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Dennis H. Hail
Operator's Signature

10/3/03
Date

2003 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1333

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Deanna Hall Smith
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10/3/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1333

House Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date 1-23-03

Tape Number	Side A	Side B	Meter #
1	x		15.8-end
Committee Clerk Signature <i>Joey Benke</i>			

Minutes: Chairman Klein: called the hearing to order on HB 1333. All committee members were present.

Representative Belter: appeared in favor of the bill. A committee that has the authority to introduce legislation should be a committee made up of legislators. So from that stand point I felt that the advisory commission of intergovernmental relations is a committee is that we as a legislator should no longer have. My intent is that it should no longer be a statutory committee and we as legislators should have those issues that are important in the various governmental entities covered under other committees that will be meeting here in the interim.

Representative Haas: Can you give us examples of the types of issues they have dealt with?

Representative Belter: HB 1024 which removed the mill levys or consolidated the mill levy was one of the bills that came from that committee.

Representative Brousgaard: appeared in favor of the bill I'm a state legislator of district 19, which includes all of rural Grand Forks county, I don't have a lot to add to Representative Belter

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Deanna Hall
Operator's Signature

10/3/03
Date

Page 2

House Government and Veterans Affairs Committee

Bill/Resolution Number HB 1333

Hearing Date 1-23-03

comments but I am in complete agreement that legislators should have a mere minimum of minority of members on it.

Mark Johnson, ND Association of Counties: appeared in opposition of HB 1333, we as an organization feel very strongly about with the advising commission on here.

We would like to see this remain in place, and also discuss how cheap it is to have a forum for legislators and local leaders. It has provided the only permanent link between local units of government to communicate with the legislature and the governor's office. (SEE ATTACHED TESTIMONY).

Chairman Klein: how many meetings a year to they normally have?

Mark Johnson: they meet about 5 times in the interim.

Ken Yantes, Township Officers: appeared in opposition of HB 1333 and provided written testimony (SEE ATTACHED TESTIMONY).

Connie Sprynczynatyk, ND League of Cities: appeared on opposition of HB 1333, why do you want to consider keeping the advisory commission on the intergovernmental relations, you wouldn't refuse to participate because some people can't be involved within discussions of local government, because the history of your body is its partnership that you obviously have business to consider from a state's perspective, you set the policy and you appropriate the money to run a state business, but I think the history of this organization is that you recognize that you do that as a partnership. I think what you give up if you destroy the advisory commission is a piece of this body that has been acting in good faith by subjects that are important by state and local areas.

Meeting adjourned.

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Dennis Hall
Operator's Signature

10/3/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1333

House Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date 1-30-03

Tape Number	Side A	Side B	Meter #
2	x		14.1-28.9
Committee Clerk Signature			

Minutes: Chairman Klein called the meeting to order on HB 1333. All committee members were present.

Representative Grande made a motion to **AMEND** HB 1333 as presented in written testimony.

Representative Devlin: **SECOND** the amendment. Motion carried.

Representative Grande made a **DO PASS** motion as amended to HB 1333.

Representative Tieman: **SECOND** the motion.

VOTE 10 YES 4 NO 0 ABSENT.

Motion carried.

Representative Devlin: will carry bill to the floor.

Meeting adjourned.

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Dennis Halliwell
Operator's Signature

10/3/03
Date

FISCAL NOTE
Requested by Legislative Council
02/04/2003

Amendment to: HB 1333

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.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 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.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 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.

This bill, as amended, removes the requirement that the Advisory Commission on Intergovernmental Relations submit proposed bills to implement its recommendations to the Legislative Council.

The bill, as amended, has no fiscal impact.

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:	Jim W. Smith	Agency:	Legislative Council
Phone Number:	328-2916	Date Prepared:	02/04/2003

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Operator's Signature

Date

10/3/03

FISCAL NOTE
Requested by Legislative Council
01/14/2003

Bill/Resolution No.: HB 1333

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.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			(\$8,148)		(\$8,148)	
Appropriations			(\$8,148)		(\$8,148)	

1B. County, city, and school district fiscal effect: Identify the fiscal effect on the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 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.

This bill repeals the Advisory Commission on Intergovernmental Relations.

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.

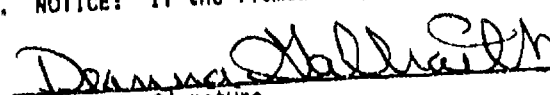
The amounts shown relate to per diem and travel expenses for legislative members of the commission.

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.

The amounts shown are the amounts budgeted for per diem and travel expenses of the legislative members of the commission.

Name:	Jim W. Smith	Agency:	Legislative Council
Phone Number:	328-2916	Date Prepared:	01/15/2003

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Operator's Signature

10/3/03
Date

30519.0101
Title.0200

Adopted by the Government and Veterans
Affairs Committee
January 30, 2003

VR
1/31/03

HOUSE AMENDMENTS TO HOUSE BILL NO. 1333 GVA 2-03-03

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 3 of section 54-35.2-02 and section 54-35.2-05 of the North Dakota Century Code, relating to the advisory commission on intergovernmental relations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 3 of section 54-35.2-02 of the North Dakota Century Code is amended and reenacted as follows:

3. Present reports and ~~recommended legislative bills~~ recommendations to the legislative council for consideration in the same manner as interim legislative council committees.

SECTION 2. AMENDMENT. Section 54-35.2-05 of the North Dakota Century Code is amended and reenacted as follows:

54-35.2-05. Reports. The advisory commission on intergovernmental relations shall report its findings and recommendations ~~and any proposed legislation necessary to implement the recommendations~~ to the legislative council at the time and in the manner reports are made by interim committees of the legislative council. The legislative council may accept, reject, or amend the report of the advisory commission on intergovernmental relations. The legislative council shall include the report, or any portion of it, as accepted, rejected, or amended, in the council's final report. Copies of the report of the advisory commission on intergovernmental relations, as accepted, rejected, or amended by the legislative council, must be available to counties, cities, townships, appropriate state departments and agencies, and the public."

Renumber accordingly

Date: 1-30-03
Roll Call Vote #: 1333

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

House GOVERNMENT AND VETERANS AFFAIRS Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken More to Amend

Motion Made By Rep. Grande Seconded By Rep. Devlin

Representatives	Yes	No	Representatives	Yes	No
Chairman M.M. Klein			B. Amerman		
Vice Chairman B.B. Grande			L. Potter		
W.R. Devlin			C. Williams		
C.B. Haas			L. Winrich		
J. Kasper					
L.R. Klemin					
L. Meier					
M. Sitte					
W.W. Tieman					
R.H. Wikenheiser					

Total (Yes) 14 No 0

Absent 0

Floor Assignment

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

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Operator's Signature

10/3/03
Date

Date: 1-30-03
Roll Call Vote #: 1333

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

House GOVERNMENT AND VETERANS AFFAIRS Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken D.P. as amended

Motion Made By Rep. Grande Seconded By Rep. Tieman

Representatives	Yes	No	Representatives	Yes	No
Chairman M.M. Klein	X		B. Amerman		X
Vice Chairman B.B. Grande	X		L. Potter		X
W.R. Devlin	X		C. Williams	X	
C.B. Haas		X	L. Winrich		X
J. Kasper	X				
L.R. Klemm	X				
L. Meier	X				
M. Sitte	X				
W.W. Tieman	X				
R.H. Wikenheiser	X				

Total (Yes) 10 No 4

Absent 0

Floor Assignment Rep. Devlin

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

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Operator's Signature Date 10/3/03

REPORT OF STANDING COMMITTEE (410)
February 3, 2003 9:36 a.m.

