

JAN 27 2006
STATE GOVERNMENT

HOUSE FILE 2159
BY HEATON

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act revising the calendar used for development of the state
2 budget and providing an applicability date provision.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

HF 2159

1 Section 1. Section 2.12, unnumbered paragraph 4, Code
2 2005, is amended to read as follows:

3 There is appropriated out of any funds in the state
4 treasury not otherwise appropriated such sums as may be
5 necessary for the fiscal year budgets of the legislative
6 services agency and the citizens' aide office for salaries,
7 support, maintenance, and miscellaneous purposes to carry out
8 their statutory responsibilities. The legislative services
9 agency and the citizens' aide office shall submit their
10 proposed budgets to the legislative council not later than
11 September 1 of each year. The legislative council shall
12 review and approve the proposed budgets not later than
13 ~~December~~ November 1 of each year. The budget approved by the
14 legislative council for each of its statutory legislative
15 agencies shall be transmitted by the legislative council to
16 the department of management on or before ~~December~~ November 1
17 of each year for the fiscal year beginning July 1 of the
18 following year. The department of management shall submit the
19 approved budgets received from the legislative council to the
20 governor for inclusion in the governor's proposed budget for
21 the succeeding fiscal year. The approved budgets shall also
22 be submitted to the chairpersons of the committees on
23 appropriations. The committees on appropriations may allocate
24 from the funds appropriated by this section the funds
25 contained in the approved budgets, or such other amounts as
26 specified, pursuant to a concurrent resolution to be approved
27 by both houses of the general assembly. The director of the
28 department of administrative services shall issue warrants for
29 salaries, support, maintenance, and miscellaneous purposes
30 upon requisition by the administrative head of each statutory
31 legislative agency. If the legislative council elects to
32 change the approved budget for a legislative agency prior to
33 July 1, the legislative council shall transmit the amount of
34 the budget revision to the department of management prior to
35 July 1 of the fiscal year, however, if the general assembly

1 approved the budget it cannot be changed except pursuant to a
2 concurrent resolution approved by the general assembly.

3 Sec. 2. Section 8.21, unnumbered paragraph 1, Code 2005,
4 is amended to read as follows:

5 ~~Not later than February 1 of~~ On or before December 1 prior
6 to each legislative session, the governor shall transmit to
7 the legislature a document to be known as a budget, setting
8 forth the governor's financial program for the ensuing fiscal
9 year and having the character and scope set forth in sections
10 8.22 through 8.29. However, if a gubernatorial election has
11 been held and the governor-elect who will hold office during
12 that legislative session is not the current holder of the
13 office of governor, the budget shall be transmitted to the
14 legislature not later than February 1, following inauguration
15 of the governor-elect.

16 Sec. 3. Section 8.22A, subsection 3, Code 2005, is amended
17 to read as follows:

18 3. By ~~December 15~~ November 1 of each fiscal year the
19 conference shall agree to a revenue estimate for the fiscal
20 year beginning the following July 1. That estimate shall be
21 used by the governor in the preparation of the budget message
22 under section 8.22 and by the general assembly in the budget
23 process. If the conference agrees to a different estimate at
24 a later meeting which projects a greater amount of revenue
25 than the initial estimate amount agreed to by ~~December 15~~
26 November 1, the governor and the general assembly shall
27 continue to use the initial estimate amount in the budget
28 process for that fiscal year. However, if the conference
29 agrees to a different estimate at a later meeting which
30 projects a lesser amount of revenue than the initial estimate
31 amount, the governor and the general assembly shall use the
32 lesser amount in the budget process for that fiscal year. As
33 used in this subsection, "later meeting" means only those
34 later meetings which are held prior to the conclusion of the
35 regular session of the general assembly and, if the general

1 assembly holds an extraordinary session prior to the
2 commencement of the fiscal year to which the estimate applies,
3 those later meetings which are held before or during the
4 extraordinary session.

5 Sec. 4. Section 8.23, subsection 1, unnumbered paragraph
6 1, Code 2005, is amended to read as follows:

7 On or before ~~October~~ September 1, prior to each legislative
8 session, all departments and establishments of the government
9 shall transmit to the director, on blanks to be furnished by
10 the director, estimates of their expenditure requirements,
11 including every proposed expenditure, for the ensuing fiscal
12 year, classified so as to distinguish between expenditures
13 estimated for administration, operation, and maintenance, and
14 the cost of each project involving the purchase of land or the
15 making of a public improvement or capital outlay of a
16 permanent character, together with supporting data and
17 explanations as called for by the director.

