

House File 2694

S-5123

1 Amend House File 2694, as amended, passed, and reprinted by  
2 the House, as follows:

3 1. Page 1, before line 1 by inserting:

4 <Section 1. NEW SECTION. 2.12C Continuing appropriations.

5 1. *Annual appropriations not enacted.*

6 a. (1) This section applies to any fiscal year for  
7 which one or more line item appropriations, standing limited  
8 appropriations, or standing unlimited appropriations otherwise  
9 limited by law for the immediately preceding fiscal year have  
10 not been enacted in an identical provision for the fiscal year  
11 to which this section applies on or before July 1 of the fiscal  
12 year.

13 (2) If, on or after July 1 of the fiscal year, a line item  
14 appropriation, standing limited appropriation, or standing  
15 unlimited appropriation otherwise limited by law for the  
16 immediately preceding fiscal year is enacted in an identical  
17 provision for the fiscal year to which this section applies,  
18 this section shall cease to apply for purposes of that  
19 appropriation. The amount of moneys already expended under  
20 subsection 3 for the appropriation shall supplant a like amount  
21 under the appropriation enacted for the fiscal year.

22 (3) For purposes of this paragraph, an appropriation  
23 for the immediately preceding fiscal year is identical to an  
24 appropriation enacted for the fiscal year to which this section  
25 applies if there are no differences between the two provisions  
26 other than reference to the fiscal year, references to the  
27 legislation's subunit hierarchy, or differences in amounts  
28 for the appropriation, allocations, or full-time equivalent  
29 positions.

30 b. For purposes of this subsection, "*enacted*" means the bill  
31 or joint resolution that includes the appropriation has been  
32 passed by the general assembly, presented to the governor, and  
33 one of the following occurs under Article III, section 16, of  
34 the Constitution of the State of Iowa:

35 (1) The governor signs the bill or joint resolution without

1 disapproving the appropriations item.

2 (2) The bill or joint resolution becomes law as described  
3 in section 3.5.

4 (3) The bill or joint resolution becomes law  
5 notwithstanding the governor's objections by a majority of two  
6 thirds of the members of each chamber of the general assembly.

7 2. *Prior fiscal year appropriations determined.*

8 a. For all line item appropriations, standing limited  
9 appropriations, and standing unlimited appropriations otherwise  
10 limited by law, including appropriations from federal and  
11 nonstate funds, the department of management, in consultation  
12 with the legislative services agency, shall determine the  
13 amount of such line item appropriations, standing limited  
14 appropriations, and standing unlimited appropriations otherwise  
15 limited by law, including appropriations from federal and  
16 nonstate funds, made for the immediately preceding fiscal year  
17 by taking into consideration all of the following:

18 (1) All Acts appropriating moneys for that immediately  
19 preceding fiscal year.

20 (2) All interdepartmental and intradepartmental transfers  
21 made pursuant to section 8.39 and other provisions of law for  
22 that immediately preceding fiscal year.

23 (3) Other relevant provisions of law.

24 b. The department of management, in consultation with the  
25 legislative services agency, shall also identify the entities  
26 to which such appropriations were made, or the entities'  
27 successors.

28 3. *Continuing appropriation.* There is appropriated from the  
29 appropriate state fund or account to the entities identified  
30 pursuant to subsection 2, for the fiscal year to which this  
31 section applies, amounts, or so much thereof as is necessary,  
32 equal to the amounts of all line item appropriations, standing  
33 limited appropriations, and standing unlimited appropriations  
34 otherwise limited by law, including federal and nonstate funds,  
35 made for the immediately preceding fiscal year, as determined

1 pursuant to subsection 2.

2 4. *Duplicative standing appropriations supplanted.* The  
3 amounts appropriated under subsection 3 shall supplant any  
4 duplicative standing appropriation for the fiscal year to which  
5 this section applies.

