

2017 HOUSE TRANSPORTATION

HB 1321

2017 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

HB 1321
2/2/2017
#27824

- Subcommittee
 Conference Committee

Committee Clerk Signature

Jeanette Cook

Explanation or reason for introduction of bill/resolution:

A bill relating to weight limitations and the movement of agricultural products during harvest.

Minutes:

Attachments # 1-2

Chairman Ruby opened the hearing on HB 1321.

Representative Craig Johnson, District 6, introduced HB 1321 and provided written testimony. See attachment #1.

Bart Schott, North American Corn Growers and a farmer by Kulm, spoke to support HB 1321.

Bart Schott: We buy these permits. They are very valuable; and we use them a lot. Sometimes we have to unload in a bin, and then take the product to the elevator from the farm. This bill would really help the farmers out at harvest time.

Representative Grueneich: The farmers can go from field to market, but you can't go from farm to market? Or is it just the opposite?

Bart Schott: If you buy a harvest permit now, you can go to 88,000, but it is from the field to the first point of delivery. That might be farm storage or the elevator.

Representative Grueneich: You can go field to market, field to farm, but as opposed to storing it out in the big tubes, you can't go from farm to market?

Bart Schott: Yes.

Chairman Ruby: You can't go from farm to elevator, either.

Representative Jones: I have heard about this from several of my constituents. How many instances have you heard of getting ticketed going from a storage to market during harvest?

Bart Schott: I haven't heard a lot of that. It is easy to say one thing when you stopped to avoid a ticket. There is some confusion about what a 10% overweight permit can actually do.

Representative Nelson: What is different from hauling from your bins during harvest than any other time of the year?

Bart Schott: That is a good question. Our intent in buying a harvest permit is to use the overweight so we can get the crop off the field and into the farm, or storage, or into an elevator. Once we stop at the farm, even overnight to off load the truck, then when you load it up again and go to the elevator, you are not permitted to do that with a harvest permit. That is what we would like to be able to do. It will give more flexibility.

Representative Nelson: The advantage to a harvest permit is buying one permit that is good for everything, not one for each trip?

Bart Schott: Yes.

Chairman Ruby: Is there a definition of when harvest is?

Bart Schott: You can buy a harvest permit for a certain period of time. It would cover either, barley harvest for example in August, or could buy one in October for corn.

Chairman Ruby: Does the permit limit the time?

Bart Schott: Yes.

7:00

Richard Schlosser, North Dakota Farmers' Union, spoke to support HB 1321. We stand in support of HB 1321. It is strictly a harvest issue. It is often a hard issue. Last fall when the harvest of soy beans ran up against the harvest of corn, a lot of the elevators were not taking any more storage or grain other than that which was contracted. A lot of the corn came off wet. Farmers did not want to stop harvesting; they would run things to the dryer, and the next day it was hauled in. I would agree with Mr. Schott that it really puts us in a bind, especially during harvest. We appreciate your due consideration of HB 1321.

There was no further support for HB 1321.

Ron Henke, Deputy Director for Engineering North Dakota Department of Transportation, spoke in opposition to HB 1321 and provided written testimony. See attachment # 2.

12:07

Chairman Ruby: Aren't you already getting that weight on the roads at some time already? Do you have an estimation of how many more loads might be on the roads at that higher weight that would do damage?

Ron Henke: We do not have a calculation for that. We do have axle limits in law. Those axle limits are what we are concerned about. That is putting an extra 2000 pounds on a point load. We understand and accept the current law, that the load goes from field of harvest to some point of storage. We understand the need to get the product off the field, that is why we are comfortable with the existing law the way that it is. Once you take that out and just add "during harvest", we think that it opens it up to any commercial hauler, like an elevator wanting to haul for a mill, or a farmer hauling to an ethanol plant, but it doesn't limit it to the farmer. Our concern is that there will be a lot more trips with overweight loads than what are allowed currently in law.

Chairman Ruby: Do vehicles that are owned by an elevator qualify for the 10% over as well?

Jackie Darr, Permit Office Supervisor: Our current 10% is from the field to the first point of storage. If the elevator decides to buy a 10% permit, they can, but it has to be moving harvest from someone's field to the first point of storage. With the way this is written in this law, like Ron is saying, it is going to allow the elevator to purchase the 10% and haul from his elevator to **any** location or any other commercial driver. Currently, other commercial drivers can buy a 10% too, but it has to be hauled from the field to the first point of storage. We don't limit who can get the permit, the purpose of the permit is what is limited.

Chairman Ruby: Okay. What if it was amended to say from field or farm to elevator?

Ron Henke: Are you saying that it would be from a field or farm to the first point of storage? We would have some concerns with that. We believe that they can do that already. There is another section that states from December to March. It is for general movements of products during the period from December to March. So, there is some time frame to haul from farm to the elevator, that is already in there. I don't know if that takes care of the concern that was brought forward.

Representative Jones: Maybe we should change the wording, from farm to market? Do you see any problems with that? That would include the intermediate storage bins along the way, and allow the flexibility to farmers.

Ron Henke: I don't know. It would open things up to allow from the farm to the elevator. They can't do that now if they stop at the farm first. They can do that from December to March, but not from July to December. I think that we still have some concerns. We believe that there is better control at the farm when loading a truck, than what you would have in the field. Then would it still be needed?

Representative Jones: Why would there be better control at the farm?

Ron Henke: Because when you are taking it out of the bin to town, there isn't the urgency as there might be from the field to farm.

Representative Jones: When you are in the middle of harvest, there is that urgency, no matter what. As I am looking at the charts, there is a 45% increase in relative damage. It has been my experience in discussions in the past with the Department of Transportation

that you feel that the 10% would not damage the road, or you would not have allowed that to occur. Was the possibility of actually damaging the roads in your discussion when you made the 10% available?

Ron Henke: It was not. This has been in law for some time. My guess is that when it became law the Department probably stood and opposed it at that time. It is a policy decision for the legislative body to make. We are trying to make you aware of our concerns, that the roads may not last as long with more trips of 10% overweight. Those trucks are all designed for a certain load. When we design roadways, we design based off an easel, 18,000 pounds on an axle. It is not more than that. That is how the designs are done. We don't try to calculate in how many overloads there are going to be. We know there are overloads that have to move, and we will allow those. The roads will withstand the once-in-awhile movement of those overloads, but when it is constant, we get more concerned.

Ron Henke: We do have safety factors built in our roads. We use an estimate of traffic and easels. We can't tell exactly what will happen with the extra weight.

Representative Nelson: Is the biggest concern that the overloads will cause damage during the summer? You know that there will be some overloads, but you don't want it to be all the time?

Ron Henke: That is correct. In the winter it does not do the same damage as during the spring and summer.

Terry Trainer, Association of Counties, spoke in opposition to HB 1321. He voiced their concern about opening this door too far and having it get slammed behind them. He stated that no one **has** to issue the overweight permits. It might get to the point where the authorities say, no more. Then if you want to run overweight, you have to get a regular overweight permit for each trip. That would be very, very hard on the farmers. We oppose this the way it is now.

There was no further opposition to HB 1321.
The hearing was closed on HB 1321.

2017 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

HB 1321
2/9/2017
#28157

- Subcommittee
 Conference Committee

Committee Clerk Signature

Jeanette Cook

Explanation or reason for introduction of bill/resolution:

A bill relating to weight limitations and the movement of agricultural products during harvest.

Minutes:

Chairman Ruby brought HB 1321 back to the committee. It was held for additional work.

Representative Grueneich: I talked to Representative Johnson about it. He wasn't really willing to give much, other than on Line 12 and 13, he would be willing to change that from August to December. On Line 14 he would strike December 1st to March 7th. That really doesn't change much because the road restrictions are not on then. It won't address the big concern from field to farm, field to market, and farm to market. Personally, I like the bill and would like to do something to salvage it, but it may take someone in the farming industry to help with the verbiage.

Representative Weisz: I would really oppose taking out Dec. 1st to March 7th. That is what is currently in law, and it doesn't do any damage to the roads because they are frozen.

Chairman Ruby: My concern about trying to identify the months that this should apply is that it still allows from elevator to elevator and agribusinesses. As the Department of Transportation testified, it will be a substantial effect. I can't support the bill this way.

Representative Weisz: I feel caught in the middle because I agree with you and know the issues with the roads. The original intent was not to let everyone run 10% overweight. It was just to give you some leeway when coming out of the field when you might not be able to have the exact weight. I would like this bill, but there are good reasons why the law is the way that it is.

Representative Paur moved a **DO NOT PASS** on HB 1321.
Representative Anderson seconded the motion.

Representative Jones: What if we put in on Line 11 & 12 after agriculture products, for the producer to be able to haul from farm to market? It would include the intermediate stage.

Chairman Ruby: The motion could be removed. I wouldn't support that either, because it is the same thing as Representative Weisz mentioned. The urgency is off, and you should be loading legal at acceptable axle weights at that point.

Representative Westlind: I would like to see the bill passed. There is an urgency for corn farmers or potatoes. We should strike "from the point of original storage." I would vote to pass the bill.

Representative Nelson: I will support the DO NOT PASS.

A roll call vote was taken: Aye 7 Nay 6 Absent 1
The motion carried.

Representative Nelson will carry HB 1321.

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

**2017 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1321**

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 Paur Seconded By Anderson

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

Total (Yes) 7 No 6

Absent 1

Floor Assignment Nelson

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

REPORT OF STANDING COMMITTEE

HB 1321: Transportation Committee (Rep. D. Ruby, Chairman) recommends **DO NOT PASS** (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1321 was placed on the Eleventh order on the calendar.