Module No: HR-20-1498
Carrier: Devlin
Insert LC: 30519.0101 Title: .0200

REPORT OF STANDING COMMITTEE

HB 1333: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1333 was placed
on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and
reenact subsection 3 of section 54-35.2-02 and section 54-35.2-05 of the North Dakota
Century Code, relating to the advisory commission on intergovernmental relations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 3 of section 54-35.2-02 of the North
Dakota Century Code is amended and reenacted as follows:

3. Present reports and ~~recommended legislative bills~~ recommendations to the
legislative council for consideration in the same manner as interim
legislative council committees.

SECTION 2. AMENDMENT. Section 54-35.2-05 of the North Dakota Century
Code is amended and reenacted as follows:

54-35.2-05. Reports. The advisory commission on intergovernmental relations
shall report its findings and recommendations ~~and any proposed legislation necessary
to implement the recommendations~~ to the legislative council at the time and in the
manner reports are made by interim committees of the legislative council. The
legislative council may accept, reject, or amend the report of the advisory commission
on intergovernmental relations. The legislative council shall include the report, or any
portion of it, as accepted, rejected, or amended, in the council's final report. Copies of
the report of the advisory commission on intergovernmental relations, as accepted,
rejected, or amended by the legislative council, must be available to counties, cities,
townships, appropriate state departments and agencies, and the public."

Renumber accordingly

2003 SENATE POLITICAL SUBDIVISIONS

HB 1333

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Deanna Hall
Operator's Signature

10/3/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1333

Senate Political Subdivisions Committee

☐ Conference Committee

Hearing Date March 6, 2003

Tape Number	Side A	Side B	Meter #
1	X		1851 - End
		X	0 - 1551
Committee Clerk Signature <i>Shirley Borg</i>			

Minutes:

CHAIRMAN COOK called the committee to order. All members (6) were present.

CHAIRMAN COOK opened the hearing on HB 1333 relating to the advisory commission on intergovernmental relations.

REPRESENTATIVE WES BELTER, District 22, introduced HB 1333. Over the past two years as Chairman of the Legislative Council, he looked at some of the statutory committees that we have. One was the Garrison Diversion Committee and the other was the Advisory Commission on the intergovernmental relations and it was his belief that he thought they were two committees that we would no longer have to make statutory. Under the original language he was planning to completely eliminate the committee, however on the house side the committee felt that it was good to keep the committee in tact. The only change that the committee did make is that they would not allow the committee to introduce legislation as they had that authority in the past.

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Dianne Hall Smith
Operator's Signature

10/3/03
Date

Page 2
Senate Political Subdivisions Committee
Bill/Resolution Number HB 1333
Hearing Date March 6, 2003

SENATOR JUDY LEE ask if there was any discussion on the House side about the fact that it is redundant.

REPRESENTATIVE BELTER answered that he was not there for the complete hearing but it was felt there was merit in keeping the committee.

Testimony in opposition of HB 1333

Jerry Hjelmstad, North Dakota League of Cities, did not have the same opposition that there was in the house side when they were attempting to eliminate the advisory commission but he wanted to make a couple of points related to the ACIR. There seems to be more and more emphasis on cooperation between local governments for getting things done and the advisory commission on intergovernmental relations is one avenue to explore those possibilities and if there are legislative changes that need to be made. A good example during the past interim was a bill that came before this committee, HB 1025, that related to state aid distribution fund, which actually went through the advisory commission and intergovernmental relations and they were able to get that into a form that could be presented to this legislative assembly for consideration. He thinks there are benefits to having that commission where local governments can during the interim explore ways to cooperate and get them into a form that can be worked upon more readily by the legislature.

Discussion Tape 1, Side A, Meter # 2419 - 2900.

Ken Yantes, North Dakota Township Officers Association, appeared in opposition of HB 1333.

He was on the original ACIR started back in 1986 by George Sinner's gubernatorial executive order and then the next session it was introduced and put in century code. He has stood before the committees in this legislature quite a number of times when the ACIR was called to task. He

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Deanna Holmquist
Operator's Signature

10/3/03
Date

Page 3
Senate Political Subdivisions Committee
Bill/Resolution Number HB 1333
Hearing Date March 6, 2003

felt very strongly in support of the ACIR. He did not serve this last interim on it and feels sorry that he did not. When he served on that committee he did his best to bring forward items that should be discussed as government entities and they worked on them together. The representative from the Township Officers did not bring forth nor did he attend enough meetings to bring forth the ideas from the grass roots to that committee to be discuss with the other governmental entities like he should have. They use too bring their own ideas in and stay away from the issues other than the governmental entities issues and worked hard to keep it that way. Last year the committee did not do what he thinks they should have done. He does not want the authority to introduce legislation taken away from that committee.

Mark Johnson, ND Association of Counties, provided some information that might help committee deliberate on the merits and value of ACIR. As was stated earlier the bill was originally introduced by Representative Belter and Representative Brusegaard and he thinks it was a result of some frustration over one of the issues that was a result of the ACIR study last interim and that was, once again, to take a look at reducing the number of mill levies that the counties are required to levy. We are working hard to try and help people understand why it is important that we look at some reduction in the number of mill levies for counties. Because of the frustration over that issue and with Rep Belter's trying as Chairman of Legislative Council to reduce the number of statutory committees, this one became a good one to take a look at so we did appear in opposition on the house side to eliminate the ACIR but with the amendment it makes it difficult to oppose the bill but we would still like to have the opportunity to introduce legislation should we decide on the mill levy issue but it is not essential. The political subdivisions want to see this stay in place. They were opposed to seeing it totally eliminated.

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Donna Hall
Operator's Signature

10/3/03
Date

Page 4

Senate Political Subdivisions Committee

Bill/Resolution Number HB 1333

Hearing Date March 6, 2003

The compromises that occurred over in the house side makes it livable and keeps the cultivable function of the ACIR in place. Two things can happen; the committee can kill this bill and we just go back to the way things are or you can pass this bill as it was amended in the house and we still will be able to function and discuss issues with all the political subdivisions but without the ability to introduce legislation as drafted by legislative council.

No further testimony.

CHAIRMAN COOK closed the hearing on HB 1333.

Discussion: Tape 1, Side B, Meter # 1052 - 11315

SENATOR JUDY LEE moved a DO NOT PASS.

SENATOR POLOVITZ seconded the motion.

Roll call vote: 6 Yes 0 No 0 Absent

Carrier: Senator Judy Lee

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Donna Hall
Operator's Signature

10/3/03
Date

Date: 3-6-03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1333

Senate Political Subdivisions Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Do Not Pass

Motion Made By Senator Judy Lee Seconded By Senator Polovitz

Senators	Yes	No	Senators	Yes	No
Senator Dwight Cook, Chairman	X				
Senator John O. Syverson, V C	X				
Senator Gary A. Lee	X				
Senator Judy Lee	X				
Senator Linda Christenson	X				
Senator Michael Polovitz	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Judy Lee

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

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10/3/03
Date

REPORT OF STANDING COMMITTEE (410)
March 6, 2003 1:46 p.m.

Module No: SR-40-4124
Carrier: J. Lee
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1333, as engrossed: Political Subdivisions Committee (Sen. Cook, Chairman)
recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed HB 1333 was placed on the Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-40-4124

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Deanna Hallworth
Operator's Signature

10/3/03
Date

2003 TESTIMONY

HB 1333

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10/3/03
Date

PROPOSED AMENDMENTS TO HB 1333

54-35.2-02. Functions and duties. The advisory commission on Intergovernmental relations shall:

3. Present reports and ^{recommendations} ~~recommended legislative bills~~ to the legislative council for consideration in the same manner as interim legislative council committees.

