

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2209

2001 SENATE TRANSPORTATION

SB 2209


2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2209

Senate Transportation Committee

Conference Committee

Hearing Date 1-25-01;2-8-01

Tape Number	Side A	Side B	Meter #
1	x		20.5-36.5
2-8-01 1	x		12.6-15.9
Committee Clerk Signature 			

Minutes:SB 2209 relating to a motor vehicle excise tax exemption for a motor vehicle acquired or leased by a a resident who was a prisoner of war; and to provide an effective date.

**Senator Bercier:** (District 9; Supports) States that he is a veteran of war and supports the bill.

There aren't that many POW's and this would be an honorable thing to do. Most are elderly and have suffered extreme conditions

**Rep. Aarsvold:** (District 20; Supports) See attached testimony.

**Senator Lyson:** (District 1; Supports) See attached amendment.

**Rep. Byerly:** (District 1; Supports) Supports this bill.

**Bob Hanson:** ( ND Veteran's Coordinating Counsel; Supports) This bill comes about because of misunderstanding of how it was administered in about 1980. Up until March, POW's had been exempt from motor vehicle excise tax. It was found out that this is not allowed, so we would like to reinstate their rights.

**Senator Trenbeath:** (Wants record to note that he is a former Captain of US Army Air Defense Artillery) Why aren't we writing this the same as the Disabled Veteran's?

**Bob Hanson:** In Disabled Veteran's, it states that you only get one plate. You only get one plate for POW, so it's the same.

**Ernest Sands:** (POW; Supports) Supports bill.

**Persing Carlson:** (WWII Veteran; Supports) Supports bill.

**Keith Kiser:** (NDDOT; Neutral) Gives background of bill Special license plates for POW's enacted in 1981 for Disabled American Veteran's. Eligible for one plate. Turns out, after stricter look at law, they would not be able to honor vehicle tax exemption.

**Senator O'Connell:** Why is there no \$ amount in fiscal note and what is the number of plates issued?

**Keith Kiser:** We have not been collecting taxes so that's why there's no fiscal note. So far we've issued 125-130 plates.

**Senator Stenehjem:** Is there a yearly registration fee?

**Keith Kiser:** Yes, a \$5 annual registration fee.

Hearing closed.

Committee reopened on 2-8-01.

Senator Trenbeath makes a motion to move the amendment. Seconded by Senator Espegard. Roll Call taken 5-1-0. Senator Trenbeath made a motion to Do Pass as amended. Seconded by Senator O'Connell. Roll Call taken 5-1-0. Carrier is Senator Espegard.

**FISCAL NOTE**  
 Requested by Legislative Council  
 01/16/2001

Bill/Resolution No.: SB 2209

Amendment to:

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>						
<b>Expenditures</b>						
<b>Appropriations</b>						

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

**2. Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill enacts a specific motor vehicle excise tax exemption for former prisoners of war. Based on an administrative policy enacted by a former Motor Vehicle Registrar and a memorandum from the Office of the Attorney General, we have been granting a tax exemption for these vehicles since 1981.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

It is anticipated this bill will have no fiscal effect.

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

<b>Name:</b>	Keith Kiser	<b>Agency:</b>	NDDOT
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Phone Number: 328-2725

Date Prepared: 01/18/2001

PROPOSED AMENDMENTS TO SENATE BILL NO. 2209

Page 1, line 3, replace "provide an effective date" with "declare an emergency"

Page 1, replace lines 14 and 15 with:

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

Renumber accordingly

Date: 2-8  
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO.

2209

Senate Transportation Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee make motion to move amendment

Legislative Council Amendment Number 10439.0101

Action Taken \_\_\_\_\_

Motion Made By Trenbeath Seconded By Espgaard

Senators	Yes	No	Senators	Yes	No
Senator Stenehjem, Chairman	X		Senator Bercier	X	
Senator Trenbeath, Vice-Chair	X		Senator O'Connell	X	
Senator Espgaard	X				
Senator Mutch		X			

Total (Yes) 5 No 1

Absent 0

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

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



Date: 28  
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2209

Senate Transportation Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number Do Pass As Amended

Action Taken 10439.0101

Motion Made By Trenbeath Seconded By O'Connell

Senators	Yes	No	Senators	Yes	No
Senator Stenehjem, Chairman	X		Senator Bercier	6	X
Senator Trenbeath, Vice-Chair	X		Senator O'Connell	5	X
Senator Espgaard	X				
Senator Mutch		X			

