

2011 HOUSE TRANSPORTATION

HB 1082

2011 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee
Fort Totten Room, State Capitol

HB 1082
01/06/2011
#12621

☐ Conference Committee

Committee Clerk Signature

Jeanette Cook

Explanation or reason for introduction of bill/resolution:

This bill will create and enact an area in Title 39 of the North Dakota Century Code to allow the Superintendent of the North Dakota Highway Patrol and the North Dakota Department of Transportation Director to enter into cooperative agreements with other states for permitting

Minutes:

Attached testimony #1

Chairman Ruby called for testimony supporting HB 1082.

Darcy Rosendahl, Director of Operations from the Department of Transportation introduced the bill and provided testimony in support of HB 1082. See attached testimony #1.

Representative Frantsvog: If this bill passes, and I were a trucker hauling from Bismarck to Jamestown, would I be able to haul under the same terms and conditions that are in this bill, without going from state to state? Or, would that be under a different set of rules?

Darcy Rosendahl: The intent is to move across states. You would have to get a permit to move in state for the same issue.

Representative Frantsvog: Would we be treating drivers within the state the same as drivers passing through the state.

Darcy Rosendahl: We did not consider that. The intent was to go out of state. If it was on the system of highways that was designated, and they called another state to get a permit, I am guessing it would be allowable. The rules say that you have to be passing through two states to get a permit.

Representative Gruchalla: North Dakota has low permit rates and other states have higher rates. If you have one state that has a \$50 permit and the next state has a \$100 permit, would that permitting agency collect \$150 and send the fees to each state, or will there be one fee?

Darcy Rosendahl: They collect the fees at each state head. They would collect the total fees and then distribute the fees applicable to each state.

Representative Gruchalla: With the heavy weight fees would that work the same way?

Darcy Rosendahl: I believe this just allows them to get the one permit, and as long as they are within that envelope vehicle, there would be no other fees charged. The Highway Patrol will have some clarification on that.

Leanna Emmer, North Dakota Highway Patrol: The fees collected are disbursed to each state, and as far as the heavy weight fees, those are disbursed to that state as well. An example would be: Wyoming assesses ton mile fees in addition to a permit fee. If North Dakota were to collect that fee, those permit fees and ton mile fees would go back to WY.

Representative Sukut: I'm looking at proposed routes, I-29, I-94, and US 2, and wondering why Hwy 83, 85 are not included?

Darcy Rosendahl: At the time we were drafting this we looked at the highways that we thought could accommodate those types of loads. That is why we picked those three segments. Not all of Hwy 83 is capable of carrying those types of loads, so it was not included.

Representative Sukut: How are we going to get traffic from the west on I-94 if we have to get north? Would they have to come all the way to I-29 and then come back across Hwy2?

Darcy Rosendahl: At the time we get the highways built to the standards that we think we could accommodate the envelope vehicle, they can always be added. There are portions of 83 that could possibly be on the system, we just didn't do it now for the sake of continuity.

Representative Onstad: What would be an example of a type of vehicle that would require this type of permit?

Darcy Rosendahl referred to the Highway Patrol.

Leanna Emmer: It could be construction equipment, wind tower top components, or a routine farm tractor.

Representative Onstad: If a rig is moving from CO, how would it get to Crosby, North Dakota?

Leanna Emmer: There are designated routes. Once the carrier has to get off the designated routes, the state is contacted to get approval to travel off route. In some instances, if the load is starting in Colorado, and they have to go from Colorado to Wyoming to North Dakota and then Montana, they would get a permit for the states traveled through. Then the carrier will obtain a separate permit from North Dakota because it is off route. It can be done in a couple of different ways.

Chairman Ruby: Is the idea to get consistency with one permit along certain routes? Then they would have to get extra permits if they go off route?

Leanna Emmer: Yes, they could get either get one permit where the state contacts the other state(s), or they get two permits that are for three states and one permit for the highways off route.

Representative Owens: Say that we have an indivisible, overweight item in Washington state, and they are going to sell a permit to go all the way through North Dakota, Minnesota, and end up in Wisconsin. Since it is oversized and overweight, how do they go about verifying that the route can handle it, due to construction activity or whatever else might deter it? Normally in the permitting system, the route is evaluated through all the information within the state to determine the best route.

Leanna Emmer: The states will keep the other states notified if there is a width restriction. They will give notice to states of an alternative route, if a wide load needs to go through a restricted area.

Vice Chairman Weiler: Darcy, you mentioned that the Highway Patrol has some concerns or issues with some of the language. Do you know what the concerns are?

Darcy Rosendahl: We do have some indication. Part of it is Subsection 3, the delegation of authority, needs some tweaking. There are some other ones that have grammatical things that need to be changed. Another area is how we collect fees and taxes, and what kind of fund that goes into to be able to distribute it back to other states.

Chairman Ruby: I'm glad that is one of the concerns. I have a concern that we are giving up state sovereignty. Will we get reimbursed a different rate, if we have a different rate, or will we be locked in so that it is the same for every state?

Darcy Rosendahl: Each state charges whatever their regular fee would be. Each state's fee is in a book. The fees will be distributed to each state at the end of each month.

Chairman Ruby: What rules do we need to have promulgated for this, since we already have our permit rules?

Darcy Rosendahl: That is what we will work on with the Highway Patrol's council.

Representative R. Kelsch: Do you anticipate a certain number of vehicles that will be utilizing this permit? North Dakota's fees are probably the lowest in the nation for what we charge for overweight permits. Would this be a good time to consider raising that fee, especially if we are going to have a number of units going back and forth across North Dakota? We do have to make sure we have a good interstate system for our constituents.

Darcy Rosendahl: We have some data on past permits that were issued. Starting in 2007 there were about 7,800 permits issued through the Western Regional Permit. In 2006 it was up to 10,000. Back in 2005 and 2004 it was generally around the 7,000 mark. That doesn't mean that all 7,000-10,000 of those went through North Dakota. The average

number is probably somewhere between 7,000 and 8,000 that get issued in a year. I will not address the question of raising fees.

Chairman Ruby: She may just have been prodding some in the audience.

Representative Gruchalla: Are you looking at contracting with an outside permit agency to take care of this?

Darcy Rosendahl: That would have to be a decision of the highway patrol.

Representative Gruchalla: I was just wondering if there will be a reduction in Leanna's staff.

Darcy Rosendahl: I don't think that would be the case. It might help alleviate some of the permits that they had to issue in the past.

Representative Onstad: Passing this bill allows you enter into cooperative agreements. Who initially get to see that? Do we get a chance to look over that cooperative agreement later on, after it is signed into agreement? Do we have an example, or is there a standard agreement just waiting for approval?

Darcy Rosendahl: I think the way the law is stated, it would allow the HP Superintendent and our Director to enter into that agreement. There must be some standard agreement that other states have and is already signed by the other twelve. I don't know whether you would get to see it, but it does give the authority for those two individuals to do the agreements. I don't think it would have to come back through this committee.

Chairman Ruby: Would that agreement be part of the administrative rules or is that separate? How many years would the agreement be for?

Darcy Rosendahl: I think that if we entered into an agreement, it would be until we decided to get out of it.

Chairman Ruby: Would the administrative rules committee have to look at that?

Darcy Rosendahl: I'm not sure I can answer that question. We may have to work on it with the Highway Patrol's council as to how the process would work.

Chairman Ruby: But agreement stands until we decide to get out of it?

Darcy Rosendahl: That would be my understanding. There would be no sunset clause or anything.

Tom Balzer, North Dakota Motor Carriers Associations: We do support this piece of legislation. We feel that the bill will increase the productivity of the staff in freeing up some of those routine permits that come through the office. Also, it is a customer service issue.

