

June 2003

AGREEMENTS BETWEEN NORTH DAKOTA AND SOUTH DAKOTA - BACKGROUND MEMORANDUM

North Dakota Century Code Section 54-40-01, attached as Appendix A, 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 Budget Committee on Government Services has been assigned this responsibility for the 2003-04 interim.

The 2001-02, 1999-2000, and the 1997-98 interim Budget Committees on Government Services were also 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 wish to carry out this responsibility 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 agreement.
5. Prepare a summary of the committee's study for inclusion in the final report to the Legislative Council.

ATTACH:1