

**HOUSE BILL NO. 1041**

Introduced by

Legislative Council

(Higher Education Committee)

1 A BILL for an Act to amend and reenact sections 54-44.1-04 and 54-44.1-06 of the North  
2 Dakota Century Code, relating to budget requests and block grant appropriations for the North  
3 Dakota university system; and to declare an emergency.

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

5 **SECTION 1. AMENDMENT.** Section 54-44.1-04 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **54-44.1-04. (~~Effective through June 30, 2003~~) Budget estimates of budget units**  
8 **filed with the office of the budget - Deadline.** The head of each budget unit, not later than  
9 July fifteenth of each year next preceding the session of the legislative assembly, shall submit  
10 to the office of the budget, estimates of financial requirements of the person's budget unit for  
11 the next two fiscal years, on the forms and in the manner prescribed by the office of the budget,  
12 with such explanatory data as is required by the office of the budget and such additional data as  
13 the head of the budget unit wishes to submit. The budget estimates for the North Dakota  
14 university system must include block grants for the university system for a base funding  
15 component and for an initiative funding component for specific strategies or initiatives and a  
16 budget estimate for an asset funding component for renewal and replacement of physical plant  
17 assets at the institutions of higher education. The estimates so submitted must bear the  
18 approval of the board or commission of each budget unit for which a board or commission is  
19 constituted. The director of the budget in the director's discretion may extend the filing date for  
20 any budget unit if the director finds there is some circumstance ~~which~~ that makes it  
21 advantageous to authorize the extension. If a budget unit has not submitted its estimate of  
22 financial requirements by the required date or within a period of extension set by the director of  
23 the budget, the director of the budget shall prepare ~~such~~ the budget unit's estimate of financial  
24 requirements except ~~such~~ the estimate may not exceed ninety percent of ~~such~~ the budget unit's

1 previous biennial appropriation. The director of the budget or ~~such a~~ subordinate officer as the  
2 director designates shall examine the estimates and shall afford to the heads of budget units  
3 reasonable opportunity for explanation in regard thereto and, when requested, shall grant to the  
4 heads of budget units a hearing thereon which must be open to the public.

5 ~~(Effective after June 30, 2003) Budget estimates of budget units filed with the~~  
6 ~~office of the budget—Deadline.~~ The head of each budget unit, not later than July fifteenth of  
7 each year next preceding the session of the legislative assembly, shall submit to the office of  
8 the budget, estimates of financial requirements of the person's budget unit for the next two  
9 fiscal years, on the forms and in the manner prescribed by the office of the budget, with such  
10 explanatory data as is required by the office of the budget and such additional data as the head  
11 of the budget unit wishes to submit. The estimates so submitted must bear the approval of the  
12 board or commission of each budget unit for which a board or commission is constituted. The  
13 director of the budget may extend the filing date for any budget unit if the director finds there is  
14 some circumstance which makes it advantageous to authorize the extension. If a budget unit  
15 has not submitted its estimate of financial requirements by the required date or within a period  
16 of extension set by the director of the budget, the director of the budget shall prepare such  
17 budget unit's estimate of financial requirements except such estimate may not exceed ninety  
18 percent of such budget unit's previous biennial appropriation. The director of the budget or  
19 such subordinate officer as the director shall designate shall examine the estimates and shall  
20 afford to the heads of budget units reasonable opportunity for explanation in regard thereto and,  
21 when requested, shall grant to the heads of budget units a hearing thereon which must be open  
22 to the public.

23 **SECTION 2. AMENDMENT.** Section 54-44.1-06 of the North Dakota Century Code is  
24 amended and reenacted as follows:

25 **54-44.1-06. (Effective through June 30, 2003) Preparation of the budget data -**

26 **Contents.** The director of the budget, through the office of the budget, shall prepare budget  
27 data which must contain and include the following:

- 28 1. Summary statements of the financial condition of the state, accompanied by ~~such~~  
29 the detailed schedules of assets and liabilities as the director of the budget ~~deems~~  
30 determines desirable, which shall must include, ~~but not be limited to,~~ the following:

