



JON PLUMER

STATE REPRESENTATIVE • 42nd ASSEMBLY DISTRICT

Assembly Committee on Transportation

May 23, 2023

Thank you Representative VanderMeer and members of the Assembly Committee on Transportation for your consideration of Assembly Bill 74 (AB 74).

AB 74 relates to Farm Service CDL licenses, which are available for Wisconsinites who work 180 days or less in a farm service industry. The Dairy Business Association brought to our attention a recent change from the federal bipartisan infrastructure package that increased this timeframe to 210 days or less. This bill would mirror the recent federal change, and make this timeframe applicable to Wisconsin drivers.

Many agricultural businesses and local farmers struggle to find qualified CDL drivers due to the limited timeframe of the license and lack of continuous job security. While many of the parameters surrounding farm service licenses are federalized, this is a simple change that can be of great assistance to Wisconsin's agricultural and dairy communities.

Thank you for taking the time to hear my testimony today and I look forward to your support of AB 74.



CORY TOMCZYK

STATE SENATOR • 29TH SENATE DISTRICT

May 23, 2023

Assembly Committee on Transportation

Testimony from Sen. Cory Tomczyk in favor of AB 74

Chair VanderMeer and Members of the Committee on Transportation thank you for being here today.

Last year, Congress amended federal law to allow for seasonal farm service endorsements for restricted CDLs to last up to 210 days, an increase from the previous threshold of 180 days. Wisconsin's existing law was created to mirror the federal standard and needs to be updated to allow a seasonal period for an "F" endorsement, for seasonal farm employee, to mirror that of the new federal allowance of 210 days.

Assembly Bill 74, does just that. This legislation aligns Wisconsin's law with recent federal changes and simply changes the statutory designation of 180 to 210. We are not altering the qualifications to obtain an F endorsement or changing the scope of what an F endorsement allows individuals to do. We are simply providing an extended period of time for seasonal employees to utilize their CDL.

This legislation has broad support from a variety of agricultural industry groups including the Dairy Business Association.

May 23, 2023

Members of the committee, thank you all for hosting this hearing today to discuss crucial transportation policy and the opportunity to enhance the supply chain and product availability to farmers and consumers. My name is Kirby Wagner, and I serve as the associate manager of government relations for the GROWMARK and FS System.

The GROWMARK and FS System is a farmer owned agricultural cooperative serving almost 400,000 customers across North America, providing agronomy, energy, facility engineering and construction, and logistics products and services, as well as grain marketing and risk management services. Headquartered in Bloomington, Illinois, GROWMARK owns the FS trademark, which is used by member cooperatives.

Insight FS is the retail division of GROWMARK, headquartered in Jefferson, Wisconsin, serving patrons in Wisconsin and Michigan's Upper Peninsula with annual sales of \$300 million.

The Growmark System utilizes a vast transportation network to transport bulk and packaged products across North America. Insight FS moves products from five river terminals, three inland terminals, along with utilizing several rail sites from the Mississippi River to Lake Michigan, all the way up to the Antigo flats.

Wisconsin gets one chance each year to plant and harvest our crops. A successful crop production season is an important part of our country's food and national security. We need to have a workforce capable of meeting the time demands nature allows farmers to operate in. The farmers who own our cooperative system rely on timely applications of plant nutrients and products to protect the crops from weed and insect pressures. And those products must get through the supply chain to the field when nature allows.

Insight FS employs more than 450 full time and seasonal employees across Wisconsin and the UP of Michigan. Of those 450 employees, nearly 2/3 of them are required to obtain and maintain CDL. A driver is our most challenging position to recruit, hire, and retain, especially since the onset of the pandemic. Those drivers are primarily responsible for the transport of energy, fertilizer, and crop protection products from storage to farm fields and is a critical position within our organization. Being that truck drivers are the most challenging to recruit, we have more trucks than drivers to drive them. To fully meet our needs, we must employ farm-service CDL drivers. These drivers tender our dry and liquid machines as well as haul nurse tanks at the facilities that carry anhydrous ammonia. This license can be used to transport just about anything we need during the spring and fall but a key aspect of their employment is driving the tender trucks to our equipment.

This is what makes AB74 so important to our industry. While our system encourages acquiring the full Class A CDL, the farm services-CDL offers a way to certify and license drivers for specific hauls. This provision allows access to experienced drivers who are looking for part time seasonal work that this license was created for in the first place. In a time of a labor shortage coupled with our peak demand seasons being unpredictable, the extension of this license allows agriculture access to the workforce to manage the unpredictability.

Wisconsin's farmers are among the most resilient people on the planet, and they should be commended for their hard work and dedication to feed and fuel the world. As a farm supply cooperative, I am confident that increasing the days we can employ drivers with a farm service CDL will significantly contribute to a to our ability to service our customers and farmer owners.

