

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1300

2005 HOUSE POLITICAL SUBDIVISIONS

HB 1300

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1300

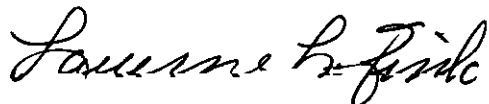
House Political Subdivisions Committee

☐ Conference Committee

Hearing Date January 20, 2005

Tape Number	Side A	Side B	Meter #
1	x		1.7 to 18.3
3		x	37.9 to 41.7

Committee Clerk Signature



Minutes: **Rep. Devlin, Chairman** opened the hearing on HB 1300, a Bill for an Act to amend and reenact section 54-10-14 of the North Dakota Century Code, relating to exemptions from audit requirements for certain political subdivisions. **Rep. Devlin, Chairman** advised that Rep. Weisz, sponsor of HB 1300 would be delayed a few minutes. Also **Rep. Devlin, Chairman**, that it was necessary for himself to leave to go testify at another committee; there for the chair was turned over to **Rep. Herbal, Vice Chairman**.

Rep. Weisz prime sponsor of this bill discussed the basis for this proposed legislation. The Wells County Conservation District Board on which he had served was an example of a local board that had a variety of sources for income. The legislation would allow that district to be exempt from audits on income of less than \$200, 000 dollars in annual receipts. It allows the federal pass-thru-dollars are not counted in determining that amount in determining the \$200,00

limit. The original bill in front of you does not talk about the \$200,000 limit but an amendment That has been handed out takes care of that. What we are saying then is that any soil conservation district that is used to pass thru federal dollars to the farmers and other entities in the area -- that those dollars do not count against the current \$100,000 limit and that we would also be raising the limit when an audit would kick in to \$200,000. The reason for this bill --- is that most conservation districts have very few funds and resources. You will have others presenting testimony that will explain this. In our county that I live in, total tax revenue is about \$18,000. Total revenue for that county and an audits costs around \$1200. Their revenue and income comes from two sources -- - 1) Wells County is a '319 project' -- these are conservation projects That require the federal subsidies to have a sponsor if farmers and other people want to utilize this. Wells County sponsors a couple of 319 projects. That revenue does not go to the county; we don't get any --- besides getting some of the costs out of it --- the county does not get any benefits from those projects. Those dollars merely pass thru. Most of the revenue the county generates or the district generates comes from their business activities -- sell trees for shelter belts, they own equipment they use for no-til seeding, they sell grass seed for CRP and other conservation programs, --- this is the source of their revenue. Because of these activities Wells County is well over that \$100, 000 limit --- they can have an income of only a few thousand dollars and now they are expected to pay \$1200 a year for an audit. This bill would take this burden off. These entities are subject to a federal audit on the 319 dollars.

Rep. Herbal, Vice Chairman The audit costs \$1200.

Rep. Weisz --- Yes.

Rep. Herbal, Vice Chairman--- does this change from year to year?

Rep. Weisz (6.1) I would assume that it would vary according to the complexity of the audit but Wells County is a very small county with a small amount of activity -- I don't think you are going to see an audit for less than that.

Rep. Koppelman (6.4) If the requirement for audits were eliminated would the political subdivision have any audits at all?

Rep. Weisz : They would still have the financial reports available and any one over that 4200,000 limit obviously would have the audits. I believe they have to be audited every two years.

Anne Ehni is the manager of the Wells county Soil Conservation District. She appeared in support of HB 1300. A copy of her prepared testimony is attached.

Rep. Koppelman (11.3) If this section of law is amended -- it looks like this permissive language -- the State Auditor may required annual reports from --- is it your experience that when the state auditor has that authority -- that they do in fact audit every two years?

Anne Ehni : It is my experience they do audit every two years.

Rep. Weisz That section is dealing with under \$100,000 so it not mandated now but they could require an audit --- they can still and could still required an audit.

Rep. Ekstrom (12.9) Have you spoken to other Districts -- do they have the same experience? The same costs?

Anne Ehni : I have -- the State Officer this reported -- they had 79 audits of Soil Conservation Districts. The Department of Health -- 15 and EPA 319 programs in 15 of the twenty districts.

Rep. Zaiser (13.7) Again have other districts experienced the same kind of costs? Do they want to forego audits on an annual basis?

Anne Ehni : AT the annual meeting in November all the districts voted in favor of this bill with only one abstention.

