



1971

The North Dakota Constitution: The Executive Branch

Vance F. Hill

Follow this and additional works at: <https://commons.und.edu/ndlr>



Part of the [Law Commons](#)

Recommended Citation

Hill, Vance F. (1971) "The North Dakota Constitution: The Executive Branch," *North Dakota Law Review*. Vol. 48 : No. 2 , Article 6.

Available at: <https://commons.und.edu/ndlr/vol48/iss2/6>

This Article is brought to you for free and open access by the School of Law at UND Scholarly Commons. It has been accepted for inclusion in North Dakota Law Review by an authorized editor of UND Scholarly Commons. For more information, please contact und.common@library.und.edu.

THE NORTH DAKOTA CONSTITUTION: THE EXECUTIVE BRANCH

VANCE K. HILL*

The Need for Action

Many people in our country are dissatisfied with government at all levels,¹ and the frustrations shown by these dissenters are becoming more obvious. Most Americans agree that the most desirable government is one that helps provide an abundant life for all but still allows every citizen a maximum amount of self-determination and personal freedom. One of the chief reasons for citizen anger at government is the feeling that the government is taking more than it is giving. This feeling is caused by the rapid increase in governmental intervention that has been necessitated by our rapidly increasing technology and population. Thus, technology, together with increased population in most areas, has lessened the amount of self-determination and personal freedom each citizen used to have.

If government is to be in fact the means people use to solve their mutual problems or achieve their common goals, it is necessary that people feel their government is responsive to their wishes, accountable for its actions, and accessible to them. To meet these desires, it is necessary that governmental decisions be made at the lowest possible level consistent with effectiveness. Decision making at the lowest level increases the amount of self-determination and personal freedom each citizen enjoys. Thus, in order to insure that government is responsive, accountable, and accessible, it is necessary that state constitutions be written in a manner to encourage progressive and dynamic government.

Unless the states shed their obsolete legislative, executive, and judicial machinery to meet the demands of their citizens, it is inevitable that the national government will continue to adopt pro-

* B.S. B.A., 1958; J.D., 1961; University of North Dakota; Delegate to the North Dakota Constitutional Convention, 1972.

1. Address by President Richard M. Nixon, State of the Union Message, January 22, 1971.

grams that used to be within the provinces of the states. Many of our problems in this country must be handled by Congress, but why has Congress recently made substantial inroads into the fields of education, pollution, housing, health care, recreation, and law enforcement? It seems difficult, if not impossible, for Congress to adopt programs that are tailored to the needs and priorities of all the states. Congressional action takes away more power of self-determination and personal freedom than if the states or local government had acted, since congressional action has to be less responsive, less accountable, and less accessible to the people in any one particular area of the country. Unless state government becomes more energetic in our federal system, the states will have little reason to exist as individual entities. The 1971 North Dakota Legislature appropriated almost one-half billion dollars. Almost one-half of this amount was merely consent for the spending of federal dollars for numerous programs established by Congress.

A constitution is supposed to be a simple document—setting forth how the government is to be structured, what basic powers the government shall have, and what basic rights are retained by its citizens. It is a difficult task to decide if a certain law should be in the constitution or whether it should merely be a statute passed by the legislature. Generally, if the provision says who shall do something, it should be in the constitution; and if the provision says what shall be done and how it should be done, it should be a statute. Most state constitutions are lengthy documents containing much statutory material and unnecessary, unjustified restrictions on government. Such documents are usually badly written and are cluttered with obsolete and sometimes inconsistent statements.²

Although there are still many people who distrust their government, it is essential to adopt a constitution which will allow the type of state and local government these very citizens can trust. The people who distrust all government might well vote against a new state constitution, yet they also complain loudly about the ubiquitous federal government. Regardless of wishes for less government, we cannot repeal our rapidly advancing technology, its resulting changes in our way of life, and the increased demand for public services. A new state constitution will help restore a limited federal system and promote public confidence and support for government.

