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24-LS0896VA
Utermohle
4/14/05

HOUSE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE HARRIS

Introduced:

Referred:

Funding Information:	General Fund	\$	-0-
	Other Funds		600,000,000
	Total	\$	600,000,000

A BILL

FOR AN ACT ENTITLED

1 **"An Act making an appropriation to the statutory budget reserve fund; making an**
 2 **appropriation under art. IX, sec. 17(c), Constitution of the State of Alaska, from the**
 3 **constitutional budget reserve fund; and providing for an effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 *** Section 1. STATUTORY BUDGET RESERVE FUND.** (a) Contingent upon the
 6 approval of an amendment to the Constitution of the State of Alaska repealing the budget
 7 reserve fund established by art. IX, sec. 17, Constitution of the State of Alaska, by a majority
 8 of the voters voting on the amendment at the 2006 general election, the sum of \$600,000,000
 9 is appropriated to the budget reserve fund (AS 37.05.540) from the budget reserve fund (art.
 10 IX, sec. 17, Constitution of the State of Alaska).

11 (b) The appropriation made by this section is made under art. IX, sec. 17(c),
 12 Constitution of the State of Alaska.

13 *** Sec. 2. LAPSE.** The appropriation made by sec. 1 of this Act is for the capitalization of a
 14 fund and does not lapse.

1 * **Sec. 3.** This Act takes effect on the day after the date on which the election returns of the
2 2006 general election are certified by the lieutenant governor.

ately and may be appropriated
ly."

facilities maintenance and con-
37.05.560, remain "available for
in the meaning of article IX, sec.
Alaska Constitution. *Hickel v.*
2 (Alaska 1994).

a special revenue fund.
ie fund is established. The
eral government under 42
: amount deposited in the
ropriations before June 9,

nal Petroleum Reserve —

ic Development shall adopt
nal Petroleum Reserve —
apply for and be eligible to
ve priority in the allocation
erience the most direct or
. 6508 within the National
meritorious grant applica-
0 days after the convening
ill submit to the legislature
list of all municipalities
s, a recommendation of the
ns, and written justification

the money in the National
ailable for appropriation by
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an initial appropriation be
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to be meritorious.

of this section only for the
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re used for the retirement of

8 and not appropriated for
e deposited at the end of each
Alaska permanent fund; and
he amounts remaining after

the deposits to the Alaska permanent fund and the public school trust fund may be appropriated to the power cost equalization and rural electric capitalization fund (AS 42.45.100). The amounts remaining after any appropriation to the power cost equalization and rural electric capitalization fund shall lapse into the general fund for use by the state for the following facilities and services: planning; construction, maintenance, and operation of essential public facilities; and other necessary public services.

(h) Notwithstanding other provisions of law and unless expressly provided by the legislature in the appropriation item making the appropriation, an appropriation from the National Petroleum Reserve — Alaska special revenue fund shall, for the purposes of determining the funding sources for the appropriation be treated as though the appropriation takes effect in the fiscal year in which the appropriation passes the legislature. The authorization to expend funds appropriated from the fund shall take effect as otherwise provided by law. (§ 2 ch 94 SLA 1984; am §§ 2, 3 ch 53 SLA 1986; am § 2 ch 59 SLA 1992; am § 32 ch 32 SLA 1997; am § 2 ch 93 SLA 1999)

Revisor's notes. — Formerly AS 37.25.040. Re-numbered in 1988.

In 1999, in (c) of this section, "Community and Economic Development" was substituted for "Community and Regional Affairs" in accordance with § 91(a)(9), ch. 58, SLA 1999, and, in (d) of this section, "Community and Economic Development" was substituted for "Community and Regional Affairs" to correct a manifest error in enactment by the omission of reference to AS 37.05.530(d) in § 91(a)(9), ch. 58, SLA 1999.

In 2004, in (c) and (d) of this section, "Department of

Community and Economic Development" was changed to "Department of Commerce, Community, and Economic Development", in accordance with § 3, ch. 47, SLA 2004.

Cross references. — For legislative findings in connection with the 1984 and 1986 Acts, see § 1, ch. 94, SLA 1984, and § 1, ch. 53, SLA 1986, respectively, in the Temporary and Special Acts; for legislative purpose in connection with the enactment of (h) of this section, see § 1, ch. 59, SLA 1992 in the Temporary and Special Acts.

Sec. 37.05.540. Budget reserve fund; appropriation limit. (a) There is established as a separate fund in the state treasury the budget reserve fund. The budget reserve fund consists of appropriations to the fund. Money received by the state that is subject to the appropriation limit under (b) of this section and that exceeds that limit, may be appropriated to the budget reserve fund.

(b) Except for appropriations to the permanent fund or for Alaska permanent fund dividends, appropriations to the budget reserve fund, appropriations of revenue bond proceeds, appropriations required to pay the principal and interest on general obligation bonds, and appropriations of money received from a nonstate source in trust for a specific purpose, including revenue of a public enterprise or public corporation of the state that issues revenue bonds, appropriations from the mental health trust settlement income account (AS 37.14.036), and appropriations made to the mental health trust fund (AS 37.14.031), appropriations from the treasury made in a fiscal year may not exceed appropriations made in the preceding fiscal year by more than five percent plus the change in population and inflation since the beginning of the preceding fiscal year. For purposes of applying this limit an appropriation is considered to be made in the fiscal year in which it is enacted and a reappropriation remains attributed to the fiscal year in which the original appropriation is enacted. The determination of the change in population for purposes of this subsection shall be based on an annual estimate of population by the Department of Labor and Workforce Development. The determination of the change in inflation for purposes of this subsection shall be based on the Consumer Price Index for all urban consumers for Anchorage prepared by the United States Bureau of Labor Statistics. The amount of money received by the state that is subject to the appropriation limit includes the balance in the general fund carried forward from the preceding fiscal year.

