

Miscellaneous Acts – Fiscal Notes

[HF 684](#) – Medical Amnesty (LSB2252HV.1)

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Fiscal Note Version – Final Action

Description

[House File 684](#) provides immunity from certain alcohol-related criminal offenses and prohibits certain disciplinary sanctions for certain persons who seek or require emergency assistance for alcohol. This Act establishes Iowa Code section 701.12, which provides that a person under the age of 21 shall not be charged or prosecuted for public intoxication, possession of alcohol under the legal age, or use of a driver's license by an underage person to obtain alcohol, if the person in good faith sought emergency assistance for the person or another person due to an alcohol overdose. The section also provides the requirements for the immunity to apply. In addition, this Act directs the Board of Regents to prohibit regents universities from imposing certain disciplinary sanctions against a student for the possession or consumption of alcohol if the student is immune from prosecution pursuant to Iowa Code section 701.12.

Background

Currently, a violation of Iowa Code section [321.216B](#) is a scheduled traffic violation. The current fine for a violation of any of these Code sections is \$200. A violation of Iowa Code section [123.46](#) is a simple misdemeanor for the first offense and a serious or aggravated misdemeanor for the second or third offense, respectively. A violation of Iowa Code section [123.47](#) ranges from a scheduled traffic violation to a serious misdemeanor, depending on the offense.

Correctional Impact

In FY 2018, there were 7,457 convictions for public intoxication, 177 convictions for possession of alcohol under the legal age, and 29 convictions for use of a driver's license by an underage person. [House File 684](#) is estimated to result in a reduction of convictions, but an estimate cannot be provided due to a lack of available data on emergency assistance for alcohol overdoses. In addition, most of the offenses included under the immunity are either scheduled traffic violations or simple misdemeanors and will not have a correctional impact.

Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 16, 2020, for information related to the correctional system.

Minority Impact

The minority impact for [HF 684](#) cannot be determined. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 15, 2020, for information related to minorities in the criminal justice system.

Fiscal Impact

The fiscal impact of [HF 684](#) cannot be determined due to the lack of data on the reduction of convictions resulting from this Act. Due to this possible decrease in convictions, there may also be a decrease in fine revenue related to the scheduled traffic violations and simple misdemeanors, but the impact is unknown.

Effective Date

This Act is effective July 1, 2020.

Enactment Date

This Act was approved by the General Assembly on June 12, 2020, and signed by the Governor on June 25, 2020.

Sources

Criminal and Juvenile Justice Planning Division, Department of Human Rights
Department of Transportation

[HF 737](#) – Animal Mistreatment (LSB2126HV)

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Fiscal Note Version – Final Action

Description

[House File 737](#) amends the Iowa Code related to the mistreatment of animals that are not livestock or game animals. The criminal offenses addressed by this Act include:

- Tampering with a rabies vaccination tag:
 - Defined as when a person knowingly removes, damages, or destroys a rabies vaccination tag that is attached to a collar worn by a dog.
 - A person convicted for a first offense is guilty of a simple misdemeanor.
 - A person convicted for a second or subsequent offense is guilty of a serious misdemeanor.
- Tampering with an electronic handling device:
 - Defined as when a person knowingly removes, damages, or destroys an electronic handling device that is attached to or worn by the dog or attached to an item worn by the dog.
 - A person convicted for a first offense is guilty of a simple misdemeanor.
 - A person convicted for a second or subsequent offense is guilty of a serious misdemeanor.
- Animal abuse:
 - Defined as when a person intentionally, knowingly, or recklessly acts to cause injury, serious injury, or death to an animal by force, violence, or poisoning.
 - Abuse that does not cause serious injury or death to an animal is punishable as a serious misdemeanor.
 - Abuse that causes serious injury or death to an animal is punishable as an aggravated misdemeanor.
 - Abuse that causes serious injury or death to an animal is punishable as a Class D felony if the abuse is committed by a person who has been previously convicted of committing animal abuse, animal neglect, animal abandonment, animal endangerment, injury to or interference with a police service dog, bestiality, or an act involving an animal contest event.
- Animal neglect:
 - Defined as a person failing to reasonably provide sufficient food, water, sanitary conditions, ventilated shelter, grooming, or veterinary care to an animal in a person's custody.
 - Neglect that does not cause serious injury or death to an animal is punishable as a simple misdemeanor.
 - Neglect that causes injury other than serious injury or death to an animal is punishable as a serious misdemeanor.
 - Neglect that causes serious injury or death to an animal is punishable as an aggravated misdemeanor.
 - Neglect that causes serious injury or death to an animal is punishable as a Class D felony if committed by a person who has been previously convicted of committing one of the offenses enumerated under "animal abuse" above.

- Animal torture:
 - Defined as a person intentionally, knowingly, or recklessly inflicting upon an animal severe and prolonged or repeated pain that results in the animal's suffering and serious injury or death.
 - Juvenile court will have the jurisdiction over a minor accused of committing animal torture.
 - A person who commits animal torture is guilty of a Class D felony.
 - A person who commits animal torture is guilty of a Class C felony if the person has been previously convicted of committing one of the offenses enumerated under "animal abuse" above.
- Abandonment of cats and dogs:
 - Defined as a person who owns or has custody of a cat or dog relinquishing all rights in and duties to care for the animal. This Act specifies exceptions.
 - Abandonment that does not cause serious injury or death to an animal is punishable as a simple misdemeanor.
 - Abandonment that causes injury other than serious injury or death to an animal is punishable as a serious misdemeanor.
 - Abandonment that causes serious injury or death to an animal is punishable as an aggravated misdemeanor.

This Act allows the court to order a person who commits animal mistreatment to undergo a psychological or psychiatric evaluation, specifies the conditions under which an evaluation is required, and requires the convicted person to pay the costs of the evaluation.

Background

Current law states the following:

- A conviction of animal abuse is an aggravated misdemeanor.
- A conviction of animal neglect is a simple misdemeanor, but neglect that causes serious injury or death to the animal is a serious misdemeanor.
- A conviction of animal torture in the first offense is an aggravated misdemeanor, and a second or subsequent conviction is a Class D felony.
- A conviction for abandonment of a cat or dog is a simple misdemeanor.
- A conviction for knowingly and willfully tormenting, striking, drugging, or otherwise interfering with a police service dog without inflicting serious injury is a serious misdemeanor.
- A conviction for knowingly and willfully torturing, injuring, or poisoning a police service dog, including causing the death of the animal, is a Class D felony.

