

**Fifty-fifth Legislative Assembly, State of North Dakota, begun in the  
Capitol in the City of Bismarck, on Monday, the sixth day of January,  
one thousand nine hundred and ninety-seven**

SENATE BILL NO. 2023  
(Legislative Council)  
(Budget Section)  
(Senators Nething, Goetz)  
(Representatives Dalrymple, Hausauer)

AN ACT to amend and reenact section 50-06.4-04, subsection 3 of section 50-24.1-01.3, and section 54-16-04 of the North Dakota Century Code, relating to appropriation authority and the powers and duties of the budget section of the legislative council; and to repeal sections 52-02.1-05, 54-14-01.1, and 57-01-11.1 of the North Dakota Century Code, chapter 63 of the 1989 Session Laws, and section 11 of chapter 22 of the 1993 Session Laws, relating to the office of the budget and the powers and duties of the budget section of the legislative council.

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

**SECTION 1. AMENDMENT.** Section 50-06.4-04 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**50-06.4-04. Authority to accept and expend grants, gifts, and services –Continuing appropriation—Budget section approval.** The department may apply for and accept any funds, grants, gifts, or services made available for the purpose of providing or coordinating services to persons with traumatic brain injury by any federal agency or department or any private agency or individual. Funds received by the department under this section must be deposited in the state treasury in a special fund designated as the traumatic brain injury fund and may be spent within the limits of legislative appropriation. ~~There is hereby appropriated out of the traumatic brain injury fund any moneys that may become available under this section for the purposes of carrying out this chapter. No moneys may be expended from the fund without prior approval of the budget section of the legislative council.~~

**SECTION 2. AMENDMENT.** Subsection 3 of section 50-24.1-01.3 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. The state treasurer shall establish a fund for the receipt of any civil money penalties imposed under subsection 1. Any civil money penalty paid to the department of human services under subsection 1 must be deposited in that fund, ~~and is hereby appropriated to the department of human services, subject to the approval of the budget section of the legislative council,~~ and, subject to the limits of legislative appropriation, may be expended for the sole purpose of the protection of the health or property of residents of nursing facilities that the state or federal government finds deficient.

**SECTION 3. AMENDMENT.** Section 54-16-04 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**54-16-04. May order transfer of moneys between funds - Line item transfers - Order may draw from state treasury.** A state officer may present to the emergency commission an itemized, verified petition requesting approval of a transfer of spending authority from the state contingencies appropriation, a transfer of money or spending authority between funds or line items, or expenditure of federal funds. The emergency commission shall request and receive information from the director of the office of management and budget regarding the petition. If the emergency commission finds that an emergency exists, the emergency commission may order money or spending authority transferred from one fund or line item to another fund or line item belonging to or appropriated for the same institution or board or the same state enterprise, may order a transfer of spending authority from the state contingencies appropriation, may authorize expenditure of federal funds, or in an extremity may

authorize money to be drawn from the state treasury to meet the emergency until the legislative assembly can make an appropriation available. The following transfers may not be authorized by the emergency commission without approval by the budget section of the legislative council: :

1. ~~A transfer of spending authority from the state contingencies appropriation after the aggregate amount transferred from that appropriation during the biennium exceeds five hundred thousand dollars.~~
2. A transfer of moneys or spending authority which would eliminate or make impossible the accomplishment of a program or objective funded by the legislative assembly.
3. 2. A transfer exceeding fifty thousand dollars from one fund or line item to another fund or line item, unless the transfer is necessary to comply with a court order or to avoid:
  - a. An imminent threat to the safety of people or property due to a natural disaster or war crisis; or
  - b. An imminent financial loss to the state.

**SECTION 4. REPEAL.** Sections 54-14-01.1 and 57-01-11.1 of the North Dakota Century Code, section 52-02.1-05 of the 1995 Supplement to the North Dakota Century Code, chapter 63 of the 1989 Session Laws, and section 11 of chapter 22 of the 1993 Session Laws are repealed.

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President of the Senate

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Speaker of the House

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Secretary of the Senate

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Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-fifth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2023.

Senate Vote:      Yeas    46          Nays    0          Absent    3

House Vote:      Yeas    89          Nays    1          Absent    7

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Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 1997.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 1997.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 1997,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

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Secretary of State