Chairman Ruby: Are you hearing from carriers that complain that North Dakota is not part of this? How long have other states been part of this?

Tom Balzer: I don't know that even the carriers truly understand the program yet. There are a lot of complaints about this and equal size and weight throughout states to be able to get uniformity to get from point A to point B. There is a lot of discussion in the industry about what is the best way to get loads from A to B. I don't have any personal preference about this, but, as carriers become aware of it, they do get excited about the option.

There was not further support for HB 1082.

There was no opposition to HB 1082.

The hearing was closed on HB 1082, and it will be held for further work.

2011 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee Fort Totten Room, State Capitol

HB 1082
01/13/2011
Job # 12872

☐ Conference Committee

Committee Clerk Signature

Jeanette Cook

Minutes:

Chairman Ruby reviewed HB 1082 bill. He explained that it dealt with the other states in the region that would also be a part of the agreement. Some cleanup amendments were proposed to the bill.

Chairman Ruby: I would like some discussion on the bill. Darcy will be coming down to explain the amendments. I asked how important it was to have the words "may promulgate such rules and regulations as necessary for the implementation of the provisions of the section". If they need to implement something, now is the time to do it. They do have some rule making authority already. Basically they said they wouldn't need that wording, so it wouldn't need to be stated in here and specifically for this. Mainly this is dealing with this agreement, and we would be agreeing to be a part of it. They have to come to us to raise the permit fees and any rules that they might have to promulgate in addition to that would be through our system. I don't know if we can cut all of Section 5 out, or just the language dealing with the promulgate rules. We can ask them.

Representative Weisz: They are going to have to promulgate rules, if this passes. They already do have that authority. I don't know if it is redundant. I think we have to leave the other part of Section 5 in, because you give them the ability to appoint employees as officials of other states as agents. Persons in other states are going to have to collect our fees in this agreement.

Chairman Ruby: The Highway Patrol said that they have the ability to promulgate the rules that they would see necessary other than this language.

Representative Weisz: I think legislation like this is important to get uniformity for the regulations across the states. It will make it easier for drivers that have to move unusual loads from one state to the next.

Representative R. Kelsch: We are really trying to tell agencies to come forward and tell us what they are planning on doing now. That will work except for the circumstances that they can't anticipate. Having the ability to promulgate the rules, outside of anything they

put into legislation, is not a bad idea. Some agencies cannot anticipate everything that may arise, so they may want to be vaguer rather than more specific.

Chairman Ruby: I don't mind the flexibility. I was just asking if there were other states that are already part of this that had rules that we could mirror for the statute. That would save the time going through the rules process.

Representative Delmore: I think that there is a reason that we have statute and rules. They do have the capability of going to administrative rules if there is an emergency. I observed that committee when I was on council. I saw people who came in and tried to bypass statute. Some of them are blatant enough to say that they don't follow the statute anyway. Then they should change the statute. I don't think that adding, they can use a rule to do something, and too bad for us doing legislation, is a very good policy.

Chairman Ruby: We just had a bill that clarified in statute what they are already doing. That is common.

Chairman Ruby: The ability to buy these permits is for certain corridors, basically Hwy 2, I-29, and I-94. I wasn't sure why they do not have 83 on there.

Representative Frantsvog: They were concerned about sections of 83 that are north of Minot AFB and the area south of Bismarck. I really wonder how the system would work. If you are in Wyoming and get a permit to go to the Minot AFB, once you get to Bismarck, would you have to stop and get a permit to go on Hwy 83 to Minot AFB?

Chairman Ruby: Yes, you would have to get a separate permit to run on 83.

Representative Frantsvog: I think that section of Highway 83 should be included.

Representative Weisz: They are looking at the major routes that are through routes right now. The ultimate goal is that the whole system will be one stop permitting: state, county, city, and even townships. This is only the beginning. This doesn't limit them. The testimony says this is where we would like to start. Once it is in place, a trucker can tell the person selling the permits where he is going, and he will get ALL the permits he needs for the entire trip.

Chairman Ruby: It wouldn't hurt to ask the question about the section between Bismarck and the Minot AFB.

Chairman Ruby: Let's look at the amendments.

A copy of the description of the amendments was distributed for each member of the committee. See attachment #2 and #3.

Representative R. Kelsch: I have a problem with three pages of amendments on a bill that should have been just cleanup in the first place.

Chairman Ruby: We will ask just how substantial that those changes are. Will you go through and explain why you made these changes?

Darcy Rosendahl: I apologize for all the changes. Sections 1-4 are clean-up changes. There was some concern about Section 5. We reviewed it, and decided that language can come out. The only other big change is Section 8.

Chairman Ruby: We had a question on Section 5. **Representative Weisz** thought that some areas were necessary for enforcement.

Representative Weisz: Not necessarily, if they are comfortable with it out, I have no issue with it. When I read it, it made sense.

Darcy Rosendahl: I will talk about Section 5 and 8. Then Ken Sorenson from the Attorney General's office will explain some of the reasons for the changes on the other parts. When I talked with Mr. Sorenson yesterday, he felt that we were already covered, and Section 5 could come out. In Section 8, that was put in because we had missed that we need some sort of fund for that money to come in to and to be able to make disbursements. Section 8 establishes that fund and allows us to take that money in and disburse it out.

Representative R. Kelsch: Remind me why we changed Colonel to Superintendent and do you remember when we did that? Why wasn't this caught previously? Why was the old language used?

Darcy Rosendahl: That was our fault. We worked with HP and took a law out of Colorado and duplicated it. Our familiarity with the term is colonel. I don't think anyone looked back in statute and saw that it was superintendent. It was pointed out by Mr. Sorenson that the correct term is superintendent in statute. At the time we changed it from colonel to superintendent. I don't know when it was.

Representative R. Kelsch: It seems odd because I think that when we see him we still call him Colonel.

Darcy Rosendahl: His rank is colonel, but his title in statute is superintendent.

Chairman Ruby: Is it possible that someone who is superintendent is not of rank of colonel?

Darcy Rosendahl: It could be.

Chairman Ruby: Your amendments did not completely remove Section 5?

Darcy Rosendahl: Not at this time.

Chairman Ruby: So, we would have to have an amendment that would further amend?

Darcy Rosendahl: Yes.

Representative Heller: In Subsection 7, to what extent would North Dakota laws have to change to enter into that agreement for uniformity, like for enforcement procedures, safety inspections standards, etc.?

Chairman Ruby: That is similar to my question about the sovereignty issues. It was decided that our permits are set by North Dakota, and we would be able to keep doing that. It does also talk about uniformity of some enforcement procedures and safety inspection standards. I would imagine that we already comply, but what if there are some changes? Do we have to comply with the uniformity of this coalition of states?

Darcy Rosendahl: No, we have strategic business committees that are part of the Western Regional Permitting Committee, and they are trying to harmonize truck movements. This will allow for, when it says "may provide for".

Leanna Emmer, North Dakota Highway Patrol: That part was left in, but it was noted that it said enforcement procedures, safety inspection standard, and operational standards. We wouldn't have to change any of our laws that we have in place right now, the committee has been working toward uniformity with the western states. So, when industry moves from one jurisdiction to the next, they don't have to change out their flags or whatever safety requirement is in place. There are differences, but you just have to meet minimum requirements to be part of the Western Region Permit, and North Dakota does. It was kept in there because it says "you may". That means it gives the option to do enforcement for other states, for example. Right now if a carrier came into North Dakota with a Western Region Permit and was in violation of something for North Dakota's travel restrictions, for example, then we would void only that part of the permit. The rest of the permit would still be valid. This just keeps those options open, so we aren't coming in down the road again.

Chairman Ruby: So, if we didn't agree with it, we wouldn't have to because this is permissive?

Leanna Emmer: Correct.