The tools people provide for government should be subject to improvement in the same manner as the tools used in the conduct of their own way of life. What housewife wants to be restricted

2. R. DISHMAN, *STATE CONSTITUTIONS: THE SHAPE OF THE DOCUMENT* (1960).

to the use of the old wood stove? Could a farmer survive if he had to rely on the scythe to cut his grain? What products could the merchant sell if he had to get his shipments off the horse-drawn wagon? Our constitution has a number of provisions that restrict our government to horse and buggy methods. It should be pointed out, however, that many of the substantive provisions of our old constitution are still valid and should remain in either a new constitution or in statutes.

Since the electorate voted to have a constitutional convention, it must be presumed that government is not working at its maximum potential and that our constitution can be improved. One often hears the remark that there is nothing wrong with our present constitution that a few minor adjustments could not correct. Upon discussion, however, that person will almost invariably agree to enough changes so that a major revision would be in order. For example, who does not want a constitution that is easily understood? Those who have read our present constitution will agree that a formal revision using today's language and structure and making no other changes would be a substantial improvement.

The North Dakota Executive Branch

What is the major objection to the substantive provisions in our present constitution concerning the executive branch? Many knowledgeable people believe our constitution does not provide an adequate framework for the organizational structure of our executive agencies. If you compare an organizational chart of the executive branch structure in North Dakota today with a similar one from 1889, you would probably conclude that our constitution guarantees too much in the way of independent offices and too little in the way of unified efforts to solve problems. A commentator suggests that the 1889 Convention did the following four things:

[I]t constructed a defective framework of government; it amply guaranteed a free and democratic society; it provided wisely for the management of a great landed estate; and it tried unsuccessfully to control corporations in the public interest.³

In those early years following the adoption of our constitution in 1889, the duties and responsibilities of our government were very small compared to what they are at present. Many early governors and other officials did not even live in Bismarck. They would come to the Capitol to take care of state business when

3. E. ROBINSON, HISTORY OF NORTH DAKOTA 212 (1966).

they felt it was necessary. The 1889 Constitution provided for a total of ten departments of state government in the executive branch. It did not lay down any rules or guidelines for the legislature in establishing new departments. Today, depending on what you call a state agency or department, you could say there are from 50 to 200 state agencies. The vast majority of these fall under the executive branch. The count of 200 is obtained by counting each state college or institution as a separate agency and also counting every board and commission that is provided for by law, whether or not they receive an appropriation or only regulate a specific occupation.⁴ The count of 50 is obtained by counting only those agencies that receive a separate appropriation from the legislature and have substantial independence in determining how that appropriation shall be spent.⁵

Since early governmental services were very limited, there was not much problem with fragmentation, duplication, and coordination of services. Today, since governmental services or regulation surround us, these problems are of major importance. In the last twenty years the federal budget has mushroomed from \$42 billion to \$225 billion annually. In the same period, federal programs have expanded ten-fold to over 1,400.⁶ Since there have been changes in state budgeting and appropriation procedures, no meaningful figures are available for the growth of our state government in this same period. It should be safe to say that expenditures of North Dakota government during the last twenty years have quadrupled. The interesting feature of a comparison of our state government to the federal government is not the growth of such government, but what each government has done to manage that growth.

Executive Reorganization in Federal Government

The need for comprehensive reorganization of executive agencies of the federal government was recognized with the publication of the Brownlow Report in 1937. Since the 1930's almost every national administration has conducted in-depth studies which resulted in progressive reformation.⁷ It is interesting to note that both the Brownlow Report in 1937 and the Ash Council Report in 1971,

4. LEGISLATIVE COUNCIL, ORGANIZATION OF NORTH DAKOTA STATE GOVERNMENT 1970 Chart (1970).

5. See DEPT. OF ACCOUNTS AND PURCHASES, NORTH DAKOTA BUDGET; LEGISLATIVE APPROPRIATIONS 1969-1971 AND 1971-1973 BIENNIUMS (1971).