54-35.2-05. Reports. The advisory commission on Intergovernmental relations shall report its findings and recommendations ~~and any proposed legislation necessary to implement the recommendations~~ to the legislative council at the time and in the manner reports are made by interim committees of the legislative council. The legislative council may accept, reject, or amend the report of the advisory commission on Intergovernmental relations. The legislative council shall include the report, or any portion of it, as accepted, rejected, or amended, in the council's final report. Copies of the report of the advisory commission on Intergovernmental relations, as accepted, rejected, or amended by the legislative council, must be available to counties, cities, townships, appropriate state departments and agencies, and the public.

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Deanna Hall Smith
Operator's Signature

10/3/03
Date

HB 1333
Johnson

Attachment A

⑤ **County Advisory Study Process**

A Report to the
Advisory Commission on
Intergovernmental Relations

Regarding "Tool Chest" Provisions
of North Dakota Law

Based on Surveys
of the
North Dakota Association of Counties

1998

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**TESTIMONY TO THE
ADVISORY COMMITTEE ON INTERGOVERNMENTAL RELATIONS**
Mark A. Johnson, NDACo Executive Director

ADVISORY STUDY PROCESS - INTRODUCTION

This document has been prepared, and the attached items have been assembled, to provide background information on Chapter 40-01.1 of the North Dakota Century Code and to assist counties in fulfilling the requirements of this chapter.

NDCC 40-01.1 was passed by the Legislature in 1993, and subsequently became effective on August 1, 1993. It contains the only legislative mandate in a large number of statutory changes, enacted that year throughout the Century Code, that have collectively been termed the "Tool Chest" for local government. The mandate of 40-01.1 is, very simply, the requirement to appoint an advisory committee to study county government (cities also have this requirement), or to place a question on the ballot asking the voters if they would like a committee appointed. If, in the last five years, the ballot question has not been voted on, or a committee has not issued recommendations to the governing board; the county auditor (or city auditor) is required to place the question on the ballot for the next regular election.

The Legislative history suggests that this particular provision was specifically discussed, and that the "need" to push local government into self-examination was acknowledged. The editorial from Divide County reprinted on page 2 takes this discussion further, suggesting that the process this statute creates can be a major factor in heading off "forced consolidation".

At the request of several counties, the Board of Directors of the Association of Counties developed resources to assist those counties interested in beginning an advisory committee study. With the help of the NDSU Extension Service, USDA Rural Development, and others; the three-phase process, described on page 3, was developed and made available to interested counties. The purpose of this process is not to direct, or even suggest a direction, but to offer basic demographic data and professional facilitators to assist county boards and advisory committees in developing their own recommendations for the future of their local government.

Page 4 - 9 contains our most complete summarization of the results of the process each county conducted. Counties are listed in alphabetical order. Page 10 contains draft ballot language for consideration by those counties that will be including the question in an upcoming election. As indicated in Secretary Jaeger's November 21, 1997 memo to county auditors, this issue is a local one. It would, therefore, be inappropriate for the State to develop standard ballot language. NDACo however has worked with the Secretary of State's Office to develop a draft analysis and draft ballot language for consideration by counties. Page 11 includes a discussion of the issue of ballot publication. As with all local issues, we urge each county to consult with their State's Attorney as they determine appropriate.

As an appendix, a copy of NDCC 40-01.1 has been included for reference.

ADVISORY STUDY PROCESS - PUBLIC OPINION

Be creative – or face forced consolidation

In 1993, the Legislature considered a bill to reorganize the state into 15 large counties. It decided, instead, to give us the opportunity to become creative in heading off the urban forces that believe governments for rural folk should be consolidated with those in the city.

That year, the Legislature enacted a law, called the "Tool Chest," that unties the bonds that have kept our cities, schools and counties operating since statehood without significant structural change.

We know that legislative forces in Fargo and other urban areas are planning the next round in their fight for forced consolidation. The time is right for those of us in rural areas to take the offensive in that fight, rather than sit on our heels and wait to defend ourselves in 1999.

The way to do it is to take advantage of the Tool Chest law. Particularly in rural areas such as ours, the opportunities are endless.

The law allows all types of alliances between local governments. Consider some of the possibilities:

- The Crosby swimming pool is in extreme need of repair and management. The Divide County School District always has trouble finding someone to coordinate athletic events. The Crosby Blue Line Club has a perpetual problem with administration of its hockey program, and the Crosby youth recreation program, by default, gets dumped on the city auditor.

By pooling their resources, these various entities could hire a professional who would not only solve their annual problems but bring new ideas to sports and recreation in the community.

- We could have one law-enforcement agency that would cover all of Divide County. For that matter, if we could eliminate the requirement that each county elect a sheriff, Burke County could be included in the concept. The city of Crosby already has concluded it can save a small amount of money by contracting with the sheriff's department for police services.

- Divide County and its cities could enter a joint administrative effort in which a professional public administrator could manage the work of all the entities. We could then have one staff of workers who would be assigned to do whatever work is necessary rather than be confined to the tasks of a particular office.

We could do away with city and county government as we know it, incorporating all of Divide County into one entity. After all, we have only 2,500 people in the entire county, about half of them in Crosby, and we're already one community working on common problems and ideas.

Sound too grandiose? Perhaps. But we need to dream big and then pare our dreams back to reality. The Tool Chest law mandates nothing, but gives us the opportunity, even the obligation, to spend time dreaming. The process simply calls for appointment of study commissions that can dream those dreams.

If we choose not to dream, we choose to accept whatever the great consolidators force down our throats.

– Steve Andrist, The Journal, Crosby

Deanna Hall
Operator's Signature

10/3/03
Date

ADVISORY STUDY PROCESS – FACILITATION RESOURCES

Through the joint efforts of the North Dakota Association of Counties, NDSU Extension Service, USDA Rural Development, the League of North Dakota Cities, and the North Dakota Consensus Council; a Three Phase process has been proposed for the serious examination of a local government's service needs, current resources, and the structure and governance options available for service delivery into the next century. Specialized staff and consultants have been assembled to assist local committees in the implementation of this process. The process has been designed to be timely, low cost, and non-directive – by which we mean those staff and consultants involved will facilitate, educate, and communicate; but will not suggest solutions, strategies, or outcomes. The three phases are briefly described below:

Phase I: Presentations in Preparation for Advisory Study Processes

A consultant will spend 4 to 6 hours with the Advisory Committee, governing boards, and appropriate community stakeholders to present demographic, service, financial, and other key data in a rapid, but county-specific format. This presentation will provide the background information for preliminary decision-making and future planning. A very brief overview of the governance options available and some of those implemented throughout the State will be shared. The participants will then be given several very basic considerations for discussion and the meeting will be closed with a consensus about whether it is appropriate for the advisory committee to continue with Phase II, or if the recommendation of the committee should be "no change". If continuation is planned, the make-up of an expanded Phase II committee will be discussed.

Phase II: Facilitation of Advisory Study Processes

If the consensus reached in Phase I is to proceed, a second meeting will be scheduled 2-4 weeks after the first. This will involve a trained facilitator from NDSU Extension or USDA Rural Development, who will work with the Advisory Committee and other key stakeholders to process the information from Phase I, identify the objectives, and develop an action plan that can become the Advisory Committee's recommendation to the governing board. This Phase may involve one or two days of meetings, depending upon the scope of study agreed to by the advisory committee.

Phase III: Implementation of Advisory Study Process Recommendations

If the governing board agrees with the Advisory Committee's recommendations, the next phase will be more long-term and county specific. Depending upon the county's objectives, the resources needed to implement certain recommendations may include the State's Attorney, outside consultants, a facilitator to work with multiple jurisdictions, or any number of other more specialized individuals. When a county reaches this phase in their planning, the team assembled for Phase I and II, may only act as a reference source, or provide guidance by phone and fax.

