

# NORTH DAKOTA



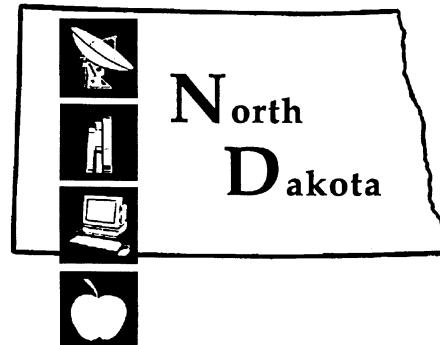
## 2012 Participant's Guide

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## INTRODUCTION

This Guide includes a section on the Executive Branch of North Dakota government, the focus of study for the 2012 North Dakota Close Up Program. Please review this section; it will prepare you for the event, enhance your understanding of government, describe how this branch of government functions, and provide you with some very useful information about the executive branch.

## PARTICIPATION

1. Be familiar with the contents of this entire Guide.
2. Ask questions pertinent to the topic being presented, by speakers, during the event.
3. Involve yourself in all learning activities by listening attentively.
4. Interact with other students and participate in all student activities.

# Did you know??!!??...

Fifty years ago the governor made \$9,000 a year as a salary, TODAY the governor's salary is \$113,591. BUT...in 1962 the governor was elected for only 2 years, instead of the 4 years of today [changed in 1964].

# FREQUENTLY ASKED STUDENT QUESTIONS

## WHO MAY ATTEND?

Close Up has no other criteria except that the student must be passing and has expressed an interest in learning more about government. The actual selection process is to be determined by the school.

## HOW DO I GET TO THE PROGRAM SITE?

You must have a teacher/coordinator accompany you. The teacher does not have to be from your school but must have a cooperative agreement with your school to coordinate and supervise your activities, including transportation to and from the site.

## WHO PAYS THE REGISTRATION FEE?

This varies among schools. It depends upon your school's policy. Some schools pay all or a portion of the fee. Other schools do not contribute any monies but have fundraisers or, the individual pays the total cost.

## WILL I NEED MONEY IN EXCESS OF THE REGISTRATION FEE?

Close Up pays for most of the expenses while at the event. You will need money for meals to and from the program site while traveling. If you plan to make outside telephone calls, you will need the appropriate change. You will also have an opportunity to shop at a shopping mall on Monday.

## WHAT SHOULD I WEAR?

Comfortable, yet neat, casual clothing is appropriate for all events. You may wish to bring something a bit more dressy for the Monday evening dance as most participants in the past have preferred to dress up for this event.

## HOW DO I PREPARE FOR CLOSE UP?

The North Dakota Council of Educational Leaders will send each participating teacher and student relevant materials for study one month prior to the event. Students are asked to be familiar with the selected issues by collecting newspaper clippings and/or magazine articles related to the program focus.

## WHAT CAN I EXPECT UPON ARRIVAL AT THE SITE?

Hotel registration and check-in is planned between 2 and 4:30 p.m. The hotel will have a listing of participants and their pre-assigned rooms. Deviations or last-minute changes in room assignments are not allowed. You will receive a key to your room and be notified where to report once you have settled in. Outside telephone lines will be disconnected in student rooms. You may call within the hotel; however, outside calls will have to be made from a pay phone.

The program will begin at 5 p.m. sharp and will include an opening address and a program orientation. You will receive a final agenda and be assigned to workshops and buses.

## During The Event You Should:

- Wear your name badge at all times.
- Have the Participant Guide available during work sessions.
- Be on time for all scheduled activities; busses will not wait.

# Program Orientation

## **ACTIVITIES**

During the event, you will have the opportunity to observe and learn about the executive branch of government, work with facilitators in small discussion groups, debate among yourselves, question experts on related topics, simulate parts of the executive team, and also have time to enjoy some social activities.

“The Executive Branch of Government: Governor, Lieutenant Governor...FLOODS???” is the theme for 2012 and we will examine related topics during the event. Please become knowledgeable about the following **Floods/Disasters** and be prepared to relate them to what is happening in North Dakota today.

1. **Minot and the Souris River flooding**
2. **Bismarck/Mandan and the Missouri River/Garrison Dam flood problems**
3. **Devils Lake region flooding**
4. **Jamestown and the James River flood dilemma**
5. **Fargo/Grand Forks and the Red River flood situation**

## **Disaster/Dilemma Simulation**

The student activities portion of the Close Up Program will center on the functioning of the executive officers and their response to disasters/dilemmas. Student participants will be divided into groups of equal size. Each group will conduct simulations and will select and study one of the seven issues noted above (there will be one open choice for the group that has a certain “burning issue” that is not provided). The culminating activity will take place on Tuesday morning when students will present their solutions for their chosen problem. Participants should be prepared to contribute their abilities in some particular way. The following are the roles students will be asked to play during the simulations (some will have a bigger role depending on the chosen disaster/dilemma):

1. Governor
2. Lieutenant Governor
3. Attorney General
4. Director of N. D. Emergency Management
5. Director of the Health Department
6. Agriculture Commissioner
7. Superintendent of the Highway Patrol
8. Adjutant of the National Guard
9. Commissioner of the Commerce Department
10. Staff members as needed to respond to the chosen disaster/dilemma.

Please think about which of the roles in the simulation game you would like to play. **EVERYONE WILL PARTICIPATE IN THE SIMULATIONS.** The more familiar you are with the contents of this guide, the better prepared you will be to actively participate in February.

Each student will receive informational materials and a role card to help develop their role in the simulation. Roles will represent executive officers and staff, both appointed and elected.

## **SPEAKERS**

Expert presenters and excellent teachers have volunteered their time to furnish you with information to consider as you examine and debate selected issues. Question and answer sessions (as time permits) are scheduled to follow each presentation.

## Chapter Four:

# Fragmented Executive Branch Requires Coordination To Work

**The principal task of the executive branch of government is to "execute" the laws adopted by the legislature, meaning that all officials, agencies and boards involved in carrying out state laws must be considered a part of the executive branch of the government.**

## Executive Branch Decentralized

In North Dakota, the executive branch is not a neat arrangement of cabinet officers administering agencies under the direct supervision of the governor. The governor appoints about 15 heads of agencies who are directly accountable to him; the voters of the state elect 12 other officials, and the legislature has created close to 150 more boards, commissions, committees and units that vary widely in the degrees of their accountability to the governor. Some are completely independent from the governor, such as the board of higher education.

### 1. Tradition

Tradition is partially responsible. Ever since the colonial days when governors represented the King and English proprietors, Americans have been suspicious of anyone with the title of "governor" because these early governors had dictatorial powers. They controlled the judges; they called and dispersed the legislatures, and they had an absolute veto over measures adopted by the legislatures. When the Revolutionary War broke out, the office of governor had a reputation for oppression. Once the revolutionaries were in charge, steps were quickly taken to severely limit the powers of that office.

### 2. Reluctant Legislature

Another reason for the decentralized state executive can be found in the American system of "checks and balances" which creates an atmosphere of competition between the legislative and executive branches. This being the case, the legislature is usually not very enthusiastic about passing laws to give the governor more authority over state agencies. In fact, recent legislatures have sought to further reduce the powers of the governor.

### 3. Idea of Accountability

A third contributor to the decentralized state executive system is the idea that electing officials makes them more accountable to the people. People think they have more control over the government when they get to vote on a number of officials.

### 4. A Culture of Participation

North Dakotans believe strongly in creating and preserving numerous opportunities to participate in the selection of public officials. This can be seen in the large number of offices filled by election in North Dakota—over 9,000. They like the idea of voting for numerous state officials instead of just one governor.

### 5. Distrust of Politics

People have a strong distrust of politics and politicians. They feel that if a politician—and they see the governor as one—makes appointments, the appointments will usually be given to political friends, regardless of qualifications. As a consequence, they favor keeping agencies as far away from the governor as possible.

### 6. Interest Groups Control

The people who suggest the creation of a new agency often get the legislature to pass the law so that people who suggest it can control the agency after it becomes a part of the government. This is very common in the boards for licensing professions and occupations as well as number of agriculture promotion agencies.

### 7. Separate Is Important

Some agencies are separate because the people most interested in them don't want their pet agencies lost in some larger department. This explains why most of the agriculture functions of state government are not in the state department of agriculture.

Unfortunately for the governor, most people think of him as a president at the state level. They think he can respond to their many requests by simply ordering the appropriate agencies to solve their problems. But he doesn't control all agencies. So there is a gap between the governor's powers and the people's expectations, meaning that the governor must work extra hard to do the job people expect.

## Governor Uses Coordination

Since the governor cannot order action, he must resort to other management techniques to get things done. The primary one is "coordination". He calls meetings of elected officials and agency heads over whom he has little or no control and tries to persuade them to work together to solve state problems. Since these officials share much of his concern about the state, they do cooperate and often work as a team to solve many problems. This cooperative spirit has helped overcome the administrative weaknesses of a decentralized executive branch.

If some official refuses to cooperate, the governor may take a different approach. The governor may call or visit with the official to use personal persuasion. If that doesn't work, the governor may subject the official to public criticism for refusing to cooperate. This is especially effective when the governor is obviously right and the official is wrong. Or the governor may remind the official that the governor prepares the executive budget and lack of cooperation may result in a smaller budget. Or the governor may suggest legislation to take authority away from the stubborn official. Fortunately, the strong spirit of cooperation makes these drastic steps unnecessary in most cases.

Most of the elected officials in North Dakota run for office the same year as the presidential election. Some have felt that the presidential election takes attention away from the election of state officials and that state elections should be held in the "off-year." Others have argued that fewer people will have a say in state elections because the voter turnout is always smaller in the off-year, even in those states that now elect state officials in the off-year.

The vast majority of states elect their state officials in non-presidential election years to reduce the burden on voters and to give more attention to state issues and candidates. Since North Dakota has one of the longest ballots in the nation, choosing some 11 officials, consideration has been given to dividing the offices between the presidential and non-presidential elections. In 2000, the voters approved a constitutional amendment that placed the election of the agriculture commissioner, attorney general, secretary of state and tax commissioner in the non-presidential election years beginning in 2006.

## Officials Have 4-Year Terms

Almost all North Dakota state officials are elected for 4-year terms in presidential election years. The exceptions have been the public service commissioners. The public service commissioners have 6-year terms because there are three of them and one comes up for election every two years. The terms of elected officials begin on January 1 following their election, except the terms of the governor and lieutenant governor start on December 15 following their election.

The governor and lieutenant governor are elected as a team with voters casting one vote for both. To serve as governor or lieutenant governor a person must have reached the age of 30 and have lived in North Dakota the five years immediately before the election. (Thomas H. Moodie, elected governor in 1934, served only 40 days of his term because it was discovered that he lacked five days of being in the state as a resident for the five years required by the constitution.) All of the other elected state officials must be qualified voters and at least 25 years of age.

## Officials May Be 'Recalled'

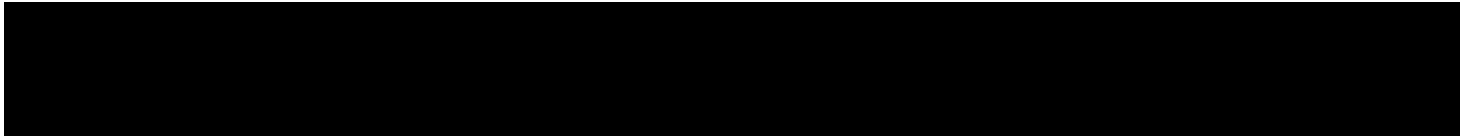
Elected officials may be removed from office between elections through either the impeachment process or by recall. Under the impeachment process, the house of representatives brings charges against the state official with the senate serving as the jury. A two-thirds vote of the senate is required to remove the official from office. If the governor is the one being impeached, then the chief justice of the supreme court presides over the trial. No North Dakota governor has ever been impeached.