6. PRESIDENT NIXON, PAPERS RELATING TO THE PRESIDENT'S DEPARTMENTAL REORGANIZATIONAL PROGRAM: A REFERENCE COMPILATION (1971). [hereinafter referred to as PRESIDENT, PAPERS RELATING TO DEPARTMENTAL REORGANIZATION (1971)].

7. In addition to the BROWNLOW REPORT (1937), other well known reorganizational plans include: FIRST HOOVER COMMISSION REPORT (1949); SECOND HOOVER COMMISSION REPORT (1955); PRICE TASK FORCE (1964); HEINEMAN TASK FORCE (1967); ASH COUNCIL (1970-71).

generally condemn the independent commission as a regulatory agency. Why should not the same reasoning apply to state regulatory agencies such as the Public Service Commission?

The most comprehensive reorganizational proposals ever attempted in the federal government appear to be those proposed by President Nixon in his message to Congress on March 25, 1971. This proposal takes seven cabinet offices (the Departments of Agriculture; Commerce; Health, Education and Welfare; Housing and Urban Development; Interior; Labor; and Transportation) and several other agencies and combines them into four new cabinet offices called the Department of Natural Resources, the Department of Human Resources, the Department of Economic Affairs, and the Department of Community Development.⁸ The underlying concept is that government should be organized around basic goals rather than narrow subjects or limited constituencies. The President is attempting to put related functions in the same agency to the maximum extent possible. The President stated that when an agency represents a narrow interest, its advice is inevitably of limited value to him.⁹ President Nixon has already accomplished some reorganization by creating the Domestic Council, the Office of Management and Budget, the Environmental Protection Agency, and the new United States Postal Service.

One of the reasons for the success of federal reorganizational proposals is the President's authority to implement reorganization of the executive agencies unless Congress dissents.¹⁰ The North Dakota Constitutional Convention would do well to copy the organizational framework of the federal government, especially as proposed recently by President Nixon.

Executive Reorganization in States

One of the earliest state constitutional conventions to recognize the problems of uncontrolled growth of governmental agencies was New York in 1915. The New York Bureau of Municipal Research proposed to combine 150 agencies into 17 departments. Also considered was an executive budget as well as staff agencies for purchasing and personnel. Their revised constitution was defeated. In 1917 Illinois abolished a large number of administrative agencies and put their functions in nine departments. The finance department was given control over budgeting, accounting, and purchasing. By 1937, twenty-six states had affected some change in organizational

8. DOMESTIC COUNCIL, THE PRESIDENT'S PROPOSALS FOR EXECUTIVE REORGANIZATION: REFORM RENEWAL FOR THE 70's 6-7 (1971).

9. PRESIDENT, PAPERS RELATING TO DEPARTMENTAL REORGANIZATION (1971).

10. 5 U.S.C.A. ch. 9 (1967).

structure.¹¹ In only three states was constitutional revision involved. In 1938, A. E. Buck, writing on reorganization of state government, set forth six standards for reorganization which he said were no longer theoretical, but were based on experience and supported by practice in a number of states. These standards are:

1. Concentration of authority and responsibility;
2. Departmentalization or functional integration;
3. Undesirability of boards for purely administrative work;
4. Coordination of the staff services of administration (e.g., budgeting, accounting, purchasing, personnel);
5. Provision for an independent audit; and
6. Recognition of a governor's cabinet (i.e., periodic meetings of department heads to further cooperation).¹²

Following World War II roughly two-thirds of the states formed commissions to further integration of state administration under the governor. Such commissions enjoyed only limited success. In the last fifteen years with the onrushing growth of government, more stress has been placed on reorganization. While comprehensive executive reorganization usually requires constitutional revision, only eight of the thirteen constitutional conventions convened within the last fifteen years have been successful.¹³

North Dakota Executive Reorganization

The first attempt at major governmental reorganization in North Dakota began with the creation of the North Dakota Governmental Survey Commission in 1931.¹⁴ In his 1929 message to the legislature, Governor Shafer recommended that a legislative interim committee be appointed to prepare a comprehensive program of reorganization of state government that would consolidate departments and eliminate unnecessary functions. Due to the failure of the 1929 Legislature to act, Governor Shafer renewed his request to the 1931 Legislature, which passed his proposal by a narrow margin.