2017 SENATE TRANSPORTATION

HB 1321

2017 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

HB 1321
3/17/2017
29408

- Subcommittee
 Conference Committee

Committee Clerk Signature *Mary Munder*

Explanation or reason for introduction of bill/resolution:

Relating to weight limitations and the movement of agricultural products during harvest.

Minutes:

Attachments #1-3

Chairman Laffen: Opened the hearing on HB 1321 and welcome Representative Craig Johnson.

Representative Craig Johnson: Explanation of the bill. **See attachment #1.** Also explained the proposed amendment.

Chairman Laffen: Any questions? None. Thank you. Further testimony in favor?

Representative Dennis Johnson: We need to change the language in this bill to be fair with the commodities across the state of North Dakota. After the first dump I can run the trucks from point A to C all day long but if I stop at point B (a dryer, grain bin, or farm) the load gets reduced because it is a second dump. It is a technicality and it is a fairness issue for us.

Chairman Laffen: So you can go from the field to the elevator for first dump and back to the field again and do this all day. But no stopping at the dryer or loading grain from a bin as then you have to haul less grain weight wise?

Dennis: Yes. If you have to stop, you can't load the same amount.

Chairman Laffen: You can start out lower weight?

Dennis: Yes, that's where we are now in order not to have to buy permits for the trucks.

Senator Rust: You are given a certain weight limit but you can buy an over limit weight permit to exceed 10%? What does that cost you and do you purchase the permit each year?

Dennis: The cost is around \$100.00 and you purchase the permits every harvest season for each truck.

Senator Clemens: I assume you are talking about a tractor trailer you are running? Is that licensed as a farm truck? What's the difference on your license between a farm truck and a commercial?

Dennis: Yes. I have some of both, commercial and farm. It doesn't matter as you just buy the 10% permits for all. It depends on the age as it is prorated out. My older trucks are all in the late 90's or early 2000's and they are around \$250.00-\$275.00. Somewhere in that range.

Senator Clemens: If your trucks all had a commercial plate you could run anywhere in the state and haul what you want? How do the commercial haulers haul off of a farm?

Dennis: You can haul anywhere in the state, but it doesn't matter what kind of truck you have, a commercial or a farm truck it goes by the first dump. The 10% permit is for during harvest if you want to run over your registered weight. Then all trucks will work the same BUT you have to buy that extra permit. It is for a farming permit just for harvest. If I am a custom harvester I need a permit in every state I run in, but with the 10% permit I am legal to run anywhere, anytime. With the DOT it has always been focused on the first dump and we want to be able to have the second dump too. We need it to haul from our bin site and right now we can only haul from the field.

Senator Campbell: In our corner we buy the overload permit and stick it in the left side window and the patrols kind of stay away from us as they know we have the permits, kind of like the license to not get pulled over. Do you get a lot of patrolmen who follow to make sure it is first dump and then follow up on it?

Dennis: I am not here to pass legislation to make it look like we are having problems. I am here trying to make it so we are legal and if we are pulled over and asked where we are coming from, bin site or the field, we can answer truthfully. It is just to make it fair for us.

Senator Campbell: So what can we do to help with this? We need to know as it might get killed again like it has the last few times.

Dennis: Well last time it came through the Ag committee so everyone understood what we were trying to do, and it turned out better. We are not trying to create more weight on the roads we are just trying to make it so we are legal.

Senator Nelson: Definition of first dump business please.

Dennis: First dump is good for the season, 20 times a day. It's no number, first dump is from the field to the elevator. If you have to reload that load and it goes over 80,000 you are illegal.

Chairman Laffen: I think the perks for the harvest permit was to help farmers get their crops off the field quickly during harvest. It is just for that, doesn't matter where it goes, elevator or bin for storage. What we are trying to do is not let every load, all over, be on those roads just transporting grain, the purpose is just for harvest.

Dennis: This is clear to me as this is what we do and come Dec. we buy a different permit for \$100 and some dollars, and you can haul overweight anywhere as it is a frost permit and is different from a harvest permit.

Senator Nelson: if I haul a load from the field to a bin someplace, and somewhere down the line when I go to pick up from the bin and want to take it to the elevator I am restricted to just 80,000?

Dennis: Yes, you might have just dumped it an hour earlier but you are restricted and you can't use your 10%.

Chairman Laffen: Any more questions? None. Further testimony in favor of HB 1321?

Mike Clemens, North Dakota Corn Growers Association:(21:40) See attachment #2. We want to be able to buy a sticker and be able to do our harvest. We do our harvest and then before Christmas we go to confession to clear our conscience for lying! Grain is moved in so many different ways than in years ago with the old tandem trucks. It is a safety thing also, less trucks on the road.

Chairman Laffen: If we made the change, then pretty much any load would be good. Is there a time limit for the harvest permits?

Mike: You buy them for one month at a time.

Senator Clemens: If you forgot about the harvest permit and had commercial plate then you could haul whatever whenever, correct? If you had that license you wouldn't have to worry about any of this.

Mike: You could haul 80,000 lbs. which is what your registration card says. But the license would run so much higher. We would probably save around \$700.00 per truck per year.

Senator Clemens: We heard from the Dot, county level, township level, that nowadays farming has changed and they mostly have the tractor trailer trucks. The counties are getting concerned as it is the farming trucks that are really doing the damage to the roads and doing it without the commercial plates that help pay for the roads. I just wanted to make that point and have it clear in my mind.

Mike: What we do is the county that we are in does not allow the overload permits. We spend our own money to take care of our roads and we just fix our own roads.

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

(28:55) Scott Rising with the Soybean Growers Association: We are in favor and would ask for a Do Pass on this bill.

Chairman Laffen: Questions? None. Thank you. Further testimony on HB 1321?

(29:39) Kayla Pulvermacher, North Dakota Farmers Union: We are also in support of this bill.

Chairman Laffen: Questions? None. Thank you. Further testimony in favor? None. Opposition?

(30:17) Ron Henke, NDDOT Engineering: We are opposed to HB 1321. **See attachment #3**

Senator Casper: If I have a trucking company can I apply for an overweight permit, and can I haul commodities from the elevator to the alcohol plant all fall?

Ron: The way we understand the bill I believe you could.

Chairman Laffen: I am thinking the amendment tried to fix some of that.

Ron: Yes, I have not seen the amendment yet.

Senator Nelson: On another bill, we were working with 129,000 lbs. and now it is 80,000 lbs. It comes down to the weight on the road no matter what truck.

Ron: There is a uniqueness between those bills. That bill still requires you to properly load a truck and not exceed the axel limits that we are allowed in state law. This bill allows you to exceed those axel limits at 20,000 lbs. for a single, 34,500 for a double or 46,000 I think for a triple. You legally cannot put 129,000 on a farm truck if it is a tractor trailer set-up. It would require an extra trailer to get to those 129,000 lbs.

Chairman Laffen: A truck that is 10% over actually has more weight on the road than a 129,000 at its regular limit. Each wheel has less weight on the road. They add more wheels to get to that 129,000.

Any other questions? None. Further opposition to HB 1321?

(35:39) Terry Traynor, Association of Counties: We are in opposition as it opens the door to just about anybody to haul commodities any place any time during harvest. We are fearful of opening the door to that. A number of counties do not let the 10% overload go through. If the amendments are put in, we probably would slide into the neutral column but would still not be excited about the bill, but we wouldn't oppose it either.

Chairman Laffen: Any other opposition? None. Neutral? None.

Chairman Laffen: **Closed the hearing on HB 1321.** Welcome students from Larimore.

2017 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

HB 1321
3/23/2017
29619

- Subcommittee
 Conference Committee

Committee Clerk Signature

Mary Munder

Explanation or reason for introduction of bill/resolution:

Relating to weight limitations and the movement of agricultural products during harvest.

Minutes:

Chairman Laffen: Reopened the hearing on HB 1321: This is the bill where they can get a permit to carry a bigger load. After the first dump then you are shipping grain. The original purpose of the law, as I understand, was to get crops off the field quicker. The farmers would like to have more latitude, the DOT would rather not because of the damage to roads. I think that is where the issues lie on this. The sponsor brought in a Christmas Tree version and an amendment, 1002.

Senator Casper: I think I am going to support this. The thing that was important to me is that during the harvest period we are going to allow a farmer to move his loads of grain any number of times. Farming is so advanced now, we don't just take it off the field and go dump it anymore. What I didn't want to have is the situation, if I run a commodity trucking and my job is to run trucks from point A to point B in the harvest season in the fall, that I can all of a sudden jack up my weight now for 3 months and drive truck after truck after truck in a more commercial trucking operation, as well as the farmers taking their crop off. This was not achieved in the original draft of 1321 but in the amended draft we are precluding the operation I described.

Chairman Laffen: I think this is what the amendment is trying to do. It will tighten it up.

Senator Nelson: Moved to adopt amendment 17.0676.01002.

Senator Casper: Seconded.

Chairman Laffen: Discussion?

Senator Clemens: I am opposing. I think the farming culture has really changed, especially in the last 20 years. Most farms now have tractor trailers and I think they have out lived the exceptions for moving their material farm to town or to storage and I think they should be licensed as a commercial truck. There are in state which is just a straight commercial license and will cost 6-700\$ per year per truck, and then you have the pro rate, commercial truckers

usually have the pro rate. I see no reason why the farmers now shouldn't have a commercial plate and that gets rid of all this stuff. You can haul anything you want anytime of the year just like a commercial truck does. This thing is terribly abused also. You have farmers out there running commercial trucks and they are getting away with the \$250.00 annual license. There are damages done to the county roads and the largest users of these county roads are the farmers with their big trucks. Get the commercial ND plate and you are good to go.

