

2011 SENATE TRANSPORTATION

SB 2102

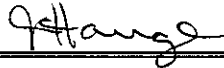
# 2011 SENATE STANDING COMMITTEE MINUTES

Senate Transportation Committee  
Lewis and Clark Room, State Capitol

SB 2102  
January 7, 2011  
12638

Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

The new language in the bill makes this section of code consistent with other sections relating to funds being placed into the state treasury.

## Minutes:

Attached testimony.

**Senator G. Lee** opened the hearing on SB 2102 relating to extraordinary road use fees.

**Kelly Schmidt**, State Treasurer, testified in support of SB 2102. See attached Testimony #1. She said there was another bill, HB 1024 which addresses the same section of code and it relates to a change in the violation fees that they stay with the county. If that bill passes and this does not, they will have an auditing concern.

**Senator Nething** asked for an example of an extraordinary use fees.

**Ms. Schmidt** said one of the fees relating to this bill is any fee that the highway patrol would collect. They collect the fee and then they remit it or deposit it with the state treasury. The way it is currently worded, it implies that the treasury collects. This bill relates to the process.

**Senator Nething** asked if the Auditors asked for this change.

**Ms. Schmidt** answered yes, to provide continuity to language.

**Senator Lee** asked if the confusion between the highway patrol and counties were that they weren't sure how to remit it or they were expecting that you were going to come and get the fees.

**Ms. Schmidt** said the difference was if the counties were supposed to remit to us or deposit. If they deposited within the highway patrol because they collected it or if they deposited it with the treasury. She said we want them to remit it with highway patrol and deposit it with us. That way we can see the record but the treasury does not receive the cash. We don't need the checks and deposit slips. The highway patrol gets that. They put it in their account at which time they notify us of that deposit.

**Senator Oehlke** said that in answer to Senator Nething's previous question on giving an example of the extraordinary use fees, in this section an example would be when someone is going to be overweight, they can go to the state and pay an extra fee.

**Senator Lee** clarified with Ms. Schmidt and summarized that the money actually goes into the highway patrol and the treasurer's office just accounts for it in terms of investment or whatever they might do with it. The treasurer's office manages the fund.

**Ms. Schmidt** said that is correct.

No further testimony.

**Senator Lee** closed the hearing on SB 2102.

**Senator Nething** moved for a Do Pass on SB 2102.

**Senator Mathern** seconded the motion.

Roll call vote 6-0-0. **Motion passed.**

Carrier is **Senator Sitte.**

Date: 1-7-11  
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. \_\_\_\_\_

Senate Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number SB 2102

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By Senator Nething Seconded By Senator Mathern

Senators	Yes	No	Senators	Yes	No
Senator Gary Lee	✓		Senator Tim Mathern	✓	
Senator Dave Oehlke	✓				
Senator Dave Nething	✓				
Senator George Nodland	✓				
Senator Margaret Sitte	✓				

Total (Yes) 6 No 0

Absent \_\_\_\_\_

Floor Assignment Senator Sitte

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

**REPORT OF STANDING COMMITTEE**

**SB 2102: Transportation Committee (Sen. G. Lee, Chairman)** recommends **DO PASS**  
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2102 was placed on the  
Eleventh order on the calendar.

2011 HOUSE TRANSPORTATION

SB 2102

# 2011 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee  
Fort Totten Room, State Capitol

SB 2102  
03/03/2011  
Job # 14899

Conference Committee

Committee Clerk Signature 

## Explanation or reason for introduction of bill/resolution:

SB 2102 is a bill relating to extraordinary road use fees.

## Minutes:

Attachment #1

**Carlee McLeod**, North Dakota Deputy State Treasurer, spoke to support SB 2102 and provided written testimony. See attachment #1.

**Representative Delmore:** How much have you collected and credited so far in your office?

**Carlee McLeod:** It is probably under \$2000. The impact would be the same regardless of whether it comes into our office or if it comes to Highway Patrol. That is why there is no fiscal impact.

**Chairman Ruby:** Do we need this bill if the other bill passes?

**Carlee McLeod:** I would prefer that we do. This section of code exists, and we need this mechanical change to be more efficient between our office and Highway Patrol.

**Chairman Ruby:** That bill did fail, so yes, we do need this bill.

**Representative Onstad:** Would you object if we amended this and said it should be deposited in the jurisdiction where the violation occurred?

