

IN THE SENATE

SENATE BILL NO. 1445

BY FINANCE COMMITTEE

AN ACT

1 APPROPRIATING AND TRANSFERRING FUNDS FROM THE ECONOMIC RECOVERY RESERVE  
2 FUND TO THE GENERAL FUND IN FISCAL YEAR 2010; APPROPRIATING AND TRANS-  
3 FERRING FUNDS FROM THE BUDGET STABILIZATION FUND TO THE GENERAL FUND  
4 IN FISCAL YEAR 2010; APPROPRIATING AND TRANSFERRING FUNDS FROM THE  
5 CONSUMER PROTECTION FUND TO THE GENERAL FUND IN FISCAL YEAR 2010;  
6 APPROPRIATING AND TRANSFERRING FUNDS FROM THE CLEANWATER REVOLVING  
7 (SCC) FUND TO THE GENERAL FUND IN FISCAL YEAR 2010; APPROPRIATING AND  
8 TRANSFERRING FUNDS FROM THE RESOURCE CONSERVATION AND RANGELAND DEVEL-  
9 OPMENT FUND TO THE GENERAL FUND IN FISCAL YEAR 2010; APPROPRIATING AND  
10 TRANSFERRING FUNDS FROM THE BUDGET STABILIZATION FUND TO THE GENERAL  
11 FUND IN FISCAL YEAR 2011; APPROPRIATING AND TRANSFERRING FUNDS FROM  
12 THE ECONOMIC RECOVERY RESERVE FUND TO THE GENERAL FUND IN FISCAL YEAR  
13 2011; DECLARING LEGISLATIVE INTENT TO PROVIDE THE GOVERNOR ACCESS TO  
14 RESERVE AND DEDICATED FUNDS TO BALANCE THE FISCAL YEAR 2010 BUDGET; AP-  
15 PROPRIATING AND TRANSFERRING FUNDS FROM THE BUDGET STABILIZATION FUND  
16 TO THE GENERAL FUND FOR FISCAL YEAR 2010 IF REVENUES DO NOT MEET TAR-  
17 GETS; APPROPRIATING AND TRANSFERRING FUNDS FROM THE ECONOMIC RECOVERY  
18 RESERVE FUND TO THE GENERAL FUND FOR FISCAL YEAR 2010 IF REVENUES DO NOT  
19 MEET TARGETS; APPROPRIATING AND TRANSFERRING FUNDS FROM THE PERMANENT  
20 BUILDING FUND TO THE GENERAL FUND FOR FISCAL YEAR 2010 IF REVENUES DO NOT  
21 MEET TARGETS; AND DECLARING AN EMERGENCY.  
22

23 Be It Enacted by the Legislature of the State of Idaho:

24 SECTION 1. There is hereby appropriated, and the State Controller is  
25 directed to transfer, the sum of twenty million dollars (\$20,000,000) from  
26 the Economic Recovery Reserve Fund to be deposited in the General Fund as  
27 soon as is practicable.

28 SECTION 2. There is hereby appropriated, and the State Controller is  
29 directed to transfer, the sum of thirty-three million five hundred five  
30 thousand dollars (\$33,505,000) from the Budget Stabilization Fund to be  
31 deposited in the General Fund as soon as is practicable.

32 SECTION 3. Notwithstanding the provisions of Section 48-606, Idaho  
33 Code, there is hereby appropriated, and the State Controller is directed  
34 to transfer, the sum of six million eighty-four thousand seven hundred  
35 dollars (\$6,084,700) from the Consumer Protection Fund to be deposited in  
36 the General Fund as soon as is practicable.

37 SECTION 4. Notwithstanding the provisions of Section 39-3631, Idaho  
38 Code, there is hereby appropriated, and the State Controller is directed to  
39 transfer, the sum of one hundred five thousand dollars (\$105,000) from the  
40 Cleanwater Revolving (SCC) Fund to be deposited in the General Fund as soon

1 as is practicable. These moneys are interest earnings from the Cleanwater  
2 Revolving (SCC) Fund.

3 SECTION 5. Notwithstanding the provisions of Section 22-2731, Idaho  
4 Code, there is hereby appropriated, and the State Controller is directed  
5 to transfer, the sum of one hundred thousand dollars (\$100,000) from the  
6 Resource Conservation and Rangeland Development Fund to be deposited in the  
7 General Fund as soon as is practicable. These moneys are interest earnings  
8 from the Resource Conservation and Rangeland Development Fund.

