

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 fiveone 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 fiveone million dollars but  
21 does not exceed one hundred million dollars, may authorize any state officer to  
22 receive and expend federal moneys from the date such moneys become available  
23 until June thirtieth following the next regular legislative session. The budget section  
24 may approve a request under this subsection in the form received from the emergency

1 commission or may amend and approve a request. A request amended and approved  
2 by the budget section is deemed to be approved by the emergency commission. Any  
3 request 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 under this section before the expenditure of  
14 any funds accepted 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 10. The aggregate amount of requests to expend funds that may be approved each  
25 biennium under this section may not exceed thirty million dollars. Any request received  
26 under this section which, if approved, would result in more than thirty million dollars of  
27 funds being approved for expenditure under this section during the biennium may be  
28 approved only by the legislative assembly during a regular legislative session or during  
29 a special legislative session called by the governor.

30 11. Any request received under this section to expend funds received through a federal  
31 act that makes available more than fifty million dollars to the state may be approved

1 only by the legislative assembly during a regular legislative session or a special  
2 legislative session called by the governor.

3 12. Subsections 10 and 11 do not apply to federal highway administration emergency  
4 relief funding received by the state or to disaster or emergency recovery funding  
5 received by the state pursuant to section 37-17.1-23.

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

8 **54-16-04.2. Commission may authorize acceptance and expenditure of moneys.**

9 1. Upon a finding that an emergency exists, the emergency commission, upon the advice  
10 of the office of management and budget, with approval of the budget section of the  
11 legislative management if the amount under consideration exceeds fifty thousand  
12 dollars but does not exceed ~~five~~one million dollars, may authorize a state officer to  
13 receive and expend moneys from gifts, grants, donations, or other sources, not  
14 otherwise appropriated by the legislative assembly, for new or existing programs if the  
15 legislative assembly has not indicated an intent to reject the moneys or the program.

16 2. Upon a finding that an emergency exists, the emergency commission, upon the advice  
17 of the office of management and budget, with approval of the budget section of the  
18 legislative management if the amount under consideration exceeds ~~five~~one million  
19 dollars ~~but does not exceed one hundred million dollars~~, may authorize a state officer  
20 to receive and expend moneys from gifts, grants, donations, or other sources, not  
21 otherwise appropriated by the legislative assembly, for new or existing programs if the  
22 legislative assembly has not indicated an intent to reject the moneys or the program.  
23 The budget section may approve a request under this subsection in the form received  
24 from the emergency commission or may amend and approve a request. A request  
25 amended and approved by the budget section is deemed to be approved by the  
26 emergency commission. Any request considered by the budget section must comply  
27 with section 54-35-02.9.

28 3. ~~The emergency commission may authorize the~~A state officer receiving authorization to  
29 expend money ~~received~~ under this section may expend the money from the date the  
30 money becomes available until June thirtieth following the next regular legislative  
31 session. Approval by the budget section of the legislative management is not required

1 for the acceptance of moneys under this section if the acceptance is necessary to  
2 avoid an imminent threat to the safety of people or property due to a natural disaster  
3 or war crisis or an imminent financial loss to the state. Budget section approval is  
4 required before the expenditure of any funds accepted under these conditions.

5 4. The aggregate amount of requests to expend funds which may be approved each  
6 biennium under this section may not exceed five million dollars. Any request received  
7 under this section which, if approved, would result in more than five million dollars  
8 being approved for expenditures under this section during the biennium may be  
9 approved only by the legislative assembly during a regular legislative session or during  
10 a special legislative session called by the governor.

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