

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

1476

2007 HOUSE AGRICULTURE

HB 1476

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. **HB 1476**

House Agriculture Committee

Check here for Conference Committee

Hearing Date: 2-9-07

Recorder Job Number: 3294

Committee Clerk Signature

Edward Ellefson by Mrs. Gronberg

Minutes:

Chairman Johnson opened the hearing on HB 1476. This is a bill relating to golf carts.

Rep Vonnie Pietsch, Dist 22: I am here to introduce HB 1476. (Testimony attached)

Mr. Chairman, I would also like to introduce an amendment which would accomplish the original intent. (Amendment attached)

Rep Onstad: Mr. Chairman do we need a definition of golf carts or is that defined somewhere in the code?

Pietsch: The Legislative Council did not seem to think it was necessary.

Sen Lee, Dist 22: I am here to ask support for the amendments. There has been a tremendous growth in our area and with that has come recreational needs. Our district has more golf courses than any other district. We have 6 golf courses. The golf courses do not have room to store the golf carts. We urge a do pass on HB 1476. (There is testimony attached from **Lee Anderson, President of the Casselton City Council** in support)

Rep Onstad: Do you need a license? Is that up to the city or is that a state transportation issue? I have concerns about 10 or 12 year olds going down the streets in a golf cart.

Rep Belter: I think the thing I would like to point out is that I am sure many of you have a similar situation in your district. This is already happening in Fargo that the golf carts are going on the street. When things are happening, we might as well make them legal.

Rep Mueller: We are way ahead of the times in my district. They have been doing this forever.

No opposition or neutral testimony

Chairman Johnson closed the hearing.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. **HB 1476**

House Agriculture Committee

Check here for Conference Committee

Hearing Date: 2-9-07

Recorder Job Number: **3303**

Committee Clerk Signature

Edward D. Ellison by Ann Gronberg

Minutes:

Chairman Johnson: We have before us HB 1476 relating to golf carts.

Rep Headland: I move a Do Pass on the Amendments

Rep Mueller: I second the motion.

A voice vote showed all in favor of the Do Pass

Rep Mueller: Made a Do Pass Motion

Rep Kingsbury: Seconded the Motion

(Yes) 13 (No) 0 (Absent) 0

Carrier: Rep Belter

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1476

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 40-05 of the North Dakota Century Code, relating to golf carts on city streets.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 40-05 of the North Dakota Century Code is created and enacted as follows:

Golf carts on city streets. The governing body of a city may allow by an ordinance the operation of golf carts on the city streets. The ordinance may not allow a golf cart on federal, state, or county highways in the city, except for the perpendicular crossing of these highways. The ordinance may not allow the operation of a golf cart on city streets except for daytime travel between the owner's place of residence and a golf course. Golf carts that are allowed to operate on the city streets as the result of an ordinance are exempt from the title, registration, and equipment provisions of title 39."

Renumber accordingly

Date: 2-9-07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1476

House _____ AGRICULTURE _____ Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken MR. Amendment

Motion Made By Headland Seconded By Mueller

Representatives	Yes	No	Representatives	Yes	No
Dennis Johnson, Chairman			Tracy Boe		
Joyce Kingsbury Vice Chairman			Rodney J Froelich		
Wesley Belter			Phillip Mueller		
Mike Brandenburg			Kenton Onstad		
Mike Brandenburg			Ben Vig		
Craig Headland					
Brenda Heller					
John D Wall					
Gerry Uglem					

Total (Yes) 13 No 0

Absent 0

Floor Assignment _____

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

Voice

Date: 2-7-07
Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1476

House AGRICULTURE Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken No Pass As Amended

Motion Made By Rep Mueller Seconded By Rep Kingsbury

Representatives	Yes	No	Representatives	Yes	No
Dennis Johnson, Chairman	✓		Tracy Boe	✓	
Joyce Kingsbury Vice Chairman	✓		Rodney J Froelich	✓	
Wesley Belter	✓		Phillip Mueller	✓	
Mike Brandenburg	✓		Kenton Onstad	✓	
Mark Anderson	✓		Ben Vig	✓	
Craig Headland	✓				
Brenda Heller	✓				
John D Wall	✓				
Gerry Uglem	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Rep Belter