Chairman Laffen: You don't think farmers should have this further option but doesn't the amendment make the bill better in that case? The original bill says you can take any truck and not even be a farmer and go to the second point. At least the amendment is saying it has to be a farmer and it has to be from a field. I do think the amendment does make it more restrictive. You might want to favor the amendment but then vote against the bill.

Senator Clemens: Yes, ok that would be fine. I don't like it but yes it would help.

Senator Casper: A question for Senator Clemens. If you are saying they should all be commercial drivers, are there elevated requirements that we would be placing on our commodity producers, on farmers, and is there different licensing requirements, or are they going to have to have part time drivers?

Senator Clemens: I guess I am not sure on the answer if you have a commercial plate, do you need a CDL?

Arik Spencer, Division of Motor Carriers: The answer is yes. Our industry is subject to annual vehicle inspections, which otherwise commercial trucks but used on the farm are not. CDL requirements, yes.

Chairman Laffen: Right now farmers are using tractor trailers to haul from field to farms or from field to the elevator and for those trucks they do not need a CDL as they are farmers?

Arik: If they are driving a vehicle with a certain weight, they do need a CDL. But during certain time frames during harvest I believe they waive those requirements, like sugar beet hauling. Anyone with two hands and two legs can get in that vehicle and move it down the road. But for what it is worth, I was at another hearing, but we do agree the amendment is a better version and there would be the ability to make sure whatever comes out of it is positive.

Chairman Laffen: Yes, I agree and it does tighten it up.

Senator Rust: If we blitz the bill then we are back to current law. Is 1321 amended better than current law or is current law more restricted?

Chairman Laffen: The current says it allows a harvest permit to be bought and to haul from field to wherever you first take it. The theory is that, after that, you are transporting, not taking off a field. You will have to decide which is better when you vote on the bill.

Senator Nelson: Didn't I hear someone say that if bad weather was coming they could move that grain to a place of safety and then move it later?

Chairman Laffen: I think this is what the bill is saying. I just think it is going to become complicated and I do like the amendment.

Senator Clemens: They can still move this grain but it is under this higher weight limit, right? I have a CDL and I do have a commercial company, we have to have drug tests, rests, breaks with driving, etc. and farmer's exemptions will let them work all day and drive all night and it is just unsafe.

Chairman Laffen: This bill will change none of that. What it will do is give that farmer who is driving the trucks a 10% increase in the load size. It is protecting the roads also. Any other discussion on the amendment?

Roll Call taken: Yeas-5, Nays-0, Absent-1. Motion carried.

Senator Rust: I think we should wait for Senator Campbell before we vote.

Chairman Laffen: We will adjourn till this afternoon.

2017 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

HB 1321
3/23/2017
29633

- Subcommittee
 Conference Committee

Committee Clerk Signature

Mary Munder

Explanation or reason for introduction of bill/resolution:

Relating to weight limitations and the movement of agricultural products during harvest.

Minutes:

Chairman Laffen reopened the hearing for HB 1321. This is the harvest bill where they want a second dump. We accepted the Christmas tree version of the bill and adopted an amendment this morning. The amendment tightened up the language of the bill. Senator Campbell please take a look at that and we are going to discuss what the wishes of the committee might be.

Senator Clemens: Is the farmer going to be involved in the solid waste materials is a question we need to talk about.

Senator Casper: I have a question about the weight. I agree that it is silly for them to have to have to decrease, they want to be able to load 88,000 and keep that amount wherever they have to take it.

Chairman Laffen: You can do that all year long. You can be hauling your grain from the elevator any time of the year. The purpose of the permit isn't so you can haul bigger loads. The purpose of the permit is to haul from the field to wherever it is going.

Senator Casper: The general movement of products, does it mean I can haul 88,000 lbs. all winter long from my farm?

Chairman Laffen: I think this bill deals with a number of times you can buy an 10% overweight permit and there are a series of exceptions, one of them being this farm harvest one, another being the hauling of solid waste materials and the 3rd one being the movement of farm products between Dec. and Mar. 7th.

Senator Rust: It sounds like we are going to only allow the hauling of solid waste from July 15th to Dec. 1st. There is no time line on number one and I was wondering if during harvest is defined from July 15th to Dec. 1st.

Chairman Laffen: I do think you are right. The permits must only provide for Ag products during harvest and the collection of solid wastes during the period of, so those two were combined and when they slid in the amendment we lost that.

Senator Rust: So one could argue that they can do that all year long.

Chairman Laffen: Yes, they could.

Senator Nelson: It used to say specific motor vehicle, now it says resident farmer's vehicle and a motor carrier hired by that farmer.

Senator Clemens: On section A doesn't 1, 2, and 3 follow under A?

Discussion on changes in the language.

Senator Casper: I am wondering what specific motor vehicle, who made the changes, and I don't want to take something away from the farmers. We want to make sure that doesn't happen.

Chairman Laffen: The original did not limit it to farmers and #3 made the exemption for everybody with a special motor vehicle.

Senator Campbell: There are some that get the 10% permit and haul all winter long and you're right, it might eliminate them.

Chairman Laffen: Senator Campbell, we are going to have you carry this one as you know about harvest trucks, and could you take this and go talk to the DOT about those specific items? We passed the amendment so this is what we are working with now. By the formatting change, did we change the time lines, does everybody have to be a farmer, and about the type of vehicle.

Senator Casper: Just a reminder that the DOT does oppose the bill when you go to talk to them.

Chairman Laffen: This whole formatting is confusing. Maybe talk to the sponsor too about it. That would be Representative C. Johnson. Whether you like the bill or not I just want to make sure we understand what it is doing. These are good catches that you people caught and we need to look at them.

Senator Campbell: The two things we are looking at are taking out harvest and leaving the time frame in, July till Dec.

Chairman Laffen: Brady also agrees with you in saying the way it is written legally in the original bill it is believed to not define the farming in the time frame from July to Dec. So you and Brady can meet with these people and get it all straightened out and we will take it up again tomorrow.

Closed the hearing on HB 1321.

2017 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

HB 1321
3/23/2017
29638

- Subcommittee
 Conference Committee

Committee Clerk Signature

Mary Munder

Explanation or reason for introduction of bill/resolution:

Relating to the weight limitations and the movement of agricultural products during harvest.

Minutes:

Chairman Laffen: Reopened the hearing on HB 1321. Welcome Chris Joseph with Legislative Council. We are really confused on the formatting of the amendment. The bill started to change some things in our mind. The first one was we weren't sure what collection and transport of solid wastes meant. We know we are not dealing with that in this bill, but in the reformatting it got shuffled under the farm group and we are not sure if they are to be separate or if they are now part of the farm vehicle limitation.

Chris Joseph, LC: Based on my understanding of the bill, they are supposed to be separate.

Chairman Laffen: We interpreted the first bill as 3 different things and they all deal with the 10% permit that you can get, one was the field of harvest, two was people doing collection and transporting of solid waste, and three was the general movement of products. They were separate.

Chris: Correct.

Chairman Laffen: So if you go to the amendment the way it is crafted, 1, 2, and 3 are now sub divisions of the farmer's farm vehicle or a motor carrier hired by them. So is it a problem the way we have it written that way?

Chris: Yes, it will be a problem. That would only apply to resident farmer's farm vehicle and motor carrier hired by them.

Chairman Laffen: So we are going to have you fix that for us. We have to get them separated again.

Chris: Do you want just the third one or the second one as well.

Chairman Laffen: Yes, both as they should stay independent like they were.

Senator Rust: Should the 'during harvest' be defined as from July 15th to Dec. 1st?

Chris: No, harvest is in its own term.

Senator Nelson: I think a specific motor vehicle may not be a farm vehicle to transport solid waste materials.

Chris: I will make 2 and 3 its own.

Senator Campbell: We want to make sure we don't put anyone out of business in the winter time.

Chris: Exactly, so it won't be limited to just farmers.

Chairman Laffen: You might want to check out the title as it does specifically call out for the movement of Ag products during harvest and it looks like this bill does a lot more than that.

Chris: Yes.

Chairman Laffen: Thank you. Closed the hearing on HB 1321.

2017 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

HB 1321
3/24/2017
29673

- Subcommittee
 Conference Committee

Committee Clerk Signature

Mary Munder

Explanation or reason for introduction of bill/resolution:

Relating to weight limitations and the movement of agricultural products during harvest.

Minutes:

Attachment # 1

Chairman Laffen: Opened the hearing on HB 1321. Attendance taken and all present. Committee, let's go to the harvest bill, HB 1321. Representative C. Johnson, we did take a look at your amendment and it reworded some things. The original bill wanted to fix where you could haul during harvest. There were 2 other parts in the original law that got drug along and it was the collection and transport of solid wastes and also dealt with the general movement of products from Dec. 1st to Mar. 7th. Your amendment broke these 3 parts into 3 different paragraphs and then the dates got messed up and the collection of solid wastes got put under the farm vehicles. We had Legislative Council revise your amendment and we want you to take a look at that. **See Attachment #1.** The first thing the new amendment does is fix the title.

Dennis Johnson: In your harvest permit other than the farmer, you know, a custom harvester, when you buy your harvest permit it includes the 10% overload. With the harvest permit the purchase price includes the overload permit, whether they are in state, out of state, or whatever.

Chairman Laffen: We didn't change your language on the harvest permit at all.

Senator Nelson: When did the interstate system get blocked out of this, because yesterday we talked about driver's going to Duluth and you might be on an interstate system.

