

## BUDGET SECTION DUTIES AND RESPONSIBILITIES FOR THE 2009-11 BIENNIUM

This memorandum lists duties and responsibilities assigned to the Budget Section for the 2009-11 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 a 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 in operation before July 1, 1995, that received production incentives (Section 17-02-01)** - This section requires any North Dakota ethanol plant in operation before July 1, 1995, 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, excluding 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 report on sources of local 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.
5. **Consider designation of a center of excellence (Section 15-69-02)** - This section provides that designation of a center of excellence occurs upon State Board of Higher Education, North Dakota Economic Development Foundation, Emergency Commission, and Budget Section approval of a Centers of Excellence Commission funding award recommendation; in considering whether to designate a center of excellence, the board, the foundation, and the Budget Section may not modify the commission recommendation; and the Budget Section may not take action on a commission funding award recommendation until the Emergency Commission reviews the commission recommendation and makes a recommendation to the Budget Section (effective July 1, 2005, through July 31, 2011).
6. **Receive annual audits from center of excellence-awarded funds under Chapter 15-69 (Section 15-69-05)** - This section requires that a center of excellence that is awarded funds under Chapter 15-69 provide an annual audit to the Budget Section on the funds distributed to the center until the completion of the commissioner's postaward monitoring of the center (effective July 1, 2005, through July 31, 2011).
7. **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.

8. **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.
9. **Receive report identifying every state agency that has not submitted a claim for property belonging to that agency (Section 47-30.1-24.1)** - 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.
10. **Consider relinquishment of agency rights to recover property (Section 47-30.1-24.1)** - 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.
11. **Consider requests to change or expand state building construction projects (Section 48-01.2-25)** - 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.
12. **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.
13. **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.
14. **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.
15. **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.
16. **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.
17. **Consider requests for transfers of spending authority from the state contingencies appropriation exceeding \$50,000 (Section 54-16-09)** - 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. A total of \$700,000 was provided for the 2009-11 biennium.
  18. **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.
  19. **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. 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 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.
  20. **Receive report on specified commodities and services exempted from the procurement requirements of Section 54-44.4-02.2** - 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.
  21. **Consider requests 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 or Legislative Assembly 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.
  22. **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.
  23. **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.
  24. **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 2010).
- Continuing Duties Not Acted on During the Previous Biennium**
25. **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.
  26. **Consider requests by the Game and Fish Department to reduce the balance of the game and fish fund below \$15 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 \$15 million, unless otherwise authorized by the Budget Section.
  27. **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.
28. **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.
  29. **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.
  30. **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.
  31. **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.
  32. **Consider requests to accept federal funds for a specific purpose or program which were not appropriated (Section 54-16-04.1(4))** - This section provides that, upon approval by the Emergency Commission and Budget Section, the state may accept any federal funds made available to the 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 for deposit into a special fund until the Legislative Assembly appropriates the funds.
  33. **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.
  34. **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 (approximately \$150,000 is available for the 2009-11 biennium).
  35. **Consider requests to use cash flow financing (Section 54-27-23)** - This section provides that in order to meet the cash flow 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.
  36. **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.
  37. **Receive reports on purchases of "put" options (Section 54-44-16)** - This section requires the Office of Management and Budget to report any purchases of "put" options to the Budget Section.
  38. **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.
  39. **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.
40. **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.
  41. **Receive report on reductions made in homestead property income tax credit (Section 57-38-01.29)** - This section requires the Tax Commissioner to report to the Budget Section, for review, any adjustments in the homestead property income tax credit.
  42. **Consider request to reduce the commercial property income tax credit (Section 57-38-01.30)** - This section provides that Budget Section approval is required for any adjustments made by the Tax Commissioner to the commercial property income tax credit.
  43. **Consider 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.
  44. **Hold legislative hearings for federal block grants (2009 Senate Concurrent Resolution No. 4001)** - This resolution authorizes the Budget Section, through September 30, 2011, to hold any **required** legislative hearings for federal block grants.
- authorized by the Legislative Assembly (effective July 1, 2009).
47. **Receive report on the status of the metrology program (2009 House Bill No. 1008, Section 3)** - This section requires the Public Service Commission to report to the Budget Section during the 2009-10 interim on the status of the metrology program (effective July 1, 2009).
  48. **Receive report regarding any transfers between line items and between subdivisions in excess of \$50,000 (2009 House Bill No. 1012, Section 7)** - This section requires the Department of Human Services to report to the Budget Section after June 30, 2010, on any transfers in excess of \$50,000 made during the 2009-11 biennium between line items within each subdivision and between subdivisions (effective July 1, 2009).
  49. **Receive quarterly reports regarding the implementation of the comprehensive tobacco prevention and control plan and outcomes achieved (2009 House Bill No. 1015, Section 38)** - This section requires the Tobacco Prevention and Control Executive Committee report to the Budget Section quarterly on the implementation of the comprehensive tobacco prevention and control plan and outcomes achieved for the 2009-10 interim (effective July 1, 2009).
  50. **Receive report regarding reintegration program expenditures and the program's impact on service members (2009 House Bill No. 1016, Section 11)** - This section requires the Adjutant General to provide a report to the Budget Section during the 2009-10 interim regarding reintegration program expenditures and the program's impact on service members (effective July 1, 2009).
  51. **Receive reports regarding the status of the construction of the Great Plains Applied Energy Technology Center (2009 House Bill No. 1350, Section 2)** - This section requires the Department of Commerce to provide a report to the Budget Section at its first meeting after September 1, 2009, and at its first meeting after March 1, 2010, regarding the status of the construction of a Great Plains Applied Energy Research Center, including the extent to which nonstate matching funds have been made available for the project (effective July 1, 2009).
  52. **Receive quarterly written summary reports regarding the status of the Veterans' Home construction project (2009 Senate Bill No. 2007, Section 8)** - This section requires the Veterans' Home construction project manager to provide a quarterly written summary report to the Budget Section

