

House File 2402

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HOUSE FILE 2402

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1 3 AN ACT
1 4 RESTRICTING EXECUTIVE BRANCH AUTHORITY TO TRANSFER APPROPRIA-
1 5 TIONS BETWEEN DEPARTMENTS.

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1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 9 Section 1. Section 8.39, subsections 2 and 3, Code 2003,
1 10 are amended to read as follows:

1 11 2. a. ~~If~~ Subject to the restrictions provided in
1 12 paragraphs "b" and "c", if the appropriation of a department,
1 13 institution, or agency is insufficient to properly meet the
1 14 legitimate expenses of the department, institution, or agency,
1 15 the director, with the approval of the governor, may make an
1 16 interdepartmental transfer from any other department,
1 17 institution, or agency of the state having an appropriation in
1 18 excess of its needs, of sufficient funds to meet that
1 19 deficiency.

1 20 b. An interdepartmental transfer to an appropriation which
1 21 is not an entitlement appropriation is not authorized when the
1 22 general assembly is in regular session and, in addition, the
1 23 sum of interdepartmental transfers in a fiscal year to an
1 24 appropriation which is not an entitlement appropriation shall
1 25 not exceed fifty percent of the amount of the appropriation as
1 26 enacted by the general assembly. For the purposes of this
1 27 subsection, an entitlement appropriation is a line item
1 28 appropriation to the state public defender for indigent
1 29 defense or to the department of human services for foster
1 30 care, state supplementary assistance, or medical assistance,
1 31 or for the family investment program.

1 32 c. In addition to the provisions of paragraph "b", the
1 33 total amount of interdepartmental transfers in a fiscal year
1 34 made to an appropriation shall be limited to one million
1 35 dollars, except when one of the following circumstances is
2 1 applicable:

2 2 (1) The transfer or transfers are made during the final
2 3 thirty days of the fiscal year.

2 4 (2) The director requests the legislative council to
2 5 approve a resolution concurring with a proposed transfer. The
2 6 director shall include with the request the information
2 7 required by subsection 3. The resolution must be approved by
2 8 a majority of the membership of the legislative council and
2 9 the transfer shall not be made prior to the date the
2 10 resolution is approved. However, if, within thirty calendar
2 11 days of receiving the request, the legislative council does
2 12 not act to approve or reject a resolution concurring with the
2 13 proposed transfer, the transfer shall be considered to be
2 14 approved.

2 15 3. ~~Prior to any transfer of funds pursuant to subsection 1~~
2 16 ~~or 2 of this section~~ or a transfer of an allocation from a
2 17 subunit of a department which statutorily has independent
2 18 budgeting authority, the director shall notify the
2 19 chairpersons of the standing committees on ~~budget~~
2 20 appropriations of the senate and the house of representatives
2 21 and the chairpersons of subcommittees of such committees of
2 22 the proposed transfer. The notice from the director shall
2 23 include information concerning the amount of the proposed
2 24 transfer, the departments, institutions or agencies affected
2 25 by the proposed transfer, and the reasons for the proposed
2 26 transfer. Chairpersons notified of a transfer pursuant to
2 27 subsection 1 or a transfer of an allocation from a subunit of
2 28 a department that statutorily has independent budgeting
2 29 authority shall be given at least two weeks to review and
2 30 comment on the proposed transfer before the transfer of funds
2 31 is made.

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CHRISTOPHER C. RANTS
Speaker of the House

JEFFREY M. LAMBERTI

3 6 President of the Senate

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3 8 I hereby certify that this bill originated in the House and
3 9 is known as House File 2402, Eightieth General Assembly.

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MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2004

THOMAS J. VILSACK
Governor