

Standing Appropriations Bill Senate File 2384

Last Action:
Senate Appropriations
Committee
May 18, 2022

An Act relating to state and local finances by making appropriations, providing for legal and regulatory responsibilities, providing for other properly related matters, and including effective date and retroactive applicability provisions.

**Fiscal Services Division
Legislative Services Agency**

NOTES ON BILLS AND AMENDMENTS (NOBA)

Available online at www.legis.iowa.gov/publications/information/appropriationBillAnalysis

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FUNDING SUMMARY

Senate File 2384 makes adjustments to various standing appropriations that result in a decrease of \$33.7 million to General Fund appropriations for FY 2023.

MAJOR INCREASES/DECREASES/TRANSFERS OF EXISTING PROGRAMS

Limits the FY 2023 General Fund appropriation to the Department of Education for nonpublic school transportation to \$9.0 million. Requires the appropriation to be prorated if the claims exceed the appropriation. Page 1, Line 3

Suspends the General Fund standing appropriation of \$14.8 million to the Department of Education for the Instructional Support Program for FY 2023. Page 1, Line 17

Reduces the FY 2023 State school aid funding to Area Education Agencies (AEAs) by \$17.0 million. The Bill requires that at least \$2.0 million of the reduction occur in the area of professional development. Page 2, Line 1

SIGNIFICANT CODE CHANGES

Makes nonsubstantive corrections to various Acts enacted during the 2022 Legislative Session. Page 2, Line 14

Senate File 2384 provides for the following changes to the Code of Iowa.

Page #	Line #	Bill Section	Action	Code Section
2	1	4	Add	257.35.16A

1 1 DIVISION I

1 2 STANDING APPROPRIATIONS AND RELATED MATTERS

1 3 Section 1. LIMITATIONS OF STANDING APPROPRIATIONS — FY

1 4 2022-2023. Notwithstanding the standing appropriation in the

1 5 following designated section for the fiscal year beginning July

1 6 1, 2022, and ending June 30, 2023, the amount appropriated from

1 7 the general fund of the state pursuant to that section for the

1 8 following designated purpose shall not exceed the following

1 9 amount:

1 10 For payment of claims for nonpublic school pupil

1 11 transportation under section 285.2:

1 12 \$ 8,997,091

1 13 If total approved claims for reimbursement for nonpublic

1 14 school pupil transportation exceed the amount appropriated in

1 15 accordance with this section, the department of education shall

1 16 prorate the amount of each approved claim.

1 17 Sec. 2. INSTRUCTIONAL SUPPORT STATE AID — FY 2022-2023. In

1 18 lieu of the appropriation provided in section 257.20,

1 19 subsection 2, the appropriation for the fiscal year

1 20 beginning July 1, 2022, and ending June 30, 2023, for paying

1 21 instructional support state aid under section 257.20 for the

1 22 fiscal year is zero.

1 23 Sec. 3. SPECIAL FUNDS — SALARY ADJUSTMENTS —

1 24 UNAPPROPRIATED MONEYS — FY 2022-2023. For the fiscal year

1 25 beginning July 1, 2022, and ending June 30, 2023, salary

1 26 adjustments otherwise provided may be funded as determined

1 27 by the department of management, subject to any applicable

1 28 constitutional limitation, using unappropriated moneys

1 29 remaining in the department of commerce revolving fund, the

1 30 gaming enforcement revolving fund, the gaming regulatory

1 31 revolving fund, the primary road fund, the road use tax

1 32 fund, the fish and game protection fund, and the Iowa public

1 33 employees' retirement fund, and in other departmental

CODE: Limits the FY 2023 General Fund appropriation to the Department of Education for nonpublic school transportation to \$8,997,091. Requires the appropriation to be prorated if the claims exceed the appropriation.

DETAIL: This is no change compared to estimated FY 2022. This also represents a decrease of \$1,900,000 compared to the estimated standing unlimited appropriation of \$10,897,091 based on current law.

Suspends the General Fund standing appropriation of \$14,800,000 for the Instructional Support Program for FY 2023.

