

2017 HOUSE TRANSPORTATION

HB 1133

2017 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

HB 1133
1/5/2017
26624

- Subcommittee
 Conference Committee

Committee Clerk Signature

Janette Cook

Explanation or reason for introduction of bill/resolution:

Relating to the exemption of a class A commercial driver's license holder from the hazardous materials endorsement.

Minutes:

Attachment #1

Chairman Ruby opened the hearing on HB 1133.

Glen Jackson, Director, Driver's License Division, North Dakota Department of Transportation, spoke to explain HB 1133 and provided written testimony. See attachment #1.

Chairman Ruby: Does this include farm chemicals also, or just diesel fuel?

Glen Jackson: It is just an exemption for 1000 gallons of diesel fuel.

Representative Paur: A lot of the larger farms will use a single tandem regular fuel delivery truck for a service vehicle. They are generally 1500 gallons. Is this about the capacity or just the amount they are carrying?

Glen Jackson: The change only addresses the **quantity** of 1000 gallons.

Representative Dobervich: What is the current limit that can be carried?

Glen Jackson: It is 100 gallons now.

Representative Dobervich: Why are they allowing a much larger amount?

Glen Jackson: The rule is being changed because it is based on evidence over time, which suggests that this amount of fuel is acceptable. It shows that this amount is not a safety risk.

Representative Westlind: One thousand gallons of fuel is a common usage for one day's time for a farmer today. Custom harvesters' machines will hold 400 gallons per machine, so they need to transport a lot of fuel. One hundred gallons is just out of the question.

Chairman Ruby: I think this is reasonable.

Rep. Dennis Johnson, District 15 from Devils Lake: We have been contacted by custom harvesters about this. One hundred gallons is such a small amount. The Federal Government relaxed their standards allowing larger amounts to be hauled. Now states are passing laws to allow the 1000 gallons that the Federal Government is already allowing, and is already legal in South Dakota, Nebraska, and Kansas.

Chairman Ruby: Would this apply to construction companies as well as harvesters?

Rep. Dennis Johnson: No, it is just harvesters.

Representative Nelson: Is there a limit on urea as well? Is it considered hazardous?

Rep. Dennis Johnson: Not to my knowledge.

Chairman Ruby: Do you know if the federal regulations just allow for this exemption to be for other operations as well, or did they carve out only the harvesters to get the exemption?

Rep. Dennis Johnson: The only thing I am up to speed on is the custom harvesters. So, I don't know.

Dan Wogsland, Executive Director for the North Dakota Grain Growers Association, spoke to voice his support for HB 1133. He stated that there is a need, and it is good for North Dakota harvesters and North Dakota farmers. He also thanked the North Dakota Department of Transportation for taking a proactive approach to this legislation.

There was no further support for HB 1133.
There was no opposition to HB 1133.

The hearing was closed on HB 1133.

Representative Weisz moved a DO PASS on HB 1133.

Representative Grueneich seconded the motion.

Vice Chairman Rick C. Becker: If this passes, it will become effective August 1st. Is that early enough for this season's harvest?

Representative Weisz: I hadn't thought about the fact that the bill should probably have an emergency clause in it. I will WITHDRAW my motion.

Representative Grueneich agreed to withdraw the motion.

Representative Weisz made a motion to amend HB 1133 by adding an emergency clause.

Representative Dobervich seconded the motion.

A roll call vote was taken on the amendment for HB 1133. (17.8097.01001)

Aye 13 Nay 0 Absent 1

The motion carried.

Representative Weisz moved a DO PASS as amended on HB 1133.

Representative Grueneich seconded the motion.

A roll call vote was taken on HB 1133.

Aye 13 Nay 0 Absent 1

The motion carried.

Representative Weisz will carry HB 1133.

