

FISCAL NOTE
HOUSE BILL NO. 1379
LC# 23.0695.03000
04/12/2023

1 - State Fiscal Effect

Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2021-2023 Biennium		2023-2025 Biennium		2025-2027 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

2 - County, City, School District, and Township Fiscal Effect

Identify the fiscal effect on the appropriate political subdivision.

	2021-2023 Biennium	2023-2025 Biennium	2025-2027 Biennium
Counties			
Cities			
School Districts			
Townships			

3 - Bill and Fiscal Impact Summary

Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).

Engrossed House Bill 1379 with Senate Amendments amends the new legacy earnings fund to receive all of the constitutionally mandated legacy fund earnings transfers. It then stipulates the amount available for appropriation out of the new fund and directs the transfer of funding to multiple funds.

4 - Fiscal Impact Sections Detail

Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.

Section 2 of Engrossed HB 1379 with Senate Amendments requires all legacy fund earnings which are constitutionally required to be transferred to the general fund at the end of each biennium be immediately transferred into the legacy earnings fund. It also requires all interest and earnings derived from these funds be kept in this new fund. This would go into effect for legacy fund earnings generated and transferred during the 2023-25

biennium.

The section then spells out the amount available for appropriation out of the new fund as seven percent (7%) of the five-year average value of legacy fund assets as determined by SIB. Beginning with the 2023-25 biennium, the bill would require transfers of the amount available for appropriation from the legacy earnings fund to newly created or existing funds as follows...

- First \$102,620,461 to legacy sinking and interest fund
- Next \$225 M set aside for tax relief as designated by legislative assembly
- Next \$100 M to the Highway Distribution Fund for Allocations per NDCC 54-27-19.3
- Any additional dollars remaining to be split 50% to General Fund and 50% to SIIF
- Remainder to be allocated as follows if earnings transferred exceed the amount available for appropriations above...
 - 50% to General Fund
 - 50% to SIIF

5 - Revenues Detail

For information shown under state fiscal effect in 1 or 2, please explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

For the 2023-25 biennium, Section 2 of the bill will require all the constitutionally mandated legacy fund earnings which are transferred into the general fund be transferred immediately to the legacy earnings fund.

There will be a reduction in the available general fund revenues in an amount equal to the legacy fund earnings for the biennium. For the 2023-25 biennium, the estimated revenues would be \$486 M based on 7% of the of the five-year average value of legacy fund assets as determined by SIB as stated above and based on the RIO website, the Legacy Fund Earning through the Biennium are less than \$486 M so no additional transfers and appropriations would be made.

Due to the complexity of estimating the legacy fund earnings under the current statutory definition of earnings, it would be very difficult to accurately estimate the actual amount of legacy fund earnings that would be transferred to the general fund and subsequently to the legacy earnings fund for the biennium of 2025-2027.

6 - Expenditures Detail

For information shown under state fiscal effect in 1 or 2, please explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

7 - Appropriations Detail

For information shown under state fiscal effect in 1 or 2, please explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.

Section 2 would be effective in 2023-25 biennium; the bill appropriates out of the new legacy earnings fund as spelled out above.

The calculation of the five-year average value of the legacy fund will be based off the five-year period ending with the most recently completed even-numbered fiscal year.

Section 3 states act is effective July 1, 2023 and Section 4 states an emergency clause.

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