

**1999 SENATE TRANSPORTATION
SB 2158**

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2158

Senate Transportation Committee

Conference Committee

Hearing Date January 8, 1999

Tape Number	Side A	Side B	Meter #
1	x		1240-3833
		x	1175-1255
2	x		2,080-3010
Committee Clerk Signature <i>Don A. Schaefferbaum - Clerk</i>			

Minutes:

Senate Bill 2158 relates to tourist-oriented directional signs.

SEN. B. STENEHJEM called the hearing on SB 2158 to order at 9:30 a.m. in the Lewis and Clark room. Committee members present were: Sens. B. Stenehjem-Chairman; R. Schobinger; D. Cook; D. Mutch; D. O'Connell; and V. Thompson. Senator Bercier was absent.

AL COVLIN, DEPARTMENT OF TRANSPORTATION testified in support of SB 2158 (See attached testimony).

SEN. B. STENEHJEM We've adopted the manual under state law but if we delete it from the statutes, does that mean we don't have to follow the manual?

AL COVLIN We have still adopted the manual but instead of it being state law, it will be an operating procedure. When the manual changes, we have no way to quickly implement it because we have to wait until the next state legislation in order to get the law changed.

SEN. B. STENEHJEM If the state legislation adopted the manual then when it changes, doesn't the law change? The only problem would be to change the signs but not the state law.

AL COVLIN That is correct, however, state law is very technical.

SEN. B. STENEHJEM So you want to take the manual out of the statute and put it into an "operating procedure memorandum" policy.

AL COVLIN We don't want to take the manual out but certain technical sections so that the Department of Transportation will have flexibility. This way, when the guidelines in the manual change, we can change with them. Everything remains the same except for technical rules such as the size of the signs.

SEN. B. STENEHJEM Does the manual get changed often?

AL COVLIN There is usually a major change every six years but I know of one coming in the year 2000.

SEN. THOMPSON If these sections are deleted in the Century Code, it will probably go into the manual, right? What is the assurance that the Department of Transportation will follow through? Do you anticipate any changing?

AL COVLIN It will go into the manual if these sections are deleted. I cannot speak for our director. This bill will be included in our operating procedure memorandum.

SEN. COOK Are we talking about all roads except for the Interstate?

AL COVLIN That is correct. It may make us more user friendly for out-of-state tourists.

SEN. B. STENEHJEM Any other testimony.

BRUCE STRINDEN, MANAGER FOR NEWMAN SIGNS spoke in opposition of SB 2158.

The problem here is that people actually have to do something in order to put up a sign such as applying for a permit. SB 2158 changes the wording from rule to policy which puts the process in the hands of the Department of Transportation. It is truly a rare thing for the federal government to make many changes on the highway. We feel it would be better to keep the process in the hands of the federal government by keeping it a rule instead of giving it to the Department of Transportation by making it a policy. Please consider giving this bill a DO NOT PASS.

SEN. B. STENEHJEM Explain the difference between a policy and a rule.

DAVID LEAR, DEPARTMENT OF TRANSPORTATION Right now, we are to adopt administrative rules. Administrative rules are drafted by the Department of Transportation or any agency, they are then sent to the Attorney General's office and, once they are accepted, they become law. In order to change an administrative rule, we have to go through a hearing process. We want to change it to a policy so when it does change it gives us more flexibility and those people requesting the Tod sign better service.

SEN. MUTCH Are you planning on putting more signs up? Who pays for the sign?

DAVID LEAR We don't put them up. They are requested and the person who requests them pays for them. The statute asks us to charge a fee for erecting a sign.

SEN. B. STENEHJEM What section of the bill allows Tod signs to be put up?

DAVID LEAR Article 37-11.

SEN. B. STENEHJEM Any other testimony?

Discussion of the committee.

SEN. B. STENEHJEM called to hold SB 2158.

1-14-99

January 14, 1999-There was discussion among the committee.

SENATOR B. STENEHJEM We should leave in rules and not put in policies.

SENATOR SCHOBINGER I would propose an amendment.

On page 1, line 16, remove the overstrike over "rule" and remove "policy"

On page 1, line 18, remove the overstrike over "rules" and remove "policy"

On page 1, line 21, remove the overstrike over "except that the rules" and remove ". The policy"

On page 2, line 24, remove the overstrike over "rules" and remove "policy"

On page 3, line 1, remove the overstrike over "rules" and remove "policy"

SENATOR THOMPSON seconded the motion.

The amendment was adopted unanimously and recorded in the minutes.

SENATOR SCHOBINGER motioned for a DO PASS.

SENATOR BERCIER seconded the motion.

SENATOR COOK I have in my mind that this has something to do with the Lewis and Clark Centennial and the signage that might identify tourist locations on highways 1804 and 1806.

SENATOR B. STENEHJEM Well, by leaving the law the way it is, we would be in contrast with the manual, which is our guideline.

