

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1229

2005 HOUSE TRANSPORTATION

HB 1229

## 2005 HOUSE STANDING COMMITTEE MINUTES

### BILL NO. 1229

House Transportation Committee

☐ Conference Committee

Hearing Date January 20, 2005

Tape Number	Side A	Side B	Meter #
1	X		1.0-16.0
4	X		5.4-14.9

Committee Clerk Signature



Minutes:

**Chairman Weisz** (1.0) opened the hearing on HB 1229 A Bill for an Act to create and enact a new subsection to section 39-01-15 of North Dakota Century Code, relating to mobility-impaired parking permits.

**Rep. Kreidt:**(1.2) See attached testimony. This would also be for veterans too. When you are allowed only two permits per individual facility; it becomes a problem. They have to pass them around to different vehicles and try to keep them all running where they need to go. This bill would allow you to issue any number of permits to entities, and entities is the key word here. It is geared to long term care facilities. I would urge you to pass this legislation out to help our facilities and those people who need to be transported by them. I know there is another bill coming in after this one and this one particularly deals with veterans. This bill would include veterans already.

**Chairman Weisz** (3.5) Would this allow the purchase of handicapped plates for their vans?

**Rep. Thorpe** (3.8) What is the problem now you are trying to solve?

**Rep. Kreidt:** Right now the permits are only being issued to individuals; not an entity. They are only issuing two permits. So like to a nursing home you can get only two permits and they go to the individual at the facility; not the entity.

**Rep. Thorpe** How many permits would they need?

**Rep. Kreidt:** (4.6) That would be up to the corporation. It would be an amount within reason.

**Rep. Kelsch** (4.9) I serve on the board of HIT Incorporation, which is a developmentally disabled provider. We provide services where we have day services where we bring in handicapped people and we transport them over to the Fairview Inn to do the cleaning. We have individuals that need to go out in the community and we have several vans and several buses, but what happens is we only have two placards. Just not enough placards to the needs.

**Rep. Weiler** (6.0) Rep. Credit have there been any fines handed out for parking in a handicapped parking spot and they did not have the placard?

**Rep. Kreidt:** No, but it did happen to me.

**Rep. Ruby** (6.6) Are these vehicles used for purposes other than transporting handicapped individuals? In other words not official use.

**Rep. Kreidt:** Hopefully individuals are not doing this. They would be arrested for doing this and face the consequences.

**Shelly Peterson:** (7.6) (See attached testimony ) I am in support of this bill. Basic care facilities routinely transport their patients to medical appointments. Generally they have up to four vehicles that are licensed to transport. The DOT has been very generous in issuing up to two handicapped parking permits. The law states that they are not suppose to do that. They are

suppose to be issued to handicapped individuals; not entities. The legislation before you would allow it to be issued to entities. The way it was written; it was just wide open. They could issue at least to the permit to the entity. What we envision, and there is a Senate version of the bill, that the DOT introduced, is that for the number of vehicles that you license that would be the number of permits you would get. Rep. Kelsch brought up an excellent example. HIT has 20 vehicles and at any given time those vehicles are transporting people to job interviews, medical appointments and jobs. They have as a policy that the individual that they are transporting are suppose to bring their handicapped placard. It has been literally a night mare for people not remembering an so they are very supportive of this legislation so they can issue the placard to the organization; rather than to the individual.

**Rep. Weiler (9.6)** Would it help to put an emergency clause on this so they would not have to wait until the end of summer.

**Shelly Peterson:** Yes, that would be wonderful.

**Rep. Weiler:** Just one more questions, we can either do that or the DOT can just issue 20 together.

**Rep. Dosch (10.3)** You referenced HIT having 20 vehicles going out? Are they owned by HIT or are they owned by private individuals?

**Rep. Kelsch (10.5)** They are owned by HIT.

**Jack McDonald:** With ARCH in support of the bill. The ARCH has some 20 chapters around the state and they deal primarily with the developmentally disabled individuals. They have been also following this legislation and strongly support it. For the same reasons that you mentioned

earlier. We urge the passing of it with an emergency attachment so would not have to wait until August 1.

**Mr. Kiser:** Director of the Motor Vehicle Division: We support this legislation. We did introduce similar legislation in an agency bill which is in the Senate. In our bill we put in the number two as the number of permits an entity could get. We did that for discussion purposes only and we did not mind trying the number of placards to the number of vehicles owned but the entity. We would suggest you tie a total number of permits to the bill which are owned or operated by the entity.

