

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS 1999-2000 ACTIVITIES - 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 eleven 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 governor or the governor's designee is a member of the commission.
 - f. The legislative council shall appoint four members of the legislative assembly as members of the commission.

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.
 - b. Fiscal and other powers and functions of local governments.
 - c. Relationships between and among local governments and the state or any other government.

- d. Allocation of state and local resources.
 - e. Interstate issues involving local governments, including cooperation with appropriate authorities of other states.
 - f. 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 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 has not assigned any additional studies for the commission.

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 1999-2000 interim which may relate to topics of interest to the commission. The following are among the statutory studies and studies by the Legislative Council, listed with the Legislative Council interim committee to which the study is assigned:

1. Section 4 of House Bill No. 1002 directs a study of the impacts of court unification on the judicial system and on the effective provision of judicial services to state residents (Judiciary Committee).
2. Section 9 of House Bill No. 1004 directs a study of the State Department of Health's comprehensive plan for a community health grant program (Budget Committee on Health Care).
3. Section 16 of House Bill No. 1019 directs the study of the economic development efforts in the state, including the provision of economic development services statewide and the related effectiveness, the potential for the privatization of the Department of Economic Development and Finance, and the appropriate location of the North Dakota Development Fund, including the potential transfer of

- the fund to the Bank of North Dakota (Commerce and Labor Committee).
4. Section 8 of House Bill No. 1462 directs a study of the application, enforcement, and administration under the fuels tax laws (Taxation Committee).
 5. Section 28 of Senate Bill No. 2012 directs a study of the services provided by human service centers, including the appropriateness and justification for continuing human service center programs, the cost/benefit of human service programs, methods for evaluating the effectiveness and outcomes of human service center programs, and the need to establish priorities relating to human service center programs (Budget Committee on Human Services).
 6. Section 3 of Senate Bill No. 2114 requires the Department of Human Services to report periodically to the Legislative Council, or an interim committee designated by the Council, on the progress of any negotiation with any tribal government to establish a pilot project for administration of a tribal family assistance grant from the United States Department of Health and Human Services, and requires the interim committee to report its findings and recommendations to the 57th Legislative Assembly (Budget Committee on Human Services).
 7. Section 4 of Senate Bill No. 2114 directs the study of the implementation of the temporary assistance for needy families program in this state, the effectiveness of that program to accomplish welfare reform, the need for continuing legislative monitoring, the proportion of adults living in Indian country who are employed, and the efforts of the Department of Human Services to negotiate a pilot project under which the state would participate in the cost of providing services under a tribal family assistance grant (Budget Committee on Human Services).
 8. Section 13 of Senate Bill No. 2162 directs the study of the provision of education to public school students in this state and the manner in which education to public school students will be delivered in the ensuing 5, 10, and 20 years (Education Finance Committee).
 9. Section 1 of Senate Bill No. 2356 directs the study of the feasibility and desirability of forming a multistate agricultural marketing commission for the purpose of marketing agricultural products on behalf of agricultural producers (Agriculture Committee).
 10. House Concurrent Resolution No. 3027 directs the study of heritage tourism and the relationships among the State Historical Society, Parks and Recreation Department, Tourism Department, Department of Economic Development and Finance, and private sector promoters and developers of heritage tourism in the state (Commerce and Labor Committee).
 11. House Concurrent Resolution No. 3046 directs the study of the challenges facing the delivery of health care in this state, including the concerns relating to reimbursement of hospitals for medical services, technological innovation, and possible regionalization of services (Budget Committee on Health Care).
 12. House Concurrent Resolution No. 3049 directs the study of taxation and regulatory incentives for the lignite industry in order to improve its competitive position in the energy marketplace and to identify federal and international impediments to development of the lignite industry and potential state actions to address such impediments (Taxation Committee).
 13. House Concurrent Resolution No. 3054 directs a study of accreditation standards for elementary and secondary schools, including optional accreditation standards, the fiscal impact of accreditation standards, and the waiver of accreditation standards based on student performance (Education Finance Committee).
 14. House Concurrent Resolution No. 3055 directs a study of the extent of and remedies for damage caused to landowners from depredation by big game animals, waterfowl, and turkeys and damage caused to property by hunters (Agriculture Committee).
 15. House Concurrent Resolution No. 3067 directs a review and monitoring of the implementation of legislation enacted by the 56th Legislative Assembly which provides for the delivery of clerk of district court services through state funding and alternative methods (Judiciary Committee).
 16. House Concurrent Resolution No. 3070 directs a study of health care in this state relative to access, quality, and cost to determine essential health care services, critical providers, access sites, and geographic, demographic, and economic issues relating to health care, including health care insurance (Budget Committee on Health Care).
 17. Senate Concurrent Resolution No. 4004 directs a study of the possibility of creating an incentive package to assist rural communities and nursing facilities in closing or significantly reducing bed capacity and providing alternative long-term care services (Budget Committee on Health Care).