In the recall, citizens who are unhappy with an elected state official may circulate petitions to gather signatures of electors supporting the recall. If they can obtain signatures equal in number to 25% of those voting for governor in the last election, the official must run in a special election immediately. The name of the official being recalled is automatically placed on the ballot along with the names of others wishing to run for the office. The winner in the election finishes the term. No official can be recalled more than once in a term. The only recall of state officials occurred in 1921 when the governor, attorney general and the commissioner of agriculture were all recalled and defeated in the special election.

## Voters



## Elected Officials



Agriculture Commissioner  
Insurance Commissioner  
Tax Commissioner

Public Service Commissioners

Governor  
Lt. Governor

Treasurer

Auditor

Attorney General

Secretary of State

Superintendent of Public Instruction

# The Governor

The governor of North Dakota has wide-ranging responsibilities in many areas. Like the president of the United States, he is called upon to wear many hats every day he is in office.

## 1. Administrator

One of the major jobs of the governor is to direct the state administration. As indicated previously, this requires the skill of coordination since so much of the state executive branch is outside of his direct control. Even though the governor doesn't end up with extensive control over agencies, he is still asked to make many appointments. The members of most boards and commissions are appointed by the governor, sometimes within strict guidelines written into the law by the legislature. Once the appointments are made, he has little or no contact with either the appointees or the boards.

A newly-elected governor is empowered to appoint new members of some of the boards. This was intended to help a new governor establish closer relations with these units of government. Nevertheless, it is difficult for a busy governor to stay in touch with so many boards and agencies. As a result, they tend to move out of his influence as time passes.

North Dakota governors are free to replace some agency heads with persons of their own choosing. Even so, political patronage is not widespread for several reasons. North Dakotans will accept some political appointments in the top positions of government so the governor has a responsive administration. However, they do not seem to favor the politics of the 1930's when masses of employees were fired and little respect was shown for the dignity of state employees.

Another restraint on political patronage in state government is salaries. State government salaries are just not good enough to attract new professional and technical employees. At the same time, many of the people holding the jobs are highly qualified and experienced. Finding better people for the same money is practically impossible. A governor could only do himself political harm with a hiring program that would reduce the quality of people working for the government.

A third restraint is the U.S. Supreme Court. In recent decisions, the Court has ruled that government employees may not be fired for political reasons unless they are in policy-making jobs.

Which of the state agencies are really under the governor? If the governor appoints the agency head, then the agency is under the governor. But agencies with directors who are appointed by boards cannot automatically be considered under the governor, even though the governor appoints the board. Agency heads appointed by boards may take orders from their boards rather than from the governor. Each such agency is different.

## Financial Institutions

This department has charge of all laws relating to state banks, trust companies, building and loan associations, mutual investment corporations, mutual savings corporations, and other financial corporations, exclusive of the Bank of North Dakota, and all credit unions organized or doing business under the laws of this state. Additionally, the department issues licenses to money brokers, collection agencies, small loan and consumer finance companies, and sale of check businesses. The department is responsible to the depositors and creditors of the financial institutions by determining the soundness of the financial institutions and seeing to it that they follow all applicable rules and regulations.

The commissioner, in conjunction with the state banking board and state credit union board, provides supervisory authority over North Dakota state-chartered banks and credit unions. All members of these boards are appointed by the governor. The commissioner is appointed by the governor, confirmed by the North Dakota senate, and serves as a member and the chairperson of each board.

The department is a self-funded agency, which means the department's budget is totally paid by the financial institutions supervised through annual assessments and investigation, license, and special examination fees. The department does not rely on tax dollars.

## Corrections and Rehabilitation

The director of the department of corrections and rehabilitation (DOCR) is appointed by the governor. The department includes a central office, the division of adult services and the division of juvenile services. Under adult services are the North Dakota state penitentiary, the Missouri River correctional center and a medium security institution located at Jamestown, as well as the division of probation and parole. In addition to supervising adult offenders, probation and parole manages the programs to help victims of crimes. Juvenile services includes the youth correctional center and community services. Juvenile probation is managed through the court system and is not part of the DOCR.

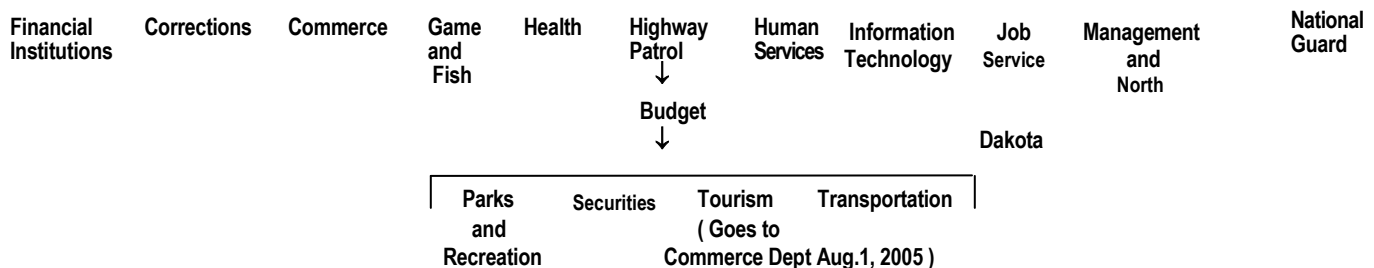
## Game and Fish

The governor appoints the game and fish director for a 4-year term. An 8-person advisory board brings concerns of the public to the attention of the department. Board members are appointed by the governor for 4-year terms and four of the members must be ranchers or farmers.

The mission of the ND game and fish department is to protect, conserve, and enhance fish and wildlife populations and their habitat. Employees of the department include experts in habitat management, fish and wildlife research, fish and wildlife studies, natural history, public administration and facilities management, educational programming, nongame and environmental monitoring, and wildlife law enforcement.

# Governor Lt. Governor

## Agencies Under the Governor



The department manages some 150,000 acres of public wildlife management areas for fish and wildlife production, appreciative use, and for public access. It works closely with state and federal farm agencies and farm and ranch organizations, individual farmers and ranchers, and with dozens of public and private fish and wildlife organizations to bring about land practices and water management policies beneficial to fish and wildlife and to people.

The department has around 125 employees and is the smallest of all state game and fish agencies in the country, except for Rhode Island. Programs beyond what employees do are extended by over 1,000 volunteers in areas from Project WILD and Aquatics to hunter education to fishing instruction.

The game and fish department is financed through the sale of fishing and hunting licenses. Every 25 cents of state dollars can be matched with 75 cents of federal money raised through excise taxes on a wide variety of fishing and hunting equipment. No state general fund money is appropriated to run the department. However, the legislature must approve its budget requests.

## **Health**

Since the governor can appoint all new members of the health council upon assuming office and he also appoints the state health officer, the health department comes under his control. This department is responsible for maintaining the public health laboratory, environmental control services, office of state toxicologist, health planning activities and a series of public health services - dental health, disease control, health education, health facilities, maternal and child health, nursing and statistical services. The 17-member health council consists of eight representatives from various medical and service groups plus nine consumers.

## **Highway Patrol**

A superintendent appointed by the governor heads the highway patrol. The primary responsibility of the patrol is to enforce the traffic laws of the state.

## **Human Services**

The department of human services (DHS) provides services to vulnerable children, adolescents, adults, elderly and families in North Dakota. DHS seeks to help North Dakotans help themselves to maintain or enhance their quality of life which may be threatened by lack of money, emotional crisis, disabling conditions, or inability to protect themselves. Emphasis is placed on preserving the dignity of all individuals, respecting their constitutional and civil rights, offering services and care as close to home as possible, and maximizing each person's independence.

DHS is headed by an executive director appointed by the governor. The department has three major segments consisting of program and policy, economic assistance, and field services.

Program and Policy includes five programs: aging services, mental health and alcohol and drug abuse services, children and family services, children's special health services, and disability services (including developmental disabilities and vocational rehabilitation). Many aging and children's services are provided through county social service boards.

Economic Assistance includes five program divisions: public assistance (formerly aid to families with dependent children); child support enforcement; energy and nutrition (including food stamps, and low income home energy assistance program), medical services; and training, education, employment and management (TEEM). North Dakota's assistance programs are state-supervised but are administered by the county social service offices.

Field Services. Direct services to individuals and families are provided by eight human service centers located in Williston, Minot, Devils Lake, Grand Forks, Fargo, Jamestown, Bismarck and Dickinson, by the state hospital located in Jamestown, and by the developmental center in Grafton. The human service centers provide vocational rehabilitation, mental health services, developmental disabilities services, social services, addiction counseling and emergency outreach services. The centers supervise the social services, addiction counseling and emergency and

outreach services. The state hospital provides treatment for mental illness and substance abuse; the developmental center is an educational and training facility for persons with developmental disabilities.

## **Information Technology**

With the rapid expansion of technology in state government, the director of the department of information technology is rapidly becoming one of the most important officials in state government. The department is responsible for computer support services, software development, statewide communications, agency internet activity, and a host of other communication activities. With the high cost of electronic technology, the department is expected to save state agencies and institutions millions by coordinating the purchase and use of specialized equipment and programs.

## **Job Service North Dakota**

The executive director of Job Service North Dakota is appointed by the governor. The agency has about 400 employees located in 12 full-service offices statewide in addition to the offices on 10 college and university campuses and on the four Indian reservations.

Job Service administers unemployment benefits, job placement and job training programs, and compiles information on employment trends and statistics. Most of the money for Job Service comes from the federal government. The only exceptions are two state job training programs - Workforce 2000 and the New Jobs Training Program. Both were initiated by the legislature during the 1990s.

Job Service is moving toward more computerized services for customers, including resource centers in each office. The agency also has an Internet address listing job openings and other services provided by the agency. That address is: <http://www.state.nd.us/jsnd>.

## **National Guard**

The adjutant general, appointed to a 6-year term by the governor, serves as the commander of North Dakota army and air national guard. He supports the governor in emergency situations requiring assistance from the Guard. These emergencies include flooding, severe storms and civil unrest. The adjutant general can also be called upon to serve as the state coordinating officer for the division of emergency management. He is responsible for ensuring that the Guard is combat ready, and prepared to conduct federal missions worldwide. The North Dakota national guard has over 5,000 members statewide, with a force structure that consists of the 164 Engineer Group, the 68th Troop Command and the 119th Fighter Wing. The Guard is capable of performing a host of engineering, construction, aviation and medical missions.

## **Office of Management and Budget**

The governor appoints the director of this department who also serves as the state budget officer. OMB provides services to other state agencies and the state. OMB includes the following divisions: central personnel, central services (purchasing, duplicating, supplies and surplus property), facility management, fiscal management (budgeting, accounting, payroll and financial reporting), information services, office of intergovernmental assistance, state radio communications and risk management.

## **Parks and Recreation**

The director of the parks and recreation department is appointed by the governor to manage the state park system. In addition to operating 10 year-round state parks and a number of seasonal recreation areas, the department is responsible for over 1,800 miles of snowmobile trails, and snowmobile and all-terrain vehicle safety training for youngsters. The 1999 legislature also gave it jurisdiction over the Peace Garden.

Other programs include the nature preserve, natural areas registry and natural heritage inventory programs. The natural heritage inventory program monitors North Dakota's rare plant and animal species and natural communities.

Every five years, the department compiles a state-wide comprehensive outdoor recreation plan called SCORP. The plan looks at recreation trends and existing city, county, state and federal facilities to determine what additional public recreation facilities should be constructed in future years.



▲ Year-round State Parks

■ Seasonal Parks

## Commerce Department

The newest department in state government is the commerce department, which was created by the 2001 legislative assembly to better coordinate the business development activities of state government. The department was created by transferring other units of government to the new entity. The economic development and tourism agencies were transferred from under the governor to serve under the commissioner of commerce; the division of community was transferred from the office of management and budget. A division on workforce development will also be a part of the department. All of the agencies will continue to perform their traditional duties.

The 2001 legislation also created an "economic development foundation" consisting of 15 to 30 members representing a cross-section of the business, tourism and economic development communities. The foundation will advise on the selection of the commerce commissioner, advise the commissioner and help develop strategic plans.

