

BUDGET SECTION DUTIES AND RESPONSIBILITIES FOR THE 2003-05 BIENNIUM

This memorandum lists duties and responsibilities assigned to the Budget Section for the 2003-05 biennium by the North Dakota Century Code, Session Laws, or Legislative Council directive. The duties are listed in two categories--continuing duties (duties which were also assigned to the Budget Section during the previous biennium) and new duties. Continuing duties are listed in two categories--those that were acted on during the previous biennium and those that were not.

CONTINUING DUTIES

Continuing Duties Acted on During the Previous Biennium

1. **Receive a status report on the State Board of Agricultural Research and Education (Section 4-05.1-19(10))** - This section requires, within the duties of the State Board of Agricultural Research and Education, that a status report is to be presented to the Budget Section.
2. **Receive statement from ethanol plants that received production incentives (Section 4-14.1-07)** - This section requires any North Dakota ethanol plant receiving production incentives from the state to file with the Budget Section, within 90 days after the conclusion of the plant's fiscal year, a statement by a certified public accountant indicating whether the plant produced a profit during the preceding fiscal year, after deducting incentive payments received from the state.
3. **Consider requests for higher education campus improvements and building construction (Section 15-10-12.1)** - This section requires the approval of the Budget Section or the Legislative Assembly for the construction of any building financed by donations, gifts, grants, and bequests on land under the control of the board. Campus improvements and building maintenance of more than \$385,000 also require the approval of the Budget Section or Legislative Assembly. Budget Section approval can only be provided when the Legislative Assembly is not in session and the six months prior to a regular legislative session. The Budget Section approval regarding the construction of buildings and campus improvements must include a specific dollar limit for each building, campus improvement, or maintenance project. If a request is to be considered by the Budget Section, the Legislative Council must notify each member of the Legislative Assembly and allow any member to present testimony to the Budget Section regarding the request. Campus improvements and building maintenance of \$385,000 or less and the sale of real property received by gift or bequest may be authorized by the State Board of Higher Education.
4. **Receive annual reports on transfers to the state tuition fund (Section 15.1-02-14)** - This section requires the Superintendent of Public Instruction to report annually to the Budget Section regarding any transfer to the state tuition fund of federal or other money received by the Superintendent to pay programmatic administrative expenses for which the Superintendent received a state general fund appropriation.
5. **Consider requests to change or expand state building construction projects (Section 48-02-20)** - This section provides that a state agency or institution may not significantly change or expand a building construction project approved by the Legislative Assembly unless the change, expansion, or additional expenditure is approved by the Legislative Assembly, or the Budget Section if the Legislative Assembly is not in session.
6. **Receive report on job insurance trust fund (Section 52-02-17)** - This section requires that Job Service North Dakota report to the Legislative Council **before March 1 of each year** the actual job insurance trust fund balance and the targeted modified average high-cost multiplier, as of December 31 of the previous year, and a projected trust fund balance for the next three years. The Legislative Council has assigned this responsibility to the Budget Section.
7. **Receive report on irregularities in the fiscal practices of the state (Section 54-14-03.1)** - This section requires the Office of the Budget to submit a written report to the Budget Section documenting:
 - a. Any irregularities in the fiscal practices of the state.
 - b. Areas where more uniform and improved fiscal procedures are desirable.
 - c. Any expenditures or governmental activities contrary to law or legislative intent.
 - d. The use of state funds to provide bonuses, cash incentive awards, or temporary salary adjustments for state employees.
8. **Consider requests for transfers exceeding \$50,000 (Section 54-16-04(2))** - This section provides that, subject to Budget Section approval, the Emergency Commission may

authorize a transfer of more than \$50,000 from one fund or line item to another. Budget Section approval is not required if the transfer is necessary to comply with a court order, to avoid an imminent threat to the safety of people or property due to a natural disaster or war crisis, or to avoid an imminent financial loss to the state.