Chairman Ruby: But, if we did, that would go through the rules, or would you do that in policy?

Leanna Emmer: You mean as far as enforcement procedures and so forth?

Chairman Ruby: I mean as far as changing something that would be a difference in our enforcement procedures or safety procedures.

Leanna Emmer: That would just be done through policy. They are presently just an administrative rule, and it would be changed through that.

Representative Frantsvog: Can you explain what you meant about voiding a portion of a permit?

Leanna Emmer: If a carrier had a permit to travel from Washington, thorough Idaho, Montana, and into North Dakota. Then the state of Washington issued the permit, and it

started out in North Dakota, and our law enforcement stopped that carrier. The carrier was in violation of that permit for traveling through North Dakota. The North Dakota law enforcer would only have authority to void the North Dakota portion of it, if the permit was in violation. He couldn't void the permit for Montana, Idaho, or Washington.

Representative Frantsvog: If he voided the permit, wouldn't it stop the carrier, even though he had a permit for 4 or 5 states?

Leanna Emmer: The North Dakota law enforcement officer would then issue a permit for North Dakota when he came into compliance with North Dakota laws. The North Dakota permit would be issued from Bismarck to the Montana line, and then he would use his Western Regional Permit from Montana to the final destination.

Representative Frantsvog: Would there be extra charges?

Leanna Emmer: Yes, there would be because the other permit would have been voided out.

Representative R. Kelsch: To simplify, you are saying that North Dakota law supersedes even the agreement that is made. So, if there is a violation of North Dakota law, then that permit could be voided for the state of North Dakota. Then our laws are always the laws that are upheld while the carrier is in the state of North Dakota.

Leanna Emmer: That is correct.

Representative Sukut: I still need clarification about making I-29, I-94, and Hwy 2 the primary routes. I am thinking that we have the Ports to Plains project going right now, which deeply involves Hwy 85. If we have rigs coming into western North Dakota, and we are talking about doing a single permit all the way through, and the primary routes are I-94, I-29, and Hwy 2, it makes no sense to run that rig to Grand Forks and down Hwy 2 and around. You must have something in mind as to how we would address those issues. Can you clear that up for me, so I at least have a thought of how that is proposed, or how we would handle that with the single permits?

Darcy Rosendahl: Part of that is the connectivity. South Dakota and Nebraska are not part of the agreement, so we don't have the connectivity from the south. I-94 and Hwy 2 have it to Montana which is a member of the Western Region. When we looked at the kind of system that could handle these types of loads, we looked at the connectivity in our system, and if we thought the roads could handle it. That is why we picked I-29, I-94, and US 2. In the future when we think that those routes get built to where they can stand that type of constant load coming across, we will add those routes, for example: 83 and 85. Some of it has to fit into connectivity with the Western Region.

Representative Sukut: At this time is SD not included in this agreement?

Darcy Rosendahl: That is correct. As of now they have decided not to join the Western Region Permitting. There are seventeen states that I mentioned the other day.

Representative Sukut: Is there an effort to try to include those states?

Leanna Emmer: There is an effort to get those states included. They are a part of the Western Regional; they just do not participate in the permit part of it. At each conference we look at ways of encouraging other states to join, in the interest of industry as well as states.

Representative Sukut: What would be their reasoning for not wanting to become a part of this effort?

Leanna Emmer: They have an automated permitting routing system in place right now, and it fits their needs for the time being.

Chairman Ruby: I think the committee thinks that it is a good idea to have a one stop permitting. If there are additional roads that they need to travel on; they will have to get the additional permit.

Chairman Ruby: I think that we understand the amendments. Are there any other questions?

Ken Sorneson, Attorney General's Office: We had the same concerns as Representative R. Kelsch. We weren't sure what to do with this bill. There is a lot of unnecessary language in this law. Or example, in the first line, it says "in addition to any powers granted by law". That is not needed. Title 3903 gives the powers of the superintendent on the Highway Patrol. We needed to use proper statutory titles rather than ranks, so colonel had to be replaced with superintendent. We zoomed in on the areas that get to delegating our authority to other states, likewise, taking authority from another state and enforcing it here in North Dakota. In the area of fee collection and penalties, it was apparent that the language had been lifted from another state. There was also the style and grammar and the drafting requirements for bills. I changed it line by line to make changes that were necessary. I wanted to make clear in the amendments that when it comes being within the state of North Dakota, North Dakota law trumps. No part of that agreement can be contrary to what is already provided under North Dakota law. We wanted to make sure that North Dakota will be able to enforce its own oversize/overweight vehicle restrictions. The agreement is mostly and administrative type thing to facilitate the permitting process.

Chairman Ruby: Was most of that taken care of in Subsection 9?

Ken Sorenson: Yes, and in Section 5, in the current bill, the last section says, "the colonel of the highway patrol, the colonel's designee, and the director of the Department of Transportation may promulgate rules". That is completely unnecessary.

Chairman Ruby: The intern is drafting further amendment to remove that.

Representative Delmore: Can you give us an example of where our state regulations would trump something that would be in this agreement? Why would we agree to something when our state law is much different than this?

Ken Sorenson: The permit is an administrative thing, so they would get their permit in one place, but, every state's requirements will apply in that particular state.

Representative Delmore: Why do we need to have this part in here on administrative rules, when he already has the authority to do that? I don't think it is clear, that by rule, he can do that by emergency and when he needs to do it.

Ken Sorenson: That part is being deleted. We do not need that language in the statute.

Representative Frantsvog: To clarify, a permit may be obtained that may cover five states, but the carrier still needs to look at what the specific rules and regulations are in each state to see that they comply. Is that correct?

Ken Sorenson: Yes, that is my understanding as to how it is supposed to work. It is supposed to expedite the permitting process by eliminating going to each individual state to get a permit. Under the permitting process the revenue that would go to that particular state from that permit will still have to come in. That money gets deposited into the North Dakota Highway Fund under North Dakota law.

Representative Heller: In Subsection 3c, it says "agreed to the administration". Where is this regional permitting process administered?

Leanna Emmer: Are you asking about the state of North Dakota, where is it administrated?

Representative Heller: Yes, and C under Subsection 3, explain that portion.

Leana Emmer: "Agree to the administration of the cooperative regional permit agreement by another state that is a party to an agreement." The administration is taking place according to the state. In Washington, it is done through the Department of Transportation permit section. In Montana and Idaho it is also the Department of Transportation permit section. In North Dakota the permit section is under the highway patrol. They are the ones that basically issue these permits.

Chairman Ruby: They go to wherever they usually go to get permits. The carriers know.

Leana Emmer: That is correct.

Grant Levi, Department of Transportation: We put this together in the interest of making it easier for people to travel. The Department of Transportation did work with our legal counsel and apparently we made some mistakes. This bill is not a cleanup bill, but a correction of a bill that we submitted as an agency bill. We have complicated a concept that I think is quite simple. We did that by writing the law and getting into the legal aspects of it. Our intent was simply to enter into an agreement with other states that would give them the ability to issue a permit that we would have already issued in the state, so they can easily travel in our state. With all the things that have occurred, we respectfully ask that you do support this bill.

Chairman Ruby: Tom (Balzer), did you see the amendment? Do you have any questions at this time?

Tom Balzer nodded no.

There was discussion about which amendment to approve first.

Representative Weisz moved to add the deletion of lines (page 2) starting with line 27, remove all of lines 27, 28, 29, 30, and 31. That motion would be added to the amendments that are in front of it, so that they would be adopted together with these amendments. (Using the copy of proposed amendments, Attachment #3) That would be the change to this set of amendment.

Representative Weisz moved the amended amendment.

Representative R. Kelsch seconded the motion.

Chairman Ruby repeated the motion.

A voice vote was taken. (Vote 1) All were in favor. Motion carried.

