

**48.705 General fund -- Budget reserve trust fund account.**

- (1) A budget reserve trust fund account is hereby created in the general fund, pursuant to KRS 45.305. The budget reserve trust fund account shall be funded through direct appropriations, and surplus amounts as provided in subsection (2) of this section. Moneys in the account shall remain unallotted unless required by the provisions of this section.
- (2)
  - (a) Each fiscal year, except as provided in subsection (3) of this section, within thirty (30) days of the end of the fiscal year, the secretary of the Finance and Administration Cabinet shall cause to be deposited to the budget reserve trust fund account the lesser of the following amounts:
    1. Fifty percent (50%) of the general fund surplus; or
    2. The amount necessary from the general fund surplus to make the balance of the budget reserve trust fund account equal to five percent (5%) of the actual general fund receipts collected during the fiscal year just ended, as determined by the Finance and Administration Cabinet.
  - (b) Any amounts to be deposited to the budget reserve trust fund account from the general fund surplus shall be determined after the surplus has been reduced by the amount necessary to implement the provisions of any surplus expenditure plan authorized by KRS 48.140 and enacted as a part of a branch budget bill.
- (3) If, at the close of any fiscal year, the budget reserve trust fund account has a balance equal to or greater than five percent (5%) of the actual general fund receipts collected during the fiscal year just ended, as determined by the Finance and Administration Cabinet, the deposits required under subsection (2) of this section shall be suspended for that year.
- (4) Moneys in the budget reserve trust fund account may be appropriated by the General Assembly in a regular or special session.
- (5) Before authorizing any allotments from the budget reserve trust fund account, the secretary of the Finance and Administration Cabinet shall notify in writing the Interim Joint Committee on Appropriations and Revenue. The notice shall include the amount and purpose for the proposed allotment.
- (6) Within thirty (30) days of the close of each fiscal year, the secretary of the Finance and Administration Cabinet shall report to the Interim Joint Committee on Appropriations and Revenue the general fund receipts collected for the fiscal year just ended, the balance of the budget reserve trust fund account, and any amounts deposited to the budget reserve trust fund account pursuant to the provisions of subsection (2) of this section.
- (7) All sums appropriated or deposited to the budget reserve trust fund account shall not lapse at the close of the fiscal year but shall carry forward into the next fiscal year.

**Effective:** June 25, 2009

**History:** Amended 2009 Ky. Acts ch. 78, sec. 17, effective June 25, 2009. -- Amended 2000 Ky. Acts ch. 46, sec. 20, effective July 14, 2000. -- Created 1995 (3d Extra. Sess.) Ky. Acts ch. 2, sec. 1, effective November 3, 1995.