

**FIRST ENGROSSMENT
with House Amendments**

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2356

Introduced by

Senators Holmberg, Anderson, Flakoll, Hacker

Representatives Thoreson, Wald

1 A BILL for an Act to create and enact section 54-27.2-01.1 of the North Dakota Century Code,
2 relating to the creation of the legislative initiative fund; to amend and reenact sections
3 54-27.2-01 and 54-27.2-02 of the North Dakota Century Code, relating to the budget
4 stabilization fund; to provide an effective date; and to declare an emergency.

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

6 **SECTION 1. AMENDMENT.** Section 54-27.2-01 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **54-27.2-01. Budget stabilization fund.** The budget stabilization fund is a special fund
9 in the state treasury. The state investment board shall supervise investment of the budget
10 stabilization fund in accordance with chapter 21-10. Any interest or other budget stabilization
11 fund earnings must be deposited in the fund. Any amounts provided by law for deposit in the
12 fund and any interest or earnings of the fund which would bring the balance in the fund to an
13 amount greater than ~~five percent of the current biennial state general fund budget, as finally~~
14 ~~approved by the most recently adjourned special or regular session of the legislative assembly,~~
15 two hundred million dollars may not be deposited or retained in the fund but must be deposited
16 instead in the state general fund.

17 **SECTION 2.** Section 54-27.2-01.1 of the North Dakota Century Code is created and
18 enacted as follows:

19 **Legislative initiative fund - Creation - Uses.** The legislative initiative fund is a special
20 fund in the state treasury. Moneys in the fund may be spent, subject to legislative
21 appropriations, for state government initiatives as determined by the legislative assembly.

22 **SECTION 3. AMENDMENT.** Section 54-27.2-02 of the North Dakota Century Code is
23 amended and reenacted as follows:

1 **54-27.2-02. ~~Certain Allocation of ending general fund revenues to be deposited in~~**
2 **~~the budget stabilization fund balance.~~** Notwithstanding any other provision of law except
3 ~~section 54-27.2-01, any amount in the state general fund in excess of sixty-five million dollars at~~
4 ~~the end of any biennium must be transferred by the state treasurer to the budget stabilization~~
5 ~~fund. For purposes of this section, "at the end of any biennium" means~~ The state treasurer
6 shall allocate amounts in the state general fund at the end of each biennium after cancellation
7 of unexpended appropriations under section 54-44.1-11 as follows:

8 1. Up to the first sixty-five million dollars, fifty percent must be allocated to the
9 legislative initiative fund and fifty percent must be retained in the general fund.

10 2. Any amounts in excess of sixty-five million dollars must be allocated to the budget
11 stabilization fund, except that allocations may not be made that would exceed the
12 maximum balance allowed in the fund under section 54-27.2-01.

13 **SECTION 4. EFFECTIVE DATE.** This Act becomes effective July 1, 2007, and affects
14 the use of the ending general fund balance for the 2005-07 biennium.

15 **SECTION 5. EMERGENCY.** This Act is declared to be an emergency measure.