

**2013 SENATE TRANSPORTATION**

**SB 2120**

# 2013 SENATE STANDING COMMITTEE MINUTES

Senate Transportation Committee  
Lewis and Clark Room, State Capitol

Senate Bill 2120

January 18, 2013

Recording job number 17393 segment 0 to 34:13

Conference Committee

*Devin E. Perez*

## Explanation or reason for introduction of bill:

To amend and reenact section 39-01-15 of the North Dakota Century Code relating to parking privileges for a disabled veteran. To replace the word "person" with the word "individual".

## Minutes:

Attached testimony: 4

**Chairman Oehlke** opened the hearing on Senate Bill 2120.

**Alan Waller** Disabled veteran See attached testimony 1 in favor of the bill.

**Senator Larsen** I sponsored this bill at the request of Mr. Waller.

**John Jacobsen** Legislative Committee of the North Dakota Coordinating Council Attached testimony 2 in favor of the bill.

Discussion followed regarding the use of the word "unemployability".

**Max Zurcher** Vietnam War disabled veteran. Unemployability is a Veterans Administration term. They rate disability from 10% to 100 %. Wants wording changed so disabled veterans with DAV plates can park in any space with the international disabled parking logo not only in the ones that specify DAV plates see pictures testimony 3

**Chairman Oehlke** Will an unremarried surviving spouse be able to use a disabled parking spot even if not disabled or only if disabled? Distributed handout, testimony 4

Chairman Oehlke  
Closed the hearing on SB 2120

# 2013 SENATE STANDING COMMITTEE MINUTES

Senate Transportation Committee  
Lewis and Clark Room, State Capitol

Senate Bill 2120  
January 24, 2011  
Recording job number 17656  
 Conference Committee

*Doris E Perez*

## **Explanation or reason for introduction of bill/resolution:**

To amend and reenact section 39-01-15 of the North Dakota Century Code relating to parking privileges for a disabled veteran. To replace the word "person" with the word "individual".

## **Minutes:**

Attached testimony: 4

**Chairman Oehlke** Opened the discussion on Senate Bill 2120.

I may have been inaccurate relative to the un-remarried spouse. The information we had was relative to prisoners of war plates and surviving un-remarried spouses. The information I dug up is that disabled veterans are entitled to display distinctive license plates issued by the department upon payment of a five dollars fee (this exemption applies to no more than two such motor vehicles owned by a disabled veteran at any one time). I could not find anything relating to un-remarried veteran's spouses, except for the prisoners of war. New legislation would need to be introduced to cover them.

**Vice Chairman Armstrong** I move that amended language on page 1, lines 16-19, go back to its original form. The veterans did not know where that language came from. It's unworkable and unenforceable because there is not definition of "rush hour" in the North Dakota Century Code. Offered amendment whereby lines 16 thru 19 as presented would revert back to their original form and that those amendments be struck.

**Chairman Oehlke** When this amendment comes back from Legislative Council we will meet again to make sure we made it right. We have a motion from Senator Armstrong to put language back again with the exception of changing person to individual.

**Senator Sitte** Second      **Voice vote in favor of amendment:** 7 ayes 0 no 0 absent

**Vice Chairman Armstrong**

All this bill does is allow for a disabled veteran plate to park in a handicapped zone.  
I move do pass on SB 2120 as amended

**Senator Axness** Second

**Roll call vote** Yes 7 No 0 Absent 0

**Carrier Senator Sinner**

January 24, 2013

V/R  
1/24/13

PROPOSED AMENDMENTS TO SENATE BILL NO. 2120

Page 1, line 17, after "~~persons~~" insert "individual"

Page 1, line 17, remove the overstrike over "~~de~~"

Page 1, line 17, remove "individual does"

Page 1, line 18, remove "for a fire lane or during rush"

Page 1, line 19, remove "hours"

Renumber accordingly

**2013 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL NO. 2120**

Senate TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.0046.01001

Action Taken Do Adopt Amendment

Motion Made By Vice Chairman Armstrong Seconded By Senator Sitte

Senators	Yes	No	Senator	Yes	No
Chairman Dave Oehlke			Senator Tyler Axness		
Vice Chairman Kelly Armstrong			Senator George Sinner		
Senator Margaret Sitte					
Senator Tim Flakoll					
Senator Tom Campbell					
<i>Voice Vote</i>					

Total (Yes) 7 No 0

Absent 0

Floor Assignment \_\_\_\_\_

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

**2013 SENATE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL NO. 2120**

Senate TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.0046.01001

Action Taken Do Pass as Amended

Motion Made By Vice Chairman Armstrong Seconded By Senator Axness

Senators	Yes	No	Senator	Yes	No
Chairman Dave Oehlke	✓		Senator Tyler Axness	✓	
Vice Chairman Kelly Armstrong	✓		Senator George Sinner	✓	
Senator Margaret Sitte	✓				
Senator Tim Flakoll	✓				
Senator Tom Campbell	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Senator Sinner

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

**REPORT OF STANDING COMMITTEE**

**SB 2120: Transportation Committee (Sen. Oehlke, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2120 was placed on the Sixth order on the calendar.

