

NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

AGRICULTURE AND TRANSPORTATION COMMITTEE

Thursday, December 12, 2019
Roughrider Room, State Capitol
Bismarck, North Dakota

Representative Dennis Johnson, Chairman, called the meeting to order at 9:30 a.m.

Members present: Representatives Dennis Johnson, Mike Brandenburg, Jay Fisher, Craig Johnson, Dan Ruby, Kathy Skroch, Greg Westlind; Senators Jim Dotzenrod, Oley Larsen, Randy D. Lemm, Larry Luick, Janne Myrdal, Terry M. Wanzek

Members absent: Representatives Tracy Boe, Dwight Kiefert, Wayne A. Trottier; Senator Kathy Hogan

Others present: See [Appendix A](#)

It was moved by Representative Ruby, seconded by Senator Larsen, and carried on a voice vote that the minutes of the October 3, 2019, meeting be approved as distributed.

CENTRAL INDEXING SYSTEM STUDY

In response to a question from Senator Myrdal, the Legislative Council staff said the committee does not have the authority to direct the Secretary of State to enhance the central indexing system before the next legislative session. However, he said, the Secretary of State is not prohibited from enhancing the system. He said the committee could encourage the Secretary of State to enhance the system using existing funds. He said the Secretary of State would not be obligated to follow the committee's recommendation. He said the committee also could recommend a bill draft to appropriate money to the Secretary of State for the purpose of enhancing the system. He said the committee also could recommend a bill draft to amend sections of the North Dakota Century Code to require the central indexing system to include a notification mechanism to originating lenders when a priority lien is filed in the system.

In response to a question from Senator Dotzenrod, the Legislative Council staff said the frustration with the system occurs when an originating lender provides capital to a producer and files a lien in the central indexing system. He said the originating lender is not made aware or notified when a subsequent lender files another lien in the system which takes priority over the lien of the originating lender.

In response to a question from Senator Wanzek, the Legislative Council staff said he is not aware of any intent to change or remove the priority of any liens. He said the goal is to provide transparency in the system through notice to originating lenders.

Chairman Johnson said some producers notify originating lenders if the producer subsequently does business with an agricultural supplier who may file a priority lien in the system.

Senator Wanzek said he would support enhancing the system to provide notice, but the committee should avoid changing or removing the priority of liens.

Representative Ruby said providing notification to originating lenders when a priority lien is filed in the system is reasonable.

ELECTRIC VEHICLE INFRASTRUCTURE STUDY

Chairman Johnson called on Ms. Linda Sitz, Strategic Innovation Manager, Department of Transportation, for a presentation ([Appendix B](#)) regarding the electric vehicle infrastructure coalition and coalition plans.

In response to questions from Representative Ruby, Ms. Sitz said the coalition has contacted South Dakota for information regarding its privately owned electric vehicle charging stations at rest areas. She said the coalition has not conducted a cost-benefit analysis comparing electric vehicles to internal combustion engine vehicles as state fleet vehicles. She said the price of the two types of vehicles is comparable, but internal combustion vehicles likely require more servicing and repairs.

Representative Ruby said the state should conduct a cost-benefit analysis before deciding whether to incorporate electric vehicles into the state fleet.

In response to a question from Senator Myrdal, Ms. Sitz said she does not have information or statistics regarding which states use public-private partnerships for electric vehicle infrastructure.

In response to a question from Representative Brandenburg, Ms. Sitz said the coalition is working on suggested changes to statutes and rules that would impact electric vehicle infrastructure.

In response to questions from Representative Westlind, Ms. Sitz said there are 22 public electric vehicle charging stations located in the state. She said she does not know who owns each of the charging stations.

In response to a question from Senator Luick, Ms. Sitz said none of the charging stations located in the state require electric vehicle owners to pay to charge their cars.

