

Fifty-ninth  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1514

Introduced by

Representatives Carlson, Delzer

1 A BILL for an Act to amend and reenact sections 54-44.1-06, 54-44.1-06.1, 54-44.1-07,  
2 54-44.1-08, and 54-44.1-13 of the North Dakota Century Code, relating to the executive  
3 budget, budget deadlines, and drafts of appropriation bills.

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

5 **SECTION 1. AMENDMENT.** Section 54-44.1-06 of the North Dakota Century Code, as  
6 effective after June 30, 2005, is amended and reenacted as follows:

7 **(Effective after June 30, 2005) Preparation of the budget data - Contents.** The  
8 director of the budget, through the office of the budget, shall prepare budget data which must  
9 contain and include the following:

- 10 1. Summary statements of the financial condition of the state, accompanied by the  
11 detailed schedules of assets and liabilities as the director of the budget determines  
12 desirable, which must include the following:
  - 13 a. Summary statements of fund balances and assets showing in detail for each  
14 fund the surplus or deficit at the beginning of each of the two fiscal years of  
15 the previous biennium and the first fiscal year of the present biennium, the  
16 actual revenue for those years, the total appropriations for the previous and  
17 present biennium, and the total expenditures for those fiscal years; and
  - 18 b. Similar summary statements of the estimated fund balances and assets for  
19 the current fiscal year and each of the fiscal years of the next biennium.  
20 Summary statements may include a comparative consolidated balance sheet  
21 showing all the assets and liabilities of the state and the surplus or deficit, as the  
22 case may be, at the close of the first fiscal year of the current biennium.
- 23 2. Statements of actual revenue for the previous biennium, the first year of the  
24 present biennium, and the estimated revenue of the current fiscal year and of the

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

- 1 contributed in the two next ensuing fiscal years to the general sinking funds  
2 maintained for the redemption and payment of the debts of the state.
- 3 6. A summary statement of the unappropriated fund balance estimated to be  
4 available at the beginning of the next biennium, and the estimated revenue of the  
5 next biennium, as compared with the total recommended amounts of appropriation  
6 for all classes of expenditures for the next biennium, and if the total of the  
7 recommended expenditures exceeds the total of the estimated resources,  
8 recommendations as to how the deficiency is to be met and estimates of any  
9 proposed additional revenue.
- 10 7. Drafts of a proposed ~~general appropriations act and special~~ appropriations acts for  
11 executive branch departments, agencies, and institutions, including institutions of  
12 higher education, providing the same funding as approved by the most recently  
13 adjourned special or regular session of the legislative assembly and amendments  
14 to the drafts of appropriations acts embodying the budget data and  
15 recommendations of the governor for appropriations for the next biennium and  
16 drafts of such revenues and other acts recommended by the governor for putting  
17 into effect the proposed financial plan. ~~The recommended general appropriation~~  
18 ~~for each budget unit must be specified in a separate section of the general~~  
19 ~~appropriations act.~~
- 20 8. A list of every individual asset or service, excluding real estate, with a value of at  
21 least fifty thousand dollars and every group of assets and services comprising a  
22 single system with a combined value of at least fifty thousand dollars acquired  
23 through a capital or operating lease arrangement or debt financing arrangement by  
24 a state agency or institution. The list must include assets or services acquired in  
25 the current biennium and anticipated assets or services to be acquired in the next  
26 biennium.
- 27 9. Any other information as the director of the budget determines desirable or as is  
28 required by law.

29 **SECTION 2. AMENDMENT.** Section 54-44.1-06.1 of the North Dakota Century Code  
30 is amended and reenacted as follows:

1           **54-44.1-06.1. Contents of capital construction bill.** The office of management and  
2 budget shall continue to prepare capital construction budgets and a capital construction bill. ~~All~~  
3 ~~future~~ The capital construction bills bill may only include projects involving bonding. All other  
4 capital projects funded with general fund moneys or special funds must be included in draft  
5 amendments to the appropriate agency's appropriation bill.

6           **SECTION 3. AMENDMENT.** Section 54-44.1-07 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8           **54-44.1-07. Presentation of budget data - How presented to the legislative**  
9 **assembly.** The director of the budget or the director's designee shall present the budget data  
10 information in ~~section~~ sections 54-44.1-06, except the drafts of acts required by subsection 7 of  
11 ~~that section, and 54-44.1-06.1~~ and make available sufficient copies thereof to the legislative  
12 ~~assembly at the organizational session~~ budget section of the legislative council no later than  
13 November twentieth of each even-numbered year. The drafts of acts and amendments  
14 required by subsection 7 of section 54-44.1-06 must be submitted to the legislative council  
15 within ~~seven days after the day of adjournment of the organizational session~~ five business days  
16 after the presentation of the budget data. The budget data must be completed and made  
17 available to the legislative assembly in such form as may be prescribed by the legislative  
18 council. The legislative council shall set the time and place at which such budget data is to be  
19 presented.

20           **SECTION 4. AMENDMENT.** Section 54-44.1-08 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22           **54-44.1-08. Budget report - Contents - When submitted to legislative assembly.**  
23 The official budget report must be transmitted by the governor to all ~~holder~~ legislators ~~and~~  
24 ~~legislators elect not later than three days after the commencement of the session of the~~  
25 ~~legislative assembly~~ at the organizational session. Such report is not a third-class item under  
26 section 46-02-05. The budget director shall provide for the duplication or other satisfactory  
27 reproduction or printing of the official budget report, so as to ensure delivery of same as  
28 provided in this section. Such reports must contain the budget and revenue proposals  
29 recommended by the governor and the information required in subsections 1, 2, 3, 5, and 6 of  
30 section 54-44.1-06 and all other data and information as the governor shall decide. The budget  
31 director shall make available any and all information regarding budget data to the governor, the

1 legislative assembly and its designees, legislators, and to the governor-elect as may be  
2 requested. The governor may present any additional budget information in any manner to the  
3 legislative assembly as the governor may desire.

4 **SECTION 5. AMENDMENT.** Section 54-44.1-13 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **54-44.1-13. Budget requests for legislative and judicial branches.** The budget  
7 requests and expenditures for the legislative and judicial branches of this state are not subject  
8 to the provisions of this chapter and such budget requests must be submitted directly to the  
9 legislative assembly with informational copies of such budgets provided to the director of the  
10 budget not later than ~~November~~ October fifteenth in each even-numbered year preceding a  
11 session of the legislative assembly.