

Brunkhorst, Ch.

HSB 500

Jacobs
Murphy

APPROPRIATIONS

SF / HF 20 2

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON MILLAGE)

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

A BILL FOR

1 An Act relating to the repayment of moneys appropriated from the
2 endowment for Iowa's health account of the tobacco settlement
3 trust fund for purposes of the student achievement and teacher
4 quality program.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 8.55, subsection 2, Code Supplement
2 2001, is amended to read as follows:

3 2. a. The maximum balance of the fund is the amount equal
4 to five percent of the adjusted revenue estimate for the
5 fiscal year. If the amount of moneys in the Iowa economic
6 emergency fund is equal to the maximum balance, moneys in
7 excess of this amount shall be transferred to the general
8 fund.

9 b. Notwithstanding paragraph "a", any moneys in excess of
10 the maximum balance in the economic emergency fund after the
11 distribution of the surplus in the general fund of the state
12 at the conclusion of the fiscal year beginning July 1, 2002,
13 and subsequent fiscal years, shall not be transferred to the
14 general fund of the state but shall be transferred to the
15 endowment for Iowa's health account of the tobacco settlement
16 trust fund. The amount transferred under this paragraph shall
17 not exceed the difference between forty million dollars and
18 the total amount transferred to the endowment for Iowa's
19 health account pursuant to 2001 Iowa Acts, chapter 177,
20 section 2, as amended by 2001 Iowa Acts, chapter 187, section
21 28, and previous fiscal years.

22 EXPLANATION

23 An appropriation of \$40 million was made by the 2001
24 Regular Session of the Seventy-ninth General Assembly from the
25 endowment for Iowa's health account of the tobacco settlement
26 trust fund for purposes of the student achievement and teacher
27 quality program. The moneys were to be repaid pursuant to
28 2001 legislation to that account from surplus moneys from the
29 state general fund that were not needed to fill up the
30 economic emergency fund. This repayment applied to fiscal
31 years beginning July 1, 2000, and July 1, 2001. Since the \$40
32 million has not been repaid and will likely not be repaid at
33 the end of the 2001-2002 fiscal year, this bill extends
34 indefinitely the time period for repayment but makes no
35 changes in the repayment sources.

S- 1/30/02 *Approp*
S- 2/13/02 *Do Pass*

JAN 17 2002
APPROPRIATIONS CALENDAR

HOUSE FILE 2075
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 500)

Passed House, Date ^{P.185} 1-29-02 Passed Senate, ^(P.765) Date 3-21-02
Vote: Ayes 94 Nays 5 Vote: Ayes 46 Nays 2

Approved April 5, 2002
re-passed 3-27-02
Vote 95-2

(P.1016)

A BILL FOR

1 An Act relating to the repayment of moneys appropriated from the
2 endowment for Iowa's health account of the tobacco settlement
3 trust fund for purposes of the student achievement and teacher
4 quality program.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2075

1 Section 1. Section 8.55, subsection 2, Code Supplement
2 2001, is amended to read as follows:

3 2. a. The maximum balance of the fund is the amount equal
4 to five percent of the adjusted revenue estimate for the
5 fiscal year. If the amount of moneys in the Iowa economic
6 emergency fund is equal to the maximum balance, moneys in
7 excess of this amount shall be transferred to the general
8 fund.

9 b. Notwithstanding paragraph "a", any moneys in excess of
10 the maximum balance in the economic emergency fund after the
11 distribution of the surplus in the general fund of the state
12 at the conclusion of the fiscal year beginning July 1, 2002,
13 and subsequent fiscal years, shall not be transferred to the
14 general fund of the state but shall be transferred to the
15 endowment for Iowa's health account of the tobacco settlement
16 trust fund. The amount transferred under this paragraph shall
17 not exceed the difference between forty million dollars and
18 the total amount transferred to the endowment for Iowa's
19 health account pursuant to 2001 Iowa Acts, chapter 177,
20 section 2, as amended by 2001 Iowa Acts, chapter 187, section
21 28, and previous fiscal years.

22 EXPLANATION

23 An appropriation of \$40 million was made by the 2001
24 Regular Session of the Seventy-ninth General Assembly from the
25 endowment for Iowa's health account of the tobacco settlement
26 trust fund for purposes of the student achievement and teacher
27 quality program. The moneys were to be repaid pursuant to
28 2001 legislation to that account from surplus moneys from the
29 state general fund that were not needed to fill up the
30 economic emergency fund. This repayment applied to fiscal
31 years beginning July 1, 2000, and July 1, 2001. Since the \$40
32 million has not been repaid and will likely not be repaid at
33 the end of the 2001-2002 fiscal year, this bill extends
34 indefinitely the time period for repayment but makes no
35 changes in the repayment sources.

HOUSE FILE 2075

H-8011

1 Amend House File 2075 as follows:

2 1. Page 1, line 7, by striking the word "general"
3 and inserting the following: "~~general~~ children
4 first".

5 2. Page 1, line 14, by striking the words
6 "general fund of the state" and inserting the
7 following: "children first fund".

