

FISCAL NOTE
Requested by Legislative Council
01/18/2017

Amendment to: HB 1102

- 1 A. **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.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$5,000		\$5,000
Expenditures				\$16,717		\$0
Appropriations						

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

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

A bill to enable Parks and Recreation to sell an annual out-of-state off highway vehicle(OHV) permit for the cost of \$10. Funds generated will help offset operation and maintenance costs of OHV trails statewide.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Parks and Recreation currently sells out-of-state snowmobile permits to non-resident snowmobilers. These funds help offset costs associated with maintaining the snowmobile trails. This bill is mirror legislation. Parks and Recreation offers OHV trail systems in the Pembina Gorge, Turtle Mountains and the Rough Rider trail south of Mandan along with assisting other agencies and groups on their trail system. Fees collected will be used to offset operation and maintenance costs of these areas.

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.*

We estimate that 500 OHV's will purchase permits biennially. This is a conservative estimate giving that we had no mechanism to track this in the past because there is no permit requirement for non-resident OHVs. The permit will cost \$10 and can be purchased online. The rationale is this is half the biennial cost for a resident OHV registration. Residents and non-resident will pay the same in fees over the course of a biennium. All revenues will be deposited into the Off-Highway Vehicle Fund.

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

The expenditures relate to modifying the already established online out-of-state snowmobile permit system to allow for the sale of out-of-state OHV permits. Funds from the Off-Highway Vehicle Fund will be used to pay for these modifications.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

The needed spending authority is included in the executive budget recommendation. Parks and Recreation receives spending authority to expend revenues generated to off-set operation and maintenance expenses.

Name: Matthew Gardner

Agency: Parks and Recreation

Telephone: 328-5369

Date Prepared: 01/18/2017

FISCAL NOTE
Requested by Legislative Council
12/23/2016

Amendment to: HB 1102

- 1 A. **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.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$5,000		\$5,000
Expenditures				\$30,000		
Appropriations						

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

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium
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Cities			
School Districts			
Townships			

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Name: Matthew Gardner

Agency: Parks and Recreation

Telephone: 701-328-5369

Date Prepared: 12/27/2016

FISCAL NOTE
Requested by Legislative Council
12/23/2016

Bill/Resolution No.: HB 1102

- 1 A. **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.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
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Expenditures				\$30,000		
Appropriations						

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Name: Matthew Gardner

Agency: Parks and Recreation

Telephone: 701-328-5369

Date Prepared: 12/27/2016

2017 HOUSE TRANSPORTATION

HB 1102

2017 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

HB 1102
1/6/2017
26646

- Subcommittee
 Conference Committee

Committee Clerk Signature

Janette Cook

Explanation or reason for introduction of bill/resolution:

A bill relating to off-highway vehicle out-of-state registration; and to provide a penalty.

Minutes:

Attachment #1

3:10

Chairman Ruby brought HB 1102 before the committee.

Matthew Gardner, Recreation Division Manager for the ND Parks and Recreation Department, spoke in support of HB 1102 and provided written testimony. See attachment # 1.

6:45

Representative Dobervich: Is the \$10 fee comparable to fees in other states? Is it in line with what other states would charge for out-of-state residents?

Matthew Dobervich: It is in line with the fee that a resident would pay. It is half of the resident fee, which is \$20 for a two-year period. It is in line with snowmobiles as well. I'm not sure what other states are charging, but I would say the fees are probably higher.

Representative Weisz: I'm looking at the fiscal note, understanding that it is difficult to know the amount for sure. Do you know how many out-of-state snowmobile permits we sell?

Matthew Gardner: About 3500, and I have a feeling that the OHV's will be more. Our registration numbers for in-state OHV's is almost triple the snowmobiles. I was conservative in my estimate for the fiscal note. In a few years we will have a better picture of what it might be.

Representative Schobinger: Give me an idea of how easy it is to do the online registration.