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

REPORT OF STANDING COMMITTEE

HB 1476: Agriculture Committee (Rep. D. Johnson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1476 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 40-05 of the North Dakota Century Code, relating to golf carts on city streets.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 40-05 of the North Dakota Century Code is created and enacted as follows:

Golf carts on city streets. The governing body of a city may allow by an ordinance the operation of golf carts on the city streets. The ordinance may not allow a golf cart on federal, state, or county highways in the city, except for the perpendicular crossing of these highways. The ordinance may not allow the operation of a golf cart on city streets except for daytime travel between the owner's place of residence and a golf course. Golf carts that are allowed to operate on the city streets as the result of an ordinance are exempt from the title, registration, and equipment provisions of title 39."

Renumber accordingly

2007 SENATE TRANSPORTATION

HB 1476

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. Engrossed HB 1476

Senate Transportation Committee

Check here for Conference Committee

Hearing Date: March 15, 2007

Recorder Job Number: 5153

Committee Clerk Signature

Judy Hange

Minutes:

Senator Gary Lee called the Transportation Committee to order and all committee members were present. Senator Lee opened the hearing on Engrossed HB 1476 relating to golf carts on city streets.

Representative Pietsch introduced the bill and testified in support of Engrossed HB 1476. Her written testimony is enclosed.

Representative Belter testified in support of Engrossed HB 1476. He said this bill will give permissive language to give the local government jurisdiction over where they can drive their carts in the city and on the streets.

Senator Potter asked if there were any golf carts that have lights.

Rep. Belter said to his knowledge there isn't and the language does read daylight time travel only.

Senator Bakke asked if they would require slow vehicle signs on these golf carts.

Rep. Belter said he could not answer that but the DOT could answer that.

Bill Rutz representing the Cottonwood Golf Course in Casselton testified in support of HB 1476. His written testimony is enclosed. He also brought written testimony from the City of Casselton and information on Arkansas's Law and Iowa's Law.

Senator Fiebiger said that in the Arkansas and Iowa laws they have slow moving signs and one of them has a penalty, was any of this discussed?

Bill Rutz said he did not know if these were discussed.

No opposing testimony.

Keith Magnusson Deputy Director of Drivers Vehicle Services at the DOT said that the engrossed bill is much better than the original bill. It leaves it up to the city and I think that is where it should be. The city could make its own requirements.

Senator Potter asked if the DOT had signs for golf course crossing.

Keith said that they didn't have any of those signs but that would be something the cities could consider.

Senator Bakke asked if cities can do what they want or do they have to notify your department on what they are requiring.

Keith said cities can do what they want to do unless it affects state highways.

Senator Lee closed the hearing on Engrossed HB 1476.

Senator Andrist moved for a Do Pass on Engrossed HB 1476.

Senator Nething seconded the motion.

The clerk took the roll 6-0-0.

Senator Lee will carry the bill.

REPORT OF STANDING COMMITTEE (410)
March 15, 2007 1:52 p.m.

Module No: SR-49-5439
Carrier: G. Lee
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1476, as engrossed: Transportation Committee (Sen. G. Lee, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1476 was placed on the Fourteenth order on the calendar.

2007 TESTIMONY

HB 1476

Testimony - HB 1476

Good morning Chairman Johnson, Vice Chair Kingsbury, members of the House Agriculture Committee. My name is Vonnie Pietsch, state representative from district 22. This covers the majority of rural Cass County, including my home town of Casselton.

I am here today to introduce HB 1476. Cottonwood Golf Course, Casselton's local course plays a vital role in summer recreation for area residents. The golf course is landlocked and, like many courses, the needs exceed the resources. As a golf course, they neither have the room nor the money to provide golf cart storage on site for members. In addition, members who own golf carts often prefer to store and maintain them on their own premises. This has led to the practice of golf cart owners driving the carts from their homes to the course. Although local law enforcement has been very understanding it is the belief of the Board members that cities such as Casselton and others similarly situated should be granted the authority by the state to regulate golf carts on the city streets within limits set by the legislature.

With your permission, Mr. Chairman I'd like to submit an amendment to HB 1476, which would accomplish the original intent.

