

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS - BACKGROUND MEMORANDUM

INTRODUCTION

The Advisory Commission on Intergovernmental Relations (commission) occupies a unique status among committees with legislative membership in North Dakota. The commission differs from usual Legislative Council interim committees in its membership, its permanent status, and its statutory authority to determine its own study priorities. The membership of the commission is provided in North Dakota Century Code (NDCC) Section 54-35.2-01(1):

1. The advisory commission on intergovernmental relations consists of twelve members:
 - a. The North Dakota league of cities executive committee shall appoint two members of the commission.
 - b. The North Dakota association of counties executive committee shall appoint two members of the commission.
 - c. The North Dakota township officers association executive board of directors shall appoint one member of the commission.
 - d. The North Dakota recreation and park association executive board shall appoint one member of the commission.
 - e. The North Dakota school boards association board of directors shall appoint one member of the commission.
 - f. The governor or the governor's designee is a member of the commission.
 - g. The legislative council shall appoint four members of the legislative assembly as members of the commission.
2. The powers and duties of the commission are provided in NDCC Section 54-35.2-02:
 - a. Fiscal and other powers and functions of local governments.
 - b. Relationships between and among local governments and the state or any other government.
 - c. Allocation of state and local resources.
 - d. Interstate issues involving local governments, including cooperation with appropriate authorities of other states.
 - e. Statutory changes required to implement commission recommendations.
3. Present reports and recommended legislative bills to the legislative council for consideration in the same manner as interim legislative council committees.
4. Prepare model ordinances or resolutions for consideration by officials of political subdivisions.

Under the broad statutory authority of NDCC Section 54-35.2-02, the commission is free to establish its own study agenda and to accept suggestions from groups or individuals for study.

The Legislative Council assigned to the commission the responsibility to study the feasibility and desirability of creating cost-sharing or funding mechanisms for the unexpected discovery of cultural or paleontological resources within local road projects as directed by House Concurrent Resolution No. 3037.

RELEVANT STUDIES

Because the commission may establish its own study priorities, the commission should be aware of studies being conducted by the Legislative Council during the 2001-02 interim which may relate to topics of interest to the commission. The following are studies being conducted by the Legislative Council, listed with the Legislative Council interim committee to which the study is assigned:

Bill or Resolution No.	Subject Matter
1003 § 14	Study the Racing Commission, including its authority to schedule, promote, support, and regulate live or simulcas racing in North Dakota (Budget Committee on Government Administration)

The powers and duties of the commission are provided in NDCC Section 54-35.2-02:

- The advisory commission on intergovernmental relations shall:
1. Serve as a forum for the discussion of resolution of intergovernmental problems.
 2. Engage in activities and studies relating to the following subjects:
 - a. Local governmental structure.

