

DEPARTMENT: Board

BY: Supervisor Parker  
Supervisor Balmain

PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes \_\_\_ No X)

Discussion and possible action to support discharge petition number 25 to further consideration of HR 140, the "no money, no mandate" bill.

This mandate relief legislation would prevent the federal government from placing future unfunded federal mandates on local and state governments. A letter from Congressman Gary Condit is attached concerning this matter.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

None on this specific request.

The Board has taken action on previous occasions to support mandate relief legislation.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

- 1) Take action to support.
- 2) Do not take action and provide alternative direction.

**COSTS:** (x) Not Applicable

A. Budgeted current FY \$ \_\_\_\_\_

B. Total anticipated costs \$ \_\_\_\_\_

C. Required additional funding \$ \_\_\_\_\_

D. Internal transfers \$ \_\_\_\_\_

**SOURCE:** ( ) 4/5ths Vote Required

A. Unanticipated revenues \$ \_\_\_\_\_

B. Reserve for contingencies \$ \_\_\_\_\_

C. Source description: \_\_\_\_\_

Balance in Reserve for Contingencies, if approved: \$ \_\_\_\_\_

**SPECIAL INSTRUCTIONS:**  
List the attachments and number the pages consecutively:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**CLERK'S USE ONLY:**

Res. No.: 94-388 Ord. No. \_\_\_\_\_

Vote - Ayes: 5 Noes: \_\_\_\_\_

Absent: \_\_\_\_\_ Abstained: \_\_\_\_\_

Approved ( ) Denied ( )

Minute Order Attached ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date: \_\_\_\_\_

ATTEST: MARGIE WILLIAMS, Clerk of the Board  
County of Mariposa, State of California

By: \_\_\_\_\_  
Deputy

**ADMINISTRATIVE OFFICER'S RECOMMENDATION:**  
This item on agenda as:

Recommended

Not Recommended

For Policy Determination

Submitted with Comment

Returned for Further Action

Comment: \_\_\_\_\_

A.O. Initials: MW

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

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TO: GARRY R. PARKER, District IV Supervisor  
ARTHUR G. BAGGETT, JR., District I Supervisor

FROM: MARGIE WILLIAMS, Clerk of the Board *MW*

SUBJECT: "No Money, No Mandate" Bill (HR 140)  
Resolution Number 94-388

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THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,  
ADOPTED THIS Order on September 6, 1994

ACTION AND VOTE:

Discussion and Possible Action to Support Discharge Petition  
Number 25 to Further Consideration of HR 140, the "No Money,  
No Mandate" Bill (Supervisors Parker and Balmain)  
BOARD ACTION: Following discussion, (M)Taber, (S)Parker,  
Res. 94-388 adopted supporting Discharge Petition Number 25  
as requested/Ayes: Unanimous.

cc: File

GARY A. CONDIT  
18TH DISTRICT, CALIFORNIA



1123 LONGWORTH BUILDING  
WASHINGTON, DC 20515-0518  
(202) 225-6131

COMMITTEE ON AGRICULTURE

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**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-0518**

DISTRICT OFFICES:

FEDERAL BUILDING  
415 WEST 18TH STREET  
MERCED, CA 95340  
(209) 383-4455

920 16TH STREET, SUITE C  
MODESTO, CA 95354  
(209) 527-1914

18TH DISTRICT  
TOLL FREE:  
1-800-356-6424

August 10, 1994

The Honorable Doug Balmain  
5846 Dogtown Road  
Coulterville, California 95311

Dear Supervisor Balmain:

I am writing to update you on congressional efforts to enact meaningful and strong mandate relief legislation and to ask for your assistance in this effort. Enclosed, please find a copy of an editorial on this subject that appeared in the Wall Street Journal.

First of all, I want you to know that I firmly believe that you have taken the correct and meritorious course of action by calling, pushing, and fighting for "no money, no mandate". Anything short of "no money, no mandate" will not solve the problems that federal mandates pose for local and state governments. It is that simple. Inside the beltway, associations, groups, and federal elected officials will call on you to compromise your principles: They will offer procedural gimmicks and empty promises. I urge you to stay on your course and continue the fight until meaningful "no money, no mandate" legislation is enacted.

As you may know, the Senate worked out a compromise on unfunded federal mandates, S. 993, also known as the Glenn-Kempthorne compromise. This legislation would allow lawmakers to raise a parliamentary point of order against legislation that places over \$50 million in unfunded mandates on state and local governments.

Representative Ed Towns (D-NY), Chair of the Subcommittee on Human Resources and Intergovernmental Relations and Chairman John Conyers, Jr. (D-MI) of the full Committee on Government Operations introduced H.R. 4771, the House companion to the Glenn-Kempthorne bill. It is unclear at this point whether or not Chairman Conyers will take action on this legislation in the full Committee on Government Operations.

However, I do not believe that H.R. 4771 provides meaningful mandate relief to local and state governments. For example, the enforcement mechanism in H.R. 4771 remains the point of order requirement. In the House of Representatives, this requirement would not be effective because the House Committee on Rules routinely waives points of orders. By doing so, the legislation becomes meaningless. In addition, H.R. 4771, if passed by the Committee on Government Operations, would be referred and considered by the House Committee on

Rules, which has jurisdiction over much of this bill. It is very unlikely that a strong bill would emerge from the Rules Committee for consideration on the floor.

For these reasons, on August 3, 1994, I filed discharge petition number 25 in an attempt to force consideration of H.R. 140, the "no money, no mandate" bill. Fourteen members of Congress joined me in filing the resolution: Rep. Bill Clinger (R-PA), Rep. Charlie Stenholm (D-TX), Rep. Pat Roberts (R-KS), Rep. Tim Penny (D-MN), Rep. Steven Schiff (R-NM), Rep. Jimmy Hayes (D-LA), Rep. Rob Portman (R-OH), Rep. Karen Thurman (D-FL), Rep. Michael Castle (R-DE), Rep. Pete Geren (D-TX), Rep. Richard Pombo (R-CA), and Rep. Collin Peterson (D-MN). The discharge petition also allows for Rep. John Conyers to offer his language as a substitute for H.R. 140 and for Rep. Bill Clinger to offer an amendment to the legislation. As of August 8, 1994 there were 130 members who have signed the petition: House rules require 218 signatures in order to consider the legislation on the floor.

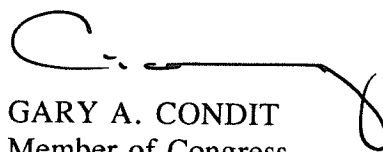
I believe that our discharge petition is fair and that it allows for Members to vote on specific mandate relief legislation rather than watered down versions passed by Committees. I have worked with the House Committee on Government Operations, which has jurisdiction over this issue, for well over two years. The time for Congress to take action is now, but Members of Congress must have an opportunity to vote on meaningful and strong language that would prevent the federal government from placing future unfunded federal mandates on local and state governments.

In addition to the discharge petition, a bi-partisan group of members on the Government Operations Committee are working on developing strengthening amendments to H.R. 4771. We will make every attempt to strengthen the Towns-Conyers bill in Committee.

We need your input. I urge you to adopt a resolution at your next meeting regarding "no money, no mandates" reform. I also urge you to adopt a resolution in support of discharge petition number 25 and for you to send the resolution to my office, to your Member of Congress and to your state and national organization. In addition, please contact your Member of Congress by telephone or during the August recess regarding the discharge petition.

We cannot give up this fight for "no money, no mandates". We have a meritorious case against the federal government, one that should be pursued until the problem is truly solved.

Sincerely,

  
GARY A. CONDIT  
Member of Congress

GAC/jm