Representative R. Kelsch moved the amended amendment.

Representative Owens seconded the motion.

A voice vote was taken. (Vote 2) All were in favor. Motion Carried.

Representative Gruchalla moved a DO PASS as amended on HB 1082.

Representative Frantsvog seconded the motion.

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

The motion passed.

Representative Weisz will carry HB 1082.

FISCAL NOTE

Requested by Legislative Council
01/18/2011

Amendment to: HB 1082

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.*

	2009-2011 Biennium		2011-2013 Biennium		2013-2015 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$1,208,000	\$180,000		
Appropriations						

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

2009-2011 Biennium			2011-2013 Biennium			2013-2015 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Entering into regional agreements with other states will require minimal staff time per agreement. If North Dakota were to participate in the sale of permits for other states, IT costs could be significant. A system would need to track fees collected, deposited, and paid to the respective states.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Section 7 describes the requirements for operating a permit system to collect, deposit, and remit fees for participating states. It is difficult to estimate, but if 20,000 regional permits were issued by North Dakota per biennium, the NDHP is estimating 1.75 additional FTEs would be necessary to handle the additional workload in the NDHP Permits, Finance, and IT Sections. If our current permit system was enhanced to include capabilities for multi-state collections and the procurement of a module for automated routing, costs are estimated at \$1,194,000.

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.*

Monies collected for regional permits would be deposited in a newly established regional permit fund.

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.*

The workload breakdown is as follows: 1.0 Permit Technician FTE, 0.5 for an Information Services Specialist, and 0.25 for an Accounting Technician. The Permit Technician would act as a liaison with the other states and be an expert on the regional agreements and regional permit system. The IT Section would need to provide initial development and ongoing maintenance and technical support to the motor carrier industry. The Finance Section would need to process the additional deposits and disbursements on behalf of the participating states. Breakdown of the \$1,194,000 for enhancement of the current NDHP permits system to include multi-state collections and the procurement of a module for automated routing is as follows: \$790,000 Software for Routing, Bridge Analysis, Restriction Management; \$230,000 Convert Receipt System from Powerbuilder to .Net; \$100,000 Interfaces to Existing E-Permits System; \$74,000 1 year of Software Maintenance.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Name:	James Prochniak	Agency:	Highway Patrol
Phone Number:	328-2455	Date Prepared:	01/21/2011

January 15, 2011

VK
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PROPOSED AMENDMENTS TO HOUSE BILL NO. 1082

Page 1, line 1, after "Code" insert a comma

Page 1, line 2, after "cooperative" insert "regional permit"

Page 1, line 2, remove "with regional states"

Page 1, line 6, after "cooperative" insert "regional permit"

Page 1, line 6, remove "with regional states"

Page 1, line 8, remove "In addition to any other powers granted by law, the colonel of the North Dakota"

Page 1, line 9, replace "highway patrol, or the colonel's designee," with "The superintendent"

Page 1, line 9, remove "of the department of"

Page 1, line 10, remove "transportation"

Page 1, line 10, replace "are hereby authorized to negotiate and" with "may"

Page 1, line 11, replace "into appropriate" with "cooperative regional permit"

Page 1, line 11, replace "other states concerning" with "any state that has enacted a law authorizing the agreement for"

Page 1, line 13, remove "applicable"

Page 1, line 13, replace "such" with "nondivisible oversize or overweight"

Page 1, line 15, replace "A cooperative" with "The"

Page 1, line 15, remove "under this section"

Page 1, line 16, replace "authorizing" with "for"

Page 1, line 17, replace "another state or" with "other"

Page 1, line 18, remove "applicable"

Page 1, line 19, replace "each of the states" with "any state that is a party to the agreement"

Page 1, line 20, replace "For the purposes of a regional permit agreement, the" with "The"

Page 1, line 21, replace "of transportation are authorized" with "may enter the agreement with any state that has enacted a law authorizing the agreement"

Page 1, line 22, replace "Delegate to other states its authority under section 39-12-02" with "Authorize any state"

Page 1, line 22, after "issue" insert "regional"

Page 1, line 24, replace ", except that any such issuance" with ". A regional permit issued"

Page 1, line 24, replace "another" with "any"

2084

Page 1, line 24, replace "shall" with "must"

Page 1, line 24, remove ", at a"

Page 2, line 1, remove "minimum,"

Page 2, line 1, remove "the applicable"

Page 2, line 1, remove "standards and legal"

Page 2, line 2, remove "as described"

Page 2, line 2, after "39-12" insert an underscored comma

Page 2, line 2, remove "and to"

Page 2, line 3, remove ". The North Dakota highway patrol and the"

Page 2, remove line 4

Page 2, line 5, replace "such regional permits as they deem appropriate" with ", and as required in the agreement"

Page 2, line 6, replace "Accept a delegation of authority from other states to issue" with "Issue regional"

Page 2, line 6, remove "the"

Page 2, replace lines 7 and 8 with "nondivisible oversize or overweight vehicles to operate on highways of any state that has enacted laws authorizing the agreement in accordance with the laws of the state and as required in"

Page 2, line 9, remove "regional permit"

Page 2, line 10, remove "Collect any fees, taxes, and penalties on behalf of other states that are parties to"

Page 2, remove lines 11 and 12

Page 2, line 13, replace "funds of the state of North Dakota for any purpose" with "Agree to the administration of the agreement by any state that is party to the agreement"

Page 2, line 14, replace "For the purposes of a regional permit agreement, the" with "The"

Page 2, line 14, remove the second underscored comma

Page 2, line 15, replace "ports of entry, and local law enforcement authorities are authorized to" with "may"

Page 2, line 16, after "on" insert "North Dakota"

Page 2, line 17, replace "in North Dakota" with "according to North Dakota law"

Page 2, line 17, remove "The North Dakota highway patrol, ports of entry, and local"

Page 2, remove lines 18 through 31

Page 3, line 1, replace "6." with "5."

Page 3, line 1, replace "Any" with "The"

Page 3, line 1, remove "entered into under the provisions of this section shall contain"

3084

Page 3, line 2, replace "provisions" with "must provide"

Page 3, line 2, remove "express the understanding that any"

Page 3, line 3, replace "other state" with "state that is party to the agreement"

Page 3, line 3, after "who" insert "administer or"

Page 3, line 3, remove "laws of North Dakota under the terms of such"

Page 3, line 4, replace "such" with "the"

Page 3, line 4, replace "shall" with "may"

Page 3, line 5, remove "the state of"

Page 3, line 5, replace "shall" with "may"

Page 3, line 6, remove "to be"

Page 3, line 6, remove "the state of"

Page 3, line 7, replace "7." with "6."

Page 3, line 7, replace "A cooperative" with "The"

Page 3, line 7, remove "under this section"

Page 3, line 7, remove "also"

Page 3, line 7, replace "uniformity concerning" with "uniform procedures and standards for nondivisible oversize and overweight vehicles and regional permits, including"

Page 3, line 9, after the first underscored comma insert "and"

Page 3, line 9, remove ", and such other matters that may"

Page 3, line 10, remove "be pertinent to said matters"

Page 3, after line 10, insert:

"7. The North Dakota highway patrol shall deposit all fees it may collect for regional permits on behalf of any state included in the agreement into a fund established as the regional permit fund. All moneys collected by the North Dakota highway patrol as fees for the issue of a regional permit and deposited into the regional permit fund are appropriated on a continuing basis for the purpose of paying each state included in the agreement for each state's respective share of the total fees collected for the regional permit. The North Dakota highway patrol shall deposit all moneys collected on behalf of North Dakota for regional permits issued under this section into the state highway fund in accordance with section 39-12-02.

8."