Chairman Johnson called on Dr. Angela Seligman, Environmental Scientist, Division of Air Quality, Department of Environmental Quality, for a presentation ([Appendix C](#)) regarding the Volkswagen settlement and fund in relation to the electric vehicle infrastructure study. Dr. Seligman said "ZEV equipment" stands for zero emission vehicle equipment and includes the amount that may be spent on electric vehicle charging stations out of the funds allocated to the state through the settlement fund. She said the state was allocated \$8.1 million from the settlement fund. She said the state plans to spend 15 percent, or approximately \$1.2 million of the total available state funds on ZEV equipment. She said the state may not adjust the amount spent on ZEV equipment above 15 percent of the total amount allocated to the state. She said the state plans to spend the full 15 percent of available funds on ZEV equipment and charging stations. She said most of the applications received for charging stations are for funding to install direct current fast charging stations. She said applications are scored on a variety of factors including the quality of the application. She said several applications were incomplete. She said this will not eliminate the applicants from funding consideration, but will lower the overall score of the application.

In response to questions from Senator Luick, Dr. Seligman said the criteria determining who is eligible to apply for funding from the settlement was determined by the settlement agreement with the United States Department of Justice. She said anyone can apply for funds from the settlement, but the reimbursement rates may vary depending on whether the applicant is a public or private entity. She said if aspects of an agricultural tractor fall into one of the qualifying categories for vehicle replacement, a farmer applicant may be eligible for reimbursement funding from the settlement. She said an application for reimbursement funding may not be submitted retroactively after a vehicle is purchased.

In response to questions from Senator Myrdal, Dr. Seligman said the department makes announcements when the request for proposals and application period for funds from the settlement are open. She said this is done in an attempt to make the public aware of the settlement funds available. She said the information also is posted on the department's website. She said representatives of the department also conduct media interviews to inform the public regarding eligibility to apply for funds from the settlement.

In response to a question from Representative Ruby, Dr. Seligman said eligible applicants who receive funds from the settlement to replace less efficient and environmentally friendly vehicles are required under the agreement to destroy the older vehicles.

In response to questions from Representative Skroch, Dr. Seligman said one of the considerations when scoring an application for a replacement vehicle is the remaining useful life of the vehicle intended to be replaced. She said the department uses a quantifier developed by the federal Environmental Protection Agency to determine the amount of nitrogen oxides in the atmosphere which will be reduced by replacing the vehicle. She said the quantifier considers the remaining useful life of the vehicle to be replaced by calculating the age of the vehicle, the average miles a vehicle of the type considered is typically used, how many hours the vehicle typically is idled, and other factors.

In response to a question from Chairman Johnson, Dr. Seligman said applications are scored on a zero to 100 scale. She said each application is reviewed and scored by four reviewers, and then the application score is averaged among the total scores of all reviewers. She said several applications were deemed ineligible based on the criteria set out in the settlement agreement. She said the department may not fund any application deemed ineligible under the terms of the settlement agreement. She said the department may choose not to fund projects scoring below an average of 50. She said the department is attempting to make the funding fair and provide the most benefit across the state, but the department is determining whether funding certain projects in full or prorating the funds to fund as many projects as possible is the best approach.

In response to questions from Senator Larsen, Dr. Seligman said many of the vehicle replacement applications are for schoolbuses. She said some applications are from private companies hoping to replace trucks, and from governmental entities, such as the cities of Bismarck, Fargo, and the Department of Transportation (DOT). She said many of the applications for charging stations are from public utility cooperatives. She said a majority of the applications are tied to political subdivisions.

In response to questions from Senator Luick, Dr. Seligman said the applications for charging stations take into consideration the long-term cost of maintenance and repair of the potential stations, and how the entity will charge for the use of the charging station to help maintain the station.

COMMITTEE DISCUSSION - STUDIES OF THE CENTRAL INDEXING SYSTEM AND ELECTRIC VEHICLE INFRASTRUCTURE

Senator Dotzenrod said enhancing the central indexing system in the Secretary of State's office may not require the office to hire additional personnel. He said enhancing the system would require funding to upgrade the computer systems.

