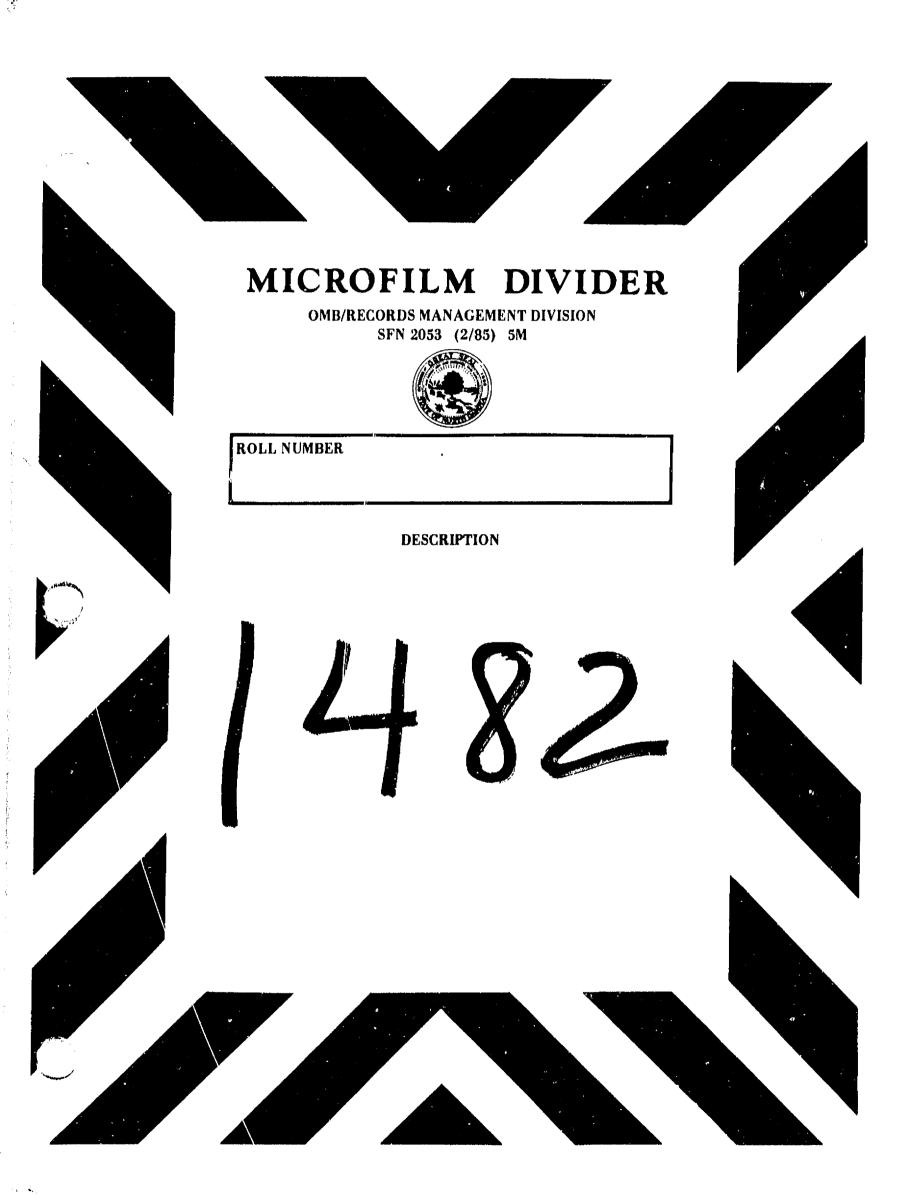
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10/6/63 Date 2003 HOUSE TRANSPORTATION

HB 1482

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## 2003 HOUSE STANDING COMMITTEE MINUTES

### **BILL/RESOLUTION NO. HB 1482**

House Transportation Committee

☐ Conference Committee

Hearing Date January 30, 2003

Tape Number	Side A	Side B	Meter #
1		х	17.7 to end
2	х		0.7 to 4.3
		0 /	
ommittee Clerk Signature	Taure	set Finde	

## Minutes:

Rep. Hawken. Vice Chairman opened the hearing on HB 1482, a bill for an Act to create and enact a new section to chapter 57-43.1 of the North Dakota Century Code, relating to a refund of motor vehicle fuels taxes on fuels used in certain vehicles for public transportation; and to provide an effective date.

