

**1999 SENATE TRANSPORTATION**

**SB 2206**

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2206

Senate Transportation Committee

Conference Committee

Hearing Date January 21, 1999

Tape Number	Side A	Side B	Meter #
1	x		6101-End
1		x	1-2604
2-January 28, 1999	x		1,496-1647
Committee Clerk Signature <i>Don A. Schaeffer</i>			

Minutes:

SENATOR B. STENEHJEM opened the hearing on SB 2206. Committee members present were: Sens. Bob Stenehjem, R. Schobinger, D. Mutch, D. Cook, D. O'Connell, V. Thompson, and D. Bercier.

SENATOR JACK TRAYNOR, DISTRICT #15 testified in support of SB 2206. This bill focuses on Canadian truck traffic. In 1997, 64 million bushels of Canadian wheat came through North Dakota. The Canadian registered trucks are not paying their fair share to our highways. Manitoba and Ontario are not members of the International Registration Plan which would provide an equitable payment. Trucks registered in those two provinces do not contribute by payment of registration fees for the maintenance of our highways. Is it sensible for North Dakota to provide eighteen ports of entry? There are favored ports of entry-Portal, Dunseith, and

Pembina. It's true that they do contribute by buying fuel here and paying the North Dakota gas tax.

SENATOR COOK Are Canadian truckers required to buy fuel in North Dakota? Could they come into the state, dump their load and go back out of the state without buying fuel?

SENATOR TRAYNOR No, they are not required to buy fuel. There are two reasons Canada prefers North Dakota, the gas prices are lower and the roads are better.

SENATOR B. STENEHJEM I understand the reasoning behind these bills. Do you think SB 2205 and SB 2206 are the same thing? Is there a legal challenge or constitutional problem with SB 2205 and SB 2206 in trying to control the trucks coming in from Canada?

SENATOR TRAYNOR We have a right to police our roads.

SENATOR B. STENEHJEM How are they going to get to a scale house with a restriction?

SENATOR TRAYNOR I'm suggesting the three most favored - Pembina, Portal, and Dunseith.

LEROY ERNST, ND MOTOR CARRIERS ASSOCIATION, All Canadian provinces are members of IFTA- International Fuel Tax Agreement. When they report their mileage, they are required to tell the percentage of their mileage in North Dakota and so, in reality, they are paying the North Dakota fuel tax. This bill impedes the flow of commerce and it will show the retaliatory factor. Should we impose this bill, our trucks in Canada will face similar problems.

We have been encouraging weigh stations to stay open 24 hours a day.

SENATOR COOK Is it easier for truckers from Canada to cross into North Dakota or is it easier for North Dakota truckers to get into Canada?

LEROY ERNST It is easier now than it was before to run into Canada. I understand why this bill was sponsored. The IRP program will change and this program is based on paying registration depending on how many miles are traveled in the state.

MARV SKAR, CROSS COUNTY COURIER testified in opposition of SB 2206. The reciprocity permits may be \$1.3 million dollars coming from Canada but North Dakota would have to pay ten times that amount. Canada paid \$20 per permit. We have to pay \$105 per permit.

We might have a NAFTA problem with this bill. This bill is trying to attack Canadian wheat but we're attacking it from the wrong angle. The Canadian trucks will retaliate with increasing the difficulty to enter into Canada and we will have more driver's license problems.

SENATOR THOMPSON What are you paying for registration costs that aren't in the IRP now?

MARV SKAR Because we have reciprocity, their trucks come in and we go up there. We are paying nothing.

SENATOR COOK This law focuses on Canadian traffic but doesn't it also apply to North Dakota trucks that go into Canada and come back into North Dakota? So, the bill is not prejudice but the problem is that it does apply to North Dakota truckers as well.

SENATOR BERCIER Does Canada recognize a third axle on a trailer?

MARV SKAR Yes.

SENATOR O'CONNELL So they have different weights then we have?

MARV SKAR Yes.

DOYLE SCHULTZ, NORTH DAKOTA HIGHWAY PATROL testified in a neutral position.

Also, with this bill the same changes should apply as was in SB 2205. This bill does imply that

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our scales will always be open and that would involve some cost because we would have to be in constant contact with those point of entries.

SENATOR B. STENEHJEM Are there any further questions? We'll close the hearing on SB 2206.

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SENATOR COOK I motion for a Do Not Pass.

SENATOR BERCIER I second it.

Roll Call was taken (6 Yeas, 1 Nay and 0 Absent and Not Voting).

SENATOR B. STENEHJEM will carry SB 2206.

Date: January 28, 1999

Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2204

Senate Transportation Committee

Subcommittee on \_\_\_\_\_  
or

Conference Committee

Legislative Council Amendment Number 1

Action Taken Do Not Pass

Motion Made By Sen. Cook Seconded By Sen. Bercier

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

Total (Yes) 6 No 1

Absent 0

Floor Assignment Senator Stenehjem

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

**REPORT OF STANDING COMMITTEE (410)**  
January 29, 1999 1:42 p.m.

**Module No: SR-19-1497**  
**Carrier: B. Stenehjem**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2206: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends DO NOT PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING).** SB 2206 was placed on the Eleventh order on the calendar.