18 Sec. 5. Section 8.23, subsection 2, Code 2005, is amended
19 to read as follows:

20 2. On or before ~~November~~ October 15 all departments and
21 establishments of government and the judicial branch shall
22 transmit to the department of management and the legislative
23 services agency estimates of their receipts and expenditure
24 requirements from federal or other nonstate grants, receipts,
25 and funds for the ensuing fiscal year. The transmittal shall
26 include the names of the grantor and the grant or the source
27 of the funds, the estimated amount of the funds, and the
28 planned expenditures and use of the funds. The format of the
29 transmittal shall be specified by the legislative services
30 agency.

31 Sec. 6. Section 8.25, Code 2005, is amended to read as
32 follows:

33 8.25 TENTATIVE BUDGET.

34 Upon the receipt of the estimates of expenditure
35 requirements called for by section 8.23 and not later than the

1 following ~~December~~ November 1, the director of the department
2 of management shall cause to be prepared a tentative budget
3 conforming as to scope, contents, and character to the
4 requirements of section 8.22 and containing the estimates of
5 expenditures as called for by section 8.23, ~~which.~~ The
6 tentative budget shall be transmitted to the governor on or
7 before November 1.

8 Sec. 7. Section 8.35A, subsections 1 and 2, Code 2005, are
9 amended to read as follows:

10 1. By July 1, the director of the department of
11 management, in conjunction with the director of the department
12 of administrative services, shall provide a projected
13 expenditure breakdown of each appropriation for the beginning
14 fiscal year to the legislative services agency in the form and
15 level of detail requested by the legislative services agency.
16 By the fifteenth of each month, the director, in conjunction
17 with the director of the department of administrative
18 services, shall transmit to the legislative services agency a
19 record for each appropriation of actual expenditures for the
20 prior month of the fiscal year and the fiscal year to date in
21 the form and level of detail as requested by the legislative
22 services agency. By ~~October~~ September 1, the director, in
23 conjunction with the director of the department of
24 administrative services, shall transmit the total record of an
25 appropriation, including reversions and transfers for the
26 prior fiscal year ending June 30, to the legislative services
27 agency.

28 2. Commencing ~~October~~ September 1, the director shall
29 provide weekly budget tapes in the form and level of detail
30 requested by the legislative services agency reflecting
31 finalized agency budget requests for the following fiscal year
32 as submitted to the governor. The director shall transmit all
33 agency requests in final form to the legislative services
34 agency by ~~November~~ October 15. Final budget records
35 containing the governor's recommendation and final agency

1 requests shall be transmitted to the legislative services
2 agency by ~~January 1 or no later than~~ November 15. However, if
3 a gubernatorial election has been held and the governor-elect
4 who will hold office during the upcoming regular legislative
5 session is not the current holder of the office of governor,
6 the final budget records containing the governor's
7 recommendations shall be transmitted to the legislative
8 services agency on the date the governor's budget document is
9 delivered to the printer. The governor's recommendation
10 included on this record shall be considered confidential by
11 the legislative services agency until it is made public by the
12 governor. The legislative services agency shall use this data
13 in the preparation of information for the legislative
14 appropriation process.

15 Sec. 8. Section 8.54, subsection 1, paragraph b, Code
16 2005, is amended to read as follows:

17 b. "New revenues" means moneys which are received by the
18 state due to increased tax rates and fees or newly created
19 taxes and fees over and above those moneys which are received
20 due to state taxes and fees which are in effect as of January
21 1 following the ~~December~~ state revenue estimating conference
22 held by November 1 pursuant to section 8.22A. "New revenues"
23 also includes moneys received by the general fund of the state
24 due to new transfers over and above those moneys received by
25 the general fund of the state due to transfers which are in
26 effect as of January 1 following the ~~December~~ state revenue
27 estimating conference held by November 1. The department of
28 management shall obtain concurrence from the revenue
29 estimating conference on the eligibility of transfers to the
30 general fund of the state which are to be considered as new
31 revenue in determining the state general fund expenditure
32 limitation.

