Prepared by the North Dakota Legislative Council staff for the Public Safety Committee
July 2007

# OTHER RESPONSIBILITIES OF THE PUBLIC SAFETY COMMITTEE - BACKGROUND MEMORANDUM

## APPROVE AGREEMENTS BETWEEN NORTH DAKOTA AND SOUTH DAKOTA

North Dakota Century Code Section 54-40-01 (attached as an appendix) provides in subsection 3 that an agency, department, or institution may enter into an agreement with the state of South Dakota to form a bistate authority to jointly exercise any function that the entity is authorized to perform by law. Any proposed agreement must be submitted to the Legislative Assembly or, if the Legislative Assembly is not in session, to the Legislative Council or a committee designated by the Council for approval or rejection. The agreement may not become effective until approved by the Legislative Assembly or the Legislative Council. The Public Safety Committee has been assigned this responsibility for the 2007-08 interim.

The 2005-06, 2003-04, 2001-02, 1999-2000, and the 1997-98 interim Budget Committee on Government Services were assigned this responsibility; however, no proposed agreements were submitted to the committee for approval to form a bistate authority with the state of South Dakota.

### Action Plan

The committee may carry out this responsibility, if necessary, as follows:

1. Receive any proposed agreement from a state agency to form a bistate authority with an agency of South Dakota.
2. Receive testimony from interested persons on the proposed agreement.
3. Review the proposed agreement regarding costs, effect on services, economic impacts, quality, etc.
4. Approve or disapprove the proposed agreements.
5. Prepare a summary of the committee's study for inclusion in the final report to the Legislative Council.

## MONITORING THE STATUS OF STATE AGENCY AND INSTITUTION APPROPRIATIONS

Beginning with the 1975-76 interim, a Legislative Council interim committee has been assigned the responsibility of monitoring the status of major state agency and institution appropriations. The Public Safety Committee has been assigned this responsibility for the 2007-08 interim.

As in previous bienniums, the committee's review could place emphasis on the expenditures of major state agencies, such as the charitable and penal institutions, the appropriations for elementary and secondary education, the appropriations for the Department of Human Services for medical assistance and economic assistance grants, and other appropriations the committee might select. The expenditures of the selected state agencies and institutions would be monitored by having the agencies prepare estimates of expenditures and then comparing the actual expenditures to the estimates. The Legislative Council staff would then prepare a report for presentation to the committee comparing actual expenditures to estimates for the first year of the biennium and discussing the major variances.

Also completed and presented each interim since 1987-88 is a report on the status of agency compliance with legislative intent. This report includes the status of state agencies' and institutions' implementation of budget/programmatic changes and legislative directives contained in appropriation bills and other legislation and the identification of agency budget issues. These reports are also provided to members of the Budget Section for their information.

The committee, if apprised of special budget problems, can receive agency testimony and review problem areas.

The type of reporting outlined above will provide the committee with early information on problem areas needing legislative consideration and action or may be the basis for legislation to be introduced to the 2009 Legislative Assembly. In addition, the information will assist the 2009 Legislative Assembly in analyzing the 2009-11 Governor's budget.

ATTACH:1