MICROFILM DIVIDER

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

ROLL NUMBER

DESCRIPTION

2274

2005 SENATE TRANSPORTATION

SB 2274

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2274

Senate Transportation Committee

☐ Conference Committee

Hearing Date 1-27-05

Tape Number	Side A	Side B	Meter #
1		x	3590-end
2	x		0-995
Committee Clerk Signature	Mary K Monson		

Minutes:

Chairman Trenbeath opened the hearing on SB 2274 relating to axles on a vehicle and relating to weight and size limitations and permits for vehicles.

All members were present.

Senator Nething (District 12) Introduced SB 2274.

Mark Dougherty (Association of General Contractors of ND) Appeared in support of SB 2274. (Meter 3800) He said this bill is a little bit theirs and a little bit the DOT's. Some members have a particular type of truck that they want to be able to use in the state, to address some issues they are using now, and also increase their load carrying capacity and cut down on the number of trips they have to make hauling materials. This is a truck that is used in a lot of states. It is generally called a super dump truck. It is a straight truck and easier to handle. It would solve a lot of problems and safety issues. They have been working with the DOT to allow this type of truck. This bill would allow the Director to permit this truck until they get used to it and see what it

actually does to the highways. They don't want to wreck the highways and feel this truck is better than a lot of units used now because it spreads the load very nicely. It gets the per axle loads way down there and the loads per inch of tire width way down lower. The DOT has some cleanup items in this bill that they will address.

Senator Espegard asked if he was talking about the single truck with 4-5 axles under it.

Mark Dougherty replied that it could have 4,5,6 different axles from front to back and it is a straight truck. They encourage that the requirement be put in to be steerable. This comes from MN. They have a law on this truck that seems to work well.

Senator Bercier (Meter 4200) asked about the axles and the trucks extending.

Mark Dougherty replied that there are many different configurations of this type of truck. The specific one being dealt with here is at least seven axles -- one that is a drop down, two driver axles, three pushers, and the front axle.

Senator Bercier asked how long a truck wheel base internal bridge they can have.

Mark Dougherty replied that this truck will meet the federal inner bridge requirements. The one hang-up is that the state has a limitation in the statute now that three axles and more, no matter what it is, can't have more than 48,000 on it. (Meter 4420)

Senator Trenbeath asked if the pressure controls or the drop down tags that have to be outside the operator's compartment is something that is easily retrofitted to existing units.

Mark Dougherty said that is a federal requirement now and most who have drop down axles already have them moved out.

Grant Levi (Deputy Director, ND DOT) Testified in support of SB 2274. See attached testimony and proposed amendment.

Senator Trenbeath (Meter 6170) expressed some concern with respect to the language being added on page 6, subdivision 7, which gives the Director of the DOT and the State Highway Patrol the ability to, on a case by case basis, provide this exemption. It doesn't set any standards for providing that.

Tape 2, Side A

Grant Levi responded that it would allow the Director, working with the Highway Patrol, to issue a permit only if that vehicle could travel on the interstate system and met the interstate system requirements.

(Meter 90) There was some discussion on tire specifications and inspecting to make sure there is proper weight displacement.

Senator Trenbeath wanted to know if this would cause trouble with the farmers who have retractable axles.

Leanna Emmer responded by saying that it may be an additional cost to carriers. In the past there hasn't been a law in place where the control had to be on the outside.

Lance Moen (Hall Truck Center, Fargo) (Meter 540) Testified is support of SB 2274. Minnesota uses this truck in a large volume in the Mpls. metro area. South Dakota also uses this type of equipment. This truck promotes a lot of safety. Now it is down to a 18 1/2 ft. box versus a tractor and a 39 ft trailer, so the visibility increases dramatically. The pounds per inch of tire on the ground is considerably less on the highway than it is with the current configuration. It opens more opportunity for training drivers. It is easier to handle a straight truck than it is a tractor trailer. A truck could be retrofitted as long as it is built properly in the first place. On the interstate the three axle combination is good for 42,000. The state highway is allowing 48,000.

There was no opposition to SB 2274

The hearing on SB 2274 was closed.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2274

Senate Transportation Committee

❑ Conference Committee

Hearing Date 2-03-05

Tape Number	Side A	Side B	Meter #
1		x	5900-end
2	x		0-780
Committee Clerk Signature	Mary K Monson		

Minutes:

Chairman Trenbeath opened SB 2274 for discussion.

Senator Bercier (Meter 5960) He wondered if the licensing provision would change from a Class B to a Class A when jumping from maybe a 66,000 lb rig up to 80,000 lb. Another question he had dealt with weight on the front axle. (Meter 6055)

Grant Levi said that it would depend on the tire size and the distance between the axles.

Senator Bercier said that, speaking with the Highway Patrol, they were a little concerned that it would be tough to get the 16,000 lbs. up on the front.

Tape 2 Side A

Senator Trenbeath referred to the amendments that were provided from Grant Levi (DOT). The second one dealt with a particular type of vehicle that is not widely used in this state. There are certain tires out that are metric size and the sidewall doesn't say they are the right size but their tread width actually is the right size.

Grant Levi said the intent of the amendment was to allow the Highway Patrol some discretion in interpreting tire size. (Meter 195)

Senator Nething motioned to accept both amendments from the DOT.

Seconded by **Senator Bercier.** The motion passed on a voice vote.

Senator Nething motioned a **Do Pass as Amended.** Seconded by **Senator Mutch.**

Senator Bercier showed concern for these trucks traveling down county roads. (Meter 334) He asked if county commissioners have shown a lot of concern.

Grant Levi said the DOT has not had any concerns addressed to them. He explained that the intent of the bill was to allow certain vehicles, when they are permitted, to travel on the non-interstate system because they can already travel on the interstate system. What this truck will do is allow the distribution of weight in a manner that they don't believe will impact the state highway system or a properly constructed county road. The counties can control what is allowed on their systems with the postings. (Meter 485)

(Meter 530) Discussion with respect to the state working with the counties to restore roadways to its original condition.

As per Chairman Trenbeath the vote was left open for Senator Espegard. Final roll call vote 6-0-0. **Passed.** Floor carrier is **Senator Mutch.** This bill was rereferred to Appropriations.

FISCAL NOTE

Requested by Legislative Council
04/19/2005

Amendment to: Engrossed SB 2274

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures				$30,000		
Appropriations				$30,000		

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill as engrossed with conference committee amendments makes changes to various fees for certain violations. This will result in additional, one-time computer programming changes of approximately $30,000. Other revenue and expenditure impacts should be minimal.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*
   A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

   B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

One-time computer programming costs of $30,000.

   C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Shannon L. Sauer	**Agency:**	NDDOT
Phone Number:	328-4375	**Date Prepared:**	04/19/2005

FISCAL NOTE

Requested by Legislative Council
04/14/2005

Amendment to: Engrossed SB 2274

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures				$30,000		
Appropriations				$30,000		

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill as engrossed with conference committee amendments makes changes to various fees for certain violations. This will result in additional, one-time computer programming changes of approximately $30,000. Other revenue and expenditure impacts should be minimal.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*
   A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

   B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

One-time computer programming costs of $30,000.

   C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

We will need a one-time enhancement to our appropriation to cover the computer programming costs that are estimated to be $30,000.

Name:	Shannon L. Sauer	**Agency:**	NDDOT
Phone Number:	328-4375	**Date Prepared:**	04/14/2005

FISCAL NOTE

Requested by Legislative Council
03/25/2005

Amendment to: Engrossed SB 2274

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures				$30,000		
Appropriations				$30,000		

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill as engrossed makes changes to various fees for certain violations. This will result in additional, one-time computer programming changes of approximately $30,000. Other revenue and expenditure impacts should be minimal.

In addition, the amendments require that the DOT first obtain bids for construction stakes from vendors "domiciled in this state." It also removes the requirement that the DOT award the contract to a work activity center. The DOT has no means to determine the fiscal impact of these provisions as the number of instances where a private bidder may be awarded the contract versus a work center is not determinable. Likewise, the resulting difference in bids is not determinable at this time.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*
   A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

   B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

One-time computer programming costs of $30,000.

   C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

We will need a one-time enhancement to our appropriation to cover the computer programming costs that are estimated to be $30,000.

Name:	Shannon L. Sauer	**Agency:**	NDDOT
Phone Number:	328-4375	**Date Prepared:**	03/28/2005

FISCAL NOTE

Requested by Legislative Council
02/08/2005

Amendment to: SB 2274

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures				$30,000		
Appropriations				$30,000		

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill as engrossed, will result in additional, one-time computer programming changes of approximately $30,000. Other revenue and expenditure impacts should be minimal.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*
   A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

   B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

One-time computer programming costs of $30,000.

   C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

We will need a one-time enhancement to our appropriation to cover the computer programming costs that are estimated to be $30,000.

Name:	Shannon Sauer	**Agency:**	NDDOT
Phone Number:	328-4375	**Date Prepared:**	02/09/2005

FISCAL NOTE

Requested by Legislative Council
01/18/2005

Bill/Resolution No.: SB 2274

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures				$30,000		
Appropriations				$30,000		

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill will result in additional, one-time computer programming changes of approximately $30,000. Other revenue and expenditure impacts should be minimal.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*
   A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

   B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

One-time computer programming costs of $30,000.

   C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

We will need a one-time enhancement to our appropriation to cover the computer programming costs that are estimated to be $30,000.

Name:	Gary Berreth	**Agency:**	NDDOT
Phone Number:	328-4408	**Date Prepared:**	01/26/2004

Date: 2-3-04
Roll Call Vote #: _____

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO 2274

Senate **TRANSPORTATION** Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 50755.0101

Action Taken Do Pass as Amended - Refer to Appropriations

Motion Made By Sen. Nething Seconded By Senator Mutch

Senators	Yes	No	Senators	Yes	No
Senator Espegard	✓		Senator Bercier	✓	
Senator Mutch	✓		Senator Warner	✓	
Senator Nething	✓				
Senator Trenbeath, Chairman	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Mutch

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

REPORT OF STANDING COMMITTEE

SB 2274: Transportation Committee (Sen. Trenbeath, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2274 was placed on the Sixth order on the calendar.

Page 1, line 3, replace the first comma with "and" and remove "39-12-05,"

Page 1, line 16, remove the overstrike over "~~d. A violation of subsection~~", after "~~2~~" insert "1", and remove the overstrike over "~~of section 39-12-02, a fee of one hundred dollars.~~"

Page 1, after line 16, insert:

"e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one hundred dollars."

Page 3, remove lines 21 through 31

Page 4, remove lines 1 through 14

Page 4, line 23, remove "as shown by the"

Page 4, line 24, remove "manufacturer on the tire sidewall"

Page 6, line 17, remove "as shown by the manufacturer on the tire sidewall"

Page 6, line 22, remove "as shown by the manufacturer on the tire sidewall"

Renumber accordingly

2005 SENATE APPROPRIATIONS

SB 2274

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2274

Senate Appropriations Committee

☐ Conference Committee

Hearing Date February 10, 2005

Tape Number	Side A	Side B	Meter #
2	a		1,071
Committee Clerk Signature			

Minutes:

Chairman Holmberg opened the hearing on SB 2274.

Senator Dave Nething, District 12, Jamestown, testified on behalf of SB 2274 as the chief sponsor at the request of the AGC. He indicated there was some confusion as to why the bill came to the appropriations committee. He stated the bills a good bill and the highway department has some concern on the fiscal note.

Grant Levy, Director of Engineering, Department of Transportation, testified on behalf of SB 2274, discussing the fiscal note. He indicated this allows the highway patrol to make some programming changes in their system to track permits as talked about in the bill. He then described the bill itself and what the changes are and indicating there would be no changes on the highways as they currently are.

Discussion followed as to how the specific increases came about.

Chairman Holmberg closed the hearing on SB 2274.

Senator Andrist moved for a DO PASS on SB 2274; Senator Fischer seconded. There was no further discussion. A roll call vote was taken with 12 yes 0 no and 3 absent. The motion **carried for a DO PASS.**

Chairman Holmberg closed this portion of the hearing.

Date
Roll Call Vote #:

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2274

Senate SENATE APPROPRIATIONS Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Sen Andrist Seconded By Sen Fischer

Senators	Yes	No	Senators	Yes	No
CHAIRMAN HOLMBERG	✓		SENATOR KRAUTER	✓	
VICE CHAIRMAN BOWMAN	✓		SENATOR LINDAAS	✓	
VICE CHAIRMAN GRINDBERG			SENATOR MATHERN	✓	
SENATOR ANDRIST	✓		SENATOR ROBINSON		
SENATOR CHRISTMANN			SEN. TALLACKSON	✓	
SENATOR FISCHER	✓				
SENATOR KILZER	✓				
SENATOR KRINGSTAD	✓				
SENATOR SCHOBINGER	✓				
SENATOR THANE	✓				

Total (Yes) 12 No 0

Absent 3

Floor Assignment _____

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

REPORT OF STANDING COMMITTEE

SB 2274, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2274 was placed on the Eleventh order on the calendar.

2005 HOUSE TRANSPORTATION

SB 2274

2005 HOUSE STANDING COMMITTEE MINUTES

BILL NO. SB 2274

House Transportation Committee

☐ Conference Committee

Hearing Date March 4, 2005

Tape Number	Side A	Side B	Meter #
1	X		34.6-52.1
1		X	4.7-12.0
Committee Clerk Signature			

Minutes:

Chairman Weisz opened the hearing on Engrossed SB 2274 A Bill for an Act to create and enact two new sections to chapter 39-21 of the North Dakota Century Code, relating to axles on a vehicle; and to amend and reenact subsection 2 of section 39-06.1-06 and sections 39-06.1-09, 39-12-02, 39-12-05.3, and 39-12-08 of the North Dakota Century Code, relating to weight and size limitations and permits for vehicles.