**Rep. Hawken** I am totally in favor of this bill. One concern is do we have enough parking spots for handicapped?

**Mr. Kiser:** It is an issue as our population ages this could become a problem. We are issuing more handicapped permits. We have not heard complaints. I do think there may be an educational issue that may need to be done as we issue more permits.

**Chairman Weisz** (13.8) How may permits do we issue in a year?

**Mr. Kiser:** The permits are issued for a 3-year cycle and the permits that are out now are valid for 2004, 5 & 6 and are probably in excess of 50,000 permits. Individuals can obtain either one or two permits. It is their choice under current statutes. We probably have 30,000-35,000 people that have parking privileges now.

**Rep. Ruby** (14.3) Keith, earlier I asked Rep. Kreidt about someone that has a parking permit that is using the vehicle for purposes other than that. Is that illegal to park in a spot when they don't have someone in need with them. And if so, how does law enforcement prove that?

**Mr. Kiser:** Yes, the permit is tied to actually transporting someone that is handicapped and needs that space. The enforcement questions is more difficult. It is hard to know whether a person is handicapped because not all handicap's are visible. We don't get many complaints.

**Rep. Schmidt (15.3)** What is the penalty for parking in a handicapped parking spot?

**Mr. Kiser:** \$100 fee for illegal use of the parking space.

**Chairman Weisz** No more support and no opposition.

Closed (16.2)

**Tape 4, Side A 5.5**

**Discussion:**

**Chairman Weisz** Do you have a suggestion?

**Rep. Weiler** I Made a motion approve the emergency clause on this bill. Rep. Hawken seconded it.

**Chairman Weisz (6.5)** All those in favor say yea. All in favor. Motion carried.

**Rep. Dosch** I think we do need to limit the number of permits. Some how we need to tie it to the number of vehicles that the entity has.

**Rep. Meyer (7.3)** Are there alot of private vehicles?

**Rep. Kelsch (7.3)** No they are not allowed to use private vehicles. They only use the vehicles we own or lease. You could tie it to the owned and operated vehicles. That way they could not use a private vehicle.

**Rep. Hawken** Are there instances where they might not own them because they are not a big enough provider or residence?

**Rep. Kelsch:** That is why they said owned or/and operated.

**Rep. Dosch** (8.5) I would move that we further amend the bill to limit the number of permits to the number of owned or operated vehicles by the entity. Rep. Weiler seconded it.

**Chairman Weisz** (9.0) So what we are saying on the language is that the Department shall issue mobility impaired parking permits to care providers, licensed private and state entities limited to the number of vehicles owned or operated by that entity.

**Rep. Weiler** (9.3) Do we need to add something that says owned or operated. Do we need to add owned or operated for transporting purposes. They may own other vehicles that are not used to transport? Looks like it is already in the law.

**Rep. Kelsch** (10.1) No I think if we tie it to the owned and operated vehicle. Only vehicles used in the transporting of people.

**Chairman Weisz** Committee we have the motion here; the language we can have Karl come up with the language and everyone knows the intend so if that is expectable the committee can make a motion or do you want to develop the language now?

**Rep. Dosch** (11.3) The verbiage says the department shall issue twenty permits. Maybe those would not use that many. Is that an issue or not. Should we add may be limited to?

**Rep. Kelsch** No we want shall issue them. You still have to apply for them. You just don't automatically get them.

**Chairman Weisz** Voice vote was all yeas. No Opposition. Motion carried.

We have an amended bill in front of us:

**Rep. Delmore** I would move to further amend to include portion from line 6 adding the word and at the end of line 9, on 12-29 and to veterans, related organizations so it applies to both of them. Rep. Meyer seconded this motion.

**Chairman Weisz** Everyone is clear what the motion will do? Basically incorporation 1255 language for veterans.

**Rep. Weiler** I think it clearly states in here that this bill does include all groups and all entities. I don't think we need to add it.

**Rep. Price** (13.3) I think that we do need to add it simply they may not be a licensed care provider involved in the transport of veterans.

