

CHAPTER 54-27.2 BUDGET STABILIZATION FUND

54-27.2-01. Budget stabilization fund.

The budget stabilization fund is a special fund in the state treasury. The state investment board shall supervise investment of the budget stabilization fund in accordance with chapter 21-10. Any interest or other budget stabilization fund earnings must be credited to the fund. Any amounts provided by law for deposit in the fund and any interest or earnings of the fund which would bring the balance in the fund at the end of any fiscal year to an amount greater than fifteen percent of the current biennial state general fund budget, as finally approved by the most recently adjourned special or regular session of the legislative assembly, may not be deposited in or credited to the fund but must be deposited instead in the state general fund.

54-27.2-02. Certain general fund revenues to be deposited in the budget stabilization fund.

Notwithstanding any other provision of law except section 54-27.2-01, any amount in the state general fund in excess of sixty-five million dollars at the end of any biennium, after deducting any amounts that would otherwise be transferred to the general fund under section 54-27.2-01, must be transferred by the state treasurer to the budget stabilization fund. For purposes of this section, "at the end of any biennium" means after cancellation of unexpended appropriations under section 54-44.1-11.

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

1. The governor may order transfers from the budget stabilization fund to the general fund as follows:
 - a. After general fund allotments totaling at least three percent have been made during the biennium under section 54-44.1-12, the governor may order a transfer up to an amount equal to three percent of general fund appropriations.
 - b. If the maximum transfer from the budget stabilization fund is made to the general fund under subdivision a and an additional general fund allotment of at least one percent is made under section 54-44.1-12, the governor may order a transfer up to an amount equal to two percent of general fund appropriations.
 - c. If the maximum transfer from the budget stabilization fund is made to the general fund under subdivision b and an additional general fund allotment of at least one percent is made under section 54-44.1-12, the governor may order a transfer up to an amount equal to three percent of general fund appropriations.
 - d. If the maximum transfer from the budget stabilization fund is made to the general fund under subdivision c and an additional general fund allotment of at least one percent is made under section 54-44.1-12, the governor may transfer any remaining funds in the budget stabilization fund to the general fund.
 - e. The amount of a transfer made under any subdivision of this subsection may not exceed the difference between the general fund revenue projections for the biennium of the most recently adjourned special or regular session of the legislative assembly and the revised general fund revenue projections for the biennium, less the amounts of any allotments ordered under section 54-44.1-12 during the biennium, as determined by the director of the office of management and budget. For purposes of this subsection, "general fund revenue projections for the biennium" includes the general fund balance at the beginning of the biennium.
 - f. For purposes of this subsection, the calculation of total percentage general fund allotments made under section 54-44.1-12 must be based on total general fund allotments after any allotment exemption granted by the director of the budget compared to total general fund appropriations.
2. Any amounts transferred from the budget stabilization fund upon order of the governor to the state general fund may be expended within the limits of legislative guidelines

and general fund appropriations of the most recently adjourned special or regular session of the legislative assembly. For purposes of this section, "general fund appropriations" includes total biennium general fund appropriations approved by the most recently adjourned special or regular session of the legislative assembly. The director of the office of management and budget must provide a report to the budget section of the legislative management when a transfer is made under this section.