Rep. Herbal, Vice Chairman You stated that Federal Audits would still be there -- when there is a federal audit, are you required to pay for that out these funds that you raise?

Anne Ehni : We have not been selected for a federal audit -- I am not certain but I believe it would come out of the soil conservation District account.

Rep. Kaldor (15.0) You are allowed a small amount each month to pay for bookkeeping -- is that out of the 319 funds?

Anne Ehni : Each month we submit very intensive annual report to the Department of Health and included in that is a line item for bookkeeping -- each month its \$40 or 50 of we submit for reimbursement of clerical duties. The Department of Health pays 60%.

Rep. Koppelman (15.9) On the federal audits -- do they have out of state auditors?

Anne Ehni . I don't know.

Gary Puppe representing the North Dakota Association of Soil Conservation Districts. I appear in support of HB 1300 as well as the amendments passed out by Rep. Weisz. The 275 district supervisors overwhelmingly supported this bill.

Rep. Koppelman (17.4) Did any of the Soil conservation district you represent have federal audits and who did the audits and how expensive were they?

Gary Puppe : My experience is that federal auditors may not enter the office and do audits rather there may be requirements to be meet an auditor. That is usually the situation.

There being no further testimony for nor against HB 1300 **Rep.Devlin, Chairman** closed the hearing on HB 1300. (18.3).

Page 5
House Political Subdivisions Committee
Bill/Resolution Number HB 1300
Hearing Date January 20, 2005

In work session **Rep.Devlin, Chairman (Tape 3 Side B -- 37.9)** opened the discussion for action on HB 1300. **Rep. Koppelman** moved the amendments for approval. **Rep. Dietrich**

Seconded the motion. The motion carried on a voice vote. **Rep. Koppelman (38.7)** moved a ' Do Pass as amended ' motion for HB 1300. **Rep. Dietrich** seconded the motion. On a roll call vote the motion carried 10 yeas 0 nays 2 absent. **Rep. Koppelman** was designated to carry HB 1300 on the floor. **End of record (41.6)**.

FISCAL NOTE
Requested by Legislative Council
01/12/2005

Bill/Resolution No.: HB 1300

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.*

We are unable to determine the fiscal impact on the state or on local governments, since there is no way of knowing how many entities would be affected.

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: Ed Nagel
Phone Number: 328-4782

Agency: State Auditor
Date Prepared: 01/13/2005

50576.0101
Title.0200

Prepared by the Legislative Council staff for
Representative Weisz
January 19, 2005

VR
1/21/05

HOUSE

HOUSE

AMENDMENTS TO HOUSE BILL NO. 1300 P.S. 1-21-05

Page 2, line 14, after "districts" insert "and soil conservation districts"

Renumber accordingly

Date: *January 20, 2005*
Roll Call Vote: *HB 1300*

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

House POLITICAL SUBDIVISIONS

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Motion Made By

Seconded By

Representatives
Rep. Devlin, Chairman
Rep. Herbel, Vice Chairman
Rep. Dietrich
Rep. Johnson
Rep. Koppelman
Rep. Kretschmar
Rep. Maragos
Rep. Pietsch
Rep. Wrangham

Yes No
✓
✓
✓
✓
✓
✓
A
✓
✓
✓

Representatives
Rep. Ekstrom
Rep. Kaldor
Rep. Zaiser

Yes No
✓
✓
A

Total (Yes) *10*

No *0*

Absent *2*

Floor Assignment

Koppelman

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

REPORT OF STANDING COMMITTEE (410)
January 24, 2005 11:34 a.m.

Module No: HR-15-0909
Carrier: Koppelman
Insert LC: 50576.0101 Title: .0200

REPORT OF STANDING COMMITTEE

HB 1300: Political Subdivisions Committee (Rep. Devlin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1300 was placed on the Sixth order on the calendar.

Page 2, line 14, after "districts" insert "and soil conservation districts"

Renumber accordingly

2005 SENATE POLITICAL SUBDIVISIONS

HB 1300

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1300


Senate Political Subdivisions Committee

☐ Conference Committee

Hearing Date February 25, 2005

Tape Number	Side A	Side B	Meter #
1	X		1400 - 3103
1	X		5498 - 5711

Committee Clerk Signature



Minutes:

Chairman Cook opened the hearing on HB 1300 relating to exemptions from audit requirements for certain political subdivisions. All committee members (6) present.