Senator Wanzek said as electric vehicles become more mainstream and commonplace, the free market eventually will fill the gaps and address the demand for infrastructure and other services.

Representative Brandenburg said if there are more electric vehicles on the road and less available funds from the gas tax, a discussion is needed of how the state will fix and maintain the road infrastructure.

Senator Luick said the state also should consider exploring the E30 concept on state fleet vehicles as a cleaner alternative to standard fuel vehicles. He said Nebraska has implemented E30 vehicles into its state fleet. He said the state should consider E30 vehicles before turning to electric vehicles and the agriculture industry would benefit from E30 vehicles.

Representative Ruby said nationwide, there are conversations regarding electric vehicles, charging stations, and the impact on the gas tax and funding for infrastructure maintenance and repair. He said North Dakota is part of a consortium called "RUC West." He said the consortium's purpose is to create new ways to fund road maintenance and improvements through road usage charge research programs. He said several states in the consortium have begun pilot programs to charge vehicle owners for road use based on miles driven. He said North Dakota is monitoring the situation at this time. He said the state may need to consider alternative methods of charging drivers their fair share for the use of the road. He said electric vehicle owners are willing to pay their fair share for use of the road, but there are disagreements regarding what the fair share is and how to calculate and track the amount.

ROAD TRAIN STUDY

Chairman Johnson called on Mr. Wayne Swenson, Director of Operations, Department of Transportation, for a presentation ([Appendix D](#)) regarding how an intrastate and interstate road train pilot program would operate, state and federal approvals required, concerns, and recommendations. Mr. Swenson said the map in Appendix B-3 of his handout represents weight limits carriers must abide by when moving nondivisible loads through the state. He said divisible loads, for example, consist of agricultural products, water, and oil that easily can be broken down and separated when necessary to meet weight restrictions on roadways. He said examples of nondivisible loads are transformers or substation generators. He said those examples may exceed the weight and length restrictions but need to be able to be moved on state roadways and cannot be broken down. He said nondivisible loads can exceed 400,000 pounds and 110 feet in length. He said the map in Appendix B-3 provides information on the roads that can be used to move nondivisible loads through the state without obtaining prior approval from the district engineer. He said nondivisible loads exceeding the weight limits on the map must get approval from the district engineer before being moved in the state. He said a 100 foot length restriction means from the front of the first trailer to the back of the last trailer.

In response to questions from Representative Ruby, Mr. Swenson said DOT officials were assuming a road train study would contemplate carrying loads exceeding the current length and weight restrictions. He said since the development of the 129,000-pound roadway network, the state uses the external bridge formula, which considers the axles from the front axle of the truck configuration under the hauling unit to the rear axle of the truck configuration. He said the formula determines how much weight a truck can haul depending on the number of axles on the truck configuration and the distance between the axles. He said load weights on the interstate highways must comply with the federal bridge formula.

In response to a question from Senator Luick, Mr. Swenson said the state capped load weights at 129,000 pounds to coordinate with surrounding states and to provide uniformity. He said when Congress froze the weight

limits, South Dakota and Montana, which already were allowing 129,000 pounds or more, were allowed to continue to do so by permit. He said North Dakota, following a study, decided to increase load limits, but also needed federal approval to increase to 129,000 pounds.

Chairman Johnson called on Sergeant Wade Kadrmaz, Public Information Officer, Highway Patrol, for a presentation ([Appendix E](#)) regarding concerns and recommendations relating to the operation, infrastructure impact, costs, and funding associated with a road train pilot program.

Representative Fisher said research and data collection is needed on road trains and the potential impact of specific truck and trailer combinations and lengths and weights on road infrastructure before the state can move forward with demonstrations, testing, or a pilot program. He said until research and hard data are available, there is no mathematical or theoretical basis on which to model a pilot program or to determine the impact a pilot program would have on road infrastructure. He said funding is needed to conduct thorough research.

In response to a question from Representative Brandenburg, Sergeant Kadrmaz said because South Dakota already was allowing 129,000 pounds, the passage of the 129,000 pound permit in North Dakota was intended to make it easier for trucks on the border to haul loads without needing to reconfigure and lower the load weights when hauling through the state.