DETAIL: Although no State funding will be provided for the Instructional Support Program, school districts may use local property tax and income surtax to fund their portion of the Program. In FY 2022, 325 school districts implemented the Program and generated \$248,927,940 in local taxes (\$91,616,031 in income surtax and \$157,311,909 in property taxes). This Program has not been funded by the State since FY 2006.

Permits salary adjustments to be funded from non-General Fund moneys remaining in various revolving, trust, or special funds for FY 2023 for which the General Assembly has not established an operating budget.

1 34 revolving, trust, or special funds for which the general
1 35 assembly has not made an operating budget appropriation.

2 1 Sec. 4. Section 257.35, Code 2022, is amended by adding the
2 2 following new subsection:
2 3 NEW SUBSECTION 16A. Notwithstanding subsection 1, and in
2 4 addition to the reduction applicable pursuant to subsection
2 5 2, the state aid for area education agencies and the portion
2 6 of the combined district cost calculated for these agencies
2 7 for the fiscal year beginning July 1, 2022, and ending June
2 8 30, 2023, shall be reduced by the department of management by
2 9 seventeen million dollars. At least two million dollars of the
2 10 reduction shall occur in the area of professional development.
2 11 The reduction for each area education agency shall be prorated
2 12 based on the reduction that the agency received in the fiscal
2 13 year beginning July 1, 2003.

2 14 DIVISION II
2 15 CORRECTIVE PROVISIONS

2 16 Sec. 5. Section 45.1, subsection 7, paragraph a, Code 2022,
2 17 as amended by 2022 Iowa Acts, House File 2466, section 3, is
2 18 amended to read as follows:
2 19 a. For a supervisor district with a population of greater
2 20 than fifteen thousand but ~~fewer no more~~ than fifty thousand
2 21 according to the most recent federal decennial census,
2 22 nomination petitions shall include at least fifty signatures.

2 23 Sec. 6. Section 80E.2, subsection 2, Code 2022, as amended
2 24 by 2022 Iowa Acts, House File 2367, section 2, is amended to
2 25 read as follows:
2 26 2. The prosecuting attorney, certified alcohol and drug
2 27 counselor, certified substance abuse prevention specialist,
2 28 substance use disorder treatment program director, member
2 29 representing the Iowa peace officers association, member
2 30 representing the Iowa state police association, the
2 31 member representing the Iowa state sheriffs' and deputies'
2 32 association, and the member ~~representing the Iowa police chiefs~~
2 33 ~~association who is a police chief~~ shall be appointed by the
2 34 governor, subject to senate confirmation, for four-year terms
2 35 beginning and ending as provided in section 69.19. A vacancy
3 1 on the council shall be filled for the unexpired term in the

CODE: Reduces the FY 2023 State school aid funding to Area Education Agencies (AEAs) by \$17,000,000 and specifies that at least \$2,000,000 of the reduction must occur in the area of professional development. The reduction for each AEA must be allocated based on the reduction the AEA received in FY 2004.

DETAIL: In addition to the \$17,000,000 State aid reduction for FY 2023, the AEAs have an annual statutory reduction of \$7,500,000. The State aid reduction to the AEAs will total \$24,500,000 for FY 2023. Funding was reduced by a total of \$22,500,000 in FY 2022.

Corrective provision for [HF 2466](#) (County Redistricting Plans Act).

DETAIL: This Act was approved by the General Assembly on March 22, 2022, and signed by the Governor on March 22, 2022.

Corrective provision for [HF 2367](#) (Iowa Drug Policy Advisory Council Act).

DETAIL: This Act was approved by the General Assembly on March 23, 2022, and signed by the Governor on April 21, 2022.