Senator Jerry Klein, District 14 which is Wells, Kidder, Sheridan and a big chunk of Burleigh County introduced HB 1300. What we have is an issue with our soil conservation and the audit. Federal dollars are audited by the federal government. Federal dollars are generally pass through dollars, never really stay within the soil conservation district, but count against them as far as the cap which requires this audit. Today we are asking to change that and not require the audit if the dollars really don't stay within the district .

Anne Ehni, Manager of the Wells County Soil Conversation District, testified in support of HB 1300. (See attachment # 1)

Roxanne Johnson, President, ND Association of Soil Conservation District, testified in support of HB 1300. (See attachment #2)

Chairman Cook: How many soil conservation districts do you have?

Roxanne Johnson: 56 districts.

Chairman Cook: How many handle more than two hundred thousand dollars?

Roxanne: At least one half of them.

Marvin Neumiller, Supervisor with the South McLean Soil Conservation, testified in support of HB 1300. Passage of this bill would relieve us of doing an annual audit. It would be every other year then. We also have money that passes through and we don't make anything off of it. It costs us a little over eight hundred dollars to do an audit. This is eight hundred dollars that could be spent on some other conservation measures.

Edward Hauff, Supervisor with the West McLean Soil Conservation District, testified in support of HB 1300. Fortunately we were under the one hundred thousand, but looking to the future it looks like more money is going to be funneled through and we will have to have a state audit. We want to save money where ever we can.

Senator Dever: Since most of the dollars you are dealing with are federal dollars, do they come with some pretty strict fiscal controls?

Edward Hauff: They are reimbursement funds. The producer has to provide a receipt and they are paid on an eight-twenty or sixty-forty percent.

Senator Gary Lee: I am trying to understand the money flow. You get the money as a conservation district from the federal government, then you send it to the health department?

Anne Ehni: We send it to the producer. Each soil conservation district goes into a contract with the Department of Health to implement watershed projects in their area and to keep the local control. One watershed project may fund conservation tillage, depending on what the needs are

in that local geographic area. As each soil conservation district develops that contract then the Department of Health sends the check to the district and it is passed on to the producer. It is all through EPA.

Senator Triplett: You are saying if we continue these audits you are subject to double auditing. There isn't any money going anywhere that isn't subject to specific control by the federal government and the state government.

Anne Ehni: Increasing the cap to two hundred thousand would only give the state auditors office an opportunity to accept an annual report in lieu of a complete audit, so that if the annual report raised any questions then the state auditors office could initiate an audit.

No further testimony in support or opposition to the bill.

Chairman Cook closed the hearing on HB 1300.

Called for discussion on HB 1300.

Senator Triplett motioned a Do Pass.

Senator Hacker seconded the motion.

Discussion.

Roll call vote: Yes 6 No 0 Absent 0

Carrier: **Senator Triplett**

Date: 2-25-05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1300

Senate Political Subdivisions

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Do Pass

Motion Made By Senator Triplett Seconded By Senator Hacker

Senators	Yes	No	Senators	Yes	No
Senator Dwight Cook, Chairman	X				
Senator Nicholas P. Hacker, VC	X				
Senator Dick Dever	X				
Senator Gary A. Lee	X				
Senator April Fairfield	X				
Senator Constance Triplett	X				

Total Yes 6 No 0

Absent

Floor Assignment Senator Triplett

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

REPORT OF STANDING COMMITTEE (410)
February 25, 2005 1:20 p.m.

Module No: SR-35-3718
Carrier: Triplett
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1300, as engrossed: Political Subdivisions Committee (Sen. Cook, Chairman)
recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed HB 1300 was placed on the Fourteenth order on the calendar.

2005 TESTIMONY

HB 1300

House Bill No. 1300
Political Subdivision Committee
Chairman William R. Devlin
January 20, 2005

Chairman Devlin and members of the political subdivision committee, my name is Anne Ehni. I am the manager of the Wells County Soil Conservation District. House Bill No. 1300 will amend section 54-10-14 of the North Dakota Century Code regarding audits for Political Subdivisions.

Currently, Soil Conservation Districts are required to be audited every two years. In lieu of conducting an audit, the State Auditor may instead require an annual financial report from a the political subdivision with less than \$100,000 in annual receipts.

With the amendment offered by Representative Weisz, this bill No. 1300 increases the annual receipt cap to \$200,000 for Soil Conservation Districts and excludes federal funds from the cap altogether.

