

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2406

2007 SENATE TRANSPORTATION

SB 2406

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No SB 2406

Senate Transportation Committee

Check here for Conference Committee

Hearing Date: February 1, 2007

Recorder Job Number: 2541

Committee Clerk Signature

*Judy Hauze*

Minutes:

**Senator Gary Lee** opened the hearing on SB 2406 relating to overwidth travel permits. There were five committee members present and one absent.

**Senator Fischer** introduced SB 2406. He explained that he had a wind energy company in his area that brought in large pieces of steel on a daily bases and they make several trips per day with one piece of steel on each load. Each day they pay twenty dollars per load for their permit to haul this piece of steel. This has become very expensive and inconvenient for the company. They spent one hundred thousand dollars on all their permits last year. Their trips are about ½ to 1 mile long and they have to have a permit for each load. Senator Fischer said that when the committee looks at the fiscal note, they should consider the fact that if this business would decide this is too burdensome they could move 7 miles away and take their business to Minnesota. This loss would be much greater than the fiscal note on this bill.

**Senator Judy Lee** testified in favor of SB 2406. (Written testimony)

**Russ Hanson**, North Dakota Association of General Contractors testified in favor of SB 2406. He testified that they have heard from their membership and they support the single fee yearly permit.

**Senator Lee** asked, "If I am hauling these loads I would have to get a supplemental ID for ten dollars and then I would get a package of tickets and on an honors system I would send one ticket back with a twenty dollar fee as I hauled my oversize material." He asked if this was correct.

**Mr. Hanson** answered that he believed that was the process on a per trip bases.

**Senator Lee** asked Mr. Hanson if he believed the honor system worked well.

**Mr. Hanson** replied that being from ND and working with North Dakotans he feels the honor system works well. He thinks for convenience purpose the assumption is we should have it similar to what other states offer.

**Senator Potter** asked if he thought \$300 was appropriate.

**Mr. Hanson** felt it was reasonable. It is higher then some of the other states. He realizes the concern of the negative fiscal note but there is an economic consideration.

**Ron Ness**, North Dakota Petroleum Council testified in support of SB 2406. He stated that this bill will simplify the process.

**Grant Levi**, Deputy Director of Engineering for the Department of Transportation presented information and testimony. (Written testimony) They support the concept but informed the committee that there will be a fiscal impact to the department. They offered an amendment to the bill. Proposed amendment included with testimony. They are not concerned with the ice houses but the committee may want to consider adding the word private ice houses.

**Senator Lee** asked if by changing the width dimensions that this would not change the height and width dimensions that are already in place.

**Mr. Levi** said that is correct and if height and width were added they would have some concerns.

**Senator Lee** asked if he felt the honor system was working now.

**Mr. Levi** said that they believed it was working but there are checks and balances if someone stops them.

**Senator Potter** stated that the fiscal note would be larger because you are assuming that every one of the single trip tickets will convert to the \$300 per year but some of them will only take a couple trips a year and will continue to pay twenty dollars per trip.

**Mr. Levi** said that it was not their intent to assume that everyone would buy the \$300 permit.

**Senator Potter** asked about commercial fish houses and asked for an example.

**Mr. Levi** said that there are some on Devils Lake.

**Senator Lee** asked what the penalty for violating the oversize width permit was.

**Mr. Levi** said he believed it was one hundred dollars.

**Senator Nething** said he was curious that they were creating a new subsection and yet we have a twenty dollar permit fee.

**Mr. Levi** said that he was correct and there were a number of ways that this could have been handled but because of the fiscal note they thought it should come before the legislature.

**Senator Nething** asked is this current twenty dollar permit policy or is it statutory?

**Mr. Levi** answered that he believed it was through administrative rule that it was established. Weight is policy, the width; height and length are established by administrative rule.

**Senator Bakke** stated that Senator Judy Lee had quoted other states and they were like \$50 and \$100 per yearly permit. She asked why we are considering \$300.

**Mr. Levi** said that every state has different laws and this is what they came up with in their discussions. If you lower the fee the fiscal impact goes up even more.

**Robert Kauk**, a fish house owner testified in favor of SB 2406.

**Dee Bertsch**, a woman who likes to fish, testified in favor of SB 2406.

There was no opposition.

**Senator Lee** closed the hearing.

**Senator Nething** moved the amendment

**Senator Bakke** seconded.

**Senator Potter** asked about the meaning of private fish houses and discussion followed on replacing private with non-commercial.

The voice vote was do pass as amended. 5-0-1.