- 1 a. Summary statements of fund balances and assets showing in detail for each  
2 fund the surplus or deficit at the beginning of each of the two fiscal years of  
3 the previous biennium and the first fiscal year of the present biennium, the  
4 actual revenue for those years, the total appropriations for the previous and  
5 present biennium, and the total expenditures for those fiscal years; and  
6 b. Similar summary statements of the estimated fund balances and assets for  
7 the current fiscal year and each of the fiscal years of the next biennium.  
8 Summary statements may include, ~~but not be limited to,~~ a comparative  
9 consolidated balance sheet showing all the assets and liabilities of the state and  
10 the surplus or deficit, as the case may be, at the close of the first fiscal year of the  
11 current biennium.
- 12 2. Statements of actual revenue for the previous biennium, the first year of the  
13 present biennium, and the estimated revenue of the current fiscal year and of the  
14 next biennium, and a statement of unappropriated surplus expected to have  
15 accrued in the state treasury at the beginning of the next fiscal year. The  
16 statements of revenue and estimated revenue must be classified by sources and  
17 by budget unit collecting them. Existing sources of revenue must be analyzed as  
18 to their equity, productivity, and need for revision, and any proposed new sources  
19 of revenue must be explained.
- 20 3. Summary statements of expenditures of the previous biennium and first year of the  
21 present biennium, itemized by budget units and classified as prescribed by the  
22 director of the budget.
- 23 4. Detailed comparative statements of expenditures and requests for appropriations  
24 by funds, budget units and classification of expenditures, showing the expenditures  
25 for the previous biennium, the first fiscal year of the present biennium, the budget  
26 of the current biennium, and the governor's recommendation for appropriations for  
27 each budget unit for the next biennium, all distributed according to the prescribed  
28 classification of expenditures. Following the lists of actual and proposed  
29 expenditures of each budget unit there must be a brief explanation of the functions  
30 of the unit and comments on its policies and plans and on any considerable  
31 differences among the amounts recommended, with ~~such~~ any descriptive,

- 1 quantitative, comparative, and other data as to work done, unit costs, and like  
2 information as may be considered necessary or desirable. For capital outlay  
3 expenditures involving construction projects to be completed in two or more fiscal  
4 years, there must be shown the total estimated cost of each such project and the  
5 amount thereof recommended to be appropriated and expended in each ensuing  
6 fiscal year until completion of the project. Capital outlay needs may be projected  
7 for at least two years beyond the period covered by the budget.
- 8 5. A detailed statement showing the estimate of all moneys required to be raised or  
9 appropriated for the payment of interest upon the funded debt of the state and its  
10 other obligations bearing interest, and the amount of money required to be  
11 contributed in the two next ensuing fiscal years to the general sinking funds  
12 maintained for the redemption and payment of the debts of the state.
- 13 6. A summary statement of the unappropriated fund balance estimated to be  
14 available at the beginning of the next biennium, and the estimated revenue of the  
15 next biennium, as compared with the total recommended amounts of appropriation  
16 for all classes of expenditures for the next biennium, and if the total of the  
17 recommended expenditures exceeds the total of the estimated resources,  
18 recommendations as to how the deficiency is to be met and estimates of any  
19 proposed additional revenue.
- 20 7. Drafts of proposed general and special appropriations acts embodying the budget  
21 data and recommendations of the governor for appropriations for the next biennium  
22 and drafts of such revenues and other acts recommended by the governor for  
23 putting into effect the proposed financial plan. The recommended general  
24 appropriation for each budget unit must be specified in a separate section of the  
25 general appropriations act. The draft of the proposed appropriations act for the  
26 North Dakota university system must include block grants for a base funding  
27 appropriation and for an initiative funding appropriation for specific strategies or  
28 initiatives and an appropriation for asset funding for renewal and replacement of  
29 physical plant assets at the institutions of higher education ~~in the format approved~~  
30 ~~by the fifty seventh legislative assembly.~~

1           8. A list of every individual asset or service, excluding real estate, with a value of at  
2           least fifty thousand dollars and every group of assets and services comprising a  
3           single system with a combined value of at least fifty thousand dollars acquired  
4           through a capital or operating lease arrangement or debt financing arrangement by  
5           a state agency or institution. The list must include assets or services acquired in  
6           the current biennium and anticipated assets or services to be acquired in the next  
7           biennium.

8           9. ~~Such~~ Any other information as the director of the budget ~~deems~~ determines  
9           desirable or as is required by law.

