

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2144

2005 SENATE TRANSPORTATION

SB 2144

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2144

Senate Transportation Committee

Conference Committee

Hearing Date 1-27-05

Tape Number	Side A	Side B	Meter #
1		x	0-1930
Committee Clerk Signature <i>Mary K Monson</i>			

Minutes:

**Chairman Trenbeath** opened the hearing on SB 2144 relating to registration fees for motor vehicles and relating to registration fee allocation. This bill does contain a fiscal note.

All members were present.

**Celeste Kubasta** (Budget Analyst for the DOT) See the attached testimony in favor of SB 2144.

**Senator Trenbeath** asked where the number \$199.7 million comes from.

**Celeste Kubasta** replied that it was the best estimate they had at the time they went to print.

**David Sprynczynatyk** (Director of DOT) See attached testimony in support of SB 2144. He added that in the current biennium there is approximately \$17.2 million of additional funds that they have not been able to match that are being carried over to the next biennium. At a minimum that level of funding will occur in each of the next two years of the biennium.

**Senator Nething** asked, with the additional \$4.7 that is needed, if he was offering an amendment to increase to a larger amount.

**David Sprynczynatyk** replied that, at this point, they were not. They are working with the Appropriations Committee to try to address this. The essence of what he has said is that there is a need for an additional \$4.7 million. In terms of motor vehicle registration fees, it is about another \$7 on each vehicle that would have to go directly into the highway fund.

**Senator Nothing** then asked if they were planning to take the \$4.7 out of other funds.

**David Sprynczynatyk** said the budget in front of the Appropriations Committee is based on what they knew prior to the current federal appropriation and is based on a requirement of \$20.1 million. They are working with the Appropriations Committee concurrently because they will have to make the decision if they approve the budget as submitted or if they are willing to adjust it in order to reflect what is known about future federal funds.

**Senator Nothing** asked if this bill would be the place to put another \$7 if they need it.

**David Sprynczynatyk** said it probably would. From a policy standpoint, the question here is whether the motor vehicle registration fee is the appropriate place to look for additional funds or are there other means of raising those revenues.

**Senator Warner** asked about financial problems in the lower level work district, such as maintainers, those who plow roads. Asked if there was an equity package in the budget.

**David Sprynczynatyk** said there was not an equity package in the budget that gets presented to the legislature. There is an equity package that was identified as one of the optional adjustments. What they testified in front of the House Appropriations Committee on, in that regard, is that, in the house bill, there is a provision for raises for everyone and also an equity adjustment package. They have testified in support of that equity adjustment package.

**Senator Mutch** asked how much money has been allocated from the federal government that needed to be matched in the last biennium.

**David Sprynczynatyk** answered that we were short being able to match about \$17.5 million. Because of the timing of how Congress acted or failed to act, the additional money was not received until the end of September 2004. Since it wasn't provided earlier we were allowed to carry it over. That is built into the budget that was presented to the legislature.

**Russ Hanson** (ND Petroleum Marketers Association) Offered support for full highway funding and the mechanism before the committee.

**LeRoy Ernst** (Managing Director of the ND Motor Carriers Association, Lobbyist #192) See testimony.

**Mark Johnson** (Association of Counties, representing county commissioners who maintain and operate a local network throughout each of the counties.) Testified in support of SB 2144 but expressed some concern to the committee. They are not aware of any bills that place funding into the Highway Distribution Fund. They all go to the Highway Fund. All the money that goes to the Highway Fund is deposited to the State Highway Department to be used for their program. The Highway Distribution Fund has been a long standing historical way in which North Dakota has provided an integrated funding approach to local and state needs. (Meter 1560) It is important that local units of government receive some funding in whatever mix is settled on. They want to see the highway department funded adequately and federal funds met and matched in ND. Local units of government also have matching requirements for the federal funding that accrues to them and without some additional funding, it will be difficult to do that.

**Jerry Hjelmstad** (ND League of Cities) He appeared to make two points. (1) They strongly support the efforts of the legislature to provide for the federal matching funds for the DOT.

(2) There has been a partnership in the past through the Highway Distribution Fund. As much as possible that the legislature can do to provide funds that would be available to cities and counties in this process would be appreciated.

**Wade Moser** (ND Stockmen's Association) Appeared in opposition to SB 2144. They don't like the fact that it is going to be an entire burden of the registration fee. Most agriculture industries have a lot of vehicles, most of which are older and not of high value and not many miles put on. They feel this is an unfair burden placed on agriculture.

**David Sprynczynatyk** took the stand again to clarify something he said earlier. When the question was asked about what the requirement would be to access the additional \$4.7 million, he said \$7. He forgot to divide by 2. It is actually \$3.50 per year.

The hearing on SB 2144 was closed.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2144

Senate Transportation Committee

Conference Committee

Hearing Date 2-16-05

Tape Number	Side A	Side B	Meter #
1	x		225-1084
Committee Clerk Signature <i>Mary K Monson</i>			

Minutes:

**Chairman Trenbeath** opened SB 2144 for discussion. He distributed an amendment for consideration. This is the bill that raises registration fees on vehicles by \$15 across the board. The amendment 58231.0103 would raise the registration fees by \$7.50 across the board but dedicate those funds to the state highway fund and would increase the motor fuels tax by one cent.

Discussion followed on the amount for the matching funds which is about \$10 million on the registration and \$10.2 million a biennium on the gas tax.

There was also discussion on if the funds were going into the Highway Distribution Fund or the Highway Fund.

**Senator Espgaard** motioned to accept Amendment 58231.0103. Seconded by **Senator Nething**.

It was clarified that the gas tax would go into the Highway Distribution Fund and the registration fee would go to the Highway Fund.

Page 2

Senate Transportation Committee

Bill/Resolution Number SB 2144

Hearing Date 2-16-05

**Chairman Trenbeath** recognized **David Sprynczynatyk** who asked the committee to consider two items. (Meter 580) (1) For the public, anytime there is something other than a round dollar amount, it causes fits. (2) If the registration fees goes directly to the Highway Fund and the gas tax goes to the Distribution Fund, that leaves them short.

A short discussion about rounding up the registration fee.

**Senator Espegard** amended his motion for the amendment to round up to whole dollar amounts.

Seconded by **Senator Nething**.

(Meter 865) **David Sprynczynatyk** offered information that their apparent shortfall at this point is \$23.1 million.

Roll call vote 4-1-1. **Amendment adopted.**

**Senator Espegard** motioned a **Do Pass as Amended**. Seconded by **Senator Nething**.

Discussion - The amendment is now the bill.

Roll call vote 4-1-1. **Passed**. Floor carrier is **Senator Trenbeath**. This bill was rereferred to Appropriations.



**FISCAL NOTE**  
**Requested by Legislative Council**  
02/17/2005

Amendment to: SB 2144

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.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>				\$17,150,000		\$17,150,000
<b>Expenditures</b>						
<b>Appropriations</b>						

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

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
			\$2,350,000	\$1,420,000		\$2,350,000	\$1,420,000	

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

This bill as amended provides for an \$8 motor vehicle registration fee increase that would be deposited in the Highway Fund; and a one cent motor fuel tax increase that would be deposited in the Highway Tax Distribution Fund.

