

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 3M



ROLL NUMBER

DESCRIPTION

11999

2001 HOUSE TRANSPORTATION

HB 1199

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1199

House Transportation Committee

Conference Committee

Hearing Date January 25, 2001

Tape Number	Side A	Side B	Meter #
1		S	2,835
Committee Clerk Signature <i>Saurabh Zink</i>			

Minutes: Rep. Weisz - Chairman opened the hearing on HB Bill 1199; A BILL for an Act to create and enact a new subsection to section 39-06.2-06 of the North Dakota Century Code, relating to exceptions from a commercial driver's license requirements.

Rep. Devlin: For the record I am Rep. Devlin, District 23. HB 1199 is brought to this committee because of problems which have arisen in our smaller communities. When there is a blizzard, our area farmers come in with their equipment. They blow snow into trucks and haul it to the edge of town to dump it. The small towns do not have the snow removal equipment to handle these situations. The farmers use their equipment and get paid only a nominal fee to cover their gas and expenses. The problem which has arisen is that they are being told that these people (the farmers) are required to have commercial drivers license. What this bill is doing is to try to rectify that situation. It really is a community service type of thing that these farmers are doing. This bill really allows for an exception in the cases of emergency.

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Rep. Mahoney: ( 3080 ) Are you looking at only snow removal because the bill does not say emergencies including the removal of excessive snow --- it is limited to the removal of snow?

Rep: Devlin: My only concern was the removal of snow. There could be situation like Grand Forks in a flood situation may welcome this bill being on the books. I don't think most big cities would ever use this.

Rep. Weisz - Chairman I take it that you mean exactly what it says in the bill --- that if a tornado went through --- that it would imply the individuals take care of clean up?

Rep: Devlin: That is right.

Rep. Ruby: ( 3196 ) Would it be an extreme hardship to have the volunteers apply for a commercial drivers license?

Rep: Devlin: There is a cost involved and they don't think they should have to do that.

Rep. Thoreson: Basically this doesn't entail any highway miles, does it?

Rep Devlin: In these cases the snow blower is coming down main street blowing snow into farm trucks. The farm trucks haul it to the edge of town and dump it. They are not on the state highway at all.

Jerry Hjelmstad: Speaking on behalf of the North Dakota League of Cities we urge a 'Do Pass' on this bill .It does give another option to the local governing bodies in an emergency situation to deal with that emergency.

Rep. Pollert - Vice Chairman: ( 3370 ) Could there be a liability issue if they were driving without a CDL and got into an accident and there was no written declaration of an emergency?

Rep. Devlin: There could be a liability considerations I guess. That would be something the local governing board would have to take into consideration. That would be one of the factors for them

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House Transportation Committee

Bill/Resolution Number HB 1199

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in this. How that emergency gets declared may with in a city would depend on their local ordinances.

Terry Traynor, Assistant Director of the Association of Counties in North Dakota: We also support this bill. There are a number of different places in the Century Code where increased latitude is granted to local governments in response to emergencies. We think this would be an appropriate extension of that concept.

Keith Magnusson, Director of Driver and Vehicle Services Division of the ND DOT. We don't necessarily have a position on this bill, and I wasn't going to speak. When they started talking about other things than removing snow and ice, my motor vehicle person here handed me note that the feds in there regulations a exception specifically and only for drivers removing snow and ice. So we would ask the bill be restricted to drivers for snow and ice removal. The talk about the intrastate exceptions for farmers, fire fighters, and emergency vehicle drivers and 'drivers removing snow and ice'. We have enough trouble with feds on Commercial Drivers License as it is.

Rep. Weisz - Chairman ( 3660 ) You mentioned the exception for farmers, would they be excepted for whatever type of activity they do if it were an emergency?

Keith Magnusson: Looking at the Federal Regulations, the State could exempt them right now. You may want to have something in the statute to make it clear. What I read in the Fed Regs is that when a farmer does these types of things they are not a farmer any more. If a farmer has a grain truck and hauls grain for another, he needs a CDL.

Rep. Schmidt: In 1989 a tornado blew away house away. We waited about three days for the National Guard to come in. If it wasn't for the farmers cleaning it up we would have had to wait

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House Transportation Committee  
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our turn for the Guard. As it was the farmers pitched in and helped. This would allow them to do that without a CDI.

Keith Magnusson: All I am doing is quoting the Federal Regulations.

Rep. Devlin: I might point out that in many cases the farmer furnishes the truck and it may be a barber driving it.

