

2021 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2290

2021 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Room JW216, State Capitol

SB 2290
2/5/2021

Relating to emergency commission and report section approval to accept and disburse federal and other funds.

Chair Vedaa opened the hearing at 11:01 a.m. with Sen Vedaa, Meyer, Eklin, K Roers, Wobbema, Weber, and Marcellais present.

Discussion Topics:

- Dollars received
- Accountability

Senator Hogue - introduced the bill #5181 #5182

Brady Larson – Legislative Council – testified neutral

Adjourned at 11:15 a.m.

Pam Dever, Committee Clerk

TESTIMONY OF DAVID HOGUE IN SUPPORT OF SB 2290

SENATE GOVERNMENT and VETERANS AFFAIRS COMMITTEE

FEBRUARY 5, 2021

Good morning Chairman Vedaa and members of the Senate Government and Veterans Affairs Labor Committee. My name is David Hogue. I am a North Dakota state senator representing District 38, which includes northwest Minot and the city of Burlington. I appear before your committee to seek support for Senate Bill 2290.

SB 2290 was inspired by Covid-19 pandemic. Recall the onset of the pandemic in the February/March period of 2020. The Trump Administration and the US Congress passed a massive "Stimulus" spending bill that authorized the expenditure of not less than \$ 1.25 billion dollars per state on spending proposals with very few restrictions. West Virginia used some its Cares Act dollars to fix potholes and other road projects, South Dakota used some of its Cares Act appropriation to fund the Highway Patrol operating budget. Both expenditures have come under scrutiny from Congress and state regulators. In North Dakota, we took Cares Act dollars to remediate abandoned oil wells. My point is that there were very few meaningful restrictions on the manner in which the states chose to spend the Cares Act money. Even the time sensitive restriction of spend the money by December 31, 2020 has been relaxed so that states are spending that federal appropriation in 2021.

The Biden Administration and the new Congress is poised to unveil and pass another Cares Act appropriation. News account generally describe a package that will be even a larger appropriation than the Trump Administration. We don't know when

1 that money will be disbursed to the states presently. Here's one thing we do know:
2 under the ND Constitution, the Legislative Branch has exclusive, unfettered authority to
3 appropriate public dollars, regardless of how they come into our state's coffers. But
4 what is the North Dakota Legislature to do when it is not in session, as was the case
5 during the onset of the pandemic in March of 2020, and when the Cares Act dollars
6 were disbursed to the states in early summer 2020? SB 2290 proposes an answer.

7 First, on lines 18-19 of page one, and lines 5-6 of page 2, SB 2290 calls a
8 "Executive Branch" timeout. It says that regardless of any dollars that come to the
9 state, if it comes in an increment of more than \$100 million, than the full legislative
10 assembly needs to act to approve that expenditure. I am not at all critical of the
11 executive branch. It found itself in uncharted waters and reacted to the situation it
12 found itself in from the massive appropriation from the federal government. In these
13 unprecedented times, consider that the executive branch appropriated more than a
14 billion dollars without legislative assembly input. Yes, they consulted with key members
15 of the legislative branch as best it could under the time constraints imposed upon it, and
16 yes, the spending measures were rubber stamped by the Budget Section, but that is not
17 a fair, appropriate, or constitutional substitute for what the ND Constitution requires. To
18 not require legislative action for such large appropriations is to abdicate our
19 constitutional obligation.

20 SB 2048 respects the constitutional imperative that the legislative branch
21 appropriate all dollars but it's also practical. It proposes that disbursements under \$ 5
22 million be handled by the Emergency Commission. In other words, we don't want to

1 have a special session every time a small sum comes into our public treasury. That
2 seems a reasonable compromise for our biennial legislative sessions.

3 In between \$ 5 million and \$ 100 million, SB 2048 makes another nod to practical
4 realities. It says that the Budget Section would have the authority to approve spending
5 measures greater than \$ 5 million but less than \$ 100 million. As you know, the Budget
6 Section was formally recognized as a standing and interim committee of the ND
7 Legislature last session. The Budget Section is comprised of about one-third of all the
8 members of the legislative assembly. The members of the Budget Section, as provided
9 in statute, are the appropriations committee members from the house and senate, the
10 house and senate majority and minority leaders (4), the house and senate assistant
11 majority and minority leaders (4), and the speaker of the house.

12 Under an amendment I am offering your committee this morning, the Budget
13 Section would have the authority to amend proposals that come through the executive
14 branch and are passed along to the ND Emergency Commission. In this amendment,
15 we make clear that the legislative branch, acting through the Budget Section, will have
16 the ability to modify spending proposals that fall between \$ 5 million and \$ 100 million
17 that come from the Emergency Commission. This amendment proposal enhances the
18 ability of the legislative branch to meaningfully participate in the process of appropriating
19 federal dollars in a pandemic environment. It also ensures that after we leave Bismarck
20 in late April or early May, we will have the ability to make the spending decisions that
21 the constitution and people of North Dakota expect us to make.

1 Chairman Vedaa and members of the Committee, I'm happy to stand for
2 your questions.

3

4

5

21.0608.04001
Title.

Prepared by the Legislative Council staff for
Senator Hogue

January 26, 2021

PROPOSED AMENDMENTS TO SENATE BILL NO. 2290

Page 1, line 15, remove the overstrike over "~~fifty thousand~~" and insert immediately thereafter "dollars but does not exceed"

Page 1, line 18, remove "A request under this subsection may not exceed one hundred"

Page 1, replace lines 19 through 23 with:

"4. The emergency commission, with approval of the budget section of the legislative management if the amount under consideration exceeds five million dollars but does not exceed one hundred million dollars, may authorize any state officer to receive and expend federal moneys from the date such moneys become available until June thirtieth following the next regular legislative session. The budget section may approve a request under this subsection in the form received from the emergency commission or may amend and approve a request. A request amended and approved by the budget section is deemed to be approved by the emergency commission. Any request considered by the budget section must comply with section 54-35-02.9."

Page 2, line 1, overstrike "4." and insert immediately thereafter "5."

Page 2, line 6, overstrike "5." and insert immediately thereafter "6."

Page 2, line 12, overstrike "6." and insert immediately thereafter "7."

Page 2, line 15, overstrike "7." and insert immediately thereafter "8."

Page 2, line 18, overstrike "8." and insert immediately thereafter "9."

Page 2, after line 23 insert "1."

Page 2, line 26, remove the overstrike over "~~fifty thousand~~" and insert immediately thereafter "dollars but does not exceed"

Page 2, line 29, after the period insert

"2. Upon a finding that an emergency exists, the emergency commission, upon the advice of the office of management and budget, with approval of the budget section of the legislative management if the amount under consideration exceeds five million dollars but does not exceed one hundred million dollars, may authorize a state officer to receive moneys from gifts, grants, donations, or other sources, not otherwise appropriated by the legislative assembly, for new or existing programs if the legislative assembly has not indicated an intent to reject the moneys or the program. The budget section may approve a request under this subsection in the form received from the emergency commission or may amend and approve a request. A request amended and approved by the budget section is deemed to be approved by the emergency commission. Any request considered by the budget section must comply with section 54-35-02.9."

3."

Page 3, line 5, remove "A request under this section may not"

Page 3, remove lines 6 through 10

Renumber accordingly

2021 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Room JW216, State Capitol

SB 2290
2/11/2021

Relating to emergency commission & budget.

