

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO.

Introduced by

Representative Boucher

1 A BILL for an Act to amend and reenact section 54-27.2-03 of the North Dakota Century Code,
2 relating to transfers and expenditures from the budget stabilization fund.

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

4 **SECTION 1. AMENDMENT.** Section 54-27.2-03 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **54-27.2-03. Transfers and expenditures from budget stabilization fund.**

7 1. If the director of the office of management and budget projects that general fund
8 revenues for the biennium will be at least two and one-half percent less than
9 estimated by the most recently adjourned special or regular session of the
10 legislative assembly, and if the governor orders a transfer, which must be reported
11 to the budget section of the legislative council, the state treasurer shall transfer the
12 appropriate funds from the budget stabilization fund to the state general fund to
13 offset the decrease in general fund revenues. The amount transferred from the
14 budget stabilization fund upon order of the governor may not exceed the difference
15 between an amount two and one-half percent below the general fund revenue
16 projections for the biennium of the most recently adjourned special or regular
17 session of the legislative assembly and the general fund revenue projections for
18 the biennium by the director of the office of management and budget. The amount
19 transferred from the budget stabilization fund upon order of the governor to the
20 state general fund may be expended within the limits of legislative guidelines and
21 general fund appropriations of the most recently adjourned special or regular
22 session of the legislative assembly. For purposes of this section, "general fund
23 revenues for the biennium" and "general fund revenue projections for the
24 biennium" include the general fund balance at the beginning of the biennium.

1 2. If a state agency or institution experiences general fund cost increases in excess of
2 two and one-half percent of its biennial general fund appropriation due to an
3 emergency, the emergency commission, upon the advice of the office of
4 management and budget, and subject to budget section approval, may authorize
5 the state officer to receive and expend funds from the budget stabilization fund.
6 The amount authorized is limited to the additional funding necessary to provide for
7 the unanticipated cost increases that exceed two and one-half percent of the
8 agency's biennial general fund appropriation. For purposes of this section, an
9 "emergency" means a calamity or unforeseen happening caused by a national or
10 international event, natural disaster, or significant inflationary increases that were
11 not anticipated in the agency appropriation and a "state officer" means an elected
12 or appointed officer, board, commission, director, or employee of the state having
13 the authority to transfer or expend any money appropriated by the legislative
14 assembly.