



NATIONAL CONFERENCE OF STATE LEGISLATURES

In an NCSL survey during the summer of 2021, NCSL asked legislative fiscal offices the following question:

Who has the authority to allocate and spend Coronavirus State Fiscal Recovery Funds (CSFRF) in your state?

Below are the responses:

Jurisdiction	Statement
Alabama	Legislature
Alaska	Legislature
Arizona	Governor
Arkansas	Task force and State Agencies recommends use of funds. Use/Expenditure of funds must have prior approval by the Legislature.
California	Legislature
Colorado	Legislature. Governor allocated CRF money from CARES Act.
Connecticut	Legislature A law was passed requiring the legislature to approve an allocation plan.
Delaware	Governor and Legislature. A joint allocation process between executive and legislative branches is anticipated.
District of Columbia	N/R
Florida	For Fiscal Year 2021-22, the Legislature appropriated \$6.7 billion contingent on receipt of the CSFRF. \$1.4 billion of the appropriations were vetoed by the Governor.
Georgia	Governor
Hawaii	N/R
Idaho	Legislature. Idaho has a "strong executive system" in which the Governor may, under certain circumstances, allocate funds for state agencies that were not cognizable when the Legislature was in session in accordance with Section 67-3516(2), Idaho Code. S1204 from the 2021 Legislative session stated in part that all ARPA funds were found to be cognizable and would require an appropriation by the Legislature before spending could occur.
Illinois	N/R
Indiana	HEA 1123-2021 provided that "federal economic stimulus funds" obligated or expended after April 29, 2021 would have to be appropriated by the general assembly (if convened in session) before they could be allotted or expended; if not convened in session, they would be subject to budget

	committee review (budget committee consists of four legislators and the state budget director (an executive branch employee appointed by the governor))
Iowa	Governor and Legislature. Both the Governor and the General Assembly have the authority to allocate and spend the CSFRF, but the Governor has taken the primary role of allocating and spending federal funds related to COVID-19.
Kansas	Governor and Legislature. CSFRF spending requires approval by the SPARK Executive Committee which is comprised of Legislative, Executive Branch and Private Sector members. All SPARK Executive Committee recommendations are then referred to the State Finance Council which is chaired by the Governor but the remainder of the members are Legislators.
Kentucky	Legislature. Language was added to the budget bill that passed in March 2021 that states CSFRF funds cannot be expended unless expressly appropriated by the General Assembly.
Louisiana	Governor recommends and can veto. Legislature appropriates.
Maine	Governor – propose; implement. Legislature – consider; enact. For American Rescue Plan Act, State Fiscal Recovery Fund only. PL 2021, c. 483 (LD 1733).
Maryland	Governor
Massachusetts	N/R
Michigan	N/R
Minnesota	Governor. State statute allows the Governor to spend federal money with legislative advice. A 2021 agreement allows the Legislature to negotiate with the Governor on spending a major share of the State Fiscal Recovery Fund.
Mississippi	Legislature
Missouri	Governor and Legislature. The Legislature has the sole authority to appropriate funds. The Governor/Executive Branch controls the rate of expenditures and is authorized to expend appropriations made by the legislature.
Montana	Governor and Legislature. The legislature appropriated the funds in HB 632 and the executive is implementing the legislation.
Nebraska	Governor and Legislature.
Nevada	The authority may vary depending on the situation and the use of the funds. While the Legislature is not in session, the Governor can recommend, in certain instances, spending of CSFRF to the Interim Finance Committee, which consists of 23 members of the Legislature. If the Governor determines the spending is for emergency purposes, the approval of the Interim Finance Committee is not required. If the spending requires changes to legislation, then the Governor can call a special session to propose legislation that must be approved by the Legislature and also by the Governor. It should be noted that the Legislature can also call itself into special session with a 2/3 vote. However, any legislation passed by the legislature may be vetoed by the Governor.
New Hampshire	Governor and Legislature. The Governor's office recommends where funds are to be disbursed, and agencies request approval from the joint legislative Fiscal Committee and Governor and Executive Council to accept and expend the funds.
New Jersey	Governor and Legislature. Joint authority: In FY 2022 Appropriations Act, the Legislature authorized certain expenditures and required the Governor to seek legislative approval for all other expenditures.

New Mexico	Undetermined.
New York	N/R
North Carolina	N/R
North Dakota	Legislature
Ohio	Legislature
Oklahoma	Governor and Legislature. While the Governor will have final discretion for allocation, a joint committee of the Legislature is now active in vetting and prioritizing the use of the funds, in cooperation and collaboration with the Executive.
Oregon	Legislature. The Legislature authorized CSFRF expenditure limitation (with specific spending/uses identified) in various agency budget bills during the 2021 Legislative Session; the Governor did not veto any of CSFRF line items.
Pennsylvania	Legislature
Puerto Rico	N/R
Rhode Island	Legislature. Funds are subject to appropriation which requires Legislative approval.
South Carolina	Legislature
South Dakota	N/R
Tennessee	N/R
Texas	Legislature. Legislative action is required to appropriate the grant even though the Office of the Governor is the designated administrator of the grant. Funds received from the Coronavirus State Fiscal Recovery Fund (except for funds appropriated through Section 603. Coronavirus Local Fiscal Recovery Fund) have not been appropriated, but will likely be appropriated by the Legislature in a special session this fall.
USVI	N/R
Utah	Legislature. Utah Code requires that the Legislature approve the state's receipt of new federal funds, if the state will receive total payments of \$10,000,000 or more per year from the federal government. The Legislature approved the receipt of funds by joint resolution, then appropriates the funds to state agencies.
Vermont	Legislature. Must be appropriated by the legislature - no transfer or anticipated receipts authority has been granted to the executive branch.
Virginia	N/R
Washington	N/R
West Virginia	N/R
Wisconsin	Governor
Wyoming	The Legislature appropriated the CSFRF funds. With this appropriation, the Governor has substantial discretion to make allocations at this time. The Legislature may make further appropriations in the 2021 Budget Session designating specific purposes.

Source: NCSL Survey of Legislative Fiscal Offices, Summer 2021.

N/R = Not Reported