

**FISCAL NOTE**  
**Requested by Legislative Council**  
**12/20/2016**

Amendment to: SB 2045

- 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				\$(200,000)		\$(200,000)
Expenditures						
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		\$200,000	\$200,000
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).*

This bill would continue the current regulations requiring that extraordinary road use fees collected on local roads be deposited with the local jurisdiction.

- 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.*

The current version of NDCC 39-12-14.1 calls for extraordinary road use fees for a violation not occurring on an interstate or state highway to be deposited in the general fund of the local jurisdiction in which the violation occurred. However, after June 30, 2017 this provision is set to expire and all such extraordinary road use fees would then be deposited into the state highway fund. Section 1 of this bill eliminates the expiration, thus maintaining the current law calling for extraordinary road use fees for a violation not occurring on an interstate or state highway to be deposited in the general fund of the local jurisdiction in which the violation occurred.

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.*

This bill would reduce the revenue available to the State Highway Fund by an estimated \$200,000 for future bienniums. A corresponding increase would be realized by local jurisdictions.

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

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, 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.*

**Name:** Shannon L. Sauer

**Agency:** ND Dept of Transportation

**Telephone:** 328-4375

**Date Prepared:** 01/04/2017

**FISCAL NOTE**  
**Requested by Legislative Council**  
**12/20/2016**

Bill/Resolution No.: SB 2045

- 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.*

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<b>Revenues</b>				\$(200,000)		\$(200,000)
<b>Expenditures</b>						
<b>Appropriations</b>						

- 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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<b>Cities</b>			
<b>School Districts</b>			
<b>Townships</b>			

- 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).*

This bill would continue the current regulations requiring that extraordinary road use fees collected on local roads be deposited with the local jurisdiction.

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The current version of NDCC 39-12-14.1 calls for extraordinary road use fees for a violation not occurring on an interstate or state highway to be deposited in the general fund of the local jurisdiction in which the violation occurred. However, after June 30, 2017 this provision is set to expire and all such extraordinary road use fees would then be deposited into the state highway fund. Section 1 of this bill eliminates the expiration, thus maintaining the current law calling for extraordinary road use fees for a violation not occurring on an interstate or state highway to be deposited in the general fund of the local jurisdiction in which the violation occurred.

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This bill would reduce the revenue available to the State Highway Fund by an estimated \$200,000 for future bienniums. A corresponding increase would be realized by local jurisdictions.

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- 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.*

**Name:** Shannon L. Sauer

**Agency:** ND Dept of Transportation

**Telephone:** 328-4375

**Date Prepared:** 01/04/2017

**2017 SENATE TRANSPORTATION**

**SB 2045**

# 2017 SENATE STANDING COMMITTEE MINUTES

## Transportation Committee Lewis and Clark Room, State Capitol

SB 2045  
1/5/2017  
Job # 26586

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature

*Mary Munder*

### Explanation or reason for introduction of bill/resolution:

Extraordinary road use fee charges

### Minutes:

Attachment #1

**Chairman Laffen:** Opened the hearing on SB 2045.

**Representative Ruby:** In support of the bill. He stated that the fees for overweight trucking used to go into a distribution fund for the state even if it was a county road that needed repair. The Sunset clause was started in 2013 by a group of road professionals and the legislature and they came up with the concept of paying the fees to the county or state the road was in. It was a great incentive as then the county got money also. The bill needs to be changed so the money doesn't revert back to the state.

**Aaron Birst,** Legal Council, ND Association of Counties: See attachment #1.

**Senator Nelson:** I get the first part. Could you explain the second part?

**Aaron Birst:** Basically what it means is there are 2 processes. One you can confiscate the truck and the goods and two you can have them cut a check for bond which is done most of the time.

**Senator Rust:** When the trucks are confiscated you sell it and the goods and the money then goes to the state or county.

**Aaron Birst:** Yes that is correct. Usually the trucks are worth way more than the fine so they just pay the fine.

**Arik Spencer,** N.D. Motor Carrier Association: I just want to say I support the bill. It takes care of overweight trucks and that is a good thing.

