

**HOUSE BILL NO. 1395**

Introduced by

Representatives Delzer, Boschee, Pollert

Senators Heckaman, Holmberg, Wardner

1 A BILL for an Act to adjust state agency spending authority approved by the emergency  
2 commission and budget section; to provide a statement of legislative intent; to provide an  
3 appropriation; to provide an exemption; to provide for retroactive application; and to declare an  
4 emergency.

**5 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:****6 SECTION 1. EMERGENCY COMMISSION AUTHORIZATION ADJUSTMENTS -**

7 **APPROPRIATION.** The amounts identified in the emergency commission authorization column  
8 below represent the federal coronavirus relief fund spending authority approved for each  
9 agency or institution by the emergency commission and budget section under section  
10 54-16-04.1 for the biennium ending June 30, 2021. The director of the office of management  
11 and budget shall adjust the federal coronavirus relief fund spending authorization amount for  
12 each agency and institution to the amounts shown in the appropriation column which are  
13 appropriated from federal funds derived from the federal coronavirus relief fund to the agency or  
14 institution listed for the purpose of defraying expenses relating to the COVID-19 pandemic for  
15 the period beginning ~~June 18~~May 15, 2020, and ending June 30, 2021.

## Emergency Commission

<u>Agency or Institution</u>	<u>Authorization</u>	<u>Adjustment</u>	<u>Appropriation</u>
18 Governor	\$18,083	0	\$18,083
19 Secretary of state	49,216	0	49,216
20 <del>Office of management and budget</del>	<del>7,003,055</del>	<del>0</del>	<del>7,003,055</del>
21 <del>Information technology department</del>	<del>62,368,226</del>	<del>0</del>	<del>62,368,226</del>
22 <u>Office of management and budget</u>	<u>7,003,055</u>	<u>18,315</u>	<u>7,021,370</u>
23 <u>Information technology department</u>	<u>61,868,226</u>	<u>0</u>	<u>61,868,226</u>
24 State auditor	10,866	0	10,866

Sixty-seventh  
Legislative Assembly

1	<u>State treasurer</u>	<u>122,757,062</u>	<u>523,194</u>	<u>123,280,256</u>
2	Tax commissioner	28,601	0	28,601
3	Office of administrative hearings	522	0	522
4	Legislative assembly	3,100,000	0	3,100,000
5	Legislative council	100,000	0	100,000
6	Judicial branch	312,212	0	312,212
7	<del>Department of public instruction</del>	<del>63,816,217</del>	<del>0</del>	<del>63,816,217</del>
8	<del>Department of trust lands</del>	<del>94,135</del>	<del>0</del>	<del>94,135</del>
9	<u>Department of public instruction</u>	<u>64,316,217</u>	<u>0</u>	<u>64,316,217</u>
10	<u>Department of trust lands</u>	<u>94,135</u>	<u>1,505</u>	<u>95,640</u>
11	North Dakota university system office	1,468,787	0	1,468,787
12	Bismarck state college	4,210,745	0	4,210,745
13	Lake region state college	880,813	0	880,813
14	Williston state college	1,712,364	0	1,712,364
15	University of North Dakota	20,984,766	0	20,984,766
16	<del>North Dakota state university</del>	<del>18,671,414</del>	<del>0</del>	<del>18,671,414</del>
17	<u>North Dakota state university</u>	<u>18,671,414</u>	<u>(52,750)</u>	<u>18,618,664</u>
18	North Dakota state college of science	5,107,897	0	5,107,897
19	Dickinson state university	2,346,239	0	2,346,239
20	Mayville state university	2,206,656	0	2,206,656
21	Minot state university	2,454,439	0	2,454,439
22	Valley City state university	740,353	0	740,353
23	Dakota college at Bottineau	804,631	0	804,631
24	Department of career and technical	470,980	0	470,980
25	education			
26	<del>State department of health</del>	<del>174,115,929</del>	<del>0</del>	<del>174,115,929</del>
27	<u>State department of health</u>	<u>174,115,929</u>	<u>(72,542,160)</u>	<u>101,573,769</u>
28	Department of environmental quality	745,000	0	745,000
29	Veterans' home	462,040	0	462,040
30	Indian affairs commission	20,915	0	20,915