**Testimony in Support of
Engrossed House Bill 1476
Golf Carts on City Streets**

**By Vonnie Pietsch, State Representative, District 22
Senate Transportation Committee
March 15, 2007**

Good morning Chairman Lee, members of the Senate Transportation Committee. My name is Vonnie Pietsch, state representative from district 22. This covers the majority of rural Cass County, including the city of Casselton.

I am here today to introduce Engrossed HB 1476. Cottonwood Golf Course, Casselton's local course plays a vital role in summer recreation for area residents. The golf course is landlocked and, like many courses, the needs exceed the resources. As a golf course, they neither have the room nor the money to provide golf cart storage on site for members. In addition, members who own golf carts often prefer to store and maintain them on their own premises. This has led to the practice of owners driving their carts from their homes to the course. Although local law enforcement has been very understanding, it is the belief of the Board members that cities such as Casselton and others may that may be in similar situations; and should be granted the authority by the state to regulate golf carts on the city streets within limits set by the legislature.

This concludes my testimony Mr. Chairman. I'm happy to stand for any questions you or the committee may have at this time.

HOUSE BILL 1476

Mr. Chairman and members of the committee, my name is Bill Rutz and I'm here to speak in favor of House bill 1476.

We support this legislation for the following reasons:

1. We have always had a good working relationship with the city in regards to golf carts and the travel of them to and from the golf course. We believe that relationship would remain the same with passage of this bill since it would give the council the governing authority for ordinances in regards to control of golf carts. Our city council has endorsed the bill.
2. We have a unique situation in Casselton in that our golf course is in the center of town and easily accessible by the towns population. We are however limited for space in regards to parking or building anything like a cart shed .
3. We have approximately 35 private cart owners (not many as golf courses are concerned) and at least half of them live within two blocks or closer of the golf course and the remainder within approximately 5 to 7 blocks. We believe that is is neither practical or economical to require the carts to be hauled to the course with so many patrons living so close.
4. Precedence already exist in such states as Arkansas and Iowa where they have passed similar legislation.

Senator Gary Lee

2/7/07

The City of Casselton strongly supports the proposed bill to allow the individual cities to regulate the operation of golf carts on its local roadways.

Sincerely,

Lee Anderson
President,
Casselton City Council

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Title 14. Local Government.

Subtitle 3. Municipal Government.

Chapter 54. Powers Of Municipalities Generally.

Subchapter 14. Miscellaneous Regulations.

§ 14-54-1410. Operation of golf carts on city streets.

(a) It shall be within the municipal affairs and authority of any municipality in the State of Arkansas to authorize, by municipal ordinance, any owner of a golf cart to operate the golf cart upon the city streets of the municipality; provided, however, operation shall not be authorized on city streets which are also designated as federal or state highways or as a county road.

(b) The municipality may authorize the operation of golf carts on city streets only from the owner's place of residence to the golf course and to return from the golf course to the owner's residence.

(c) When authorized by the municipality to operate on the city streets and limited to the circumstances and provisions of this section, there shall be no motor vehicle registration or license necessary to operate the golf cart on the public street.

(d) The term "municipality" as used in this section means any city of the first class, city of the second class, or an incorporated town.

History. Acts 1993, No. 976, § 1.

27-14-101 et seq.

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321.247 Golf cart operation on city streets.

Incorporated areas may, upon approval of their governing body, allow the operation of golf carts on city streets by persons possessing a valid driver's license. However, a golf cart shall not be operated upon a city street which is a primary road extension through the city but shall be allowed to cross a city street which is a primary road extension through the city. The golf carts shall be equipped with a slow moving vehicle sign and a bicycle safety flag and operate on the streets only from sunrise to sunset. Golf carts operated on city streets shall be equipped with adequate brakes and shall meet any other safety requirements imposed by the governing body. Golf carts are not subject to the registration provisions of this chapter.

A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 3, paragraph "f".

Section History: Early form

[82 Acts, ch 1041, § 1]

Section History: Recent form

90 Acts, ch 1230, §66; 98 Acts, ch 1073, §9; 2000 Acts, ch 1203, §10; 2001 Acts, ch 137, §5