Page 1, line 17, after "persons" insert "individual"

Page 1, line 17, remove the overstrike over "de"

Page 1, line 17, remove "individual does"

Page 1, line 18, remove "for a fire lane or during rush"

Page 1, line 19, remove "hours"

Renumber accordingly

**2013 HOUSE TRANSPORTATION**

**SB 2120**

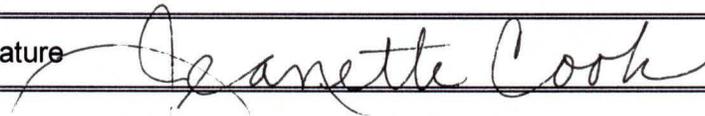
# 2013 HOUSE STANDING COMMITTEE MINUTES

## House Transportation Committee Fort Totten Room, State Capitol

SB 2120  
03-15-13  
Job # 19988

Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

A bill relating to parking privileges for a disabled veteran.

### Minutes:

Attachment 1

**Chairman Ruby** opened the committee on SB 2120.

**Senator Oley Larsen, District 3**, introduced SB 2120. This bill is about Disabled Veterans tagging on their license plates to be able to use the disabled parking areas. The veteran disability rating is done differently than a non-veteran getting disability or handicapped parking. The Senate passed this favorably, and it seems to be a very good bill.

**Chairman Ruby:** Can you tell us what the bill does?

**Vice Chairman Owens:** The bill says that if you have qualified for a DAV disabled DAV license plate, which means that you are 100% disabled, you are allowed to park in the handicapped parking areas. Then you will not have to have a handicapped tag on the rear view mirror.

**Representative Delmore:** Will law enforcement recognize this? I would not want those people to get tickets if they did not.

**Senator Oley Larsen:** I believe the education part of this will come out. The law enforcement will be trained with the information. For your information, people also have to pay \$3.00 for the blue handicapped sticker which comes to \$1600 a year. That money is used in a committee in Human Services that comes and helps people with disabilities to come to the meetings.

**Representative Heller:** Is this a separate sticker that will go on the plates?

**Senator Oley Larsen:** No, the plate will be identified just as it is. It will be the DAV identification.

**Chairman Ruby:** All of the plates start out with the letters DAV on them. They are easily identified. Do you think that this will interfere with the number of specified handicapped parking spots that are allotted for each business?

**Senator Oley Larsen:** That is a good question.

**Chairman Ruby:** Does everyone that qualifies to get a DAV plate also qualify as someone with a disability that would receive a handicapped tag?

**Senator Oley Larsen:** Mr. Waller had that information. I don't know for sure.

**Representative Weisz:** Generally, it is a medical provider that determines if someone needs a handicapped tag.

**Chairman Ruby:** Getting a DAV plate probably has a higher bar of disability than the regular handicapped tag.

**Senator Oley Larsen:** When Mr. Waller testified in our committee he really gave specific information about this. If you can get a copy of that information from someone, it would tell you the details. (A copy of the Senate hearing testimony was provided to Chairman Ruby and Representative Heller.)

**Vice Chairman Owens:** I know some people that have a DAV license plate that do not qualify for the handicapped tag because of the medical requirements. There are a few, but it is a small group.

**John Jacobson, a member of the Legislative Committee of the North Dakota Veterans Coordinating Council,** spoke to support SB 2120. Written testimony was provided. See attachment #1.

**John Jacobson:** There are many disabled American Veterans that have disabilities that is not debilitating. They cannot work, for example, someone who has lost his hearing or lost an arm. They can still get around like you and me. They do carry a DAV plate, but they do not want a designation of being handicapped on their license. They don't want the designated as being a "cripple".

There was no further support for SB 2120.  
There was no further testimony on SB 2120.  
The hearing was closed on SB 2120.

**Representative Vigesaa moved a DO PASS on SB 2120.**

**Representative Delmore seconded the motion.**

**A roll call vote was taken on SB 2120. Aye 14 Any 0 Absent 0 The motion carried.**

**Representative Heller will carry SB 2120.**

Date: 3-15-13  
 Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2120**

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt  
 Amendment

Rerefer to Appropriations  Reconsider

Motion Made By Vigesaa Seconded By Delmore

Representatives	Yes	No	Representatives	Yes	No
Chairman Dan Ruby	✓		Rep. Lois Delmore	✓	
Vice Chairman Mark Owens	✓		Rep. Edmund Gruchalla	✓	
Rep. Rick Becker	✓		Rep. Kylie Oversen	✓	
Rep. David Drovdal	✓				
Rep. Robert Frantsvog	✓				
Rep. Brenda Heller	✓				
Rep. Curtiss Kreun	✓				
Rep. Mike Schatz	✓				
Rep. Gary Sukut	✓				
Rep. Don Vigesaa	✓				
Rep. Robin Weisz	✓				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Neller

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

**REPORT OF STANDING COMMITTEE**

**SB 2120, as engrossed: Transportation Committee (Rep. Ruby, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2120 was placed on the Fourteenth order on the calendar.**

