

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1292

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Jo Costa Rickford
Operator's Signature

10/3/03
Date

2003 HOUSE TRANSPORTATION

HB 1292

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La Costa Rickard
Operator's Signature

10/3/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1292

House Transportation Committee

☐ Conference Committee

Hearing Date January 31, 2003

Tape Number	Side A	Side B	Meter #
1	x		0.4 to 40.9
Committee Clerk Signature <i>Laurie Zick</i>			

Minutes:

Rep. Weisz, Chairman opened the hearing on HB 1292, a bill for an Act to amend and reenact section 39-24-4 of the North Dakota Century Code, relating to a snowmobile access fee.

Rep. Nelson: Representing District 7 introduced this bill on behalf of some individual snowmobilers. There is a bill in this legislature to raise the snowmobile license fees from \$20 to \$40. The concerns raised was that there is a trail fee in all the neighboring states and provinces -- the thought is that the license increase is an attempt to get trail fees on the backs of the snowmobile owners and not all the users who come here use our trails. This just an attempt to share these cost with those who come into the state.

Rep. Hawken: How would we do this -- is it easy to do?

Rep. Nelson: In other states there is a sticker you get when you buy your trail permit of pay your trail fee. In this state enforcement may be a problem but it probably be self policing.

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10/3/03
Date

Page 2
House Transportation Committee
Bill/Resolution Number HB 1292
Hearing Date January 31, 2003

Rep. Hawken: How would they know where to buy the trail fee if there isn't someone out there at the trail?

Rep. Nelson: They would go through the vendors and dealers.

Rep. Severson: Representing District 23 stood to support the bill. He felt this was a safety issue because if you don't have good groomed and marked trails people just hear out across country. There are fences and obstacles. With more groomed trails there wouldn't be a need for facing these hazards.

Rep. Thorpe: (6.6) In my experience is that if this was properly set up there would be a lot of support for this and greater use of the trails.

Rep. Weisz: Rep. Severson - do you see the possibility of fewer people coming into the state because of this?

Rep. Severson: No I don't -- we go to Minnesota and they have a fee and I have never seen anybody object to paying the fee. I think they are used to it -- expect it -- if you have good trails well marked and groomed it may draw more.

Rep. Zaiser: What are the fees in other states like Minnesota and Colorado in the mountains?

Rep. Severson: I don't remember -- its been a couple of years and we paid in lump sum for several sleds.

Rep. Nelson: I understand that Minnesota is \$15. Manitoba is \$30 Canadian.

Opposition:

Gary Markwart: Board member of the Board of Directors for Snowmobile North Dakota. A copy of written testimony is attached.

Page 3

House Transportation Committee
Bill/Resolution Number HB 1292
Hearing Date January 31, 2003

Carrie Bahmer Executive secretary for Snowmobile North Dakota was present to answer questions.

Rep. Weisz: Do you have any idea of how many out of state snowmobilers come to North Dakota.

Carrie Bahmer: We believe about 100 to 200. It depends on the snow year.

Rep. Delmore: Isn't this an equity issue -- wouldn't it be a way to track how many come into the state.

Carrie Bahmer: It may be but the other side of the issue is that right now it going to cost more to set up than we will get in to administer the fee. We need to print enough stickers to have a supply on hand for all the dealers, vender, recreation site, etc. That is to print many more than we need. We need to distribute the stickers -- then we need to equitably distribute the receipts, monitor the improvements, do the marking and signing. We see more problems than it is worth. That is not considering the enforcement side of it and we are not set up to do that -- collect the fines and penalties.

Gary Markwart: I travel around quite a bit to Montana, Wyoming, Colorado --- Their fines are \$20 to \$50 and they do have people riding the trails all the time for enforcement.

Rep. Delmore: Couldn't this be the start of something -- it wouldn't be much of problem to bump the fines up. Why not have what Minnesota has?

Gary Markwart: Minnesota has a combination of family activities associated with snowmobiling and it would have to be promoted that way. We don't have that is this state -- out of stater will go to where the snow is -- to Bismarck if the snow is there or to the Turtle Mountains is that is where the snow is.

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House Transportation Committee

Bill/Resolution Number HB 1292

Hearing Date January 31, 2003

Carrie Bahmer: When you go to Minnesota they have 300 miles of trails from a family center and you can go in any direction. Here in North Dakota we have 3000 miles of groomed trails and 800 miles of ungroomed trails throughout the state. However, they are not strategically located around site with enough options at one site.

Rep. Thorpe: Have you folks discussed Rep. Severson's idea of acquiring the abandoned railroad ?

Carrie Bahmer: Yes we have looked into that and the cost is prohibitive -- for example the line from Marion to Luca if about \$350,000.

Tom Balzer: With the North Dakota Parks and Recreation. That is \$350,000 and then you have to pull the ties, relay the gravel, and set down the signs, etc.

Unidentified voice: We had other problems on that stretch of railroad bed south of Mandan -- if you have notice -- railroads build their line above surrounding land and the wind sweeps the snow off. It seldom had good snow on it.

Rep. Headland: Is snowmobiling in North Dakota adequately funded now? There is a movement to double the license for residents.

Gary Markwart: Important thing is that we would be for anything that made us money -- but we would want to study this to make sure that we wouldn't loose money -- cost more to set up than we make.

Rep. Headland: You already have sticker for residents -- why couldn't the same type of sticker be used?

Page 5

House Transportation Committee

Bill/Resolution Number HB 1292

Hearing Date January 31, 2003

Carrie Bahmer: The stickers that we get don't cost that much and we can order different colors for different years to buy in volume -- but the problem is to set up the distribution, sales and collections and enforcement.

Rep. Weiler: Do you have any numbers on the costs per mile of these trails?

Carrie Bahmer: The costs of grooming is about \$5 per mile per grooming and 6 -9 groomings per year. There are other maintenance costs also and that depends upon the trail conditions.

Rep. Weiler: Doing some quick fuzzy math -- that over a hundred thousand dollars per year -- the instate snowmobilers are paying for all that every year -- through this fund -- correct?

Carrie Bahmer: Some of it is -- and other parts of it come from and through local snowmobile clubs, business donations -- right now we work on a \$600,000 a year budget.

Re. Weiler: So the out of state snowmobilers are coming and using these trails for free?

Gary Markwart: When you went to other states you paid for motel, paid green fees, etc. we look at this in way that it increases tourism. Bottineau is the only area we can call our tourism area.

Rep. Ruby: You want us to understand you prefer that between the fee you pay and your organization and business organization willing to pay -- you think that is where you want it left?

Gary Markwart: If we could see a real plan put together that would bring in real funds -- that is where we would want to be.

Rep. Thorpe: (20.8) Just reading through this one page bill I fail to see where you feel threatened with enforcement. If this bill were to pass I would think you would use the additional fees as you do now.

