

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1400

2007 HOUSE AGRICULTURE

HB 1400

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1400

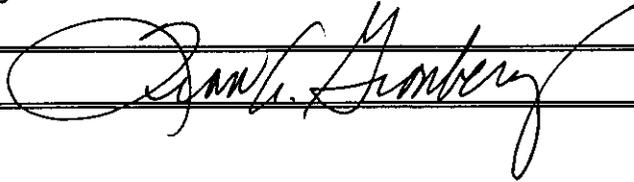
House Agriculture Committee

Check here for Conference Committee

Hearing Date: 2-9-07

Recorder Job Number: 3293

Committee Clerk Signature



Minutes:

Chairman Johnson opened the hearing on HB 1400.

Rep Belter, Dist 22: It simply adds tree farming to 3906.206. Consequently those people who are involved in tree farming would fall under the commercial driver license requirements that are currently held by the agriculture district. (hand out attached from Roy Aafedt) He mentioned to me that in Minnesota tree farming is considered agriculture. I don't think this would present any kind of problem for the transportation industry. I hope you would give this a favorable consideration.

Rep Mueller: Do you know how many tree farmers we have in the state?

Rep Belter: No

Chairman Johnson: Would people that move trees that are not farmers be in this same group?

Rep Belter: I would assume that is growing trees. Maybe the transportation department could clarify that.

Rep Heller: It does say farm to market. Does that answer your question?

Keith Magnuson, Dept of Transportation: We do not have a position on this bill. There are two parts to the bill. On the first page, basically it's got to be a farmer - a farm to market

operation. I think that would be like any ag product. On the last line on the second page, that is the agribusiness is a temporary permit for agribusiness. That wouldn't be a farmer that would have to be a business, an agribusiness type farmer.

Rep Belter: I'm sorry. The copy of the bill I got didn't have the second part on it.

Chairman Johnson: Line 9 would include a person just in the tree moving business, rather than also growing them.

Magnuson: I'm not sure what they consider a retailer or a supplier. If they sell them they would be included, if they are just transporting them, I'm not sure if they are a farmer or a retailer. There are different exemptions or licenses depending on the type of vehicle.

Rep Headland: I really don't see any problem with this language, there will probably be times when a tree farmer who has the spade to move the trees around, or just move trees around. Is he a farmer, or is he a mover.

Rep Onstad: What if it's a nursery? Now is that nursery considered a farm?

Rep Belter: I'm not sure. They are regulated by the Ag Department.

Keith Magnuson: The bill that Rep Belter is talking about was one that we prefiled. This bill would actually put those nurseries and tree farms as an agribusiness. The first part of the bill is aimed at the farmers and the second at agribusiness - the seasonal type.

Rep Onstad: So if the person is growing trees, he's in the agribusiness, not the farming side?

Magnuson: There's two parts to this. I think if their product is trees, they are a farmer. The seasonal permit on the back side are probably not farmers. They don't fit the farm exemption, but they are supplying the farm's agribusiness and they are seasonal. Page 2 is a nursery business not a farmer.

Page 3

House Agriculture Committee

Bill/Resolution No. HB1400

Hearing Date: 2-9-07

Chairman Johnson: Then a supplier of trees could be someone that just has the equipment that is supplying the trees from point A to point B.

Rep Mueller: The fellow that you are representing, what does he need or want?

Rep Belter: From what I understand I think he wants both of those.

Chairman Johnson closed the hearing.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1400

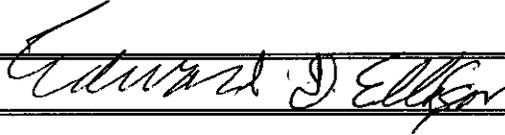
House Agriculture Committee

Check here for Conference Committee

Hearing Date 2-9-07

Recorder Job Number **3304**

Committee Clerk Signature



Minutes:

CHAIRMAN JOHNSON: COMMITTEE MEMBERS WE WILL OPEN ON HB1400 WHICH WE HAVE BEFORE US. THE SUBJECT IS RELATING TO COMMERCIAL DRIVERS LICENSE EXEMPTIONS FOR TREE FARMING.