Deanna Hall Smith
Operator's Signature

10/3/03
Date

Barnes County

- Phase I Report
- Meeting Date: March 29, 1998
- Present: 5 Barnes County Commissioners; County Auditor; several county officials and a few interested citizens from the county
- Suggested holding meetings in communities throughout the county to gather input.
- Valley City Winter Show to gather priority recommendations from Barnes County residents
- No decision was made for Phase II, it is believed that the commission will appoint a committee to work on recommendations (Subsequently placed on ballot and failed)

Benson County

- Phase I Report
- Meeting Date: April 26, 1998
- Present: One Benson County Commissioner; Auditor; Treasurer; and other local officials; Representatives from ND Ext Service and Office of Rural Development
- List of Strengths, weaknesses and vision of Benson County
- Benson County will appoint a committee to review combining offices and entering into other joint agreements with other political subdivisions, that committee will also make recommendations about what course to take in the future in the terms of studies and/or other potential agreement areas to explore.
- Phase II Benson County Task Force Report
- Meeting Date: July 21, 1998
- Present: Not listed
- Goals: provide local access to services, provide full-time employment, increase revenue to the county, and provide benefits for both full time and part-time employees
- Combine county/city auditor positions
- Combine city and county law enforcement, having deputies stationed in small communities
- Job sharing for county/city employees which allow benefits
- Group insurance for farmers
- Bring in industry that pays higher wage
- Utilizing empty buildings
- Benson County Job Authority could assist feasible studies/improve bus service
- Health services - district
- Telecommunications training
- Establish an incubation centers - Maddock

Billings County

- Phase I Report
- Meeting Date: May 3rd, 1998
- Present: County Auditor; June Kraft; NDSU's Ext Service; Several other county employees Note: there were not commissioners present Billings has already appointed a committee and this meeting was for other interested citizens
- While Billings county's population is fairly stable, those remaining are older, and the education level of those staying in the County has increased significantly. The number of farms and ranches continues to decline and the average size is increasing. The average age of farmers is 50, the same as the statewide average. Economically, Billings County appears to be stronger than surrounding counties, other than Stark, as sales in the past few years have increased faster than inflation and the number of businesses in the County has remained fairly constant.
- August 10th Report
- Vision is to maintain its independent identity, while welcoming economic development and to continue to emphasize their natural beauty and natural resources. They will also keep the schools and residents competitive through technology.
- Proposed Goals
 1. Improve business opportunities through zoning laws that promote and encourage business
 2. Maintain identity

3. Maintain public and private land use for local economy through zoning laws, and Billings County land use plan
4. Encourage strong leadership and participation in county and civic affairs
5. Pool county resources to maximize efficiency
6. Promote technology for advancement of schools, businesses, and individuals
- Action Plan
 1. City and county zoning boards can have public forums to educate the public in regards to the zoning process and how it works.
 2. Use the established committees for the land use plan so all residents are informed on land management decisions.

Burleigh County

- Presentation Report
- Meeting Date February 9, 1998
- Present: 4 Burleigh County Commissioners; several county officials
- Commissioners concluded that they would like to have a re-presentation on a Saturday with more public notice. The topic would be to discuss whether to put the matter to a vote of the people or to establish sub-committees from the general public to review various options available to the county under the Constitution and the Tool Chest Statute.
- Second Presentation Report
- Meeting Date: April 16, 1998
- Present: 3 of 5 Commissioners, several county officials and several county employees
- No decision was made at this meeting about the next step

Dunn County

- Presentation Report
- Meeting Date: April 4, 1998
- Present: 2 Commissioners; Auditor of Killdeer; Mayor of Dunn Center and interested citizens from Dunn County
- It was suggested to hold meetings in communities throughout the County to gather input
- April 21, 1998 Phase II
- Present: John Combs; Robert D. Binek; Margaret Senger; Reinhard Hauck, Commissioner; Tim Stroh; Jane Erickson; Mayor Allen Roll of Dunn Center; City Councilman Gust Mittelstedt; Commissioner Orris Bang; Josh Dohrmann; Terry Fredericks; Bobbi Kukla.
- Vision Statement: Dunn County will be a thriving county with an increase in business and population while maintaining the values of freedom, safety, family and environment.
- Goals
 1. Create appealing business atmosphere
 2. Develop and train new leaders
 3. Keep the population of Dunn County and stop out migration
- Action Plans
 1. Establish an economic developer or jobs development authority for Dunn County
 - a. Development of tax dollars
 - b. Look at joint arrangements between cities, county, state and possibly CAM Incorporated
 2. Develop a County Management Team
 - a. Team to consist of 2 individuals per community, not necessarily elected officials
 - b. Meet monthly or a team feels is necessary to discuss issues relating to county and communities

McIntosh County

- Advisory Study Committee Report
- Meeting Date: July 7, 1998
- Committee Members: LaVern Blinsky, Wishek City Councilman; LuElla Blumhardt, County Auditor; Terry Elhard, States Attorney; Roger Kilfel, Commissioner; Ron Meldinger, Commissioner; Ervin Miller, Lehr resident; Leonard Roeszler, Ashley resident; Bill Wald, Commissioner; and Ray Wolf, Mayor of Zealand

Donna M. Hall
Operator's Signature

10/3/03
Date

- State mandated consolidation is a major threat to the survival of the cities in McIntosh County. Very often, consolidation has proven to cost more money to taxpayers with the result of less service. Too often taxpayers pay more for less because the legislature has forced us to change.

McKenzie County

- Presentation Report
- Meeting Date: July 8, 1998
- Present: Kathleen Tweeten, ND Ext.; Billy Bolken, Watford City Mayor; David Drovda, USDA-RD; Bill Goetz, Governors Office; Wayne Sanstend, State Supt.; Tom Decker, School Finance Director; Roger Chinn, Commissioner; Morris Cross, Commissioner; Jane Sanford, McKenzie County School District; Dale Naze NDSU Ext.; Daryl Vance, McKenzie Co. Dist 1; Sean Pitman, Williston Herald; Daryl Flagen, Yellowstone School Dist #14; Wayne Sanford; Dave Johnson City Engineer; Murray Kline Supt; Nancy Wisness, Supt Int. of Schools; Florence Ross, Alex H.S.; Mark Johnson, Assn. Of Counties; Sherman Sylling McKenzie PSD #1; Dennis Fortten, Alex HS.
- Roger Chinn accepted responsibility of being the focal point for groups interested in continuing the study process

Ramsey County

- Phase I Presentation Report
- Meeting Date: February 4, 1998
- Present: Ramsey County Commissioners; Commissioners from Benson, Pembina and Cavalier Counties; Many county officials from Ramsey and other counties.
- Phase II Presentation Report
- Kathy Tweeten and Don Warren co-facilitated the group
- Goal: Maintain Ramsey County as holistic and proactive, sustainable, continue to provide needed services to the taxpayers and keep quality of life
- Some Issues Identified: Low county salary; maintain tax base; maintain education; roads; water; loss of schools; underemployment; streamline local government

Renville County

- Presentation Report
- Meeting Date: April 18, 1998
- Renville had already appointed a committee. This meeting was for other interested citizens
- While Renville is losing population and those remaining are older, the education level of those staying in the county has increased significantly. Recently there has been a sharp decrease in the number of County residents living below the federal poverty level, but the number of farms continues to decline and the average size of farms is increasing and the average age of the farmers is also increasing.
- We have not other record of further meetings or conclusions or solutions

Richland County

- Local Advisory Study Report
- Meeting Date: May 19, 1998
- Recommendations are as follows:
- County Commission to educate themselves further with the Richland County Home Rule Charter
- Commission will continue in its executive position with information, research and recommendations brought forward by key department heads for final decisions

Rolette County

- Presentation Report
- Meeting Date: February 21, 1998
- Present: All commissioners; County Auditor; Deputy Auditor; a State Senator and other elected County officials
- Commission appointed a 5 member study commission

- The video "Building CommUNITY in North Dakota" was viewed to help the group focus on the task ahead
- No record of follow up meetings

