

2011 SENATE TRANSPORTATION

SB 2044

2011 SENATE STANDING COMMITTEE MINUTES

Senate Transportation Committee
Lewis and Clark Room, State Capitol

SB2044
January 6, 2011
12612

Conference Committee

Committee Clerk Signature

Jody Hauge

Explanation or reason for introduction of bill/resolution:

This bill was recommended by the Public Safety and Transportation committee as a result of an Attorney General's opinion regarding the enforcement of an overweight vehicle ordinance established under a county's home rule authority.

Minutes:

Chairman Senator G. Lee opened the hearing on SB 2044 relating to overweight permit violations for home rule counties.

Brady Larson, Legislative Council who served as the committee staff person for the interim Public Safety and Transportation committee provided the background for SB 2044. The Attorney General's opinion was regarding the ability of a home rule county to enact an ordinance under their home rule charter regarding overweight vehicles and to collect any fines or fees resulting from a violation of that county home rule ordinance. The Attorney General's opinion found that a home rule county may enact overweight vehicle ordinance, they may issue permits under that ordinance but the ordinance may not contain any provisions which would divert revenue raised through enforcement of the ordinance from the state treasury to the county. SB 2044 amends a section of chapter 39-12 dealing with overweight vehicle statutes. The sentence added at the end of section 39-12-08 clarifies that a violation of a home rule county ordinance is considered a violation of state law. This bill clarifies the law that is consistent with the Attorney General's opinion.

Senator Mathern asked what protection the state has if this allows any county to make any violation that becomes state law. Is there a process to determine whether or not a violation is within the common sense rule? Is there a way to view what this county has done in this process?

Mr. Larson said that this was an issue raised by Stutsman County and they wanted to enact an overweight vehicle ordinance under their home rule charter authority and collect two different types of fines and fees that essentially duplicated the fines and fees found under chapter 39-12. The Attorney General's opinion found that regulating transportation was a statewide concern and not necessarily a county concern. When the issue becomes of state wide concern, the individual counties shouldn't be creating their own fines and fees for a violation that duplicates state law.

Senator Mathern asked if county could assess different fees than the state.

Mr. Larson answered that this bill would not affect the amount of revenue of fines or fees to be charged by a county. A home rule city cannot charge a fine that is greater than what is detailed in state law and this should also apply to home rule counties.

Aaron Birst, North Dakota Association of Counties (NDACo) said that they don't oppose this bill. He stated that there are a number of companion bills that the Transportation Committee will be hearing that address this same issue. Under the state constitution, fines cannot go anywhere else except to the state. He stated that fees and permit applications, in NDACo's opinion, are different than the fines. The AG's opinion, in his opinion blurred the issue.

Senator Nething asked if we were talking about fees or fines.

Mr. Birst said that the way he reads it is that it is suppose to be a broad fines and fees. We are just suggesting that the fees stay on the county side.

Senator Nething asked if his interpretation was correct that if the county, under home rule levees a fee, the amount is provided by state law. The amount is provided by state law but the fee can stay with the county.

Mr. Birst said that is correct. He said that under state law now, both fines and fees are dictated by state law. In the future bills that are coming we will suggest to you that the county can keep the civil fees not the fines that have to go to the state.

Senator Oehlke asked for more clarification where income goes.

Mr. Birst said that before the AG's opinion counties would hire deputies to patrol roads and look for overweight vehicles. When they found the overweight vehicles the fines that were dictated by state law would go to the state. The overweight penalty which the state law dictated would be kept by the county. After the AG's opinion, the interpretation of the opinion said everything went to the state.

Senator Oehlke said that would take away the incentives for counties to want to patrol roads.

Mr. Birst said that is why they will be supporting more bills.

Senator Mathern asked what his interpretation of the consequence of the passing of this bill.

Mr. Birst said that it would say to counties that you can exceed whatever is in state law.

Senator Sitte asked how many counties have home rule.

Mr. Birst replied that there are seven.

Senator Nodland said that this is a real issue in western ND.

Senator Lee closed the hearing on SB 2044.

Senator Sitte moved a Do Pass.

Senator Nodland seconded.

Discussion followed.

Senator Oehlke did not feel ready to vote on this bill. He said he would like to see the other related bills.

Senator Nething said it was his understanding that the fee part will go to the county. This bill clarifies that. The fine part goes to the state. This will help the counties out.

Senator Oehlke asked if the fee was established by the state or does the individual county have some flexibility. Does it have to be the same everywhere?

Senator Lee said it was his understanding that the statutory fee that you are access with a violation is state law. The permitting is flexible.

Senator Mathern said that he thought he heard testimony that all the money now goes to the state after the AG's opinion.

Senator Lee stated that this was not his understanding. The permitting process fees go to the county that manages it. The fee for the violation of the law goes to the state.

Senator Sitte said that it might be helpful to get that schedule of fees.

Senator Lee asked the intern to get this information.

Senator Sitte withdrew her motion.

Senator Nodland withdrew his second.

Discussion followed on possibility of striking home rule.

Senator Nething said that we shouldn't get the seventeen counties in the west confused with the home rule counties.

It was the consensus of the committee to find out what the other related bills are before they act on this bill.

2011 SENATE STANDING COMMITTEE MINUTES

Senate Transportation Committee
Lewis and Clark Room, State Capitol

SB 2044
January 7, 2011
12643

Conference Committee

Committee Clerk Signature *Jody Hauge*

Second Hearing on SB 2044

Minutes:

No attachments

Senator G. Lee opened discussion on SB2044 relating to overweight permit violations for home rule counties. He said that SB2044 was simply trying to clarify the issue that the permit processing fees stay with the local jurisdiction but the violation goes to the state.

Senator Mathern said he was concerned about passing one bill and not knowing what the related bills looked like. He wondered if they should amend a piece in from HB1042 into SB2044 and pass it.

Senator Lee stated that he thinks that is a bigger issue and should allow more testimony.

Tim Dawson from Legislative Council was called to help clarify the issue.

Senator Lee asked Mr. Dawson to clarify SB2044.

Mr. Dawson said it's a "I really mean it law". It is just a clarification.

Senator Lee clarified that it says to the seven home rule counties, if you have an overweight process you can keep the fees for the processing fee itself but if there is a violation of the law that fee goes to the state.

Mr. Dawson said that was correct.

Senator Lee asked if HB1042 was different than what we are dealing with.

Mr. Dawson said that this bill applies solely to the permits in the violation of not having a permit. It does not apply to the extraordinary road use fees. He said overweight was a separate issue.

Senator Lee clarified that this just deals with fines for not having that permit that you are required to have.

Mr. Dawson said that was correct.

Senator Sitte asked if we needed to include all counties.

Mr. Dawson said the violation of being overweight is a violation of state law so there is continuity across the state. He said that a few years back the legislature gave authority to home rule counties to provide for their own destiny. However, there is a section that says that they cannot make any regulation if the activity is regulated by state law. He said that the home rule and counties are on the same playing field right now but the home rule still argues that it is not an area regulated by state law, which has been interpreted by the Supreme Court to mean an area for which there is substantial state control.

Mr. Dawson stated that this bill takes away any argument that the home rule counties are special in this area. He added that this says the home rule counties cannot make a fee different than state law, and the other issue is about keeping the money.

Senator Lee summarized that the bill clarifies for the home rule counties that they are not different from the other 17 western counties and are the same when it comes to the permitting process for overweight and the collection of those fees and where they go.

Senator Sitte moved a Do Pass.

Senator Nodland seconded the motion.

Senator Mathern stated that he did not see a need for this bill and looks forward to another bill. He sees a need for addressing road damage and the counties that are struggling for this.

Senator Nething stated that he saw this bill as just a cleanup bill.

Roll call vote 5-1-0. **Motion passed.**

Senator Nodland will carry the bill.

FISCAL NOTE
 Requested by Legislative Council
 03/23/2011

Amendment to: SB 2044

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	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

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
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

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).*

Bill as amended would still not have a fiscal impact on the Highway Patrol.

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.*

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

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

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:	03/23/2011

FISCAL NOTE

Requested by Legislative Council
12/15/2010

Bill/Resolution No.: SB 2044

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	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

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
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

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).*

Language appears to be fiscally neutral by keeping statutory fee the same.

Bill would not have a fiscal impact on the Highway Patrol.

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.*

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

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

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:	12/21/2010

Date: January 7, 2011
Roll Call/Vote # 5-1-0

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

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 Sitte Seconded By Senator Nodland

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) 5 No 1

Absent 0

Floor Assignment Senator Nodland

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

REPORT OF STANDING COMMITTEE

SB 2044: Transportation Committee (Sen. G. Lee, Chairman) recommends **DO PASS**
(5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2044 was placed on the
Eleventh order on the calendar.

2011 HOUSE TRANSPORTATION

SB 2044

2011 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee
Fort Totten Room, State Capitol

SB 2044
03/17/2011
Job #15579

Conference Committee

Committee Clerk Signature *Jeannette Cook*

Explanation or reason for introduction of bill/resolution:

SB 2044 is a bill relating to overweight permit violations for home rule counties.

Minutes:

Attachments # 1-4

Aaron Birst, Legal Counsel for North Dakota Association of Counties, spoke in support of SB 2044. He provided written testimony, an amendment (#2), and pictures that illustrate some of the trucks that would be permitted by this bill. See attachment #1 and 3. He repeated that fines by state constitution *have* to go to State Land Board for the school fund. It cannot be changed without a constitutional change. He stated that they are simply asking that if there is a local road that permits, the permit fee stays with the local entity. Aaron explained that the pictures are of a fourteen axle truck that is overweight. This kind of truck is what the permit system is designed to do. It forces those trucks to come in, so they can be told what road to travel on. There is also a chart that shows the county permit heavy weight fee schedule.

Aaron Birst: There could be a change in the amendment to grandfather in the permitting programs that currently exist. If there is some language that would work better to pass the bill, we would be willing to work with you. I want to clarify again, that this is just an attempt to do the permit, not the extraordinary road use fees. The arguments on the floor said that 1042 violates the constitution because of the school issue. That was never the intent. We are not talking about the extraordinary road use fees. Every county or city has been using some sort of permit process since that statute was originally created.

Chairman Ruby: Can counties under home rule charter impose their own permit fees?

Aaron Birst: Under the Attorney General's opinion it was directed to home rule counties. But, certainly if home rule counties are limited by not being allowed to keep those permits and fees, then under the law that they analyzed, regular counties wouldn't either. So, 2044, which says that home rule counties cannot raise the rates higher than state law, becomes moot because if you can't even keep it, you can't set it. Those bills were companion bills, 1042 and 2044.

Representative Weisz: I am questioning your comment about grandfathering. Are you suggesting that only the counties that currently have a permit system should be allowed to have one and the rest should not?

Aaron Birst: It was suggested to me that it would be a possibility. I think this is a statewide issue, and it would be okay to clarify the permits for all entities.

Representative R. Kelsch: How much revenue do you think will be generated from allowing the counties to collect those permit fees?

Aaron Birst: In the western counties (17 counties and some of the cities) in the last couple of years it has generated about 1.5 million dollars. We don't have specific numbers statewide. Every county and city has used this process at some point in time. Because of the industry going on in the west, they created a well developed program. Many cities just occasionally will allow an overweight to come through, and then they run the permit. Bismarck has been running this process too, I understand. I don't have the numbers.

Representative R. Kelsch: Will those monies be used for the roads that are being torn up by these overweight vehicles.

Aaron Birst: The way that I had the amendment worded, it would be specifically directed to support of those local roads. To be honest it would be the roads and/or structure to permit the roads. I can't say that every dollar collected would go to the roads; it would go to administration too.

Chairman Ruby: It is very broad language. It could be interpreted to say, because of dollars that we would have used, had we not had to put them into roads, we will put them into our general fund.

Aaron Birst: I agree, I struggled with coming up with language that didn't seem offensive. The intent is to control the local roads. It to go to the program and the roads for that program, not something else, but it is difficult to separate those monies out.

Representative R. Kelsch: There are ways that you can tighten up the language, so that they can supplant for roads. There can also be a reporting mechanism added, that states that they have to report back to a legislative committee and tell us how those dollars are being used. Much like we had to do with the 911 fees that were not being used for 911 services.

Aaron Birst: We are okay with that. The west is very well organized, and it is very clear how much they generate. If an area just uses an occasional permit, I'm not sure that you will get the hard numbers that you want.

Representative Weisz: If you don't have the ability to keep the permit fees or charge a permit, how does that affect the permitting process? Is there much point of issuing a permit?

Aaron Birst: The Attorney General's office never said that the local entities don't have the right to create the program. So, under current law they could still create the programs. This just deals with where the permit monies may have gone. If this doesn't pass, they will continue to do the permitting process, but they will ask the local property tax payers to fund the programs through the general fund. Our argument is that it makes sense that the industry that is using those roads would pay that increase to offset those program costs.

Representative Heller: Is the \$10 administrative fee kept by the permitting counties? Do they get any money at all for the administration of the permit process, and do they have any record of how much it costs to run their system?

Aaron Birst: Yes, the permits that are collected are kept by the county that they ran in. In the west where they made a multicounty, the permit goes to one person, and then they distribute the permit fee, after taking the administrative cost for running the program. The monies are distributed based on the road use.

Representative Heller: Is there a record of what it has cost to administratively run the joint power group so far?