Thank you for your continued commitment to supporting Wisconsin's agriculture industry and I look forward to your questions.

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To: Senate Committee on Transportation & Local Government
From: Thomas Johnson, GM of Logistics, Alcivia
Date: May 23, 2023
RE: **Assembly Bill 74, Seasonal period for farm service licenses**

Good morning, Chair VanderMeer & members of the committee,

My name is Thomas Johnson, I currently serve as the General Manager of Logistics for Alcivia Cooperative. Alcivia is a leading agricultural partner in our communities, with over 600 employees throughout Wisconsin. We serve farmers and the people of this great state every day, with locations in the upper western parts of Wisconsin, central Wisconsin, and southern Wisconsin, our footprint covers a large area. Alcivia works in many areas including Grain, Agronomy, Energy and Animal Nutrition. My job is to coordinate the movement of these goods during procurements, sales, and transfers, managing up to 100 trucks and drivers daily in our busy seasons. Serving the transportation needs of our customers and business units.

As a leading, member-owned agricultural and energy cooperative located in Wisconsin and serving customers throughout the state we work very closely with farmers and their communities, and it is my opinion that extending the current seasonal permit period from 180 days to 210 days is in the best interest of all concerned. Allowing farmers, a larger window to react to weather and the ever-changing grain, agronomy, and energy markets provides opportunities to lock in better pricing that may not present itself when limited by the available drivers and the logistics needed to move their purchases. I can attest to very limited availability of professional CDL drivers. These fully qualified drivers are scoped quickly, without the seasonal restricted commercial driver license statutes, farmers would be at the mercy of outrageous freight charges and wait times that would cripple their businesses. Giving our farmers and agricultural business the flexibility and ability to work within the expanded federal guidelines and restrictions is critical to the success of our state and our economy – especially because I believe other states are also adopting this greater timeline.

Thank you for allowing me to testify on behalf of Senate Bill 66. I fully endorse it and sincerely hope it passes and gives us 30 more days a year to use the farm cdl. Thank you for your time and consideration. I'd be happy to answer any questions you might have,

Thomas Johnson

General Manager of Logistics

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DATE: May 23, 2023

TO: Members of the Assembly Committee on Transportation

FROM: Wisconsin Farm Bureau Federation

RE: **Support for Assembly Bill 74 federalizing the seasonal period for farm service licenses**

Thank you, Chair VanderMeer and committee members, for the opportunity to testify on 2023 Assembly Bill 74.

On behalf of Wisconsin Farm Bureau Federation, we would like to express our support for this important legislation and appreciation for the bill's authors, Representative Plumer and Senator Tomczyk, as well as those in co-sponsorship, for your willingness to work with agriculture industry stakeholders to align Wisconsin's statutes with federal law. This legislation provides needed flexibility for the agriculture industry and helps to alleviate the strain of on-going labor shortages in agriculture.

For those who may be unaware, a Farm Service Commercial Drivers License (CDL) is a special type of CDL endorsement that is only available to individuals employed in the Farm Service Industry who work less than 180 calendar days per year. This license is not your typical CDL that someone like a semi-truck driver would operate under. A Farm Service CDL holder is only allowed to operate within 150 miles of their place of employment or farm. They are only allowed to operate vehicles owned or leased by their employer under certain conditions, transport certain materials, and drive certain types of vehicles, which explicitly do not include Class A commercial vehicles or school buses.

While this license designation exists under current state law, the eligibility for these license endorsements was modified federally by the Bipartisan Infrastructure Law (BIL) to increase the number of days that an eligible employee is allowed to work from 180 days to 210 days.

Assembly Bill 74 seeks to appropriately align Wisconsin state law with the new federal standard and provide farm service employees an additional month of work under the Farm Service CDL endorsement.

Thank you again for hearing this bill today, and I would be happy to answer any questions.



DAIRY BUSINESS ASSOCIATION | DAIRY FORWARD

May 23, 2023

Assembly Committee on Transportation

Testimony in favor of Assembly Bill 74

Good morning, Madam Chair, Ranking Member Considine and committee members. Thank you for the opportunity to provide testimony today in support of Assembly Bill 74 (AB 74).

My name is Chad Zuleger. I am director of government affairs representing the Dairy Business Association. Our membership includes dairy farmers, processors and a variety of affiliated businesses combined to ensure producers are successful in our state and that the products they produce remain delicious, nutritious, and available worldwide.

Like many agricultural supply chain partners, farmers struggle to find qualified CDL drivers. This problem was highlighted by and exacerbated during the pandemic which dramatically increased demand for CDL drivers.

Because current parameters for CDL use and application are governed at the federal level, the state is limited in what it can do to modify requirements, permissions, etc. to help alleviate pressures exacerbated by a shortage of operators.

