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Yubereca J. Lee
Operator's Signature

10-16-03
Date

2003 SENATE JUDICIARY

SB 2103

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Operator's Signature

10-16-03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2103

Senate Judiciary Committee

Conference Committee

Hearing Date 01/28/03

Tape Number	Side A	Side B	Meter #
1	X		42.7 - End
2			0.0 - 4.6
2			26.3 - End

Committee Clerk Signature *Maria L. Solberg*

Minutes: Senator John T. Traynor, Chairman, called the meeting to order. Roll call was taken and all committee members present. Sen. Traynor requested meeting starts with testimony on the bill:

Testimony Support of SB 2103

Kathy Roll - Office of Attorney General (meter 43) Introduced Bill and Read Testimony - Attachment #1.

Discussion of fiscal note. No these funds are found elsewhere. Discussion on how payments are made to Fire Marshall. This bill does not effect dollars paid now. Discussion of new law.

Ray Lambert - State Fire Marshall discussed inspection fees. Discussion on why insurance company's are not charged these fees. Discussion of how funds are appropriated.

Jerry J. Gjemstad - League of Cities, presented amendment, line 8, discussion on wording (meter 2.1) Discussed putting an amendment together. (meter 3.9)

Terry Traynor - Association of Counties - Agree with Mr. Gjemsted's amendment.

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Page 2
Senate Judiciary Committee
Bill/Resolution Number SB 2103
Hearing Date 01/28/03

Testimony in opposition of SB 2103

None

Testimony Neutral to SB 2103

None

Senator John T. Traynor, Chairman closed the hearing

Reopened the meeting in p.m.

Motion Made to Amend SB 2103 by Sen. Trenbeath and seconded by Senator Carolyn

Nelson

Roll Call Vote: 6 Yes. 0 No. 0 Absent

Motion Passed

Motion Made to DO PASS SB 2103 as amended by Senator Thomas L. Trenbeath and

seconded by Sen. Dever

Roll Call Vote: 6 Yes. 0 No. 0 Absent

Motion Passed

Floor Assignment: Sen. Bercier

Senator John T. Traynor, Chairman closed the hearing

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10-16-03
Date

FISCAL NOTE
 Requested by Legislative Council
 04/03/2003

Amendment to: SB 2103

1A. **State fiscal effect:** Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

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

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

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

This bill, as amended, codifies the current billing process required to fund a portion of the Fire Marshal's expenditures in the Office of Attorney General's appropriation. Removal of the continuing appropriation has no fiscal impact since the revenues and expenditures are included in the Office of Attorney General's appropriation bill.

3. **State fiscal effect detail:** For information shown under state fiscal effect in 1A, please:

A. **Revenues:** Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

The revenues resulting from Fire Marshal inspection and investigation services provided are included in the Office of Attorney General's appropriation bill.

B. **Expenditures:** Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

The expenditures relating to Fire Marshal services provided are included in the Office of Attorney General's appropriation bill.

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

The Office of Attorney General's appropriation bill includes funding for the Fire Marshal inspection and investigation services provided.

Name:	Kathy Roll	Agency:	Office of Attorney General
Phone Number:	701-328-3622	Date Prepared:	04/03/2003

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10-16-03
 Date

FISCAL NOTE
 Requested by Legislative Council
 01/03/2003

Bill/Resolution No.: SB 2103

1A. State fiscal effect: Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

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

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

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

This bill codifies what is already current practice authorized by the Office of Attorney General's appropriation. There is no anticipated fiscal impact.