Aaron Birst: There is. I can text the person to find out what they take as administrative costs. Again, the permitting fee in the west recently brought in close to 1.5 million dollars in the last year. This has been in operations for twenty years, and the increase in dollars is just because of the increased size of loads that have been coming. It is has not been typical, but hopefully the industry continues to flourish in North Dakota.

Representative R. Kelsch: Is it run similarly to the way that we do the 911 system, where we have some of the counties that go through the Association of Counties for distribution? I'm not saying that it is done by the Association of Counties, but it is done through one county, and then distributed that way.

Aaron Birst: Absolutely, the same concept. In this case the person who runs the permit is Linda Svihovec who is the McKenzie County Treasurer. She runs the program, but technically it is run out of the Oil and Gas Producing Association.

Chairman Ruby: Are all of these that are on the Uniform County Permit System currently getting the \$10 permitting fee or a portion of that?

Aaron Birst: Yes, under this structure that is correct. I will mention that the state also has an overweight system for their roads. By the way, to run under this western permitting system, you have to run 105/5, including on county roads.

Chairman Ruby: Is that why the other counties haven't participated in this because it would require that bump in weight?

Aaron Birst: From our perspective we would say that the counties could structure the program however they want to structure it. The western programs have structured the program with 105/5. We would say it should be a local decision. There may be a possibility that in the interim, some of us should sit down and try to work out a good program. I appreciate the Chairman letting me try to offer this. It is important to a number of counties. Ordinarily, we wouldn't try to revive a bill if it has been killed. I would suggest that because it is now different, by being significantly scaled back, and because of some of the confusion that was on the floor with the constitutionality, it might be appropriate to at least allow this to be addressed one more time.

Representative Heller: Have you thought of doing this on a percentage basis? The counties could keep 50% and send 50% into the state.

Aaron Birst: Many counties use the Highway Patrol, even if it is on a county road, and the Highway Patrol will weigh them because the county doesn't have a scale. In those cases, they usually just send the monies into the state because the state had to come out and do the work. It was hard to think of a way to do that.

Representative Dave Drovdal, District 39: This is not a fight, east against west. The western counties have a program in place out of need, not because they are looking for extra money. They need to help the businesses out there and need to fix the damages on the county roads. I don't believe that the Highway Patrol does most of the weight because I hardly ever see a Highway Patrolman. They are not around. We have a lot of miles and very few patrolmen. They had a request for three more, which was taken out by the House. We need them out there, but I understand that some may be moved out there too. Our counties are doing the work of the state when it comes to patrolling. This program was done a lot of years ago out of necessity because the state wasn't willing to do it. It is in place and is working. I did vote with the majority in defeating that bill in the House (1042), and I found out later from my county officials that I should have voted the other way. This is a fee to be used by the western counties for the county roads. I don't like carving out, but there are times that we need to do it. As far as accountability, you can do whatever you want, but you know the money will be spent for the roads because they need to be repaired. I hope you take a serious look at this. It is working out there for the county AND the businesses, which is really important. Our traffic in the west is different from most of the state of North Dakota. We have more trucks running down our county roads, than you have running down your highways.

Ron Ness: I stand in support of SB 2044.

Representative Delmore: Do you look at these fees to continue to rise? Are we going to have more and more as the activity continues in these counties?

Ron Ness, the North Dakota Petroleum Council: I stand in support of the bill and a proposed change to the bill. We are heavy users of the multicounty unified permitting system in the seventeen oil producing counties that was put in place in 1986. It works extremely well. It works better for our companies than the state system. I would like to offer an amendment. We want to ensure that we can continue the smooth flow of permitting of our enormous amount of oversize and overweight vehicles. This county unified program has been very effective. We are paying significant fees. It is my understanding that the issue is not directed at the western counties, but it is related to the addition of more of these types of programs. We think that it is very important not to go backward and take something out that has been in place since 1986, especially at a time when it is so very important. I would offer an amendment. See attachment #4. You can continue to evaluate this in the interim. We urge you not to upset the apple cart right now. We have a lot of good things going on in the session, and a lot of infrastructure going in place, but we have to keep those vehicles moving. As users, our companies pay these fees, and it is a lot better knowing that the money is going back to the counties where it will directly be used for roads.

Representative Delmore: Do you look at these fees to continue to rise? Are we going to have more and more of these permits as the boom continues to go on in our western counties?

Ron Ness: I think that maybe (inaudible)..... we are looking at. At this point they need these fees quite badly because we don't have the resources on the ground.

Representative Delmore: Do all the counties involved feel that they get their fair share of the money? Has the distribution been pretty good, at least to your knowledge?

Ron Ness: I can't answer that, but we don't hear complaints about this. This is one function of government, which from our standpoint, takes care of itself. It is run very well. They don't squabble about it, and we don't squabble about it. I am urging you not to create a squabble. Carve us out and work the rest out in the interim.

Chairman Ruby: Is it possible if we don't carve this out and have two separate systems, and that we just allowed it statewide, the requirement of going up to the 105/5 would be removed from some of the counties if they could do it without that provision?

Ron Ness: I think that would be a concern.

Chairman Ruby: By doing, this we it might be inequitable. If we adopt your amendment we would keep the western permit system the way that it is and would allow all the other counties to be under this system, where they could get the permit fee as well, but not have to change to the 105/5. Is that right?

Ron Ness: I can't answer that question.

Representative Weisz: I don't think this has anything to do with the 105/5. In this seventeen county system they allow 105/5, but nobody else is required to do that. Any other multi-permitting system in the state could be at whatever weight they choose. That was just something the seventeen counties did when they decided to do the overweight, which I think was a really good thing. All this bill does is say that the other counties can keep their permit system. They can set up a permit system now, and could even if we limit it. They just couldn't keep the fees, only the current ones could keep the fees.

Ron Ness: To my knowledge this is the only unified system that collects and retains fees at the present time. It is not like you are changing rules for the others.

There was no further support for SB 2044.

Sandy Clark, North Dakota Farm Bureau, spoke in opposition of the amendment to SB 2044.

Sandy Clark: We had no position on SB 2044 in its original form. Our testimony will deal with the proposed amendments that are before you. I understand that they will allow the permit fee to go to the county. We are standing in opposition to that as well. This has been a very strange bill that has made its rounds. We appreciate the professionalism used by Mr. Birst as he let us know what was going on with this bill. We don't have a problem with the joint powers in the western counties. They have set up a good system that has been working. Our issue is with the fees. Our reason for opposing is because of what we have seen, and how we've watched this come through the process. When we heard this bill the first time, there was no talk about the western counties. There wasn't even any talk about how the fee schedule was protecting the roads. It was all about the money. We think it is still about the money. We are opposed because of what I am going to call "incremental creep". As we have gone through the sessions, we have seen primarily in the tax committee in the last six sessions, the increased designated mill levies. We have been through about all of them, and now we are going to start on fees and different ways to generate revenue for the counties. We hope that you will resist the amendments.

Representative Weisz: I am at a loss at your opposition to this. One of the issues that we have struggled with is heavier loads on county roads, which it seems like the amendment on here would somewhat help a county to support a system where they would at least issue a permit to allow heavier loads. Now you are saying that you don't want that to happen. This is very different than looking at extraordinary use fees. I understand your argument of "incrementalism", because that does tend to happen. To me this is an opportunity to allow someone to run heavier by getting a permit from the county. Why would the Farm Bureau oppose that, when it has been a big issue in the Ag. sector?

Sandy Clark: We don't have a problem with setting up these systems or being able to get these permits, but it is the fee process.

Representative Weisz: You don't think that they should be reimbursed for setting up the system. So, they are supposed to be able to issue you permits for overweight, but not be able to collect a fee for allowing a heavier vehicle on the road?

Sandy Clark: No one said that this is an easy issue.

Representative Weisz: We all know that heavier vehicles do cause more damage. It is reality. What you are saying is that if a county is willing to issue a permit to allow a heavier load than would be normally allowed, they shouldn't receive any compensation for the increased damage?

Sandy Clark: I don't have all the answers or all the information. I would assume that they can do that now.

Representative Weisz: They can do it, but they just can't keep the money. So, it doesn't do them any good.

There was no further opposition to SB 2044.

The hearing was closed at SB 2044.

2011 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee
Fort Totten Room, State Capitol

SB 2044
03/17/2011
Job # 15626

Conference Committee

Committee Clerk Signature

Jeannette Cook

Explanation or reason for introduction of bill/resolution:

Minutes:

Chairman Ruby brought SB 2044 before the committee. He stated that there are at least two amendments.

Representative Weisz reviewed the intent of the bill. He explained that the fee structure was designed by the seventeen counties to address the issues that they were having.

Representative Weisz: This bill just says that the counties have put a procedure in place on their roads only, which allows a carrier to run with an overweight load by getting a permit and paying the fee. This now says that they can issue the permit but are not allowed to keep the fee. It is nonsensical. I don't understand why you would let them set up the structure and not keep the money. We probably should, at some point, have an overall state permitting system. I would oppose Ness's amendment, because I don't know why we would restrict it to this agreement. Why do we care? I wish that my county would do something; then I could go in and get a permit to run an overweight load. There is no procedure in my county to go over 80,000 pounds. I had some problems with 1042, but I think this bill makes sense with the amendment that the counties proposed. These are only the permit fees, and it allows the county to choose the routes.

Representative R. Kelsch: We talk about 17 counties that are using this, but only 16 are listed here. What county is not listed?

Couldn't hear who answered: McHenry is the missing county.

Representative Heller: I called Linda in Watford City. She told me that they charge \$14 per permit for administration. I am not sure where the \$10 comes in. In 2010 they issued 41,736 permits from July to June. The \$10 confuses me.

Representative Weisz: That is what their county charges the other counties to administer the program. Ten dollars is included in the fee schedule for administration. Then Linda's county keeps \$4.00, and \$6.00 goes back to the counties as administration costs for them plus whatever the permit fee is.

Representative R. Kelsch: They did structure this much like the Association of Counties did for the 911 fees, because it seemed to be successful. They charge an administrative fee for participating and doing the work, and then the rest of the money goes out to the counties.

Chairman Ruby: They can go to one place and get a permit, and then go across three counties, similar to the multistate permits that we talked about.

Chairman Ruby: If I am reading this correctly, this would allow them to use the same structure that the seventeen counties have.

Representative Weisz: Nothing in this bill has anything to do with the structure of the multi-agreement or any process that any county is using. It has nothing to do with their ability to form a consortium, have a uniform permit system, or have the county do it as an individual. The original bill says that they can do it. The amendment just lets the counties keep the permit. It doesn't matter if it is an individual county that currently has their own permits, it doesn't change that. It won't stop anybody from forming a consortium. They can come up with their own price and their own permit. The counties don't actually have to let any carriers run overweight at all. So, this is important to let companies get those loads to their destination.

Vice Chairman Weiler: My concern with the amendment is the fees that are now spread out across the state by the State Highway Fund, are going to be deposited in the general fund of the county that collected the fee. The seventeen oil producing counties are collecting considerably more money through these fees, and they are no longer going to put it into the State Highway Fund. I have a real problem with that.

Representative Onstad: There is administrative cost to go through this fee schedule. To ask for that \$10 to stay with the county that has the administrative costs, only makes sense. Who is going to pick up the tab otherwise? It is going to be the local tax payers. They are not asking for the permits. The seventeen counties are their own group and have agreed to work with each other. It doesn't say that Burleigh County can't do the same thing. The west just has more requests, so they have agreed to do it together.

Chairman Ruby: This wouldn't set the \$10 fee. They could do whatever they want for the administrative side, and then the rest could go into their road fund. We are not following the \$10 with this proposal. As far as I understand, it is not about the western counties because they are already doing this.

Representative R. Kelsch: I was more comfortable with one component of the amendments, due to the fact that it says, "... for the support of the local road system". I will go back to the 911 system and what the audit revealed about what the fees were being used for. Those fees, that were being assessed and given to the counties, were not being used for public safety. I think that if you are going to do this, there needs to be some accountability and direction. I still think that there should be an accounting to the legislature. They should have to come in and show where the money went, what roads they fixed, and how it went to the county roads. Isn't that what it is all about? Accountability, to make sure that these monies are being used for the correct purpose?

Representative Weisz: There are a lot of differences between this and the 911. Every county levies a large portion of their budget for roads, unlike the 911. They were just not using the money correctly and diverting it. The other issue is that this is **their** money to start with. Why are we worried about how they spend their own money that they generate? Their citizens will decide if the local political subdivision is using its resources in a wise and timely manner. All counties probably take money from their general fund to cover their road fund. I would resist an amendment to add accountability.

Chairman Ruby: I have two concerns. The other counties that are in the group right now, they have set their rates and have allowed up to 105/5. Now we allow all the other counties to set their own. They can be at any level that they want for weight and for fees. What is the incentive for the western group to be a part of this uniform group that is limited, when all the other counties are free to set whatever they want? They may not have to go to 105/5, and they may be higher than the other structure. The other thing I have heard is that if there is an amendment on the bill, it may be killed again on the floor.

Representative Weisz: It is important to remember: nothing currently requires any county to set up a permit or prohibits them. We have state law; all roads are posted at 80,000 pounds unless otherwise posted. So, currently there isn't a single county that has to let anyone to run on their roads if they are over 80,000 pounds. **They don't have to let them on the road.**

Chairman Ruby: So, now this is a disincentive.

