

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2368

2005 SENATE TRANSPORTATION

SB 2368

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2368

Senate Transportation Committee

Conference Committee

Hearing Date 2-03-05

Tape Number	Side A	Side B	Meter #
1		x	2730-4950
2	x		1120-1640
Committee Clerk Signature <i>Mary K Monson</i>			

Minutes:

**Chairman Trenbeath** opened the hearing on SB 2368 relating to nonprofit organization number plates.

**Senator Robinson** (District 24) Introduced SB 2368 on behalf of constituents who have an interest in pursuing this option. Last session the legislature saw fit to approve a provision similar to what we have here for the FFA organization. The proposal would allow for non profits to work with the DOT licensing division and have their own personalized plates. There are a number of non profits in other states that exercise this option. There are some issues that surfaced two years ago and Mr. Kiser will offer an amendment that will attempt to alleviate a number of those issues. The charitable organizations see this as a means to promote the organization and perhaps raise some dollars. He said he would welcome changes to improve the bill.

**Keith Kiser** (Director of the Motor Vehicle Division, DOT) He offered an amendment that wouldn't change the intent of the bill but would probably make it easier to administer if the bill is passed. The two areas he addressed are: (1) Section 2 of the bill, as originally drafted, appears to require the nonprofit organization to upfront some money which equates out in the bill to \$4,000. Then it doesn't address whether or not the first four hundred applicants for that particular type of plate would also have to pay \$10. The amendment, beginning on line 16 of page 1, would insert new language that essentially says the nonprofit organization would have to gather four hundred applicants and their applications for these plates but wouldn't have to upfront the money. Once they had four hundred of those applications and the fees for those four hundred applications, the plate could then be created and made available but they wouldn't be required to upfront the \$4,000. (2) As the bill is written, it seems to say that if an individual chooses to buy one of these organizational plates, and if the organization sets a fee that goes back to the organization, the purchaser would have the option to either pay that fee directly to the organization or to the state. It would be easier to pay all that money to the state which would then redistribute those dollars that would directly benefit the organization. (Meter 3325) He explained that the DOT was not taking a position on the bill.

**Senator Trenbeath** asked Mr. Kiser how many FFA plates were sold.

**Keith Kiser** responded that they have sold 94.

**Senator Warner** stated that he had a question from a veteran who complained that he was being charged \$15 for his veteran's plate every year. The veteran thought it was a one time fee.

**Keith Kiser** said that is correct that he is being billed every year. The Veteran's organization pushed for that legislation. The money from the billing, which is an additional \$15 in total each

year that he is billed, \$5 goes to the DOT for administrative costs. The other \$10 goes into two separate funds used to fund the maintenance at the Veteran's Cemetery. That was a funding mechanism for the Veteran's Cemetery. There have been about 2300 of those plates sold since 1997.

**Brad Heidel** (Regional Director of the Rocky Mt. Elk Foundation) He testified in support of SB 2368. He said it has been very successful for the Rocky Mt. Elk Foundation in several other states such as SD and MT. In Montana alone, specialized plates for the Rocky Mt. Elk Foundation brings in over \$100,000 to the organization. They are able to do great critical habitat work in Montana with that money. They would like to do something similar in North Dakota with reference to the permanent protection and enhancement of the critical elk habitat.

**Senator Trenbeath** asked if his organization had discussed what surcharge there would be.

**Brad Heidel** said not specifically. He said in Montana, they charge an extra \$20, a yearly fee, collected by the state of Montana. Every month the state forwards a check back to the organization.

**Senator Nething** asked how many members they have.

**Brad Heidel** replied that in the state of ND there are roughly 2500 members. He offered that there are more specialized license plates in the state of MT than there actual members.

**Senator Trenbeath** asked if he was correct in thinking this would be a standard ND license plate with a logo/sicker on it and not a specially designed plate.

**Brad Heidel** said either way.

**Keith Kiser** said that in the short term that is probably what they would do--similar to the FFA

**Joe Satrom** (Manages public policy in 8 states for Ducks Unlimited.) Testified in support of

SB 2368. Ducks Unlimited is an international organization and in the United States is a \$150 million nonprofit corporation. They utilize this form of fundraising in a number of states. He supports this legislation and the amendments by Mr. Kiser. He thinks they are important amendments. (Meter 4450) This is a meaningful program in many states. Non profits occupy a significant part of our economy. He feels non profit organizations use this effectively as a fund raising tool. He feels non profits will have a more significant role in the future and that ND will benefit from doing a lot of things to support them.

There was no opposition to SB 2368.

**Senator Warner** had a question concerning section 1, paragraph 1. (Meter 4785) There is a tax exempt under 501(c)(3). It continues to say "which does not have as that person's primary focus sectarian activities, including....." He wondered if that was included in the definition of the 501(c)(3) or if it was an additional requirement.

**Senator Trenbeath** said that the 501(c)(3) was very narrow. But he couldn't answer the question whether that language was included.

**Senator Warner** requested that the intern look it up.

The hearing on SB 2368 was closed.

Tape 2 Side A (Meter 1120)

**Chairman Trenbeath** opened SB 2368 for discussion.

Discussion dealing with 501(c)(3). It seemed to include religious organizations whereas the bill would exclude primary focus sectarian activities.

**Senator Bercier** motioned to accept the proposed amendment from the DOT.

Seconded by **Senator Warner**. The amendment passed on a voice vote.

Page 5  
Senate Transportation Committee  
Bill/Resolution Number SB 2368  
Hearing Date 2-03-05

**Senator Bercier** motioned a **Do Pass as Amended**. Seconded by **Senator Warner**.

(Meter 1375) Discussion followed clarifying that it is just a logo plate program for non profit organizations. They have to get applications and one time fees for at least 400. This would not be retroactive.

As per Chairman Trenbeath, the vote was held open for Senator Espegard. Final roll call vote 4-2-0. **Passed**. Floor carrier is **Senator Trenbeath**.