The Commission's report to the governor in 1932 recommended among other things: abolishment of townships; county assumption of township functions; consolidation of counties in order to create economic units; and consolidation of some state level functions.

11. SALIENT ISSUES OF CONSTITUTIONAL REVISION 101-102 (J. Wheeler ed. 1961).

12. A. BUCK, THE REORGANIZATION OF STATE GOVERNMENTS IN THE UNITED STATES 14-28, 103 (1938).

13. Since 1965 one-half of the states have utilized constitutional study commissions to work on some aspect of constitutional revision.

14. N.D. SESS. LAWS ch. 210 (1931).

The efforts of the Commission were doomed to defeat by the severe depression that was just beginning in North Dakota. The 1933 Legislature repealed the law creating the Commission with only one dissenting vote.

The 1941 Legislature re-enacted the Governmental Survey Commission to investigate the deficiencies in the governmental structure and to recommend a cure for those defects.¹⁵ The Commission did extensive work and mailed a booklet to all community leaders in the state.¹⁶ Yet, by the time of the mailing, the United States was engaged in World War II, the Commission stated it would not be fair for the electorate to pass on its proposals while a substantial number of state citizens were away at war. The war was of such length that little if anything was done in regard to adopting the comprehensive changes recommended by the Commission. Governor Moses, who had urged creation of the Survey Commission, and former Governor Shafer tried to get the 1943 Legislature to take some action on the report, but nothing was done. Perhaps the most significant change that can be traced back to the study is the creation of the Department of Accounts and Purchases by the 1959 legislature.

The 1941 Commission proposed electing only the governor, lieutenant governor, secretary of state, state treasurer, and state auditor. Their report provided in part:

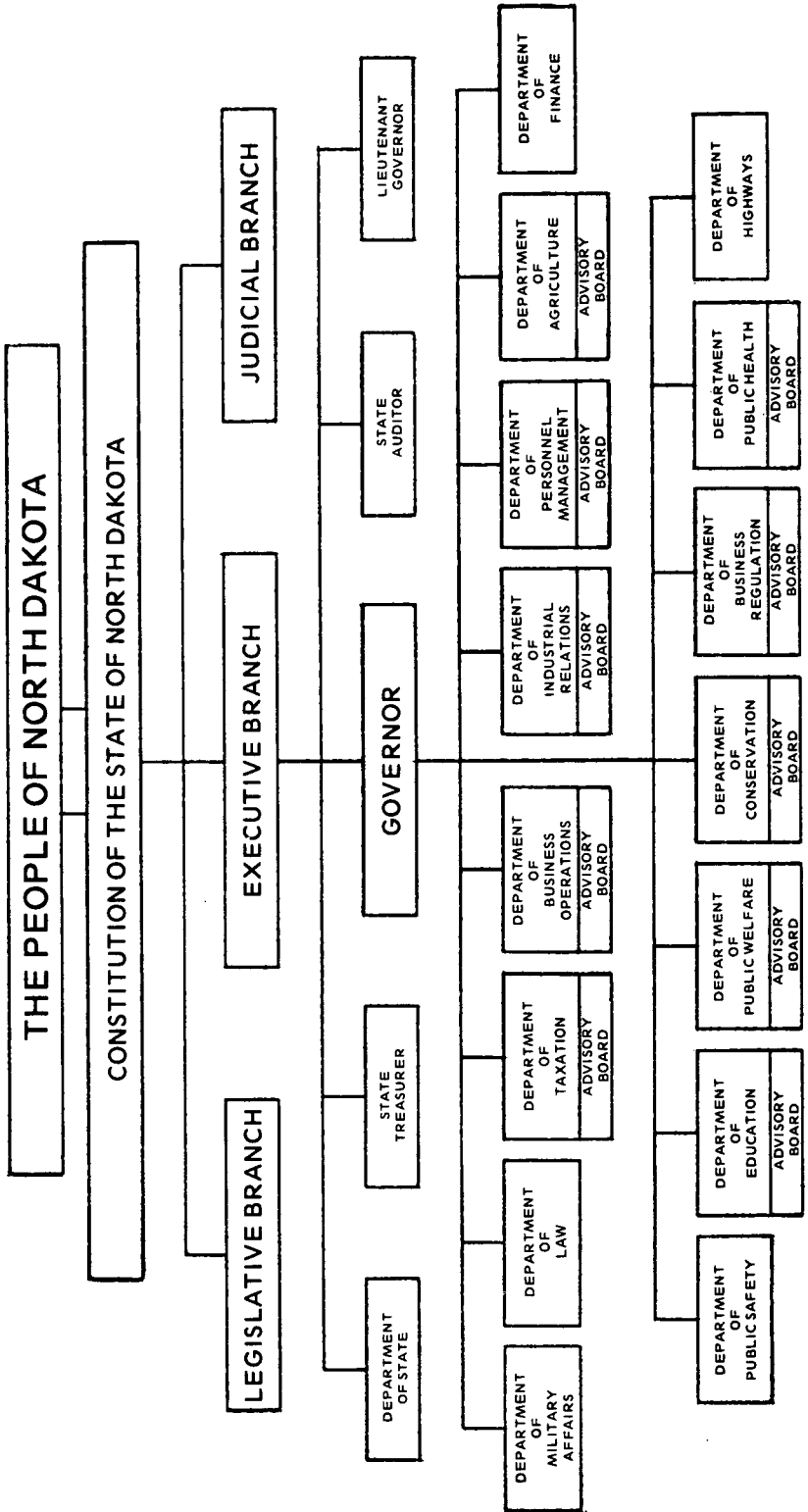
The keynote of the proposed reorganization is the consolidation of offices and the regrouping of duties in a logical way so the public will no longer be confused by the crazy-quilt pattern of state government which has grown up through the years.¹⁷