**Chairman Weisz** All those in favor say yea! No opposition.

**Chairman Weisz** Clerk read the roll call vote as follows:

**Motion Made By Rep. Hawkins, Seconded By Rep. Iverson.**

**Do Pass as Amended 14 Yes 0 No 1 Absent Carrier Carried: Rep. Weiler**

(14.9)

V/R  
1/21/05

HOUSE AMENDMENTS TO HOUSE BILL NO. 1229 TRANS 1-24-05

Page 1, line 2, after "permits" insert "; and to declare an emergency"

Page 1, line 6, after "issue" insert "a" and replace "permits to" with "permit for a vehicle owned and operated by"

Page 1, line 7, after "state" insert ", veterans-related organizations,"

Page 1, after line 9, insert:

"**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

Date: 1-20-05  
Roll Call Vote #: 3

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1229

House Transportation Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken *Do Pass As Amend.*

Motion Made By *Rep Hawken* Seconded By *Rep. Iverson*

Representatives	Yes	No	Representatives	Yes	No
Rep. Weisz - Chairman	✓		Rep. Delmore	✓	
Rep. Hawken - Vice Chair.	✓		Rep. Meyer	✓	
Rep. Bernstein	✓		Rep. Schmidt	✓	
Rep. Dosch	✓		Rep. Thorpe	✓	
Rep. Iverson	✓				
Rep. Kelsch	✓				
Rep. Owens	<i>Abst</i>				
Rep. Price	✓				
Rep. Ruby	✓				
Rep. Vigasaa	✓				
Rep. Weiler	✓				

Total (Yes) 14 No 0

Absent 1

Floor Assignment *Rep. Weiler*

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

**REPORT OF STANDING COMMITTEE**

HB 1229: Transportation Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1229 was placed on the Sixth order on the calendar.

Page 1, line 2, after "permits" insert "; and to declare an emergency"

Page 1, line 6, after "issue" insert "a" and replace "permits to" with "permit for a vehicle owned and operated by"

Page 1, line 7, after "state" insert ", veterans-related organizations,"

Page 1, after line 9, insert:

**"SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

2005 SENATE TRANSPORTATION

HB 1229

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1229

Senate Transportation Committee

☐ Conference Committee

Hearing Date 2-24-05

Tape Number

1

Side A

x

Side B

Meter #

455-2030

Committee Clerk Signature

*Mary K Monson*

Minutes:

**Chairman Trenbeath** opened the hearing on Engrossed HB 1229 relating to mobility-impaired parking permits and to declare an emergency.

**Representative Gary Kreidt** (District 33) See attached testimony in favor of HB 1229.

**Senator Trenbeath** said the Senate had a bill like this the first half and asked Rep. Kreidt if he had monitored it.

**Rep. Kreidt** felt HB 1229 was a better bill. He had not seen the Senate bill.

**Rep. Kreidt** said there were actually two amendments on the House side. When the bill was originally introduced all entities were included. They felt that would include everyone that would be involved in making application for a permit. The Veterans on the House side also had a bill pertaining only to Veterans, no other entities. The Veterans felt 1229 was the better of the two and so elected to have Veterans added to it. The House also made it an emergency so when

it is passed and the Governor signs it, the DOT will be in compliance in issuing more than two permits to entities that need the permits.

**Senator Espegard** said this would allow permits to be issued to providers providing they are hauling somebody who is handicapped. Asked for his thoughts on when there is no handicapped person in the car when it is being used by someone from the facility.

**Rep. Kreidt** said those situations happen. If those vehicles are being used other than transporting handicapped individuals they are not to be parked in a handicapped parking spot.

**Senator Espegard** asked about allowing a facility to have permits for any type of a bus, not a personal automobile.

**Rep. Kreidt** said they use buses or vans. Ninety-five percent of the time they are used just for the transportation of the handicapped people. Larger facilities have a number of vehicles and that is what they are trying to bridge, for those people to be able to secure permits for the number of vehicles they have.

**Shelly Peterson** (Pres. ND Long Term Care Association) See attached testimony in support of HB 1229.

**Senator Espegard** said that typically a card is issued. (Meter 1202) It seemed that it wouldn't make any difference how many an institution would have but they should probably be vehicle specific and not passed around.

**Shelly Peterson** said they agreed with him. If one placard was issued per vehicle, it would stay in the vehicle and not be removed from the vehicle. At the beginning they liked the license plate or a more permanent fixture so it couldn't be passed around but the DOT didn't like that. They felt it was kind of expensive.

**Senator Nething** said, rather than force the driving of a multi passenger vehicle such as a small bus, if one person needs to go to the hospital at nighttime, the placard should go with the car that takes the person to the hospital. It is important to have that flexibility and it is up to the facility management to take care of the ground rules for using the permit.

