

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 3/1/00

BILL NO. _____
OR
SUBJECT SB310

Jessica Tormey on behalf of

Senator Darling
(NAME)

(Street Address or Route Number)

(City and Zip Code)

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information
only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 3-1-00

BILL NO. SB 310
OR
SUBJECT _____

Linda K Palmer
(NAME)

W147 N11100 Fond du Lac Ave
(Street Address or Route Number)

Sermantown, WI
(City and Zip Code)

Kathausers & Sons Inc
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information
only; Neither for nor against:

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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: March 1, 2000

BILL NO. Senate Bill 310
OR
SUBJECT Farm Truck

Regulation

Edward Knapton
(NAME)

4311 Vilas Hope Rd
(Street Address or Route Number)

Cottage Grove, WI
(City and Zip Code)

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information
only; Neither for nor against:

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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: March 1, 2000
BILL NO. SB 310
OR
SUBJECT _____

Carson P. Frazier
(NAME)

(Street Address or Route Number)

(City and Zip Code)
DOT
(Representing)

Speaking in Favor:
Speaking Against:
Registering in Favor:
but not speaking:
Registering Against:
but not speaking:
Speaking for information only; Neither for nor against:

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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 3-1-00
BILL NO. SB 310
OR
SUBJECT Farm Trucks

Kelly McDowell
(NAME)
15 N. Pinckney St. #102
(Street Address or Route Number)
Madison WI 53703
(City and Zip Code)
WI Landscape Federation
(Representing)

Speaking in Favor:
Speaking Against:
Registering in Favor:
but not speaking:
Registering Against:
but not speaking:
Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.
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State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

Vote Record

Senate Committee on Insurance, Tourism, Transportation and Corrections

Date: _____
 Moved by: Zien _____
 AB: _____
 AB: _____ SB: 30 _____
 AJR: _____ SJR: _____
 A: _____ SR: _____

Seconded by: Breske _____
 Clearinghouse Rule: _____
 Appointment: _____
 Other: _____

A/S Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____
 A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

Be recommended for:

- Passage
- Introduction
- Adoption
- Rejection

- Indefinite Postponement
- Tabling
- Concurrence
- Nonconcurrence
- Confirmation

Committee Member

Sen. Roger Breske, Chair
 Sen. Richard Grobschmidt
 Sen. Jim Baumgart
 Sen. Kevin Shibilski
 Sen. Dale Schultz
 Sen. Alan Lasee
 Sen. David Zien

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Sen. Roger Breske, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Richard Grobschmidt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Jim Baumgart	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Kevin Shibilski	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Dale Schultz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Alan Lasee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. David Zien	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: _____

Motion Carried

Motion Failed

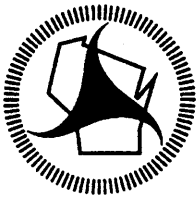
*Testimony in Favor of SB310
By Linda K Palmer*

Chairperson Breske and members of the committee, thank you for allowing me to testify before you in favor of SB310. This bill was introduced by State Senator Alberta Darling on the behalf of Karthaus & Sons, Inc. and other growers like us, after our own experiences regarding "FARM" license plates on our trucks.

On February 9, 1995 one of Karthaus & Sons' trucks was issued a citation by the Wisconsin State Patrol in Waushara County for misuse of registered farm trucks. We plead not guilty and went to trial on May 16, 1995 to fight the ticket.

Before our trial date, we were told by Inspector P. Sampon of the Wisconsin State Patrol that Worker Compensation codes were the standard the Wisconsin Department of Transportation used to determine whether or not we had a right to use FARM license plates on our trucks. We contacted our Worker Compensation carrier, Florist Mutual Insurance, and had them provide us detailed documents showing under Wisconsin rules, we were classified as farmers. Since Worker Compensation codes clearly identified us as farmers, we could not understand why Inspector P. Sampon had issued us the citation. We went further in gathering documentation supporting our position as farmers by showing how the Internal Revenue Service considers us farmers by having us fill out Form 943, Employer's Annual Tax Return for Agricultural Employees. And how the Wisconsin Department of Agriculture considers us farmers in their filing of a Facility/Record Inspection Report clearly mark "Ag Use". And how on May 7, 1995 one of our trucks with "FARM" license plates received a Wisconsin Department of Transportation, Division of State Patrol, Motor Carrier Safety Inspection Report which showed "No Violations".

The Honorable Lewis Murach, Circuit Judge in and for Waushara County, Wisconsin presided over our May 16, 1995 trial. Guy Dutcher, Waushara County District Attorney, represented the State of Wisconsin. Gerald T Karthaus, a former owner of Karthaus & Sons, Inc., appeared in our defense. District Attorney Dutcher used Wisconsin State Statute 341.045 and Section 102.04(3) as proof of the state's position. During the trial both the judge and the district attorney acknowledged the statute's language is somewhat dated and the case, which supported the statute's language, was also dated. Judge Murach stated that if the Court could apply a broader definition to the licensing provisions we would be considered farmers, but using the law as written, we could not. The citation's fine was reduced to \$10 and Judge Murach suggested we contact our State Senator's office to have the law updated.



Wisconsin Department of Transportation



Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

DIVISION OF MOTOR VEHICLES
4802 Sheboygan Avenue
P.O. Box 7949
Madison, WI 53707-7949

SENATE COMMITTEE ON INSURANCE, TOURISM, TRANSPORTATION AND CORRECTIONS

March 1, 2000

Remarks, Carson P. Frazier

SB 310: considering vehicles used in the operation of greenhouses as "farm trucks"

SB 310 adds to the definition of "farmer" used to determine "farm truck" registration, operating greenhouses or other similar structures, regardless of whether they are used to produce food or farm plants.

A farm truck is used *primarily* (under 38,000 pounds) or *exclusively* (38,000 pounds or over) for the transportation of supplies, farm equipment, and products on or between the farmer's farms, transportation of products to market, or transportation of supplies to the farm. A farm truck may not be used in furtherance of any non-farm occupation, trade, profession or other employment.

DOT has two major concerns with SB 310.

First, revenue loss to the Transportation Fund. A farm truck is registered for a much lower registration fee than a truck of similar weight. This bill would expand the vehicles eligible for reduced registration fees by a significant number.

As you see from the bill's fiscal estimate, perhaps over 17,000 vehicles might be eligible for reduced farm truck registration. This would reduce revenue to the Transportation Fund by **\$2.9 million a year**.

Second, an effect on Commercial Driver Licensing (CDL). The definition in the motor vehicle statutes is also used in determining eligibility for CDL waiver as a farmer. Our interpretation is that under SB 310 "farmers" who own or work directly for greenhouse owners would be waived from commercial driver licensing requirements.

This greatly increases the number of people who would drive commercial vehicles but would not need CDL's, and allows far more extensive travel throughout the state than was intended under the farmer CDL waiver. For safety of both the operators and the traveling public, DOT is concerned about this consequence of the bill.

For these reasons, DOT must respectfully oppose SB 310.