January 5, 2017

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PROPOSED AMENDMENTS TO HOUSE BILL NO. 1133

Page 1, line 3, after "endorsement" insert "; and to declare an emergency"

Page 1, after line 16, insert:

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

Renumber accordingly

Date: 1-5-17
Roll Call Vote #: 7

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1133

House Transportation Committee

Subcommittee

Amendment LC# or Description: 17.8097.01001

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider

Motion Made By Weisz Seconded By Dobervich

Representatives	Yes	No	Representatives	Yes	No
Chairman Dan Ruby	✓		Rep. Gretchen Dobervich	✓	
Vice Chair. Rick C. Becker	✓		Rep. Marvin Nelson	✓	
Rep. Bert Anderson	✓				
Rep. Jim Grueneich	✓				
Rep. Terry Jones	A				
Rep. Emily O'Brien	✓				
Rep. Mark Owens	✓				
Rep. Gary Paur	✓				
Rep. Randy Schobinger	✓				
Rep. Gary Sukut	✓				
Rep. Robin Weisz	✓				
Rep. Greg Westlind	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent: 17.8097, 01001
, 02000

Date: 1-5-17
 Roll Call Vote #: 2

**2017 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. HB1133**

House Transportation Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Weisz Seconded By Grueneich

Representatives	Yes	No	Representatives	Yes	No
Chairman Dan Ruby	✓		Rep. Gretchen Dobervich	✓	
Vice Chair. Rick C. Becker	✓		Rep. Marvin Nelson	✓	
Rep. Bert Anderson	✓				
Rep. Jim Grueneich	✓				
Rep. Terry Jones	A				
Rep. Emily O'Brien	✓				
Rep. Mark Owens	✓				
Rep. Gary Paur	✓				
Rep. Randy Schobinger	✓				
Rep. Gary Sukut	✓				
Rep. Robin Weisz	✓				
Rep. Greg Westlind	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Weisz

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

REPORT OF STANDING COMMITTEE

HB 1133: Transportation Committee (Rep. D. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1133 was placed on the Sixth order on the calendar.

Page 1, line 3, after "endorsement" insert "; and to declare an emergency"

Page 1, after line 16, insert:

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

Renumber accordingly

2017 SENATE TRANSPORTATION

HB 1133

2017 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

HB 1133
2/9/2017
28100

- Subcommittee
 Conference Committee

Committee Clerk Signature

Mary Munder

Explanation or reason for introduction of bill/resolution:

Relating to the exemption of a class A commercial driver's license holder from the hazardous materials endorsement; and to declare an emergency.

Minutes:

Attachments 1-3

Chairman Laffen: Opened the hearing on HB 1133.

Glenn Jackson, Director of the Driver's License Division at the North Dakota Department of transportation: See attachment #1.

Chairman Laffen: Current rules are you need a Hazmat endorsement to haul how many gallons?

Glenn Jackson: You need a Hazmat endorsement on your drivers' license to haul 1000 gallons.

Chairman Laffen: So explain please why you would need a class A driver's license.

Glenn Jackson: You would not need a class A for this. You would need a commercial license.

Chairman Laffen: A 4000-gallon tandem axel bulk delivery fuel truck, what type of license would I need today to drive it?

Glenn Jackson: Without knowing any specifics I would say you would need at least a class B.

Chairman Laffen: Today there is a limit of how much fuel you can haul with a regular driver's license. What is that limit.

Glenn Jackson: I don't know exactly what that figure is. I would have to check with law enforcement.

Chairman Laffen: So whatever, it is raising it up to 1000 gallons.

Glenn Jackson: Yes.

Senator Clemens: I understand the exemption, but in order for this bill to be in effect that driver would need a CDL license, class A license.

Glenn Jackson: They would need a commercial license, Class A, B, or C, not just a class A.

Senator Clemens: So he needs the commercial license and it exempts him from the hazardous part of it.

Glenn Jackson: It exempts them from needing a hazardous material endorsement on that driver's license. This does not change the basic requirement for the type of license required.