Sheridan County

- Phase I Presentation Report
- Meeting Date: March 21, 1998
- Present: 3 Commissioners; Auditor; Deputy Sheriff; Treasurer; Tax Director, McClusky City Council Member; Mayor of McClusky; one person from Social Services and a representative from Rural Development
- Recommended to hold meetings throughout communities in the County to gather input
- An informal meeting was held to discuss the implementation of Step II, no decision was made on a meeting time or date
- April 7, 1998 Local Advisory Committee Meeting
- Present: Tom Sauter, Armin Erdmann, Byron Zingg and Arlo Dockter
- Absent: Bonita Kluck
- A recommendation of "No Change" is necessary at this time in the county government services and that they would meet again at a later date if there is a need to change services

Sargent County

- Local Advisory Committee
- Meeting Date: April 21, 1998
- Present: Earl Anderson, Jr., Dist 1; Harrison McCleery, Dist 2; Rick Holstad, Dist 3; Dan Delahoyde, Dist 4; Diane McDaniel, Dist 5; Lyle R Bopp, States Attorney; Betty Hewitt, Commissioner; Sherry Hosford, Auditor
- Recommendations
 1. Economic Development
 - a. Sargent County Commissioners establish a Job Development Authority and provide funding for communities in the county for housing projects. Funding From either property tax increase or existing county funds. Job Development Authority to encourage construction of housing units in Sargent County Communities.
 2. Contract Policing
 - a. Work with cities on contract policing and solicit funding from Bureau of Indian Affairs and Dept of Interior.
 - b. Urge cities to apply for grants through COPS program to offset cost of policing.
 - c. Respond to Tewaukon Comprehensive Survey before June 1, 1998 to seek assistance in funding for policing and road maintenance.
 3. Commission Reduction
 - a. Reduce number of commissioners from five to three and place the question before the electors at the next appropriate election
 4. County Coordinator/Administrator
 - a. Hire county coordinator/administrator to write grants and perform tasks assigned by commission
 5. Combining County Offices
 - a. Consider combining offices and departments in the courthouse and county highway dept.
 - b. Consider combining other counties or governmental entities
 6. Courthouse Accessibility
 - a. Make reasonable accessibility to the courthouse and other county buildings
 7. State/County/City/Township Joint Purchasing Powers
 - a. Continue to work together with State, City and township governments to cooperate in purchasing and using equipment and materials
- Phase II
- Meeting Date: June 26, 1998
- Present: Anita Kessel; Sandy Baertsch; Ron Krush, Jerry Redmond, Roger Myers; Mary Griffin; Mary Schnelder, Darlene Mitchell; Olie Golberg; John Lazorenko; don Heiser; Dave Jurgens Pat Rummel; Phillip Malkowski, Wesley Schuhrke; Jay Brovold; Roy Krivoruchka
- Issues Identified

Dennis H. H. H.
Operator's Signature

10/3/03
Date

1. Consolidation -- Counties having to go into districts
 2. Zoning
 3. Losing local control
 4. Representation at state level
 5. Maintain services without raising taxes
 6. Declining oil revenue
 7. Tourism costs
 8. Less restriction on creation of expanding of businesses
 9. Lack of housing
 10. Jobs for the young
 11. Necessity to raise grazing fees
 12. Declining population affects everything
 13. Lack of employment opportunities
 14. Low population
 15. County records moving to a decided seat
 16. Discussing Home Rule
 17. Contract Services
 18. Land locked
- Phase II Meeting
 - Meeting Date: June 30, 1998
 - Present: Anita Kessel; Sandy Baertsch; Ron Krush; Jerry Redmond; Roger Myers; Mary Griffin; Mary Schnelder
 - Action Plan
 1. City and county zoning boards can have public forums to educate the public in regards to the zoning process and how it works
 2. County commissioners will send the letter to the Association of Counties and will try to maintain the financial resources that are available
 3. Use the established committees for the land use plan so all people are informed on land management decisions

Stark County/Dickinson

- Phase I Report
- Meeting Date: March 7, 1998
- Present: Two Stark County Commissioners; Mayor of Dickinson; Dickinson City Administrator; One City Councilman; several city and county employees and citizens of Stark County
- Suggested to hold meetings throughout the communities to gather input
- They prepared study potential alternatives to the delivery of local government services throughout Stark County
- No decision was made at this time for a Phase II meeting

Steele County

- Advisory Study Report
- Meeting Dates: October 21, 1997 and November 6, 1997
- Present: Wayne Fetting; John Overland; Lauren Erickson; Myron Kloster; Gladsey Boe; Sherman Thykeson; Jonal Uglem and Linda Leadbetter
- Have a joint powers agreement signed with North Dakota
- Jonal Uglem explained the local advisory options
- Sherman gave a rundown on the County Tax Levy
- NDSU pays a portion of the County Agent's costs
- Home rule with 5 commissioners and county administrator
- Combine offices: auditor and treasurer-County Manager
- Eliminate county agent
- Combine townships
- Contract or combine States Attorney with another county
- Cap on salaries for time in office
- Register of Deeds combined with another county
- Social Service Administrator with another county
- Job Development Authority raised to 4 mills

Dennis Hall
Operator's Signature

10/3/03
Date

- Create county consolidation committee to combine with one or two counties

Walsh County

- Phase I Presentation Report
- Meeting Date: June 6, 1998
- Present: Lila Mielke, Commissioner; USDA Representative; Allen Ruzicka, Commissioner; Vernon Viltar, Task Force; Daniel Kouba, Commissioner; Larry Tarke, Task Force; Lennart Almen, Task Force; Margaret Tweten, NDSU Ext.
- An informal meeting was held to discuss implementation of Phase II
- Suggested to hold meetings throughout communities in the county to gather information
- ND Ext Service and Rural Development are assisting in process

Ward County

- Phase I Presentation Report
- Meeting Date: March 14, 1998
- Present: 4 Ward County Commissioners; Ward County Auditor; 4 of the 5 appointed to the Tool Chest Study Committee by Ward County Commissioners and citizens from Ward County
- Suggested to hold meetings throughout the county to gather input
- Informal meeting to discuss implementation of Phase II, no decision was made by the end of this meeting

Williams County

- Local Advisory Study Committee Report
- Meeting Date: June 9, 1998
- Present: Larry Hanson; Karl Evenson; Don Larson; Phil Stenehjem; Raymond Schmidt
- The Advisory Committee held 4 sessions to get input from department heads regarding the structure of existing county government. An extensive amount of time was spent on some issues. The following are the committees recommendations for consideration by the Williams County Commission
 1. Process of election of County Commissioners should be left as is until the year 2000
 2. County Commission should study and determine at next budget session whether the position should continue for Superintendent of Schools
 3. A considerable amount of time was spent regarding the function between the Auditors office and the Valuation & Equalization office. Attempt was made for resolution between offices. The committee expects progress or recommends the County Commission to take action. Both parties agreed to open lines of communication and work together. This needs to be monitored by the County Commission. Commissioner Hanson agreed to work with the 2 departments to separate functions and improve working relations between offices
 4. Contacts should be made with other governmental entities in Williams County and surrounding counties to determine if there is interest in forming a Local Government Investment Pool. A pool could potentially earn a higher rate of return to benefit all involved
 5. A committee be established to study the sharing of dispatching and records between the Williams County Sheriffs Department and the Williston Police Department
- Department Suggestions
 1. During the budget process spend as much time as necessary with department heads.
 2. Recommend a committee be established to do long range planning regarding the County's buildings. Develop short/long range plans in general
 3. Annual meetings among representatives from each of the taxing entities to improve communication and possibly share resources
 4. Study current voucher system
 5. Help develop positive attitudes among employees
 6. Have commissioners establish county-wide yearly goals for supervisors
 7. Have supervisors establish yearly goals consistent with commission
 8. More effective communication with legislators
 9. Identify areas of limited workspace and develop a plan for improvement
 10. Share computer capabilities with other entities
- No further meetings are planned at this time

Donna M. Hall
Operator's Signature

10/3/03
Date

ADVISORY STUDY PROCESS - BALLOT ISSUE

The following has been prepared for consideration by those counties that must vote on a ballot question regarding the advisory study issue, pursuant to NDCC 40-01.1. The attached specific language is not required, as the advisory study issue is a local ballot question. All counties that will be including a ballot question on this issue in an upcoming election are advised to consult with their State's Attorney on the appropriate language as well as publication requirements as discussed on the following page.