Tom Balzer: ND Parks and Recreation -- his testimony is **Neutral** and his comments in written form are attached.

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House Transportation Committee

Bill/Resolution Number HB 1292

Hearing Date January 31, 2003

Rep. Delmore: The start up fee for printing and the like would be a one time cost?

Tom Balzer: Correct.

Rep. Headland: (38.1) Do you have any idea how many residents are non-registered snowmobilers?

Tom Balzer: I wish I new -- their names, addresses -- no we don't know and there are some register in Minnesota and its cheaper -- but most those who do is because of the excise tax.

Rep. Weisz: The legislation is yearly fee.

There being no other persons wishing to testify for or against HB 1292, Chairman Weisz closed the hearing.

End of record (40.9)

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1292b

House Transportation Committee

☐ Conference Committee

Hearing Date 2-7-03

Tape Number	Side A	Side B	Meter #
2	xx		9.7-18.9
Committee Clerk Signature <i>Laura L. Zende</i>			

Minutes:

Chairman Welsz: What are the committee's wishes in regard to HB 1292. The amendments aren't here to try and fix this bill.

Rep. Headland: I realize that I am on the bill, I decided basically not to bring forth any amendments and the Snowmobiling Association testified against it, I will move a Do Not Pass on HB 1292.

Rep. Ruby: Seconded.

Rep. Delmore: I, too, am on this bill. There were also some games being played by the Snowmobile Association. It was amenable to amendments that they were to bring forward and so on. They didn't. I think some of the information they gave us, was erroneous. Also, the Parks and Recreation people said they could live with this. I resist a Do Not Pass because I think there is merit in this, there is a bill in to raise state fees on resident snowmobiling.

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10/3/03
Date

Page 2

House Transportation Committee

Bill/Resolution Number HB 1292

Hearing Date 2-07-03

Rep. Ruby: I guess the way I look at it is right now they are raising funds for this through a number of different ways and one of the ways they are doing that is to go to the businesses that will benefit from having the influx of out-of-state people come. Those businesses are willing to donate money to have, whether it's to have a rally or whatever they do when they're out riding, than to have these other clubs come in from out-of-state or just individual riders. That's a benefit for them. They donate money because it benefits them in the long run. I would see if we're going to raise the fee, then that cuts into the amount of people who are here, who will come to the state, I think that will hurt the businesses' ability to make money, and they will probably be less likely to want to donate for this other revenue, that maybe this wouldn't bring in if the out-of-state people don't come like they have now. So I don't think this is the right approach.

Rep. Headland: I don't have a problem charging out-of-staters, if they don't care. It isn't an issue. Everywhere they go they pay a fee. The only issue I had, and that was why I was hoping to see some amendments, it seems to be some issue that it is going to cost more to implement than what we're going to return. I don't think that the fact of the fee is going to keep anyone out, 1/2 of them probably won't pay the fee anyway; people don't know about the fee, etc. The concern that I have is the cost vs. return.

Rep. Headland: The real problem with this bill lies in setting up a network, a place to sell these stamps. I just don't feel there is time to get that implemented and I think this is something that we should look at and plan for next session.

Chairman Welsz: Rep. Delmore are you aware if the bill in the Senate has passed in the Senate.

Rep. Delmore: No, I am not, and it is an increase to the residential snowmobilers. It might be better to keep this one alive in case they don't.

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House Transportation Committee
Bill/Resolution Number HB 1292
Hearing Date 2-07-03

Rep. Weller: I think it's better to keep it alive.

Rep. Price: Rep. Delmore, who was to propose the amendments?

Rep. Delmore: I understood that there were going to be amendments that the Snowmobile Association was going to work with Rep. Nelson so that this could be a workable bill.

Rep. Price: It's been a while since we heard this bill, there has been time to work on it. I guess they aren't that interested. If they haven't contacted you.

Rep. Thorpe: I guess we haven't adopted the amendments that we were supposed to either.

Rep. Delmore: They gave us the wrong amendments.

Rep. Schmidt: I don't think there is anything wrong with passing the bill, and getting it to the Senate and maybe the Snowmobile club can fix it. I don't know. I think we ought to be fair to our sponsors. I'm going to ask for a Do Pass on this.

Rep. Bernstein: I think they had plenty of time to do whatever they wanted to do, so I'm calling the question.

Chairman Weisz: The question has been called. We have a motion for a Do Not Pass.

5 YES 8 NO 0 ABSENT DO NOT PASS FAILS

Rep. Delmore: I move a Do Pass.

Rep. Dosch: Seconded.

10 YES 3 NO 0 ABSENT DO PASS CARRIER: Rep. Delmore

FISCAL NOTE
Requested by Legislative Council
04/09/2003

Amendment to: HB 1292

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	\$6,000
Expenditures	\$0	\$0	\$0	\$5,000	\$0	\$6,000
Appropriations	\$0	\$0	\$0	\$0	\$0	\$6,000

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.

No impact would be seen until the 2005-2007 biennium. The 2003-2005 biennium would provide time to develop the program.

This bill would generate revenue from out of state snowmobile registrations by those non-residents who register their snowmobile. The number of out of state snowmobiles will depend directly on snowfall conditions, trail conditions, and trail miles available throughout North Dakota in relation to the surrounding states.

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.

Revenue of \$6,000 is based on 200 snowmobiles @ \$15 (\$3,000) per each year of the biennium. This revenue would be considered other funds and deposited in state fund 261, the snowmobile trail tax transfer fund and be used for snowmobile related expenditures.

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.

Expenditures would come from operating line 30 of the recreation program and from fund 261. Expenditures would include printing of registration decals, registration paperwork, distribution of registration material, administrative support, and possibly trail maintenance. We anticipate revenues collected to cover expenditures, however expenditures could be greater if out-of-state participants are less than anticipated.

For 2003-2005 biennium, expenditures for program development would come from existing revenues collected and deposited in the snowmobile fund.

For the 2005-2007 biennium, expenditures would be covered from additional revenue collected.

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.

Section 1 (Appropriation) and Section 4 (Snowmobile Fund) would need to be adjusted accordingly in the 2005-2007 biennium to allow spending authority for increased revenues.

No adjustment needed for the 2003-2005 biennium.

Name:	Dorothy Streyle	Agency:	ND Parks & Recreation
Phone Number:	328-5360	Date Prepared:	04/10/2003

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10/3/03
Date

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10/12/03

FISCAL NOTE
Requested by Legislative Council
03/12/2003

Amendment to: HB 1292

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	\$6,000	\$0	\$6,000
Expenditures	\$0	\$0	\$0	\$6,000	\$0	\$6,000
Appropriations	\$0	\$0	\$0	\$6,000	\$0	\$6,000

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 would generate revenue from out of state snowmobile registrations by those non-residents who register their snowmobile. The number of out of state snowmobiles will depend directly on snowfall conditions, trail conditions, and trail miles available throughout North Dakota in relation to the surrounding states.