- 1012 § 17 Study the feasibility and desirability of state administration of child support, including the fiscal effect on counties and the state (Family Law Committee)
- 1012 § 18 Study the senior citizen mill levy matching grant program (Budget Committee on Human Services)
- 1196 § 29 Study the long-term care needs and the nursing facility payment system in North Dakota (Budget Committee on Human Services)
- 1206 § 2 Study all aspects of improvements by special assessment and property tax assessment and abatements, to include a determination of the true and full value of subsidized housing for property tax assessments, and the homestead tax valuation for senior citizens (Taxation Committee)
- 1269 § 1 Study issues relating to resident and nonresident hunting in this state (Judiciary B Committee)
- 1338 § 1 Study issues related to genetic modification, including impacts on health, the environment, the food supply, product labeling and actions by other jurisdictions regarding experimental medicine and research, and the promulgation of accurate information regarding genetic modification efforts that exist or are expected to exist in the near future - by Legislative Council directive limited to genetic modification of agricultural products (Agriculture Committee)
- 1344 § 17 Study the feasibility and desirability of implementing a teacher compensation package that recognizes four levels of teachers from beginning to advanced and which bases the compensation level for each category on the individual teacher's ability to meet or exceed district standards for content knowledge, planning and preparation for instruction, instructional delivery, student assessment, classroom management, and professional responsibility (Education Committee)
- 1377 § 2 Study the ability of occupational and professional boards with fewer than 100 licensees to process disciplinary complaints and carry out other statutory responsibilities (Commerce Committee)
- 1390 § 1 Study the use of biodiesel fuel in this state (Agriculture Committee)
- 1407 § 2 Study existing mandated health insurance coverage of services and the feasibility and desirability of repealing state laws mandating health insurance coverage of services (Section 2 contains a requirement that the Insurance Commissioner evaluate each health insurance coverage mandate and present a report to the Legislative Council before July 1, 2002) (Budget Committee on Health Care)
- 1441 § 3 Study coordination of the medical assistance and the children's health insurance programs, including the development of a single application form for both programs; whether the children's health insurance program should be administered by the state or the counties, the effects of eliminating the asset eligibility requirement for the medical assistance program, the standardization of the definition of "income" for all programs administered by the Department of Human Services, and the feasibility and desirability of seeking a federal waiver to allow the children's health insurance program plan to provide coverage for a family through an employer-based insurance policy if an employer-based insurance policy is more cost-effective than the traditional plan coverage for the children (Budget Committee on Health Care)
- 2002 § 7 Study the implementation of the clerk of court unification, including a review of the delivery of services by clerks of court and the responsibility for restitution collection and enforcement activities - by Legislative Council directive, limited to responsibility for restitution collection and enforcement activities (Judiciary A Committee)
- 2003 § 17 Study the responsibilities and the functions of the College Technical Education Council and the implementation of the workforce training regions, including how the regions are functioning (Higher Education Committee)
- 2003 § 18 Study the Board of Higher Education's implementation of the performance and accountability measures report required by Senate Bill No. 2041, including information on education excellence, economic development, student access, student affordability, and financial operations (Higher Education Committee)
- 2007 § 3 Study the management structure and oversight of the Veterans Home and the selection process for the commandant of

- administrator of the home (Budget Committee on Government Administration)
- 2016 § 5 Study the facilities and operations of the Department of Corrections and Rehabilitation (Corrections Committee)
- 2019 § 16 Study the availability of venture capital, tax credits, and other financing and research and development programs for new or expanding businesses, including an inventory of the programs available, a review of the difference between public and private venture capital programs, an assessment of the needs of business and industry, the research and development efforts of the North Dakota University System, and a review of the investments of the State Investment Board and the feasibility and desirability of investing a portion of these funds in North Dakota (Commerce Committee)
- 2019 § 17 Study the feasibility and desirability of expanding North Dakota's economic development marketing efforts to include international markets and establishing a global marketing division within the Department of Commerce (Commerce Committee)
- 2020 § 4 Study workforce training and development programs in North Dakota, including effort to recruit and retain North Dakota's workforce, underemployment and skills shortages, current workforce training efforts and the involvement of the new economy initiative goals and strategies; and the Work Force 2000 and new jobs training programs and other workforce training and development programs administered by agencies of the state of North Dakota, and the feasibility and desirability of consolidating in a single agency the funding and administration of those programs (Commerce Committee)
- 2159 § 5 Study highway construction and maintenance funding, including revenue source and distribution formulas for the state, cities, and counties (Budget Committee on Government Administration)
- 2187 § 1 Study trusts for individuals with disabilities (Judiciary B Committee)
- 2282 § 1 Study methods to encourage production and consumption of ethanol (Agriculture Committee)
- 2330 § 1 Study coordination of benefits for children with special needs under the age of 21 among the Department of Public Instruction, the Department of Human Services, and private insurance companies, with the purpose of optimizing and coordinating resources and expanding services, including augmentative communication devices and therapy services (Budget Committee on Health Care)
- 2354 § 1 Study the feasibility and desirability of an alternatives-to-abortion services program that would provide information, counseling and support services to assist women to choose childbirth and to make informed decisions regarding the choice of adoption or parenting (Budget Committee on Human Services)
- 2380 § 6 Study programs dealing with the prevention and treatment of alcohol, tobacco, and drug abuse and other kinds of risk associated behavior which are operated by various state agencies, including the Department of Corrections and Rehabilitation, the Attorney General, the State Department of Health, the Department of Human Services, the Department of Public Instruction, the Department of Transportation, the National Guard, and the Supreme Court, and whether better coordination among the programs within those agencies may lead to a more effective and cost efficient way of operating the programs and providing services (Budget Committee on Government Services)
- 2428 § 1 Study the state and local tax structure for funding of elementary and secondary education to determine the feasibility and desirability of enhanced state funding to school districts for delivery of core curriculum instruction, the equity of the existing degree of reliance on property tax revenues for elementary and secondary education funding, and whether improve efficiency is attainable in delivery of elementary and secondary education services (Education Committee)
- 2448 § 1 Study compliance and jurisdictional issues under the tobacco, alcohol, and fuels tax laws (Taxation Committee)
- 3003 Study and develop a legislative redistricting plan or plans for use in the 2002 primary election (Legislative Redistricting Committee)
- 3005 Study the fees and point demerits for traffic offenses (Judiciary B Committee)
- 3017 Study the method of providing legal