9. **Consider requests to accept and spend more than \$50,000 of federal funds which were not appropriated (Section 54-16-04.1).**
 - a. **Acceptance of federal funds** - This section provides that Budget Section approval is required for any Emergency Commission action authorizing a state officer to accept more than \$50,000 of federal funds which were not appropriated and the Legislative Assembly has not indicated an intent to reject the money. Budget Section approval is not required 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 to avoid an imminent financial loss to the state.
 - b. **Expenditure of federal funds** - This section provides that Budget Section approval is required for any Emergency Commission action authorizing a state officer to spend more than \$50,000 of federal funds which were not appropriated and the Legislative Assembly has not indicated an intent to reject the money.
10. **Consider requests to accept and spend more than \$50,000 of other funds which were not appropriated (Section 54-16-04.2).**
 - a. **Acceptance of other funds** - This section provides that Budget Section approval is required for any Emergency Commission action authorizing a state officer to accept more than \$50,000 from gifts, grants, donations, or other sources, which were not appropriated and the Legislative Assembly has not indicated an intent to reject money or programs. Budget Section approval is not required 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 to avoid an imminent financial loss to the state.
 - b. **Expenditure of other funds** - This section provides that Budget Section approval is required for any Emergency Commission action authorizing a state officer to spend more than \$50,000 from gifts, grants, donations, or other sources, which were not appropriated and the Legislative Assembly has not indicated an intent to reject the money or programs.
11. **Consider requests to use money in the capital improvements preliminary planning revolving fund (Section 54-27-22)** - This section provides that before any funds can be distributed from the preliminary planning revolving fund to a state agency, institution, or department, the Budget Section must approve the request (\$146,000 is available for the 2003-05 biennium).
12. **Receive report on tobacco settlement funds (Section 54-44-04(23))** - This section provides that the director of the Office of Management and Budget shall report to the Budget Section on the status of tobacco settlement funds and related information.
13. **Prescribe form of budget data (Section 54-44.1-07)** - This section requires the director of the budget to prepare budget data in the form prescribed by the Legislative Council and to present it to the Legislative Assembly at a time and place set by the Legislative Council, except for drafts of proposed general and special appropriations acts embodying the budget data and recommendations of the Governor for appropriations for the next biennium and drafts of such revenues and other acts recommended by the Governor for putting into effect the proposed financial plan, which must be submitted to the Legislative Council within seven days after the day of adjournment of the organizational session. The Legislative Council has assigned this responsibility to the Budget Section.
14. **Consider objecting to budget allotments or expenditures (Section 54-44.1-12.1)** - This section allows the Budget Section to object to a budget allotment, an expenditure, or the failure to make an allotment or expenditure if such action is contrary to legislative intent.
15. **Consider request by the Information Technology Department to finance the purchase of software, equipment, or implementation of services (Section 54-59-05(4))** - This section requires the Information Technology Department to receive Budget Section approval before executing any proposed agreement to finance the purchase of software, equipment, or implementation of services in excess of \$1 million. The department may finance the purchase of software, equipment, or implementation of services only to the extent the purchase amount does not exceed 7.5 percent of the amount appropriated to the department during that biennium.
16. **Receive a report from the Information Technology Department (Section 54-59-19)** - This section requires the Information Technology Department to prepare and present an

- annual report to the Information Technology Committee and to present a summary of the report to the Budget Section.
17. **Receive periodic reports on the status of the risk management workers' compensation program (Section 65-04-03.1(5))** - This section requires Workforce Safety and Insurance and the Risk Management Division of the Office of Management and Budget to periodically report to the Budget Section on the success of the risk management workers' compensation program.
 18. **Consider the provision of extraterritorial workers' compensation insurance (Section 65-08.1-02)** - This section authorizes Workforce Safety and Insurance to establish, subject to Budget Section approval, a casualty insurance organization to provide extraterritorial workers' compensation insurance.
 19. **Review and report on budget data (Legislative Council directive)** - Pursuant to Legislative Council directive, the Budget Section is to review and report on the budget data prepared by the director of the budget and presented to the Legislative Assembly during the organizational session (December 2004).