Sixty-seventh  
Legislative Assembly

1	Department of veterans' affairs	2,860	0	2,860
2	<del>Department of human services</del>	<del>61,103,911</del>	<del>0</del>	<del>61,103,911</del>
3	<del>Job service North Dakota</del>	<del>372,381,213</del>	<del>0</del>	<del>372,381,213</del>
4	<del>Industrial commission</del>	<del>65,476,513</del>	<del>0</del>	<del>65,476,513</del>
5	<del>Bank of North Dakota</del>	<del>70,000,000</del>	<del>0</del>	<del>70,000,000</del>
6	<u>Department of human services</u>	<u>61,103,911</u>	<u>(582,942)</u>	<u>60,520,969</u>
7	<u>Job service North Dakota</u>	<u>372,381,213</u>	<u>(1,427,906)</u>	<u>370,953,307</u>
8	<u>Industrial commission</u>	<u>65,476,513</u>	<u>4,000,000</u>	<u>69,476,513</u>
9	<u>Bank of North Dakota</u>	<u>70,000,000</u>	<u>(1,322,817)</u>	<u>68,677,183</u>
10	Mill and elevator association	116,690	0	116,690
11	Workforce safety and insurance	1,018,052	0	1,018,052
12	<del>Highway patrol</del>	<del>13,919,094</del>	<del>0</del>	<del>13,919,094</del>
13	<del>Department of corrections and</del>	<del>11,170,709</del>	<del>0</del>	<del>11,170,709</del>
14	<del>—rehabilitation</del>			
15	<del>Adjutant general</del>	<del>16,148,260</del>	<del>0</del>	<del>16,148,260</del>
16	<del>Department of commerce</del>	<del>109,179,000</del>	<del>0</del>	<del>109,179,000</del>
17	<del>Agriculture commissioner</del>	<del>13,556,000</del>	<del>0</del>	<del>13,556,000</del>
18	<u>Highway patrol</u>	<u>13,919,094</u>	<u>(11,091)</u>	<u>13,908,003</u>
19	<u>Department of corrections and</u>	<u>11,170,709</u>	<u>(1,505)</u>	<u>11,169,204</u>
20	<u>  rehabilitation</u>			
21	<u>Adjutant general</u>	<u>16,148,260</u>	<u>(4,951,480)</u>	<u>11,196,780</u>
22	<u>Department of commerce</u>	<u>109,179,000</u>	<u>(27,000,000)</u>	<u>82,179,000</u>
23	<u>Agriculture commissioner</u>	<u>13,556,000</u>	<u>(148,450)</u>	<u>13,407,550</u>
24	State seed department	6,117	0	6,117
25	<del>Upper great plains transportation institute</del>	<del>45,095</del>	<del>0</del>	<del>45,095</del>
26	<u>Upper great plains transportation institute</u>	<u>45,095</u>	<u>(3,477)</u>	<u>41,618</u>
27	Branch research centers	831,007	0	831,007
28	North Dakota state university extension	855,400	0	855,400
29	service			
30	Northern crops institute	115,586	0	115,586

Sixty-seventh  
Legislative Assembly

1	North Dakota state university main	1,164,967	0	1,164,967
2	research center			
3	State fair association	105,272	0	105,272
4	Racing commission	1,000	0	1,000
5	<del>State historical society</del>	<del>20,000</del>	<del>0</del>	<del>20,000</del>
6	State historical society	20,000	(1,000)	19,000
7	Council on the arts	800,000	0	800,000
8	Parks and recreation department	250,985	0	250,985
9	Department of transportation	14,670,106	0	14,670,106
10	<del>Total</del>	<del>\$1,127,242,938</del>	<del>0</del>	<del>\$1,127,242,938</del>
11	Total	\$1,250,000,000	(\$103,502,564)	\$1,146,497,436

**SECTION 2. APPROPRIATION.** The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds to the state departments and institutions of the state of North Dakota listed below for the purpose of defraying COVID-19 and other expenses for the period beginning with the effective date of this Act, and ending June 30, 2023, as follows:

Subdivision 1.