Chair Vedaa called to order at 9:25 a.m. with Sen Vedaa, Meyer, Elkin, K Roers, Wobbema, Weber, and Marcellais present.

Discussion Topics:

- 21.0608.04002
- Committee Work

Sen K Roers: I move **amendment 21.0608.04002**

Sen Weber: I second

Voice Vote was taken. Motion Passed.

Sen K Roers: I move a Do Pass as Amended

Sen Wobbema: I second

Roll Call Vote: 7 -- YES 0 -- NO -0-ab

Senators	Vote
Senator Shawn Vedaa	Y
Senator Scott Meyer	Y
Senator Jay R. Elkin	Y
Senator Richard Marcellais	Y
Senator Kristin Roers	Y
Senator Mark F. Webber	Y
Senator Michael A. Wobbema	Y

Sen Wobbema will carry the bill

Adjourned at 9:29 a.m.

Pam Dever, Committee Clerk

February 11, 2021

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1952

PROPOSED AMENDMENTS TO SENATE BILL NO. 2290

Page 1, line 3, after "funds" insert "; and to declare an emergency"

Page 1, line 15, remove the overstrike over "~~fifty thousand~~" and insert immediately thereafter "dollars but does not exceed"

Page 1, line 18, remove "A request under this subsection may not exceed one hundred"

Page 1, replace lines 19 through 23 with:

"4. The emergency commission, with approval of the budget section of the legislative management if the amount under consideration exceeds five million dollars but does not exceed one hundred million dollars, may authorize any state officer to receive and expend federal moneys from the date such moneys become available until June thirtieth following the next regular legislative session. The budget section may approve a request under this subsection in the form received from the emergency commission or may amend and approve a request. A request amended and approved by the budget section is deemed to be approved by the emergency commission. Any request considered by the budget section must comply with section 54-35-02.9."

Page 2, line 1, overstrike "4." and insert immediately thereafter "5."

Page 2, line 6, overstrike "5." and insert immediately thereafter "6."

Page 2, line 12, overstrike "6." and insert immediately thereafter "7."

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Page 2, line 18, overstrike "8." and insert immediately thereafter "9."

Page 2, after line 23 insert "1."

Page 2, line 26, remove the overstrike over "~~fifty thousand~~" and insert immediately thereafter "dollars but does not exceed"

Page 2, line 29, after the period insert "2. Upon a finding that an emergency exists, the emergency commission, upon the advice of the office of management and budget, with approval of the budget section of the legislative management if the amount under consideration exceeds five million dollars but does not exceed one hundred million dollars, may authorize a state officer to receive moneys from gifts, grants, donations, or other sources, not otherwise appropriated by the legislative assembly, for new or existing programs if the legislative assembly has not indicated an intent to reject the moneys or the program. The budget section may approve a request under this subsection in the form received from the emergency commission or may amend and approve a request. A request amended and approved by the budget section is deemed to be approved by the emergency commission. Any request considered by the budget section must comply with section 54-35-02.9."

CS
2/11
2 of 2

3."

Page 3, line 5, remove "A request under this section may not"

Page 3, replace lines 6 through 10 with:

"SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2290: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2290 was placed on the Sixth order on the calendar.

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Page 1, line 15, remove the overstrike over "fifty thousand" and insert immediately thereafter "dollars but does not exceed"

Page 1, line 18, remove "A request under this subsection may not exceed one hundred"

Page 1, replace lines 19 through 23 with:

"4. The emergency commission, with approval of the budget section of the legislative management if the amount under consideration exceeds five million dollars but does not exceed one hundred million dollars, may authorize any state officer to receive and expend federal moneys from the date such moneys become available until June thirtieth following the next regular legislative session. The budget section may approve a request under this subsection in the form received from the emergency commission or may amend and approve a request. A request amended and approved by the budget section is deemed to be approved by the emergency commission. Any request considered by the budget section must comply with section 54-35-02.9."

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2021 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2290

2021 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

SB 2290
3/25/2021

Relating to emergency commission and budget section approval to accept and disburse federal and other funds; and to declare an emergency

Chairman Kasper opened the hearing at 8:32 a.m.

Representatives	Roll Call
Representative Jim Kasper	P
Representative Ben Koppelman	P
Representative Pamela Anderson	P
Representative Jeff A. Hoverson	P
Representative Karen Karls	P
Representative Scott Louser	P
Representative Jeffery J. Magrum	P
Representative Mitch Ostlie	P
Representative Karen M. Rohr	P
Representative Austen Schauer	P
Representative Mary Schneider	P
Representative Vicky Steiner	P
Representative Greg Stemen	P
Representative Steve Vetter	P

Discussion Topics:

- Legislative branch authority
- Executive branch ability

Senator Hogue introduced and testified in favor, #10716, #10740.

Brady Larson, Legislative Council, appeared to answer questions.

Additional written testimony: #10436

Chairman Kasper ended at 9:12 a.m.

Carmen Hart, Committee Clerk

1 TESTIMONY OF DAVID HOGUE IN SUPPORT OF SB 2290**2 SENATE GOVERNMENT and VETERANS AFFAIRS COMMITTEE****3 FEBRUARY 5, 2021**

4
5 Good morning Chairman Vedaa and members of the Senate Government and
6 Veterans Affairs Labor Committee. My name is David Hogue. I am a North Dakota
7 state senator representing District 38, which includes northwest Minot and the city of
8 Burlington. I appear before your committee to seek support for Senate Bill 2290.

9 SB 2290 was inspired by Covid-19 pandemic. Recall the onset of the pandemic
10 in the February/March period of 2020. The Trump Administration and the US Congress
11 passed a massive "Stimulus" spending bill that authorized the expenditure of not less
12 than \$ 1.25 billion dollars per state on spending proposals with very few restrictions.
13 West Virginia used some its Cares Act dollars to fix potholes and other road projects,
14 South Dakota used some of its Cares Act appropriation to fund the Highway Patrol
15 operating budget. Both expenditures have come under scrutiny from Congress and
16 state regulators. In North Dakota, we took Cares Act dollars to remediate abandoned
17 oil wells. My point is that there were very few meaningful restrictions on the manner in
18 which the states chose to spend the Cares Act money. Even the time sensitive
19 restriction of spend the money by December 31, 2020 has been relaxed so that states
20 are spending that federal appropriation in 2021.

21 The Biden Administration and the new Congress is poised to unveil and pass
22 another Cares Act appropriation. News account generally describe a package that will
23 be even a larger appropriation than the Trump Administration. We don't know when

1 that money will be disbursed to the states presently. Here's one thing we do know:
2 under the ND Constitution, the Legislative Branch has exclusive, unfettered authority to
3 appropriate public dollars, regardless of how they come into our state's coffers. But
4 what is the North Dakota Legislature to do when it is not in session, as was the case
5 during the onset of the pandemic in March of 2020, and when the Cares Act dollars
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11 executive branch. It found itself in uncharted waters and reacted to the situation it
12 found itself in from the massive appropriation from the federal government. In these
13 unprecedented times, consider that the executive branch appropriated more than a
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15 of the legislative branch as best it could under the time constraints imposed upon it, and
16 yes, the spending measures were rubber stamped by the Budget Section, but that is not
17 a fair, appropriate, or constitutional substitute for what the ND Constitution requires. To
18 not require legislative action for such large appropriations is to abdicate our
19 constitutional obligation.