**Chairman Laffen:** Closed the hearing on SB 2045.

**Senator Casper:** Moved a Do Pass

**Senator Campbell:** Seconded

**A Roll Call Vote was taken: 6 yeas, 0 nays, 0 absent**

**Motion carried.**

**Senator Casper will carry the bill.**

Date: 1-5-17  
Roll Call Vote #: 1

2017 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2045

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 Casper Seconded By Campbell

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

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Casper

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



**REPORT OF STANDING COMMITTEE**

**SB 2045: Transportation Committee (Sen. Laffen, Chairman)** recommends **DO PASS**  
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2045 was placed on the  
Eleventh order on the calendar.

**2017 HOUSE TRANSPORTATION**

**SB 2045**

# 2017 HOUSE STANDING COMMITTEE MINUTES

## Transportation Committee Fort Totten Room, State Capitol

SB 2045  
2/16/2017  
# 28465

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

A bill relating to voluntary settlement of extraordinary road use fee charges and proceeds of sale deposited with the state treasurer; to provide an effective date; and to declare an emergency.

### Minutes:

Attachment #1

**Vice Chairman Rick C. Becker** opened the hearing on SB 2045.

**Chairman Ruby, District 38**, spoke to introduce SB 2045. A few sessions ago we changed the law. If local law enforcement entity, like a county deputy or a city would pull a truck over for overweight, then they had to submit the fines to the state. Then it went into the road fund. They didn't enforce the laws very effectively because they didn't see a direct benefit. We finally passed a law so that they could retain the fines that were attributed the overweight traffic on their roads. A sunset clause was put on the law at that time. We are looking at removing the sunset clause at this time and making it permanent.

**Terry Traynor, Assistant Director for North Dakota Association of Counties**, spoke in support of SB 2045 and provided written testimony. See attachment #1.

**Terry Traynor**: The criminal fines for driving overweight go to the Schools Land Trust Fund, as all traffic fines do. In addition to the criminal fines there is a civil penalty that is a reimbursement to the road authority for the damage that an overweight truck does to the road. It is in lieu of taking the truck from the offender. The civil penalty because of this law has accrued the jurisdiction where the damage is done. We feel that this is appropriate.

**Larry Severson**, North Dakota Township Association, stood to support SB 2045.

**Arik Spencer**, North Dakota Motor Carriers Association, spoke to support SB 2045.

**Representative Jones:** Are the truckers afraid of any abuses of this law?

**Arik Spencer:** We are not concerned about abuses.

**Representative Jones:** Do you have a sense of the number of fines that have been levied in the period of time that this has been levied?

**Arik Spencer:** I do not. I think it is more widely used in Western North Dakota.

**Chairman Ruby:** The civil penalty that goes into this is still set by law and it is limited by that.

**Arik Spencer:** That is correct.

**Representative Owens moved a DO PASS on SB 2045 and rereferred to Appropriations.**

**Representative O'Brien seconded the motion.**

**Representative Nelson:** What effect does the emergency clause have on this?

**Terry Traynor:** Because of the normal effect of bills being August 1, the sunset would come back into effect for one month and then it would change. Rather than that the emergency clause will just make it go away.

A roll call vote was taken: Aye 13 Nay 1 Absent 0  
The motion carried.

Representative Grueneich will carry SB 2045.

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

**2017 HOUSE STANDING COMMITTEE**  
**ROLL CALL VOTES**  
**BILL/RESOLUTION NO. SB2045**

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 Owens Seconded By O'Brien

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) 13 No 1

Absent 0

Floor Assignment Grueneich

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

**REPORT OF STANDING COMMITTEE**

**SB 2045: Transportation Committee (Rep. D. Ruby, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2045 was rereferred to the **Appropriations Committee**.

