

§1534. General Fund appropriation limitation

1. Establishment of General Fund appropriation limitation. As of December 1st of each even-numbered year, the State Budget Officer shall establish a General Fund appropriation limitation for each fiscal year of the ensuing biennium. The General Fund appropriation limitation applies to all General Fund appropriations and must be calculated as follows.

A. For the 2024-2025 biennium, the General Fund appropriation limitation for the first fiscal year is equal to the biennial base year appropriation. For subsequent biennia, the General Fund appropriation limitation for the first fiscal year of the biennium is equal to the biennial base year appropriation multiplied by one plus the growth limitation factor in subsection 2. [PL 2023, c. 412, Pt. I, §6 (AMD).]

B. For the 2nd fiscal year of the biennium, the General Fund appropriation limitation is equal to the General Fund appropriation limitation of the first fiscal year of the biennium multiplied by one plus the growth limitation factor in subsection 2. [PL 2023, c. 412, Pt. I, §6 (AMD).]
[PL 2023, c. 412, Pt. I, §6 (AMD).]

2. Growth limitation factor. The growth limitation factor is the average personal income growth.

A. [PL 2015, c. 267, Pt. L, §7 (RP).]

B. [PL 2015, c. 267, Pt. L, §7 (RP).]
[PL 2015, c. 267, Pt. L, §7 (AMD).]

3. Exceeding General Fund appropriation limitation; extraordinary circumstances. The General Fund appropriation limitation established in subsection 1 may be exceeded for extraordinary circumstances only under the following circumstances.

A. The extraordinary circumstances must be circumstances outside the control of the Legislature, including:

- (1) Catastrophic events such as natural disaster, terrorism, fire, war and riot;
- (2) Unfunded or underfunded state or federal mandates;
- (3) Citizens' initiatives or other referenda;
- (4) Court orders or decrees; or
- (5) Loss of federal funding.

Extraordinary circumstances do not include changes in economic conditions, revenue shortfalls, increases in salaries or benefits, new programs or program expansions that go beyond existing program criteria and operation. [PL 2005, c. 2, Pt. A, §5 (NEW); PL 2005, c. 2, Pt. A, §14 (AFF).]

B. The appropriation limitation in subsection 1 may be exceeded only by a vote of both Houses of the Legislature in a separate measure that identifies the extraordinary circumstance and the intent of the Legislature to exceed the appropriation limitation. [PL 2005, c. 2, Pt. A, §5 (NEW); PL 2005, c. 2, Pt. A, §14 (AFF).]

C. Exceeding the appropriation limitation established in subsection 1 permits appropriations to exceed the appropriation limitation only for the period necessary to address the extraordinary circumstance and does not increase the base for purposes of calculating the appropriation limitation for future years. [PL 2005, c. 2, Pt. A, §5 (NEW); PL 2005, c. 2, Pt. A, §14 (AFF).]
[PL 2005, c. 2, Pt. A, §5 (NEW); PL 2005, c. 2, Pt. A, §14 (AFF).]

4. Increase in appropriation limitation. The appropriation limitation established in subsection 1 may be increased for other purposes only by a vote of both Houses of the Legislature in a separate measure that identifies the intent of the Legislature to exceed the appropriation limitation.

[PL 2005, c. 2, Pt. A, §5 (NEW); PL 2005, c. 2, Pt. A, §14 (AFF).]

SECTION HISTORY

PL 2005, c. 2, §A5 (NEW). PL 2005, c. 2, §A14 (AFF). PL 2005, c. 621, §3 (AMD). PL 2005, c. 636, §A4 (AMD). PL 2005, c. 683, §M1 (AMD). PL 2015, c. 267, Pt. L, §7 (AMD). PL 2023, c. 412, Pt. I, §6 (AMD).

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