Total (Yes) 5 No 1

Absent 0

Floor Assignment Espegard

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

**REPORT OF STANDING COMMITTEE (410)**  
February 9, 2001 11:17 a.m.

Module No: SR-24-2845  
Carrier: Espegard  
Insert LC: 10439.0101 Title: .0200

**REPORT OF STANDING COMMITTEE**

**SB 2209: Transportation Committee (Sen. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2209 was placed on the Sixth order on the calendar.**

Page 1, line 3, replace "provide an effective date" with "declare an emergency"

Page 1, replace lines 14 and 15 with:

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

Renumber accordingly

2001 HOUSE TRANSPORTATION

SB 2209

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2209

House Transportation Committee

Conference Committee

Hearing Date March 2, 2001

Tape Number	Side A	Side B	Meter #
1		x	3,106
Committee Clerk Signature <i>Lauren Lytle</i>			

Minutes: Rep. Pollert - Vice Chairman opened the hearing on SB 2209; A BILL for an Act to create and enact a new subsection to section 57-40.3-04 of the North Dakota Century Code, relating to a motor vehicle excise tax exemption for a motor vehicle acquired or leased by a resident who was a prisoner of war; and to declare an emergency.

Rep. Aarsvold: ( 3126 ) I represent District 20. I have distributed a copy of my testimony. A copy of his testimony is attached.

Rep. Hawken: ( 3316 ) What are we talking about numbers wise in the state of North Dakota?

Rep. Aarsvold: May I refer your question to Mr. Hanson who has those facts and he will be testifying.

Rep. Price: ( 3355 ) Is this for their personal vehicle or if they are a business man can it be for a whole ?

Rep. Aarsvold: Up to 2 personal vehicles.

Rep. Price: ( 3410 ) Two vehicles in a lifetime or two vehicles per year or two vehicle ---?

Rep. Aarsvold: Two vehicles concurrently.

Sen. Stan Lyson: I am Senator for District 1 in Williston. I am not going to talk long because has all been said. I do want correct the previous speaker. It is one vehicle. I think we owe people Who have served our country in this manner at least this much and I support SB 2209.

Rep. Grumbo: ( 3573 ) What is this -- is it something we have done before?

Sen. Lyson: Yes -- we have been doing this forever. But it was last February when they discovered we didn't have law in place to do it.

Rep. Ruby: ( 3637 ) Reading the fiscal note here it says it was based on an administrative policy And won't change anything but make it legal?

Sen. Lyson: Yes we have been do this since 1981.

Pershing Carlson: I am Department Commander of the Prisoners of War Association. I appear on behalf of a number of prisoners of war in support of this bill. We appreciate your support of this Because we were shocked when we get this letter from the DOT advising this was not legal. There are currently about 120 - 125 plates being issued.

Rep. Thorpe: ( 3933 ) We should probably put an emergency clause on this bill.

Sen. Bercier: I am State Senator from District 9 . I am also a Viet Nam veteran. I am in support of SB 2209.

Bob Hanson: I am a member of the North Dakota Veterans Coordinating Council and its legislative committee. I am appearing in support of SB 2209. The Council is an organization of all five of the veterans organizations -- the American Legion, the Disabled American Veterans,

Page 3  
House Transportation Committee  
Bill/Resolution Number SB 2209  
Hearing Date March 2, 2001

Veterans of Foreign Wars, Viet Nam Veterans of America and we represent all these organizations. We are unanimous in our support of SB 2209.

Rep. Carlson: ( 4433 ) We are all aware of the prisoners of war from World II but do we have veterans who were prisoners in the Korean War and Viet Nam in this state -- what is the number if you have it?

Bob Hanson: There are some from Korea -- Viet Nam had only 1 and that person has left to state or died. That's all I am aware of and I do not know exact numbers.

Keith Kiser: I am Director of the Motor Vehicle division of the DOT. We support this bill.

Rep. Schmidt: (4886 ) How do we have a Lewis and Clark and to do this we need a special law to do this.

Keith Kiser: There was a special law passed to authorize the Lewis and Clark plates.

Rep. Schmidt: ( 4952 ) I thought that bill failed 95 - 0.

Keith Kiser: I am not sure of the history of that but by the end of the session last time there was a bill passed authorizing the Lewis and Clark plates.