Assumptions

House File 737 expands the definition of animal crimes related to the mistreatment of animals and will result in an estimated increase of 17 convictions per year. Other assumptions include:

- Charge, conviction, and sentencing patterns and trends will not change over the projection period.
- Prisoner length of stay, revocation rates, plea bargaining, and other criminal justice policies and practices will not change over the projection period.

- This Act will become effective July 1, 2020. A lag effect of six months is assumed from this Act's effective date to the date of first entry of affected offenders into the correctional system.
- The analysis assumes that approximately 50.0% of dismissed charges for crimes against animals will become convictions under this Act, as this Act expands the definition of animal abuse.

Correctional Impact

This correctional impact is based on the 105 convictions under Iowa Code chapter [717B](#) in FY 2018. It is estimated there will be 17 additional convictions annually in FY 2021 and subsequent years. The estimate includes 17 prison orders, 28 probation orders, 3 residential orders, and 20 jail orders. It is uncertain whether an individual who is convicted of a Class C or Class D felony under this Act will be incarcerated or placed under community-based corrections (CBC) supervision. The correctional impact could not be estimated for the new offenses of tampering with a rabies vaccination tag or an electronic handling device. It is not possible to estimate how many convictions might occur for a new offense.

Table 1 below shows estimates for sentencing to State prison, probation, or CBC residential facilities; length of stay (LOS) under those supervisions; and supervision marginal costs per day for all convictions of serious misdemeanors, aggravated misdemeanors, Class D felonies, and Class C felonies in crimes involving persons. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 8, 2019, for information related to the correctional system.

Table 1 — Sentencing Estimates and LOS

Conviction Offense Class	Percent to Prison	FY 18 Avg Length of Stay Prison (months)	FY 18 Marginal Cost/Day	Percent to Probation	FY 18 Avg Length of Stay Probation (months)	FY 18 Avg Cost/Day Probation	Percent to CBC	FY 18 Marginal CBC Cost/Day	FY 18 Avg Length of Stay Parole (months)	FY 18 Marginal Cost/Day Parole	Percent to County Jail	Marginal Cost/Day
Class C Felony Persons	90.0%	39.8	\$19.93	30.0%	32.6	\$5.38	5.0%	\$11.85	19.5	\$5.38	39.0%	\$50.00
Class D Felony Persons	80.0%	17.2	\$19.93	53.0%	29.5	\$5.38	8.0%	\$11.85	10.6	\$5.38	31.0%	\$50.00
Aggravated Misdemeanor Persons	46.0%	8.5	\$19.93	71.0%	20.2	\$5.38	5.0%	\$11.85	4.8	\$5.38	53.0%	\$50.00
Serious Misdemeanor Persons	2.0%	6.4	\$19.93	60.0%	13.1	\$5.38	1.0%	\$11.85	6.8	\$5.38	70.0%	\$50.00

Minority Impact

House File 737 has a minority impact as 67.0% of the persons convicted of animal mistreatment in 2018 were Caucasian, 13.0% were African American, 3.0% were of other ethnicity, and 17.0% were of unknown ethnicity. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 15, 2020, for information related to minorities in the criminal justice system.

Fiscal Impact

House File 737 is estimated to increase costs to the justice system between \$219,000 and \$450,000 across multiple fiscal years. The cost by offense is summarized in **Table 2**.

Table 2 — Fiscal Estimate to the State Justice System

Offense	Change in Estimated Convictions	Cost Per Conviction		Cost Increase	
		Minimum	Maximum	Minimum	Maximum
Simple Misdemeanor	-35	\$ 30	\$ 330	\$ -1,050	\$ -11,550
Serious Misdemeanor	23	390	5,000	8,970	115,000
Aggravated Misdemeanor	14	4,700	7,500	65,800	105,000
Class D Felony	8	9,200	14,100	73,600	112,800
Class C Felony	7	10,200	18,400	71,400	128,800
Total	17	\$ 24,520	\$ 45,330	\$ 218,720	\$ 450,050

Simple Misdemeanor

In FY 2018, there were 68 simple misdemeanor convictions related to animal mistreatment: 61 for animal neglect and 7 for animal abandonment. The fiscal estimate for this Act assumes 33 such simple misdemeanor convictions.

Serious Misdemeanor

In FY 2018, there were 21 serious misdemeanor convictions for animal neglect that caused serious injury or death to an animal. The fiscal estimate for this Act assumes 44 such serious misdemeanor convictions.

Aggravated Misdemeanor

In FY 2018, there were 16 aggravated misdemeanor convictions related to animal mistreatment: 12 for animal abuse and 4 for animal torture. The fiscal estimate for this Act assumes 30 such aggravated misdemeanor convictions.

Class D Felony

In FY 2018, there were no Class D felony convictions related to animal mistreatment. It is anticipated that under this Act there will be eight such Class D felony convictions.

Class C Felony

In FY 2018, there were no Class C felony convictions related to animal mistreatment. It is anticipated that under this Act there will be seven such Class C felony convictions.

Effective Date

This Act is effective July 1, 2020.

Enactment Date

This Act was approved by the General Assembly on June 13, 2020, and signed by the Governor on June 29, 2020.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division

Department of Agriculture and Land Stewardship

LSA calculations and analysis

[HF 2259](#) – Human Trafficking Training, Hotels (LSB5728YH.1)

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Fiscal Note Version – Final Action

Description

[House File 2259](#) relates to human trafficking prevention training and reporting for employees of Iowa-based lodging providers as defined in Iowa Code section [423A.2](#). This Act requires the Office to Combat Human Trafficking (OCHT), in collaboration with other government agencies, nongovernmental agencies, and community organizations that have expertise in the area of human trafficking prevention, to develop a human trafficking prevention training program. Lodging providers within the State may choose to voluntarily participate in the training beginning January 1, 2022. The training must focus on accurate and prompt identification and reporting of, or response to, suspected human trafficking. At a minimum, the training must include the following:

- A general overview of human trafficking.
- A general overview of State law on human trafficking.
- The definition of human trafficking and the commercial exploitation of children.
- Guidance on the difference between labor trafficking and sex trafficking.
- Guidance on how to recognize potential human trafficking victims.
- Guidance on how to recognize potential human traffickers.
- Guidance on how to identify activities commonly associated with human trafficking.
- Safe and effective responses to human trafficking situations, including but not limited to how to report suspected human trafficking to proper law enforcement officials.