(c) If the legislature determines that the money subject to the appropriation limit received by the state in a fiscal year is less than the maximum permitted to be appropriated under (b) of this section, up to 25 percent of the balance of the budget reserve fund may be appropriated to the general fund.

(d) The Department of Revenue shall manage and invest assets of the budget reserve fund in the manner set out for the management and investment of the assets of the general fund under AS 37.10.070. Income from investment of the budget reserve fund may be appropriated to the fund each year by law.

(e) Notwithstanding other provisions of this section, appropriations may be made from the budget reserve fund needed by the governor to meet a disaster. In this subsection, "disaster" has the meaning given in AS 26.23.900. (§ 1 ch 58 SLA 1986; am § 6 ch 66 SLA 1991)

Revisor's notes. — Formerly AS 37.05.156. Renumbered in 1988.

In 1996, in subsection (b) of this section, "mental health trust settlement income account" was substituted for "mental health trust income account" pursuant to sec. 17, ch. 1, SSSLA 1994.

In 1999, in (b) of this section, "Department of Labor" was changed to read "Department of Labor

and Workforce Development" in accordance with § 99, ch. 58, SLA 1999.

Opinions of attorney general. — Article IX, section 17 of the Alaska constitution did not repeal the statutory budget reserve fund established by this section and the statutory fund continues in effect until amended or repealed by the legislature. 1992 Op. Atty Gen. No. 1.

NOTES TO DECISIONS

Cited in *Hickel v. Cowper*, 874 P.2d 922 (Alaska 1994).

Sec. 37.05.550. Alaska marine highway system vessel replacement fund.

(a) There is in the general fund the Alaska marine highway system vessel replacement fund. The fund consists of money appropriated to it by the legislature. Money appropriated to the fund does not lapse. The Department of Revenue shall manage the fund. Interest received on money in the fund shall be accounted for separately and may be appropriated into the fund annually. The legislature may appropriate money from the fund for refurbishment of existing state ferry vessels, acquisition of additional state ferry vessels, or replacement of retired or outmoded state ferry vessels.

(b) [See conditional amendment note.] The legislature may appropriate to the fund money received by the state as Alaska marine highway system program receipts or from a settlement or final judicial determination of the Dinkum Sands case (*United States v. Alaska*) and the North Slope royalty case (*State v. Amerada Hess, et al.*) and not deposited into the Alaska permanent fund under AS 37.13.010(a)(1) or into the public school trust fund under AS 37.14.150.

(c) The Department of Revenue shall prepare a written report, no later than the 10th legislative day of each regular legislative session, regarding the earnings of the Alaska marine highway system vessel replacement fund during the prior fiscal year and projected earnings of the Alaska marine highway system vessel replacement fund for the current fiscal year and the next fiscal year. The Department of Revenue shall notify the legislature that the report is available. (§ 1 ch 145 SLA 1990; am § 2 ch 62 SLA 1992; am § 59 ch 21 SLA 1995; am § 1 ch 22 SLA 2003)

Conditional amendment of subsection (b). — Under § 2, ch. 22, SLA 2003, subsection (b) is amended to read as follows: "(b) The legislature may appropriate to the fund money received by the state as Alaska marine highway system program receipts or from a settlement or final judicial determination of the Dinkum Sands case (*United States v. Alaska*) and the North Slope royalty case (*State v. Amerada Hess, et al.*) and not deposited into the Alaska permanent fund under AS 37.13.010(a)(1) or (2) or into the public school trust fund under AS 37.14.150." As of July 2004, this contingency had not occurred.

Under § 5(a), ch. 22, SLA 2003, this amendment of subsection (b) takes effect if the commissioner of revenue determines that "the amount by which each

permanent fund dividend is reduced as a result of the amendment to AS 37.13.010(a) [by § 3, ch. 22, SLA 2003] . . . when compared to what the amount of each dividend would have been for that year had the amendment to [AS 37.13.010(a) by § 3, ch. 22, SLA 2003] . . . not taken effect" equals or exceeds \$20. The commissioner of revenue is to make the calculation "[b]efore October 1 of each year[.]"

The calculation made under § 5, ch. 22, SLA 2003 for the year 2004 indicates that the conditional amendment did not take effect during 2004.

Cross references. — For Alaska Marine Highway System Fund and budget, see AS 19.65.050 — 19.65.100.

Effect of amendments. — The 2003 amendment,

effective August 16, 2003, delete "AS 37.13.010(a)(1)" near the end

Constitutional availability — Funds which require further action before expenditures can be available for appropriation energy fund, AS 37.05.520, the way system vessel replacement

Sec. 37.05.560. Education

(a) The educational facilities separate fund in the general fund

(b) The educational facilities separate fund in the general fund, Department of Revenue, AS 37.10.071. Money in the fund

(1) to finance the design

(2) for maintenance of

(c) Appropriations from subject to AS 14.11.008. (1)

Revisor's notes. — Enacted numbered in 1993.

Editor's notes. — Section 22

Constitutional availability — Funds which require further action before expenditures can be available for appropriation energy fund, AS 37.05.520, the way system vessel replacement

Sec. 37.05.570. Alaska

account in the general fund

(1) payments made to occupant of a covered building for costs of the occupancy

(2) appropriations to the

(b) Beginning with the annual basis and under amounts from the Alaska

pay use, management, or covered buildings managed

(c) Appropriations to the

and do not lapse under /

(d) The unexpended public building fund lapses

year for which it was appropriated

(e) Nothing in this section

fund from the requirements for a specific purpose.