### NEW DUTIES

45. **Receive report on the number of employees receiving bonuses above the 25 percent limitation (Section 54-06-30 and 2009 House Bill No. 1030, Section 1)** - This section provides agencies may pay bonuses to not more than 25 percent of the employees employed by the agency on July 1 of each state fiscal year. Human Resource Management Services may approve the payment of bonuses above the 25 percent limitation but is required to report any exceptions granted under this subsection to the Budget Section (effective August 1, 2009).
46. **Consider authorization of additional full-time equivalent (FTE) positions (Section 54-16-04.3 and 2009 House Bill No. 1027, Section 2)** - This section provides that, on the advice of the Office of Management and Budget and the recommendation of the Emergency Commission, the Budget Section may approve the employment by a state officer of FTE positions in addition to those

- regarding the status of the Veterans' Home construction project during the 2009-10 interim (effective July 1, 2009).
53. **Receive semiannual reports regarding the status of implementation of the commercial vehicle information systems and networks (2009 Senate Bill No. 2011, Section 7)** - This section requires the Highway Patrol to report semiannually to the Budget Section regarding the status of implementation of the commercial vehicle information systems and networks and on the use of funds appropriated for the implementation (effective July 1, 2009).
  54. **Receive report regarding emergency snow removal grants distributed to counties, townships, and cities before June 30, 2009 (2009 Senate Bill No. 2012, Section 7)** - This section requires the Department of Emergency Services to distribute emergency snow removal grants prior to June 30, 2009, and report to the Budget Section regarding the grants awarded (effective May 1, 2009).
  55. **Receive reports in the fourth quarter of 2009 and the third quarter of 2010 regarding emergency disaster relief grants awarded to political subdivisions (2009 Senate Bill No. 2012, Section 8)** - This section requires the Department of Emergency Services to report to the Budget Section on emergency relief grants awarded to political subdivisions in the fourth quarter of calendar year 2009 and the third quarter of calendar year 2010 (effective May 1, 2009).
  56. **Receive periodic reports regarding the use of state, federal, emergency, and other highway funding (2009 Senate Bill No. 2012, Section 11)** - This section requires the Department of Transportation to coordinate with the Department of Emergency Services to compile information regarding the use of state, federal, emergency, and other highway funding by the Department of Transportation, counties, cities, and townships and provide periodic reports to the Budget Section regarding the use of funds during the 2009-10 interim (effective July 1, 2009).
  57. **Receive summary report regarding the results of a consultant's evaluation of the Mill and Elevator (2009 Senate Bill No. 2014, Section 11)** - This section requires the Industrial Commission to obtain the services of a consultant to evaluate the State Mill and Elevator Association during the 2009-10 interim and provide a summary report, exclusive of proprietary information, to the Budget Section on the results of the evaluation (effective July 1, 2009).
  58. **Receive report regarding the status of the technology-based entrepreneurship grant program (2009 Senate Bill No. 2018, Section 13)** - This section requires the Department of Commerce to report to the Budget Section in the third quarter of 2010 on the status of the technology-based entrepreneurship grant program, including an overview of the program and program expenditures (effective July 1, 2009).
  59. **Receive report regarding tax-exempt property by school district (2009 Senate Bill No. 2018, Section 14)** - This section requires the Department of Commerce to compile information identifying tax-exempt property by school district, including information on the related value of the property based on soil survey, insured value, or other means, and a categorization of the property by whether or not it produces revenue based on its use during the 2009-10 interim and report the information compiled to the Budget Section during the third quarter of 2010 (effective July 1, 2009).