**2017 HOUSE APPROPRIATIONS**

**SB 2045**

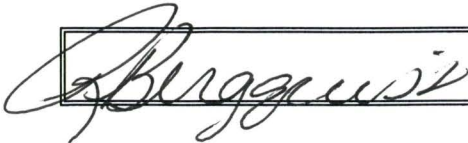


# 2017 HOUSE STANDING COMMITTEE MINUTES

## Appropriations Committee Roughrider Room, State Capitol

SB 2045  
3/14/2017  
29173

- ☐ Subcommittee  
☐ Conference Committee



### Explanation or reason for introduction of bill/resolution:

Relating to voluntary settlement of extraordinary road use fee charges and proceeds of sale deposited with the state treasurer

### Minutes:

**Representative Dan Ruby, District 38 Minot:** A few sessions ago we passed the bill that allowed the counties to retain the civil penalty portion of the overweight fine. The counties are subject to the limitations that are set for the state, one of the reasons that the sunset was put on was because the county might be able to be aggressive in enforcing this to try to supplement their budgets. That proved to not be the case, they've been disciplined and enforcing it as needed. So this bill is just removing the sunset, our committee passed it 13-1. The fiscal note shows 200 thousand dollars; the state has not received that money in the last few biennium.

**2:00 Chairman Delzer:** I think the fiscal note reflects that, if the bill were to die the 200 thousand would go to the high distribution fund. This has more to do with the policy more than the money but did you guys have any discussion about the volunteer language in this bill? I know we've had many people that have been stopped for overweight and it says in the code it's voluntary they don't have the knowledge that it's voluntary. They basically tell them that they can't move the truck until you pay us.

**Representative Ruby:** As someone that has trucks and has been stopped, we know it's voluntary and we can challenge it but you can't move until after you've settled it. You basically pay that civil fee and they give your permission to move.

**Chairman Delzer:** A couple of years ago I know there was a guy that got picked up and it was a \$5,000 dollars fine and he can't go anywhere. We should have a discussion in your committee.

**Representative Ruby:** It's never been talked about.

**Chairman Delzer:** Further discussion on the bill?



Should it stay with the counties or should it go to the highway fund?

**Representative Ruby:** It is a policy decision and because there was so much discussion and it was tried for a few sessions before it passed. It's their roads being damaged and indirectly they did receive some of the returned funds.

**4:50 Representative Streyle:** I would like to amend this bill. Out there in Williams county is ridiculous, they are basically shutting down the oil business. It's the dead of winter and these counties are winning about us not providing enough funding therefore they are shutting the industry down basically. We need to find a bill to send a message of what's going on out there.

**Chairman Delzer:** Representative Ruby, do you know of any bills out there that may address this?

**Representative Ruby:** I don't know of any, we did have some issue with some townships, the first half of the session we did pass a bill that allowed for the uniformed permitting in that area. Every township within a county that is participating has to participate in that. The roads are set for certain permit levels.

**Chairman Delzer:** This is about them using the frost laws pretty darn early and they are stopping the oil industry.

**6:15 Representative Brandenburg:** I am wondering if it should be going to state tax distribution fund instead the highway fund?

**Chairman Delzer:** With this bill it's staying with the counties instead of going to the tax distribution fund.

**Representative Ruby:** We're not missing any matching funds at this time.

**Chairman Delzer:** Should we keep it going to the distribution fund or should everything that comes to the state go to the highway fund?

**Representative Brandenburg:** I am just asking because looking at the state distribution fund to match the federal dollars, we might be better off with it in there.

**Chairman Delzer:** It's matching them this time, next time, next time there might be some question on that.

**Representative Ruby:** We haven't had that issue in a while, not because we were putting it in it was because federal government wasn't increasing it.

**Representative Schatz:** I am voting no because if the counties get too aggressive, they're going to have this bill back, they are going to want that sunset back on.

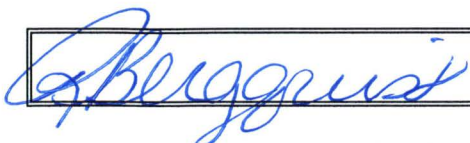
**Chairman Delzer:** Further questions or discussion? That'll close this hearing.

# 2017 HOUSE STANDING COMMITTEE MINUTES

## Appropriations Committee Roughrider Room, State Capitol

SB 2045  
3/29/2017  
29812

- ☐ Subcommittee  
☐ Conference Committee



### Explanation or reason for introduction of bill/resolution:

Relating to voluntary settlement of extraordinary road use fee charges and proceeds of sale deposited with the state treasurer

### Minutes:

**Chairman Delzer:** This would remove the sunset on counties being able to keep all the fees for the overweight vehicles. It came with a Do Pass out of transportation committee 13-1. Fiscal note says it costs us 2000 thousand dollars in revenues and gives 200 thousand to the counties. This was put in place a number of years ago and was defeated two sessions in a row before it was passed four years ago. I don't know kind of use and dollars they have collected; I would guess the fiscal note is based on past history. This is all counties, if we wanted to have it looked at again we could change the effective date for 2 years or whatever the case may be. Discussion?

