

SENATE BILL NO. 2023

Introduced by

Legislative Council

(Budget Section)

(Senators Nething, Goetz)
(Representatives Dalrymple, Hausauer)

1 A BILL for an Act to amend and reenact section 50-06.4-04, subsection 3 of section
2 50-24.1-01.3, and section 54-16-04 of the North Dakota Century Code, relating to appropriation
3 authority and the powers and duties of the budget section of the legislative council; and to
4 repeal sections 54-14-01.1 and 57-01-11.1 of the North Dakota Century Code, chapter 63 of the
5 1989 Session Laws, section 11 of chapter 22 of the 1993 Session Laws, and section 5 of
6 chapter 493 of the 1993 Session Laws, relating to the office of the budget and the powers and
7 duties of the budget section of the legislative council.

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

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

11 **50-06.4-04. Authority to accept and expend grants, gifts, and services**

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

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

23 3. The state treasurer shall establish a fund for the receipt of any civil money
24 penalties imposed under subsection 1. Any civil money penalty paid to the

1 department of human services under subsection 1 must be deposited in that fund;
2 and is hereby ~~appropriated to the department of human services, subject to the~~
3 ~~approval of the budget section of the legislative council, and, subject to the limits of~~
4 legislative appropriation, may be expended for the sole purpose of the protection of
5 the health or property of residents of nursing facilities that the state or federal
6 government finds deficient.

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

9 **54-16-04. May order transfer of moneys between funds - Line item transfers -**
10 **Order may draw from state treasury.** A state officer may present to the emergency
11 commission an itemized, verified petition requesting approval of a transfer of spending authority
12 from the state contingencies appropriation, a transfer of money or spending authority between
13 funds or line items, or expenditure of federal funds. The emergency commission shall request
14 and receive information from the director of the office of management and budget regarding the
15 petition. If the emergency commission finds that an emergency exists, the emergency
16 commission may order money or spending authority transferred from one fund or line item to
17 another fund or line item belonging to or appropriated for the same institution or board or the
18 same state enterprise, may order a transfer of spending authority from the state contingencies
19 appropriation, may authorize expenditure of federal funds, or in an extremity may authorize
20 money to be drawn from the state treasury to meet the emergency until the legislative assembly
21 can make an appropriation available. The following transfers may not be authorized by the
22 emergency commission without approval by the budget section of the legislative council: :

23 1. ~~A transfer of spending authority from the state contingencies appropriation after the~~
24 ~~aggregate amount transferred from that appropriation during the biennium exceeds~~
25 ~~five hundred thousand dollars.~~

26 2. A transfer of moneys or spending authority which would eliminate or make
27 impossible the accomplishment of a program or objective funded by the legislative
28 assembly.

29 3. 2. A transfer exceeding fifty thousand dollars from one fund or line item to another
30 fund or line item, unless the transfer is necessary to comply with a court order or to
31 avoid:

- 1 a. An imminent threat to the safety of people or property due to a natural
2 disaster or war crisis; or
3 b. An imminent financial loss to the state.

4 **SECTION 4. REPEAL.** Sections 54-14-01.1 and 57-01-11.1 of the North Dakota
5 Century Code, chapter 63 of the 1989 Session Laws, section 11 of chapter 22 of the 1993
6 Session Laws, and section 5 of chapter 493 of the 1993 Session Laws are repealed.