Continuing Duties Not Acted on During the Previous Biennium

20. **Consider requests to use money in the State Forester reserve account (Section 4-19-01.2)** - This section provides that Budget Section approval is required prior to the State Forester spending money in the State Forester reserve account.
21. **Consider requests by the Board of University and School Lands to invest in real property (Section 15-03-04)** - This section provides that Budget Section approval is required prior to the Board of University and School Lands purchasing, as sole owner, commercial or residential real property in North Dakota.
22. **Receive report on sources of funds received for construction projects of entities under the State Board of Higher Education (Section 15-10-12.3)** - This section requires each institution under the State Board of Higher Education undertaking a capital construction project, that was approved by the Legislative Assembly and for which local funds are to be used, to present a biennial report to the Budget Section detailing the source of all funds used in the project.
23. **Consider Game and Fish Department land acquisitions (Section 20.1-02-05.1)** - This section provides that Budget Section approval is required for Game and Fish Department land acquisitions of more than 10 acres or \$10,000.
24. **Consider requests by the Game and Fish Department to reduce the balance of the game and fish fund below \$10 million (Section 20.1-02-16.1)** - This section provides that the Game and Fish Department can spend money in the game and fish fund within the limits of legislative appropriations, only to the extent the balance of the fund is not reduced below \$10 million, unless otherwise authorized by the Budget Section.
25. **Consider the provision of contract services by the Developmental Center (Section 25-04-02.2)** - This section provides that, subject to Budget Section approval, the Developmental Center at Westwood Park, Grafton, may provide services under contract with a governmental or nongovernmental person.
26. **Consider a waiver of exemption of special assessments levied for flood control purposes on state property (Section 40-23-22.1)** - This section provides that state property in a city is exempt from special assessments levied for flood control purposes unless the governing body of the city requests waiver of the exemption and the exemption is completely or partially waived by the Budget Section. The exemption does not apply to any privately owned structure, fixture, or improvement located on state-owned land if the structure, fixture, or improvement is used for commercial purposes unless the structure, fixture, or improvement is primarily used for athletic or educational purposes at a state institution of higher education.
27. **Receive report on annual audits of renaissance fund organizations (Section 40-63-07(9))** - This section requires the Department of Commerce Division of Community Services to provide annual reports to the Budget Section on the results of audits of renaissance fund organizations.
28. **Consider requests to terminate the food stamp program (Section 50-06-05.1(17))** - This section provides that, subject to Budget Section approval, the Department of Human Services may terminate the food stamp program if the rate of federal financial participation in administrative costs is decreased or if the state or counties become financially responsible for the coupon bonus payments.
29. **Consider requests to terminate the energy assistance program (Section 50-06-05.1(19))** - This section provides that, subject to Budget Section approval, the Department of Human Services may terminate the energy assistance program if the rate of federal financial participation in administrative costs is decreased or if the state or counties become financially responsible for the energy assistance program payments.

30. **Consider requests for transfers which will result in program elimination (Section 54-16-04(1))** - This section provides that, subject to Budget Section approval, the Emergency Commission may authorize a transfer which would eliminate or make impossible the accomplishment of a program or objective funded by the Legislative Assembly.
31. **Receive reports on new correctional programs which exceed \$100,000 of cost during a biennium (Section 54-23.3-09)** - This section requires the director of the Department of Corrections and Rehabilitation to report to the Legislative Assembly or, if the Legislative Assembly is not in session, the Budget Section, prior to the implementation of any new program that serves adult or juvenile offenders, including alternatives to conventional incarceration and programs operated on a contract basis if the program is anticipated to cost in excess of \$100,000 during the biennium.
32. **Consider requests to use cashflow financing (Section 54-27-23)** - This section provides that in order to meet the cashflow needs of the state, the Office of Management and Budget may borrow, subject to Emergency Commission approval, from special funds on deposit in the state treasury. However, the proceeds of any such indebtedness cannot be used to offset projected deficits in state finances unless first approved by the Budget Section. Additional cash flow financing, subject to certain limitations, must be approved by the Budget Section.
33. **Receive report on transfers from the budget stabilization fund (Section 54-27.2-03)** - This section provides that any transfers from the budget stabilization fund must be reported to the Budget Section.
34. **Consider the reduction of budgets due to initiative or referendum action (Section 54-44.1-13.1)** - This section provides that, subject to Budget Section approval, the director of the budget may reduce state agency budgets by a percentage sufficient to cover estimated revenue reductions caused by initiative or referendum action.
35. **Consider requests for the distribution of Children's Services Coordinating Committee grants (Section 54-56-03)** - This section provides that Budget Section approval is required prior to the distribution by the Children's Services Coordinating Committee of any grants not specifically authorized by the Legislative Assembly.
36. **Receive report on Workforce Safety and Insurance building maintenance account (Section 65-02-05.1)** - This section requires that if a new Workforce Safety and Insurance facility is built and rental space is included in the facility, Workforce Safety and Insurance is to deposit the building rental proceeds in a building maintenance account and report to the Budget Section on a biennial basis on the revenues deposited into and expenditures from the account.
37. **Hold legislative hearings for federal block grants (2003 House Concurrent Resolution No. 3001)** - This resolution authorizes the Budget Section, through September 30, 2005, to hold any **required** legislative hearings for federal block grants.