Mr. Swenson said businesses may apply to add roadways to the 129,000 pound network. He said upon receipt of an application, DOT does an analysis of the roadway, holds public input meetings, and receives a recommendation from an advisory committee. He said the director of DOT makes the final determination regarding whether the roadway will be added. He said it is cheaper for truck drivers to pay for a yearly permit to haul 129,000 pounds on the network than it is to register the truck to haul 129,000 pounds.

In response to a question from Representative Ruby, Mr. Swenson said DOT has not contacted entities desiring to haul loads greater than the weights and lengths allowed in the state. He said he anticipated being given direction from this committee after the committee brought all the relevant groups to the table and studied the issues. He said one of the issues is the federal government and the restrictions on truck lengths and weights at the federal level. He said there are no mechanisms to authorize trucks longer or heavier than those allowed under national standards at the federal level. He said a pilot program cannot be conducted on the national network with longer and heavier trucks unless federal restrictions are lifted or changed. He said there is potential to allow longer and heavier trucks on state highways not connected to the national network and which do not receive any federal funding. However, he said, most of the roadways that could be authorized to allow longer and heavier trucks in the state are two-lane highways with no shoulders. He said because safety is a concern, a pilot program would be most beneficial on major roadways, which all are on the national network.

Representative Ruby said the study language requires consultation with multiple state agencies. He said the language also requires an assessment of federal regulations and, based on testimony, a pilot program on the national network does not appear to be feasible at this time. He said the committee needs data regarding the economic impact of permitting road train operations in the state and the cost associated with implementing a program. He said the committee has received very little of the information required by the study directive, and needs more input from DOT.

Mr. Swenson said there has been confusion because DOT understood the study language as meaning a study needs to be conducted, but it is not a DOT-led study. He said DOT understood the directive as this committee conducting the study and giving direction to DOT. He said in previous interims, during the truck harmonization study that led to the changing of truck weights to allow 129,000 pounds, an outside entity was brought in to lead the study and DOT participated by providing requested information to that entity.

Representative Ruby said the committee is studying the issues by holding meetings and receiving information and testimony from experts and agency representatives. He said to report to the Legislative Management at the end of the interim and complete the study, the committee needs information and data regarding the costs associated with implementing a program and the potential economic impact to infrastructure in the state if the pilot program is approved. He said the necessary information and data needs to come from DOT, the Highway Patrol, and the Upper Great Plains Transportation Institute (UGPTI). He said there are no other entities capable of providing the required information.

Senator Luick said he has spoken with representatives of North Dakota's Congressional Delegation. He said he was told if all the necessary state entities were on board with the concept of a road train pilot program, the delegation would pursue getting federal approval for a road train pilot project for the Midwest region. He said the delegation has not been involved because there has not been enough support raised by the necessary entities in the state.

In response to questions from Senator Luick, Mr. Tim Horner, Program Director, Transportation Learning Network, North Dakota State University Upper Great Plains Transportation Institute, said he helped coordinate the 2016 truck harmonization study that partnered with DOT. He said when considering a potential increase in gross vehicle weight to 200,000 pounds, for example, which is proportionally divided among the axles of the truck, the biggest issue is individual bridge analysis based on the truck configuration. He said when considering loads and bridge analysis in the 1980s and 1990s, the analysis was based on the axle configuration of the truck. He said the load then was given a rating compared with the rating of the bridge. He said the analysis now is much more sophisticated.

