

House File 45

S-3020

1 Amend the amendment, S-3009, to House File 45,
2 as amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, after line 4 by inserting:

5 <DIVISION I

6 TAX RELIEF FUND

7 Section 1. Section 8.55, subsection 2, Code 2011,
8 is amended to read as follows:

9 2. a. The maximum balance of the fund is the
10 amount equal to two and one-half percent of the
11 adjusted revenue estimate for the fiscal year. If the
12 amount of moneys in the Iowa economic emergency fund is
13 equal to the maximum balance, moneys in excess of this
14 amount shall be transferred to the general tax relief
15 fund.

16 b. Notwithstanding paragraph "a", any moneys
17 in excess of the maximum balance in the economic
18 emergency fund after the distribution of the surplus
19 in the general fund of the state at the conclusion
20 of each fiscal year shall not be transferred to the
21 general tax relief fund of the state but shall be
22 transferred to the senior living trust fund. The
23 total amount appropriated, reverted, or transferred,
24 in the aggregate, under this paragraph, section
25 8.57, subsection 2, and any other law providing
26 for an appropriation or reversion or transfer of an
27 appropriation to the credit of the senior living trust
28 fund, for all fiscal years beginning on or after July
29 1, 2004, shall not exceed the amount specified in
30 section 8.57, subsection 2, paragraph "c".

31 Sec. 2. NEW SECTION. 8.57E Tax relief fund.

32 1. The tax relief fund is created. The fund shall
33 be separate from the general fund of the state and
34 the balance in the fund shall not be considered part
35 of the balance of the general fund of the state. The
36 moneys credited to the fund are not subject to section
37 8.33 and shall not be transferred, used, obligated,
38 appropriated, or otherwise encumbered except as
39 provided in this section.

40 2. Moneys in the tax relief fund shall only be
41 used as pursuant to appropriations made by the general
42 assembly to reduce taxes.

43 3. a. Moneys in the fund may be used for cash flow
44 purposes during a fiscal year provided that any moneys
45 so allocated are returned to the fund by the end of
46 that fiscal year.

47 b. Except as provided in section 8.58, the tax
48 relief fund shall be considered a special account for
49 the purposes of section 8.53 in determining the cash
50 position of the general fund of the state for the

1 payment of state obligations.

2 4. Notwithstanding section 12C.7, subsection 2,
3 interest or earnings on moneys deposited in the tax
4 relief fund shall be credited to the fund.

5 Sec. 3. Section 8.58, Code 2011, is amended to read
6 as follows:

7 **8.58 Exemption from automatic application.**

8 1. To the extent that moneys appropriated under
9 section 8.57 do not result in moneys being credited
10 to the general fund under section 8.55, subsection
11 2, moneys appropriated under section 8.57 and moneys
12 contained in the cash reserve fund, rebuild Iowa
13 infrastructure fund, environment first fund, and Iowa
14 economic emergency fund, and tax relief fund shall not
15 be considered in the application of any formula, index,
16 or other statutory triggering mechanism which would
17 affect appropriations, payments, or taxation rates,
18 contrary provisions of the Code notwithstanding.

19 2. To the extent that moneys appropriated under
20 section 8.57 do not result in moneys being credited
21 to the general fund under section 8.55, subsection
22 2, moneys appropriated under section 8.57 and moneys
23 contained in the cash reserve fund, rebuild Iowa
24 infrastructure fund, environment first fund, and Iowa
25 economic emergency fund, and tax relief fund shall not
26 be considered by an arbitrator or in negotiations under
27 chapter 20.

28 Sec. 4. TAX RELIEF FUND — LEGISLATIVE INTENT. It
29 is the intent of the general assembly to enact
30 appropriations from the tax relief fund created by
31 this division of this Act pursuant to tax relief
32 legislation which shall be proposed by the standing
33 committees on ways and means of the senate and house
34 of representatives.

35 Sec. 5. EFFECTIVE DATE AND APPLICABILITY.

36 1. This division of this Act, being deemed of
37 immediate importance, takes effect upon enactment.

38 2. The amendment in this division to section
39 8.55, providing for transfer of moneys from the Iowa
40 economic emergency fund to the tax relief fund instead
41 of the general fund of the state applies to transfers
42 made from the Iowa economic emergency fund after
43 the effective date of this division and the state
44 general fund expenditure limitation calculated for the
45 fiscal year beginning July 1, 2011, shall be adjusted
46 accordingly.>

47 2. By renumbering as necessary.

BILL ANDERSON
