

2005 HOUSE FINANCE AND TAXATION
HB 1157

### 2005 HOUSE STANDING COMMITTEE MINUTES

### BILL/RESOLUTION NO. HB 1157

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House Finance and Taxa	anon Commue	æ
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1

☐ Conference Committee

Hearing Date January 25, 2005

Tape Number

Side A
X

Side B

Meter#

35.4

Committee Clerk Signature

Minutes:

REP. WES BELTER, CHAIRMAN Called the committee hearing to order.

REP. DAVE WEILER, DIST. 30, BISMARCK Introduced the bill. Read a quote from Ronald Reagan's Autobiography. HB 1157 came about after I attended a governor's press conference on the good news of the projected ending fund balance, sometime in August of last year. After hearing the surplus was going to be in excess of one hundred and twenty five million dollars, my first thought was to give some money back to the people who created that surplus in the first place, the citizens and overtaxed taxpayers of North Dakota. Secondly, I had to find a way to divide the money. I thought of one of the biggest complaints we hear in North Dakota, and that is property tax. I also thought we needed to find a way to get that money back into the economy. That is when I came up with a debit card, where people would get the money in a debit card. The card would be coded, so it could be only used in North Dakota. Unfortunately, we did not succeed in that, the cost of a debit card is very high. If and when we pass this bill, it

will be a check sent to the people. Upon further information, regarding the money budgeted, there is 226 million dollars more, that legislators have come up with to spend money on. The governor has 203 million dollars more spending than last biennium. The second reason for this bill, is simply to try to control some of that spending.

Rep. Weiler submitted a handout to committee members relating to the bills under consideration in appropriations. See attached copy. He gave ideas of things where this rebate could be spent. He related to the tax red book, and stated committee members should turn to page 39, to review what the money is spent on.

**REP. BELTER** In your statistics, you suggested a multiplier effect of three times, if this money was returned to the taxpayers, it seems like, most of the time if we spend money, the multiplier effect is somewhere between five and fourteen times, why were you so conservative in your three times estimate.

**REP. WEILER** Because I am realistic, we all know that five to fourteen times, doesn't happen. **REP. DROVDAL** I agree with a lot of your comments, but would like to take a little exception with your comment on agriculture. I have agricultural land, and I have always been taxed on my home, I would not qualify for this, even though I pay tax on the value of my home on the farm, is that correct?

**REP. WEILER** This is for single family residences. If you pay taxes on your home, you will get it under this bill.

**REP. DROVDAL** The way they drew the tax structure, it shows up on agriculture products, even though it increases that quarter, they don't identify it as a single family home, I don't get any other agricultural exemptions either.

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**REP. WEILER** I was told by legislative council that it does show up when a farmer owns a home and they do pay property taxes on that home.

REP. MARK DOSCH, DIST. 32, BISMARCK Testified in support of the bill. He stated that fifteen years ago, the state of North Dakota had a budget for approximately one billion dollars and that was to provide government for about 650,000 people. Today, we are looking at a budget of two billion dollars, the service is the same, 650,000 people. We have all heard the saying, if we build, they will come. I say to you, if they get the money, they will spend it. The budget we are looking at is an increase of spending of over two hundred million dollars. I propose that we give back a fraction of this amount of fifteen million dollars, and let the people spend it rather then the government.

**REP. CONRAD** I heard yesterday, from one of the members of the appropriations committee, that the estimate on medicaid, will now cost us probably seven million more then expected, that is about half of this, how will we pay for that medicaid?

**REP. DOSCH** The projected increase in revenue in the state, is approximately sixty to seventy million of new projected revenue coming in, just because of the increase of business activity, etc., that is where I believe those things should come out of.

REP. KELSH You made a comment that running the state has doubled in the last fifteen years, my comment is, fifteen years ago, I could buy a nice car for ten thousand, which today would cost about twenty five thousand. A lot of things have doubled in price. In Fargo, more than half of the residents live in apartments and rental housing, will this bill apply to people who rent, if they do not pay a property tax?