3. State fiscal effect detail: For information shown under state fiscal effect in 1A, please:

A. Revenues: Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

B. Expenditures: Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

N/A

C. Appropriations: Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

N/A

Name:	Kathy Roll	Agency:	Office of Attorney General
Phone Number:	328-3622	Date Prepared:	01/08/2003

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Yuberaca d. Lee
 Operator's Signature

10-16-03
 Date

38171.0101
Title.0200

Adopted by the Judiciary Committee
January 28, 2003

JCS
1-28-03

PROPOSED AMENDMENTS TO SENATE BILL NO. 2103

Page 1, line 8, after "fee" insert "from the state fire and tornado fund or the petroleum tank release compensation fund, based on the fund that insures the requesting entity,"

Renumber accordingly

Page No. 1

38171.0101

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Yuberaca J. Lee
Operator's Signature

10-16-03
Date

Date: January 28, 2003
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2103

Senate JUDICIARY Committee

Check here for Conference Committee

Legislative Council Amendment Number Click here to type Amendment Number,

Action Taken Amendment #1

Motion Made By Sen. Trenbeath Seconded By Senator Carolyn Nelson

Senators	Yes	No	Senators	Yes	No
Sen. John T. Traynor - Chairman	X		Sen. Dennis Bercier	X	
Sen. Stanley. Lyson - Vice Chair	X		Sen. Carolyn Nelson	X	
Sen. Dick Dever	X				
Sen. Thomas L. Trenbeath	X				

Total (Yes) SIX (6) No ZERO (0)

Absent Zero (0)

Floor Assignment Senator Dennis Bercier

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

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Yuberica d. Lee 10-16-03
Operator's Signature Date

Date: January 28, 2003
 Roll Call Vote #: 2

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. SB 2103

Senate JUDICIARY Committee

Check here for Conference Committee

Legislative Council Amendment Number 38171-0101 38171-01

Action Taken DO PASS as Amended

Motion Made By Sen. Trenbeath Seconded By Sen. Dever

Senators	Yes	No	Senators	Yes	No
Sen. John T. Traynor - Chairman	X		Sen. Dennis Bercier	X	
Sen. Stanley Lyson - Vice Chair	X		Sen. Carolyn Nelson	X	
Sen. Dick Dever	X				
Sen. Thomas L. Trenbeath	X				

Total (Yes) SIX (6) No ZERO (0)

Absent Zero (0)

Floor Assignment Senator Dennis Bercier

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

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Cherise J. Lee 10-16-03
 Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)
January 29, 2003 2:19 p.m.

Module No: SR-17-1300
Carrier: Bercler
Insert LC: 38171.0101 Title: .0200

REPORT OF STANDING COMMITTEE

SB 2103: Judiciary Committee (Sen. Traynor, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2103 was placed on the Sixth order on the calendar.

Page 1, line 8, after "fee" insert "from the state fire and tornado fund or the petroleum tank release compensation fund, based on the fund that insures the requesting entity,"

Renumber accordingly

(2) DESK, (3) COMM

Page No. 1

SR-17-1300

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Yvonne J. Lee
Operator's Signature

10-16-03
Date

2003 HOUSE JUDICIARY

SB 2103

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Yuberena S. Ace
Operator's Signature

10-16-03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2103

House Judiciary Committee

Conference Committee

Hearing Date 3-5-03

Tape Number	Side A	Side B	Meter #
2	XX		21.9-25.4
Committee Clerk Signature <i>A. Penrose</i>			

Minutes: 11 members present, 2 members absent (Rep. Bernstein, Rep. Wrangham)

Chairman DeKrey: We will open the hearing on SB 2103.

Kathy Roll, Financial Administrator with the office of the AG: Introduced the bill. Basically this bill codifies what we are currently doing since the 1999-2001 biennium, we have been charging the Fire & Tornado Fund for instances covered by it. We've also been charging the petroleum tank release fund as well. This is included in an appropriation bill as well, just to make sure that it is covered, but it can be removed from that appropriation bill if this bill passes.

Chairman DeKrey: Thank you.

Rep. Eckre: You said this is what you are doing right now, correct?

Ms. Roll: Yes.

Rep. Eckre: When did you start doing this, charging.

Ms. Roll: In 1999.

Chairman DeKrey: You said this bill is also included in an appropriation bill.

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Yvonne J. Lee
Operator's Signature

10-16-03
Date

Page 2
House Judiciary Committee
Bill/Resolution Number SB 2103
Hearing Date 3-5-03

Ms. Roll: The language to allow the bill.

Chairman DeKrey: I think we should pass it out and rerefer it to appropriations and let them sort it out there.