This organizational chart was also proposed:

15. N.D. SESS. LAWS ch. 216 (1941).

16. NORTH DAKOTA GOVERNMENTAL SURVEY COMMISSION, YOU AND YOUR STATE GOVERNMENT (1941).

17. *Id.* at 10.



In 1963, the legislature directed a study be made of the entire constitution. As a result of this study, a proposed constitutional amendment, making limited changes in the executive branch, was submitted to the electors in the general election of 1966 and was defeated. Before putting such recommendations on the ballot, the legislature deleted, among other things, a provision to reduce the number of state officials required to be elected by the constitution from thirteen to six.

An initiated measure, voted on in the primary election of 1964, extended the term of office for all elected state officials from two to four years. The latest action that could change executive organization as required by the constitution is, of course, the present constitutional convention which was approved by the voters after submission by the 1969 Legislature.

Proposed Executive Structure for the North Dakota Constitution

The difficulty with having a large number of state agencies is the coordination of each agency's objective in order to insure a unified effort at problem solving. If an agency's objective is not limited there will be a duplication of effort. If an agency's goal is limited, you will have a fragmented effort at achieving comprehensive goals. Careful planning could help, but there has been no comprehensive statewide planning in North Dakota, although a start has been made. At the request of the Governor, the 1969 Legislature created a state planning agency. In January 1971, the Governor created the State Planning Advisory Council which is composed of officials representing each of the thirteen major functions of state services.¹⁸ While comprehensive state planning in this manner is certainly desirable, voluntary coordination is a poor substitute for direct supervision and control. Effective coordination will require departmental consolidation along broad functional lines and appropriate internal reorganization for each department.¹⁹ Since the Governor determined that state activities could logically be grouped into thirteen major categories, one wonders why we have 50 to 200 state agencies. The answer is that whenever a new problem or constituency arose the legislature responded by creating a new agency. While no one would consciously plan an organizational structure as we have today, it is very difficult to achieve substantial reorganization since it is a normal reaction to prefer the known to the unknown, especially for vested interests. The record of the legislature over the last forty years on proposals to reorganize