Page 3, line 11, replace "existing" with "North Dakota"

Page 3, line 12, replace "such" with "oversize or overweight"

Page 3, line 13, replace "shall continue to be" with "remain"

Page 3, line 13, remove "any"

484

Page 3, line 14, replace "cooperative" with "the"

Page 3, line 14, after "agreement" insert "entered under this section"

Page 3, line 14, replace "such" with "North Dakota"

Renumber accordingly

- move to amendment

Date: 1-13-11

Roll Call Vote #: 2

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. HB 1082

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Kelsch Seconded By Owens

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

Total (Yes) 14 No 0

Absent 0

Floor Assignment _____

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

Date: 1-13-11Roll Call Vote #: 3

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. HB 1082House TRANSPORTATION Committee☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment☐ Rerefer to Appropriations ☐ ReconsiderMotion Made By Gruchalla Seconded By Frantsvog

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

Total (Yes) 14 No 0Absent 0Floor Assignment Rep. Weisz

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

REPORT OF STANDING COMMITTEE

HB 1082: Transportation Committee (Rep. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1082 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Code" insert a comma

Page 1, line 2, after "cooperative" insert "regional permit"

Page 1, line 2, remove "with regional states"

Page 1, line 6, after "cooperative" insert "regional permit"

Page 1, line 6, remove "with regional states"

Page 1, line 8, remove "In addition to any other powers granted by law, the colonel of the North Dakota"

Page 1, line 9, replace "highway patrol, or the colonel's designee," with "The superintendent"

Page 1, line 9, remove "of the department of"

Page 1, line 10, remove "transportation"

Page 1, line 10, replace "are hereby authorized to negotiate and" with "may"

Page 1, line 11, replace "into appropriate" with "cooperative regional permit"

Page 1, line 11, replace "other states concerning" with "any state that has enacted a law authorizing the agreement for"

Page 1, line 13, remove "applicable"

Page 1, line 13, replace "such" with "nondivisible oversize or overweight"

Page 1, line 15, replace "A cooperative" with "The"

Page 1, line 15, remove "under this section"

Page 1, line 16, replace "authorizing" with "for"

Page 1, line 17, replace "another state or" with "other"

Page 1, line 18, remove "applicable"

Page 1, line 19, replace "each of the states" with "any state that is a party to the agreement"

Page 1, line 20, replace "For the purposes of a regional permit agreement, the" with "The"

Page 1, line 21, replace "of transportation are authorized" with "may enter the agreement with any state that has enacted a law authorizing the agreement"

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Page 1, line 24, replace ", except that any such issuance" with ", A regional permit issued"

Page 1, line 24, replace "another" with "any"

Page 1, line 24, replace "shall" with "must"

Page 1, line 24, remove ", at a"

Page 2, line 1, remove "minimum."

Page 2, line 1, remove "the applicable"

Page 2, line 1, remove "standards and legal"

Page 2, line 2, remove "as described"

Page 2, line 2, after "39-12" insert an underscored comma

Page 2, line 2, remove "and to"

Page 2, line 3, remove ". The North Dakota highway patrol and the"

Page 2, remove line 4

Page 2, line 5, replace "such regional permits as they deem appropriate" with ", and as required in the agreement"

Page 2, line 6, replace "Accept a delegation of authority from other states to issue" with "Issue regional"

Page 2, line 6, remove "the"

Page 2, replace lines 7 and 8 with "nondivisible oversize or overweight vehicles to operate on highways of any state that has enacted laws authorizing the agreement in accordance with the laws of the state and as required in"

Page 2, line 9, remove "regional permit"

Page 2, line 10, remove "Collect any fees, taxes, and penalties on behalf of other states that are parties to"

Page 2, remove lines 11 and 12

Page 2, line 13, replace "funds of the state of North Dakota for any purpose" with "Agree to the administration of the agreement by any state that is party to the agreement"

Page 2, line 14, replace "For the purposes of a regional permit agreement, the" with "The"

Page 2, line 14, remove the second underscored comma

Page 2, line 15, replace "ports of entry, and local law enforcement authorities are authorized to" with "may"

Page 2, line 16, after "on" insert "North Dakota"

Page 2, line 17, replace "in North Dakota" with "according to North Dakota law"

Page 2, line 17, remove "The North Dakota highway patrol, ports of entry, and local"

Page 2, remove lines 18 through 31

Page 3, line 1, replace "6." with "5."

Page 3, line 1, replace "Any" with "The"

Page 3, line 1, remove "entered into under the provisions of this section shall contain"

Page 3, line 2, replace "provisions" with "must provide"

Page 3, line 2, remove "express the understanding that any"

Page 3, line 3, replace "other state" with "state that is party to the agreement"

Page 3, line 3, after "who" insert "administer or"

Page 3, line 3, remove "laws of North Dakota under the terms of such"

Page 3, line 4, replace "such" with "the"

Page 3, line 4, replace "shall" with "may"

Page 3, line 5, remove "the state of"

Page 3, line 5, replace "shall" with "may"

Page 3, line 6, remove "to be"

Page 3, line 6, remove "the state of"

Page 3, line 7, replace "7." with "6."

Page 3, line 7, replace "A cooperative" with "The"

Page 3, line 7, remove "under this section"

Page 3, line 7, remove "also"

Page 3, line 7, replace "uniformity concerning" with "uniform procedures and standards for
nondivisible oversize and overweight vehicles and regional permits, including"

Page 3, line 9, after the first underscored comma insert "and"

Page 3, line 9, remove ", and such other matters that may"

Page 3, line 10, remove "be pertinent to said matters"

Page 3, after line 10, insert:

"7. The North Dakota highway patrol shall deposit all fees it may collect for regional permits on behalf of any state included in the agreement into a fund established as the regional permit fund. All moneys collected by the North Dakota highway patrol as fees for the issue of a regional permit and deposited into the regional permit fund are appropriated on a continuing basis for the purpose of paying each state included in the agreement for each state's respective share of the total fees collected for the regional permit. The North Dakota highway patrol shall deposit all moneys collected on behalf of North Dakota for regional permits issued under this section into the state highway fund in accordance with section 39-12-02.

8."

Page 3, line 11, replace "existing" with "North Dakota"

Page 3, line 12, replace "such" with "oversize or overweight"

Page 3, line 13, replace "shall continue to be" with "remain"

Page 3, line 13, remove "any"

Page 3, line 14, replace "cooperative" with "the"

Page 3, line 14, after "agreement" insert "entered under this section"

Page 3, line 14, replace "such" with "North Dakota"

Renumber accordingly

2011 SENATE TRANSPORTATION

HB 1082

2011 SENATE STANDING COMMITTEE MINUTES

Senate Transportation Committee Lewis and Clark Room, State Capitol

HB 1082
March 3, 2011
14892

☐ Conference Committee

Hauge

Explanation or reason for introduction of bill/resolution:

Participation in this agreement would reduce the time and administrative burden of trucking companies trying to procure a permit from a number of states for a single trip across those states.

Minutes:

One written testimony

Chairman Senator G. Lee opened the hearing on HB 1082 relating to cooperative regional permit agreements on excess size or weight vehicles.

Darcy Rosendahl, Director of Operations for the North Dakota Department of Transportation testified in support of HB 1082. Written testimony #1

Senator Sitte asked if he envisioned this Western Regional Agreement to expand to nationwide and are there other regional agreements.

Mr. Rosendahl replied that right now, it is predominantly the western states. The western states are the ones that generally have the issue with the longer combination vehicles. The east has a different perspective. Right now, they envision mainly the western states.

Senator Lee asked a question on the fiscal note of 1.2 million.

Mr. Rosendahl said he was not aware of the fiscal note.

Senator Lee added that the Highway Patrol did the fiscal note.