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21 appropriate all dollars but it's also practical. It proposes that disbursements under \$ 5
22 million be handled by the Emergency Commission. In other words, we don't want to

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2 seems a reasonable compromise for our biennial legislative sessions.

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6 Section was formally recognized as a standing and interim committee of the ND
7 Legislature last session. The Budget Section is comprised of about one-third of all the
8 members of the legislative assembly. The members of the Budget Section, as provided
9 in statute, are the appropriations committee members from the house and senate, the
10 house and senate majority and minority leaders (4), the house and senate assistant
11 majority and minority leaders (4), and the speaker of the house.

12 Under an amendment I am offering your committee this morning, the Budget
13 Section would have the authority to amend proposals that come through the executive
14 branch and are passed along to the ND Emergency Commission. In this amendment,
15 we make clear that the legislative branch, acting through the Budget Section, will have
16 the ability to modify spending proposals that fall between \$ 5 million and \$ 100 million
17 that come from the Emergency Commission. This amendment proposal enhances the
18 ability of the legislative branch to meaningfully participate in the process of appropriating
19 federal dollars in a pandemic environment. It also ensures that after we leave Bismarck
20 in late April or early May, we will have the ability to make the spending decisions that
21 the constitution and people of North Dakota expect us to make.

1 Chairman Vedaa and members of the Committee, I'm happy to stand for
2 your questions.

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Senate Bill No. 2290 - Summary of Approval Process

Request Amount	Approvals Needed	Budget Section Authority to Amend Request
Less than \$50,000	Emergency Commission only	Not applicable
\$50,000 to \$4,999,999	Emergency Commission and Budget Section	Budget Section may not amend the request.
\$5,000,000 - \$100,000,000	Emergency Commission and Budget Section	Budget Section may amend the request. If amended, the request is deemed approved by the Emergency Commission in the amended format.
Over \$100,000,000	No authority for Emergency Commission or Budget Section to approve request.	Not applicable

The bill does not apply to any federal disaster relief funding received under the Robert T. Stafford Disaster Emergency Assistance Act. The Adjutant General has authority under Section 37-17.1-23 to seek Emergency Commission approval to spend federal disaster funds.

House Member,

Under NO circumstances should the governor be able to spend 1.8 million dollars of the Cares Act money on a mask up campaign unless given approval by the legislature.

Under NO circumstance should the governor be able to give over 100 million dollars of the Cares Act money to the oil industry!

The government always says that small business is the backbone of ND but where does the money go to in a pandemic = the wealthy!

Thank you,

--

Mitchell S. Sanderson

2021 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

SB 2290
3/26/2021

Relating to emergency commission and budget section approval to accept and disburse federal and other funds; and to declare an emergency

Chairman Kasper opened the committee work meeting at 10:41 a.m.

Representatives	Roll Call
Representative Jim Kasper	P
Representative Ben Koppelman	P
Representative Pamela Anderson	P
Representative Jeff A. Hoverson	P
Representative Karen Karls	P
Representative Scott Louser	P
Representative Jeffery J. Magrum	P
Representative Mitch Ostlie	P
Representative Karen M. Rohr	P
Representative Austen Schauer	P
Representative Mary Schneider	P
Representative Vicky Steiner	P
Representative Greg Stemen	P
Representative Steve Vetter	P

Discussion Topics:

- Giving dollar limits
- Session callback

Rep. B. Koppelman suggested an oral amendment to “amend Line 21 to \$50 million and Line 6, Page 3, to \$50 million.”

Rep. Schauer moved to adopt Rep. B. Koppelman’s oral amendment and **Rep. B. Koppelman** seconded.

It was **decided to hold the bill and a subcommittee was formed** consisting of **Rep. B. Koppelman, Chair; Rep. Louser, Rep. Rohr, Rep. Schauer, and Rep. Steiner.**

Chairman Kasper adjourned at 11:06 a.m.

Carmen Hart, Committee Clerk

2021 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

SB 2290
3/29/2021
Subcommittee Meeting

Relating to emergency commission and budget section approval to accept and disburse federal and other funds; and to declare an emergency
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Chairman B. Koppelman opened the subcommittee meeting at 3:11 p.m.

All subcommittee members were present: Chairman B. Koppelman, Rep. Louser, Rep. Rohr, Rep. Schauer, and Rep. Steiner.

Discussion Topics:

- Applying thresholds to state agency requests
- Special session

Chairman B. Koppelman presented the information given to him by Brady Larson of Legislative Council, #11018.

It was decided to go to Legislative Council to get a draft of a proposed amendment.

Chairman B. Koppelman ended at 3:53 p.m.

Carmen Hart, Committee Clerk

Schauer, Austen

From: Koppelman, Ben
Sent: Friday, March 26, 2021 9:06 PM
To: Steiner, Vicky L.; Louser, Scott C.; Rohr, Karen M.; Schauer, Austen
Subject: Fwd: SB 2290 - Emergency Commission and Budget Section Approvals

Rep. Ben Koppelman
District 16, West Fargo
701-491-0665

From: Larson, Brady A. <bradylarson@nd.gov>
Sent: Friday, March 26, 2021 5:27:48 PM
To: Koppelman, Ben <bkoppelman@nd.gov>
Cc: Knudson, Allen H. <aknudson@nd.gov>
Subject: SB 2290 - Emergency Commission and Budget Section Approvals

Representative Koppelman:

This email is in response to your question regarding Senate Bill No. 2290. The engrossed bill would require the Emergency Commission and Budget Section to approve state agency requests for increased spending authority that are \$5 million or more but do not exceed \$100 million. The thresholds in the bill would apply to individual requests and not to the total of all requests. For example, in September 2020, the Budget Section approved 11 requests totaling \$108.4 million. The \$100 million threshold in the bill would not have applied because no individual request exceeded \$100 million.

Below is information regarding requests approved by the Budget Section for the last three interims:

- 2015-17 interim – Budget Section approved 12 requests for increased spending authority totaling \$3.1 million – largest request was \$1.26 million
- 2017-18 interim – Budget Section approved 5 requests for increased spending authority totaling \$31.4 million – largest request was \$18 million
- 2019-20 interim – Budget Section approved 54 requests for increased spending authority totaling \$1.92 billion – largest request was \$524.2 million - four requests exceeded \$100 million

Please contact me if you have any questions or need additional information.

Brady

2021 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee

Pioneer Room, State Capitol

SB 2290

4/1/2021

Subcommittee

Relating to emergency commission and budget section approval to accept and disburse federal and other funds; and to declare an emergency

Chairman B. Koppelman opened the subcommittee meeting at 10:34 a.m.

All members were present: Chairman B. Koppelman, Rep. Louser, Rep. Rohr, Rep. Schauer, and Rep. Steiner.

Discussion Topics:

- A final amendment

Chairman B. Koppelman presented a proposed amendment 21.0608.05002, #11293, and additional information, #11292.

The subcommittee decided to draft a final amendment to review at the next subcommittee meeting.

Chairman B. Koppelman adjourned at 11:10 a.m.