Mr. Horner said during the truck harmonization study, UGPTI looked at five known truck configurations and loadings and analyzed those configurations against county bridges across the state. He said DOT conducted the state system analysis using an analysis program software called Virtis by the American Association of State Highway and Transportation Officials. He said the analysis and report from the study indicated some bridges in the state would deteriorate faster under increased load weights at 129,000 pounds. He said using 200,000 pounds, the starting point for conducting a detailed analysis is to determine the exact truck configuration, including the axle spacings, whether axles will be clustered together, and where the axles will be located on the truck configuration. He said once the necessary information is determined, a bridge impact can be determined and applied to all bridges along a potential pilot program corridor. He said longer trucks are a plus when considering impacts to bridges. He said clusters of axles also are a plus when considering impacts to pavement. He said single axles are hard on the pavement. However, he said, truck length and clusters of axles must be balanced with whether the trucks have the ability to make necessary turns. He said bridge impacts, truck lengths and weights, axle configurations, and truck turning radius are the key things to determine and analyze when considering a pilot program. He said an economic impact study on road trains would require a working committee of agency and industry representatives. He said he could not speculate on the amount of time for a study or money requirements until the specifics are determined. He said a study considering road trains would require a substantial amount of time. He said the truck harmonization study cost \$200,000. He said a road train study likely would cost less.

In response to a question from Representative Ruby, Chairman Johnson said although the study directive gives authority to contract with a third party for consulting services when conducting the study, the Legislative Management indicated there is no funding available for the study until more specifics about the study are determined.

In response to a question from Representative Brandenburg, Ms. Jacqueline Darr, Permit Office, Highway Patrol, said the permit to haul up to 129,000 pounds is for selected highways in the state. She said other roadways can be authorized, but an individual must request a roadway be added and apply for a permit. She said if a roadway is approved, everyone receives the benefit of being able to use the newly designated roadway. She said a 1-day permit on authorized roadways costs \$30, a 1-month permit costs \$100, and a 1-year permit costs \$700. She said there was consideration of foregoing a permit and increasing truck registration fees, but the increase would have increased the annual vehicle registration to \$2,100. She said permitting is significantly less expensive. She said a combination vehicle permit is available in the winter and allows up to 131,000 pounds gross weight. She said the permit is subject to the state's length restrictions, but can be used on any highway in the state other than the interstate highways.

Representative Ruby said he would like to have a resolution draft prepared for consideration at the next meeting to urge Congress to remove or relax the federal truck length and weight restrictions on the national network, to either approve road trains on the national network or allow the state and surrounding states that are members of transportation compacts to conduct a pilot program to test the feasibility of road trains, and to continue allowing road trains if the pilot program is successful.

Mr. Doug Goehring, Agriculture Commissioner, provided written testimony ([Appendix F](#)).

AGRICULTURAL ISSUES STUDY

Chairman Johnson called on Ms. Tracy A. Kennedy, Partner, Zimney Foster P.C., for a presentation ([Appendix G](#)) regarding an overview of how financial institutions address bankruptcy and insolvency issues related to the grain industry and grain elevators. Ms. Kennedy said she is the legal counsel for the North Dakota Bankers Association. She said once a sale of grain takes place, title of the grain passes to the buyer. She said when elevators receive grain by sale at a price to be determined at a later date, the grain belongs to the elevator. She said the statutory provisions are unclear as to who owns the grain when it is in an elevator. She said if the grain still belongs to the producer under a warehouse contract, it is not the property of the elevator. However, she said, if the grain is the property of the elevator, the bank is allowed to finance the operations of the elevator based on the grain as collateral. She said the statutory provisions may need to be clarified regarding when grain belongs to an elevator and can be used as collateral for operating budgets and when the grain remains the property of the producer.

Senator Wanzek said grain delivered to an elevator under a warehouse receipt that has not been converted to a credit-sale contract should be available to pay the producers who sold the grain to the elevator in the event of an insolvency.

In response to a question from Senator Wanzek, Ms. Kennedy said determining who owns the grain held by the elevator and whether there is a credit-sale contract is a key consideration when considering a bankruptcy or insolvency. She said one issue is with the interpretation of old statutes that are difficult to understand. She said the definition of a credit-sale contract requires a written contract signed by both parties. She said there are producers losing the protection of the indemnity fund simply for not having a signed written contract despite a clear indication of a credit-sale or a warehousing situation.