Dennis: We were not included in an interstate system when we came across North Dakota. MN. got grandfathered in so they could run 88,000 with a 5 axel truck in MN. You can't permit on 29 and 94 in ND. We never got grandfathered in like MN did.

Chris Joseph, Legislative Council: I am here to explain the .01003 version amendment. What I did was to make two paragraphs under sub division A. Paragraph 2 is the same. Paragraph 1 is now allowed to carry ag products from the field of harvest to the first point of sale and transfer possession during harvest. Fixed the title also.

Chairman Laffen: Bill sponsors, can you walk us through the amendment now with the new language? What is it saying?

Craig Johnson: The change in the previous law is in the restriction from the field to initial storage. It gets to be a problem during harvest where the farmer is trying to haul grain from the field and then go to a grain dryer or a temporary storage bin, and if they can, haul to the elevator. The purpose is to haul grain efficiently and still get the grain off in good quality. It allows them to haul from the field to the elevator or from a grain bin to the elevator. It gives them more flexibility.

Chairman Laffen: Original bill said you could haul from field to first dump, whether it was the dryer, the bin, elevator or whatever. Once you stopped that's all the farther you could go. So the amendment then, does it open it up so you can haul anything you want anywhere you want during that period? Is that what it is saying?

Craig: Yes, that's what my intentions were. As long as the farmer had possession of the grain, they would allow them to haul it to a bin, elevator, dryer, whatever, to help them with the harvest.

Chairman Laffen: If that's the case then, why are we still muddling with language that is too complicated? Why wouldn't it just say a resident farmer's vehicle or a motor carrier hired by the farmer can get an overweight permit?

Craig: That takes care of half the problem, the vehicles and who is hauling the grain, we are trying to exclude the commercial haulers that would haul from an elevator to another elevator or from an elevator to a processing plant.

Chairman Laffen: That exclusion would come when we say a resident farmer or somebody hired by a farmer.

Craig: If a farmer would be hired by an elevator to haul grain during the off season.

Chairman Laffen: So I understand the permit must provide only for the movement of Ag products from the field of harvest to the first point of sale.

Senator Casper: What they are attempting to do is provide permits only for the movements of Ag products, and they are trying to eliminate where I could start Casper trucking and could haul grain from one elevator to another elevator over and over again. My question is because we are saying "and" transfer possession, does that mean that if I decided not to farm one year and I was the richest farmer in Cass County, had the biggest elevators built in Cass County, and my bins were full to the brim with corn, and all I wanted to do was draw an 88,000 all day from my farm to the ethanol plant, during harvest you could do that?

Craig: Your question is if you were a farmer you would be able to haul that grain to the ethanol plant? The answer is Yes.

Senator Casper: My question is that technically it would be during harvest and I wouldn't be conducting a harvest myself, just transferring my grain to the plant. We would be allowing that.

Chairman Laffen: If I understand the language right, you can take the product from the field of harvest to the first point of sale and anything in between. You can move it all you want, that would be the intent.

Senator Campbell: It says harvest so that would exclude 'anything', and it also puts you from Jan. to Mar. If you haul then, there are a couple of holes there.

Dennis: Yes, we have to fix it up so it is fair for the farmers and we don't have any loopholes. We have tried to do this many times.

Senator Clemens: Basically you would be unlimited with what you could do with your grain, other than on the interstate. 88,000 has been mentioned a few times but it is 105,000?

Dennis: It is 10% over your registered weight, up to 105,000.

Chairman Laffen: Ok. Thank you.

Senator Rust: We did approve an amendment yesterday, .01002, so does this amendment supersede that one?

Senator Nelson: I will move to reconsider on amendment 17.0676.01002.

Senator Casper: Seconded.

Chairman Laffen: Discussion? None. All in favor? Passed 6-0.

Chairman Laffen: Now we are back to the original bill. Chris is going to explain.

Chris Joseph: Just to let you know it would have to be from the field of harvest during harvest. If it was held in a bin for a year or two that wouldn't be allowed. It has to be from a field of harvest during harvest.

Chairman Laffen: That brings it back then to my original question. If it says from the field of harvest to the first point of sale and transfer, under this thing then you couldn't take from the field to your own farm. We have to keep the original part of the law in here. We want to take it from field to farm and from farm to elevator.

Senator Campbell: I think we have discussed this enough and I recommend a DO Pass for amendment .01003.

Chairman Laffen: You are comfortable with this? You can't stop at the farm anymore with this.

Senator Casper: I agree with Chairman Laffen, as it got changed from first point of storage to first point of sale.

Chris: How about if it says 'from the field of harvest to the first point of initial storage site or the first point of sale and transfer of possession during harvest.'

Discussion again on the language.

Chairman Laffen: We need the right language so the farmer can still take the product for the field of harvest to his farm.

Discussion on using 'and' in language or using the word 'or' in the language or using and/or.

Senator Campbell: First point of sale in essence is transfer of possession, because you have sold it, you could eliminate that and just go with 'from the field of harvest to the point of initial storage or the first point of sale during harvest.'

Discussion on the same things again.

Chairman Laffen: Chris we need your help to write what we want to say, from the field, to your farm, and to the elevator.

Chris: Brady came up with a good idea and we can do it in 2 paragraphs. It will be more limited.

Senator Clemens: If we put transfer of possession in there we are in for a whole lot of problems. They can haul anything anytime.

Senator Casper: I think we have put in enough time and energy into this and we should let LC make the amendment and if you are opposed to the bill you can vote how you want.

Chairman Laffen: I think the first point of sale and transfer of possession is one thing, it is not two things.

Senator Rust: Insert the colon after the word harvest and it will break it up.

Chairman Laffen: Brady can you and Chris write that up for us? **Answer:** Yes. Closed hearing till this afternoon.

2017 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

HB 1321
3/24/2017
29688

- Subcommittee
 Conference Committee

Committee Clerk Signature

Mary Munder

Explanation or reason for introduction of bill/resolution:

Relating to weight limitations and the movement of agricultural products during harvest.

Minutes:

Attachment #1

Chairman Laffen: Called back to order for HB 1321. I passed out the new amendment 17.0676.01004. Everything looks good. We can understand this a little better. It simply states from the field of harvest to the point of initial storage or to the point of sale and the second part says you can go from that storage to the elevator.

Senator Casper: I move for a Do Pass on amendment 17.0676.01004 to HB 1321.

Senator Campbell: Seconded.

Chairman Laffen: Any discussion on the amendment? None.

Roll Call taken: Yeas-6, Nays-0, Absent-0. Motion carried.

Chairman Laffen: Committee, your wishes on the bill.

Senator Rust: I move a Do Pass on HB 1321 as amended.

Senator Nelson: Seconded

Chairman Laffen: Any other discussion on HB 1321? None.

Roll Call taken: Yeas-5, Nays-1, Absent-0. Motion carried.

Senator Campbell will carry the bill.

Chairman Laffen: Committee, I think this is the last of our work. It was a pleasure. Thank you.

2017 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

HB 1321
3/28/2017
29757

- Subcommittee
 Conference Committee

Committee Clerk Signature

Mary Munder

Explanation or reason for introduction of bill/resolution:

Relating to weight limitations and the movement of agricultural products during harvest

Minutes:

Chairman Laffen: Called the Committee to order on HB 1321. Attendance taken, all present.

Senator Campbell: On page 1, line 9, we are removing the word resident. It was brought to our attention that resident only pertained to North Dakota farmers, and Minnesota farmers are farming both sides and therefore there was some doubt as to them getting the 10% overweight permit in ND. A lot of people would be affected by this.

Senator Casper: Can they do that now and when we added resident that took it away?

Senator Campbell: They can do it now but the whole issue is the second dump and the word resident shouldn't have been in there.

Chairman Laffen: Minnesota residents and licensed vehicles can currently buy the ND permit and haul overweight with the permit, and we are just nervous that sticking in the word resident could mess it up.

Senator Casper: I have a procedural question. We need to vote to amend the amendment and then vote on the bill, right?

Chairman Laffen: Correct.

Senator Campbell: I move to amend the amendment on HB 1321, line 9 to remove the word resident in two spots.

Senator Casper: Seconded.

Chairman Laffen: We have a motion from Senator Campbell and a second from Senator Casper for that amendment. Any discussion on the amendment? None.

Roll Call taken: Yeas-6, Nays-0, Absent-0. Motion carried.

Chairman Laffen: Now we need a motion on the bill.

Senator Campbell: I move a Do Pass on HB 1321 as amended.

Senator Rust: Seconded.

Chairman Laffen: Any discussion on HB 1321 as amended? None.

Roll Call taken: Yeas-6, Nays-0, Absent-0. Motion carried.

Senator Campbell will carry the bill.

Chairman Laffen: Closed the hearing on HB 1321.

17.0676.01002
Title.

Prepared by the Legislative Council staff for
Representative C. Johnson
March 15, 2017

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1321

Page 1, line 6, after "4." insert "a."

Page 1, line 7, overstrike "specific motor vehicle" and insert immediately thereafter "resident farmer's farm vehicle or a motor carrier hired by a resident farmer"

Page 1, line 10, overstrike "the" and insert immediately thereafter ":

(1) The"

Page 1, line 11, remove the overstrike over "~~from the field of harvest to the~~"

Page 1, line 11, after "site" insert "first point of sale and transfer of possession"

Page 1, line 12, replace "and for the" with ":

(2) The"

Page 1, line 13, overstrike ", and for the" and insert immediately thereafter "and

(3) The"

Page 1, after line 14, insert:

"b."