- representation for indigent criminal defendants and the feasibility and desirability of establishing a public defender system (Judiciary A Committee)
- 3022 Study the use of incentive programs in North Dakota as a way of keeping elk in the state and providing increased opportunities for landowners, hunters, and the general public (Judiciary B Committee)
- 3037 Study the feasibility and desirability of creating cost-sharing or funding mechanisms for the unexpected discovery of cultural or paleontological resources within local road projects (Advisory Commission on Intergovernmental Relations) 4019
- 3047 Study the property tax assessment and valuation of agricultural property (Taxation Committee)
- 3052 Study issues of safety, efficiency, and cost-effectiveness with respect to school district transportation (Education Committee)
- 3057 Study the technological capacity and needs of the state - by Legislative Council directive, expanded to include delivery of library services by technology (Information Technology Committee) 4027
- 3061 Study the delivery of elementary and secondary education during the ensuing 5, 10, and 20 years, with emphasis on a review of the current school district structure, reorganization options, the potential for creating alternate administrative units and the equitable distribution of state aid to school districts and to obtain the information necessary for this study through a variety of means, including testimony from school district superintendents and business managers (Education Committee) 4031
- 4014 Study the adoption laws of this state and other states (Family Law Committee) 4032
- 4017 Study the feasibility and desirability of implementing a retirement program for a law enforcement and correctional officer within the state of North Dakota which provides retirement benefits similar to those provided to the members of the Highway Patrolmen's retirement system pursuant to North Dakota Century Code Chapter 39-03.1 (Employee Benefit Programs Committee) 4033
- 4018 Study the commitment procedures contained in North Dakota Century Code Chapter 25-03.1 and the commitment law: from other states to determine if North Dakota law sufficiently addresses the treatment needs of controlled substance abusers in this state, to study the mandatory minimum sentence requirements of North Dakota Century Code Chapter 19-03.1 and the mandatory minimum sentencing laws from other states and the federal government relating to drug offenders, and to study the need for legislation to assist in the cooperative efforts of state, local, and federal agencies to combat unlawful drug use and abuse in this state (Corrections Committee) 4034
- Study medical and financial privacy laws in this state, the effectiveness of medical and financial privacy laws in other states, the interaction of federal and state medical and financial privacy laws, and whether current medical and financial privacy protections meet the reasonable expectations of the citizens of North Dakota (Family Law Committee) 4042
- Study the prices for prescription drugs and possible mechanisms to lower those costs to consumers and the state, and whether the state should establish a program to assist in the purchase of prescription drugs based upon income (Budget Committee on Health Care)
- Study the state corporate income tax laws (Taxation Committee)
- Study the feasibility and desirability of exempting funds set aside in a trust for a child's education when determining the child's eligibility for certain human services programs (Judiciary B Committee)
- Study the commitment procedures for individuals with mental illness (Judiciary A Committee)
- Study the issues and concerns of implementing charitable choice, the privatization of federally funded welfare services through faith-based organizations (Budget Committee on Human Services)
- Study the feasibility and desirability of a centralized process for administering noncriminal traffic violations (Judiciary B Committee)