NEW DUTIES

38. **Receive report identifying every state agency that has not submitted a claim for property belonging to that agency (Section 47-30.1-24.1 and 2003 House Bill No. 1013, Section 6)** - This section requires the commissioner of University and School Lands to present a report to the Budget Section identifying every state agency that has not submitted a claim for unclaimed property belonging to that agency within one year of receipt of the certified mail notification (effective July 1, 2003).
39. **Consider relinquishment of agency rights to recover property (Section 47-30.1-24.1 and 2003 House Bill No. 1013, Section 6)** - This section provides that each state agency that does not submit a claim for unclaimed property belonging to that agency within one year of receipt of the certified mail notification relinquishes its right to recover the property, upon approval of the Budget Section (effective July 1, 2003).
40. **Receive annual reports on payments received and expenditures from the performance assurance fund (Section 49-21-31, Section 1 of 2003 House Bill No. 1052)** - This section requires the Public Service Commission to report annually to the Budget Section with respect to the payments received under the performance assurance plan and the expenditures from the performance assurance fund (effective March 28, 2003, through June 30, 2005).
41. **Consider requests for transfers of spending authority from the state contingencies appropriation exceeding \$50,000 (Section 54-16-09, Section 8 of 2003 Senate Bill No. 2422)** - This section provides that, subject to Budget Section approval, the Emergency Commission may authorize a transfer of more than \$50,000 from the state contingencies line item to the appropriate line item in the appropriation of the state officer who requested the transfer. Budget Section approval is not required if the transfer is necessary to avoid an imminent threat to the safety of people or