**REP. DOSCH** It is my understanding, it is just single family homes.

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REP. JIM KASPER, DIST. 46, SW FARGO. Testified in support of the bill. Unfortunately, in my opinion, we do not focus enough as legislators, on how to downsize or rightsize government and still provide the services that the state needs to provide for the people of our state. Whose money is it, that the state of North Dakota collects? Is it the government's money, I think we all know the answer, it is the people's money that comes from their hard earned labor in their jobs across this state, and in some cases, people from out of our state. We as legislators then, decide how we are going to appropriate that money. In the three sessions I have been privileged to be a part of, I don't recall any bill like this. I would like to caution the committee and all of our legislators, as we enjoy the surplus in the state of North Dakota, that we don't make the mistake other states have made, where these other states got into a frenzy of spend, spend, spend. This bill puts a little of that money back into the hands of the private sector of the people of our state. We as legislators set policy, and then the state agencies and the executive branch implement our policy. I suggest this is good policy.

**REP. DROVDAL** When you say whose money is it anyway in your testimony, I look at knowing property tax goes to counties and not the state, income tax comes from the state, are we giving this money back to the right people?

REP. KASPER The people in the state of North Dakota, that this money will go to, are homeowners. They are the ones who have the income, pay the taxes, and those dollars come to the political subdivisions in the state in the form of the taxes that are approriated. So certainly, this money is going back into the hands of the people who paid the taxes. The question you are alluding to, should the bill be expanded to bring in the ag folks, amend the bill, I would be for that.

**REP. DROVDAL** The people I am alluding to, are the people who pay income tax, where this money is coming from, or sales tax, do you have the percentage of people who own single family homes?

REP. KASPER No, I do not have those figures, perhaps, Rep. Weiler would have that.

REP. IVERSON, DIST. 27, FARGO Testified in support of the bill. I doubt there is a district in the state, that has more apartments then my district. I could walk seven blocks and not see a single family dwelling house. I would be happy to sit down and talk about how we would get those people's money back. Two years ago, when we came here, we can all remember the budget situation we had then, what a difference two years makes. Now we have this surplus, we are having here, times change, we have taxed people more then we should have, we should be giving them their money back. If we give it back to them, they will decide which way to use it, and we'll be better off.

**REP. CONRAD** Two years ago, the state employees got no increases, now they are getting a touch up from what they got two years ago. We have to generate income, the disabled are getting a two percent increase instead of the four percent with the public employees, that's not fair. To me, it is not quite responsible. We have an obligation to retain the services the people of North Dakota have asked for and expect.

REP. IVERSON Let's talk about my friends' fathers, who worked at NDSU, their fathers didn't get a pay raise for almost the whole time he was so talk about employee pay raises, that is an executive branch decision, I can't speak to that, as far as them getting something, yes I would like them to get something. We need to be more prudent with that. When I was in high school, we spent less than a billion dollars in this state. When is it going to stop, we can't go on like

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that, it will reach critical mass. What happens with the situation we are in right now, with the human service funding, what happens when the federal government says, we are going to cut sixty or seventy million to your state.

**JOSHUA TERNES, FAMILY MAN** Testified in support of the bill. I moved to North Dakota, after I graduated high school, in 1987, from Casper, Wyoming, due to a scholarship to the University of Mary. Two years after I moved back, I bought my first house here, using a first time home buyer's loan. I started a small business within the last few months, I actually work for the state in an agency. One of my biggest concerns is, that North Dakota represents itself as a family oriented state, people come here to set up a family and continue a family. The problem I have had since I have gotten here, property taxes have increased, I am now in my second house, and taxes have increased. I just had an appraisal on my house, I am trying to get rid of private mortgage insurance, which would help put fifty dollars per month in my pocket. In doing so, I called the county auditors and appraisers, and they estimate the property value went up another four percent, in doing so, our property taxes will go up again. As it stands now, my principal payment versus my property tax payment, is about a twenty dollar difference. It is hard to swallow. When I saw this bill, I thought, any small amount, could help out people like me. We can't afford to have my wife work because child care is so high, I am probably one of the best budgeted citizens in the state. I raise a family of five on less than three thousand dollars per month. Taxes are just getting too high. I would love to see some money come back. RUSS HANSON, NORTH DAKOTA RETAIL ASSOCIATION Testified in support of the bill. We support the concept of this bill and the bill. In August, Rep. Weiler stopped by my office and we discussed this issue for quite awhile. We did discuss the avenue of debit cards, and did realize that may become an obstacle, with the amendment that is forthcoming, we still believe the increments in this amount, based on testimony from people like Joshua, the vast majority of the money will be spent in the state. The state economy will benefit.