The training must be approved by the Commissioner of the Department of Public Safety (DPS), who is also tasked with adopting rules to implement and administer the training as necessary under Iowa Code chapter [17A](#).

House File 2259 also requires that no later than December 31, 2021, the Commissioner must develop and maintain both of the following to certify a lodging provider's voluntary completion of the human trafficking prevention training:

- A certificate issued by the Commissioner that the lodging provider may display in an area visible to the public. Certification is valid for three years from the time of award of the certificate.
- An Internet site available to the public that identifies all certified lodging providers in the State. This website is to be maintained by the DPS.

This Act also specifies that a public employer as defined under Iowa Code section [20.3](#) or an employee of a public employer must confirm a lodging provider's current certification status on the DPS Internet site prior to expending or committing public funds to the lodging provider

for certain purposes such as procuring lodging; procuring space or services for a conference, meeting, or banquet located at a site where lodging is available; or hosting a conference, meeting, or banquet located at such a site. If a lodging provider is not certified as having completed human trafficking prevention training, a public employer or employee thereof cannot use public funds for the purposes listed above. This applies to all public funds expended for these purposes on or after January 1, 2022.

House File 2259 provides that a lodging provider's employee who acts in good faith is immune from civil liability for reporting suspected human trafficking activities to any law enforcement official.

Background

The OCHT was established as a unit under the DPS in 2016. The OCHT serves as the point of contact for anti-human trafficking activity within the State, consulting and collaborating with other agencies and organizations that have expertise in dealing with the crime of human trafficking. The OCHT is tasked with developing a strategy to collect and maintain criminal history data on incidents related to human trafficking, as well as sharing victim and offender data with other governmental agencies.

Human trafficking is defined under the federal [Victims of Trafficking and Violence Protection Act of 2000](#) as the recruitment, harboring, transporting, or obtaining of a person by means of force, fraud, or coercion for purposes of servitude, debt bondage, slavery, or participation in the sex trade. It may include, but does not require, physical movement of the victim. Human trafficking may also include other crimes such as drug trafficking, larceny, and money laundering, as traffickers are frequently involved in other illegal activities.

Assumptions

- The DPS estimates that more than 1,000 lodging providers located in the State would be eligible to participate in human trafficking prevention training.
- In order to ensure and maintain efficient communication and statewide compliance, the DPS would need to hire one additional full-time equivalent (FTE) position.
- It is likely that costs related to management of the database containing all certified lodging providers will decrease during the second year of implementation as initial development costs will no longer be charged.

Fiscal Impact

Estimated Costs, House File 2259

Category	Est. Cost	
	FY 2021	FY 2022
Salary and Benefits		
Senior Criminal Intelligence Analyst	\$ 65,000	\$ 65,000
Certificate/Publication Printer	\$ 9,000	N/A
Webmaster Vendor	\$ 40,000	\$ 40,000
Video Production	\$ 15,000	\$ 15,000
Database Management	\$ 25,000	\$ 15,000
Publications	\$ 2,000	\$ 2,000
Total	\$ 156,000	\$ 137,000

Additionally, the DPS would need to initiate a request for proposal (RFP) process to find a suitable vendor to provide the webmaster content for the public Internet site that is intended to identify lodging providers certified by the Department as having successfully completed the human trafficking prevention training. The cost related to initiating an RFP is not included in the table above and would likely require additional funding in the first year of implementation. Funding for the FTE position and related costs for the establishment and implementation of human trafficking prevention training by the OCHT of the DPS would likely be appropriated from the General Fund.

Effective Date

This Act is effective July 1, 2020.

Enactment Date

This Act was approved by the General Assembly on June 10, 2020, and signed by the Governor on June 29, 2020.

Sources

Legislative Services Agency
Department of Public Safety

[HF 2360](#) – Driver's License, Expiration (LSB5967HV.2)

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Fiscal Note Version – Final Action

Description

[House File 2360](#) increases the age limit up to which an 8-year driver's license may be valid from 74 to 80 years. If the licensee is age 72 or older, the period of validity for a license must not exceed the licensee's 80th birthday. For individuals 78 or older, the period of validity is 2 years.

Background

Current law provides for 8-year license terms from the licensee's birthday occurring at the year of issuance. The term of a license is not to exceed the licensee's 74th birthday, and beginning at age 72, a licensee is to be issued a license that would be valid for a period of 2 years.

Assumptions

- The Department of Transportation (DOT) identified 2.6 million people are eligible for an 8-year license.
- The DOT will administer 60.0% of the license transactions, and county treasurers will administer 40.0%.
- It is estimated that it will take eight years to realize the full impact of this Act. It is estimated that transactions will be reduced by 87,600 per year once this Act is fully implemented.
- The DOT estimates that each driver's license transaction will require 10 minutes.
- The annual reduction in transactions will be phased in over six years.
- Driver's license cards are produced at a cost of \$4.28 per card.

Fiscal Impact

[House File 2360](#) is estimated to reduce card issuance costs to the Road Use Tax Fund (RUTF) by the amounts reflected in the table below. Administrative efforts would be reduced, and this reduction would be spread among 18 DOT offices, 88 county offices, and 20 DOT renewal kiosks.

Reduced Card Issuance Costs							
FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
\$ 47,000	\$ 94,000	\$141,000	\$187,000	\$234,000	\$281,000	\$328,000	\$375,000

Effective Date

This Act is effective September 1, 2020.

Enactment Date

This Act was approved by the General Assembly on June 10, 2020, and signed by the Governor on June 18, 2020.

