

# MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

19266

2001 HOUSE TRANSPORTATION

HB 1266

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1266

House Transportation Committee

Conference Committee

Hearing Date January 26, 2001

Tape Number	Side A	Side B	Meter #
2	x		22
Committee Clerk Signature <i>Lawrence L. Fink</i>			

Minutes: Rep. Weisz - Chairman opened the hearing on HB 1266; A BILL for an Act to amend and reenact section 39-08-04 of the North Dakota Century Code; relating to leaving the scene of an accident; and to provide a penalty.

Rep: Aarsvold: I represent district 20. I appear as the prime sponsor of HB 1266. A copy of his prepared written remarks are attached.

Rep. Wald: I represent District 37. I wholeheartedly support the bill, -- HB 1266 -- Rep. Aarsvold asked me to sign on this and I gladly did so. You may recall a couple of years ago, right here in the city of Bismarck there was a young man who doing right around 75 - 80 mph coming down the street by the Post Office. He hit a young lady broadside at the intersection and killed her right on the spot. I think we were in session when that happened. I don't know what kind of sentence he got but I believe it was a manslaughter. And this would change that situation. I can't add anything further than the testimony you will hear. If you look at the bill it will simply makes it a Class B felony which is more serious offense than a class C.

Rep. Nottestad: I represent the 43rd District. Legislation of this type will create a situation where a problem can solve in advance rather than look at the ramifications of a death. Leaving the scene of an accident where someone was killed -- needs to have ramifications greater than just leaving the scene. That's the reason I signed onto this bill. I thoroughly support the bill.

Rep. Aarsvold: I have spoken with Mr. Lee Erickson, - I believe --I don't know what his title is --maybe he is the Executive Secretary of SAIDD. He couldn't be here to talk to you but he is in favor and supports this bill. With that Mr. Chairman, I want to introduce the grandparents of young Dane Rempfer who was involved in the tragic accident in Washington. Mr. And Mrs. Floyd Erickson of Galesburg, North Dakota and now Fargo. Also with them is the young Aunt of Dane, Polly Ramstad also of Fargo.

Polly Ramstad: She shared her thoughts and feelings of that experience with the committee. She spoke from her prepared remarks -- a copy of which is attached.

Rep. Mahoney: ( 561) Before we hear Ms. Ramstads testimony may we ask you a question?

Under current law, in circumstances like this you can also prosecute a person for negligent homicide or manslaughter, I was just wondering and I believe manslaughter is a class B felony -- is there prosecution like that in the case we're talking about or is this a quicker way to try to --

Rep. Aarvold: The question is appropriate -- if you go the packet of materials I and also prepared for you -- I guess it articulates the series of events that followed the particular events in Washington. I also have some other materials from the sentencing hearing of this gentleman involved in the accident. I have additional materials I will give the committee as you please. There were numerous charges brought in this matter but the final penalty involved six months in jail and some minimal community service and evaluation for alcohol and drug abuse.

Sen. Stan Lyson: ( 1499 ) I am senator from District 1 in Williston. Before I became a senator as most of you know I was a Sheriff in Williams County. I sympathize with the witness who was up here before me. I would like to have you think about an accident similar to this and how terrible it is. As a sheriff I went through several of these. Where as a sheriff I went to the home to pick up the parents and took them to the hospital. I checked in with the emergency room and reported back to them to tell them how their children were doing. Then when we went to court and sat with them again in the court room. I would try to explain that this is the law that is all that you can get. Anybody who injures somebody in an accident and doesn't stop is probably causing that persons death by not rendering aid. This bill I believe will remedy this in North Dakota. I certainly do have to ask for a 'Do Pass'.

Pat Heinert: I represent the North Dakota Peace Officers Association. We are here just say that we support this bill.

Paul Hendrickson - I am a sheriff and I am president of the Sheriff's and Deputies Association for the state. We are definitely in support of this bill.

Rep. Aarsvold: There is one more handouts which I got from the North Dakota Highway Patrol. It shows the hit and runs in North Dakota. A copy is attached.

Rep. Weisz - Chairman ( 1818 ) There being no one else wishing to testify on HB 1266 either for or against, the hearing is closed. In committee action immediately following the testimony.

Rep. Mahoney moved a 'Do Pass' for HB 1266.

Rep. Ruby: I second the motion.

On a Roll call vote, the motion carried 13 yeas 0 nays and 1 absent.