Tom Balzer, North Dakota Motor Carriers Association, said that they support whole heartedly this concept. He added that the western states have been in negotiations for many years on how to find a way to get the permitting systems consistent through the states. What this would do is allow the trucker to purchase one permit instead of making four or five calls to get a permit for each state they would drive in. One entity can write the permit for the entire trip and that will save the industry a significant amount of time.

Senator Mathern said that he noticed the states between Oklahoma and North Dakota are not in this western agreement. He asked why South Dakota, Nebraska, and Kansas were not coming into this Western Regional Agreement.

Mr. Balzer said that it has a lot to do with timing. It has a lot to do with their comfortability of doing this. They have to be comfortable with the arrangement because the states are allowing another state to write a permit in their state. It is a matter of timing and seeing how the process works.

Senator Nething asked about the fiscal note and why it contained only expenditures and asked if there wouldn't be any revenue generated.

Mr. Balzer said that his understanding of the fiscal note is that the expense side is programming and on the revenue side we will not gain anymore because that particular load was going to come through the state anyway and was going to buy a permit. The industry is writing one check for that particular fee but North Dakota will recoup that revenue because in theory they are going to buy that permit here. He didn't believe there would be any revenue offset.

Senator Sitte asked if there was a vendor who will supply this service or is every state setting up their own IT system to run this program.

Mr. Balzer replied that the Highway Patrol will explain this but there are two types of states, a state that is an issuing state and a state that does not issue the permits regionally but they allow the other states to do that. If North Dakota were to enter this agreement they could enter without being an issuing state. The difficulty there is that the state that is now burdened with issuing all these permits is going to ask for administrative money back. At some point every state will end up being an issuing state and he would guess that is what the fiscal note will allow North Dakota to do.

Kyle Kirchmeier, North Dakota Highway Patrol, explained that much of the costs come from the automated routing bill and to build the regional permit into the automated routing. He said that this is the same cost as the automated routing bill. Their intention for the regional permit is that they wanted to make it easier for other states to get their permits and make it a onetime shop on designated highways. Basically, it is a pass through where a permit can be issued in another state and they pass through North Dakota but the trucker does not have to contact each state. He said that the highway patrol wouldn't start out as an issuing state but would work toward that.

Senator Mathern asked if the fiscal note costs are in another bill.

Lieutenant Kirchmeier replied yes. These are the cost to build an automated routing system and the fiscal note is also in SB 2308.

Senator Nething asked why the fiscal note says the money comes from the general fund and if this was in the governor's budget.

Lieutenant Kirchmeier said that he was not 100% sure about the fiscal note and where it was coming from. He said that if we just did the Western States Agreement without the routing, he would presume that money would come from the general fund.

Senator Lee made reference to SB 2308 fiscal note.

No opposing testimony.

Senator Lee closed the hearing on HB 1082.

Discussion followed on the fiscal note and whether it was updated. The intern looked it up and this is the current fiscal note.

Senator Oehlke moved a **Do Pass**.

Senator Sitte seconded the motion.

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

Senator Oehlke will be the carrier.

Date: 3-3-11
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1082

Senate Transportation Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

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

Motion Made By Senator Oehlke Seconded By Senator Sitte

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

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Oehlke

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

REPORT OF STANDING COMMITTEE

HB 1082, as engrossed: Transportation Committee (Sen. G. Lee, Chairman)
recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed HB 1082 was placed on the Fourteenth order on the calendar.

2011 TESTIMONY

HB 1082

#11

HOUSE TRANSPORTATION COMMITTEE

January 6, 2011

**North Dakota Department of Transportation
Darcy Rosendahl, Director of Operations**

HB 1082

Mr. Chairman and members of the committee, my name is Darcy Rosendahl. I serve as Director of the Office of Operations for the North Dakota Department of Transportation (NDDOT). I'm here today in support of HB 1082 which was submitted at the request of the NDDOT. This bill would create and enact an area in Title 39 of the North Dakota Century Code to allow the Superintendent of the North Dakota Highway Patrol (NDHP) and the NDDOT Director to enter into cooperative agreements with other states for permitting of certain non-divisible oversize and/or overweight vehicles.

There is a group currently comprised of 12 states known as the "Western Regional Agreement for the Issuance of Permits for Oversize and Overweight Vehicles Involved in Interstate Travel." The twelve states are Montana, Idaho, Washington, Oregon, Nevada, Utah, Arizona, New Mexico, Colorado, Oklahoma, Texas, and Louisiana. The purpose of the group is to allow the issuance of a regional permit for movement of certain non-divisible oversize and/or overweight vehicles on a regional network of highways that are designated by each state.

The regional permit allows a carrier moving a non-divisible load to contact one state and obtain one permit for travel across several states. The permit can be issued by any jurisdiction in which the load movement would originate, terminate, or pass through. The movement is restricted to travel on the regional highway network and must fall within the size and weight limitations of the envelope vehicle. It is the responsibility of the issuing jurisdiction to collect the permit fees for all member jurisdictions. Those fees are distributed to the appropriate jurisdictions on a monthly basis.

The envelope vehicle to which the regional permits may be issued must meet the following non-reducible maximums:

1. 600 pounds per inch width of tire
2. 21,500 pounds per axle
3. 43,000 pounds per tandem axle
4. 53,000 pounds per tridem (wheelbase more than 8 feet and less than 13 feet).
5. 160,000 pounds gross weight.
6. A minimum of 5 axles are required when hauling. Self-propelled or towed vehicles may have less than 5 axles.
7. The weight on any group of axles shall be determined by a weight table.
 - Length – 110 feet overall, 53 foot semitrailer
 - Width – 14 feet, Height – 14 feet

Mr. Chairman, with your permission I'll take a few minutes to touch on the major highlights of the bill.

Subsection 1 of this new section authorizes the NDHP Superintendent and the NDDOT Director to negotiate and enter into agreement with other states for the movement of certain non-divisible oversize and overweight vehicles across a designated region.

Subsection 2 allows for the establishment of a regional permitting system, which would issue a single permit for certain non-divisible oversize and overweight vehicles in one state to travel to or through another state or states.

Subsection 3 allows the NDHP and the DOT to:

- Delegate authority to other states to issue permits on behalf of North Dakota for the travel of certain oversize and overweight vehicles on certain roadways in North Dakota;
- Accept delegation of similar authority from other states;
- Collect any fees, taxes, and penalties on behalf of other states that are party to the agreement; and to remit such fees, taxes, and penalties to those other states.

Subsection 4 authorizes the NDHP, ports of entry, and local law enforcement authorities to enforce the terms and requirements of the regional permit.

Subsection 5 authorizes the NDHP Superintendent and the DOT Director to appoint employees and officials of other states to act as agents of the department for the limited purpose of enforcing the laws of North Dakota under the terms of the agreement. It also allows them to make the necessary rules and regulations for implementation of this section.

Subsection 6 states that any agreement entered into shall contain provisions that express the understanding that any employees or officials of any other state who enforce the laws of North Dakota under the terms of the agreement, or who otherwise act under the terms of the agreement, shall not be considered employees or officials of the state of North Dakota, and are not eligible for compensation, employee rights, or benefits from the state of North Dakota.

Subsection 7 states that the agreement may also provide for uniformity of enforcement procedures, safety inspection standards, operational standards, permit and application form procedures, driver qualifications, and any other matter pertinent to the agreement.

The final part of the proposed section keeps in effect and in full force all other statutes, rules, and regulations not changed by this section pertaining to vehicle size and weight requirements and the permitting of those vehicles. It also states that any agreement must comply with those statutes, rules, and regulations.

The proposed routes in North Dakota would be I-29, I-94, and US 2. The NDHP would need to make a determination if they would issue permits with their own staff or use a permitting service (consultant) to issue the permits.