Sources

Iowa Department of Transportation
LSA calculations

[HF 2363](#) – Unemployment Insurance Program, Landscaping Contributory Employer (LSB5401HV.2)

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Fiscal Note Version – Final Action

Description

[House File 2363](#) relates to unemployment insurance under Iowa Code chapter [96](#) and provides that effective July 1, 2020, landscaping employers will contribute to the Unemployment Insurance Trust Fund at the same rate as construction employers.

Background

Under current law there are two rates for new employers. New construction employers are placed in the highest rank, Benefit Ratio Rank 21, of the [Unemployment Insurance Tax Rate Table](#), with a current tax rate of 7.5% of payroll. New nonconstruction employers are placed in Benefit Ratio Rank 12, with a current tax rate of 0.6% or 1.0% of payroll, whichever is higher.

Assumption

New landscaping employers will have approximately \$10.5 million in total annual payroll.

Fiscal Impact

Requiring landscaping employers to contribute to the Unemployment Insurance Trust Fund at the same rate as construction employers is estimated to increase contributions to the Trust Fund by approximately \$683,000 annually.

Effective Date

This Act is effective July 1, 2020.

Enactment Date

This Act was approved by the General Assembly on June 10, 2020, and signed by the Governor on June 25, 2020.

Source

Iowa Department of Workforce Development

[HF 2418](#) – School Budget Review Committee (LSB6026HV)
Staff Contact: Michael Guanci (515.725.1286) michael.guanci@legis.iowa.gov
Fiscal Note Version – Final Action

Description

[House File 2418](#) directs the Department of Education (DE) to notify the Board of Educational Examiners (BOEE) of an error in the Basic Education Data Survey (BEDS) as reported by a school district that resulted in an incorrect determination by the BOEE affecting licensure and allows for corrective action by the BOEE.

This Act specifies that the School Budget Review Committee (SBRC) may grant a modified supplemental amount (MSA) for at-risk, alternative school, and returning dropout and dropout prevention programs for school districts that submit a request after January 15 but before March 1 of the budget year preceding the budget year during which the program will be offered.

Background

School districts with approved at-risk, alternative school, and returning dropout and dropout prevention programs may request permission from the SBRC to levy additional property taxes to fund the program. Up to 75.0% of the program's budget may be funded through the MSA, which comes from property taxes, with the remaining 25.0% supported by a school district's general fund. Under current law, school districts must file their request no later than January 15 of the budget year preceding the budget year for which the funds are being requested. The total estimated FY 2021 MSA for the programs is \$131.8 million.

Assumptions

- For FY 2021, four school districts are eligible for review by the SBRC.
- It is not known if the SBRC will approve the four eligible districts for FY 2021.

Fiscal Impact

[House File 2418](#) has no fiscal impact to the State. There may be an estimated increase of up to \$1.0 million in FY 2021 in local property taxes if the SBRC grants MSAs for the eligible school districts. The following table shows the four school districts and eligible amounts.

HF 2418

<u>School District</u>	<u>Eligible MSA</u>
Alta-Aurelia	\$ 275,472
Carroll	463,432
Clarinda	170,555
Collins-Maxwell	110,564
Total	<u>\$ 1,020,023</u>

Effective Date

This Act is effective upon enactment and the changes apply retroactively to January 1, 2020.

Enactment Date

This Act was approved by the General Assembly on June 13, 2020, and signed by the Governor on June 25, 2020.

Source

Department of Education

[HF 2502](#) – Firearms, Preemption (LSB5735HV.1)

Staff Contact: Christin Mechler (515.250.0458) christin.mechler@legis.iowa.gov

Fiscal Note Version – Final Action

Description

[House File 2502](#) relates to the carrying, possession, or transportation of weapons in buildings or physical structures located on property under the control of a political subdivision or in county courthouses, and the regulation by counties and cities related to the storage of weapons and location of shooting ranges.

Sections 1 and 2: Shooting Ranges

This Act prohibits a county board of supervisors, a city council, or an appropriate city or county zoning commission from requiring an individual to seek approval to comply with any conditions on the establishment, use, or maintenance of a shooting range that are more stringent than those imposed by State law. However, the board of supervisors, city council, or appropriate zoning commission is still required to apply and enforce properly adopted restrictions and zoning regulations.

Section 3: Firearm Attachments and Modifications

This Act expands the existing prohibition of a political subdivision enacting any ordinance, motion, resolution, policy, or amendment regulating the ownership, possession, transfer, transportation, registration, and licensing of firearms to include the modification of firearms, and adds firearm attachments and other weapons to the list of items prohibited from regulation by local law.

Section 3 of this Act also provides that beginning July 1, 2020, any individual adversely affected by a political subdivision's ordinance or similar policy regulating firearms may take legal action to seek damages that have resulted out of the violation. Should the affected individual's legal action prove successful, the presiding court shall also award the individual reasonable attorney fees and litigation costs.

Section 4: Regulation and Screening — Political Subdivisions and Storage of Weapons

Section 4 of this Act allows a political subdivision to restrict weapons in buildings and structures under its control if adequate arrangements are made to screen persons for weapons and the political subdivision provides armed security personnel inside the building or structure where the restriction is in effect.

Beginning July 1, 2020, section 4 of this Act prohibits a political subdivision from enacting an ordinance, motion, resolution, policy, or amendment regulating the storage of weapons or ammunition.

Section 5: Weapon Prohibition — County Courthouses

This Act provides that any Supreme Court or Judicial Branch order that prohibits a person from lawfully carrying, possessing, or transporting a weapon in a county courthouse or other joint-use public facility is unenforceable and void unless such an order only applies to a courtroom or court office, or to a courthouse used only for Judicial Branch functions.

Background

Pursuant to Iowa Code section [724.28](#), a political subdivision is currently prohibited from enacting, adopting, or amending any ordinance or similar policy that regulates ownership, possession, legal transfer, transportation, registration, or otherwise lawful licensing of firearms. A political subdivision, as referenced in Iowa Code section 724.28, is defined as a county, city, or township.

Under current law, an individual seeking to improve property acquired to establish, use, or maintain a shooting range, or substantially change the existing use of a shooting range, must first obtain approval from the appropriate city or county zoning commission, the county board of supervisors, or the city council.