**Mike Remboldt** (Executive Director HIT, Mandan) They provide services to developmentally disabled people. They have about 40 vehicles of which about 20 are actually the big buses or vans with the lifts in them. The way this has been implemented or used by DOT has caused a hardship because a placard is needed per person and not by the vehicle. They believe this legislation would be a huge fix to the problem. Not all of their people are physically disabled, some are developmentally disabled which means they need staff with them. It is imperative to have the ability to park in a handicapped spot because usually one staff goes with six people to the mall, for example. It is not practical to drop them off unattended and go park the vehicle.

**Jack McDonald** (The Arc of North Dakota) See attached testimony in support of HB 1229.

**Keith Kiser** (Director of Motor Vehicle Division, DOT) They are the agency that issues the parking permits under discussion. They introduced SB 2101 to deal with this situation and supported the changes the Senate Transportation Committee made to it. He pointed out that the statutes provide for the DOT to collect a fee for the issuance of mobility impaired parking permits. They have not charged that fee in the past when they issued permits to organizations and they don't charge fees to individuals. They do feel they would have to charge the fee for those organizations who want this. There could be a fiscal impact.

**Senator Espgaard** asked when the handicapped license plate is used.

**Keith Kiser** said individuals who qualify for handicapped parking or persons who are mobility impaired have the option to get two permits or to get one permit and then license plates for cars they actually own. It is a choice for the individual. Some want the plates. Some don't.

**Senator Espegard** asked if it would make any sense that the license plate would become the permit on the vehicles owned by the various organizations.

**Keith Kiser** said administering the parking placard program is a lot simpler from an administrative standpoint. The cost is less. The placards can be moved as needed. The plates can't.

The hearing on HB 1229 was closed.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1229

Senate Transportation Committee

☐ Conference Committee

Hearing Date 3-11-05

Tape Number

1

Side A

x

Side B

Meter #

2500-2675

Committee Clerk Signature

*Mary K Monson*

Minutes:

**Chairman Trenbeath** opened HB 1229 for discussion and action.

**Senator Bercier** motioned a **Do Pass**. Seconded by **Senator Espegard**.

Discussion: Another bill had been passed out of committee that would allow mobility impaired placards or stickers to be issued to institutions. The committee felt HB 1229 was the better of the two bills. HB 1229 adds veterans related organizations and has an emergency clause.

As per Chairman Trenbeath, the vote was held open for Senator Mutch.

Final roll call vote 6-0-0.

Floor carrier is **Senator Bercier**.

Date: 3-11-05  
Roll Call Vote #:

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO 1229

Senate

TRANSPORTATION

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken *Do Pass*

Motion Made By *Sen. Bercier* Seconded By *Sen. Espegard*

Senators	Yes	No	Senators	Yes	No
Senator Espegard	✓		Senator Bercier	✓	
Senator Mutch	✓		Senator Warner	✓	
Senator Nething	✓				
Senator Trenbeath, Chairman	✓				

Total (Yes) *12* No *0*

Absent *0*

Floor Assignment *Senator Bercier*

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

**REPORT OF STANDING COMMITTEE (410)**  
March 11, 2005 11:39 a.m.

**Module No: SR-45-4740**  
**Carrier: Bercier**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1229, as engrossed: Transportation Committee (Sen. Trenbeath, Chairman)**  
recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).  
Engrossed HB 1229 was placed on the Fourteenth order on the calendar.

2005 TESTIMONY

HB 1229

**House Bill 1229  
January 20, 2005  
Representative Kreidt**

Good morning Chairman Weisz and members of the House  
Transportation Committee.

I am Representative Gary Kreidt District 33 from New Salem.

I am here to introduce HB 1229 and urge a do pass from this committee.

North Dakota statute allows a handicapped individual to apply and receive a mobility impaired parking permit. In the past, long term care facilities also applied for mobility impaired parking permits issued by the Department of Transportation. On September 29, 2003 the Department of Transportation notified long term care facilities they were not following the law when issuing multiple impaired designations to facilities. As a policy they will only issue two parking permits per facility. NDCC 39-01-15 is clear in that placards are issued to individuals. This bill would allow facilities to apply for handicap parking permits.

I urge a do pass on HB 1229 and would be happy to answer any questions.

Thank you,

Gary Kreidt

State Representative District 33

**Testimony on HB 1229**  
**House Transportation Committee**  
**January 20, 2005**

Chairman Weisz and members of the House Transportation Committee, thank you for the opportunity to testify on HB 1229. My name is Shelly Peterson, President of the North Dakota Long Term Care Association. Thank you for the opportunity to testify in support of HB 1229.

