this section.

- 11 1. During the biennium beginning July 1, 2017, and ending June 30, 2019, the
12 department may not dispose of any property assigned to a section site where
13 operations are being discontinued.
- 14 2. The department shall consult with representatives of the political subdivisions in which
15 the section site is located, in the following order: first with the county, second with the
16 city, and third with the township. If requested by any of the political subdivisions, the
17 department shall negotiate a lease agreement with that political subdivision regarding
18 the use of the section site and facilities. The lease agreement must address, at a
19 minimum, the following:
 - 20 a. The political subdivision may use the department's maintenance site and
21 building, road oil tank, and shop equipment contained in the building. The political
22 subdivision must be responsible for all routine maintenance and utility costs.
 - 23 b. If requested by the political subdivision, the department may transfer ownership
24 of an equipped snow plow to the political subdivision. The snow plow must be
25 one that the department intends to dispose of as part of its equipment
26 replacement schedule.
 - 27 c. The department may charge a reasonable fee to the political subdivision under
28 the lease.
 - 29 d. The department shall retain the use of salt buildings located on the property, the
30 right to park one vehicle inside the maintenance building during a major winter
31 storm, the use of an electrical outlet to plug in various vehicles for wintertime

1 loading of deicing materials, and the right to use a portion of the site for a salt
2 and sand pile for winter snow and ice control operations.
3 e. If an emergency occurs in or around a section site, and the department is unable
4 to respond, the political subdivision shall agree to have an individual available to
5 respond to the emergency. The political subdivision shall establish a process that
6 allows emergency response teams to contact the political subdivision to allow it
7 to respond to an emergency occurring within the area currently served by the
8 section site. The response may require the political subdivision to provide snow
9 and ice control on the state highway system.

10 3. If the department does not enter a lease agreement for a section site during the
11 biennium beginning July 1, 2017, and ending June 30, 2019, the department may
12 dispose of the section site property in accordance with state law.

13 **SECTION 9. DRIVER'S LICENSE SERVICE SITES.** During the biennium beginning
14 July 1, 2017, and ending June 30, 2019, the department may not discontinue operations at a
15 driver's licenses service site that processed 600 or more transactions during the prior state
16 fiscal year.

17 **SECTION 10. AMENDMENT.** Section 24-02-37 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **24-02-37. State highway fund - Priorities for expenditure - Use of investment income.**

20 The state highway fund, created by law and not otherwise appropriated and allocated, must
21 be applied and used for the purposes named in this section, as follows:

- 22 1. Except for investment income as provided in subsection 3, the fund must be applied in
23 the following order of priority:
- 24 a. The cost of maintaining the state highway system.
 - 25 b. The cost of construction and reconstruction of highways in the amount necessary
26 to match, in whatever proportion may be required, federal aid granted to this
27 state by the United States government for road purposes in North Dakota.
- 28 Notwithstanding any other provision of law, the department of transportation may
29 repay the United States department of transportation for previous related
30 expenditures from current biennium appropriations to allow the department to
31 reobligate the federal aid to other federal aid projects.

1 c. Any portion of the highway fund not allocated as provided in subdivisions a and b
2 may be expended for the construction of state highways without federal aid or
3 may be expended in the construction, improvement, or maintenance of such
4 state highways.

5 2. All funds heretofore appropriated or hereafter appropriated or transferred to the
6 department, whether earmarked or designated for special projects or special purposes
7 or not, must be placed or transferred into a single state highway fund in the office of
8 the state treasurer and any claims for money expended by the department upon
9 warrants prepared and issued by the office of management and budget and signed by
10 the state auditor under this title must be paid out of the state highway fund by the state
11 treasurer; provided, however, that the commissioner shall keep and maintain complete
12 and accurate records showing that all expenditures have been made in accordance
13 with legislative appropriations and authorizations.