Additionally, current law provides that a political subdivision is prohibited from enacting, adopting, or amending any ordinance or similar policy that regulates ownership, possession, legal transfer, transportation, registration, or otherwise lawful licensing of firearms. On June 19, 2017, the Iowa Supreme Court issued a supervisory order that prohibited all firearms in court-controlled spaces and public areas of courthouses. In December 2017, the Court supplemented the order by requiring county supervisors or other local government officials to file a written request with the Chief Judge of a judicial district to allow firearms in certain areas of a courthouse. Under current law, firearm prohibition measures differ from courthouse to courthouse.

Assumptions

- Although this Act does not so mandate, it is likely individual political subdivisions, including courthouses, will continue to provide security parameters regarding firearms and ammunition.
- If a political subdivision chooses to restrict firearms in a public building, security personnel, such as guards, deputies, and police officers, would be required to be available for duty approximately 40 to 60 hours per week in public buildings located in political subdivisions that elect to limit firearms.
- According to the National Institute for Justice, a magnetometer, or security wand, generally costs \$140 per unit.

Fiscal Impact

Sections 1 and 2:

Sections 1 and 2 of HF 2502 are not expected to have a fiscal impact.

Section 3:

The fiscal impact of Section 3 cannot be determined. This section explicitly prohibits political subdivisions from enacting an ordinance, motion, resolution, policy, or amendment that regulates firearm modification and adds firearms attachments and other weapons to the list of nonregulated items. Individual political subdivisions may need to adjust existing security measures to accommodate these additions. Any resulting costs would be the responsibility of the political subdivision and cannot be determined at this time.

Section 4:

The fiscal impact of Section 4 cannot be determined at this time. Although this Act does not mandate political subdivisions to provide security personnel and screening measures in public buildings, it requires them to adequately do so if that political subdivision makes the choice to explicitly restrict the carrying and possession of a firearm in any area of the building that is not solely used for Judicial Branch functions. Potential costs arising from this decision are the responsibility of the political subdivision.

Political Subdivision — Counties:

Data was collected from a cross-section of different counties located in the State, ranging in population from approximately 17,200 to 474,000. This cross-section of counties included counties that currently utilize some combination of security personnel and screening equipment, and counties that would need to hire additional security personnel and invest in new screening equipment.

Of the counties that responded to the information request from the Iowa State Association of Counties (ISAC), none indicated that they would choose not to restrict firearms in public buildings. However, it is possible that a county may elect to restrict firearms and as a result, need to invest in security personnel and screening equipment.

Depending on the population size, various counties estimated an increased need for security personnel ranging from one to five additional positions. These positions, which will likely be staffed by uniformed officers—e.g., security guards, bailiffs, or sheriff deputies—range in salary and benefit cost estimates from approximately \$77,000 to \$110,000 annually. Estimated annual costs of screening and security equipment also vary widely, from \$140 for a magnetometer up to \$300,000 for purchasing, implementing, and maintaining a single point of entry screening tool, such as an x-ray machine.

Individual county costs may vary greatly based on the security measures a county currently utilizes, as well as other factors such as population, building size, and building usage. Should a county choose to place restrictions on weapons in public buildings and structures under its control, costs to accommodate the salary and benefits of security personnel and new screening equipment may range from no fiscal impact to minimal fiscal impact to approximately \$900,000 or more annually.

Political Subdivision — Cities:

According to the Iowa League of Cities (ILOC), which represents more than 870 cities of various population size within the State, costs of hiring security personnel and screening technology should a city choose to regulate firearms in a public building or structure may vary based on a variety of factors, including existing technology, city population, building size, number, and building usage.

The ILOC has provided a basic estimate for a city that chooses to regulate firearms in a public building. Below are two cost estimate scenarios for hiring security personnel and purchasing screening equipment.

<u>Scenario 1: Security Guard</u>	
Salary and Benefits	\$ 48,750
Security Guard Wand	140
*Total:	\$ 48,890
<i>*per building, per year</i>	

<u>Scenario 2: Police Officer</u>	
Salary and Benefits	\$ 87,750
Security Guard Wand	140
*Total:	\$ 87,890
<i>*per building, per year</i>	

Should a city choose to restrict firearms in a public building and as a result, install a body scanner, the cost is estimated to total \$20,000 per body scanner and \$10,000 per baggage scanner. Installation and building modification costs are estimated to total up to \$100,000 per public building.

Some cities and counties may choose not to restrict firearms in public buildings, in which case, this Act would not have a fiscal impact in these political subdivisions.

The subsection of section 4 dealing with the storage of weapons is not expected to have a fiscal impact.

Section 5:

The fiscal impact of section 5 cannot be determined. Although the Judicial Branch does not expect to incur any costs related to the implementation of this Act, individual county courthouses oversee and fund courthouse security parameters. It is possible that individual courthouses and/or county sheriffs who provide courthouse security may experience an increase in security-related costs resulting from the provisions of this Act.

In response to a potential cost estimate request for accommodating the provisions of HF 2502, Story County officials estimate the county would need to hire five additional court security officers (CSO) at approximately \$87,500 each for salary and benefits, uniforms, and job-related equipment. Story County estimates costs totaling approximately \$437,500 in the first year of implementation and approximately \$411,000 each year thereafter.

Effective Date

This Act is effective July 1, 2020.

Enactment Date

This Act was approved by the General Assembly on June 4, 2020, and signed by the Governor on June 25, 2020.

Sources

Legislative Services Agency
Iowa League of Cities
Iowa State Association of Counties
Judicial Branch
National Institute of Justice

[HF 2554](#) – Continuous Sexual Abuse of a Child (LSB5316HV.2)
Staff Contact: Laura Book (515.205.9275) laura.book@legis.iowa.gov
Fiscal Note Version – Final Action

Description

[House File 2554](#) creates a new criminal offense of continuous sexual abuse of a child. Under this Act, a person 18 years of age or older commits continuous sexual abuse of a child when the victim is a child (under the age of 14), at least 30 days have elapsed between the first and last acts of sexual abuse, and the person engages in 3 or more acts of sexual abuse in violation of:

- Iowa Code section [709.2](#) (Sexual Abuse in the First Degree),
- Iowa Code section [709.3](#) (Sexual Abuse in the Second Degree),
- Iowa Code section [709.4](#) (Sexual Abuse in the Third Degree),
- Iowa Code section [709.8](#) (Lascivious Acts with a Child), or
- Iowa Code section [709.12](#) (Indecent Contact with a Child)

House File 2554 defines continuous sexual abuse as an aggravated offense or an aggravated offense against a minor under Iowa Code section [692A.101](#) for the purposes of the sex offender registry. Under this Act, a violation of new Iowa Code section 709.23 is a Tier II sex offense for the purposes of the sex offender registry.