  60. **Receive report regarding the status of the centers of excellence program and the centers of excellence fund (2009 Senate Bill No. 2018, Section 28)** - This section requires the Department of Commerce to report on the status of the centers of excellence program and the status of the centers of excellence fund to the Budget Section during the third quarter of 2010 (effective July 1, 2009).
  61. **Receive report regarding the status of the Veterans' Home exterior finishing construction projects (2009 Senate Bill No. 2075, Section 4)** - This section requires the Veterans' Home to report to the Budget Section regarding the Veterans' Home exterior finishing construction projects during the 2009-11 biennium. The report must be made at the first Budget Section meeting scheduled after the exterior finishing construction projects are complete (effective April 27, 2009).
  62. **Receive report regarding the status of financing and grants provided to early childhood facilities (2009 Senate Bill No. 2225, Section 4)** - This section requires the Department of Commerce to report to the Budget Section during the second quarter of calendar year 2010 on the status of financing and grants provided to early childhood facilities (effective July 1, 2009).
  63. **Receive periodic reports regarding the status of health information technology activities (2009 Senate Bill No. 2332, Section 7)** - This section requires the Health Information Technology Office and Health Information Technology Advisory Committee to provide periodic reports to the Budget Section on the status of health information

technology activities during the 2009-10 interim (effective May 19, 2009).

64. **Receive periodic reports regarding 2009 flood disaster-related expenditures, transfers, reimbursements, and general fund deposits (2009 Senate Bill No. 2444, Section 5)** - This section requires the Adjutant General to provide periodic reports to the Budget Section on 2009 flood disaster-related expenditures, transfers, reimbursements, and general fund deposits from April 9, 2009, through June 30, 2011 (effective April 9, 2009).

65. **Consider authorizing the expenditure of additional federal stimulus or fiscal recovery funds in excess of funds appropriated for certain state agencies** - The following state agencies may seek Emergency Commission and Budget Section approval under Chapter 54-16 for authority to spend any additional federal funds received under the American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated for the 2009-11 biennium:

Agency	Bill Number	Section	Effective Date of Section
Governor's office	HB 1001	Section 2 Section 3	May 19, 2009 July 1, 2009
Attorney General	HB 1003	Section 11 Section 12 (includes 2 FTE)	July 1, 2009 July 1, 2009
Department of Human Services	HB 1012	Section 2 Section 3	May 19, 2009 July 1, 2009
Superintendent of Public Instruction	HB 1013	Section 3	May 19, 2009
Office of Management and Budget	HB 1015	Section 2	May 11, 2009
Adjutant General	HB 1016	Section 2	May 19, 2009
State Historical Society	HB 1018	Section 5	May 5, 2009
Parks and Recreation Department	HB 1019	Section 9	April 22, 2009
State Water Commission	HB 1020	Section 3	May 19, 2009
North Dakota University System	SB 2003	Section 3 Section 4	May 19, 2009 May 19, 2009
State Department of Health	SB 2004	Section 3	May 19, 2009
Veterans' Home	SB 2007	Section 3	July 1, 2009
Council on the Arts	SB 2010	Section 4	May 19, 2009
Department of Transportation	SB 2012	Section 2	May 1, 2009
Housing Finance Agency	SB 2014	Section 20	May 19, 2009
Department of Corrections and Rehabilitation	SB 2015	Section 8	May 19, 2009
Job Service North Dakota	SB 2016	Section 2	May 4, 2009
Department of Commerce	SB 2018	Section 2	May 11, 2009
Department of Career and Technical Education	SB 2019	Section 3	May 19, 2009
Main Research Center	SB 2020	Section 5	July 1, 2009
Information Technology Department	SB 2021	Section 2	May 19, 2009