STATE TREASURER

19	Local fiscal relief fund allocations	\$50,160,000
20	Total federal funds	\$50,160,000

Subdivision 2.

DEPARTMENT OF PUBLIC INSTRUCTION

23	Elementary and secondary school emergency education relief	\$305,266,879
24	Assistance to nonpublic schools	4,151,371
25	Individuals with disabilities education act grant	8,632,569
26	Total federal funds	\$318,050,819

Subdivision 3.

STATE LIBRARY

29	COVID-19 salaries and wages	\$86,669
30	COVID-19 operating expenses	1,580,057

1	COVID-19 grants	<u>500,000</u>
2	Total federal funds	\$2,166,726
3	Subdivision 4.	
4	STATE DEPARTMENT OF HEALTH	
5	COVID-19 response	<u>\$87,290,597</u>
6	Total federal funds	\$87,290,597
7	Subdivision 5.	
8	VETERANS' HOME	
9	COVID-19 response	<u>\$1,300,000</u>
10	Total federal funds	\$1,300,000
11	Subdivision 6.	
12	DEPARTMENT OF HUMAN SERVICES	
13	COVID-19 operating expenses	\$16,863,309
14	COVID-19 grants	<u>174,826,531</u>
15	Total federal funds	\$191,689,840
16	Subdivision 7.	
17	ADJUTANT GENERAL	
18	COVID-19 response	<u>\$887,873</u>
19	Total federal funds	\$887,873
20	Subdivision 8.	
21	COUNCIL ON THE ARTS	
22	COVID-19 funding	<u>\$759,060</u>
23	Total federal funds	\$759,060
24	Subdivision 9.	
25	DEPARTMENT OF TRANSPORTATION	
26	COVID-19 grants	\$1,609,357
27	COVID-19 capital assets	<u>467,000,000</u>
28	Total federal funds	\$468,609,357
29	Subdivision 10.	
30	TOTAL - SECTION 2	
31	Grand total federal funds	\$1,120,914,272

1       **SECTION 3. LEGISLATIVE INTENT - STATE FISCAL RECOVERY FUND.** It is the intent of  
2 the sixty-seventh legislative assembly that state fiscal recovery funds received through  
3 H.R. 1319 of the 117<sup>th</sup> Congress, also known as the federal American Rescue Plan Act, be  
4 appropriated by the legislative assembly during future regular and special legislative sessions.

5       **SECTION 4. EXEMPTION.** The funding appropriated in section 1 of this Act is not subject to  
6 the provisions of section 54-44.1-11 and may be continued into the biennium beginning July 1,  
7 2021, and ending June 30, 2023.

8       **SECTION 5. RETROACTIVE APPLICATION.** Section 1 of this Act applies retroactively to  
9 ~~June 18~~May 15, 2020.

10       **SECTION 6. EMERGENCY.** This Act is declared to be an emergency measure.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1395

Page 1, line 2, after "section" insert "; to provide a statement of legislative intent"

Page 1, line 2, after "appropriation" insert "; to provide an exemption"

Page 1, line 14, replace "June 18" with "May 15"

Page 1, replace lines 19 and 20 with:

"Office of management and budget	7,003,055	18,315	7,021,370
Information technology department	61,868,226	0	61,868,226"

Page 1, after line 21 insert:

"State treasurer	122,757,062	523,194	123,280,256"
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Page 2, replace lines 3 and 4 with:

"Department of public instruction	64,316,217	0	64,316,217
Department of trust lands	94,135	1,505	95,640"

Page 2, replace line 10 with:

"North Dakota state university	18,671,414	(52,750)	18,618,664"
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Page 2, replace line 19 with:

"State department of health	174,115,929	(72,542,160)	101,573,769"
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Page 2, replace lines 24 through 27 with:

"Department of human services	61,103,911	(582,942)	60,520,969
Job service North Dakota	372,381,213	(1,427,906)	370,953,307
Industrial commission	65,476,513	4,000,000	69,476,513
Bank of North Dakota	70,000,000	(1,322,817)	68,677,183"

Page 2, remove line 30

Page 3, replace lines 1 through 5 with:

"Highway patrol	13,919,094	(11,091)	13,908,003
Department of corrections and rehabilitation	11,170,709	(1,505)	11,169,204
Adjutant general	16,148,260	(4,951,480)	11,196,780
Department of commerce	109,179,000	(27,000,000)	82,179,000
Agriculture commissioner	13,556,000	(148,450)	13,407,550"

Page 3, replace line 7 with:

"Upper great plains transportation institute	45,095	(3,477)	41,618"
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Page 3, replace line 16 with:

"State historical society	20,000	(1,000)	19,000"
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Page 3, replace line 20 with:

"Total	\$1,250,000,000	(\$103,502,564)	\$1,146,497,436
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**SECTION 2. APPROPRIATION.** The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds to the state departments and institutions of the state of North Dakota listed below for the purpose of defraying COVID-19 and other expenses for the period beginning with the effective date of this Act, and ending June 30, 2023, as follows:

Subdivision 1.

STATE TREASURER

Local fiscal relief fund allocations	<u>\$50,160,000</u>
Total federal funds	\$50,160,000

Subdivision 2.

DEPARTMENT OF PUBLIC INSTRUCTION

Elementary and secondary school emergency education relief	\$305,266,879
Assistance to nonpublic schools	4,151,371
Individuals with disabilities education act grant	<u>8,632,569</u>
Total federal funds	\$318,050,819

Subdivision 3.

STATE LIBRARY

COVID-19 salaries and wages	\$86,669
COVID-19 operating expenses	1,580,057
COVID-19 grants	<u>500,000</u>
Total federal funds	\$2,166,726

Subdivision 4.

STATE DEPARTMENT OF HEALTH

COVID-19 response	<u>\$87,290,597</u>
Total federal funds	\$87,290,597

Subdivision 5.

VETERANS' HOME

COVID-19 response	<u>\$1,300,000</u>
Total federal funds	\$1,300,000

Subdivision 6.

DEPARTMENT OF HUMAN SERVICES

COVID-19 operating expenses	\$16,863,309
COVID-19 grants	<u>174,826,531</u>
Total federal funds	\$191,689,840



Subdivision 7.

ADJUTANT GENERAL

COVID-19 response	<u>\$887,873</u>
Total federal funds	\$887,873

Subdivision 8.

COUNCIL ON THE ARTS

COVID-19 funding	<u>\$759,060</u>
Total federal funds	\$759,060

Subdivision 9.

DEPARTMENT OF TRANSPORTATION

COVID-19 grants	\$1,609,357
COVID-19 capital assets	<u>467,000,000</u>
Total federal funds	\$468,609,357

Subdivision 10.

TOTAL - SECTION 2

Grand total federal funds	\$1,120,914,272
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**SECTION 3. LEGISLATIVE INTENT - STATE FISCAL RECOVERY FUND.** It is the intent of the sixty-seventh legislative assembly that state fiscal recovery funds received through H.R. 1319 of the 117<sup>th</sup> Congress, also known as the federal American Rescue Plan Act, be appropriated by the legislative assembly during future regular and special legislative sessions.

**SECTION 4. EXEMPTION.** The funding appropriated in section 1 of this Act is not subject to the provisions of section 54-44.1-11 and may be continued into the biennium beginning July 1, 2021, and ending June 30, 2023."