In response to a question from Representative Brandenburg, Ms. Kennedy said most banks finance an elevator on a borrowing basis. She said banks finance elevator operating costs based on the collateral position of the elevator and the value of the collateral. She said banks try to determine the exact collateral position of an elevator at a single moment in time to calculate operating loan amounts. She said the grain is the only collateral of the elevator available to cover the operating loan from the bank. She said during an insolvency, grain sold in an elevator's receivables is not covered under the credit-sale indemnity fund. She said when the grain is sold, the proceeds are kept by the elevator and the bank.

In response to questions from Senator Wanzek, Ms. Kennedy said producers also are covered under the Uniform Commercial Code. She said a farmer who sells a product to a person who becomes insolvent is eligible to take the appropriate steps to become a secured creditor and get a first priority lien against the proceeds of the grain sold. She said many producers do not realize when they convert grain under a credit-sale contract, the producers are relinquishing ownership of the grain to the elevator. She said once a conversion is made, a producer becomes a creditor rather than an owner of the commodity. She said the statutes need to be clarified and updated to reflect current practices.

Chairman Johnson called on the Legislative Council staff to present a bill draft [[21.0032.01000](#)] regarding changes to Title 60 as recommended by the Department of Agriculture.

Senator Larsen said the committee may consider amending sections in Title 60 to change the reference from "warehousemen" to "warehouse operator" to maintain the goal of being gender neutral.

Chairman Johnson called on Mr. Goehring for a presentation ([Appendix H](#)) regarding recommendations and additional suggested changes to Title 60. Mr. Goehring said a limited liability corporation may file required financial documentation and reports with the department for all business locations operating under the limited liability corporation together or each location separately. He said if filing separately, each balance sheet of each location must be reviewed independently. He said 100 percent of funds from a sale are held in a custodial account in the livestock industry. He said custodial accounts for grain transactions under the bill draft would require only 20 percent of funds be held in the account. He said when there is an insolvency in the grain industry, approximately 10 percent of the proceeds of the grain transaction are paid to the farmer. He said funds only would need to be placed in a custodial account after a binding contractual obligation is established. He said any time a producer wants to be paid for grain sold to an elevator, the elevator is obligated to remit a check to the producer.

Mr. Goehring said the committee may consider drafting language to require bonds against a custodial account.

In response to a question from Senator Wanzek, Mr. Goehring said the 20 percent to be placed in the custodial account would be based on the price established in the credit-sale contract between the buyer and seller.

In response to a question from Senator Luick, Mr. Goehring said the financial reporting and documentation required under the bill draft is limited to individuals and businesses that market, merchandise, and buy grain from farmers.

In response to a question from Senator Wanzek, Mr. Goehring said some of the most frequent infractions of the requirements under Title 60 are the failure of farmers to make a decision and convert scale tickets in the 45-day window required by law. He said upon the lapse of the time window and the elevator sending the farmer a check, the elevator gets punished if the farmer threatens to take business elsewhere unless the elevator agrees to convert the ticket to a contract. He said the bill draft would require the farmer to make a decision within 30 days or risk losing certain protections under the law, such as the protection provided by the indemnity fund. He said farmers need to be held responsible and accountable for their actions or inaction. He said another common infraction is the failure to get signatures on contracts. He said the issue could be mitigated by allowing electronic signatures. He said the suggested changes would provide for accountability of all parties involved in grain transactions.

Senator Wanzek said he would like to receive input on the bill draft and additional suggested changes from stakeholders and interested parties before amending or acting on the bill.

Mr. Stu Letcher, Executive Vice President, North Dakota Grain Dealers Association, said he would need some time to review the bill draft. However, he said, it is important to understand the different types of licensees and businesses participating in the grain industry in the state. He said bonding amounts could be increased. He said grain dealers may take issue with a requirement for a custodial account. He said requiring warehouses and elevators to have 20 percent in a custodial account will be difficult. He said it is not unusual for some businesses to conduct \$100 million of transactions. He said requiring a warehouse or elevator to hold \$20 million in a custodial account may not be a feasible option for business operations. He said when a credit-sale contract is signed, grain is released to the elevator for ownership so the elevator may take the necessary risk mitigation measures to market the grain. He said the word "contract" is necessary because it means there is a signed, legally binding agreement.

