

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2290

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 13, after "required" insert "under this section"

Page 2, after line 23, insert:

"10. The aggregate amount of requests to expend funds that may be approved each biennium under this section may not exceed thirty 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 thirty million dollars of funds being approved for expenditures under this section during the biennium.

11. The governor shall call a special session of the legislative assembly to consider any request received under this section to expend funds received through a federal Act that makes available more than fifty million dollars to the state."

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

Page 2, line 30, after "receive" insert "and expend"

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

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

Page 3, line 7, after "receive" insert "and expend"

Page 3, line 15, overstrike "The emergency commission may authorize the" and insert immediately thereafter "A"

Page 3, line 15, after "officer" insert "receiving authorization"

Page 3, line 15, overstrike "received"

Page 3, line 16, after "section" insert "may expend the money"

Page 3, after line 22, insert:

"4. The aggregate amount of requests to expend funds that may be approved each biennium under this section 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 for expenditures under this section during the biennium."

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 fifty thousand dollars but
16 does not exceed fiveone million dollars, may authorize any state officer to receive and
17 expend federal moneys from the date such moneys become available until June
18 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 to expend funds that may be approved each
25 biennium under this section may not exceed thirty million dollars. The governor shall
26 call a special session of the legislative assembly to consider any request received
27 under this section that would, if approved, result in more than thirty million dollars of
28 funds being approved for expenditures under this section during the biennium.

29 11. The governor shall call a special session of the legislative assembly to consider any
30 request received under this section to expend funds received through a federal Act
31 that makes available more than fifty million dollars to the state.

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

3 **54-16-04.2. Commission may authorize acceptance and expenditure of moneys.**

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

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

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

1 4. The aggregate amount of requests to expend funds that may be approved each
2 biennium under this section may not exceed five million dollars. The governor shall call
3 a special session of the legislative assembly to consider any request received under
4 this section that would, if approved, result in more than five million dollars being
5 approved for expenditures under this section during the biennium.

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