Page 3, line 22, replace "June 18" with "May 15"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment adjusts funding allocations from the federal Coronavirus Relief Fund as follows:

- Reduces allocations for various agencies by a total of \$108,044,073 based on estimated unused allocation authority.
- Makes a technical correction for allocations to the Department of Trust Lands and Department of Corrections and Rehabilitation.
- Allocates an additional \$523,194 to the State Treasurer for distribution to political subdivisions.
- Allocates \$18,315 to the Office of Management and Budget for audit costs.
- Allocates \$4 million to the Industrial Commission for well plugging and reclamation costs.
- Authorizes the Department of Commerce to utilize previously allocated funding for costs associated with collecting previously distributed funds.

This amendment also appropriates federal funding to be received under the federal American Rescue Plan Act and other federal funding as follows:

Agency	Program/Purpose	Amount
State Treasurer	Local fiscal relief allocations to political subdivisions	\$50,160,000
Department of Public Instruction	Elementary and secondary school emergency education relief funding	\$305,266,879
	Individuals with disabilities education grants for special education needs	8,632,569
	Emergency assistance to nonpublic schools	4,151,371
Total - Department of Public Instruction		\$318,050,819
State Library	Assistance to libraries to expand digital network access, purchase Internet accessible devices, and provide technical support services	\$2,166,726
State Department of Health	Women, infants, and children program cash value voucher	\$801,409
	Testing, contact tracing, and other activities necessary to effectively monitor and suppress COVID-19	22,952,934
	Assistance to federal, state, local, territorial, and tribal public health agencies to distribute, administer, monitor, and track COVID-19 vaccination efforts	32,258,011
	Strategies to improve COVID-19 response in high-risk and underserved populations	31,278,243
Total - State Department of Health		\$87,290,597
Veterans' Home	Personal protective equipment, employee wages, disinfecting supplies, and medical supplies	\$1,300,000
Department of Human Services	Continuation of child care development block grant payments and assistance to individuals and child care providers	\$29,243,107
	Child care stabilization grants to child care providers and increased supports for providers and families	46,771,413
	Additional child care entitlement funding for child care assistance program	1,317,327
	Low-income home energy assistance program enhancements	34,517,336
	Pandemic emergency assistance for nonrecurrent short-term needs of families	1,354,594
	Community-based child abuse prevention efforts for respite care, after school activities, and family support	592,780
	Child abuse state grants for outreach and training on child protection safety and response	284,363
	Supportive services to assist older adults to maintain independence	2,300,000
	Additional assistance for nutrition services for the elderly to provide increased reimbursement rates	3,750,000
	Expansion of preventative services programs and training for older adults	150,000
	Family caregiver assistance	500,000
	Awareness and access improvements to the long-term care ombudsman	50,000

	Additional mental health block grant funding for community mental health services	2,567,171
	Additional substance abuse block grant funding for substance use prevention efforts and substance use disorder needs	5,537,390
	Emergency rental assistance program to provide rental assistance to eligible individuals	50,000,000
	Additional funding for the supplemental nutrition assistance program for system modifications and staffing	922,754
	Additional Federal Part C funding for early intervention and other efforts for infants and toddlers with developmental disabilities	1,222,769
	Additional aging services funding for expanding access to COVID-19 vaccines and other services	408,836
	Supplemental nutrition assistance program increased benefit levels	3,600,000
	Pandemic electronic benefits transfer funding to provide food assistance to children who normally received free or reduced lunches at school	6,600,000
Total - Department of Human Services		\$191,689,840
Adjutant General	Funding to assist state, local, territorial, and tribal governments in preparing and responding to disasters	\$887,873
Council on the Arts	Grants to nonprofit arts organizations to support operations	\$759,060
Department of Transportation	Capital, operating, and administrative assistance to state agencies, political subdivisions, and nonprofit organizations, and operators of public transportation services	\$628,855
	Public transportation intercity bus apportionment	865,298
	Enhanced mobility services to assist older individuals and individuals with a disability	115,204
	Road and bridge capital infrastructure projects	467,000,000
Total - Department of Transportation		\$468,609,357
Grand total - Federal funds		\$1,120,914,272