Senator Nething: I just want to introduce SB2274. We probably should have put an emergency clause on it. For details of the bill I would like to have you recognize the experts in the field.

Grant Levi: (See Attached testimony #1) We would not be opposed to adding an emergency clause to the bill.

Chairman Weisz(45.1) You can get a trip permit on the interstate that would go to that 48,000 on triple axle. Is that now correct?

Grant Levi: You can get a trip permit up to 105,500 lbs. I am not sure that allows a change in axle weights.

Chairman Weisz On combination vehicles there are running 105,500. Can you get a permit to go higher under either state or interstate?

Grant Levi: For long combination vehicles there is a policy in place that the highway patrol working with the DOT that allows long combination vehicles to exceed 105,500 up to 131,000 lbs from the period of December 1-March 1 yearly. Once road restrictions come into play that load permit is no longer valid. It does not allow that additional weight to be carried on interstate systems. It also does not allow an increase in axle weights.

Rep. Meyer(47.7) Why would you be running tag axles up?

Grant Levi: I would imagine it is probably easier for the vehicle to turn and make movement.

Rep. Ruby(48.6) I have some concerns about the cost of changing these over? Why wasn't this made for new trucks. It is beneficial to have the pressure valve on the inside. There are times when I have watched the gage and based on that the needle sometimes jumps way higher than it should go for making it safe to have them axles down. You are going to break something. Have you thought of doing that for vehicles after a certain date. I think it could cause more problems to the equipment by allowing that.

Grant Levi: Our interest was in checking the integrity of the highway system. We would hope the driver would pull over if they have problems with the tax axles. With the cost it could be a burden to a large company of $100-$160 each. (52.1)

Tape 1, Side B began at 4.8

Rep. Ruby(4.9) I can understand if you have a weight that you just put onto your truck and you are shipping it from point A to Point B, but where you have a truck where you are gradually putting on weight or taking it off then you have a need to make some adjustments to it. The other concern I have with this time set, sometimes you have older trucks that you are using as a standby and it has one of these units on there, it probably not worth putting allot more money into the truck. It is just one more thing for maintenance on an older truck that you are just using as a standby, you would have to get this retrofit now. The other thing now, if you have more than four axles, so if you have a tandem and then you put a pusher or tag axle on you are OK, but if you have two hairless axles or have a tri-axle, then an air left you need to put a pivoting axle on?

Grant Levi: The intent was yes, if you have more than four axles.

Rep. Ruby: In most cases, if you have a pusher in front, as you turn they skid, they don't make turn and there is more damage to the tire than there is to the road. I do have experience with the pivoting ones too and they are really nice. I was just clarifying the numbers. If you have a straight truck. Say a tandem with one axle there would be just a standard one that doesn't turn.

Grant Levi:(6.6)To insure I am understanding the axle situation that you have I might ask the Chairman if I can spend some time with Rep. Ruby so we are sure we have communications on this issue.

Rep. Ruby(7.2) Based on your explanation it would be correct that basically a straight truck is your steering and you have two drive axle and you put one more pusher or tag axle it is still four.

Chairman Weisz Just to clarify Grant, on the trailer and tractor you still need a driver.

Rep. Meyer(7.5) When they changed this fine to $100, what changes are you going to put into that section that makes it enforceable now? What difference will that be and will it be higher?

Grant Levi:(7.7) No the fees will not be higher. Working with the ND Highway Patrol and their legal counsel, the changes that would be made would be in Section 39-06.1-06. Sections 1, item #2,e. of $100. In addition to that on page 6, line 11, 39-12-08.

Rep. Meyer(8.6) Why couldn't you enforce it before? Because of the changes on page 6?

Grant Levi: Yes that was the concern. That there needed clarification in where we identified this charge and it was cleaned up by our legal counsel.

Chairman Weisz Anyone else here in support of SB2274.

Mark Dougherty: Association of General Contractors of ND.We are in support of SB 2274. We instigated the bill. The DOT wanted some of the other stuff done so we worked on this together.

Lance Moen: Hall Truck Center, Fargo.On the straight trucks application, what we are trying to do is get more in line with our neighboring states. This set up is used in Minnesota, SD, Montana and we actually have less weight per square inch on the road because of the tires. As far as the value in the cab, I think what the highway patrol was really concerned about when people come to the scale, there are worried about them playing with to change axle weights from front to rear. I realize only 5% of people would do that. Typically once you are going down the highway the weight really shouldn't change or the pressure.

Rep. Ruby Now that we have done away with most of the weight stations that isn't necessarily a problem. Now they have mechanisms right in the road that do the weighing as they go by. So if you are trying to cheat you are going to get caught. In our case we have never had a problem with that. (Concerned about the costs to change over older trucks.)

Chairman Weisz Anyone in opposition. hearing closed (12.0)

2005 HOUSE STANDING COMMITTEE MINUTES

BILL NO. SB 2274

House Transportation Committee

❑ Conference Committee

Hearing Date March 18, 2005

Tape Number	Side A	Side B	Meter #
1	X		21.7-46.1
Committee Clerk Signature	DeLores D. Shimek		

Minutes:

Chairman Weisz reopened the hearing on SB 2274. There is a proposed amendment to basically they haven't even been able to find the section of code for me. The proposed amendment to open up the DOT's purchasing of grade stakes. In other words they would put it out on bids and anyone could bit to provide grade stakes. I believe Rep. Ruby you are going to have an amendment on this one too.

Rep. Dosch (23.8) Who do they get them from now?

Chairman Weisz There is suppose to be a section of law that limits it to Department of Transportation providers. This would open it up. We do have a private business in ND that cannot sell to them. Amendment suppose to be in Section 25. It has nothing to do with quality or any of that or even price. This is an issue that when there is a private business in ND they cannot bid on these grade stakes. He sells across the national but cannot sell them in his own stake.

This is not a DOT issue.(27.4) Our intern has found the correct section: Section 25.16.2.02 says unless no one in the activity center bids on the contract the OMB may be authorized to award any contracts to work activity centers only unless none of them bid. It gives you a criteria of what a work activity center is. This would take out the requirement that they have to accept bids only from the work activity center.

Rep. Meyer I would feel more comfortable to know more specifics because I hate to take it away from people that that is the only thing they can do.

Chairman Weisz The requirement is they would buy them from the activity centers unless they would all quite producing them. This way they would all have to bid on them.

Rep. Thorpe Do we have enough time to check into these centers. There is one in Minot, but they don't do this work.

Rep. Ruby My thought is if they are doing it it will probably be hard to match that labor. The probably will have an advantage on the bidding anyway. If we remove the requirement, it will at least give them a shot.

Motion Made by Rep. Ruby Seconded by Rep. Iverson the amendment be approved.

Rep. Bernstein I would like to further amend to say if they are domiciled in ND.

Rep. Ruby Yes, I am very comfortable with that onto my amendment.

Rep. Vigesaa This business is in my district. Although I am not familiar with it, but they are an economic development project.

Voice vote carried. Rep. Meyer and Rep. Schmidt opposed it.

Rep. Ruby I would like to amend out all of section 6. The reason for that is because I called the company in my area that mounts these and asked them what they currently do and he remembers

years ago there were allot of adjustments for the pressures outside. Right now they come as a unit and they are mounted up on the dash so I don't see there is an issue with that. On the pivoting axle; most of the guys with that ask them to weld them solid. They will ruin the tires going down the road if they are not up.

Motion made By Rep. Ruby Seconded by Rep. Meyer

Do Pass on Amendment #2 Voice vote carried.

Discussion:

Rep. Meyer (38.3) When you are backing, it is hard when you have to lift your axle. The way it is now is good. You don't have to get out and do it. When you get on a level surface you can adjust your axle with your gage. I don't believe everybody is violating the law all the time. Discussion on the axle weights etc.

Rep. Ruby I like the first amendment we put on. Discussed the weight distribution on the axles.

Chairman Weisz In some cases you would be able to haul more on non-interstate grades. Under a 5 axles combination currently you can haul 48,000 lbs; now you can haul 60,000 with a permit with the right combination of axles and the proper axle spacing.

Motion Made By Rep. Ruby Seconded Made By Rep. Iverson

Do Pass As Amended 12 Yes 0 No 3 Absent Carrier: Rep. Ruby

(46.1)

Adopted by the Transportation Committee
March 18, 2005

House Amendments to Engrossed SB 2274 - Transportation Committee 03/21/2005

Page 1, line 1, replace "two new sections to chapter 39-21" with "a new section to chapter 24-03"

Page 1, line 2, replace "axles on a vehicle" with "bids for highway grade stakes" and after "reenact" insert "section 25-16.2-02,"

Page 1, line 3, after "39-06.1-06" insert a comma

Page 1, line 4, after "to" insert "bidding with work activity centers," and after "limitations" insert a comma

Page 1, after line 5, insert:

"**SECTION 1.** A new section to chapter 24-03 of the North Dakota Century Code is created and enacted as follows:

Highway grade stakes - Bids. The department of transportation, when seeking bids for highway grade stakes, shall issue requests for bids only from persons domiciled in this state. If no bidder domiciled in this state submits a qualifying bid, the department may open the bidding process to out-of-state bidders.

SECTION 2. AMENDMENT. Section 25-16.2-02 of the North Dakota Century Code is amended and reenacted as follows:

25-16.2-02. Direct bidding with work activity centers for highway grade stakes. ~~Unless no work activity center bids on the contract, the office of management and budget or the department of transportation, whichever may be authorized to purchase highway grade stakes, shall award any contract for the purchase of highway grade stakes to work activity centers.~~ The office of management and budget or the department of transportation shall request bids from work activity centers ~~and shall award any contract~~ for the purchase of highway grade stakes ~~on the basis of these factors:~~

~~1. Whether the product contracted for is supplied by the work activity center at a fair market price.~~

~~2. Whether the product to be supplied by the work activity center meets the specifications of the department of transportation.~~

~~3. The ability, capacity, and skill of the work activity center to perform the contract required.~~

~~4. The character, integrity, reputation, judgment, experience, and efficiency of the work activity center.~~

~~5. Whether the work activity center can perform the contract within the time specified.~~

~~6. The quality of performance of previous contracts negotiated with the work activity center.~~

~~7. The previous and existing compliance by the work activity center with laws relating to the contract.~~"

House Amendments to Engrossed SB 2274 - Transportation Committee 03/21/2005

Page 6, remove lines 17 through 27

Renumber accordingly

Date: 3-18-05
Roll Call Vote #:

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2274

House **Transportation Committee**

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as amend #2

Motion Made By Rep. Reiny Seconded By Rep Meyer

Representatives	Yes	No	Representatives	Yes	No
Rep. Weisz - Chairman			Rep. Delmore		
Rep. Hawken - Vice Chair.			Rep. Meyer		
Rep. Bernstein			Rep. Schmidt		
Rep. Dosch			Rep. Thorpe		
Rep. Iverson					
Rep. Kelsch					
Rep. Owens					
Rep. Price					
Rep. Ruby					
Rep. Vigesaa					
Rep. Weiler					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Date: 3-18-05
Roll Call Vote #:

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. S.B. 2274

House **Transportation Committee**

☐ Check here for Conference Committee

Legislative Council Amendment Number 50755.0201.0300

Action Taken Do Pass as Amended

Motion Made By Rep. Ruby Seconded By Rep. Iverson

Representatives	Yes	No	Representatives	Yes	No
Rep. Weisz - Chairman	✓		Rep. Delmore	✓	
Rep. Hawken - Vice Chair.	Abst		Rep. Meyer	✓	
Rep. Bernstein	✓		Rep. Schmidt	✓	
Rep. Dosch	✓		Rep. Thorpe	✓	
Rep. Iverson	✓				
Rep. Kelsch	Abst				
Rep. Owens	✓				
Rep. Price	Abst				
Rep. Ruby	✓				
Rep. Vigesaa	✓				
Rep. Weiler	✓				

Total (Yes) 12 No 0

Absent 3

Floor Assignment Rep. Ruby

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

REPORT OF STANDING COMMITTEE

SB 2274, as engrossed: Transportation Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2274 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "two new sections to chapter 39-21" with "a new section to chapter 24-03"

Page 1, line 2, replace "axles on a vehicle" with "bids for highway grade stakes" and after "reenact" insert "section 25-16.2-02,"

Page 1, line 3, after "39-06.1-06" insert a comma

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~~1. Whether the product contracted for is supplied by the work activity center at a fair market price.~~

~~2. Whether the product to be supplied by the work activity center meets the specifications of the department of transportation.~~

~~3. The ability, capacity, and skill of the work activity center to perform the contract required.~~

~~4. The character, integrity, reputation, judgment, experience, and efficiency of the work activity center.~~

~~5. Whether the work activity center can perform the contract within the time specified.~~

~~6. The quality of performance of previous contracts negotiated with the work activity center.~~

~~7. The previous and existing compliance by the work activity center with laws relating to the contract~~."

Page 6, remove lines 17 through 27

Renumber accordingly

2005 SENATE TRANSPORTATION

CONFERENCE COMMITTEE

SB 2274

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2274

Senate Transportation Committee

■ Conference Committee

Hearing Date 4-05-05

Tape Number	Side A	Side B	Meter #
1	x		945-5445

Committee Clerk Signature Mary K Monson

Minutes:

Senator Mutch called the meeting of the Conference Committee on SB 2274 to order.