(f) In this section, "covered building" means a building owned by the Department of Administration

the responsibility for operation and maintenance of the

Department of Administration

Alaska State Legislature

Session: (Jan-May)
State Capitol, Room 208
Juneau, AK 99801-1182
(907) 465-4859
Fax (907) 465-3799



Interim: (June-Dec)
716 West 4th Avenue, Suite 300
Anchorage, AK 99501-2133
(907) 269-0129
Fax (907) 269-0128

John Harris
Speaker of the House

SPONSOR STATEMENT

COMMITTEE SUBSTITUTE for HOUSE JOINT RESOLUTION 12 (W&M) *CONSTITUTIONAL AMENDMENT: BUDGET RESERVE FUND REPEAL*

In 1990, the Constitutional Budget Reserve was established to provide cash to fund state government during times when low oil prices caused revenues to fall short of expenditures. It was funded by proceeds of settlements of tax and royalty disputes with the oil companies. Most of these large disputes have been settled and little additional dedicated revenue is expected anytime in the future.

Theoretically, the CBR should grow in size because the account is to be repaid when revenues exceed expenditures. To date, this has not occurred. The cumulative draw has been over \$5 billion.

By repealing this amendment, there is no longer a need for a three-quarter vote whenever additional funds are needed to balance our budget. Also, elimination of this amendment will help facilitate the development of a fiscal plan that will allow the legislature to balance a budget on a year-to-year basis with known anticipated revenues.

As written within the resolution, funds from the CBR would be placed into a capital construction permanent fund. Appropriations from the fund are to be made on a percent of market value method with no more than five per cent of the average of the fiscal year end market values of the fund for the first five of the preceding six years.

The state needs a long term fiscal plan and the first step should be the repeal of the constitutional budget reserve fund amendment.



Rainy Day Funds

Appendix A. State Budget Stabilization Funds

The states of Arkansas, the District of Columbia, Hawaii, Illinois, Montana, and Oregon do not have budget reserve funds.

Alabama

Education Proration Prevention Fund (Statutory)

Method for deposit: Automatic appropriation of \$21M in the first year (following the fund's depletion) and \$8M thereafter up to \$75M. Automatic appropriation can be waived via emergency resolution.

Method for withdrawal: Declaration of proration by governor, or declaration of emergency by legislature with a 2/3 vote.

Alaska

Budget Reserve Fund (Statutory)

Method for deposit: By appropriation.

Method for withdrawal: By appropriation.

Constitutional Budget Reserve Fund (Constitutional)

Method for deposit: Mineral litigation/dispute settlements.

Method for withdrawal: 1) If the amount available for appropriation for a fiscal year is less than the amount appropriated for the previous fiscal year; 2) for any public purpose with a 3/4 vote.

Arizona

Budget Stabilization Fund (Statutory)

Method for deposit: By appropriation (amount determined by formula comparing real, adjusted Arizona personal income growth to 7 year trend); fund capped at 5 percent of prior year GF revenue.

Method for withdrawal: By appropriation (amount determined by formula); 2/3 vote is required to waive formula-determined withdrawal.

California

Special Fund for Economic Uncertainties (Statutory)

Method for deposit: Year-end surplus or by appropriation.

Method for withdrawal: 1) Transfer by controller to cover revenue shortfall or other GF deficiency; 2) Director of finance can allocate funds for disaster relief (with notification to the Joint Legislative Budget Committee).

Colorado

Required Reserve (Statutory)

Method for deposit: 4 percent of GF appropriations.

Method for withdrawal: Automatic expenditure when revenue estimates fall below targets; fund can only be used to cover appropriations already authorized. (If

Contents

- Alabama, Alaska, Arizona, California, Colorado
- Connecticut, Delaware, Florida, Georgia
- Idaho, Indiana, Iowa, Kansas, Kentucky
- Louisiana, Maine, Maryland, Massachusetts, Michigan
- Mississippi, Missouri, Nebraska, Nevada, New Hampshire
- New Jersey, New Mexico, New York, North Carolina, North Dakota
- Ohio, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island
- South Carolina, South Dakota, Tennessee, Texas, Utah
- Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming

Rainy Day Funds in other states

economic conditions require expenditures from the fund, the governor must develop a plan that would maintain the reserve at no less than 2 percent. The plan is subject to legislative modification.)

Connecticut

Budget Reserve Fund (Statutory)

Method for deposit: Year-end surplus; fund capped at 5 percent of net GF appropriations for the fiscal year in progress.

Method for withdrawal: Automatic appropriation to cover budget deficit to the extent that funds are available.

Delaware

Budget Reserve Account (Constitutional)

Method for deposit: Automatic deposit from previous year's unencumbered funds; fund capped at 5 percent of estimated GF revenues.

Method for withdrawal: By appropriation to cover budget deficit or to compensate for revenue reductions; requires 3/5 vote.

Florida

Working Capital Fund (Statutory)

Method for deposit: Year-end surplus until fund reaches minimum level of 5 percent of net GF revenue for the previous fiscal year; fund capped at 10 percent.

Method for withdrawal: By appropriation when governor declares an emergency.

Budget Stabilization Fund (Statutory)

Method for deposit: Automatic deposit beginning in FY 1995 equal to 1 percent of previous year's GF revenue collections, increasing each year until the reserve reaches minimum level of 5 percent (in FY 1999); principal fund balance capped at 10 percent.