Representative Weisz: No, it is not. At least they can get a permit fee. If they want to set up a permit that is started at a base of 80,000. They can let someone run at 105,500 for a \$30 permit. As a farmer I decide that if I have a 105,500 pound rig, it is worth paying the permit to get to the elevator. If they don't set up a permitting system, I am either going to cross my fingers and hope that I don't get stopped, or maybe pay a \$5000 fine if I get picked up. The other option is to run 80,000 pounds on a legal 105,500 road until I get to that. To me this is an INCENTIVE for counties to give a permit and try to set up a structure. There are going to be these loads. It is the reason that you have the seventeen county group because they realize that they couldn't just ignore the problem. They have all the oil field trucks, and they have to address it. This group banded together. They set up a structure, they set up reasonable fees, and I give them credit. You heard the industry, they are happy. When is the industry happy paying fees? They are happy because they are allowed on the roads, and the counties let them get where they need to go. It is a reasonable structure. Why would we punish anyone for doing that?

Chairman Ruby: It is taking away the incentive of the seventeen counties. If another county sets a permit at \$50 instead of \$20, then the seventeen counties might think that their permit is too low.

Representative Weisz: They can set it anywhere they want. If they think that \$20 is too low, they can set it at \$50.

Chairman Ruby: So, they are not stuck to this?

Representative Weisz: No, they have the ability to set the permit where they want. Some counties may already have schedules that set the fess a lot higher.

Representative Onstad: The request for all of these counties to become uniform came from the oil industry, because a rig, for instance, doesn't stay in Mountrail County all the time. When they finish in one place, they go to a different county. They did this at the request of the industry, because they have to continually make these multiple county moves. I would believe that the \$20 was an agreement back then because it was good for both the industry and the county.

Representative Heller: The way that I understood Linda, is that they are already doing this. The only reason that this bill is in front of us is because someone in the interim committee asked for the Attorney General's opinion. There has to be some sort of track record of what they have been doing with this money, because they are doing this right now.

Chairman Ruby: The way that I understood it is that those counties were fine. It would be the other counties that could set the permit, but they wouldn't get the funds.

Representative Onstad: The permitting fee that they are collecting now is being sent into the state. They are not keeping the money. That is their concern.

Vice Chairman Weiler: Could we get an explanation of the amendment from Ron Ness?

Representative Sukut: It is my understanding, at this point in time, that the counties are collecting these fees and keeping them. But, because of the Attorney General's decision, they will not get to keep the fees unless we pass this bill. So, passing this bill in some form is important. I really do feel that the money needs to stay with the county. The roads are absolutely being annihilated, and those dollars are important. There is intact right now some regulation that is requiring the counties to do some reporting. The reporting mechanism is already there, but more importantly we need to get this passed.

Representative R. Kelsch: I am more comfortable with Mr. Birst's amendment because it did state that the money goes to the road fund. Did the Attorney General's opinion come about after the traffic fine home ruling, and then did they ask for it at that point? Is that what triggered it?

Representative Sukut: I don't know when that took place.

Vice Chairman Weiler: The amendment says that the fess must be deposited in the county's general fund for support of the local road system. If it needs to go to the roads, why doesn't it specify that it must go to the road fund instead of the general fund? It scares me. In this law it says that the all funds collected hereunder by the Highway Patrol MUST be deposited in the State Highway Fund. If they are keeping the fees, they are breaking the law. That is how I read it. I am not in favor of passing a bill that will change the law for counties that are currently breaking the law.

Representative Weisz: They are not keeping the fees anymore, since the AG's office ruled that they couldn't. But, it was assumed up until then that because you are home rule you could set your own permits and fines and keep those. When the court determined that you can't have fines in excess of the state, this opinion eventually decided that home rule doesn't have the ability to even keep the permit. First of all, when you talk about this language, there is a reason why it says general fund. Not every local political subdivision has a specific road fund. They have a specific levy for roads, but not separate road funds like the Department of Transportation. Their money goes into the general fund, and then they allocate the dollars. Again, it is their money. I don't understand why we are thinking that they are ripping someone off because if they pay the auditor, then **that** money is going to pay the roads.

Chairman Ruby: The real risk is that if they are not going to get the money, they may just pull out of it and **not allow any** overweight trucks on the roads.

Representative Weisz: That is exactly right!

Representative Onstad: The original thing was the home rule counties. It is my understanding that Mountrail and Dunn County are not home rule counties. I don't think that they are keeping those fees. Is Williams County a home rule county?

Representative Sukut: I do believe that we are a home rule county.

Chairman Ruby: As I read Ron's amendment, we wouldn't need that if we accept the counties' amendments, right?

**Representative Weisz moved the amendment presented by Mr. Birst.
Representative Onstad seconded the motion.**

Chairman Ruby reviewed how the amendment fits into the bill.

A voice vote was taken on the amendment. The motion carried.

Vice Chairman Weiler: I would like to further amend, and change the amendment. Instead of reading "to the local authority's general fund", we should change it to "or deposited in the local authority's road fund".

Representative Onstad: It would probably be the "special road fund", which is typical for townships and counties. But, not every county has that.

Representative Weisz: We can say whatever we want, but what are we trying to get at? Does the money somehow get contaminated if it goes into the general fund? They have budgets like we do. The townships and the counties are spending a ton of money on roads. It is all property tax. If you take the million dollars that these seventeen counties got, for example. If they spend it on their State's Attorney, then they are using the money they would have used on their State's Attorney on the roads. Not every political subdivision has a specific fund that you deposit money into that has a separate account. Now, if we say they have to, they will have to set up a specific account.

Chairman Ruby: Wouldn't we then have to say that we allow them to have so much for an administrative fee?

Representative Weisz: Then, that is the question. Can they take money out of that fund to pay the administrators? Or can Linda even withhold the \$4.00 for administration that belongs to them? Does she have to send it all out, and they have to send it back?

**Representative Frantsvog seconded the motion.
A voice vote was taken. The motion failed.**

Representative Gruchalla: Currently an oversized permit is \$20, and there is a \$10 fee set by the counties that are operating this consortium. They keep \$4.00, and then split it up. The \$20 goes to the state funds. Will this bill allow them to keep the \$20 permit fee as well?

Chairman Ruby: Either it was an additional \$10 or the \$10 was out of that \$20. I wasn't sure about that.

Representative Weisz: Under current law they don't get to keep ANY. They were, but they can't anymore because of the AG's ruling.

Representative Gruchalla: That AG's ruling is old. It was two or three years ago.

Representative Weisz: We have to be clear. Prior to that they were keeping whatever the fees were on the sheet that showed us the structure of the fees. It says on the schedule that the \$10 is included in the permit. So, now the whole thing is going to the state. Why should the counties let a load of 170,000 pounds run down their roads? They could just eliminate the permits completely and say, "tough".

Chairman Ruby: Has any county been able to do this as long as they were home rule? Some of them just didn't?

Representative Weisz: I would assume that some just elected to do their own permitting. It is really changing nothing of what they could have done or charged.

Representative Owens: In the bill now, we are saying that there is an appropriate charge for permits and it just says OR deposited locally. It doesn't say that it has to be or is required, it just says OR. It gets more interesting where it talks about the penalty, which is the major part that I was concerned about, it doesn't actually say that they get to keep that or do anything with it. It says that, "If a county under home rule issues the permit then the fine for violating permits is equal to the state's." That is all that it says. It doesn't say that it goes anywhere else, or that they get it. It just says that it is equal to state law for violating a permit. I am wondering if this came about because someone said that they couldn't be charged a state fine because they had a county permit. The sentence says that if I am a county and I issue you a permit, then I find you in violation of that permit and charge you for that it is based on the amounts in state law for the violation. That just moves down to Section 2, is that correct? I am talking about both pieces now.

Representative R. Kelsch: We did put them together now.

Vice Chairman Weiler: I would like to go back to Representative Owens's minimization of all we are doing is saying "OR they can deposit the money". I will give a quick analogy. If the law in North Dakota states that if one of our fourteen committee members win the lottery, and it is over \$150 million dollars that we have to share it. If we amend it to say OR you can keep it yourself, I'm sorry but you are not getting any of my money.

Chairman Ruby: The way that I understand that, it says if you are not a home rule county, it will go into the State Highway Fund. But, if you are home ruled, it will go into your fund.

Representative Owens: My point was that I don't think is specific enough for a law to determine where the money goes.

Vice Chairman Weiler: This gives them the option to deposit it in the State Highway Fund or keep the money in their own fund.

Representative Weisz: The first part has to do with the funds by the Highway Patrol, OR if it is local, then they can deposit it in their local fund for the support of the local road system. So, if they are collecting the permit, it goes to them. If they are not collecting the permit, it goes to the State Highway Fund. **That is the way that the language reads.**

Chairman Ruby: What about the fine for not having a permit?

Representative Weisz: My understanding is that the fine goes to the Common Schools Trust Fund. The way that the AG ruled, the excess weight fee also goes to the state. If the county issued me a permit, and I am 10,000 pounds overweight, and if I get stopped, I pay the permit to the county. I get a \$20 fine for being overweight. That goes to the Common Schools Trust Fund. But, because I am 10,000 pounds over, the fine is about \$2,500. That goes to the state. That was the issue with 1042. It would have allowed the counties to keep that fine money. They can't keep the fine. That doesn't change.

Chairman Ruby: We will hold this until we get a proposed engrossed version of the bill and can look at it.

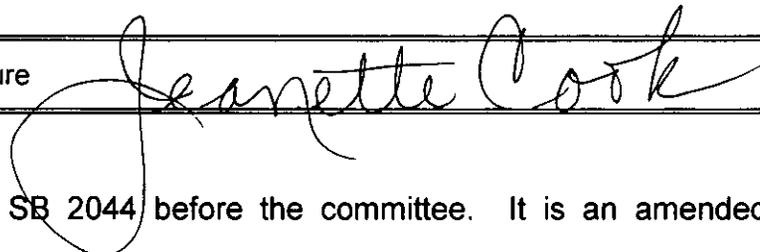
2011 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee
Fort Totten Room, State Capitol

SB 2044
03/18/2011
Job # 15675

Conference Committee

Committee Clerk Signature



Chairman Ruby brought SB 2044 before the committee. It is an amended bill. He reviewed the bill.

Representative Sukut: I spoke with Williams County and Linda Swyhovec trying to figure out exactly what has been transpiring with this. The counties, at least the oil producing ones, are just looking for clarification of what they have been doing for the past 30 years. They have been keeping not just the permit fees but the overweight fees also. They just want this bill to clarify the law. The other part of the bill that has to do with the fines, and they end up going back to the state. The downside is that if they are not able to continue doing what they have been doing, there are many of the counties that will just not allow overweight loads on their roads.

Representative Weisz: I agree with everything that was said, but it was pointed out to me that the way the language was drafted and adopted by this committee isn't entirely correct. It implies that the fees from the Highway Patrol would go into the counties, instead of the county permit fees or local authority permit fees. We need to put a period at the end of the Department of Transportation and say, "permit fees generated by local political subdivisions shall be deposited in the local authority general fund for support of the local road system." See attachment #1.

Representative Weisz moved to further amend SB 2044.

Representative R. Kelsch seconded the motion.

Representative Frantsvog: I understand that the seventeen counties out west have a consortium. What if Cass County decided to join that group? Could they do that?

Representative Gruchalla: I looked into this as well. I think what happened was that one of the counties in the east decided that they might go into doing a permit system like this on their own. They asked for an Attorney General's opinion to see if they could do it. Then the Attorney General looked at the way it is being done out west. He said it is unclear whether they should be keeping the funds. Apparently that incident generated this bill to clarify the language. So, yes, any other county could start a permit system of their own or join another one under this bill.

Representative Frantsvog: So, there is nothing that would prohibit them from joining this group? On the information that was given to us it says that, "The North Dakota Uniform

County Permit System is a program that is governed by the Executive Board and Truck Permit Committee of the North Dakota Association of Oil & Gas Producing Counties.” So, it is not something that is created within the county organizations themselves, but an organization outside of the counties that is overseeing the entire project.

Chairman Ruby: That is the way it works in that group of counties. But, other counties have also been implementing permits and allowing overweight loads to run on their roads.

Representative Frantsvog: That is what made me question if another county could join this consortium.

Representative Weisz: I would assume that it would be up to this organization; they obviously don't have to let anyone in. This is designed around their particular needs. They could open or close it. This bill just allows them to keep the fees. If we don't adopt the amendments they can continue to do it, but they cannot keep the fees. Then it doesn't make sense to do the permits.

Vice Chairman Weiler: On the handout that we received, are these funds that are collected by the Highway Patrol? Are there separate fees that are collected by the county? Where must the counties deposit their funds?

Representative Vigesaa: That is in the amendment that Representative Weisz added. Attachment #1.

Vice Chairman Weiler: From our discussion yesterday, OR they can deposit the money in their general fund. Do the two words “local authority” include everyone? But, now on line eight it specifically says, “Highway Patrol” and then down below Then if we don't add this language on line 10 the counties must continue to deposit the money in the State Highway Fund. That is current law. For years we have been told that the counties have been depositing the money in their own general fund, breaking the law. And, now we are changing the law, so they don't have to be breaking the law any more. That is the way that I look at it.

Representative Sukut: They haven't been breaking the law until somehow in 2009 the Attorney General formulated an opinion that said that those dollars should possibly be deposited in the State Highway Fund. Prior to that time it was perfectly okay for the counties to take the funds that they were collecting and put them into their own funds.