- property due to a natural disaster or war crisis or to avoid an imminent financial loss to the state (effective August 1, 2003).
42. **Receive reports on purchases of "put" options (Section 54-44-16, Section 1 of 2003 House Bill No. 1441)** - This section requires the Office of Management and Budget to report any purchases of "put" options to the Budget Section (effective July 1, 2003, through June 30, 2005).
 43. **Consider request for approval of expenditures exceeding \$130,000 from Department of Commerce operating fund for web site maintenance (Section 54-60-10, Section 1 of 2003 Senate Bill No. 2030)** - This section provides that any additional amounts over \$130,000 that are deposited in the Department of Commerce operating fund during a biennium from subscriptions, commissions, fees, or other revenue from the Internet web site may be spent pursuant to legislative appropriations or with Budget Section approval (effective July 1, 2003).
 44. **Receive annual reports on money spent to administer an Internet web site that provides career guidance and job opportunity services (Section 54-60-10, Section 1 of 2003 Senate Bill No. 2030)** - This section requires the Department of Commerce to report annually to the Budget Section regarding money spent to administer an Internet web site that provides career guidance and job opportunity services (effective July 1, 2003).
 45. **Consider request for construction of equipment and storage buildings in Towner and Bottineau (Section 11 of 2003 House Bill No. 1003)** - This section authorizes the Forest Service, after receiving approval from the Budget Section, to obtain and use funds received from any source for construction of the equipment and supply storage buildings in Towner and Bottineau (effective July 1, 2003).
 46. **Receive report on the internship program (Section 31 of 2003 House Bill No. 1003)** - This section requires the State Board of Higher Education to report to the Budget Section at the Budget Section's first meeting **after July 1, 2004**, on the internship program implemented to attract students to high-growth occupations in the state (effective July 1, 2003).
 47. **Receive report on the status of outsourcing employee positions (Section 13 of 2003 House Bill No. 1004)** - This section requires the State Department of Health to report to the Budget Section on the status of outsourcing employee positions whenever reasonable (effective July 1, 2003).
 48. **Receive reports on the status of the Veterans Home Governing Board's progress in developing and implementing the Veterans Home strategic plan (Section 4 of 2003 House Bill No. 1007)** - This section requires a representative of the Veterans Home Governing Board to periodically report to the Budget Section on the status of the board's progress in developing and implementing a strategic plan for the Veterans Home during the 2003-04 interim (effective July 1, 2003).
 49. **Receive report on Veterans Home line item transfers of up to \$150,000 (Section 6 of 2003 House Bill No. 1007)** - This section requires the Veterans Home to report to the Budget Section on any line item transfers of up to \$150,000 for the 2001-03 biennium to implement changes in technology and telecommunications (effective May 2, 2003).
 50. **Receive report on recommendations for merger of the Oil and Gas Division and Geological Survey (Section 14 of 2003 House Bill No. 1015)** - This section requires the Industrial Commission to report to the Budget Section **before November 1, 2004**, regarding the recommendations for the merger of the Oil and Gas Division and Geological Survey (effective July 1, 2003).
 51. **Receive report on any transfers between line items and between subdivisions in excess of \$50,000 (Section 7 of 2003 Senate Bill No. 2012)** - This section requires the Department of Human Services to report to the Budget Section **after June 30, 2004**, on any transfers of appropriation authority between line items within each subdivision and between subdivisions in excess of \$50,000 (effective July 1, 2003).
 52. **Consider requests to make transfers from the Bank of North Dakota to offset declines in general fund revenue (Section 10 of 2003 Senate Bill No. 2015)** - This section provides that the Budget Section may approve the transfer of up to the lesser of \$9 million or the revenue shortfall from the earnings and accumulated and undivided profits of the Bank of North Dakota to the state general fund if, during the 2003-05 biennium, the director of the Office of Management and Budget determines that general fund revenues will not meet the legislative forecast (effective July 1, 2003).
 53. **Receive reports on the delivery of consolidated services to agencies and the status of accumulated savings (Section 30 of 2003 Senate Bill No. 2015, Section 12 of 2003 House Bill No. 1505)** - These sections require the Information Technology Department to report to the Budget Section on information relating to the delivery of the consolidated services to agencies and the status of the accumulated savings (effective July 1, 2003).

54. **Receive report on specified commodities and services exempted from the procurement requirements of Chapter 54-44.4 (Section 42 of 2003 Senate Bill No. 2015)** - This section requires the director of the Office of Management and Budget to report to the Budget Section in **December of even-numbered years** on specified commodities and services exempted by written directive of the director from the procurement requirements of Chapter 54-44.4 (effective July 1, 2003).
55. **Receive reports on transfers of funds between line items for state agencies to accommodate information technology funding reductions (Section 8 of 2003 House Bill No. 1505)** - This section requires the Office of Management and Budget to report to the Budget Section regularly on the transfers of funds made by the director of the Office of Management and Budget and the State Treasurer between line items for state agencies, departments, and institutions as may be requested to accommodate information technology funding reductions made by the 58th Legislative Assembly (effective July 1, 2003).
56. **Receive report on the information technology organizational study and the information technology management study (Section 13 of 2003 House Bill No. 1505)** - This section requires a final report on the information technology organizational study and the information technology management study to be presented to the Budget Section upon completion of the studies (effective May 16, 2003).
57. **Receive reports on the implementation and procedures of contracting with counties to house female inmates (Section 5 of 2003 House Bill No. 1506)** - This section requires the Department of Corrections and Rehabilitation and county jails contracting to house state female inmates to report to the **fall 2003 and summer 2004 meetings** of the Budget Section on the implementation and procedures of contracting with counties to house state female inmates (effective July 1, 2003).
58. **Receive reports on state employee positions eliminated by agencies and reported agency budgetary savings (Section 1 of 2003 Senate Bill No. 2423)** - This section requires the Office of Management and Budget to report periodically to the Budget Section on the employee positions eliminated by agencies and reported agency budgetary savings (effective July 1, 2003).
59. **Receive reports on the state employee salary increases (Section 3 of 2003 Senate Bill No. 2423)** - This section requires the Office of Management and Budget and the judicial branch to report to the Budget Section on salary increases provided for each year of the 2003-05 biennium (effective July 1, 2003).