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.*

Revenue of \$6,000 is based on 200 snowmobiles @ \$15 per each year of the biennium. This revenue would be considered other funds and deposited in state fund 261, the snowmobile trail tax transfer fund and be used for snowmobile related expenditures.

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.*

Expenditures would come from operating line 30 of the recreation program and from fund 261. Expenditures would include printing of registration decals, registration paperwork, distribution of registration material, administrative support, and possibly trail maintenance. We anticipate revenues collected to cover expenditures, however expenditures could be greater if out-of-state participants are less than anticipated.

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.*

Section 1 (Appropriation) and Section 4 (Snowmobile Fund) would need to be adjusted accordingly to allow spending authority for increased revenues.

Name:	Dorothy Streyle	Agency:	ND Parks & Recreation Department
Phone Number:	701-328-5360	Date Prepared:	03/12/2003

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10/13/03

FISCAL NOTE
Requested by Legislative Council
01/14/2003

Bill/Resolution No.: HB 1292

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	\$6,000	\$0	\$6,000
Expenditures	\$0	\$0	\$0	\$6,000	\$0	\$6,000
Appropriations	\$0	\$0	\$0	\$6,000	\$0	\$6,000

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 would generate revenue from out of state snowmobile registrations by those non-residents who register their snowmobile. The number of out of state snowmobiles will depend directly on snowfall conditions, trail conditions, and trail miles available throughout North Dakota in relation to the surrounding states.

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.

Revenue of \$6,000 is based on 200 snowmobiles @ \$15 per each year of the biennium. This revenue would be considered other funds and deposited in state fund 261, the snowmobile trail tax transfer fund and be used for snowmobile related expenditures.

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.

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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.

Section 1 (Appropriation) and Section 4 (Snowmobile Fund) would need to be adjusted accordingly to allow spending authority for increased revenues.

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LaCosta Rickford

Date

10/2/03

IP

Name:	Dorothy Streyle	Agency:	NDPRD
Phone Number:	328-5360	Date Prepared:	01/17/2002

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10/3/03
Date

Date: 2-7-03
Roll Call Vote #: _____

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1292

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 30550, 0100

Action Taken DNP

Motion Made By Rep. Headland Seconded By Rep. Ruby

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	✓		Lois Delmore	✓	✓
Kathy Hawken - Vice Chairman		✓	Arlo E. Schmidt		✓
LeRoy G. Bernstein		✓	Elwood Thorpe	✓	
Mark A. Dosch		✓	Steven L. Zaiser		✓
Pat Galvin		✓			
Craig Headland	✓				
Clara Sue Price	✓				
Dan J. Ruby	✓				
Dave Weiler		✓			

Total Yes 5 No 8

Absent 0

Floor Assignment _____

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

La Costa Rickford
Operator's Signature

10/3/03
Date

Date: 2-7-03
Roll Call Vote #: _____

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1292

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Motion Made By

Seconded By

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman		✓	Lois Delmore	✓	
Kathy Hawken - Vice Chairman	✓		Arlo E. Schmidt	✓	
LeRoy G. Bernstein	✓		Elwood Thorpe	✓	
Mark A. Dosch	✓		Steven L. Zaiser	✓	
Pat Galvin	✓				
Craig Headland	✓				
Clara Sue Price		✓			
Dan J. Ruby		✓			
Dave Weiler	✓				

Total Yes 10 No 3

Absent 0

Floor Assignment Rep Delmore

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

REPORT OF STANDING COMMITTEE (410)
February 7, 2003 1:11 p.m.

Module No: HR-25-1986
Carrier: Delmore
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1292: Transportation Committee (Rep. Welsz, Chairman) recommends **DO PASS**
(10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1292 was placed on the
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-25-1986

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2003 SENATE TRANSPORTATION

HB 1292

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10/3/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1292

Senate Transportation Committee

☐ Conference Committee

Hearing Date 3-06-03

Tape Number	Side A	Side B	Meter #
1	X		3335-end
1		X	0-400

Committee Clerk Signature

Mary K Monson

Minutes:

Chairman Senator Thomas Trenbeath opened the hearing on HB 1292 relating to a snowmobile access fee.

Representative Jon Nelson (District 7) Introduced HB 1292. The trail fees in ND do not require a decal or permit from nonresidents who come into the state and all areas around ND do have that requirement for a nonresident. The bill, with amendments, would require a nonresident who uses the trail system in ND to buy a \$15 permit decal. The penalty would be increased to \$50 for not registering a sled.

(Meter 3800) Discussion on the fiscal note attached to this bill. It would take \$12,000 to initiate the program in this biennium. It was not determined if the appropriation was a one time appropriation.

(Meter 4210) Discussion on implementing the program. Internet sales would probably be the most widely accepted method. Vendors could be located in hot spots for snowmobile activity.

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Date

10/3/03

Page 2

Senate Transportation Committee

Bill/Resolution Number HB 1292

Hearing Date 3-06-03

Senator Mutch asked if the licensing for nonresidents is like Minnesota.

Representative Nelson answered yes and that the fee schedule is borrowed from Minnesota.

Tom Balzer (Recreation Division Manager, ND Parks and Recreation Dept.) See attached testimony. Supports HB 1292 with the attached amendment. (Meter 4800) Clarified that the fee for state residents who do not register their sled is already \$50. Asking that the fee for non residents be commensurate with what ND residents are charged for not registering their sleds.

(Meter 5170) Discussion as to the State Snowmobile Fund. It is made up of the trail tax as well as the gas tax and a safety component. Three funds are put together into the one larger fund.

Don Wible (President of Snowmobile North Dakota) See attached testimony in support of HB 1292.

Senator Espgaard stated that the bill doesn't provide funds for the trails and wondered what the benefits were.

Don Wible answered that the \$12,000 is a start up fee. After that the fees would go into their trail fund. They speculate up to 200 sleds a year and the \$15 registration fee is an annual fee.

(Meter 5850) Discussion concerning the percentage of registered snowmobiles belonging to the snowmobile clubs and trail associations and it was clarified that this bill does not affect them, It only affects non residents.

Andy Zachmeier (Bismarck) (Tape 1, Side A, Meter 6188, Tape 1, Side B, Meter 0) Opposes HB 1292 because of enforcement issues such as who will enforce and how they will enforce it.

(Tape 1, Side B, Meter 250) Discussion as to how present registration laws are enforced. It all comes down to catching the violators. There are already all kinds of enforcement problems.

The hearing on HB 1292 was closed.

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **HB 1292**

Senate Transportation Committee

☐ Conference Committee

Hearing Date 3-07-03

Tape Number	Side A	Side B	Meter #
1	X		1200-1840
Committee Clerk Signature <i>Mary K Monson</i>			

Minutes:

Chairman Senator Thomas Trenbeath opened HB 1292 for discussion.