18. Executive Order No. 52, Jan. 28, 1971.

19. COMMITTEE FOR ECONOMIC DEVELOPMENT, MODERNIZING STATE GOVERNMENT 50 (1967).

executive agencies indicates that the legislature can deal with reorganization no better than it can deal with legislative reapportionment. Consequently, it is essential to provide direction and encouragement in the constitution for both the legislative and executive branches to take the initiative for reorganization. While each session of the legislature usually passes some bills dealing with reorganization, such efforts are very minimal when compared to the overall problem. Proposals calling for major changes are usually killed or never get introduced in bill form. Sabotage by department officials involved in the proposals is not unknown. While both major political parties in the state seem to favor reorganization in theory, any proposal that gets known as a partisan proposal will often face opposition from the other side.

Delegate Proposal 2-33, which I have submitted for Convention consideration, proposes a substantially new executive article for state and local government. While the Proposal is vastly different from our present constitution, it contains little material that cannot be directly traced to prior studies of government by well-known men in government, business, and education. Delegate Proposal 2-33 provides as follows:

BE IT RESOLVED BY THE NORTH DAKOTA CONSTITUTIONAL CONVENTION:

That articles III, VI, and X of the constitution of the state of North Dakota be repealed, and that two new articles be created, all relating to the executive branch of state government and county, city, and township government.

SECTION 1. REPEAL.) Articles III, VI, and X of the constitution of the state of North Dakota are hereby repealed.

SECTION 2.) A new article to the constitution of the state of North Dakota is hereby created to read as follows:

I. STATE GOVERNMENT EXECUTIVE STRUCTURE

The legislature shall allocate the executive powers among not more than twenty principal state departments which shall be organized along broad functional lines. Such principal departments shall include the following offices:

1. Governor and lieutenant governor.
2. Director of finance.
3. Attorney general.
4. Secretary of education.
5. Secretary of health and welfare.
6. Secretary of natural resources.

7. Secretary of economic resources.
8. Secretary of transportation.

The director of finance shall be appointed by the governor and serve at his pleasure. The other officers named above shall be elected every four years at the time of the Presidential election. No person shall be elected to the same office more than two consecutive terms. The governor shall fill a vacancy in an elective office by appointment. The legislature shall provide for an efficient personnel system.

The departments of education, health and welfare, natural resources, economic resources, and transportation shall each have an advisory board of nine members appointed by the governor and confirmed by the legislature. The terms of such board members shall expire at the end of the term for which the governor was elected. The duties of the advisory board shall be to prepare a comprehensive plan concerning their respective fields of endeavor. The elected state officials shall constitute the state planning council and the governor shall serve as chairman. The state planning council shall prepare a comprehensive state plan. The governor shall present his recommendations, and those of the state planning council, to the legislature at the start of each regular session.

II. POWERS AND DUTIES OF STATE OFFICIALS

The powers and duties of state officials shall be as follows:

1. *Governor and lieutenant governor.* The governor shall have the responsibility to see that the state's business is well administered. He shall be commander in chief of the military forces of the state. He shall have the veto power over federal grants provided for the state or its political subdivisions. He may convene the legislature for special sessions to consider matters for his choosing. He may, by executive order, provide for the reassignment of duties within established departments, and such order shall be effective 60 days after submission to the legislature provided the legislature does not modify or disapprove such changes. The governor shall see that all public officials faithfully exercise their official duties and he may seek court action to insure that such officials fulfill their official duties. He may at any time require information in writing from any administrative officer relating to the duties of his office.

The governor and the lieutenant governor shall be elected together on a joint ballot. The lieutenant governor shall be assistant governor and assume the governorship upon a vacancy in the office of governor which may be determined by the supreme court upon application of any citizen. The presiding officer of the legislature shall become governor following the lieutenant governor.

2. *Director of finance.* He shall have the responsibility

for the administration of all state tax collections, budgeting, accounting, and disbursing of funds.

