

Sixty-seventh
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2290

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; and to declare an emergency.

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 dollars but
16 does not exceed five million dollars, may authorize any state officer to receive and
17 expend federal moneys from the date such moneys become available until June
18 thirtieth following the next regular legislative session.
- 19 4. The emergency commission, with approval of the budget section of the legislative
20 management if the amount under consideration exceeds five million dollars but does
21 not exceed one hundred million dollars, may authorize any state officer to receive and
22 expend federal moneys from the date such moneys become available until June
23 thirtieth following the next regular legislative session. The budget section may approve
24 a request under this subsection in the form received from the emergency commission

1 or may amend and approve a request. A request amended and approved by the
2 budget section is deemed to be approved by the emergency commission. Any request
3 considered by the budget section must comply with section 54-35-02.9.

4 4-5. Any federal funds made available to this state which are not for a specific purpose or
5 program and which are not required to be spent prior to the next regular legislative
6 session, upon the approval for acceptance by the emergency commission and the
7 budget section of the legislative management, must be deposited into a special fund
8 until the legislative assembly appropriates the funds.

9 5-6. a. Approval by the budget section of the legislative management is not required for
10 the acceptance of federal funds if the acceptance is necessary to avoid an
11 imminent threat to the safety of people or property due to a natural disaster or
12 war crisis or an imminent financial loss to the state.
13 b. Budget section approval is required before the expenditure of any funds accepted
14 under these conditions.

15 6-7. The expenditures must be consistent with state law and with the terms of the grant
16 and the program may not commit the legislative assembly for matching funds in the
17 future unless the program has first been approved by the legislative assembly.

18 7-8. A state officer may not expend funds received from the federal government which
19 have not been specifically appropriated by the legislative assembly except as provided
20 in this chapter.

21 8-9. A state officer shall submit an expenditure plan with a request for approval under this
22 section of expenditure of federal funds combined with or as part of a block grant for a
23 new or existing program.

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

26 **54-16-04.2. Commission may authorize acceptance and expenditure of moneys.**

27 1. Upon a finding that an emergency exists, the emergency commission, upon the advice
28 of the office of management and budget, with approval of the budget section of the
29 legislative management if the amount under consideration exceeds fifty thousand
30 dollars but does not exceed five million dollars, may authorize a state officer to receive
31 moneys from gifts, grants, donations, or other sources, not otherwise appropriated by

1 the legislative assembly, for new or existing programs if the legislative assembly has
2 not indicated an intent to reject the moneys or the program.

3 2. Upon a finding that an emergency exists, the emergency commission, upon the advice
4 of the office of management and budget, with approval of the budget section of the
5 legislative management if the amount under consideration exceeds five million dollars
6 but does not exceed one hundred million dollars, may authorize a state officer to
7 receive moneys from gifts, grants, donations, or other sources, not otherwise
8 appropriated by the legislative assembly, for new or existing programs if the legislative
9 assembly has not indicated an intent to reject the moneys or the program. The budget
10 section may approve a request under this subsection in the form received from the
11 emergency commission or may amend and approve a request. A request amended
12 and approved by the budget section is deemed to be approved by the emergency
13 commission. Any request considered by the budget section must comply with section
14 54-35-02.9.

15 3. The emergency commission may authorize the state officer to expend money received
16 under this section from the date the money becomes available until June thirtieth
17 following the next regular legislative session. Approval by the budget section of the
18 legislative management is not required for the acceptance of moneys under this
19 section if the acceptance is necessary to avoid an imminent threat to the safety of
20 people or property due to a natural disaster or war crisis or an imminent financial loss
21 to the state. Budget section approval is required before the expenditure of any funds
22 accepted under these conditions.

23 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.