There being no further testimony for or against the bill; Rep. Weisz - Chairman

Closed the hearing for testimony on HB 1199. ( 4002 )

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1199 b

House Transportation Committee

Conference Committee

Hearing Date January 26, 2001

Tape Number	Side A	Side B	Meter #
2	x		3.478
Committee Clerk Signature <i>Laura L. Zirk</i>			

Minutes: Rep. Weisz - Chairman opened the discussion for action on HB 1199.

Rep. Hawken: I move that we amend HB 1199 remove excessive and insert for the removal of snow and ice. The intern can use the right words.

Rep. Carlson: I second the motion to amend.

On a voice vote the motion carried. No dissents.

Rep. Schmidt: I move a 'Do Pass as Amended' for HB 1199.

Rep. Jensen: I second the motion for a 'Do Pass as amended'.

On a roll call vote the motion carried 13 yeas 0 nays 1 absent.

**FISCAL NOTE**  
 Requested by Legislative Council  
 01/12/2001

Bill/Resolution No.: HB 1199

Amendment to:

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.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

**HB1199 has no fiscal impact.**

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, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Marsha Lembke	Agency:	NDDOT
Phone Number:	328-4865	Date Prepared:	01/16/2001



10409.0101  
Title.0200

Adopted by the Transportation Committee  
January 26, 2001

VK  
1/26/01

HOUSE AMENDMENTS TO HB1199 House TRN 1-29-01

Page 1, line 8, replace ". An emergency includes" with "for", remove "excessive", and after  
"snow" insert "and ice"

Renumber accordingly

Date: Jan 26, 2001  
Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1199

House Transportation Committee

- Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass as Amended

Motion Made By Rep. Schmidt Seconded By Rep. Jensen

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	✓		Howard Grumbo	✓	
Chet Pollert - Vice Chairman	✓		John Mahoney	✓	
Al Carlson	✓		Arlo E. Schmidt	✓	
Mark A. Dosch	✓		Elwood Thorpe	A	
Kathy Hawken	✓				
Roxanne Jensen	✓				
RaeAnn G. Kelsch	✓				
Clara Sue Price	✓				
Dan Ruby	✓				
Laurel Thoreson	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep. Price

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

**REPORT OF STANDING COMMITTEE (410)**  
January 29, 2001 8:43 a.m.

Module No: HR-15-1809  
Carrier: Price  
Insert LC: 10409.0101 Title: .0200

**REPORT OF STANDING COMMITTEE**

**HB 1199: Transportation Committee (Rep. Weisz, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1199 was placed on the Sixth order on the calendar.

Page 1, line 8, replace ". An emergency includes" with "for". remove "excessive", and after "snow" insert "and ice"

Renumber accordingly

2001 SENATE TRANSPORTATION

HB 1199

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1199

Senate Transportation Committee

Conference Committee

Hearing Date 3-9-01

Tape Number	Side A	Side B	Meter #
1	x		0.0-6.1
Committee Clerk Signature <i>Suzette Schaefer</i>			

Minutes: **HB 1199** relates to exceptions from a commercial driver's license requirements.

**Rep. Bill Devlin:** (District 23; Supports) Essentially what we have in one of our small communities, Hope, is that they do not have the money for snow removal. So farmers come to town and haul the snow to edge of town. This has worked fine for a number of years. They have ran into some question on whether they have to have a commercial license because they are getting paid for their expenses and a bit more. No one is making any money on this deal. We want to make sure that state and federal guidelines are the same and allow these communities to do this.

**Jerry Hjelmsted:** (ND League of Cities; Supports) In support of this bill. It gives another option to get people to remove snow and ice removed from communities.

**Wade Williams:** (Association of Counties; Supports) We are in favor. In those times of emergency, we can use all the help we can get.

**Senator Trenbeath:** I have a particular interest in this because we do this in Cavalier. I have always been under the opinion that these people are private contractors and the license status is their problem. Am I wrong in that?

**Keith Magnusson:** (NDDOT; Neutral) You are correct. If they are a private contractor, they are the ones responsible for licenses. Federal rules specifically allow it for farmers, firefighters, emergency response people, and drivers removing snow and ice. This probably would not have to be in the law, but I think it them much more comfortable. This makes it clear in the law.

**Senator Stenehjem:** Not under this bill, but under the commercial drivers license, if a tornado came through, could farmers come in and haul out trees and debris?

**Keith Magnusson:** Under federal regulations, that is not allowed. When you get tornadoes, there may be some other emergency declarations that might kick in.

**Senator Trenbeath:** Let the record reflect, my understanding of Mr. Magnusson's response is that this is kind of a belt and suspenders situation. If it's truly a private contractor, then it's actually their responsibility rather than the local entity.

Hearing closed.

Senator Espegard motions to Do Pass. Seconded by Senator Trenbeath. Roll Call taken. 5-0-1.

Floor carrier is Senator Trenbeath.

