

1999 HOUSE NATURAL RESOURCES

HB 1236

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1236

House Natural Resources Committee

Conference Committee

Hearing Date 1/22/99

Tape Number	Side A	Side B	Meter #
1		x	43.0-56.0
2	x		0.0-32.2
Committee Clerk Signature <i>Kevin Zardh</i>			

Minutes:

SUMMARY OF THE BILL: A BILL for an Act to provide for the sharing of costs upon the discovery of a cultural resource during highway construction or maintenance.

Chairman Grosz opened the hearing on HB 1236 in the Pioneer Room. All committee members were present: Chairman Grosz, Vice-Chairman Henegar, Rep. Drovdal, Rep. Galvin, Rep. DeKrey, Rep. Nottestad, Rep. Nelson, Rep. Clark, Rep. Porter, Rep. Martinson, Rep. Hanson, Rep. Kelsh, Rep. Lundgren, Rep. Sandvig, Rep. Solberg.

Rep. Mahoney testified in favor of HB 1236 as a sponsor and gave a brief summarization of the bill and the reasons for its introduction.

(Tape 2--2.5) Adolf Miller, a citizen and retired County Commissioner appeared in favor of HB 1236.

(6.9) Terry Traynor of Bismarck appeared in favor of HB 1236.

(19.6) Brian Hoime appeared in support of HB 1236.

(24.1) Marshall Moore appeared in opposition of HB 1236.

(27.0) Mike Simonson of the State Historical Society appeared in opposition to HB 1236. (see attached testimony)

The hearing on HB 1236 was closed with no action being take on this day.

FISCAL NOTE REVISED

(Return original and 10 copies)

Resolution No.: HB 1236 Amendment to: _____

Requested by Legislative Council _____ Date of Request: 1-13-99

- Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts. Please provide breakdowns, if appropriate, showing salaries and wages, operating expenses, equipment, or other details to assist in the budget process. In a word processing format, add lines or space as needed or attach a supplemental sheet to adequately address the fiscal impact of the measure.

Narrative: It is difficult to estimate an unknown, but based on our past experience, we could expect to spend up to 2 million dollars in a biennium. This would require the NDDOT to come up with 1 million dollars, regardless of what system it is on. In addition, the NDDOT would continue to take care of these matters on the state system and the other agencies would not have to contribute anything.

2. State fiscal effect in dollar amounts:

	1997-99 Biennium		1999-2001 Biennium		2001-03 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
DOT				1,000,000		1,000,000
ST. HIST. SOCIETY			500,000		500,000	

3. What, if any, is the effect of this measure on the budget for your agency or department:

For rest of 1997-99 biennium: None - Bill would not be in effect.

b. For the 1999-2001 biennium: \$1,000,000

c. For the 2001-03 biennium: \$1,000,000

4. County, city, and school district fiscal effect in dollar amounts:

1997-99 Biennium			1999-2001 Biennium			2001-03 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
			\$500,000			\$500,000		

Signed: 

Typed Name: David K. O. Leer

Department: Infrastructure Support

Phone Number: 701-328-4444

Date Prepared: 1-20-99

FISCAL NOTE

Return original and 10 copies)

Bill/Resolution No.: HB 1236 Amendment to:

Requested by Legislative Council Date of Request: 1-13-99

- 1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts.

Narrative: It is difficult to estimate an unknown, but based on our past experience, we could expect to spend up to 2 million dollars in a biennium. This would require the NDDOT to come up with 1 million dollars, regardless of what system it is on. In addition, the NDDOT would continue to take care of these matters on the state system and the other agencies would not have to contribute anything.

