

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
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ROLL NUMBER

DESCRIPTION

1384

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Deanna Hallworth
Operator's Signature

10/3/03
Date

2003 HOUSE APPROPRIATIONS

HB 1384

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Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1384

House Appropriations Committee

Conference Committee

Hearing Date February 5, 2003

Tape Number	Side A	Side B	Meter #
I		X	

Committee Clerk Signature

Minutes:

Chairman Svedjan opens discussion on HB 1384. The prime sponsor of the bill is Representative Wieland. An amendment was offered when he presented the bill a week or so ago. This is a bill that would have the effect of disallowing any mandates onto the counties by actions taken at the state level. The amendment would create an exception that the mandate would not apply to a program, service, or function that is required as a result of a mandate from the federal government. The amendment has been moved for adoption by Representative Kerzman and seconded by Representative Kempenich. Discussion on the amendment?

Rep. Wald If the state of North Dakota passes law that says the county shall cut weeds, for example, before October 15th. Is that a mandate, and we have to pay for it rather than the county?

Rep. Svedjan That would be my interpretation.

Rep. Wald Is that a valid question?

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Page 2
House Appropriations Committee
Bill/Resolution Number 1384
Hearing Date February 5, 2003

Rep. Svedjan It would be a mandate, in my view, that dictates something that has an associated cost.

Rep. Wald So the county says you guys wanted it, you pay for it? I don't think I can buy that.

Chairman Svedjan Any further discussion? The amendment really has to do with the exception.

Rep. Glassheim It also adds state agencies to the legislative body.

Rep. Kerzman I think the amendment makes it more viable.

Chairman Svedjan Any further discussion on the amendment? Hearing none, a voice vote was taken on the adoption of amendment 0103. The amendment is adopted. We now have the amended bill before us, what are your wishes?

Rep. Wald Made a motion for a do not pass.

Rep. Carlson Seconded the motion.

Chairman Svedjan Any discussion?

Rep. Delzer None of us like mandates either from the state or federal government or the state agencies. The amendment that I see adds administrative rules. When I remember the testimony and discussion we had about this bill, there is many ways that I see it being totally unworkable. I think we as legislators need to do everything we can to make sure that we do not pass on any unfunded mandates. I think it is a terrible mistake to put it in law and to set up litigation between the counties and the state and I support a do not pass.

Chairman Svedjan There was also a significant question raised during the hearing wondering how you would handle an unfunded mandate that is determined after the conclusion of the legislative session, which could very likely happen. Any further discussion?

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Page 3
House Appropriations Committee
Bill/Resolution Number 1384
Hearing Date February 5, 2003

Rep. Kerzman I am going to support the bill for the main reason that the buck should stop where the political division passes the mandate. When we pass it on down to the counties the only option they have is to make it up through property taxes.

Chairman Svedjan Any further discussion?

Rep. Carlson Years ago we set up a state aid distribution fund. We have continued to increase that fund, if we went back to look at the first purpose of that fund, we would probably find out that it assists the counties in programs that they were required to provide and the state was going to send some money back. We have to look at that as well, we are contributing.

Rep. Kerzman In response to that, I know it was set up but I don't think we've ever fully funded what it was supposed to be.

Chairman Svedjan Any further discussion? We will take a roll call vote on a do not pass as amended recommendation on HB 1384.

ROLL CALL VOTE ON A DO NOT PASS AS AMENDED

16 YES 4 NO 3 ABSENT

Chairman Svedjan The motion passes 16 to 4. Rep. Wald will carry the bill on the floor.

Discussion ended on HB 1384.

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10/3/03
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FISCAL NOTE
 Requested by Legislative Council
 01/20/2003

Bill/Resolution No.: HB 1384

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.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 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.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 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.

Without knowing the nature of the mandates enacted by the legislative assembly, it is impossible to determine the fiscal impact of this bill.

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.

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.

Name:	Pam Sharp	Agency:	OMB
Phone Number:	328-4606	Date Prepared:	01/20/2003

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Dennis Hall
 Operator's Signature

10/3/03
 Date

30591.0103
Title.

Prepared by the Legislative Council staff for
Representative Wieland
January 28, 2003

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1384

Page 1, line 4, after "mandates" insert "- Exception"

Page 1, line 6, after "assembly" insert "or as a result of rules adopted by a state agency"

Page 1, line 8, after the period insert "This section does not apply to a program, service, or
function that is required as a result of a mandate from the federal government."

Renumber accordingly

Page No. 1

30591.0103

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REPORT OF STANDING COMMITTEE (410)
February 6, 2003 7:03 p.m.

Module No: HR-23-1931
Carrier: Wald
Insert LC: 30591.0103 Title: .0200

REPORT OF STANDING COMMITTEE

HB 1384: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (16 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING). HB 1384 was placed on the Sixth order on the calendar.

Page 1, line 4, after "mandates" insert "- Exception"

Page 1, line 6, after "assembly" insert "or as a result of rules adopted by a state agency"

Page 1, line 8, after the period insert "This section does not apply to a program, service, or function that is required as a result of a mandate from the federal government."

Renumber accordingly

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2003 TESTIMONY

HD 1384

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10/3/03
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NORTH DAKOTA HOUSE

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



COMMITTEES:
Human Services
Political Subdivisions

TESTIMONY HOUSE BILL 1384 REPRESENTATIVE ALON WIELAND

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE.

THE INTENT OF **HOUSE BILL 1384** IS TO CURB MANDATES BY THE STATE, EITHER IN LEGISLATIVE FORM OR BY ADMINISTRATIVE RULES. MANY NEW PROGRAMS, AS OUTLINED BY LEGISLATION, PROVIDE THAT POLITICAL SUBDIVISIONS WILL SHARE IN THE COST, BUT HAVE NO VOTE IN DETERMINING THE PROGRAM OR THE COST SHARING ASPECTS OF THE PROGRAM. IN ADDITION, ADMINISTRATIVE RULES CHANGES OFTEN AFFECT POLITICAL SUBDIVISIONS AS WELL. I AM SURE THAT YOU WILL HEAR HOW A CURBING OF THE ADMINISTRATIVE RULES THAT AFFECT POLITICAL SUBDIVISIONS WILL RESTRICT A STATE AGENCY IN THE COMPLETION OF THEIR TASK WITHOUT SOME COSTS TO BE PAID BY POLITICAL SUBDIVISIONS, BUT THAT IS THE INTENT. I REALIZE THAT THE STATE ALSO RECEIVES MANDATES FROM THE FEDERAL GOVERNMENT THAT MAY HAVE TO BE PASSED ON, AND I DO HAVE AN AMENDMENT THAT ADDRESSES THAT ISSUE WHICH HAS BEEN PASSED OUT AS WELL.

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, MANDATES USUALLY HAVE A DIRECT AFFECT ON REAL ESTATE TAXES, AND THIS BILL CONTINUES A DISCUSSION THAT MUST BE ADDRESSED. I ASK YOUR SUPPORT OF **HOUSE BILL 1384** AS AMENDED.

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Demetrius Hall
Operator's Signature

10/3/03
Date