**Senator Fiebiger** moved a further amendment to insert noncommercial on page one, line eight.

**Senator Nething** seconded.

The voice vote was do pass 5-0-1.

**Senator Bakke** moved a do pass as amended and refer to appropriations.

**Senator Fiebiger** seconded.

The clerk took the roll call vote. 5-0-1

**Senator Lee** will carry the bill.

**FISCAL NOTE**  
**Requested by Legislative Council**  
04/02/2007

Amendment to: Engrossed  
SB 2406

**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.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>				(\$120,000)		(\$120,000)
<b>Expenditures</b>						
<b>Appropriations</b>						

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

2005-2007 Biennium			2007-2009 Biennium			2009-2011 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).*

This bill, as amended, would allow purchase of an annual permit for an over-width vehicle or loads that are 14'-6" or less in width. Currently these vehicles must purchase a permit for each trip they take.

**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.*

The current revenue structure generates approximately \$110,000 per year. (\$220,000 per biennium). Using the suggested \$500 per year fee, the proposed law would cause a reduction in revenue of approximately \$60,000 per year (\$120,000 per biennium). This reduction in revenue is due to the reduced number of single trip permits that would be sold under the proposed law. The \$500 per year fee would cause a negative fiscal impact as the revenue generated by the fee would not be enough to offset the loss of revenue due to the reduced amount of single trip permits that would be sold.

**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.*

Under the current law, about 5500 single trip permits were sold last year for approximately 100 over-width vehicles. These permits generated approximately \$110,000 in revenue.

Under the proposed law, if an annual permit were purchased for the 100 over-width vehicles, at \$500 per permit approximately \$50,000 revenue would be generated. Compared to the current law, this would result in an annual revenue reduction of approximately \$60,000 (\$120,000 per biennium).

**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.*

**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.*

<b>Name:</b>	Shannon L. Sauer	<b>Agency:</b>	NDDOT
<b>Phone Number:</b>	328-4375	<b>Date Prepared:</b>	04/02/2007

**FISCAL NOTE**  
**Requested by Legislative Council**  
03/05/2007

Amendment to:           Engrossed  
                                  SB 2406

**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.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>				(\$100,000)		(\$100,000)
<b>Expenditures</b>						
<b>Appropriations</b>						

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

2005-2007 Biennium			2007-2009 Biennium			2009-2011 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).*

This bill, as amended, would allow purchase of an annual permit for an over-width vehicle or loads that are 14'-6" or less in width. Currently these vehicles must purchase a permit for each trip they take.

**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.*

The current revenue structure generates approximately \$110,000 per year. (\$220,000 per biennium). Using the suggested \$600 per year fee, the proposed law would cause a reduction in revenue of approximately \$50,000 per year (\$100,000 per biennium). This reduction in revenue is due to the reduced number of single trip permits that would be sold under the proposed law. The \$600 per year fee would cause a negative fiscal impact as the revenue generated by the fee would not be enough to offset the loss of revenue due to the reduced amount of single trip permits that would be sold.

**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.*

Under the current law, about 5500 single trip permits were sold last year for approximately 100 over-width vehicles. These permits generated approximately \$110,000 in revenue.

Under the proposed law, if an annual permit were purchased for the 100 over-width vehicles, at \$600 per permit approximately \$60,000 revenue would be generated. Compared to the current law, this would result in an annual revenue reduction of approximately \$50,000 (\$100,000 per biennium).

**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.*

**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.*

<b>Name:</b>	Shannon Sauer	<b>Agency:</b>	NDDOT
<b>Phone Number:</b>	328-4375	<b>Date Prepared:</b>	03/06/2007

**FISCAL NOTE**  
 Requested by Legislative Council  
 02/05/2007

Amendment to: SB 2406

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.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>				(\$160,000)		(\$160,000)
<b>Expenditures</b>						
<b>Appropriations</b>						

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

2005-2007 Biennium			2007-2009 Biennium			2009-2011 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).*

This bill, as amended, would allow purchase of an annual permit for an over-width vehicle or loads that are 14'-6" or less in width. Currently these vehicles must purchase a permit for each trip they take.

The amendments to this bill do not change the original fiscal impact.

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.*

The current revenue structure generates approximately \$110,000 per year. (\$220,000 per biennium). Using the suggested \$300 per year fee, the proposed law would cause a reduction in revenue of approximately \$80,000 per year (\$160,000 per biennium). This reduction in revenue is due to the reduced number of single trip permits that would be sold under the proposed law. The \$300 per year fee would cause a negative fiscal impact as the revenue generated by the fee would not be enough to offset the loss of revenue due to the reduced amount of single trip permits that would be sold.