A handwritten information financial sheet was handed out from Parks and Recreation.

There was discussion on the costs involved. No money would be made the first year but, if the sales are where they are hoped to be, the Internet set up fee would be recovered the second year.

The bill is just written for snowmobiles, not ATV's.

Senator Espegard moved to adopt the amendment by Tom Balzer.

Seconded by **Senator Taylor**. Roll call vote 5-0-1.

Senator Taylor moved a **Do Pass** as amended and refer to appropriations. Seconded by

Senator Espegard. Roll call vote 5-0-1. **Passed**. Floor carrier is **Senator Taylor**.

30550.0101
Title.

Prepared by the Legislative Council staff for
Representative Nelson
March 3, 2003

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1292

Page 1, line 1, replace "section" with "sections" and after "39-24-04" insert "and 39-24-11"

Page 1, line 2, after "fee" insert "; to provide a penalty; to provide an appropriation; and to provide an effective date"

Page 1, after line 24, insert:

"SECTION 2. AMENDMENT. Section 39-24-11 of the North Dakota Century Code is amended and reenacted as follows:

39-24-11. Penalties. Any person who violates subdivision b or g of subsection 5 of section 39-24-09 is guilty of a class B misdemeanor. Any person who violates subdivision c of subsection 5 of section 39-24-09 is guilty of an infraction or a class B misdemeanor as determined by section 39-24.1-07. Any person who violates subsection 11 of section 39-24-09 is guilty of a class B misdemeanor and must be assessed a fine of at least one hundred dollars. Any person who violates any other provision of section 39-24-09 must be assessed a fee of twenty dollars. Any person, unless specifically exempted, who fails to register or fails to display a decal as required by section 39-24-02 must be assessed a fee of fifty dollars. If the person provides proof of registration after the violation, the fee may be reduced by one-half. Any person who violates any other provision of this chapter for which a specific penalty is not provided must be assessed a fee of ten dollars.

SECTION 3. APPROPRIATION. There is appropriated out of moneys in the state snowmobile fund in the state treasury, not otherwise appropriated, the sum of \$12,000, or so much of the sum as may be necessary, to the parks and recreation department for the purposes of establishing and administering the decal program for snowmobiles registered in another state or country, for the biennium beginning July 1, 2003, and ending June 30, 2005.

SECTION 4. EFFECTIVE DATE. Section 1 of this Act becomes effective on August 1, 2005."

Renumber accordingly

30550.0102
Title.0200

Adopted by the Transportation Committee
March 7, 2003

903
3-10-03

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1292

Page 1, line 1, replace "section" with "sections" and after "39-24-04" insert "and 39-24-11"

Page 1, line 2, after "fee" insert "; to provide a penalty; to provide an appropriation; and to provide an effective date"

Page 1, after line 24, insert:

"SECTION 2. AMENDMENT. Section 39-24-11 of the North Dakota Century Code is amended and reenacted as follows:

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SECTION 4. EFFECTIVE DATE. Section 1 of this Act becomes effective on August 1, 2005."

Renumber accordingly

17

☐ Check here for Conference Committee

Action Taken Bayer Amendment

[illegible]

Absent /

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

Operator's Signature La Costa Rickford Date 10/3/03

Date: 3-7-03
Roll Call Vote #: 2

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1292

Senate TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number: 30550.0102 Title .0200

Action Taken Do pass as amended and refer to appropriations

Motion Made By Senator Taylor Seconded By Senator Espeland

Senators	Yes	No	Senators	Yes	No
Senator Thomas Trenbeath, Chair	✓		Senator Dennis Bercier		
Senator Duaine Espeland, V. Chair	✓		Senator Ryan Taylor	✓	
Senator Duane Mutch	✓				
Senator Dave Nething	✓				

Total (Yes) 5 No 0

Absent 1

Floor Assignment Senator Taylor

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

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La Costa Rickford
Operator's Signature

10/3/03
Date

REPORT OF STANDING COMMITTEE (410)
March 10, 2003 4:24 p.m.

Module No: SP-42-4405
Carrier: Taylor
Insert LC: 30550.0102 Title: .0200

REPORT OF STANDING COMMITTEE

HB 1292: Transportation Committee (Sen. Trenbeath, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1292 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections" and after "39-24-04" insert "and 39-24-11"

Page 1, line 2, after "fee" insert "; to provide a penalty; to provide an appropriation; and to provide an effective date"

Page 1, after line 24, insert:

"SECTION 2. AMENDMENT. Section 39-24-11 of the North Dakota Century Code is amended and reenacted as follows:

39-24-11. Penalties. Any person who violates subdivision b or g of subsection 5 of section 39-24-09 is guilty of a class B misdemeanor. Any person who violates subdivision c of subsection 5 of section 39-24-09 is guilty of an infraction or a class B misdemeanor as determined by section 39-24.1-07. Any person who violates subsection 11 of section 39-24-09 is guilty of a class B misdemeanor and must be assessed a fine of at least one hundred dollars. Any person who violates any other provision of section 39-24-09 must be assessed a fee of twenty dollars. Any person, unless specifically exempted, who fails to register or fails to display a decal as required by ~~section~~ sections 39-24-02 and 39-24-04 must be assessed a fee of fifty dollars. If the person provides proof of registration after the violation, the fee may be reduced by one-half. Any person who violates any other provision of this chapter for which a specific penalty is not provided must be assessed a fee of ten dollars.

SECTION 3. APPROPRIATION. There is appropriated out of moneys in the state snowmobile fund in the state treasury, not otherwise appropriated, the sum of \$12,000, or so much of the sum as may be necessary, to the parks and recreation department for the purposes of establishing and administering the decal program for snowmobiles registered in another state or country, for the biennium beginning July 1, 2003, and ending June 30, 2005.

SECTION 4. EFFECTIVE DATE. Section 1 of this Act becomes effective on August 1, 2005."

Renumber accordingly

2003 SENATE APPROPRIATIONS

HB 1292

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Operator's Signature

10/3/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1292

Senate Appropriations Committee

☐ Conference Committee

Hearing Date March 18, 2003

Tape Number	Side A	Side B	Meter #
#1	x		0- 2460
Committee Clerk Signature <i>Jan Hendrickson</i>			

Minutes:

Senator Bowman, vice chairman called the meeting to order, (#3) Roll was called.