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 Impacts for the Engrossed SB2144**

Prepared by ND Department of Transportation – Financial Management Division  
February 17, 2005

	<u>HW Fund</u>	<u>Cities</u>	<u>Counties</u>
\$8 Motor Vehicle registration fee increase	\$10,720,000		
1 cent motor fuel tax increase	<u>6,430,000</u>	<u>\$1,420,000</u>	<u>\$2,350,000</u>
<b>Total increase</b>	<u>\$17,150,000</u>	<u>\$1,420,000</u>	<u>\$2,350,000</u>

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.*

<b>Name:</b>	Shannon Sauer	<b>Agency:</b>	NDDOT
<b>Phone Number:</b>	328-4375	<b>Date Prepared:</b>	02/17/2005

**FISCAL NOTE**  
 Requested by Legislative Council  
 01/03/2005

Bill/Resolution No.: SB 2144

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.

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$20,100,000		\$20,500,000
Expenditures						
Appropriations						

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

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
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.

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

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

The changes in this bill will generate \$20.1 million in additional motor vehicle registration fees for the Highway Fund during the next biennium.

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

The expenses necessary to implements the changes in this bill are expected to be less than \$5,000.

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.

<b>Name:</b>	Keith Kiser	<b>Agency:</b>	NDDOT
<b>Phone Number:</b>	328-2725	<b>Date Prepared:</b>	01/03/2005

PROPOSED AMENDMENTS TO SENATE BILL NO. 2144

Page 1, after "A BILL" replace the remainder of the bill with "for an act to amend and reenact sections 39-04-19, 57-43.1-02, and 57-43.2-02 of the North Dakota Century Code, relating to registration fees for motor vehicles and fuels taxes; to repeal section 7 of chapter 12 of the 2003 Session Laws relating to registration fee allocation; and to provide an effective date.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Section 39-04-19 of the North Dakota Century Code is amended and reenacted as follows:

**39-04-19. Motor vehicle registration fees and mile tax.** Motor vehicles required to pay registration fees or a mile tax shall pay the following fees:

1. Nonresidents electing to pay mile tax in lieu of registration, when authorized to do so by the department, shall pay a fee of twenty dollars for a trip permit which is valid for a period of seventy-two hours. All fees collected under the provisions of this subsection must be credited to the highway construction fund.
2. Motor vehicles required to be registered in this state must be furnished license plates upon the payment of the following annual fees; however, if a motor vehicle, including a motorcycle or trailer, first becomes subject to registration other than at the beginning of the registration period, such fees must be prorated on a monthly basis. The minimum fee charged hereunder must be five dollars:

a. Passenger motor vehicles:

*Make an 8th*  
*Increase instead of 7.50*

Gross Weights	YEARS REGISTERED			
	1st, 2nd, 3rd, 4th, 5th, and 6th Years	7th, 8th, and 9th Years	10th, 11th, and 12th Years	13th and Subsequent Years
Less than 3,200	<del>\$60</del> <u>\$67.50</u> ✓	<del>\$52</del> <u>\$59.50</u> ✓	<del>\$44</del> <u>\$51.50</u> ✓	<del>\$36</del> <u>\$43.50</u> ✓
3,200 - 4,499	<del>80</del> <u>87.50</u> ✓	<del>68</del> <u>75.50</u> ✓	<del>56</del> <u>63.50</u> ✓	<del>44</del> <u>51.50</u> ✓
4,500 - 4,999	<del>98</del> <u>105.50</u> ✓	<del>84</del> <u>88.50</u> ✓	<del>66</del> <u>73.50</u> ✓	<del>50</del> <u>57.50</u> ✓
5,000 - 5,999	<del>129</del> <u>136.50</u> ✓	<del>107</del> <u>114.50</u> ✓	<del>85</del> <u>92.50</u> ✓	<del>63</del> <u>70.50</u> ✓
6,000 - 6,999	<del>162</del> <u>169.50</u> ✓	<del>133</del> <u>140.50</u> ✓	<del>104</del> <u>111.50</u> ✓	<del>76</del> <u>83.50</u> ✓
7,000 - 7,999	<del>195</del> <u>202.50</u> ✓	<del>159</del> <u>166.50</u> ✓	<del>124</del> <u>131.50</u> ✓	<del>89</del> <u>96.50</u> ✓
8,000 - 8,999	<del>228</del> <u>235.50</u> ✓	<del>186</del> <u>193.50</u> ✓	<del>144</del> <u>151.50</u> ✓	<del>102</del> <u>109.50</u> ✓
9,000 and over	<del>264</del> <u>268.50</u> ✓	<del>212</del> <u>219.50</u> ✓	<del>164</del> <u>171.50</u> ✓	<del>115</del> <u>122.50</u> ✓

A house car is subject to registration at the rates prescribed for other vehicles under this subdivision modified by using the weight applicable to a vehicle whose weight is forty percent of that of the house car, but not using a weight of less than four thousand pounds [1814.35 kilograms].

- b. Schoolbuses, buses for hire, buses owned and operated by religious, charitable, or nonprofit organizations and used exclusively for religious, charitable, or other public nonprofit purposes, and trucks or combination trucks and trailers, including commercial and

noncommercial trucks, except those trucks or combinations of trucks and trailers which qualify for registration under subsection 5:

Gross Weights	YEARS REGISTERED									
	1st Through 6th Years		7th Through 9th Years		10th Through 12th Years		13th Through 19th Years		20th and Subsequent Years	
Not over 4,000	\$58	\$65.50 ✓	\$45	\$52.50 ✓	\$40	\$47.50 ✓	\$37	\$44.50 ✓	\$26	\$43.50 ✓
4,001 - 6,000	63	70.50 ✓	50	57.50 ✓	44	51.50 ✓	38	45.50 ✓	27	44.50 ✓
6,001 - 8,000	68	75.50 ✓	55	62.50 ✓	48	55.50 ✓	39	46.50 ✓	28	45.50 ✓
8,001 - 10,000	73	80.50 ✓	60	67.50 ✓	52	59.50 ✓	41	48.50 ✓	40	47.50 ✓
10,001 - 12,000	78	85.50 ✓	65	72.50 ✓	56	63.50 ✓	43	50.50 ✓	42	49.50 ✓
12,001 - 14,000	83	90.50 ✓	70	77.50 ✓	60	67.50 ✓	46	53.50 ✓	45	52.50 ✓
14,001 - 16,000	88	95.50 ✓	75	82.50 ✓	64	71.50 ✓	49	56.50 ✓	48	55.50 ✓
16,001 - 18,000	93	100.50 ✓	80	87.50 ✓	68	75.50 ✓	51	58.50 ✓	50	57.50 ✓
18,001 - 20,000	96	103.50 ✓	83	90.50 ✓	70	77.50 ✓	52	59.50 ✓	51	58.50 ✓