Roll call was taken showing all members present: Sen. Mutch, Sen. Nething, Sen. Bercier, Rep. Dosch, Rep. Hawken, and Rep. Thorpe.

Representative Dosch said the House kept the bill intact from the way the senate sent it over. There was a request that came in after it was heard in the Senate to deal with the highway grade stakes so a new section was amended on to the bill. As the law is currently, the highway department must buy these stakes from work activity centers. Those are the centers with disabled working at that. There is a company in North Dakota that makes these highway grade stakes and sells them all over the country but he can't sell them in the state of North Dakota where his business is located. The House changed the verbiage in Section I to remove the restriction that they could only buy it from the work activity centers. It would, at least, give other entities in North Dakota the ability to bid on it.

Senator Mutch asked if bids would only be requested from companies domiciled in North Dakota.

Rep. Dosch replied that was right, still giving preference to a North Dakota Company but not restricted to that one entity.

Senator Nething asked why there wasn't a separate bill on the issue.

Rep. Dosch said it was his understanding that it was discovered after the Senate had the hearing and passed the bill and the deadline for filing bills was past so they just tagged it on to this bill.

Senator Nething asked if the House had a hearing on it. Did the people who provide the current stakes know this was coming in?

Rep. Thorpe said there was one of these facilities located in the city he represents, Minot. He was a little amiss because he didn't call them.

Some discussion suggested that there might be a facility in Jamestown and Grand Forks, also.

Senator Nething said he hadn't heard from anybody about this, and was sure he would have heard from these people if they knew there was going to be a hearing on it.

Rep. Thorpe said he vividly remembered the people wanted enabling legislation that would allow a domiciled company in North Dakota the ability to bid.

Senator Nething said it looked to him that they would really be taking out the requirements they had on work activity centers. He asked for time to call his district to find out their viewpoint.

Senator Mutch then referred to the removal on Section 6.

A short discussion that the House wanted to leave the control in the cab. The House had a lot of talk about that and had some real safety concerns about the idea of having to stop, get out, and control it from the outside.

Senator Mutch asked Grant Levi from DOT, who was present, to speak.

Grant Levi said there were two provisions on page 6 in the original legislation that were removed by the House. From the perspective of the DOT, they feel it is important to keep the provision in place that requires the pressure regulator belt to be controlled outside of the cab of the vehicle. Other states have moved in this direction already. Most trucks manufactured outside the state are already built in that manner. When the wheel is down the pressure should be on it. The only safety issues concerning the pressure control valve being on the outside would be if a regulator went out in the truck, the individual would have to pull over to the side, get out, and release the pressure. From their perspective, if that happens, they shouldn't be traveling down the highways anyway. If that wheel needs to be in place to carry the load, it should be down and it should have pressure on it. As an agency they would strongly encourage the Conference Committee to put that provision back into the bill.

The other aspect is a single unit vehicle, any vehicle combination, cannot be equipped with more than four axles unless the additional axles are steerable, casting, or pivoting axles. Their concern is that if too many axles are put into place without the ability for them to be steerable, casting, or pivoting, they drag on the pavement and do damage.

It is his understanding that the counties do not have concerns with those two provisions. From his perspective as an engineer, it would be in their best interests to have that in place to protect their roadways as well as the city roadways and the DOT state roadways.

Rep. Dosch asked if Mr. Levi recalled comments along the lines that it was hard welding these into place.

Grant Levi said what he recalled from the discussions is there were some concerns with respect to retrofitting the existing trucks. What would have to be done to make that retrofit occur would be $100 - $200 depending on the type of truck. The House Transportation Committee had some concerns with moving down the road and continually loading the truck.

Senator Mutch said it seemed if they needed four axles on a rig it is a steerable axle and asked if that was a federal law.

Grant Levi wasn't sure if there are any federal laws that regulates that. That is typically left up to states. It is his understanding that many states already have that provision in place.

Rep. Thorpe said there was pretty strong testimony in the House about the control in the cab. Moving it to the outside was a big safety concern when going down the ND roads when ice is involved. They could see themselves jumping in and out of the truck to control that thing so they would have better control on the ice. That was on the retractable axle. Then there was also testimony on the pivoting axles that the Highway Dept. was concerned with the scrubbing of the wheels and causing pavement damage. He also recalled testimony that, in a lot of cases, people spent money to weld pivotal axles to stay straight to avoid the whipping.

Grant Levi said the purpose of this legislation was to allow the issuing of the Richland Permit which allows permitting vehicles that can presently travel on the interstate system to travel on the non interstate system. The other provisions in this were added to continue to protect North Dakota's transportation system as a whole as we move in a direction allowing different truck configurations to travel on the state highway system.

Senator Bercier said his concerns would be the scenario when the truck would be moving and filling from the front to the back of the truck. (Meter 2500) This scenario with the retractable

control outside is a safety hazard. Being inside is easier to control it so the axles can be dropped when running down the road.

(Meter 2700) Discussion on pivotal axles that this requirement would touch all the trucks in the state with four axles under them. The triple axles would be no problem.

Grant Levi said their intent was to put something in place that would allow them to work with the trucking industry, people that need to move goods as well as the manufacturers, and still protect the integrity of our Transportation System. Typically, within a construction operation, people are left alone from a weight perspective. It is when they leave the work zone when they become concerned. Their concern centers around the fact that, when weight is increased on axles, the damage to pavement is exponential.

Leanna Emmer offered information that the industry is moving toward the steerable axles.

Doyle Schultz (Highway Patrol) said what they are worried about is the infrastructure of the state highway system. They are concerned about weight and the safety issue. He addressed the tag issue and emphasized that it would still be able to be lowered and raised inside the cab. It does not affect that. What they are talking about is having the pressure valve, the amount of pressure on the existing tag axle, outside so it carries an adequate amount of weight to disperse the load throughout the whole truck. He said there are problems with tag axles where the pressure is on the inside and the driver can perceivably set minimum pressure that the wheel goes down the road, it turns, but the weight is on the tandems or triples. He is actually overloaded. If he is stopped by a trooper and that pressure valve is in sight, he can add pressure to that back end and it looks legal at that time. Other states are looking at this also. He didn't see this as a safety issue especially when the manufacturers are manufacturing them this way.

(Meter 4000) There was discussion to clarify that the control for the lifting and the dropping of the axles would only be in the cab. What they are talking about outside the cab is a pressure control valve so if they are stopped and weighed they can tell if there is adequate pressure. The driver can lift and lower from inside but would have to get out to change the pressure.

Senator Nething returned to the first amendment on highway stakes and asked who it was that couldn't bid but wanted the opportunity to bid.

There was discussion that it was unclear who the company was, only that is was a North Dakota company who wanted the right to submit a bid.

Grant Levi offered information that federal law does permit, in certain instances, to allow some exclusions to work activity centers. It has been the practice of the DOT to not use federal dollars to purchase stakes, but as their budget becomes tighter, it is unclear what they would do in the future. As this bill is written, they would not be able to use federal dollars to purchase stakes.

After more general discussion, it was decided that the House would get more information and the Committee would meet again.

The Conference Committee meeting on SB 2274 was adjourned.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2274

Senate Transportation Committee

■ Conference Committee

Hearing Date 4-08-05

Tape Number	Side A	Side B	Meter #
1	x		5-1530
Committee Clerk Signature	Mary K Monson		

Minutes:

Senator Mutch opened the Conference Committee meeting on SB 2274.

All members were present: Sen. Mutch, Sen. Nething, Sen. Bercier, Rep. Dosch, Rep. Hawken, Rep. Thorpe.

Representative Dosch said that it was agreeable to them to put Section 6 back in. The House had amended it out. The other issue was the stakes and they were agreeable to an amendment by Grant Levi changing the wording to "other qualified vendors". (See attached.) The individual that brought this matter to the forefront was "Frontier Precision". The important part of that amendment is at the end where it gives preference to bids submitted by work activity centers in the event bids contain identical pricing or receive identical evaluation scores.

Senator Mutch asked if there was a problem getting bids for the stakes.

Rep. Dosch said not that he was aware. He felt the amendment from the DOT would open it up

but would still give the work activity centers preference which would be a good compromise way to go.

Senator Nething wanted to know if there was a problem with the system the way it is or if they wanted to change the law because somebody wants to bid.

Rep. Hawken said she didn't believe there was a problem. Her understanding was that it was an effort along the economic development lines to be polite to a company that has made their home in North Dakota.

Senator Nething said this is one thing that has been set aside for the activity centers because there's not many things they can do. This was a special way created to help these people. Now it would put them in a competitive situation.

There was discussion on how many centers bid on this. Nobody knew the numbers.

Gary Barreth reported that the last two years the contracts had been with the Evaluation Training Center out of Fargo. He did not know if there had been any other bids.

Senator Nething asked if he had information about the contract, size, number of stakes, etc.

Gary Barreth said the cost of the contract was approximately $28,000 for this year. Last year it was $16,887.27. He didn't have information dealing with the number of stakes.

Senator Nething said he would really like more information since the Senate didn't have a hearing on this matter. He was concerned that work would be taken away from the centers if someone came in and underbid them. Since this was originally created for the activity centers, he was not comfortable changing it without more information.

Gary Barreth (DOT) said they could get additional information for the committee if they desired.

Rep. Dosch read an e-mail from Dennis Kemmesat, President of Frontier Precision, asking for help in selling their product in North Dakota. One of the reasons for relocating their manufacturing facility back to North Dakota from Minnesota was to be able to compete with the states business. Currently they are locked out of that business because of present law.

Senator Nething had questions about the company. How many employees do they have? What kind of help have they had from the state already? There are a lot of things to compare. He also wanted to know what the impact would be if the activity centers would lose the contract.

The committee decided that more information was needed before they could take any action.

The Conference Committee meeting on SB 2274 was adjourned.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2274

Senate Transportation Committee

■ Conference Committee

Hearing Date 4-12-05

Tape Number	Side A	Side B	Meter #
1	x		1-780

Committee Clerk Signature Mary K Monson

Minutes:

Senator Mutch called the meeting of the Conference Committee on SB 2274 to order.

All members were present: Sen. Mutch, Sen. Nething, Sen. Bercier, Rep. Dosch, Rep. Hawken, and Rep. Thorpe.

Senator Mutch stated that he thought the committee had agreed on pretty much everything except the grade stakes. He asked the committee where they wanted to go from there.

Senator Nething referred to the extra information they had received from DOT relating to the number of solicitations from people asking if they could bid on the stakes. There were at least five private groups and quite a few of the activity center groups. There was only one bid last year but a lot who inquired. He asked Rep. Hawken if she go a chance to find out information from the center in Fargo about how many people were involved in this kind of project.

Rep. Hawken said she had not asked that specific question. She did say they, obviously, would like to see it left as it is. This is one of the major projects for that center--activity wise.

Senator Nething said that, evidently, there are more than one private sector company that has an interest in this.

Rep. Hawken said she thought the decision was probably whether they wanted to leave this as an activity, at this time, for the activity centers or open it up to the private industry.

Senator Bercier said, in looking at the number of these centers, he would find it hard to open it up.

Rep. Dosch said one thing to keep in mind is, because current law is exclusionary it hasn't been an issue now but it could be, that they would not be able to use federal highway funds to purchase these stakes. Now it isn't a real issue for DOT because they are able to work around it. It might be something to keep in mind down the road. Eventually it might need to be opened up or not making it exclusionary like it is now. He also said that the DOT would like the committee to consider putting an emergency clause on this this bill.

Rep. Hawken made a motion that the **House Recede from the House Amendments and Amend** to include an emergency clause. Seconded by **Rep. Thorpe.**

Roll call vote 6-0-0. **Passed.** Floor carrier is **Senator Mutch.**

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2274

Senate Transportation Committee

■ Conference Committee

Hearing Date 4-14-05

Tape Number	Side A	Side B	Meter #
1	x		5-4704

Committee Clerk Signature Mary K Monson

Minutes:

Senator Mutch opened the meeting of the Conference Committee on SB 2274. Members of the new committee were Sen. Mutch, Sen. Espegard, Sen. Bercier, Rep. Ruby, Rep. Vigesaa, and Rep. S. Meyer. Roll call was taken with all members present.

Senator Mutch asked what the problem was.

Rep. Ruby explained that the House Assembly voted on the Conference Committee Report and turned it down. The most contentious issue was on page 6 of the Senate Bill, the House receding from their amendments, which put back in the amendment he put in to remove Section 6, page 6.

Senator Espegard asked if there was any trouble with the requirement for steerable, castering, or pivoting axle if there was more than four axles.

Rep. Ruby said they could live with that. That wasn't as contentious.

Senator Mutch then asked if the only disagreement was with 6 and 6.

Rep. Ruby said yes, but, if it was a big issue with requiring the steerable, castering, or pivoting axles on basically over four axles, they could live with that. His thought was the quickest way to do it would be for the House to recede from their amendments and then amend lines 19-24 off of the Senates original bill.

Senator Espegard asked what the problem was with the control valve being inside the cab and the pressure valve being outside the cab.

Rep. Ruby said that is the problem. He has trucks with both so either way it can work. However, he prefers to have them on the inside. (Meter 290) He realizes that they are trying to prevent people from running with very little weight on and then putting the weight on when they are going to get weighed by a highway patrol or something. His thought is, "Why would people do that?" (Meter 370) He talked about putting pressure on when they need it. He said it doesn't make sense to run them light. Adjustments are made when the axles are put down. When they are up there is no pressure, anyway.