Method for withdrawal: By executive transfer when revenue collections in the general revenue fund will be insufficient to meet general revenue fund appropriations.

Georgia

Revenue Shortfall Reserve (Statutory)

Method for deposit: Year-end surplus; fund capped at 3 percent of net revenue collections.

Method for withdrawal: By appropriation.

Idaho

Budget Reserve Account (Statutory)

Method for deposit: By appropriation.

Method for withdrawal: By appropriation.

Indiana

Counter-Cyclical Revenue and Economic Stabilization Fund (Statutory)

Method for deposit: Statutory formula triggered when the annual growth rate in adjusted personal income exceeds 2 percent; fund capped at 7 percent of state GF revenue.

Method for withdrawal: Statutory formula triggered when the annual growth rate in adjusted personal income is less than a negative 2 percent.

Iowa

Cash Reserve Fund (Statutory)

Method for deposit: By appropriation when there is a year-end GF surplus; fund capped at 5 percent of the adjusted GF revenue estimate for the current fiscal year.

Method for withdrawal: By appropriation for non-recurring emergency expenditures; requires 3/5 vote if the fund's balance drops to less than 3 percent of the adjusted revenue estimate for the year in which the appropriation is made.

Economic Emergency Fund (Statutory)

Method for deposit: By appropriation when there is a year-end GF surplus; fund capped at 5 percent of the adjusted revenue estimate for the current fiscal year.

Method for withdrawal: By appropriation for emergency expenditures.

Kansas

Budget Stabilization Fund (Statutory)

Method for deposit: Funded by a one-time federal disproportionate share withdrawal; fund expected to be depleted by the end of FY 1996.

Method for withdrawal: By appropriation.

Kentucky

Budget Reserve Trust Fund (Statutory)

Method for deposit: By appropriation; fund capped according to provisions in the biennial budget act.

Method for withdrawal: Allotted by governor to meet a revenue shortfall; 2/3 governor must notify legislature. (Conditions governing the use of the fund are attached to its appropriation every two years. At the end of the biennium, the fund lapses and has to be recreated. The state also has created in the general fund the Surplus Fund Account. No expenditures may be made from the account unless appropriated by the legislature, or unless required by the budget reduction provisions of the budget bill.)

Louisiana

Revenue Stabilization - Mineral Trust Fund (Constitutional)

Method for deposit: Automatic deposit of revenues exceeding \$750M from taxes on the production of, or exploration for, minerals. With some limitations, the \$750M base may be increased every 10 years, beginning in the year 2000, by a law enacted by a 2/3 vote.

Method for withdrawal: By appropriation, not to exceed one-third of the fund and requiring a 2/3 vote when: 1) the official forecast for a fiscal year is less than revenues received by the state in the preceding fiscal year; 2) if a deficit for the current fiscal year is projected due to a decrease in the official forecast.

Maine

Rainy Day Fund (Statutory)

Method for deposit: Transfer from the GF unappropriated surplus; fund capped at 4 percent of total GF revenues received in the immediately preceding fiscal year.

Method for withdrawal: Subject to annual legislative deliberations. (According to statute, appropriations may be made by a 2/3 vote of the legislature upon recommendation of the governor, but only for prepayment of outstanding GF bonds or for major construction. In practice, however, the legislature has enacted exceptions to the statute to use the funds as needed for emergencies, disasters, or other expenditures deemed necessary.)

Maryland

Revenue Stabilization Account (Statutory)

Method for deposit: By appropriation. Beginning in FY 1995, the governor shall include in the budget bill an appropriation equal to at least the lesser of \$50M or the amount necessary for the fund balance to exceed 5 percent of estimated GF revenues for the fiscal year.

Method for withdrawal: Transferred by governor if authorized by an act of the General Assembly or specifically authorized in the state budget bill as enacted; amount of transfer is reduced by amount of general fund budget reductions made by legislature.

Massachusetts

Commonwealth Stabilization Fund (Statutory)

Method for deposit: After the year-end GF consolidated net surplus is determined, a portion can be used as general revenue in the current fiscal year. Of the remaining surplus, 60 percent is transferred to the stabilization fund; fund capped at 5 percent of current fiscal year revenues.

Method for withdrawal: By appropriation: 1) to make up any difference between actual state revenues and allowable state revenues when actual revenues fall below the allowable amount; 2) to replace the state and local loss of federal funds; 3) for any event that threatens the health, safety or welfare of the people or the fiscal stability of the state.

Michigan

Countercyclical Budget & Economic Stabilization Fund (Statutory)

Method for deposit: Statute requires appropriation of an amount equal to (annual growth rate in real personal income in excess of 2 percent) X (total GF revenues for the fiscal year ending in the current calendar year).

Method for withdrawal: If annual growth rate in real personal income is negative, withdrawal equals deficiency multiplied by the total GF revenues for the fiscal year ending in the current calendar year, but no more than needed to balance the budget.

Minnesota

Budget & Economic Stabilization Fund (Statutory)

Method for deposit: By surplus until the total amount in the account equals 5 percent of total GF appropriations for the current biennium. Restoration of the reserve should occur when objective measures, such as increased growth in total wages, reflect upturns in the state's economy. (Beginning July 1, 1993, forecast unrestricted budgetary GF balances were first appropriated to restore the budget reserve and cash flow account to \$500M. As of July 1, 1995, \$180M of the account was dedicated to elementary and secondary education.)