SENATOR COOK Why would we then delete the criteria for all the rules?

SENATOR BERCIER It's not consistent with the manual.

SENATOR B. STENEHJEM If you have all those things, the rules have to talk about the criteria. The less restrictive it is means they can do what they want. The manual will tell them the provisions.

Is there any more discussion?

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Senate Transportation Committee

Bill/Resolution Number SB2158 MIN

Hearing Date ~~January 8, 1999~~

1-14-99

Senator Bob Stenehjem will carry SB 2158.

FISCAL NOTE

(Return original and 10 copies)

Bill/Resolution No.: SB 2158 Amendment to: _____

Requested by Legislative Council Date of Request: 12-30-98

1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts. Please provide breakdowns, if appropriate, showing salaries and wages, operating expenses, equipment, or other details to assist in the budget process. In a word processing format, add lines or space as needed or attach a supplemental sheet to adequately address the fiscal impact of the measure.

Narrative:

No fiscal impact.

2. State fiscal effect in dollar amounts:

	1997-99 Biennium		1999-2001 Biennium		2001-03 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	-0-	-0-	-0-	-0-	-0-	-0-
Expenditures	-0-	-0-	-0-	-0-	-0-	-0-

3. What, if any, is the effect of this measure on the budget for your agency or department:

- a. For rest of 1997-99 biennium: None
- b. For the 1999-2001 biennium: None
- c. For the 2001-03 biennium: None

4. County, city, and school district fiscal effect in dollar amounts:

1997-99 Biennium			1999-2001 Biennium			2001-03 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

Signed: *Jerome L. Horner*
 Typed Name: JEROME L. HORNER, MAINTENANCE ENGINEER
 Department: DEPT. OF TRANSPORTATION, MAINTENANCE & ENG.
 Phone Number: 701-328-4443
 Date Prepared: 1-05-99

Date: Jan. 14, 1999
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2158

Senate Transportation Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken No Pass as Amended

Motion Made By Sen. Schobinger Seconded By Sen. Bercier

Senators	Yes	No	Senators	Yes	No
Sen. B. Stenehjem-Chairman	X				
Sen. R. Schobinger-V. Chair	X				
Sen. Duane Mutch	X				
Sen. Dwight Cook		X			
Sen. David O'Connell		X			
Sen. Vern Thompson		X			
Sen. Dennis Bercier	X				

Total (Yes) 4 No 3

Absent 0

Floor Assignment Senator Bob Stenehjem

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

REPORT OF STANDING COMMITTEE

SB 2158: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2158 was placed on the Sixth order on the calendar.

Page 1, line 16, remove the overstrike over "~~rule~~" and remove "policy"

Page 1, line 18, remove the overstrike over "~~rules~~" and remove "policy"

Page 1, line 21, remove the overstrike over "~~except that the rules~~" and remove ". The policy"

Page 2, line 24, remove the overstrike over "~~rules~~" and remove "policy"

Page 3, line 1, remove the overstrike over "~~rules~~" and remove "policy"

Renumber accordingly

1999 HOUSE TRANSPORTATION

SB 2158

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2158

House Transportation Committee

Conference Committee

Hearing Date February 25, 1999

Tape Number	Side A	Side B	Meter #
1	x		0-15.5
1		x	32.2-35.0
1(3/4/99)		x	41-45.0
Committee Clerk Signature <i>J. A. ...</i>			

Minutes:

CHAIRMAN KEISER OPENED THE HEARING ON SB 2158; A BILL RELATING TO TOURIST ORIENTED DIRECTIONAL SIGNS.

ALLAN COVLIN, Department of Transportation introduced SB 2158. (See written testimony).

REP. SVEEN asked what tourist oriented directional signs are.

ALLAN said that they are off of the interstate and are an alternative to advertising on the large commercial signs.

REP. THORPE asked if private businesses can use these or if they are limited to franchises.

ALLAN said that the signs are for a business. There are lots of tourist businesses that would be able to utilize this including motels. They are meant to get tourists into the businesses rather than a large franchise restaurant.

REP. THORPE noted that he would hate to see this open up a rash of small signs. Is there that potential?

ALLAN said that this bill really had nothing to do with that. These are signs that are placed on U.S. Highway 2 or 1804 or the likes. They are not for franchises or chains - rather for ski resorts or private home town businesses.

CHAIRMAN KEISER asked what would preclude the department from passing a logo sign under this bill?

ALLAN said that this is a very restricted bill that would not allow for that.

REP. JENSEN asked how "installing" is changed in the first sentence of the fourth paragraph of Allan's testimony?

REP. MICKELSON asked how would businesses located off of the highway a mile or better would be affected in regards to this advertising?

ALLAN said that they could still have signs under this. You don't have to be adjacent to the highway to have these signs up.

CHAIRMAN KEISER asked why people can't find space on commercial signs to do this? Why are we putting up additional signs?