Senator Espegard said he remembered from testimony in committee that the problem with adjusting them once they are set is road damage.

Rep. Ruby responded that they are saying too little weight or too much on them can do road damage.

Senator Espegard asked what the purpose was to adjust it to start with.

Rep. Ruby answered that in certain situations there might be too much weight so they adjust it down and then they adjust it back up.

(Meter 560) There was discussion that they were talking about tag axles or pushers. If someone doesn't care they would load up, take the pressure off, and drive that way.

Rep. Ruby said he would like to keep it as an option. If going on the Interstate or to other states where they have to have it, those trucks can mount them on the outside. For farm trucks and trucks that don't get near the Interstate or go out of state, he doesn't see the reason.

Senator Espegard asked what other states around us do.

Rep. Ruby said that Minnesota requires it to be outside. He wasn't sure about Montana. (Meter 710) Discussion on who puts them on now. Several different companies can mount them or trucks can be bought with them already mounted. Mounting them outside would cost between $100 and $200.

Senator Espegard asked when a person would adjust the weight up or down.

Rep. Meyer offered an example that the independent truckers in her area were opposed to this. They were hauling cattle in semis and were concerned with their loads shifting. (Meter 810) When they go off the highway onto dirt and gravel roads, they like to have the control in the cab so they adjust it if the roads are muddy or so they can adjust it up or down as they go without having to get out to adjust it. They like to have everything in one unit so they can see the pressure they have.

Senator Mutch asked Grant Levi if he had information to share with the committee.

Grant Levi (DOT) said that when DOT worked on the bill they proposed Section 6 as it is. It is a nationwide issue. Their concern is that you can put 48,000 lbs. on a triple axle and if somebody drops their axle but has no pressure on they are actually putting that 48,000 lbs. on a tandem axle. In essence, what they have done is increased the pavement damage by more than five times. It is the philosophy of the DOT to allow goods to move across the state but also to

protect the pavements in the best manner possible. They work with law enforcement to have that happen because they only have limited resources to repair them when they do get damaged.

Rep. Meyer said she had given that example to a trucker and he replied that it would be hard on his axles and ruin his tires. He didn't know why anyone would do that.

Grant Levi (Meter 1200) cited some reasons why some would do it. He also said he didn't think any law was created for people who do things right. It is for those who get outside what's right.

Senator Bercier asked about the location of the pressure regulator valves. (Meter 1500)

Rodger Burckhard (Mariner Construction) (Meter 1620) He explained that the pressure regulator valves being discussed are probably a 2 inch by 3 inch valve that pushes in to adjust the pressure and pulls out to lock it. Normally the gauge is mounted directly on it. The safety issue they have run across is drivers messing with them.

(Meter 1770) There was discussion with leaving the air pressure constant. Mariner found that running at 80 psi is the best performance and that is where the manufacturer designs the air bags to operate at. An instance to cut it down to less than that would be when they are driving down prairie or county roads.

Rep. Ruby (Meter 1970) said he was glad to hear Rep. Meyer report that the trucker she talked to asked the question, "Why would you do it?" On the highway that is an issue but when you get off the highway you aren't worried about damage to roads because you aren't on a road. There are sometimes when he doesn't want to take all the weight off the axle because, as slow as you are going and you don't have to worry about roads anymore, you still have to worry about your suspension. In his case, they do it in landfills. They turn the pressure down a little. It doesn't take all the weight off but it takes enough off so they have more traction on the drive axles and

they are able to work with the fluctuating surface and still have traction. For him, it is easier to have the controls inside.

Senator Espegard agreed with Rep. Ruby to "Why would you do it?" but the fact is, that taking pressure off, the truck is going to drive better. What happens, even when it is loaded, the tendency for some would be to lighten up. It would drive better when pressure is taken off that third axle.

Dennis Kramer (Northern Improvement Company) reported that they would be having their controls outside the cab basically because of their truck drivers. They don't want them fooling with them. It doesn't make any difference how good the drivers are. They will set the control where it is comfortable when they are out on the road at legal speeds. Their mechanics tell them that if that truck is empty and they put enough pressure on that back tag axle they can literally take all the weight off the steering axle. Good drivers shouldn't do that but some do.

Senator Espegard asked if they buy them with or without them on.

Dennis Kramer said they come either way and they have them put on the outside. They cost approximately $100 to have the dealer put them on. It's not a big item for them.

Senator Mutch said if he was understanding things properly the concern of the House was line 19-24. He asked if they had any problems with the steerable, castering, or pivoting axles.

Rep. Ruby said he also talked to a company that mounts those. They have had people come in asking to have them welded solid. He has a truck that has one and he likes it. He doesn't have a problem with that. It's for when it's after the fourth axle. The contentious issue on the House floor is for 19-24. It's a good bill. There are provisions there that are needed.

Senator Espegard asked about the possibility to give some time limit for existing trucks.

(Meter 2910) There was discussion about grandfathering existing trucks that already have the controls on the inside as a matter of compromise.

Rep. Ruby had hoped taking out 19-24 and leaving the rest as the Senate sent it over was their way to compromise. He didn't know if he could get it through the House.

(Meter 3170) Discussion on driving habits of truck drivers.

Senator Mutch asked Rep. Ruby if the main point of contention was lines 19-24 and if he was comfortable with 25-27.

Rep. Ruby said he could live with that.

Senator Mutch asked if there were many people interested in that being in the law because of vehicles they have already bought and the weight restrictions on them.

Rep. Ruby said it was a good question. You have the steering and castering ones. Is there a time limit on that? What if someone has five on now and one isn't pivoting?

(Meter 340) There was discussion indicating that part was more of a preemptive provision. It was looking at a future problem. Discussion continued with respect to the House receding from their amendments and amend to take out lines 19-24.

Rep. Ruby motioned that the **House Recede from the House Amendments and Amend.**

Seconded by **Rep. Vigesaa**

Senator Espegard said, to him, it is a road condition thing and a safety issue as well. He said he would have to vote no.

Roll call vote 4-2-0. (House 3 yes, 0 no) (Senate 1 yes, 2 no) **Failed.**

Senator Espegard asked if, in the form of compromise, there was a limit they could put on -- grandfathering in.

Discussion followed dealing with the grandfather meaning something to the effect of any new installations, anything mounted after a certain date, or any new registered trailers or tractors.

The Conference Committee meeting on SB 2274 was adjourned.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2274

Senate Transportation Committee

■ Conference Committee

Hearing Date 4-15-05

Tape Number	Side A	Side B	Meter #
1	x		1-3030

Committee Clerk Signature Mary K Monson

Minutes:

Senator Mutch opened the meeting of the Conference Committee on SB 2274.

All members were present: Sen. Mutch, Sen. Espegard, Sen. Bercier, Rep. Ruby, Rep. Vigesaa, and Rep. S. Meyer.

Senator Mutch said to properly handle this the House should recede from their amendments to .0200 and then amend.

Rep. Ruby replied that, for his trucks, he would personally prefer to have the option to make adjustments. (Meter 100) He would hope they would consider removing that language again. The other difference on a motion like that would be to include an emergency clause.

(Meter 175) He elaborated on situations where he would make adjustments when he is loading. Maybe his industry is different where it is handy to have it adjustable. For those companies who don't like it, they have the option to move the controls outside.

Senator Espegard said he had a little problem with legislation being single minded. Looking at all trucks on all roads is what they are supposed to be doing.

Rep. Meyer said it is not just an isolated case of garbage trucks. The industry she talked to was the independent truckers that own their own trucks. To them it is important. When they haul livestock, they need their pressure gauges in the cab because of the shifting.

(Meter 600) There was discussion about popping the axle up. They don't necessarily want to run it up all the time. They want to keep some weight on that axle but they want to reduce the amount.

Senator Bercier asked if the grandfathering that was talked about the day before was still a negotiable compromise.

Rep. Ruby said that he doesn't necessarily order his new trucks with the pusher on it. He determines afterwards if he needs to put one on. If a date certain is put on, it would eliminate his ability to do that. Those who want to put it on the outside can do it now and he wouldn't have the option.

(Meter 920) Discussion that there are a lot of important parts to this bill and that they don't want to lose a good bill.

Senator Mutch suggested that any newly titled equipment, new or used, be required to have the lockout on the outside.

Rep. Ruby suggested that, in the spirit of compromise, on the retractable, those with two or more lift axles, the valve has to be mounted on the outside.

Grant Levi (DOT) said they had concerns even with the one axle. He explained again that if there is a triple and one is a liftable axle it can legally haul 48,000 lbs. If that is lifted, and it doesn't have the pressure on that it should have, it does about five times the damage to the roadway.

(Meter 1290) There was discussion about city owned trucks that do not comply with the weight requirements and are exempt and can get a 10% over permit they don't have to pay for. These would be policy decisions made on the part of the legislative body. There are also provisions in state statute that give exemptions to other industries.

Senator Bercier asked Mr. Levi what drove this to the table.

Grant Levi replied, that from their perspective, concerns from the law enforcement and what is happening in other states is what brought it to the table. Also, occurring in the industry is the push to move more goods and move them with fewer trips in order to increase weights. They support that philosophy. Their concern is that they have to have a means to insure that they protect the roadways.

(Meter 1570) Discussion on other states that have this in place. The language in this proposed law is from Minnesota who has this in place.

Rep. Meyer said she didn't think it would pass the House if Section 6 is left in. She has received calls from truckers opposed to this and, based on the action on the House floor, assumes they are calling a lot of the other House members.

(Meter 1770) The Senate members reported that they haven't heard anything on the Senate side against this provision.

Rep. Ruby said he had talked to one guy who remembered when this was a requirement and then they removed the requirement. It has been off and on in the past but Rep. Ruby didn't know the reasons.

Senator Espegard asked Rep. Ruby if he could get it through the House if they grandfathered in the existing trucks.

Rep. Ruby said he didn't know.

Dennis Kramer (Northern Improvement) He referred to the law that used to be in the books that stated the controls had to be outside. He inquired about it because they thought it might still be a federal law but it isn't. It isn't in the safety manual but it is in there. He was told by federal DOT that it states the control can be in the cab as long as the driver does not raise and lower the pressure while the vehicle is moving.

Rep. Ruby said he would agree that when loaded you shouldn't be messing with it if you are on the paved highway. He felt off the highway you should have the ability to do what you want.

Senator Mutch asked if the committee wanted to have an amendment for grandfathering in those in existence.

Rep. Ruby said he would be in favor of that if it was for two or more lift axles. He thought that would address the most potential risk for the roads.

(Meter 2265) DOT offered information that there are trucks with two lift axles that would be a concern. The axle configurations out there are generally on a tandem drive.

Senator Bercier wanted to go on record as cautioning that the third axle is going to cause problems. As good as the drivers are, somebody will misuse the weight.

Rep. Ruby said the companies that would worry about that and the damage to their trucks will mount it outside.

Rep. Ruby made a motion that the **House Recede from the House Amendments and Amend.**

Seconded by **Senator Bercier.**

Discussion clarified the intent of the amendment was to keep the emergency clause and grandfather in those vehicle with two or more lift axles on anything mounted before the law was written. They decided to wait on the vote until they could have the amendment drafted and examine it.

The meeting was adjourned.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2274

Senate Transportation Committee

■ Conference Committee

Hearing Date 4-18-05

Tape Number	Side A	Side B	Meter #
1	x		10-2920

Committee Clerk Signature Mary K Monson

Minutes:

Senator Mutch called the meeting of the Conference Committee on SB 2274 to order.

All members were present: Sen. Mutch, Sen. Espegard, Sen. Bercier, Rep. Ruby, Rep. Vigesaa, and Rep. S. Meyer.

Senator Mutch reminded the committee that there was a motion on the floor by Rep. Ruby that contained an amendment.

Rep. Ruby distributed the amendment and read through it. (Meter 110) It sets a grandfather clause and puts an emergency clause in.

Senator Espegard said it would still be legal to have one axle with the pressure valve on the inside of the cab. But, if it is more than one, it has to be on the outside. It also says that everything before July 31, 2005 is grandfathered.

Senator Bercier said he had a hard time agreeing with having that availability to raise or lower the pressure. He was concerned with the roads in the state. Having it on the inside is applicable to off-road and very slow speed applications.

Rep. Ruby said the pressure shouldn't ever be lowered going down the highway. In cases where it has been lowered it needs to be cranked back up when they get back on the highway. That's what is being talked about, the ability to see the gauge, use the pressure valve and crank it back up. If someone isn't running with the maximum amount of pressure on the paved roads, that's where the employer needs to make sure his employees understand that. (Meter 640)

Senator Bercier continued with his concerns and personal examples.

Rep. Meyer pointed out that, right now, anyone that is employing truckers can retrofit their trucks and put the pressure gauge on the outside or order their trucking fleet with the pressure gauge outside. They have the ability to do it now. The independent truckers that own their own semi and want and need this, should be able to do this. They are responsible and are not breaking the law. The truckers she has heard from don't want to pull their trucks apart. If they are loaded they will be running with 8 psi, with tag axles down. To do otherwise would ruin their tires and trucks. Why penalize the independent drivers?

Senator Bercier said he had good drivers over the years. Truck drivers have poor operating procedures they are comfortable with despite federal mandates such as random drug testing and air brake testing.