A commerce cabinet was also created, consisting of at least 14 heads of various state agencies, to coordinate economic development and tourism activities being conducted by various agencies.

Effective August 1, 2003, the commerce commissioner appointed the heads of the divisions of community services, economic development and workforce development and, effective August 1, 2005, will appoint the director of tourism.

## Transportation

The department of transportation includes the designing, overseeing construction of, and maintaining the 7,379-mile state highway system which includes the 2,723-mile national highway system and 1,026 miles of multi-lane roadways. In addition, NDDOT is responsible for drivers' license and motor vehicle licensing operations.

The director of the department of transportation is appointed by the governor. Under the director are the deputy director and the deputy director of engineering policy who oversee the engineering and administrative policy of the department. Under these deputies are two regional engineers and six office directors. East Region: Fargo, Grand Forks, Devils Lake and Valley City districts. West Region: Bismarck, Minot, Williston and Dickinson districts. In the districts are 75 rural maintenance sections with employees who are responsible for keeping the highways free of snow and ice in the winter and routine highway maintenance in the summer.

Department employees perform numerous important functions:

- \* They help the department make highway decisions that are environmentally sound and protect archeological or biological sites. \*
- They administer federal grants to transportation providers so that rural North Dakotans—including those who are elderly or have

disabilities—can be more mobile.

- \* They create videos, news releases, and other communication tools so that there is free and open communication with the public about department policies and projects.
- \* They work with communities to encourage drivers to use their safety belts, obey the speed limits and not drive under the influence of drugs or alcohol.
- \* With the exception of law enforcement, which falls to the North Dakota highway patrol, the North Dakota department of transportation is concerned with nearly every aspect of highway design, construction, maintenance and safety.

## Securities Commissioner

The office of the securities commissioner educates consumers to help prevent investment problems, promotes economic development, assists new businesses with securities and franchise offerings, works with other agencies to enforce laws against illegal activities, protects investors through the registration and regulation of securities, franchises, stock brokers, investment advisors and pre-need funeral contracts. Securities are investments in companies or funds not managed by the investors and franchises are investments in a shared-marketing program that involves fee payments and commercial symbols. Securities and franchises must be registered. Violations of laws administered by the Securities Commissioner trigger a potential \$10,000 penalty per violation and other remedies. Willful violations are Class B felonies that involve a possible ten years in jail and/or \$10,000 fine per violation.

Several major state agencies are under the control of boards. These are, most notably, those concerned with aeronautics, historical, public lands, water management, workers' compensation, and the state mill and bank. Traditionally, the governor has had a close management relationship with the head of water and workers' compensation agencies but he does not control them because the boards involved have the legal responsibility for them.

## Water Commission

The general mission of the water commission is to manage the water resources of the state. The commission consists of the governor as chairman, the commissioner of agriculture and seven members appointed by the governor for 6-year terms. The commission appoints the secretary-state engineer who manages the agency. With its main office in Bismarck, the commission has other offices in Devils Lake, Dickinson and West Fargo.

The office of state engineer was created in 1905 to oversee the state's water and related land resources. It was expanded in 1937 to include activities with the water commission which had been created that year to manage water resources in the wake of the severe drought of the 1930s.

Among the commission's many duties are:

- Implementing procedures for claiming this state's share of the Missouri River for future needs.
- Managing and developing North Dakota's water resources to enhance the economic future of North Dakota and its quality of life.
- Continued efforts for funding of the Garrison Diversion Project to provide for water distribution throughout North Dakota. • Implementing plans for the distribution of Missouri River water through regional water supply systems, such as the Southwest Pipeline Project and the Northwest Area Water Supply Project. • Planning for an inlet and an outlet, including the delivery of Missouri River water, to stabilize Devils Lake.
- Periodic discussions with Indian representation regarding tribal water rights in North Dakota.
- Developing policies and initiatives to solve flooding problems along the Sheyenne, Pembina and Red Rivers.
- Pursuing cooperative efforts with neighboring states and provinces for planning for mutual beneficial water management on shared water resources.
- Enforcing weather modification standards, conducting research, and supervising operational cloud seeding programs for hail suppression and rainfall enhancement.
- Continued efforts to enhance the Water Education for Teachers

(WET) and the North Dakota Watercourse programs.

In addition to these departments, North Dakota has numerous other agencies - some are headed by independent boards, groups of officials, or other management devices. Among these agencies are all of the departments headed by the elected officials, the institutions of higher learning under the board of higher education, 30 or 40 occupational licensing boards, a number of farm commodity promotion boards and miscellaneous units of government.

### Board of Higher Education

In response to the political activities of Governor William Langer, the people voted in 1938 to amend the state constitution and insulate the institutions of higher learning from politics by creating an independent board of higher education. Seven members of the 8-member board are appointed by the governor from lists of names submitted to him by a nominating committee consisting of the president of the North Dakota Education Association, the chief justice of the supreme court, the state superintendent of public instruction, the speaker of the house of representatives and the president pro tem of the senate. The appointees must be confirmed by the senate and serve 4-year terms. The eighth member of the board is a student appointed by the governor for a 1-year term from a list submitted by the North Dakota Student Association. Though not a member of the board, a representative of the college faculties sits in on board meetings.

The constitution gives complete programmatic control of higher education to the board. However, since institutions cannot function without money, the governor and the legislature assert some influence through the appropriation process. Control of the purse strings makes it possible for the governor and the legislature to force the board to respond to criticisms and suggestions for programs and institutions under its jurisdiction.

When the board was created in 1938, it had nine institutions under its jurisdiction. In 1972, the language pertaining to the institution at Ellendale was removed from the constitution, leaving eight institutions. Then in 1984, the voters accepted the local colleges at Bismarck, Williston and Devils Lake into the system. Throughout the years, the number of institutions has been attacked as wasteful and efforts were made in the legislature to propose a constitutional amendment to permit the elimination of smaller institutions. The 1997 legislature approved an amendment for the 1998 ballot to delete the names of specific institutions from the constitution. The proposal was soundly defeated.

## Websites of Elected Officials

- Governor ..... [www.governor.state.nd.us](http://www.governor.state.nd.us)
- Lt. Governor ..... [www.governor.state.nd.us](http://www.governor.state.nd.us)
- Secretary of State..... [www.nd.gov/sos/](http://www.nd.gov/sos/)
- Treasurer ..... [www.state.nd.us/ndtreas](http://www.state.nd.us/ndtreas)
- Agriculture Commissioner..... [www.agdepartment.com/](http://www.agdepartment.com/)
- Attorney General ..... [www.ag.state.nd.us/](http://www.ag.state.nd.us/)
- Auditor ..... [www.state.nd.us/auditor](http://www.state.nd.us/auditor)
- Insurance Commissioner ..... [www.state.nd.us/ndins](http://www.state.nd.us/ndins)
- Public Service Commission ..... [www.psc.state.nd.us](http://www.psc.state.nd.us)
- Tax Commissioner ..... [www.nd.gov/tax](http://www.nd.gov/tax)
- Supt. Of Public Instruction ..... [www.dpi.state.nd.us](http://www.dpi.state.nd.us)

## Websites of Agencies Under Governor

- Commerce Department..... [www.growingnd.com](http://www.growingnd.com)
- Corrections & Rehabilitation..... [www.state.nd.us/docr/](http://www.state.nd.us/docr/)
- Financial Institutions ..... [www.nd.gov/dfi/](http://www.nd.gov/dfi/)
- Game & Fish Department..... [www.state.nd.us/gmf](http://www.state.nd.us/gmf)
- Health Department ..... [www.health.state.nd.us](http://www.health.state.nd.us)
- Human Services Department..... [www.nd.gov/dhs/service](http://www.nd.gov/dhs/service) s
- Information Technology ..... [www.discovernd.com/itd](http://www.discovernd.com/itd)
- Job Service..... [www.state.nd.us/jsnd/](http://www.state.nd.us/jsnd/)
- Management & Budget (OMB)..... [www.state.nd.us/omb](http://www.state.nd.us/omb)
- National Guard (Adjutant General)... [www.guard.bismarck.nd.us](http://www.guard.bismarck.nd.us)
- Parks & Recreation ..... [www.state.nd.us/ndparks](http://www.state.nd.us/ndparks)
- Securities Commissioner ..... [www.ndsecurities.com](http://www.ndsecurities.com)
- Tourism ..... [www.ndtourism.com](http://www.ndtourism.com)
- Transportation (DOT) ..... [www.state.nd.us/dot](http://www.state.nd.us/dot)
- Water Commission ..... [www.swc.state.nd.us/](http://www.swc.state.nd.us/)

### Governor (Appoints)

Constitution (Authority)



Legislature (funds) ↗

## 2. Governor is Legislator-At-Large

Elected by all of the people of the state, the governor is sort of a "legislator-at-large" in the legislative process. He looks at proposals in the legislature from the statewide point of view while legislators tend to reflect the ideas and opinions of their particular districts. He may not be able to vote on the bills in the legislature but he still has a great deal to say about the final adoption of laws. Some of his influence comes from the constitution; some comes from the nature of his office. The constitution says that the governor "shall at the commencement of each session communicate to the legislative assembly by message information on the condition of the state, and recommend such measures as he shall deem expedient." So he can influence legislation by making suggestions in his "state of the state" speeches. The constitution also gives him a power that makes him equal to two-thirds of the legislature: the veto. As outlined in Chapter 3, the governor reviews all bills passed by the legislature to determine whether or not he approves of them. If he disapproves with a veto, it takes two-thirds of both houses to override his veto.

The governor has the job of preparing the budget for state government. This makes him influential in setting the spending priorities of the legislature. Because the legislature meets for only one short session in a biennium, it does not have time to develop a new budget of its own. As a consequence, it only has time to add and subtract from the budget the governor has proposed. Thus, he has the opportunity to channel their action with his budgeting suggestions.

The governor influences the legislature by using state agencies to win support for his policies. Agencies propose bills to implement his programs, give testimony to committees, provide volumes of information, and lobby to support the governor's programs.

The governor also influences the legislature through politics, especially when his party is in control of both houses. Since they share a common philosophy of government, they often agree on the type of legislation that would be good for the state. They also know that their party could be blamed for failures so they try to work together to show voters that their party can give the state good political leadership.

## 3. Judge

As part of the concept of checks and balances, the constitution grants the governor some judicial powers as a check on the fairness of the criminal justice system and the courts. Under the executive article in the constitution adopted in the 1996 elections, the governor has sole authority to grant reprieves, commutations and pardons. To assist the governor, he appoints a pardon advisory board of five members, including the attorney general, two members from the state parole board, and two citizens.

## 4. Ambassador

In this role, the governor represents the state of North Dakota at interstate meetings, National Governors Association meetings, congressional committee hearings, economic development excursions and many other out-of-state missions requiring state representation.

## 5. Commander-In-Chief

The constitution vests in the governor the duties of commander-in-chief of the military forces of the state. The governor is thus head of the state militia, now better known as the national guard. It has never been used by the state for purposes of war but it has been called into combat by the federal government on several occasions, the most recent being the 1990-91 War in the Gulf. From the state point of view, the national guard is important as a law enforcement unit to preserve order and to provide emergency assistance in floods and blizzards.

## 6. Political Leader

Because the governor has the most prestigious office in state government, he usually has considerable influence within his party. In fact, he is often recognized by his party as "the" party leader. As such, he shares in making party policy. In fact, when he speaks out on an issue, many of his party feel obligated to support him, whether they fully agree with him or not. He helps raise funds for his party and candidates by appearing at fund-raisers. His presence usually assures a good turnout for any party event. Candidates running with him expect him to help them get elected by touting their fine qualities at political rallies and on television. The governor's standing in his party is enhanced by the fact that he has access to government appointments which his party expects him to fill with persons of their philosophy.