**2013 TESTIMONY**

**SB 2120**

Senate Bill 2120 Agenda

9:00 am Friday Jan 18, 2013

Alan Waller

Introduction comments:

Purpose of recommending a change to ND Century Code: 39-01-15

1. To reduce redundancy in the process of Veterans obtaining disability DAV plates.
2. Currently North Dakota DAV vehicle license plates are issued to those veterans with a declared VA rating of 100% VA disability and unemployability.
3. A veteran with this status then must obtain and complete a SFN 2886 have it signed by a Medical professional and must submit that for the issue of DAV plates with the international disability logo.
4. By the change in wording to the code it is recommended that MVD recognize the Veterans Rating of Disability Letter with unemployability stated, as proof of eligibility for the DAV plate, rather than the veteran being required to fill out form SFN 2886 and obtain another health care providers signature.
5. This would certainly seem to be a cost saving measure for the veterans that qualify for the plates and for the State of North Dakota.
6. To obtain the Veterans Rating of Disability Letter with unemployability a veteran must see many doctors within the VA system. Plus the Rating board must review the recommendation of the doctors. Many times the result of unemployability is arrived at through multiple ratings of which none meet the specific qualifications of Public Law 79-663(38 U.S.C. 3901) yet leave the

veteran unable to walk the distance required. This is especially true with the recent influx of people in ND. Many parking lots are full to double or triple the 200 foot requirement of Public Law.

4. It is proposed the DAV plate be issued to all veterans with a rating of unemployability and be entitled to the same parking in handicap areas as plates with the international symbol.

Closing:

NORTH DAKOTA VETERANS COORDINATING COUNCIL

My name is John Jacobsen. I am a member of the Legislative Committee of the North Dakota Coordinating Council. I am also a member of the American Legion and the Veterans of Foreign Wars.

I served in the North Dakota National Guard and the US Army Reserve for a total of 30 years. I retired in 1995 as a Colonel. I served on active duty in 1991 during Operation Desert Shield/Desert storm in the Persian Gulf, stationed in the United Arab Emirates.

The Coordinating Council is made up of 15 members, 3 from each of the five veterans organizations in North Dakota.

American Legion

AMVETS

Disabled American Veterans

Veterans of Foreign Wars

Vietnam Veterans of America

It is the policy of the Coordinating Council to support legislation that will benefit the welfare of the members of the Armed Forces. The committee MUST concur totally, that is all 15 members must agree on the legislation to be supported or else it does not get the support.

In this case, I have been instructed to recommend to this legislative committee that a "DO PASS" on SB 2120 is supported by the Veterans Coordinating Council.



COMFORT INN IN INDIANA



Rest stop in Wisconsin



Mr. Max Zurcher  
3790 Aster Loop  
Minot, ND 58701



SAYS  
Vet OR

MANAROS IN MINOT

Testimony 4

WestlawNext

SB2120

§ 39-04-10.5. Prisoner of war plates--Transfer to certain surviving spouses--Retirement  
West's North Dakota Century Code Annotated Title 39. Motor Vehicles (Approx. 2 pages)

NDCC, 39-04-10.5

§ 39-04-10.5. Prisoner of war plates--Transfer to certain surviving spouses--  
Retirement

Return to list 16 of 21 results Search term

On the death of a prisoner of war to whom was issued a special number plate under subdivision o of subsection 2 of section 39-04-18, the director shall comply with this section. If the deceased prisoner of war was survived by a spouse, the director shall transfer the number plate to that spouse's name, and the spouse may retain the number plate as an active plate. If the surviving spouse remarries, then within thirty days of that remarriage, the surviving spouse shall surrender the plate to the director. On receipt of a surrendered plate, on the death of the surviving spouse, or if the deceased prisoner of war had no surviving spouse, the director shall retire the number used on the number plate. On retirement of a number plate and at the request of the survivors of the deceased prisoner of war, the director shall issue to the survivors one commemorative plaque resembling the number plate that had been issued to the prisoner of war.

Credits

S.L. 1983, ch. 420, § 1; S.L. 1987, ch. 450, § 1.

NDCC 39-04-10.5, ND ST 39-04-10.5

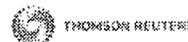
Current through the 2011 Regular and Special Sessions of the 62nd Legislative Assembly

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## NORTH DAKOTA VETERANS COORDINATING COUNCIL

My name is John Jacobsen. I am a member of the Legislative Committee of the North Dakota Veterans Coordinating Council. The Coordinating Council is made up of 15 members, 3 from each of the five veterans' organizations in North Dakota.

American Legion

AMVETS

Disabled American Veterans

Veterans of Foreign Wars

Vietnam Veterans of America

It is the policy of the Coordinating Council to support legislation that will benefit the welfare of the members of the Armed Forces. The committee **MUST** concur totally, that is all 15 members must agree on the legislation to be supported or else it does not get the support.

In this case, I have been instructed to recommend to this legislative committee that a "DO PASS" on SB 2120 is supported as amended by the Veterans Coordinating Council.