Draft Analysis

The 1993 Legislature approved the creation of a process for establishing an advisory study committee to "provide local citizens and leaders with the means for fully and adequately studying options available for positioning their local governments for effective, creative, and efficient service in the future." The legislation encourages this committee to "prepare a comprehensive program for the performance of local government functions and the furnishing of local government services within the jurisdiction of the governing body or cooperating governing bodies".

The statute allows the governing board of a county, city, park district, township, or school district to establish a committee by majority vote, or one can be established by a petition of the electors in the local district. For counties and cities, the Legislature added the requirement that if an advisory study committee has not been formed by the governing board or the electors in the past five years, a ballot question of establishing the five-member advisory study committee must be presented at the next election.

The time frames created by the effective date of this legislation requires that the question of establishing an advisory study committee for _____ County be included in the County's next election. The sample ballot, printed in today's issue of the county newspaper, contains ballot issue number ____ to respond to this requirement.

Draft Ballot Question

County Advisory Study Committee

Shall the _____ County Commission establish a five-member county advisory study committee to study the cooperative and restructuring options available to _____ County according to the provisions of section 40-01.1-02 of the North Dakota Century Code.

A "YES" vote means you want the _____ County Commission to establish a five-member advisory study committee.

A "NO" vote means you don't want the _____ County Commission to establish a five-member advisory study committee.

Publication Requirements

The statute (NDCC 40-01.1) does not provide specific direction regarding the notice and publication requirements for the Advisory Study Ballot Issue.

With State Measures, the analysis of the measure must be published two consecutive weeks prior to the two weeks the ballot language is published. This ultimately provides the voter with information about the measures for 4 consecutive weeks before the election. This 4 week stretch was devised because the statewide measure analysis and the ballot language are often the same language. When they appear in the same publication for the two consecutive weeks before the election, it gave the appearance of waste and double-up and caused voter confusion. That's why the analysis was bumped up to the two weeks before the ballot language is to be published.

As noted above, with this question being put specifically before the county voters, there doesn't appear to be specific publication rules. However, there are other publication requirements for other specific county questions. These requirements vary between the notice being published for two consecutive weeks prior to the election to four consecutive weeks before the election. (See NDCC, sections 11-05-04, 11-06-04, 11-08-03, 11-09-04.)

If a publication notice such as the attached is used, (one that is much more explanatory and thorough than the ballot language), the voter probably would benefit from having both in the same publication. Therefore, absent any specific guidance within NDCC 40-01.1, it may be wise to publish the notice in the newspaper at the same time they publish the sample ballots that would be two consecutive weeks prior to the election.

Deanna Hall
Operator's Signature

10/3/03
Date

**CHAPTER 40-01.1
LOCAL GOVERNANCE ADVISORY STUDY**

40-01.1-01. Advisory study of local governance options. An advisory study committee may be established under this chapter to provide local citizens and leaders with the means for fully and adequately studying options available for positioning their local governments for effective, creative, and efficient service in the future, in a manner suited to the economic, social, geographic, demographic, and other circumstances influencing the needs and resources of local communities. An advisory study committee is encouraged to prepare a comprehensive program for the performance of local government functions and the furnishing of local government services within the jurisdiction of the governing body or cooperating governing bodies that established the committee. In its study, the committee may consider:

1. The need for maintaining citizen access to, control of, and participation in local government;
2. The existing land use within the area, including the location of highways and natural geographic barriers to, and routes for, transportation;
3. The need for organized local government functions, services, and controls; the present cost and adequacy of local government functions, services, and controls; probable future needs for those functions, services, and controls; and the probable effect of alternative courses of action on the cost and adequacy of local government functions, services, and controls;
4. The trends in population density and distribution, and the potential or likelihood for significant growth or decline;
5. The tax base and other factors bearing on the capacity for local government to provide essential functions and services necessary to the general welfare of local citizens;
6. The boundaries of existing units of local government;
7. Data necessary for analyzing the strengths, weaknesses, challenges, and opportunities that are unique to the community; and
8. Other factors that may affect the provision of local government functions, services, and controls.

40-01.1-02. Local advisory study committee.

1. The governing body or electors of a county, city, city park district, township, school district, or any other political subdivision of this state may establish an advisory committee to study the existing form and powers of that political subdivision for comparison with other forms and powers available under the laws of this state. A local advisory study committee is established:
 - a. By a majority vote of the governing body; or
 - b. By a petition signed by ten percent or more of the total number of qualified electors of the political subdivision voting for governor at the most recent gubernatorial election and submitted to the governing body.
2. Notwithstanding subsection 1, an election on the question of establishing a five-member advisory study committee for a county or city must be held at the next regular election in the county or city if five years have elapsed since the latter of:
 - a. August 1, 1993;
 - b. The date of the most recent election held on the question of establishing an advisory study committee pursuant to this subsection; or
 - c. The date of issue of a written report prepared for a comprehensive study and analysis of the cooperative and restructuring options available to the county or city conducted by the governing body, an advisory study committee established pursuant to this section, a home rule charter commission, or through another study process for which a written report was prepared.
3. The question of establishing an advisory study committee pursuant to subsection 2 requires an affirmative vote of a majority of those voting on the question for passage.
4. The governing body shall appoint the members of the advisory study committee and set the duration of the committee. The members are not entitled to receive compensation, but may


Operator's Signature

10/3/03
Date

receive actual and necessary expenses incurred in the performance of official duties as determined by the governing body.

5. The governing body may provide office and meeting space and legal, clerical, facilitation, training, and other assistance to the study committee, and may appropriate funds in its final budget, or expend any unexpended balances in its general fund otherwise designated for current expenditure, for the necessary expenses of the advisory study committee. The committee, with the approval of the governing body, may:
 - a. Employ and fix the compensation and duties of necessary staff;
 - b. Contract and cooperate with other individuals and public or private agencies considered necessary for assistance, including institutions of higher education;
 - c. Establish advisory subcommittees that may include persons who are not members of the study committee;
 - d. Hold public hearings and community forums and use other suitable means to disseminate information, receive suggestions and comments, and encourage public discussion of the committee's purpose, progress, conclusions, and recommendations;
 - e. Cooperate with a like committee established pursuant to this section by another political subdivision in the conduct of the study. A cooperative study does not preclude a study committee from making separate recommendations to the governing body; and
 - f. Do any other act consistent with and reasonably required to perform its advisory function.

40-01.1-03. Cooperative advisory study committee.