Gross Weights	YEARS REGISTERED							
	1st, 2nd, 3rd, 4th, 5th, 6th, and 7th Years			8th, 9th, 10th, 11th, and 12th Years			13th and Subsequent Years	
20,001 - 22,000	\$126	\$133.50 ✓	\$100	\$107.50 ✓	\$87	\$94.50 ✓	\$82	\$89.50 ✓
22,001 - 26,000	178	185.50 ✓	148	155.50 ✓	132	139.50 ✓	127	134.50 ✓
26,001 - 30,000	230	246.50 ✓	197	204.50 ✓	175	182.50 ✓	169	176.50 ✓
30,001 - 34,000	305	312.50 ✓	250	257.50 ✓	222	229.50 ✓	216	223.50 ✓
34,001 - 38,000	366	373.50 ✓	299	306.50 ✓	265	272.50 ✓	259	266.50 ✓
38,001 - 42,000	427	434.50 ✓	348	355.50 ✓	307	314.50 ✓	301	308.50 ✓
42,001 - 46,000	488	495.50 ✓	396	403.50 ✓	350	357.50 ✓	344	351.50 ✓
46,001 - 50,000	549	556.50 ✓	445	452.50 ✓	393	400.50 ✓	387	394.50 ✓
50,001 - 54,000	619	626.50 ✓	503	510.50 ✓	444	451.50 ✓	438	445.50 ✓
54,001 - 58,000	680	687.50 ✓	552	559.50 ✓	487	494.50 ✓	481	488.50 ✓
58,001 - 62,000	742	749.50 ✓	604	608.50 ✓	530	537.50 ✓	524	531.50 ✓
62,001 - 66,000	802	809.50 ✓	649	656.50 ✓	573	580.50 ✓	567	574.50 ✓
66,001 - 70,000	863	870.50 ✓	698	705.50 ✓	615	622.50 ✓	609	616.50 ✓
70,001 - 74,000	924	931.50 ✓	747	754.50 ✓	658	665.50 ✓	652	659.50 ✓
74,001 - 78,000	985	992.50 ✓	796	803.50 ✓	701	708.50 ✓	695	702.50 ✓
78,001 - 82,000	1,046	1,053.50 ✓	845	852.50 ✓	744	751.50 ✓	738	745.50 ✓
82,001 - 86,000	1,109	1,116.50 ✓	900	907.50 ✓	801	808.50 ✓	795	802.50 ✓
86,001 - 90,000	1,171	1,178.50 ✓	954	961.50 ✓	848	855.50 ✓	842	849.50 ✓
90,001 - 94,000	1,233	1,240.50 ✓	1,009	1,016.50 ✓	903	910.50 ✓	897	904.50 ✓
94,001 - 98,000	1,295	1,302.50 ✓	1,064	1,071.50 ✓	958	965.50 ✓	952	959.50 ✓
98,001 - 102,000	1,357	1,364.50 ✓	1,119	1,126.50 ✓	1,013	1,020.50 ✓	1,007	1,014.50 ✓
102,001 - 105,500	1,419	1,426.50 ✓	1,174	1,181.50 ✓	1,068	1,075.50 ✓	1,062	1,069.50 ✓

c. Motorcycles, fifteen dollars.

- Motor vehicles acquired by disabled veterans under the provisions of Public Law 79-663 [38 U.S.C. 3901] are exempt from the payment of state sales or use tax and, if paid, such veterans are entitled to a refund. This exemption also applies to any passenger motor vehicle or pickup truck not exceeding ten thousand pounds [4535.92 kilograms] gross weight but shall apply to no more than two such motor vehicles owned by a disabled veteran at any one time.
- Every trailer, semitrailer, and farm trailer required to be registered under this chapter must be furnished registration plates upon the payment of a twenty dollar annual fee. Every trailer, semitrailer, or farm trailer not required to be registered under this chapter must be furnished an identification plate upon the payment of a fee of five dollars. Upon the request of a person with a trailer or farm trailer to whom a registration or

identification plate is provided under this subsection, the department shall provide a plate of the same size as provided for a motorcycle. The department shall provide notification of this option to the person before the replacement or issuance of the plate.

- Trucks or combinations of trucks and trailers weighing more than twenty thousand but not more than one hundred five thousand five hundred pounds [more than 9071.84 but not more than 47854.00 kilograms] which are used as farm vehicles only, are entitled to registration under the following fee schedule and the provisions of this subsection. Farm vehicles are considered, for the purpose of this subsection, as trucks or combinations of trucks and trailers weighing more than twenty thousand but not more than one hundred five thousand five hundred pounds [more than 9071.84 but not more than 47854.00 kilograms] owned, or leased for at least one year by a bona fide resident farmer who uses the vehicles exclusively for transporting the farmer's own property or other property on a farm work exchange basis with other farmers between farms and the usual local trading places but not in connection with any commercial retail or wholesale business being conducted from those farms, nor otherwise for hire. In addition to the penalty provided in section 39-04-41, any person violating this subsection shall license for the entire license period the farm vehicle at the higher commercial vehicle rate in accordance with the weight carried by the farm vehicle at the time of the violation.

Gross Weights	YEARS REGISTERED			
	1st, 2nd, 3rd, 4th, 5th, and 6th Years	7th and 8th Years	9th and 10th Years	11th and Subsequent Years
20,001 - 22,000	\$98 \$105.50 ✓	\$84 \$91.50 ✓	\$79 \$77.50 ✓	\$52 \$59.50 ✓
22,001 - 24,000	108 110.50 ✓	88 95.50 ✓	73 80.50 ✓	54 61.50 ✓
24,001 - 26,000	111 118.50 ✓	94 101.50 ✓	77 84.50 ✓	56 63.50 ✓
26,001 - 28,000	122 129.50 ✓	102 109.50 ✓	83 90.50 ✓	60 67.50 ✓
28,001 - 30,000	131 138.50 ✓	110 117.50 ✓	89 96.50 ✓	64 71.50 ✓
30,001 - 32,000	146 153.50 ✓	123 130.50 ✓	100 107.50 ✓	73 80.50 ✓
32,001 - 34,000	156 163.50 ✓	131 138.50 ✓	106 113.50 ✓	77 84.50 ✓
34,001 - 36,000	166 173.50 ✓	139 146.50 ✓	112 119.50 ✓	81 88.50 ✓
36,001 - 38,000	176 183.50 ✓	147 154.50 ✓	118 125.50 ✓	85 92.50 ✓
38,001 - 40,000	186 193.50 ✓	155 162.50 ✓	124 131.50 ✓	89 96.50 ✓
40,001 - 42,000	196 203.50 ✓	163 170.50 ✓	130 137.50 ✓	93 100.50 ✓
42,001 - 44,000	206 213.50 ✓	171 178.50 ✓	136 143.50 ✓	97 104.50 ✓
44,001 - 46,000	216 223.50 ✓	179 186.50 ✓	142 149.50 ✓	101 108.50 ✓
46,001 - 48,000	226 233.50 ✓	187 194.50 ✓	148 155.50 ✓	105 112.50 ✓
48,001 - 50,000	236 243.50 ✓	195 202.50 ✓	154 161.50 ✓	109 116.50 ✓
50,001 - 52,000	256 263.50 ✓	213 220.50 ✓	170 177.50 ✓	123 130.50 ✓
52,001 - 54,000	266 273.50 ✓	221 228.50 ✓	176 183.50 ✓	127 134.50 ✓
54,001 - 56,000	276 283.50 ✓	229 236.50 ✓	182 189.50 ✓	131 138.50 ✓
56,001 - 58,000	286 293.50 ✓	237 244.50 ✓	188 195.50 ✓	135 142.50 ✓
58,001 - 60,000	296 303.50 ✓	245 252.50 ✓	194 201.50 ✓	139 146.50 ✓
60,001 - 62,000	306 313.50 ✓	253 260.50 ✓	200 207.50 ✓	143 150.50 ✓
62,001 - 64,000	316 323.50 ✓	261 268.50 ✓	206 213.50 ✓	147 154.50 ✓
64,001 - 66,000	326 333.50 ✓	269 276.50 ✓	212 219.50 ✓	151 158.50 ✓
66,001 - 68,000	336 343.50 ✓	277 284.50 ✓	218 225.50 ✓	155 162.50 ✓
68,001 - 70,000	346 353.50 ✓	285 292.50 ✓	224 231.50 ✓	159 166.50 ✓
70,001 - 72,000	356 363.50 ✓	293 300.50 ✓	230 237.50 ✓	163 170.50 ✓
72,001 - 74,000	366 373.50 ✓	301 308.50 ✓	236 243.50 ✓	167 174.50 ✓
74,001 - 76,000	376 383.50 ✓	309 316.50 ✓	242 249.50 ✓	171 178.50 ✓
76,001 - 78,000	386 393.50 ✓	317 324.50 ✓	248 255.50 ✓	175 182.50 ✓
78,001 - 80,000	396 403.50 ✓	325 332.50 ✓	254 261.50 ✓	179 186.50 ✓
80,001 - 82,000	406 413.50 ✓	333 340.50 ✓	260 267.50 ✓	183 190.50 ✓
82,001 - 84,000	416 423.50 ✓	355 362.50 ✓	303 310.50 ✓	259 266.50 ✓