Hearing on SB 1292 was opened (#68)

Tom Trenbeath, Senator from District 10. No written testimony. He stated that when the bill was heard in his committee (Transportation) there was no testimony against it. The testimony was in favor for it, including the snowmobile clubs, organization. That has apparently changed, since there has been some e-mails from other snowmobile clubs who have some objections to it. He thought they must have felt that it would have some effect on out of state snowmobiles. He didn't feel it was a reasonable fear. This bill would bring the state in line with the other neighboring states and Canada. Manitoba has a fee of \$30.00, and Minnesota has a fee of \$15 for out of state snowmobiles for the use of their trails. The fee this is proposed with this bill is \$15.00 for out of state snowmobiles for a decal to put on their sleds and use the states trails, actually to just use their sleds in the state. The fees would go for maintenance of the public trail

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La Costa Rickford
Operator's Signature

10/3/03
Date

Page 2

Senate Appropriations Committee

Bill/Resolution Number SB 1292

Hearing Date March 18, 2003

system. The math on this just works, barely, for the first 2 years, because of the upfront costs of establishing the program, printing the decals and putting the word out through the Internet. It won't be any great revenue source, but it will generate some revenue for the trails.

Questions: (#257)

Senator Robinson: (he didn't have his mic on) He wanted to know about the bill that was introduced earlier on snowmobiles. **Tom** replied that it increased the fees for licensing snowmobiles in state, he thought they might have doubled them. That bill originated with the Snowmobile Association. Their intent was to use the increase in money for trails, but the upkeep on the trails is not the expensive part, it is the equipment which is very expensive.

Senator Bowman: He wanted to make sure he understood, this was for strictly out of state snowmobile and they have to be registered in North Dakota before they go on the trails and they receive a decal. **Tom** stated that yes, they receive a decal for the \$15.00 fee, it is not a registration, it would be like buying a pass for the state parks. **Senator Bowman** continued: who would be the enforcer of this. **Tom:** stated that any law enforcer would enforce it, Parks & Recreation people would do it mainly, as they are more closely associated with the trails.

Senator Bowman wanted to know if there were costs involved for the people involved to go to school to learn how to enforce this. He wanted to know if that is included in the \$6,000 other funds appropriation? **Tom** said that **Mr. Prchal** from ND Park and Recreation would address this. He thought there would be little or no costs, as the people enforcing other things in the Parks & Recreation are already trained, they would just be enforcing another law.

Senator Tallackson: (his mic was not working) He wanted to know if **Tom** would speak on the amendments. **Tom** replied that they had to amend it because the penalty section didn't include

Page 3

Senate Appropriations Committee

Bill/Resolution Number SB 1292

Hearing Date March 18, 2003

this the decal for outsiders. (tape is very hard to hear, static from the mic) Senator Tallackson wanted to know what costs, Tom replied that the most expensive costs were the web site.

Senator Andrist: (#521) Is it not a violation if you don't buy a decal and don't use the trails?

Tom replied that he didn't think that was correct. If you come into the State of North Dakota and ride your snowmobile, you must have the decal. **Senate Andrist :** But it just applies to out of state snowmobiles?

Jon Nelson (#649) Representative from District 7, prime sponsor. No written testimony Main reason for this bill is the snowmobiles from North Dakota felt it wasn't fair to have to pay double the licenses fee and then let out of state snowmobiles ride in North Dakota free. Any nonresident coming into the state with their snowmobiles would have to purchase a decal. As far as enforcement, they could be checked at night at the motels, by just driving by and looking at the machines, or by checking at the beginning of the trails, by looking at the machines for the decals, which will be highly visible. The penalty was raised because it was only \$10.00 for non-resignation of snowmobiles, It was decided to have a \$50.00 fine so that it would take away the incentive not to register. The reason for the no date is to give the snowmobiles time to do the surveys they need to do and to create the enforcement aspects, printing the decals, etc.

Senator Lindaas (#976) Annual sticker? Jon answered it was a annual sticker, good for one year.

Doug Prchal, (1036), Director of North Dakota Parks & Recreation. No written testimony. He would answer some of the questions that have been asked. His staff is already trained in law enforcement, and there is already a working relationship with local enforcement agencies, if they are needed The \$6,000 number is an annual fee, which would make it a \$12,000 biennial.

Page 4
Senate Appropriations Committee
Bill/Resolution Number SB 1292
Hearing Date March 18, 2003

Senator Mathern: (#1200) He wondered why Doug didn't bring this up, and what are his thoughts are in regards to this proposal. **Doug** stated that the state doesn't have the trails, so it wasn't thought of as being worth it.

Senator Andrist (#1343) How will people become aware of these trails, fees etc. especially in the Western part of the state where there aren't that many trails, that he is aware of. He also wanted to know if there would be a warning before a ticket was given. **Jon** stated that there are trails in the Badlands. People from Canada and Montana probably don't come over to the Western part for this. There would be a warning, Parks and Rec takes a light hand to these kinds of things. That is why there is a delay in the starting date, so that information can be gotten out.

Senator Bowman (#1496) Where would a person be able to buy the decal? At trails, before you come into the state. **Doug:** We have talked with Game & Fish, they sell there licensee at different locations, etc. We have talked with DOT and asked them if we can sell the decals through their sites but that is limited to 8-5 Monday through Friday. They will need to access gas stations or some of those places, they won't be able to sell the decals at trails because they would have to post someone at those places. Another thing we will look at is Internet sales.

Senator Tallackson: (#1610) How do other states do it? **Doug:** We don't know but we will be checking with them.

(#1657) **Senator Tallackson** moved a DO PASS on HB 1292. Seconded by **Senator Mathern**.

Discussion:

Senator Andrist thought it would be just nice to welcome out of staters.

Senator Tallackson thought it was appropriate to charge since all of the other states do.

Senator Thane sta'ed it takes money to keep these trails groomed, etc.

Salista Rickford
Operator's Signature

10/2/03
Date

Page 5

Senate Appropriations Committee

Bill/Resolution Number SB 1292

Hearing Date March 18, 2003

Senator Bowman wanted to know if this was for the trails only, do you have to have a decal just to come into the state. **Doug:** Private lands do not require decals, all rights of way, on highlands, and trails will require decals.

Senator Andrist stated that this was in conflict of what was said earlier.

Doug stated that decals are not required on private lands. The law will apply will to right of ways, highway and trails. The way he read the law it would apply to everyone that comes into the state to ride a snowmobile in a public right of way.

Discussion continued on what is public lands.

Senator Mathern reminded committee members that the effective date is not until August 1, 2005. There is plenty of time to work out details.

Roll call vote was taken 8 y 3 no 3 absent and not voting. Motion carried. Bill will be sent back to Transportation for carry.

Hearing on HB 1292 was closed. (#2460)

Date: 3/18/03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1292

Senate Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Do Pass as Amended - by transp

Motion Made By Tallacksen Seconded By Mathern

Senators	Yes	No	Senators	Yes	No
Senator Holmberg, Chairman					
Senator Bowman, Vice Chair		✓			
Senator Grindberg, Vice Chair	✓				
Senator Andrist		✓			
Senator Christmann					
Senator Kilzer	✓				
Senator Krauter	✓				
Senator Kringstad		✓			
Senator Lindaas	✓				
Senator Mathern	✓				
Senator Robinson	✓				
Senator Schobinger					
Senator Tallackson	✓				
Senator Thane	✓				

Total (Yes) 8 No 3

Absent 3

Floor Assignment transportation Taylor

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

REPORT OF STANDING COMMITTEE (410)
March 18, 2003 10:24 a.m.