Senator Espegard asked if there was any testimony with regard to private truckers coming in and saying they didn't want this. He didn't hear from any truck drivers but he did hear from guys who run a lot of trucks who say they belong on the outside of the trucks. He heard from DOT

saying they are ruining our roads. He hasn't heard from bull haulers, from the guys that haul anything other than garbage to say that this thing belongs inside the cab. Until he hears that, he has to go on the side of the major truckers in the state. He hasn't heard from anyone who says this is wrong so he has to stay with protecting our roads.

Rep. Meyer repeated her point that major trucking companies can retrofit every one of their trucks today. But, she said, they want the legislature to mandate it.

Senator Espegard asked why the only ones responsible should be the major truckers. Why shouldn't the individuals be responsible for our roads as well?

Rep. Meyer said that was a good point. She was first contacted about it when it was heard on the Senate side and a guy just happened to pull it up on the Internet. What they are saying to her is that they are tired of the assumption that they are always breaking the law because they are independent truckers.

Senator Espegard said this is an area of responsibility for our roads and it is tied to a major bill that we need. This is one area that is zeroed in on that probably shouldn't be a part of the bill to start with.

Rep. Meyer said there is a study underway and it is going to be completed and in two years, she thinks there will be more statistics.

Senator Espegard said what they know is there have been four or five states that have already passed the lift axle deal because that can be violated.

(Meter 1580) Discussion on the retractable axle and what happens if the driver forgets to adjust the pressure and the damage it does. There aren't statistics to show whether the damage to the roads running these types of trucks over and over are showing the most wear because they are

running them with light pressure. They don't really know they are doing it. They are assuming they are doing it and maybe they want to put it on the outside so they can guarantee they aren't.

Rep. Ruby thinks it's wrong to just assume that they are doing it illegal.

There was also discussion that the contractors don't want their drivers touching those valves.

Senator Bercier said there are two things to think about (1) are the drivers listening to what they are asked to do, and (2) are they wrecking the roads by noncompliance.

Senator Espegard asked if it would be acceptable to grandfather everybody backwards and saying going forward, no matter how many axles, the pressure valve has to be on the outside.

(Meter 2095) Discussion that it would be all newly registered vehicles whether it is new or used.

Rep. Ruby said this bill is bigger than this one issue and initially the House wanted to remove the language that didn't pertain to the rest of it. The Senate didn't want to do that so the offer was to grandfather existing axles. The original conference committee report got killed on the floor. He felt he could get this new amendment passed.

After some more general discussion **Senator Mutch** called for the roll call vote on the motion made on 4-15-05 by **Rep. Ruby** that the **House Recede from the House Amendments and Adopt Amendments.** The motion was seconded by **Senator Bercier.** Roll Call Vote 5-1-0. **Passed.** Floor carrier is **Senator Mutch.**

Date: 4-12-05
Roll Call Vote #:

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2274

Senate **TRANSPORTATION** Committee

[X] Check here for **Conference Committee**

Legislative Council Amendment Number 50755.0202

Action Taken House Recede and Amend

Motion Made By Rep. Hawken Seconded By Rep. Thorpe

Senators	Yes	No	Representatives	Yes	No
Sen. Mutch	✓		Rep. Dosch	✓	
Sen. Nething	✓		Rep. Hawken	✓	
Sen. Bercier	✓		Rep. Thorpe	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Mutch

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

Add emergency clause.

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE) - 420

07398

(Bill Number) SB 2274 (, as (re)engrossed):

Your Conference Committee

For the Senate:	Attendance 4/5	4/8	4/12
Sen. Mutch	✓	✓	✓
Sen. Nething	✓	✓	✓
Sen. Bercier	✓	✓	✓

For the House:	Attendance 4/5	4/8	4/12
Rep. Dosch	✓	✓	✓
Rep. Hawken	✓	✓	✓
Rep. Thorpe	✓	✓	✓

☒ recommends that the (~~SENATE~~/HOUSE) (~~ACCEDE~~ to) (RECEDE from)
723/724 725/726 S724/H726 S723/H725
the (~~Senate~~/House) amendments on (SJ/~~HJ~~) page(s) 1144 - 1145

☐ and place _____ on the Seventh order.
727

☒ , adopt ~~(further)~~ amendments as follows, and place SB2274 on the Seventh order:

☐ having been unable to agree, recommends that the committee be discharged and a new committee be appointed. 690/515

(~~Re~~)Engrossed) SB2274 was placed on the Seventh order of business on the calendar.

DATE: 4/12/05

CARRIER: Senator Mutch

LC NO. _____ . _____ of amendment

LC NO. 50755 . 0202 of engrossment

Emergency clause added ~~or deleted~~ ✓

Statement of purpose of amendment _____

(1) LC (2) LC (3) DESK (4) COMM.

REPORT OF CONFERENCE COMMITTEE

SB 2274, as engrossed: Your conference committee (Sens. Mutch, Nething, Bercier and Reps. Dosch, Hawken, Thorpe) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1144-1145, adopt amendments as follows, and place SB 2274 on the Seventh order:

That the House recede from its amendments as printed on pages 1144 and 1145 of the Senate Journal and pages 1308 and 1309 of the House Journal and that Engrossed Senate Bill No. 2274 be amended as follows:

Page 1, line 2, remove the first "and"

Page 1, line 4, after "vehicles" insert "; and to declare an emergency"

Page 6, after line 27, insert:

"**SECTION 7. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

Engrossed SB 2274 was placed on the Seventh order of business on the calendar.

Date: 4-14-05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2274

Senate **TRANSPORTATION** Committee

[X] Check here for **Conference Committee**

Legislative Council Amendment Number

Action Taken Recede Hse Amendments - Amend

Motion Made By Rep. Ruby Seconded By Rep. Vigesaa

Senators	Yes	No	Representatives	Yes	No
Sen. Mutch	✓		Rep. Ruby	✓	
Sen. Espegard		✓	Rep. Vigesaa	✓	
Sen. Bercier		✓	Rep. S. Meyer	✓	

Total (Yes) 4 No 2

Absent 0

Floor Assignment

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

Remove lines 19-24 pg. 6 .0200

50755.0203
Title.0500

Prepared by the Legislative Council staff for
Representative Ruby
April 15, 2005

4-18-05

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2274

That the House recede from its amendments as printed on pages 1144 and 1145 of the Senate Journal and pages 1308 and 1309 of the House Journal and that Engrossed Senate Bill No. 2274 be amended as follows:

Page 1, line 2, remove the first "and"

Page 1, line 4, after "vehicles" insert "; and to declare an emergency"

Page 6, line 19, replace "Variable" with:

"1. For a motor vehicle manufactured after July 31, 2005, variable"

Page 6, line 22, after "compartment" insert "if there is more than one variable load suspension axle or retractable axle, or a combination of each" and after the underscored period insert

"2."

Page 6, line 24, after "device" insert "unless allowed by subsection 1"

Page 6, after line 27, insert:

"**SECTION 7. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

Date: 4-18-05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2274

Senate **TRANSPORTATION** Committee

[X] Check here for **Conference Committee**

Legislative Council Amendment Number 50755.0203 Title .0500

Action Taken Recede Hse Amendments - Amend (Ruby)

Motion Made By Rep. Ruby (4-15-05) Seconded By Sen. Bercier

Senators	Yes	No	Representatives	Yes	No
Sen. Mutch	✓		Rep. Ruby	✓	
Sen. Espegard		✓	Rep. Vigesaa	✓	
Sen. Bercier	✓		Rep. S. Meyer	✓	

Total (Yes) 5 No 1

Absent 0

Floor Assignment Senator Mutch

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

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE) - 420

07398

(Bill Number) SB 2274 (, as (re)engrossed):

Your Conference Committee

For the Senate:	Attendance 4/14	4/15	4/18
Sen. Mutch	✓	✓	✓
Sen. Espegaard	✓	✓	✓
Sen. Bercier	✓	✓	✓

For the House:	Attendance 4/14	4/15	4/18
Rep. Ruby	✓	✓	✓
Rep. Vigesaa	✓	✓	✓
Rep. L. Meyer	✓	✓	✓

☒ recommends that the (~~SENATE~~/HOUSE) (~~ACCEDE to~~) (RECEDE from)
723/724 725/726 S724/H726 S723/H725
the (~~Senate~~/House) amendments on (SJ/~~HJ~~) page(s) 1144 - 1145

☐ and place _____ on the Seventh order.
727

☒ , adopt (~~further~~) amendments as follows, and place SB2274 on the Seventh order:

☐ having been unable to agree, recommends that the committee be discharged and a new committee be appointed. 690/515

(~~Re~~)Engrossed) SB2274 was placed on the Seventh order of business on the calendar.

DATE: 4/18/05

CARRIER: Sen. Mutch

LC NO. _____ . _____ of amendment

LC NO. 50755 . 0203 of engrossment

Emergency clause added ~~or deleted~~ ✓

Statement of purpose of amendment _____

(1) LC (2) LC (3) DESK (4) COMM.

REPORT OF CONFERENCE COMMITTEE

SB 2274, as engrossed: Your conference committee (Sens. Mutch, Espegard, Bercier and Reps. Ruby, Vigesaa, S. Meyer) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1144-1145, adopt amendments as follows, and place SB 2274 on the Seventh order:

That the House recede from its amendments as printed on pages 1144 and 1145 of the Senate Journal and pages 1308 and 1309 of the House Journal and that Engrossed Senate Bill No. 2274 be amended as follows:

Page 1, line 2, remove the first "and"

Page 1, line 4, after "vehicles" insert "; and to declare an emergency"

Page 6, line 19, replace "Variable" with:

"1. For a motor vehicle manufactured after July 31, 2005, variable"

Page 6, line 22, after "compartment" insert "if there is more than one variable load suspension axle or retractable axle, or a combination of each" and after the underscored period insert

"2."

Page 6, line 24, after "device" insert "unless allowed by subsection 1"

Page 6, after line 27, insert:

"**SECTION 7. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

Engrossed SB 2274 was placed on the Seventh order of business on the calendar.

2005 TESTIMONY

SB 2274

SENATE TRANSPORTATION COMMITTEE

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
Grant Levi, Deputy Director for Engineering

SB 2274

Good Morning Mr. Chairman and members of the committee. I'm Grant Levi Deputy Director for Engineering with the North Dakota Department of Transportation (Department). The Department supports Senate Bill 2274.

We had the opportunity to provide input into the drafting of this bill by working with Highway Patrol and the Associated General Contractors (AGC). Senate Bill 2274 if passed would make the following changes to North Dakota Century Code (NDCC).

The first recommended change deals with the penalty for not having a permit. During the 58th Legislative session legislation was passed to increase the penalty for traveling without a permit for oversize or overweight trucks from $20 to $100. Unfortunately when this legislation was passed not all of the necessary changes were made to state statue to allow the increased penalty to be enforced. The changes proposed by Senate Bill 2274 in NDCC Section 39-06.1-06 along with the proposed amendment ensures the fees for traveling without a permit can be enforced as intended.

The second change is a change to NDCC Section 39-12-02 and NDCC Section 39-12-05. The proposed changes to these sections would allow the North Dakota Highway Patrol (NDHP) working with the department to issue a permit, known as a "bridge length permit." The "bridge length permit" would allow the NDHP to permit a truck or vehicle combination traveling on the interstate system to carry the same weight when traveling on the non-interstate highways. This is necessary because currently certain vehicles axle configurations allow them to travel on the interstate but not on the non-interstate. For example on the non-interstate system, a set of 3 axles in a group is allowed 48,000 pounds. A set of 4 axles in a group is also allowed 48,000 pounds. The proposed changes would allow, by permit, a set of 4 or more axles in a group to carry more than 48,000 pounds on the non-interstate system provided proper axle spacing is in place and the interstate system requirements are met. The legislation would not change what is presently allowed on the interstate system. Attachment 1 provides an example of the truck configuration that is not allowed on the non-interstate system but is allowed to travel on the interstate system. Again, "bridge length permits" would only allow current loads allowed on the interstate to travel on non-interstate highways.

We did consider proposing a change to the non-interstate highways weight requirements to make them the same as the interstate system weight requirements. However doing this would in some cases reduce the weight allowed on the non-interstate system. The interstate system requirements are more restrictive than non-interstate system requirements for some specific axle groupings. Interstate system requirements would affect the ability of grain carriers with belly dumps, farmers, ranchers, and some fuel carriers to move goods if

enforced on the non-interstate system. Attachment 1 provides examples that illustrate why it is best to keep the non-interstate system weight requirements as is and to deal with certain truck configurations by permit. We would only issue permits for vehicles we felt would not excessively impact our transportation system.

The third proposed change is a change to NDCC Section 39-12-05 in the interstate and non-interstate portions of this section. This change recommended adding after tire width the statement "as shown by the manufacturer on the tire sidewall". The change was originally proposed with the intent of putting present NDHP procedures into law. After further review we recommend eliminating this proposed change from Senate Bill 2274 because if present NDHP practices became law we would not have the flexibility to make exceptions to current practice under special circumstances. Attachment 2 is a proposed amendment that would eliminate the reference "as shown by the manufacture on the tire sidewall" from NDCC Section 39-12-05 of SB 2274.

The forth proposed change is a change to NDCC Section 39-12-08. This change would address the Departments concerns about adding additional axles without regulating the use of the tag axles and without making the additional axles steerable. Because of these concerns, provisions were added to the bill to regulate the use of a tag axle while the truck is in operation. The legislation requires that the pressure regulator valve to control the retractable axle be inaccessible from the driver's compartment. The control to lift or lower the retractable axle may be accessible, but this control cannot function as the pressure control valve.