Chairman Ruby: It all had to do with the interpretation. Now, the interpretation has changed. That interpretation isn't consistent with what the general practice has been for thirty years.

Representative Sukut: Now we are just clarifying what has been common practice for 20 to 30 years.

Chairman Ruby clarified the amendment language with the intern.

A voice vote was taken to further amend SB 2044.

House Transportation Committee

SB 2044

03/18/2011

Page 3

The motion carried.

Representative Weisz moved a DO PASS on SB 2044 as amended.

Representative Sukut seconded the motion.

A roll call vote was taken on SB 2044. Aye 11 Nay 1 Absent 2

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2044

Page 1, line 1, after "reenact" insert "subsection 3 of section 39-12-02 and"

Page 1, line 2, strike "home rule"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Subsection 3 or Section 39-12-02 of the North Dakota Century Code is amended and reenacted as follows:

3. An appropriate charge must be made for each permit and all funds collected hereunder by the highway patrol must be deposited in the state highway fund for use in the construction and maintenance of highways and operating expenses of the department of transportation or deposited in the local authorities' general fund for support of the local road system. This section does not apply to ~~Except for~~ publicly owned vehicles that provide service beyond the agency's jurisdiction, official, publicly owned, emergency, or military vehicles which are not subject to charges for permits. The minimum fee for selected charges is as follows:"

Renumber accordingly

Date: 3-17-11

Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2044

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 Weisz Seconded By Orstad

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

voice vote - aye Motion carried

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Amend - by Birst. "Assoc. of Counties"

Date: 3-17-11

Roll Call Vote #: 2

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2044

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 Weiler Seconded By Frantsvog

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 Vigesaa					
Representative Weisz					

Vote Motion failed

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:
Further amend deposited in "Special Road funds"

Adopted

#1
3/18

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2044

Page 1, line 1, after "reenact" insert "subsection 3 of section 39-12-02 and"

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Adopted

Renumber accordingly

Date: 3-18-11

Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2044

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 Weisz Seconded By R. Kelsch

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 Vigesaa					
Representative Weisz					

voice vote
Motion carried

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

further amend after trans.

March 21, 2011

VK
3/21/11

PROPOSED AMENDMENTS TO SENATE BILL NO. 2044

Page 1, line 1, after "reenact" insert "subsection 3 of section 39-12-02 and"

Page 1, line 2, after "to" insert "fees for issuing overweight permits and fees for"

Page 1, line 2, remove "home rule"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Subsection 3 of section 39-12-02 of the North Dakota Century Code is amended and reenacted as follows:

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 - a. The fee for the ten percent weight exemption, harvest and wintertime, is fifty dollars per month for fees paid on a monthly basis or two hundred fifty dollars per year for fees paid on a yearly basis. Unused fees paid on a monthly basis are refundable. Unused fees paid on a yearly basis are not refundable.
 - b. The fee for a non-self-issuing interstate permit is ten dollars per trip or three hundred dollars per calendar year for unlimited trips.
 - c. The fee for special mobile equipment is twenty-five dollars per trip.
 - d. The fee for engineering is twenty-five dollars per trip.
 - e. The fee for faxing a permit is five dollars.
 - f. The fee for a single trip permit is twenty dollars per trip.
 - g. The fee for a bridge length permit is thirty dollars per trip or one hundred fifty dollars per calendar year.
 - h. The fee for a longer combination vehicle permit is one hundred dollars per month for fees paid on a monthly basis.
 - i. 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 one hundred dollars per calendar year unless the vehicle is a noncommercial fish house trailer being moved by the owner, then the fee is twenty dollars per calendar year."

Renumber accordingly

Date: 3-18-11

Roll Call Vote #: 2

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2044

House TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number 11.0001.02001 .03000

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

Motion Made By Weisz Seconded By G. Sukut

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby	X		Representative Delmore	A	
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	A				
Representative Sukut	X				
Representative Vigasaa	X				
Representative Weisz	X				

Total (Yes) 11 No 1

Absent 2

Floor Assignment Weisz

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

REPORT OF STANDING COMMITTEE

SB 2044: Transportation Committee (Rep. Ruby, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 1 NAYS, 2 ABSENT AND NOT VOTING). SB 2044 was placed on the Sixth order on the calendar.

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Page 1, line 2, after "to" insert "fees for issuing overweight permits and fees for"

Page 1, line 2, remove "home rule"

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 - d. The fee for engineering is twenty-five dollars per trip.
 - e. The fee for faxing a permit is five dollars.
 - f. The fee for a single trip permit is twenty dollars per trip.
 - g. The fee for a bridge length permit is thirty dollars per trip or one hundred fifty dollars per calendar year.
 - h. The fee for a longer combination vehicle permit is one hundred dollars per month for fees paid on a monthly basis.
 - i. 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 one hundred dollars per calendar year unless the vehicle is a noncommercial fish house trailer being moved by the owner, then the fee is twenty dollars per calendar year."

Renumber accordingly

2011 SENATE TRANSPORTATION

CONFERENCE COMMITTEE

SB 2044

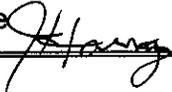
2011 SENATE STANDING COMMITTEE MINUTES

Senate Transportation Committee
Lewis and Clark Room, State Capitol

SB 2044
April 7, 2044
Job Number 16422

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact section 39-12-08 of the North Dakota Century Code, relating to overweight permit violations for home rule counties

Minutes:

Discussion

Chairman Nodland: Opened the meeting. He asked the House for the amendment change.

Representative Weisz: Said that Stutsman County had asked for it because they had an issue. They were wondering about where the permit fee would go. The AG had said that it would end up in the state confer. The House added the amendment to insure the current practice, to make it clear that permit fees generated by political subdivisions has to be put in the general fund for support of the local road system. It was trying to get to what many are doing already. He said the House was trying to incentivize the counties not to offer an overweight permit.

Senator Mathern: Asked is there any change in the amount of the permits that would be given because of your changes to the bill.

Representative Weisz: Said currently counties can set whatever permit fees they want, most use the same schedule as the state. They could have lower or higher permit fees for a certain overate, the language we put in wouldn't change that and we didn't feel it was necessary to mandate a fixed fee.

Senator Nodland: He handed a proposed amendment that came from negotiations and talking with different agencies. The two sentences in red explain the changes.

Representative Weisz: Said he had concerns with the first part. He said forcing them onto the country or township route is a lot different then what is on the state route. What does shall on a permit mean, because if the permit is specific to the state road, does that mean the county or township can't even do routing? What if the road exceeds what the township or county can handle, it says they are going to run them anyway.

Senator Nodland: Said I think that is what it is saying, just honor.

Representative Weisz: Said that counties don't have authority over any state roads or townships. There isn't anything to honor because they don't have any say on the state system.

Grant Levi, Deputy Director for Engineering for the North Dakota DOT: Said it is stating that the local authority shall honor the permit issued by the highway patrol for state routes within their jurisdiction. He said where this would apply is the state routes that go through the cities and where the cities have maintained them and where the cities have permits to travel on routes. He said the highway patrol works with those cities and at times designates the permitting authority to the city where the city is maintaining the state route. They allow them to handle it when it is just an internal movement within the city. There are times when there is a pass through movement through the city that occurs and what this would state is the city could offer another permit for that permit that was already given by the highway patrol. He gave an example of how this would work.

Representative Delmore: Asked if there has been a problem in the past with this, where cities or counties haven't cooperated.

Grant: Said they didn't offer this amendment, he was just sharing where it would apply. The highway patrol is the permitting agency and with conversations with them they explained that they have a very good working relationship with the local units of government. He said he could see that there could potentially be some confusion that could occur.

Senator Lee: Asked if this would just apply to cities.

Grant: Said the cities are the only areas where they take jurisdiction over the state highway because they maintain it. He isn't familiar with any areas where a county would maintain any portion of a state highway.

Representative Weisz: Asked if there is any situation that he could see where the city would want something different than what the state is saying and there would be a conflict.

Grant: Said that he couldn't see where there would be any difficulty with it.

Senator Mathern: Asked a but the meaning of the second red item as it correspondence to the underlying wording in item three, are they talking about the same or are they different items.

Grant: Said the second item would probably fit best in its intent to with what was done with the bill in its third subsection. The intent was that they could charge permit fees on their system but those charges should be consistent with those established by the highway patrol.

Senator Mathern: Asked if it was his experience that those have been different or are different. What would be the rationale for clarifying that?

Grant: Said he would imagine it was to try to provide some controls on the local units of government to insure they do not go too far beyond.

Chairman Nodland: Said and consistency for the public.

Representative Owens: Asked what the purpose was of paragraph two, doesn't understand why it is in there.

Chairman Nodland: Said it is part of the bill itself and was already in there.

Senator Mathern: Asked if there was any evidence that the counties or local authorities are charging too much, what is the rationale.

Terry Trainor, Association of Counties: Said to clarify the Senate appropriations committee suggested language similar to this and they had expressed concern to the appropriations committee that this was being dealt with in 2044 and they agreed that they would take that off of the budget bill to keep that streamlined but asked that they propose language like this. They were in support of the change in subparagraph three, they asked for that in 2044 and feel it was very important. The other two sections they don't feel changed current practices significantly. His understanding is that most jurisdictions are using the State fee schedule because it is established and understood by the truckers.

Senator Mathern: Said he was hoping that the counties have as much authority as they need to take care of the roads. He asked if this constrict them too much and just as soon not issue a permit or just as soon put it twice as high to either pay for or prevent the damage.

Terry: Said that is a complicated question because if there is damage afterwards it is a little harder to recoup that. He said other sections of state law suggest that any damage probably goes to the state through extraordinary use fees but counties ultimately have the choice to not issue the permit. If they feel the fee isn't enough to cover what they anticipate will be the impact on the road they could deny it or suggest to issue a permit for another route.

Representative Delmore: Asked if there has been a problem in the past where either the counties or the cities not honoring permits from the highway patrol.

Terry: Said he wasn't aware of anything at the county level. His understanding of the issue was a city-state issue where they have joint responsibility where they work at sharing the fees and permitting and the idea is to make it as simple as they can for the truckers to get through and let the state and city work through the details of what should be permitted and how the revenue should be handled.

Chairman Nodland: Asked if he could explain what happened with the Attorney General's opinion with fines part of it.

Terry: Said there are three different issues as far as revenue. The permit fees are upfront and we are taking about that here, if they fail to get that permit and they were traveling with

that load overload restrictions and aren't caught there are two different penalties involved. That is called extraordinary road use fee, which is a civil penalty for the damage done. There is also a criminal fine which was never in question. That goes to the schools and lands trust fund. The permitting and the civil penalty where that went were never clear. They would like the permitting to stay in the counties but it wasn't clear. Presently the permits and the extraordinary road fees go to the state highway fund for the DOT budget.

Chairman Nodland: Adjourned the meeting.

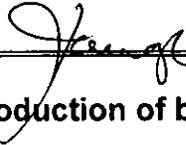
2011 SENATE STANDING COMMITTEE MINUTES

Senate Transportation Committee
Lewis and Clark Room, State Capitol

SB 2044
April 12, 2011
Job Number 16510

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact section 39-12-08 of the North Dakota Century Code, relating to overweight permit violations for home rule counties

Minutes:

Discussion and Proposed Amendment

Chairman Nodland: Called the meeting to order. He explained the amendment.

Representative Weisz: Said that on the House side in the testimony, there was never any discussion on these types of amendments. He said he doesn't think it seems to be part of the discussion in the conference committee. He wants to know why they are looking at additional amendments instead of talking about the changes the House made in the bill from the Senate and whether they concur or not.

Chairman Nodland: Said that they had some different agencies way in on the bill after the fact and there was concern from the department of transportation and the highway patrol about us keeping consistency with all of the fees for the permits.

Representative Weisz: Said they didn't here from anyone in the highway patrol. The counties set their fees and the counties don't have to allow anything and why would the highway patrol care they don't collect the permit fees. He said he doesn't understand where this push is coming from.

Representative Delmore: Said one of the problems that she has with this is that there isn't a problem. She isn't sure they are addressing something that has been a problem to either the highway patrol or the counties or to someone who is driving these vehicles. She said that they are hamstringing the local authorities; they are elected just like they are for a different purpose on the local level. She doesn't see the need for this.

Chairman Nodland: Said they go back to when Stutsman County made the request to the Attorney General to come up with something on the overweight fines and the Attorney General gave that opinion and that is what brought this to light. The oil producing counties have had some stiff fines which has given them money to provide for their law enforcement. He said there was a ruling on that and they can't keep that in the counties and now they are down to the fees. He said he had this handed out to everyone because it shows what the

oil producing counties are doing in their permit systems on their fees. The highway patrol has something but it is quite different. That is where this came from and we want to keep the consistency like the oil counties have for the truckers.

Senator Mathern: He said he sees the suggested amendments as part of the conference committee discussion in that, it appears to him that it clarifies how they would implement it in such a way to make it uniform. He wanted to get a clarification on the amendment that was handed out, how does it affect the House actions as it relates to Home Rule ordinances, is there any change in that? What is that consequence to differentiating the counties?

Representative Owens: He said there were very few Home Rule counties and the way it was written limited it to them and this now applies to all counties.