Module No: SR-48-5003
Carrier: Taylor
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1292, as amended, Appropriations Committee (Sen. Holmberg, Chairman)
recommends **DO PASS** (8 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING). HB 1292,
as amended, was placed on the Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-48-5003

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La Costa Rickford
Operator's Signature

10/3/03
Date

2003 HOUSE TRANSPORTATION
CONFERENCE COMMITTEE
HB 1292

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Operator's Signature

10/3/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1292

House Transportation Committee

☒ Conference Committee

Hearing Date April 3, 2003

Tape Number	Side A	Side B	Meter #
1	X		20.8 to 35.3
Committee Clerk Signature <i>Lauren H. Fink</i>			

Minutes:

Chairman, Rep. Hawken opened the conference committee meeting with call of the roll of the members:

Rep. Hawken

Sen. Trenbeath

Rep. Weiler

Sen. Nething

Rep. Delmore

Sen. Taylor

All members were present and responded to roll call.

Rep. Hawken explained the bill. Rep. Delmore noted that the House did not have the proposed amendments at that time and they were added in the Senate. She also noted that some had questioned the fiscal note. The Senate also questioned the fiscal note. It was also stated that the bill did not take effect until the year 2005. The dollars looked like a direct trade-off. Doug Prchal, Director of State Parks and Recreation was available as a resource person. He explained that the initial costs would be to set up the program but the program would be totally self

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Operator's Signature

10/3/03
Date

Page 2

House Transportation Committee

Bill/Resolution Number HB 1292

Hearing Date April 3, 2003

sufficient. This would be the development of a web site to help promote it. Rep. Hawken asked whether the Parks and Rec did not now have a web site wouldn't this likely be a part of that.

Doug Prchal answered in the affirmative. The Senate consensus was that it wouldn't be a big money maker because it is all dependent upon the snow fall. The committee questioned Mr. Prchal about the plans for monitoring the program

Rep. Delmore moved that the House accede to the Senate amendments. Sen. Trenbeath seconded the motion. On a roll call vote the motion carried 6 Ayes 0 Nays 0 Absent.

Rep. Hawken was designated to carry HB 1292 on the floor.

End of record. (35.3)

La Costa Rickford
Operator's Signature

10/2/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1292 conf. b

House Transportation Committee

☒ Conference Committee

Hearing Date April 8, 2003

Tape Number	Side A	Side B	Meter #
1	x		0.2 to 5.6
Committee Clerk Signature <i>Lauren B. Fink</i>			

Minutes:

Chairman, Rep. Hawken opened the conference committee on HB 1292. She explained that this bill had been recalled for reconsideration and asked that the roll be called. Upon call of the roll:

Rep. Hawken	Sen. Trenbeath
Rep. Weiler	Sen. Nething
Rep. Delmore	Sen. Taylor

all responded to the roll.

Rep. Hawken explained that it had been questioned why this bill had not been sent to the Appropriations Committee. Sen. Trenbeath stated that the expenditures were to be from revenues once the bill went into effect August, 2005. Until then the only expenditure would be for the Parks and Rec to modify their Web site which would probably be only couple of thousand dollars.

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE) - 420

07398

(Bill Number) HB 1292 (, as (re)engrossed):

Your Conference Committee

For the Senate:

Sen. Trenbeath
Sen. Netting
Sen. Taylor

For the House:

Rep. Hawken
Rep. Weiler
Rep. Delmore

☒ recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)
the (Senate/House) amendments on (S/J/HJ) page(s) 985 - 986

☒ and place HB 1292 on the Seventh order.

☐ , adopt (further) amendments as follows, and place
_____ on the Seventh order:

☐ having been unable to agree, recommends that the committee be discharged
and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the
calendar.

DATE: 4/03/03

CARRIER: Rep. Hawken

LC NO. _____ of amendment

LC NO. _____ of engrossment

Emergency clause added or deleted _____

Statement of purpose of amendment _____

(1) LC (2) LC (3) DESK (4) COMM.

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La Costa Rickford
Operator's Signature

10/2/03
Date

REPORT OF CONFERENCE COMMITTEE (420)
April 4, 2003 8:32 a.m.

Module No: HR-61-6742

Insert LC: .

REPORT OF CONFERENCE COMMITTEE
HB 1292, as engrossed: Your conference committee (Sens. Trenbeath, Nething, Taylor and
Reps. Hawken, Weller, Delmore) recommends that the **HOUSE ACCEDE** to the
Senate amendments on HJ pages 985-986A

(2) DESK, (2) COMM

Page No. 1

HR-61-6742

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Y. Costa Rickford
Operator's Signature

10/3/03
Date

30550.0103
Title.0300

Adopted by the Transportation Committee
April 7, 2003

VR
4/7/03

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1292

That the Senate recede from its amendments as printed on pages 985 and 986 of the House Journal and page 723 of the Senate Journal and that House Bill No. 1292 be amended as follows:

Page 1, line 1, replace "section" with "sections" and after "39-24-04" insert "and 39-24-11"

Page 1, line 2, after "fee" insert "; to provide a penalty; to provide an appropriation; and to provide an effective date"

Page 1, after line 24, insert:

"SECTION 2. AMENDMENT. Section 39-24-11 of the North Dakota Century Code is amended and reenacted as follows:

39-24-11. Penalties. Any person who violates subdivision b or g of subsection 5 of section 39-24-09 is guilty of a class B misdemeanor. Any person who violates subdivision c of subsection 5 of section 39-24-09 is guilty of an infraction or a class B misdemeanor as determined by section 39-24.1-07. Any person who violates subsection 11 of section 39-24-09 is guilty of a class B misdemeanor and must be assessed a fine of at least one hundred dollars. Any person who violates any other provision of section 39-24-09 must be assessed a fee of twenty dollars. Any person, unless specifically exempted, who fails to register or fails to display a decal as required by ~~section~~ sections 39-24-02 and 39-24-04 must be assessed a fee of fifty dollars. If the person provides proof of registration after the violation, the fee may be reduced by one-half. Any person who violates any other provision of this chapter for which a specific penalty is not provided must be assessed a fee of ten dollars.

SECTION 3. APPROPRIATION. There is appropriated out of moneys in the state snowmobile fund in the state treasury, not otherwise appropriated, the sum of \$4,995, or so much of the sum as may be necessary, to the parks and recreation department for the purposes of establishing and administering the decal program for snowmobiles registered in another state or country, for the biennium beginning July 1, 2003, and ending June 30, 2005.