Method for withdrawal: By transfer authorized by the commissioner of finance, with approval of the governor and in consultation with the Legislative Advisory Commission, when: 1) a negative budgetary balance is projected and when objective measures (such as reduced growth in total wages) reflect downturns in the state's economy; 2) probable receipts for the GF will be less than anticipated and the amount available for the rest of the biennium will be insufficient.

Mississippi

Working Cash Stabilization Reserve Fund (Statutory)

Method for deposit: Year-end surplus until the fund reaches \$40M; thereafter, 50 percent of the unencumbered GF cash balance until the fund reaches 7.5 percent of GF appropriations.

Method for withdrawal: Transfer by the executive director of the Department of Finance & Administration: 1) to meet cash-flow needs (borrowed funds must be repaid within the same fiscal year); 2) to cover deficits (up to \$50M in any one fiscal year); 3) to provide funds for disaster assistance.

Missouri

Budget Stabilization Fund (Statutory)

Method for deposit: By appropriation; fund is not to exceed 5 percent of the receipts into the GF for the preceding fiscal year.

Method for withdrawal: By appropriation to the governor to meet budget shortfalls. (The General Assembly may appropriate to the governor any portion of the existing balance to cover budget shortfalls. Also, in any year in which the governor finds it necessary to withhold appropriated funds, the governor may order the commissioner of administration to make transfers from the fund to fulfill expenditures authorized by appropriation. The governor must notify the General Assembly of his intent to make such an authorization; and, if not disapproved by concurrent resolution within 30 days of the receipt of such notice by the General Assembly, the authorization is considered valid. Further, the General Assembly shall not appropriate money from the fund without authorization from the governor.)

Nebraska

Cash Reserve Fund (Statutory)

Method for deposit: Transfer by state treasurer when actual GF net receipts for the preceding 3 months exceed estimated receipts for the 3-month period.

Method for withdrawal: Transfer is made to the GF when the cash balance in the GF is inadequate to meet current obligations

Nevada

Fund to Stabilize Operation of State Government (Statutory)

Method for deposit: Transfer by controller of 40 percent of revenues in excess of required fund balance, which is 10 percent of GF appropriations; fund capped at \$100M.

Method for withdrawal: By appropriation only if: 1) the total actual revenue of the state falls short by 5 percent or more of the total anticipated revenue for the biennium in which the appropriation is made; 2) the legislature and governor declare a fiscal emergency.

New Hampshire

Revenue Stabilization Reserve Account (Statutory)

Method for deposit: With some limitations, transfer by comptroller of any surplus at the end of each biennium; fund capped at 5 percent of actual GF unrestricted revenues for the most recently completed fiscal year.

Method for withdrawal: Transfer by comptroller with the approval of fiscal committee and governor when: 1) GF operating deficit occurred for most recently completed fiscal year; and 2) unrestricted GF revenues in the most recently completed fiscal year were less than budget forecast. Fund cannot be used for any other purpose without a 2/3 vote and governor's approval.

New Jersey

Surplus Revenue Fund (Statutory)

Method for deposit: 50 percent of actual revenue collections in excess of governor's certification of revenues; fund capped at 5 percent of anticipated revenues.

Method for withdrawal: By appropriation only: 1) upon certification by the governor that anticipated GF revenues are estimated to be less than those certified upon approval of appropriations act; 2) upon findings by the legislature that to offset anticipated GF revenue declines, an appropriation from the fund is more prudent than a tax increase; 3) when the governor declares an emergency and notifies the Joint Legislative Budget Oversight Committee.

New Mexico

Operating Reserve Fund (Statutory)

Method for deposit: Transfer from GF.

Method for withdrawal: By specific authorization of the legislature only in the event that GF revenues and balances are insufficient to meet authorized levels of appropriations.

New York

Tax Stabilization Reserve Fund (Statutory)

Method for deposit: Year-end surplus up to 0.2 percent of aggregate GF disbursements; reserve fund cannot exceed 2 percent of GF disbursements for the fiscal year.

Method for withdrawal: By transfer at the end of a fiscal year when GF receipts fall below the aggregate amount disbursed from the GF. (Once borrowed, fund must be paid back within six years in three equal installments. Repayments to the Tax Stabilization Reserve Fund shall be stipulated in annual budget bills.) The fund also can be temporarily loaned to the GF to assist with cash flow.

North Carolina

Savings Reserve Account (Statutory)

Method for deposit: Transfer of one-fourth of any unreserved credit balance at the end of the fiscal year; fund capped at 5 percent of previous year's GF appropriations.

Method for withdrawal: The fund cannot be tapped unless approved by an act of the General Assembly.

North Dakota

Budget Stabilization Fund (Statutory)

Method for deposit: Transfer of GF surplus in excess of \$70M at the end of the biennium.

Method for withdrawal: Governor may transfer for revenue shortfall in excess of 2-1/2 percent of the estimate made by the most recently adjourned Assembly.

Ohio

Budget Stabilization Fund (Statutory)

Method for deposit: Transfer from GF by the director of Budget & Management; a written report on the transfer must be submitted to the Controlling Board; fund capped at 4 percent of GF revenues for the preceding fiscal year.

Method for withdrawal: By appropriation.

Oklahoma

Constitutional Reserve Fund (Constitutional)

Method for deposit: Transfer by the state treasurer of surplus GF revenue; fund is capped at 10 percent of GF revenue for the preceding fiscal year.

Method for withdrawal: Up to 1/2 of the balance may be appropriated if: 1) forthcoming fiscal year GF revenue is certified to be less than that of current fiscal year certification; or 2) emergency declaration by governor with concurrence by Legislature with a 2/3 vote; 3) joint emergency declaration by speaker and president pro tempore with concurrence by Legislature with a 3/4 vote.

