

**Sixty-seventh Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 5, 2021**

SENATE BILL NO. 2207  
(Senators Lee, Bekkedahl, Dever)  
(Representatives M. Johnson, Porter, Westlind)

AN ACT to amend and reenact section 54-16-03 of the North Dakota Century Code, relating to submissions to the emergency commission; and to repeal section 54-16-03.1 of the North Dakota Century Code, relating to emergency requests.

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

**SECTION 1. AMENDMENT.** Section 54-16-03 of the North Dakota Century Code is amended and reenacted as follows:

**54-16-03. Unlawful to expend more than appropriated - May secure approval from commission for use of other funds - Deficit void - Submission of petition to emergency commission.**

1. A state officer may not expend, or agree or contract to expend, any amount in excess of the sum appropriated for that expenditure, and may not expend an amount appropriated for any specific purpose or fund or for any other purpose without prior approval in the form of a transfer approval or expenditure authorization as provided in this chapter. ~~The~~
2. When an emergency exists, a state officer may submit to the secretary of the emergency commission an itemized petition requesting approval to:
  - a. Transfer money and spending authority between funds or line items pursuant to section 54-16-04;
  - b. Accept and expend federal funds pursuant to section 54-16-04.1;
  - c. Accept and expend state contingency funds pursuant to section 54-16-09;
  - d. Accept and expend other funds pursuant to section 54-16-04.2; or
  - e. Recommend full-time equivalent positions pursuant to section 54-16-04.3.
3. The secretary of the emergency commission shall provide a copy of each petition submitted under this section to the office of management and budget shall provide information to the emergency commission with respect to all emergency requests. The office of management and budget may provide an analysis and prioritization of emergency requests to the emergency commission.
4. Any petition to the emergency commission by a state officer must be considered by the emergency commission. A petition under this section must be approved or recommended by the emergency commission before submission for consideration by the budget section.
5. Any debt or deficit created by a state officer in violation of this section is void.

**SECTION 2. REPEAL.** Section 54-16-03.1 of the North Dakota Century Code is repealed.

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President of the Senate

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Speaker of the House

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Secretary of the Senate

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Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2207.

Senate Vote:    Yeas 47            Nays 0            Absent 0

House Vote:    Yeas 88            Nays 4            Absent 2

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Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2021.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2021.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2021,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State