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.*

Under the current law, about 5500 single trip permits were sold last year for approximately 100 over-width vehicles. These permits generated approximately \$110,000 in revenue.

Under the proposed law, if an annual permit were purchased for the 100 over-width vehicles, at \$300 per permit approximately \$30,000 revenue would be generated. Compared to the current law, this would result in an annual revenue reduction of approximately \$80,000 (\$160,000 per biennium).

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.*

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.*

<b>Name:</b>	Darcy Rosendahl	<b>Agency:</b>	NDDOT
<b>Phone Number:</b>	328-4408	<b>Date Prepared:</b>	02/05/2007

# FISCAL NOTE

Requested by Legislative Council

01/23/2007

Bill/Resolution No.: SB 2406

**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.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>				(\$160,000)		(\$160,000)
<b>Expenditures</b>						
<b>Appropriations</b>						

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

2005-2007 Biennium			2007-2009 Biennium			2009-2011 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).*

This bill would allow purchase of an annual permit for an over-width vehicle that is 14'-6" or less in width. Currently these vehicles must purchase a permit for each trip they take

**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.*

The current revenue structure generates approximately \$110,000 per year. (\$220,000 per biennium). Using the suggested \$300 per year fee, the proposed law would cause a reduction in revenue of approximately \$80,000 per year (\$160,000 per biennium). This reduction in revenue is due to the reduced number of single trip permits that would be sold under the proposed law. The \$300 per year fee would cause a negative fiscal impact as the revenue generated by the fee would not be enough to offset the loss of revenue due to the reduced amount of single trip permits that would be sold.

**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.*

Under the current law, about 5500 single trip permits were sold last year for approximately 100 over-width vehicles. These permits generated approximately \$110,000 in revenue.

Under the proposed law, if an annual permit were purchased for the 100 over-width vehicles, at \$300 per permit approximately \$30,000 revenue would be generated. Compared to the current law, this would result in an annual revenue reduction of approximately \$80,000 (\$160,000 per biennium).

**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.*

**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.*

<b>Name:</b>	Darcy R. Rosendahl	<b>Agency:</b>	NDDOT
<b>Phone Number:</b>	328-4408	<b>Date Prepared:</b>	01/29/2007







REPORT OF STANDING COMMITTEE

SB 2406: Transportation Committee (Sen. G. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the Appropriations Committee (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2406 was placed on the Sixth order on the calendar.

Page 1, line 6, after "vehicle" insert "or load"

Page 1, line 8, after "a" insert "noncommercial"

Renumber accordingly

2007 SENATE APPROPRIATIONS

SB 2406

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2406

Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 02-09-07

Recorder Job Number: 3333

Committee Clerk Signature



Minutes:

**Chairman Holmberg** opened the hearing on SB 2406 at 3:35 pm on February 9, 2007 relating to Overwidth Travel Permits.

**Senator Judy Lee, District 13, West Fargo** gave oral testimony in support of SB 2406 which will allow an option of purchasing an annual permit to operate a vehicle up to the width of 14 feet extension. She also made mention of HB 1295 which is a similar piece of legislation specific to the interstate system.

**Grant Levi, Deputy director for Engineering for North Dakota Department of Transportation (DOT)** presented written testimony (1) and gave oral testimony in support of SB 2406.

**Senator Lindaas** had questions regarding time limitations on the permits and if the Highway Patrol is alerted or notified when a wide load is on the highways,

**Senator Krebsbach** had questions regarding Interstate and State Highways.

**Senator Bowman** had comments regarding the oil companies and their needs concerning wide loads.

**Senator Mathern** asked about the time element when moving a wide load happens, and the requirements that haulers have to meet, and had questions regarding some flexibility in terms of fees.

**Senator Kilzer** asked if these permits are filled out in advance and can be used at anytime. He was informed that travel is daytime travel.

**Senator Tom Fischer, District 46, Fargo** stated that he signed onto this bill particularly in the interest of the Wind tower industry in West Fargo and they can only haul one sheet of steel that's overwidth but not overweight and they make many loads a day. And they are just repeating these trip permits and they would like to have a yearly permit. Also wider trailers are being built as well and need these permits. The fiscal note is really unknown as yet because you really don't know how many people will buy the 300 permits.

**Chairman Holmberg** closed the hearing on SB 2406 and then asked the committee their wishes concerning this bill. Senator Kebsbach did a do pass.