Rep. Zaiser representing District 21 spoke as prime sponsor for this proposed legislation. this bill relates to the exemption of fuels taxes from fuels used in public transportation. North Dakota is a large sparsely populated state where in many areas people need to rely upon public transportation. Many rely upon this public transportation for all their needs which also include medical visits, health care and their only means to purchasing their necessities. These include fixed transit routes, dial a ride, impaired transit services, -- throughout the state. Some of these services are at a point where they have to have bakes sales and the like to make ends meet. The fiscal note shows a cost of \$300,000 for the biennium.

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Page 2 House Transportation Committee Bill/Resolution Number HB 1482 Hearing Date January 30, 2003

Rep. Hawken: When you are saying certain vehicles for public transportation -- could you define that a little better?

Rep. Zaiser: That means public transportation -- dial-a-rides, senior citizen buses, and fixed route systems in the cities of Fargo, Minot, --

Rep. Hawken: the entire bus system?

Rep. Zaiser: Yes.

Rep. Price: In our community some contract with the cab company -- how would you nandle that?

Rep. Zaiser: It is my understanding -- and I think -- well I will yield to the folks from the DOT.

We have a friendly amendment that I will distribute to you -- that will deal with making sure that private sector folks would not be eligible for this exemption.

Rep. Price: We had an issue come with some of these more rural -- particularly with them running to the casino. Would that be an issue in this case?

Rep. Zaiser: A public bus -- a public transportation running to a casino?

Rep. Price: yes and she cited several examples.

Rep. Zaiser: That is a good question.

Rep. Mathern: Spoke in favor of the bill. He is Senator from District 11 in Fargo.

<u>Sen. O'Connell.</u> Representing District 6 also spoke on behalf of the bill. He cited some of the problems -- their insurance premiums have tripled.

<u>Jean Rayl</u>: She is a member of the Fargo City Commission appeared in support of HB 1482. A copy of her prepared remarks are attached.

Rep. Headland: Aren't these services bid on by the companies who provide them?

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10/6/63 Date

Y MANAGEMENT

Page 3
House Transportation Committee
Bill/Resolution Number HB 1482
Hearing Date January 30, 2003

<u>Jean Rayl:</u> We have a service that hires our drivers and we pay them -- it is a private company that comes in. the vehicles are owned by the city of Fargo and maintained by them.

Rick Thoms: (33.3) Representing Souris Basin Transit -- Executive Director spoke to the need for this legislation. A copy of his prepared remarks and attachments are attached to these minutes.

Rep. Price: You mentioned that you on a 15% match now -- correct?

Rick Thoms: That is under the Older Americans Act.

Rep. Price: This back sheet does that mean -- it says 53 -47 match -- would that change?

Rick Thoms: The per centage comes off the 53 -11 program which is new under the Department of Transportation. There was further discussion of match ratios under different programs.

Rep. Zaiser: Are there any public buses going to the casinos?

Rick Thoms: As far as my knowledge their are none that run to the casinos -- I believe they are all private charters.

Rep. Zaiser: these private charter are not eligible for these gas tax exemptions.

## Opposition testimony --

Tom Freier representing the ND DOT. They recognize the significance of the rural and other transit system. They have two concerns about the bill -- whether or not there would be any non profits that would benefit from the exmption and the other issue is really a budgetary concern as to the cost of revenue to the Department.

Rep. Hawken: Your department did not prepared this fiscal note -- the tax department did. Do you feel the \$300,000 is a fair representation?