1. The governing bodies of any two or more political subdivisions, including any combination of counties, cities, city park districts, townships, school districts, or other political subdivisions, may establish an advisory committee to study the potential for cooperative or combined efforts for providing local government functions and services. A cooperative advisory study committee is established:
 - a. By execution of a joint powers agreement between participating political subdivisions or by joint resolution pursuant to separate majority votes of each participating governing body; or
 - b. By petitions signed by ten percent or more of the total number of qualified electors of each affected political subdivision voting for governor at the most recent gubernatorial election and submitted to the governing bodies.
2. The composition and duration of the advisory study committee is as prescribed in the joint powers agreement, resolutions of the governing bodies, or petitions. However, the governing bodies may agree, by joint resolution, to limit the duration or composition of the advisory study committee created by petition pursuant to subdivision b of subsection 1. Any vacancy may be filled as prescribed in the agreement, resolution, or petitions or, if not prescribed, by the governing body that was represented by the person vacating the position.
3. A governing body may agree to provide office and meeting space and legal, clerical, facilitation, training, and other assistance to the study committee, and may appropriate funds in its final budget, or expend any unexpended balances in its general fund otherwise designated for current expenditure, for the necessary expenses of the advisory study committee. The committee, with the approval of the governing body, may:
 - a. Employ and fix the compensation and duties of necessary staff;
 - b. Contract and cooperate with other individuals and public or private agencies considered necessary for assistance, including institutions of higher education;
 - c. Establish advisory subcommittees that may include persons who are not members of the study committee;
 - d. Hold public hearings and community forums and use other suitable means to disseminate information, receive suggestions and comments, and encourage public discussion of the committee's purpose, progress, conclusions, and recommendations; and

- e. Do any other act consistent with and reasonably required to perform its advisory function.

40-01.1-04. Advisory recommendations. A local or cooperative advisory study committee established for one or more political subdivisions may recommend that a local governing body or the electors pursue any course of action permitted by law or home rule charter for that political subdivision. The committee may recommend:

1. With respect to a county:

- a. Execution of a joint powers agreement between the county and one or more other political subdivisions or the state for the cooperative or joint administration of any service or function pursuant to chapter 54-40.3 or as otherwise specifically provided by law, or an agreement between the county and a tribal government pursuant to chapter 54-40.2.
- b. Exercise of the county's general authority to contract pursuant to section 11-10-01 and any other law, including service agreements with public or private parties under the terms and conditions of the agreements.
- c. Combination or separation of any elective or appointive county office and corresponding functions, or redesignation of any county office as elective or appointive, pursuant to chapter 11-10.2.
- d. Change in the number of county commissioners pursuant to chapter 11-12.
- e. Establishment of a county home rule charter commission for initiating the adoption of a home rule charter or the amendment or repeal of a home rule charter pursuant to chapter 11-09.1, or the adoption, amendment, or repeal of ordinances for implementing a home rule charter. The recommendation may include a specific nonbinding proposal or draft for a home rule charter or amendment to a home rule charter.
- f. Adoption of the consolidated office form of county government pursuant to chapter 11-08.
- g. Adoption of the county manager form of county government pursuant to chapter 11-09.
- h. Use of other statutory tools relating to social and economic development, land use, transportation and roads, health, law enforcement, administrative and fiscal services, recording and registration services, educational services, environmental quality, water, sewer, solid waste, flood relief, parks and open spaces, hospitals, public buildings, or other county functions or services, including creation of cooperative county job development authorities pursuant to section 11-11.1-03, multicounty health units pursuant to chapter 23-35, regional planning and zoning commissions pursuant to section 11-35-01, boards of joint county park districts pursuant to chapter 11-28 or a combination of boards of park commissioners with a city pursuant to chapter 40-49.1, or multicounty social service districts pursuant to chapter 50-01.1.
- i. Participation in a community or leadership development, assessment, education, planning, or training program offered by any public or private agency, institution, or organization.
- j. Sharing of elective or appointive county officers with other counties, cities, or other political subdivisions pursuant to chapter 11-10.3.
- k. Initiation of the multicounty home rule charter process or the amendment or repeal of a multicounty home rule charter pursuant to section 11-09.1-04.1, or the adoption, amendment, or repeal of ordinances to implement the charter. The recommendation may include a specific nonbinding proposal or draft for a multicounty home rule charter.
- l. Initiation of the county-city home rule process or the amendment or repeal of a county-city home rule charter pursuant to chapter 54-40.4, or the adoption, amendment, or repeal of ordinances to implement the charter. The recommendation may include a specific nonbinding proposal or draft for a county-city home rule charter.
- m. Transfer of a power or function of another political subdivision to the county pursuant to chapter 54-40.5.
- n. Creation of a county consolidation committee pursuant to chapter 11-05.1.
- o. That any other action be taken that is permitted by law.
- p. That no action be taken.

2. With respect to a city:
- a. Execution of a joint powers agreement between the city and one or more other political subdivisions or the state for the cooperative or joint administration of any service or function pursuant to chapter 54-40.3 or as otherwise specifically provided by law, or an agreement between the city and a tribal government pursuant to chapter 54-40.2.
 - b. Exercise of the city's general authority to contract pursuant to section 40-05-01 and any other law, including service agreements with public or private parties under the terms and conditions of the agreements.
 - c. Combination of city officers pursuant to section 40-14-04 or 40-15-05 or the sharing of officers with other cities, counties, or other political subdivisions pursuant to chapter 11-10.3.
 - d. An increase or decrease in the number of members of the governing body of a city pursuant to section 40-06-09.
 - e. Establishment of a city home rule charter commission for initiating the adoption of a home rule charter or the amendment or repeal of a home rule charter pursuant to chapter 40-05.1, or the adoption, amendment, or repeal of ordinances for implementing a home rule charter. The recommendation may include a specific nonbinding proposal or draft for a city home rule charter or amendment to a home rule charter.
 - f. Adoption of the commission form of city government pursuant to chapter 40-04.
 - g. Adoption of the modern council form of city government pursuant to chapter 40-04.1.
 - h. Adoption of the city manager plan pursuant to chapter 40-10.
 - i. Sharing an appointive city officer and function with another city, the county, or another political subdivision pursuant to chapter 11-10.3.
 - j. Initiation of the multicity home rule process or the amendment or repeal of a multicity home rule charter pursuant to section 40-05.1-05.1, or the adoption, amendment, or repeal of ordinances to implement the charter. The recommendation may include a specific nonbinding proposal or draft for a multicity home rule charter.
 - k. Initiation of the county-city home rule process or the amendment or repeal of a county-city home rule charter pursuant to chapter 54-40.4, or the adoption, amendment, or repeal of ordinances to implement the charter. The recommendation may include a specific nonbinding proposal or draft for a county-city home rule charter.
 - l. Participation in a community or leadership development, assessment, education, planning, or training program offered by any public or private agency, institution, or organization.
 - m. Use of other statutory tools for social and economic development, land use, transportation, health, fire and police protection, street construction and maintenance, assessment, financing, accounting, legal, environmental quality, water, sewer, solid waste, flood relief, parks and open spaces, hospitals, public buildings, or other city functions or services, including the creation of cooperative city job development authorities pursuant to section 40-57.4-03.
 - n. Transfer of a power or function of the city to the county pursuant to chapter 54-40.5.
 - o. Consolidation of cities pursuant to chapter 40-53.2.
 - p. Dissolution of a city pursuant to chapter 40-53.1.
 - q. That any other action be taken that is permitted by law.
 - r. That no action be taken.
3. With respect to a township:
- a. Execution of a joint powers agreement between the township and one or more other political subdivisions or the state for the cooperative or joint administration of any service or function pursuant to chapter 54-40.3 or as otherwise specifically provided by law, or an agreement between the township and a tribal government pursuant to chapter 54-40.2.
 - b. Exercise of the township's general authority to contract pursuant to section 58-03-01 and any other law, including service agreements with public or private parties under the terms and conditions of the agreements.

