

Introduced by

Senators Hogue, Holmberg, Wardner

Representatives Delzer, Devlin, Pollert

1 A BILL for an Act to amend and reenact sections 54-16-04.1 and 54-16-04.2 of the North
2 Dakota Century Code, relating to emergency commission and budget section approval to
3 accept and disburse federal and other funds.

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

5 **SECTION 1. AMENDMENT.** Section 54-16-04.1 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **54-16-04.1. May authorize acceptance and disbursement of federal funds.**

- 8 1. The emergency commission, upon the advice and counsel of the office of
9 management and budget, may authorize the state treasurer to receive any moneys not
10 appropriated by the legislative assembly which are made available by any federal
11 agency and which the legislative assembly has not indicated an intent to reject.
- 12 2. The emergency commission may authorize passthrough federal funds from one state
13 agency to another state agency.
- 14 3. The emergency commission, with approval of the budget section of the legislative
15 management if the amount under consideration exceeds fifty thousand five million
16 dollars, may authorize any state officer to receive and expend federal moneys from the
17 date such moneys become available until June thirtieth following the next regular
18 legislative session. A request under this subsection may not exceed one hundred
19 million dollars. The budget section may approve a request in the form received from
20 the emergency commission or may amend and approve a request. A request amended
21 and approved by the budget section is deemed to be approved by the emergency
22 commission. Any request considered by the budget section must comply with section
23 54-35-02.9.

- 1 4. Any federal funds made available to this state which are not for a specific purpose or
2 program and which are not required to be spent prior to the next regular legislative
3 session, upon the approval for acceptance by the emergency commission and the
4 budget section of the legislative management, must be deposited into a special fund
5 until the legislative assembly appropriates the funds.
- 6 5. a. Approval by the budget section of the legislative management is not required for
7 the acceptance of federal funds if the acceptance is necessary to avoid an
8 imminent threat to the safety of people or property due to a natural disaster or
9 war crisis or an imminent financial loss to the state.
- 10 b. Budget section approval is required before the expenditure of any funds accepted
11 under these conditions.
- 12 6. The expenditures must be consistent with state law and with the terms of the grant
13 and the program may not commit the legislative assembly for matching funds in the
14 future unless the program has first been approved by the legislative assembly.
- 15 7. A state officer may not expend funds received from the federal government which
16 have not been specifically appropriated by the legislative assembly except as provided
17 in this chapter.
- 18 8. A state officer shall submit an expenditure plan with a request for approval under this
19 section of expenditure of federal funds combined with or as part of a block grant for a
20 new or existing program.

21 **SECTION 2. AMENDMENT.** Section 54-16-04.2 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **54-16-04.2. Commission may authorize acceptance and expenditure of moneys.**

24 Upon a finding that an emergency exists, the emergency commission, upon the advice of
25 the office of management and budget, with approval of the budget section of the legislative
26 management if the amount under consideration exceeds ~~fifty thousand~~ five million dollars, may
27 authorize a state officer to receive moneys from gifts, grants, donations, or other sources, not
28 otherwise appropriated by the legislative assembly, for new or existing programs if the
29 legislative assembly has not indicated an intent to reject the moneys or the program. The
30 emergency commission may authorize the state officer to expend money received under this
31 section from the date the money becomes available until June thirtieth following the next regular

1 legislative session. Approval by the budget section of the legislative management is not
2 required for the acceptance of moneys under this section if the acceptance is necessary to
3 avoid an imminent threat to the safety of people or property due to a natural disaster or war
4 crisis or an imminent financial loss to the state. Budget section approval is required before the
5 expenditure of any funds accepted under these conditions. A request under this section may not
6 exceed one hundred million dollars. The budget section may approve a request in the form
7 received from the emergency commission or may amend and approve a request. A request
8 amended and approved by the budget section is deemed to be approved by the emergency
9 commission. Any request considered by the budget section must comply with section
10 54-35-02.9.