84,001 - 86,000	436 443.50 ✓	372 379.50 ✓	317 324.50 ✓	271 278.50 ✓
86,001 - 88,000	456 463.50 ✓	389 396.50 ✓	334 338.50 ✓	283 290.50 ✓
88,001 - 90,000	476 483.50 ✓	406 413.50 ✓	345 352.50 ✓	295 302.50 ✓
90,001 - 92,000	496 503.50 ✓	423 430.50 ✓	359 366.50 ✓	307 314.50 ✓
92,001 - 94,000	516 523.50 ✓	440 447.50 ✓	373 380.50 ✓	319 326.50 ✓
94,001 - 96,000	536 543.50 ✓	457 464.50 ✓	387 394.50 ✓	331 338.50 ✓
96,001 - 98,000	556 563.50 ✓	474 481.50 ✓	401 408.50 ✓	343 350.50 ✓
98,001 - 100,000	576 583.50 ✓	491 498.50 ✓	415 422.50 ✓	355 362.50 ✓
100,001 - 102,000	596 603.50 ✓	508 515.50 ✓	429 436.50 ✓	367 374.50 ✓
102,001 - 104,000	616 623.50 ✓	526 532.50 ✓	443 450.50 ✓	379 386.50 ✓
104,001 - 105,500	636 643.50 ✓	542 549.50 ✓	457 464.50 ✓	391 398.50 ✓

11.00

6. A motor vehicle registered in subsection 5 may be used for custom combining operations by displaying identification issued by the department and upon payment of a fee of twenty-five dollars.
7. Ten dollars and fifty cents of each registration fee collected under subsections 2 and 5 must be deposited in the state highway fund.

**SECTION 2. AMENDMENT.** Section 57-43.1-02 of the North Dakota Century Code is amended and reenacted as follows:

**57-43.1-02. Tax imposed on motor vehicle fuels.**

1. Except as otherwise provided in this section, a tax of ~~twenty-one~~ twenty-two cents per gallon [3.79 liters] is imposed on all motor vehicle fuel sold or used in this state.
2. A supplier or distributor shall remit the tax imposed by this section on motor vehicle fuel used, on the wholesale distribution of motor vehicle fuel to a retailer, and on direct sales of motor vehicle fuel to a consumer.
3. The tax imposed by this section does not apply on a sale by a supplier to another supplier, on a sale by a supplier to a distributor, on a sale by a distributor to another distributor, on an export, or on a sale to an exempt consumer.
4. The person required to remit the tax imposed by this section shall pass the tax on to the retailer and to the consumer. A retailer who paid the tax to the supplier or distributor shall pass the tax on to the consumer.
5. The person required to remit the tax imposed by this section shall pay the tax to the commissioner by the twenty-fifth day of the calendar month after the month during which the motor vehicle fuel was sold or used by the person. When the twenty-fifth day of the calendar month falls on a Saturday, Sunday, or legal holiday, the due date is the first working day after the Saturday, Sunday, or legal holiday. When payment is made by mail, the payment is timely if the envelope containing the payment is postmarked by the United States postal service or other postal carrier service before midnight of the due date.
6. The commissioner shall pay over all of the money received during each calendar month to the state treasurer.

**SECTION 3. AMENDMENT.** Section 57-43.2-02 of the North Dakota Century Code is amended and reenacted as follows:

**57-43.2-02. (Contingent effective date - See note - Effective through June 30, 2005) Tax imposed.**

1. Except as otherwise provided in this chapter, an excise tax of ~~twenty-one~~ twenty-two cents per gallon [3.79 liters] is imposed on the sale or delivery of all special fuel sold or used in this state. For the purpose of determining the tax upon compressed natural gas under this section, one hundred twenty cubic feet [3.40 cubic meters] of compressed natural gas is equal to one gallon [3.79 liters] of other special fuel. The tax under this subsection is reduced by one and five-hundredths cents per gallon [3.79 liters] on the sale or delivery of diesel fuel that contains at least two percent biodiesel fuel by weight.
2. A supplier, distributor, or retailer shall remit the tax imposed by this section on special fuel used and on direct sales of special fuel to a customer.
3. The tax imposed by this section does not apply on sales by a supplier to another supplier, on a sale by a supplier to a distributor, on a sale by a distributor to another distributor, on a sale by a distributor to a retailer, on an export, or on a sale to an exempt consumer.
4. The person required to remit the tax imposed by this section shall pass the tax on to the customer.
5. The person required to remit the tax imposed by this section shall pay the tax to the commissioner by the twenty-fifth day of the calendar month after the month during which the special fuel was sold or used by the person. When the twenty-fifth day of the calendar month falls on a Saturday, Sunday, or legal holiday, the due date is the first working day after the Saturday, Sunday, or legal holiday. When payment is made by mail, the payment is timely if the envelope containing the payment is postmarked by the United States postal service or other postal carrier service before midnight of the due date.
6. The commissioner shall pay over all of the money received during each calendar month to the state treasurer.

**(Effective after June 30, 2005) Tax imposed.**

1. Except as otherwise provided in this chapter, an excise tax of ~~twenty-one~~ twenty-two cents per gallon [3.79 liters] is imposed on the sale or delivery of all special fuel sold or used in this state. For the purpose of determining the tax upon compressed natural gas under this section, one hundred twenty cubic feet [3.40 cubic meters] of compressed natural gas is equal to one gallon [3.79 liters] of other special fuel.
2. A supplier, distributor, or retailer shall remit the tax imposed by this section on special fuel used and on direct sales of special fuel to a customer.
3. The tax imposed by this section does not apply on sales by a supplier to another supplier, on a sale by a supplier to a distributor, on a sale by a distributor to another distributor, on a sale by a distributor to a retailer, on an export, or on a sale to an exempt consumer.
4. The person required to remit the tax imposed by this section shall pass the tax on to the customer.
5. The person required to remit the tax imposed by this section shall pay the tax to the commissioner by the twenty-fifth day of the calendar month after the month during which the special fuel was sold or used by the person. When the twenty-fifth day of the calendar month falls on a Saturday, Sunday, or legal holiday, the due date is the first working day after the Saturday, Sunday, or legal holiday. When payment is made by mail, the



payment is timely if the envelope containing the payment is postmarked by the United States postal service or other postal carrier service before midnight of the due date.

