

1999 SENATE TRANSPORTATION

SB 2160

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2160

Senate Transportation Committee

Conference Committee

Hearing Date January 15, 1999

Tape Number	Side A	Side B	Meter #
1	x		1-1510
2-January 28, 1999	x		3,573-3944
Committee Clerk Signature <i>Don A. Schaeffer</i>			

Minutes:

SENATOR B. STENEHJEM opened the hearing on SB 2160. Committee members present were: Sens. Bob Stenehjem, R. Schobinger, D. Mutch, D. Cook, D. O'Connell, V. Thompson, and D. Bercier.

GARY BERRETH, NORTH DAKOTA DEPARTMENT OF TRANSPORTATION testified in support of SB 2160 (see testimony and proposed amendments).

SENATOR B. STENEHJEM You're asking that the cities and counties shouldn't have to submit an annual program. From the Bismarck stand point, we would submit an annual program to the state for their approval to be considered for funding from the state.

GARY BERRETH Yes, when that happens it is with federal aid. That had to be done to fulfill federal requirements.

SENATOR B. STENEHJEM In other words, every city doing construction projects would have to submit a program to the state. Why?

GARY BERRETH I don't know. At one time, the thought process was that there would be some type of submission.

SENATOR B. STENEHJEM Would there be a reason that the director would like to have a handle on road projects within the state to decide on what needs work even if they wanted just state aid they would still have to submit that plan?

GARY BERRETH To meet the requirements of federal aid there would still have to be a submission of projects from the cities and counties what they anticipate to do with federal aid. As far as the other projects, we have just never gotten those submissions and I don't know if it would be beneficial.

SENATOR B. STENEHJEM So you are not really interested in small projects that don't deal with federal and state aid?

GARY BERRETH The larger cities do a transportation plan. That outlines where those communities are planning to go with all of their streets. We do have an indication from that in what the cities are planning to do.

SENATOR B. STENEHJEM Will the allocations of state resources look at what the city will do outside of federal assistance? In other words, if we submit a plan on projects that require state and federal aid, but don't mention projects we'll fund with city aid, do you care?

GARY BERRETH If the streets are functionally classified, they are the more important streets and they require state and federal aid. It's a benefit for us to know about those streets because, generally, those somehow end up connecting to a state highway system.

SENATOR B. STENEHJEM If we wanted to work on a federal street but use city money we could do that. Would that concern the state?

GARY BERRETH We've been turning a lot of responsibility back to the cities. We've been counting on them to do the analysis and go ahead to do it. We would probably know what was going on and if it was connected to the state highway, our concern would be the impact that connection would have on the state highway.

SENATOR B. STENEHJEM I guess I'm asking is this what we really want to do is take the Department of Transportation out of the loop with what's going on?

GARY BERRETH We have mechanisms in which we can keep in touch with the cities on what's going on?

SENATOR THOMPSON It appears this bill is written to give less responsibility for the DOT on local, nonfederal funded projects.

GARY BERRETH The only thing this is doing is cleaning up what is not being done now. We only get plans if federal aid is involved.

SENATOR THOMPSON If an industry needs to build a road to get to that state aid road what impact is that going to have and if no plan needs to be submitted to the Department of Transportation, are you going to know what's going on?

GARY BERRETH We would like to know if it's going to connect to a state highway, but in those cases that generally requires a permit from DOT anyway. There is a provision in state law that an industry that generates a certain number of truckloads is required to talk to DOT in advance to put in facilities. We generally know about these things; we have other mechanisms.

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Senate Transportation Committee
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SENATOR B. STENEHJEM Are there any other questions? Is there any testimony in support of SB 2160? Is there any in opposition? Is there any neutral testimony?

We will close the hearing on SB 2160.

January 28, 1999 - Tape 2 Meter #3573 Committee Discussion

SENATOR THOMPSON I move for a Do Pass on amendments proposed by Gary Berreth.

SENATOR O'CONNELL I second that motion.

The amendments were adopted unanimously.

SENATOR THOMPSON I motion for a Do Pass as Amended.

SENATOR BERCIER I second that motion.

Roll Call was taken (7 Yeas, 0 Nays and 0 Absent and Not Voting).

Senator O'Connell will carry SB 2160.

FISCAL NOTE

(Return original and 10 copies)

/Resolution No.: SB 2160 Amendment to: _____

Requested by Legislative Council Date of Request: 12-30-98

1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts. Please provide breakdowns, if appropriate, showing salaries and wages, operating expenses, equipment, or other details to assist in the budget process. In a word processing format, add lines or space as needed or attach a supplemental sheet to adequately address the fiscal impact of the measure.

Narrative:

This is a clean-up Bill. It should have minimal fiscal impact.

2. State fiscal effect in dollar amounts:

	1997-99 Biennium		1999-2001 Biennium		2001-03 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						

3. What, if any, is the effect of this measure on the budget for your agency or department:


a. For rest of 1997-99 biennium: 0

b. For the 1999-2001 biennium: 0

c. For the 2001-03 biennium: 0

4. County, city, and school district fiscal effect in dollar amounts:

1997-99 Biennium			1999-2001 Biennium			2001-03 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts


 Signed: _____
 Typed Name: Cal J. Gendreau
 Department: ND Department of Transportation
 Phone Number: 328-4899
 Date Prepared: 1-4-99

Date: January 28, 1999
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2160

Senate Transportation Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Sen. Thompson Seconded By Sen. Bercier

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

Total (Yes) 7 No 0

Absent 0

Floor Assignment Senator O'Connell

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

REPORT OF STANDING COMMITTEE

SB 2160: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2160 was placed on the Sixth order on the calendar.