Carmen Hart, Committee Clerk

21.0608.05002
Title.

Prepared by the Legislative Council staff for
Representative B. Koppelman
March 31, 2021

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2290

Page 1, line 15, overstrike "fifty" and insert immediately thereafter "one hundred"

Page 1, line 16, replace "five" with "one"

Page 1, line 20, replace "five" with "one"

Page 1, line 20, remove "but does"

Page 1, line 21, remove "not exceed one hundred million dollars"

Page 2, line 29, overstrike "fifty" and insert immediately thereafter "one hundred"

Page 2, line 13, after "required" insert "under this section"

Page 2, after line 23, insert:

"10. The aggregate amount of requests that may be approved under this section during the period beginning July 1 of an odd-numbered year and continuing to June 30 of the next odd-numbered year may not exceed twenty-five million dollars. The governor shall call a special session of the legislative assembly to consider any request received under this section that would, if approved, result in more than twenty-five million dollars being approved under this section during the period."

Page 2, line 30, replace "five" with "one"

Page 3, line 5, replace "five" with "one"

Page 3, line 6, remove "but does not exceed one hundred million dollars"

Page 3, after line 22, insert:

"4. The aggregate amount of requests that may be approved under this section during the period beginning July 1 of an odd-numbered year and continuing to June 30 of the next odd-numbered year may not exceed five million dollars. The governor shall call a special session of the legislative assembly to consider any request received under this section that would, if approved, result in more than five million dollars being approved under this section."

Renumber accordingly

Sixty-seventh
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2290

Introduced by

Senators Hogue, Holmberg, Wardner

Representatives Delzer, Devlin, Pollert

1 A BILL for an Act to amend and reenact sections 54-16-04.1 and 54-16-04.2 of the North
2 Dakota Century Code, relating to emergency commission and budget section approval to
3 accept and disburse federal and other funds; and to declare an emergency.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 54-16-04.1 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **54-16-04.1. May authorize acceptance and disbursement of federal funds.**

- 8 1. The emergency commission, upon the advice and counsel of the office of
9 management and budget, may authorize the state treasurer to receive any moneys not
10 appropriated by the legislative assembly which are made available by any federal
11 agency and which the legislative assembly has not indicated an intent to reject.
- 12 2. The emergency commission may authorize passthrough federal funds from one state
13 agency to another state agency.
- 14 3. The emergency commission, with approval of the budget section of the legislative
15 management if the amount under consideration exceeds ~~fiftyone~~ hundred thousand
16 dollars but does not exceed fiveone million dollars, may authorize any state officer to
17 receive and expend federal moneys from the date such moneys become available
18 until June thirtieth following the next regular legislative session.
- 19 4. The emergency commission, with approval of the budget section of the legislative
20 management if the amount under consideration exceeds ~~fiveone~~ million dollars ~~but~~
21 ~~does not exceed one hundred million dollars~~, may authorize any state officer to
22 receive and expend federal moneys from the date such moneys become available
23 until June thirtieth following the next regular legislative session. The budget section
24 may approve a request under this subsection in the form received from the emergency

commission or may amend and approve a request. A request amended and approved by the budget section is deemed to be approved by the emergency commission. Any request considered by the budget section must comply with section 54-35-02.9.

4.5. Any federal funds made available to this state which are not for a specific purpose or program and which are not required to be spent prior to the next regular legislative session, upon the approval for acceptance by the emergency commission and the budget section of the legislative management, must be deposited into a special fund until the legislative assembly appropriates the funds.

5.6. a. Approval by the budget section of the legislative management is not required for the acceptance of federal funds if the acceptance is necessary to avoid an imminent threat to the safety of people or property due to a natural disaster or war crisis or an imminent financial loss to the state.

b. Budget section approval is required under this section before the expenditure of any funds accepted under these conditions.

6.7. The expenditures must be consistent with state law and with the terms of the grant and the program may not commit the legislative assembly for matching funds in the future unless the program has first been approved by the legislative assembly.

7.8. A state officer may not expend funds received from the federal government which have not been specifically appropriated by the legislative assembly except as provided in this chapter.

8.9. A state officer shall submit an expenditure plan with a request for approval under this section of expenditure of federal funds combined with or as part of a block grant for a new or existing program.

10. The aggregate amount of requests that may be approved under this section during the period beginning July 1 of an odd-numbered year and continuing to June 30 of the next odd-numbered year may not exceed twenty-five million dollars. The governor shall call a special session of the legislative assembly to consider any request received under this section that would, if approved, result in more than twenty-five million dollars being approved under this section during the period.

SECTION 2. AMENDMENT. Section 54-16-04.2 of the North Dakota Century Code is amended and reenacted as follows:

54-16-04.2. Commission may authorize acceptance and expenditure of moneys.

1. Upon a finding that an emergency exists, the emergency commission, upon the advice of the office of management and budget, with approval of the budget section of the legislative management if the amount under consideration exceeds ~~fifty~~one hundred thousand ~~dollars~~ but does not exceed five~~one~~ million dollars, may authorize a state officer to receive moneys from gifts, grants, donations, or other sources, not otherwise appropriated by the legislative assembly, for new or existing programs if the legislative assembly has not indicated an intent to reject the moneys or the program.

2. Upon a finding that an emergency exists, the emergency commission, upon the advice of the office of management and budget, with approval of the budget section of the legislative management if the amount under consideration exceeds ~~five~~one million dollars ~~but does not exceed one hundred million dollars~~, may authorize a state officer to receive moneys from gifts, grants, donations, or other sources, not otherwise appropriated by the legislative assembly, for new or existing programs if the legislative assembly has not indicated an intent to reject the moneys or the program. The budget section may approve a request under this subsection in the form received from the emergency commission or may amend and approve a request. A request amended and approved by the budget section is deemed to be approved by the emergency commission. Any request considered by the budget section must comply with section 54-35-02.9.

3. The emergency commission may authorize the state officer to expend money received under this section from the date the money becomes available until June thirtieth following the next regular legislative session. Approval by the budget section of the legislative management is not required for the acceptance of moneys under this section if the acceptance is necessary to avoid an imminent threat to the safety of people or property due to a natural disaster or war crisis or an imminent financial loss to the state. Budget section approval is required before the expenditure of any funds accepted under these conditions.

4. The aggregate amount of requests that may be approved under this section during the period beginning July 1 of an odd-numbered year and continuing to June 30 of the next odd-numbered year may not exceed five million dollars. The governor shall call a

1 special session of the legislative assembly to consider any request received under this
2 section that would, if approved, result in more than five million dollars being approved
3 under this section.

4 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.

NDLA, Intern 09 - Maashio, Alexandria

From: Koppelman, Ben
Sent: Thursday, April 1, 2021 11:12 AM
To: NDLA, Intern 09 - Maashio, Alexandria
Subject: Fwd: SB 2290 Amendments

Rep. Ben Koppelman
 District 16, West Fargo
 701-491-0665

From: Koppelman, Ben
Sent: Wednesday, March 31, 2021 3:13:03 PM
To: Steiner, Vicky L. <vsteiner@nd.gov>; Louser, Scott C. <sclouser@nd.gov>; Rohr, Karen M. <kmrohr@nd.gov>; Schauer, Austen <aschauer@nd.gov>
Subject: FW: SB 2290 Amendments

Revised Amendment:

Request Amount	Approvals Needed	Budget Section Authority to Amend Request
Less than \$100,000	Emergency Commission only	Not applicable
\$100,000 to \$1,000,000	Emergency Commission and Budget Section	Budget Section may not amend the request.
Over \$1,000,000	Emergency Commission and Budget Section	Budget Section may amend the request. If amended, the request is deemed approved by the Emergency Commission in the amended format.
Note: Total requests limited to \$25 million per biennium for federal funds and \$5 million for other funds.		