Senator Rust: This is classified to a class A license... Is there a class B?

Glenn Jackson: Yes, there is a class B and class C.

Senator Campbell: Most farms are in violation because most farms just have class B which is just a regular driver's license not class A or commercial and they are driving farm equipment way over that amount, so is this transporting like the custom combiners?

Glenn Jackson: This does not apply to driving non licensed farm equipment. This only goes to someone who has a commercial class A driver's license who wishes to haul fuel for that purpose.

Senator Nelson: The Feds would overrule right?

Senator Clemens: The federal rule is in force so this already is the rule.

Senator Rust: Can a farmer haul a 1000 gallons of diesel fuel? What kind of license would he have to have?

Chairman Laffen: We understand what the bill does but we are curious about how much fuel we can haul with our personal drivers' license.

Glenn Jackson: I can't answer that.

Chairman Laffen: Questions? None. Thank you. Further testimony in favor of HB 1133?

Dan Wogsland, Executive Director for the North Dakota Grain Growers Association:
See attachment #2. In support of bill.

Chairman Laffen: Questions? None. Thank you. Further testimony in favor of HB 1133?

Paul Mathiason, Chairman of the North Dakota Ag Coalition: See attachment #3. In support of bill.

Chairman Laffen: Questions? None. Further testimony in favor? Opposition? Neutral? None. We will close the hearing.

Senator Nelson moved for a Do Pass.

Senator Casper seconded. Roll Call taken. Yeas-6, Nays-0, Absent-0

Motion for Engrossed HB 1133 passed.

Bill will be carried by Senator Rust.

Date: 2/9/17
Roll Call Vote #: 1

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. "Enter Bill/Resolution No." HB 1133

Senate Transportation Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Nelson Seconded By Casper

Senators	Yes	No	Senators	Yes	No
Chairman Lonnie J. Laffen	✓		Senator Carolyn Nelson	✓	
Senator Tom Campbell	✓				
Senator David Rust	✓				
Senator David Clemens	✓				
Vice Chairman Jonathan Casper	✓				

Total (Yes) 6 No 0

Absent _____

Floor Assignment Senator Rust

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

REPORT OF STANDING COMMITTEE

HB 1133, as engrossed: Transportation Committee (Sen. Laffen, Chairman)
recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed HB1133 was placed on the Fourteenth order on the calendar.

2017 TESTIMONY

HB 1133

HOUSE TRANSPORTATION COMMITTEE
January 5, 2017; 1:00 PM, Ft. Totten Room

#1
HB 1133
1-5-17

North Dakota Department of Transportation
Glenn Jackson, Director, Driver's License Division
House Bill 1133

Mr. Chairman, members of the committee, I am Glenn Jackson, Director of the Driver's License Division at the North Dakota Department of Transportation (DOT). Thank you for giving me the opportunity to address you today.

HB1133 provides an exemption as provided by a change in the Federal Motor Carrier Safety Rules. 49 CFR part 383.3 provides for a custom harvester to transport up to 1,000 gallons of diesel fuel without the need for a HAZMAT endorsement.

Mr. Chairman that concludes my testimony, I would be happy to answer any questions.

SENATE TRANSPORTATION COMMITTEE
February 9, 2017; 10:00 AM, Lewis & Clark Room

Attachment # 1 pg 1

North Dakota Department of Transportation
Glenn Jackson, Director, Driver's License Division
House Bill 1133

Mr. Chairman, members of the committee, I am Glenn Jackson, Director of the Driver's License Division at the North Dakota Department of Transportation (DOT). Thank you for giving me the opportunity to address you today.

HB1133 provides an exemption as provided by a change in the Federal Motor Carrier Safety Rules. 49 CFR part 383.3 provides for a custom harvester to transport up to 1,000 gallons of diesel fuel without the need for a HAZMAT endorsement.

Mr. Chairman that concludes my testimony, I would be happy to answer any questions.