Pennsylvania

Tax Stabilization Reserve Fund (Statutory)

Method for deposit: By appropriation; fund capped at 3 percent of GF revenue estimates.

Method for withdrawal: By appropriation with 2/3 vote when governor declares an emergency or to counterbalance downturns in the economy that will result in significant unanticipated revenue shortfalls.

Puerto Rico

Budgetary Fund (Statutory)

Method for deposit: Not less than 1/3 percent of the Budget Joint Resolution (the governor or director of OMB may order depositing a larger amount); fund capped at 6 percent of the appropriated funds of the Budget Joint Resolution in any year.

Method for withdrawal: OMB director may transfer funds to cover appropriations when resources are insufficient, to provide for payment of public debt service, to address any unexpected situation in the public service, or to honor obligations of programs funded with contributions or grants from the U.S. government that have not been received.

Rhode Island

Budget Reserve and Cash Stabilization Account (Statutory)

Method for deposit: By transfer; fund capped at 3 percent of total fiscal year resources.

Method for withdrawal: By appropriation when the budget officer declares that actual GF revenue will not equal the original estimates upon which appropriations were based, (State statutes call for the fund to be repaid in the second fiscal year following the fiscal year in which a transfer was made from the fund and, when necessary, in subsequent fiscal years.)

South Carolina

Capital Reserve Fund (Statutory)

Method for deposit: By appropriation an amount equal to 2 percent of GF revenue of the latest completed fiscal year.

Method for withdrawal: By appropriation when revenues at the end of the fiscal year are projected to be less than expenditures authorized by appropriation for that year. If the fund is not tapped for that reason, it can be used for other purposes with 2/3 vote of members present and voting, but not less than 3/5 vote of total membership. (If the Capital Reserve Fund is not tapped to address a budget deficit, the Legislature--with a 2/3 vote of members present and voting, but not less than 3/5 of the total membership--can appropriate money from the fund: 1) to finance in cash previously authorized capital improvement bond projects; 2) to retire interest or principal on bonds previously issued; or 3) for capital improvements or other non-recurring purposes.

General Reserve Fund (Constitutional)

Method for deposit: Transfer of GF revenues in excess of annual operating expenditures; fund is capped at 3 percent of GF revenue of the latest completed fiscal year. (Funds withdrawn from the General Reserve Fund must be restored annually at a rate of not less than 1 percent of the general fund revenue of the latest completed fiscal year until the fund is restored to 3 percent.)

Carnell-Felder Set-Aside Account (Statutory)

Method for deposit: By appropriation for non-recurring purposes.

Method for withdrawal: By appropriation to prevent a year-end deficit. (The Carnell-Felder Set-Aside Account was authorized beginning in FY 1995 to cushion the state's budget against unforeseen revenue shortfalls stemming from inaccurate revenue estimates.)

South Dakota*Budget Reserve Fund (Statutory)*

Method for deposit: Transfer of prior year unobligated cash balance; fund capped at 5 percent of GF appropriations for the prior fiscal year.

Method for withdrawal: By appropriation.

Tennessee*Reserve for Revenue Fluctuations (Statutory)*

Method for deposit: By appropriation.

Method for withdrawal: By transfer by the commissioner of Finance and Administration to offset revenue shortfalls, with notification to the chairs of the Finance, Ways & Means Committees of the Senate and House. (The statute declares legislative intent to be that, to the extent possible, revenue shortfalls will be offset by reductions in expenditures before using amounts in the reserve fund.)

Texas*Economic Stabilization Fund (Constitutional)*

Method for deposit: Transfer of 1/2 of any unencumbered general revenue fund balance at end of each biennium plus portions of oil and natural gas production tax collections. The Legislature also may appropriate additional funds; fund capped at 10 percent of general revenue fund deposits (excluding interest and investment income) during the preceding biennium. (The constitutional amendment creating the fund mandates the following revenue transfers to it: 1) one-half of any unencumbered general revenue fund balance at the end of each fiscal biennium; 2) an amount of general revenue equal to 75 percent of the amount by which oil production tax collections in any future fiscal year exceed oil production tax collections in fiscal year 1987; 3) an amount of general revenue equal to 75 percent of the amount by which natural gas production tax collections in any future fiscal year exceed oil production tax collections in the fiscal year 1987. For purposes of calculating the transfer, natural gas tax collections would be adjusted to reflect 12 months of collections in each fiscal year.)

Method for withdrawal: By appropriation with a 3/5 vote of members present if: 1) the comptroller certifies that appropriations from general revenue made by the preceding legislature for the current biennium exceed available general revenues for the remainder of the biennium; 2) an estimate of anticipated revenues for a succeeding biennium is less than the revenues estimated to be available for the current biennium; 3) for any purpose with 2/3 vote of members present.

Utah

Budget Reserve Account (Statutory)

Method for deposit: 25 percent of GF surplus; fund capped at 8 percent of the GF appropriation for the fiscal year in which the surplus occurred. **Method for withdrawal:** By appropriation to cover operating deficits or retroactive tax refunds.

Vermont

Budget Stabilization Trust Fund (Statutory)

Method for deposit: Undesignated GF surplus; fund is capped at 5 percent of GF appropriations for the prior fiscal year; also any additional amounts as may be authorized by the General Assembly.

Method for withdrawal: Transfer by the commissioner of Finance and Management to the extent necessary to offset a GF deficit.