Under this Act, a person who is convicted of continuous sexual abuse is subject to an enhanced penalty under Iowa Code section [902.14](#). This Act also provides that a person who is convicted of continuous sexual abuse may be required by the court or the Board of Parole to undergo hormonal intervention therapy under Iowa Code section [903B.10](#) as part of a condition of release.

Background

A person who commits a violation of this Act is guilty of a Class B felony. This Act allows a court to sentence a person guilty of continuous sexual abuse to maximum confinement of 50 years, if the combination of three acts includes a violation of sexual abuse in the second degree or sexual abuse in the third degree. The default sentence for a Class B felony is maximum confinement of 25 years.

Under Iowa Code section [902.14](#), a person receives an enhanced penalty and commits a class A felony if the person commits a second or subsequent offense involving any combination of the following offenses:

- Sexual Abuse in the Second Degree
- Sexual Abuse in the Third Degree
- Lascivious Acts with a Child

This Act adds continuous sexual abuse as an offense that may qualify towards the enhanced penalty.

Any person convicted of a serious sex offense as defined by Iowa Code section 903B.10 may be required by the court or the Board of Parole to undergo hormonal intervention therapy as a condition of release. Persons required to undergo this treatment are required to pay a reasonable fee to pay for the costs of providing the treatment. A requirement that a person pay a fee shall include a provision for reduction, deferral, or waiver of payment if the person is financially unable to pay the fee. Under this Act, those who are convicted of continuous sexual abuse may be required to undergo this treatment.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay; revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Act to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.
- The average marginal cost for prison is \$20.38 per day.
- The average length of stay of an individual convicted of continuous sexual abuse of a child will be 176.6 months.

Correctional Impact

House File 2554 creates a new criminal offense, and the correctional impact is unknown. In FY 2019, there were 156 individuals who were admitted to prison on at least one of the offenses listed under this Act. Sixty-one of these individuals were convicted of an offense which specified a child victim was involved.

It is estimated that some of those who are admitted annually to prison for similar offenses and serving Class C or D felonies will receive sentence enhancements under this Act. In FY 2019, the current average length of stay for those exiting prison under those sentences was 54.3 months for a Class C felony and 25.0 months for a Class D felony. It is estimated that the average length of stay for those convicted of this offense would increase to 176.6 months. The extent of the increase cannot be calculated due to unavailable data relating to the duration of abuse.

Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 16, 2020, for information related to the correctional system.

Minority Impact

House File 2554 creates a new criminal offense, and the minority impact cannot be estimated due to a lack of data.

Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 15, 2020, for information related to minorities in the criminal justice system.

Fiscal Impact

The fiscal impact of HF 2554 cannot be estimated due to the unknown correctional impact. Given that the average length of stay would increase to 176.6 months, the estimated cost for an admission to prison for a violation of this Act would be approximately \$109,000 total per offender.

Currently, the cost to incarcerate an individual convicted of a Class C or D felony listed in this Act is approximately \$34,000 or \$15,000, respectively. It is estimated that some of these admissions will become Class B felonies under this Act. The increased cost for those previously admitted to prison as a Class C or D felony would be \$76,000 or \$94,000, respectively.

The State cost of a Class A felony must be calculated on an individual basis to determine prison costs. At a minimum, Class A felonies require two indigent defense attorneys at a cost of approximately \$36,000 and include court time and jury trial costs ranging from \$10,000 to \$14,300.

Effective Date

This Act is effective July 1, 2020.

Enactment Date

This Act was approved by the General Assembly on June 3, 2020, and signed by the Governor on June 29, 2020.

Sources

Criminal and Juvenile Justice Planning Division, Department of Human Rights
Department of Corrections

[HF 2581](#) – Hemp Consumer and Public Safety (LSB5404HV.2)

Staff Contact: Christin Mechler (515.250.0458) christin.mechler@legis.iowa.gov

Fiscal Note Version – Final Action

Description and Background

[House File 2581](#) amends several provisions of [Senate File 599](#) (Iowa Hemp Act), as enacted in 2019, including associated provisions of Iowa Code chapter [204](#). Senate File 599 authorized the production of *Cannabis sativa L.*, a certain type of cannabis, as well as the manufacture, sale, and transportation of hemp products if such products contain a concentration of no more than 0.3% delta-9 tetrahydrocannabinol (THC) on a dry weight basis.

The federal [Agriculture Improvement Act of 2018](#), commonly known as the 2018 Farm Bill, included provisions authorizing the production of hemp, allowing states and tribes to assume primary regulatory authority over the production of hemp by submitting a plan of approval to the United States Department of Agriculture (USDA). The USDA approved Iowa's state plan on March 19, 2020. The Iowa Hemp Act was implemented on April 8, 2020, the publication date of the [Iowa Administrative Bulletin](#) that includes an approval statement of Iowa's state plan from the USDA.

House File 2581 regulates hemp as a commodity and allows for the manufacture, sale, and consumption of consumable hemp products by humans if all of the following provisions apply:

- The consumable hemp product was manufactured in Iowa in compliance with Iowa Code chapter 204.
- The hemp contained in the consumable hemp product was produced exclusively in Iowa in compliance with Iowa Code chapter 204.
- The consumable hemp product complies with certain packaging and labeling requirements.

This Act defines “consumable hemp product” as a hemp product that includes a substance that is metabolized or is otherwise subject to a biotransformative process when introduced into the human body. This Act allows the importation of consumable hemp if the state or jurisdiction from which the product is being imported has a USDA-approved state or tribal plan pursuant to federal hemp law, and has testing requirements substantially similar to requirements for the State of Iowa. This Act also provides for the registration and licensing of manufacturers and sellers of consumable hemp to be completed by the Department of Inspections and Appeals (DIA) including establishing a temporary permit, and provides for total delta-9 tetrahydrocannabinol acid (THCA) crop testing procedures and requirements for the Iowa Department of Agriculture and Land Stewardship (IDALS) and the Department of Public Safety (DPS) and local law enforcement. This Act also requires disposal of nonqualifying consumable hemp and eliminates a provision that allows a derivative of hemp to be added to certain products intended for human consumption.

