

**HOUSE BILL NO. 1306**

Introduced by

Representatives K. Koppelman, Devlin, M. Johnson, Vigesaa

Senators Heckaman, Luick

1 A BILL for an Act amend and reenact subsection 19 of section 50-06-05.1 of the North Dakota  
2 Century Code, relating to eligibility requirements for the energy assistance program.

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

4 **SECTION 1. AMENDMENT.** Subsection 19 of section 50-06-05.1 of the North Dakota  
5 Century Code is amended and reenacted as follows:

6 19. To act as the official agency of the state in the administration of the energy assistance  
7 program; to direct and supervise county administration of that program; and to take  
8 such actions, give such directions, and adopt such rules, subject to review in the  
9 courts of this state, as may be necessary or desirable to carry out this subsection. For  
10 purpose of determining eligibility for the energy assistance program, the department  
11 may not consider as a liquid asset any retirement fund, annuity, or other pension plan  
12 as long as the money remains in the retirement fund, annuity, or pension plan. Monthly  
13 or regular payments from a pension fund according to the plan may be counted as  
14 income, as well as monthly or regular withdrawals from retirement funds in a fund or  
15 account under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal  
16 Revenue Code of 1986, when those withdrawals can be made without penalty. For  
17 purposes of the administration of the energy assistance program, funds are obligated  
18 at the earlier of the time a written commitment is made to pay a vendor or contractor  
19 for services or supplies delivered or to be delivered, or at the time payment is made to  
20 a vendor or contractor for services or supplies delivered or to be delivered. The  
21 provisions of this subsection concerning obligation of funds apply to payments and  
22 commitments made on or after July 1, 1991. The department with the consent of the  
23 budget section of the legislative management may terminate the program if the rate of  
24 federal financial participation in administrative costs is decreased or limited to less

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- 1           than fifty percent of total administrative costs, or if the state or counties become
- 2           financially responsible for all or a portion of the cost of energy assistance program
- 3           benefits.