## 7. Last Resort

Many people turn to the governor as a last resort. The governor often receives letters and phone calls from people who have exhausted all avenues of help in dealing with some serious problem. So they call upon the governor. In many cases, the governor is unable to help because the law does not give him control over those who could solve the problem. But, in many other cases, the governor is able to use his personal influence to get local, state and even federal officials to take a second look at some problem that has become a crisis for some citizen.

## Lieutenant Governor

The state constitution assigns several duties to the lieutenant governor. It states that "in case of death, impeachment, resignation, failure to qualify, absence from the state, removal from office, or the disability of the governor, the powers and duties of the office for the residue of the term or until he shall be acquitted or the disability be removed, shall devolve upon the lieutenant governor." So the lieutenant governor must stand ready to take over for the governor if it becomes necessary. Because the lieutenant governor could easily become governor, the qualifications for that office are the same as those set forth for the office of governor.

Another duty assigned to the lieutenant governor by the constitution is that of presiding over the senate while it is in session. And, in the event there is a tie vote in the senate, the lieutenant governor may cast a vote to break the tie.

The constitution doesn't specify any other duties for lieutenant governor but it states that "additional duties shall be prescribed by the governor." Because the constitution, the statutes and the public prescribe more duties and responsibilities than can be performed by one person, the governor divides his many duties with the lieutenant governor. They become a working team. As an example, the statutes provide that the governor serve on numerous boards and commissions. In the past, lieutenant governors have been called upon to represent governors on the board of equalization, children's services coordinating committee, emergency commission, Yellowstone-Missouri-Ft. commission, industrial commission, land board, state water commission, capitol grounds planning committee and a variety of ad hoc committees.

Requests for public appearances by the governor are numerous. Often, the governor calls upon the lieutenant governor to assist by representing him at various conferences and conventions.

The lieutenant governor is actually on call as a substitute governor on a 24-hour basis.

## Secretary of State Al Jaeger

- Custodian of the original official documents of the state, including the constitution, all laws and resolutions passed by legislative assemblies, daily legislative journals and many other records.
- Distributes the session laws and supplements after each legislative session and publishes the Blue Book.
- Responsible for lobbyist registration.
- As the state's chief election officer, receives petitions- from candidates for state offices, for initiated and referred measures and constitutional amendments; informs the county auditors of the officials to be nominated and elected in each election and the measures to be placed on the ballot; certifies to the county auditors the names of the candidates for public office; prepares the certificates of election; publishes the official election results; maintains reports of campaign finances of federal office candidates and their committees in North Dakota; receives the financial disclosure statements of candidates of statewide election, political committees and political parties; and statements\ of interest for officials appointed by the governor.
- Approves the business documents that create domestic and foreign for-profit corporations, professional corporations, cooperatives, limited liability companies, limited liability partnerships, non-profit corporations and receives the annual filings related to each. Also serves as office of record for trademarks, trade names, city and county home rule charters, fictitious partnership name certificates, reserved names, and other miscellaneous records.
- Administers the contractors' licensing laws and issues licenses to benevolent associations to solicit contributions.
- Appoints notaries public, files oaths of office for state and district elected officials, provides apostilles, and is depository for international wills.
- Records the official acts of the governor.
- Maintains a central filing system connected with all of the state's 53 counties for lien filings related to the uniform commercial code, crops, livestock, agricultural supplies, financing statement, security documents, etc.
- Serves as governor in the event of a vacancy in the office of governor and lieutenant governor, or if both have left the state.
- Custodian of the Great Seal of the State of North Dakota.
- As state athletic commissioner, supervises professional boxing exhibitions.
- Member of boards of canvassers (general, primary and special elections), board of university and school lands, board for trial of presidential electors contest of election, emergency commission, historical society and the Theodore Roosevelt Rough Rider Awards committee.

## State Auditor Robert Peterson

The office of the state auditor is organized in the following three major divisions: (1) division of state audit, (2) division of political subdivision audit, and (3) mineral royalty auditing.

1. The division of state audit is responsible for performing an audit of the general purpose financial statements of the state of North Dakota, which are contained in the state's comprehensive annual financial report, and performing or providing for audits and reviews of all state agencies, including colleges and universities. The office of the state auditor is also responsible for performing or providing performance audits of state agencies as deemed necessary by the state auditor, the legislative audit and fiscal review committee, or the legislature. Finally, this division is also responsible for conducting the audit of all federal funds received by the state of North Dakota. This examination is referred to as the statewide "single audit" and is conducted once every two years.
2. The division of political subdivision audit is responsible for providing for or approving audits of cities, counties and school districts.
3. The division of mineral royalty auditing, in partnership with the federal government, audits royalty payments made by private companies removing oil, gas and coal from federal leases in the State of North Dakota.

## State Treasurer Kelly L. Schmidt

- Responsible for receipting and managing state general and special fund monies.
- Responsible for investment management for several state agencies and trust funds.
- Distributes money to political subdivisions from highway taxes, cigarette tax, oil and gas production tax, state revenue sharing, electrical generating tax, airline tax, estate tax, coal severance tax, coal con-version facilities tax, the homestead tax credit, city occupancy, city restaurant and lodging, city sales tax, township road, flood control, forest service, Taylor grazing, tribal cigarette tax, and personal property replacement payback as provided by state law.
- Responsible for the management and administration of accounting, Human Service and payroll checks to agencies on central accounting system.
- Serves on the state board of tax equalization, state investment board, teacher's fund for retirement board, board of university and school lands, state historical board and the state canvassing board.

## Attorney General Wayne Stenehjem

The attorney general has four broad areas of responsibility: civil, criminal, regulatory and policy.

- In the civil area, the attorney general serves as the state's legal advisor issuing written opinions on questions concerning the state's laws and constitution. The attorney general also issues opinions to state's attorneys, city attorneys and city governing boards to interpret state laws that affect cities and counties. The attorney general also represents state officials, state agencies and state employees in civil lawsuits in both state and federal courts.
- In the criminal area, the attorney general's bureau of criminal investigation assists local government in criminal investigation, training and drug enforcement. Occasionally, the attorney general takes over the criminal prosecution at the request of a state's attorney or by judicial order.
- In the regulatory area, the attorney general's office administers and enforces the charitable gambling laws. The attorney general also protects the rights of consumers through the consumer protection and antitrust division. The fire marshal division of the attorney general's office helps train local fire fighters to extinguish major fires and respond to hazardous materials incidents. The attorney general issues 11 types of licenses, including liquor, tobacco, gaming and amusement devices.

Working with a 5-member advisory committee, the attorney general manages the state lottery approved by the voters in 2002 and implemented by the 2003 legislative session.

## Insurance Commissioner Adam Hamm

The insurance commissioner has five basic areas of responsibility:

- The regulation of insurance companies doing business in the state of North Dakota includes admitting new companies that meet state standards, examining the financial solvency of companies, collecting premium taxes, approving policies for sale in the state, and approving rates for auto and other property insurance.
- The testing, licensing and supervision of insurance agents. Agents are required to take both pre-license and continuing education courses and the commissioner must approve instructional courses for credit and monitor compliance with the continuing education requirements.
- Consumer complaints are pursued and violations of the law or administrative rules are reviewed through the hearing process and penalties, if any, are then applied by the commissioner.
- The management of the state fire and tornado fund, the state bonding fund and the petroleum tank release fund is under the jurisdiction of the insurance commissioner. The fire and tornado fund provides low-cost property insurance coverage for political subdivisions and the bonding fund provides blanket bond coverage for public employees and all public officials. The petroleum tank release fund is used for cleanup costs to tank owners if there is contamination from a petroleum spill.
- The insurance commissioner also administers the unsatisfied judgment fund which allows a North Dakota resident to collect under a state court judgment against another person for bodily injury or death in a motor vehicle accident.

## Commissioner of Agriculture Doug Goehring

- Licenses all applicators of restricted-use pesticides, dairy product processing plants, livestock and wool dealers, poultry producers, nurseries and nursery stock dealers, beehives and beekeepers.
- Registers all pesticides, fertilizers, soil conditioners, veterinary medicines and animal feeds sold in the state.
- Provides agricultural producers with mediation, dispute negotiation and financial planning assistance.
- Inspects all dairy farms and dairy processing plants in the state.
- Administers the state's livestock disease prevention and control programs and in cooperation with the federal government, conducts the state's wild animal damage control programs.
- Conducts the state's waste pesticide disposal and pesticide container recycling programs.
- Enforces the state's noxious weed law, and assists counties and cities in weed control programs.
- Conducts the state meat inspection program.
- Conducts marketing programs to assist North Dakota producers in distributing traditional and specialty crops and livestock in both domestic and foreign markets.
- Is a member or *ex officio* member of the industrial commission, the soil conservation committee, state seed commission, water commission, emergency commission, board of tax equalization, agriculture in the classroom council, state intermodal transportation team, agricultural products utilization committee, turkey promotion fund, honey promotion fund, edible bean council, sunflower council, potato council, waterbank advisory board, disaster emergency services, USDA state emergency board, rural development council, and northern crops council.

## Public Service Commission

**Kevin Cramer, Brian P. Kalk, Tony Clark**

The public service commission is a constitutional agency with varying degrees of authority over: electrical and gas utilities, telecommunication companies, energy plant & transmission line sitings, rail-roads, grain elevators, auctioneers & auction clerks, weighing & measuring devices, pipeline safety and coal mine reclamation.

The commission is comprised of three commissioners who are elected on a state-wide basis to staggered 6-year terms. The commission was established before North Dakota became a state. Dakota Territory established a board of railroad commissioners in 1885 to oversee railroads, sleeping car companies, express companies and telegraph companies. The state's 1889 constitution retained this board and in 1940 its name was changed to public service commission.

As the list of duties indicates, the legislature has broadened the Commission's duties since its early days. The agency continues to be in transition given changes in technology and a changing regulatory environment at both the federal and state levels. While the agency continues to regulate some rates and services and to respond to consumer complaints, it is now also called on to resolve disputes between companies and to take a more active role in consumer education.

## State Tax Commissioner Cory Fong

Collects income tax from individuals and corporations; sales and use taxes from business operations; taxes on oil and gas gross production, oil extraction, and coal severance; coal conversion and a number of special taxes on motor fuel, tobacco and estates. He also collects wholesale liquor and beer taxes.

- Offers expert testimony and information to the legislature on tax legislation.
- Responsible for designing forms, rules and regulations to implement tax laws.
- Secretary and administrator for the state board of equalization, whose duty it is to see that the property tax is administered fairly.
- Represents North Dakota on the multi-state tax commission.

## **Superintendent of Public Instruction Wayne Sanstead**

- The chief education officer of the state charged with the general supervision of elementary and secondary schools.
- Based upon statutory requirements, approves with county superintendents the non-public elementary and secondary schools.
- Develops and promulgates accreditation standards for those schools electing to seek recognition for efforts above the statutory minimums and sponsors the state office of the North Central Association.
- Coordinates the adult basic education program via a network of adult learning centers and in conjunction with the Displaced Homemakers and Job Training Partnership Act programs.
- Enters into agreements with the federal government or agencies thereof on behalf of school districts to carry out federal statutes and/or to receive and implement grants and special projects, gifted and talented, the homeless, drug free schools, nutrition, innovative and remedial, special education, equity, and early childhood.
- Based upon rules and regulations developed and agreed to by the Teachers' Professional Practices Commission, promulgates the professional code and certification standards.
- Prepares various curriculum guides for use by the schools of the state using curriculum committees, with a statewide curriculum council providing overall coordination.
- Serves as the executive director and secretary of the state board of public school education and as a member of the state board for vocational education.
- Serves on the committee which nominates candidates for the board of higher education and on the board of university and school lands.
- Assists in the establishment and implementation of consortium projects for voluntary restructuring of groups of schools to share services, programs, resources and/or administration.
- Operates the division of independent study located in Fargo for the purpose of offering required and elective correspondence courses to supplement high school curricula and to provide an alternate method of earning a high school diploma. Administers the state film library.
- Governs the state library, the school for the blind, and the school for the deaf.