3. *Attorney general.* He shall have the responsibility for the administration of all state legal services and shall have charge over all police services provided by the state. The attorney general shall also have authority to exercise general superintending control over local police and prosecutors.

4. *Secretary of education.* He shall have the responsibility for the administration of all state educational services.

5. *Secretary of health and welfare.* He shall have the responsibility for the administration of all state health and social services.

6. *Secretary of natural resources.* He shall have the responsibility for the administration of all state environmental protection and development services.

7. *Secretary of economic resources.* He shall have the responsibility for the administration of all state business development and regulatory services.

8. *Secretary of transportation.* He shall have the responsibility for the administration of all state transportation development and regulatory services.

SECTION 3.) A new article to the constitution of the state of North Dakota is hereby created to read as follows:

LOCAL GOVERNMENT

The legislature shall provide by general law for the government of counties, cities, and other civil divisions including provisions for incorporating, merging, consolidating, dissolving, and altering the boundaries of such units of government.

The major thrust of the Proposal is to insure sound executive management by providing for mandatory comprehensive planning with a reasonable number of agencies organized along broad functional lines. Allowing the governor to appoint a planning board for the major service agencies and serve as chairman of the state planning council will substantially increase his power to control the direction of state government. Almost all reorganizational studies call for concentration of authority and responsibility in a chief executive.²⁰ The theory behind such studies is that while any one of several policies may be successful, various combinations of policies by administrative boards, independently elected officials, and the governor actually result in their being no policy at all and consequently no leadership. The proposal for election of eight state

20. *Id.* at 51-56.

officials could easily be changed to elect only the governor and the lieutenant governor without interfering with the main thrust of the proposal. There is a sharp difference of opinion in our state as to how many officials should be selected by the electorate. All nine of the currently elected Republican state office holders who serve full-time signed a statement distributed to the delegates of the Executive Functions Committee calling for "the present system of electing all our state officials." The governor's statement to that same committee called for election of the governor and the lieutenant governor as a team, with independent election of the Superintendent of Public Instruction and three Public Service Commissioners. The Executive Functions Committee on September 30, 1971, passed a motion without audible dissent that the new constitution provide for about one-half as many elected officials as it does now. Under that proposal, however, the legislature could provide for election of various department heads.

In 1889 our constitution provided for ten state offices with all of the office holders secured by election. The recorded debates of the 1889 Convention make no mention of anyone urging that the governor be allowed to appoint some or all of the members of the executive branch. In fact, the Convention almost voted in favor of electing such minor ministerial officials as the clerk and reporter for the supreme court. While the elected officials in 1889 ran the entire state government, they only have a minor share of the power today. In 1889 we had no department of highways, health, welfare, higher education, etc. The people who now run these agencies are all appointed and are responsible for spending over half of the money appropriated by the legislature. Today we elect some powerful office holders and some fairly insignificant office holders. We also currently appoint some powerful office holders and some fairly insignificant office holders. It would seem reasonable that the people of North Dakota would either want to elect or appoint their major policy-making public officials. It would also seem very few persons would want to have minor public officials elected or appointed. These office holders should be covered in reorganized departments by an efficient personnel system. Those who wish only to retain the status quo surely have no policy decision on which to rest their case. Since the question of election versus appointment of officials appears to be a controversial issue, it will probably be a separate question on the ballot, so the electorate may have their choice. The proposal for election of six officials in addition to the governor and lieutenant governor with comprehensive planning and increased power in the governor's office may be a feasible compromise between those who want a true cabinet

form of government and those who want to continue electing numerous independent officials of different rank.

My ten years' experience in working with many elected and appointed officials while an assistant attorney general leads me to believe that the vast majority of both types are dedicated public employees, thus a satisfactory compromise can be reached on the method of selecting key officials. The crux of the problem, however, is not election versus appointment, but whether or not we will be able to consolidate agencies along broad functional lines. The best officials cannot function effectively with a poor organizational framework. We currently have several elected state officials who have very limited power and responsibility and whose total staff consists of ten persons or less. Such agencies are the equivalent of one-room hotels. I am not saying such officials do not have important jobs or that they are doing their jobs poorly, but I am saying their mission or goal is so limited that they should be part of another department. If we consolidate our closely related functions into a single agency, we will have substantially increased our ability to achieve our goals at a reasonable cost. To secure substantial success for all agencies which should mean success for all citizens, it is essential that these major department heads engage in comprehensive planning, including a balancing of priorities prior to seeking appropriations. For example, if we have beautiful roads and poor schools, government has not done the job for which we created it.

