

1999 HOUSE TRANSPORTATION

HB 1324

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1324

House Transportation Committee

Conference Committee

Hearing Date January 28, 1999

Tape Number	Side A	Side B	Meter #
2	X		43.0-50.0
Committee Clerk Signature <i>Jauranen</i>			

Minutes:

CHAIRMAN KEISER OPENED THE HEARING ON HB 1324; A BILL RELATING TO THE HOURS OF SERVICE EXEMPTION FOR THE TRANSPORTATION OF AGRICULTURAL COMMODITIES.

REP. WESLEY BELTER, District 22, introduced HB 1324. He said that the bill proposed a September 1 to March 15 as the season initially. When contacting the Highway Patrol, they recommended declaring the entire year for planting and harvesting. Rep. Belter met with the Legislative Council to draw up the amendment. He also asked that the emergency clause be added to it.

REP. MICKELSON asked if this is simply an additional tool to help farmers.

REP. BELTER said that it is a tool to help any Agricultural Industry allowed to utilize an exemption under federal law.

CHAIRMAN KEISER asked Rep. Belter if the bill could be further amended to leave it open to the entire year rather than a "farm year?"

REP. BELTER noted that that is why it is amended for the whole year.

REP. WEISZ mentioned that there must be a set season.

DOYLE SCHULZ, Director, Motor Carriers Association of North Dakota, testified in support of HB 1324. He noted that there are certain exemptions from federal regulations, namely agriculture. They will exempt some hours of service. In the bill we do need to identify the planting and harvesting season. As long as we can set the date, why not make it just for the whole year.

REP. LEMIEUX asked about Lines 12 and 13. Referring to the specific geographical area clause - is it necessary to keep in there to fall under the necessary guidelines?

SCHULZ said that it is federally stated that it must be within the 100 air mile radius to qualify and cannot go outside of that.

REP. WEISZ questioned a North Dakota driver transferring to South Moorhead. Does that mean that this total exemption would work only inside the state or all over?

SCHULZ said that yes, the exemption is only in North Dakota. Once you cross the state line, Federal Jurisdiction presides.

REP. BELTER mentioned the situation with the sugar beet industry. We have plants in both Minnesota and North Dakota. Would both states have similar laws?

SCHULZ said he understood that the federal regulations would not allow that - but there may be state agreements.

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House Transportation Committee

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REP. LEMIEUX asked a question regarding the hours of service. We are allowing farmers to run 24 hours a day, non restricted?

SCHULZ said yes. We hope it won't happen - but we would like them to abide by the 10 and 12 hour rules.

REP. LEMIEUX asked him to clarify the 10 and 12 hour rule for the committee.

SCHULZ said as he understood it that the drivers are limited to 10 hours a day and are required to keep log books and maintain records. 12 hours a day is allowed if you have 8 hours off.

BILL HEJL, Red River Valley Sugarbeet Growers Association, testified in support of HB 1324. (See attached testimony).

DENNIS JOHNSON, ND Farmers Union, testified in support of HB 1324. It is a good deal for Agriculture and we are certainly in favor of it.

LEROY ERNST, ND Motor Carriers Association, testified in support of HB 1324. He said that in looking over the bill, they do support it and urge the committee to move a do pass.

REP. MEYER questioned the 100 air mile radius. Do other states adhere to that?

ERNST said yes, they generally adhere to the federal regulatory 100 air mile.

REP. LEMIEUX asked if this was strict on commodities. We don't address this issue. We specifically exempt hauling farm commodities. It is a scary thing if we don't limit it to potatoes and sugarbeets. There are these people out there that only there for the money.

ERNST said that some of the companies have a very limited safety program. I can't speak for all of the carriers.

CHAIRMAN KEISER CLOSED THE HEARING ON HB 1324.

February 4, 1999

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House Transportation Committee

Bill/Resolution Number Hb 1324

Hearing Date January 28, 1999

COMMITTEE ACTION

REP. MEYER moved a DO PASS on HB 1324. REP. MAHONEY seconded the motion. The motion carried.

ROLL CALL - 14 YAE, 1 NAE, 0 ABSENT AND NOT VOTING.

FLOOR ASSIGNMENT - REP. GRUMBO

JK
2/5/99

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1324

Page 1, line 10, overstrike "February fifteenth" and insert immediately thereafter "January first",
overstrike the second "fifteenth", and replace "or to a" with "thirty-first"

Page 1, remove line 11

Page 1, line 12, remove "first to March fifteenth"

Renumber accordingly

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1324

Page 1, line 2, after "commodities" insert "; and to declare an emergency"

Page 1, line 10, overstrike "February fifteenth" and insert immediately thereafter "January first",
overstrike the second "fifteenth", and replace "or to a" with "thirty-first"

Page 1, remove line 11

Page 1, line 12, remove "first to March fifteenth"

Page 1, after line 13, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency
measure."