AMPEN A

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Page 4 House Transportation Committee Bill/Resolution Number HB 1482 Hearing Date January 30, 2003

Tom Freier: That is close -- in fact our actual figures are slightly less than that. We are not sure how this bill-- the way it is written -- how it would be interpreted.

Rep. Ruby: When you reference the reduction in revenue -- if there are improvements tat have to be brought up on the local property tax for that portion lost to the counties and cities? Do you see that as a shift in revenue sources?

Tom Freier: There probably be some of that.

Rep. Zaiser: Can you break down for the distribution of state fund to the department, counties and the cities?

Tom Freier: He reviewed the distribution formula.

Rep. Price: How is that 21 cent used to match the Federal funds --?

Tom Freier: He reviewed the 50 -50 matches; the 80-20 matches; and the 90 -10 matches representing the different categories construction programs for the various road systems.

Rep. Price: Do you gave any comments on HB 2484?

Tom Freier: No-- sorry.

<u>Curt Peterson:</u> Representing the AGC of North Dakota. As the people who construct roads they must opposed diversion of any highway revenues.

End of Tape - Curt Peterson testimony continues on Tape 2 Side A.

<u>Curt Peterson:</u> continued (0.4)

<u>Connie Sprynczynatyk:</u> Executive Director for the North Dakota League of Cities rose to voice their opposition to this bill.

Neutral Testimony ---

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Page 5
House Transportation Committee
Bill/Resolution Number HB 1482
Hearing Date January 30, 2003

Joan Gulster: Representing the North Dakota Tax Department stated that while they were preparing the fiscal note -- they were unsure of the definition of Public Transit System. She suggested that an amendment was necessary -- in her opinion.

There being no other persons wishing to testify for or against HB 1482, Vice Chairman Hawken closed the hearing.

End of record (4.3).

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## 2003 HOUSE STANDING COMMITTEE MINUTES

## BILL/RESOLUTION NO. HB 1482 b

House Transportation Committee

☐ Conference Committee

Hearing Date February 6, 2003

Tape Number	Side A	Side B	Meter#
3		X	35.2 to 48.9
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Committee Clerk Signatu	ire L	A Free	

Minutes:

Rep. Weisz opened the discussion for action HB 1482. Rep. Zaisere did research some of the revenue issue. Following discussion -- Rep. Dosch moved a 'Do Not Pass' for HB 1482. Rep. Bernstein seconded the motion. On a roll call vote the motion carried 9 Ayes 3 Nays 1 absent and not voting. Rep. Hawken was designated to carry HB 1482 on the floor. End of record (49.9)

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**FISCAL NOTE** 

Requested by Legislative Council

Bill/Resolution No.:

HB 1482

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		2003-200	5 Blennium	2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			· · · · · · · · · · · · · · · · · · ·			
Appropriations					······································	

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

2001-2003 Blennium		2003-2005 Biennium			2005-2007 Blennlum			
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

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

HB 1482 provides for refunds of motor fuels tax for fuel used for qualifying public transportation. Preliminary research indicates these refund provisions may result in a revenue loss of \$300,000 for the 2003-2005 biennium, affecting the highway tax distribution fund and associated political subdivisions. This estimate is based on limited information about qualifying public transportation systems. If more accurate information becomes available, the fiscal note will be amended accordingly.

- 3. State fiscal effect detail: For information shown under state fiscal effect in 1A, please:
  - A. Revenues: Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.
  - B. Expenditures: Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.
  - 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.