Adjacent states have this provision in law and with the increase in this type of equipment on units traveling on the state highway system, a provision in law will assure that when the tag axle is lowered it will carry the load it is designed to carry.

In addition the changes to NDCC Section 39-12-08 ensure any truck or vehicle combination with more than four axles will be required to have the additional axles be steerable, castering, or pivoting. This will allow existing triple axle trucks, but will restrict adding additional axles, to increase the load carrying capacity, without making them steerable. Trucks without the appropriate number of steerable axles have a very difficult time taking corners because of the drag on the pavement. The drag on the pavement does damage the roadway. Attachment 3 provides examples of vehicles which would be required to be steerable, casting, or pivoting.

In conclusion the department supports Senate Bill 2274 and asks the committee to include the proposed amendments.

DOT

Attachment 1

The "bridge length permit" would allow a carrier to haul the same axle weight that we presently allow on the interstate system to be hauled on the non-interstate highways as shown in the following examples:

Present Law:

# of axles in group	Non-interstate	Interstate
3 O O O	48,000	42,000
4 O O O O	**48,000**	52,000
5 O O O O O	**48,000**	60,000

Proposed change if permit is allowed:

# of axles in group	Non-Interstate w/o permit	Non-Interstate w/Permit	Interstate (remains the same)
3 O O O	48,000	n/a	42,000
4 O O O O	48,000	**52,000***	52,000
5 O O O O O	48,000	**60,000***	60,000

***Assumes proper axle spacing is provided.**

The following examples illustrate why it is appropriate to keep the non-interstate system weight requirements as is:

Example 1:
Present weight allowed on non-interstate system

O O O O
12000 (----- 48000 -------) = 60,000 lbs.

If both highway systems were the same it would reduce the weight on the above vehicle from 60,000 lbs GVW to 54,000 lbs. GVW., as shown below:

O O O O
12000 (----- 42000 -----) = 54,000 lbs.

Example 2:
Present weight allowed on non-interstate system:

O O O O O O
12000 (48000) (48000) = 105,500 lbs. GVW

If both highway systems were the same it would reduce the weight on the above vehicle from 105,500 lbs GVW to 96,000 lbs. GVW, as shown below.

O O O O O O
12000 (42,000) (42,000) = 96,000 lbs. GVW

DOT

Attachment 2

PROPOSED AMENDMENTS TO SENATE BILL NO. 2274

Page 3, line 28, remove "as shown by the"

Page 3, line 29, remove "manufacturer on the tire sidewall"

Page 4, line 23, remove "as shown by the"

Page 4, line 24, remove "manufacturer on the tire sidewall"

Page 6, line 17, remove "as shown by the manufacturer on the tire sidewall"

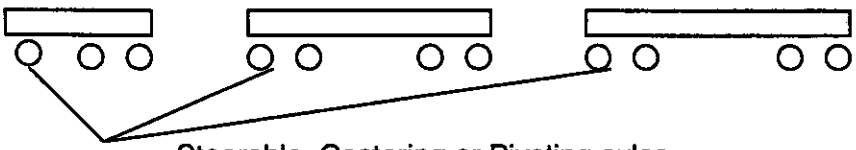
Page 6, line 22, remove "as shown by the manufacturer on the tire sidewall"

Renumber accordingly

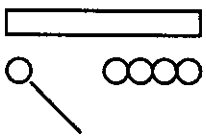
DOT

Attachment 3

Examples of vehicles with steerable, castering or pivoting axles.



Steerable, Castering or Pivoting axles



Steerable, Castering or Pivoting axles

DOT

PROPOSED AMENDMENTS TO SENATE BILL NO. 2274

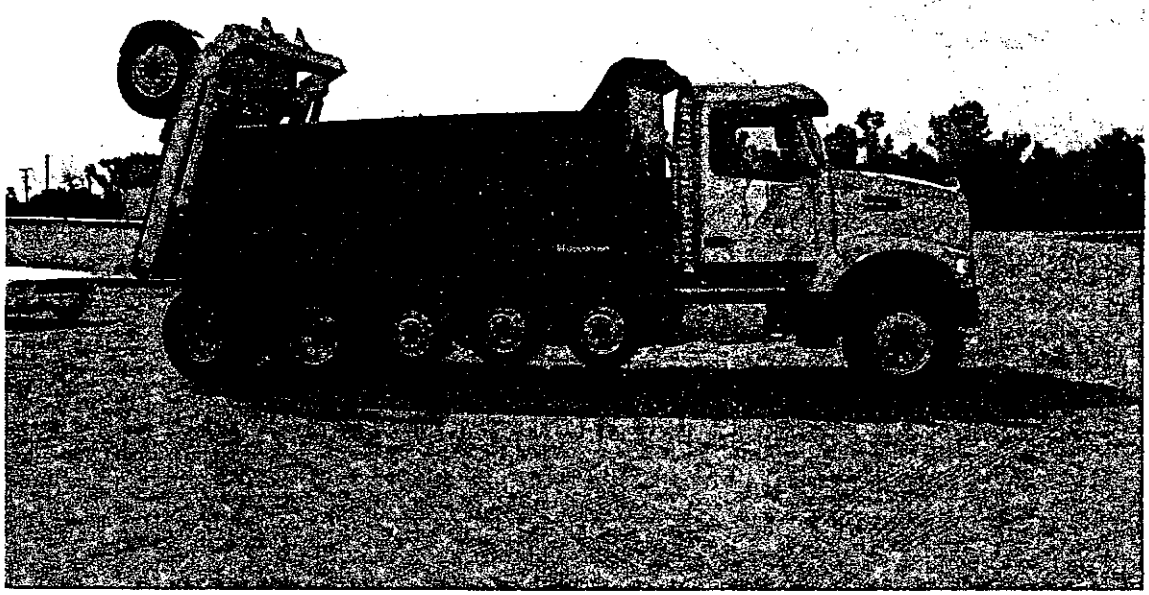
Page 1, line 16, remove the overstrike over "~~d. A violation of subsection~~" and after "~~2~~" insert "1" and remove overstrike over "~~of section 39-12-02, a fee of one hundred dollars.~~"

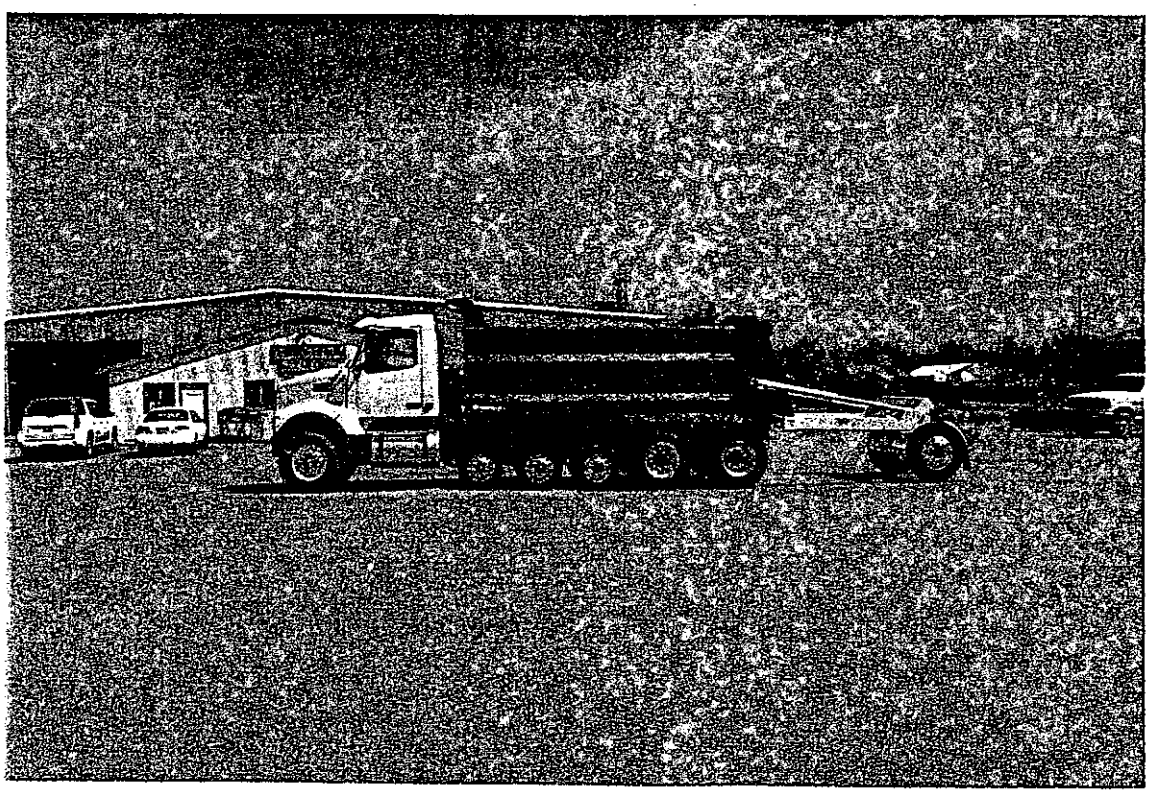
Page 1, after line 16, insert:

"e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one hundred dollars."

Renumber accordingly

Sen. Bercier SB 2274





#1

HOUSE TRANSPORTATION COMMITTEE
March 4, 2005

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
Grant Levi, Deputy Director for Engineering

SB 2274

Good Morning Mr. Chairman and members of the committee. I'm Grant Levi Deputy Director for Engineering with the North Dakota Department of Transportation (Department). The Department supports engrossed Senate Bill 2274.

We had the opportunity to provide input into the drafting of this bill by working with Highway Patrol and the Associated General Contractors (AGC). Engrossed Senate Bill 2274 if passed would make the following changes to North Dakota Century Code (NDCC).

The first recommended change deals with the penalty for not having a permit. During the 58th Legislative session legislation was passed to increase the penalty for traveling without a permit for oversize or overweight trucks from $20 to $100. Unfortunately when this legislation was passed not all of the necessary changes were made to state statue to allow the increased penalty to be enforced. The changes proposed by engrossed Senate Bill 2274 in NDCC Section 39-06.1-06 and Section 39-12-08 ensures the fees for traveling without a permit can be enforced as intended.

The second change is a change to NDCC Section 39-12-02 and NDCC Section 39-12-05. The proposed changes to these sections would allow the North Dakota Highway Patrol (NDHP) working with the department to issue a permit, known as a "bridge length permit." The "bridge length permit" would allow the NDHP to permit a truck or vehicle combination traveling on the interstate system to carry the same weight when traveling on the non-interstate highways. This is necessary because currently certain vehicles axle configurations allow them to travel on the interstate but not on the non-interstate. For example on the non-interstate system, a set of 3 axles in a group is allowed 48,000 pounds. A set of 4 axles in a group is also allowed 48,000 pounds. The proposed changes would allow, by permit, a set of 4 or more axles in a group to carry more than 48,000 pounds on the non-interstate system provided proper axle spacing is in place and the interstate system requirements are met. The legislation would not change what is presently allowed on the interstate system. Attachment 1 provides an example of the truck configuration that is not allowed on the non-interstate system but is allowed to travel on the interstate system. Again, "bridge length permits" would only allow current loads allowed on the interstate to travel on non-interstate highways.

We did consider proposing a change to the non-interstate highways weight requirements to make them the same as the interstate system weight requirements. However doing this would in some cases reduce the weight allowed on the non-interstate system. The interstate system requirements are more restrictive than non-interstate system requirements for some specific axle groupings. Interstate system requirements would affect the ability of grain

carriers with belly dumps, farmers, ranchers, and some fuel carriers to move goods if enforced on the non-interstate system. Attachment 1 provides examples that illustrate why it is best to keep the non-interstate system weight requirements as is and to deal with certain truck configurations by permit. We would only issue permits for vehicles we felt would not excessively impact our transportation system.

The third proposed change is a change to NDCC ~~Section~~ 39-12-08. This change would address the Departments concerns about adding additional axles without regulating the use of the tag axles and without making the additional axles steerable. Because of these concerns, provisions were added to the bill to regulate the use of a tag axle while the truck is in operation. The legislation requires that the pressure regulator valve to control the retractable axle be inaccessible from the driver's compartment. The control to lift or lower the retractable axle may be accessible, but this control cannot function as the pressure control valve.

Adjacent states have this provision in law and with the increase in this type of equipment on units traveling on the state highway system, a provision in law will assure that when the tag axle is lowered it will carry the load it is designed to carry.

In addition the changes to NDCC Section 39-12-08 ensure any truck or vehicle combination with more than four axles will be required to have the additional axles be steerable, castering, or pivoting. This will allow existing triple axle trucks, but will restrict adding additional axles, to increase the load carrying capacity, without making them steerable. Trucks without the appropriate number of steerable axles have a very difficult time taking corners because of the drag on the pavement. The drag on the pavement does damage the roadway. Attachment 2 provides examples of vehicles which would be required to be steerable, casting, or pivoting.

In conclusion the department supports Senate Bill 2274.