Representative Weisz: Said the language that was sent over in 2044 is still in our bill that we sent back and that Home Rule applies to the violation and not to permit itself. He said where there is disagreement on the idea of uniformity; they had a lengthy discussion in their committee about the oil and gas counties and their consortium of sixteen counties. He said he thinks it was wonderful that they got together and put that in and they currently use the state's permit fee schedule. He said what if the fee schedule should be higher because of the extra demand. He said it shouldn't affect the trucking companies as far as being able to do business or consistency because they still have to get a permit from the county. He said he could just see counties saying you can't run on our road.

Senator Lee: Moved the amendment 11.0001.02004 as proposed by Senator Nodland whereas the House recedes from its amendments and amended as you see it in front of you.

Senator Mathern: Seconded the motion.

Roll Call Vote: Yes-3 No-3 Failed

Representative Weisz: Said if the Senate would consider a compromise of keeping in on your amendment the first part and taking out the permit fee part.

Senator Lee: Said so you are looking at section one is okay and section three is the problem.

Representative Weisz: Said the new language in section one would be okay and the last part of section one would be out.

Senator Lee: Said and subsection three would stay.

Representative Weisz: Said that he would agree to that.

Chairman Nodland: Closed the hearing.

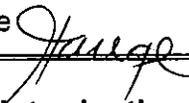
2011 SENATE STANDING COMMITTEE MINUTES

Senate Transportation Committee
Lewis and Clark Room, State Capitol

SB 2044
April 14, 2011
Job Number 16592

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact section 39-12-08 of the North Dakota Century Code, relating to overweight permit violations for home rule counties.

Minutes:

Amendment Attached

Chairman Nodland: Called the conference committee on Senate Bill 2044 to order. Since our last meeting we had some discussion with some individuals and I visited with a couple of agencies. I have an idea that I would like to propose. He handed out the proposed amendment, Attachment 1. We took the verbiage off of what I had proposed at the last meeting, left the verbiage on section one, item three that the House has in and if you look at the second page, added section three. We are asking to do a study on motor vehicle permit fees included over weight and over width permit fees charged by cities and counties.

Senator Lee: Said he moves the proposed amendment 11.0001.02005.

Senator Mathern: Seconded the motion.

Discussion on whether the motion was right.

Chairman Nodland: Basically what it is the differences that are out west and there are a lot of unknowns out there and we need to find out what the counties are doing.

Roll Call Vote: Yes-6 No-0

Senator Nodland to carry for the Senate

Representative Weisz to carry for the House

Discussion after meeting was that the motion should have been, House recedes from House amendments and amend as follows.

2011 SENATE STANDING COMMITTEE MINUTES

Senate Transportation Committee
Lewis and Clark Room, State Capitol

SB 2044
April 18, 2011
Job Number 16703

Conference Committee

Committee Clerk Signature

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Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact section 39-12-08 of the North Dakota Century Code, relating to overweight permit violations for home rule counties

Minutes:

Discussion, Amendment and Vote

Chairman Nodland: Opened the meeting. He handed out a new amendment. He said that had some issues in the Senate so they went back to conference and came up with a couple of changes. He went over the changes.

Senator Mathern: Moved to adopt the amendment, 11.001.2006.

Representative Weisz: Seconded the motion.

Roll Call Vote: Yes-6 No-0

Chairman Nodland: Closed the meeting.

2011 SENATE CONFERENCE COMMITTEE ROLL CALL VOTES

Committee: Transportation

Bill/Resolution No. 2044 as (re) engrossed

Date: April 7, 2011

Roll Call Vote #: _____

Action Taken

- SENATE accede to House amendments
- SENATE accede to House amendments and further amend
- HOUSE recede from House amendments
- HOUSE recede from House amendments and amend as follows

Senate/House Amendments on SJ/HJ page(s) _____

- Unable to agree, recommends that the committee be discharged and a new committee be appointed

((Re) Engrossed) _____ was placed on the Seventh order of business on the calendar

Motion Made by: _____ Seconded by: _____

Senators	A	Y	N		Representatives	A	Y	N
Senator Nodland	-				Representative Weig	-		
Senator G. Lee	-				Representative Owen	-		
Senator Mathew	-				Representative Delmore	-		

Vote Count: Yes _____ No _____ Absent _____

Senate Carrier _____ House Carrier _____

LC Number _____ of amendment

LC Number _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

April 11, 2011

PROPOSED AMENDMENTS TO SENATE BILL NO. 2044

That the House recede from its amendments as printed on pages 898 and 899 of the Senate Journal and pages 1067 and 1068 of the House Journal and that Senate Bill No. 2044 be amended as follows:

Page 1, line 1, after "reenact" insert "subsections 1 and 3 of section 39-12-02 and"

Page 1, line 2, after "to" insert "fees for issuing overweight permits and fees for"

Page 1, line 2, remove "home rule"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Subsections 1 and 3 of section 39-12-02 of the North Dakota Century Code are amended and reenacted as follows:

1. The highway patrol and local authorities in their respective jurisdictions, upon application and payment of the appropriate charges and for good cause shown, may issue a special written permit authorizing the applicant to operate or move a vehicle, mobile home, or modular unit of a size or weight exceeding the maximum specified by this chapter, upon a highway under the jurisdiction of the body granting the permit. A local authority shall honor a permit issued by the highway patrol for state routes within the jurisdiction of the local authority. Every permit may designate the route to be traversed and may contain any other restrictions or conditions deemed necessary by the body granting the permit. Every permit must be carried in the vehicle to which it refers and must be opened to inspection by any peace officer or agent of the superintendent of the highway patrol unless prior approval is obtained from the highway patrol. It is a violation of this chapter for any person to violate any of the terms or conditions of the permit. The highway patrol and local authorities may adopt rules governing the movement of oversize and overweight vehicles; however, the charges established by a local authority may not exceed fees charged by the highway patrol.

3. An appropriate charge must be made for each permit and all funds collected hereunder by the highway patrol must be deposited in the state highway fund for use in the construction and maintenance of highways and operating expenses of the department of transportation. ~~Except for publicly.~~ Permit fees generated by a political subdivision must be deposited in the local authority's general fund for support of the local road system. Publicly owned vehicles that provide service beyond the agency's jurisdiction, official, publicly owned, emergency, or military vehicles are not subject to charges for permits. The minimum fee for selected charges is as follows:
 - a. The fee for the ten percent weight exemption, harvest and wintertime, is fifty dollars per month for fees paid on a monthly basis or two hundred fifty dollars per year for fees paid on a yearly basis. Unused

fees paid on a monthly basis are refundable. Unused fees paid on a yearly basis are not refundable.

- b. The fee for a non-self-issuing interstate permit is ten dollars per trip or three hundred dollars per calendar year for unlimited trips.
- c. The fee for special mobile equipment is twenty-five dollars per trip.
- d. The fee for engineering is twenty-five dollars per trip.
- e. The fee for faxing a permit is five dollars.
- f. The fee for a single trip permit is twenty dollars per trip.
- g. The fee for a bridge length permit is thirty dollars per trip or one hundred fifty dollars per calendar year.
- h. The fee for a longer combination vehicle permit is one hundred dollars per month for fees paid on a monthly basis.
- i. 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 one hundred dollars per calendar year unless the vehicle is a noncommercial fish house trailer being moved by the owner, then the fee is twenty dollars per calendar year."

Renumber accordingly

2011 SENATE CONFERENCE COMMITTEE ROLL CALL VOTES

Committee: Transportation

Bill/Resolution No. 2044 as (re) engrossed

Date: April 12, 2011

Roll Call Vote #: _____

Action Taken

- SENATE accede to House amendments
- SENATE accede to House amendments and further amend
- HOUSE recede from House amendments
- HOUSE recede from House amendments and amend as follows

Senate/House Amendments on SJ/HJ page(s) _____

- Unable to agree, recommends that the committee be discharged and a new committee be appointed

((Re) Engrossed) _____ was placed on the Seventh order of business on the calendar

Motion Made by: _____ Seconded by: _____

Senators			Yes	No		Representatives			Yes	No
Senator Nodland	✓		✓			Representative Weig	✓			✓
Senator G. Lee	✓		✓			Representative Owens	✓			✓
Senator Matheson	✓		✓			Representative Delancey	✓			✓

Vote Count: Yes 3 No 3 Absent 0

Senate Carrier _____ House Carrier _____

LC Number _____ of amendment

LC Number _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

April 13, 2011


4-14-11
1 of 2

PROPOSED AMENDMENTS TO SENATE BILL NO. 2044

That the House recede from its amendments as printed on pages 898 and 899 of the Senate Journal and pages 1067 and 1068 of the House Journal and that Senate Bill No. 2044 be amended as follows:

Page 1, line 1, after "reenact" insert "subsection 3 of section 39-12-02 and"

Page 1, line 2, after "to" insert "fees for issuing overweight permits and fees for"

Page 1, line 2, remove "home rule"

Page 1, line 2, after "counties" insert "; and to provide for a legislative management study"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Subsection 3 of section 39-12-02 of the North Dakota Century Code is amended and reenacted as follows:

3. An appropriate charge must be made for each permit and all funds collected hereunder by the highway patrol must be deposited in the state highway fund for use in the construction and maintenance of highways and operating expenses of the department of transportation. ~~Except for publicly.~~ Permit fees generated by a political subdivision must be deposited in the local authority's general fund for support of the local road system. Publicly owned vehicles that provide service beyond the agency's jurisdiction, official, publicly owned, emergency, or military vehicles are not subject to charges for permits. The minimum fee for selected charges is as follows:
 - a. The fee for the ten percent weight exemption, harvest and wintertime, is fifty dollars per month for fees paid on a monthly basis or two hundred fifty dollars per year for fees paid on a yearly basis. Unused fees paid on a monthly basis are refundable. Unused fees paid on a yearly basis are not refundable.
 - b. The fee for a non-self-issuing interstate permit is ten dollars per trip or three hundred dollars per calendar year for unlimited trips.
 - c. The fee for special mobile equipment is twenty-five dollars per trip.
 - d. The fee for engineering is twenty-five dollars per trip.
 - e. The fee for faxing a permit is five dollars.
 - f. The fee for a single trip permit is twenty dollars per trip.
 - g. The fee for a bridge length permit is thirty dollars per trip or one hundred fifty dollars per calendar year.
 - h. The fee for a longer combination vehicle permit is one hundred dollars per month for fees paid on a monthly basis.

- 2012
- i. 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 one hundred dollars per calendar year unless the vehicle is a noncommercial fish house trailer being moved by the owner, then the fee is twenty dollars per calendar year."

Page 1, after line 13, insert:

"SECTION 3. LEGISLATIVE MANAGEMENT STUDY - MOTOR VEHICLE PERMIT FEES. During the 2011-12 interim, the legislative management shall consider studying motor vehicle permit fees, including overweight and overwidth permit fees charged by cities and counties. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly."

Renumber accordingly

April 15, 2011

PROPOSED AMENDMENTS TO SENATE BILL NO. 2044

That the House recede from its amendments as printed on pages 898 and 899 of the Senate Journal and pages 1067 and 1068 of the House Journal and that Senate Bill No. 2044 be amended as follows:

Page 1, line 1, after "reenact" insert "subsection 3 of section 39-12-02 and"

Page 1, line 2, after "to" insert "fees for issuing overweight permits and fees for"

Page 1, line 2, remove "home rule"

Page 1, line 2, after "counties" insert "; to provide for a legislative management study; and to declare an emergency"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Subsection 3 of section 39-12-02 of the North Dakota Century Code is amended and reenacted as follows:

3. An appropriate charge must be made for each permit and all funds collected hereunder by the highway patrol must be deposited in the state highway fund for use in the construction and maintenance of highways and operating expenses of the department of transportation. ~~Except for publicly.~~ Permit fees generated by a political subdivision must be deposited in the local authority's general fund for support of the local road system. Publicly owned vehicles that provide service beyond the agency's jurisdiction, official, publicly owned, emergency, or military vehicles are not subject to charges for permits. The minimum fee for selected charges is as follows:
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 - b. The fee for a non-self-issuing interstate permit is ten dollars per trip or three hundred dollars per calendar year for unlimited trips.
 - c. The fee for special mobile equipment is twenty-five dollars per trip.
 - d. The fee for engineering is twenty-five dollars per trip.
 - e. The fee for faxing a permit is five dollars.
 - f. The fee for a single trip permit is twenty dollars per trip.
 - g. The fee for a bridge length permit is thirty dollars per trip or one hundred fifty dollars per calendar year.
 - h. The fee for a longer combination vehicle permit is one hundred dollars per month for fees paid on a monthly basis.

- i. 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 one hundred dollars per calendar year unless the vehicle is a noncommercial fish house trailer being moved by the owner, then the fee is twenty dollars per calendar year."