2021 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

SB 2290
4/6/2021
Subcommittee

Relating to emergency commission and budget section approval to accept and disburse federal and other funds; and to declare an emergency

Chairman B. Koppelman opened the subcommittee meeting at 11:19 a.m.

All subcommittee members were present: **Rep. B. Koppelman, Chair; Rep. Louser, Rep. Rohr, Rep. Schauer, and Rep. Steiner.**

Discussion Topics:

- Proposed amendment recommendation
- Data explanation

Chairman B. Koppelman explained the proposed amendment and Christmas tree version **21.0608.05003**, #11408. He also provided some additional data to the subcommittee, #11409.

Rep. Rohr moved to recommend presenting amendment 21.0608.5003 to the full GVA committee. **Rep. Schauer** seconded. **Voice vote. Motion carries.**

Chairman B. Koppelman adjourned at 11:47 a.m.

Carmen Hart, Committee Clerk

21.0608.05003
Title.

Prepared by the Legislative Council staff for
Representative B. Koppelman
April 5, 2021

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2290

Page 1, line 16, replace "five" with "one"

Page 1, line 20, replace "five" with "one"

Page 1, line 20, remove "but does"

Page 1, line 21, remove "not exceed one hundred million dollars"

Page 2, line 13, after "required" insert "under this section"

Page 2, after line 23, insert:

- "10. The aggregate amount of requests to expend funds that may be approved each biennium under this section may not exceed thirty million dollars. The governor shall call a special session of the legislative assembly to consider any request received under this section that would, if approved, result in more than thirty million dollars of funds being approved for expenditures under this section during the biennium.
- 11. The governor shall call a special session of the legislative assembly to consider any request received under this section to expend funds received through a federal Act that makes available more than fifty million dollars to the state."

Page 2, line 30, replace "five" with "one"

Page 2, line 30, after "receive" insert "and expend"

Page 3, line 5, replace "five" with "one"

Page 3, line 6, remove "but does not exceed one hundred million dollars"

Page 3, line 7, after "receive" insert "and expend"

Page 3, line 15, overstrike "The emergency commission may authorize the" and insert immediately thereafter "A"

Page 3, line 15, after "officer" insert "receiving authorization"

Page 3, line 15, overstrike "received"

Page 3, line 16, after "section" insert "may expend the money"

Page 3, after line 22, insert:

- "4. The aggregate amount of requests to expend funds that may be approved each biennium under this section may not exceed five million dollars. The governor shall call a special session of the legislative assembly to consider any request received under this section that would, if approved, result in more than five million dollars being approved for expenditures under this section during the biennium.

Renumber accordingly

Sixty-seventh
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2290

Introduced by

Senators Hogue, Holmberg, Wardner

Representatives Delzer, Devlin, Pollert

1 A BILL for an Act to amend and reenact sections 54-16-04.1 and 54-16-04.2 of the North
2 Dakota Century Code, relating to emergency commission and budget section approval to
3 accept and disburse federal and other funds; and to declare an emergency.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 54-16-04.1 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **54-16-04.1. May authorize acceptance and disbursement of federal funds.**

- 8 1. The emergency commission, upon the advice and counsel of the office of
9 management and budget, may authorize the state treasurer to receive any moneys not
10 appropriated by the legislative assembly which are made available by any federal
11 agency and which the legislative assembly has not indicated an intent to reject.
- 12 2. The emergency commission may authorize passthrough federal funds from one state
13 agency to another state agency.
- 14 3. The emergency commission, with approval of the budget section of the legislative
15 management if the amount under consideration exceeds fifty thousand dollars but
16 does not exceed fiveone million dollars, may authorize any state officer to receive and
17 expend federal moneys from the date such moneys become available until June
18 thirtieth following the next regular legislative session.
- 19 4. The emergency commission, with approval of the budget section of the legislative
20 management if the amount under consideration exceeds fiveone million dollars-but
21 does not exceed one hundred million dollars, may authorize any state officer to
22 receive and expend federal moneys from the date such moneys become available
23 until June thirtieth following the next regular legislative session. The budget section
24 may approve a request under this subsection in the form received from the emergency

1 commission or may amend and approve a request. A request amended and approved
2 by the budget section is deemed to be approved by the emergency commission. Any
3 request considered by the budget section must comply with section 54-35-02.9.

4 4.5. Any federal funds made available to this state which are not for a specific purpose or
5 program and which are not required to be spent prior to the next regular legislative
6 session, upon the approval for acceptance by the emergency commission and the
7 budget section of the legislative management, must be deposited into a special fund
8 until the legislative assembly appropriates the funds.

9 5.6. a. Approval by the budget section of the legislative management is not required for
10 the acceptance of federal funds if the acceptance is necessary to avoid an
11 imminent threat to the safety of people or property due to a natural disaster or
12 war crisis or an imminent financial loss to the state.

13 b. Budget section approval is required under this section before the expenditure of
14 any funds accepted under these conditions.

15 6.7. The expenditures must be consistent with state law and with the terms of the grant
16 and the program may not commit the legislative assembly for matching funds in the
17 future unless the program has first been approved by the legislative assembly.

18 7.8. A state officer may not expend funds received from the federal government which
19 have not been specifically appropriated by the legislative assembly except as provided
20 in this chapter.

21 8.9. A state officer shall submit an expenditure plan with a request for approval under this
22 section of expenditure of federal funds combined with or as part of a block grant for a
23 new or existing program.

24 10. The aggregate amount of requests to expend funds that may be approved each
25 biennium under this section may not exceed thirty million dollars. The governor shall
26 call a special session of the legislative assembly to consider any request received
27 under this section that would, if approved, result in more than thirty million dollars of
28 funds being approved for expenditures under this section during the biennium.

29 11. The governor shall call a special session of the legislative assembly to consider any
30 request received under this section to expend funds received through a federal Act
31 that makes available more than fifty million dollars to the state.

SECTION 2. AMENDMENT. Section 54-16-04.2 of the North Dakota Century Code is amended and reenacted as follows:

54-16-04.2. Commission may authorize acceptance and expenditure of moneys.

1. Upon a finding that an emergency exists, the emergency commission, upon the advice of the office of management and budget, with approval of the budget section of the legislative management if the amount under consideration exceeds fifty thousand dollars but does not exceed ~~five~~one million dollars, may authorize a state officer to receive ~~and expend~~ moneys from gifts, grants, donations, or other sources, not otherwise appropriated by the legislative assembly, for new or existing programs if the legislative assembly has not indicated an intent to reject the moneys or the program.
2. Upon a finding that an emergency exists, the emergency commission, upon the advice of the office of management and budget, with approval of the budget section of the legislative management if the amount under consideration exceeds ~~five~~one million dollars ~~but does not exceed one hundred million dollars~~, may authorize a state officer to receive ~~and expend~~ moneys from gifts, grants, donations, or other sources, not otherwise appropriated by the legislative assembly, for new or existing programs if the legislative assembly has not indicated an intent to reject the moneys or the program. The budget section may approve a request under this subsection in the form received from the emergency commission or may amend and approve a request. A request amended and approved by the budget section is deemed to be approved by the emergency commission. Any request considered by the budget section must comply with section 54-35-02.9.
3. ~~The emergency commission may authorize the~~A state officer receiving authorization to expend money ~~received~~ under this section may expend the money from the date the money becomes available until June thirtieth following the next regular legislative session. Approval by the budget section of the legislative management is not required for the acceptance of moneys under this section if the acceptance is necessary to avoid an imminent threat to the safety of people or property due to a natural disaster or war crisis or an imminent financial loss to the state. Budget section approval is required before the expenditure of any funds accepted under these conditions.

