

NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

Wednesday, October 12, 2005
Harvest Room, State Capitol
Bismarck, North Dakota

Representative Scot Kelsh, Chairman, called the meeting to order at 9:00 a.m.

Members present: Representatives Scot Kelsh, Chuck Damschen; Senators Dwight Cook, Constance Triplett; Citizen Members Karin Fischer, Donny L. Malcomb, Jon Martinson, Mary Lee Nielson, Greg Sund

Members absent: Citizen Members Barry Cox, Steve Neu; Governor John Hoeven

Others present: See attached appendix

At the request of Chairman Kelsh, Mr. Jay E. Buringrud, Assistant Director, Legislative Council, reviewed the [Supplementary Rules of Operation and Procedure of the North Dakota Legislative Council](#).

COORDINATION OF EFFORTS TO DISCOURAGE DESTRUCTIVE BEHAVIOR STUDY

At the request of Chairman Kelsh, commission counsel presented a background memorandum entitled [Support and Coordination of Public and Private Efforts to Discourage Destructive Behavior - Background Memorandum](#).

Senator Cook said Students Against Destructive Decisions is an effective group that involves kids in preventing destructive behavior in other kids. He said the Office of Faith-Based and Community Initiatives within the Governor's office may be able to access funding for addressing destructive behavior, especially in obtaining funding for Students Against Destructive Decisions.

Ms. Kathleen Mangskau, State Department of Health, presented information on tobacco prevention. She said her office acts as a passthrough mechanism to provide money to local entities. She said her office works with Students Against Destructive Decisions and has contributed \$15,000 to \$20,000 in funding to local Students Against Destructive Decisions groups. She said her office encourages the use of evidence-based procedures to address destructive behavior.

In response to a question from Senator Triplett, Ms. Mangskau said the effectiveness of tobacco programs is evaluated by surveys to see if the rate of use is decreasing. From 1999 to 2003, she said, there was a drop in the use of tobacco from 41 to 30 percent.

Ms. Charlotte Olson, Division of Mental Health and Substance Abuse, Department of Human Services, presented information on the study. She said the epidemiological workgroup that is part of the state prevention framework will begin work after funding is received in January or February. She said the epidemiological workgroup will combine information from different agencies and groups to provide statistical information on destructive behavior.

In response to a question from Representative Kelsh, Ms. Olson said the federal government gave approximately \$150,000 to each state for an epidemiological workgroup. She said there is no formal structure for a workgroup at present. She said the purpose of the workgroup is to find common elements in the data collected by separate agencies.

In response to a question from Senator Triplett, Ms. Olson said she works with three separate grants from three separate federal agencies. She said those funds go to programs in the Supreme Court, Attorney General's office, and Highway Patrol. She said her division provides approximately \$55,000 to Students Against Destructive Decisions.

Mr. Terry Traynor, North Dakota Association of Counties, presented information on the study. He said he serves on a number of boards that provide grants and the funds available in 2003-05 are more than are available this biennium. He said some funds have been cut in half. He said most grants require long-term local planning. He said local groups have relied heavily on regional and tribal children's services coordinating committees in the past. Because of the termination of children's services coordinating committees, he said, the plans used by local entities may become outdated and these entities may be unable to meet federal requirements.

OTHER AREAS OF STUDY

At the request of Chairman Kelsh, commission counsel presented a memorandum entitled [Advisory Commission on Intergovernmental Relations - Background Memorandum](#). In addition, commission counsel provided a copy of a joint powers agreement provided by the Cass County Board of Commissioners relating to the installation and operation of a 12-cylinder electrical generator. A copy of the handout is on file in the Legislative Council office.

Chairman Kelsh invited the commission members and interested parties to suggest topics the commission may study. The following is a list of those suggestions:

1. The use of the phrase "in part", for example, as used in "charitable purposes in part", as it applies to property tax exemptions.
2. Jail fees and reimbursements.
3. Legal services provided for indigent individuals which are not paid by the state.
4. Mill levies.
5. Uniform Environmental Covenants Act.
6. Allow a taxing district to increase the amount of property tax levied from the amount in the base year to that amount adjusted by the consumer price index.
7. City and county development impact fees.

Chairman Kelsh said the commission may study other topics throughout the interim; however, all suggested topics should begin to be studied at least three months before the end of the interim.

Mr. Ken Yantes, North Dakota Township Officers Association, provided testimony to the commission. He said the Township Officers Association will have an annual meeting soon and will bring resolutions urging legislative action from that meeting to the commission.

Mr. Jerry Hjelmstad, North Dakota League of Cities, provided a handout of legislative changes to allow for a taxing district to increase the property tax levy by the consumer price index. He said the change would allow budget flexibility that would allow a city's budget to keep up with inflation. A copy of his handout is on file in the Legislative Council office.

Senator Cook said a major source of income for cities is property tax and an increase in property tax increases the budget of the city. He said flexibility

should be provided in a way that does not negatively affect property taxes.

Mr. Mike Williams, Fargo City Commissioner, provided written testimony on impact fees. He said 2005 Senate Bill No. 2390 was introduced to allow for impact fees and was changed into a study. He said the study was not prioritized by the Legislative Council. He said a property development done outside the growth plan of a city should be financed by the people in the new development. He provided testimony on Senate Bill No. 2390 and copies of a newspaper article and an editorial on impact fees. A copy of each of his handouts is on file in the Legislative Council office.

Senator Triplett said the Commission on Legal Counsel for Indigents does not fund several matters for which there is no constitutional right to counsel but for which indigent individuals are provided legal services at no cost. She said these instances are civil commitments, child custody investigations, and appointments of guardians ad litem. She said indigent counsel in these civil matters is the responsibility of the county.

Ms. Fischer said the counties use the same procedure for applying for indigent counsel for civil matters and criminal matters. She said this creates the appearance that the state should likewise be paying for the civil matters.

No further business appearing, Chairman Kelsh adjourned the meeting at 11:00 a.m.

Timothy J. Dawson
Commission Counsel

[ATTACH:1](#)