NANCY SAND, NORTH DAKOTA EDUCATION ASSOCIATION Testified in opposition of the bill. It is difficult to oppose giving money back to the people, our concern is for many of the agencies, which a couple of the previous people testified, regarding the number of requests currently, on the table for you to consider, well over two hundred million dollars. I am totally aware that education is part of this request, the citizens of North Dakota have a lot of needs, and you have a tremendous amount of responsibility on your shoulders as legislators, to consider those needs, and which you are going to fund. I hope you consider the bill coming up behind this as you consider returning money back to the people. Among some of the other bills, which you will hear pretty soon, HB 1513 and HB 1521, relating to property taxes. I think the citizens of North Dakota are very concerned about property taxes. I think the people of North Dakota are concerned about the mix of taxes in this state.

**REP. WEILER** You must be pretty busy if you are out testifying against all the bills that are spending money on education.

NANCY SAND This is the first time I testified this session.

### SARA HEWSON, PROPERTY TAX SPECIALIST, STATE TAX DEPARTMENT

Testified in a neutral position. See attached written testimony.]

With no further testimony, the committee hearing was closed.

### 2005 HOUSE STANDING COMMITTEE MINUTES

### BILL/RESOLUTION NO. HB 1157

House Finance and Taxation Committee

☐ Conference Committee

Hearing Date February 9, 2005

Tape Number Side A Side B Meter #

Committee Clerk Signature

Minutes:

### **COMMITTEE ACTION**

REP. WEILER Presented amendments to committee members. There were two sets of amendments 50223.0102 and 50223.0103. The amendment takes the debit card out of the equation, the money will be refunded in the form of a check. It also removes page 1, line 18 through 22, where there is a mention of the counties, because the tax commissioner would have to get this information from the counties, the association of counties didn't want to be mentioned in the bill. The second amendment 50223.0103, this says if we meet or exceed the March revenue forecast, this bill will kick in.

**REP. WEILER** Made a motion to adopt the amendments as presented.

REP. GRANDE Suggested that "Debit Card" be removed from Page 1, Line 4 also

REP. GRANDE Second the motion with the removal of the" debit card" be amended in also.

REP. GRANDE Made a motion for a do pass as amended.

Page 2 House Finance and Taxation Committee Bill/Resolution Number **HB 1157** Hearing Date **February 9, 2005** 

REP. BRANDENBURG Second the motion. MOTION CARRIED.

10 YES 4 NO 0 ABSENT

**REP. GRANDE** Was given the floor assignment.

Date: 2-4-05 Roll Call Vote #:

# 2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES BILL/RESOLUTION NO. HB 1157

House FINANCE & TAXATION	-		Committee
Check here for Conference Communication  Legislative Council Amendment Num  Action Taken  Motion Made By	5.	223. 0/04 As aded By Rep B	a mende nandenbu
Representatives BELTER, WES, CHAIRMAN DROVDAL, DAVID, V-CHAIR BRANDENBURG, MICHAEL CONRAD, KARI FROELICH, ROD GRANDE, BETTE HEADLAND, CRAIG IVERSON, RONALD KELSH, SCOT NICHOLAS, EUGENE OWENS, MARK SCHMIDT, ARLO WEILER, DAVE WRANGHAM, DWIGHT	Yes No	Representatives	Yes No
Total (Yes)  Absent  Floor Assignment  If the vote is on an amendment, brief	No O Sanda		

Module No: HR-26-2315

Carrier: Grande

Insert LC: 50223.0104 Title: .0200

### REPORT OF STANDING COMMITTEE

HB 1157: Finance and Taxation Committee (Rep. Belter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1157 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the second "an" with "a contingent"

Page 1, line 4, after the first boldfaced period insert "CONTINGENT" and remove "- DEBIT CARDS"