**Senator Christmann** asked if there would be some logic in having this a little bit higher.

**Senator Fischer** commented about the fees and permits in surrounding states.

**Senator Krebsbach moved a DO PASS, Seconded by Senator Fischer. A roll call vote was taken resulting in 12 yeas, 0 nays and 2 absent. The motion carried.**

**Senator Flakoll will carry the bill.**

The hearing on SB 2406 closed.

Date: 2/9/07  
Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2406.

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number do pass

Action Taken \_\_\_\_\_

Motion Made By Krebsbach Seconded By Fischer

Senators	Yes	No	Senators	Yes	No
Senator Ray Holmberg, Chrm	✓		Senator Aaron Krauter		
Senator Bill Bowman, V Chrm	✓		Senator Elroy N. Lindaas	✓	
Senator Tony Grindberg, V Chrm	✓		Senator Tim Mathern	✓	
Senator Randel Christmann	✓		Senator Larry J. Robinson	✓	
Senator Tom Fischer	✓		Senator Tom Seymour	✓	
Senator Ralph L. Kilzer	✓		Senator Harvey Tallackson		
Senator Karen K. Krebsbach	✓				
Senator Rich Wardner	✓				

Total (Yes) 12 No 0

Absent 2

Floor Assignment F Label Back to Trump

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

REPORT OF STANDING COMMITTEE (410)  
February 12, 2007 9:30 a.m.

Module No: SR-29-2862  
Carrier: Flakoll  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

SB 2406, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)  
recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING).  
Engrossed SB 2406 was placed on the Eleventh order on the calendar.

2007 HOUSE TRANSPORTATION

SB 2406

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2406

House Transportation Committee

Check here for Conference Committee

Hearing Date: 03-02-2007

Recorder Job Number: 4277/4279

Committee Clerk Signature

*Lisa M Thomas*

Minutes:

**Chairman Weisz opened the hearing on SB 2406. SB 2406 relates to over width travel permits.**

**Senator Fischer** introduced the bill.

**Sen. Fischer:** SB 2406 would allow over width loads and have a yearly permit at three hundred dollars, rather than twenty dollars per trip and also a twenty dollar permit on an over width fish house. I can't elaborate on the fish house, I don't fish. One of the reasons that this bill was brought forward was a company in West Fargo that produces the wind towers. They use a railroad spur and haul one sheet of steel at a time. They are well within the weight limits and obviously they don't have a height problem because it is only an inch and quarter high, but they do have a width problem and they were the ones that suggested that they would like to have a yearly permit rather than every trip because they make many trips a day and travel about three quarters of a mile or so. So that is the reason for this being before you. There is a fiscal note with it I believe it's around one hundred and sixty-seven thousand dollars. That is estimate of the highway patrol and the department of transportation. I don't know that I am too concerned about that for the simple reason that there be a larger fiscal note if DMI should move to seven miles to the east, meaning MN.

**Rep. Ruby:** Who came up with the three hundred dollar figure? Do you think maybe a higher amount for an annual permit would be?

**Sen. Fischer:** That was discussed what we are trying to do is balance with how many different vehicles and maybe the departments can address that. The thing is that we could go to five hundred dollars to reduce the fiscal note, but that depends on how many separate trucks are issued this three hundred dollar permit. It was an attempt, we talked about one hundred and fifty and it went to three hundred dollars to balance where it is at today.

**Brad Dar, DOT,** spoke in support of the bill.

**Dar:** The changes proposed in SB 2406 would establish in state statute provision that would allow ND Highway Patrol to issue a single trip or annual permit for over width vehicles that are fourteen foot six inches or less. Presently and individual or company that has a vehicle or load that exceeds eight foot six inches in width is allowed to purchase a single trip permit. These permits are only good for one trip and cost twenty dollars each. We support the concept of allowing more efficient movement through our state by making it easier for the transportation industry to obtain permits for over width vehicles. While we support the concept we wish to inform the committee that there will be fiscal impact to the department. We estimate that our revenue would decrease approximately one hundred and sixty thousand per biennium if the bill passes. We believe it is important for the committee to have this information that we make the policy decisions.

**Rep. Dosch:** What would the fee have to be to have a neutral effect?

**Dar:** We have determined that it would have to be eleven hundred dollars.

**Rep. Weisz:** With this bill in, any load would still be limited to eighty-thousand pounds?

**Dar:** Yes.

**Rep. Weisz:** What about height now?

**Dar:** Yes, it is my understanding that if it is over height it would still require it.

**Rep. Weisz:** On the non-commercial fish house trailer, currently what are they doing now?

**Dar:** It is my understanding that if it is over eight foot six they need that permit for a single trip.

**Rep. Delmore:** Do you have a total on the number of vehicles that would be affected and would this expand or allow a lot more of these types of trucks?