Name:	Kathryn L. Strombeck	Agency:	Tax Dept.
Phone Number:	328-3402	Date Prepared:	01/29/2003

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			THE ROLL CALL VOT	ES		
House TRANSPORTATION					Committee	
Check here for Conference Com	umittee					
Legislative Council Amendment Nur	mber _		30650.100 Not Pear			
Action Taken	,	·				
Motion Made By Rep Dr co	R	Se	econded Blea Bunea	tun	)	
Representatives	Yes	No	Representatives	Yes	No	
Robin Weisz - Chairman	1 V		Lois Delmore	V		
Kathy Hawken - Vice Chairman			Arlo E. Schmidt		V	
LeRoy G. Bernstein	1 V		Elwood Thorpe		V	
Mark A. Dosch		<del>,,,,,</del> ,_,,,,	Steven L. Zaiser		V	
Pat Galvin						
Craig Headland	1//					
Clara Sue Price						
Dan J. Ruby	f					
Dave Weiler						
	1					
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	11					
Total Yes		No	3			
Absent			/ ^	الدومان والدومان وا		
Floor Assignment	top	+	task-			
If the vote is on an amendment, briefl	y indicat	e inten	<b>!:</b>			

Date: 2-6-0-3
Roll Call Vote #: 1

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REPORT OF STANDING COMMITTEE (410) February 7, 2003 1:27 p.m.

TO THE

Module No: HR-25-2001 Carrier: Hawken Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1482: Transportation Committee (Rep. Weisz, Chairman) recommends DO NOT PASS

(9 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1482 was placed on the Eleventh order on the calendar.

(2) DESK, (3) COMM

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Page No. 1

HR-25-2001

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10/6/63\_ Date 2003 TESTIMONY HB 1482

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## HOUSE TRANSPORTATION COMMITTEE January 30, 2003

## North Dakota Department of Transportation Tom Freier, Deputy Director for Business Support

### **HB 1482**

Good morning Mr. Chairman and members of the committee. I'm Tom Freier, Deputy Director for Business Support for the North Dakota Department of Transportation. I'm here on behalf of the department to testify on HB 1482 which would refund motor vehicle fuel taxes on fuels used in certain vehicles for public transportation.

I'd like to begin by saying our department is very supportive of transit and as you know, we are the administering agency for the federal and state transit funding distribution program.

We have two concerns about the bill. Our first concern is technical in nature in that the bill as proposed may provide tax refunds for some for-profit transit providers as they may be indirect recipients of the public transportation fund under 39-04.2-04. We don't believe this was the original intent of the bill. A clarification that this is intended only for governmental or non-profit transit providers may alleviate this concern.

Our second concern in philosophical and pragmatic in nature. We are always concerned about diversions from the state distribution fund. We believe that diversion should have an offsetting remedy. Diversions such as this have a negative impact on the ability of the state, cities, and counties to manage the transportation systems under each respective decision.

For these reasons, the NDDOT opposes HB 1482.

-Mr. Chairman, that concludes my testimony and I would be happy to answer any questions the committee may have.

Page 1 of 1

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Testimony Presented on House Bill #1482 to the

House Transportation Committee Representative Robin Welsz, Chair

by Jean Rayl, Fargo City Commissioner

January 30, 2003

Mr. Chairman and Members of the Committee:

I am Jean Rayl, a member of the City Commission of the City of Fargo. The City of Fargo respectfully requests a "Do Pass" recommendation for House Bill #1482. Public transportation is an essential public service in North Dakota, to both urban and rural areas. It is becoming increasingly more important as our elderly population increases. Many North Dakotans rely upon public transportation for their basic necessities, such as medical services, shopping, etc. It enables people to live independently in their homes longer, thus decreasing the need for costly nursing homes or limited care facilities. This further helps to provide a sense of independence and dignity to our elderly and disabled.

Transit is also important to working people and refugees who do not have a car. It provides a way to get to work, to shop, and to reach medical services. Transit saves money for some households by eliminating the need for a second car. It also reduces the need for parking in the downtown area and near North Dakota State University.

Public transportation is primarily supported by tax payers through public funding from the federal, state, and local governments. Both rural and urban systems are challenged to meet the needs of their citizens with limited resources. The federal gas

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tax is not applied to transit to provide support for public transportation. Many states, including Montana and Minnesota, do not tax fuel used in public transportation.