3 2 same manner as the original appointment was made.	
3 3 Sec. 7. Section 124.204, subsection 2, paragraph cl, as 3 4 enacted by 2022 Iowa Acts, House File 2201, section 1, is 3 5 amended to read as follows: 3 6 cl. N-(1-phenethylpiperidin-4-yl) 3 7 -N-phenylcyclopentanecarboxamide. Other name: cyclopentanyl 3 8 <u>cyclopentyl</u> fentanyl.	Corrective provision for HF 2201 (Controlled Substances Act). DETAIL: This Act was approved by the General Assembly on April 12, 2022, and signed by the Governor on May 2, 2022.
3 9 Sec. 8. Section 147.77, subsection 1, paragraph l, if 3 10 enacted by 2022 Iowa Acts, House File 803, section 51, is 3 11 amended to read as follows: 3 12 l. The department of public safety, with respect to rules 3 13 relating to permits to carry weapons, that <u>a person who is</u> 3 14 an unlawful user of or addicted to any controlled substance 3 15 includes any person who is a current user of a controlled 3 16 substance in a manner other than as prescribed by a licensed 3 17 physician.	Corrective provision for HF 803 (Physician Assistants Act). DETAIL: This Act was approved by the General Assembly on April 4, 2022, and signed by the Governor on May 17, 2022.
3 18 Sec. 9. Section 147.77, subsection 1, paragraph p, 3 19 subparagraph (3), if enacted by 2022 Iowa Acts, House File 803, 3 20 section 51, is amended to read as follows: 3 21 (3) For applications for a license to practice asbestos 3 22 removal, that except as noted in rule, only worker and 3 23 contractor/supervisor license applicants must submit <u>a the</u> 3 24 respiratory protection and physician's certification forms.	Corrective provision for HF 803 (Physician Assistants Act). DETAIL: This Act was approved by the General Assembly on April 4, 2022, and signed by the Governor on May 17, 2022.
3 25 Sec. 10. Section 249A.42A, subsection 2, if enacted by 2022 3 26 Iowa Acts, House File 736, section 1, is amended to read as 3 27 follows: 3 28 2. The provider documented the eligibility verification 3 29 performed and any necessary prior authorization obtained 3 30 pursuant to paragraph "a" <u>subsection 1</u> in a manner and format 3 31 established by the department by rule, and retained the 3 32 required documentation in the recipient's file.	Corrective provision for HF 736 (Medicaid, Refunds, and Offsets Act). DETAIL: This Act was approved by the General Assembly on April 6, 2022, and signed by the Governor on May 17, 2022.
3 33 Sec. 11. Section 261.116, subsection 7, Code 2022, as 3 34 amended by 2022 Iowa Acts, Senate File 2383, section 16, if 3 35 enacted, is amended to read as follows: 4 1 6. HEALTH CARE AWARD FUND. A health care award fund is 4 2 created for deposit of moneys appropriated to or received by 4 3 the commission for use under the program. Notwithstanding	Corrective provision for SF 2383 (Workforce Omnibus Bill). DETAIL: This Bill was approved by the General Assembly on April 26, 2022.

4 4 section 8.33, moneys deposited in the health care award
 4 5 fund shall not revert to any fund of the state at the
 4 6 end of any fiscal year but shall remain in the award fund
 4 7 and be continuously available for use under the program.
 4 8 Notwithstanding section 12C.7, subsection 2, interest or
 4 9 earnings on moneys deposited in the health care award fund
 4 10 shall be credited to the fund.

4 11 Sec. 12. Section 441.1, subsection 3, paragraph d, as
 4 12 enacted by 2022 Iowa Acts, Senate File 384, section 1, is
 4 13 amended to read as follows:
 4 14 d. The provisions of chapter 28E are applicable to this
 4 15 ~~section~~ subsection.

4 16 Sec. 13. Section 600.5, subsection 9A, if enacted by 2022
 4 17 Iowa Acts, House File 2252, section 6, is amended to read as
 4 18 follows:
 4 19 9A. If the parents of the person to be adopted had their
 4 20 parental rights terminated pursuant to chapter 232, the
 4 21 petition shall ~~included~~ include the names of any known siblings
 4 22 placed separately from the person to be adopted and either the
 4 23 plan for ongoing contact between the siblings if a court found
 4 24 that continued contact is in the best interest of each sibling
 4 25 or a statement that the court found continued contact between
 4 26 the siblings is not in the best interest of each sibling.

4 27 Sec. 14. 2022 Iowa Acts, House File 2200, section 3, is
 4 28 amended to read as follows:
 4 29 SEC. 3. APPLICABILITY. This Act applies to direct health
 4 30 care agreements that are fully executed on or after the
 4 31 effective date of enactment this Act.

