

**Sixty-seventh Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 5, 2021**

HOUSE BILL NO. 1395  
(Representatives Delzer, Boschee, Pollert)  
(Senators Heckaman, Holmberg, Wardner)

AN ACT to adjust state agency spending authority approved by the emergency commission and budget section; to provide a statement of legislative intent; to provide an appropriation; to provide an exemption; to provide for retroactive application; and to declare an emergency.

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

**SECTION 1. EMERGENCY COMMISSION AUTHORIZATION ADJUSTMENTS - APPROPRIATION.** The amounts identified in the emergency commission authorization column below represent the federal coronavirus relief fund spending authority approved for each agency or institution by the emergency commission and budget section under section 54-16-04.1 for the biennium ending June 30, 2021. The director of the office of management and budget shall adjust the federal coronavirus relief fund spending authorization amount for each agency and institution to the amounts shown in the appropriation column which are appropriated from federal funds derived from the federal coronavirus relief fund to the agency or institution listed for the purpose of defraying expenses relating to the COVID-19 pandemic for the period beginning May 15, 2020, and ending June 30, 2021.

<u>Agency or Institution</u>	<u>Emergency Commission Authorization</u>	<u>Adjustment</u>	<u>Appropriation</u>
Governor	\$18,083	\$0	\$18,083
Secretary of state	49,216	0	49,216
Office of management and budget	7,003,055	18,315	7,021,370
Information technology department	61,868,226	0	61,868,226
State auditor	10,866	0	10,866
State treasurer	122,757,062	523,194	123,280,256
Tax commissioner	28,601	0	28,601
Office of administrative hearings	522	0	522
Legislative assembly	3,100,000	0	3,100,000
Legislative council	100,000	0	100,000
Judicial branch	312,212	360,000	672,212
Department of public instruction	64,316,217	0	64,316,217
Department of trust lands	94,135	1,505	95,640
North Dakota university system office	1,468,787	0	1,468,787
Bismarck state college	4,210,745	0	4,210,745
Lake region state college	880,813	0	880,813
Williston state college	1,712,364	0	1,712,364
University of North Dakota	20,984,766	0	20,984,766
North Dakota state university	18,671,414	(52,750)	18,618,664
North Dakota state college of science	5,107,897	0	5,107,897
Dickinson state university	2,346,239	0	2,346,239
Mayville state university	2,206,656	0	2,206,656
Minot state university	2,454,439	0	2,454,439
Valley City state university	740,353	0	740,353
Dakota college at Bottineau	804,631	0	804,631
Department of career and technical education	470,980	0	470,980
State department of health	174,115,929	(72,542,160)	101,573,769
Department of environmental quality	745,000	0	745,000
Veterans' home	462,040	0	462,040

Indian affairs commission	20,915	0	20,915
Department of veterans' affairs	2,860	0	2,860
Department of human services	61,103,911	(548,937)	60,554,974
Job service North Dakota	372,381,213	(1,427,906)	370,953,307
Industrial commission	65,476,513	6,000,000	71,476,513
Bank of North Dakota	70,000,000	(1,322,817)	68,677,183
Mill and elevator association	116,690	0	116,690
Workforce safety and insurance	1,018,052	0	1,018,052
Highway patrol	13,919,094	(11,091)	13,908,003
Department of corrections and rehabilitation	11,170,709	(1,505)	11,169,204
Adjutant general	16,148,260	(4,951,480)	11,196,780
Department of commerce	109,179,000	(27,000,000)	82,179,000
Agriculture commissioner	13,556,000	(148,450)	13,407,550
State seed department	6,117	0	6,117
Upper great plains transportation institute	45,095	(3,477)	41,618
Branch research centers	831,007	0	831,007
North Dakota state university extension service	855,400	0	855,400
Northern crops institute	115,586	0	115,586
North Dakota state university main research center	1,164,967	0	1,164,967
State fair association	105,272	0	105,272
Racing commission	1,000	0	1,000
State historical society	20,000	(1,000)	19,000
Council on the arts	800,000	0	800,000
Parks and recreation department	250,985	0	250,985
Department of transportation	<u>14,670,106</u>	<u>0</u>	<u>14,670,106</u>
Total	\$1,250,000,000	(\$101,108,559)	\$1,148,891,441

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

Subdivision 1.

STATE TREASURER

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

Subdivision 2.

DEPARTMENT OF PUBLIC INSTRUCTION

Elementary and secondary school emergency education relief	\$305,266,879
Emergency education relief homeless children and youth program	1,999,661
Assistance to nonpublic schools	4,151,371
Individuals with disabilities education act grant	<u>8,632,569</u>
Total federal funds	\$320,050,480

Subdivision 3.

STATE LIBRARY

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

COVID-19 grants	<u>500,000</u>
Total federal funds	\$2,166,726

Subdivision 4.

STATE DEPARTMENT OF HEALTH

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

Subdivision 5.

VETERANS' HOME

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

Subdivision 6.

DEPARTMENT OF HUMAN SERVICES

COVID-19 operating expenses	\$16,863,309
COVID-19 grants	<u>224,826,531</u>
Total federal funds	\$241,689,840

Subdivision 7.

ADJUTANT GENERAL

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

Subdivision 8.

DEPARTMENT OF COMMERCE

COVID-19 response	<u>\$56,234,176</u>
Total federal funds	\$56,234,176

Subdivision 9.

COUNCIL ON THE ARTS

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

Subdivision 10.

DEPARTMENT OF TRANSPORTATION

COVID-19 grants	\$1,609,357
COVID-19 capital assets	<u>317,000,000</u>
Total federal funds	\$318,609,357

Subdivision 11.

TOTAL - SECTION 2

Grand total federal funds	\$1,079,148,109
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**SECTION 3. LEGISLATIVE INTENT - STATE FISCAL RECOVERY FUND AND CORONAVIRUS CAPITAL PROJECTS FUND.** It is the intent of the sixty-seventh legislative assembly that state fiscal recovery funds and any unexpended federal coronavirus capital projects funds received through H.R. 1319 of the 117<sup>th</sup> Congress, also known as the federal American Rescue Plan Act, be appropriated by the legislative assembly during future regular and special legislative sessions and that funding for one-time initiatives and projects that improve the well-being of the state's citizens be given consideration for use of this funding.

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

**SECTION 5. RETROACTIVE APPLICATION.** Section 1 of this Act applies retroactively to May 15, 2020.

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

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Chief Clerk of the House

\_\_\_\_\_  
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1395 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote:        Yeas 85                      Nays 3                      Absent 6

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
Chief Clerk of the House

This certifies that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote:        Yeas 47                      Nays 0                      Absent 0

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2021.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2021.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2021,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State