Matthew Gardner: It is pretty simple. We have a current snowmobile program. If you are from out-of-state, you go online, enter your information, and then print your pass. We would adapt that program for OHVs. In this bill we are asking for a decal that we would mail out to

the person who has the permit. The paper would be temporary proof, and we would mail out the sticker you put on your machine.

Representative Schobinger: I was thinking about a person who would just come in for a week-end. Would you still mail them a sticker? How long is it good for?

Matthew Gardner: It is good for a calendar year.

Representative Weisz: There is \$30,000 on the fiscal note for computer work. If you didn't do the sticker, would that reduce the cost of programming?

Matthew Gardner: You are correct, that would lower the cost. The snowmobile permit does not require a sticker. That causes some enforcement issues. It is easier to enforce if you see a machine with a sticker. It would save some time in the field. I think our agency could make it work either way, but a sticker would be desirable for us.

Discussion on different types of vehicles that might be registered.

Representative Paur: If we carry this to its logical conclusion, we will eventually be charging out-of-state motorists for the use of our roads. I have trouble with the structure of this. On Line 7, it states that "payment of fees is not required for foreign and out-of-state vehicles." Than on Line 20 it says that those two vehicles must pay a fee. It doesn't seem to make sense.

Matthew Gardner: This is exact mirror legislation from the snowmobile side. That permit was passed in the 90's, so we just mirrored what was currently there. That is how we came up with that. If we need to look at structuring the legislation of this bill, we can look at that.

Discussion of foreign vehicles and the difference between a registration and a permit.

Representative Nelson: If we take away the exemption from registration, and they registered they would pay a \$20 fee for two years. This way we would need to have \$30,000 in software enhancement so the out-of-state riders can register for one year and pay a \$10 fee. Is that correct?

Matthew Gardner: It is correct. There would be challenges with registering and out-of-state vehicle with the Department of Transportation, and they would collect sales tax and things at that time.

Vice Chairman Rick C. Becker: If you look at the fiscal note with the \$5000 continuing on as revenue. It seems like there should be an expenditure as well: sticker, postage, envelopes, and workers. So, the \$5000 in revenue will probably be \$4000 in revenue? Have you considered that in the fiscal note? Did you do a net of the \$5000 or is it expecting that the costs will be so minimal that they didn't need to be included?

Matthew Gardner: You are right. I didn't analyze that portion of it. We would not need any additional staff to do this. It should be fairly minimal. The figure for an upfront cost included

purchasing the decals. That would last a number of years. The postage would be the additional cost. The \$5000 would not be net.

Representative Jones: May I get a copy of your strategic plan? Instead of paper permits, couldn't someone just use their phone and have a copy of the permit to show? The decals would not be necessary; it would just be available as electronic data and be available all year long.

Matthew Gardner: That would be correct. We currently have it for snowmobiles, so we would be adding the OHV portion. The e-mail would be sent and could be printed or copied off of that. That could be shown to an officer.

Representative O'Brien: Will you be charging Canadians a different fee than out-of-state?

Matthew Gardner: It would be the same.

Representative O'Brien: Can you get a permit at a vendor such as Cabela's, like a fishing license?

Matthew Gardner: We do have that in the bill. If a vendor chooses to sell these, we would work with them, and they would get a dollar for every permit that they sold.

Representative O'Brien: I think the fee is low compared to fishing licenses for out-of-state people. I believe people would be willing to pay more for a OHV.

Matthew Gardner: Our snowmobile out-of-state is \$25.00. We would entertain a higher permit fee if the committee feels that it is needed. We just used one half to mirror what we did for snowmobiles. I agree that a higher fee won't stop someone from coming here.

Representative Jones: How much do you need to maintain the trails? Is this fee enough for that? We don't want to just change a fee to a higher amount just because people will pay it. We want to pay a reasonable fee that can be justified.