House File 2581 also prohibits possessing, using, manufacturing, marketing, transporting, delivering, or distributing harvested hemp or a hemp product if the intended use of such harvested hemp or hemp product is introduction into the body of a human through any method of

inhalation. This includes methods using cigarettes, cigars, cigarillos, and pipes, and smoke from combustion and vapor devices. Prohibition of such activity is not applicable to any extent that the federal government, including the federal [Food, Drug, and Cosmetic Act](#), allows for the use of harvested hemp or a hemp product by method of inhalation. A person who violates the prohibition of ingesting harvested hemp or a hemp product through the methods mentioned above is guilty of a serious misdemeanor and is subject to a civil penalty of not less than \$500 and not more than \$2,500, as imposed, assessed, and collected by the IDALS.

A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least \$315 but not more than \$1,875.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay; revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Act to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.
- Quantification testing for what is commonly known as THC and total THCA varies significantly in method, procedure, and instrumentation. It is likely that local law enforcement agencies who currently perform identification analysis would not be able to quantify THC and THCA. As a result, those cannabis items traditionally tested by local law enforcement would now need to be tested at the DPS Division of Criminal Investigation (DCI) laboratory.
- The DPS assumes that both THC and THCA quantification will be required on a significant amount of crop testing, and that the DPS would need to hire additional staff and invest in specific testing technology to accommodate the provisions of HF 2581. In all cases involving any species of cannabis submitted to the DCI laboratory, the cannabis would need to undergo additional analysis to quantify the concentration of THC and THCA to assess if the total is above the 0.3% threshold.
- In order to effectively register manufacturers and sellers of consumable hemp, the DIA estimates that it would need to establish new labeling, inspection, and compliance regulations. The DIA also assumes that it would need to enhance its current electronic registration system.
- Should the current electronic registration be incompatible with the requirements of this Act, the DIA assumes it would need to invest in a new system. The DIA assumes the cost of such a system could range from approximately \$229,000 to \$349,000 for implementation, and from \$56,000 to \$87,000 for maintenance and upkeep. For estimating purposes, a midpoint of \$71,500 is used (**Table 2**).
- Additionally, the DIA assumes it would need to hire additional personnel to accommodate the increased amount of registration and licensing requirements included in this Act.

Correctional Impact

The correctional impact of HF 2581 cannot be determined. This Act establishes a new offense, and the number of convictions cannot be estimated.

Table 1 shows estimates for sentencing to State prison, parole, probation, or community-based corrections (CBC) residential facilities; length of stay (LOS) under those supervisions; and supervision marginal costs per day for all convictions of a serious misdemeanor. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 16, 2020, for information related to the correctional system.

Table 1 — Sentencing Estimates

Conviction Offense Class	Percent to Prison	FY 19 Avg Length of Stay Prison (months)	FY 19 Marginal Cost/Day Prison	FY 19 Avg Length of Stay Probation (months)	FY 19 Avg Cost/Day Probation	Percent to CBC	FY 19 Avg Length of Stay Parole (months)	FY 19 Marginal Cost/Day Parole	Percent to County Jail	Marginal Cost/Day
Serious Misdemeanor	2.0%	5	\$20.38	13.4	\$6.12	1.0%	2.4	6.12	69.0%	\$50.00

Minority Impact

The minority impact of HF 2581 is unknown. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 15, 2020, for information related to minorities in the criminal justice system.

Fiscal Impact

House File 2581 establishes a new criminal offense, and the resulting cost to the Justice System cannot be estimated. The average State cost for one serious misdemeanor conviction ranges from \$410 to \$4,900. This estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the Department of Corrections for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Any revenue collected by the IDALS as a result of the civil penalty established by this Act will be deposited in the General Fund, but is expected to be minimal.

This Act requires the DIA to establish registration, licensing, and inspection fees pursuant to the Department’s rulemaking authority. At this time, it is unknown how the Department would charge for registration, licensing, and inspection fees, and it is not possible to estimate any amount of collected fee revenue.

The identifiable fiscal impact for the first year of implementation of HF 2581 is estimated to range from approximately \$965,000 to \$1.3 million. For the second year of implementation, the identifiable fiscal impact is estimated to range from approximately \$885,000 to \$906,000. **Table 2** provides the estimated costs per affected State agency.

Table 2 — Estimated Costs, HF 2581

Agency	Year 1 Cost		Year 2 Cost	
	Minimum	Maximum	Minimum	Maximum
Department of Public Safety				
3.0 Criminalist Full-Time Equivalent (FTE) Positions (\$83,500/position)	\$ 251,000	\$ 251,000	\$ 251,000	\$ 251,000
Computer Technology and Supplies (\$20,000/position)	60,000	60,000	60,000	60,000
2.0 Gas Chromatograph/Flame Ionization Detection Instruments (\$50,000/instrument)	100,000	100,000	100,000	100,000
Subtotal	\$ 411,000	\$ 411,000	\$ 411,000	\$ 411,000
Department of Inspections and Appeals				
Electronic Registration System Implementation Cost	\$ 0	\$ 289,000	\$ 0	\$ 0
Annual System Support and Maintenance	0	71,500	0	71,500
Existing System Enhancements	50,000	0	50,000	0
0.5 Clerk FTE Position	30,000	30,000	30,000	30,000
1.0 Senior Environmental Specialist FTE Position	72,000	72,000	72,000	72,000
5.0 Environmental Specialist FTE Positions (\$64,200/position)	321,000	321,000	321,000	321,000
One-Time Staffing Expenses (vehicle, technology, phone)	80,000	80,000	0	0
Subtotal	\$ 553,000	\$ 863,500	\$ 473,000	\$ 494,500
	Minimum	Maximum	Minimum	Maximum
Total	\$ 964,000	\$ 1,274,500	\$ 884,000	\$ 905,500

Effective Date

This Act is effective June 30, 2020. [House File 2643](#) (FY 2021 Omnibus Appropriations Act) amended HF 2581 and repealed effective date of this Act and replaced it with the effective date of HF 2643.

