

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2290

Page 1, line 15, overstrike "fifty" and insert immediately thereafter "one hundred"

Page 1, line 16, replace "five" with "one"

Page 1, line 20, replace "five" with "one"

Page 1, line 20, remove "but does"

Page 1, line 21, remove "not exceed one hundred million dollars"

Page 2, line 29, overstrike "fifty" and insert immediately thereafter "one hundred"

Page 2, line 13, after "required" insert "under this section"

Page 2, after line 23, insert:

"10. The aggregate amount of requests that may be approved under this section during the period beginning July 1 of an odd-numbered year and continuing to June 30 of the next odd-numbered year may not exceed twenty-five million dollars. The governor shall call a special session of the legislative assembly to consider any request received under this section that would, if approved, result in more than twenty-five million dollars being approved under this section during the period."

Page 2, line 30, replace "five" with "one"

Page 3, line 5, replace "five" with "one"

Page 3, line 6, remove "but does not exceed one hundred million dollars"

Page 3, after line 22, insert:

"4. The aggregate amount of requests that may be approved under this section during the period beginning July 1 of an odd-numbered year and continuing to June 30 of the next odd-numbered year may not exceed five million dollars. The governor shall call a special session of the legislative assembly to consider any request received under this section that would, if approved, result in more than five million dollars being approved under this section."

Renumber accordingly

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 **fiftyone hundred** thousand
16 dollars but does not exceed **fiveone** million dollars, may authorize any state officer to
17 receive and expend federal moneys from the date such moneys become available
18 until June 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 that may be approved under this section during the
25 period beginning July 1 of an odd-numbered year and continuing to June 30 of the
26 next odd-numbered year may not exceed twenty-five million dollars. The governor
27 shall call a special session of the legislative assembly to consider any request
28 received under this section that would, if approved, result in more than twenty-five
29 million dollars being approved under this section during the period.

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

1 **54-16-04.2. Commission may authorize acceptance and expenditure of moneys.**

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

9 2. 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 five million
12 dollars ~~but does not exceed one hundred million dollars~~, may authorize a state officer
13 to receive moneys from gifts, grants, donations, or other sources, not otherwise
14 appropriated by the legislative assembly, for new or existing programs if the legislative
15 assembly has not indicated an intent to reject the moneys or the program. The budget
16 section may approve a request under this subsection in the form received from the
17 emergency commission or may amend and approve a request. A request amended
18 and approved by the budget section is deemed to be approved by the emergency
19 commission. Any request considered by the budget section must comply with section
20 54-35-02.9.

21 3. The emergency commission may authorize the state officer to expend money received
22 under this section from the date the money becomes available until June thirtieth
23 following the next regular legislative session. Approval by the budget section of the
24 legislative management is not required for the acceptance of moneys under this
25 section if the acceptance is necessary to avoid an imminent threat to the safety of
26 people or property due to a natural disaster or war crisis or an imminent financial loss
27 to the state. Budget section approval is required before the expenditure of any funds
28 accepted under these conditions.

29 4. The aggregate amount of requests that may be approved under this section during the
30 period beginning July 1 of an odd-numbered year and continuing to June 30 of the
31 next odd-numbered year may not exceed five million dollars. The governor shall call a

1 special session of the legislative assembly to consider any request received under this
2 section that would, if approved, result in more than five million dollars being approved
3 under this section.

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