Renumber accordingly

March 24, 2017

C.V.
3/24/2017
1 of 1

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1321

Page 1, line 1, after the first "of" insert "section"

Page 1, line 2, replace "and the movement of agricultural products during harvest" with "for vehicles on highways other than the interstate system"

Page 1, line 6, after "4." insert "a."

Page 1, line 7, overstrike "a specific motor vehicle" and insert immediately thereafter ":

- (1) A resident farmer's farm vehicle or a motor carrier hired by a resident farmer"

Page 1, line 11, overstrike "from" and insert immediately thereafter ":

- (a) From"

Page 1, line 11, remove the overstrike over "~~the field of harvest to the point of initial storage~~"

Page 1, line 11, after "site" insert "or to the first point of sale and transfer of possession"

Page 1, line 12, replace ", and for the" with "; or

- (b) From the point of initial storage to the first point of sale and transfer of possession during the current year's harvest; or

- (2) A specific motor vehicle to exceed the weight limitations stated in subsections 1 and 2 by ten percent. The permits may not provide for a gross weight in excess of one hundred five thousand five hundred pounds [47854 kilograms]. The permits must provide only for the"

Page 1, after line 14, insert:

"b."

Re-number accordingly

March 28, 2017

OK
3/28/17

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1321

In lieu of the amendments as printed on page 932 of the Senate Journal, House Bill No. 1321 is amended as follows:

Page 1, line 1, after the first "of" insert "section"

Page 1, line 2, replace "and the movement of agricultural products during harvest" with "for vehicles on highways other than the interstate system"

Page 1, line 6, after "4." insert "a."

Page 1, line 7, overstrike "a specific motor vehicle" and insert immediately thereafter ":

(1) A farmer's farm vehicle or a motor carrier hired by a farmer"

Page 1, line 11, after "~~from~~" insert ":

(a) From"

Page 1, line 11, remove the overstrike over "~~the field of harvest to the point of initial storage"~~

Page 1, line 11, after "site" insert "or to the first point of sale and transfer of possession"

Page 1, line 12, replace ", and for the" with "; or

(b) From the point of initial storage to the first point of sale and transfer of possession during the current year's harvest; or

(2) A specific motor vehicle to exceed the weight limitations stated in subsections 1 and 2 by ten percent. The permits may not provide for a gross weight in excess of one hundred five thousand five hundred pounds [47854 kilograms]. The permits must provide only for the"

Page 1, line 14, after the period insert:

"b."

Renumber accordingly

Date: 3-23-17
Roll Call Vote #: 1

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. "Enter Bill/Resolution No." HB1321

Senate Transportation Committee

Subcommittee

Amendment LC# or Description: 17.0676, 01002

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) 5 No 0

Absent 1

Floor Assignment _____

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

Date: 3.24.17
 Roll Call Vote #: 1

**2017 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. "Enter Bill/Resolution No." HB 1321**

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					

*all were in favor
 voice vote*

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

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

**2017 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. "Enter Bill/Resolution No." HB1321**

Senate Transportation Committee

Subcommittee

Amendment LC# or Description: 17.0676.01004 Title 02000

- 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 Casper Seconded By Campbell

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 0

Floor Assignment _____

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

Date: 3-24-17
Roll Call Vote #: 2

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. "Enter Bill/Resolution No." HB1321

Senate Transportation Committee

Subcommittee

Amendment LC# or Description: 17.0676.01004 Title 02000

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 Rust Seconded By Nelson

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) 5 No 1

Absent 0

Floor Assignment Campbell

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

Date: 3.28.17
Roll Call Vote #: 1

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. "Enter Bill/Resolution No." HB1321

Senate Transportation Committee

Subcommittee

Amendment LC# or Description: 17.0676.01005 Title 03000

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 Campbell Seconded By Casper

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

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

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

REPORT OF STANDING COMMITTEE

HB 1321: Transportation Committee (Sen. Laffen, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1321 was placed on the Sixth order on the calendar.

Page 1, line 1, after the first "of" insert "section"

Page 1, line 2, replace "and the movement of agricultural products during harvest" with "for vehicles on highways other than the interstate system"

Page 1, line 6, after "4." insert "a."

Page 1, line 7, overstrike "a specific motor vehicle" and insert immediately thereafter ":

- (1) A resident farmer's farm vehicle or a motor carrier hired by a resident farmer"

Page 1, line 11, overstrike "from" and insert immediately thereafter ":

- (a) From"

Page 1, line 11, remove the overstrike over "~~the field of harvest to the point of initial storage~~"

Page 1, line 11, after "site" insert "or to the first point of sale and transfer of possession"

Page 1, line 12, replace ", and for the" with "; or

- (b) From the point of initial storage to the first point of sale and transfer of possession during the current year's harvest; or

- (2) A specific motor vehicle to exceed the weight limitations stated in subsections 1 and 2 by ten percent. The permits may not provide for a gross weight in excess of one hundred five thousand five hundred pounds [47854 kilograms]. The permits must provide only for the"

Page 1, after line 14, insert:

"b."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1321: Transportation Committee (Sen. Laffen, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1321 was placed on the Sixth order on the calendar.

In lieu of the amendments as printed on page 932 of the Senate Journal, House Bill No. 1321 is amended as follows:

Page 1, line 1, after the first "of" insert "section"

Page 1, line 2, replace "and the movement of agricultural products during harvest" with "for vehicles on highways other than the interstate system"

Page 1, line 6, after "4." insert "a."

Page 1, line 7, overstrike "a specific motor vehicle" and insert immediately thereafter ":

(1) A farmer's farm vehicle or a motor carrier hired by a farmer"

Page 1, line 11, after "~~from~~" insert ":

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(2) A specific motor vehicle to exceed the weight limitations stated in subsections 1 and 2 by ten percent. The permits may not provide for a gross weight in excess of one hundred five thousand five hundred pounds [47854 kilograms]. The permits must provide only for the"

Page 1, line 14, after the period insert:

"b."

Renumber accordingly

2017 TESTIMONY

HB 1321

HB 1321
2/2/17
#1

Testimony for HB 1321

Good morning Chairman Ruby and members of the Transportation committee. For the record my name is Representative Craig Johnson. The request for this bill came from a constituent in my district and I will relate to you the circumstances for his request.

During harvest they had a morning that was too wet to combine so they decided to empty bins on the farm and make room for more grain when it was dry enough to start combining again. On his way to the elevator the driver of the semi was pulled over by a patrol car. The semi was within the weight limit for the harvest permit but because the driver said he was hauling from the bin instead of the field he was issued a ticket. If the driver had said he was hauling from the field he would not have gotten a ticket.

This creates an undesirable situation that will encourage people to lie about where they are driving from in order to avoid getting tickets. Farmers are under pressure to complete harvest as quickly and efficiently as possible in order to harvest a high quality crop and maximize profits.

Farm trucks have Farm Truck written on the license plate and are easily identified, this prevents commercial trucks from claiming to be farmers and trying to use a harvest permit.

Farmers don't want to damage roads but farms are getting larger, equipment is bigger, yields are higher and there is more crop that needs to be hauled. The roads were built when everything was smaller and the roads should be rebuilt to endure the heavy traffic that is only going to get heavier.

In conclusion, if the State of North Dakota wants to help facilitate farm harvest with a Harvest Permit then the State should allow the farmers to haul grain quickly and efficiently as needed.

Thank you for your time and consideration.

HB1321
2/2/17
#2
Page 1

HOUSE TRANSPORTATION COMMITTEE
February 2, 2017 – 9:45 a.m. – Fort Totten Room

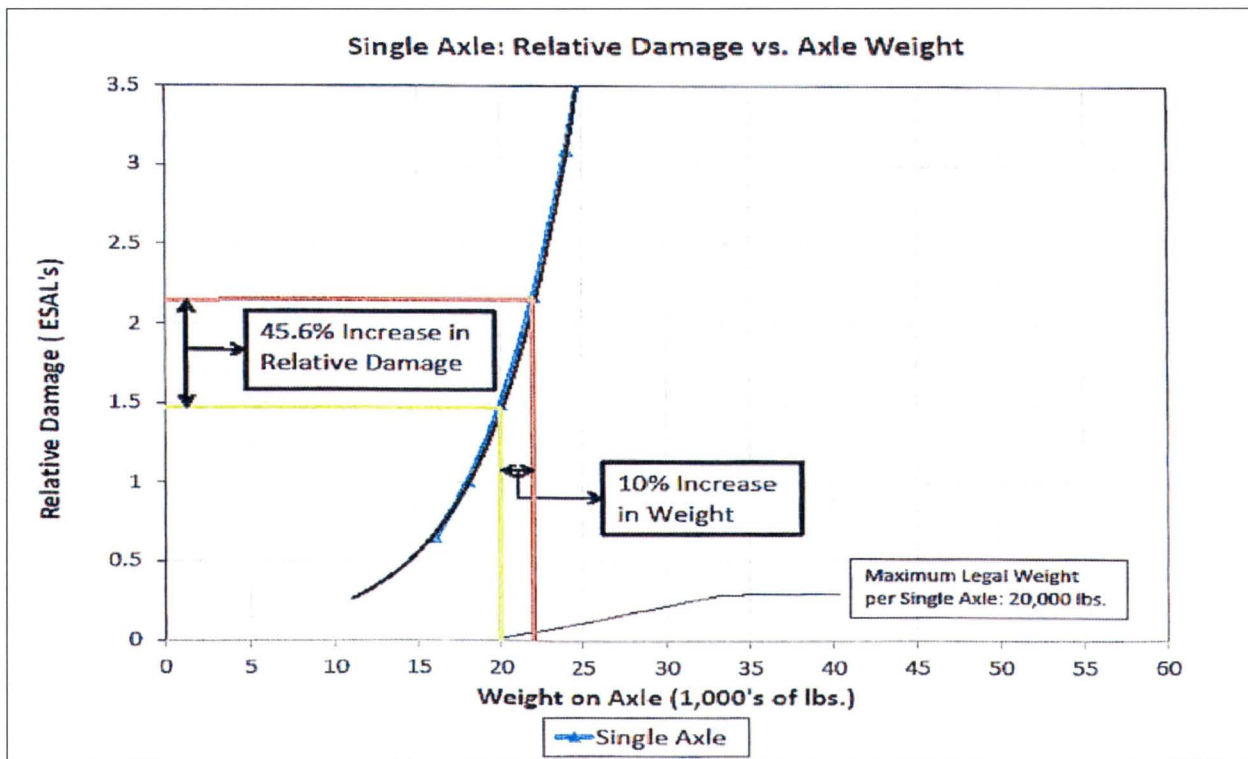
North Dakota Department of Transportation
Ron Henke, P.E., Deputy Director for Engineering

