



REQUEST TO EMERGENCY COMMISSION
SECRETARY OF STATE
 (See SFN 02580)

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SEC. OF STATE

Requestor Information

Department name: Department of Commerce
 Department number: 601
 Name of contact person: Rich Garman
 Telephone number: (701) 330-1276

Purpose of Request

Is this request related to a state emergency? No
 Purpose of request: Increase in line item spending authority

Line Item	Amount
Covid-19 Response	\$572,143

Funding Information

What is the source of funds for the requested increase? Federal
 Is the funding source a pass-through from another agency? No
 Will continued funding be required if Federal funds are no longer available? No
 Does the request require a general fund match in this bienium? No
 Will the request require general fund support in the next biennium? No

Background Information

Was any portion of the request presented during the previous legislative session? No
 Is the request for a new program? No
 Does the request require an FTE increase? No
 Does the request conform with legislative intent? Yes
 Provide explanation:
 During the 2021 Legislative Session, Commerce received an appropriation of \$58,641,843 in section 2 of HB1395 in the Covid-19 Response line in our appropriation. The TA portion of the SSBCI funding, \$572,143, is to go towards services which are complementary to the capital portion of SSBCI which was developed and is being administered by Commerce.

Other Information

Statutory provisions that relate to this request:
 N/a

Provide an explanation as to how the request supports state priorities, improves state efficiencies, and promotes effective state government:
 Commerce submits this petition under N.D.C.C. 54-16-03(2)(b) for authority to expend federal funds in accordance with the program. Section 54-16-03(2)(b) provides that, in an emergency, a state officer may submit a petition to the ND Secretary of State requesting approval to "expend federal funds pursuant to section 54-16-04.1 [.]" N.D.C.C. 54-16-03(2)(b). The SSBCI TA funding will go towards legal, accounting, and financial services which will support entrepreneurs and small businesses, furthering Commerce's mission to improve the quality of life for North Dakota citizens by leading efforts to attract, retain and expand wealth.



Provide any other relevant information:

The SSBCI capital program which Commerce is administering was required to "fully position" the programs within 90 days of Treasury approval of ND's application. Commerce staff engaged in conversations with ND's SSBCI liaison at the Department of Treasury to inquire about timelines imposed by Treasury for the TA portion of the funding. The Treasury liaison provided that a similar timeline to the capital program was under discussion. Commerce has submitted an application for the SSBCI TA dollars and anticipates approval of that application by January 1, 2023. Commerce cannot currently enter into a grant funding agreement and subsequently accept the SSBCI TA dollars. If Treasury approves ND's SSBCI TA application and enforces a similar deadline to that of the SSBCI capital program, ND would need the authority to expend the SSBCI TA funds prior to July 1, 2023 (next biennium). A Treasury imposed deployment of the TA funding is the purpose of the petition to the emergency commission.

Signature

I, the undersigned, have read this Request, know the contents, and believe the statements contained within to be true.

Alison Widmer

Sign Here

11/22/2022

Date