

VETOED MEASURES

CHAPTER 529

SENATE BILL NO. 2244

(Senators Dwyer, Bakke, G. Lee, Sorvaag)
(Representatives Nathe, Zubke)

AN ACT to amend and reenact section 39-06-49, subsection 1 of section 39-06.2-07, subsection 2 of section 39-06.2-08, subdivision c of subsection 3 of section 39-06.2-09, sections 39-06.2-09.1, 39-06.2-13.1, and 39-06.2-19, subsections 5 and 6 of section 39-08-13, and subsection 3 of section 39-16-03 of the North Dakota Century Code, relating to driver's license fees.

VETO

March 21, 2019

The Honorable Brent Sanford
President of the Senate
North Dakota Senate
State Capitol
Bismarck, ND

Re: Senate Bill 2244

Dear President Sanford:

Pursuant to Article V, Section 9 of the North Dakota Constitution, I have vetoed Senate Bill 2244 and return it to the Senate unsigned.

Senate Bill 2244 doubles the fees for noncommercial and commercial driver's licenses, impacting more than 163,000 North Dakotans every biennium. The additional \$5.5 million collected by this bill comes directly out of the pockets of state citizens and imposes an unnecessary additional burden on our residents.

This fee increase was not requested in the executive budget. Throughout our strategic review and budgeting process, agencies focused on innovation and reinvention to find ways to fund priorities without exceeding ongoing revenues. Within this framework, the executive budget recommended \$22.5 million to transition our driver's license system from an outdated mainframe. With technology advancements and new methods of service delivery, the transactional cost of providing driver's licenses can be reduced.

Before any fee increase is adopted, especially a fee that doubles the price of a monopolized service essential to nearly all North Dakotans, further study is

warranted. Senate Bill 2130 was signed into law on March 8, 2019, requiring a comprehensive study of state agency fees, including department of transportation fees. Senate Bill 2130 will enable significant information gathering on these fees, to identify a more holistic approach.

Until then, I remain unconvinced that this 100% fee increase is necessary.

Sincerely,

Doug Burgum
Governor

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-06-49 of the North Dakota Century Code is amended and reenacted as follows:

39-06-49. Fees - Deposit in state highway fund.

1. All money received under this chapter must be paid monthly into the highway fund in the state treasury.
2. The fee for:
 - a. An application for a nondriver photo identification card is ~~eight~~ten dollars for applicants under the age of eighteen, otherwise there is no fee.
 - b. Written testing for an application for an operator's license is five dollars.
 - c. Initial, class change, and renewal permits is twenty dollars.
 - d. Actual ability testing for an application for ~~an~~ noncommercial operator's license is ~~five~~ten dollars, and a commercial operator's license is ten dollars.
 - ~~d-e.~~ An application for ~~an~~ noncommercial operator's license is ~~fifteen~~thirty dollars and a commercial operator's license is thirty dollars.
 - ~~e-f.~~ An application for a motorized bicycle operator's permit is ten dollars.
 - ~~f-g.~~ A substitute nondriver identification card or operator's license is ~~eight~~ten dollars unless the substitute is for erroneous information due to a change in name or address, then the fee is ~~three~~five dollars.
 - ~~g.~~ An
 - ~~h.~~ A noncommercial operator's license renewal is fifteenthirty dollars, and a commercial operator's license renewal is thirty dollars.
 - ~~h-i.~~ Reinstatement after suspension is ~~fifty~~one hundred dollars ~~unless the suspension was the result of a suspension under subsection 3, 4, or 6 of section 39-06-03 or subdivision b of subsection 1 of section 39-06-32, then the fee is twenty-five dollars, or unless the suspension was a result of a~~

- ~~violation under section 39-08-01 or chapter 39-20, then the fee is one hundred dollars.~~
- ~~i.j. Reinstatement after revocation is fiftyone hundred dollars, unless the revocation was imposed for a violation of subsection 6 of section 39-06-17 or section 39-06-31, 39-06-43, or 39-20-04, then the fee is one hundred dollars.~~
- ~~k. A commercial license endorsement is five dollars for each endorsement.~~
- ~~l. The driving record for an employer of a commercial license holder is five dollars.~~
- ~~m. Operating record abstracts, records of clearance, or other record data are six dollars per record.~~
- ~~n. An accident report provided with the law enforcement officer's opinion is ten dollars and is five dollars without the opinion.~~
3. Any application for which there is a fee must be accompanied by the proper fee.
4. The department shall provide a biennial report to the legislative assembly on the revenues collected, funds expended, and balance of the state highway fund.