6. The commissioner shall pay over all of the money received during each calendar month to the state treasurer.

**SECTION 4. REPEAL.** Section 7 of chapter 12 of the 2003 Session Laws is repealed.

**SECTION 5. EFFECTIVE DATE.** Sections 2 and 3 of this Act apply to taxable events occurring after June 30, 2005."

Renumber accordingly

Date: 2-16-05  
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO 2144

Senate TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Amendment 58231.0103 as amended

Motion Made By Sen. Espgaard Seconded By Sen. Nething

Senators	Yes	No	Senators	Yes	No
Senator Espgaard	✓		Senator Bercier		
Senator Mutch		✓	Senator Warner	✓	
Senator Nething	✓				
Senator Trenbeath, Chairman	✓				

Total (Yes) 4 No 1

Absent 1

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

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

Date: 2-16-05  
Roll Call Vote #: 2

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO 2144

Senate TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number 58231.0104 Title .0200

Action Taken No Pass as Amended - Rerefer to Appropriations

Motion Made By Senator Espegard Seconded By Senator Nething

Senators	Yes	No	Senators	Yes	No
Senator Espegard	✓		Senator Bercier		
Senator Mutch		✓	Senator Warner	✓	
Senator Nething	✓				
Senator Trenbeath, Chairman	✓				

Total (Yes) 4 No 1

Absent 1

Floor Assignment Senator Trenbeath

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

**REPORT OF STANDING COMMITTEE**

**SB 2144: Transportation Committee (Sen. Trenbeath, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (4 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2144 was placed on the Sixth order on the calendar.**

Page 1, after "A BILL" replace the remainder of the bill with "for an act to amend and reenact sections 39-04-19, 57-43.1-02, and 57-43.2-02 of the North Dakota Century Code, relating to registration fees for motor vehicles and fuels taxes; to repeal section 7 of chapter 12 of the 2003 Session Laws, relating to registration fee allocation; and to provide an effective date.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Section 39-04-19 of the North Dakota Century Code is amended and reenacted as follows:

**39-04-19. Motor vehicle registration fees and mille tax.** Motor vehicles required to pay registration fees or a mile tax shall pay the following fees:

1. Nonresidents electing to pay mile tax in lieu of registration, when authorized to do so by the department, shall pay a fee of twenty dollars for a trip permit which is valid for a period of seventy-two hours. All fees collected under the provisions of this subsection must be credited to the highway construction fund.
2. Motor vehicles required to be registered in this state must be furnished license plates upon the payment of the following annual fees; however, if a motor vehicle, including a motorcycle or trailer, first becomes subject to registration other than at the beginning of the registration period, such fees must be prorated on a monthly basis. The minimum fee charged hereunder must be five dollars:

a. Passenger motor vehicles:

Gross Weights	YEARS REGISTERED			
	1st, 2nd, 3rd, 4th, 5th, and 6th Years	7th, 8th, and 9th Years	10th, 11th, and 12th Years	13th and Subsequent Years
Less than 3,200	<del>\$60</del> <u>\$68</u>	<del>\$52</del> <u>\$60</u>	<del>\$44</del> <u>\$52</u>	<del>\$36</del> <u>\$44</u>
3,200 - 4,499	<del>80</del> <u>88</u>	<del>68</del> <u>76</u>	<del>56</del> <u>64</u>	<del>44</del> <u>52</u>
4,500 - 4,999	<del>98</del> <u>106</u>	<del>81</del> <u>89</u>	<del>66</del> <u>74</u>	<del>50</del> <u>58</u>
5,000 - 5,999	<del>120</del> <u>137</u>	<del>107</del> <u>115</u>	<del>86</del> <u>93</u>	<del>63</del> <u>71</u>
6,000 - 6,999	<del>162</del> <u>170</u>	<del>133</del> <u>141</u>	<del>104</del> <u>112</u>	<del>76</del> <u>84</u>
7,000 - 7,999	<del>196</del> <u>203</u>	<del>160</del> <u>167</u>	<del>124</del> <u>132</u>	<del>80</del> <u>97</u>
8,000 - 8,999	<del>228</del> <u>236</u>	<del>186</del> <u>194</u>	<del>144</del> <u>152</u>	<del>102</del> <u>110</u>
9,000 and over	<del>261</del> <u>269</u>	<del>212</del> <u>220</u>	<del>164</del> <u>172</u>	<del>115</del> <u>123</u>

A house car is subject to registration at the rates prescribed for other vehicles under this subdivision modified by using the weight applicable to a vehicle whose weight is forty percent of that of the house car, but not using a weight of less than four thousand pounds [1814.35 kilograms].

- b. Schoolbuses, buses for hire, buses owned and operated by religious, charitable, or nonprofit organizations and used exclusively for religious, charitable, or other public nonprofit purposes, and trucks or

combination trucks and trailers, including commercial and noncommercial trucks, except those trucks or combinations of trucks and trailers which qualify for registration under subsection 5:

Gross Weights	YEARS REGISTERED				
	1st Through 6th Years	7th Through 9th Years	10th Through 12th Years	13th Through 19th Years	20th and Subsequent Years
Not over 4,000	\$58 \$66	\$45 \$53	\$40 \$48	\$37 \$45	\$36 \$44
4,001 - 6,000	63 71	50 58	44 52	38 46	37 45
6,001 - 8,000	68 76	55 63	48 56	39 47	38 46
8,001 - 10,000	73 81	60 68	52 60	41 49	40 48
10,001 - 12,000	78 86	65 73	56 64	43 51	42 50
12,001 - 14,000	83 91	70 78	60 68	46 54	45 53
14,001 - 16,000	88 96	75 83	64 72	49 57	48 56
16,001 - 18,000	93 101	80 88	68 76	51 59	50 58
18,001 - 20,000	96 104	83 91	70 78	52 60	51 59

Gross Weights	YEARS REGISTERED		
	1st, 2nd, 3rd, 4th, 5th, 6th, and 7th Years	8th, 9th, 10th, 11th, and 12th Years	13th and Subsequent Years
20,001 - 22,000	\$126 \$134	\$100 \$108	\$87 \$95
22,001 - 26,000	178 186	148 156	132 140
26,001 - 30,000	239 247	197 205	176 183
30,001 - 34,000	306 313	250 258	222 230
34,001 - 38,000	366 374	299 307	266 273
38,001 - 42,000	427 435	348 356	307 315
42,001 - 46,000	488 496	396 404	350 358
46,001 - 50,000	549 557	445 453	393 401
50,001 - 54,000	619 627	503 511	444 452
54,001 - 58,000	680 688	552 560	487 495
58,001 - 62,000	742 750	601 609	530 538
62,001 - 66,000	802 810	649 657	573 581
66,001 - 70,000	863 871	698 706	616 623
70,001 - 74,000	924 932	747 755	658 666
74,001 - 78,000	985 993	796 804	701 709
78,001 - 82,000	1,046 1,054	845 853	744 752
82,001 - 86,000	1,109 1,117	894 902	787 795
86,001 - 90,000	1,171 1,179	943 951	830 838
90,001 - 94,000	1,232 1,240	992 1,000	873 881
94,001 - 98,000	1,293 1,301	1,041 1,049	916 924
98,001 - 102,000	1,354 1,362	1,090 1,098	959 967
102,001 - 105,500	1,415 1,423	1,139 1,147	1,002 1,010

c. Motorcycles, fifteen dollars.