**FISCAL NOTE**  
 Requested by Legislative Council  
 03/24/2005

Amendment to:           Engrossed  
                                   SB 2368

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.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

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

2003-2005 Biennium			2005-2007 Biennium			2007-2009 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 allows qualifying public and non-profit organizations to have a unique license plate for their organization if at least 400 purchasers of the new plates have been identified.

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.*

This bill allows the Department of Transportation to collect an annual additional payment of \$25 for each set of plates that is issued. \$10 of the additional fee will be deposited to the Highway Tax Distribution Fund and \$15 of the additional will be paid to the qualifying organization each month. It is not possible to estimate the amount of revenue that will be generated as there is no way to determine how many organizations will choose to participate or how many persons will purchase organizational license plates.

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.*

It is not possible to estimate the cost of implementing this program as there is no way to determine how many organizations will choose to participate or how many persons will purchase organizational license plates. However, the additional revenue for the Highway Tax Distribution Fund will cover the cost of acquiring and distributing the license plates.

It is estimated the Department of Transportation will need a budget enhancement of \$5,000 to cover the cost of necessary computer enhancements.

The Department of Transportation will also need a budget enhancement to cover the cost of purchasing the new license plates, but it is not possible to estimate the amount of the needed budget enhancement because there is no way to determine how many organizations will choose to participate or how many persons will purchase organizational license plates.



**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.*

As explained in Section B, the Department of Transportation will need a budget enhancement to implement this bill, but it is not possible to estimate the amount needed.

<b>Name:</b>	Keith Kiser	<b>Agency:</b>	NDDOT
<b>Phone Number:</b>	328-2725	<b>Date Prepared:</b>	03/24/2005

**FISCAL NOTE**  
 Requested by Legislative Council  
 02/08/2005

Amendment to: SB 2368

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.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

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

2003-2005 Biennium			2005-2007 Biennium			2007-2009 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 allows non-profit organizations with enough interested to have a unique license plate for their organization if at least 400 purchasers of the new plates have been identified.

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.*

This bill allows the Department of Transportation to collect a one-time payment of \$10 for each set of plates that is issued. It is not possible to estimate the amount of revenue that will be generated as there is no way to determine how many organizations will choose to participate or how many persons will purchase organizational license plates.

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.*

It is not possible to estimate the cost of implementing this program as there is no way to determine how many organizations will choose to participate or how many persons will purchase organizational license plates. However, it is believed that the \$10 fee will most likely cover the cost of acquiring and distributing the license plates.

It is estimated the Department of Transportation will need a budget enhancement of \$10,000 to cover the cost of necessary computer enhancements.

The Department of Transportation will also need a budget enhancement to cover the cost of purchasing the new license plates, but it is not possible to estimate the amount of the needed budget enhancement because there is no way to determine how many organizations will choose to participate or how many persons will purchase organizational license plates.

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.*

As explained in Section B, the Department of Transportation will need a budget enhancement to implement this bill, but it is not possible to estimate the amount needed.

<b>Name:</b>	Keith Kiser	<b>Agency:</b>	NDDOT
<b>Phone Number:</b>	328-2725	<b>Date Prepared:</b>	02/09/2005

**FISCAL NOTE**  
 Requested by Legislative Council  
 01/25/2005

Bill/Resolution No.: SB 2368

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.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

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

2003-2005 Biennium			2005-2007 Biennium			2007-2009 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 allows non-profit organizations with enough interested to have a unique license plate for their organization if at least 400 purchasers of the new plates have been identified.

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.*

This bill allows the Department of Transportation to collect a one-time payment of \$10 for each set of plates that is issued. It is not possible to estimate the amount of revenue that will be generated as there is no way to determine how many organizations will choose to participate or how many persons will purchase organizational license plates.

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.*

It is not possible to estimate the cost of implementing this program as there is no way to determine how many organizations will choose to participate or how many persons will purchase organizational license plates. However, it is believed that the \$10 fee will most likely cover the cost of acquiring and distributing the license plates.

It is estimated the Department of Transportation will need a budget enhancement of \$10,000 to cover the cost of necessary computer enhancements.

The Department of Transportation will also need a budget enhancement to cover the cost of purchasing the new license plates, but it is not possible to estimate the amount of the needed budget enhancement because there is no way to determine how many organizations will choose to participate or how many persons will purchase organizational license plates.

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.*

As explained in Section B, the Department of Transportation will need a budget enhancement to implement this bill, but it is not possible to estimate the amount needed.

<b>Name:</b>	Keith Kiser	<b>Agency:</b>	NDDOT
<b>Phone Number:</b>	328-2725	<b>Date Prepared:</b>	01/27/2005

**PROPOSED AMENDMENTS TO SENATE BILL NO. 2368**

On page 1, line 16, after "unless" remove "at least the cost of the one-time fee for four" and insert "the nonprofit organization has collected and submitted applications and the one-time fee for at least four hundred sets of plates."

On page 1, remove line 17

On page 1, line 22, remove "verification"

On page 1, line 23, remove the first "of"

On page 1, line 23, remove "an annual" and insert "a"

On page 2, line 1, remove "if paid to the director"

Renumber according

Date: 2-3-05  
Roll Call Vote #: \_\_\_\_\_

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO 2368

Senate \_\_\_\_\_ **TRANSPORTATION** \_\_\_\_\_ Committee

Check here for Conference Committee

Legislative Council Amendment Number 50810.0101 Title .0200

Action Taken Do Pass as amended

Motion Made By Sen. Bercier Seconded By Sen. Warner

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

Total (Yes) 4 No 2

Absent 0

Floor Assignment Senator Trenbeath

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

**REPORT OF STANDING COMMITTEE**

**SB 2368: Transportation Committee (Sen. Trenbeath, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2368 was placed on the Sixth order on the calendar.