4 32 Sec. 15. 2022 Iowa Acts, House File 2201, section 7, is
 4 33 amended by striking the section and inserting in lieu thereof
 4 34 the following:
 4 35 SEC. 7. Section 124.206, subsection 2, paragraph a,
 5 1 unnumbered paragraph 1, Code 2022, is amended by striking
 5 2 the unnumbered paragraph and inserting in lieu thereof the
 5 3 following:
 5 4 Opium and opiate, and any salt, compound, derivative,
 5 5 or preparation of opium or opiate excluding apomorphine,
 5 6 thebaine-derived butorphanol, dextrorphan, nalbuphine,

Corrective provision for [SF 384](#) (County Assessors Act).

DETAIL: This Act was approved by General Assembly on March 22, 2022, and signed by the Governor on April 21, 2022.

Corrective provision for [HF 2252](#) (State Child Care Assistance Bill).

DETAIL: This Bill was approved by the General Assembly on April 5, 2022.

Corrective provision for [HF 2200](#) (Direct Primary Care Act).

DETAIL: This Act was approved by the General Assembly on March 22, 2022, and signed by the Governor on May 12, 2022.

Corrective provision for [HF 2201](#) (Controlled Substances Act).

DETAIL: This Act was approved by the General Assembly on April 12, 2022, and signed by the Governor on May 2, 2022.

5 7 naldemedine, nalmeferone, naloxegol, naloxone, 6beta-naltrexol,
 5 8 naltrexone, and samidorphan, and their respective salts, but
 5 9 including the following:

5 10 Sec. 16. 2022 Iowa Acts, Senate File 2295, section 184, is
 5 11 amended by striking the section and inserting in lieu thereof
 5 12 the following:

5 13 SEC. 184. 2020 Iowa Acts, chapter 1064, sections 17 and
 5 14 18, are amended by striking the sections and inserting in lieu
 5 15 thereof the following:

5 16 SEC. 17. Section 422.12D, subsection 2, Code 2022, is
 5 17 amended to read as follows:

5 18 2. The director of revenue shall draft the income tax form
 5 19 to allow the designation of contributions to the veterans trust
 5 20 fund and to the volunteer fire fighter preparedness fund as
 5 21 one checkoff on the tax return. The department of revenue,
 5 22 on or before January 31, shall transfer one-half of the total
 5 23 amount designated on the tax return forms due in the preceding
 5 24 calendar year to the veterans trust fund and the remaining
 5 25 one-half to the volunteer fire fighter preparedness fund.
 5 26 However, before a checkoff pursuant to this section shall be
 5 27 permitted, all liabilities on the books of the department of
 5 28 ~~administrative services~~ and accounts identified as owing under
 5 29 section ~~GA.504 421.65~~ shall be satisfied.

5 30 SEC. 18. Section 422.12L, subsection 2, Code 2022, is
 5 31 amended to read as follows:

5 32 2. The director of revenue shall draft the income tax form
 5 33 to allow the designation of contributions to the foundation
 5 34 fund on the tax return. The department, on or before January
 5 35 31, shall transfer the total amount designated on the tax
 6 1 form due in the preceding year to the foundation fund.

6 2 However, before a checkoff pursuant to this section shall be
 6 3 permitted, all liabilities on the books of the department of
 6 4 ~~administrative services~~ and accounts identified as owing under
 6 5 section ~~GA.504 421.65~~ shall be satisfied.

6 6 Sec. 17. CONTINGENT REPEAL. 2022 Iowa Acts, House File
 6 7 2581, section 13, if enacted, is repealed if 2022 Iowa Acts,
 6 8 House File 2128, section 15, is enacted.

Corrective provision for [SF 2295](#) (Substantive Code Editor's Act).

DETAIL: This Act was approved by the General Assembly on March 15, 2022, and signed by the Governor on April 21, 2022.

Specifies that section 13 of [HF 2581](#) (Agriculture Omnibus Bill) requiring administrative rules and enforcement is repealed if section 15 of [HF 2128](#) (Renewable Fuels Incentive Act) is enacted which deals with the same Code section and addresses administrative rules and enforcement.