33 Sec. 9. Section 99G.40, subsection 4, Code 2005, is
34 amended to read as follows:

35 4. For informational purposes only, the chief executive

1 officer shall submit to the department of management by
2 ~~October~~ September 1 of each year a proposed operating budget
3 for the authority for the succeeding fiscal year. This budget
4 proposal shall also be accompanied by an estimate of the net
5 proceeds to be deposited into the general fund during the
6 succeeding fiscal year. This budget shall be on forms
7 prescribed by the department of management. A copy of the
8 information required to be submitted to the department of
9 management pursuant to this subsection shall be submitted to
10 the legislative government oversight committees and the
11 legislative services agency by ~~October~~ September 1 of each
12 year.

13 Sec. 10. Section 303.1A, subsection 3, Code 2005, is
14 amended to read as follows:

15 3. Prepare the departmental budget request by ~~September~~
16 August first of each year on the forms furnished, and
17 including the information required by the department of
18 management.

19 Sec. 11. Section 602.1301, subsection 2, paragraph a,
20 unnumbered paragraph 1, Code 2005, is amended to read as
21 follows:

22 As early as possible, but not later than ~~December~~ November
23 1, the supreme court shall submit to the legislative services
24 agency the annual budget request and detailed supporting
25 information for the judicial branch. The submission shall be
26 designed to assist the legislative services agency in its
27 preparation for legislative consideration of the budget
28 request. The information submitted shall contain and be
29 arranged in a format substantially similar to the format
30 specified by the director of management and used by all
31 departments and establishments in transmitting to the director
32 estimates of their expenditure requirements pursuant to
33 section 8.23, except the estimates of expenditure requirements
34 shall be based upon one hundred percent of funding for the
35 current fiscal year accounted for by program, and using the

1 same line item definitions of expenditures as used for the
2 current fiscal year's budget request, and the remainder of the
3 estimate of expenditure requirements prioritized by program.
4 The supreme court shall also make use of the department of
5 management's automated budget system when submitting
6 information to the director of management to assist the
7 director in the transmittal of information as required under
8 section 8.35A. The supreme court shall budget and track
9 expenditures by the following separate organization codes:

10 Sec. 12. Section 602.1301, subsection 2, paragraph b, Code
11 2005, is amended to read as follows:

12 b. Before ~~December~~ November 1, the supreme court shall
13 submit to the director of management an estimate of the total
14 expenditure requirements of the judicial branch. The director
15 of management shall submit this estimate received from the
16 supreme court to the governor for inclusion without change in
17 the governor's proposed budget for the succeeding fiscal year.
18 The estimate shall also be submitted to the chairpersons of
19 the committees on appropriations.

20 Sec. 13. Section 602.1304, subsection 2, paragraph b, Code
21 Supplement 2005, is amended to read as follows:

22 b. For each fiscal year, a judicial collection estimate
23 for that fiscal year shall be equally and proportionally
24 divided into a quarterly amount. The judicial collection
25 estimate shall be calculated by using the state revenue
26 estimating conference estimate made by ~~December-15~~ November 1
27 pursuant to section 8.22A, subsection 3, of the total amount
28 of fines, fees, civil penalties, costs, surcharges, and other
29 revenues collected by judicial officers and court employees
30 for deposit into the general fund of the state. The revenue
31 estimating conference estimate shall be reduced by the maximum
32 amounts allocated to the Iowa prison infrastructure fund
33 pursuant to section 602.8108A, the court technology and
34 modernization fund pursuant to section 602.8108, subsection 7,
35 the judicial branch pursuant to section 602.8108, subsection

1 8, and the road use tax fund pursuant to section 602.8108,
2 subsection 9, and the remainder shall be the judicial
3 collection estimate. In each quarter of a fiscal year, after
4 revenues collected by judicial officers and court employees
5 equal to that quarterly amount are deposited into the general
6 fund of the state, after the required amount is deposited
7 during the quarter into the Iowa prison infrastructure fund
8 pursuant to section 602.8108A and into the court technology
9 and modernization fund pursuant to section 602.8108,
10 subsection 7, and after the required amount is allocated to
11 the judicial branch pursuant to section 602.8108, subsection
12 8, the director of the department of administrative services
13 shall deposit the remaining revenues for that quarter into the
14 enhanced court collections fund in lieu of the general fund.
15 However, after total deposits into the collections fund for
16 the fiscal year are equal to the maximum deposit amount
17 established for the collections fund, remaining revenues for
18 that fiscal year shall be deposited into the general fund. If
19 the revenue estimating conference agrees to a different
20 estimate at a later meeting which projects a lesser amount of
21 revenue than the initial estimate amount used to calculate the
22 judicial collection estimate, the director of the department
23 of administrative services shall recalculate the judicial
24 collection estimate accordingly. If the revenue estimating
25 conference agrees to a different estimate at a later meeting
26 which projects a greater amount of revenue than the initial
27 estimate amount used to calculate the judicial collection
28 estimate, the director of the department of administrative
29 services shall recalculate the judicial collection estimate
30 accordingly but only to the extent that the greater amount is
31 due to an increase in the fines, fees, civil penalties, costs,
32 surcharges, or other revenues allowed by law to be collected
33 by judicial officers and court employees.