Page 1, line 16, replace "at least the cost of" with "the nonprofit organization has collected and submitted to the director applications and" and after "for" insert "at least"

Page 1, line 17, remove "is prepaid by that nonprofit organization"

Page 1, line 22, remove "verification"

Page 1, line 23, remove the first "of" and replace "an annual" with "a"

Page 2, line 1, remove "if paid to the director"

Renumber accordingly



2005 HOUSE TRANSPORTATION

SB 2368


**2005 HOUSE STANDING COMMITTEE MINUTES**

**BILL/ NO. SB 2368**

**House Transportation Committee**

Conference Committee

Hearing Date March 10, 2005

Tape Number	Side A	Side B	Meter #
1	X		29.8-52.5
1		X	4.7-19.4
2	X		6.0-11.3
Committee Clerk Signature 			

Minutes:

**Chairman Weisz** opened the hearing on SB 2368 A Bill for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to nonprofit organization number plates.

**Senator Robinson:** This proposal is embedded in 2368 that relates to plates of non profit organizations. We introduced a bill very similar to this one two years ago. That particular proposal was defeated in the 2003 legislative session. Another proposal found its way to both the senate and house to allow for these certain plates for the Future Farmers Of America. I supported that legislation and still do. What we have here is an opportunity for a number of non profit and very important organizations in the state to use this means for a marketing effort on part of their organization and public relations. Some see it as a means of generating some small dollars. We are talking of organizations on each of the University campuses, Ducks Unlimited, Rocky Mountain Elk Foundation, Pheasants Forever or what have you. Many states are doing this.

Some states have gotten to the point where they allow local weed boards to have their own license plates. I hope you maintain an open mind on this particular issue. The DOT has been very good and they have a financing proposal built in and I think it is a win win. I want to thank the DOT and the work Keith did to make this thing go. I don't see we will have a flood of organizations because we have some minimum number attached to the bill. Discussed the needs for the additional funds for colleges to aid campus activities around the state). Two years ago the question was, isn't it going to be difficult for the highway patrol to keep track of. We have Canadian plates, we have plates from all over the country. We have national guard plates and native American plates. I don't see that as an issue. I have talked to 3-4 patrolmen on this issue and they feel it is really a non issue.

**Chairman Weisz** Under section 2 of the bill they have to have at least 400 plates. When you request your application, I am not sure how the organization will do this. When we did the FFA plates last session, was the idea that we were deluding the distinctiveness of the plate. I think we did the veterans first to honor them. Now we are adding the FFA and now we will be adding whoever so pretty soon there won't be a distinction that we did the special plates to start with.

**Senator Robinson:**(36.6) That is not an issue. I think if you are a member of the support group of NDSU or where ever you go I think we should not have a fence to prevent that from happening. We should support that. They are not saying we need financial support. They are just asking to be allowed the do this on our own. We will not hinder in any way DOT and they are saying this can work.

**Rep. Weiler** When I come up on a license plate allot of times I am trying to figure out what they are saying. Allot of times I see these borders and I think they would be a good idea just to use the borders of the plates. Why can't these wonderful organizations just use these borders?

**Senator Robinson:** You can discuss that here, but it is not the same. There is something about having a plate. We also are talking about the ability of a non profit to market these plates and make some money. All these organizations do good things for our state.

**Rep. Weiler** These individualized licenses plates, yes they are all different, but when we are talking about a special plate for an organization are we talking about different colors, different design, so it would be different than the individualized license plates that people have the same color, the same as all the other ND license plates.

**Senator Robinson:**(41.1) We have variety out there. We have the national guard, Lewis & Clark plate, we have the older ND plate that some thought it should have been changed years ago and then we have individual plates, like I have District 24. Please take a good look at this legislation..

**Brad Heidel:**(42.8) I work with Rocky Mountain Elk Foundation in ND. I am here in support of this bill. I represent elk hunters and I represent preservationist who want to support and conserve elk habitat in ND. They have asked me to come here and I believe the numbers are 400 plates you are hoping to get. That should not be an issue for the Rocky Mtn Elk Foundation. We have over 13,000 people in the state of ND that just want to hunt elk in ND. No considering the rest of the country. Would like to use it as a fund raiser by selling the plates. This is neat opportunity for people to show their support, not only for elk or elk hunters but for elk

supporters. We may be talking about just a small oval on the left side of the license plate. I just ask that you support this bill.

**Chairman Weisz(45.8)** If we pass this bill and you guys and you wanted special plates, any idea to what you would plan to charge for your organization.

**Brad Heidel:(46.0)** We do this allot in other states and we would probably charge \$20 per plate.

In the state of Montana there are more elk foundation plates than there are members.

**Rep. Delmore (46.6)** Did you say you already have a design. Would that be something that is necessary for organizations to submit to DOT if they wanted to get this plate.

**Brad Heidel:** Yes, my understanding is it would simply be a logo in the corner. It would be a corporate logo.

**Joe Satrom:(47.4)** (See the attached testimony #1) We have eleven PHD's in the building with every profession in that building. We would appreciate your support to move non profits along on this bill and we would appreciate your support.

**Rep. Weiler** What would your organization do. The previous speaker talked about a little emblem on the bottom left of the plate. That is different from the sponsor of the bill. (52.5)

**Tape 1, Side B:**

Are we talking about a completely different license plate.

**Joe Satrom:** The Ducks Unlimited is one of the 100 top logos in America. We would anticipate using that logo, but it is defined largely by DOT. We would like it to be on the plate and not look like an after thought. Having a cutout and having a logo fit into it looks a bit like an after thought. That will be worked out. We are starting something here. It is my understanding is that we are working with that limited use space on the plate.

**Rep. Weiler**(5.6) But the license plate itself is going to be the same color. That clears it up for me a lot.

**Chairman Weisz** How much do you anticipate charging your members for their logo?

**Joe Satrom:** \$20 or maybe \$10. That is what it is in most other states. Montana has 40 people using their specialty plate and their fees are \$20.