Page 1, line 12, after "ordinance" insert "or any city, including a home rule city"

Page 1, after line 13, insert:

"SECTION 3. LEGISLATIVE MANAGEMENT STUDY - MOTOR VEHICLE PERMIT FEES. During the 2011-12 interim, the legislative management shall consider studying motor vehicle permit fees, including overweight and overwidth permit fees charged by cities and counties. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

2011 SENATE CONFERENCE COMMITTEE ROLL CALL VOTES

Committee: Transportation

Bill/Resolution No. 2044 as (re) engrossed

Date: 4-18-11

Roll Call Vote #: _____

- Action Taken**
- SENATE accede to House amendments
 - SENATE accede to House amendments and further amend
 - HOUSE recede from House amendments
 - HOUSE recede from House amendments and amend as follows

Senate/House Amendments on SJ/HJ page(s) _____

- Unable to agree, recommends that the committee be discharged and a new committee be appointed

((Re) Engrossed) _____ was placed on the Seventh order of business on the calendar

Motion Made by: Senator Mathern Seconded by: Representative Weisz

Senators	Y/N	Yes	No		Representatives	Y/N	Yes	No
Senator Nodland	✓	✓			Rep. Weisz	✓	✓	
Senator G. Lee	✓	✓			Rep. Owens	✓	✓	
Senator Mathern	✓	✓			Rep. Delmore	✓	✓	

Vote Count: Yes 6 No 0 Absent 0

Senate Carrier Senator Nodland House Carrier Representative Weisz

LC Number 11.0001.02006 of amendment

LC Number _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

REPORT OF CONFERENCE COMMITTEE

SB 2044: Your conference committee (Sens. Nodland, G. Lee, Mathern and Reps. Weisz, Owens, Delmore) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 898-899, adopt amendments as follows, and place SB 2044 on the Seventh order:

That the House recede from its amendments as printed on pages 898 and 899 of the Senate Journal and pages 1067 and 1068 of the House Journal and that Senate Bill No. 2044 be amended as follows:

Page 1, line 1, after "reenact" insert "subsection 3 of section 39-12-02 and"

Page 1, line 2, after "to" insert "fees for issuing overweight permits and fees for"

Page 1, line 2, remove "home rule"

Page 1, line 2, after "counties" insert "; to provide for a legislative management study; and to declare an emergency"

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 - f. The fee for a single trip permit is twenty dollars per trip.
 - g. The fee for a bridge length permit is thirty dollars per trip or one hundred fifty dollars per calendar year.
 - h. The fee for a longer combination vehicle permit is one hundred dollars per month for fees paid on a monthly basis.
 - i. 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 one hundred dollars per calendar year unless the vehicle is a noncommercial fish

house trailer being moved by the owner, then the fee is twenty dollars per calendar year."

Page 1, line 12, after "ordinance" insert "or any city, including a home rule city"

Page 1, after line 13, insert:

"SECTION 3. LEGISLATIVE MANAGEMENT STUDY - MOTOR VEHICLE PERMIT FEES. During the 2011-12 interim, the legislative management shall consider studying motor vehicle permit fees, including overweight and overwidth permit fees charged by cities and counties. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

SB 2044 was placed on the Seventh order of business on the calendar.

2011 TESTIMONY

SB 2044

HOME-RULE COUNTY OVERWEIGHT VEHICLE VIOLATION

This bill was recommended by the Public Safety and Transportation Committee

- Result of an Attorney General's opinion regarding the enforcement of an overweight vehicle ordinance established under a county's home rule authority.
 - Opinion reviewed the ability of a home rule county to establish a weight restriction ordinance and to collect revenue resulting from violations of the ordinance.
 - Opinion determined that while a home rule county may enact a weight restriction ordinance, the ordinance may not contain any provisions which would divert revenue raised through enforcement of the ordinance from the state treasury to the county.

The bill adds a sentence to section 39-12-08 to clarify that the violation of a home-rule county overweight vehicle ordinance is considered a violation of state law.

Received
late
after
minutes
complete

Testimony to the
HOUSE TRANSPORTATION
Prepared March 17, 2011 by the North Dakota Association of Counties
Aaron Birst, Legal Counsel

CONCERNING SENATE BILL 2044

Chairman Ruby and members of the committee, the North Dakota Association of Counties is here today to strongly support SB 2044. We are also asking you to adopt an amendment which reflects a significant amount of work that was done by the public safety and transportation interim committee.

In enacting NDCC § 39-12-02, the legislature specifically granted the highway patrol and local authorities the ability to create special road permits which would allow individuals to operate vehicles on the highway which would otherwise exceeds size and weight restrictions. The entity that issues the permit is based upon what jurisdiction's highway was used. In other words, a city would have the authority to issue an overweight permit for city roads, a county would have the authority to issue an overweight permit for county roads and the highway patrol would have the authority to issue an overweight permit for State roads.

NDCC § 39-12-02(3) list the charges allowed for the permits which varies depending on a number of factors such as whether it is a single trip or whether it is a yearly permit. Just for example, a single trip permit would be a \$20 fee.

In 2009, an Attorney General opinion (2009-L-19) was released which addressed some issues related to overweight truck regulations. The opinion dealt with where the fines and/or fees should go under the law. The ultimate conclusion was "a county may enact a weight restriction ordinance" but also noted "N.D.C.C. §§ 39-12-02(3), 39-12-14.1, and 39-12-20 require **permit** and road use fees to be remitted to the state treasury for credit to the state highway fund." (emphasis added)

The intent of this amendment is to clarify not only do the locals have the ability to create their own overweight system but also to collect the permit fees associated with violations of that system. For the following reasons I ask that you support Senate Bill 2044 and its amendment.

Thank you.

SB 2044
#3

Welcome to the ND Uniform County Permit System

The ND Uniform County Permit System is a program that is governed by the Executive Board and Truck Permit Committee of the ND Association of Oil & Gas Producing Counties. It is the Permit Operator's responsibility to send you permits when you order them, bill you for used permits, and collect the funds for blank permits that your company orders.

The 16 counties presently using this program are:

**Adams – Billings – Bottineau – Bowman – Burke - Divide - Dunn - Golden Valley
McKenzie – McLean - Mountrail - Renville – Slope – Stark – Ward - Williams**

ORDERING INFORMATION

New accounts MUST contact the permit operator prior to placing their first order. Blank permits are **\$4.00** each. Permits can be ordered by any one of the following methods:

- Online: www.ndenergy.org/Permits (Preferred)
- Phone: (701) 444-3457 Ext. 281
- Email: permits@ndenergy.org

You are encouraged to keep an adequate supply on hand. A one month supply is recommended. Permits are numbered and issued sequentially. Due to the strict auditing procedures used by the permit program, once permits are ordered and mailed, there are no refunds.

HEAVY WEIGHT FEES

A uniform heavy weight fee schedule applies for all permits in all sixteen counties. When using a county road in any of the counties, AND if you are overweight, or over dimensioned, or if your vehicle is a Crane, Work-over rig, Construction vehicle, you **MUST** use a permit.

Should you travel in several counties on the same trip, **you may use one permit** providing that you circle the counties whose roads you intend to use are circled.

County permits are **NOT** valid on State Highways or Township roads.

ALL blanks on the permits **must** be filled in and they should be printed and legible. If not complete, the permit will be considered **VOID** by any law enforcement officer checking them (Highway Patrol, Sheriff). If all blanks are not filled in, the driver **can receive a citation**.

BILLING

At the end of the month, your company will receive a report of all trips turned in for that period. That report will show the amount in fees owed to each county you traveled in. Those fees are paid **directly** to that county, and **NOT TO ME**.

You will also receive a billing statement for the blank permits you ordered from me. You will send payment for the blank permits directly to me.

Remember, I collect the money ONLY for blank permits ordered by your company!

These permits are **SINGLE TRIP PERMITS ONLY** that is, from point 'A' to point 'B' and cannot be used for more than one trip. The return trip would require another permit if the load required one.

Ron Ness, ND Petroleum Council Proposed Amendment, March 17, 2011

#4
3/17

Existing multi-county permitting programs prior to January 1, 2011, can continue to collect and distribute fees to the counties.

Ordered permits **MUST** be paid for by the last day of the month in which the statement was sent. Late payment will result in the immediate loss of phone ordering privileges, and future permit orders will be honored **ONLY** when a check is received with your order.

If full payment is not received within 7 days from your receipt of a late notice:

1. Credit will no longer be extended to you.
2. All permits in your possession will be declared **VOID**.
3. Sheriff's of participating counties will be notified **NOT** to honor your permits, and any permits in your possession will not be valid.

Upon full payment, permits in your possession will be reinstated as valid. If two delinquent notices are sent out to your company in one year, your company will be required to pay for permits in advance on a permanent basis.

If fees due to the participating counties are not paid within 30 days of billing, your company will **NOT** be allowed to use Multi-county permits.

The Permit Section is **NOT** an enforcement agency; however, the Permit Section Operator has the authority to suspend any contractor or void permits issued for any violation of the permit section regulations. The Sheriff's of the participating counties **WILL** enforce weight and size laws on the county roads. The ND Highway Patrol can also check any vehicle on any county road.

I strongly suggest that you have a brief meeting with your drivers/operators about how to use these permits. All blanks must be filled out **BEFORE** you start your trip, and the permit **MUST** be signed by the driver. Please tell them that the fees that are charged to your company are based on **GROSS WEIGHT**, not Licensed Weight.

The Driver keeps the top copy of the permit, the middle copy is for your office records, and the 'hard' copy is sent to me after the trip has been made. Used permits must be mailed to this office within 7 days of being used. **Do NOT collect a stack of used permits to send in all at once.**

During weight restrictions, (Frost Laws), these permits do **NOT** give you blanket authority to use county highways that are weight restricted. Check with the county highway superintendent if you have any questions before you use a county road that may have restrictions placed on it.

Remember, if you are not driving a crane, workover unit, oversized vehicle, overweight, or earth moving equipment, you do NOT need a county permit. If you have any questions, give me a call.

NOTE: The Uniform County Permit System is in no way connected with any Law Enforcement Agency.

Many people have worked very hard to get this system working, and all of us take pride in making it work efficiently for you. Once again, welcome to the Uniform County Permit System!

Linda Svihovec
Permit Section Operator
(701) 444-3457 Ext. 281

NORTH DAKOTA ASSOCIATION OF OIL AND GAS PRODUCING COUNTIES

UNIFORM COUNTY PERMIT PROGRAM POLICIES

I. PURPOSE

The following shall be the official policies of the various North Dakota counties that are members of the "Association of Oil and Gas Producing Counties." The policies are established by the participating counties with input from the Industry. The purpose of this agreement is as follow:

1. To establish size and weight limitations for vehicular traffic on public roads in the various jurisdictions.
2. To control the size and weight of vehicles operating in excess of the maximums specified herein.
3. To reduce damage to public roadways.
4. To provide for the safety of the general public using the roadways.
5. To establish a system of permits for the legal operation of vehicles of excess size and/or weight on a uniform basis throughout the state.
6. To set and collect uniform road use fees for the operation of vehicles of excessive size and weight.

II. SIZE AND WEIGHT

Unless otherwise provided, no vehicle shall be operated on roads covered under this agreement in excess of the following limitations:

1. Width, height and length shall not exceed the limitations as set forth in Section 39-12-04 of the NDCC.
2. Weights shall not exceed the limitations as set forth in Section 39-12-05 of the NDCC.
3. The maximum gross vehicle weight, including the load therein, shall not exceed 105,500 pounds. However, maximum gross vehicle and/or axle weight may be restricted to a lesser amount as authorized by Section 39-12-03, NDCC, whenever road or weather conditions require such restrictions.
4. It shall be the local governing bodies responsibility to identify roads and bridges restricted to a lesser amount than found in Section 39-12-05, NDCC, within their jurisdiction.
5. It shall be the local governing bodies' responsibility to inform the permit section operator which roads and bridges are on permanent restriction or any changes thereof.

III. OVERSIZE AND OVERWEIGHT PERMITS

It is hereby mutually agreed that the permit policies as established by participating counties shall be the uniform permit policies for the movement of oversize and overweight vehicles and/or loads on the county roads covered under this agreement.

1. Single Trip Transportation Permits:
 - A. Vehicles operating at a size and/or weight in excess of the maximum specified in Section II shall have available for display in the cab of the vehicle a single trip permit authorizing such movement obtained from the Association of Oil and Gas Producing Counties.
 - B. Each permit shall be for a single trip only and shall be in written format.
 - C. Each permit shall specify the following: Name of owner, Address, City and State, Unit No., Make, License No., License Wt., Gross Wt., Axle Wts. No. 1, No. 2-3 or 2-3-4, No. 4-5 or 4-5-6, or 5-6-7, No. 6-7 or 6-7-8 or 7-8-9, Description of load, Width, Height, Length, Movement from/to, County, Road No., Date of movement, and Drivers signature.
2. Single Trip Movement Approval Forms:
 - A. The Uniform County Permit Single Trip Movement Approval Forms will be issued by the Association of Oil and Gas Producing Counties Permit Section Operator.
 - B. The fees to be charged to the companies shall be determined by the Uniform Heavy Weight Fee Schedule adopted by all of the participating counties.

IV. BILLING PROCEDURE

1. The Association of Oil and Gas Producing Counties Permit Section Operator has the responsibility to send the billing statements to companies using the Uniform County Permits at the end of each month along with other necessary information.
2. The Association of Oil and Gas Producing Counties Permit Section Operator sends a listing of the permits used in each county to that county's sheriff at the end of each month. The information lists the names of the companies and how much money is owed to that county from permit use. The information from the permit cards is included on the county sheriff's monthly report.
3. The companies are advised to make direct payment to the participating counties.
4. Each county is responsible for collecting past due accounts.
5. The Association of Oil and Gas Producing Counties Permit Section Operator does not handle the counties' permit money.