**Dar:** I think the people that are interested will be the same people.

**Rep. Gruchalla:** What was the number of permits that you figure you are going to sell?

**Dar:** I did not bring that number.

**Rep. Weisz:** One hundred is on the fiscal note.

**Rep. Gruchalla:** For right now, just for clarification, it would cost you a twenty dollar fee to buy an over width permit if you move three quarters of a mile or if you move all the way across the state?

**Dar:** Yes.

**Rep. Dosch:** Can you tell me where they get these permits? They are issued by the highway patrol or do they have to go to the DOT?

**Dar:** The ND Highway Patrol has a permit section.

**Rep. Dosch:** What do you mean by permit section?

**Dar:** They have a division of the highway patrol that they issue those permits. Single trip ones, they charge for them and send them out to the people and they fill them out and send them back to them.

**Sen. J. Lee,** spoke in support of the bill.

**Sen. Lee:** I am here as a sponsor of this bill because it is important to a business that is across the street from my district. I am guessing that the previous speakers have mentioned that. If you have ever driven through that area you would see that there are large areas of

open fields that adjoin this plant which builds the sections for wind towers that are filled with sections of towers for storage before they transported on and they are being hammered about the fact that they are moving them from the plant where they are fabricated to the storage area, not just the next move which will go to the spot wherever that trailer might be built, so it was a really important thing to bring up, we didn't originally think about the fish house area, but that will affect people too. It does allow the option of purchasing an annual over width permit to operate a vehicle up to fourteen feet six inches.

**Rep. Price:** Did DMI give you any indication of how many of these they are purchasing per year?

**Sen. Lee:** I don't know that.

**Leanne Emmer,** ND Highway Patrol spoke in regards to the bill from a neutral position.

**Emmer:** In answer to Sen. Lee's question, the number of permits that DMI purchased in 2006 was three hundred and fifty and they purchased almost one thousand for the in town movement which are over width, over height, over length and over weight. As far as the fiscal note was based on what we did when we contacted several of the companies that are self-issued permits or get permits for over dimensional road movement and the number of vehicles that they used to move those and based on the numbers that they purchased and the average number of trucks that they use, the top eight companies with self-issue permits and divided that into the number of movements that each truck would use per year and that is how we came with the eleven hundred dollars.

**Rep. Weisz:** Looking at your fiscal note where you say fifty-five hundred single trip permits were sold last year for approximately one hundred over weight vehicles. Now your assumption of these fifty-five hundred were all strictly for over width?

**Emmer:** Yes, basically that was a guess.

**Rep. Weisz:** How many single-trip permits are issued?

**Emmer:** I have here for the year 2006, thirty-two thousand six hundred and twenty one.

**Rep. Price:** When they purchase this annual permit, can they use that just in one particular truck or can they use a different truck on different days?

**Emmer:** The permit will be issued to the company and it will be.....

**Rep. Ruby:** When we have an overweight permit, the reason we are charging that is because we are trying to recoup some cost from the damage that might have been caused. What are we recouping by charging a fee for an over width permit?

**Emmer:** The twenty dollars single-trip permit has been in place for many years and as far as the cost recouping for a twenty dollar over weight permit it doesn't even come close to recouping that cost. I am not an engineer so I can't say what damage is caused. Based on the number that we came up with as far as the three hundred dollar permit revenue, I am not the person to answer that.

**Rep. Ruby:** The overweight makes sense. You are going to use a little bit more weight on the roads it's going to do a little bit more damage and we should get some more money for that, but if we have a fish house that is ten feet wide and it is usually pulled on and off of the lake in the winter time, what damage are we doing by having it a little wider? There is a safety concern, but there is no cost to recoup as far as a permit. As long as they pay, they can do it. What expenses are incurred by the highway patrol or DOT when something is a little bit over eight feet six inches?

**Emmer:** The expenses incurred on a twenty dollar single trip permit is basically the work generated in the office by the permit specialist as well as the self-issue permits that are printed and sent out.

**Rep. Ruby:** I understand that but if we didn't require it, there would be no cost.

**Emmer:** That is correct. The objective in issuing an over dimensional permit is in the best interest in the safety of the public to provide industry with the travel restrictions and the safety requirements.