**Representative Kempenich:** I haven't seen that this is a problem with the counties, it was originally passed for our area out west.

**Chairman Delzer:** This takes it from the state highway fund to the counties. Is this just counties road or is it state roads as well?

**Representative Kempenich:** It does say violation on interstate or state highways must be deposited.

**Representative J. Nelson:** I think we should take middle ground and move the date up two years and revisit then, page two, line 9, change the date to June 30th 2019.

**Chairman Delzer:** Brady is that the only date we would need to move?

**Brady Larson, Legislative Council:** We would remove all the overstrikes because the second half and then change it to 2019. We'll get it properly written up.

**Representative J. Nelson:** I make the motion to amend with 17.0033.02001

**Representative Schatz: Second**

**Chairman Delzer:** Further discussion?

**Voice vote, All in Favor, Motion carries**

**Representative J. Nelson: I'll make a motion to Do Pass as Amended**

**Representative Schmidt: Second**

**Chairman Delzer:** Discussion?

**A Roll Call vote was taken. Yea: 14    Nay: 5    Absent: 2**

**Representative J. Nelson will carry the bill**



3/30/17 DA

17.0033.02001  
Title.03000

Prepared by the Legislative Council staff for  
House Appropriations Committee  
March 30, 2017

PROPOSED AMENDMENTS TO SENATE BILL NO. 2045

Page 1, line 3, after "date" insert "; to provide an expiration date"

Page 1, line 8, remove the overstrike over "~~(Effective through June 30,~~"

Page 1, line 8, after "~~2017~~" insert "2019"

Page 1, line 8, remove the overstrike over the closing boldfaced parenthesis

Page 1, line 22, remove the overstrike over "~~(Effective after June 30,~~"

Page 1, line 22, after "~~2017~~" insert "2019"

Page 1, line 22, remove the overstrike over ") ~~Voluntary settlement of extraordinary road use fee~~"

Page 1, remove the overstrike over lines 23 and 24

Page 2, remove the overstrike over lines 1 through 6

Page 2, line 9, remove the overstrike over "~~(Effective through June 30,~~"

Page 2, line 9, after "~~2017~~" insert "2019"

Page 2, line 9, remove the overstrike over the closing boldfaced parenthesis

Page 2, line 24, remove the overstrike over "~~(Effective after June 30,~~"

Page 2, line 24, after "~~2017~~" insert "2019"

Page 2, line 24, remove the overstrike over ") ~~Proceeds of sale—Continuing appropriation.~~  
The"

Page 2, remove the overstrike over lines 25 through 31

Page 3, remove the overstrike over lines 1 and 2

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment continues the provision until June 30, 2019, that extraordinary road use fees for overweight vehicle violations be deposited in the general fund of the jurisdiction having authority over a road where the violation occurred.

Date: 3/29/2017  
Roll Call Vote #: 1

**2017 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2045**

House Appropriations Committee

☐ Subcommittee

Amendment LC# or Description: 17.0033.02001

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 Representative J. Nelson Seconded By Representative Schatz

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer					
Representative Kempenich			Representative Streyle		
Representative: Boehning			Representative Vigesaa		
Representative: Brabandt					
Representative Brandenburg					
Representative Kading			Representative Boe		
Representative Kreidt			Representative Delmore		
Representative Martinson			Representative Holman		
Representative Meier					
Representative Monson					
Representative Nathe					
Representative J. Nelson					
Representative Pollert					
Representative Sanford					
Representative Schatz					
Representative Schmidt					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

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

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

**Motion Carries**

Date: 3/29/2017  
Roll Call Vote #: 2

**2017 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2045**

House Appropriations 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 Representative J. Nelson Seconded By Representative Schmidt

