

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
2 for which annual appropriations have not been enacted.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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 item
11 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,
15 this section shall cease to apply for purposes of that
16 appropriation. The amount of moneys already expended under
17 subsection 3 for the appropriation shall supplant a like amount
18 under the appropriation enacted for the fiscal year.

19 (3) For purposes of this paragraph, an appropriation
20 for 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
31 the 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
35 in section 3.5.

1 (3) The bill or joint resolution becomes law
2 notwithstanding the governor's objections by a majority of two
3 thirds of the 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
14 by 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
23 to which such appropriations were made, or the entities'
24 successors.

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

34 4. *Duplicative standing appropriations supplanted.* The
35 amounts appropriated under subsection 3 shall supplant any

1 duplicative standing appropriation for the fiscal year to which
2 this section applies.

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

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

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

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

35 9. *Exclusions.*

1 provision for the fiscal year to which the bill applies
2 (budget year) on or before July 1 of the budget year. If,
3 on or after July 1 of the budget year, an appropriation for
4 the prior year is enacted in an identical provision for the
5 budget year, the bill ceases to apply for purposes of that
6 appropriation. The amount of moneys already expended under the
7 bill for the appropriation supplants a like amount under the
8 appropriation enacted for the budget year. The bill specifies
9 what constitutes an identical provision and what qualifies as
10 enactment for purposes of the bill.

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

17 The bill supplants duplicative standing appropriations,
18 meaning the amounts for appropriations identified for the prior
19 year apply in lieu of amounts estimated for associated standing
20 appropriations for the budget year.

21 The bill applies powers, duties, limitations, requirements,
22 allocations, nonreversions, and full-time equivalent position
23 authorizations associated with such appropriations from the
24 prior year for the budget year.

25 The bill excludes one-time appropriations from the
26 prior year, as determined by DOM in consultation with LSA.
27 One-time appropriations may include but are not limited to
28 appropriations for an infrastructure project, technology
29 project, or temporary or pilot project or program.

30 The bill does not reapply uncodified transfers from the
31 prior year. Codified transfers are not affected by the bill
32 and would operate in accordance with the Code during the budget
33 year.

34 The bill authorizes DOM, in consultation with LSA, to reduce
35 all continuing appropriations from the general fund of the

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1 state under the bill for the budget year by the same percentage
2 if necessary to comply with state general fund expenditure
3 limitation.

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