Attachment 1

The "bridge length permit" would allow a carrier to haul the same axle weight that we presently allow on the interstate system to be hauled on the non-interstate highways as shown in the following examples:

Present Law:

# of axles in group	Non-interstate	Interstate
3 O O O	48,000	42,000
4 O O O O	**48,000**	52,000
5 O O O O O	**48,000**	60,000

Proposed change if permit is allowed:

# of axles in group	Non-Interstate w/o permit	Non-Interstate w/Permit	Interstate (remains the same)
3 O O O	48,000	n/a	42,000
4 O O O O	48,000	**52,000***	52,000
5 O O O O O	48,000	**60,000***	60,000

***Assumes proper axle spacing is provided.**

The following examples illustrate why it is appropriate to keep the non-interstate system weight requirements as is:

Example 1:
Present weight allowed on non-interstate system

O O O O
12000 (----- 48000 -------) = 60,000 lbs.

If both highway systems were the same it would reduce the weight on the above vehicle from 60,000 lbs GVW to 54,000 lbs. GVW., as shown below:

O O O O
12000 (----- 42000 -----) = 54,000 lbs.

Example 2:
Present weight allowed on non-interstate system:

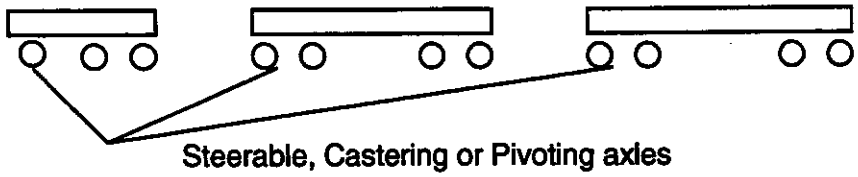
O O O O O O
12000 (48000) (48000) = 105,500 lbs. GVW

If both highway systems were the same it would reduce the weight on the above vehicle from 105,500 lbs GVW to 96,000 lbs. GVW, as shown below.

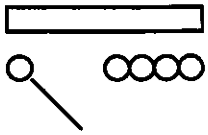
O O O O O O
12000 (42,000) (42,000) = 96,000 lbs. GVW

Attachment 2

Examples of vehicles with steerable, castering or pivoting axles.



Steerable, Castering or Pivoting axles



Steerable, Castering or Pivoting axles

Grant Levi
328-2584

4-8-05

25-16.2-02. Direct bidding ~~with work activity centers~~ for highway grade stakes. ~~Unless no work activity center bids on the contract, the~~ The office of management and budget or the department of transportation, whichever may be authorized to purchase highway grade stakes, shall award any contract for the purchase of highway grade stakes to work activity centers or other qualified vendors. The office of management and budget or the department of transportation shall request bids from work activity centers and other qualified vendors and shall award any contract for the purchase of highway grade stakes on the basis of these factors:

1. Whether the product contracted for is supplied by the work activity center or other qualified vendor at a fair market price.

2. Whether the product to be supplied by the work activity center or other qualified vendor meets the specifications of the department of transportation.

3. The ability, capacity, and skill of the work activity center or other qualified vendor to perform the contract required.

4. The character, integrity, reputation, judgment, experience, and efficiency of the work activity center or other qualified vendor.

5. Whether the work activity center or other qualified vendor can perform the contract within the time specified.

6. The quality of performance of previous contracts negotiated with the work activity center or other qualified vendor.

7. The previous and existing compliance by the work activity center or other qualified vendor with laws relating to the contract.

In the event that bids contain identical pricing or receive identical evaluation scores, preference must be given to bids submitted by work activity centers.

glevi@state.

540-90 CONSTRUCTION STAKES AND LATH
4/8/2005

Contract Start Date	Contract Expiration Date	Contract Number	Vendor	Contract Estimated Value	Number of Solicitations	Number of Bid Responses Received
12/01/04	11/30/05	50-235-1104	Evaluation and Training Center	$27,868.96	19	1
12/01/03	11/30/04	50-192-1114	Evaluation and Training Center	$16,887.21	20	2
12/01/02	11/30/03	50-103-1201	Evaluation and Training Center	$8,947.34	Extension	
12/01/01	11/30/02	50-103-1201	Evaluation and Training Center	$14,312.58	14	2

DOT 4-12-05

NDDOT Contract No. 50-235-1107

North Dakota Department of Transportation
INVITATION TO BID

Bid number: 540-90-04-50 Bid opening date: November 16, 2004 Time: 2:00 p.m.

Items: Construction Stakes and Lath

Buyer: Rose Buse Telephone: 701-328-2571

Mailing address: North Dakota Department of Transportation, Procurement, Room 222
608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700

Contract period: December 1, 2004, through November 30, 2005

Date prepared: October 22, 2004

BID RESPONSE

Please submit your bid response on the attached forms in conformance with the instructions and specifications in the NDAC 04-12-01 – 04-12-16. One copy of your bid response must be returned to the North Dakota Department of Transportation (NDDOT) prior to the time and date specified for bid opening. Bid responses received after the time and day specified for bid opening will be rejected. Mark envelope with word "BID" and the opening time and date. **If your bid response is accepted by NDDOT, then your bid response will constitute a binding contract.**

CONTRACT

This contract is made and entered into by and between NDDOT for the state of North Dakota (hereinafter state) and

Evaluation and Training Center 424 9th Ave S; Fargo, ND 58103

NAME AND ADDRESS OF VENDOR

(hereafter vendor). In consideration of and for the acceptance by the state of the offer made by the vendor pursuant to the bid response, the vendor agrees and promises to sell, furnish, and deliver to the state, at the time, places, and prices specified in the bid response, all goods, merchandise, supplies, commodities, equipment, or other items contained in the bid response and for which the vendor has been awarded this contract by the state. The vendor shall fully perform this contract in accordance with the terms and conditions contained in the bid response including all specifications, rules, or regulations mentioned therein, and shall comply with all applicable provisions of the NDAC 04-12-01 – 04-12-16 promulgated by the State Purchasing Division; such manual being made a part of this contract by reference. The Risk Management Appendix, attached, is hereby incorporated and made a part of this agreement.

****

The following must be completed by the vendor; failure to do so may result in the rejection of the vendor's bid proposal.

Vendor name: Evaluation and Training Center

Mailing address: 424 9th Ave S; Fargo, ND 58103

Telephone: 701 241-4858 Fax: 701 241-4896

Don Schmaltz Facility Coordinator
NAME & TITLE (TYPE OR PRINT)

Don Schmaltz Facility Coord.
SIGNATURE

11/4/04
DATE

To be signed by **Owner; Partner; Corp. Pres., Vice Pres., or other authorized Corp. Officer** or bid may be rejected. (If signed by other authorized Corp. Officer, please attach copy of Power of Attorney or other documentation showing authority to sign.)

FOR DEPARTMENT OF TRANSPORTATION USE ONLY

Accepted by the state according to provisions of award.

Authorized signature: David A. Sprynczynatyk for

DATE 11-22-04

Recommended for approval:

DATE 11/18/04

Approximate contract amount: $ 27868.96

APPROVED as to execution this 22nd day of November 2004
ATTORNEY GENERAL
By: Drew Kautzmann
SPECIAL ASST ATTORNEY GENERAL

DOT 7480 (Div. 50)
A.G. Approved 7-17-89; 07-04

DOT 7480 (Div. 50)

Mailing Instructions

Mail one completed and signed request for a bid document. Request for bid documents not signed or received after the date [illegible]time specified in the bid will be rejected.

[illegible]dress the envelope containing your response in the following manner:

BID NUMBER 540-90-04-50
BID OPENING DATE November 16, 2004 2:00 PM
NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
PROCUREMENT, RM 222
608 E BOULEVARD AVE
BISMARCK ND 58505-0700

Bidders Instructions

1. Acceptance/Rejection - The right is reserved to accept or reject any or all bid responses wholly or in part.

2. Addition of Terms and Conditions - The NDDOT Procurement Office will not evaluate or consider any additional terms and conditions submitted with a bid response, and any bid with any additional terms and conditions will be rejected.

3. Affirmative Action - The contractor will take affirmative action in complying with all Federal and State requirements concerning fair employment and employment of handicapped and concerning the treatment of all employees without regard to discrimination by reason of race, color, religion, sex, national origin, or physical handicap.

4. Alternate Bid(s) - Bidders may submit alternate bid response(s) for the item(s) specified in the solicitation. Alternate bid responses are to be clearly marked "alternate" and all specifications, brand name, model number, or trademark, if any, and/or any other information pertinent to identification must accompany the alternate bid response.

5. Alterations and/or Corrections - The person signing the bid response must initial any or all alterations and/or corrections (i.e., erasers, whiteout, correction tape, etc.) made to the bid response. Those bid responses with alterations and/or corrections that are not initialed will be rejected.

6. Award - Bids are not awarded at the bid opening. Bid responses will be firm for 30 days, unless stated otherwise. Bids will be awarded in the best interest of the state. Bids will be evaluated based on the proximity to the NDDOT locations specified herein, accessibility of the contractor's stockpile, and cost to mobilize and load with NDDOT equipment, if applicable.

   NDDOT is required to award contracts for the purchase of highway grade stakes to any qualified "work activity center" that offers a bid and can satisfy the following factors in accordance with N.D.C.C. 25-16.2-02:

   a. Whether the product contracted for is supplied by the work activity center at a fair market price.

   b. Whether the product to be supplied by the work activity center meets the specifications of the Department of Transportation.

   c. The ability, capacity, and skill of the work activity center to perform the contract required.

   d. The character, integrity, reputation, judgment, experience, and efficiency of the work activity center.

   e. Whether the work activity center can perform the contract within the time specified.

   f. The quality of performance of previous contracts negotiated with the work activity center.

g. The previous and existing compliance by the work activity center with the laws relating to the contract.

A work activity center is defined as a "facility located in the state and operated by a nonprofit corporation organized for the primary purpose of employing and providing rehabilitative activities for physically handicapped, developmentally disabled, and chronically mentally ill persons."

7. Splitting of Award - The state reserves the right to make awards by item, groups of items, or on the total low bid for all the items specified as indicated in the detailed specifications. Bidders interested only in the total low bid for all items are to state "all or nothing" on their bid response. N.D.C.C. 4-03-07-01(5c).

8. Bid Summary - Bid summaries will be mailed to all bidders after the bid has been awarded. Bid summaries may be viewed and a copy obtained through the NDDOT Procurement Office, during normal working hours.

9. Bidder Checklist - **Have you remembered to:**

- Bid F.O.B. Destination (Ship To: Address) Freight Prepaid.
- Mark envelope as indicated.
- Review standard terms and conditions contained in this solicitation.
- Sign your bid on the cover sheet.
- Initial all bid/pricing changes you made.
- Bid responses must be submitted in ink or typewritten.
- Review and complete all requirements contained in this solicitation to ensure compliance.

10. Bidder's Responsibility - It is the bidder's responsibility to ensure that a bid response is physically deposited with the NDDOT Procurement Office prior to the date and time specified for the opening. Late bid responses will not be opened and will be rejected regardless of the degree of lateness or the reasons. It is the bidder's responsibility to comply with the state of North Dakota's laws and regulations.

11. Changes - After a binding contract has been entered into, no changes (ie., substitution of product or a price adjustment) may be made, unless prior approval has been obtained from the NDDOT Procurement Office.

12. Clarifications/Interpretations - Any and all questions regarding this document must be addressed to the procurement officer referenced on the first page of this document. The bidder is cautioned that the requirement of this solicitation can be altered only by written addendum and that verbal communications from whatever source are of no effect.

13. Definitions

- Bidder - any person or firm submitting a competitive bid in response to a solicitation.
- Bid summary - a summary of all bid responses received by the state.
- Bid response - the executed document submitted by a bidder in response to a solicitation.
- Contract - a deliberate written agreement between two or more competent persons to perform a specific act or acts.
- Contractor - any person or firm having a contract with a governmental body.

- Solicitation - the process of notifying prospective bidders that the state wishes to receive bids for furnishing goods or services.

Deviation from Specifications Supplied by the State - Any deviation from specifications indicated herein must be clearly pointed out, otherwise, it will be considered that the items offered are in strict compliance with these specifications, and the bidder will be responsible.

15. Facsimile Bids - Bid responses are not to be faxed to the NDDOT Procurement Office. **BID RESPONSES FAXED TO THIS OFFICE WILL BE REJECTED.** Faxed bid responses are accepted only if the bid proposal is faxed to a third party who will put it in an envelope and deliver it to the Procurement office before the date and time specified in the solicitation.

16. Freight/F.O.B. - All freight is to be included in the price of the products, unless otherwise specified in the solicitation. (F.O.B. means free on board.)

17. Packaging - All commodities and/or equipment are to be delivered, packaged strongly and securely, according to accepted commercial practices. N.D.C.C. 4-03-11-01(7).

18. Pricing (Unit and Total Prices) - Only one unit price is to be quoted for each item. The unit price is to be according to the unit of measurement specified in the solicitation. In the event of mathematical differences between the unit price and extended total, the unit price will prevail.

19. Review of the Bids - Those interested in reviewing the bid file are to make arrangements with the NDDOT Procurement Office. The NDDOT Procurement Office hours are 8 a.m. to 12 p.m. and 1 to 5 p.m., Monday through Friday.

Receipt of Bids - All sealed bids received by the NDDOT Procurement Office will be opened and read at the place, date, and hour specified in the solicitation. N.D.C.C. 4-03-06-01(1).

21. Rejection - Bid responses will be rejected if:

- The bid response is not legible.
- The bid response is not submitted in the form supplied. N.D.C.C. 4-03-04-01(1).
- The bid response is not completed as requested.
- The bid response is completed and/or signed in pencil.
- The bid response is faxed to the Procurement Office.
- The bid response is unsigned.
- The bid response does not meet the required specifications of the solicitation.
- Changes to the bid response are not initialed.
- The bid response is received after the time and date specified. N.D.C.C. 4-30-04-04(3) or a combination of above. N.D.C.C. 4-03-08-01(1).