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer		X			
Representative Kempenich	X		Representative Streyle		X
Representative: Boehning	X		Representative Vigesaa	X	
Representative: Brabandt		X			
Representative Brandenburg		X			
Representative Kading	A		Representative Boe	X	
Representative Kreidt	X		Representative Delmore	X	
Representative Martinson	X		Representative Holman	X	
Representative Meier	A				
Representative Monson	X				
Representative Nathe	X				
Representative J. Nelson	X				
Representative Pollert		X			
Representative Sanford	X				
Representative Schatz	X				
Representative Schmidt	X				

Total (Yes) 14 No 5

Absent 2

Floor Assignment Representative J. Nelson

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

**Motion Carries**



**REPORT OF STANDING COMMITTEE**

**SB 2045: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). SB 2045 was placed on the Sixth order on the calendar.

Page 1, line 3, after "date" insert "; to provide an expiration date"

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Page 1, line 8, after "~~2017~~" insert "2019"

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Renumber accordingly

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**2017 CONFERENCE COMMITTEE**

**SB 2045**



# 2017 SENATE STANDING COMMITTEE MINUTES

## Transportation Committee Lewis and Clark Room, State Capitol

SB 2045  
4/7/2017  
29992

☐ Subcommittee  
☒ Conference Committee

Committee Clerk Signature

*Mary Munder*

### Explanation or reason for introduction of bill/resolution:

Extraordinary road use fee charges.

### Minutes:

**Chairman Campbell:** Opened the hearing on SB 2045. Attendance taken with all present. Chairman Campbell: I think we are all on the same page here, just basically to lift the 'Sunset' clause when it left the Senate, and you want to leave the two-year on it just to make sure the local people who are weighing these things don't get out of control. It has been like that for 4 years and there has been no issues. With that is there any comments or discussion?

**Representative Grueneich:** We were actually discussing it and for some clarification, the bill history, when you introduced it there was no sunset clause on it, correct?  
Chairman Campbell: Correct.

**Representative Weisz:** it was the appropriations that put the sunset back on and the whole house did pass it but the transportation committee didn't amend it in anyway shape or form.

**Senator Casper:** Why did they do that?

**Chairman Campbell:** It goes way back when they put it into the local political subs the state was short of that money.

**Representative Weisz:** The law would have expired so then there would have been a fiscal effect so evidently appropriations said it did need to come down there. If you kill the bill it would have had a fiscal effect at that point.

**Representative Owens:** The original fiscal note was \$200,000. in reduction in revenue and it increased to counties and I am sure that is why it was referred as we never changed it in the committee. We need to go back and have a discussion with the chairman and see if the committee wants to go forward with what we planned.

**Chairman Campbell:** If we acceded to your amendment you wouldn't have to do that, not saying we would. Right now it is amended for the two years as it has the sunset for 2 years.

**Senator Nelson:** How many times do we need to extend the sunset?

**Chairman Campbell:** I think it was one time for 4 years to see if there were any issues, which there weren't, and I think everybody was ok with it until Representative Delzer spoke and he had an issue with that and everyone went along. It really doesn't change the bill as it just puts the sunset on for two years.

**Rep. Weisz:** I think like Rep. Owens, we need to maybe have a discussion on our side about going back to the original, not because of the transportation committee but because of the appropriations committee.

**Chairman Campbell:** That's kind of the question right now for you to discuss with your appropriation people to see if they will be ok with that, if we need to, as the general consensus is to lift the sunset forever. Any other comments? Any opposition?

**Senator Casper:** I have no opposition for that and I am fine if the House members want to have a discussion.

**Chairman Campbell:** As long as we have time, I think you should have a discussion with your appropriations, and we can get back to this. So if there is nothing further, we will close the hearing on SB 2045. Thank you.