3. Motor vehicles acquired by disabled veterans under the provisions of Public Law 79-663 [38 U.S.C. 3901] are exempt from the payment of state sales or use tax and, if paid, such veterans are entitled to a refund. This exemption also applies to any passenger motor vehicle or pickup truck not exceeding ten thousand pounds [4535.92 kilograms] gross weight but shall apply to no more than two such motor vehicles owned by a disabled veteran at any one time.
4. Every trailer, semitrailer, and farm trailer required to be registered under this chapter must be furnished registration plates upon the payment of a

twenty dollar annual fee. Every trailer, semitrailer, or farm trailer not required to be registered under this chapter must be furnished an identification plate upon the payment of a fee of five dollars. Upon the request of a person with a trailer or farm trailer to whom a registration or identification plate is provided under this subsection, the department shall provide a plate of the same size as provided for a motorcycle. The department shall provide notification of this option to the person before the replacement or issuance of the plate.

5. Trucks or combinations of trucks and trailers weighing more than twenty thousand but not more than one hundred five thousand five hundred pounds [more than 9071.84 but not more than 47854.00 kilograms] which are used as farm vehicles only, are entitled to registration under the following fee schedule and the provisions of this subsection. Farm vehicles are considered, for the purpose of this subsection, as trucks or combinations of trucks and trailers weighing more than twenty thousand but not more than one hundred five thousand five hundred pounds [more than 9071.84 but not more than 47854.00 kilograms] owned, or leased for at least one year by a bona fide resident farmer who uses the vehicles exclusively for transporting the farmer's own property or other property on a farm work exchange basis with other farmers between farms and the usual local trading places but not in connection with any commercial retail or wholesale business being conducted from those farms, nor otherwise for hire. In addition to the penalty provided in section 39-04-41, any person violating this subsection shall license for the entire license period the farm vehicle at the higher commercial vehicle rate in accordance with the weight carried by the farm vehicle at the time of the violation.

YEARS REGISTERED

Gross Weights	1st, 2nd, 3rd, 4th, 5th, and 6th Years		7th and 8th Years		9th and 10th Years		11th and Subsequent Years	
	<del>\$98</del>	<del>\$106</del>	<del>\$84</del>	<del>\$92</del>	<del>\$70</del>	<del>\$78</del>	<del>\$52</del>	<del>\$60</del>
20,001 - 22,000	<del>103</del>	<del>111</del>	<del>88</del>	<del>96</del>	<del>73</del>	<del>81</del>	<del>54</del>	<del>62</del>
22,001 - 24,000	<del>111</del>	<del>119</del>	<del>94</del>	<del>102</del>	<del>77</del>	<del>85</del>	<del>56</del>	<del>64</del>
24,001 - 26,000	<del>122</del>	<del>130</del>	<del>102</del>	<del>110</del>	<del>83</del>	<del>91</del>	<del>60</del>	<del>68</del>
26,001 - 28,000	<del>131</del>	<del>139</del>	<del>110</del>	<del>118</del>	<del>89</del>	<del>97</del>	<del>64</del>	<del>72</del>
28,001 - 30,000	<del>146</del>	<del>154</del>	<del>123</del>	<del>131</del>	<del>100</del>	<del>108</del>	<del>73</del>	<del>81</del>
30,001 - 32,000	<del>156</del>	<del>164</del>	<del>131</del>	<del>139</del>	<del>106</del>	<del>114</del>	<del>77</del>	<del>85</del>
32,001 - 34,000	<del>166</del>	<del>174</del>	<del>139</del>	<del>147</del>	<del>112</del>	<del>120</del>	<del>81</del>	<del>89</del>
34,001 - 36,000	<del>176</del>	<del>184</del>	<del>147</del>	<del>155</del>	<del>118</del>	<del>126</del>	<del>85</del>	<del>93</del>
36,001 - 38,000	<del>186</del>	<del>194</del>	<del>155</del>	<del>163</del>	<del>124</del>	<del>132</del>	<del>89</del>	<del>97</del>
38,001 - 40,000	<del>196</del>	<del>204</del>	<del>163</del>	<del>171</del>	<del>130</del>	<del>138</del>	<del>93</del>	<del>101</del>
40,001 - 42,000	<del>206</del>	<del>214</del>	<del>171</del>	<del>179</del>	<del>136</del>	<del>144</del>	<del>97</del>	<del>105</del>
42,001 - 44,000	<del>216</del>	<del>224</del>	<del>179</del>	<del>187</del>	<del>142</del>	<del>150</del>	<del>101</del>	<del>109</del>
44,001 - 46,000	<del>226</del>	<del>234</del>	<del>187</del>	<del>195</del>	<del>148</del>	<del>156</del>	<del>105</del>	<del>113</del>
46,001 - 48,000	<del>236</del>	<del>244</del>	<del>195</del>	<del>203</del>	<del>154</del>	<del>162</del>	<del>109</del>	<del>117</del>
48,001 - 50,000	<del>256</del>	<del>264</del>	<del>213</del>	<del>221</del>	<del>170</del>	<del>178</del>	<del>123</del>	<del>131</del>
50,001 - 52,000	<del>266</del>	<del>274</del>	<del>221</del>	<del>229</del>	<del>176</del>	<del>184</del>	<del>127</del>	<del>135</del>
52,001 - 54,000	<del>276</del>	<del>284</del>	<del>229</del>	<del>237</del>	<del>182</del>	<del>190</del>	<del>131</del>	<del>139</del>
54,001 - 56,000	<del>286</del>	<del>294</del>	<del>237</del>	<del>245</del>	<del>188</del>	<del>196</del>	<del>135</del>	<del>143</del>
56,001 - 58,000	<del>296</del>	<del>304</del>	<del>245</del>	<del>253</del>	<del>194</del>	<del>202</del>	<del>139</del>	<del>147</del>
58,001 - 60,000	<del>306</del>	<del>314</del>	<del>253</del>	<del>261</del>	<del>200</del>	<del>208</del>	<del>143</del>	<del>151</del>
60,001 - 62,000	<del>316</del>	<del>324</del>	<del>261</del>	<del>269</del>	<del>206</del>	<del>214</del>	<del>147</del>	<del>155</del>
62,001 - 64,000	<del>326</del>	<del>334</del>	<del>269</del>	<del>277</del>	<del>212</del>	<del>220</del>	<del>151</del>	<del>159</del>
64,001 - 66,000	<del>336</del>	<del>344</del>	<del>277</del>	<del>285</del>	<del>218</del>	<del>226</del>	<del>155</del>	<del>163</del>
66,001 - 68,000	<del>346</del>	<del>354</del>	<del>285</del>	<del>293</del>	<del>224</del>	<del>232</del>	<del>159</del>	<del>167</del>
68,001 - 70,000								