- 2. State fiscal effect in dollar amounts:

Table with 6 columns: 1997-99 Biennium (General Fund, Special Funds), 1999-2001 Biennium (General Fund, Special Funds), 2001-03 Biennium (General Fund, Special Funds)

Revenues:

Expenditures: \$1,000,000 \$1,000,000

- 3. What, if any, is the effect of this measure on the appropriation for your agency or department:

- a. For rest of 1997-99 biennium: None - Bill would not be in effect
b. For the 1999-2001 biennium: \$1,000,000
c. For the 2001-03 biennium: \$1,000,000

- 4. County, City, and School District fiscal effect in dollar amounts:

Table with 9 columns: 1997-99 Biennium (Counties, Cities, School Districts), 1999-2001 Biennium (Counties, Cities, School Districts), 2001-03 Biennium (Counties, Cities, School Districts)

If additional space is needed, attach a supplemental sheet.

Signed David K. O. Leer

Typed Name David K. O. Leer

Department Infrastructure Support

Date Prepared: 1-14-99

Phone Number 701-328-4444

Date: 11/22/99
 Roll Call Vote #: 1

**1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO.**

House House Natural Resources Committee

Subcommittee on 1236

or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Drovdal Seconded By Solberg

Representatives	Yes	No	Representatives	Yes	No
Chairman Mick Grosz	X				
Vice-Chairman Dale Henegar	X				
Representative David Drovdal	X				
Representative Pat Galvin		X			
Representative Duane DeKrey	X				
Rep. Darrell D. Nottestad	X				
Representative Jon O. Nelson	X				
Representative Byron Clark	X				
Representative Todd Porter		X			
Representative Jon Martinson	X				
Representative Lyle Hanson		X			
Representative Scot Kelsh					
Representative Deb Lundgren	X				
Representative Sally M. Sandvig	X				
Representative Dorvan Solberg	X				

Total (Yes) 11 No 3

Absent 1

Floor Assignment DeKrey

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

REPORT OF STANDING COMMITTEE (410)
January 25, 1999 8:28 a.m.

Module No: HR-15-1074
Carrier: DeKrey
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1236: Natural Resources Committee (Rep. Grosz, Chairman) recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1236 was placed on the Eleventh order on the calendar.

1999 TESTIMONY

HB 1236

HOUSE NATURAL RESOURCES COMMITTEE, JAN. 22, 1999

**STATE HISTORICAL SOCIETY OF NORTH DAKOTA
TESTIMONY ON HOUSE BILL #1236 REGARDING COST
SHARING FOR ARCHEOLOGICAL DISCOVERIES**

Presented by Michael E. Simonson, State Historic Society of North Dakota

Mr. Chairman and members of the committee:

The State Historical Society of North Dakota (SHSND) is opposed to HB1236, and requests that this committee give the bill a Do Not Pass recommendation. As written, the financial requirements of this bill would seriously compromise the operations of the Society, and would require additional state funding.

HB1236 would require the Society to fund 25% of the cost associated with archeological discoveries made during highway construction or maintenance. The estimated cost to the Society in the fiscal note is \$500,000 per biennium. The bill provides no source of funding to cover this expense. Thus, in order to continue faithfully executing our duties to the people of North Dakota, additional state funding would be essential in order to balance the Society budget presented to the legislature.

HOUSE NATURAL RESOURCES COMMITTEE

January 22, 1999

**North Dakota Department of Transportation
David K. O. Leer, Director, Office of Infrastructure Support Services**

HB 1236

Mr. Chairman and members of the committee: NDDOT opposes HB 1236.

HB 1236 would make NDDOT responsible for not only 100 percent of all state cultural resource costs, as it is now on state highway projects, but also for 50 percent of all county, city, and township cultural resource costs. The department would be responsible regardless of whether federal aid is involved, and would be required to pay the 50 percent for projects in which it has no direct interest and over which it has no authority.

We understand the concern for cultural resources, and both federal and state statutes require the state, county, city, or township to deal with these issues when found on a project.

HB 1236 would affect our budget and require additional funding for NDDOT. The fiscal note shows an estimated \$1 million impact on our department. This would have to be replaced in order to balance the budget we submitted to the Legislature.