Page 1, line 21, remove the overstrike over "~~Coordinator of highway, road, and~~"

Page 1, line 22, remove the overstrike over "~~street program within state~~"

Page 2, remove the overstrike over lines 1 and 2

Page 2, line 3, after "he" insert "the director" and remove the overstrike over "~~may functionally classify as to the types of service, and the development of construction~~"

Page 2, line 4, remove the overstrike over "~~standards as hereinafter provided for~~"

Page 2, line 7, remove the overstrike over the overstruck period

Renumber accordingly

1999 HOUSE TRANSPORTATION

SB 2160

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2160

House Transportation Committee

Conference Committee

Hearing Date March 4, 1999

Tape Number	Side A	Side B	Meter #
1	x		37.0-40.5
Committee Clerk Signature <i>Jauria Kern</i>			

Minutes:

CHAIRMAN KEISER OPENED THE HEARING ON SB 2160; A BILL RELATING TO DEPARTMENT OF TRANSPORTATION ENGINEERING CONSULTING SERVICES AND CONSULTING SERVICES AND CONSTRUCTION CONTRACTS; AND RELATING TO THE ANNUAL CONSTRUCTION PROGRAM OF THE DEPARTMENT OF TRANSPORTATION.

GARY L. BERRETH, Department of Transportation introduced SB 2160. He said that it is primarily a housekeeping bill in place to clean Sections 24-02-01.5, 24-02-08, 24-02-16, and then repeal 24-03-03.

CHAIRMAN KEISER asked Gary to describe the repeal.

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House Transportation Committee

Bill/Resolution Number sb 2160

Hearing Date March 4, 1999

GARY said that Section 24-03-03 of the Code requires that the DOT Director adopt an annual construction program by the January 15th of every year. This date does not fit with the federal regulations for the submission of federal dollars. It is our recommendation that it be deleted.

CHAIRMAN KEISER asked what dates the federal regulation requires.

GARY said there is a date when they submit in the earlier fall but was unable to answer exactly.

The actual approval takes place sometime after January 3rd.

CHAIRMAN KEISER CLOSED THE HEARING ON SB 2160.

COMMITTEE ACTION

REP. KEMPENICH moved a DO PASS on SB 2160. REP. SVEEN seconded the motion. The motion carried.

ROLL CALL - 12 YEA, 0 NAE, 3 ABSENT AND NOT VOTING.

FLOOR ASSIGNMENT - REP. WEISZ

Date: Jan 24
 Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2160

House Transportation Committee

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By Rep Kempenich Seconded By Rep Sveen

Representatives	Yes	No	Representatives	Yes	No
Representative Keiser, Chair	✓		Representative Thorpe	✓	
Representative Mickelson, V. Ch.	✓				
Representative Belter	✓				
Representative Jensen	✓				
Representative Kelsch	✓				
Representative Kempenich	✓				
Representative Price	✓				
Representative Sveen	✓				
Representative Weisz	✓				
Representative Grumbo	✓				
Representative Lemieux	✓				
Representative Mahoney					
Representative Meyer					
Representative Schmidt					

Total (Yes) 12 No 0

Absent 3

Floor Assignment Rep Weisz

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

REPORT OF STANDING COMMITTEE (410)
March 4, 1999 11:21 a.m.

Module No: HR-39-4014
Carrier: Weisz
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2160, as engrossed: **Transportation Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2160 was placed on the Fourteenth order on the calendar.

1999 TESTIMONY

SB 2160

SENATE TRANSPORTATION COMMITTEE
January 15, 1999

North Dakota Department of Transportation
Gary Berreth, Director, Office of Executive Services

SB 2160

Mr. Chairman and members of the committee: My name is Gary Berreth and I am Director of the Office of Executive Services for NDDOT. I am here today to present testimony in support of SB 2160.

SB 2160 is primarily a housekeeping bill that amends and reenacts sections 24-02-01.5, 24-02-08, and 24-02-16 of the ND Century Code relating to NDDOT engineering consulting services and construction contracts. It also repeals section 24-03-03 of NDCC relating to the NDDOT annual construction program.

I will also propose for your consideration an amendment to SB 2160 to reinstate language that had been erroneously proposed for deletion from 24-02-08.

SECTION 1 calls for amending Section 24-02-01.5 of the 1997 Supplement to the NDCC by deleting, **on line 13**, reference to Section 24-03-03. This pertains to preparing an annual construction program for adoption by the NDDOT director by the fifteenth of January. This is inconsistent with time frames called for in federal regulations for federal eligibility. To solve this problem, and give NDDOT the flexibility to adapt to federal requirements on construction program reporting and approvals as they occur, **SECTION 4** calls for the repeal of NDCC Section 24-03-03.

SECTION 2 calls for amending Section 24-02-08. The primary reason was to remove references to the NDDOT director's charge to review annual programs of cities and counties and approve them. ~~Most cities and counties do not submit annual programs to NDDOT~~ for review or approval unless federal aid is involved. The remaining proposed changes recommend some housekeeping language. However, language was also inadvertently removed which gave the director the authority to coordinate highway, road, and street programs by functionally classifying these systems, and allowed the director to develop construction standards. NDDOT feels that these are two important functions and should be retained in Section 24-02-08. **On the following page is our proposed amendment to SB 2160 for your consideration.**

SECTION 3 of SB 2160 is housekeeping for NDCC Section 24-02-16. It brings this section in line with the recommended elimination of section 24-03-03 of the North Dakota Century Code called for in **SECTION 4**.