Assembly Bill 74 addresses a situation that came to our attention as part of the discussion on the federal bipartisan infrastructure law (BIL). AB 74 mirrors federal language in BIL by increasing the timeframe for use of the Farm Service CDL from 180 days to 210 days. The increase of 30 days is a welcome improvement to the program and would allow custom operators, cooperatives, and other farm service workers to utilize the "F" endorsement CDL more effectively.

Under current law, a driver's license is not required to move non-registered farm machinery on a highway between fields or between a farm and a field. However, a Farm Service CDL is available for seasonal employees in various farm service sectors.

The Farm Service CDL allows a driver to operate a commercial motor vehicle (CMV) while employed in a farm service industry. However, among other restrictions, the 180 days can be split into two periods, with a separate application required prior to each period. Further, drivers with a Farm Service CDL are limited, geographically, to operations within 150 miles of the place of seasonal employment or, for custom harvesters, within 150 miles of the farm being harvested.



I would like to thank bill authors, Rep. Plumer and Sen. Tomczyk for their work to introduce and move this bill forward, as well as the bipartisan support from cosponsors. DBA encourages committee members to support AB 74 and vote to send it to the full Assembly for a vote as soon as possible.

Thank you, Chairman VanderMeer and committee members, for your time and consideration.

Current federal law - Reference: [Federal Commercial Driver License Standards: Applicability: 49 CFR 383.3 \(f\)\(3\)\(ii\)](#)

Restricted CDLs shall have the same renewal cycle as unrestricted CDLs but shall be limited to the seasonal period or periods as defined by the State of licensure, provided that the total number of days in any calendar year for which the restricted CDL is valid does not exceed 210. If a State elects to provide for more than one seasonal period, the restricted CDL is valid for commercial motor vehicle operation only during the currently approved season, and must be revalidated for each successive season. Only one seasonal period of validity may appear on the license document at a time. The good driving record must be confirmed prior to any renewal or revalidation.

Current state law - Reference: [Wisconsin DOT Farm Service Commercial Driver License](#)

FARM SERVICE CDL A special Farm Service CDL is available for persons employed by a Farm Service Industry for 180 days or less per calendar year.



TO: Assembly Committee on Transportation
FROM: Maria Woldt, Executive Director, execdir@wiscustomoperators.org or (608) 577-4345
DATE: May 23, 2023
RE: Testimony on favor of AB 74

Good morning, Representative VanderMeer and members of the committee:

Thank you for the opportunity to provide testimony today in support of Assembly Bill 74.

My name is Maria Woldt and I serve as the executive director for the Wisconsin Custom Operators, a small association dedicated to the men and women who derive income from custom farming – or contract – farming services in the Midwest. This is a part-time role I have held for the last 10 years in addition to full time employment. I also dairy farm with my husband Nick and our two daughters. We utilize custom farming services on our farm to complete aspects of our crop work as the cows take up most of our time.

On behalf of Wisconsin Custom Operators (WCO), I support extending the Farm Service CDL from 180 days to 210 days, bringing Wisconsin into alignment with federal law. This change is a step in the right direction and will help to make the F endorsement more useful (and appealing) to custom operators, cooperatives, farmers, and many other agricultural supply chain partners.

As has been stated before, there are federal limitations that prevent certain additional changes to the F endorsement, but WCO feels strongly that 30 additional days will have a positive impact.

Farms and farming practices have changed over the years, and this is especially obvious with farm machinery and related AgCMVs used for hauling and transporting agricultural products and services. This equipment, while more efficient and safer on roads, requires a CDL driver's license for those who provide 'for hire' services. The demand for any CDL drivers was a serious supply chain issue before the pandemic, and it's reached crisis status now.

The special Farm Service CDL is available for seasonal employees in various farm service sectors. Custom operators, also called custom harvesters, often rely on this type of CDL for their seasonal labor force during the growing season. A typical hay or corn silage chopping crew can have 6-10 people, all required to have some type of CDL.

Unpredictable weather patterns, changes in cropping systems and modernization in agricultural equipment have extended the growing season. It's common for WCO members to begin hauling manure and other nutrients in March, and work consistently until November – or even December! The proposed extended timeframe doesn't cover this entire period, but it does help, especially during times when additional seasonal employees are needed.

In closing, extending the farm service CDL to 210 days will encourage more custom operators and farm service providers to use this classification of CDL and will contribute to the following impacts:

- Increased efficiency by reducing the number of trips from the field to the farm
- Improved public safety because Class B CMVs operate at higher speeds versus slow moving IOH tractors hauling trailers
- Less damage to roads because common AgCMVs are subject to axle weight limits
- Attract more talent to agriculture
- Act as a pipeline for additional Class A CDL drivers
- Help reduce stress which supports farmer mental health
- An additional 30 days could reduce hurried work, which reduces accidents

My name is Holly Liska. I own and operate a custom harvest business with my husband Ray and our family. We specialize in custom silage harvesting for all size farms in our area, and rely heavily on our Class B straight truck fleet to transport silage from the fields to the farm. We also represent the Wisconsin Custom Operators, a group of business owners and employees from all over the state who meet every year and talk about the issues that affect us the most.

