

Senate File 2461 - Introduced

SENATE FILE 2461
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SF 2388)
(SUCCESSOR TO SSB 3176)

A BILL FOR

1 An Act establishing continuing appropriations in fiscal years for
2 which annual appropriations have not been enacted.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

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

2 1. *Annual appropriations not enacted.*

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

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

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

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

32 (1) The governor signs the bill or joint resolution without
33 disapproving the appropriations item.

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

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

4 2. *Prior fiscal year appropriations determined.*

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

15 (1) All Acts appropriating moneys for that immediately
16 preceding fiscal year.

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

20 (3) Other relevant provisions of law.

21 b. The department of management, in consultation with the
22 legislative services agency, shall also identify the entities to
23 which such appropriations were made, or the entities' successors.

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

33 4. *Duplicative standing appropriations supplanted.* The
34 amounts appropriated under subsection 3 shall supplant any
35 duplicative standing appropriation for the fiscal year to which

1 this section applies.

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

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

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

26 8. *Full-time equivalent positions.* The amounts appropriated
27 under subsection 3 to an entity identified pursuant to subsection
28 2 may be used by the entity for a number of full-time equivalent
29 positions for the fiscal year to which this section applies,
30 equal to the number of full-time equivalent positions authorized
31 for the entity for the immediately preceding fiscal year.

32 9. *Exclusions.*

33 a. This section does not apply to appropriations identified
34 under subsection 2 that the department of management, in
35 consultation with the legislative services agency, determines to

1 be one-time appropriations. For purposes of this subsection,
2 "one-time appropriation" may include but is not limited to an
3 appropriation from the rebuild Iowa infrastructure fund created
4 in section 8.57 or the technology reinvestment fund created in
5 section 8.57C, or a similar appropriation from any state fund
6 or account for an infrastructure project, technology project, or
7 temporary or pilot project or program.

8 b. This section does not apply to appropriations for which
9 the general assembly has indicated by law the general assembly's
10 explicit intent that the appropriation not be subject to
11 subsection 3.

12 10. *Adjustment for expenditure limitation.* If appropriations
13 made from the general fund of the state pursuant to subsection
14 3 would not comply with the general fund expenditure limitation
15 under section 8.54, the department of management, in consultation
16 with the legislative services agency, shall reduce appropriations
17 made from the general fund of the state pursuant to subsection 3,
18 each by the same percentage, such that appropriations made from
19 the general fund of the state pursuant to subsection 3 comply
20 with the general fund expenditure limitation under section 8.54.

21 EXPLANATION

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

24 This bill establishes continuing appropriations in fiscal
25 years for which the general assembly does not enact annual
26 appropriations. The bill applies to fiscal years for
27 which one or more line item appropriations, standing limited
28 appropriations, or standing unlimited appropriations otherwise
29 limited by law (appropriations) for the immediately preceding
30 fiscal year (prior year) have not been enacted in an identical
31 provision for the fiscal year to which the bill applies (budget
32 year) on or before July 1 of the budget year. If, on or after
33 July 1 of the budget year, an appropriation for the prior year is
34 enacted in an identical provision for the budget year, the bill
35 ceases to apply for purposes of that appropriation. The amount

1 of moneys already expended under the bill for the appropriation
2 supplants a like amount under the appropriation enacted for the
3 budget year. The bill specifies what constitutes an identical
4 provision and what qualifies as enactment for purposes of the
5 bill.

6 For fiscal years to which the bill applies, the bill requires
7 the department of management (DOM), in consultation with the
8 legislative services agency (LSA), to identify the amounts of all
9 appropriations for the prior year and the entities to which those
10 appropriations were made. The bill appropriates those amounts to
11 those entities for the budget year.

12 The bill supplants duplicative standing appropriations,
13 meaning the amounts for appropriations identified for the prior
14 year apply in lieu of amounts estimated for associated standing
15 appropriations for the budget year.

16 The bill applies powers, duties, limitations, requirements,
17 allocations, nonreversions, and full-time equivalent position
18 authorizations associated with such appropriations from the prior
19 year for the budget year.

20 The bill excludes one-time appropriations from the prior
21 year, as determined by DOM in consultation with LSA. One-time
22 appropriations may include but are not limited to appropriations
23 for an infrastructure project, technology project, or temporary
24 or pilot project or program.

25 The bill does not reapply uncodified transfers from the prior
26 year. Codified transfers are not affected by the bill and would
27 operate in accordance with the Code during the budget year.

28 The bill authorizes DOM, in consultation with LSA, to reduce
29 all continuing appropriations from the general fund of the state
30 under the bill for the budget year by the same percentage
31 if necessary to comply with state general fund expenditure
32 limitation.

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