8 3. Page 1, by inserting after line 21, the
9 following:

10 "Sec. ____ . NEW SECTION. 8.57B CHILDREN FIRST
11 FUND.

12 1. A children first fund is created in the state
13 treasury. The children first fund shall be separate
14 from the general fund of the state and shall not be
15 considered part of the general fund of the state
16 except in determining the cash position of the state
17 for payment of state obligations. The moneys in the
18 children first fund are not subject to section 8.33
19 and shall not be transferred, used, obligated,
20 appropriated, or otherwise encumbered except as
21 provided in this section. Moneys in the children
22 first fund may be used for cash flow purposes provided
23 that any moneys so allocated are returned to the
24 children first fund by the end of each fiscal year.
25 However, the children first fund shall be considered a
26 special account for the purposes of section 8.53.

27 2. Notwithstanding section 12C.7, subsection 2,
28 interest or earnings on moneys deposited in the
29 children first fund shall be credited to the children
30 first fund. Interest or earnings on the moneys
31 deposited in the fund are subject to appropriation for
32 purposes of enhancing preschool and early education
33 programs for young children. An appropriation of any
34 other moneys deposited in or credited to the fund
35 shall not be made unless the bill or joint resolution
36 is passed by a vote of at least three-fifths of the
37 members of each house of the general assembly and is
38 approved by the governor."

39 4. Title page, line 4, by inserting after the
40 word "program" the following: "and creating a
41 children first fund to which excess moneys in the
42 economic emergency fund are to be transferred".

Lost 1-29-02 By MURPHY of Dubuque

H-8011 FILED JANUARY 24, 2002

HOUSE FILE 2075

H-8005

1 Amend House File 2075 as follows:

2 1. Page 1, by inserting after line 21 the
3 following:

4 "Sec. ____ . Section 12E.12, subsection 1, Code
5 Supplement 2001, is amended by adding the following
6 new paragraph:

7 NEW PARAGRAPH. c. Notwithstanding any provision
8 to the contrary, moneys in the tobacco settlement
9 trust fund or any of its accounts shall not be
10 appropriated for any fiscal year until the total forty
11 million dollars appropriated in 2001 Iowa Acts,
12 chapter 177, section 1, shall be repaid to the
13 endowment for Iowa's health account of the tobacco
14 settlement trust fund."

Lost 1/29/02 By CORMACK of Webster
GARMAN of Story

H-8005 FILED JANUARY 23, 2002

HOUSE FILE 2075

S-5239

1 Amend House File 2075, as passed by the House, as
2 follows:

3 1. Page 1, by inserting after line 21 the
4 following:

5 "c. Notwithstanding paragraph "a", any moneys in
6 excess of the maximum balance in the economic
7 emergency fund after the distribution of the surplus
8 in the general fund of the state at the conclusion of
9 each fiscal year and after the appropriate amount has
10 been transferred pursuant to paragraph "b", shall not
11 be transferred to the general fund of the state but
12 shall be transferred to the senior living trust fund.
13 The total amount transferred, in the aggregate, under
14 this paragraph for all fiscal years shall not exceed
15 thirty-five million five hundred thousand dollars.

16 d. Notwithstanding paragraph "a", any moneys in
17 excess of the maximum balance in the economic
18 emergency fund after the distribution of the surplus
19 in the general fund of the state at the conclusion of
20 each fiscal year and after the appropriate amount have
21 been transferred pursuant to paragraphs "b" and "c"
22 shall not be transferred to the general fund of the
23 state but shall be transferred to the endowment for
24 Iowa's health account of the tobacco settlement trust
25 fund. The total amount transferred, in the aggregate,
26 under this paragraph for all fiscal years shall not
27 exceed the difference between fifty-one million five
28 hundred thousand dollars and the amounts transferred
29 to the endowment for Iowa's health account to repay
30 the amounts transferred or appropriated from the
31 endowment for Iowa's health account in 2002 Iowa Acts,
32 House File 2245, 2002 Iowa Acts, Senate File 2304, and
33 2002 Iowa Acts, Senate File 2315."

34 2. Title page, by striking lines 3 and 4 and
35 inserting the following: "trust fund and from the
36 senior living trust fund."

By NEAL SCHUERER
TOM FLYNN

S-5239 FILED MARCH 21, 2002
ADOPTED

(P.765)

HOUSE FILE 2075

S-5040

1 Amend House File 2075, as passed by the House, as
2 follows:
3 1. Page 1, by inserting after line 21 the
4 following:
5 "c. Notwithstanding paragraph "a", any moneys in
6 excess of the maximum balance in the economic
7 emergency fund after the distribution of the surplus
8 in the general fund of the state at the conclusion of
9 each fiscal year and after the appropriate amount has
10 been transferred pursuant to paragraph "b", shall not
11 be transferred to the general fund of the state but
12 shall be transferred to the senior living trust fund.
13 The total amount transferred, in the aggregate, under
14 this paragraph for all fiscal years shall not exceed
15 thirty-five million five hundred thousand dollars."
16 2. Title page, line 4, by inserting after the
17 word "program" the following: "and from the senior
18 living trust fund for purposes of the medical
19 assistance program".