Signature - The bidder submitting the bid response or that bidder's duly authorized agent or representative must sign the bid response manually in ink. The name and title of the person signing the bid response must be typed or printed above the signature. N.D.C.C. 4-03-04-01(2). An individual doing business under a firm name must give both names, and the individual will designate himself as sole owner. If the bid is submitted

on behalf of a partnership, so state, and at least one member of such partnership must sign. If it is a corporation, the full corporate name must be used and the execution must be by an officer (president or vice president) of the corporation. Any other person executing for the principal or surety must attach a power of attorney.

23. Taxes - The State does not pay sales tax or federal excise tax. The state sales tax exemption number is E-2001. The federal tax-free transaction number is 45-70-0010K. N.D.C.C. 4-03-04-03(11).

24. Withdrawal or changes to a bid response prior to the bid opening date and time - A bidder may withdraw or make a change to his bid response prior to the bid opening date and time. The request to make a change or withdraw must be in writing by a representative of the firm. The request to withdraw or change must be signed by the bidder or his designated representatives.

25. Withdrawals after the bid opening date and time - Withdrawals after the bid opening will be allowed only upon written approval from the NDDOT Procurement Office. Vendors continually withdrawing bids after the bid opening may be removed from the Vendor Database N.D.C.C. 4-03-04-04(7).

26. Registration - It is the vendor's responsibility to comply and to be current with all of the state of North Dakota's laws and regulations.

27. Indemnification - The attached Risk Management appendix will be incorporated in the resultant contract(s) of this bid. The successful bidder may be required to furnish proof of insurance as detailed in the Risk Management appendix.

28. Funding-Out Clause: This contract shall become null and void, in total or in part, should the Legislature of the State of North Dakota fail to appropriate funds for any or all agencies which are committed to the terms of this contract. Any such contract termination shall be at no cost to the state.

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION

SPECIFICATIONS
FOR
CONSTRUCTION STAKES AND LATHS

MATERIAL

Wood to be used for stakes and laths shall be kiln dried pine or approved alternate, straight, and free of wane or bark. Small tight knots are acceptable, provided they do not run the width of the stake or lath and affect the structural integrity of the finished product.

DESCRIPTIONS

A. 1 X 2 X 8

Minimum cut size shall be ¾" X 1½" X 8". Two-way pointing at one end for a distance of two (2) inches. Rough sawn surfaces acceptable.

B. 1 x 2 x 18

Minimum cut size shall be ¾" x 1½" x 18". Smooth sawn or surfaced on two (2) sides. Two-way pointing at one end for a distance of two (2) inches. If smooth sawn, wide sides must be suitable for legible crayon or felt tip marker markings.

C. 2 x 2 x 18 and 2 x 2 x 21 and 2 x 2 x 24

Minimum cut size shall be 1½" x 1½" x designated length. Four (4) way pointing or "pencil" sharpened at one end for a distance of two (2) inches. If smooth sawn, two (2) sides must be suitable for legible crayon or felt tip marker markings.

⅜ x 1½ x 16 and ⅜ x 1½ x 4'-0"

Minimum cut size shall be ⅜" x 1½" x designated length. Smooth sawn or surfaced on two (2) sides. Two (2) way pointing at one end for a distance of two (2) inches. Wide sides must be suitable for legible crayon or felt tip marker markings.

PACKAGING REQUIREMENTS

Stakes to be tightly bound with wire, metal, or plastic banding, in rectangular bundles, each bundle containing the same size and number of stakes as indicated below:

⅜" x 1½" x 16" - to contain 100 stakes per bundle
¾" x 1½" x 8" - to contain 50 stakes per bundle
¾" x 1½" x 18" - to contain 50 stakes per bundle
1½" x 1½" x 18" - to contain 25 stakes per bundle
1½" x 1½" x 21" - to contain 25 stakes per bundle
1½" x 1½" x 24" - to contain 25 stakes per bundle
⅜" x 1½" x 4' - standard laths to be in bundles of 50 tightly bound with twine or similar material near each end.

INSPECTION AND ACCEPTANCE

The Department reserves the right to sample and inspect the material at the point of manufacturer or after delivery. A three percent allowance shall be allowed for structurally unsound material or other specification violations. The result of the sampling shall govern the acceptance or rejection of the material. Rejected material shall be returned at the vendor's expense.

SAMPLES: A sample of each size stake and lath that is proposed to be furnished is to be submitted for inspection prior to or at the time of the bid opening. The sample provided shall be representative of the standard of quality for the material that would be provided for the contract. **Bids will be rejected if samples have not been received by the bid opening time.**

DELIVERY: Total delivery to all districts shall be completed by April 30, 2005.

VMK

Risk Management Appendix

Supply Contracts with Private Individuals, Companies, Corporations, Etc.:

Contractor agrees to indemnify, save, and hold harmless the state of North Dakota, its agencies, officers, and employees (State), from any and all claims of any nature, including all costs, expenses, and attorneys' fees, which may in any manner result from or arise out of this agreement, except for claims resulting from or arising out of the State's sole negligence. Contractor also agrees to indemnify, save, and hold the State harmless for all costs, expenses, and attorneys' fees incurred in establishing and litigating the indemnification coverage provided herein.

Contractor, or Contractor's delivery agent, shall secure and keep in force during the term of this agreement the following insurance coverages covering the Contractor, or Contractor's delivery agent, for any and all claims of any nature which may in any manner arise out of or result from this agreement:

1) **Commercial general liability** and **automobile liability** insurance.
2) **Workers compensation** insurance.

Contractor shall produce certificates of insurance or copies of insurance policies upon request by the State.

When a portion of a Contract is sublet, the Contractor shall obtain insurance protection (as outlined above) to provide liability coverage to protect the Contractor and the State as a result of work undertaken by the Subcontractor. In addition, the Contractor shall ensure that any and all parties performing work under the Contract are covered by public liability insurance as outlined above. All Subcontractors performing work under the Contract are required to maintain the same scope of insurance required of the Contractor. The Contractor shall be held responsible for ensuring compliance with those requirements by all Subcontractors.

BID PROPOSAL [redacted] STAKES AND LATHS

Type Stake		Bismarck	Valley City	Devils Lake	[redacted]t	Dickinson	Grand Forks	Williston	Fars	Total
¾"x1½"x8"	Qty	0	0	0	2,000	2,400	5,450	31,550	0	41,400
	Each				0.1099	0.1099	0.1099	0.1099		
	Total				$219.80	$263.76	$598.96	$3,467.35		$4,549.86
¾"x1½"x18"	Qty	0	0	3,000	4,500	500	3,950	4,600	0	16,550
	Each			0.1618	0.1618	0.1618	0.1618	0.1618		
	Total			$485.40	$728.10	$80.90	$639.11	$744.28		$2,677.79
⅜"x1½"x16"	Qty	0	0	0	9,500	2,000	8,150	21,300	0	40,950
	Each				0.1142	0.1142	0.1142	0.1142		
	Total				$1,084.90	$228.40	$930.73	$2,432.46		$4,676.49
1½"x1½"x 18"	Qty	0	0	500	0	200	0	450	0	1,150
	Each			0.3724		0.3724		0.3724		
	Total			$186.20		$74.48		$167.58		$ 428.26
1½"x1½"x 21"	Qty	0	0	0	0	0	0	0	0	0
	Each									
	Total									$ 0.00
1½"x1½"x 24"	Qty	0	0	875		0	0	0	0	875
	Each			0.4829						
	Total			$422.54						$ 422.54
4' Standard Lath	Qty	15,000	0	9,100	4,300	2,500	10,050	2,200	7,500	50,650
	Each	0.2984		0.2984	0.2984	0.2984	0.2984	0.2984	0.2984	
	Total	$4,476.00		$2,715.44	$1,283.12	$746.00	$2,998.92	$656.48	$2,238.00	$15,113.96
									Total	$ Amount

DELIVERY DATE: By 4/30/2005 PLEASE INDICATE THE TYPE OF WOOD TO BE FURNISHED: No.3 or better Ponderosa Pine-Alpine Fir $27,868.90

BIDDER: Evaluation and Training Center ADDRESS: 424 9th Ave S; Fargo, ND 58103

SIGNATURE & TITLE: Dewi Schmaltz Specialty Coord. DATE: 11/4/04

SUMMA[redacted]OF BIDS
North Dak[redacted]epartment of Transportation, Financial Management
SFN 3192 (12-99)

Financial Management, [redacted]rement
N.D. Department of Transportation
608 E Boulevard Ave
Bismarck ND 58505-0700
Telephone: 701-328-

No.	Opening date:	Items:	Buyer:
540-90-04-50	11/16/04	Construction Stakes & Lath	Rose Buse

VENDOR: SIZE:	BISMARCK	VALLEY CITY	DEVILS LAKE	MINOT	DICKINSON	GRAND FORKS	WILLISTON	FARGO
EVAL TRNG 3/4X1 1/2X8				.1099	.1099	.1099	.1099	
total				219.80	263.76	598.96	3467.35	
3/4x1 1/2x18			.1618	.1618	.1618	.1618	.1618	
total			485.40	728.10	80.90	639.11	744.28	
3/8 x1 1/2x15				.1142	.1142	.1142	.1142	
total				1084.90	228.40	930.73	2432.46	
1 1/2x1 1/2x18			.3724		.3724		.3724	
total			186.20		74.48		167.58	
1 1/2x1 1/2x21								
total								
1 1/2x1 1/2x24			.4829					
total			422.59					
4' lath	.2984		.2984	.2984	.2984	.2984	.2984	.2984
total	4476.00		2715.44	1283.12	746.00	2998.92	656.48	2238.00
[redacted]								
GRAND TOTAL:	4476.00		3809.63	3315.92	1393.54	5167.72	7468.15	2238.00

$27868.96

2004 CONSTRUCTION STAKES BIDDERS

CHERYL SHORTALL
OPPORTUNITY FOUNDATION
PO BOX 1627
WILLISTON ND 58802-1627
Tel. 774-8593
Registered ID#4248200

NEIL SCHARPE - EXECUTIVE DIR
MINOT VOCATIONAL ADJUSTMENT WORKSHOP
PO BOX 1030
MINOT ND 58702-1030
Tel. 852-1014
Registered ID#1701500

ROXY UHLICH - EXECUTIVE DIR
TRI CITY CARES INC
PO BOX 423
STANLEY ND 58784-0423
Tel. 628-2990
Registered ID#13775400

TAMMY REMMEN
LAKE REGION CORPORATION
PO BOX 108
224 SW 3RD STREET
DEVILS LAKE ND 58301-3601
Tel. 662-8681
Registered ID# 3976500

KATHY ZINK
4TH CORPORATION
120 11TH STREET
NEW ROCKFORD ND 58356-1434
Tel. 947-2147
Registered ID#3832600

MIKE WASZICK
AGASSIZ ENTERPRISES
2105 GATEWAY DRIVE
GRAND FORKS ND 58203=1498
Tel. 775-2566
Registered ID#3518700

DON SCHMALZ
VOCATIONAL TRAINING CTR
424 9TH AVENUE SOUTH
FARGO ND 58103-2831
Tel. 241-4858
Registered ID#4732500

PAM SCHULER
FRIENDSHIP INC
801 PAGE DR
FARGO ND 58103-2315
Tel.235-8217
Registered ID#11198600

WENDY KAHLER
RED RIVER HUMAN SERVICES FOUNDATION
2506 35TH AVENUE SOUTH
FARGO ND 58104-8897
Tel. 235-0971
Registered ID#4326700

TIM HUSETH - EXECUTIVE DIR
HAV IT ADULT SERVICES
409 WEST BREWSTER STREET
HARVEY ND 58341-1466
Tel. 324-4636
Registered ID#14878000 & 3896900

BILL POWELL
OPEN DOOR CENTER
209 2ND STREET SE
VALLEY CITY ND 58072-3407
Tel. 845-1124
Registered ID#1805100

ROBERT PAIEMENT - EXECUTIVE DIR
PROGRESS ENTERPRISES INC
1601 HIGHWAY 20 NORTH
PO BOX 1459
JAMESTOWN ND 58402-1459
Tel. 252-6994
Registered ID#4300700

RON BECK
HIT WORK CENTER
306 14TH AVE NW
MANDAN ND 58554-4900
Tel.663-0379
Registered ID#17037600

JIM CIAVARELLA
ABLE INC
653 19TH STREET WEST
DICKINSON ND 58601-2973
Tel. 456-3000
Registered ID #3511500

PRIVATE BUSINESS:

BISMARCK LUMBER COMPANY
PO BOX 427
BISMARCK ND 58501
PATRICK ZIDON
223-2145 x18
REGISTERED

GREGORY BUILDING CENTER
PO BOX 186
CAVALIER ND 58220
GARY BARCLAY
TEL. 701-265-8435
REGISTERED

LEON'S BUILDING CENTER INC
105 4TH ST E
PARK RIVER ND 58270
LEON SCHMITZ
TEL 800-229-3459
REGISTERED

LAKE LUMBER
PO BOX 685
DEVILS LAKE ND 58301
MICHAEL KEITH KURTZ
TEL. 701-662-3416
REGISTERED

LANCASHIRE DISTRIBUTION INC-USA
3700 E DIVIDE AVE
BISMARCK ND 58501
GARY LANTZ
TEL. 866-802-2375
REGISTERED