2/9/17 HB 1133
Attachment # 2 pg 1

Your voice for wheat and barley. www.ndgga.com

**North Dakota Grain Growers Association
Testimony on HB 1133
Senate Transportation Committee
February 9, 2017**

Chairman Laffen, members of the Senate Transportation Committee, for the record my name is Dan Wogsland, Executive Director for the North Dakota Grain Growers Association (NDGGA). Through our contracts with the North Dakota Wheat Commission and the North Dakota Barley Council our Association engages in domestic policy issues on the state and federal levels on behalf of North Dakota wheat and barley farmers. NDGGA appears before you today in support of HB 1133.

Chairman Laffen, members of the Senate Transportation Committee, you are well aware of the fuel requirements of today's agricultural equipment especially in today's custom harvester operations. Former federal "haz-mat" fuel regulations no longer fit with today's fueling needs; recognizing this the Federal regulations were changed to allow for custom harvesters, agrichemical businesses, farm retail outlets and suppliers and livestock feeding operations the ability to transport 1000 gallons of fuel. HB 1133 conforms state statute to the federal regulations.

Therefore Chairman Laffen, members of the Senate Transportation Committee, the North Dakota Grain Growers Association fully supports HB 1133 and would respectfully request your Do Pass recommendation on the legislation.

NDGGA provides a voice for wheat and barley producers on domestic policy issues – such as crop insurance, disaster assistance and the Farm Bill – while serving as a source for agronomic and crop marketing education for its members.



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VOTING MEMBERS

Ameriflax
Independent Beef Association
of ND
Milk Producers Association of ND
Minn-Dak Farmers Cooperative
ND Ag Aviation Association
ND Ag Consultants
ND Agri-Women
ND Barley Council
ND Corn Growers Association
ND Corn Utilization Council
ND Crop Improvement & Seed
Association
ND Dairy Coalition
ND Dry Bean Council
ND Dry Edible Bean Seed
Growers Association
ND Elk Growers
ND Ethanol Council
ND Farm Credit Council
ND Farmers Union
Fertilizer Dealers Association
Fruit Growers Association
ND Irrigation Association
ND Lamb & Wool Producers
ND Oilseed Council
ND Pork Producers Council
ND Soybean Growers Association
ND Stockmen's Association
ND Wheat Commission
Northern Canola Growers
Association
Northern Plains Potato Growers
Northern Pulse Growers
Association
Northwest Landowners
Association
Red River Valley Sugarbeet
Growers
U.S. Durum Growers Association

NON-VOTING MEMBERS

BNSF Railway Company
Ellingson Companies
Garrison Diversion Conservancy
District
ND Ag Association
ND Association of Ag Educators
ND Association of Soil
Conservation Districts
ND Beef Commission
Department of Ag
Soybean Council
ND State Seed Commission
NDSU Agricultural Affairs

HB 1133 2/9/17

Attachment #3 pg1

**Testimony of Paul Mathiason
North Dakota Ag Coalition Chairman
HB 1133**

Chairman Laffen and members of the committee, my name is Paul Mathiason, and I am here today as the Chairman of the North Dakota Ag Coalition. The Ag Coalition has provided a unified voice for North Dakota agricultural interests for over 30 years. Today, we represent more than 40 statewide organizations and associations that represent specific commodities or have a direct interest in agriculture. Through the Ag Coalition, our members seek to enhance the climate for North Dakota's agricultural producers.

The Ag Coalition takes a position on a limited number of issues, brought to us by our members, that have significant impact on North Dakota's agriculture industry. The Ag Coalition supports HB1133 as it harmonizes North Dakota law with other states that provide exemptions for specific license holders from hazardous material endorsements. For example, this bill would allow custom harvesters from other states, to haul up to 1,000 gallons of diesel fuel without a hazardous materials endorsement thereby making the most efficient use of time and resources during harvest. We encourage your support of HB 1133.