6 9 Sec. 18. CODE EDITOR DIRECTIVES.

6 10 1. If Senate File 496 is enacted during the 2022 session

6 11 of the Eighty-ninth General Assembly, the Code editor is

6 12 directed to transfer the Code sections as enacted by that Act

6 13 as follows:

6 14 a. Section 94.1 to section 94B.1.

6 15 b. Section 94.2 to section 94B.2.

6 16 2. The Code editor is directed to renumber section 331.301,

6 17 subsection 18, as enacted by 2022 Iowa Acts, House File 728, to

6 18 become section 331.301, subsection 21.

6 19 3. The Code editor shall correct internal references in the

6 20 Code and in any enacted legislation as necessary due to the

6 21 enactment of this section.

6 22 Sec. 19. EFFECTIVE DATE. The following, being deemed of

6 23 immediate importance, take effect upon enactment:

6 24 1. The section of this division of this Act amending section

6 25 124.204, subsection 2, paragraph "c".

6 26 2. The section of this division of this Act amending 2022

6 27 Iowa Acts, House File 2200, section 3.

6 28 3. The section of this division of this Act amending 2022

6 29 Iowa Acts, House File 2201, section 7.

6 30 Sec. 20. RETROACTIVE APPLICABILITY. The following apply

6 31 retroactively to May 2, 2022:

6 32 1. The section of this division of this Act amending section

6 33 124.204, subsection 2, paragraph "c".

6 34 2. The section of this division of this Act amending 2022

6 35 Iowa Acts, House File 2201, section 7.

7 1 Sec. 21. RETROACTIVE APPLICABILITY. The section of this

7 2 division of this Act amending 2022 Iowa Acts, House File 2200,

7 3 section 3, applies retroactively to May 12, 2022.

DETAIL: House File 2581 was approved by the General Assembly on April 26, 2022. House File 2128 was approved by the General Assembly on April 26, 2022, and signed by the Governor on May 17, 2022.

Specifies that various sections of this Bill amending [HF 2200](#) (Direct Primary Care Act) and [HF 2201](#) (Controlled Substances Act) are effective upon enactment.

Requires the Code Editor to make the necessary changes as directed by the Bill if [SF 496](#) (Low-Wage Employees, Noncompete Agreements II Bill) and [HF 728](#) (Septic Tank Pumping, Counties Bill) are enacted.

DETAIL: House File 728 was approved by the General Assembly on February 28, 2022, and signed by the Governor on April 21, 2022.

Specifies that the various sections of this Bill amending HF 2200 (Direct Primary Care Act) and HF 2201 (Controlled Substances Act) are effective upon enactment.

DETAIL: The enactment dates are as follows:

- House File 2200 was approved by the General Assembly on March 22, 2022, and signed by the Governor on May 12, 2022.
- House File 2201 was approved by the General Assembly on April 12, 2022, and signed by the Governor on May 2, 2022.

Specifies that the sections of this Bill amending [HF 2201](#) (Controlled Substances Act) apply retroactively to May 2, 2022.

Specifies that the sections of this Bill amending [HF 2200](#) (Direct Primary Care Act) apply retroactively to May 12, 2022.