SECTION 4. EFFECTIVE DATE. Section 1 of this Act becomes effective on August 1, 2005."

Renumber accordingly

REPORT OF CONFERENCE COMMITTEE (420)
April 8, 2003 8:03 a.m.

Module No: HR-83-7054

Insert LC: 30550.0103

REPORT OF CONFERENCE COMMITTEE

HB 1292, as engrossed: Your conference committee (Sens. Trenbeath, Nething, Taylor and Reps. Hawken, Weller, Delmore) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 985-986, adopt amendments as follows, and place HB 1292 on the Seventh order:

That the Senate recede from its amendments as printed on pages 985 and 983 of the House Journal and page 723 of the Senate Journal and that House Bill No. 1292 be amended as follows:

Page 1, line 1, replace "section" with "sections" and after "39-24-04" insert "and 39-24-11"

Page 1, line 2, after "fee" insert "; to provide a penalty; to provide an appropriation; and to provide an effective date"

Page 1, after line 24, insert:

"SECTION 2. AMENDMENT. Section 39-24-11 of the North Dakota Century Code is amended and reenacted as follows:

39-24-11. Penalties. Any person who violates subdivision b or g of subsection 5 of section 39-24-09 is guilty of a class B misdemeanor. Any person who violates subdivision c of subsection 5 of section 39-24-09 is guilty of an infraction or a class B misdemeanor as determined by section 39-24.1-07. Any person who violates subsection 11 of section 39-24-09 is guilty of a class B misdemeanor and must be assessed a fine of at least one hundred dollars. Any person who violates any other provision of section 39-24-09 must be assessed a fee of twenty dollars. Any person, unless specifically exempted, who fails to register or fails to display a decal as required by section sections 39-24-02 and 39-24-04 must be assessed a fee of fifty dollars. If the person provides proof of registration after the violation, the fee may be reduced by one-half. Any person who violates any other provision of this chapter for which a specific penalty is not provided must be assessed a fee of ten dollars.

SECTION 3. APPROPRIATION. There is appropriated out of moneys in the state snowmobile fund in the state treasury, not otherwise appropriated, the sum of \$4,995, or so much of the sum as may be necessary, to the parks and recreation department for the purposes of establishing and administering the decal program for snowmobiles registered in another state or country, for the biennium beginning July 1, 2003, and ending June 30, 2005.

SECTION 4. EFFECTIVE DATE. Section 1 of this Act becomes effective on August 1, 2005."

Renumber accordingly

Engrossed HB 1292 was placed on the Seventh order of business on the calendar.

2003 TESTIMONY

HB 1292

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Val Costa Rickford
Operator's Signature

10/2/03
Date

**TESTIMONY - HOUSE BILL 1292
HOUSE TRANSPORTATION COMMITTEE
JANUARY 31, 2003 - 8:30 AM
FORT TOTTEN ROOM**

Mr. Chairman and members of the Senate Transportation Committee, my name is Tom Balzer, Recreation Division Manager with the North Dakota Parks and Recreation Department. I appear to offer neutral testimony on House Bill 1292.

The North Dakota Parks & Recreation Department administers the state snowmobile fund as prescribed in the North Dakota Century Code and we are fully prepared to effectively implement the intent of this bill into our existing state snowmobile trail program.

The revenue generated by this fee will be initially spent on associated decal and awareness printing costs and distribution royalties to local vendors who will be required to sell the permits. The remaining funds will be allocated to increased enforcement presence and trail maintenance across the existing system.

Since we have never tracked out-of-state snowmobile users who use the state trail system we do not have hard numbers to give you, but based on discussions with Snowmobile North Dakota and enforcement officers we feel at the extreme 200 out-of-state snowmobile users visit the state during years of sufficient snow. The number of out-of-state users is highly dependant on snowfall in relation to surrounding states, making the revenue generation extremely volatile. At this time we do not see a reliance on these funds to augment the state snowmobile trail program.

Finally, if the committee decides to give this bill a do pass recommendation, to be consistent, I would ask for the committees consideration to also amend and reenact section 39-24-11 of the North Dakota Century Code to make the penalty of violating this bill comparable to that of violating in-state registration of snowmobiles.

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

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2080

Page 1, line 2, after "fee" insert "and to provide a penalty."

Amend and reenact section 39-24-11 as follows:

39-24-11. Penalties. Any person who violates subdivision b or g of subsection 5 of section 39-24-09 is guilty of a class B misdemeanor. Any person who violates subdivision c of subsection 5 of section 39-24-09 is guilty of an infraction or a class B misdemeanor as determined by section 39-24.1-07. Any person who violates subsection 11 of section 39-24-09 is guilty of a class B misdemeanor and must be assessed a fine of at least one hundred dollars. Any person who violates any other provision of section 39-24-09 must be assessed a fee of twenty dollars. Any person, unless specifically exempted, who fails to register as required by section 39-24-02 or subsection 3 of section 39-24-02 must be assessed a fee of fifty dollars. If the person provides proof of registration after the violation, the fee may be reduced by one-half. Any person who violates any other provision of this chapter for which a specific penalty is not provided must be assessed a fee of ten dollars.

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**TESTIMONY – HOUSE BILL 1292
HOUSE TRANSPORTATION COMMITTEE
JANUARY 31, 2003 – 8:30 AM
FORT TOTTEN ROOM**

Mr. Chairman and members of the House Transportation Committee, my name is Gary Markwart, Board Member of the Board of Directors for Snowmobile North Dakota. Snowmobile North Dakota is contracted by the North Dakota Parks & Recreation Department to manage North Dakota's snowmobile program which involves overseeing the snowmobile safety and trail programs. This includes securing land leases, providing trail insurance, inspecting and monitoring trails, law enforcement, and administering snowmobile safety classes and providing snowmobile safety information to the public. Currently, Snowmobile North Dakota works with 51 clubs and 18 trail associations in maintaining snowmobile trails throughout the state. I appear in opposition of House Bill 1292 implementing a fifteen-dollar trail access fee for out-of-state and out-of-county snowmobile users.

Under normal snow conditions, North Dakota does not have the out-of-state snowmobile user base that other states, such as Minnesota, Michigan, Wisconsin, South Dakota, Montana and Wyoming boast. Many families would travel the extra 300 miles to sled in surrounding states that offer trail systems with more centrally located trails and scenic value than North Dakota offers at this time. This winter has been a prime example of an abnormal snow year which is why we saw an increase in the number of out of state riders. The current snow year should not be considered a long term trend in planning the future of the snowmobile trail system.

The snowmobile trail fund supports approximately 3,000 miles of groomed trail and 800 miles of ungroomed trail throughout the state. As it currently stands, law enforcement is a challenge because of the geographical size of the state and the strategically placed snowmobile trails throughout North Dakota. At this time we feel there is not adequate enforcement personnel in place to implement and manage the fifteen-dollar trail access fee effectively.