14 3. The state treasurer shall deposit the moneys in the state highway fund in an
15 interest-bearing account at the Bank of North Dakota. The state treasurer shall deposit
16 eighty percent of the income derived from the interest-bearing account in a special
17 interest-bearing account in the state treasury known as the special road fund. The
18 special road fund may be used, within the limits of legislative appropriation, exclusively
19 for the construction and maintenance of access roads to and roads within recreational,
20 tourist, and historical areas as designated by the special road committee. A political
21 subdivision or state agency may request funds from the special road fund by applying
22 to the committee on forms designated by the committee. The committee may require
23 the political subdivision or state agency to contribute to the cost of the project as a
24 condition of any expenditure authorized from the special road fund. Any moneys in the
25 fund not obligated by the special road committee by June thirtieth of each
26 odd-numbered year must be held for an additional two years after which the funds
27 revert to the state highway fund.

28 **SECTION 11. AMENDMENT.** Section 39-01-09 of the North Dakota Century Code is
29 amended and reenacted as follows:

1 **39-01-09. Parking meters prohibited - Exemption.**

2 1. It is unlawful for the state of North Dakota, its political subdivisions, counties, or cities,
3 including home rule counties and cities, and the state department of transportation to
4 establish and maintain any mechanical device or devices known as "parking meters",
5 or by whatever name designated, requiring the deposit therein of coins or tokens for
6 the privilege of parking cars or other vehicles upon the streets and highways in the
7 state of North Dakota. ~~Any and all ordinances and resolutions now existing authorizing~~
8 ~~the establishment and maintenance of such mechanical devices or parking meters, or~~
9 ~~by whatever name designated, are hereby declared null and void.~~

10 2. Notwithstanding subsection 1, if approved by a majority of the voters of the jurisdiction
11 voting on the question at a general election, a political subdivision may approve the
12 use of parking meters.

13 3. Except for parking meters located on property owned by an institution under the
14 control of the state board higher education, twenty percent of all revenue generated
15 from the use of parking meters under this section must be deposited in the state public
16 transportation fund.

17 **SECTION 12. DEPARTMENT OF TRANSPORTATION STUDY - SNOW AND ICE**

18 **CONTROL SERVICES - REPORT TO LEGISLATIVE MANAGEMENT.** During the 2017-18
19 interim, the department of transportation shall study the manner in which it provides snow and
20 ice control services on the state highway system, including the existing costs for these services
21 and any potential savings available in providing these services. Based on its findings, the
22 department shall determine the most efficient and effective manner in which to provide snow
23 and ice control services. The department shall provide a report to the legislative management
24 before July 1, 2018, regarding the results of the study.

25 **SECTION 13. DEPARTMENT OF TRANSPORTATION STUDY - CONSOLIDATION OF**
26 **SERVICES - REPORT TO LEGISLATIVE MANAGEMENT - REPORT TO SIXTY-SIXTH**
27 **LEGISLATIVE ASSEMBLY.** During the 2017-18 interim, the department of transportation shall
28 study options to consolidate transportation facilities within Williams County and the Williston
29 district headquarters. The department shall provide the final report, including the results of the
30 study, to the legislative management before July 1, 2018. If the results of the study determine
31 that it is beneficial to consolidate facilities, the department may proceed with consolidation

1 efforts. Before the completion of the study and the determination whether the consolidation of
2 facilities is beneficial, the department may not construct any new buildings at the Williston
3 district headquarters. The department shall provide reports to the appropriations committees of
4 the sixty-sixth legislative assembly regarding the study and the outcomes of the study.

5 **SECTION 14. LEGISLATIVE MANAGEMENT STUDY - TRANSPORTATION FUNDING.**

6 During the 2017-18 interim, the legislative management shall consider studying the funding
7 mechanisms and options available to the department of transportation, political subdivisions,
8 and public transportation providers, for road construction, maintenance, other transportation
9 infrastructure needs, and transit services. The legislative management shall report its findings
10 and recommendations, together with any legislation necessary to implement the
11 recommendations, to the sixty-sixth legislative assembly.

12 **SECTION 15. DEPARTMENT OF TRANSPORTATION FEES - REPORT TO BUDGET**

13 **SECTION.** The department of transportation shall report to the legislative management's budget
14 section by September 30, 2017, and by September 30, 2018, regarding all fees charged by the
15 department in comparison to the actual cost of providing the services for which the fee is
16 charged.