SECTION 2. AMENDMENT. Subsection 1 of section 39-06.2-07 of the North Dakota Century Code is amended and reenacted as follows:

1. An individual may not be issued a commercial driver's license unless that individual is a resident of this state; has passed a knowledge and skills test that may include a skills test administered by another state or skills test results electronically submitted by another state, for driving a commercial motor vehicle which complies with minimum federal standards established by federal regulations enumerated in 49 CFR part 383, subparts G and H; and has satisfied all other requirements of state and federal law, including the Commercial Motor Vehicle Safety Act. The tests must be prescribed and conducted by the director. The applicant shall pay the fee listed in section ~~39-06.2-1939-06-49~~ for each of the tests.

SECTION 3. AMENDMENT. Subsection 2 of section 39-06.2-08 of the North Dakota Century Code is amended and reenacted as follows:

2. The application must be accompanied by an application fee listed in section ~~39-06.2-1939-06-49~~. The application must contain any other information as the director may require to improve identity security. The director shall require an applicant for a commercial license or commercial learner's permit to provide documentary evidence that confirms to the satisfaction of the director the true identity, date of birth, and legal presence of the applicant and provide a social security card or other satisfactory evidence of a social security number and proof of residence address, if not previously provided or if there are changes to the information already on file.

SECTION 4. AMENDMENT. Subdivision c of subsection 3 of section 39-06.2-09 of the North Dakota Century Code is amended and reenacted as follows:

- c. Other restrictions may be placed upon a commercial driver's license, under section 39-06-17. The applicant shall pay a fee listed in section ~~39-06.2-19~~39-06-49 for each endorsement.

SECTION 5. AMENDMENT. Section 39-06.2-09.1 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-09.1. Nondomiciled commercial license.

1. The department may issue a nondomiciled commercial driver's license to an applicant who does not present a social security card as required by section 39-06.2-08 but who otherwise meets the requirements for a nondomiciled commercial driver's license. A license issued under this subsection is valid only during the period of time of the applicant's authorized stay in the United States. The license may be renewed only upon presentation of valid documentary evidence that the status has been extended. The department shall renew without a skills or knowledge test a nondomiciled commercial license that has been expired for a duration not longer than one year.
2. The fee for a nondomiciled commercial driver's license is listed in section ~~39-06.2-19~~39-06-49.

SECTION 6. AMENDMENT. Section 39-06.2-13.1 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-13.1. Driving record information to be provided.

Notwithstanding any other provision of law and upon payment of a fee listed in section ~~39-06.2-19~~39-06-49, the director shall provide full information regarding the driving record of an individual who has been issued a commercial driver's license to an employer or to a prospective employer if the individual has given written consent to the prospective employer for this information.

SECTION 7. AMENDMENT. Section 39-06.2-19 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-19. Fees - Deposit in highway fund.

1. All money received under this chapter must be paid monthly to the highway fund in the state treasury.
2. The fee for:
 - a. ~~A commercial driver's license test is five dollars.~~
 - b. ~~An application for a commercial driver's license or permit is fifteen dollars.~~
 - c. ~~Each endorsement is three dollars.~~
 - d. ~~A nonresident commercial driver's license is twenty dollars.~~
 - e. ~~The driving record for an employer or prospective employer is three dollars.~~Fees must be assessed in accordance with section 39-06-49.

SECTION 8. AMENDMENT. Subsections 5 and 6 of section 39-08-13 of the North Dakota Century Code are amended and reenacted as follows:

5. Upon affirmation by a party to the accident, a party's legal representative, or the insurer of any party to the accident that the investigating officer's opinion is material to a determination of liability and upon payment of ~~the fee of five dollars listed in section 39-06-49~~, the director or investigating agency shall release a completed copy of the investigating officer's opinion to the entity requesting the information. The request must be made on an appropriate form approved by the director.
6. Upon request of any person and upon payment of ~~the fee of two dollars listed in section 39-06-49~~, the director or the law enforcement agency may furnish to a requester a copy of that portion of an investigating officer's accident report which does not disclose the opinion of the reporting officer or contain any exempt information that may not be disclosed, if the report shows that the accident is one for which a driver is required to file a report under section 39-08-09.