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**Telephone 701-777-3041**

## North Dakota Division of Emergency Management

Imagine that you were orbiting the earth in a low level satellite and you were able to watch a major disaster unfold. You would see suffering and devastation, but that would only be part of the story. You also would see lots of people move in to action – people from government agencies, private organizations, businesses and volunteer groups. You would see them working as a team to help keep essential services operating, provide first aid, food and water, clear debris, rebuild homes and businesses and prevent the disaster from happening again.

Over time, you would begin to see a pattern to the activity. You would see how people work together when disasters occur. You would see “first responders” risking their lives to help others. You would see the results of planning and coordination in the execution of an effective response. And you would learn that communities and individuals could lessen the damage that disasters cause, and sometimes avoid it altogether.

The pattern behind the activity is called “emergency management.” It is the process, through which America seeks to prevent emergencies and disasters, prepares for their consequences, responds, recovers, rebuilds, and mitigates their future effects. The North Dakota Division of Emergency Management carries out emergency management activities in North Dakota.

The North Dakota Division of Emergency Management is a Division of the Office of the Adjutant General. The Governor who in turn appoints the Director of North Dakota Emergency Management appoints the Adjutant General. The North Dakota Emergency Management Director heads an agency of 51 fulltime staff.

The goals of emergency management are to save lives, prevent injuries, and protect property and the environment if an emergency occurs.

The agency mission is to develop, maintain and improve plans, manpower, equipment and facilities to prevent, ensure effective preparation for, respond to, recover from, and mitigate emergencies or disasters of local, state, or national impact that severely threaten, injure, damage or destroy lives, property or the environment. This mission is accomplished through a partnership of federal, state, and local governments and the private sector.

This mission is carried out through emergency planning, training, and program assistance to 53 counties, their cities, tribal governments, as well as state government. North Dakota Emergency Management maintains a statewide public education program, ensures emergency plans are exercised, manages a Hazardous Chemicals Preparedness and Response Program, provides a center for coordinating state level emergency operations, and maintains dialogue with federal support resources.

The Division also provides statewide public safety communications through a public safety communications center in support of federal, state, local, and tribal agencies. The communications center provides 9-1-1 and 24-hour dispatch services to 22 North Dakota counties.

When an emergency occurs, the role of government is to alert the public, assess the magnitude of the event and keep the public informed as the event unfolds. Decisions must be made if people are to be evacuated to a safe relocation site or sheltered in their homes or work places. Through a coordinated effort, governments take action to protect life, property and the environment and move to restore essential services as quickly as possible and undertake long term recovery actions. Assessments of how to prevent the event from reoccurring are most important.

North Dakota Emergency Management coordinates public, private, and individual homeland security efforts in awareness, preparedness, prevention and response. Watch the neighborhood, lock our doors, report suspicious activities, and heed the Homeland Security Advisory System are daily reminders of homeland security prevention actions.

North Dakota State Law requires each local government to have an emergency management organization. The responsibilities include carrying out a comprehensive risk assessment, taking preventive actions, developing a mitigation plan, development and maintenance of an emergency operations plan, training first responders, testing response plans, and ensuring the public is informed of the risks the community faces and how to deal with potential events.

# **NORTH DAKOTA HOMELAND SECURITY (<http://www.nd.gov/des/> )**

## **Summary of Activities**

### **September 11, 2001 - September 11, 2002**

State, local, tribal, business and private organizations and individuals have repeatedly demonstrated their commitment to ensuring a safer North Dakota since the tragic events of September 11th, 2001. Within communities, residents have adopted heightened security measures in the wake of the terrorist attacks on our nation. A private, public and individual partnership to “Watch the Neighborhood” has evolved, emphasizing the necessity to “lock the doors” and report any suspicious activities in neighborhoods; schools; workplaces; high profile, heavily-attended events; and key facilities.

North Dakota’s response to the events of September 11 was immediate as we took precautions to safeguard against terrorist threats. State and local Emergency Operations Center’s (EOCs) and Emergency Operations Plans (EOPs) were activated, and security forces were placed on heightened alert. Private, state, tribal and local organizations worked in concert to ensure the safety of our citizens. On the morning of the 11th, the North Dakota Air National Guard was called into immediate service to fly protective missions over the Nation’s Capitol and transport the New York State Emergency Management Director from a conference in Montana back to New York.

Major issues of concern and areas of planning priority that are currently being addressed in the state, by government and the private sector include: bioterrorism and animal-borne disease concerns; border security; continuity of government; airport and aircraft security; safeguarding key public and private facilities and critical infrastructure; sustainment and interoperability of resources; enhancement of mutual aid agreements among communities; improvements to warning and alert systems; and receipt and dissemination of Homeland security intelligence.

On October 4, 2001, Governor John Hoeven named Doug Friez, State Director of the North Dakota Division of Emergency Management (DEM), as the state’s Homeland Security Coordinator. Based on this designation, the statewide Emergency Management infrastructure was adapted to enhance Homeland Security through awareness and coordinated preparedness, prevention and response.

Within this existing Emergency Management infrastructure, the state maintains a 10-annex, multi-hazard plan that incorporates the technical expertise and resources of 50 state agencies. The plan outlines how the state will provide support to four tribal nations and 53 counties during emergencies and disasters. The EOP has provided the parameters for North Dakota’s response to the repercussions of the terrorist attacks of September 11, 2001, and subsequent events and issues.

In keeping with DEM’s practice to periodically review the plan, the State EOP has been expanded to include: revisions to the portions of the plan addressing terrorism/weapons of mass destruction; development of a Homeland Security measures checklist and information campaign guidelines; and incorporation of the N.D. Attorney General’s suspected terrorism information form and the N.D. Department of Health’s guidelines for handling suspicious mail, parcels or substances.

Local EOPs mirror the State EOP and were similarly evaluated. Efforts are underway to enhance those plans through dialogue of key responders and special training initiatives.

In addition to these planning efforts, North Dakota, on state, local and tribal levels, has evaluated and adjusted training and operational initiatives; incorporated aviation security measures; heightened security of key facilities; increased intelligence gathering and sharing among law enforcement, military and public agencies; enhanced direct communications with federal counterparts; and launched public information campaigns designed to empower individuals and organizations at the local level.

Governmental agencies provided information about safe mail handling protocols, workplace security and maintaining normalcy with enhanced vigilance. DEM developed a direct Homeland Security link to its home page. The link provided guidance and pertinent information to citizens seeking direction on homeland security efforts. The link also provides an ongoing statewide calendar of anti-terrorism exercise and training events.

Governor Hoeven formulated a specialized continuity of government program committee tasked with developing a comprehensive continuance plan for state agencies and essential government functions. Each state agency is developing its own plan regarding organizational staffing, alternate facilities and protection of records and data to ensure it can continue to provide services to its constituents. Leaders of the state’s extensive energy industry increased security at facilities, as did operators of water systems, laboratories, medical facilities, food processing plants, fertilizer plants and other industries. The state’s commercial and private airport operators and aerial applicators adopted security plans and increased surveillance.

National Guard soldiers were placed at the state’s commercial airports until May of this year. The Governor enacted increased security

measures at the State Capitol and other state facilities, and urged local law enforcement officials and private sector owners to increase surveillance of key facilities.

Governor Hoeven also directed state agencies with aviation resources to assist the U.S. Border Patrol with aerial surveillance of the 270-nautical-mile United States-Canadian border. These agencies include N.D. Game and Fish, the Civil Air Patrol, the National Guard and the Highway Patrol. Additionally, National Guard personnel were ordered to federal status to assist the U.S. Border Patrol, U.S. Customs Service and Immigration and Naturalization Service (INS) with border security missions.

In conjunction with the U.S. Department of Justice, the N.D. Division of Emergency Management developed a three-year Domestic Preparedness Strategy for the state. The strategy provides a comprehensive blueprint for the coordination and enhancement of efforts to counter terrorism incidents as well as for the utilization of related Federal, State, local, tribal, and private resources within the State. In fulfillment of this strategy, four regional response teams are being formulated for coordinated response to a terrorist incident or threat. DEM has obligated over \$3 million from the U. S. Department of Justice in specialized response equipment funds to first responders in Fargo, Bismarck, Minot, Grand Forks and the National Guard CST. As additional resources become available this concept will be expanded within other communities in the four sections of the state represented by the initial base communities. The North Dakota Health Department submitted and received approval for a \$6.9 million U.S. Department of Health and Human Services grant. The grant provides funds to aid state and local health departments prepare for and respond to bio-terrorism, outbreaks of infectious disease and other public health threats and emergencies. Included is emphasis on planning for prevention and response to animal-borne diseases.

State, local, tribal, and private agencies have refocused training programs to address terrorism. The Governor hosted a statewide Homeland Security conference, coordinated by the Division of Emergency Management, the North Dakota League of Cities and the North Dakota Association of Counties. Topics included threat assessment, roles and responsibilities within the local and state EOPs, resources, working with the media and communicating with citizens. Additionally, state and local officials will embark on an aggressive CERT (Civilian Emergency Response Team) initiative to enhance community based emergency operations response units throughout North Dakota.

Additional activities continue to emphasize awareness and response to potential terrorist acts. Training activities include train-the-trainer courses for emergency medical service (EMS) providers and hazardous material response teams. Other courses are addressing: chemical and biological terrorism awareness and response; nuclear, biological and chemical (NBC) incident command; weapons of mass destruction (WMD) awareness training; WMD incident planning for special facilities; and mass fatalities training. The Division of Emergency Management has recently retained a full-time exercise specialist to work with state agencies, local and tribal jurisdictions and private entities in testing their capability to respond to a Homeland Security event.

Officials are also reviewing legislative issues to include: open records; public health concerns related to quarantine; first responder and care provider pre-immunization; and pharmaceutical stockpile.

North Dakotans continue to maintain heightened security activities by “Watching the Neighborhood.” Our state and local leaders face the challenge of maintaining a vigilant attitude to ensure security for our citizens, while maintaining our traditional level of freedom. It is imperative that each individual, as well as private sector and governmental leaders, prepare for a Homeland Security threat or attack. We will maintain and expand our private-public-individual partnerships to prepare our citizens, train our responders and enhance response capabilities.

**Jack Dalrymple, Governor of North Dakota**  
**State of the State address**

**FIVE TARGETED INDUSTRIES FOR JOB CREATION \***

Five targeted industries for job creation\*:

1. The energy industry\* has long provided a major opportunity for job growth. To foster that growth, we have promoted the development of all forms of energy, traditional and renewable.
2. In agriculture\* – another targeted industry – we have concentrated on the development of ventures that add value to our farm products. Through the Department of Commerce and the North Dakota Trade Office, we are providing the assistance these enterprises need to create jobs and provide local markets for farmers at the same time.
3. Our efforts to create jobs in tourism\* – our third targeted industry – are also paying off. I'm happy to report that this year, 47 of our 53 counties are reporting increases in tourist visits.
4. Another of our targeted industries is technology\*, where we've seen a large number of tech-park companies develop into active job creators.\
5. Baker Boy Industries of Dickinson exemplifies what we are accomplishing in our final targeted industry, Advanced Manufacturing\*, where state-of-the-art equipment provides not only greater efficiency but also higher-paying jobs that require advanced skills learned in North Dakota. Supported by the state's PACE program, Baker Boy is expanding by 50,000 square feet, with plans to double its production of bakery products. The company generates about \$36 million in annual revenues and employs 250 people. They have expanded even while other manufacturers nationwide have cut back because they have remained a highly competitive company with state-of-the-art equipment.