70,001 - 72,000	<del>356</del> <u>364</u>	<del>293</del> <u>301</u>	<del>230</del> <u>238</u>	<del>163</del> <u>171</u>
72,001 - 74,000	<del>366</del> <u>374</u>	<del>304</del> <u>309</u>	<del>236</del> <u>244</u>	<del>167</del> <u>175</u>
74,001 - 76,000	<del>376</del> <u>384</u>	<del>309</del> <u>317</u>	<del>242</del> <u>250</u>	<del>171</del> <u>179</u>
76,001 - 78,000	<del>386</del> <u>394</u>	<del>317</del> <u>325</u>	<del>248</del> <u>256</u>	<del>176</del> <u>183</u>
78,001 - 80,000	<del>396</del> <u>404</u>	<del>325</del> <u>333</u>	<del>254</del> <u>262</u>	<del>179</del> <u>187</u>
80,001 - 82,000	<del>406</del> <u>414</u>	<del>333</del> <u>341</u>	<del>260</del> <u>268</u>	<del>183</del> <u>191</u>
82,001 - 84,000	<del>416</del> <u>424</u>	<del>355</del> <u>363</u>	<del>303</del> <u>311</u>	<del>259</del> <u>267</u>
84,001 - 86,000	<del>436</del> <u>444</u>	<del>372</del> <u>380</u>	<del>317</del> <u>325</u>	<del>271</del> <u>279</u>
86,001 - 88,000	<del>456</del> <u>464</u>	<del>389</del> <u>397</u>	<del>331</del> <u>339</u>	<del>283</del> <u>291</u>
88,001 - 90,000	<del>476</del> <u>484</u>	<del>406</del> <u>414</u>	<del>345</del> <u>353</u>	<del>295</del> <u>303</u>
90,001 - 92,000	<del>496</del> <u>504</u>	<del>423</del> <u>431</u>	<del>359</del> <u>367</u>	<del>307</del> <u>315</u>
92,001 - 94,000	<del>516</del> <u>524</u>	<del>440</del> <u>448</u>	<del>373</del> <u>381</u>	<del>319</del> <u>327</u>
94,001 - 96,000	<del>536</del> <u>544</u>	<del>457</del> <u>465</u>	<del>387</del> <u>395</u>	<del>331</del> <u>339</u>
96,001 - 98,000	<del>556</del> <u>564</u>	<del>474</del> <u>482</u>	<del>401</del> <u>409</u>	<del>343</del> <u>351</u>
98,001 - 100,000	<del>576</del> <u>584</u>	<del>491</del> <u>499</u>	<del>415</del> <u>423</u>	<del>355</del> <u>363</u>
100,001 - 102,000	<del>596</del> <u>604</u>	<del>508</del> <u>516</u>	<del>429</del> <u>437</u>	<del>367</del> <u>375</u>
102,001 - 104,000	<del>616</del> <u>624</u>	<del>525</del> <u>533</u>	<del>443</del> <u>451</u>	<del>379</del> <u>387</u>
104,001 - 105,500	<del>636</del> <u>644</u>	<del>542</del> <u>550</u>	<del>457</del> <u>465</u>	<del>391</del> <u>399</u>

6. A motor vehicle registered in subsection 5 may be used for custom combining operations by displaying identification issued by the department and upon payment of a fee of twenty-five dollars.
7. Eleven dollars of each registration fee collected under subsections 2 and 5 must be deposited in the state highway fund.

**SECTION 2. AMENDMENT.** Section 57-43.1-02 of the North Dakota Century Code is amended and reenacted as follows:

**57-43.1-02. Tax imposed on motor vehicle fuels.**

1. Except as otherwise provided in this section, a tax of ~~twenty-one~~ twenty-two cents per gallon [3.79 liters] is imposed on all motor vehicle fuel sold or used in this state.
2. A supplier or distributor shall remit the tax imposed by this section on motor vehicle fuel used, on the wholesale distribution of motor vehicle fuel to a retailer, and on direct sales of motor vehicle fuel to a consumer.
3. The tax imposed by this section does not apply on a sale by a supplier to another supplier, on a sale by a supplier to a distributor, on a sale by a distributor to another distributor, on an export, or on a sale to an exempt consumer.
4. The person required to remit the tax imposed by this section shall pass the tax on to the retailer and to the consumer. A retailer who paid the tax to the supplier or distributor shall pass the tax on to the consumer.
5. The person required to remit the tax imposed by this section shall pay the tax to the commissioner by the twenty-fifth day of the calendar month after the month during which the motor vehicle fuel was sold or used by the person. When the twenty-fifth day of the calendar month falls on a Saturday, Sunday, or legal holiday, the due date is the first working day after the Saturday, Sunday, or legal holiday. When payment is made by mail, the payment is timely if the envelope containing the payment is postmarked by the United States postal service or other postal carrier service before midnight of the due date.

6. The commissioner shall pay over all of the money received during each calendar month to the state treasurer.

**SECTION 3. AMENDMENT.** Section 57-43.2-02 of the North Dakota Century Code is amended and reenacted as follows:

**57-43.2-02. (Contingent effective date - See note - Effective through June 30, 2005) Tax Imposed.**

1. Except as otherwise provided in this chapter, an excise tax of ~~twenty-one~~ twenty-two cents per gallon [3.79 liters] is imposed on the sale or delivery of all special fuel sold or used in this state. For the purpose of determining the tax upon compressed natural gas under this section, one hundred twenty cubic feet [3.40 cubic meters] of compressed natural gas is equal to one gallon [3.79 liters] of other special fuel. The tax under this subsection is reduced by one and five-hundredths cents per gallon [3.79 liters] on the sale or delivery of diesel fuel that contains at least two percent biodiesel fuel by weight.
2. A supplier, distributor, or retailer shall remit the tax imposed by this section on special fuel used and on direct sales of special fuel to a customer.
3. The tax imposed by this section does not apply on sales by a supplier to another supplier, on a sale by a supplier to a distributor, on a sale by a distributor to another distributor, on a sale by a distributor to a retailer, on an export, or on a sale to an exempt consumer.
4. The person required to remit the tax imposed by this section shall pass the tax on to the customer.
5. The person required to remit the tax imposed by this section shall pay the tax to the commissioner by the twenty-fifth day of the calendar month after the month during which the special fuel was sold or used by the person. When the twenty-fifth day of the calendar month falls on a Saturday, Sunday, or legal holiday, the due date is the first working day after the Saturday, Sunday, or legal holiday. When payment is made by mail, the payment is timely if the envelope containing the payment is postmarked by the United States postal service or other postal carrier service before midnight of the due date.
6. The commissioner shall pay over all of the money received during each calendar month to the state treasurer.

**(Effective after June 30, 2005) Tax Imposed.**

1. Except as otherwise provided in this chapter, an excise tax of ~~twenty-one~~ twenty-two cents per gallon [3.79 liters] is imposed on the sale or delivery of all special fuel sold or used in this state. For the purpose of determining the tax upon compressed natural gas under this section, one hundred twenty cubic feet [3.40 cubic meters] of compressed natural gas is equal to one gallon [3.79 liters] of other special fuel.
2. A supplier, distributor, or retailer shall remit the tax imposed by this section on special fuel used and on direct sales of special fuel to a customer.



3. The tax imposed by this section does not apply on sales by a supplier to another supplier, on a sale by a supplier to a distributor, on a sale by a distributor to another distributor, on a sale by a distributor to a retailer, on an export, or on a sale to an exempt consumer.
4. The person required to remit the tax imposed by this section shall pass the tax on to the customer.
5. The person required to remit the tax imposed by this section shall pay the tax to the commissioner by the twenty-fifth day of the calendar month after the month during which the special fuel was sold or used by the person. When the twenty-fifth day of the calendar month falls on a Saturday, Sunday, or legal holiday, the due date is the first working day after the Saturday, Sunday, or legal holiday. When payment is made by mail, the payment is timely if the envelope containing the payment is postmarked by the United States postal service or other postal carrier service before midnight of the due date.
6. The commissioner shall pay over all of the money received during each calendar month to the state treasurer.