**Keith Kiser:** Director DOT (6.6) It is our agency that would be issuing these plates if this legislation passes. I will not speak to the merits of the idea; only to the process of how it will work if it passes. Our attempt here would be to continue to use the basic license plate design that we put out in 1992. What we have done with each of the special organizations that we have dealt with is to put approximately a 2 inch round logo on the left hand side of that license plate and leaves enough room to put five characters on the plate. We won't have a new design on the street. There is new technology coming soon that allows for a simplified process to design special graphic where you truly could have multitudes of difference license plates. The prison does not have that now and I don't know when they will have it. It is called flat plate technology and can be used now in South Dakota. If this bill passes we would develop and application form that would have to be completed for each person interested. When they have 400 of those and a payment for 400 of those, they would then come to us with the design. We would issue a plate to those 400 people and they would market whatever else they can to get more people to purchase those plates. Under the provisions of this bill, they would set the fees. There are two fees here, one is a one time fee payable to Motor Vehicle Department of \$10. The \$10 is to cover the cost of actually making the plate. The plates we make right now for FFA and veterans are costing us \$8.35 a piece at Roughrider Industries. The other fee is an optional fee that would be set by the

organization. They would set that fee and we would collect it. We would pay it back to us on a monthly basis. That is the process we envision at this point in time if it passes. We asked that there be some minimum number because frankly to this point allot of other plates have not sold any where near the projections that we projected for them.

**Chairman Weisz** (9.6) Are you going to send application forms out then to say Ducks Unlimited and then it is their job to get it out to their members and when they get their 400 or more they sent it on to you. Then you will design and issue the plates directly to the organization.

**Keith Kiser**: Yes, that is right. I think if Ducks Unlimited wanted to do this they would bring the logo to us. We would look at it to make sure that it is some thing except able to the public and they would take care of the marketing of the product.

**Chairman Weisz** On the fiscal note, why is there a \$10,000 cost for computer enhancement. Isn't that going to be covered by fees?

**Keith Kiser**: There are two things in the fiscal note. One is that the cost we are anticipating is computer related. We have to develop programs to track those dollars and distribute them. We do not do that now. The other thing is we don't know how to ask for a budget enhancement because we don't know how many will be needed. We probably will have to come back at some point, maybe through the emergency commission to say, we have now sold 10,000 of these plates and invested \$80,000 and did not have the budget to cover this. We need a budget authority to get this. We know we can not spend the money we collect except by legislative authority.

**Rep. Weiler** (11.5) I know where this is going. If they don't have 400 someone will say it is not fair to us. Because we are not able to do it. Why don't we just issue a license plate that has a

two inch round circle on the left hand side that is bland and then these organizations can put whatever sticker they want on it?

**Keith Kiser:** When the prison makes a plate the last step is to put a protective coat on the plate so that someone can't come over and peel off the sticker or weather doesn't damage it. If you don't have that seal on there it will eventually come loose.

**Rep. Weiler** We put a sticker on the plate every year.

**Keith Kiser:** That sticker only needs to last one year. The plates we issue today for Ducks Unlimited they will be using 5-10 years from now. I think it would also be a cleaner looking product if the decal was not tilted one way or another.

**Rep. Weiler** This is another thought about the fund raising effort. If I have to buy a new sticker every year because it is going to fall off, I am going to pay more money to the organization so that is more money for the organization. That is more money for the organization.

**Keith Kiser:** It is durable, then we wouldn't do the collection of the annual fee for the organization; that would be their responsibility.

**Rep. Hawken** (13.3) Could you find out, I know the state of Florida is making a tremendous amount of money, and they have well over 600 different plates. The state of Florida is also getting some benefits from this. That is my only concern on this. I have been a sponsor of this bill. Why would we not have this as a fee that is annual so that the state also benefits. I know the state of Missouri does this for the state for 20 years. You pay an extra \$25 and they split it. I don't know what the percent is that the state gets and what percentage the university gets, but I know it is significant. If we are going to do something like this it ought to also benefit the state.



**Keith Kiser:** The \$10 will cover our first years operational on costs. We are not anticipating costs after that. You pay a \$25 fee each year for a personalized plate.

**Rep. Vigesaa (15.3)** Dealers collect allot of license fees when they sell vehicles. How would you envision incorporating this into our paperwork?

**Keith Kiser:** Once they have met the minimum 400 than it would be like the other license plates. It would be handled just like we do now.

**Rep. Vigesaa** Then you would have to keep the dealers body aware of which group has qualified and how many were out there and a complete listing of the fees and everything like that.

**Keith Kiser:** Yes, you are correct, we would have to make that information available. My guess would be we would do that on our web site when they come on line.

**Rep. Owens (16.7)** It is non profit organizations so all the universities can do an alumni patch?

**Keith Kiser:** I understand the university itself is not a non profit, but the alumni groups or other groups may be.

**Rep. Delmore** Before the session started I traded cars and my understanding is when I get a different car, my plate just went onto the other car. I did not get a new plate because there wasn't one on the vehicle. You just transfer them onto the car. That would be the same with these plates, would it not?

**Keith Kiser:** You are correct. I think Rep. Vigesaa was talking about changing the type of plate they have.

**Rep. Schmidt** Keith, can you give us a report on how the FFA plates. How it has turned out. As I understand at the last session, They were to celebrate the 75 or 100 or how has the FFA plates worked out?

**Keith Kiser:** The truth of the matter, the FFA plates haven't worked out very well. We have sold 94 in the last two years. I don't know why they have not sold very well.

**Rep. Delmore** When we get those types of plates did we mend the system with a certain minimum?

**Keith Kiser:** No we have not. This is breaking new ground.

**Acting Chairman Hawken:** Others to testify on SB2368? Any opposition to SB2368?

Hearing closed (19.4)

**Reopened hearing for discussion Tape 2 Side A 6.0**

**Chairman Weisz** if the committee just wanted to discuss the bill and do a pass or do not pass we will take the bill up.

**Rep. Weiler**(6.2) I ran into Senator Robinson and talked to him. I know Mr. Kiser brought up a few issued with the idea of just setting off a circle and let these organizations put stickers in them. He said that is even a better idea.

