

**HOUSE BILL NO. 1479**

Introduced by

Representatives Ekstrom, Glassheim, Gulleon

Senators Tallackson, Thane

1 A BILL for an Act to amend and reenact sections 54-27.2-02 and 54-44.1-12 of the North  
2 Dakota Century Code, relating to deposits in the budget stabilization fund and budget  
3 allotments.

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

5 **SECTION 1. AMENDMENT.** Section 54-27.2-02 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **54-27.2-02. Certain general fund revenues to be deposited in the budget**  
8 **stabilization fund.** Notwithstanding any other provision of law except section 54-27.2-01, any  
9 amount in the state general fund in excess of ~~sixty five million dollars~~ the amount projected by  
10 the most recently adjourned special or regular session of the legislative assembly at the end of  
11 any biennium must be transferred by the state treasurer to the budget stabilization fund. For  
12 purposes of this section, "at the end of any biennium" means after cancellation of unexpended  
13 appropriations under section 54-44.1-11.

14 **SECTION 2. AMENDMENT.** Section 54-44.1-12 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16 **54-44.1-12. Control over rate of expenditures.** The director of the budget shall  
17 exercise continual control over the execution of the budget affecting the departments and  
18 agencies of state government, with the exception of the legislative and judicial branches.  
19 Execution means the analysis and approval of all commitments for conformity with the program  
20 provided in the budget, frequent comparison of actual revenues and budget estimates, and on  
21 the basis of these analyses and comparisons control the rate of expenditures through a system  
22 of allotments. The allotment must be made by specific fund and all departments and agencies  
23 that receive moneys from that fund must be allotted on a uniform percentage basis, except that  
24 appropriations to the department of public instruction for foundation aid, transportation aid, and

1 special education aid may only be allotted to the extent that the allotment can be offset by  
2 transfers from the foundation aid stabilization fund. Before an allotment is made which will  
3 reduce the amount of funds which can be disbursed pursuant to an appropriation or before an  
4 allotment disallowing a specific expenditure is made, the director shall find one or more of the  
5 following circumstances to exist:

- 6 1. The moneys and estimated revenues in a specific fund from which the  
7 appropriation is made are insufficient to meet all legislative appropriations from the  
8 fund.
- 9 2. The payment or the obligation incurred is not authorized by law.
- 10 3. The expenditure or obligation is contrary to legislative intent as recorded in any  
11 reliable legislative records, including:
  - 12 a. Statements of legislative intent expressed in enacted appropriation measures  
13 or other measures enacted by the legislative assembly; and
  - 14 b. Statements of purpose of amendment explaining amendments to enacted  
15 appropriation measures, as recorded in the journals of the legislative  
16 assembly.
- 17 4. Circumstances or availability of facts not previously known or foreseen by the  
18 legislative assembly which make possible the accomplishment of the purpose of  
19 the appropriation at a lesser amount than that appropriated.

20 Any allotment involving the general fund must be made to the extent necessary to maintain the  
21 general fund balance at the end of the biennium as projected by the most recently adjourned  
22 special or regular session of the legislative assembly.