34 Sec. 14. Section 8.27, Code 2005, is repealed.

35 Sec. 15. APPLICABILITY DATE. This Act is first applicable

1 to the budget prepared during the fiscal year beginning July
2 1, 2006, for the fiscal year beginning July 1, 2007.

3

EXPLANATION

4 This bill revises the calendar used for development of the
5 state budget. Under current law in Code section 8.21, the
6 governor must submit the budget for the succeeding fiscal year
7 to the general assembly by February 1. The bill changes this
8 date to December 1. If an election has been held and the
9 governor-elect is not the current officeholder, the submission
10 date remains February 1. The bill revises other budget
11 deadlines that are affected by the changes in the governor's
12 submission date.

13 Code section 2.12 is amended to require the legislative
14 budget for the central legislative staff agencies to be
15 approved by the legislative council and transmitted to the
16 department of management by November 1 rather than December 1.

17 Code section 8.22A, relating to the revenue estimating
18 conference, is amended to require the conference to issue an
19 estimate for the succeeding fiscal year by November 1 rather
20 than by December 15. This estimate is required to be used by
21 the executive and legislative branch in the budget process and
22 is the basis for the initial state general fund expenditure
23 limitation.

24 Code section 8.23, relating to submission of departmental
25 expenditure requirements, is amended to change the submission
26 date for the estimates to the director of the department of
27 management from October 1 to September 1. In addition, the
28 submission date for estimates of receipts and expenditures
29 from federal or other nonstate sources is changed from
30 November 15 to October 15.

31 Code section 8.25, relating to the tentative budget
32 developed by the director of the department of management, is
33 amended to require the tentative budget to be submitted to the
34 governor by November 1 rather than December 1.

35 Code section 8.35A, relating to budget information required

1 to be given to the legislative services agency, is amended to
2 move the date for submission of projected expenditure
3 breakdowns of appropriations for the previous fiscal year and
4 the initial date for transmission of weekly budget tapes
5 reflecting finalized agency requests for the following fiscal
6 year from October 1 to September 1. The transmittal date for
7 the final agency requests is moved from November 15 to October
8 15. The transmittal date for final agency requests and
9 governor's recommendations is moved from January 1 to November
10 15. However, if an election has been held and the governor-
11 elect is not the current officeholder, that transmittal date
12 for the governor's recommendations is the date the governor's
13 budget goes to the printer.

14 Code section 8.54, relating to the state general fund
15 expenditure limitation, is amended to change references to the
16 date of the revenue estimating conference estimate used to
17 calculate the limitation.

18 Code section 99G.40, relating to audits and reports for the
19 lottery fund, is amended to move the date the lottery
20 authority is required to submit a budget for informational
21 purposes from October 1 to September 1.

22 Code section 303.1A, relating to the duties of the director
23 of cultural affairs, is amended to require the director to
24 prepare the department's budget request by August 1 rather
25 than September 1.

26 Code section 602.1301, relating to budget and fiscal
27 procedures for the judicial branch, is amended to require the
28 submission of the branch's budget by November 1 rather than
29 December 1.

30 Code section 602.1304, relating to the enhanced court
31 collections fund and estimating of court collections, is
32 amended to revise an internal reference to a revenue
33 estimating conference meeting.

34 Code section 8.27, directing the governor to proceed to
35 formulation of the budget following the governor's

1 inauguration, is repealed. The bill first applies to the
2 budget prepared in the fiscal year beginning July 1, 2006, for
3 the fiscal year beginning July 1, 2007.

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35