**Rep. Thorpe:** On the present law, the twenty dollar permit per trip, is there a cost in issuing this permit?

**Emmer:** The cost of processing that permit for a single trip vs. annual was taken into consideration.

**Rep. Weisz:** Currently, are there any restrictions on the federal?

**Emmer:** The federal mandate is eight foot six inches.

**Tom Baulzer, NDMCA,** spoke in support of the bill.

**Baulzer:** We support this legislation. The three hundred dollars primarily came from the previous bill that you had in the first half of the session about over width and over length and oversized loads on the interstate, as well as looking at the surrounding states. We are still double of the highest surrounding state around us. The other that was not taken into consideration was we feel and my members have told me that they would purchase this permit just to have it in the event that they do have to go over width. There will also be a decreased workload in the highway patrol permit section, having one permit a year. We feel this will help commerce in the state move. We are setting limits, so we are not putting ourselves into too big of a safety issue. That concludes my testimony.

**Russ Hanson, ND Assoc. General Contractors,** spoke in support of the bill.

**Hanson:** I echo the comments of Tom Baulzer. We at the AGC like this option because it is available in our neighboring states. Mr. Ron Ness from the Petroleum Council whispered to me as he left that he had another hearing to go to so he asked if I would make sure that your tape

record reflects that his organization is in support of this bill, so once again I am carrying his water for him.

**Robert Kauk**, fisherman of Bismarck, spoke in support of the bill, for the record.

**Dee Bertsch**, fisherwoman of Bismarck spoke in support of the bill, for the record.

There was no further testimony in support or opposition to the bill. The hearing was closed.

**Later that day, Chairman Weisz allowed committee discussion.**

**Rep. Weisz:** The only reason the three hundred dollars is there is that I told the department to figure out the cost and we will make it revenue neutral, because it is still an advantage for the person being able to get that annual permit and they don't have to hassle with the trip permit.

It isn't the cost for anybody you talk to in the industry. It's not the cost of the permit, it's the hassle and if you don't have that permit and you get caught, depending on what all you are illegal on, it can be very substantial cost. It can be a real hassle keeping track of all the single permits.

**Rep. Dosch:** In response to Rep. Ruby part of the testimony was they did take some of the top users and figure out where it would fall.

**Rep. Ruby:** I understand that and that is where they came up with the three hundred. The three hundred dollar amount was...

**Rep. Weisz:** Was based on my bill. That was the sponsor's position.

**Rep. Ruby:** Originally it was one hundred and fifty and now it's three hundred and the idea is if you have people who maybe aren't sure if they are going to use a trip permit a lot but they want to have it anyways, they will pay the three hundred dollars, even if it's less use than what they would have, as opposed to charging five hundred, well they aren't going to use it. You will only get the people who are going to use the high amount of usage.

**Rep. Delmore:** We heard that the over weight is damaging the highways, but why are we charging for over width?

**Rep. Weisz:** Well, for two reasons. One feds mandate that nothing is over eight foot six inches if you go beyond that you have to have established some sort of permit and the biggest reason from the department's standpoint is safety and there is no question if you are running an over width load down a two lane road, you are basically covering the road.

**Rep. Gruchalla:** Another reason is because when you get somebody to call up and say they need to move a grain bin, then the route is checked to make sure it will fit through. If you look at the safety side of it, if he is going down the road with an oversized load and signs or road construction and all of that is checked before the permit is issued to make sure that load will fit.

This DMI thing over and over again, it isn't a big thing for them.

**Rep. Price:** Based on the fiscal note, they are averaging about fifty-five trips per vehicle. So for that I would move six-hundred.

**Rep. Gruchalla seconded.**

**Roll Call Vote: 7 yes. 6 no. 0 absent.**

**Rep. Kelsch moved a DO PASS AS AMENDED. Rep. Owens seconded.**

**Roll Call Vote: 9 yes. 4 no. 0 absent.**

**Carrier: Rep. Owens.**

Date: 3-20-01  
 Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2406

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number Do Amend to \$500

Action Taken Roll call / voice vote

Motion Made By Price Seconded By Gruchalla

Representatives	Yes	No	Representatives	Yes	No
Chairman Weisz	✓		Rep. Delmore		✓
Vice Chairman Ruby		✓	Rep. Gruchalla	✓	
Rep. Dosch	✓		Rep. Myxter		✓
Rep. Kelsch	✓		Rep. Schmidt		✓
Rep. Owens	✓		Rep. Thorpe		✓
Rep. Price	✓				
Rep. Sukut	✓				
Rep. Vigasaa		✓			