The following information is based on Wells County SCD activity; however, I believe it is representative of the situation in Soil Conservation Districts with similar projects across the state.

I will break this testimony into two parts, explaining the rational of the Wells County Soil Conservation District's effort to initiate this bill.

- ✓ First, I will address the exclusion of federal funds from the audit requirement as indicated on page 2, lines 16 – 20 of House Bill No. 1300.
- ✓ Secondly, I will address the reasoning to raise the dollar limit of annual receipts from \$100,000 to \$200,000 to initiate the State Auditor's requirement for an audit rather than an annual report.

Exclusion of Federal Funds from Audit Requirement

Since 1995, the Wells County Soil Conservation District has actively participated in EPA-319 watershed projects to promote water quality and other agricultural conservation practices in the watersheds within the county boundaries. These projects are co-sponsored by the County Commissioners and Water Resource District and, in some cases, when the project area crosses county lines, these entities from adjoining counties sponsor the projects as well.

Soil Conservation Districts are often the lead sponsors of these watershed projects. In Wells County, the watershed project employs one full-time coordinator who oversees operation of the project and acts under the supervision of a board of directors. As lead sponsor, funds are channeled through a separate account under the Soil Conservation Districts' authority at the bank and credit union. Districts do not gain any revenue or income from the watershed projects, aside from a small portion each month paid for bookkeeping.

In 2003, the Wells County Soil Conservation District had \$279,582 in gross annual receipts. Of this, \$123,621 came from the North Dakota Department of Health as EPA-319 project payments. These funds were used to pay watershed staff salaries and supplies for the operation of the watershed project area, as well as \$75,261 in payments to producers for initiating and maintaining conservation and water quality management practices.

As the Table 1 on page 3 illustrates, in 2003, with \$127,961 in ~~Federal~~ receipts, the watershed project in Wells County netted only \$3,936, with the balance of \$124,025 channeled through the district to the producers, landowners and staff. It should be pointed out that districts are subject to an audit of federal funds from EPA or the Department of Health at any time.

2003 Watershed Project Income

EPA-319 Receipts	\$	123,621.00
Sponsor Income	\$	4,000.00
Interest Income	\$	340.00
Total	\$	127,961.00

2003 Watershed Project Expenses

Payments to producers for conservation practices	\$	75,261.00
Education, Payroll, Training, Operating Expenses	\$	48,764.00
Total	\$	124,025.00
Net I/E	\$	3,936.00

Table 1 Income/Expense of Federal EPA-319 Dollars

The function of the EPA-319 watershed project function is to promote conservation practices within the watershed area to enhance the overall quality and health of natural resources within the watershed area. By cooperating with these projects, producers can be paid for initiating new practices which contribute to the health of the watershed. As stated earlier, these funds are distributed through the North Dakota Department of Health and subject to an audit at any time by the EPA or Department of Health.

Increase Annual Receipt Cap from \$100,000 to \$200,000

Passage of the amendment to House Bill No. 1300 will increase the annual receipt cap which mandates an audit from \$100,000 to \$200,000 for Soil Conservation Districts by adding " and Soil Conservation Districts" to line 14 on page 2, immediately following "...park districts." Currently Soil Conservation Districts, and other political subdivision (except park districts, and some cities and schools) must have an audit performed on their accounts and procedures if they have gross receipts in excess of \$100,000.

Table 2 below illustrates the Wells County Soil Conservation District's 2003 income and expenses, including the funds from the EPA 319 watershed project. With gross receipts of \$279,582, even if the federal EPA-319 funds were excluded, state law mandates an audit of this account. Based on the previous audits, it is expected this audit will cost the district about \$1,200 which is a significant financial burden.

2003 Income	
EPA 319	123,621
Mill Levy	18,412
State Grant	303
Local Donations	5,678
Sale of conservation services	131,568
<i>Gross Receipts</i>	<i>279,582</i>
2003 Expense	
COGS, Education, Payroll & Operating Expenses	206,837
EPA 319 payments to producers for conservation practices	75,261
<i>Gross Expenses</i>	<i>282,098</i>
Net Receipts	(2,516)

Table 2: Summary of 2003 Wells County SCD Income/Expense

Soil Conservation Districts across North Dakota have become a true source of authority for natural resource conservation efforts. As a non-profit organization, composed of a board of five supervisors, each county in the state supports a Soil Conservation District. In concurrence with North Dakota Century Code 4-22-26, districts may levy taxes, not to exceed one mill, for the payment of the expenses of the district. In 2003, this amounted to only \$18,412.