This becomes a significant issue in Fargo-Moorhead because the two cities are interested in working together on a shared maintenance facility for transit vehicles. Both cities could benefit from a shared facility that would maintain, fuel, and store vehicles. The difficulty of having two different taxation policies creates problems in locating this facility in North Dakota, and fueling the vehicles that serve Moorhead, Minnesota. It may require that vehicles be driven to Minnesota for fuel, increasing costs or requiring additional costs for keeping track of fuel used in Moorhead vehicles.

The loss of revenue to the State will stay with the political subdivisions and non-profit organizations they support to fund public transportation. Federal Transit Administration funding is limited by funding formulas and do not usually cover all eligible costs.

Passage of this bill would provide Fargo with an annual cost savings of about \$40,000. This would help us to provide essential transportation services to the citizens of Fargo and West Fargo. Our rural systems are equally important, where transportation options are more limited and adequate funding is even more critical. Regardless of whether they live in an urban or rural area, all citizens of North Dakota would benefit greatly by passage of this bill.

I encourage you to give House Bill #1482 a "Do Pass" recommendation.

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## Quick Facts

ators Wayne Allard, Jeff **RED TRANSIT August 1** nan, Kent Conrad, Larry The bill is co-sponsored Michael Crapo, Michael or Baucus introduced im Johnson & Craig Senato MEGA 2002. 1 by Sen Bingan Craig, 1 Enzi, 11

## and disabled: Elderly

It sets a \$1 million annual minimum for

It increases North disabled (Section 5310)

bakota's section 5310 program from \$330,309 to \$1 million – an increase of \$669,691. The minimum increases to \$1.5 million in FFY 2007.

The bill ciarifies that operating expenses are eligible under Section 5310 for the elderly and disabled.

## ansit:

It establishes a \$5 million annual minimum for each state's non-urbanized (Section 5311) transit program.

North Dakota's Section 5311 program grows from \$1.1 million to \$5 million — an increase of \$3.9 million. The minimum increases to \$5.5 million in FFY 2007.

## The Bill concentrates on the transit needs of rural areas of the nation. ALL STATES RECEIVE MORE TRANSTI MONEY

## Small Urbanized areas:

It also establishes a \$5 million annual minimum for the small



minimum increases to \$5.5 million more than doubles the funds available for urbanized areas (Fargo, Grand transit in North Dakota's three Forks, and Bismarck). The in FFY 2007.

The Bill does not change how these monies are distributed or administered.

## Matching Share: Transit's state's highway program changed to equal each match requirement is match.

In North Dakota this is roughly 53% federal land ownership in the state. because of the small extent of federal and 47% non-federal,

## decision-making authority in The Bill does not change any transit

The Bill strengthens the Mass Transit Account of the



by crediting **Trust Fund** all the

Highway

interest earned on the transit account balance into the transit account

## **Essential Bus Service:**

- It creates a new program funded at \$30 million annually
  - The new program ensures access between rural

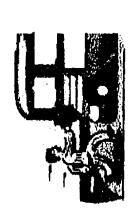


airports/intercity passenger rail. areas and

North Dakota's share of this new program is about \$500,000

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n't Miss the Bus!



# Washington Delegation

Senator Kent Conrad 202-224-2043

http://senator@conrad.senate.gov

Senator Byron Dorgan 202-224-2551

senator@dorgan.senate.gov

Representative Earl Pomeroy

"MEGA RED TRANSIT"

Senate Bill 2884 (Introduced August 1, 2002) Proposal

Sponsored by:

Sen. Wayne Allard CO Sen. Max Baucus MT Sen. Jeff Bingaman NM Sen. Kent Conrad ND Sen. Larry Craig ID Sen. Michael Enz WY Sen. Michael Enz WY Sen. Tim Johnson SD Sen. Craig Thomas WY

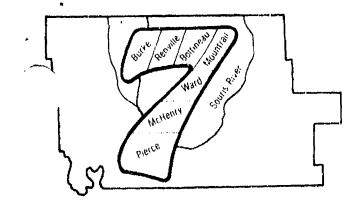
**Duick Facts-**



http://repearl.pomeroy@mail.house.gov 202-224-0355

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## Souris Basin Transportation Board

P.O. BOX 2211 • MINOT, ND 58702 • (701) 852-8008

EQUAL OPPORTUNITY EMPLOYER

Operating and Coordinating a Rural Public Transportation System in a Seven County Area.