SECTION 9. AMENDMENT. Subsection 3 of section 39-16-03 of the North Dakota Century Code is amended and reenacted as follows:

3. ~~A~~~~The fee of three dollars listed under section 39-06-49~~ must be paid for each abstract of any operating record, ~~operating record~~, complete operating record, or record of clearance. A reasonable fee must be paid for each source document. The director may not assess a fee to a law enforcement agency, a judicial officer, or another licensing jurisdiction. The director shall send an additional copy of the abstract, source document if requested in aggregate form, or record of clearance to the driver whose record was requested, accompanied by a statement identifying the person making the request, identifying the person for whom or which the request is made, identifying the intended recipient of the record, and providing the reason for the request. An additional copy of the abstract or record of clearance may not be sent to a driver if the request for the record was made by the federal bureau of investigation or the United States central intelligence agency, or agents, or by any law enforcement agency or judicial officer.

Disapproved March 21, 2019

Filed April 16, 2019

CHAPTER 530**SENATE BILL NO. 2015**

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the various divisions under the supervision of the director of the office of management and budget; to provide a continuing appropriation; to authorize a full-time equivalent position; to provide for a transfer; to create and enact a new section to chapter 21-10 of the North Dakota Century Code, relating to the recognition of legacy fund earnings; to amend and reenact section 6-09-49, section 15.1-18-10 as amended by section 18 of Senate Bill No. 2013, as approved by the sixty-sixth legislative assembly, sections 48-10-02 and 48-10-03, subsection 2 of section 54-06-24, section 54-06-30, and section 54-09-05 as amended by section 5 of Senate Bill No. 2002, as approved by the sixty-sixth legislative assembly, of the North Dakota Century Code, section 23 of House Bill No. 1003, as approved by the sixty-sixth legislative assembly, section 23 of House Bill No. 1014, as approved by the sixty-sixth legislative assembly, sections 1, 2, and 17 of House Bill No. 1018, as approved by the sixty-sixth legislative assembly, and section 18 of Senate Bill No. 2012, as approved by the sixty-sixth legislative assembly, relating to the infrastructure revolving loan fund, specialty area teacher qualifications, capitol grounds planning commission spending limits and authority to accept gifts, the state employee suggestion incentive program, state employee performance bonuses, the salary of the secretary of state, higher education line item transfer authority, a department of commerce nonresident nurse employment recruitment program; and a statewide plan for individuals in institutions for mental disease; to repeal section 54-06-24 of the North Dakota Century Code, relating to the state employee suggestion incentive program; to provide compensation guidelines; to provide a statement of legislative intent; to provide for a legislative management legacy fund earnings committee; to provide for a legislative management study; to provide for a report; to provide an exemption; to provide an effective date; and declare an emergency.

VETO

May 2, 2019

The Honorable Brent Sanford
President of the Senate
North Dakota Senate
State Capitol
Bismarck, ND 58505

Re: Senate Bill 2015

Dear President Sanford:

Pursuant to Article V, Section 9 of the North Dakota Constitution, I have vetoed Section 19, Recognition of legacy fund earnings for budget purposes, of Senate Bill 2015. Section 19 circumvents constitutional requirements for Legacy Fund earnings and ignores all generally accepted accounting principles by failing to recognize the earnings in the biennium in which they are received. The people of North Dakota spoke clearly when they approved the Legacy Fund measure in 2010, instructing, as outlined in Article X, Section 26 of the North Dakota Constitution that the "state treasurer shall transfer earnings of the North Dakota legacy fund accruing . . . to the state general fund at the end of each biennium."

Section 19 manipulates the recognition of state revenues which artificially reduces the balance of the general fund by hundreds of millions of dollars. It misleads legislators tasked with voting on appropriation bills and taxpayers who deserve to know the true financial status of the state.

For the reasons stated above, Section 19 of Senate Bill 2015 is vetoed.

Sincerely,

Doug Burgum
Governor

Disapproved May 2, 2019

Filed May 2, 2019

NOTE: For the full text of Senate Bill No. 2015, including section 19, see chapter 41