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS HISTORY

The 1989 Legislative Assembly enacted NDCC Chapter 54-35.2, which provides for the commission. The 1991 Legislative Assembly enacted Section 54-35.2-02.1, which provided for administration by the commission of local government efficiency planning grants. The 1991 Legislative Assembly also provided an appropriation for these grants of \$250,000. The commission spent the majority of its time during the 1991-92 interim developing guidelines and procedures, reviewing grant requests, and monitoring grant projects. During the 1991-92 interim, the commission approved grant awards for 15 grant projects in the total amount of \$198,558.34, leaving \$51,441.66 unexpended from the \$250,000 appropriated for grants during the 1991-93 biennium.

The 1993 Legislative Assembly amended NDCC Section 54-35.2-02.1, changing the objects for which grants could be provided, allowing the commission to directly expend all or a portion of the appropriated amount for research and studies, and providing that unexpended grant funds that are returned are to be deposited in the state aid distribution fund. The 1993 Legislative Assembly also provided an appropriation of \$51,400 to the commission for distribution in local government efficiency planning grants. During the 1993-94 interim, the commission received final reports from grant recipients from the previous interim and returned \$1,466.14 in unexpended grant funds to the state from grant recipients who had completed their grant projects. The commission also authorized two grants of \$24,999 each.

The 1995 Legislative Assembly did not appropriate any funds for continuation of the local government efficiency planning grant program. During the 1995-96 interim, the commission received reports from the two grant recipients from the previous interim.

The 1997 Legislative Assembly did not appropriate any funds for the continuation of the local government efficiency planning grant program. The only 1997 amendment to NDCC Chapter 54-35.2 was not substantive in nature.

As a result of the 1997-98 interim studies, the commission recommended Senate Bill No. 2028 to repeal NDCC Section 54-35.2-02.1 relating to the local government efficiency planning grant program. The commission found that although the local government efficiency planning grant program served an important purpose, the program probably will not receive funding in the future; therefore, the law establishing the

program was no longer necessary. The 1999 Legislative Assembly enacted Senate Bill No. 2028, which repealed Section 54-35.2-02.1.

The 2001 Legislative Assembly amended NDCC Section 54-35.2-02 to include on the commission a member appointed by the North Dakota School Boards Association Board of Directors.

1999-2000 INTERIM

During the 1999-2000 interim, the commission focused on 12 areas of interest:

1. Park district mill levy consolidation.
2. The membership of the commission.
3. Tobacco education and cessation.
4. Clarification of definition of institutions of public charity exempt from property taxation.
5. Collection of municipal court fines.
6. Creation of a disaster relief fund.
7. Status of the Leadership Initiative for Community Strategic Planning.
8. Provision of government services at the local level, including receipt of a report from the Child Support Enforcement Division of the Department of Human Services regarding the status of the child support state disbursement unit and the provision of child support services at the local level; receipt of a report on the provision of judicial services at the local level from the North Dakota Supreme Court, and receipt of a report from the Driver and Vehicle Services Division of the Department of Transportation regarding vehicle registration services in branch offices.
9. Funding of maintenance of local roads.
10. Census 2000 and areas of possible state and local government interest.
11. History of revenue sharing and personal property tax replacement.
12. Status of taxing of e-commerce.

STUDY APPROACH

In addition to the study referred to the commission by the Legislative Council, NDCC Section 54-35.2-02 provides that the commission is charged with serving "as a forum for the discussion of resolution of intergovernmental problems"; engaging in activities and studies relating to state, local, and any other government; and preparing "model ordinances or resolutions for consideration by officials of political subdivisions." It may be helpful for the commission to request members and representatives of local governments and other interested groups to provide suggestions of topics for consideration during this interim.