*These and other job-creating businesses are the reason why North Dakota is leading the nation according to many economic measurements. The U.S. Chamber of Commerce determined that North Dakota is #1 in the nation in economic growth over the last ten years. The Beacon Hill Institute, a university think tank in Massachusetts, has for many years found its own state to be the national leader in competitiveness. In 2003, North Dakota ranked 28th in the nation. But this year, Massachusetts surrendered its # 1 ranking in competitiveness to none other than North Dakota.*

\* SEE THE FOLLOWING WEBSITE FOR "State of the State" address  
<http://www.governor.nd.gov/events/2011-state-state-address>

# Did you know??!!??... the salaries of the executive officials...

## Elected Officials

GOVERNOR.....	\$113,591
Lieutenant Governor.....	\$ 88,182
Agriculture Commissioner.....	\$ 92,825
Attorney General.....	\$134,135
Insurance Commissioner.....	\$ 90,359
Public Service Commissioners.....	\$ 92,826
Secretary of State.....	\$ 90,360
State Auditor.....	\$ 85,334
State Treasurer.....	\$ 85,334
Superintendent of Public Instruction.....	\$102,868
Tax Commissioner.....	\$ 98,068

## Appointed Officials

ADJUTANT GENERAL/NATIONAL GUARD.....	\$172,680
Executive Director of Job Service North Dakota.....	\$100,716
Director, Office of Management and Budget.....	\$149,868
Director, Parks and Recreation Department.....	\$ 90,300
COMMISSIONER, SECURITIES DEPARTMENT.....	\$86,724
STATE HEALTH OFFICER, DEPARTMENT OF HEALTH.....	\$176,160
COMMISSIONER, DEPARTMENT OF COMMERCE.....	\$139,056
Director, Department of Corrections +Rehabilitation.....	\$107,076
COMMISSIONER, DEPARTMENT OF FINANCIAL INSTITUTIONS.....	\$106,380
Exec. Director, Department of Human Services.....	\$152,904
Commissioner, Department of Labor.....	\$86,520
Director, Dept./Transportation.....	\$132,024
Director, Department of Game and Fish.....	\$110,544
Superintendent, Highway Patrol.....	\$92,124
EXECUTIVE DIRECTOR OF INDIAN AFFAIRS COMMISSION.....	\$72,108
Chief Information Officer, Information Technology Department.....	\$124,896

# Federal Executive Branch

## White House

Office of the President

Office of the Vice President

Office of Management and Budget Council of Economic Advisers Council on Environmental Quality National Economic Council National Security Council Office of Administration Office of The First Lady Office of National Drug Control Policy Office of Science and Technology Policy White House Office for Women's Initiatives and Outreach President's Foreign Intelligence Advisory Board United States Trade Representative

## The Cabinet: Executive Agencies

- Department of Agriculture
  - U.S. Forest Service
  - Food Safety and Inspection Service
- Department of Commerce
  - All Commerce agencies
  - U.S. Census Bureau
  - Minority Business Development Agency
  - National Oceanic and Atmospheric Administration
  - National Weather Service
  - U.S. Patent and Trademark Office
- Department of Defense
  - Army
  - Navy
  - Air Force
  - Marine Corps
- Department of Education
- Department of Energy
- Department of Health and Human Services
  - Administration on Aging
  - Center for Disease Control and Prevention
  - U.S. Food and Drug Administration
  - National Institutes of Health
  - Substance Abuse and Mental Health Services
- Department of Housing and Urban Development
- Department of the Interior
  - National Park Service
  - U.S. Geological Survey
- Department of Justice
  - Federal Bureau of Investigation
  - Federal Bureau of Prisons
- Department of Labor
- Department of State
- Department of Transportation
  - U.S. Coast Guard
  - Federal Aviation Administration
  - Federal Transit Administration
  - National Highway Traffic Safety Administration
- Department of Treasury
- Department of Veterans Affairs

## Did you know!?!...the occupations of North Dakota's Governors...

John Miller (R)	1889-90	Bonanza Farming
Andrew H. Burke (R)	1891-92	Bookkeeper/Banker
Eli C. D. Shortridge (Pop)	1893-94	Clerk
Roger Allin (R)	1895-96	Farmer/Justice of Peace
Frank A. Briggs (R)	1897-98	Newspaperman/postmaster
(Died in office August 9, 1898)		
Joseph M. Devine (R)	1898-98	Teacher
Frederick B. Fancher (R)	1899-00	Farmer/Real Estate
Frank White (R)	1901-04	Insurance/Real Estate/Farmer
Elmore Y. Sarles (R)	1905-06	Lumber/Real Estate/Banker
John Burke (D)	1907-12	Teacher/Lawyer
Louis B. Hanna (R)	1913-16	Lumber/Grain/Banker
Lynn J. Frazier (R)	1917-21	Farmer/Teacher
(Recalled October 28, 1921)		
Ragnvold A. Nestos (R)	1921-24	Teacher/Lawyer
Arthur G. Sorlie (R)	1925-28	Businessman
(Died in office August 28, 1928)		
Walter J. Maddock (R)	1928-28	Farmer
George F. Shafer (R)	1929-32	Lawyer
William Langer (R)	1933-34	Lawyer
(Removed from office July 17, 1934)		
Ole H. Olson (R)	1934-34	Farming/Business
Thomas H. Moodie (D)	1935-35	Newspaperman
(Removed from office February 16, 1935)		
Walter Welford (R)	1935-36	Clerk/Politician
William Langer (R)	1937-38	Lawyer
John Moses (D)	1939-44	Lawyer
Fred G. Aandahl (R)	1945-50	Teacher/Farmer
C. Norman Brunsdale (R)	1951-56	Teacher/Farmer/Banker
John E. Davis (R)	1957-60	Rancher/Banker
William L. Guy (D)	1961-72	Farmer/Teacher
Arthur A. Link (D)	1973-80	Farmer
Allen I. Olson (R)	1981-84	Lawyer
George A. Sinner (D)	1985-92	Farmer/Political Leader
Edward T. Schafer (R)	1993-00	Executive (Manufacturing)
John H. Hoeven (R)	2000-	Banker
Jack Dalrymple (R)	2011	Farmer/Businessman

**APPENDIX**

**OF**

**INFORMATION**

# Executive Officers - Appointed

<u>Tony Weiler</u>	Commissioner	Department of Labor
<u>Terry Dwelle, M.D.</u>	State Health Officer	North Dakota Department of Health
<u>Maren Daley</u>	Executive Director	Job Service North Dakota
<u>Major General David Sprynczynatyk</u>	Adjutant General	North Dakota National Guard
<u>Terry Steinwand</u>	Director	Game and Fish Department
<u>Col. James J. Prochniak</u>	Superintendent	North Dakota Highway Patrol
<u>Robert Entringer</u>	Commissioner	Department of Financial Institutions
<u>Scott Davis</u>	Executive Director of Indian Affairs	Indian Affairs Commission
<u>Leann Bertsch</u>	Director	Department of Corrections and Rehabilitation
<u>Carol K. Olson</u>	Executive Director	Department of Human Services
<u>Alan Anderson</u>	Commissioner	Department of Commerce
<u>Douglass A. Prchal</u>	Director	Parks and Recreation Department
<u>Pam Sharp</u>	Director	Office of Management and Budget
<u>Francis Ziegler</u>	Director	Department of Transportation
<u>Karen Tyler</u>	Commissioner	Securities Department
<u>Lisa Feldner</u>	Chief Information Officer	Information Technology Department

## Executive Officers - Elected

<b>Doug Goehring(R)</b>	Commissioner	Agriculture
Alvin A. "Al" Jaeger (R)	Secretary of State	
Robert R. (Bob) Peterson (R)	State Auditor	
Kelly Schmidt (D)	State Treasurer	
Wayne Stenehjem (R)	Attorney General	
Adam Hamm (R)	Commissioner	Insurance
Tony Clark (R)	Commissioner	Public Service
Kevin Cramer (R)	Commissioner	Public Service
Brian P. Kalk (R)	Commissioner	Public Service
Cory Fong (R)	Commissioner	Tax
Wayne G. Sanstead (NP)	Superintendent	Public Instruction

## Boards and Commissions

[ABSTRACTERS' BOARD OF EXAMINERS](#)  
[ACCOUNTANCY, STATE BOARD OF](#)  
[ADDICTION COUNSELING EXAMINERS, BOARD OF](#)  
[AERONAUTICS COMMISSION, NORTH DAKOTA](#)  
[AGING, COMMITTEE ON](#)  
[AGRICULTURAL PRODUCTS UTILIZATION](#)  
[COMMISSION](#)  
[AIR POLLUTION CONTROL ADVISORY COUNCIL](#)  
[ALTERNATIVES TO INCARCERATION, COMMISSION](#)  
[ON](#)  
[ANIMAL HEALTH, STATE BOARD OF](#)  
[ARCHITECTURE AND LANDSCAPE ARCHITECTURE,](#)  
[STATE BOARD OF](#)  
[ARTS, NORTH DAKOTA COUNCIL ON THE](#)  
[ATHLETIC TRAINERS, NORTH DAKOTA BOARD OF](#)  
[ATMOSPHERIC RESOURCE BOARD, NORTH DAKOTA](#)  
[AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY,](#)  
[BOARD OF EXAMINERS ON](#)  
[AUTISM SPECTRUM DISORDER TASK FORCE](#)

[BANK OF NORTH DAKOTA, ADVISORY BOARD OF](#)  
[DIRECTORS TO THE](#)  
[BANKING BOARD, STATE](#)  
[BARBER EXAMINERS, BOARD OF](#)  
[BEEF COMMISSION, NORTH DAKOTA](#)

[CAPITOL GROUNDS PLANNING COMMISSION](#)  
[CAREER AND TECHNICAL EDUCATION, STATE BOARD](#)  
[FOR](#)  
[CHIROPRACTIC EXAMINERS, STATE BOARD OF](#)  
[CLINICAL LABORATORY PRACTICE, NORTH DAKOTA](#)  
[BOARD OF](#)  
[COSMETOLOGY, STATE BOARD OF](#)  
[COUNSELOR EXAMINERS, BOARD OF](#)  
[CREDIT REVIEW BOARD](#)  
[CREDIT UNION BOARD, STATE](#)  
[CRIMINAL JUSTICE INFORMATION SHARING BOARD](#)  
[\(CJIS\)](#)  
[CROP INSURANCE DEVELOPMENT BOARD](#)  
[CROP PROTECTION PRODUCT HARMONIZATION AND](#)  
[REGISTRATION BOARD](#)

[DAIRY PROMOTION COMMISSION, NORTH DAKOTA](#)  
[DENTAL EXAMINERS, STATE BOARD OF](#)  
[DEVELOPMENT FUND, INCORPORATED, NORTH](#)  
[DAKOTA](#)  
[DEVELOPMENTAL DISABILITIES, STATE COUNCIL ON](#)  
[DEVILS LAKE OUTLET MANAGEMENT ADVISORY](#)  
[COMMITTEE](#)  
[DIETETIC PRACTICE BOARD](#)  
[DRUG AND ALCOHOL ABUSE, NORTH DAKOTA](#)  
[COMMISSION ON](#)  
[DRUG REVIEW UTILIZATION BOARD](#)  
[DRUGS AND ALCOHOL, GOVERNOR'S PREVENTION](#)  
[ADVISORY COUNCIL ON](#)

[EARLY CHILDHOOD EDUCATION COUNCIL, NORTH DAKOTA](#)  
[ECONOMIC DEVELOPMENT FOUNDATION](#)  
[EDUCATION COMMISSION OF THE STATES](#)  
[EDUCATION FACTFINDING COMMISSION](#)  
[EDUCATION IMPROVEMENT, COMMISSION ON](#)  
[EDUCATION STANDARDS AND PRACTICES BOARD](#)  
[EDUCATIONAL TECHNOLOGY COUNCIL](#)  
[ELECTRICAL BOARD, STATE](#)  
[ENERGY POLICY COMMISSION](#)  
[ENGINEERS AND LAND SURVEYORS, STATE BOARD OF](#)  
[REGISTRATION FOR PROFESSIONAL](#)

[FAITH-BASED AND COMMUNITY INITIATIVES,](#)  
[ADVISORY COMMISSION ON](#)  
[FUNERAL SERVICE, STATE BOARD OF](#)

[GAME AND FISH ADVISORY BOARD](#)  
[GAMING COMMISSION, STATE](#)  
[GOVERNOR'S MILITARY TASK FORCE](#)  
[GRAPE AND WINE PROGRAM COMMITTEE](#)