Renumber accordingly

Date: 2/4
Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1324

House Transportation Committee

- Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Adopt Amendments

Motion Made By Rep Sreen Seconded By Rep Schmidt

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) 15 No 0

Absent _____

Floor Assignment _____

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

Date: 2/4
Roll Call Vote #: 2

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1324

House Transportation Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS AS AMENDED

Motion Made By REP MEYER ^{Seconded} REP MAHONEY

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) 15 No 0

Absent _____

Floor Assignment REP GRUMBO

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

REPORT OF STANDING COMMITTEE

HB 1324: Transportation Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1324 was placed on the Sixth order on the calendar.

Page 1, line 10, overstrike "February fifteenth" and insert immediately thereafter "January first", overstrike the second "fifteenth", and replace "or to a" with "thirty-first"

Page 1, remove line 11

Page 1, line 12, remove "first to March fifteenth"

Renumber accordingly

1999 SENATE TRANSPORTATION

HB 1324

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1324

Senate Transportation Committee

Conference Committee

Hearing Date March 5, 1999

Tape Number	Side A	Side B	Meter #
1	x		1-1800
Committee Clerk Signature <i>Aari A. Schaybauer</i>			

Minutes:

SENATOR B. STENEHJEM opened the hearing on HB 1324. Committee members present included: Sens. Bob Stenehjem, R. Schobinger, D. Mutch, D. Cook, D. O'Connell, V. Thompson, and D. Bercier.

REPRESENTATIVE WES BELTER, DISTRICT 22 testified in support of HB 1324. This bill increases the period that is considered farming in ND from January 1 to December 31. We are merely taking advantage of exemptions from the federal government. Our sugar industry needs to haul these beets from October all the way into June this year.

SENATOR B. STENEHJEM This is just for the hour of service, correct?

REPRESENTATIVE BELTER Yes.

SENATOR THOMPSON Chapter 39.32, are there any other areas in that chapter that we need to be concerned about?

REPRESENTATIVE BELTER Any ag industry that would fall under these guidelines may use that exemption.

SENATOR BERCIER The construction industry gets nailed for hour problems also.

REPRESENTATIVE BELTER This bill only deals with agriculture, but there is another provision for construction.

SENATOR B. STENEHJEM Does this just deal with intrastate?

REPRESENTATIVE BELTER This is within 100 air miles of where the commodity is being shipped. It is my understanding that as long as the adjoining state has similar rules and they are within that 100 air miles there is a reciprocity between states.

SENATOR B. STENEHJEM Does Minnesota have it?

REPRESENTATIVE BELTER Their rules are different but there is an attempt to get their rules similar to ours.

SENATOR MUTCH This bill just says sugar beets; it does not apply to other commodities.

REPRESENTATIVE BELTER That was before changes were made. This is the engrossed bill and we don't need a specific exemption for sugar beets.

SENATOR MUTCH The problem was that there were sugar beets 40 miles from the plant and they needed to transport them quickly before they thaw out.

SENATOR B. STENEHJEM The only thing that changes is the dates.

SENATOR BERCIER They can drive 90 hours a week? Is there a cap?

REPRESENTATIVE BELTER I can't answer specifically. The sugar industry has had a remarkable safety record.

DOYLE SCHULTZ, ND HIGHWAY PATROL testified in support of HB 1324. I'm here to answer any questions. We're doing this 10 months out of the year right now and we want to make it for the entire year which allows for a different harvest and planting season. It emanates from the federal government allowing states certain exemptions from federal motor carrier's safety regulations. If it is an agricultural operation and it's within 100 air miles they will exempt them from federal hours of driving. The intrastate exemption restricts them to 12 hours per day and 70 hours in a 7 day period. To answer Senator Bercier's question, there is no cap as long as there are with 100 air miles of where it starts and finishes. There are no safety concerns.

SENATOR BERCIER What is the difference between this and the construction industry?

DOYLE SCHULTZ There is some definition on construction equipment. I will let Leroy answer that.

SENATOR COOK On line 9 with the word "during" and all of line 10 and remove the dates on line 11, we could get rid of any references to the planting and harvesting season and the bill will say the same thing.

DOYLE SCHULTZ It would but the federal regulations require a specific planting and harvesting season. Montana and Wyoming already have the year round planting and harvesting season.

SENATOR COOK Would the federal government figure that we are planting and harvesting in January?

DOYLE SCHULTZ I think they would.

LEROY ERNST, MANAGER OF MOTOR CARRIERS ASSOC. testified in support of HB 1324. SB 2438 does the same thing as the exemption on the ag commodities and that is the

intrastate driver will be exempt from the logs. It confines them to a 150 air mile radius from the work site. Other states have similar exemptions.

SENATOR BERCIER My concern is while it allows drivers to drive more hours and create more revenue but it also costs me more money because they don't pay me in my contract for overtime hours. They will run these hours up to 80 hours and I did the job at 50 hours. I end up putting in as many hours at 40 as I do in overtime. By the time I put in an 80 and 90 hour week, I'm going to wash. I do support this.