Matthew Gardner: Currently, it is only in-state people that are paying a fee. Right now it is \$20. Three sessions ago it was \$10 a year. Department of Transportation gets \$5.00 of the fee to handle the registration program, so currently we are getting \$15.00 per machine. Earlier we had the Pembina Gorge, and soon the Turtle Mountains and Prairie Grasslands will be coming online. Right now, we are ahead of the curve, but as these systems come online and are used more, in-state use will go up. Registration will climb. I would say in a biennium we spend about \$350,000 - \$400,000 for all parts of our OHV program. The out-of-state funds would be applied directly to maintenance to the trail system.

Chairman Ruby: I appreciate that places are being provided to use the OHVs.

Matthew Gardner: We find in our strategic planning that people are willing to drive hundreds of miles for a regional destination for an OHV area.

Representative Weisz: If you did do the decal, can you break that down for just the cost of the decal?

Matthew Gardner: I don't have that right now. I can get it for you. We did get information from ITD that the computer aspect of this is about \$18,000. I think it will be less than that.

Chairman Ruby: Is this something that is in your budget, or something I need to take to Appropriations?

Matthew Gardner: The spending authority is in our budget.

Representative Schobinger: I would like to do these kinds of things, and I'd like them to be legal, but I like them to be easy. I like the idea of getting the permit in an e-mail. It seems like the permit for a year is more like a registration. How hard would it be to make the permit a simple 30-day permit from the time they get the e-mail? Then if I come back to ride at a later time, I simply get another 30-day permit. If someone is here all of the time, I'd rather see them get ten 30-day permits, if that is within your capabilities.

31:17

Matthew Gardner: I see that as a great idea initially as a way of expanding the computer program. There would be some administrative cost to that. We would have to visit with enforcement to see how that would affect things.

Representative Paur: Are you asking us to approve you spending \$30,000 to make \$5000?

Matthew Gardner: That is correct, in the first biennium, but it would be more over time.

Chairman Ruby: This will only increase as you add areas to ride.

Matthew Gardner: Yes. A lot of people buy them as a utility vehicle, but then also use them recreationally.

Representative Jones: We should make this not only logical, but make sense financially as well.

Representative Schobinger: Does our enforcement allow someone who may not know the law, to go online and buy a permit if they are stopped? Or do they get cited for an infraction?

Matthew Gardner: When we do a snowmobile event, the officers will be at the event beforehand selling permits. After the event starts people on the trail without a permit could be cited.

Erik Dietrich, ND Parks and Recreation Department: When the out-of-state snowmobile permit came online, there was a period of time of education. We didn't cite people right away, we sold them a permit. We are now twelve years down the road, and if someone comes in from another state, they will get cited.

There was no further testimony in support of HB 1102.
There was no opposition to HB 1102.

The hearing was closed on HB 1102.

Chairman Ruby: This is a pretty straight forward bill. I don't see a problem with it.

Representative Weisz: We could initially take out the decal, and it would save some money. If there is an issue without the decal, Parks and Rec. can come back and ask for it. I don't have a problem with the 12-month permit, if you are in-state for more than 30 days, you are supposed to register the vehicle.

Vice Chairman Rick C. Becker: The decal is convenient, but someone who is only here for a week, might not even want to put a decal on their vehicle. I think we could take it out. There might be some changes needed in Section 2 as well.

Representative Nelson: In the Turtle Mountains you **will not** have cell phone coverage, so you may not be able to take out your phone and show that you have a permit.

Vice Chairman Rick C. Becker: The documents and registration will already be stored on the phone, so you would not need cell phone coverage.

Representative Nelson: Some people might come to the Turtle Mountains and ride without realizing that they won't have cell phone coverage. They might **not** have it stored somewhere on their phone.

Representative Westlind: I would like to hear from law enforcement, would you like to see a sticker instead of a permit?

Erik Dietrich: As far as the decal, it is much easier to see that the decal is current for the year. They have a color delineation for each biennium. Then you know from a fair distance away that the machine is registered. Right now the out-of-state snowmobile permit is a paper copy. As far as the out-of-state OHV permit, it would be simpler to see a decal that is current for the year. I know costs are a huge thing; if we go to a paper or electronic copy, it is something we would be amenable to. We can find out the cost of the decals and get the information to you.