[HEALTH COUNCIL](#)  
[HEALTH INFORMATION TECHNOLOGY ADVISORY](#)  
[COMMITTEE](#)  
[HEARING AID SPECIALISTS, BOARD OF](#)  
[HIGHER EDUCATION, STATE BOARD OF](#)  
[HISTORICAL BOARD, STATE](#)  
[HISTORICAL RECORDS ADVISORY BOARD, STATE](#)  
[HOMELESSNESS, INTERAGENCY COUNCIL ON](#)  
[HUMANITIES COUNCIL, NORTH DAKOTA](#)  
[INDIAN AFFAIRS COMMISSION, NORTH DAKOTA](#)  
[INDIAN SCHOLARSHIPS, STATE BOARD FOR](#)  
[INTEGRATIVE HEALTH CARE, STATE BOARD OF](#)  
[INTERAGENCY COORDINATING COUNCIL](#)  
[INTERGOVERNMENTAL RELATIONS, ADVISORY](#)  
[COMMISSION ON](#)  
[INTERNATIONAL PEACE GARDEN, INC., BOARD OF](#)  
[DIRECTORS OF THE](#)  
[INTERSTATE OIL AND GAS COMPACT COMMISSION](#)  
[\(IOGCC\)](#)  
[INVESTMENT BOARD, NORTH DAKOTA STATE](#)

[JUDICIAL CONDUCT COMMISSION](#)  
[JUDICIAL NOMINATING COMMITTEE](#)  
[JUVENILE JUSTICE ADVISORY GROUP](#)

[LEGAL COUNSEL FOR INDIGENTS, COMMISSION ON](#)  
[LEWIS AND CLARK BICENTENNIAL ADVISORY](#)  
[COMMITTEE](#)  
[LIBRARY COORDINATING COUNCIL, NORTH DAKOTA](#)  
[LIGNITE RESEARCH COUNCIL](#)

[MARRIAGE AND FAMILY THERAPY LICENSURE BOARD, NORTH DAKOTA](#)  
[MASSAGE, BOARD OF](#)  
[MEDICAL EXAMINERS, STATE BOARD OF](#)  
[MENTAL HEALTH PLANNING COUNCIL](#)  
[MIDWEST INTERSTATE PASSENGER RAIL COMPACT COMMISSION](#)  
[MIDWESTERN HIGHER EDUCATION COMPACT](#)  
[MILITARY INTERSTATE CHILDREN'S COMPACT COMMISSION](#)  
[MILK MARKETING BOARD](#)

[NATIONAL AND COMMUNITY SERVICE, STATE COMMISSION ON](#)  
[NATURAL RESOURCES TRUST BOARD OF DIRECTORS](#)  
[NURSING HOME ADMINISTRATORS, STATE BOARD OF EXAMINERS FOR](#)  
[NURSING, STATE BOARD OF](#)

[OCCUPATIONAL THERAPY PRACTICE, BOARD OF](#)  
[OIL AND GAS RESEARCH COUNCIL](#)  
[OILSEED COUNCIL, NORTH DAKOTA](#)  
[OLMSTEAD COMMISSION](#)  
[OPTOMETRY, NORTH DAKOTA STATE BOARD OF](#)  
[PARDON ADVISORY BOARD](#)  
[PAROLE BOARD, STATE](#)  
[PERSONNEL BOARD, STATE](#)  
[PETROLEUM TANK RELEASE COMPENSATION ADVISORY BOARD](#)  
[PHARMACY, STATE BOARD OF](#)  
[PHYSICAL THERAPY, BOARD OF](#)  
[PLUMBING, STATE BOARD OF](#)  
[PODIATRIC MEDICINE, BOARD OF](#)  
[PRISON INDUSTRIES ADVISORY COMMITTEE](#)  
[PRIVATE INVESTIGATIVE AND SECURITY BOARD](#)  
[PROTECTION AND ADVOCACY, COMMITTEE ON](#)  
[PSYCHOLOGIST EXAMINERS, STATE BOARD OF](#)  
[PUBLIC EMPLOYEES RETIREMENT SYSTEM BOARD \(PERS\)](#)  
[PUBLIC SCHOOL EDUCATION, STATE BOARD OF](#)

[RACING COMMISSION, NORTH DAKOTA](#)  
[REAL ESTATE APPRAISER QUALIFICATIONS AND ETHICS BOARD, NORTH DAKOTA](#)  
[REAL ESTATE COMMISSION, NORTH DAKOTA](#)  
[REFLEXOLOGY, NORTH DAKOTA BOARD OF](#)  
[REHABILITATION COUNCIL, STATE](#)  
[RENEWABLE ENERGY COUNCIL](#)  
[RESPIRATORY CARE, STATE BOARD OF](#)  
[RURAL DEVELOPMENT COUNCIL](#)

[SMALL BUSINESS AIR POLLUTION COMPLIANCE ADVISORY BOARD](#)  
[SOCIAL WORK EXAMINERS, NORTH DAKOTA BOARD OF](#)  
[SOIL CLASSIFIERS, STATE BOARD OF REGISTRATION FOR](#)

[PROFESSIONAL](#)  
[SOIL CONSERVATION COMMITTEE, STATE](#)  
[SOUTHWESTERN LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT COMMISSION](#)  
[STATE EMPLOYEES COMPENSATION COMMISSION](#)  
[STATE HISTORICAL SOCIETY OF NORTH DAKOTA COMMISSION](#)  
[STATE INFORMATION TECHNOLOGY ADVISORY COMMITTEE](#)  
[STATEWIDE INDEPENDENT LIVING COUNCIL](#)  
[STATEWIDE LONGITUDINAL DATA SYSTEM COMMITTEE](#)  
[STATUS OF WOMEN, COMMISSION ON](#)  
[STOP VIOLENCE AGAINST WOMEN ADVISORY COMMITTEE](#)  
[SUPERVISION OF ADULT OFFENDERS, ADVISORY COUNCIL TO THE](#)

[TEACHERS' FUND FOR RETIREMENT \(TFFR\)](#)  
[TOBACCO PREVENTION AND CONTROL ADVISORY COMMITTEE](#)

[UNEMPLOYMENT INSURANCE ADVISORY COUNCIL](#)  
[UNIFORM STATE LAWS, COMMISSION ON](#)

[VALUE ADDED AGRICULTURE PROMOTION BOARD](#)  
[VETERANS AFFAIRS, ADMINISTRATIVE COMMITTEE ON](#)  
[VETERINARY MEDICAL EXAMINERS, STATE BOARD OF](#)  
[VIOLENT AND SEXUAL OFFENDERS, GOVERNOR'S TASK FORCE](#)

[WATER COMMISSION, STATE](#)  
[WATER POLLUTION CONTROL BOARD, STATE](#)  
[WATER WELL CONTRACTORS, STATE BOARD OF](#)  
[WHEAT COMMISSION, NORTH DAKOTA STATE](#)  
[WORKFORCE DEVELOPMENT COUNCIL, NORTH DAKOTA](#)  
[WORKFORCE SAFETY AND INSURANCE BOARD](#)

[YELLOWSTONE-MISSOURI RIVERS CONFLUENCE COMMISSION](#)  
[YOUTH DEVELOPMENT COUNCIL](#)

## **ARTICLE V – The North Dakota State Constitution**

### **EXECUTIVE BRANCH**

**Section 1.** The executive power is vested in the governor, who shall reside in the state capital and shall hold the office for the term of four years beginning in the year 2000, and until a successor is elected and qualified.

**Section 2.** The qualified electors of the state at the times and places of choosing members of the legislative assembly shall choose a governor, lieutenant governor, agriculture commissioner, attorney general, auditor, insurance commissioner, three public service commissioners, secretary of state, superintendent of public instruction, tax commissioner, and treasurer. The legislative assembly may by law provide for a department of labor to be administered by a public official who may be either elected or appointed. The powers and duties of the agriculture commissioner, attorney general, auditor, insurance commissioner, public service commissioners, secretary of state, superintendent of public instruction, tax commissioner, and treasurer must be prescribed by law. If the legislative assembly establishes a labor department, the powers and duties of the officer administering that department must be prescribed by law.

**Section 3.** The governor and the lieutenant governor must be elected on a joint ballot. Each vote cast for a candidate for governor is deemed cast also for the candidate for lieutenant governor running jointly with the candidate for governor. The joint candidates having the highest number of votes must be declared elected. If two or more joint candidates have an equal and highest number of votes for governor and lieutenant governor, the legislative assembly in joint session at its next regular session shall choose one pair of joint candidates for the offices. The returns of the election for governor and lieutenant governor must be made in the manner prescribed by law.

**Section 4.** To be eligible to hold an elective office established by this article, a person must be a qualified elector of this state, must be at least twenty-five years of age on the day of the election, and must have been a resident of this state for the five years preceding election to office. To be eligible to hold the office of governor or lieutenant governor, a person must be at least thirty years old on the day of the election. The attorney general must be licensed to practice law in this state.

**Section 5.** The qualified electors shall choose the elected state officials at a time designated by the legislative assembly. The elected state officials shall serve until their successors are duly qualified. Terms of office of the elected officials except the public service commissioners are four years, except that in 2004 the agriculture commissioner, attorney general, secretary of state, and tax commissioner are elected to a term of two years. The terms of the public service commissioners are six years, so arranged that one of them is elected every two years. The terms of the governor and lieutenant governor begin on December fifteenth following their election. If two or more candidates for any executive office other than for governor and lieutenant governor receive an equal and highest number of votes, the legislative assembly in joint session shall choose one of them for the office.

**Section 6.** The elected state officials and the chief executive officers of the principal departments shall hold office in the state capital.

**Section 7.** The governor is the chief executive of the state. The governor shall have the responsibility to see that the state's business is well administered and that its laws are faithfully executed.

The governor is commander-in-chief of the state's military forces, except when they are called into the service of the United States, and the governor may mobilize them to execute the laws and maintain order.

The governor shall prescribe the duties of the lieutenant governor in addition to those prescribed in this article.

The governor may call special sessions of the legislative assembly.

The governor shall present information on the condition of the state, together with any recommended

legislation, to every regular and special session of the legislative assembly.

The governor shall transact and supervise all necessary business of the state with the United States, the other states, and the officers and officials of this state.

The governor may grant reprieves, commutations, and pardons. The governor may delegate this power in a manner provided by law.

**Section 8.** The governor may fill a vacancy in any office by appointment if no other method is provided by this constitution or by law. If, while the senate is recessed or adjourned, a vacancy occurs in any office that is filled by appointment with senate confirmation, the governor shall make a temporary appointment to the office. When the senate reconvenes the governor shall make a nomination to fill the office. Except on request of the senate, no nominee rejected by the senate may again be nominated for that office at the same session, nor may the nominee be appointed to that office during a recess or adjournment of the senate.

**Section 9.** Every bill passed by the legislative assembly must be presented to the governor for the governor's signature. If the governor signs the bill, it becomes law. The governor may veto a bill passed by the legislative assembly. The governor may veto items in an appropriation bill. Portions of the bill not vetoed become law.

The governor shall return for reconsideration any vetoed item or bill, with a written statement of the governor's objections, to the house in which it originated. That house shall immediately enter the governor's objections upon its journal. If, by a recorded vote, two-thirds of the members elected to that house pass a vetoed item or bill, it, along with the statement of the governor's objections, must immediately be delivered to the other house. If, by a recorded vote, two-thirds of the members elected to the other house also pass it, the vetoed item or bill becomes law.

While the legislative assembly is in session, a bill becomes law if the governor neither signs nor vetoes it within three legislative days after its delivery to the governor. If the legislative assembly is not in session, a bill becomes law if the governor neither signs nor vetoes it within fifteen days, Saturdays and Sundays excepted, after its delivery to the governor.