Page 1, line 5, replace "There" with "If the March general fund revenue forecast for the 2005-07 biennium meets or exceeds general fund revenues as estimated for the 2005-07 biennium in the executive budget submitted for the fifty-ninth legislative assembly, there"

Page 1, line 7, after "of" insert "distributing"

Page 1, remove lines 18 through 22

Page 2, remove lines 1 through 3

Renumber accordingly



2005 HOUSE APPROPRIATIONS

нв 1157

### 2005 HOUSE STANDING COMMITTEE MINUTES

## BILL/RESOLUTION NO. HB1157 Commitment of Sexually Dangerous Individuals

House Appropriations Ful	l Committee
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☐ Conference Committee

Hearing Date February 15, 2005

Tape Number Side A Side B Meter # #7.0 - #25.0

Committee Clerk Signature Chus Alexander

Minutes:

Rep. Ken Svedjan, Chairman opened the discussion on HB1157.

**Rep Weiler** explained that this bill takes \$15 million from the general fund and distributes back to property tax payers. Divide all the property tax paid in the 2004 to the state of North Dakota by \$15 million and that would be the money distributed back to the taxpayers. The \$15 million was derived from the ending fund balance.

**Rep. Ken Svedjan, Chairman** asked about the March forecast and how this relates in the amendments.

**Rep Weiler** answered that the March revenue forecast is a trigger mechanism that the subcommittee put in and what it says is that if we meet or surpass the March revenue forecast then this would trigger the \$15 million rebate.

**Rep. Ken Svedjan, Chairman** commented that we would get the forecast on March 7 and if the forecast is \$15 million greater than what we expect then this rebate would be triggered if this bill is passed.

**Rep Weiler** clarified that the amendments read that all we would need to do is meet the projected revenues in March and it would trigger this rebate.

**Rep. Mike Timm, Vice Chairman** asked how much it costs when the tax commission sends rebates. (meter Tape #2, side A, #10.2)

**Rep Weiler** answered that the Tax Commissioner said that if the bill is passed the tax commission would do whatever it takes to get this done. This is understood then, that the cost would be found within their budget and there would be no additional costs.

Rep. James Kerzman asked if this was only for residential property

Rep Weiler answered yes, single family residential property.

**Rep. Tom Brusegaard** asked for a breakdown on the total property tax broken down for commercial, residential, etc...

**Rep Weiler** answered that he did not have these figures but there is approximately 80,000 single family residential owners all paying property taxes. This doe not include agricultural residences.

**Rep. Bob Skarphol** asked if Rep Weiler believed that someone who rents an apartment does not pay property tax on their residence.

**Rep Weiler** answered that the renters would not receive any of this rebate unless their landlords pass some of this savings along.

**Rep. Bob Skarphol** commented that he was assuming that an apartment building would not receive a rebate since it is not a single family residence.

**Rep Weiler** answered that this was correct and that a single family residence is a 1, 2, or 4 housing unit residence, but there is no mechanism in this bill to ensure that this rebate would go back to the people who are paying rent in these units.

**Rep. Mike Timm, Vice Chairman** asked why a \$15 million was an expenditure right out of the general fund didn't come directly to the appropriations committee.

**Rep Weiler** answered that he had asked the same question and that it was brought to his attention by the chair of Finance and Tax that it did not need to start in appropriations. So perhaps we need to clarify the boundaries for this.

**Rep. Ken Svedjan, Chairman** explained that if the March revenue forecast meets or exceeds projections it triggers this and \$15 million would be appropriated for property tax relief. (meter Tape #2, side A, #14.2)

**Rep. Jeff Delzer** asked what the amount was that the average homeowner would receive and was this a one time shot.

**Rep Weiler** answered that the amount was approximately \$125 - \$145 for every \$2000 paid in taxes and yes it is a one time shot.

Rep. Jeff Delzer asked why is this restricted to residential property.

Rep Weiler answered that to include agricultural we would have had to double the cost. The decision was made to limit this to the \$15 million because if we tried for \$30 million it would be killed immediately. In testimony I said that businesses and farmers get tax breaks and they should, but there are 93% of people that live in North Dakota that don't own a farm and don't own a business and they never get a tax break. This is something that we can give back because property taxes are a big issue in this state and we have a very large ending fund balance.