Participation in this agreement would reduce the time and administrative burden of trucking companies trying to procure a permit from a number of states for a single trip across those states. It could also potentially reduce the number of permits issued by the NDHP, which could help alleviate the significant workload in that area.

Since preparing the bill we have been informed by the NDHP there may be a concern with some of the language in the bill. We will work with the NDHP and their counsel to prepare an amendment that will take care of those concerns. We anticipate having the amendment in a day or so.

Mr. Chairman, this concludes my testimony and I will be happy to answer any questions the committee may have.

A BILL for an Act to create and enact section 39-12-24 of the North Dakota Century Code relating to cooperative agreements with regional states on excess size or weight vehicles.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 39-12-24 of the North Dakota Century Code is created and enacted as follows:

39 - 12 - 24. Authority for cooperative agreements with regional states on excess size or weight vehicles.

1. ~~In addition to any other powers granted by law, the colonel~~ The
superintendent of the North Dakota highway patrol, or the ~~colonel's~~
superintendent's designee, and the director of the department of
transportation, or the director's designee, ~~are hereby authorized to negotiate~~
and may enter into appropriate cooperative regional permit agreements with
any other state or states that have enacted a law authorizing cooperative
regional permit agreements concerning for the regional operation or
movement of nondivisible oversize or overweight vehicles and to facilitate the
uniform application, administration, and enforcement of ~~applicable~~ laws
concerning such nondivisible oversize or overweight vehicles.
2. A cooperative regional permit agreement under this section may include the
establishment of a regional permit system authorizing for the operation or
movement of nondivisible oversize or overweight vehicles from one state in
the region to or through another state or states in the region under a single -
trip permit in accordance with the ~~applicable~~ requirements of each of the
states that is a party to the agreement.
3. ~~For the purposes of a regional permit agreement, the~~ The North Dakota
highway patrol and the department of transportation ~~are authorized~~ may enter
into a cooperative regional permit agreement with any other state or states

that have enacted a law authorizing cooperative regional permit agreements
to:

- a. ~~Delegate to~~ Authorize other states its ~~authority under section 39-12-02 to~~
issue regional permits for nondivisible oversize or overweight vehicles to
operate on North Dakota state highways; ~~except that any such issuance~~
A regional permit issued by another state ~~shall~~ must conform, ~~at a to~~
~~minimum, to the applicable North Dakota permit standards and legal~~
~~requirements as described in chapter 39-12, and to the rules and~~
~~regulations implementing chapter 39-12, and as required in the~~
cooperative regional permit agreement ~~The North Dakota highway patrol~~
~~and the department of transportation may also impose additional~~
~~standards concerning such regional permits as they deem appropriate;~~
- b. ~~Accept a delegation of authority from other states to issue~~ Issue regional
permits for the operation of vehicles on the highways of such states in
~~accordance with the~~ nondivisible oversize or overweight vehicles to
operate on highways of another state or states that have enacted laws
authorizing a cooperative regional permit agreement in accordance with
the laws of the other state or states and as required in applicable
~~standards and requirements of such states, pursuant to the terms of the~~
cooperative regional permit agreement; and
- c. ~~Collect any fees, taxes, and penalties on behalf of other states that are~~
~~parties to~~ Agree to the administration of the cooperative regional permit
agreement by another state that is a party to the agreement. ~~the regional~~
~~permit agreement, and to remit such fees, taxes, and penalties to such~~
~~states. Such fees, taxes, and penalties shall not be considered taxes or~~
~~funds of the state of North Dakota for any purpose.~~

4. For the purposes of a regional permit agreement, the The North Dakota highway patrol, ~~ports of entry, and local law enforcement authorities~~ are authorized to may enforce the terms of any regional permit concerning the operation of the permitted vehicle on state highways in North Dakota according to North Dakota law. ~~The North Dakota highway patrol, ports of entry, and local law enforcement authorities are also permitted to take necessary actions in North Dakota to enforce the applicable requirements of the permitting state or states which shall include monitoring licenses and other credential usage; enforcing tax restraint, distraint, or levy orders; issuing civil citations; and conducting necessary safety and equipment inspections.~~
5. ~~The colonel of the North Dakota highway patrol or the colonel's designee, and the director of the department of transportation, or the director's designee, are hereby authorized to appoint employees and officials of other states as agents of the department for the limited purpose of enforcing the laws of North Dakota under the terms of the cooperative agreements entered into under this section.~~ The colonel superintendent of the North Dakota highway patrol or the colonel's superintendent's designee, and the director of the department of transportation, or the director's designee, may promulgate such rules and regulations ~~as are~~ necessary for the implementation of the provisions of this section.
6. Any A cooperative regional permit agreement entered into under the provisions of this section shall contain must provide provisions that express the understanding that any employees and officials of any other state that is a party to the agreement who administer or enforce the laws of North Dakota under the terms of such agreement, or who otherwise act under the terms of

such the agreement, ~~shall~~ may not be eligible for compensation, employee rights, or benefits from the state of North Dakota and ~~shall~~ may not be considered ~~to be~~ employees or officials of the state of North Dakota.

7. A cooperative agreement under this section may ~~also~~ provide for uniformity concerning uniform procedures and standards for nondivisible oversize and overweight vehicles and regional permits, including enforcement procedures, safety inspection standards, operational standards, permit and application form procedures, and driver qualifications, and such other matters that may be pertinent to said matters.
8. The North Dakota highway patrol shall deposit all fees it may collect for regional permits on behalf of other states included in the regional permit into a fund established as the regional permit fund. All monies collected by the North Dakota highway patrol as fees for the issue of a regional permit and deposited into the regional permit fund are appropriated on a continuing basis for the purpose of paying each state included in the regional permit for each state's respective share of the total fees collected for the regional permit. The North Dakota highway patrol shall deposit all monies collected on behalf of the state of North Dakota for regional permits issued under this section into the state highway fund in accordance with section 39-12-02.
9. Notwithstanding any provision of this section to the contrary, all existing North Dakota statutes and rules and regulations prescribing size or weight vehicle requirements, or relating to permits for such oversize or overweight vehicles, ~~shall continue to be~~ remain in full force and effect until amended or repealed by law, and ~~any a~~ cooperative regional permit agreement entered into under this section must comply with such North Dakota statutes and rules and regulations.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1082

Page 1, line 8, replace "in addition to any other powers granted by law, the colonel" with "The superintendent"

Page 1, line 9, replace "colonel's" with "superintendent's"

Page 1, line 10, replace "are hereby authorized to negotiate and" with "may"

Page 1, line 11, replace "appropriate" with "cooperative regional permit", after "with" insert "any", after "other" insert "state or", after "states" insert "that have enacted a law authorizing cooperative regional permit agreements", and replace "concerning" with "for"

Page 1, line 13, remove "applicable", replace "such" with "nondivisible oversize or overweight"

Page 1, line 15, after "cooperative", insert "regional permit"

Page 1, line 16, replace "authorizing" with "for"

Page 1, line 18, remove "applicable"

Page 1, line 19, after "states" add "that is a party to the agreement"

Page 1, line 20, replace "For the purposes of a regional permit agreement, the" with "The"

Page 1, line 21, replace "are authorized" with "may enter into a cooperative regional permit agreement with any other state or states that have enacted a law authorizing cooperative regional permit agreements"

Page 1, line 22, replace "Delegate to" with "Authorize", remove "its authority under section 39-12-02", and after "issue" insert "regional"

Page 1, line 24, replace the first comma with a period.