Nursing facilities and basic care facilities routinely transport mobility impaired residents to medical appointments. In transporting residents, facilities most often utilize loading zones to unload residents to the care of another medical provider. We utilize handicap parking designated area's as needed to safely park and deliver residents to their medical appointment.

North Dakota statute currently allows an individual not an entity to apply and receive a mobility impaired parking permit. Although the Department of Transportation has been issuing a maximum of two permits to a handicap transportation provider they lack the authority to issue the permits. We've appreciated the Department not complying with the "exactness" of the statute. HB 1229 will make this past practice of issuing permits legal and allow for the issuing of more than two permits.

Thank you for your consideration of HB 1229. I would be happy to answer any questions you may have.

Shelly Peterson, President  
North Dakota Long Term Care Association  
1900 North 11<sup>th</sup> Street  
Bismarck, ND 58501  
(701) 222-0660

**House Bill 1229**  
**February 24, 2005**  
**Representative Kreidt**

Good morning Chairman Trenbeath and members of the Senate Transportation Committee.

I am Representative Gary Kreidt District 33 from New Salem.

I am here to introduce HB 1229 and urge a do pass from this committee.

North Dakota statute allows a handicapped individual to apply and receive a mobility impaired parking permit. In the past, long term care facilities also applied for mobility impaired parking permits issued by the Department of Transportation. On September 29, 2003 the Department of Transportation notified long term care facilities they were not following the law when issuing multiple impaired designations to facilities. As a policy they will only issue two parking permits per facility. NDCC 39-01-15 is clear in that placards are issued to individuals. This bill would allow facilities to apply for handicap parking permits.

I urge a do pass on HB 1229 and would be happy to answer any questions.

Thank you,

Gary Kreidt

State Representative District 33

~~Senate~~  
~~House~~ **Testimony on HB 1229**  
**Transportation Committee**  
**February 24, 2005**

Chairman Trenbeath and members of the Senate Transportation Committee, thank you for the opportunity to testify in support of HB 1229. My name is Shelly Peterson, President of the North Dakota Long Term Care Association.

Nursing facilities and basic care facilities routinely transport mobility impaired residents to medical appointments. In transporting residents, facilities most often utilize loading zones to unload residents to the care of another medical provider. We utilize handicap parking designated area's as needed to safely park and deliver residents to their medical appointment.

North Dakota statute currently allows an individual not an entity to apply and receive a mobility impaired parking permit. Although the Department of Transportation has been issuing a maximum of two permits to a handicap transportation provider they lack the authority to issue the permits. We've appreciated the Department not complying with the "exactness" of the statute. HB 1229 will make this past practice of issuing permits legal and allow for the issuing of more than two permits.

Thank you for your consideration of HB 1229. I would be happy to answer any questions you may have.

Shelly Peterson, President  
North Dakota Long Term Care Association  
1900 North 11<sup>th</sup> Street  
Bismarck, ND 58501  
(701) 222-0660

February 24, 2005

SENATE TRANSPORTATION COMMITTEE  
HB 1229

CHAIRMAN TRENBEATH AND COMMITTEE MEMBERS:

My name is Jack McDonald. I'm appearing here today on behalf of The Arc of North Dakota. The Arc is an open membership organization made up of people with mental retardation and other related developmental disabilities, their families, friends, interested citizens, and professionals in the disability field.

It is organized on three levels: local chapters, state chapters and the national organization. All three levels provide opportunities to engage policy-makers in efforts to improve public policy affecting people with mental retardation and related developmental disabilities and their families.

The Arc of North Dakota has over 1,500 committed members and friends...your neighbors and constituents...in chapters in Grand Forks, Fargo, Valley City, Jamestown, Bismarck, Dickinson and Bowman.

Our **Mission Statement** is to improve the quality of life for children and adults with mental, retardation and related developmental disabilities and their families through advocacy, education and family support services.

Public policy advocacy is an essential component of the Arc movement, and that's why we're here today. Arc members have worked together over the past 50 years to secure family support services, special education, health care, leisure opportunities, vocational training, community housing and other community support services.

The Arc strong supports HB 1229. It will help our organization and other similar groups in meeting the transportation needs of the developmentally disabled.

Therefore, we respectfully request that you give the bill a do pass. If you have any questions, I will be happy to try to answer them. THANK YOU FOR YOUR TIME AND CONSIDERATION.