**Chairman Weisz** It is a state property in a sense and it is a state issued plate so you could put anything on there that you want, but otherwise it would appear to be sponsored by our state in that respect. The has given sanction and said it is OK. It was now strickly for three branchers of military, veterans and fire fighters and FFA last session. Will hold bill if you think it is worth it to look at later.

**Rep. Price**(8.) I would support it if we make money on an ongoing way, not a one time thing. We pay \$25 each year for our vanity plate. What is it going to cost for them to do.

**Chairman Weisz** It appears there is enough interest to look at this so get together and see what you want to do. We will take it up next week.

**Rep. Delmore**(8.8) Don't we also have to look at the amount we would do even though people want it it is not a plate that is personalized like a vanity plate. We can do something reasonable and I would like to see it set a little lower rather than too high.

**Rep. Price** Is there any discussion on it costing more for the department to handle this? Because they are going to send it monthly to those organizations? A lower thing, but annually so we have an on going revenue source.

**Chairman Weisz** I will appoint a subcommittee here: Rep. Hawken, Rep. Owen, Rep. Delmore Cautioned the committee there is a whole lot more opposition in the house.

closed hearing (11.3)

## 2005 HOUSE STANDING COMMITTEE MINUTES

### BILL NO. SB 2368

#### House Transportation Committee

Conference Committee

Hearing Date March 17, 2005

Tape Number	Side A	Side B	Meter #
2		X	30.5-46.2
Committee Clerk Signature <i>Dr. Lou W. Schmitt</i>			

Minutes:

**Chairman Weisz** reopened the hearing on SB 2368. Here are some proposed amendments being passed around.

**Rep. Owens** Discussed the amendment. There were a number of comments that there are other states that do this. It is a voluntary tax on registration that people provide to be identified with certain organizations. We are getting these every year with the legislature to add something new. What we tried to do is actually create a ND distinctive license plate program where by DOT can approve a specialized tag under certain situations and people can actually order them. It allows them five digits with an emblem on the left side. Out of the \$25; \$10 goes to the highway fund, \$15 goes into a fund to the organization requesting it. Now we should not have to review these each year. DOT will manage the program.

**Chairman Weisz** (35.5) There is an annual fee because DOT requires it.

**Rep. Owens** Legislative counsel will change it again to distinctive number plate and take out the word license. They are trying to have the same information throughout the whole code and also they are trying to change it to number plate.

**Chairman Weisz** We are still talking about decals.

**Rep. Iverson**(37.0) Not until the equipment is available. They would be able to do the different plates without further legislation then after they get the equipment to do the different plates. Florida has a wall of plates all different.

**Rep. Owens** It would have to be at least 400 to get them now.

**Chairman Weisz** Would you be in favor of limiting the plates to distinctive only.

**Rep. Owens** The decal would be a round circle.

**Rep. Meyer** Wouldn't the DOT have to come to the legislature to get money to make the distinctive plates anyway.

**Rep. Owens** Roughrider Industries would be the manufacturer.

**Rep. Bernstein** If it is just a round circle and you put a decal on there; what would it be just a blank circle then.

**Chairman Weisz** You would get you regular plate, if not a distinctive plate. If anyone can come up with 400 and put them on here. \$15 per tag per year; but would be collected monthly.

**Rep. Dosch** You are excluding groups. The goal is so UND alumni tags. Discussion on the various groups that are being excluded.

**Rep. Owens:** They allow certain universities, but do not allow the various organizations within the university to have tags. If it is an NDSU tag, it is just an NDSU tag, not the various organizations under there.

Page 3

House Transportation Committee

Bill/Resolution Number SB 2368

Hearing Date March 17, 2005

**Rep. Bernstein:** Reading this I agree with Rep. Kelsch. Excluding private businesses and commercial enmities.

**Rep. Weiler**(45.6) Maybe should digest this overnight.

Hearing closed (46.2)

**2005 HOUSE STANDING COMMITTEE MINUTES**

**BILL NO. SB 2368**

**House Transportation Committee**

Conference Committee

Hearing Date March 18, 2005

Tape Number	Side A	Side B	Meter #
1	X		0.8-21.1
Committee Clerk Signature <i>Debra L. Owens</i>			

Minutes:

**Chairman Weisz** reopened the hearing on SB 2368. I know this committee has some concerns on Rep. Owens proposed amendments having to do with #4 anyway.

**Rep. Delmore**(1.5) If we change that they have to be under a special tax that we talked about before. If we take that out it should be OK.

**Rep. Owens** Discussed needed changes for the amendment.

**Chairman Weisz** Who would have the say in support of public education at a certain school?

**Rep. Owens** Or the school to get together as a whole to support education and get a decal. That would bring in money to the overall budget of the school.

**Chairman Weisz:** The language now prohibits the Bison Busters, but you could have the NDSU Bison from the University as a whole.

**Rep. Owens** That is correct. We don't want 15 different ones for NDSU. It would just be one for UND or NDSU.

**Chairman Weisz**:(5.0) Committee lets speed this up a little bit. If we want to narrow it then we should work on how we want to narrow it and lets go that way.

**Rep. Weiler**: It think it is forward thinking. I think it is a good idea! Is it \$25 a year? Is that enough to cover the costs.

**Chairman Weisz** The group makes \$15. The state makes \$7 License plate costs \$3.00. This is not a required purchase.

**Rep. Bernstein** I think we just put a limitation of 400 plates so that it is worth the DOT's time to process this.

**Rep. Delmore** I don't think we have to worry about the tag costs. I think we should give them directions on what we want. I think the legislature is the body that should decide.

**Rep. Owens**(8.8) My whole focus here was to give DOT some guidance on what is not acceptable before they have some limitations.

**Chairman Weisz** requested a show of hands supporting the intent of the amendment in front of you and what it is trying to do. Majority of the committee wants to move in that direction.

Motion Made by Rep. Meyer Seconded by Rep. Weiler Do Pass As Amended

**Chairman Weisz**: We have a motion in front of us. Discussion:

**Rep. Dosch** I agree in providing direction, but I am concerned about 3 & 4 that they maybe construed to being too specific and excluding those groups that we are not intending too. I think all the other points are fine, but I am wondering if we should have 3 or 4 in there? Do we want to amend or do pass the motion?