Rep. Price: ( 5032 ) Rep. Schmidt -- we killed the bill on a new issue for all license plates but we did allow people to request and pay for the new Lewis and Clark plates.

Rep. Mahoney: ( 5076 ) Has anybody gotten caught on this after the DOT issued their letter?

Keith Kiser: Nobody that we are aware of.

Rep. Pollert - Vice Chairman there being no one else wishing to appear to testify for or against SB 2209 we will close the hearing on SB 2209. ( 5277 )

Rep. Mahoney: ( 5281 ) I move a 'Do Pass' on SB 2209.

Rep. Hawken: ( 5285 ) I second the motion.

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House Transportation Committee  
Bill/Resolution Number SB 2209  
Hearing Date March 2, 2001

On a roll call vote the motion carried: 13 yeas 0 nays 1 absent.

Rep. Thoreson was designated to carry SB 2209 on the floor.

Date: 3/2  
Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. S B22-09

House Transportation Committee

- Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

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

Action Taken Do Pass

Motion Made By Rep. Mahoney Seconded By Rep. Hawken

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	✓		Howard Grumbo	✓	
Chet Pollert - Vice Chairman	✓		John Mahoney	✓	
Al Carlson	✓		Arlo E. Schmidt	✓	
Mark A. Dosch	✓		Elwood Thorpe	✓	
Kathy Hawken	✓				
Roxanne Jensen	✓				
RaeAnn G. Keisch	A				
Clara Sue Price	✓				
Dan Ruby	✓				
Laurel Thoreson	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep. Thoreson

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



**REPORT OF STANDING COMMITTEE (410)**  
March 9, 2001 12:01 p.m.

Module No: HR-41-5208  
Carrier: L. Thoreson  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**SB 2209, as engrossed: Transportation Committee (Rep. Weisz, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2209 was placed on the Fourteenth order on the calendar.**

2001 TESTIMONY

SB 2209

**Senate Transportation Committee**  
**Testimony Prepared by Representative Aarsvold**  
**Senate Bill 2209**  
**January 25, 2001**

I appear before you as a co-sponsor of Senate Bill 2209 and represent concerns expressed to me over the past several months by former prisoners of war, individual veterans, and veterans' organizations in my district.

I understand there is a need to clarify the law regarding the automobile use tax exemption for disabled American military veterans and former prisoners of war. Senate Bill 2209 would resolve that situation as it affects former prisoners of war. Representative Pietsch has a companion bill (House Bill 1325) in the House that addresses the disabled veterans' issue. I am a co-sponsor of that effort as well.

I solicit the Committee's endorsement of Senate Bill 2209. It provides a modest tax benefit for those veterans who endured the hardship of incarceration by enemies of our way of life. Their physical and emotional suffering demands this small acknowledgment and much, much more.

I would respond to questions.

**HOUSE TRANSPORTATION COMMITTEE  
PREPARED BY REPRESENTATIVE OLE AARSVOLD  
DISTRICT 20  
SENATE BILL 2209  
MARCH 2, 2001**

I APPEAR BEFORE YOU AS A COSPONSOR OF SENATE BILL 2209, AND REPRESENT CONCERNS EXPRESSED TO ME OVER THE PAST SEVERAL MONTHS BY FORMER PRISONERS OF WAR, INDIVIDUAL VETERANS, AND VETERANS' ORGANIZATIONS IN MY DISTRICT.

I UNDERSTAND THERE IS A NEED TO CLARIFY THE LAW REGARDING THE MOTOR VEHICLE TAX EXEMPTION FOR DISABLED AMERICAN MILITARY VETERANS AND FORMER PRISONERS OF WAR. REPRESENTATIVE PIETSCH HAS A COMPANION BILL (HOUSE BILL 1325) IN THE SENATE THAT ADDRESSES THE DISABLED VETERANS' ISSUE. I AM A COSPONSOR OF THAT EFFORT AS WELL.

I SOLICIT THE COMMITTEE'S ENDORSEMENT OF SENATE BILL 2209. IT PROVIDES A MODEST TAX BENEFIT FOR THOSE VETERANS WHO ENDURED THE HARDSHIP OF INCARCERATION BY ENEMIES OF OUR WAY OF LIFE. THEIR PHYSICAL AND EMOTIONAL SUFFERING DEMANDS THIS SMALL ACKNOWLEDGMENT AND MUCH, MUCH MORE.

I WOULD RESPOND TO QUESTIONS.