**Section 10.** A governor who asks, receives, or agrees to receive any bribe upon any understanding that the governor's official opinion, judgment, or action shall be influenced thereby, or who gives or offers, or promises the governor's official influence in consideration that any member of the legislative assembly shall give the member's official vote or influence on any particular side of any question or matter upon which the member may be required to act in the member's official capacity, or who menaces any member by the threatened use of the governor's veto power, or who offers or promises any member that the governor will appoint any particular person or persons to any office created or thereafter to be created, in consideration that any member shall give the member's official vote or influence on any matter pending or thereafter to be introduced into either house of the legislative assembly, or who threatens any member that the governor will remove any person or persons from office or position with intent in any manner to influence the action of that member, must be punished in the manner now, or that may hereafter be, provided by law, and upon conviction thereof forfeits all right to hold or exercise any office of trust or honor in this state.

**Section 11.** The lieutenant governor shall succeed to the office of governor when a vacancy occurs in the office of governor. If, during a vacancy in the office of governor, the lieutenant governor is unable to serve because of death, impeachment, resignation, failure to qualify, removal from office, or disability, the secretary of state shall act as governor until the vacancy is filled or the disability removed.

**Section 12.** The lieutenant governor shall serve as president of the senate. If the senate is equally divided on a question, the lieutenant governor may vote on procedural matters and on substantive matters if the lieutenant governor's vote would be decisive.

## Executive Glossary

**act** - Legislation that has passed both Houses of Congress and approved by the President, or passed over his veto, thus becoming law. Also used technically for a bill that has been passed by one House of Congress.

**appointed** - When a person is chosen rather than elected to public office.

**appropriation** - Allotment of specific dollar amounts for specific programs or purposes.

**cabinet** - Group of key presidential advisors which includes the Secretaries or heads of each Department of the national government. Presidents generally hold regular Cabinet meetings.

**census** - a count of the number of people within a given geographical area.

**Century Code** - the body of North Dakota law compiled in 20 volumes originally published in 1961 and updated after every legislative session.

**checks & balances** - Powers held by one branch of government that allow it to limit another branch's exercise of its own powers, e.g. the President's ability to veto legislation.

**Commander-in-Chief** - Formal constitutional role of the President as leader of the nation's armed forces.

**concurrent powers** - Powers shared and exercised jointly under the Constitution by both national and state governments. Examples include taxation and law enforcement.

**confirm** - approve; usually refers to approval by the senate of appointment by the governor of persons to fill governmental positions.

**democracy** - Form of government in which policy alternatives are voted on by the people with majority determining the outcome.

**electoral college** - Mechanism by which the President is chosen. Each state has a number of electoral votes equal to the number of members it sends to the U.S. Senate and House of Representatives

**executive branch** - Branch of government charged with "executing" or implementing and enforcing the laws.

**executive privilege** - Claim that the President, as the leader of the Executive Branch, has the prerogative to divulge or refuse to divulge information in a manner that he believes most consistent with the national interest.

**governor** - The head of the executive branch for a state.

**impeachment** - A formal accusation issued by a legislature against a public official charged with crime or other serious misconduct.

**Initiative** - the power of the people to propose their own law; to use the initiative, petitions must be circulated to secure the signatures of a specified number of qualified electors; the measure is then placed on the ballot for reflection or approval of the voters.

**Item Veto** - the power of an executive to veto specific items of an appropriation bill adopted by the legislative assembly.

**law** - A rule made and carried out by a government.

**Lieutenant Governor** - presides over sessions of the state senate; first in line to become governor if there is a vacancy.

**line-Item Veto** - The power of the executive to disapprove of particular items of a bill without having to disapprove of the entire bill.

**lobby** - to seek to influence the decision of the legislature or of executive agencies.

**lobbyist** - person who seeks to influence governmental decisions.

**majority** - more than half.

**override a Veto** - passage of a measure over the objections of the governor.

**petition** - a form bearing the names of citizens requesting action by a governmental official.

**pocket Veto** - A veto of a bill brought about by an indirect rejection by the president. The president is granted ten days, Sundays excepted, to review a piece of legislation passed by Congress. Should he fail to sign a piece of legislation and Congress has adjourned within those ten days, the bill is automatically killed. The process of indirect rejection is known as a pocket veto.

**political party** - A team of office seekers and their supporters, generally unified by a common ideology, philosophy, set of values and political beliefs, usually outlined in a [party platform](#).

**public law** - A bill or joint resolution (other than for amendments to the Constitution) passed by both Houses of Congress and approved by the President. Bills and joint resolutions vetoed by the President, but overridden by the Congress also become public law.

**quorum** - a minimum number of members who must be present to legally conduct business.

**recall** - Mechanism authorized in some states by which voters may remove an individual from office in the middle of his or her term. There is no provision for a recall at the national level.

**separation of powers** - The division governmental authority and powers and assigning them to distinct branches.

**shared powers** - Powers which are held and exercised by more than one level of government.

**term** - length of time a person is to hold office.

**veto** - The constitutional procedure by which the President refuses to approve a bill or joint resolution and thus prevents its enactment into law. A regular veto occurs when the President returns the legislation to the originating House without approval. It can be overridden only by a two-thirds vote in each House. A pocket veto occurs after Congress has adjourned and is unable to override the President's action.

**veto override** - If the President vetoes a bill, the Congress may override the veto by a two-thirds majority vote in both houses. The bill would then become law, the President's objections notwithstanding.

**writ of mandamus** - A judicial order directing a government official to perform a duty of his or her office.

**Terms in this glossary were found on the following web site:** <http://www.thisnation.com/glossary.html>

# TOPICAL QUESTIONS: EXECUTIVE BRANCH

- ◆ What is the purpose of the executive branch?
- ◆ How long has North Dakota had a state constitution?
- ◆ Who presides over the State Senate?
- ◆ What is the importance of cooperation between the legislative and executive branches of government?
- ◆ What role does the Governor, as the head of the executive branch, play in the legislative process?
- ◆ What is a "*line item veto*?" In your opinion, is this a good option or a bad one? Explain your response.
- ◆ Why is the threat of veto by the Governor constitutionally prohibited in North Dakota?

**Did you know!!??!!... the party of our  
governors...**

**Republican Governors - 27, Democrat Governors - 6.**

**Republicans in office - 75+ years, Democrats in office - 40 years.**

# TEACHER RESPONSIBILITIES

- Select Close Up participants
- Complete and submit registration on or before the deadline
- Check for special medical needs of the students and notify the ND Council of Educational Leaders, if applicable
- Meet with school representatives and parents
- Arrange transportation to and from the program site
- Assist students in preparing for the Close Up Experience
- Insure that students are knowledgeable about the issues to be examined during the event
- Supervise the activities of your students during the event
- Ensure student participation in all scheduled program activities
- Comply with the provision that all teachers and students must stay at the motel
- Attend the teacher evaluation session on Tuesday morning, the last day of the event, to complete a program evaluation, offer suggestions for improvement, and assist in planning next year's program.

# RESOURCES

## NORTH DAKOTA REFERENCES

The 1994 guide, A Close Up Look at North Dakota Government, published by the ND Department of Public Instruction.

The Governing North Dakota book and corresponding Teacher's Manual, published annually by the University of North Dakota, Bureau of Governmental Affairs, is an excellent source on North Dakota government.

The 2001-03 North Dakota Blue Book, published by the Secretary of State is available in soft cover at a reduced price through the Department of Public Instruction.

The 2003-05 North Dakota Blue Book, published by the Secretary of State.

Our State, by Conrad W. Leifur, 1958. (Used as a textbook for years in North Dakota and very useful for basic information about North Dakota government.)

## Other Sources of Information

### Internet websites:

*NATIONAL CLOSE UP:* [www.closeup.org](http://www.closeup.org)

*North Dakota Close Up:* <http://www.ndcel.org/domain/25>

**North Dakota's source for government information:** [www.discovernd.com](http://www.discovernd.com)

**Division of Emergency Management:** <http://www.nd.gov/des/>

**Governor's web site:** [www.governor.state.nd.us](http://www.governor.state.nd.us)

**North Dakota Government agencies:** [www.govspot.com/state/nd.htm](http://www.govspot.com/state/nd.htm)

**American Government & Politics:** <http://www.thisnation.com/glossary.html>

## PUBLIC RELATIONS

SAMPLE NEWS RELEASE

### Your School Letterhead

FOR IMMEDIATE RELEASE

DATE

Contact: YOUR NAME  
YOUR PHONE NUMBER

NUMBER young people from NAME OF HIGH SCHOOL or NAME OF COUNTY had a capital time in the state's capital last week. These high school sophomores, juniors, and seniors participated in the North Dakota Close Up Program, a series of seminars and workshops that showed them, close up, how state government works.

They had the opportunity to meet NAMES OF DIGNITARIES, SPEAKERS, OR OFFICIALS and to interact with a variety of lobbyists, government aides, and journalists. In addition, they had time for some social activities.

According to YOUR NAME, one of NUMBER teachers who accompanied the group, "The visit was a great success. The students exhibited exemplary conduct and learned about government from an entirely new perspective. We teachers had our own program and, along with our students, learned a great deal. We feel rejuvenated!"

Thanks to the generosity of the Tesoro Mandan Refinery and many local supporters (NAME THEM IF POSSIBLE), the ND Close Up Program celebrated its 23<sup>h</sup> year of citizenship education activities.

Close Up, a nonprofit, nonpartisan educational foundation, was founded in 1970 to acquaint high school students with our system of government. Since then, more than 500,000 participants from across the country have taken part in local and national programs.

**Your School Letterhead**

**DATE**

**Dear \_\_\_\_\_**

Close Up is a weeklong government studies program for high school students. The Program takes place in Washington, D.C. It reflects the belief that a "close up" look at our government encourages students to grow in their understanding of the democratic process. For your information, I am enclosing a brochure about the program.

This will be NAME OF SCHOOL X YEARS of student participation in the program. The group from our area will attend this year's program DATE. During an intensive week of government study, students will participate in workshops and meet with members of Congress or their staffs, representatives of cabinet departments, lobbyists, embassy officials, and members of the media.

The program cost for each student, including instruction, travel, room, and meals is PRICE. To meet this cost, it is necessary to seek some financial help for some students. We are dedicated to making the Close Up experience available to all students, regardless of their ability to pay the total cost.

Contributions are tax-deductible if you make your check payable to "Close Up Foundation" and mail it to NAME OF SCHOOL. The Close Up Foundation is a nonprofit, nonpartisan 501(c)3 organization. The tax-deductible number, for your records, is 23-7122882.

Your contribution would be greatly appreciated by our students. Please consider it an investment in our community's future, since you will be helping our students become more informed and responsible citizens.

Feel free to call me for any further information concerning the program. Contributions for this year's program must be submitted by DATE. I can be reached at NAME OF SCHOOL-PHONE NUMBER or in the evening at PHONE NUMBER.

Thank you for your interest.

Sincerely,

Teacher/Close Up Coordinator

**Your School Letterhead**

Dear \_\_\_\_\_:

On behalf of the students of NAME High School, I would like to express my deepest appreciation to you for enabling us to participate in the Close Up Program in Washington, DC. We were able to participate in the program with students from NAME OTHER STATES AND AREAS.

The activities that were planned for us were interesting and educational. We were able to take a good close look at the democratic process through question-and-answer discussions, small group seminars, and workshops. It made us more knowledgeable about the government and more comfortable talking about current issues.

We made many new friends from other parts of the United States and learned much from them.

The week was unforgettable and we know that without your interest and support, participation in the program would not have been possible. Many thanks to you for making it available to us. We hope that you will continue to support Close Up so that others will be able to see and learn firsthand how our government operates.

Thank you again for supporting this outstanding program.

Sincerely,

Close Up Teacher





# **Please, letters of thanks to:**

## **For Program support:**

**Executive Branch of North Dakota  
(see website in guide for addresses)**

## **For Financial support:**

**David Schollars  
Tesoro Mandan Refinery  
P.O Box 5000  
Mandan, N. D. 58544**

**The North Dakota State Legislature  
(contact your local legislator and thank her/him!!!)**

**ASAP!!!!**