**Chairman Weisz** (10.1) Committee we can act on this motion or withdraw it?

**Rep. Delmore** I guess I agree with Rep. Dosch. I don't think we need to restrict 3 & 4?

**Chairman Weisz** The motion earlier from Rep. Meyer and Rep. Weiler was withdrawn.

I intended to just run down the list and see if anyone has issues with them. Went through the list and there were no issues on 1-9. Now we are back to 3 & 4 which were the ones with the issues.

**Rep. Meyer** I think it is pretty clear. You don't want to have 15 different entities within the UND or NDSU and the way it is written now NDSU could have their decal.

**Chairman Weisz** If they are going to allow groups to do this, do I care if Bismarck High has 500 parents that want to get a decal to support the Bismarck High. If I am saying I want to allow groups to do it or if they go all the way from K-12. If the alumni want to do something for their people, do we care once we are opening the door? This bill will open the door.

**Rep. Weiler**(13.5) One thing that would be nice is private schools. This would be a good fund raising project for them. Why can't we allow them to find a way to raise some funds? I understand you can't just allow private schools so lets let public schools do so too.

**Rep. Owens** Allowing each little school; there is a little bit of administrative problem to figuring out where all the money goes. Keep that in mind. Even if we take individual public or private schools out of here; at the top it says to support a certain public and 401 3c so some private schools maybe kept out just for that. DOT requires the payments to be monthly to make it simple since the system is already set up that way.

Motion Made by Rep. Dosch that we remove #3 & #4 from that list. Seconded by Rep. Weiler  
Voice vote passed.

**Discussion:**

**Rep. Ruby**(17.1) I remember hearing this bill last session for FFA. I remember the opposition and they only had 94 people. I think it is a good money maker.

**Rep. Owens**(17.9) I remember that bill with DOT so that is why we put on the minimum of 400 people to make it worth while to do this.

**Rep. Schmidt**(18.5) The state FFA are going to make an effort to get more people to purchase these plates.

**Rep. Delmore** Legislatures are tired of hearing the bill. I think the bill is good with its limitations.

**Rep. Iverson** Did not like the bill, but now likes it with the 400 on it.

**Motion Made By Rep. Weiler Seconded By Rep. Delmore**

**Do Pass As Amended 10 Yes 2 No 3 Absent Carrier: Rep. Weiler  
done (21.1)**

Date: 3-18-05  
 Roll Call Vote #:

**2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. SB2368**

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number 50810,0202

Action Taken Do Pass As Amend.

Motion Made By Rep. Weiler Seconded By Rep. Delmore

Representatives	Yes	No	Representatives	Yes	No
Rep. Weisz - Chairman	✓		Rep. Delmore	✓	
Rep. Hawken - Vice Chair.	absent		Rep. Meyer	✓	
Rep. Bernstein	✓		Rep. Schmidt	✓	
Rep. Dosch	✓		Rep. Thorpe	✓	
Rep. Iverson	✓				
Rep. Kelsch	absent				
Rep. Owens	✓				
Rep. Price	absent				
Rep. Ruby		✓			
Rep. Vigesaa		✓			
Rep. Weiler	✓				

Total (Yes) 10 No 2

Absent 3

Floor Assignment Rep. Weiler

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

**REPORT OF STANDING COMMITTEE**

**SB 2368, as engrossed: Transportation Committee (Rep. Welsz, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2368 was placed on the Sixth order on the calendar.**

Page 1, line 2, remove "nonprofit"

Page 1, replace lines 6 through 24 with:

**"Public or nonprofit organization number plate.**

1. The director shall develop an organization number plate program for distinctive number plates for qualifying public and for nonprofit organizations recognized by the internal revenue service as tax exempt under 26 U.S.C. 501(c)(3). When appropriate, the department shall design a distinctive number plate to minimize the changes to a single application of overlay on the left side of the number plate. The organization may submit a design for the distinctive number plate for approval by the director. Upon approval by the director and proper application with proof of a minimum of four hundred applicants for a certain organization's number plate, the director shall include the number plate in the organization number plate program.
2. The following organizations do not qualify for an organization number plate: out-of-state colleges and universities; unions; political organizations; religious organizations; groups that promote racial or social disharmony; and public offices.
3. Upon proper application for a plate in the organization number plate program and payment of all other fees required under this chapter for registration of the motor vehicle and payment of an additional annual fee of twenty-five dollars, a qualified applicant is entitled to issuance of a certain organization number plate. However, the director may not issue the plates to the owner of a passenger motor vehicle or a truck the gross weight of which equals or exceeds ten thousand pounds [4535.92 kilograms].
4. The director shall deposit ten dollars of the additional organization number plate fee in the highway tax distribution fund and transfer monthly fifteen dollars to the proper organization to support programs of that organization."

Page 2, remove lines 1 through 12

Renumber accordingly

2005 TESTIMONY

SB 2368

26 U.S.C. 501(c)(3) - Corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment), or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation (except as otherwise provided in subsection (h)), and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.

#1

TESTIMONY -- SB 2368

NORTH DAKOTA HOUSE OF REPRESENTATIVES  
TRANSPORTATION COMMITTEE  
STATE REPRESENTATIVE ROBIN WEISZ, CHAIRMAN  
MARCH 10, 2005

Mr. Chairman, Members of the Transportation Committee, my name is Joe Satrom, I am Director of Public Policy for the Great Plains Office of Ducks Unlimited, Inc. I am here today to testify in support of Senate Bill 2368. Ducks Unlimited is a 501 c(3) non-profit conservation organization. Our organization was founded in 1937, has grown to 778,648 members and does work throughout the North American continent.

In North Dakota we have 6,779 members including hundreds of men and women who give a great deal of volunteer time to the organization. We have approximately 48 full-time employees in the State and are considered an excellent employer.