Representative Dobervich: I like the idea of a decal because of the ease of seeing the decal's color to determine the year.

Representative Owens: I have heard two different things. Is the permit going to be the same color for each year when they purchase a number of them at once?

Eric Dietrich: When you order the permits, you an order a number of different colors that can be reused after a three-year cycle. We would stockpile permits but they wouldn't all be the same color.

Vice Chairman Rick C. Becker: I move an amendment striking the language on Line 20 and 21: "The permit must be displayed clearly and must be affixed to the Off Highway Vehicle."

Representative Weisz seconded the motion.

Representative Jones: Do we need to add in here that the permit can be in paper or electronic form?

Chairman Ruby: I don't think we need to. I believe that people understand that.

**A roll call vote was taken on the amendment: Aye 7 Nay 7 Absent 0.
The motion failed.**

Representative Sukut moved a DO PASS on HB 1102.
Representative Dobervich seconded the motion.

**A roll call vote was taken. Aye 11 Nay 3 Absent 0
The motion carried.
Representative Anderson** will carry HB 1102.

2017 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

HB 1102
1/12/2017
#26845

- Subcommittee
 Conference Committee

Committee Clerk Signature

Janette Cook

Explanation or reason for introduction of bill/resolution:

A bill relating to off-highway vehicle out-of-state registration; and to provide a penalty.

Minutes:

Representative Schobinger moved to reconsider HB 1102. He stated that there are folks that want to review the part about the permit being displayed on the vehicle.

Representative Weisz seconded the motion.

A voice vote was taken. All aye. The motion carried.

Chairman Ruby: I have thought about the fact that we do not issue stickers for the out-of-states permits for snowmobiles. With the OHVs many people may come to North Dakota for a short time, ride, and go home. They will receive the sticker in the mail when they get home and never use it. I would be open to revisiting that amendment that failed the first time.

Robin Weisz moved an amendment to remove language on Line 20-21 stating that the permit must be displayed and affixed to the OHV. (17.8038.01001)

Representative Dobervich seconded the motion.

Representative Weisz: I don't have a problem with the decal, but initially they don't anticipate a lot of out-of-state vehicles. It will save them some money. If by next session they are getting a lot of registrations, and there are issues with enforcement, then we could add the decal if necessary.

A voice vote was taken. All aye. The motion carried.

Representative Dobervich moved a DO PASS as amended on HB 1102.
Representative Schobinger seconded the motion.

There was no further discussion.

House Transportation Committee

HB 1102

1-12-17

Page 2

**A roll call vote was taken on HB 1102 as amended.
Aye 12 Nay 1 Absent 1 The motion carried.
Representative B. Anderson will carry HB 1102.**

1/12/17 DA

17.8038.01001
Title.02000

Adopted by the Transportation Committee

January 12, 2017

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1102

Page 1, line 20, remove "The permit must be displayed clearly and must be affixed securely"

Page 1, line 21, remove "on the off-highway vehicle."

Renumber accordingly

Date: 1-6-19 Click here to enter a date.
 Roll Call Vote #: #1

**2017 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. "Enter Bill/Resolution No." HB1102**

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 Becker Seconded By Weisz

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		✓			

Failed

Total (Yes) 7 No 7

Absent _____

Floor Assignment _____

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

Page 1, Line 20-21 "The permit..."