- c. Participation in a community or leadership development, assessment, education, planning, or training program offered by any public or private agency, institution, or organization.
 - d. Combination of the offices of township clerk and treasurer pursuant to section 58-05-02 or the sharing of officers with other townships or other political subdivisions pursuant to chapter 11-10.3.
 - e. An increase in the number of board of township supervisors from three to five pursuant to section 58-04-02.1.
 - f. Contract with the county, another political subdivision, or any individual for assessor services pursuant to section 58-05-02.
 - g. Consolidation of boards of township officers pursuant to chapter 58-05.1.
 - h. Transfer of a power or function of the township to the county pursuant to chapter 54-40.5.
 - i. Creation of an organized civil township pursuant to chapter 58-02.
 - j. Division or annexation of a township pursuant to chapter 58-02.
 - k. Dissolution of the township pursuant to chapter 58-02.
 - l. That any other action be taken that is permitted by law.
 - m. That no action be taken.
4. With respect to a city park district:
- a. Execution of a joint powers agreement between the city park district and one or more other political subdivisions or the state for the cooperative or joint administration of any service or function pursuant to chapter 54-40.3 or as otherwise specifically provided by law, or an agreement between the city park district and a tribal government pursuant to chapter 54-40.2.
 - b. Exercise of the city park district's general authority to contract pursuant to section 40-49-04 and any other law, including service agreements with public or private parties under the terms and conditions of the agreements.
 - c. Participation in a community or leadership development, assessment, education, planning, or training program offered by any public or private agency, institution, or organization.
 - d. An increase or decrease in the number of board members pursuant to sections 40-49-07.1 and 40-49-07.2.
 - e. Transfer of a power or function of the city park district to the county pursuant to chapter 54-40.5.
 - f. Combination of the city board of parks commissioners with other city or county boards of park commissioners pursuant to chapter 40-49.1.
 - g. Sharing of officers with other city park districts or other political subdivisions pursuant to chapter 11-10.3.
 - h. Dissolution of the city park district pursuant to sections 40-49-07.1 and 40-49-07.2.
 - i. That any other action be taken that is permitted by law.
 - j. That no action be taken.
5. With respect to a school district:
- a. Execution of a joint powers agreement between the school district and one or more other political subdivisions or the state for the cooperative or joint administration of any service or function pursuant to chapter 54-40.3 or as otherwise specifically provided by law, including the exercise of the general powers to make contract for joint educational endeavors, or an agreement between the school district and a tribal government pursuant to chapter 54-40.2.
 - b. Participation in a community or leadership development, assessment, education, planning, or training program offered by any public or private agency, institution, or organization.
 - c. An increase or decrease in the number of school board members pursuant to section 15.1-09-01.
 - d. Sharing of officers with other school districts or other political subdivisions pursuant to chapter 11-10.3.

- e. School district annexation or reorganization.
 - f. Transfer of a power or function of the school district to the county pursuant to chapter 54-40.5.
 - g. That any other action be taken that is permitted by law.
 - h. That no action be taken.
6. With respect to other political subdivisions, including rural ambulance service districts, rural fire protection districts, irrigation districts, hospital districts, soil conservation districts, and recreation service districts:
- a. Execution of a joint powers agreement between the political subdivision and one or more other political subdivisions or the state for the cooperative or joint administration of any service or function pursuant to chapter 54-40.3 or as otherwise specifically provided by law, or an agreement between the political subdivisions and a tribal government pursuant to chapter 54-40.2.
 - b. Participation in a community or leadership development, assessment, education, planning, or training program offered by any public or private agency, institution, or organization.
 - c. Sharing of officers with other political subdivisions pursuant to chapter 11-10.3.
 - d. Transfer of a power or function of the political subdivision to the county pursuant to chapter 54-40.5.
 - e. That any other action be taken that is permitted by law.
 - f. That no action be taken.

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Deanna Hallworth
Operator's Signature

10/3/03
Date

9/10
Testimony To The
HOUSE GOVERNMENT & VETERANS AFFAIRS COMMITTEE
Prepared January 23, 2003 by the
North Dakota Association of Counties
Mark A. Johnson, CAE – Executive Director

CONCERNING HOUSE BILL NO. 1333

Chairman Klein and members of the Government and Veterans Affairs Committee,
I am here on behalf of the North Dakota Association of Counties to oppose House
Bill 1461.

Local government leaders and their organizations worked very hard for the
creation of the Advisory Commission on Intergovernmental Relations and we
believe that it has served, and continues to serve, a valuable purpose in North
Dakota. This is the only permanent link between State and local government for
the discussion and resolution of issues that cut across the various authorities and
responsibilities.

Unlike schools, which have the Department of Public Instruction and two regular
Legislative interim committees; counties, cities, townships, and park districts did
not have this official representation at the State government level before the ACIR
was created. The ACIR gave these local government entities a connection to the
Legislature when the standing political subdivisions committees are not meeting.

The ACIR benefits the Legislature as well as the political subdivisions by
providing an official forum for these governmental entities to bring forth their
issues and concerns. These concerns can then be addressed collectively, and
hopefully resolved in a collective manner, rather than forcing each group to appear
before the Legislature with unilateral proposals to address individual concerns.

*Committee narrow focus to 10/2 date spend 8 months
Hearings bills
Provide on official form to present*

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10/3/03
Date

Without the ACIR, I don't believe there would have been the "Tool Chest" legislation in 1993 – a collective effort of these local governments. This body of legislation strengthened our local governments, and gave them more and better options for providing services in the future. The ACIR has repeatedly examined the use of these "tools", and monitored their effectiveness. The ACIR has also studied property tax issues that cut across government lines and suggested improvements, and reviewed the extensive changes to local government implemented as court unification.

As this Committee is likely aware, of the eleven ACIR members, four are ^{- on fiscal note} Legislators and the balance are appointed by several "organizations representing political subdivisions". Section 54-35.2-04 states that "*members of the advisory commission on intergovernmental relations who are appointed by an organization representing political subdivisions may be reimbursed for attendance at commission meetings by the organization by which they were appointed.*" Clearly, a significant share of the financial support of this Commission lies with the political subdivisions. Counties have very willingly provided this support in the past and are committed to its continuation. As the fiscal note shows, the cost of this committee is very small, particularly when compared to the large benefit it produces.

Mr. Chairman and committee members, county government believes that the ACIR is of great value, and should remain in-place. We therefore urge a Do Not Pass recommendation on House Bill 1461.

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Donna Hall
Operator's Signature

10/3/03
Date

Testimony on HB1333 North Dakota Township Officers Association
Prepared by Ken Yantes

Mr. Chairman Klein and Members of the House Government and Veterans Affairs committee.

My name is Ken Yantes and I represent the Township officers from over 1100 dues paying Townships in our state. These locally elected grassroots leaders have developed a policy of support for the continuance of the ACIR.

Since the inception of the ACIR, the Township Officers have been a member of the commission and do support the existence of a forum that encourages governmental cooperative efforts to create government effectiveness and efficiency.

Committee members, I have been attending the legislative session for the last 30 years and have an observation to share with you. I can remember when governmental entities would come here with opposing views on who should provide what service to which taxpayers of our state. We would line the halls, fill the committee rooms and offer opposing testimony to committee members. This took a lot of time and a lot of decisions were made without due consideration. Joint meetings during the interim allow more time to look deeper into problem areas and try to find acceptable solutions. When such a solution is found, the commission has authority to introduce legislation to support it.

I was a member of the first ACIR and remained on the commission until the 2001-2002 interim period. At present, Don Malcomb, State President of The Township Officers Association, is seated on the commission as our representative. The commission members from the governmental entities involved are paying for the travel, lodging and all other expenses for their representatives to serve on this commission. The ND Township Officers will continue to pay the costs of their representatives to attend these meetings.

Committee members, it is important to remember that there is no other interim committee that provides a forum for joint meetings of political subdivisions, legislators and the Governor's office.

It is my firm belief that the savings to taxpayers in recommended cooperative efforts by the ACIR have been considerable. Joint efforts between the counties, the Cities, the Park Districts, School Boards and Townships have been entered into due to the awareness of the ability to cooperate fostered by the ACIR.

Please vote no on HB1333 and continue to let this committee foster new ways to create effectivity and efficiency in Government.

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Donna Malcomb
Operator's Signature

10/3/03
Date