

Greetings, Chair and members of the Committee. I'm Matt Linneman, Deputy Director for Engineering for the North Dakota Department of Transportation (NDDOT). I'm here to oppose the bill as presented and to offer for consideration an amendment to House Bill 1050.

We understand the proposed bill will allow the NDDOT to enter into cooperative agreements with law enforcement agencies. These agreements will permit the installation of license plate readers and cameras within the state highway right of way or on state infrastructure for law enforcement purposes. Currently the NDDOT does not have any authority to permit these types of devices for law enforcement purposes.

The purpose of highway right of way is to provide space for the safe movement of people and goods. The right of way is used for the roadway surface, bridges, maintaining drainage, installation of safety devices, snow storage, and providing a clear zone for vehicles that leave the roadway. It also allows for future expansion of highway features.

The NDDOT has a process for permitting infrastructure owned by others within the highway right of way to ensure that it does not interfere with the safe operation of the highway system. However, the NDDOT does not believe that highway right of ways should be used for permanent installations of license plate readers for law enforcement purposes. It will result in additional infrastructure that has a potential to conflict with the primary purposes of the highway right of way. It would also require additional administrative work to review, evaluate, and permit the installation of these devices.

To address these concerns and help clarify the bill, we would offer the following amendments:

- Only include law enforcement agencies with border security responsibilities, as this has national security implications.
- Change the language to "may" versus "shall" in case there are other engineering reasons that won't allow installation in a particular location.

We have provided a suggested amendment to reflect these recommendations.

This concludes my testimony. Thank you.

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO
HOUSE BILL NO. 1050

Introduced by

Transportation Committee

(At the request of the Attorney General)

- 1 A BILL for an Act to ~~amend and reenact section 24-02-45~~create and enact section 24-02-45.6 of
2 the North Dakota Century Code, relating to cooperative agreements between the director and
3 ~~law enforcement~~federal agencies regarding license plate readers.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 ~~**SECTION 1. AMENDMENT.** Section 24-02-45 of the North Dakota Century Code is~~
6 ~~amended and reenacted as follows:~~

7 ~~**24-02-45. Cooperative agreements with counties or cities.**~~

8 ~~The director may enter an agreement with a state agency, county, or city for the cooperative~~
9 ~~or joint administration of an activity that will enhance the efficiency and effectiveness of the state~~
10 ~~highway system. At the request of a state, county, or city law enforcement agency or a federal~~
11 ~~agency with responsibilities related to control of the national border, the director shall enter into~~
12 ~~an agreement with the requesting law enforcement agency, or with the state agency or political~~
13 ~~subdivision of which the law enforcement agency is a part, for the placement of license plate~~
14 ~~readers on department-owned or department-operated equipment or infrastructure for law~~
15 ~~enforcement or border control purposes. The terms of the agreement supersede sections~~
16 ~~24-02-36 and 24-02-37 or any other state law governing the use of state, county, or city highway~~
17 ~~funds.~~

18 **SECTION 1.** Section 24-02-45.6 of the North Dakota Century Code is created and enacted as
19 follows:

20 **24-02-45.6 Cooperative agreements for the placement of cameras within highway right**
21 **of way.**

22 At the request of a federal agency with responsibilities related to control of the national border,
23 the director may enter into an agreement with the requesting federal agency for the placement
24 of license plate readers, within highway right of way, for border control purposes.