Since 1984, we have spent over \$32 million dollars on habitat improvements in North Dakota. These conservation projects include millions of dollars of work done to assist farmers and ranchers in improving their grazing systems, fencing, wetlands, water impoundments, fall planted crops, and many other areas of technical assistance and conservation.

Ducks Unlimited supports Senate Bill 2368 because motor vehicle license plates provide an important opportunity for non-profit organizations to combine both the institutional marketing and grassroots fundraising for their organization. Ducks Unlimited uses specialty license plates in a number of states for these marketing and fundraising purposes and we seek your support for permitting these types of specialty plates in North Dakota.

Our organization became aware of the opportunity for utilizing specialty motor vehicle plates in North Dakota when several of our employees commented on the plates that a recent State Legislature authorized for the Future Farmers of America. We respectfully ask the House Transportation Committee to support Senate Bill 2368 as amended so that other organizations can take advantage of this unique opportunity.

Thank you for your attention. I would be pleased to respond to any questions.

Attachment

Joe Satrom - 701 355-3505 - jsatrom@ducks.org  
GPRO Director of Public Policy  
Ducks Unlimited, Inc.  
2525 River Road  
Bismarck, ND 58503-9011



# FACT SHEET

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## NORTH DAKOTA

(Based on numbers available 1/1/2004 )

### SPECIAL RECOGNITION

In 2003, among the fifty states, North Dakota ranked:  
• 5th in event dollar per capita: \$0.6979

### MEMBERSHIP

**2003 GRAND TOTAL: 6,779**

• **Members: 6,737**

General Members: 5,612

Greenwings: 915

Legacy Greenwing Members: 38

Sponsor Members: 172

• **Major Sponsors: 42**

Diamond Legacy Sponsor: 0

Platinum Legacy Sponsor: 0

Gold Legacy Sponsor: 0

Legacy Sponsor: 2

Benefactor Roll of Honor: 0

Diamond Heritage: 0

Heritage Sponsor: 2

Diamond Sponsor in Perpetuity: 0

Sponsor in Perpetuity: 10

Diamond Life Sponsor: 0

Life Sponsor: 27

Grand Slam Life Sponsor: 1

### FEATHER SOCIETY MEMBERS: 40

Diamond: 0

Platinum: 0

Emerald: 2

Gold: 1

Silver: 37

### U.S. CONSERVATION PROGRAMS

- Total acres conserved in flyway: 775,206
- Total acres conserved in this state: 172,326
- Total technical assistance acres in flyway: 1,187,391
- Total technical assistance acres in state: 238,547
- Amount spent to date on projects in flyway: \$112,589,735
- Amount spent to date on projects in state: \$32,753,968
- Primary waterfowl species that benefit from DU's efforts include: Mallard; Northern Pintail; Gadwall; Canada and Lesser Snow Goose; Blue-Winged Teal; Green-Winged Teal; American Wigeon; Redheads and Canvasbacks.

### STATE FUND-RAISING EFFORTS

- Total grass roots dollars raised in 2003: \$430,714
- Number of committees in 2003: 56
- Number of fund-raising events in 2003: 55

### YOUR STATE GOVERNMENT'S CONTRIBUTION TO DU FOR CANADIAN PROJECTS:

- Total contributions granted through 2003: \$90,000.00
- Location of projects: Manitoba: Prairie Biome-Virden Landscape & Parkland Biome-Roblin/Turtle Mt Landscape, Saskatchewan: Missouri Coteau Biome, Missouri Coteau Biome-Dirt Hills & Lake Alma Landscapes

### FEDERAL DUCK STAMP SALES:

- 30,366 Federal Duck Stamps were sold in state during the 2003 hunting season.

### NORTH DAKOTA STATE CHAIRMAN

Ron Bartz

P.O. Box 142, Elgin, ND 58533

H (701) 584-3725; B (701) 584-3150; F (701) 584-3760

ourplace@westriv.com

### FOR INFORMATION ON DUCKS UNLIMITED EVENTS CONTACT:

Brett Bill, Regional Director

701 10th Avenue SE, Jamestown, ND 58401

B (701) 252-4293; bbill@ducks.org

Joe Breidenbach, DFRVR Region 4  
10745 Bluejay Trail, Brainerd, MN 56401  
(218) 825-7105; C (573) 450-7815  
jbreidenbach@ducks.org

### FOR INFORMATION ON BECOMING A MAJOR DONOR CONTACT:

Ron Stromstad, Senior Director of Development  
(701) 355-3518; rstromstad@ducks.org

### FOR INFORMATION ON DU'S GIFT PLANNING PROGRAM CONTACT:

Conrad Hillman, Regional Director of Gift Planning  
(701) 355-3525; chillman@ducks.org