1-6-17
 Date: Click here to enter a date.
 Roll Call Vote #: #2

**2017 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. "Enter Bill/Resolution No." HB1102**

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) 11 No 3

Absent 0

Floor Assignment Anderson

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

107 108 109 110 111 112 113 114 115 116 117 118 119 120

Date: 1-12-17
 Roll Call Vote #: 1

**2017 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1102**

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 Schobinger Seconded By Weisz

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					

voice vote
all

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Date: 1-12-17
 Roll Call Vote #: 2

**2017 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1102**

House Transportation Committee

Subcommittee

Amendment LC# or Description: 17.8038.01001

- 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 Weisz 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					

*Voices
Vote
All aye*

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

*Remove language - "The permit must..."
 Line 20 + 21*

Date: 1-12-17
 Roll Call Vote #: 3

**2017 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1102**

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 Dobervich Seconded By Schobinger

Representatives	Yes	No	Representatives	Yes	No
Chairman Dan Ruby	✓		Rep. Gretchen Dobervich	✓	
Vice Chair. Rick C. Becker	✓		Rep. Marvin Nelson	A	
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 1

Absent 1

Floor Assignment B. Anderson

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

REPORT OF STANDING COMMITTEE

HB 1102: Transportation Committee (Rep. D. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). HB 1102 was placed on the Sixth order on the calendar.

Page 1, line 20, remove "The permit must be displayed clearly and must be affixed securely"

Page 1, line 21, remove "on the off-highway vehicle."

Renumber accordingly

2017 SENATE TRANSPORTATION

HB 1102

2017 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

HB 1102
2/16/2017
28434

- Subcommittee
 Conference Committee

Committee Clerk Signature

Mary Munder

Explanation or reason for introduction of bill/resolution:

Relating to off highway vehicle out-of-state registration; and to provide a penalty.

Minutes:

Attachment #1

Chairman Laffen: Called the hearing on HB1102 to order.

Attendance taken. All present.

Chairman Laffen: Open the HB 1102 and welcome Matthew Gardner.

Matthew Gardner, Recreation Division Manager for the North Dakota Parks and Recreation Department (NDPRD). See Attachment #1. In favor of a Do Pass on this bill.

(3:45) Chairman Laffen: I am not familiar with OHV and I do have a lake place in MN. I try to read their rules and they are extremely complicated. There are multiple layers of different kinds of vehicles. Do we have a complicated system?

Matthew Gardner: When you get an OHV registered, it is done through NDDOT. There is class 1—dirt bikes, class 2--ATV's, four-wheeler, and side-by-side, and there is a class 3. Other than the definition of the vehicle, it is not that complicated to get them registered, and they are the same price no matter if it is a dirt bike or a side-by-side.

Chairman Laffen: How much money will this \$10.00 fee raise?

Matthew Gardner: We figure over the course of two years of conservative estimates only about \$5000.00.

Chairman Laffen: To be clear about this we already do require registration and a fee for in the state and is that also \$10.00?

Matthew Gardner: It is \$20.00 a Biennium.

Senator Campbell: What amount is the trail fee? Isn't there a Park Access fee or is there no other fees to get in?

Matthew Gardner: As of now we don't have a trail pass for the gorge. We wouldn't look to charge them extra as they have already paid registration. We are looking at a fee for non-motorized vehicles. They don't allow us to ride in the State parks and usually they don't have a gate fee.

Senator Rust: Are you aware of what other states do if I take my OHV and go there?

Matthew Gardner: Yes, we have done some research and most of them do charge an out-of-state fee to ride there.

Senator Clemens: Does OHV build and maintain these recreational areas? Where does that money come from?

Matthew Gardner: Our agency is in charge of the off-highway vehicle program, so basically we manage them.

Senator Nelson: Where do just plain bicycles fit in? Can they use these trails?

Matthew Gardner: Yes, we usually label our trails and horseback riders, bicycles, hikers, OHV users can use the same trail. In the gorge we have about 20 miles of multi-use trails and have had all types in at the same time and have had minimal issues.

Senator Rust: Who maintains the Maah Daah Hey Trail? That trail is getting some good publicity from not just in ND but from all over the U.S.

Matthew Gardner: That is a joint effort between the U.S. Forest Service and National Park Service and our Agency. Ninety per cent of the trail resides on U.S. Forest Service land so if there was an agency in charge I would say them but we have a cooperative agreement between all three parties.