Senate File 2384 — Standings Bill

General Fund

	Actual FY 2021	Estimated FY 2022	FY 2023		
	(1)	(2)	Current Law (3)	Senate Approp FY 2023 (4)	Net Total (5)
<u>Administrative Services, Department of</u>					
State Accounting Trust Accounts					
Federal Cash Management - Standing	\$ 215,335	\$ 54,182	\$ 54,182	\$ 0	\$ 54,182
Unemployment Compensation - Standing	226,479	421,655	421,655	0	421,655
Total Administrative Services, Department of	\$ 441,814	\$ 475,837	\$ 475,837	\$ 0	\$ 475,837
<u>Education, Department of</u>					
Education, Dept. of					
State Foundation School Aid	\$ 3,380,338,562	\$ 3,408,570,509	\$ 3,580,567,414	\$ -17,000,000	\$ 3,563,567,414
Nonpublic School Transportation	8,197,091	8,997,091	10,897,091	-1,900,000	8,997,091
Instructional Support	0	0	14,800,000	-14,800,000	0
Sac and Fox Settlement Education	100,000	100,000	100,000	0	100,000
Charter School Programs	0	0	2,600,000	0	2,600,000
Total Education, Department of	\$ 3,388,635,653	\$ 3,417,667,600	\$ 3,608,964,505	\$ -33,700,000	\$ 3,575,264,505
<u>Executive Council</u>					
Executive Council					
Court Costs	\$ 311,869	\$ 56,455	\$ 56,455	\$ 0	\$ 56,455
Public Improvements	11,129	9,575	9,575	0	9,575
Drainage Assessment	135,009	19,367	19,367	0	19,367
Total Executive Council	\$ 458,007	\$ 85,397	\$ 85,397	\$ 0	\$ 85,397
<u>Legislative Branch</u>					
Legislative Branch					
Legislative Branch	\$ 35,265,221	\$ 37,010,000	\$ 38,000,000	\$ 0	\$ 38,000,000
Total Legislative Branch	\$ 35,265,221	\$ 37,010,000	\$ 38,000,000	\$ 0	\$ 38,000,000
<u>Human Services, Department of</u>					
Assistance					
MHDS Regional Services Fund	\$ 0	\$ 50,039,410	\$ 121,234,022	\$ 0	\$ 121,234,022
MHDS Regions Incentive Fund	0	3,000,000	0	0	0
Total Human Services, Department of	\$ 0	\$ 53,039,410	\$ 121,234,022	\$ 0	\$ 121,234,022

Senate File 2384 — Standings Bill

General Fund

	Actual FY 2021 (1)	Estimated FY 2022 (2)	Current Law (3)	Senate Approp FY 2023 (4)	Net Total (5)
<u>Management, Department of</u>					
Management, Dept. of					
Technology Reinvestment Fund	\$ 0	\$ 17,700,000	\$ 0	\$ 0	\$ 0
State Appeal Board Claims	12,168,278	4,501,794	4,501,794	0	4,501,794
Special Olympics Fund	100,000	100,000	100,000	0	100,000
Transportation Equity Fund	26,690,088	27,457,960	29,456,377	0	29,456,377
Total Management, Department of	\$ 38,958,366	\$ 49,759,754	\$ 34,058,171	\$ 0	\$ 34,058,171
<u>Public Defense, Dept. of</u>					
Public Defense, Dept. of					
Compensation and Expense	\$ 473,780	\$ 342,556	\$ 342,556	\$ 0	\$ 342,556
Total Public Defense, Department of	\$ 473,780	\$ 342,556	\$ 342,556	\$ 0	\$ 342,556
<u>Public Safety, Department of</u>					
Public Safety, Dept. of					
DPS - POR Unfunded Liabilities	\$ 5,000,000	\$ 5,000,000	\$ 5,000,000	\$ 0	\$ 5,000,000
Total Public Safety, Department of	\$ 5,000,000	\$ 5,000,000	\$ 5,000,000	\$ 0	\$ 5,000,000
<u>Revenue, Department of</u>					
Revenue, Dept. of					
Homestead Tax Credit Aid - GF	\$ 139,836,557	\$ 144,740,000	\$ 146,740,000	\$ 0	\$ 146,740,000
Elderly & Disabled Tax Credit	14,360,986	17,910,000	17,820,000	0	17,820,000
Ag Land Tax Credit - GF	39,098,532	39,100,000	39,100,000	0	39,100,000
Military Service Tax Exemption	1,696,053	1,640,000	1,580,000	0	1,580,000
Comm & Industrial Prop Tax Replacement	152,106,228	152,114,544	79,019,211	0	79,019,211
Business Property Tax Credit	125,000,000	125,000,000	125,000,000	0	125,000,000
Total Revenue, Department of	\$ 472,098,357	\$ 480,504,544	\$ 409,259,211	\$ 0	\$ 409,259,211
Total Unassigned Standings	\$ 3,941,331,198	\$ 4,043,885,098	\$ 4,217,419,699	\$ -33,700,000	\$ 4,183,719,699