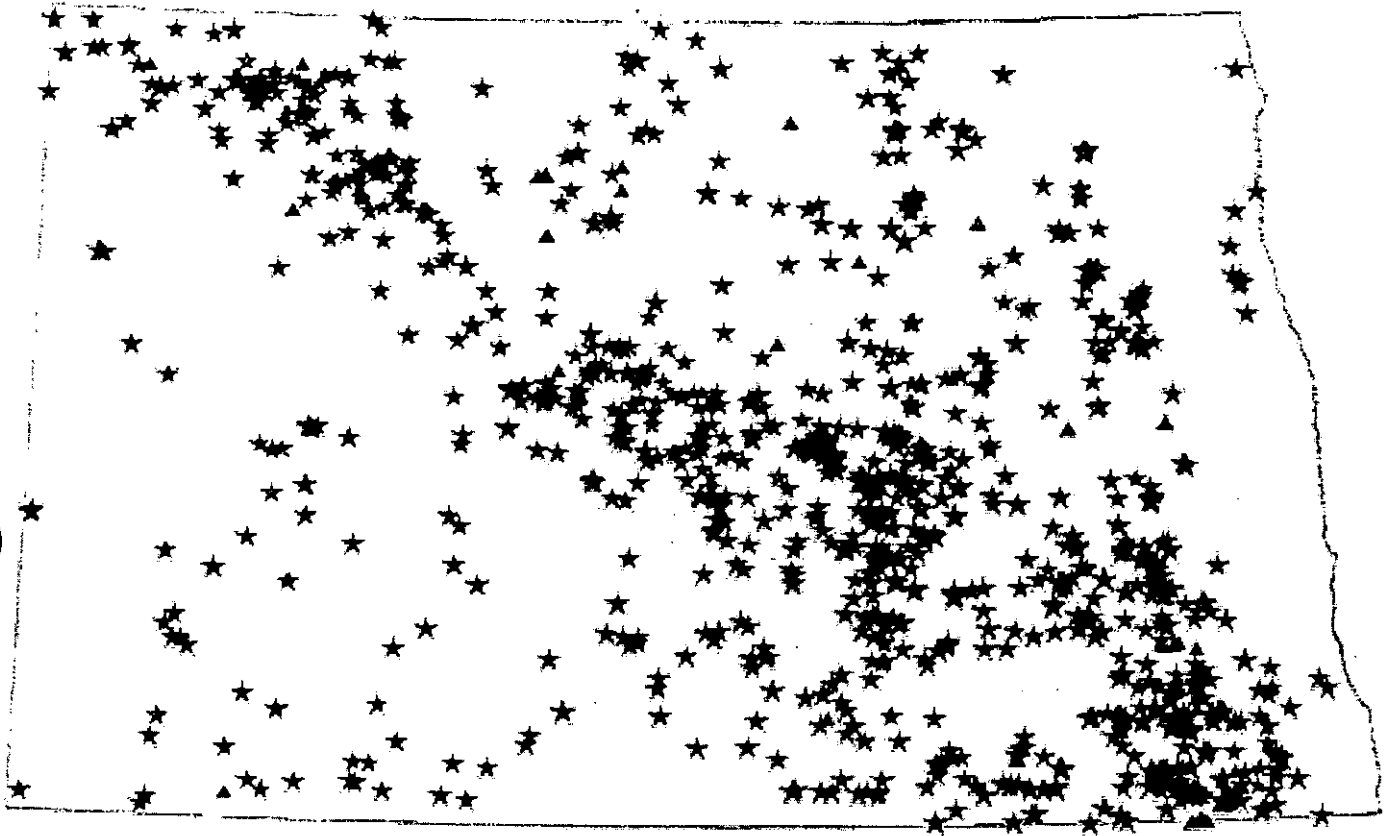
### FOR INFORMATION ON DU'S CONSERVATION PROGRAMS CONTACT:

Scott McLeod, Regional Biologist, Eastern ND  
(701) 355-3541; smcleod@ducks.org

Randy Renner, Regional Biologist, Western ND  
(701) 355-3526; rrenner@ducks.org



# NORTH DAKOTA



## KEY TO FEATURES

- ▲ DEMONSTRATION/TECHNICAL ASSISTANCE PROJECTS-Projects for which DU provides on-site biological guidance or demonstrations to benefit waterfowl/wetlands management of an area.
- ★ CONSERVATION PROJECTS-DU Conservation projects including wetland enhancements, grassland restoration, private land easements, etc. that are not part of the MARSH program.

Page 1, Line 1, After create strike "and enact" and insert ", reenact and enact"

Page 1, Line 1, After -04 insert "-01, 39-04-9.1 and 39-04-9.2"

Page 1, Lines 4-24

Page 2, Lines 1-12

### **39-04-9.1 - North Dakota Distinctive License Plate Program**

(a) It is the intent of the Legislature to establish a North Dakota distinctive License Plate Program for the recognition and support of certain public and 501(3)(c) non-profit organizations.

(b) The North Dakota Distinctive License Plate shall be designed by the Department of Transportation to minimize the changes to a single application of overlay on the left side of the License Plate. A public or non-private organization may submit an application to the Department of Transportation for consideration of a new distinctive License Plate application design. The requesting organization shall design, or have designed, the tags or plates application which is then submitted to the Department of Transportation for approval. Upon approval of design by the Department of Transportation and proof of a minimum of 400 applicants for the suggested license plate, the plate maybe identified as part of the North Dakota Distinctive License Plate Program. The tags or plates shall be issued, printed, and processed like other distinctive and personalized license plates provided for in this chapter.

(c) The director of Transportation shall ensure that request for distinctive license plate proposals shall not include the following types of organizations:

- (1) Out-of-state colleges and universities.
- (2) Private businesses, business organizations, or commercial entities of any type.
- (3) Individual public and private schools K-12, except as approved and issued by Department of Transportation for a general "Helping Our Schools" distinctive license plate designed to support all K-12.
- (4) Groups within high schools, junior colleges, universities, and technical schools, such as individual boosters, athletic boosters, and the like.
- (5) Unions.
- (6) Political organizations.
- (7) Religious organizations.
- (8) Groups that promote racial or social disharmony.
- (9) Public officials.

(d) The distinctive license plate shall not be transferable between motor vehicle owners and shall be subject to the same provisions of law related to the transferring of distinctive motor vehicle license plate provided by law or regulation of the Department of Transportation.

(e) Upon application to the Department of Transportation, compliance with motor vehicle registration and licensing laws, payment of regular fees required by law for license plates for private passenger or pleasure motor vehicles, and payment of an additional distinctive license plate fee of Twenty-five dollars (\$25) annually, owners of motor vehicles who are residents of North Dakota may be issued distinctive license plates as designed and approved by the Department of Transportation and when payment of the distinctive license plate fee and required license fees and taxes are paid annually as provided for in Section 39-04-19.

**39-04-9.2 - Distribution of proceeds.**

Proceeds from the one-time fee and of the annual distinctive license plate fee, Ten (\$10) Dollars shall be deposited in the Highway Distribution Fund and remaining revenues from the distinctive license plate fee in the amount of Fifteen Dollars (\$15) shall be submitted by the Department of Transportation or other appropriate official to the specific organization monthly which shall be used to support programs of the organization or institution subject to legislative review.