**SECTION 4. REPEAL.** Section 7 of chapter 12 of the 2003 Session Laws is repealed.

**SECTION 5. EFFECTIVE DATE.** Sections 2 and 3 of this Act apply to taxable events occurring after June 30, 2005."

Renumber accordingly

2005 SENATE APPROPRIATIONS

SB 2144


2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2144

Senate Appropriations Committee

Conference Committee

Hearing Date February 17, 2005

Tape Number	Side A	Side B	Meter #
1	a		0
Committee Clerk Signature 			

Minutes:

**Chairman Holmberg** called the hearing to order on SB 2348 with a calling of the roll.

**Senator Tom Trenbeath** presented SB 2144 indicating it was sent by the Governor from OMB its purpose is to raise registration fees by \$8 per vehicle and a 1 cent gas tax for all motor fuel.

Questions were raised regarding the diversion of money out of the normal process of distribution to counties, concerns about tremendous resistance of this increase in committee and on the floor, the differences between this bill and another bill (SB 2255) that was defeated, whether this bill raises enough to match federal dollars,

No further discussion.

**Senator Christmann moved a Pass on SB 2144 without recommendation. Senator Andrist seconded.**

Discussion was held and a fiscal note was requested.

**A roll call vote was held the results were a do pass without recommendation with 13 yes 2 no.**

Date 2/17/05  
 Roll Call Vote #: 2144

**2005 SENATE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. SB**

Senate SENATE APPROPRIATIONS Committee

Check here for Conference Committee

Legislative Council Amendment Number 2144

Action Taken no recommendation

Motion Made By Christmann Seconded By Andrist

Senators	Yes	No	Senators	Yes	No
CHAIRMAN HOLMBERG	✓		SENATOR KRAUTER		✓
VICE CHAIRMAN BOWMAN	✓		SENATOR LINDAAS	✓	
VICE CHAIRMAN GRINDBERG	✓		SENATOR MATHERN		✓
SENATOR ANDRIST	✓		SENATOR ROBINSON	✓	
SENATOR CHRISTMANN	✓		SEN. TALLACKSON	✓	
SENATOR FISCHER	✓				
SENATOR KILZER	✓				
SENATOR KRINGSTAD	✓				
SENATOR SCHOBINGER	✓				
SENATOR THANE	✓				

Total (Yes) 13 No 2

Absent 0

Floor Assignment Trenbeath

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

**REPORT OF STANDING COMMITTEE (410)**  
February 17, 2005 11:39 a.m.

**Module No: SR-32-3342**  
**Carrier: Trenbeath**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2144, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2144 was placed on the Eleventh order on the calendar.**

**2005 TESTIMONY**

SB 2144

Testimony on SB 2144  
Celeste Kubasta  
**Office of Management and Budget**  
January 27, 2005

Good morning, Chairman Trenbeath and members of the Senate Transportation Committee.

For the record, my name is Celeste Kubasta and I am the budget analyst for the Department of Transportation in the ND Office of Management and Budget. We have submitted this bill in support of the executive recommendation for the department.

This bill increases the motor vehicle registration fee \$15. The funds provided from this increase are directed directly to the highway fund. The additional revenue will be used to match federal funds and provide for the compensation package in the executive recommendation. As you are aware, the executive recommendation provides funding to match \$199.7 million in federal funds.

Representatives from the Department of Transportation are here today to explain the technical portions of the bill. I would be happy to answer any questions you may have.

**SENATE TRANSPORTATION COMMITTEE**  
**January 27, 2005**

**North Dakota Department of Transportation**  
**David A. Sprynczynatyk Director**

**SB 2144**

Chairman Trenbeath and members of the committee: the North Dakota Department of Transportation supports SB 2144.

The bill would increase motor vehicle fees. Currently, \$3 of each registration fee collected is allocated directly to the state Highway Fund. NDDOT's budget proposal was developed with a \$15 increase in motor vehicle registration fees allocated directly to the state Highway Fund. Increasing to \$18 the amount going to the Highway Fund is necessary in order to match additional federal funds, approximately \$52 million, and to address other agency needs.

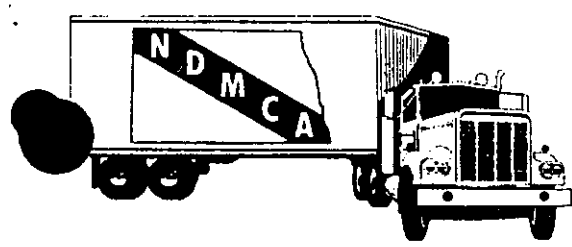
We're requesting an increase in motor vehicle fees because they are a stable source of revenue, while fuel tax revenue declines as fuel costs rise. The \$15 increase would apply to all cars and trucks, about 670,000 vehicles in all, and would generate about \$20.1 million during the next biennium. The proceeds will mainly be used to match federal funding and will go towards road construction and maintenance.

Since the budget was submitted, additional federal funds have become available. An additional \$4.7 million state funds will be necessary in order to access these federal funds. It appears that a total of \$24.8 million will be required.

Thank you for your favorable consideration.

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# NORTH DAKOTA MOTOR CARRIERS ASSOCIATION, INC.

1031 East Interstate Avenue • P.O. Box 874 • Bismarck, ND 58502-0874 • (701) 223-2700 • Fax (701) 223-4324

## **Testimony on SB2144 ND Motor Carriers Association, Inc. January 27, 2005 Before the Senate Transportation Committee**

Chairman Trenbeath and members of the committee, thank you for the opportunity to express the trucking industry's input regarding SB2144.

The North Dakota Motor Carriers Association is the state trade association of the trucking industry representing every type and size of motor carrier in the state. Combined with NDMCA's allied members, we are an association of several hundred members - most of which are small businesses.

The trucking industry plays a central role in our state's economy - employing one out of every 13 workers and paying more than \$767 million in salaries a year.

Trucks move over 87% of essential manufactured freight over 17 million tons inbound and 22.7 million tons outbound annually serving every community in North Dakota. The economy of our state is dependent on trucking which provides transport services to several hundred ag related manufacturing companies and thousands of main street retail stores and wholesale trade companies.

We support the principle of highway user taxes and the highway trust fund, because truck operators believe it is an equitable method of allowing those who benefit from the use of the highway system to pay for it. North Dakota truckers are big customers of that system, contributing over \$113 million in state and federal taxes and fees - - this equates to a weekly tax bill of over \$2.1 million.

Statewide commercial trucks account for only 11 percent of all vehicle miles, yet they pay 42% of all taxes collected annually in the Highway Trust Fund.

Mr. Chairman, those who work in the trucking industry would strongly agree that we must invest in our infrastructure if we are going to ensure that our state remain competitive in the

coming years. But, increasing highway user fees and fuel taxes is not always a painless way to pay for such improvements.

We support investing in the improvement of our state's highway system and stand ready to work with the Legislature in developing equitable methods of funding needs.

Our membership is opposed to the additional funding needs being raised through a fuel tax increase. Proposals in SB2144 (\$15 registration fee increase) and SB2255 ( $\frac{1}{2}$  % increase in the motor vehicle excise tax) are other funding sources we should look at to raise the necessary funds. Perhaps a combination of these two proposals would be an acceptable alternative in generating the needed matching funds.