Total Yes 7 No 6

Absent Motion Carried

Floor Assignment \_\_\_\_\_

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

Date: 3-2-01  
Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2406

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass As Amended

Motion Made By Kelsch Seconded By Dwens

Representatives	Yes	No	Representatives	Yes	No
Chairman Weisz	✓		Rep. Delmore		✓
Vice Chairman Ruby	✓		Rep. Gruchalla	✓	
Rep. Dosch	✓		Rep. Myxter		✓
Rep. Kelsch	✓		Rep. Schmidt		✓
Rep. Owens	✓		Rep. Thorpe		✓
Rep. Price	✓				
Rep. Sukut	✓				
Rep. Vigasaa	✓				

Total Yes 9 No 4

Absent 0

Floor Assignment Dwens

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

**REPORT OF STANDING COMMITTEE**

**SB 2406, as engrossed: Transportation Committee (Rep. Weisz, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2406 was placed on the Sixth order on the calendar.**

Page 1, line 7, replace "three" with "six"

Renumber accordingly

2007 SENATE TRANSPORTATION

CONFERENCE COMMITTEE

SB 2406

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2406

Senate Transportation Committee

Check here for Conference Committee

Hearing Date: March, 29, 2007

Recorder Job Number: 5631

Committee Clerk Signature

*Jody Hauge*

Minutes:

**Chairman Gary Lee** opened the conference committee on SB 2406. The clerk called the roll.

All committee members were present.

**Senator Lee** said the House made the change of the cost of the permit from \$300 to \$600.

He said they were looking for an explanation from the House side.

**Representative Price** said that she had made that motion to change the cost of an annual permit from \$300 to \$600. She said there were two reasons for the change:

1. She said they had testimony from DMI out of Fargo that they were making up to 1000 trips a year and they would benefit the biggest from this and she said that they felt that at \$600 they were still going to get a substantial dollar amount savings and they could afford the \$600.
2. Changing this would lessen the impact for the State budget.

**Representative Ruby** said realistically if someone has an overwidth trailer and they wanted to use it year round, not necessarily a farmer, it could be a construction crew, they could for the \$300 use this overwidth trailer year round. He said they looked at different amounts. He said the House committee came up with \$600 because it was still a good benefit and people that don't want to pay that can still use the one time fee of \$20/trip.

**Senator Andrist** asked what the fee was now.

**Senator Lee** said that there was no annual fee but there was a per trip fee of \$20.

**Representative Ruby** said DMI makes between a thousand to twelve hundred trips about  $\frac{3}{4}$  of a mile long. They have someone on staff writing these permits out constantly. It will be a huge help for them and the bill was basically designed for them. If others were going to use it and weren't going to use it that often, they could use the \$20/trip fee. He said they left in language for the non commercial fish houses.

**Representative Schmidt** told about DMI and there various short trips to their storage yard. He said that they had no testimony opposing.

**Senator Lee** said that his concern was when he saw the number changed to \$600 for an annual permit he looked at neighboring states and they have a \$120 fee, one is \$50 and another is \$75 for the same kind of permit. He thinks the only reason that there is a cost here is that someone has been filling out over 32,000 permits or filing them to get them in the state system. Now we are going to reduce that from about 300 a week to two a week on average. There is no cost to the state at all in terms of having to deal with such few permits. Where is the cost that they put in the fiscal note? They are saying the fiscal note is \$100,000., for what reason?

**Rep. Price** said it is not a cost at DOT it is lost revenue. She said we are eliminating a revenue source and she thinks that DOT is going to need that revenue.

**Senator Lee** said he agreed that the DOT budget was skinny but went on to say that we are eliminating a cost as well, as he sees it. If they only have 100 permits to file a year they shouldn't need the \$100,000 to administrate those few permits a year.

**Rep. Ruby** said that some will have the annual permits but he still thought there would be a big need for per trip permits that would have to be filed. He still stressed that DMI was going to have a huge savings.

**Senator Lee** said that he didn't have a problem with DMI but what about the smaller contractor? I don't think \$300 is unreasonable. Senator Lee asked Rep. Ruby where the cost was to the state. If we are dropping from 32,621 permits of this type to about 100 that they use in their Fiscal Note where is the cost or the savings to the state? They are telling us we don't have any cost savings at all. He continued to question the fiscal note.

**Senator Andrist** asked if anyone testified in the House in support of raising the fee to \$600.

**Senator Ruby** said it was the committee discussion.

**Senator Bakke** asked if an individual wants to move an extra wide load how they do that. Do they have to go to the Highway patrol every time? Let's say they have a boat and they want to haul it to the lake 5 times...do they have to go somewhere and always buy a permit for every trip? Part of what we discussed in the Senate hearing was not only to make it one price but we were also making it convenient.