1 4. The aggregate amount of requests to expend funds that may be approved each
2 biennium under this section may not exceed five million dollars. The governor shall call
3 a special session of the legislative assembly to consider any request received under
4 this section that would, if approved, result in more than five million dollars being
5 approved for expenditures under this section during the biennium.

6 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.

This email is in response to your question regarding the proposed amendments [21.0608.05003] to Senate Bill No. 2290. The amendments would provide for the following approval levels:

Request Amount	Approvals Needed	Budget Section Authority to Amend Request
Less than \$50,000	Emergency Commission only	Not applicable
\$50,000 to \$1,000,000	Emergency Commission and Budget Section	Budget Section may not amend the request.
Over \$1,000,000	Emergency Commission and Budget Section	Budget Section may amend the request. If amended, the request is deemed approved by the Emergency Commission in the amended format.

Note: Total requests are limited to \$30 million per biennium for federal funds and \$5 million for other funds. In addition, the Governor would need to call a special session of the Legislative Assembly if a federal Act appropriated more than \$50 million and the Legislative Assembly was not in session.

Below is information regarding requests approved by the Budget Section since the 2007-08 interim. In certain prior bienniums, the Budget Section was required by specific legislative action to approve federal disaster funding received and funding spent from the state disaster relief fund. Those items, along with funding from the American Recovery and Reinvestment Act (ARRA), are noted separately.

- 2007-08 interim – Budget Section approved 22 requests totaling \$36.6 million.
- 2009-10 interim – Budget Section approved 19 requests totaling \$96.9 million (This amount includes \$81.8 million of federal emergency highway funding received by the state). Budget Section also approved \$131.4 million of disaster funding and \$50.1 million of ARRA funding.
- 2011-12 interim – Budget Section approved 17 requests totaling \$406.5 million (This amount includes \$377.1 million of federal emergency highway funding received by the state). Budget Section also approved \$410.2 million of disaster funding and \$7 million of ARRA funding.
- 2013-14 interim – Budget Section approved 13 requests totaling \$8.8 million. Budget Section also approved disaster funding of \$31.3 million.
- 2015-16 interim – Budget Section approved 12 requests for increased spending authority totaling \$3.1 million. Budget Section also approved disaster funding of \$32.3 million.
- 2017-18 interim – Budget Section approved 5 requests for increased spending authority totaling \$31.4 million. Budget Section also approved disaster funding of \$4.5 million
- 2019-20 interim – Budget Section approved 54 requests for increased spending authority totaling \$1.92 billion.

2021 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

SB 2290
4/8/2021

Relating to emergency commission and budget section approval to accept and disburse federal and other funds; and to declare an emergency

Chairman Kasper opened the committee work meeting at 10:11 a.m.

Representatives	Roll Call
Representative Jim Kasper	P
Representative Ben Koppelman	P
Representative Pamela Anderson	P
Representative Jeff A. Hoverson	P
Representative Karen Karls	P
Representative Scott Louser	P
Representative Jeffery J. Magrum	P
Representative Mitch Ostlie	P
Representative Karen M. Rohr	P
Representative Austen Schauer	P
Representative Mary Schneider	P
Representative Vicky Steiner	P
Representative Greg Stemen	P
Representative Steve Vetter	P

Discussion Topics:

- Legislative assembly inclusion
- Emergency commission
- Budget section

Rep. B. Koppelman discussed the summary sheet and amendment 21.0608.05004, #11409, #11458. **Rep. B. Koppelman** moved to **adopt amendment 21.0608.05004**. **Rep. Rohr** seconded. **Voice vote. Motion carried.**

Rep. Vetter moved **Do Pass as amended**. **Rep. Schauer** seconded.

Representatives	Vote
Representative Jim Kasper	Y
Representative Ben Koppelman	Y
Representative Pamela Anderson	Y
Representative Jeff A. Hoverson	Y
Representative Karen Karls	Y
Representative Scott Louser	Y
Representative Jeffery J. Magrum	Y
Representative Mitch Ostlie	Y
Representative Karen M. Rohr	Y
Representative Austen Schauer	Y
Representative Mary Schneider	Y

Representative Vicky Steiner	Y
Representative Greg Stemen	Y
Representative Steve Vetter	Y

Motion passes. 14-0-0. **Rep. B. Koppelman** is the carrier.

Chairman Kasper ended at 10:49 a.m.

Carmen Hart, Committee Clerk

JB
4/8/21
152

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2290

Page 1, line 16, replace "five" with "one"

Page 1, line 20, replace "five" with "one"

Page 1, line 20, remove "but does"

Page 1, line 21, remove "not exceed one hundred million dollars"

Page 2, line 13, after "required" insert "under this section"

Page 2, after line 23, insert:

- "10. The aggregate amount of requests to expend funds that may be approved each biennium under this section may not exceed thirty million dollars. Any request received under this section which, if approved, would result in more than thirty million dollars of funds being approved for expenditure under this section during the biennium may be approved only by the legislative assembly during a regular legislative session or during a special legislative session called by the governor.
11. Any request received under this section to expend funds received through a federal act that makes available more than fifty million dollars to the state may be approved only by the legislative assembly during a regular legislative session or a special legislative session called by the governor.
12. Subsections 10 and 11 do not apply to federal highway administration emergency relief funding received by the state or to disaster or emergency recovery funding received by the state pursuant to section 37-17.1-23."

Page 2, line 30, replace "five" with "one"

Page 2, line 30, after "receive" insert "and expend"

Page 3, line 5, replace "five" with "one"

Page 3, line 6, remove "but does not exceed one hundred million dollars"

Page 3, line 7, after "receive" insert "and expend"

Page 3, line 15, overstrike "The emergency commission may authorize the" and insert immediately thereafter "A"

Page 3, line 15, after "officer" insert "receiving authorization"

Page 3, line 15, overstrike "received"

Page 3, line 16, after "section" insert "may expend the money"

Page 3, after line 22, insert:

- "4. The aggregate amount of requests to expend funds which may be approved each biennium under this section may not exceed five million dollars. Any request received under this section which, if approved, would

result in more than five million dollars being approved for expenditures under this section during the biennium may be approved only by the legislative assembly during a regular legislative session or during a special legislative session called by the governor."

08
4/8/21
2 of 2

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2290, as engrossed: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2290 was placed on the Sixth order on the calendar.

Page 1, line 16, replace "five" with "one"

Page 1, line 20, replace "five" with "one"

Page 1, line 20, remove "but does"

Page 1, line 21, remove "not exceed one hundred million dollars"

Page 2, line 13, after "required" insert "under this section"

Page 2, after line 23, insert:

- "10. The aggregate amount of requests to expend funds that may be approved each biennium under this section may not exceed thirty million dollars. Any request received under this section which, if approved, would result in more than thirty million dollars of funds being approved for expenditure under this section during the biennium may be approved only by the legislative assembly during a regular legislative session or during a special legislative session called by the governor.
- 11. Any request received under this section to expend funds received through a federal act that makes available more than fifty million dollars to the state may be approved only by the legislative assembly during a regular legislative session or a special legislative session called by the governor.
- 12. Subsections 10 and 11 do not apply to federal highway administration emergency relief funding received by the state or to disaster or emergency recovery funding received by the state pursuant to section 37-17.1-23."