Chairman Laffen: Questions/ None. Thank you. Testimony in favor? None. Opposition? None Neutral testimony? None. Closed the hearing on HB 1102. Discussion?

Senator Campbell: I move a Do Pass on HB 1102

Senator Rust: Seconded.

Roll Call taken: Yeas-6, Nays-0, Absent-0. Motion carried.

Senator Rust will carry the bill.

Date: 2/16/17
Roll Call Vote #: 1

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. "Enter Bill/Resolution No." HB 1102

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 Campbell Seconded By Rust

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 Rust

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

REPORT OF STANDING COMMITTEE

HB 1102, as engrossed: Transportation Committee (Sen. Laffen, Chairman)
recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed HB 1102 was placed on the Fourteenth order on the calendar.

2017 TESTIMONY

HB 1102

HB1102
#1
1-6-17

HB 1102:

House Transportation Committee
Fort Totten Room, 9:00 A.M.
Friday, January 6, 2017

Mr. Chairman, members of the House Transportation Committee, my name is Matthew Gardner, Recreation Division Manager for the North Dakota Parks and Recreation Department (NDPRD). I appear today in support of HB 1102.

Under North Dakota Century Code § 39-29, the Parks & Recreation Department is responsible for administration of the state's off-highway vehicle (OHV) program. This includes long range state-wide planning, trail and use area development, safety education and outreach, enforcement and grants to law enforcement agencies looking for assistance to enforce OHV rules and regulation and other entities wishing to develop use areas. Funds for these programs come from the OHV fund which is derived from registration dollars, a dealer safety fee and safety certification course fees. Our projected registered OHV numbers will be 35,000 for the 15-17 biennium, which is over a 100% increase since 2005.

Current law in North Dakota allows non-residents, if they are currently registered in their home state, to legally ride in North Dakota. There are two issues with this, residents pay their registration fee to ride legally but non-residents do not and some states do not require registrations so we have no mechanism to permit them to ride. To assist in defraying maintenance costs of our OHV trails systems and use areas North Dakota Parks and Recreation Department proposes a \$10 out-of-state OHV pass that non-residents will purchase online and potentially from vendors. This permit was identified and supported as a need in the 2012-2016 OHV Strategic Plan. A similar pass exists for out-of-state snowmobilers and the bill before you is mirror legislation of the out-of-state snowmobile permit.

The Pembina Gorge State Recreation Area has been online for four years now and is becoming a regional attraction drawing people from Canada and Minnesota. We recently finished phase 1 of a riding area in the Turtle Mountains that will start to gain popularity. The Department is also working on a project in the Dakota Prairie Grasslands in cooperation with the US Forest Service to develop a map of OHV routes for the general public. All these use areas are and will continue to draw out-of-state visitors to North Dakota to ride OHV's. House Bill 1102 would provide additional funds from out-of-state OHV riders to help offset maintenance costs of our use areas. I ask for a DO PASS on House Bill 1102.

Mr. Chairman this concludes my remarks; I would be pleased to answer any questions the committee may have.

HB 1102:

Senate Transportation Committee
Lewis and Clark Room, 9:00 A.M.
Thursday, February, 16 2017

Mr. Chairman, members of the Senate Transportation Committee, my name is Matthew Gardner, Recreation Division Manager for the North Dakota Parks and Recreation Department (NDPRD). I appear today in support of HB 1102.

Under North Dakota Century Code § 39-29, the Parks & Recreation Department is responsible for the administration of the state's off-highway vehicle(OHV) program. This includes long range state-wide planning, trail and use area development, safety education and outreach, enforcement and grants to law enforcement agencies looking for assistance to enforce OHV rules and regulation and other entities wishing to develop use areas. Funds for these programs come from the OHV fund which is derived from registration dollars, a dealer safety fee and safety certification course fees. Our projected registered OHV numbers will be 35,000 for the 15-17 biennium, which is over a 100% increase since 2005.

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