

Senate File 2388 - Introduced

SENATE FILE 2388
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 3176)

A BILL FOR

1 An Act establishing continuing appropriations in fiscal years for
2 which the general assembly does not pass an annual budget.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. **2.12C Continuing appropriations.**

2 1. *Annual budget not passed by general assembly.*

3 a. This section applies to any fiscal year for which the
4 general assembly has not passed and presented to the governor,
5 on or before July 1 of the fiscal year, any bills appropriating
6 moneys for the fiscal year.

7 b. If, on or after July 1 of the fiscal year, the general
8 assembly passes and presents to the governor one or more bills
9 appropriating moneys for the fiscal year, this section shall
10 cease to apply for purposes of that fiscal year.

11 c. For purposes of this subsection, "bill appropriating
12 moneys for the fiscal year" does not include any of the
13 following:

14 (1) A bill enacting an appropriation for the fiscal year in
15 this Code.

16 (2) A bill enacting an appropriation for the fiscal year if
17 the bill was passed and presented to the governor prior to July 1
18 of the immediately preceding fiscal year.

19 2. *Prior fiscal year appropriations determined.*

20 a. For all line item appropriations, standing limited
21 appropriations, and standing unlimited appropriations otherwise
22 limited by law, including appropriations from federal and
23 nonstate funds, the department of management, in consultation
24 with the legislative services agency, shall determine the
25 amount of such line item appropriations, standing limited
26 appropriations, and standing unlimited appropriations otherwise
27 limited by law, including appropriations from federal and
28 nonstate funds, made for the immediately preceding fiscal year by
29 taking into consideration all of the following:

30 (1) All Acts appropriating moneys for that immediately
31 preceding fiscal year.

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

35 (3) Other relevant provisions of law.

1 *b.* The department of management, in consultation with the
2 legislative services agency, shall also identify the entities to
3 which such appropriations were made, or the entities' successors.

4 3. *Continuing appropriation.* There is appropriated from the
5 appropriate state fund or account to the entities identified
6 pursuant to subsection 2, for the fiscal year to which this
7 section applies, amounts, or so much thereof as is necessary,
8 equal to the amounts of all line item appropriations, standing
9 limited appropriations, and standing unlimited appropriations
10 otherwise limited by law, including federal and nonstate funds,
11 made for the immediately preceding fiscal year, as determined
12 pursuant to subsection 2.

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

17 5. *Miscellaneous provisions applicable.* Powers, duties,
18 limitations, or requirements, including reporting requirements,
19 set forth for appropriations applicable to the immediately
20 preceding fiscal year are applicable for the fiscal year to which
21 this section applies, and any specified date contained therein
22 shall apply one year later than specified.

23 6. *Allocation amounts.* For any line item appropriation,
24 standing limited appropriation, or standing unlimited
25 appropriation otherwise limited by law identified pursuant to
26 subsection 2, which is subject to an allocation amount for the
27 immediately preceding fiscal year, the amount appropriated under
28 subsection 3 based on the appropriation shall be subject to the
29 same allocation amount for the fiscal year to which this section
30 applies.

31 7. *Nonreversion.* For any line item appropriation, standing
32 limited appropriation, or standing unlimited appropriation
33 otherwise limited by law identified pursuant to subsection 2
34 that is subject to a specified nonreversion provision, whether
35 for a limited or unlimited period, the amount appropriated under

1 subsection 3 based on the appropriation shall be subject to
 2 the same specified nonreversion provision, and in the case of a
 3 specified nonreversion provision for a limited period, the period
 4 shall be considered to be one fiscal year longer than specified
 5 for the appropriation identified pursuant to subsection 2.

6 8. *Full-time equivalent positions.* The amounts appropriated
 7 under subsection 3 to an entity identified pursuant to subsection
 8 2 may be used by the entity for a number of full-time equivalent
 9 positions for the fiscal year to which this section applies,
 10 equal to the number of full-time equivalent positions authorized
 11 for the entity for the immediately preceding fiscal year.

12 9. *Exclusions.* This section does not apply to appropriations
 13 identified under subsection 2 that the department of management,
 14 in consultation with the legislative services agency, determines
 15 to be one-time appropriations. For purposes of this subsection,
 16 "one-time appropriation" may include but is not limited to an
 17 appropriation from the rebuild Iowa infrastructure fund created
 18 in section 8.57 or the technology reinvestment fund created in
 19 section 8.57C, or a similar appropriation for an infrastructure
 20 project, technology project, or temporary project or program for
 21 which a subsequent fiscal year appropriation is not appropriate.

22 10. *Adjustment for expenditure limitation.* If appropriations
 23 made from the general fund of the state pursuant to subsection
 24 3 would not comply with the general fund expenditure limitation
 25 under section 8.54, the department of management, in consultation
 26 with the legislative services agency, shall reduce appropriations
 27 made from the general fund of the state pursuant to subsection 3,
 28 each by the same percentage, such that appropriations made from
 29 the general fund of the state pursuant to subsection 3 comply
 30 with the general fund expenditure limitation under section 8.54.

31 EXPLANATION

32 The inclusion of this explanation does not constitute agreement with
 33 the explanation's substance by the members of the general assembly.

34 This bill establishes continuing appropriations in fiscal
 35 years for which the general assembly does not pass an annual

1 budget. The bill applies to fiscal years for which the general
2 assembly has not passed and presented to the governor, on or
3 before July 1 of the fiscal year, any bills appropriating moneys
4 for the fiscal year, with certain exclusions. The bill ceases
5 to apply for a fiscal year if, on or after July 1 of the fiscal
6 year, the general assembly passes and presents to the governor
7 one or more bills appropriating moneys for the fiscal year.

8 For fiscal years to which the bill applies, the bill requires
9 the department of management (DOM), in consultation with the
10 legislative services agency (LSA), to identify the amounts of all
11 line item appropriations, standing limited appropriations, and
12 standing unlimited appropriations otherwise limited by law for
13 the immediately preceding fiscal year, and the entities to which
14 those appropriations were made. The bill appropriates those
15 amounts to those entities for the fiscal year to which the bill
16 applies.

17 The bill supplants duplicative standing appropriations,
18 meaning the amounts for line item appropriations, standing
19 limited appropriations, and standing unlimited appropriations
20 otherwise limited by law identified for the immediately preceding
21 fiscal year apply in lieu of amounts estimated for associated
22 standing appropriations for the fiscal year to which the bill
23 applies.

24 The bill applies powers, duties, limitations, requirements,
25 allocations, nonreversions, and full-time equivalent position
26 authorizations associated with such appropriations from the
27 immediately preceding fiscal year for the fiscal year to which
28 the bill applies.

29 The bill excludes one-time appropriations from the immediately
30 preceding fiscal year, as determined by DOM in consultation with
31 LSA. One-time appropriations may include but are not limited to
32 appropriations for an infrastructure project, technology project,
33 or temporary project or program for which a subsequent fiscal
34 year appropriation is not appropriate.

35 The bill does not reapply uncodified transfers from the

1 immediately preceding fiscal year. Codified transfers are not
2 affected by the bill and would operate in accordance with the
3 Code during the fiscal year to which the bill applies.

4 The bill authorizes DOM, in consultation with LSA, to reduce
5 all appropriations from the general fund of the state under the
6 bill for a fiscal year by the same percentage if necessary to
7 comply with state general fund expenditure limitation.

8 The general assembly passed similar provisions in June 2020
9 applicable only to FY 2020-2021.

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