Virginia

Revenue Stabilization Fund (Constitutional)

Method for deposit: By formula as specified in the state's constitution; fund capped at 10 percent of the average annual tax revenues for the three fiscal years immediately preceding.

Method for withdrawal: By appropriation (up to 1/2 of the fund's balance) with specific provisions. (The General Assembly may appropriate an amount for transfer from the fund to compensate for no more than one-half of the difference between the total general fund revenues appropriated and a revised general fund revenue forecast presented to the General Assembly prior to or during a subsequent regular or special legislative session. However, no transfer shall be made unless the general fund revenues appropriated exceed such revised general fund revenue forecast by more than 2 percent of certified tax revenues collected in the most recently ended fiscal year.)

Washington

Budget Stabilization Account (Statutory)

Method for deposit: By appropriation based on statutory formula.

Method for withdrawal: By appropriation, with 60 percent vote, to provide of continuation of agency programs when revenues fall below forecast, for labor force training, or for any purpose the Legislature determines would reduce unemployment caused by the state's economic cycle.

Emergency Reserve Fund (Statutory)

Method for deposit: Beginning in FY 1996, transfer by state treasurer of all state revenues in excess of the state expenditure limit for that fiscal year; fund capped at 5 percent of biennial GF state revenues.

Method for withdrawal: By appropriation, with 2/3 vote required, only if the appropriation does not cause total expenditures to exceed the state expenditure limit.

The Budget Stabilization Account was repealed effective July 1, 1995, by Laws 1994, ch.2, Sect. 9 (Initiative Measure No. 601, approved November 2, 1993). The Emergency Reserve Fund was created (via Initiative 601) effective July 1, 1995.

West Virginia

Revenue Shortfall Reserve Fund (Statutory)

Method for deposit: Beginning in FY 1995, transfer of the first 50 percent of all surplus revenues accrued during the fiscal year just ended; fund capped at 5

percent of GF appropriations for the fiscal year just ended.

Method for withdrawal: By appropriation to meet any anticipated revenue shortfall.

Wisconsin

Budget Stabilization Fund (Statutory)

Method for deposit: By appropriation.

Method for withdrawal: By appropriation.

Wyoming

Budget Reserve Account (Statutory)

Method for deposit: Year-end surplus plus appropriations.

Method for withdrawal: By appropriation.

The states of Arkansas, the District of Columbia, Hawaii, Illinois, Montana, and Oregon do not have budget reserve funds.

States Broaden the Scope of Rainy Day Funds

Posted August 1997; reviewed March 2004.

Email statebudget-info@ncsl.org for more information.

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Denver Office: Tel: 303-364-7700 | Fax: 303-364-7800 | 7700 East First Place | Denver, CO 80230 | [Map](#)

Washington Office: Tel: 202-624-5400 | Fax: 202-737-1069 | 444 North Capitol Street, N.W., Suite 515 | Washington, D.C. 20001

POLICIES AND PROCEDURES APPLICABLE
TO THE TREASURY DIVISION,
DEPARTMENT OF REVENUE,
STATE OF ALASKA



APPENDIX V

Constitutional Provisions and Statutes Pertaining to
the Constitutional Budget Reserve Fund

*Constitutional
amendment adopted
in 1990 election.*

Article IX, Section 17. Budget Reserve Fund. (a) There is established as a separate fund in the State treasury the budget reserve fund. Except for money deposited into the permanent fund under Section 15 of this article, all money received by the State after July 1, 1990, as a result of the termination, through settlement or otherwise, of an administrative proceeding or of litigation in a State or federal court involving mineral lease bonuses, rentals, royalties, royalty sale proceeds, federal mineral revenue sharing payments or bonuses, or involving taxes imposed on mineral income, production, or property, shall be deposited in the budget reserve fund. Money in the budget reserve fund shall be invested so as to yield competitive market rates to the fund. Income of the fund shall be retained in the fund. Section 7 of this article does not apply to deposits made to the fund under this subsection. Money may be appropriated from the fund only as authorized under (b) or (c) of this section.

(b) If the amount available for appropriation for a fiscal year is less than the amount appropriated for the previous fiscal year, an appropriation may be made from the budget reserve fund. However, the amount appropriated from the fund under this subsection may not exceed the amount necessary, when added to other funds available for appropriation, to provide for total appropriations equal to the amount of appropriations made in the previous calendar year for the previous fiscal year.

(c) An appropriation from the budget reserve fund may be made for any public purpose upon affirmative vote of three-fourths of the members of each house of the legislature.

(d) If an appropriation is made from the budget reserve fund, until the amount appropriated is repaid, the amount of money in the general fund available for appropriation at the end of each succeeding fiscal year shall be deposited in the budget reserve fund. The legislature shall implement this subsection by law.

POLICIES AND PROCEDURES APPLICABLE
TO THE TREASURY DIVISION,
DEPARTMENT OF REVENUE,
STATE OF ALASKA



this subsection for a fiscal year that were enacted during the calendar year that ends on December 31 of that same fiscal year.

(b) If the amount appropriated from the budget reserve fund has not been repaid under art. IX, sec. 17(d), Constitution of the State of Alaska, the Department of Administration shall transfer to the budget reserve fund the amount of money comprising the unreserved, undesignated general fund balance to be carried forward as of June 30 of the fiscal year, or as much of it as is necessary to complete the repayment. The transfer shall be made on or before December 16 of the following fiscal year.

(c) In this section, "unrestricted revenue accruing to the general fund" or "unreserved, undesignated general fund balance carried forward" is money not restricted by law to a specific use that accrues to the general fund according to accepted principles of governmental or fund accounting adopted for the state accounting system established under AS 37.05.150 in effect on July 1, 1990.