Mr. Chairman and members of the Transportation Committee, my name is Rick Thoms, Executive Director of Souris Basin Transportation in Minot, North Dakota. I am also the President of the Dakota Transit Association, which presents 75 public transit providers in North and South Dakota.

I am here asking for your support in the passage of House Bill 1482 relating to a refund of motor vehicle fuel tax that is used in vehicles for public transportation.

In the year 2002, Souris Basin Transportation used 14,974.2 gallons of fuel in our operation of providing public transit traveling 144,415 miles. This averages to 9.64 miles per gallon of fuel used, which is excellent for transit buses.

When this bill is passed, Souris Basin Transportation would receive a refund of \$ 3,144.58. This refund would then be used to match more federal funds that will be coming into the state of North Dakota under the reauthorization of the federal highway act.

As in every type of service, the cost of operation has gone up (fuel, maintenance and labor). Our citizens are asking for more service that we can not provide now because of lack of funds for extra fuel, and drivers and etc.

The passage of this bill would help us leverage addition federal dollars, that would help us in providing the expanded transit services that the people need for medical, work and shopping.

Again, we ask for your support for the passage of House Bill 1482. We need your help and appreciate your support, Thank you.....

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PAGE 02



## NORTH DAKOTA SENIOR SERVICE PROVIDERS

**DATE: January 29, 2003** 

RE: Support of HB 1482

North Daketa House Transportation Committee:

This letter is to state our Associations strong support of HB 1482 that would refund the state fuel tax that is paid for fuel used in public transit vehicles.

The passage of this bill would be of great benefit to twenty of our organizations' member agencies who provide public transportation services. The majority of our members are the sole transit provider in the area they are located in and serve the most rural areas of the state. Every dollar we pay on state fuel tax is one less dollar we have available to provide public transit services to our transit dependent population.

Please consider our strong support for HB 1482 and give this bill a Do-Pass recommendation.

Sincerely,

Cheryl Jongerius

President

ND Senior Service Providers

Cheryl & Dongerus

C/O Dickey County Senior Citizens

PO Box 213

Ellendale, ND 58436-0213

Nutrition Program/Outreach/Transportation/Health Maintenance/Senior Companion

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3750 East Rosser Avenue • Bismarck, ND 58501 • Phone (701) 224-1876 • Fax 223-2572

January 28, 2003

Transportation Committee: North Dakota State Capitol 600 East Boulevard Avenue Bismarck, ND 58505

Mr. Chairman and members of the committee. My name is Carol Anderson, Director of West River Transportation, of Hismarck West River Transportation serves seven counties surrounding the Bismarck Mandan area.

I am writing in support of HB1482, the proposed state fuel tax refund bill for public transit vehicles.

West River Transportation is a non-profit service agency funded with federal and state funds. We maintain fourteen buses that transport elder, disabled, and the general public to medical appointment, meal sites, shopping needs, social outing, and many more transit needs, in their local towns and larger cities, as in Bismarck, Mandan, Dickinson and Minot.

West River travels over 125,000 miles per year, consuming 25,000 plus gallons of fuel per year. The state fuel tax refund on that amount of fuel would be substantial to our agency, and would be utilized to match additional fuderal funds for operations.

In support of HB 1482 our communities would benefit more than the funding of additional funds it would make it feasible to expand needed services in remote furm areas, and other transit deficiencies there may be

Thank you for your time and we would greatly appreciate your support of HB 1482.

Respectfully

Carol Anderson, Director of West River Transportation

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Operator's Signature