REPRESENTATIVE BRANDENBURG MOVED FOR A DO PASS.

REPRESENTATIVE HELLER SECONDED THE MOTION.

CHAIRMAN JOHNSON: IS THERE ANY DISCUSSION. IF NO DISCUSSION THE CLERK WILL TAKE A ROLL CALL VOTE ON HB 1400.

13 YES 0 NO 0 ABSENT

CARRIER: REP UGLEM

Job 12 / Record
Job 33041

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

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1400

House _____ AGRICULTURE _____ Committee _____

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken No Pass

Motion Made By Brandenburg Seconded By Heller

Representatives	Yes	No	Representatives	Yes	No
Dennis Johnson, Chairman	✓		Tracy Boe	✓	
Joyce Kingsbury Vice Chairman	✓		Rodney J Froelich	✓	
Wesley Belter	✓		Phillip Mueller	✓	
Mike Brandenburg	✓		Kenton Onstad	✓	
Mike Brandenburg	✓		Ben Vig	✓	
Craig Headland	✓				
Brenda Heller	✓				
John D Wall	✓				
Gerry Uglem	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Rep Uglem

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

REPORT OF STANDING COMMITTEE

HB 1400: Agriculture Committee (Rep. D. Johnson, Chairman) recommends DO PASS
(13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1400 was placed on the
Eleventh order on the calendar.

2007 SENATE TRANSPORTATION

HB 1400

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1400

Senate Transportation Committee

Check here for Conference Committee

Hearing Date: March 15, 2007

Recorder Job Number: 5155

Committee Clerk Signature

Jody Hauze

Minutes:

Senator Gary Lee opened the hearing on HB1400 relating to commercial driver's license exemptions. All six committee members were present.

Representative Belter introduced HB 1400. In HB 1400 in sub section 3 there are certain exemptions that we have for the farm industry and what this bill does is it includes tree farming as part of agriculture. At the present time tree farming is not in agriculture therefore those involved in tree farming have to maintain a CDL license. He said that this bill was brought to me by a constituent in my district. He also said that in Minnesota they consider their tree farmers as farmers.

Senator Potter asked if this bill was strictly about the driver's license. When hauling trees they still have to abide by the rules of length, weight, flagging and other regulations.

Rep. Belter said that they would fall under the same requirements as any body involved in agriculture would as far as weight, and lengths and all those requirements.

Senator Lee asked if the radius that a farmer can travel without a CDL include these tree farmers.

Rep. Belter said it was his understanding that they would have to comply with the 150 mile radius that agriculture has to comply with.

Senator Lee asked if they go into Minnesota will they still be covered under their law.

Rep. Belter said he didn't know how the reciprocity worked.

Senator Nething said he sees two parts to this bill. The first is putting tree farmers in agriculture and the second is on page 2, line 9 where it includes retailers and suppliers of trees.

Rep. Belter said that the intent is if he is a tree farmer he is a supplier of trees. In a sense, the same as a grain farmer who raises grain on his farm and hauls it to the elevator and sells it. A tree farmer raises trees on his farm and delivers it to his market which would be a customer which would fall under the agricultural groups.

Senator Andrist suggest different wording.

Senator Nething was not sure we should put in Senator Andrist language because it may make it more confusing. He said retailers are different than growers.

Senator Lee said the intent is to exempt the tree growers from CDL.

Kelly Rogers, Safety and Education officer for the Highway Patrol said he was familiar with this bill and in the past the conflict between the Mn. and ND law. He said he thought as long as the tree farmer was being exempted that was okay but he shared Senator Andrist's concern about opening it up to the retail suppliers.

Senator Lee said by including page 2, line 9 that widens the net and opens up the law compared to what the front page says.

Kelly said, definitely. What it would do is opens it up to suppliers.

