



CORY TOMCZYK

STATE SENATOR • 29TH SENATE DISTRICT

Members of the Committee on Transportation and Local Government 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.

Senate Bill 66, 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.



JON PLUMER

STATE REPRESENTATIVE • 42nd ASSEMBLY DISTRICT

Senate Committee on Transportation and Local Government

March 15, 2023

Thank you Senator Tomczyk and members of the Senate Committee on Transportation and Local Government for your consideration of Senate Bill 66.

Senate Bill 66 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 Senate Bill 66.

My name is Ray Liska I own and operate a custom harvest business with my wife Holly 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.

Holly and I are here today to testify in favor of Senate Bill 66 to help make Wisconsin's unique custom harvest business' 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 business' 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 times our F endorsed drivers typically acquire a CDL after a year or two. These workers often have other jobs, or small business' 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 amount 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 Senate Committee on Transportation & Local Government
FROM: Jennifer Wickman, Director of Government Affairs
DATE: March 15, 2023
RE: Please support SB 66

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.



To: Senate Committee on Transportation & Local Government
From: Thomas Johnson, GM of Logistics, Alcivia
Date: March 15, 2023
RE: **Senate Bill 66, Seasonal period for farm service licenses**

Good morning, Senator Tomczyk & 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
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DAIRY BUSINESS
ASSOCIATION | DAIRY
FORWARD

March 15, 2023

Senate Committee on Transportation and Local Government

Testimony in favor of Senate Bill 66

Good morning, Chairman Tomczyk, Ranking Member Carpenter and committee members. Thank you for the opportunity to provide testimony today in support of Senate Bill 66.

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 CDL operators.

Senate Bill 66 is a straightforward bill that came to our attention as part of the bipartisan infrastructure law (BIL). SB 66 mirrors federal language 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, Sen. Tomczyk and Rep. Plumer for your work to move this bill now so that it can be in place by planting season. I also want to acknowledge Governor Evers for including the provision in his budget as well those who cosponsored the bill and made this a bipartisan effort. Thank you.

DBA encourages this committee to support SB 66 and vote to send it to the full Senate for a vote as soon as possible.

Thank you, Chairman Tomczyk and committee members, for your time and consideration. This concludes my testimony.

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.*

Testimony on 2023 Senate Bill 66

Senate Committee on Transportation and Local Government
March 15th, 2023

Thank you, Chair Tomczyk and Committee Members, for the opportunity to testify on 2023 Senate Bill 66. 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, Senator Tomczyk and Representative Plumer, as well as those in co-sponsorship, for your willingness to work with agriculture industry stakeholders and address this inconsistency within Wisconsin state 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 is a special type of Commercial Drivers License (CDL) endorsement that is only available to individuals that are employed by a Farm Service Industry who work less than 180 calendar days per year, under our current law. This license is not your typical CDL that someone like a semi-trailer 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.

Senate Bill 66 seeks to appropriately align Wisconsin state law with the new federal standard and provide farm service employees an additional month of work and still qualify for a Farm Service CDL endorsement.

Wisconsin Farm Bureau supports this increased flexibility, which allows the agricultural industry to operate more efficiently and reduce the strain of on-going labor shortages in agriculture. We ask that you **support** Senate Bill 66 should it come before you for a vote.