66. **Consider request for Secretary of State to borrow up to \$3,400,698 from the Bank of North Dakota for implementation of the North Dakota business development engine computer project (2009 House Bill No. 1002, Section 3)** - This section provides that upon Budget Section approval, the Secretary of State may borrow up to \$3,400,698 from the Bank of North Dakota to implement the North Dakota business development engine computer project (effective July 1, 2009).

67. **Consider request for the Agriculture Commissioner to lease additional office space (2009 House Bill No. 1009, Section 8)** - This section provides the Agriculture Commissioner may, subject to Budget Section approval, use funding to lease additional office space for department purposes (effective July 1, 2009).

68. **Consider request for Department of Human Services to borrow \$8.5 million from the Bank of North Dakota for medical assistance grants (2009 House Bill No. 1012, Section 4)** - This section provides that upon Budget Section approval the Department of Human Services may borrow up to \$8.5 million from the Bank of North Dakota for providing the state matching share of additional medical assistance grants for medical services, long-term care, or developmental disabilities services for the 2009-11 biennium (effective July 1, 2009).

69. **Consider authorizing the spending of any additional federal funds that may be made available to this state under the American Recovery and Reinvestment Act of 2009 (2009 House Bill No. 1487, Section 1)** - This section provides any

- federal funds made available to this state under the American Recovery and Reinvestment Act of 2009 may be accepted but may be spent only pursuant to appropriation authority provided by the Legislative Assembly or the approval of the Emergency Commission and Budget Section under provisions of Chapter 54-16 for the 2009-11 biennium. The Emergency Commission and Budget Section may approve only the expenditure of American Recovery and Reinvestment Act of 2009 competitive grant awards and other funds that the Legislative Assembly has not indicated an intent to reject (effective August 1, 2009).
70. **Consider request for annual tuition increase of more than 4 percent (2009 Senate Bill No. 2003, Section 30)** - This section provides that the State Board of Higher Education may seek Budget Section approval to increase annual tuition by more than 4 percent for each year for students attending institutions under the control of the board for the 2009-10 and 2010-11 academic years (effective July 1, 2009).
71. **Consider request from the Department of Emergency Services to spend funds for matching federal disaster relief (2009 Senate Bill No. 2012, Sections 6 and 8)** - Any grant expenditures exceeding a cumulative total of \$13 million require Budget Section approval and any funds used to match federal disaster relief funds received for state purposes require Budget Section approval (effective May 1, 2009).
72. **Consider request for 1 FTE position relating to minerals management (2009 Senate Bill No. 2013, Section 6)** - This section provides 1 FTE position relating to minerals management may be filled by the Commissioner of University and School Lands upon budget section approval (effective July 1, 2009).
73. Consider a contingent appropriation, if federal funds are not available, for costs associated with a statewide longitudinal data system (2009 Senate Bill No. 2021, Section 3) - This section provides the Information Technology Department may spend contingent general fund money, subject to Budget Section approval, only to the extent that federal funds are not available to provide \$2,263,883 for costs associated with a statewide longitudinal data system (effective July 1, 2009).

### BUDGET TOUR GROUPS

74. **Consider conducting budget tours and receiving budget tour group reports** - The Budget Section has, at times, conducted budget tours of state facilities and institutions or assigned the budget tours to other interim committees and received reports from the committees on the budget tours conducted. The Budget Section did not conduct or receive budget tour group reports during the 2007-08 interim.

### FEDERAL FUNDS

75. **Receive federal funds report** - Receive a report from the Legislative Council staff in the fall of 2010 on the status of the state's federal funds receipts for the current biennium and estimated federal funds receipts for the subsequent biennium.