We feel that the estimated administrative costs of this program could outweigh the potential income that would generate from this fee. For example, to effectively implement this program trail passes would have to be sold at non-government sites, like gas stations, restaurants, and lodging establishments, much like hunting and fishing licenses. As you are well aware, non-government and some governmental entities such as County Commissioners receive a royalty for the sale of these licenses. The associated administrative costs such as printing, decal design, production, royalty fees, and enforcement needs would exceed the amount of the fees collected. In the end, the in state users would pay for the cost of the over-run.

House Bill 1292, as proposed with the current laws, states an out-of-state or out-of-country snowmobile user who is cited for not purchasing a trail pass, would only be fined ten dollars. We feel with the current enforcement resources, this is a chance many snowmobile users will take.

There are also many clubs in North Dakota which have a large percentage of members from South Dakota and Minnesota. These members are an intricate part of the state trail system in

North Dakota. Their help in signing, grooming, and grubbing the North Dakota trail systems is a valuable asset to the State of North Dakota. We fear that enacting this legislation would alienate these members and put a strain on the volunteer labor needed to support the state trail system.

We feel at this time the snowmobile trail fund is not prepared to develop or handle a program dealing with an out-of-state or out-of-country trail access fee. More research and development needs to be completed before the snowmobile trail fund would be able to administer this program effectively. We ask for a vote of DO NOT PASS on House Bill 1292.

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

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La Costa Rickford
Operator's Signature

10/3/03
Date

**TESTIMONY - HOUSE BILL 1292
SENATE TRANSPORTATION COMMITTEE
MARCH 6, 2003 - 10:00 AM
LEWIS & CLARK ROOM**

Mr. Chairman and members of the Senate Transportation Committee, my name is Tom Balzer, Recreation Division Manager with the North Dakota Parks and Recreation Department. I appear in support of House Bill 1292 with the proposed amendments.

The North Dakota Parks & Recreation Department administers the state snowmobile fund as prescribed in the North Dakota Century Code and we are fully prepared to effectively implement the intent of this bill into our existing state snowmobile trail program.

The revenue generated by this fee will be initially spent on associated decal and awareness printing costs and distribution royalties to local vendors who will be required to sell the permits. The remaining funds will be allocated to increased enforcement presence and trail maintenance across the existing system.

Since we have never tracked out-of-state snowmobile users who use the state trail system we do not have hard numbers to give you, but based on discussions with Snowmobile North Dakota and enforcement officers we feel at the extreme 200 out-of-state snowmobile users visit the state during years of sufficient snow. The number of out-of-state users is highly dependant on snowfall in relation to surrounding states, making the revenue generation extremely volatile. At this time we do not see a reliance on these funds to augment the state snowmobile trail program.

Finally, in order to insure the true penalty intent of the proposed amendments, I would ask for the committee's consideration to amend the amendment in section 39-24-11 to replace "section 39-24-02" with "sections 39-24-02 and 39-24-04".

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

Tom Balzer
Operator's Signature

10/3/03
Date

Tom Balzer

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1292

Page 1, line 1, replace "section" with "sections" and after "39-24-04" insert "and 39-24-11"

Page 1, line 2, after "fee" insert "; to provide a penalty; to provide an appropriation; and to provide an effective date"

Page 1, after line 24, insert:

"SECTION 2. AMENDMENT. Section 39-24-11 of the North Dakota Century Code is amended and reenacted as follows:

39-24-11. Penalties. Any person who violates subdivision b or g of subsection 5 of section 39-24-09 is guilty of a class B misdemeanor. Any person who violates subdivision c of subsection 5 of section 39-24-09 is guilty of an infraction or a class B misdemeanor as determined by section 29-24.1-07. Any person who violates subsection 11 of section 39-24-09 is guilty of a class B misdemeanor and must be assessed a fine of at least one hundred dollars. Any person who violated any other provision of section 39-24-09 must be assessed a fee of twenty dollars. Any person, unless specifically exempted, who fails to register or fails to display a decal as required by section sections 39-24-02 and 39-24-04 must be assessed a fee of fifty dollars. If the person provides proof of registration after the violation, the fee may be reduced by one-half. Any person who violates any other provision of this chapter for which a specific penalty is not provided must be assessed a fee of ten dollars.

SECTION 3. APPROPRIATION. There is appropriated out of moneys in the state snowmobile fund in the state treasury, not otherwise appropriated, the sum of \$12,000, or so much of the sum as may be necessary, to the parks and recreation department for the purpose of establishing and administering the decal program for snowmobiles registered in another state or country, for the biennium beginning July 1, 2003, and ending June 30, 2005.

SECTION 4. EFFECTIVE DATE. Section 1 of this Act becomes effective on August 1, 2005."

Renumber accordingly

**TESTIMONY - HOUSE BILL 1292
SENATE TRANSPORTATION COMMITTEE
MARCH 6, 2003 - 10:00 AM
LOUIS & CLARK ROOM**

Mr. Chairman and members of the House Transportation Committee, my name is Don Wible, President of Snowmobile North Dakota. Snowmobile North Dakota is contracted by the North Dakota Parks & Recreation Department to manage North Dakota's snowmobile program which involves overseeing the snowmobile safety and trail programs. This includes securing land leases, providing trail insurance, inspecting and monitoring trails, law enforcement, and administering snowmobile safety classes and providing snowmobile safety information to the public. Currently, Snowmobile North Dakota works with 51 clubs and 18 trail associations in maintaining snowmobile trails throughout the state. I appear in support of House Bill 1292 as amended, implementing a fifteen-dollar trail access fee for out-of-state and out-of-county snowmobile users.

In the spirit of what Representative Nelson has stated, Snowmobile North Dakota is in favor of House Bill 1292 with the proposed amendments.

We ask for a vote of DO PASS AS AMENDED on House Bill 1292.

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

Ja Costa Rickford
Operator's Signature

10/3/03
Date

1292
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Senator Treubeth

Est out of State use
15⁰⁰/yr fee

Est Rev 200 sleds
\$3000

400 sleds
\$6000

Expense

Production decals
500 min @ 1⁰⁰/pr
\$500

1000 min @ 1⁰⁰/pr
\$1000

Distribution

Min \$1/sale at 12-18 locations (if sell all)
\$200 annual \$400 Annual

Internet sales \$5000 Startup fee
\$30/mo after \$360 annual

Promotion

Initial \$2500/biennium
\$500 annual thereafter

Mailing/Supplies

\$100-200 annual

Internet sales would increase mailing

\$6500 Initial Setup w/ Internet 200 users

\$7500 " " " 400 users

If no revenue still have cost \$1800 annual cost \$200 \$2500 annual 400 sales