In response to a question from Senator Luick, Mr. Letcher said allowing electronic signatures to satisfy signing requirements on credit-sale contracts would alleviate some issues regarding grain conversion.

In response to a question from Representative Westlind, Mr. Letcher said the time frame to make a decision on scale ticket conversion used to be 30 days, but the law was changed. He said the warehouse industry does not care what the time frame is as long as a decision is made by the producer within the allotted time. He said he agrees warehouses and elevators could be more stringent on enforcing the time frame requirement, but many do not wish to lose a customer by forcing a decision once the time requirement has elapsed. He said producers may choose to take grain to an elevator that is more lenient if forced to make a decision by the original elevator.

REQUIRED REPORT

Chairman Johnson called on Mr. Goehring for a presentation ([Appendix I](#)) regarding a required report on the status of activities of the Advisory Committee on Sustainable Agriculture.

In response to a question from Representative Skroch, Mr. Goehring said when the advisory committee was created, sustainability was becoming a topic of concern nationwide. He said corporations were beginning to control the narrative and define the concepts of agriculture and sustainability. He said it was felt that some expectations put in place were unrealistic and there was pushback from grower and commodity groups to determine the actual sustainability of agriculture in America.

In response to a question from Senator Luick, Mr. Goehring said the advisory committee does not provide much benefit. He said the Legislative Assembly may wish to repeal the statutory references and dissolve the committee.

Representative Ruby said the committee may consider a bill draft to repeal the statutory reference to the Advisory Committee on Sustainable Agriculture.

COMMITTEE DISCUSSION AND STAFF DIRECTIVES

Chairman Johnson said the committee will table the discussion regarding taking action to encourage or require enhancement of the central indexing system until the next meeting when a representative of the Secretary of State's office is available.

Chairman Johnson requested the Legislative Council staff to work with Representative Ruby on a resolution draft for consideration at the next meeting regarding the road train study to urge Congress to modify restrictions on the national network.

In response to a question from Senator Wanzek, the Legislative Council staff said the [Supplementary Rules of Operation and Procedure of the North Dakota Legislative Management](#) provide an interim committee may not appoint a subcommittee to work on amendments for a bill draft without the approval of the Chairman of Legislative Management.

In response to a question from Representative Ruby, the Legislative Council staff said the committee is not required to take action on or amend a bill draft at the next meeting. He said if committee members offer suggestions for amendments at the next meeting, there is time to present a revised bill draft to the committee for consideration at the fourth committee meeting.

Representative Ruby said in addition to the resolution draft to be presented on the road train study, DOT, the Highway Patrol, and UGPTI should gather the necessary data previously discussed for presentation at the next meeting.

Senator Myrdal said taxpayers should not be responsible for paying for electric vehicle charging stations. She said the free market and private industry should fill infrastructure gaps for electric vehicles.

Representative Ruby said, based on today's discussion, the Legislative Council staff should compile a list of the information the committee needs from DOT, the Highway Patrol, and UGPTI regarding the road train study to obtain a price estimate of the cost to hire UGPTI or another third party to conduct a road train study and report to the committee. He said the committee needs an idea of what outside consulting services would cost before requesting funds from the Legislative Management. He said to determine the cost of data collection and study, an outside consulting entity needs a breakdown of specific information such as precise truck configurations to be studied, the number of axles, and distances, lengths, weights, and other parameters.

Chairman Johnson said the last time he spoke with the Chairman of the Legislative Management, there was no money available to provide for outside consulting services for the study. He said he will discuss the topic again with the Chairman of the Legislative Management before the next committee meeting and will report his findings at the next meeting.

No further business appearing, Chairman Johnson adjourned the meeting at 4:30 p.m.

Dustin Assel
Counsel

ATTACH:9