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Page 2, line 30, after "receive" insert "and expend"

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Page 3, after line 22, insert:

- "4. The aggregate amount of requests to expend funds which may be approved each biennium under this section may not exceed five million dollars. Any request received under this section which, if approved, would

result in more than five million dollars being approved for expenditures under this section during the biennium may be approved only by the legislative assembly during a regular legislative session or during a special legislative session called by the governor."

Renumber accordingly

This email is in response to your question regarding the proposed amendments [21.0608.05003] to Senate Bill No. 2290. The amendments would provide for the following approval levels:

Request Amount	Approvals Needed	Budget Section Authority to Amend Request
Less than \$50,000	Emergency Commission only	Not applicable
\$50,000 to \$1,000,000	Emergency Commission and Budget Section	Budget Section may not amend the request.
Over \$1,000,000	Emergency Commission and Budget Section	Budget Section may amend the request. If amended, the request is deemed approved by the Emergency Commission in the amended format.

Note: Total requests are limited to \$30 million per biennium for federal funds and \$5 million for other funds. In addition, the Governor would need to call a special session of the Legislative Assembly if a federal Act appropriated more than \$50 million and the Legislative Assembly was not in session.

Below is information regarding requests approved by the Budget Section since the 2007-08 interim. In certain prior bienniums, the Budget Section was required by specific legislative action to approve federal disaster funding received and funding spent from the state disaster relief fund. Those items, along with funding from the American Recovery and Reinvestment Act (ARRA), are noted separately.

- 2007-08 interim – Budget Section approved 22 requests totaling \$36.6 million.
- 2009-10 interim – Budget Section approved 19 requests totaling \$96.9 million (This amount includes \$81.8 million of federal emergency highway funding received by the state). Budget Section also approved \$131.4 million of disaster funding and \$50.1 million of ARRA funding.
- 2011-12 interim – Budget Section approved 17 requests totaling \$406.5 million (This amount includes \$377.1 million of federal emergency highway funding received by the state). Budget Section also approved \$410.2 million of disaster funding and \$7 million of ARRA funding.
- 2013-14 interim – Budget Section approved 13 requests totaling \$8.8 million. Budget Section also approved disaster funding of \$31.3 million.
- 2015-16 interim – Budget Section approved 12 requests for increased spending authority totaling \$3.1 million. Budget Section also approved disaster funding of \$32.3 million.
- 2017-18 interim – Budget Section approved 5 requests for increased spending authority totaling \$31.4 million. Budget Section also approved disaster funding of \$4.5 million
- 2019-20 interim – Budget Section approved 54 requests for increased spending authority totaling \$1.92 billion.

21.0608.05004

FIRST ENGROSSMENT

Sixty-seventh
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2290

Introduced by

Senators Hogue, Holmberg, Wardner

Representatives Delzer, Devlin, Pollert

1 A BILL for an Act to amend and reenact sections 54-16-04.1 and 54-16-04.2 of the North
2 Dakota Century Code, relating to emergency commission and budget section approval to
3 accept and disburse federal and other funds; and to declare an emergency.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 54-16-04.1 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **54-16-04.1. May authorize acceptance and disbursement of federal funds.**

- 8 1. The emergency commission, upon the advice and counsel of the office of
9 management and budget, may authorize the state treasurer to receive any moneys not
10 appropriated by the legislative assembly which are made available by any federal
11 agency and which the legislative assembly has not indicated an intent to reject.
- 12 2. The emergency commission may authorize passthrough federal funds from one state
13 agency to another state agency.
- 14 3. The emergency commission, with approval of the budget section of the legislative
15 management if the amount under consideration exceeds fifty thousand dollars but
16 does not exceed fiveone million dollars, may authorize any state officer to receive and
17 expend federal moneys from the date such moneys become available until June
18 thirtieth following the next regular legislative session.
- 19 4. The emergency commission, with approval of the budget section of the legislative
20 management if the amount under consideration exceeds fiveone million dollars-but
21 does not exceed one hundred million dollars, may authorize any state officer to
22 receive and expend federal moneys from the date such moneys become available
23 until June thirtieth following the next regular legislative session. The budget section
24 may approve a request under this subsection in the form received from the emergency

1 commission or may amend and approve a request. A request amended and approved
2 by the budget section is deemed to be approved by the emergency commission. Any
3 request considered by the budget section must comply with section 54-35-02.9.

4 4.5. Any federal funds made available to this state which are not for a specific purpose or
5 program and which are not required to be spent prior to the next regular legislative
6 session, upon the approval for acceptance by the emergency commission and the
7 budget section of the legislative management, must be deposited into a special fund
8 until the legislative assembly appropriates the funds.

9 5.6. a. Approval by the budget section of the legislative management is not required for
10 the acceptance of federal funds if the acceptance is necessary to avoid an
11 imminent threat to the safety of people or property due to a natural disaster or
12 war crisis or an imminent financial loss to the state.

13 b. Budget section approval is required under this section before the expenditure of
14 any funds accepted under these conditions.

15 6.7. The expenditures must be consistent with state law and with the terms of the grant
16 and the program may not commit the legislative assembly for matching funds in the
17 future unless the program has first been approved by the legislative assembly.

18 7.8. A state officer may not expend funds received from the federal government which
19 have not been specifically appropriated by the legislative assembly except as provided
20 in this chapter.

21 8.9. A state officer shall submit an expenditure plan with a request for approval under this
22 section of expenditure of federal funds combined with or as part of a block grant for a
23 new or existing program.

24 10. The aggregate amount of requests to expend funds that may be approved each
25 biennium under this section may not exceed thirty million dollars. Any request received
26 under this section that would, if approved, result in more than thirty million dollars of
27 funds being approved for expenditure under this section during the biennium may only
28 be approved by the legislative assembly during a regular legislative session or during
29 a special legislative session called by the governor.

30 11. Any request received under this section to expend funds received through a federal
31 Act that makes available more than fifty million dollars to the state may only be

approved by the legislative assembly during a regular legislative session or a special legislative session called by the governor.

12. Subsections 10 and 11 do not apply to federal highway administration emergency relief funding received by the state or to disaster or emergency recovery funding received by the state pursuant to section 37-17.1-23.

SECTION 2. AMENDMENT. Section 54-16-04.2 of the North Dakota Century Code is amended and reenacted as follows:

54-16-04.2. Commission may authorize acceptance and expenditure of moneys.

1. Upon a finding that an emergency exists, the emergency commission, upon the advice of the office of management and budget, with approval of the budget section of the legislative management if the amount under consideration exceeds fifty thousand dollars but does not exceed ~~five~~one million dollars, may authorize a state officer to receive ~~and expend~~ moneys from gifts, grants, donations, or other sources, not otherwise appropriated by the legislative assembly, for new or existing programs if the legislative assembly has not indicated an intent to reject the moneys or the program.

2. Upon a finding that an emergency exists, the emergency commission, upon the advice of the office of management and budget, with approval of the budget section of the legislative management if the amount under consideration exceeds ~~five~~one million dollars ~~but does not exceed one hundred million dollars~~, may authorize a state officer to receive ~~and expend~~ moneys from gifts, grants, donations, or other sources, not otherwise appropriated by the legislative assembly, for new or existing programs if the legislative assembly has not indicated an intent to reject the moneys or the program. The budget section may approve a request under this subsection in the form received from the emergency commission or may amend and approve a request. A request amended and approved by the budget section is deemed to be approved by the emergency commission. Any request considered by the budget section must comply with section 54-35-02.9.