Local Government

There has been little basic change in our system of township, city, and county government since 1889, although section 173 of the constitution has been amended six times during this period. Perhaps the most significant change was in 1940 when optional forms of county government were authorized. The 1941 Legislature consequently provided for the Consolidated Office Form of County Government, the County Manager Form, and the Short Form of County Managership. These provisions seemed progressive, since they provided for fewer independently elected officials and concentrated authority and responsibility. However, in the past thirty years not a single county has deviated from the standard form of county government which provides for the election of ten to fifteen officials. The 1940 constitutional provision provided that such optional forms of county government could not become effective without the approval of at least 55 per cent of those voting. That provision also said the question could not be submitted to the voters except by a two-thirds vote of the county board or by

a petition signed by at least 15 per cent of the electors. The 1941 Legislature actually required such petitions to contain the signatures of 40 per cent and 35 per cent of the electors. In 1965, several modifications were made in the laws relating to the reorganization of county government that were designed to improve the ease of adopting such type of government.²¹

The proposed constitutional article on local government would give the legislature substantially more leeway in making changes in local government than is now available. Based on experience around the country, few reorganizations are accomplished without financial incentives.²² The legislature may have to provide such incentives if local government is to reorganize to become effective. City government seems to be well ahead of county government in the matter of organizational structure. This may be due to the fact that constitutional provisions on cities are not nearly as explicit as the provisions relating to counties.

The divisive debate over the long versus the short ballot could be partially resolved by electing only the governing body of the local units of government and removing the county administrative offices from the ballot.²³ The prestigious Committee for Economic Development recommends that the number of local governments in the United States should be reduced by at least 80 per cent and that each local unit should have a single chief executive.²⁴ The idea behind schemes to consolidate state and local government is not to take power away from the people as some would claim, but to give people a responsive, accountable, and accessible government. The proponents of the long ballot claim that the people should decide whom they want to serve as their officials, yet can most electors be expected to have substantial knowledge of the more than fifty people who may appear on the ballot at one election? Who doubts that a good Nordic name is the single, most valuable asset a lower ranking elected official can have? The difference between a good or bad name is equalized, however, when an official is given visibility by the news media because of his important post.

In view of the fact that the county and city are rendering similar services in the same basic areas, pressure may soon bring about consolidation of many counties and cities. It may well be that there should only be a single unit of local government in

21. N.D. SESS. LAWS ch. 98 (1965). A county consolidation committee is to be erected either upon motion by the board of county commissioners or upon petition by twenty percent of the qualified electors of the county. This committee is to propose either a consolidation with another county or an alternative form of county government.

22. COMMITTEE FOR ECONOMIC DEVELOPMENT, MODERNIZING STATE GOVERNMENT 74 (1967).

23. COMMITTEE FOR ECONOMIC DEVELOPMENT, MODERNIZING LOCAL GOVERNMENT 50-51 (1966).

24. *Id.* at 17.

a given area. This would mean that all special units such as school districts, park districts, water districts, library units, and the like would all be responsible to a single governing board. Consolidation of this nature would allow meaningful planning and priority setting at the local level. We have had a board of budget review to review all local budgets, but it has been generally ineffective.

At any rate the state constitution should encourage the kind of effective government that the people want and should not lock people into a rigid governmental structure that resists change. The pressure is mounting for a basic decision as to whether state and local government will submit to the threat of replacement by federal governmental services. I believe North Dakotans will choose to respond by creating effective state and local governments. Otherwise, an amendment to the United States Constitution to limit the scope of the federal government may be required.