10           **~~(Effective after June 30, 2003) Preparation of the budget data – Contents.~~** The  
11           director of the budget, through the office of the budget, shall prepare budget data which must  
12           contain and include the following:

13           ~~1. Summary statements of the financial condition of the state, accompanied by such~~  
14           ~~detailed schedules of assets and liabilities as the director of the budget deems~~  
15           ~~desirable, which shall include, but not be limited to, the following:~~

16           ~~a. Summary statements of fund balances and assets showing in detail for each~~  
17           ~~fund the surplus or deficit at the beginning of each of the two fiscal years of~~  
18           ~~the previous biennium and the first fiscal year of the present biennium, the~~  
19           ~~actual revenue for those years, the total appropriations for the previous and~~  
20           ~~present biennium, and the total expenditures for those fiscal years; and~~

21           ~~b. Similar summary statements of the estimated fund balances and assets for~~  
22           ~~the current fiscal year and each of the fiscal years of the next biennium.~~

23           ~~Summary statements may include, but not be limited to, a comparative~~  
24           ~~consolidated balance sheet showing all the assets and liabilities of the state and~~  
25           ~~the surplus or deficit, as the case may be, at the close of the first fiscal year of the~~  
26           ~~current biennium.~~

27           ~~2. Statements of actual revenue for the previous biennium, the first year of the~~  
28           ~~present biennium, and the estimated revenue of the current fiscal year and of the~~  
29           ~~next biennium, and a statement of unappropriated surplus expected to have~~  
30           ~~accrued in the state treasury at the beginning of the next fiscal year. The~~  
31           ~~statements of revenue and estimated revenue must be classified by sources and~~

- 1            ~~by budget unit collecting them. Existing sources of revenue must be analyzed as~~  
2            ~~to their equity, productivity, and need for revision, and any proposed new sources~~  
3            ~~of revenue must be explained.~~
- 4            3. ~~Summary statements of expenditures of the previous biennium and first year of the~~  
5            ~~present biennium, itemized by budget units and classified as prescribed by the~~  
6            ~~director of the budget.~~
- 7            4. ~~Detailed comparative statements of expenditures and requests for appropriations~~  
8            ~~by funds, budget units and classification of expenditures, showing the expenditures~~  
9            ~~for the previous biennium, the first fiscal year of the present biennium, the budget~~  
10           ~~of the current biennium, and the governor's recommendation for appropriations for~~  
11           ~~each budget unit for the next biennium, all distributed according to the prescribed~~  
12           ~~classification of expenditures. Following the lists of actual and proposed~~  
13           ~~expenditures of each budget unit there must be a brief explanation of the functions~~  
14           ~~of the unit and comments on its policies and plans and on any considerable~~  
15           ~~differences among the amounts recommended, with such descriptive, quantitative,~~  
16           ~~comparative, and other data as to work done, unit costs, and like information as~~  
17           ~~may be considered necessary or desirable. For capital outlay expenditures~~  
18           ~~involving construction projects to be completed in two or more fiscal years, there~~  
19           ~~must be shown the total estimated cost of each such project and the amount~~  
20           ~~thereof recommended to be appropriated and expended in each ensuing fiscal~~  
21           ~~year until completion of the project. Capital outlay needs may be projected for at~~  
22           ~~least two years beyond the period covered by the budget.~~
- 23           5. ~~A detailed statement showing the estimate of all moneys required to be raised or~~  
24           ~~appropriated for the payment of interest upon the funded debt of the state and its~~  
25           ~~other obligations bearing interest, and the amount of money required to be~~  
26           ~~contributed in the two next ensuing fiscal years to the general sinking funds~~  
27           ~~maintained for the redemption and payment of the debts of the state.~~
- 28           6. ~~A summary statement of the unappropriated fund balance estimated to be~~  
29           ~~available at the beginning of the next biennium, and the estimated revenue of the~~  
30           ~~next biennium, as compared with the total recommended amounts of appropriation~~  
31           ~~for all classes of expenditures for the next biennium, and if the total of the~~

- 1           ~~recommended expenditures exceeds the total of the estimated resources,~~  
2           ~~recommendations as to how the deficiency is to be met and estimates of any~~  
3           ~~proposed additional revenue.~~
- 4           7. ~~Drafts of a proposed general appropriations act and special appropriations acts~~  
5           ~~embodying the budget data and recommendations of the governor for~~  
6           ~~appropriations for the next biennium and drafts of such revenues and other acts~~  
7           ~~recommended by the governor for putting into effect the proposed financial plan.~~  
8           ~~The recommended general appropriation for each budget unit must be specified in~~  
9           ~~a separate section of the general appropriations act.~~
- 10          8. ~~A list of every individual asset or service, excluding real estate, with a value of at~~  
11          ~~least fifty thousand dollars and every group of assets and services comprising a~~  
12          ~~single system with a combined value of at least fifty thousand dollars acquired~~  
13          ~~through a capital or operating lease arrangement or debt financing arrangement by~~  
14          ~~a state agency or institution. The list must include assets or services acquired in~~  
15          ~~the current biennium and anticipated assets or services to be acquired in the next~~  
16          ~~biennium.~~
- 17          9. ~~Such other information as the director of the budget deems desirable or as is~~  
18          ~~required by law.~~

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