With the exception of federal funds for EPA-319 projects, all other revenues received by a district are local contributions, state grants or earned income from the sale of conservation services. Wells County Soil Conservation District operates a very active a no-till seeding program, a tree planting program, an in-row-tree cleaning program, and several education forums in the communities and schools within Wells County.

House Bill No. 1300
Political Subdivision Committee
Chairman Dwight Cook
February 25, 2005

Chairman Cook and members of the political subdivision committee, my name is Anne Ehni. I am the manager of the Wells County Soil Conservation District (SCD). House Bill No. 1300 will amend section 54-10-14 of the North Dakota Century Code regarding audits for Political Subdivisions.

Currently, Soil Conservation Districts are required to be audited every two years. In lieu of conducting an audit, the State Auditor may instead require an annual financial report from a the political subdivision with less than \$100,000 in annual receipts.

House Bill No. 1300 increases the annual receipt cap to \$200,000 for soil conservation districts and excludes federal funds from the cap altogether.

The following information is based on Wells County SCD activity; however, I believe it is representative of the situation in Soil Conservation Districts with similar projects across the state.

I will break this testimony into two parts, explaining the rationale of the Wells County Soil Conservation District's effort to initiate this bill.

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Exclusion of Federal Funds from Audit Requirement

Since 1995, the Wells County Soil Conservation District has actively participated in EPA 319 watershed projects to promote water quality and other agricultural conservation practices in the watersheds within the county boundaries. These projects are co-sponsored by the County Commissioners and Water Resource District and, in some cases, when the project area crosses county lines, these entities from adjoining counties sponsor the projects as well.

Soil Conservation Districts are often the lead sponsors of these watershed projects. In Wells County, the watershed project employs one full-time coordinator who oversees operation of the project and acts under the supervision of a board of directors. As lead sponsor, funds are channeled through a separate account under the Soil Conservation Districts' authority at the bank and credit union. Districts do not gain any revenue or income from the watershed projects, aside from a small portion each month paid for bookkeeping.

In 2003, the Wells County Soil Conservation District had \$279,582 in gross annual receipts. Of this, \$123,621 came from the North Dakota Department of Health as EPA 319 project payments. These funds were used to pay watershed staff salaries and supplies for the operation of the watershed project area; as well as \$75,261 in payments to producers for initiating and maintaining conservation and water quality management practices.

As the Table 1 below illustrates, in 2003, with \$127,961 in receipts, the watershed project in Wells County netted only \$3,936, with the balance of \$124,025 channeled through the district to the producers, landowners, and staff. It should be pointed out that districts are subject to an audit of federal funds from EPA or the Department of Health at any time.

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Interest Income	\$ 340.00
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Education, Payroll, Training, Operating Expenses	\$ 48,764.00
<i>Total</i>	<i>\$ 124,025.00</i>
Net I/E	\$ 3,936.00

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The function of the EPA-319 watershed project is to promote conservation practices and to enhance the overall quality and health of natural resources within the watershed area. By cooperating with these projects, producers can be paid for initiating new practices which contribute to the health of the watershed. The funds are distributed through the North Dakota Department of Health and subject to an audit at any time by the EPA or Department of Health.

Increase Annual Receipt Cap from \$100,000 to \$200,000

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Table 2 below illustrates the Wells County Soil Conservation District's 2003 income and expenses. With gross receipts of \$279,582, state law mandates an audit of this account. Based on the previous audits, it is expected this audit will cost the district about \$1,200 which poses a significant financial burden.

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House Bill No. 1300
Political Subdivision Committee
Chairman Dwight Cook
February 25, 2005

Chairman Cook and members of the committee, my name is Roxanne Johnson. I am a soil conservation board member from Adams County and the President of the North Dakota Association of Soil Conservation Districts. I am here to testify that this bill originated at the Wells County Soil Conservation District. Their supervisors brought it forth as a resolution at their area meeting and to the general assembly at the annual convention of the NDASCD in November of 2004. This resolution was approved at our business meeting and the NDASCD is requesting a do pass on this bill as it would lessen the financial burden for districts to do the work of conservation in North Dakota.

Roxanne Johnson, President

North Dakota Association of Soil Conservation Districts

1309 15th Street NW

Reeder, ND 58649