Rep. Price was designated to carry HB 1266 on the floor. ( 1813 )

Date: 1/26/01  
Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1266

House Transportation Committee

- Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

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

Action Taken Do Pass

Motion Made By Rep. Mahoney Seconded By Rep. Ruby

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	✓		Howard Grumbo	✓	
Chet Pollert - Vice Chairman	✓		John Mahoney	✓	
Al Carlson	✓		Arlo E. Schmidt	✓	
Mark A. Dosch	✓		Elwood Thorpe	A	
Kathy Hawken	✓				
Roxanne Jensen	✓				
RaeAnn G. Kelsch	✓				
Clara Sue Price	✓				
Dan Ruby	✓				
Laurel Thoreson	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep. Price

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

**REPORT OF STANDING COMMITTEE (410)**  
January 26, 2001 12:39 p.m.

**Module No: HR-14-1722**  
**Carrier: Price**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1266: Transportation Committee (Rep. Weisz, Chairman) recommends DO PASS**  
**(13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1266 was placed on the**  
**Eleventh order on the calendar.**

2001 SENATE TRANSPORTATION

HB 1266



2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1266

Senate Transportation Committee

Conference Committee

Hearing Date 3-8-01

Tape Number	Side A	Side B	Meter #
1		x	13.6-30.7
2	x		21.9-27.7
Committee Clerk Signature <i>Suzette Schaber</i>			

Minutes: **HB 1266** relates to leaving the scene of an accident; and to provide a penalty.

**Rep. Ole Aarsvold** : (District 20; Supports) See attached testimony.

**Senator Stan Lyson**: (District 1; Supports) I was a sheriff for many years and dealt with families of victims of accidents. You continue to let the victim's families know what is going on with the investigation. The laws of ND are embarrassing. They are too lenient on leaving the scene of an accident on hit and runs.

**Rep. Nottestad**: ( District 43; Supports) We must take responsibility for our actions. There is no excuse for some one to leave the scene of an accident to avoid getting a DUI. I support this wholeheartedly.

**Paulie Ramsted**: (Supports) Her nephew, Dane Rempfer, is the 15 year old who was killed in a hit and run referred to in Re. Aarsvold's testimony. She explains the exact circumstances surrounding her nephew's death. She reads the statement by her sister (Charlotte Rempfer, the

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Senate Transportation Committee

Bill/Resolution Number HB 1266

Hearing Date 3-8-01

victim's mother) which Charlotte wrote and read to the court at the hearing of the man who killed her son. The man only received six months of jail and six months of community service.

**Pat Helnert:** (NDPOA; Supports) Supports this bill.

Hearing closed.

Committee reopened on 3-8-01.

Discussion held. Senator Trenbeath motions to Do Pass. Seconded by Senator Espegard. Roll call taken. 3-3-0. Failed.

Senator Trenbeath motions to Do Pass. Seconded by Senator Espegard. Roll call taken.

5-1-0. Floor carrier is Senator Trenbeath.

Committee closed.



Date: 3-8  
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1266

Senate Transportation Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

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

Action Taken Do Pass

Motion Made By Trenbeath Seconded By Espgaard

Senators	Yes	No	Senators	Yes	No
Senator Stenejem, Chairman	X		Senator O'Connell		X
Senator Trenbeath, Vice-Chair	X		Senator Bercler	X	
Senator Mutch	X				
Senator Espgaard	X				

Total (Yes) 5 No 1

Absent 0

Floor Assignment Trenbeath

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

**REPORT OF STANDING COMMITTEE (410)**  
March 8, 2001 3:01 p.m.

Module No: SR-40-5144  
Carrier: Trenbeath  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**HB 1266: Transportation Committee (Sen. Stenejem, Chairman) recommends DO PASS**  
(5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1266 was placed on the  
Fourteenth order on the calendar.

2001 TESTIMONY

HB 1266

TESTIMONY ON HOUSE BILL 1266  
PREPARED FOR HOUSE TRANSPORTATION COMMITTEE  
BY REPRESENTATIVE OLE AARSVOLD - DISTRICT 20  
JANUARY 26, 2001

The need for the statutory change recommended in HB 1266 was demonstrated to me so very tragically by the hit and run death of a constituent's grandson in Washington state. Dane Rempfer, 15 years old, was struck by a driver who left the scene of the accident and who two days later went to the authorities to report the incident. Washington law, which was very much like the law we have currently in North Dakota, led to a sentence imposed on the driver of six months in jail and community service. This, even though testimony revealed that the accused had been drinking alcohol continuously for as many as nine hours prior to the violation, was driving at least as fast as 65 mph in a 35 mph zone and crossed the center line to strike