Ms. Roll: Actually if you would like, we can make sure that once this bill is passed, we'll make sure on the House side that that is taken off our appropriation bill.

Chairman DeKrey: Thank you. Any further testimony in support? Opposition? We will close the hearing. What are the committee's wishes in regard to SB 2103.

Rep. Delmore: I move a Do Pass and be rereferred to Appropriations.

Rep. Eckre: Seconded.

11 yes 0 NO 2 ABSENT DO PASS/REREFER TO APPROP. CARRIER: Rep. Eckre

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Yuberica d. Lee
Operator's Signature

10-16-03
Date

Date: 3/5/03
 Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2103

House Judiciary Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. Delmore Seconded By Rep. Eckre

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore	✓	
Vice Chairman Maragos	✓		Rep. Eckre	✓	
Rep. Bernstein	AB		Rep. Onstad	✓	
Rep. Boehning	✓				
Rep. Galvin	✓				
Rep. Grande	✓				
Rep. Kingsbury	✓				
Rep. Klemm	✓				
Rep. Kretschmar	✓				
Rep. Wrangham	AB				

Total (Yes) 11 No 0

Absent 2

Floor Assignment Rep. Eckre

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

Referred to Approps.

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Yherosa J. Lee 10-16-03
 Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)
March 5, 2003 3:17 p.m.

Module No: HR-39-4027
Carrier: Eckre
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
SB 2103, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** and **BE REREFERRED** to the Appropriations Committee (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2103 was placed on the Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-39-4027

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10-16-03
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2003 HOUSE APPROPRIATIONS

SB 2103

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Operator's Signature

10-16-03
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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2103

House Appropriations Committee

Conference Committee

Hearing Date 04-01-03

Tape Number	Side A	Side B	Meter #
1	X		0.0 - 23.6

Committee Clerk Signature *Chris S. Nyhus*

Minutes:

Chairman Svedjan Opened SB 2103 for discussion. A quorum was present.

Rep. Duane Dekrey This is a continued appropriation for the fire Marshall services.

Rep. Wald How does the fire Marshall get involved in the tank fund?

Rep. Dekrey That wasn't discussed.

Rep. Monson Does this let them charge the schools a fee?

Rep. Dekrey That's a separate issue.

Chairman Svedjan Does the fee go to the State Fire Marshall?

Rep. Dekrey The Attorney General. The Attorney General receives the bill and compensates from the Fire and Tornado Fund or the Oil Tank Fund.

Rep. Timm What entities are covered under the Petroleum Tank Release Fund?

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Yuberead d. Lee
Operator's Signature

10-16-03
Date

Page 2
House Appropriations Committee
Bill/Resolution Number SB 2103
Hearing Date 04-01-03

Cathy Roll, Attorney General's Office This deals with above ground storage tanks. If I owned a gas station, I'd pay a fee. The fire Marshall would perform the inspection services. We would charge those service fees to the Petroleum Release Compensation Fund.

Rep. Timm Does the fire Marshall go around and inspect these things regularly?

Roll Yes.

Rep. Timm So part of the fee they pay goes toward inspection?

Roll I'm not sure what the fee is charged for, but the fund is used partly to pay for inspections.

Rep. Skarphol Above ground storage tank refers to a refined product?

Rep. DeKrey Yes.

Rep. Monson Does this just legitimize what you are already doing?

Roll It is to put the current process into statute.

Rep. Timm You are doing it already though,

Roll The reason we wish it to be codified is because right now in each appropriation bill we need to make sure that that language is included.

Rep. Aarsvold On line 9, they talk about the requesting entity, is that the two respective funds, or are others insured by those funds?

Roll A fire department that requests we invest a fire in the school, when we code the services provided then we would show that either the fire department or the school has requested investigations.

Chairman Svedjan How essential is the continuing appropriation?

Roll I don't know if there needs to be one. We do this budget presentation every year.

Rep. Wald Does the State Fire Marshall have a fee schedule when he travels?

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Operator's Signature

10-16-03
Date

Page 3
House Appropriations Committee
Bill/Resolution Number SB 2103
Hearing Date 04-01-03

Roll We charge 23.03 per hour that starts when the Marshall leaves Bismarck.