18. Senate Concurrent Resolution No. 4005 directs a study of the state of the law and technology with respect to legislative redistricting (Legislative Management Committee).
19. Senate Concurrent Resolution No. 4006 directs a study of state agency office space needs to determine the feasibility and desirability of transferring state agencies or state employees to rural areas (Budget Committee on Government Services).
20. Senate Concurrent Resolution No. 4031 directs a study of the method by which the state funds special education services (Education Finance Committee).
21. Senate Concurrent Resolution No. 4036 directs a study of the operation of the temporary assistance for needy families program in North Dakota as it relates to the relationship between the state and the federally recognized Indian tribes in the state (Budget Committee on Human Services).
22. Senate Concurrent Resolution No. 4041 directs a study of potential tax incentives and regulatory relief that would encourage greater investment participation by North Dakota residents in agricultural business ownership (Taxation Committee).
23. Senate Concurrent Resolution No. 4042 directs a study of the feasibility and desirability of developing and implementing statewide academic standards for and assessments of elementary and high school students and a system of accountability at the school and school district level (Education Finance Committee).
24. Senate Concurrent Resolution No. 4043 directs a study of voter registration (Judiciary Committee).
25. North Dakota Century Code Section 18-11-15 provides for receipt of notice from a firefighters relief association concerning service benefits paid under a special schedule (Employee Benefits Programs Committee).
26. North Dakota Century Code Section 26.1-50-05 provides for receipt of annual audited financial statement and report from North Dakota low-risk incentive fund (Legislative Audit and Fiscal Review Committee).
27. North Dakota Century Code Section 49-21-22.2 provides for a review of the operation and effect of North Dakota telecommunications law on an ongoing basis and may review the effects of federal universal service support mechanisms on telecommunications companies and consumers in this state and may review the preservation and advancement of universal service in this state (Regulatory Reform Review Commission).
28. North Dakota Century Code Section 54-10-13 provides for a determination when the State Auditor is to perform audits of political subdivisions (Legislative Audit and Fiscal Review Committee).
29. North Dakota Century Code Section 54-10-15 provides for the State Auditor to audit or review the accounts of any political subdivision (Legislative Audit and Fiscal Review Committee).
30. North Dakota Century Code Section 54-34.3-04 provides for receipt of annual reports from the Department of Economic Development and Finance on performance of all divisions of the department; on the amount of success and satisfaction the department has in meeting business client, economic developer, and community client needs and expectations; and on a comparison of dollars spent to the economic benefits created of all programs administered or supervised by the director (Commerce and Labor Committee).
31. North Dakota Century Code Section 54-35-15.2 provides for a review of the activities of the Information Technology Department, statewide information technology standards, the statewide information technology plan, and major information technology projects; conduct studies; and make recommendations regarding established or proposed information technology programs and information technology acquisition (Information Technology Committee).
32. North Dakota Century Code Sections 54-35-18 and 54-35-18.2 provide for a study of the impact of competition on the generation, transmission, and distribution of electric energy within this state (Electric Industry Competition Committee).
33. North Dakota Century Code Section 54-35-18.2 provides for a study of North Dakota Century Code Chapter 49-03 and relevant statutes relating to the extension of electric lines and facilities and the provision of electric service by public utilities and rural electric cooperatives within and outside the corporate limits of a municipality (Electric Industry Competition Committee).
34. North Dakota Century Code Section 54-35.2-02 provides for a study of local government structure, fiscal and other powers and functions of local governments, relationships between and among local governments and the state or any other government, allocation of state and local resources, and interstate issues involving

- local governments (Advisory Commission on Intergovernmental Relations).
35. North Dakota Century Code Section 54-40-01 provides for approval of any agreement between a North Dakota state entity and South Dakota to form a bistate authority (Budget Committee on Government Services).
 36. North Dakota Century Code Section 54-59-12 provides for receipt of a report from the chief information officer of the state regarding the coordination of services with political subdivisions and from the chief information officer and the commissioner of the State Board of Higher Education regarding coordination of information technology between the Information Technology Department and higher education (Information Technology Committee).
 37. Section 18 of 1999 Session Laws Chapter 34 provides for receipt of a report from the Department of Human Services regarding \$500,000 of general fund reductions in the proposed budget request for the Northeast Human Service Center for the 2001-03 biennium (Budget Section).
 38. Section 35 of 1999 Session Laws Chapter 34 provides for approval of the expenditure by the Department of Human Services for a \$200,000 contingent appropriation for additional beds for traumatic brain-injured persons in western North Dakota (Budget Section).
 39. Section 4 of 1999 Session Laws Chapter 38 provides for approval of disaster claims relating to the spring 1997 flooding in the Red River Valley before any loans by the Bank of North Dakota to political subdivisions during the 1999-2001 biennium (Budget Section).
 40. Section 5 of 1999 Session Laws Chapter 90 provides for receipt for the first four taxable years beginning after December 31, 1998, annual financial statements and a report from the governing board of the housing development fund analyzing the impact of the fund on the state's economy, business and employment activity generated by loans from the fund, and the effects of that activity on state and local tax revenues (Budget Committee on Government Services).
 41. Section 1 of 1999 Session Laws Chapter 419 provides for receipt of periodic reports during the 1999-2000 interim from the executive director of the Department of Human Services regarding the establishment of a traumatic brain-injured facility in western North Dakota (Budget Committee on Institutional Services).
 42. Section 5 of 1999 Session Laws Chapter 429 provides for approval of allocations from the health care trust fund in excess of \$8,715,279 by the Department of Human Services (Budget Section).
 43. Section 9 of 1999 Session Laws Chapter 535 provides for receipt of periodic reports from the State Engineer regarding implementation of the comprehensive statewide water development program and state water management plan and the issuance and sources for repayment of bonds to finance construction of flood control projects, the Southwest Pipeline Project, a Devils Lake outlet, and a statewide water development program during the 1999-2000 interim (Garrison Diversion Overview Committee).

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 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 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 NDCC Section 54-35.2-02.1.

STUDY APPROACH

The 1999 Legislative Assembly repealed the law relating to local government efficiency planning grants; therefore, it is not necessary for the commission to receive grant information. Under NDCC Section 54-35.2-02, 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.