HB1321

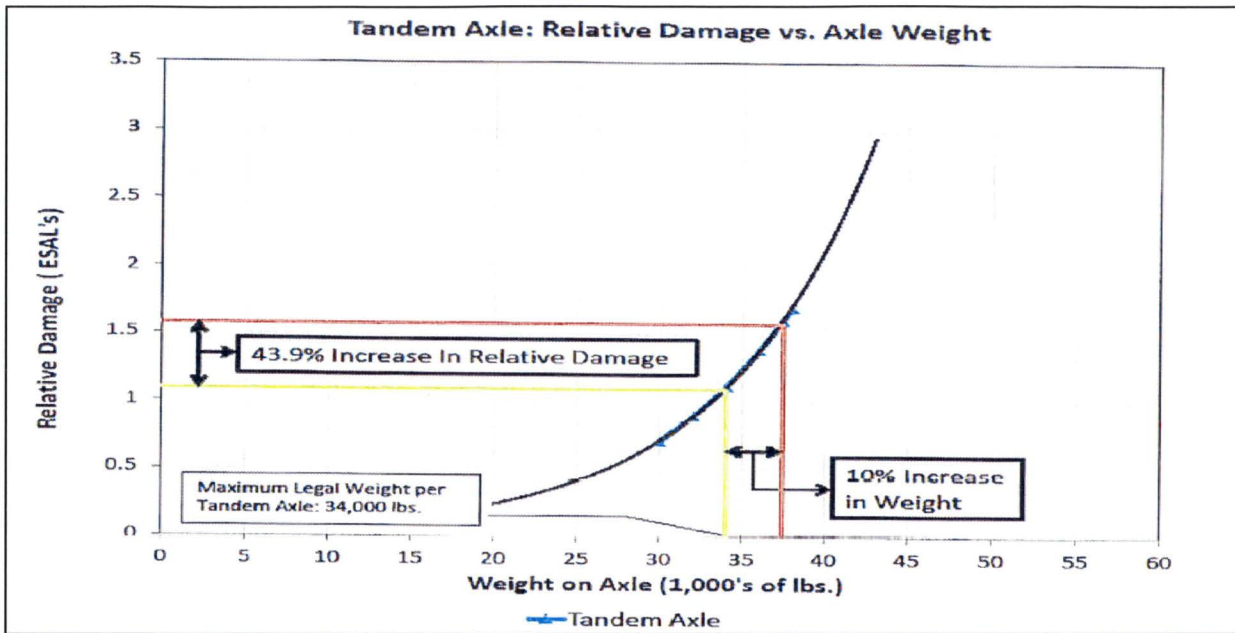
Mr. Chairman and members of the committee. I'm Ron Henke, Deputy Director for Engineering, for the North Dakota Department of Transportation (DOT). The Department opposes HB1321.

The DOT understands and supports the need to move commodities and promote the economic viability to the state. In doing so, we believe it is essential to ensure the state's large investment in the transportation system is protected. By removing, the limitation from "the field of harvest to the point of initial storage" opens it up so that anyone can haul agricultural products overloaded during some period of time. We are unclear if the period of time one can haul is during harvest or if harvest is being defined as July 15 to December 1. We believe that this will cause accelerated deterioration state roadways.

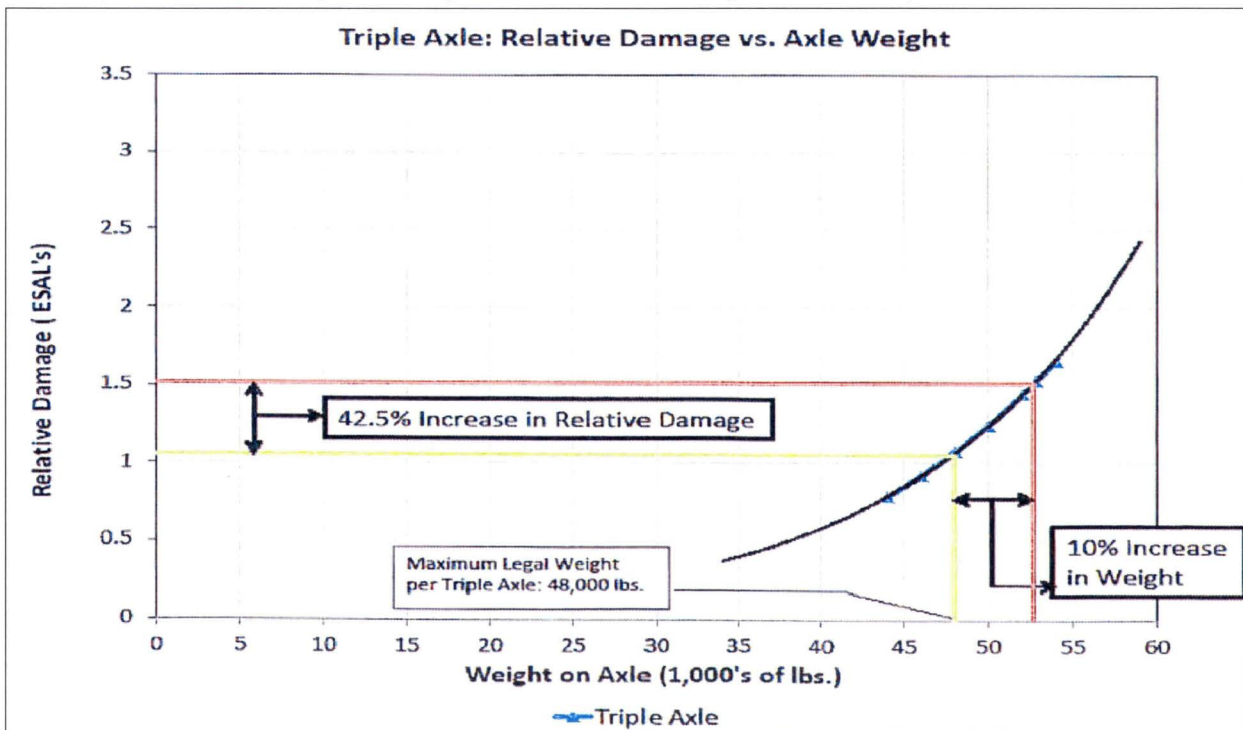
We feel it is important to share with you what the impacts are of an overweight axle on the state's transportation system. By allowing additional movements of overweight agricultural product, we are exposing the state's highways to additional damage. Increased axle weight is the primary cause of pavement damage.



Every axle passing over a highway consumes a portion of the pavement's life. With each pass of a load, the pavement experiences forces that eventually lead to the deterioration of the pavement. Extensive testing has shown that the amount of pavement life consumed by heavy axles greatly exceeds the amount of life consumed by lighter axles.



In fact, the relationship is exponential, which means that just a small increase in the axle load even for a short period of time exponentially increases the damage rate to the pavement.



According to the South Dakota Local Transportation Assistance Program Report:

- A legal 20,000 pound axle load consumes a thousand times more pavement life than a 2,000 pound automobile axle.
- A 22,000-pound axle load consumes 46 percent more pavement life than a 20,000 pound axle load.

In closing, we believe it is important for this committee to have this information as it makes its policy decisions concerning weight limitations and the movement of agricultural products across the state. We oppose HB 1321 because we feel that removing the limits will increase the damage done to the state's roadways.

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

Testimony for HB 1321

Good morning Chairman Laffen and members of the Senate Transportation committee. For the record my name is Representative Craig Johnson. The request for this bill came from a constituent in my district and I will relate to you the circumstances for his request.

During harvest they had a morning that was too wet to combine so they decided to empty bins on the farm and make room for more grain when it was dry enough to start combining again. On his way to the elevator the driver of the semi was pulled over by a patrol car. The semi was within the weight limit for the harvest permit but because the driver said he was hauling from the bin instead of the field he was issued a ticket. If the driver had said he was hauling from the field he would not have gotten a ticket.

This creates an undesirable situation that will encourage people to lie about where they are driving from in order to avoid getting tickets. Farmers are under pressure to complete harvest as quickly and efficiently as possible in order to harvest a high quality crop and maximize profits.

Farm trucks have Farm Truck written on the license plate and are easily identified, this prevents commercial trucks from claiming to be farmers and trying to use a harvest permit.

Farmers don't want to damage roads but farms are getting larger, equipment is bigger, yields are higher and there is more crop that needs to be hauled. The roads were built when everything was smaller and the roads should be rebuilt to endure the heavy traffic that is only going to get heavier.