# 2017 SENATE STANDING COMMITTEE MINUTES

**Transportation Committee**  
Lewis and Clark Room, State Capitol

SB 2045  
4/10/2017  
Job Number 30019

☐ Subcommittee  
☒ Conference Committee

Committee Clerk Signature

*Eva Liebelt*

## Explanation or reason for introduction of bill/resolution:

Extraordinary road use fee charges

## Minutes:

No Attachments

**Chairman Campbell:** Called the committee to order. I understand there is somebody that might like to recede.

**Representative Grueneich:** Yes. The House would like to recede from the House amendments and that would be a motion.

**Senator Casper:** Seconded the motion.

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

**Senator Campbell will carry the bill for the Senate.**

**Representative Grueneich will carry the bill for the House.**

**Chairman Campbell:** Closed the hearing.



**2017 SENATE CONFERENCE COMMITTEE  
ROLL CALL VOTES**

BILL/RESOLUTION NO. SB 2045 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: Representative Grueneich Seconded by: Senator Casper

Senators	4/7	4/10		Yes	No		Representatives	4/7	4/10		Yes	No
Chairman Campbell	✓	✓		x			Representative Grueneich	✓	✓		x	
Senator Casper	✓	✓		x			Representative Owens	✓	✓		x	
Senator Nelson	✓	✓		x			Representative Weisz	✓	✓		x	
Total Senate Vote				3			Total Rep. Vote				3	

Vote Count Yes: 6 No: 0 Absent: 0

Senate Carrier Senator Campbell House Carrier Representative Grueneich

LC Number \_\_\_\_\_ of amendment

LC Number \_\_\_\_\_ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

**REPORT OF CONFERENCE COMMITTEE**

**SB 2045:** Your conference committee (Sens. Campbell, Casper, Nelson and Reps. Grueneich, Owens, Weisz) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 1083 and place SB 2045 on the Seventh order.

SB 2045 was placed on the Seventh order of business on the calendar.

**2017 TESTIMONY**

**SB 2045**

Testimony to the  
**Senate Transportation Committee**  
Prepared January 5, 2017  
by Aaron Birst, Legal Counsel  
North Dakota Association of Counties

**Regarding: SB 2045**

Thank you Chairman Laffen and Committee Members, for the opportunity to address this very important issue for the counties.

Although this is a relatively simple bill, its impact on the local road network is critical. In order to maintain road infrastructure it is critical load limits are enforced. Roads are built with specific load carrying ability. Once you exceed those capacities, roads break down which means greater costs which of course translates into higher taxes. The State and locals have always had the ability to enforce weight limits on their respective roads. However, there were always questions on where the civil overload penalties would go. Would the money go to State, County, City or township? Would it be based on the jurisdiction of the stopping officer? Or because the county State's Attorney was required to handle the cases would it be just the county?

In 2013 a group of road professional, with the help of the legislature, came up with the simplest answer. That was the extraordinary overweight truck fees would end up going to the entity whose road the violation occurred on. In other words, if an overweight truck is found on a State highway the State gets the fee, on the county, the county gets the fee and so forth. This concept was based on if an overweight truck was causing damage then the entity that will have to deal with the damage should get the fee to help offset the damages. This would be no different than if someone breaks a window in the capitol then any restitution would go to the State to repair the window regardless of which officer investigated the crime.

The legislature did put a "sunset" clause on this legislation which expires in June of this year. The thought process behind the sunset clause was to force the legislature and the road professionals to review how this process has been working. As reflected by the work of the interim transportation committee and the numerous officials who participated in that effort it was concluded the sunset clause can be removed because the system is work very well.

We request you find the same conclusion and pass SB 2045.

Thank you



SB 2045  
2-16-17  
#1

Testimony to the  
**House Transportation Committee**  
Prepared February 16, 2017  
by Terry Traynor, Assistant Director  
North Dakota Association of Counties

**Regarding: SB 2045**

Thank you Chairman Ruby and Committee Members, for the opportunity to address this very important issue for the counties.

Although this is a relatively simple bill, its impact on the local road network is critical. In order to maintain road infrastructure it is critical load limits are enforced. Roads are built with specific load carrying ability. Once you exceed those capacities, roads break down which means greater costs which of course translates into higher taxes. The State and locals have always had the ability to enforce weight limits on their respective roads. However, there were always questions on where the civil overload penalties would go. Would the money go to State, County, City or township? Would it be based on the jurisdiction of the stopping officer? Or because the county State's Attorney was required to handle the cases would it be just the county?

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We request you find the same conclusion and pass SB 2045.

Thank you