By NEAL SCHUERER
TOM FLYNN

(p.765) 3/21/02 W/D

S-5040 FILED FEBRUARY 14, 2002

SENATE AMENDMENT TO HOUSE FILE 2075

H-8417

1 Amend House File 2075, as passed by the House, as
2 follows:

3 1. Page 1, by inserting after line 21 the
4 following:

5 "c. Notwithstanding paragraph "a", any moneys in
6 excess of the maximum balance in the economic
7 emergency fund after the distribution of the surplus
8 in the general fund of the state at the conclusion of
9 each fiscal year and after the appropriate amount has
10 been transferred pursuant to paragraph "b", shall not
11 be transferred to the general fund of the state but
12 shall be transferred to the senior living trust fund.
13 The total amount transferred, in the aggregate, under
14 this paragraph for all fiscal years shall not exceed
15 thirty-five million five hundred thousand dollars.

16 d. Notwithstanding paragraph "a", any moneys in
17 excess of the maximum balance in the economic
18 emergency fund after the distribution of the surplus
19 in the general fund of the state at the conclusion of
20 each fiscal year and after the appropriate amount have
21 been transferred pursuant to paragraphs "b" and "c"
22 shall not be transferred to the general fund of the
23 state but shall be transferred to the endowment for
24 Iowa's health account of the tobacco settlement trust
25 fund. The total amount transferred, in the aggregate,
26 under this paragraph for all fiscal years shall not
27 exceed the difference between fifty-one million five
28 hundred thousand dollars and the amounts transferred
29 to the endowment for Iowa's health account to repay
30 the amounts transferred or appropriated from the
31 endowment for Iowa's health account in 2002 Iowa Acts,
32 House File 2245, 2002 Iowa Acts, Senate File 2304, and
33 2002 Iowa Acts, Senate File 2315."

34 2. Title page, by striking lines 3 and 4 and
35 inserting the following: "trust fund and from the
36 senior living trust fund."

RECEIVED FROM THE SENATE

H-8417 FILED MARCH 22, 2002

House Concurred

3-27-02

(P. 1015)

HOUSE FILE 2075

AN ACT

RELATING TO THE REPAYMENT OF MONEYS APPROPRIATED FROM THE
ENDOWMENT FOR IOWA'S HEALTH ACCOUNT OF THE TOBACCO
SETTLEMENT TRUST FUND AND FROM THE SENIOR LIVING TRUST FUND.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 8.55, subsection 2, Code Supplement
2001, is amended to read as follows:

2. a. The maximum balance of the fund is the amount equal
to five percent of the adjusted revenue estimate for the
fiscal year. If the amount of moneys in the Iowa economic
emergency fund is equal to the maximum balance, moneys in
excess of this amount shall be transferred to the general
fund.

b. Notwithstanding paragraph "a", any moneys in excess of
the maximum balance in the economic emergency fund after the
distribution of the surplus in the general fund of the state
at the conclusion of the fiscal year beginning July 1, 2002,
and subsequent fiscal years, shall not be transferred to the
general fund of the state but shall be transferred to the
endowment for Iowa's health account of the tobacco settlement
trust fund. The amount transferred under this paragraph shall
not exceed the difference between forty million dollars and
the total amount transferred to the endowment for Iowa's
health account pursuant to 2001 Iowa Acts, chapter 177,
section 2, as amended by 2001 Iowa Acts, chapter 187, section
28, and previous fiscal years.

c. Notwithstanding paragraph "a", any moneys in excess of
the maximum balance in the economic emergency fund after the
distribution of the surplus in the general fund of the state
at the conclusion of each fiscal year and after the
appropriate amount has been transferred pursuant to paragraph
"b", shall not be transferred to the general fund of the state
but shall be transferred to the senior living trust fund. The
total amount transferred, in the aggregate, under this
paragraph for all fiscal years shall not exceed thirty-five
million five hundred thousand dollars.

d. Notwithstanding paragraph "a", any moneys in excess of
the maximum balance in the economic emergency fund after the
distribution of the surplus in the general fund of the state
at the conclusion of each fiscal year and after the
appropriate amount have been transferred pursuant to
paragraphs "b" and "c" shall not be transferred to the general
fund of the state but shall be transferred to the endowment
for Iowa's health account of the tobacco settlement trust
fund. The total amount transferred, in the aggregate, under
this paragraph for all fiscal years shall not exceed the
difference between fifty-one million five hundred thousand
dollars and the amounts transferred to the endowment for

Iowa's health account to repay the amounts transferred or appropriated from the endowment for Iowa's health account in 2002 Iowa Acts, House File 2245, 2002 Iowa Acts, Senate File 2304, and 2002 Iowa Acts, Senate File 2315.

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2075, Seventy-ninth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved 4/5, 2002

THOMAS J. VILSACK
Governor