9 SECTION 6. Notwithstanding the provisions of Section 57-814, Idaho  
10 Code, there is hereby appropriated, and the State Controller is directed  
11 to transfer, the lesser of thirty million one hundred thirty-four thousand  
12 six hundred dollars (\$30,134,600) or the remaining balance from the Budget  
13 Stabilization Fund to be deposited in the General Fund on July 1, 2010, or as  
14 soon thereafter as is practicable.

15 SECTION 7. Notwithstanding the provisions of Section 67-3520, Idaho  
16 Code, there is hereby appropriated, and the State Controller is directed to  
17 transfer, the lesser of forty-nine million five hundred thousand dollars  
18 (\$49,500,000) or the remaining balance from the Economic Recovery Reserve  
19 Fund to be deposited in the General Fund on July 1, 2010, or as soon there-  
20 after as is practicable.

21 SECTION 8. In addition to any other provision of law, it is the intent of  
22 the Legislature to extend fiscal tools to the Governor to manage any contin-  
23 ued loss of General Fund revenue through the end of fiscal year 2010, includ-  
24 ing supporting the Governor as prudent measures are taken at fiscal year end  
25 to minimize the approval of General Fund encumbrances for state agencies. It  
26 is also the intent of the Legislature that the Governor shall have access to  
27 utilize the Budget Stabilization Fund, the Economic Recovery Reserve Fund,  
28 and the Permanent Building Fund to the amount necessary to balance the state  
29 budget for the fiscal year ending June 30, 2010.

30 SECTION 9. It is the intent of the Legislature that if General  
31 Fund revenues for fiscal year 2010 do not meet the legislative target of  
32 \$2,280,000,000; and the remaining cash balance in the General Fund is  
33 insufficient to cover revenue shortfalls for the remainder of fiscal year  
34 2010; and notwithstanding the provisions of Section 57-814A, Idaho Code,  
35 the State Board of Examiners is authorized to direct the State Controller,  
36 on or after May 1, 2010, through June 30, 2010, to transfer sufficient funds  
37 from the Budget Stabilization Fund to the General Fund for the purpose of  
38 balancing the state budget. Such transfer is an appropriation of moneys.

39 SECTION 10. It is the intent of the Legislature that if General  
40 Fund revenues for fiscal year 2010 do not meet the legislative target of  
41 \$2,280,000,000; and the remaining cash balance in the General Fund is  
42 insufficient to cover revenue shortfalls for the remainder of fiscal year  
43 2010; and notwithstanding the provisions of Section 67-3520, Idaho Code,  
44 the State Board of Examiners is authorized to direct the State Controller,

1 on or after May 1, 2010, through June 30, 2010, to transfer sufficient funds  
2 from the Economic Recovery Reserve Fund to the General Fund for the purpose  
3 of balancing the state budget. Such transfer is an appropriation of moneys.

4 SECTION 11. It is the intent of the Legislature that if General  
5 Fund revenues for fiscal year 2010 do not meet the legislative target of  
6 \$2,280,000,000; and the remaining cash balance in the General Fund is insuf-  
7 ficient to cover revenue shortfalls for the remainder of fiscal year 2010;  
8 and notwithstanding the provisions of Section 57-1108, Idaho Code, the  
9 State Board of Examiners is authorized to direct the State Controller, on or  
10 after May 1, 2010, through June 30, 2010, to transfer up to \$27,944,600 from  
11 the Permanent Building Fund to the General Fund for the purpose of balancing  
12 the state budget. In addition to delaying the budgeted expenditures for  
13 fiscal year 2011 of \$22,987,600 for alterations and repair and renovation,  
14 the following projects have been completed under budget or postponed due to  
15 the current fiscal uncertainty generating an additional \$4,957,000:

16 (1) \$1,110,000 in funding for the planning and design of the secure men-  
17 tal health facility;

18 (2) \$2,701,000 for improvements to the Idaho State School and Hospital;  
19 and

20 (3) \$1,146,000 for the fencing project at the South Idaho Correctional  
21 Institution.

22 The Governor shall determine and advise the Permanent Building Advisory  
23 Council as to which projects may be delayed or canceled based upon the need  
24 to use such funds to balance the fiscal year 2010 budget. Such transfer is an  
25 appropriation of moneys.

26 SECTION 12. An emergency existing therefor, which emergency is hereby  
27 declared to exist, Sections 1, 2, 3, 4, 5, 8, 9, 10 and 11 of this act shall be  
28 in full force and effect on and after passage and approval.