3. ~~The emergency commission may authorize the~~A state officer ~~receiving authorization~~ to expend money ~~received~~ under this section ~~may expend the money~~ from the date the money becomes available until June thirtieth following the next regular legislative session. Approval by the budget section of the legislative management is not required

1 for the acceptance of moneys under this section if the acceptance is necessary to
2 avoid an imminent threat to the safety of people or property due to a natural disaster
3 or war crisis or an imminent financial loss to the state. Budget section approval is
4 required before the expenditure of any funds accepted under these conditions.

5 4. The aggregate amount of requests to expend funds that may be approved each
6 biennium under this section may not exceed five million dollars. Any request received
7 under this section that would, if approved, result in more than five million dollars being
8 approved for expenditures under this section during the biennium may only be
9 approved by the legislative assembly during a regular legislative session or during a
10 special legislative session called by the governor.

11 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.

2021 CONFERENCE COMMITTEE

SB 2290

2021 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Room JW216, State Capitol

SB 2290
4/16/2021
Conference Committee

Relating to emergency commission and budget section approval to accept and disburse federal and other funds; declare an emergency.

Called to order at 9:32 AM. Present: Sen Meyer (chair), Sen Elkin, Sen Marcellais, Rep Kasper (chair), Rep B Koppelman, Rep Steiner.

Discussion Topics:

- State Treasurer's role
- Clarification of commission's authority

Rep B. Koppelman explained the House action on the bill

Rep Kasper moved House recede from the House amendment and further amend 21.0608.05005.

Sen Marcellais seconded

Roll Call Vote 6 -- YES 0 -- NO -0-ab Motion Passed

Sen Meyer will carry in the Senate

Rep Koppelman will carry in the House

Adjourned at 9:50 AM

Pam Dever, Committee Clerk

SK
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4/16

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2290

That the House recede from its amendments as printed on pages 1372 and 1373 of the Senate Journal and pages 1547 and 1548 of the House Journal and that Engrossed Senate Bill No. 2290 be amended as follows:

Page 1, line 16, replace "five" with "three"

Page 1, line 20, replace "five" with "three"

Page 1, line 20, remove "but does"

Page 1, line 21, remove "not exceed one hundred million dollars"

Page 2, line 13, after "required" insert "under this section"

Page 2, after line 23, insert:

- "10. The aggregate amount of requests to expend funds that may be approved each biennium under this section may not exceed fifty million dollars. Any request received under this section which, if approved, would result in more than fifty million dollars of funds being approved for expenditure under this section during the biennium may be approved only by the legislative assembly during a regular legislative session or during a special legislative session called by the governor.
11. Any request received under this section to expend funds received through a federal act that makes available more than fifty million dollars to the state may be approved only by the legislative assembly during a regular legislative session or a special legislative session called by the governor.
12. Subsections 10 and 11 do not apply to federal highway administration emergency relief funding received by the state or to disaster or emergency recovery funding received by the state pursuant to section 37-17.1-23."

Page 2, line 30, replace "five" with "three"

Page 2, line 30, after "receive" insert "and expend"

Page 3, line 5, replace "five" with "three"

Page 3, line 6, remove "but does not exceed one hundred million dollars"

Page 3, line 7, after "receive" insert "and expend"

Page 3, line 15, overstrike "The emergency commission may authorize the" and insert immediately thereafter "A"

Page 3, line 15, after "officer" insert "receiving authorization"

Page 3, line 15, overstrike "received"

Page 3, line 16, after "section" insert "may expend the money"

Page 3, after line 22, insert:

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"4. The aggregate amount of requests to expend funds which may be approved each biennium under this section may not exceed five million dollars. Any request received under this section which, if approved, would result in more than five million dollars being approved for expenditures under this section during the biennium may be approved only by the legislative assembly during a regular legislative session or during a special legislative session called by the governor."

Renumber accordingly

Date: 4/16/2021

Roll Call Vote #: |

2021 SENATE CONFERENCE COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SB 2290 as (re) engrossed

Senate Government and Veterans Affairs Committee

- Action Taken**
- ☐ SENATE accede to House Amendments
 - ☐ SENATE accede to House Amendments and further amend
 - ☐ HOUSE recede from House amendments
 - ☒ HOUSE recede from House amendments and amend as follows
 - ☐ Unable to agree, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Rep. Kasper Seconded by: Sen. Marcellais

Senators	4/16			Yes	No		Representatives	4/16			Yes	No
Sen Meyer (chair)	P			X			Rep Kasper (chair)	P			X	
Sen Elkin	P			X			Rep B Koppelman	P			X	
Sen Marcellais	P			X			Rep Steiner	P			X	
Total Senate Vote				3			Total Rep. Vote				3	

Vote Count Yes: 6 No: 0 Absent: 0

Senate Carrier Sen. Meyer House Carrier Rep. Koppelman

LC Number 21.0608 . 05005 of amendment

LC Number 21.0608 . 07000 of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

Insert LC: 21.0608.05005
Senate Carrier: Meyer
House Carrier: B. Koppelman

REPORT OF CONFERENCE COMMITTEE

SB 2290, as engrossed: Your conference committee (Sens. Meyer, Elkin, Marcellais and Reps. Kasper, B. Koppelman, Steiner) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1372-1373, adopt amendments as follows, and place SB 2290 on the Seventh order:

That the House recede from its amendments as printed on pages 1372 and 1373 of the Senate Journal and pages 1547 and 1548 of the House Journal and that Engrossed Senate Bill No. 2290 be amended as follows:

Page 1, line 16, replace "five" with "three"

Page 1, line 20, replace "five" with "three"

Page 1, line 20, remove "but does"

Page 1, line 21, remove "not exceed one hundred million dollars"

Page 2, line 13, after "required" insert "under this section"

Page 2, after line 23, insert:

- "10. The aggregate amount of requests to expend funds that may be approved each biennium under this section may not exceed fifty million dollars. Any request received under this section which, if approved, would result in more than fifty million dollars of funds being approved for expenditure under this section during the biennium may be approved only by the legislative assembly during a regular legislative session or during a special legislative session called by the governor.
11. Any request received under this section to expend funds received through a federal act that makes available more than fifty million dollars to the state may be approved only by the legislative assembly during a regular legislative session or a special legislative session called by the governor.
12. Subsections 10 and 11 do not apply to federal highway administration emergency relief funding received by the state or to disaster or emergency recovery funding received by the state pursuant to section 37-17.1-23."

Page 2, line 30, replace "five" with "three"

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Page 3, line 5, replace "five" with "three"

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Page 3, line 7, after "receive" insert "and expend"

Page 3, line 15, overstrike "The emergency commission may authorize the" and insert immediately thereafter "A"

Page 3, line 15, after "officer" insert "receiving authorization"

Page 3, line 15, overstrike "received"

Page 3, line 16, after "section" insert "may expend the money"

Page 3, after line 22, insert:

- "4. The aggregate amount of requests to expend funds which may be approved each biennium under this section may not exceed five million dollars. Any request received under this section which, if approved, would result in more than five million dollars being approved for expenditures under this section during the biennium may be approved only by the legislative assembly during a regular legislative session or during a special legislative session called by the governor."

Renumber accordingly

Engrossed SB 2290 was placed on the Seventh order of business on the calendar.