

POM-203. A joint memorial adopted by the Legislature of the State of Idaho requesting a permanent exemption from the U.S. Department of Transportation—Federal Motor Carrier Safety Administration electronic logging devices mandate granted by whichever means appropriate for livestock and agriculture commodity transporters; to the Committee on Commerce, Science, and Transportation.

SENATE JOINT MEMORIAL NO. 104

Whereas, the 2012 federal transportation bill, MAP-21, mandated electronic logging devices (ELD) in commercial trucks, which were to be finalized by rule in 2015, with an implementation date of December 18, 2017, in trucks of model year 2000 and newer; and

Whereas, because of the nature of the commodities hauled and normal industry scheduling uncertainty, livestock and agriculture commodity haulers requested exemption from this mandated transition from handwritten logbooks to the electronic log, and the United States Department of Transportation (USDOT) and the Federal Motor Carrier Safety Administration (FMCSA) originally ignored the request and agriculture commodity haulers; and

Whereas, the federal mandate and rule decreases efficiency, increases business expense and does little or nothing to improve safety in this segment of the trucking industry, and USDOT-FMCSA has not considered the special circumstances surrounding the transport of livestock, fish and insects, as these are the most perishable and fragile of all commodities and must be transported in the most efficient, timely and expedient manner as possible, and conformity with the ELD mandate and existing hours of services rule would result in delays off-loading and reloading of livestock and even the addition of a second driver on short hauls; and

Whereas, infrastructure for off-loading and holding of livestock do not readily exist and, if it did, extra handling of cargo would result in added stress, weight loss, additional expense and exposure to additional disease and biohazard, with no positive benefit to the animals; and

Whereas, heavy machinery service vehicles often drive long distances to reach a job site and remain at the location long enough to exceed the 14-hour service day thereby requiring either an additional driver or an overnight stay near the job site and subsequently decreasing efficiency and increasing business expense; and

Whereas, highway safety is also a primary consideration, and livestock transporters were involved in a statistically insignificant number of accidents (0.004%) according to the "Large Truck Crash Causation Study" published by the FMCSA and the National Highway Safety Institute and 0.7% of fatal accidents per the "Trucks Involved in Fatal Accidents Factbook 2005" published by the Transportation Research Institute; and

Whereas, mandated ELDs engage when the truck's motor is started. The devices provide the operator no discretion in determining "on-duty" and "off-duty" time. Large, over-the-road commercial truck fleets support the ELD mandate because they are better able to absorb related costs and are subject to well-defined schedules; and

Whereas, paper logs allow the driver this determination. Because many livestock and agriculture commodity haulers are small and independently owned businesses, mandatory ELD use will result in increased livestock handling, more downtime, increased expenses, and lower net revenues to producers and trucking firms and small trucking companies forced out of business. The ELD mandate is impractical because USDOT-FMCSA did not consider normal

delays that are encountered when dealing with livestock and other agriculture commodities; and

Whereas, in September 2017, seven national agriculture commodity organizations and other agriculture-related organizations requested a waiver from the rule, which was granted and will be in effect until March 18, 2018. Section 132, Exemption from Requirement for Electronic Logging Device, is contained in the FY18 federal Transportation, Housing and Urban Development (THUD) bill funding to implement the ELD mandate in FY18, and this language was signed by all members of Idaho's congressional delegation, and legislation was introduced in 2017 in the United States House of Representatives to make a livestock/agriculture commodity exemption permanent; and

Whereas, the federal mandate and rule is difficult to implement, increases cost, lowers efficiency, imposes an unfunded mandate, creates economic and regulatory hardship for small business and does not consider the special needs of certain segments of the trucking industry: Now, therefore, be it

Resolved, By the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we request a permanent exemption from the USDOT-FMCSA ELD mandate granted by whichever means appropriate for livestock and agriculture commodity transporters; and be it further

Resolved, That the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States, the United States Department of Transportation and the Federal Motor Carrier Safety Administration.

POM-204. A resolution approved by the Mayor and City Council of the City of Rice Lake, Wisconsin, supporting the passage of an amendment to the United States Constitution stating: only human beings are endowed with Constitutional rights—not corporations, unions, non-profits or other artificial entities; and money is not speech, and therefore regulating political contributions and spending is not equivalent to limiting political speech; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MANCHIN:

S. 2681. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for coal-powered electric generation units; to the Committee on Finance.

By Mr. MURPHY (for himself and Mr. UDALL):

S. 2682. A bill to establish a student loan forgiveness plan for certain borrowers who are employed at a qualified farm or ranch; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAPO (for himself and Mr. BROWN):

S. 2683. A bill to amend the Internal Revenue Code of 1986 to impose a mileage-based user fee for mobile mounted concrete boom pumps in lieu of the tax on taxable fuels, and for other purposes; to the Committee on Finance.

By Mr. UDALL (for himself and Mr. INHOFE):

S. 2684. A bill to establish a Federal student loan restructured repayment schedule for certain borrowers who are agricultural producers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. UDALL (for himself and Mr. INHOFE):

S. 2685. A bill to modify certain requirements for farm ownership loan eligibility; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PERDUE:

S. 2686. A bill to require Federal agencies to issue appropriate identification for the carrying of concealed firearms by qualified law enforcement officers and qualified retired law enforcement officers; to the Committee on the Judiciary.

By Mr. CRUZ:

S. 2687. A bill to amend the Internal Revenue Code of 1986 to make permanent the individual tax provisions of the tax reform law, and for other purposes; to the Committee on Finance.

By Mr. CRUZ (for himself and Mr. INHOFE):

S. 2688. A bill to amend the Internal Revenue Code of 1986 to provide for the indexing of certain assets for purposes of determining gain or loss; to the Committee on Finance.

By Mr. CORNYN (for himself, Mr. HELLER, and Mr. ROBERTS):

S. 2689. A bill to provide a taxpayer bill of rights for small businesses; to the Committee on Finance.

By Mr. RUBIO (for himself, Ms. STABENOW, Mr. CORNYN, and Mr. NELSON):

S. 2690. A bill to amend title XVIII of the Social Security Act to permit review of certain Medicare payment determinations for disproportionate share hospitals, and for other purposes; to the Committee on Finance.

By Mr. SANDERS (for himself and Ms. HARRIS):

S. 2691. A bill to hold pharmaceutical companies accountable for illegal marketing and distribution of opioid products and for their role in creating and exacerbating the opioid epidemic in the United States; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MANCHIN:

S. Res. 470. A resolution expressing the sense of the Senate that electricity markets do not appropriately value the reliability and resilience attributes of baseload power generation serving the bulk power system; to the Committee on Energy and Natural Resources.

By Mr. BURR (for himself and Mr. MANCHIN):

S. Res. 471. A resolution designating March 29, 2018, as "Vietnam Veterans Day"; considered and agreed to.

By Mr. BURR (for himself, Mr. MANCHIN, Mr. INHOFE, and Mr. HELLER):

S. Res. 472. A resolution designating April 5, 2018, as "Gold Star Wives Day"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 66

At the request of Mr. HELLER, the name of the Senator from Delaware