(d) An appropriation under art. IX, sec. 17(b), Constitution of the State of Alaska, requires an affirmative vote of the majority of the members of each house of the legislature. An appropriation under art. IX, sec. 17(c) requires an affirmative vote of three-fourths of the members of each house of the legislature.

Commissioner may transfer some or all management to the AK Permanent Fund Corporation.

Department of Revenue must report annually on comparative performance of fund.

Section 37.10.430. Management of the Budget Reserve Fund. (a) The Department of Revenue may transfer management responsibility over all or a portion of the budget reserve fund (art. IX, sec. 17, Constitution of the State of Alaska) to the Alaska Permanent Fund Corporation.

(b) By March 15 of each year, the Department of Revenue shall, after consulting with the Alaska Permanent Fund Corporation, prepare a report setting out the balance in the budget reserve fund (art. IX, sec. 17, Constitution of the State of Alaska) on January 1 and on December 31 of the previous calendar year. The report shall state the nominal, real, and realized return on the budget reserve fund compared to the nominal, real, and realized return on the permanent fund and the general fund during the previous calendar year.

F. Budget Gap and the Constitutional Budget Reserve

The table below reflects the amount needed to make up the difference between the Department of Revenue's forecast of Unrestricted General Purpose Revenue and the annual general fund budget, shown here as a flat \$2.2517 billion (the Governor's proposed budget) for all operating, capital, debt service, lease payments and supplemental appropriations. ⁽¹⁾

Table 2-9. Difference Between Unrestricted General Purpose Revenue and General Fund Budget "The Gap"⁽¹⁾
\$ Million

Fiscal Year	Total Unrestricted General Purpose Revenue	Transfer from Alaska Science & Technology	(1) General Fund Appropriation	Difference
Actual 2003	1,947.6	95.0	2,496.2 ⁽²⁾	453.6 ⁽²⁾
2004	2,245.3	.	2,300.6	55.3
2005	1,961.1	.	2,251.7	290.6
2006	1,770.5	.	2,251.7	481.2
2007	1,465.8	.	2,251.7	785.9
2008	1,450.7	.	2,251.7	801.0
2009	1,393.6	.	2,251.7	858.1
2010	1,390.2	.	2,251.7	861.5
2011	1,328.7	.	2,251.7	923.0
2012	1,277.0	.	2,251.7	974.7
2013	1,214.8	.	2,251.7	1,036.9
2014	1,156.0	.	2,251.7	1,095.7
2015	1,099.9	.	2,251.7	1,151.8

(1) The projected FY 2005-2015 budget of \$2,251.7 billion is simply a reference point for analysis. Any budget estimate used to determine "The Gap" will have its detractors -- some will contend spending should be cut, while others will argue just as strongly that spending should be increased to reflect inflation and population growth.

(2) The "Gap", or draw on the CBRF for FY 2003, is shown as the actual cash withdrawal.

Available Balance in Constitutional Budget Reserve Fund
in thousands

	FY 2002	FY 2003	FY 2004	FY 2005
Beginning balance as of July 1	3,110,104	2,466,918	2,093,556	2,155,078
Cash flow (borrowing) and repayment:				
	(100,000) 8/10	(100,000) 7/12	(100,000) 7/23	(100,000) 8/12
	(100,000) 8/15	(100,000) 8/12	(100,000) 8/12	(100,000) 8/17
	(100,000) 11/13	(50,000) 9/17	(100,000) 9/11	100,000 11/4
	(100,000) 12/10	(100,000) 10/11	100,000 1/6	100,000 12/7
	(100,000) 12/13	(100,000) 11/14	100,000 4/12	
	(100,000) 1/25	(50,000) 2/18	100,000 6/28	
	(100,000) 2/15			
	(100,000) 5/13			
Net cash flow borrowing	<u>50,000</u> 6/27	<u>85,000</u> 6/27	-	-
Additional (deficit borrowing) or repayment	(134,312)	(83,120)	(10,785)	
Subfunds swept per Article IX, section 1	130,695	88,755	94,627	
Subfund balances appropriated back	(101,947)	(130,695)	(88,755)	
Direct appropriations:				
Treasury operations	(125)	(121)	(109)	
New revenues	212,503	166,819	61,627	
Appropriated fund transfer from GF			<u>4,917</u>	
Ending balance as of June 30 (audited)	<u><u>2,466,918</u></u>	<u><u>2,093,556</u></u>	<u><u>2,155,078</u></u>	

Please direct any questions about this information to Lisa Pusich, State Accountant at 465-5616.

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HJR12
 () Publish Date: _____

Revision Date/Time (Note if correction):
 Title: Constitutional amendment relating to
to the repeal of the budget reserve fund
 Sponsor: Representative Harris
 Requester: (H) Ways and Means Committee

Dept. Affected: OOG
 RDU: Elections
 Component: Elections
 Component No.: 21

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual		1.5				
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	1.5	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF		1.5				
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	1.5	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

If this amendment appears on the 2006 ballot, the cost of providing information about this issue in the Official Election Pamphlet, as required by AS 15.58 is \$1.5. Should the addition of this question require printing an 8 1/2 by 18 inch ballot the cost will increase to \$22.0.

Prepared by: Lauri Allred, Admin. Assistant Supervisor
 Division: Division of Elections

Phone 465-4611

Approved by: Laura A. Glaiser, Director
 Agency: Office of the Lt. Governor, Division of E

Elections Fiscal Note