REP. LEMIEUX questioned the Dakota Hawk Museum sign outside of Leeds and WOLFORD.

ALLAN said that that sign is already in existence and would not be affected. Those are the kind of signs that this would allow.

REP. MICKELSON asked what can be done now on state highways under the Highway Beautification Act?

ALLAN said that regarding commercial signs, you can't come into a North Dakota right of way and put up signs now. This would allow for that to be done.

REP. MICKELSON asked if this is a continual deal? Who gets preference to put these signs up and who is denied?

ALLAN said that as many signs as the supports can handle are placed on them.

REP. MICKELSON further asked what the signs would look like.

ALLAN said that they would be very plain blue and white signs that are reflective.

REP. MICKELSON asked if this is violating federal law?

ALLAN said no.

REP. KEISER asked what a permit would cost right now.

ALLAN said he would have to check.

CHAIRMAN KEISER CLOSED THE HEARING ON SB 2158.

GENERAL DISCUSSION TOOK PLACE. REPS. KEMPENICH, WEISZ, THORPE, AND KEISER participated.

March 4, 1999

COMMITTEE ACTION

GENERAL DISCUSSION TOOK PLACE.

REP. JENSEN moved a DO PASS on SB 2158. REP. SVEEN seconded the motion. The motion carried.

ROLL CALL - 12 YEA, 2 NAE, 1 ABSENT AND NOT VOTING

FLOOR ASSIGNMENT - REP. SCHMIDT

3/4
 Date: ~~10/25/99~~
 Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2158

House Transportation Committee

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By REP JENSEN Seconded By REP SVEEN

Representatives	Yes	No	Representatives	Yes	No
Representative Keiser, Chair		✓	Representative Thorpe	✓	
Representative Mickelson, V. Ch.	✓				
Representative Belter	✓				
Representative Jensen	✓				
Representative Kelsch	✓				
Representative Kempenich		✓			
Representative Price	✓				
Representative Sveen	✓				
Representative Weisz	✓				
Representative Grumbo	✓				
Representative Lemieux	✓				
Representative Mahoney	✓				
Representative Meyer					
Representative Schmidt	✓				

Total (Yes) 12 No 2

Absent 1

Floor Assignment Rep Schmidt

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

REPORT OF STANDING COMMITTEE (410)
March 4, 1999 11:25 a.m.

Module No: HR-39-4018
Carrier: Schmidt
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2158, as engrossed: **Transportation Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2158 was placed on the Fourteenth order on the calendar.

1999 TESTIMONY

SB 2158

HOUSE TRANSPORTATION COMMITTEE
January 08, 1999

North Dakota Department of Transportation
Allan L. Covlin, Traffic Operations Engineer

SB 2158

Good morning, Mr Chairman and Members of the Committee! My name is Allan L. Covlin, Traffic Operations Engineer for the Department of Transportation.

SB 2158 is a bill that deletes technical sections of present North Dakota Century Code (NDCC) Section 39-13-09 (Tourist-oriented directional signs.)

Section 39-13-06 states that the commissioner "shall" adopt a manual and specifications for a uniform system of traffic control devices.

The Director has, through a certification, adopted the "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" (MUTCD) as developed by the Federal Highway Administration, as the North Dakota MUTCD.

The purpose of deleting these technical sections of Section 39-13-09 is to simplify the procedures to install such signing. At the present time, the MUTCD includes guidelines for the installation and the size of such signs. Should these MUTCD guidelines be revised, with our present state law, we may not be in conformance with the MUTCD. Since these guidelines are included in the MUTCD, these would be better handled in guidelines adopted by the DOT in the form a policy (operating procedure memorandum.) This would also allow the DOT flexibility and timely response to either MUTCD revisions or business requests.

There will be **no fiscal impacts** as a result of passing this bill.

Mr. Chairman, that concludes my testimony on Senate Bill 2158. I would be happy to answer any questions you may have.

HOUSE TRANSPORTATION COMMITTEE

February 25, 1999

North Dakota Department of Transportation
Allan L. Covlin, Traffic Operations Engineer

SB 2158

SB 2158 deletes technical sections of present North Dakota Century Code (NDCC) Section 39-13-09 (tourist-oriented directional signs.)

Section 39-13-06 states that the NDDOT director shall adopt a manual and specifications for a uniform system of traffic control devices.

The director has, through certification, adopted the "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" (MUTCD) as developed by the Federal Highway Administration, as the North Dakota MUTCD.

The purpose of deleting these technical sections of Section 39-13-09 is to simplify the procedures for installing such signing. MUTCD includes guidelines for the size and installation of such signs. If the MUTCD guidelines are revised, with our current state law, we may not be in conformance with the MUTCD. Since these guidelines are included in the MUTCD, these would be better handled in guidelines adopted by NDDOT in the form of administrative rules. This would also give NDDOT flexibility and allow a quick response to either MUTCD revisions or business requests.

There will be no fiscal impacts as a result of passing this bill.