

HOUSE BILL NO. 1034

Introduced by

Legislative Management

(Government Finance Committee)

1 A BILL for an Act to amend and reenact section 54-44.1-12 of the North Dakota Century Code,
2 relating to the allotment of appropriations.

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

4 **SECTION 1. AMENDMENT.** Section 54-44.1-12 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **54-44.1-12. Control over rate of expenditures.**

7 1. The director of the budget shall exercise continual control over the execution of the
8 budget affecting the departments and agencies of state government, with the
9 exception of the legislative and judicial branches. Execution means the analysis and
10 approval of all commitments for conformity with the program provided in the budget,
11 frequent comparison of actual revenues and budget estimates, and on the basis of
12 these analyses and comparisons control the rate of expenditures through a system of
13 allotments. The allotment must be made by specific fund and all departments and
14 agencies that receive moneys from that fund must be allotted on a uniform percentage
15 basis, except that appropriations to the department of public instruction for
16 ~~foundation~~state school aid, transportation aid, and special education aid may only be
17 allotted to the extent that the allotment can be offset by transfers from the foundation
18 aid stabilization fund as follows:

19 a. The first two and one-half percent allotment from the general fund must be offset
20 with a transfer from the foundation aid stabilization fund.

21 b. Any general fund allotment in excess of two and one-half percent that is
22 necessary, after all moneys available in the budget stabilization fund have been
23 transferred to the general fund under section 54-27.2-03, may be offset with a
24 transfer from the foundation aid stabilization fund.

- 1 2. Before an allotment is made which will reduce the amount of funds which can be
2 disbursed pursuant to an appropriation or before an allotment disallowing a specific
3 expenditure is made, the director shall find one or more of the following circumstances
4 to exist:
- 5 ~~1.~~ a. The moneys and estimated revenues in a specific fund from which the
6 appropriation is made are insufficient to meet all legislative appropriations from
7 the fund.
- 8 ~~2.~~ b. The payment or the obligation incurred is not authorized by law.
- 9 ~~3.~~ c. The expenditure or obligation is contrary to legislative intent as recorded in any
10 reliable legislative records, including:
- 11 ~~a.~~ (1) Statements of legislative intent expressed in enacted appropriation
12 measures or other measures enacted by the legislative assembly; and
- 13 ~~b.~~ (2) Statements of purpose of amendment explaining amendments to enacted
14 appropriation measures, as recorded in the journals of the legislative
15 assembly.
- 16 ~~4.~~ d. Circumstances or availability of facts not previously known or foreseen by the
17 legislative assembly which make possible the accomplishment of the purpose of
18 the appropriation at a lesser amount than that appropriated.