In conclusion, if the State of North Dakota wants to help facilitate farm harvest with a Harvest Permit then the State should allow the farmers to haul grain quickly and efficiently as needed.

Thank you for your time and consideration.

Sixty-fifth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1321

Introduced by

Representatives C. Johnson, D. Anderson, D. Johnson, Jones

Senators Schaible, Wanzek

1 A BILL for an Act to amend and reenact subsection 4 of 39-12-05.3 of the North Dakota Century
2 Code, relating to weight limitations and the movement of agricultural products during harvest.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Subsection 4 of section 39-12-05.3 of the North Dakota
5 Century Code is amended and reenacted as follows:

6 4. a. The director, and local authorities, as to the highways under their respective
7 jurisdictions, may issue permits authorizing a ~~specific motor vehicle~~ resident
8 farmer's farm vehicle or a motor carrier hired by a resident farmer to exceed the
9 weight limitations stated in subsections 1 and 2 by ten percent. The permits may
10 not provide for a gross weight in excess of one hundred five thousand five
11 hundred pounds [47854.00 kilograms]. The permits must provide only for ~~the:~~

12 (1) The movement of agricultural products ~~from the field of harvest to the point~~
13 of initial storage site first point of sale and transfer of possession during
14 harvest, ~~and for the:~~

15 (2) The collection and transport of solid wastes, during the period from July
16 fifteenth to December first, ~~and for the:~~ and

17 (3) The general movement of products during the period from December first to
18 March seventh.

19 b. The appropriate jurisdictional authority shall establish an appropriate fee for the
20 permits and direct how they shall be issued. The highway patrol shall issue the
21 permits authorized by the director.

17.0676.01002
Title.

Attachment # 1 pg 3
HB 1321 3-17-17
Prepared by the Legislative Council staff for
Representative C. Johnson
March 15, 2017

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1321

Page 1, line 6, after "4." insert "a."

Page 1, line 7, overstrike "specific motor vehicle" and insert immediately thereafter "resident farmer's farm vehicle or a motor carrier hired by a resident farmer"

Page 1, line 10, overstrike "the" and insert immediately thereafter ":

(1) The"

Page 1, line 11, remove the overstrike over "~~from the field of harvest to the~~"

Page 1, line 11, after "site" insert "first point of sale and transfer of possession"

Page 1, line 12, replace ", and for the" with ":

(2) The"

Page 1, line 13, overstrike ", and for the" and insert immediately thereafter "; and

(3) The"

Page 1, after line 14, insert:

"b."

Renumber accordingly

Testimony in Support of HB 1321 – Relating to Weight Limitations of Ag Products during Harvest.

Mike Clemens, on behalf of the North Dakota Corn Growers Association

Good Morning Chairman (Lonnie) Laffen and members of the Senate Transportation Committee. For the record my name is Mike Clemens. I am a farmer from Wimbledon, ND. I currently serve as a board member on the Public Policy Committee of the North Dakota Corn Growers Association. The North Dakota Corn Growers support HB1321 to allow for a truck weight increase of up to 5 to 10% for delivery of crop during harvest.

The support of this bill is based on helping farmers enhancing their bottom line by increasing truck weights (of 5 to 10%) when delivering crop production from the harvested field to the drying and storage facilities on the farm. The increased load sizes will result in reduced truck trips and a net gain income for farmers.

As a farmer, any ability to move my crop production in a more equitable fashion, including fewer trips with higher weights from field to farm, is valuable and will increase the bottom line of my business and those of my fellow farmers. This is a win-win move.

Thank you and I would be happy to answer any questions.

SENATE TRANSPORTATION COMMITTEE
March 17, 2017 – 10:30 a.m. – Lewis and Clark Room

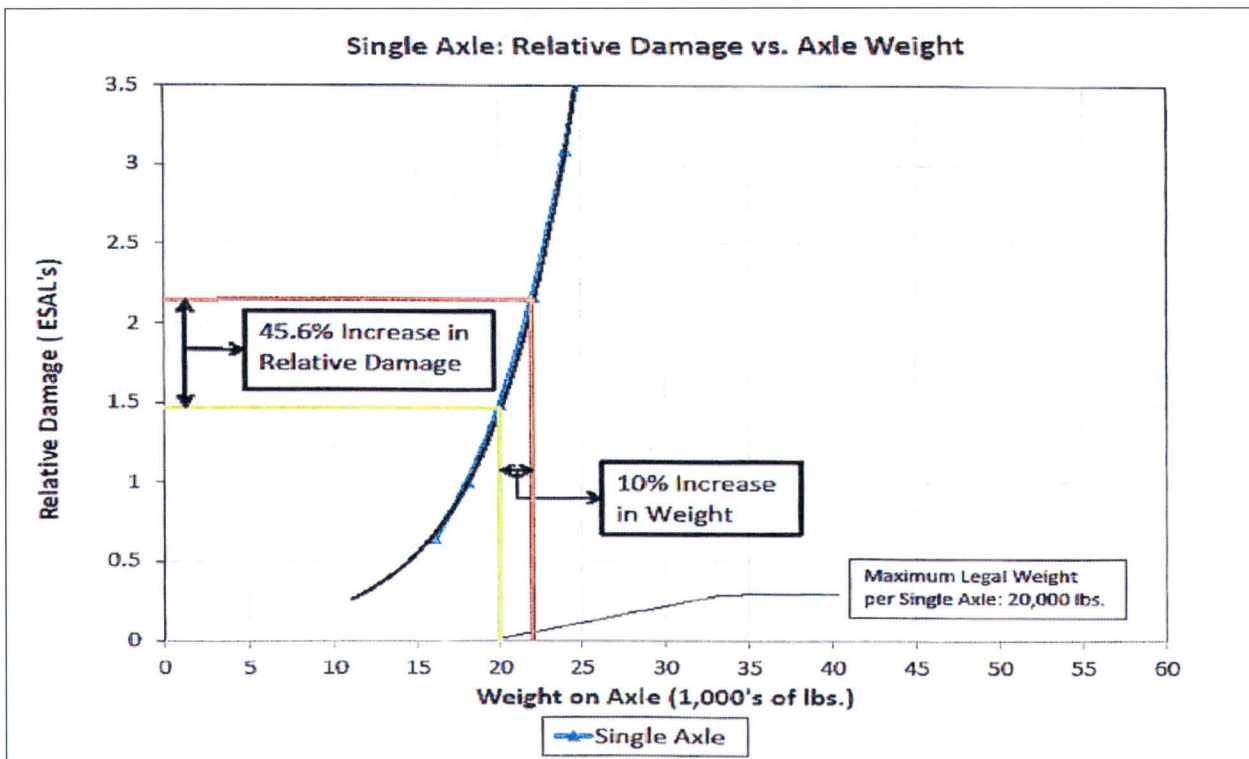
North Dakota Department of Transportation
Ron Henke, P.E., Deputy Director for Engineering

HB1321

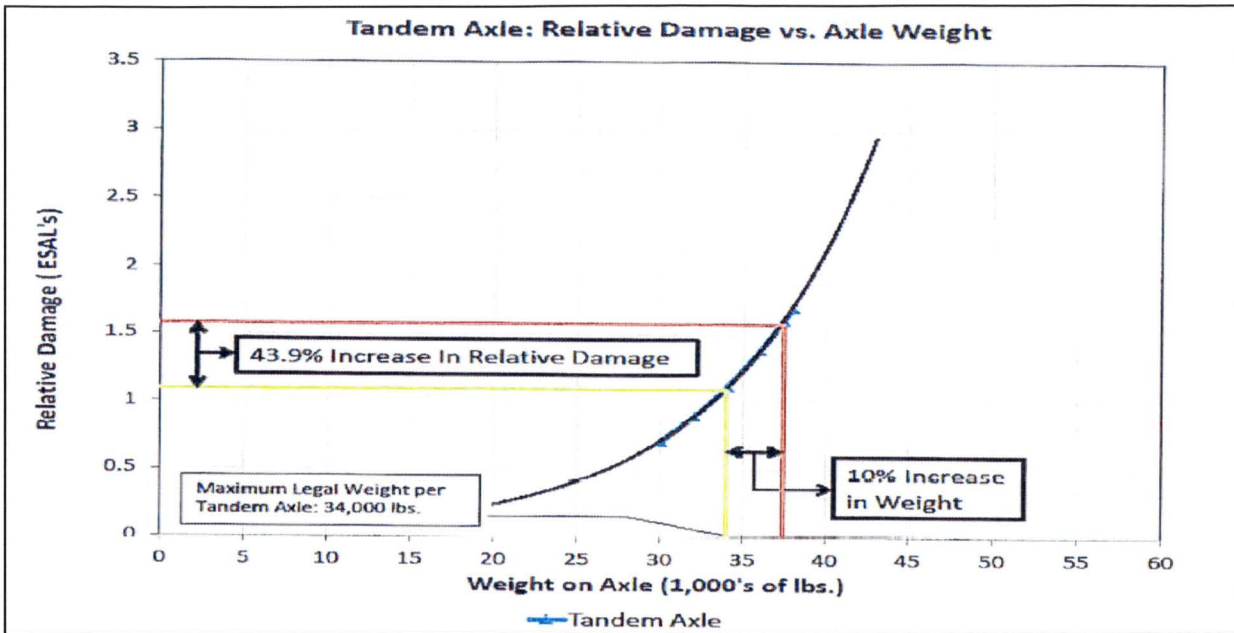
Mr. Chairman and members of the committee. I'm Ron Henke, Deputy Director for Engineering, for the North Dakota Department of Transportation (DOT). The Department opposes HB1321.