6 5. *Miscellaneous provisions applicable.* Powers, duties,  
7 limitations, or requirements, including reporting requirements,  
8 set forth for appropriations applicable to the immediately  
9 preceding fiscal year are applicable for the fiscal year to  
10 which this section applies for appropriations under subsection  
11 3, and any specified date contained therein shall apply one  
12 year later than specified.

13 6. *Allocation amounts.* For any line item appropriation,  
14 standing limited appropriation, or standing unlimited  
15 appropriation otherwise limited by law identified pursuant to  
16 subsection 2, which is subject to an allocation amount for the  
17 immediately preceding fiscal year, the amount appropriated  
18 under subsection 3 based on the appropriation shall be subject  
19 to the same allocation amount for the fiscal year to which this  
20 section applies.

21 7. *Nonreversion.* For any line item appropriation, standing  
22 limited appropriation, or standing unlimited appropriation  
23 otherwise limited by law identified pursuant to subsection 2  
24 that is subject to a specified nonreversion provision, whether  
25 for a limited or unlimited period, the amount appropriated  
26 under subsection 3 based on the appropriation shall be subject  
27 to the same specified nonreversion provision, and in the case  
28 of a specified nonreversion provision for a limited period,  
29 the period shall be considered to be one fiscal year longer  
30 than specified for the appropriation identified pursuant to  
31 subsection 2.

32 8. *Full-time equivalent positions.* The amounts appropriated  
33 under subsection 3 to an entity identified pursuant to  
34 subsection 2 may be used by the entity for a number of  
35 full-time equivalent positions for the fiscal year to which

1 this section applies, equal to the number of full-time  
2 equivalent positions authorized for the entity for the  
3 immediately preceding fiscal year.

4 9. *Exclusions.*

5 a. This section does not apply to appropriations identified  
6 under subsection 2 that the department of management, in  
7 consultation with the legislative services agency, determines  
8 to be one-time appropriations. For purposes of this paragraph,  
9 "one-time appropriation" may include but is not limited to an  
10 appropriation from the rebuild Iowa infrastructure fund created  
11 in section 8.57 or the technology reinvestment fund created in  
12 section 8.57C, or a similar appropriation from any state fund  
13 or account for an infrastructure project, technology project,  
14 or temporary or pilot project or program.

15 b. This section does not apply to appropriations for  
16 which the general assembly has indicated by law the general  
17 assembly's explicit intent that the appropriation not be  
18 subject to subsection 3, including but not limited to by  
19 passing an appropriation bill applicable for the fiscal year to  
20 which this section applies that is substantially similar to an  
21 Act appropriating moneys for the immediately preceding fiscal  
22 year but that does not include the appropriation.

23 c. This section does not apply to an appropriation  
24 identified under subsection 2 if the general assembly passed  
25 and presented to the governor an identical provision, as  
26 described in subsection 1, paragraph "a", subparagraph (3),  
27 applicable for the fiscal year to which this section applies  
28 but the item was disapproved by the governor under Article III,  
29 section 16, of the Constitution of the State of Iowa.

30 10. *Adjustment for expenditure limitation.* If appropriations  
31 made from the general fund of the state pursuant to subsection  
32 3 would not comply with the general fund expenditure  
33 limitation under section 8.54, the department of management,  
34 in consultation with the legislative services agency, shall  
35 reduce appropriations made from the general fund of the

1 state pursuant to subsection 3, each by the same percentage,  
2 such that appropriations made from the general fund of the  
3 state pursuant to subsection 3 comply with the general fund  
4 expenditure limitation under section 8.54.>

5 2. Title page, by striking lines 1 and 2 and inserting <An  
6 Act relating to state government, including the regulation of  
7 certain places and activities by the governor and continuing  
8 appropriations in fiscal years for which annual appropriations  
9 have not been enacted.>

10 3. By renumbering as necessary.

---

COMMITTEE ON STATE GOVERNMENT  
KEN ROZENBOOM, CHAIRPERSON