Senator Nething asked what are the restrictions that go on a CDL in those other categories in sub section 5.

Kelly said it is the knowledge and skill tests that are involved in that section. He did not have the Federal code with him.

Senator Bakke asked if we should eliminate the words on page 2, line 9.

Kelly said his opinion would be to allow the farmer but not open it up to retailers.

Keith Magnusson Deputy Director for Drivers Vehicle Services got up to answer some questions. The constituent that Senator Belter had is really a farmer and he will be taken care of on the first page. The second page is designed to use a seasonal permit (180 days).

Senator Lee said, so in section 5 that is just specific to that short term permit. That offers an exemption for CDL for that short term use.

Keith Magnusson said that is correct. A farmer has the 150 mile radius restriction. On the second page they are just talking about agriculture related but it is not a farmer, so we can wave the testing but they are still going to have to meet certain criteria and have this seasonal permit. These are not going to meet the definition of farmers.

Senator Nething said that the second page, they are talking about distributors.

Keith Magnusson said that is correct and not sure why they put them in the bill because they had not been in asking for one.

Senator Lee closed the hearing on HB 1400.

Job Number 5194 3-16-07

Senator Lee opened discussion on HB 1400.

Senator Lee gave a summary of the bill.

Senator Nething moved a Do Pass on HB 1400.

Senator Andrist seconded the motion.

The clerk called the roll 6-0-0.

Senator Nething will carry the bill.

REPORT OF STANDING COMMITTEE (410)
March 16, 2007 12:25 p.m.

Module No: SR-50-5537
Carrier: Nething
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1400: Transportation Committee (Sen. G. Lee, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1400 was placed on the
Fourteenth order on the calendar.

2007 TESTIMONY

HB 1400

Belter, Wesley R

From: Roy Aafedt [paulbunyan@nbinternet.com]
Sent: Thursday, February 08, 2007 9:16 PM
To: Belter, Wesley R
Subject: HB 1400

Dear Wes,

I just wanted to thank you for working on HB 1400 for me and many others in my industry. The way the laws read now I am required to play both sides of the fence. In one aspect I am considered an agriculture industry growing and selling trees for a living. The problem comes in when we go to install our product for the consumer. There is no middle man so the customer is purchasing this product directly from us. We need specialized equipment to do so and right now that equipment is looked at as commercial in the eyes of the state. In all the surrounding states it is licensed as agricultural and I believe it should be here also. What happens is that we as an industry are required to buy the licenses for the agricultural side and also the licenses for the commercial side. So what it leaves for us is what laws do we follow, and when are we farmers and when are we commercial operators? Also it adds additional costs that I believe we should not have to incur. It is very confusing to operate a business under these conditions. I have been doing this for 17 years and as my business grows so does the ability to operate easily and efficiently.

Allowing our equipment to be licensed agricultural would allow my industry more freedom in pursuing and complying with one set of rules. The reason it would have to stay agricultural is this product sometimes crosses state lines and is required to be inspected by the forestry department and I believe should remain that way. For the main reason of controlling disease and insect infestations in nursery grown products. Again these are products that are mainly grown in North Dakota and marketed here in this wonderful state of ours.

Changing this to agricultural will also allow me to employ people much easier because it would relieve the industry from having to comply with the Federal regulations for a seasonal worker. Having to comply with the Federal regulation has been very restrictive to the amount of time that my drivers may work in a given day or week. Imagine farmers having to restrict hauling wheat or sugar beets and limiting hours in the time of harvest. It would make farming very unprofitable and costs would increase to do business. Again the surrounding states have agricultural licensing for this industry and I feel we should also. Thank you again for all your time and efforts, and feel free to contact me if you have any questions or concerns.

Sincerely

Roy Aafedt
Phone 701-238-9888
Fax 701-588-4137

--
No virus found in this outgoing message.
Checked by AVG Free Edition.
Version: 7.5.432 / Virus Database: 268.17.30/674 - Release Date: 2/7/2007 3:33 PM

2/9/2007