ND UNIFORM COUNTY PERMIT SYSTEM

FROST SEASON COUNTY ROAD CONTACT INFORMATION

<u>County</u>	<u>Auditor</u>	<u>Road Supt/Engineer</u>	<u>Sheriff</u>
BILLINGS	Joan Jurgens (701) 623-4377 jjurgens@nd.gov	Jeff Iverson (701) 575-4661 dist3@ndsupernet.com	Dave Jurgens (701) 623-4323 djurgens@nd.gov
BOTTINEAU	Mae Streich (701) 228-2225 mae.streich@co.bottineau.nd.us	Rob Peck (701) 263-1214	Steve Watson (701) 228-2740 steve.watson@co.bottineau.nd.us
BOWMAN	Sandi Tivis (701) 523-3130 stivis@bowmancountynd.gov	Neil Hofland (701) 523-5843	Rory Teigen (701) 523-7811 rteigen@bowmancountynd.gov
BURKE	J Jensen (701) 377-2861 jsjensen@nd.gov	Kenny Tetrault (701) 377-2312	Barry Jager (701) 377-2311 bjager@nd.gov
DIVIDE	Gayle Jastrzebski (701) 965-6351 gjastrze@nd.gov	Archie Peteson (701) 965-6522	Lauren Throntveit (701) 965-6461 lthrontveit@nd.gov
DUNN	Reinhard Hauck (701) 573-4448 rehauck@nd.gov	Roger Dorval (701) 260-4056 radorval@aol.com	Don Rockvov (701) 573-4449 drockvov@nd.gov
GOLDEN VALLEY	Cecil Stedman (701) 872-4331 cstedman@midstate.net	Pete Wirtzfeld (701) 872-4123 qvshop@midstate.net	Scott Steele (701) 872-4733 qvso_steele@midstate.net
MCKENZIE	Frances Olson (701) 444-3616 (Ext. 132) folson@co.mckenzie.nd.us	Mike Greer (701) 444-2600 mgreer@co.mckenzie.nd.us	Ron Rankin (701) 444-3654 rrankin@co.mckenzie.nd.us
McLEAN	Les Korgel (701) 462-8541 (Ext. 216) lkorgel@nd.gov	Ron Wagner (701) 462-8541 (Ext. 209) rfwagner@nd.gov	Don Charging (701) 462-8103 decharging@nd.gov
MOUNTRAIL	Joan Hollekim (701) 628-2145 joanh@co.mountrail.nd.us	Scott Stammen (701) 628-4444 scotts@co.mountrail.nd.us	Ken Halvorson (701) 628-2975 hoss@co.mountrail.nd.us
RENVILLE	LeAnn Fisher (701) 756-6301 lfisher@nd.gov	Richard Brunner (701) 756-6492	Barry Vannatta (701) 756-6386 bvannatt@nd.gov

 LOPE

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Pat Lorge
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STARK

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Clarence Tuhy
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WARD

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Dana Larsen
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Vern Erck
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WILLIAMS

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Dennis Nelson
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Scott Busching
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scottb@co.williams.nd.us



**ND ASSOCIATION OF OIL & GAS PRODUCING COUNTIES
UNIFORM COUNTY PERMIT HEAVY WEIGHT FEE SCHEDULE**

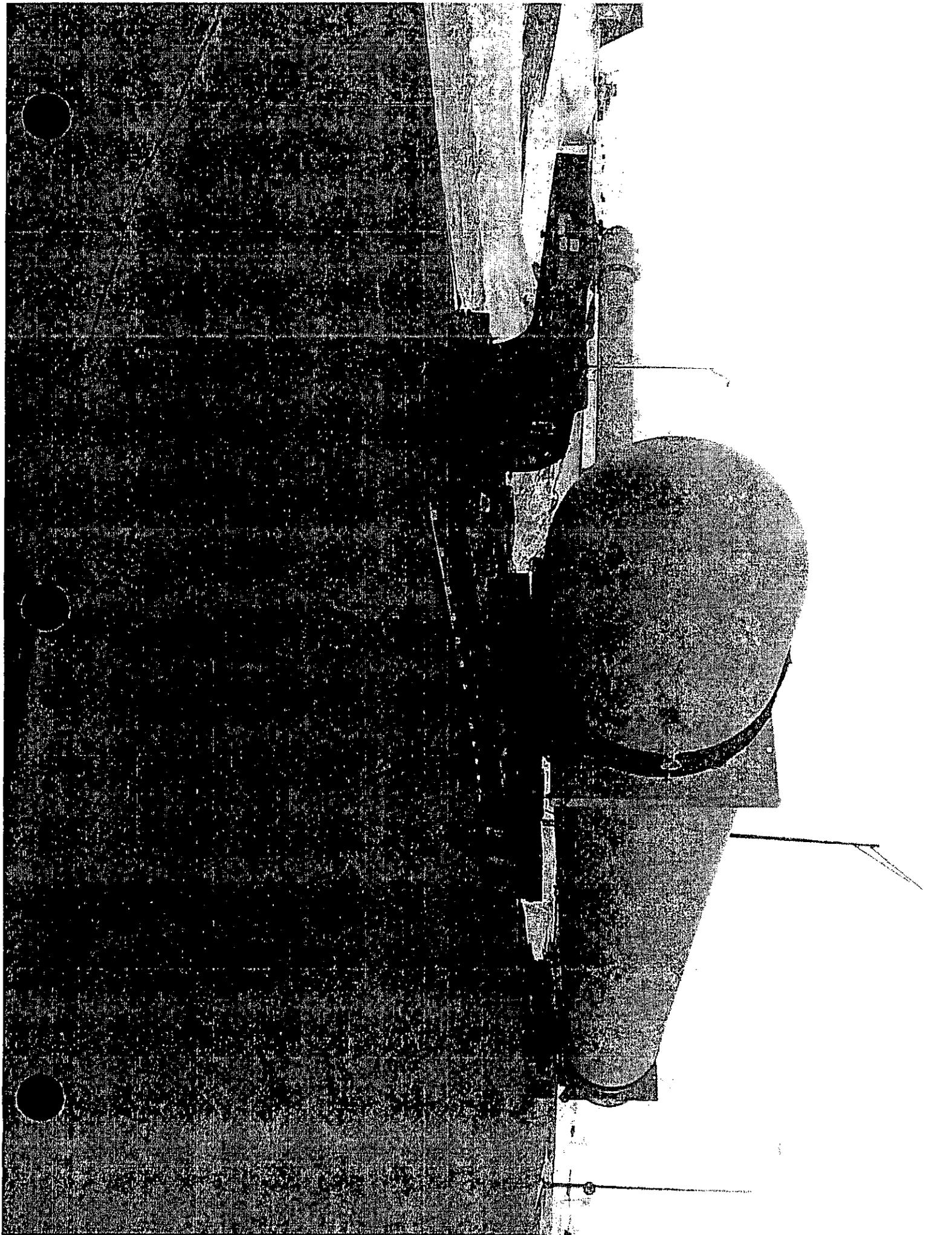
<u>Gross Weight</u>	<u>Trucks & Trailers</u>
Under 105,500 but Overwidth or Overlength	\$20
105,501 - 110,000	30
110,001 - 115,000	40
115,001 - 120,000	50
120,001 - 125,000	60
125,001 - 130,000	70
130,001 - 135,000	80
135,001 - 140,000	90
140,001 - 145,000	100
145,001 - 150,000	110
150,001 - 155,000	120
155,001 - 160,000	130
160,001 - 165,000	140
165,001 - 170,000	150
170,001 - 175,000	160
175,001 - 180,000	170
180,001 - 185,000	180
185,001 - 190,000	190
190,001 - 195,000	200
195,001 - 200,000	210
Over 200,000	\$5/ton/mile
Workover Rigs & Cranes	
40,000 - 60,000	\$30
60,001 - 100,000	40
100,001 - 110,000	60
110,001 - 115,000	70
115,001 - 120,000	80
120,001 - 125,000	90
125,000 - 130,000	100
130,001 - 135,000	110
135,001 - 140,000	120
140,001 - 145,000	130
145,001 - 150,000	140
150,001 - 155,000	150
155,001 - 160,000	160
160,001 - 165,000	170
165,001 - 170,000	180
170,001 and over	190
Earth Moving Equipment	
40,000 - 70,000	\$30
70,001 and over	50

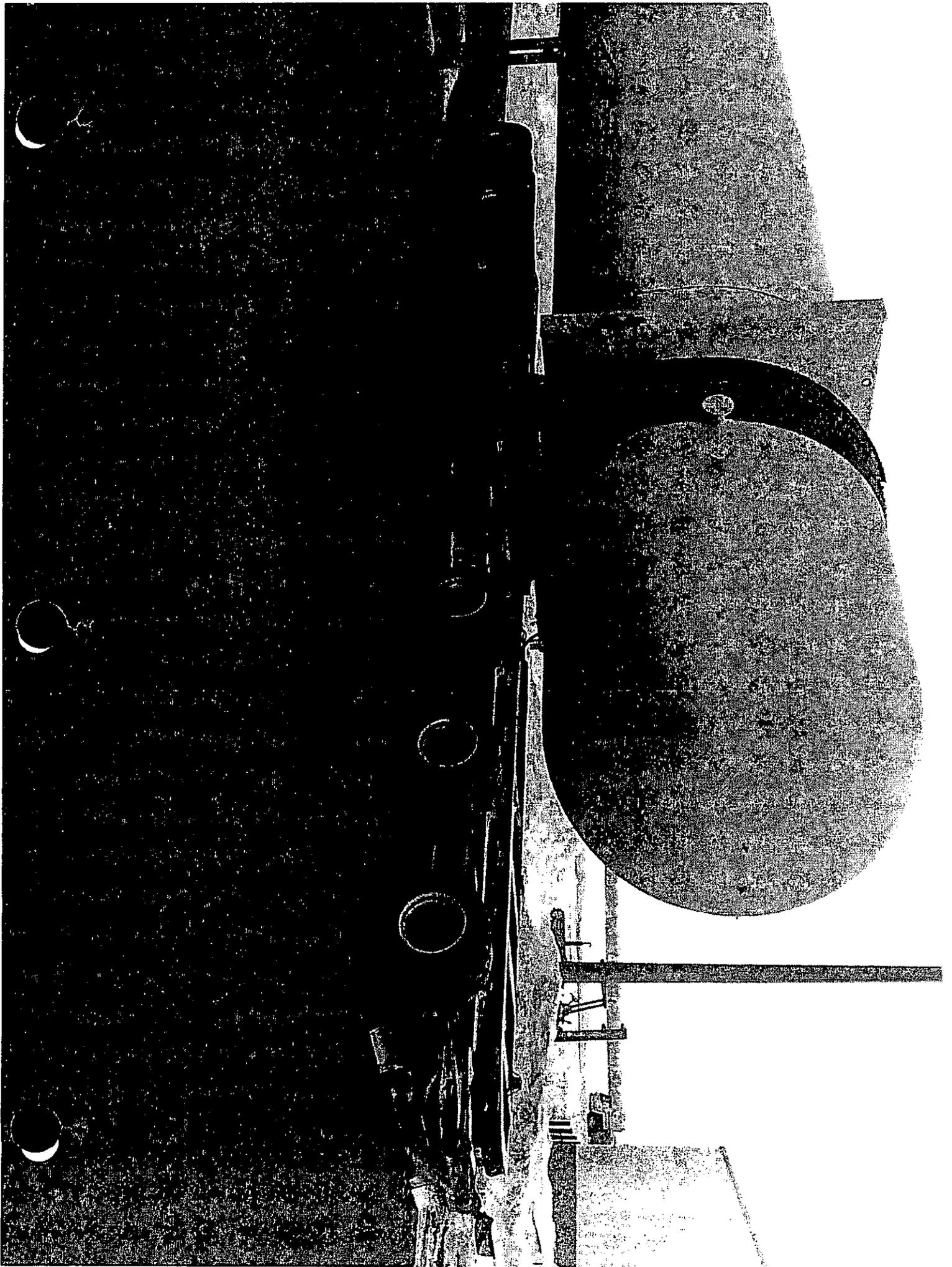
A \$10.00 administrative fee is included in the uniform fee schedule.

Heavy Weight fees do not apply on loads over 200,000 lbs. On loads over 200,000 lbs. the fee is \$5/ton/mile on all weight over 105,500.

Example:
 $300,000 \text{ lb. GVW} - 105,500 = 194,500$
 $194,500 \div 2,000 = 97.25 \text{ Tons}$
 $97.25 \text{ Tons} \times \$5.00 = \$486.25/\text{mile}$

Uniform Permits are NOT authority to use county roads during weight restrictions (Frost Law). Contact the Sheriff Dept. or County Road Superintendent in each county before using any County Road during the Frost Law period.