The DOT understands and supports the need to move commodities and promote the economic viability to the state. In doing so, we believe it is essential to ensure the state's large investment in the transportation system is protected. By removing, the limitation from "the field of harvest to the point of initial storage" opens it up so that anyone can haul agricultural products overloaded during some period of time. We are unclear if the period of time one can haul is during harvest or if harvest is being defined as July 15 to December 1. We believe that this will cause accelerated deterioration state roadways.

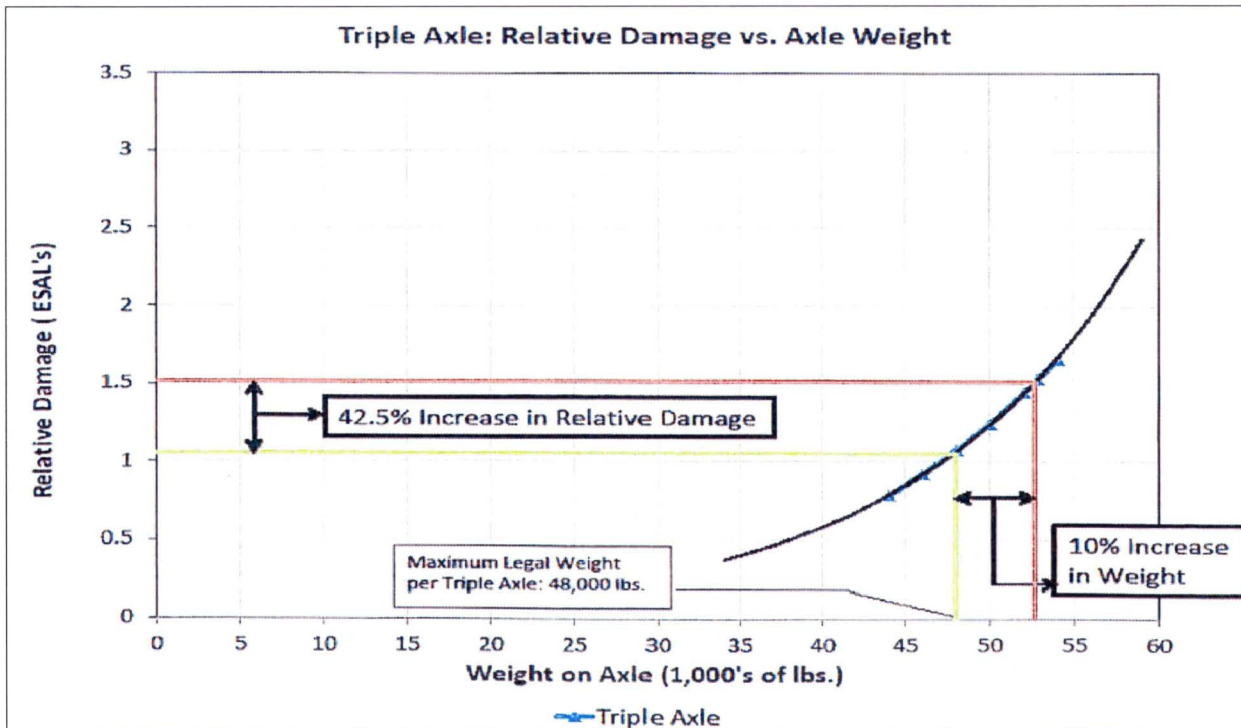
We feel it is important to share with you what the impacts are of an overweight axle on the state's transportation system. By allowing additional movements of overweight agricultural product, we are exposing the state's highways to additional damage. Increased axle weight is the primary cause of pavement damage.



Every axle passing over a highway consumes a portion of the pavement's life. With each pass of a load, the pavement experiences forces that eventually lead to the deterioration of the pavement. Extensive testing has shown that the amount of pavement life consumed by heavy axles greatly exceeds the amount of life consumed by lighter axles.



In fact, the relationship is exponential, which means that just a small increase in the axle load even for a short period of time exponentially increases the damage rate to the pavement.



According to the South Dakota Local Transportation Assistance Program Report:

- A legal 20,000 pound axle load consumes a thousand times more pavement life than a 2,000 pound automobile axle.
- A 22,000-pound axle load consumes 46 percent more pavement life than a 20,000 pound axle load.

In closing, we believe it is important for this committee to have this information as it makes its policy decisions concerning weight limitations and the movement of agricultural products across the state. We oppose HB 1321 because we believe that removing the limits will increase the damage done to the state's roadways.

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

17.0676.01003
Title.

attachment # 1 pg. 1
NB 1321 3-24-17
Prepared by the Legislative Council staff for
Senator Laffen
March 23, 2017

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1321

Page 1, line 2, replace "and the movement of agricultural products during harvest" with "for vehicles on highways other than the interstate system"

Page 1, line 6, after "4." insert "a."

Page 1, line 7, overstrike "a specific motor vehicle" and insert immediately thereafter ":

- (1) A resident farmer's farm vehicle or a motor carrier hired by a resident farmer"

Page 1, line 11, remove the overstrike over "~~from the field of harvest to the~~"

Page 1, line 11, after "site" insert "first point of sale and transfer of possession"

Page 1, line 12, replace ", and for the" with "; or

- (2) A specific motor vehicle to exceed the weight limitations stated in subsections 1 and 2 by ten percent. The permits may not provide for a gross weight in excess of one hundred five thousand five hundred pounds [47854.00 kilograms]. The permits must provide only for the"

Page 1, line 14, after the period insert:

"b."

Re-number accordingly

17.0676.01003

Sixty-fifth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1321

Introduced by

Representatives C. Johnson, D. Anderson, D. Johnson, Jones

Senators Schaible, Wanzek

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2 Code, relating to weight limitations ~~and the movement of agricultural products during harvest for~~
3 vehicles on highways other than the interstate system.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subsection 4 of section 39-12-05.3 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 4. a. The director, and local authorities, as to the highways under their respective
8 jurisdictions, may issue permits authorizing ~~a specific motor vehicle;~~

9 (1) A resident farmer's farm vehicle or a motor carrier hired by a resident farmer
10 to exceed the weight limitations stated in subsections 1 and 2 by ten
11 percent. The permits may not provide for a gross weight in excess of one
12 hundred five thousand five hundred pounds [47854.00 kilograms]. The
13 permits must provide only for the movement of agricultural products from
14 the field of harvest to the point of initial storage site first point of sale and
15 transfer of possession during harvest, ~~and for the; or~~

16 (2) A specific motor vehicle to exceed the weight limitations stated in
17 subsections 1 and 2 by ten percent. The permits may not provide for a gross
18 weight in excess of one hundred five thousand five hundred pounds
19 [47854.00 kilograms]. The permits must provide only for the collection and
20 transport of solid wastes, during the period from July fifteenth to December
21 first, and for the general movement of products during the period from
22 December first to March seventh.

1 | b. The appropriate jurisdictional authority shall establish an appropriate fee for the
2 | permits and direct how they shall be issued. The highway patrol shall issue the
3 | permits authorized by the director.

17.0676.01004
Title.

Prepared by the Legislative Council staff for
Senator Laffen

March 24, 2017

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1321

Page 1, line 2, replace "and the movement of agricultural products during harvest" with "for vehicles on highways other than the interstate system"

Page 1, line 6, after "4." insert "a."

Page 1, line 7, overstrike "a specific motor vehicle" and insert immediately thereafter ":

- (1) A resident farmer's farm vehicle or a motor carrier hired by a resident farmer"

Page 1, line 11, overstrike "from" and insert immediately thereafter ":

- (a) From"

Page 1, line 11, remove the overstrike over "~~the field of harvest to the point of initial storage~~"

Page 1, line 11, after "site" insert "or to the first point of sale and transfer of possession"

Page 1, line 12, replace ", and for the" with "; or

- (b) From the point of initial storage to the first point of sale and transfer of possession during the current year's harvest; or

- (2) A specific motor vehicle to exceed the weight limitations stated in subsections 1 and 2 by ten percent. The permits may not provide for a gross weight in excess of one hundred five thousand five hundred pounds [47854 kilograms]. The permits must provide only for the"

Page 1, after line 14, insert:

"b."

Renumber accordingly

17.0676.01004

Sixty-fifth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1321

Introduced by

Representatives C. Johnson, D. Anderson, D. Johnson, Jones

Senators Schaible, Wanzek

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11 percent. The permits may not provide for a gross weight in excess of one
12 hundred five thousand five hundred pounds [47854.00 kilograms]. The
13 permits must provide only for the movement of agricultural products ~~from:~~

14 (a) From the field of harvest to the point of initial storage site or to the first
15 point of sale and transfer of possession during harvest, ~~and for the;~~ or

16 (b) From the point of initial storage to the first point of sale and transfer of
17 possession during the current year's harvest; or

18 (2) A specific motor vehicle to exceed the weight limitations stated in
19 subsections 1 and 2 by ten percent. The permits may not provide for a gross
20 weight in excess of one hundred five thousand five hundred pounds [47854
21 kilograms]. The permits must provide only for the collection and transport of
22 solid wastes, during the period from July fifteenth to December first, and for
23 the general movement of products during the period from December first to
24 March seventh.

Attachment #1 pg 3

Sixty-fifth
Legislative Assembly

NB 1321 3.24.17

- 1 | b. The appropriate jurisdictional authority shall establish an appropriate fee for the
- 2 | permits and direct how they shall be issued. The highway patrol shall issue the
- 3 | permits authorized by the director.