SENATOR THOMPSON I support this because of the way things are changing. Do you see any safety concerns by relaxing this?

LEROY ERNST I have no concern. They do have a good safety record.

BILL HEJL submitted written testimony.

SENATOR B. STENEHJEM We will close the hearing on HB 1324.

SENATOR COOK I move a Do Pass.

SENATOR MUTCH I second that motion.

A roll call vote was taken (7 Yeas, 0 Nays, and 0 Absent and Not Voting).

Senator Cook will carry HB 1324.

Date: March 5, 1999

Roll Call Vote #: J

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1324

Senate Transportation Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken No Pass

Motion Made By Sen. Cook Seconded By Sen. Mutch

Senators	Yes	No	Senators	Yes	No
Sen. B. Stenejem-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 Cook

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

REPORT OF STANDING COMMITTEE (410)
March 5, 1999 1:09 p.m.

Module No: SR-40-4132
Carrier: Cook
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1324, as engrossed: Transportation Committee (Sen. B. Stenehjem, Chairman)
recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed HB 1324 was placed on the Fourteenth order on the calendar.

1999 TESTIMONY

HB 1324

(3)

**NORTH DAKOTA
HOUSE OF REPRESENTATIVES
TRANSPORTATION COMMITTEE
REMARKS ON HB 1324
“HOURS OF SERVICE EXEMPTION”**

1/20/99

MR CHAIRMAN AND MEMBERS OF THE COMMITTEE, MY NAME IS BILL HEJL. I AM A FARMER FROM AMENIA NORTH DAKOTA. I AM IN FAVOR OF THIS BILL BECAUSE IT IS A VITAL REQUIREMENT FOR THE FARMER OWNED COOPERATIVE THAT I AM A SHAREHOLDER IN, THE AMERICAN CRYSTAL SUGAR COMPANY. TO PROCESS THE LARGE CROP WE HARVEST IN THE FALL BEFORE IT SPOILS IN THE SPRING OUR COOPERATIVE MUST MOVE AN AVERAGE OF NEARLY THREE MILLION TONS OF BEETS ON NORTH DAKOTA HIGHWAYS BEFORE SPRING ROAD RESTRICTIONS TAKE PLACE. IF CURRENT HOURS OF SERVICE REQUIREMENTS LIMIT OUR TRUCK DRIVERS' ABILITY TO DELIVER BEETS TO OUR FACTORIES WE WILL LOSE UP TO \$2,600,000.00 FOR EACH DAY OF SLICE THAT SPOILS. OUR FARMERS HAVE ALREADY SUFFERED A 27 MILLION DOLLAR LOSS DUE TO THE WARM WEATHER IN NOVEMBER AND DECEMBER. WE SINCERELY HOPE THAT YOU CAN HELP PROVIDE SOME RELIEF IN THE TRANSPORTATION OF OUR CROP.

*WILLIAM A HEJL
LEGISLATIVE LIAISON
RED RIVER VALLEY SUGARBEET GROWERS ASSOCIATION*

NORTH DAKOTA
SENATE
TRANSPORTATION COMMITTEE
REMARKS ON HB 1324
“HOURS OF SERVICE EXEMPTION”

3/3/99

MR CHAIRMAN AND MEMBERS OF THE COMMITTEE, MY NAME IS BILL HEJL. I AM A FARMER FROM AMENIA NORTH DAKOTA. I AM IN FAVOR OF THIS BILL BECAUSE IT IS A VITAL REQUIREMENT FOR THE FARMER OWNED COOPERATIVE THAT I AM A SHAREHOLDER IN, THE AMERICAN CRYSTAL SUGAR COMPANY. TO PROCESS THE LARGE CROP WE HARVEST IN THE FALL BEFORE IT SPOILS IN THE SPRING OUR COOPERATIVE MUST MOVE AN AVERAGE OF NEARLY THREE MILLION TONS OF BEETS ON NORTH DAKOTA HIGHWAYS BEFORE SPRING ROAD RESTRICTIONS TAKE PLACE. IF CURRENT HOURS OF SERVICE REQUIREMENTS LIMIT OUR TRUCK DRIVERS' ABILITY TO DELIVER BEETS TO OUR FACTORIES WE WILL LOSE UP TO \$2,600,000.00 FOR EACH DAY OF SLICE THAT SPOILS. OUR FARMERS HAVE ALREADY SUFFERED A 27 MILLION DOLLAR LOSS DUE TO THE WARM WEATHER IN NOVEMBER AND DECEMBER. WE SINCERELY HOPE THAT YOU CAN HELP PROVIDE SOME RELIEF IN THE TRANSPORTATION OF OUR CROP.

*WILLIAM A HEJL
LEGISLATIVE LIAISON
RED RIVER VALLEY SUGARBEET GROWERS ASSOCIATION*