**Rep. Ruby** said that the permits should be available at weigh stations and highway dept. as well as the possibility that patrolmen may have them. The bottom line is heavy users are going to save.

**Senator Andrist** asked about farmers.

**Rep. Ruby** said that they were exempted.

**Senator Andrist** asked if we could split the difference.

**Rep. Ruby** said that we were willing to compromise but for simplicity we could round to \$500.

**Rep. Price** said that she could agree to \$500

**Rep. Price** moved that the House recede from the House amendment and adopt the amendment to make the change on Page 1, line 7, replacing "three" with "five".

**Senator Andrist** seconded the motion.

The clerk called the roll 5-1-0.

**Senator Andrist** will carry the bill for the Senate.

**Representative Ruby** will carry the bill for the House.



**REPORT OF CONFERENCE COMMITTEE**

**SB 2406, as engrossed:** Your conference committee (Sens. G. Lee, Andrist, Bakke and Reps. Ruby, Price, Schmidt) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 745, adopt amendments as follows, and place SB 2406 on the Seventh order:

That the House recede from its amendments as printed on page 745 of the Senate Journal and pages 849 and 850 of the House Journal and that Engrossed Senate Bill No. 2406 be amended as follows:

Page 1, line 7, replace "three" with "five"

Renumber accordingly

Engrossed SB 2406 was placed on the Seventh order of business on the calendar.

2007 TESTIMONY

SB 2406

**TESTIMONY  
SENATE BILL 2406  
TRANSPORTATION COMMITTEE  
FEBRUARY 1, 2007**

Mr. Chairman and members of the Senate Transportation Committee, for the record, I am Senator Judy Lee representing District 13, which includes West Fargo. I am here this morning to present for your consideration Senate Bill 2406 which would allow for the option to purchase an annual permit to operate a vehicle up to a width of fourteen feet six inches.

The practice of a single trip permit is currently in place at \$20 per trip. This legislation would offer the option for an annual permit. The \$300 figure in the bill is consistent with House Bill 1295 which is a similar piece of legislation specific to the Interstate system.

This option will provide assistance for many industries, including the contractors, oil, manufacturing, energy development and trucking to streamline their business practices for the transportation of equipment, materials and product in addition to promoting a business friendly climate in the state.

Mr. Chairman, this concludes my testimony, and I would be happy to stand for any questions the committee may have.

SENATE TRANSPORTATION COMMITTEE  
February 1, 2007

North Dakota Department of Transportation  
Grant Levi, P.E., Deputy Director for Engineering

SB 2406

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Good morning Mr. Chairman and members of the committee. I'm Grant Levi, Deputy Director for Engineering for the North Dakota Department of Transportation. Thank you for allowing me the opportunity to present information to you today.

The changes proposed in SB 2406 would establish in-state statute a provision that would allow the North Dakota Highway Patrol to issue a single trip or annual permit for overwidth vehicles that are fourteen feet six inches or less in width. Presently, an individual or company that has a vehicle or load that exceeds eight feet six inches in width is allowed to purchase a single trip permit from the Highway Patrol. These permits are only good for one trip and cost \$20 each.

We support the concept of allowing more efficient movement of goods by making it easier for the industry to obtain permits for overwidth vehicles. While we support the concept, we wish to inform the committee there will be a fiscal impact to the department. We estimate that our revenue would decrease approximately \$160,000 per biennium if the bill passes.

If the committee decides to approve this bill, we suggest amending it as follows:

"The fee for an overwidth vehicle or load that is fourteen feet six inches [4.42 meters] or less is twenty dollars per trip or three hundred dollars per calendar year unless the vehicle is a fish house trailer being moved by the owner, then the fee is twenty dollars per calendar year."

We added the word load to assure that the load carried by a vehicle is also covered by the new section of law. This is consistent with other sections of chapter 39-12, which this bill creates a new subsection to. Attached is the suggested amendment.

We believe it is important for the committee to have this information as it makes its policy decisions.

This concludes my testimony. I'll be happy to answer any questions.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2406

Page 1, line 6, between "vehicle" and "that" insert "or load"

Renumber accordingly

1

SENATE APPROPRIATIONS COMMITTEE

February 9, 2007

North Dakota Department of Transportation  
Grant Levi, P.E., Deputy Director for Engineering

SB 2406

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