**Rep. Ken Svedjan, Chairman** asked if the revenue forecast exceeds what is expected by the \$15 million then it could be triggered that way.

**Rep Weiler** answered that this was considered and the hope was to get this to the Senate and let the forecast come in and see where we are then. We need to get this money back to the people who created the surplus in the first place and not spend it on more programs.

Rep. Al Carlson commented that this is an example of what is the philosophy regarding excesses in state revenue. What do we do with it? Do we spend it? Do we give it back to the people? Or do we lower the tax rates because they must be too high. Or the appropriators could find several programs in need of more funding. But yesterday we talked about a budget that is sustainable and based upon what our revenue was. I would prefer to lower the tax rates for a longer term solution but this is methodology that says that we have more money than we need and we can either put it into programs or give it back to the people. This was the concept behind the bill. (meter Tape #2, side A, #17.4)

**Rep. David Monson** commented on the statement that this is going back to the people who created the surplus, but he pays sales tax and income tax and is not getting any of this money back even though he helped create the surplus.

Rep. Mike Timm, Vice Chairman moved a Do Pass motion on HB1157.

Rep. Al Carlson seconded

**Rep. Elite Glassheim** commented that the choices are not just spend it or give it back. You can leave it in the ending fund balance for the next time you need it.

**Rep. Jeff Delzer** commented that he liked the idea of giving the money back but if the money was put aside we would have money to deal with unforeseen problems later.

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**Rep. Pam Gulleson** commented that this is a very narrow group of people receiving this rebate **Rep. Al Carlson** commented that if you tax farmsteads then you could give the money back to them when there was a surplus.

**Rep. Ken Svedjan, Chairman** called for a roll call vote on the Do Pass motion on HB1157. Motion failed with a vote of 6 yeas, 16 neas, and 1 absence.

Rep. Tom Brusegaard moved a Do Not Pass motion to HB1157.

Rep. Pam Gulleson seconded.

**Rep. Ken Svedjan, Chairman** called for a roll call vote on the Do Not Pass motion on HB1157. Motion carried with a vote of 14 yeas, 9 neas, and 0 absences. Rep Brusegaard will carry the bill to the house floor.

Rep. Ken Svedjan, Chairman closed the discussion on HB1157.

Date:

February 15, 2005

Roll Call Vote #:

2

### 2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES **BILL/RESOLUTION NO.** HB1157

House Appropriations - Full Committee

Check here for	Conference Con	nmittee				
Legislative Council	Amendment Nui	mber				
Action Taken	DO NOT PASS					
Motion Made By	Rep Brusegaa	ırd	Se	econded By Rep Gulleson		
Represe	ntatives	Yes	No	Representatives	Yes	No
Rep. Ken Svedjan	, Chairman	X		Rep. Bob Skarphol	X	
Rep. Mike Timm,	Vice Chairman		X	Rep. David Monson	X	
Rep. Bob Martins	on		X	Rep. Eliot Glassheim	X	
Rep. Tom Brusega	aard	X		Rep. Jeff Delzer		X
Rep. Earl Rennerf	eldt	X		Rep. Chet Pollert	X	
Rep. Francis J. W	ald	X		Rep. Larry Bellew		X
Rep. Ole Aarsvolo	i	X		Rep. Alon C. Wieland		X
Rep. Pam Gulleso	n	X		Rep. James Kerzman	X	
Rep. Ron Carlisle			X	Rep. Ralph Metcalf	X	
Rep. Keith Kempe	enich		X			
Rep. Blair Thores	on		X			
Rep. Joe Kroeber		X				
Rep. Clark William	ms	X				
Rep. Al Carlson			X			
Total Yes	<u>14</u>		N	9		
Absent				0		
Floor Assignment	Ren Rrusea	aard				

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

REPORT OF STANDING COMMITTEE (410) February 15, 2005 2:24 p.m.

Module No: HR-30-3004 Carrier: Brusegaard Insert LC: Title:

### REPORT OF STANDING COMMITTEE

HB 1157, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends DO NOT PASS (14 YEAS, 9 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1157 was placed on the Eleventh order on the calendar.

