

Testimony to the

Advisory Commission on Intergovernmental Relations

Prepared August 16, 2012

by the North Dakota Association of Counties

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Regarding Extraordinary Road Use Fees

Chairman Klemin and members of the Commission, thank you for the opportunity to express the position of our Association regarding this bill draft.

We remain strongly supportive of the overall concept proposed. I further wish to express our support for the comments by the Department of Transportation regarding the amendment of sections 1 and 2. We agree that the funds should accrue to the political subdivision incurring the impacts. Attached to this testimony are amendments that would, we believe, accomplish that goal. They would rewrite the operative new sentence in each section to read as follows:

Extraordinary road use fees for a violation that did not occur on an interstate or a state highway must be deposited in the jurisdiction's general fund in the jurisdiction on whose road the violation occurred and used for the support of the jurisdiction's road system.

From the proceeds of sale for a violation that did not occur on an interstate or a state highway, the amount of charges assessed under section 39-12-17 is appropriated on a continuing basis and must be deposited in the general fund in the jurisdiction where the violation occurred and may be used only for the jurisdiction's road purposes.

Additionally, we remain convinced that sections 3 and 4 of the bill are unnecessary. Counties are charged with the enforcement of a multitude of state laws and local ordinances through their sheriff's and state's attorneys. They do this with the guidance of the statutes and the "political oversight" of the ballot box.

We have concerns with a mechanism that would hold unrelated road funding hostage to the interpretation as to whether enforcement is "appropriately and fairly" administered. For the Commission's consideration, we have also attached an amendment to remove those sections from the bill.

Proposed Amendments for Bill Draft 13.0036.01000

[To broaden sections 1 and 2]

Page 1, line 20, replace the first "county" with "jurisdiction's", replace "county of" with "jurisdiction on whose road", after "violation" insert "occurred", and replace the last "county" with "jurisdiction's"

Page 2, line 10, remove "county"

Page 2, line 11, replace "county of prosecution" with "jurisdiction where the violation occurred" and replace the second "county" with "the jurisdictions"

Renumber accordingly

Proposed Amendments for Bill Draft 13.0036.01000

[To remove sections 3 and 4]

Page 2, remove lines 16 through 30

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 30

Page 5, remove lines 1 through 18

Renumber accordingly