Rep. Wald Some communities have ordinances that retail service stations can't have above-ground tanks. When tanks are above ground, aren't we duplicating some services when city fire departments inspect these?

Roll If the local fire department makes the inspections then we do not.

Rep. Monson If we remove the continued appropriation we should kill this bill.

Roll We'd like the billing process codified.

Rep. Monson Does the local fire department do this?

Roll If they don't we do.

Rep. Carlisle I move to take the continuing appropriation out. 2nd by Rep. Koppleman.

Rep. Wald What is the fiscal note if we take out the continuing appropriation?

Roll The cost is already build into our budget.

Rep. Timm Do these fees cover the Fire Marshall's expenses?

Roll About half.

Rep. Skarphol What is your major expenditure at the end of the biennium?

Roll Comp time.

Rep. Wald Is the fire department billed for Fire Marshall Services?

Roll We only bill the Fire and Tornado Fund for costs it insures and the same for the other fund.

Rep. Timm Do you bill the Petroleum Tank Release Fund?

Roll Yes, and you will still be able to see it if you leave the continuing appropriation in.

Motion Carries.

Rep. Carlisle I move a Do Pass As Amended. 2nd by Rep. Brusegaard.

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Operator's Signature

10-16-03
Date

Page 4
House Appropriations Committee
Bill/Resolution Number SB 2103
Hearing Date: 04-01-03

Motion Fails 10-10-3.

Rep. Delzer I move a Do Not Pass As Amended. 2nd by Rep. Bellew. Motion Carries

11-9-3. Rep. Delzer will carry this bill on the floor.

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10-16-03
Date

REPORT OF STANDING COMMITTEE (410)
April 2, 2003 9:20 a.m.

Module No: HR-59-6476
Carrier: Delzer
Insert LC: 38171.0201 Title: .0300

REPORT OF STANDING COMMITTEE

SB 2103, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (11 YEAS, 9 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2103 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "; and to provide a"

Page 1, line 3, remove "continuing appropriation"

Page 1, line 7, remove "- Continuing appropriation"

Page 1, line 15, replace "are appropriated as a continuing appropriation" with "may be spent pursuant to legislative appropriations"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Dept. 125 - Attorney General - House Action

This amendment removes the continuing appropriation.

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10-16-03
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2003 TESTIMONY

SB 2103

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Yuberena J. Ace
Operator's Signature

10-16-03
Date

Att # /

2003 SENATE BILL NO. 2103
STATE FIRE MARSHAL SERVICE FEES
SENATE JUDICIARY COMMITTEE
January 27, 2003

Mr. Chairman and members of the Senate Judiciary Committee, I am Kathy Roll, with the Office of Attorney General. The purpose of this bill is to codify the current billing process included in our Office appropriation bill since the 1999 legislative session.

Currently, Fire Marshal services provided to state entities insured through the State Fire and Tornado Fund are billed to the Fire and Tornado Fund. The Fund insures state agencies, political subdivisions, fire departments, etc.

In addition, Fire Marshal services provided to entities insured through the Petroleum Release Compensation Fund are billed to the Fund. The Fund insures aboveground storage tanks.

For the 2003-05 biennium, the Office anticipates to bill both funds a total of \$156,000, with the bulk of the revenue from the Fire and Tornado Fund.

2003 Senate Bill No. 2003, the Office of Attorney General appropriation bill, includes language requiring the Attorney General to charge and collect fees for services provided by the State Fire Marshal program to entities covered by the Fire and Tornado Fund and the Petroleum Release Compensation Fund. With the passage of this bill, the language contained in Senate Bill No. 2003 can be removed.

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Katherine Roll
Operator's Signature

10-16-03
Date

PROPOSED AMENDMENTS TO SENATE BILL NO. 2103

Page 1, line 8, after "fee", insert "from the state fire and tornado fund or the petroleum tank release compensation fund, based on the fund that insures the requesting entity,"

Renumber accordingly

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Operator's Signature

10-16-03
Date