(2) DESK, (3) COMM . Page No. 1 HR-30-3004

2005 TESTIMONY

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### HOUSE FINANCE AND TAXATION COMMITTEE

January 25, 2005

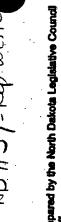
Testimony of Sara Hewson, Property Tax Specialist

### **HOUSE BILL 1157**

Mr. Chairman, Members of the Committee, for the record my name is Sara Hewson and I am employed as Property Tax Specialist by the Office of State Tax Commissioner. My testimony concerns House Bill 1157.

House Bill 1157 would provide a rebate of a portion of the residential property tax that was levied in 2004, and became payable January 1, 2005. House Bill 1157 does not address the issue of payment being made in a timely manner. Without a time limitation the calculation of taxes paid by eligible individuals may never be determined. A possible time limit would be payment made on or before October 15, 2005, the date the second installment of the tax becomes delinquent.

This concludes my prepared testimony. I will be glad to try to answer any questions.



Prepared by the North Dakota Legislative Council staff

staff

Jenuary 21, 2005

# BILLS UNDER CONSIDERATION WHICH CONTAIN AN APPROPRIATION, STATE FISCAL IMPACT, OR STATE REVENUE IMPACT NOT INCLUDED IN THE 2005-07 EXECUTIVE OR LEGISLATIVE BUDGET, UNLESS INDICATED (\*)

This report reflects bitts under consideration and floor action through Wednesday, January 19, 2005.

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			Appro	Appropriation	Effect on Expenditures	nditures	. 8
1015	Increases the Is 98s production of from \$71 million	HAP		Other Funds	General Fund	Other Funds	General Fund Other Funds \$13,270,000 • (\$13,270,000) •
1027	Changes the method of calculating unemployment insurance taxes for employers	HB.				\$23,200	
1028	Establishes a seven-member Job Service North Dakota Advisory Council for the purpose of advising Job Service North Dakota regarding issues relating to the operations, effectiveness, fairness, and efficiency of the unemployment insurance program	표				\$15,000	
1029	Provides an appropriation to the Department of Human Services for an education and awareness campaign to Inform the public about vulnerable adult abuse and neglect	3	000'09\$		\$50,000		
1030	Prohibits smoking in places of public access, publicly owned buildings or offices, and nonpublic workplaces (with certain exceptions) and provides penalties for violations	НОУА					The effect on revenues cannot be determined
<b>1</b> 03	increases property tax exemptions and income tax exemptions for new and expanding businesses from 5 to 10 years	Ħ		,			(\$350,000)
<b>1</b> 034	Authorizes the Attorney General to provide legal coursel to local boards of health (Passed House)				The effect on expenditures cannot be determined	ditures cannot ined	The effect on reverues cannot be determined
1035	Creates and provides an appropriation for a government performance and accountability system to be established and maintained by the Office of Management and Budget subject to review of the Government Performance and Accountability Committee	HAP	\$404,869	· .	\$404,859		
1038	Creates a 13-member advisory commission on the No Child Left Behind Act	HAP			\$8,184	."	

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Signed worker for a claim and interaction by Workforce Sidely and interaction and later compared free for concernant the second interaction and later constant interaction and later constant from the second interaction and the second interaction and the second interaction and second interactions and employees cutable the conformation and employees cutable the conformation and employees cutable the conformation and employees of the second interaction and employees of the second interaction and provides that the per student soprant interaction in the second interaction interaction into the second interaction interaction into the second interaction into the second interaction into the second interaction into the second interaction interaction interaction interaction into the second interaction i		Insurance to recover benefits paid to an	s.f					; ·	
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Committee Abbreviations

House Government and Veterans Affain House Industry, Business and Labor louse Finance and Taxatlon House Human Services House Appropriations House Education House Agriculture House Judiclary

Senate Industry, Business and Labor Senate Finance and Taxation Senate Human Services House Political Subdivisions House Natural Resources House Transportation Senate Agriculture Senate Appropriations Senate Education

Senate Government and Veterans Affairs Senate Political Subdivisions Senate Natural Resources Senate Judiciary

Senate Transportation