**ND ASSOCIATION OF OIL & GAS PRODUCING COUNTIES
UNIFORM COUNTY PERMIT HEAVY WEIGHT FEE SCHEDULE**

Gross Weight	Trucks & Trailers
Under 105,500 but Overwidth or Overlength	\$20
105,501 - 110,000	30
110,001 - 115,000	40
115,001 - 120,000	50
120,001 - 125,000	60
125,001 - 130,000	70
130,001 - 135,000	80
135,001 - 140,000	90
140,001 - 145,000	100
145,001 - 150,000	110
150,001 - 155,000	120
155,001 - 160,000	130
160,001 - 165,000	140
165,001 - 170,000	150
170,001 - 175,000	160
175,001 - 180,000	170
180,001 - 185,000	180
185,001 - 190,000	190
190,001 - 195,000	200
195,001 - 200,000	210
Over 200,000	\$5/ton/mile
Workover Rigs & Cranes	
40,000 - 60,000	\$30
60,001 - 100,000	40
100,001 - 110,000	60
110,001 - 115,000	70
115,001 - 120,000	80
120,001 - 125,000	90
125,000 - 130,000	100
130,001 - 135,000	110
135,001 - 140,000	120
140,001 - 145,000	130
145,001 - 150,000	140
150,001 - 155,000	150
155,001 - 160,000	160
160,001 - 165,000	170
165,001 - 170,000	180
170,001 and over	190
Earth Moving Equipment	
40,000 - 70,000	\$30
70,001 and over	50

A \$10.00 administrative fee is included in the uniform fee schedule.

Heavy Weight fees do not apply on loads over 200,000 lbs. On loads over 200,000 lbs. the fee is \$5/ton/mile on all weight over 105,500.

Example:
 $300,000 \text{ lb. GVW} - 105,500 = 194,500$
 $194,500 \div 2,000 = 97.25 \text{ Tons}$
 $97.25 \text{ Tons} \times \$5.00 = \$486.25/\text{mile}$

Uniform Permits are NOT authority to use county roads during weight restrictions (Frost Law). Contact the Sheriff Dept. or County Road Superintendent in each county before using any County Road during the Frost Law period.

TRUCK PERMITS

39-05-01
Policy 9-19 Annex D
Policy 9-19 Annex E
Policy 9-19 Annex F

Fee - \$20; valid for 72 hours.

Exemptions:

1. Prorated vehicles - See Policy 9-19 Annex E.
2. Farm trucks from IRP states except Minnesota and South Dakota - See Policy 9-19 Annex D.
3. Tourists or persons transporting own household goods.
4. Free zone agreements/miscellaneous reciprocity agreements - See Policy 9-19 Annex F.
5. All 2-axle single vehicles except 2-axle vehicles that are more than 26,000 lbs. gross vehicle weight and base licensed in an IRP jurisdiction.
6. Vehicle combinations with 2-axle power units and a gross vehicle weight not exceeding 26,000 lbs.

FUEL PERMITS

57-43.2-39
Policy 9-20

Required for all operators of motor vehicles with two axles and a weight exceeding 26,000 lbs. and motor vehicles with three axles or more regardless of weight and vehicle combinations exceeding 26,000 lbs. gross vehicle weight.

1. Fee - \$15; valid for 72 hours or expires when the vehicle leaves the state, whichever occurs first.

Exemptions:

1. Vehicles carrying current IFTA license cab card with current IFTA decal displayed.
2. South Dakota and Minnesota farm registered motor vehicles hauling their own products or supplies for the farm.
3. All Minnesota registered vehicles traveling within the 20-mile free zone. Travel **does not** have to be by the most direct route.
4. All North Dakota base licensed vehicles.
5. All tourists, motor homes, and other recreational vehicles used for personal pleasure.
6. All government-owned or registered vehicles.
7. Leased vehicles carrying IFTA fuel license cab cards issued to the leasing companies (lessor).
8. Nonhighway motorized equipment such as farm tractors, truck cranes, and earthmoving equipment.
9. Persons transporting their own household goods with their own or rented vehicles for home relocation.
10. Nonprofit religious organizations transporting their own equipment in their own vehicles.



GENERAL PERMIT INFORMATION

NDHP MOTOR CARRIER OPERATIONS

(Rev. 8/10)

LEGAL VEHICLES

39-12-05 (interstate only)
Policy 9-1
Policy 9-1 Annex C

39-12-05.3 (other highways)
Policy 9-1
Policy 9-1 Annex C
Policy 9-1 Annex D

39-12-04
Policy 9-1

39-12-04
Policy 9-1
Policy 9-1 Annex A
Policy 9-1 Annex B

39-12-04
Policy 9-1

DIVISIBLE LOAD PERMITS

39-12-02
Policy 9-14

Weight (550 lbs. per inch width of tire)

1. Single axle - 20,000 lbs.
2. Tandem axle - 34,000 lbs.
3. Triple axle (weight formula) - 42,000 lbs.
4. Gross vehicle weight - 80,000 lbs.

Weight (550 lbs. per inch width of tire)

1. Single axle - 20,000 lbs.
2. Tandem axle - 34,000 lbs.
3. Three or more axle groupings - 48,000 lbs.
4. Gross vehicle weight on state highways unless posted for less - 105,500 lbs.
5. Gross vehicle weight on county and other local roads unless designated for more - 80,000 lbs.

Width

1. 8 feet 6 inches on all highways.

Length

1. Single unit - 50 feet.
2. Trailers and semitrailers - 53 feet.
3. Towed vehicles - 60 feet.
4. 2-unit combination - 75 feet all highways.
5. 3 or 4-unit combination - 75 feet all highways; subject to safety rules.
6. 2, 3, and 4-unit combination - 110 feet on designated state highways; subject to safety rules - some state highways are designated for 95 feet only.
7. Cargo carrying length not to exceed 100 feet on a semitrailer and trailer, or semitrailer converted to a trailer by the use of a converter dolly and fifth wheel when the power unit is a truck-tractor - on designated state highways.

Height

1. 14 feet - all highways.
2. 15 feet 6 inches - implements of husbandry moved by resident farmers, ranchers, dealers, or manufacturers - not over 60 miles - excludes interstate.

Interstate

1. Fee - \$5 (Self Issue Single Trip Movement Approval, SFN 13780); Receipt issued permit (SFN 3507): Single Trip - \$10, Annual - \$300.
 - a. Two decals will be issued per vehicle when issuing annual INT permit.
2. Axles and bridge weight must be legal.
3. Maximum gross vehicle weight - 105,500 lbs.

39-12-05.3
Policy 9-2.1

4. No identification supplement required.
5. Self-issuing single trip permit stamped "INT" or "INTERSTATE ONLY".

Bridge Length Permit – State highways only

1. Fee: Annual - \$150; Single trip - \$30.
2. Single unit truck only.
3. Gross weight on group of 4 or more axles determined by bridge formula.
4. Tire and axle weights must be legal.
5. Maximum GVW – 80,000 lbs.

39-12-02
Policy 9-13

Oversize Divisible Loads

1. Fee - \$20.
2. 10 feet in width limitation except 12 feet in width for movement of haystacks, hay bales, and combine headers.
3. 60 feet in overall length limitation for trailers or semitrailers, including the load.

NONDIVISIBLE LOAD PERMITS

39-12-02
Policy 9-1 Annex D
Policy 9-6
Policy 9-6 Annex A

You can issue single trip permits to:

1. Width - 14 feet 6 inches.
2. Height - 15 feet 6 inches (check vertical clearance along route).
3. Length - 120 feet.
4. Weight - 24,000 lbs. single axle; 45,000 lbs. tandem axle; 60,000 lbs. triple axle; 68,000 lbs. four axle.
5. Gross vehicle weight - 150,000 lbs.
6. Check bridge load limitations map (9-6 Annex A) and weight limitations map (9-1 Annex D) prior to routing loads.
7. Over these dimensions must be approved by district engineer or headquarters permit section.
8. Fee - \$20.
9. Graduated fee for gross vehicle weight in excess of 150,000 lbs. (9-6).
10. Movements not exceeding 16 feet in width can travel any day, ½ hour before sunrise to ½ hour after sunset.

39-12-02
Policy 9-1 Annex D
Policy 9-6
Policy 9-6 Annex A

Fixed Loads (self-propelled cranes, pump units, etc.)

1. Weight up to maximum of 30,000 lbs. single axle; 50,000 lbs. tandem axle; 60,000 lbs. triple axle; 68,000 lbs. four axle group.
2. See Policy 9-6 for tire size and weight.
3. Check bridge load limitations map (9-6 Annex A) and weight limitations map (9-1 Annex D) prior to routing loads.
4. Fee - \$25.

39-12-02
Policy 9-1 Annex D
Policy 9-6 Annex A
Policy 9-6 Annex G

Workover Service Rigs (self-propelled)

1. Weight up to maximum of 31,200 lbs. single axle; 52,000 lbs. tandem axle; 62,400 lbs. triple axle; 68,000 lbs. four axle group

39-12-02
Policy 9-1 Annex D
Policy 9-6
Policy 9-6 Annex A
Policy 9-6 Annex B

TON MILE FEES

39-12-02
Policy 9-6 Annex E

ANNUAL OVERWIDTH PERMIT

2. See Policy 9-6 Annex G for tire weight.
3. Check bridge load limitations map (9-6 Annex A) and weight limitations map (9-1 Annex D) for routing.
4. Fee - \$100 (workover rigs).

Self-propelled Scrapers and Rubber-tired Dozers

1. Maximum axle weight - 52,000 lbs.
2. Scrapers with axle weights exceeding 52,000 lbs. must be hauled.
3. Fee - \$25.
4. Check bridge load limitations map (9-6 Annex A), highway load limitations map (9-6 Annex B), and weight limitation map (9-1 Annex D) prior to routing load.

Applies to all carriers with loads in excess of 200,000 lbs. gross vehicle weight.

1. Permits will be issued by headquarters permit section.
2. Fee - \$.05 per ton/mile for weight in excess of 200,000 lbs. gross vehicle weight.

ESCORT FEES

39-12-02
Policy 9-5

Vehicles and Loads Overwidth Only

1. Maximum width – 14 feet 6 inches.
2. Permits will be issued by headquarters permit section.
3. Permit policy shall be attached.
4. Power unit specific.
5. Valid for the calendar year.
6. Fee - \$100.
7. Fee - \$20 when used for movement of noncommercial fish house moved by owner.

Applies to a carrier when a load movement requires an NDHP escort.

1. \$50 per hour/\$.50 per mile.

MOBILE HOME PERMITS

39-12-02
Policy 9-8

The rated gross vehicle weight of the tow vehicle shall be based on the base width of the manufactured housing which is transporting as follows:

MFG HOUSE WIDTH	MINIMUM GVW RATING
10 feet or less	6,000 pounds
10 feet to 12 feet	8,000 pounds
12 feet and greater	9,000 pounds

The maximum width of a mobile home or modular unit that will be permitted in North Dakota cannot exceed 18 feet.

Insurance Requirements—Towing Vehicle

\$100,000 bodily injury liability for one person,
\$300,000 bodily injury liability for one accident,
\$50,000 property damage liability.

General Restrictions

- Holidays, Saturdays P.M., Sundays, ½ hour after sunset to ½ hour before sunrise, except movements not exceeding 16 feet in width can travel on any day.
- Must be flagged 12" X 12" front and rear both sides.
- 12" X 60" "Oversize Load" sign front and rear.
- Require warning lights front and rear when exceeding 14 feet 6 inches in width.
- Require pilot cars when exceeding 16 feet in width.
- See Policy 9-8 for further permit conditions.

Fee

- \$20.

SEASONAL PERMITS

39-12-04
39-12-05.3
Policy 9-16

Commercial haystack and hay bale movers, overwidth hay grinders, overwidth grain cleaners, overwidth forage harvesters, overwidth and/or overweight self-propelled fertilizer spreaders, and overwidth and/or overweight agricultural chemical applicators.

- A seasonal permit is an annual permit in lieu of single trip permits.
- Includes authority for overweight self-propelled fertilizer spreaders and overweight self-propelled chemical applicators.
- Application for a seasonal permit may be taken on SFN 3527. A certificate of insurance showing minimum coverage of \$300,000 must accompany the application and Official Receipt/Permit, SFN 3507.
- Normal permit travel restrictions apply.
- Fee - \$50.
- Seasonal permits are valid on any day, ½ hour before sunrise to ½ hour after sunset only.

CUSTOM COMBINE PERMITS

39-04-18
Policy 9-19 Annex C

- Self-propelled fertilizer spreaders and self-propelled agricultural chemical applicators can operate between sunset and sunrise when properly lighted.
 - No travel on the interstate system.
 - Overweight self-propelled fertilizer spreaders and overweight self-propelled agricultural chemical applicators shall not operate on the interstate system.
- Nonresident custom harvesters.
 - Permit issued to custom harvester combining in ND.
 - Permit issued in lieu of registration and oversize load movements.
 - 2 combine headers: Maximum width - 12'.
 - Valid June 1 - December 31.
 - Fee - \$50.
 - Temporary registration issued:
 - For minimum of 3 months
 - To accompanying vehicles - passenger, pickups, motor homes.
 - Gross weight of 20,000 lbs. or less \$10/month + \$3 permit fee.
 - Gross weight greater than 20,000 lbs. - assessed from motor vehicle fee schedule.
 - Semitrailers; pup trailers - \$5/month + \$3 permit fee.
 - Resident custom harvesters
 - Permits issued in lieu of commercial truck registration for farm vehicles.
 - Fee - \$25.

APPROVED EQUIPMENT

39-12-05.3
Policy 9-2

Single Unit

- Maximum gross vehicle weight - 64,000 lbs.
- Minimum 14 feet required from center of steering axle to center of first axle in 3 or 4 axle grouping.
- \$15 fee for approval.
- Equipment Approval Certificate will be issued by permit section and must be renewed every year.
- Not valid on interstate system.
- The 10% weight exemption permits cannot be issued for weight in excess of the approved equipment gross vehicle weight of 64,000 lbs. The 10% permit can be issued only in excess of legal weight limits.