Ray and I are here today to testify in favor of Assembly Bill 74 to help make Wisconsin's unique custom harvest businesses more viable. Custom Harvester crews are mostly seasonal/ niche workers, but requires a great amount of skill and credentials to operate equipment both on and off the road. Typically, on a big day of chopping silage we require up to 10 people, this happens throughout the season intermittently starting as soon as April when forage rye can be chopped for silage before alfalfa and corn are planted. Alfalfa/Hay are harvested throughout the summer months into fall, and corn silage harvest typically starts in September lasting around 6 weeks given there are no weather delays. This scenario reflects an optimum season, however we often have unpredictable weather patterns that often change the trajectory of a cropping season.

For example, last year corn planting dates were delayed due to cold and rain, this resulted the corn silage harvest to be delayed two weeks while the perennial forage crops still maintained their growth and were harvested in late April. Another example happened in 2018, this particular season was very unprecedented as the planting and harvesting commenced on time we were optimistic the season would go quickly. Then in September we saw a historical rain event that grounded the entire harvest fleet across the state, we were only able to chop for three days in September and spent most of October fighting the mud, pushing the season well into December and out of reach of any F endorsement drivers.

Many businesses often struggle to find help and custom harvesters are not at all immune to this struggle. Recruiting CDL drivers makes a hard job even harder, even then there is no portion of the CDL skills test that covers off road harvesting. We try to recruit and train people with a rural/farm background to help throughout the season, and often our F endorsed drivers typically acquire a CDL after a year or two. These workers often have other jobs, or small businesses of their own and just want to help us harvest for extra money, but when 180 days comes their work must end and this can be very discouraging. As we said before weather plays a huge role in silage harvesting and a rain event can stop operations for the day, or for weeks which can make breaking up the 180-day limit impractical if not impossible.

Overall, we feel that extending the F endorsement limit from 180 days to 210 days is a great step in the right direction. Wisconsin is known to be the largest silage state of all the states by a considerable margin making it a great state to be a custom harvester, but also requiring a larger number of employees, equipment, and time to perform this task. We look forward to the future of working with our elected officials to help make Wisconsin's great Ag economy even greater.

Thank You

-Ray & Holly



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TO: Members of the Assembly Committee on Transportation
FROM: Jennifer Wickman, Director of Government Affairs
DATE: May 23, 2023
RE: Please support AB 74

Cooperative Network is an association of cooperatives from a dozen different business sectors in Wisconsin and Minnesota. Included among our members are farm supply cooperatives such as Alcivia, Country Visions Cooperative, Growmark/Insight FS, Middleton Farmers' Cooperative and United Cooperative. These members provide essential products and services to Wisconsin farmers which in turn help the state's agricultural industry contribute \$104.8 billion to the state's economy. These members benefit from use of the farm service CDL. They would further benefit if that farm service CDL were changed to incorporate recent improvements in federal law which allow for extending the farm CDL license for use from 180 to 210 days.

In May of 2021, Cooperative Network joined several other trade associations representing agricultural interests in a letter to congress requesting that the Farm-Related CDL (also known as the Seasonal Ag CDL) be modernized to reflect, "challenging weather events, the increase in crop production diversification, technological advances and weight increases in light duty pickup trucks and agricultural equipment over the past several decades." Our primary request was that more flexibility be provided to the farm service CDL, "by expanding the total days allowed to utilize Farm-related Restricted CDL drivers to accommodate for the longer seasons, which can fluctuate from year to year due to climate change as well as more diversified crop production."

We were gratified when President Biden included our request in his federal infrastructure package and congress passed it as the ***Infrastructure Investment and Jobs Act***. Section 23019, entitled Modification of Restrictions on Certain Commercial Driver's Licenses, states "The Administrator of the Federal Motor Carrier Safety Administration shall revise section 383.3(f)(3)(ii) of title 49, Code of Federal Regulations (or successor regulation), to provide that a restricted commercial driver's license issued to an employee in a farm-related service industry shall be limited to the applicable seasonal periods defined by the State issuing the restricted commercial driver's license, subject to the condition that the total number of days in any calendar year during which the restricted commercial driver's license is valid does not exceed 210".

However, for Wisconsin to benefit from these changes the legislature must act. And for farmers to benefit during the growing season of 2023 – the legislature must act quickly. Therefore, we urge passage of SB 66.