Page 1, line 24, replace "except that any such issuance" with "A regional permit issued", replace "shall" with "must", and replace ", at a" with "to"

Page 2, line 1, remove "minimum, to the applicable", and remove "standards and legal"

Page 2, line 2, remove "as described", insert a comma after "39-12", remove "to"

Page 2, line 3, replace the period after "39-12" with a comma and insert immediately thereafter "and as required in the cooperative regional permit agreement", remove "The North Dakota highway patrol and the"

Page 2, remove line 4

Page 2, line 5, remove "such regional permits as they deem appropriate"

Page 2, line 6, replace "Accept a delegation of authority from other states to issue" with "Issue regional", remove "the"

Page 2, line 7, replace "operation of vehicles on the highways of such states in accordance with the" with "nondivisible oversize or overweight vehicles to operate on highways of another state or states that have enacted laws authorizing a cooperative regional permit agreement in accordance with the laws of the other state or states and as required in"

Page 2, remove line 8

Page 2, line 9, after "the" insert "cooperative"

Page 2, line 10, replace "Collect any fees, taxes, and penalties on behalf of other states that are parties to" with "Agree to the administration of the cooperative regional permit agreement by another state that is a party to the agreement."

Page 2, remove lines 11-13.

Page 2, line 14, replace "For the purposes of a regional permit agreement, the" with "The", remove the comma after "patrol"

Page 2, line 15, replace "ports of entry, and local law enforcement authorities are authorized to" with "may"

Page 2, line 17, after the first "North Dakota" insert "according to North Dakota law"

Page 2, line 17, remove "The North Dakota highway patrol, ports of entry, and local"

Page 2, remove lines 18-22

Page 2, line 23, remove "The colonel of the North Dakota highway patrol or the colonel's designee, and the"

Page 2, remove lines 24-26

Page 2, line 27, remove "terms of the cooperative agreements entered into under this section." and replace "colonel" with "superintendent"

Page 2, line 28, replace "colonel's" with "superintendent's"

Page 2, line 29, remove "such"

Page 2, line 30, remove "as are", and remove "the provisions of"

Page 3, line 1, replace "Any" with "A cooperative regional permit", remove "the provisions of", and replace "shall contain" with "must provide"

Page 3, line 2, remove "provisions", remove "express the understanding that any"

Page 3, line 3, after "state" insert "that is a party to the agreement", after "who" insert "administer or", and remove "laws of North Dakota under the terms of such"

Page 3, line 4, replace "such" with "the", replace "shall" with "may"

Page 3, line 5, replace "shall" with "may"

Page 3, line 6, remove "to be"

Page 3, line 7, remove "also", replace "uniformity concerning" with "uniform procedures and standards for nondivisible oversize and overweight vehicles and regional permits, including"

Page 3, line 9, after the first comma, insert "and", and remove ", and such other matters that may"

Page 3, line 10, remove "be pertinent to said matters"

Page 3, after line 10, insert: 8. The North Dakota highway patrol shall deposit all fees it may collect for regional permits on behalf of other states included in the regional permit into a fund established as the regional permit fund. All monies collected by the North Dakota highway patrol as fees for the issue of a regional permit and deposited into the regional permit fund are appropriated on a continuing basis for the purpose of paying each state included in the regional permit for each state's respective share of the total fees collected for the regional permit. The North Dakota highway patrol shall deposit all monies collected on behalf of the state of North Dakota for regional permits issued under this section into the state highway fund in accordance with section 39-12-02.

Page 3, line 11, insert "9." before "Notwithstanding", replace "existing" with "North Dakota"

Page 3, line 12, replace "such" with "oversize or overweight"

Page 3, line 13, replace "shall continue to be" with "remain", replace "any" with "a"

Page 3, line 14, after "cooperative", insert "regional permit", after "agreement" insert "entered into under this section", and replace "such" with "North Dakota"

Renumber accordingly

PROPOSED AMENDMENT TO HOUSE BILL NO. 1082

Page 2, remove lines 23 through 31

Renumber accordingly

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SENATE TRANSPORTATION COMMITTEE
March 3, 2011

North Dakota Department of Transportation
Darcy Rosendahl, Director of Operations

HB 1082

Mr. Chairman and members of the committee, my name is Darcy Rosendahl. I serve as Director of the Office of Operations for the North Dakota Department of Transportation (DOT). I'm here today in support of HB 1082 which was submitted at the request of the DOT. This bill would create and enact an area in Title 39 of the North Dakota Century Code to allow the Superintendent of the North Dakota Highway Patrol (NDHP) and the DOT Director to enter into cooperative agreements with other states for permitting of certain non-divisible oversize and/or overweight vehicles.

There is a group currently comprised of 12 states known as the "Western Regional Agreement for the Issuance of Permits for Oversize and Overweight Vehicles Involved in Interstate Travel." The twelve states are Montana, Idaho, Washington, Oregon, Nevada, Utah, Arizona, New Mexico, Colorado, Oklahoma, Texas, and Louisiana. The purpose of the group is to allow the issuance of a regional permit for movement of certain non-divisible oversize and/or overweight vehicles on a regional network of highways that are designated by each state.

The regional permit allows a carrier moving a non-divisible load to contact one state and obtain one permit for travel across several states. The permit can be issued by any jurisdiction in which the load movement would originate, terminate, or pass through. The movement is restricted to travel on the regional highway network and must fall within the size and weight limitations of the envelope vehicle. It is the responsibility of the issuing jurisdiction to collect the permit fees for all member jurisdictions. Those fees are distributed to the appropriate jurisdictions on a monthly basis.

The envelope vehicle to which the regional permits may be issued must meet the following non-reducible maximums:

1. 600 pounds per inch width of tire
2. 21,500 pounds per axle
3. 43,000 pounds per tandem axle
4. 53,000 pounds per tridem (wheelbase more than 8 feet and less than 13 feet)
5. 160,000 pounds gross weight
6. A minimum of 5 axles are required when hauling. Self-propelled or towed vehicles may have less than 5 axles.
7. The weight on any group of axles shall be determined by a weight table.
 - Length – 110 feet overall, 53 foot semitrailer
 - Width – 14 feet, Height – 14 feet

Mr. Chairman, with your permission I'll take a few minutes to touch on the major highlights of the bill.

Subsection 1 of this new section authorizes the NDHP Superintendent and the DOT Director to negotiate and enter into agreement with other states for the movement of certain non-divisible oversize and overweight vehicles across a designated region.

Subsection 2 allows for the establishment of a regional permitting system, which would issue a single permit for certain non-divisible oversize and overweight vehicles in one state to travel to or through another state or number of states.

Subsection 3 allows the NDHP and the DOT to:

- Authorize other states to issue permits on behalf of North Dakota for the travel of certain oversize and overweight vehicles on certain roadways in North Dakota in compliance with North Dakota law;
- Issue those same permits for states;
- Agree to administration of the agreement by any state party to the agreement.

Subsection 4 authorizes the NDHP to enforce the terms and requirements of the regional permit according to North Dakota law.

Subsection 5 states that any employees or officials of any other state who administer or enforce the agreement shall not be considered employees or officials of the state of North Dakota, and are not eligible for compensation, employee rights, or benefits from the state of North Dakota.

Subsection 6 states that the agreement may provide for uniform procedures and standards for non-divisible oversize and overweight vehicles and regional permits.

Subsection 7 establishes the regional permit fund where all fees collected would be deposited. This would allow the NDHP to pay each state in the agreement their respective share.

Subsection 8 states that the agreement entered into must comply with North Dakota law, and that all other North Dakota size and weight laws and permits are still in effect.

The proposed routes in North Dakota would be I-29, I-94, and US 2. The NDHP would need to make a determination if they would issue permits with their own staff or use a permitting service (consultant) to issue the permits.

Participation in this agreement would reduce the time and administrative burden of trucking companies trying to procure a permit from a number of states for a single trip across those states. It could also potentially reduce the number of permits issued by the NDHP, which could help alleviate the significant workload in that area.

Mr. Chairman, this concludes my testimony and I will be happy to answer any questions the committee may have.