**Carlee McLeod:** As long as we have the mechanics to do it efficiently, we have no stance on policy.

**Chairman Ruby:** I think that we should just fix this, and that issue can come up at another time in another bill.

There was no further support for SB 2102.  
There was no opposition on SB 2102.

The hearing on SB 2102 was closed.

**Representative R. Kelsch** moved a DO PASS on SB 2102.  
**Representative Owens** seconded the motion.

**Representative Onstad:** I think it is worth the discussion to look to amend this bill. It was close last time.

**Chairman Ruby:** The problem is that it would have to go to Conference Committee if the Senate didn't like it. They didn't have a hearing on it.

**Representative Onstad:** It passed out of this committee. The debate started on the floor.

**Chairman Ruby:** If we would change it, it would go into Conference Committee. They wouldn't have heard testimony to that issue, so it would be difficult to get them to agree to it.

**Representative Onstad:** I'm sure that it has been done before.

**Chairman Ruby:** It might have been done before, but if it doesn't pass then they would lose the area that they are trying to address. I think it would be a risk.

**A roll call vote was taken. Aye 14 Nay 0 Absent 0**

**The motion carried.**

**Representative Owens** will carry SB 2102.



Date: 3-3-11

Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2102

House TRANSPORTATION Committee

Check here for Conference Committee

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

Action Taken  Do Pass  Do Not Pass  Amended  Adopt Amendment

Rerefer to Appropriations  Reconsider

Motion Made By Kelsch Seconded By Owens

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby	X		Representative Delmore	X	
Vice Chairman Weiler	X		Representative Gruchalla	X	
Representative Frantsvog	X		Representative Hogan	X	
Representative Heller	X		Representative Onstad	X	
Representative R. Kelsch	X				
Representative Louser	X				
Representative Owens	X				
Representative Sukut	X				
Representative Vigesaa	X				
Representative Weisz	X				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Owens

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

**REPORT OF STANDING COMMITTEE**

**SB 2102: Transportation Committee (Rep. Ruby, Chairman)** recommends **DO PASS**  
(14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2102 was placed on the  
Fourteenth order on the calendar.

2011 TESTIMONY

SB 2102



Kelly L. Schmidt  
State Treasurer

STATE OF NORTH DAKOTA

## OFFICE OF STATE TREASURER

STATE CAPITOL, 600 E. BOULEVARD AVE., DEPT 120, BISMARCK, NORTH DAKOTA 58505-0600

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# 1

**Senate Bill 2102**  
**Testimony in Support**  
**Committee: Senate Transportation**  
**Date: January 7, 2011**  
**Kelly Schmidt**  
**State Treasurer**

Mr. Chairman, members of the committee:

For the record, I am Kelly Schmidt, North Dakota State Treasurer. The Office of the State Treasurer supports SB 2102 relating to the deposit of extraordinary use fees.

With very few exceptions, most language in code relating to the collection or payment of fees provides that funds are to be deposited with the Office of the State Treasurer. A few sections of code are inconsistent with this model. This bill changes the words "remitted to" with "deposited with". This language makes this section of code consistent with other sections relating to funds being placed into the state treasury.

Increased collection of these fees began during the 2009-2011 biennium. Because of the "remitted" language, county offices and highway patrol personnel treated these collections differently than all other fees processed by their office, which created confusion and additional communication needs between counties, highway patrol and the Office of the State Treasury.

The State Treasurer's Office and the Highway Patrol collectively addressed the issue and are currently treating the collection of these fees in a similar fashion to other fees collected. The process is working well, and this bill solidifies the policy and makes the language of the statute consistent with other fee collections.

There is no fiscal note attached to this bill.

We ask this committee for a DO PASS on this clarification.

Thank you.



Kelly L. Schmidt  
State Treasurer

STATE OF NORTH DAKOTA

## OFFICE OF STATE TREASURER

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#1

**Senate Bill 2102  
Testimony in Support  
Committee: House Transportation  
Date: March 3, 2011  
Carlee McLeod  
Deputy State Treasurer**

Chairman Ruby, members of the committee:

For the record, I am Carlee McLeod, North Dakota Deputy State Treasurer. The Office of the State Treasurer supports SB 2102 relating to the deposit of extraordinary use fees.

With very few exceptions, most language in code relating to the collection or payment of fees provides that funds are to be deposited with the Office of the State Treasurer. A few sections of code are inconsistent with this model. This bill changes the words "remitted to" with "deposited with". This language makes this section of code consistent with other sections relating to funds being placed into the state treasury.

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Thank you.