

HISTORY OF CHANGES RELATING TO BUDGET SECTION DUTIES

This memorandum provides information regarding changes to Budget Section duties, including changes to the minimum amounts requiring reporting to or approval from the Budget Section. This memorandum references Budget Section duties identified in the memorandum entitled [2015-17 Biennium Budget Section Functions](#).

Budget Section duty No. 2 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 State Board of Higher Education (SBHE). This duty is codified in North Dakota Century Code Section 15-10-12.1, originally enacted without a minimum amount in 1971. In 2001, Section 15-10-12.1 was amended to include a minimum project cost of \$385,000, below which Budget Section or Legislative Assembly approval is not required. No changes have been made to the minimum amount since 2001.

Budget Section duty No. 4 requires the Office of Management and Budget (OMB) to provide to the Budget Section, upon request, information relating to the SBHE's semiannual project variance reports regarding construction projects valued at more than \$250,000. This duty codified in Section 15-10-47, was originally enacted in 2011. No changes have been made to the minimum amount since 2011.

Budget Section duty No. 7 requires Budget Section approval for Game and Fish Department land acquisitions of more than 10 acres or \$10,000. This duty is codified in Section 20.1-02-05.1, originally enacted in 1991. No changes have been made to the minimum amount.

Budget Section duty No. 19 requires Budget Section approval for the Emergency Commission to authorize a transfer of more than \$50,000 from one fund or line item to another. This duty is codified in Section 54-16-04, and the requirement for Budget Section approval was added in 1995. No changes have been made to the minimum amount since 1995.

Budget Section duty No. 21 requires Budget Section approval for any Emergency Commission action authorizing a state officer to accept or spend more than \$50,000 of federal funds which were not appropriated. This duty is codified in Section 54-16-04.1, and the requirement for Budget Section approval was added in 1995. The minimum amount of \$50,000 was added in 1999, prior to which all requests to accept or spend federal funds which were not appropriated required Budget Section approval.

Budget Section duty No. 22 requires Budget Section approval for any Emergency Commission action authorizing a state officer to accept or spend more than \$50,000 from gifts, grants, donations, or other sources which were not appropriated. This duty is codified in Section 54-16-04.2, and the requirement for Budget Section approval was added in 1995. The minimum amount of \$50,000 was added in 1999, prior to which all requests to accept or spend funds from gifts, grants, donations, or other sources which were not appropriated required Budget Section approval.

Budget Section duty No. 24 requires Budget Section approval for any transfer authorized by the Emergency Commission of more than \$50,000 from the state contingencies line item to the appropriate line item in the appropriation of the state officer requesting the transfer. This duty is codified in Section 54-16-09, and the requirement for Budget Section approval was added in 2003. No changes have been made to the minimum amount of \$50,000 since it was added in 2003.

Budget Section duty No. 28 requires OMB to present at each meeting of the Budget Section reports received from state agencies other than entities under the control of the SBHE that have applied for federal grants estimated to be \$25,000 or more. This duty is codified in Section 54-27-27, originally enacted in 2011. No changes have been made to the minimum amount.

Budget Section duty No. 41 provides the Game and Fish Department can spend money in the game and fish fund only to the extent the balance of the fund is not reduced below \$15 million, unless otherwise authorized by the Budget Section. This duty is codified in Section 20.1-02-16.1, and the requirement for Budget Section approval was added in 1999. As enacted in 1999, Budget Section approval was required to reduce the balance of the fund below \$10 million. The minimum amount was increased to \$15 million in 2005. No changes have been made to the minimum amount since 2005.

Budget Section duty No. 48 requires the Director of the Department of Corrections and Rehabilitation to report to the Legislative Assembly or the Budget Section prior to the implementation of any new program that serves adult or juvenile offenders if the program is anticipated to cost in excess of \$100,000 during the biennium. This

duty codified in Section 54-23.3-09, was originally enacted in 2001. No changes have been made to the minimum amount.

Budget Section duty No. 55 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. This duty is codified in Section 54-59-05, and the requirement for Budget Section approval was added in 2001. No changes have been made to the minimum amount since 2001.

Budget Section duty No. 63 provides the Budget Section receive a report from the Industrial Commission regarding any order, regulation, or policy of the Industrial Commission to implement the provisions of Chapter 38-08, relating to the control of gas and oil resources, for which the fiscal impact or estimated fiscal effect on the state is in excess of \$20 million in a biennium. This duty is codified in Section 54-17-42 and was enacted in 2015.

Budget Section duty No. 66 requires the Department of Human Services to report to the Budget Section on any transfers in excess of \$50,000 between line items within each subdivision and between subdivisions. This duty is included in the Department of Human Services' appropriation bill each session. It has not been codified in Century Code. The duty to receive approval from the Budget Section for any transfers between line items was first approved by the 1991 Legislative Assembly. From the 1995-97 biennium through the 2001-03 biennium, approval of transfers from the Emergency Commission was required rather than approval from the Budget Section. Beginning in the 2003-05 biennium, the duty to report transfers to the Budget Section was established and the minimum amount was set at \$50,000.