Enactment Date

This Act was approved by the General Assembly on June 5, 2020, and signed by the Governor on June 17, 2020.

Sources

Legislative Services Agency
Iowa Department of Agriculture and Land Stewardship
Department of Public Safety
Department of Inspections and Appeals
Office of Drug Control Policy
Criminal and Juvenile Justice Planning Division, Department of Human Rights
Department of Corrections

[HF 2623](#) – Sports Wagering Debt Setoff (LSB5605HZ.2)

Staff Contact: Angel Banks-Adams (515.281.6301) angel.banks-adams@legis.iowa.gov

Fiscal Note Version – Final Action

Description

[House File 2623](#) requires that all winnings reported on Internal Revenue Service (IRS) Form W-2G be applied to the full amount of debt owed by the individual who wins money on a wager at a racetrack, excursion gambling boat, or gambling structure. This Act also amends provisions pertaining to qualified sponsoring organizations licensed to conduct or operate gambling games by providing that the inclusion of a member of the city council or a member of the county board of supervisors as an ex officio member of the board of directors is at the option of the city or county. This Act prohibits participants in an Internet fantasy sports contest from making any payments by credit card.

Background

Iowa Code section [8A.504](#) permits the Department of Administrative Services to recover delinquent payments owed to State and political subdivisions by withholding payments that would otherwise be paid to individuals and vendors. The Department then applies the moneys toward the debt the individual owes to the State of Iowa or local governments, after charging a \$7 administrative fee for costs incurred to the agency requesting placement of the debt into the setoff program. The administrative fee, which is deducted from the gross proceeds collected through the program, covers salaries, supplies, equipment, and system modification and development costs, and indirect costs such as office space, security, and utility costs. Some of the debt types recovered are child support, court fees and restitution, State individual income taxes, and fees for traffic citations.

Under Iowa Code sections [99D.28](#) and [99F.19](#), a debtor who wins money on a wager at a racetrack, excursion gambling boat, or gambling structure in the State is subject to a setoff from those winnings in the amount of debt owed if the winnings are equal to or greater than \$1,200. However, the requirements to file IRS Form W-2G correspond to several winning threshold amounts and wager types, and this Act requires debtors to be subject to the setoff if the winnings are required to be reported on the form.

Gambling winnings are required to be reported on the form if:

1. The winnings (not reduced by the wager) are \$1,200 or more from a bingo game or slot machine.
2. The winnings (reduced by the wager) are \$1,500 or more from a keno game.
3. The winnings (reduced by the wager or buy-in) are more than \$5,000 from a poker tournament.
4. The winnings (except winnings from bingo, slot machines, keno, and poker tournaments) reduced, at the option of the payer, by the wager are:
 - a. \$600 or more; and
 - b. At least 300 times the amount of the wager.
5. The winnings are subject to federal income tax withholding (either regular gambling withholding or backup withholding).

State tax receipts from sports wagering for FY 2020, as deposited into the Sports Wagering Receipts Fund, are estimated at \$1.8 million. As this is the first year of legal sports wagering and fantasy sports in the State, debt has not yet been recovered from this form of wagering winnings.

The following tables show the amount of debt recovered through the setoff procedure at Iowa casinos in FY 2019. Other State agencies recovering debt include Iowa Workforce Development, the Department of Inspections and Appeals, the judicial districts, the Department of Commerce, and the Attorney General.

Table 1 — Setoff Debt Recovered by Entity in FY 2019

Entity	Debt Recovered
Judicial Branch	\$ 1,668,315
Department of Revenue	1,433,430
Department of Human Services	1,061,163
Other State Agencies/Political Subdivisions	373,827
	\$ 4,536,735

Table 2 — Setoff Debt Recovered by Other State Agencies and Political Subdivisions in FY 2019

Entity	Debt Recovered
Other State Agencies	\$ 149,378
Cities	105,551
Community Colleges	68,361
Municipal Utilities	26,651
Universities	23,282
Housing Authorities	604
	\$ 373,827

Assumptions

- Approximately \$4.6 million in setoff funds, or 9.0% of funds collected through the setoff program, is collected by the 19 licensed Iowa casinos.
- Iowa casinos are responsible for checking claimants' winnings money on wagers at the facility against the State debt database.
- State General Fund revenue, in addition to city and county revenue, could increase as the setoff threshold is removed and sports wagering winnings are added to the debt collection pool.

- The amount of debt recovered from wagering winnings and placed in the setoff program cannot be less than \$50.

Fiscal Impact

While the fiscal impact cannot be estimated at this time, this Act is expected to increase collections through the State setoff program as sports wagering winnings are included and the number of taxable gambling events, and the eligible amount won from those taxable events, is expanded. There is no estimated fiscal impact as a result of language in this Act pertaining to qualified sponsoring organizations.

Effective Date

This Act is effective July 1, 2020.

Enactment Date

This Act was approved by the General Assembly on June 5, 2020, and signed by the Governor on June 17, 2020.

Sources

Department of Administrative Services
Iowa Racing and Gaming Commission
Iowa Gaming Association

[House File 2627](#) – Professional Licensing (LSB5563HV.3)

Staff Contact: Angel Banks-Adams (515.281.6301) angel.banks-adams@legis.iowa.gov

Fiscal Note Version – Final Action

Description

[House File 2627](#) relates to the regulation of professional licensure in Iowa, including the recognition of out-of-state professional licenses and stated disqualification provisions for criminal convictions. This Act does the following:

- Excludes misdemeanors from the offenses that are grounds for professional license denial, revocation, or suspension for electrical and plumbing licenses.
- Adds language providing that only certain felony convictions are grounds for professional licensure denial, revocation, or suspension, and only if an unreasonable risk to public safety exists because the offense directly relates to the duties and responsibilities of the profession and the professional licensing board does not grant an exception. This language applies only to electrical and plumbing licenses.
- Allows an applicant to petition a professional licensing board for a determination of whether the applicant's criminal history results in the denial of a license, and allows the professional licensing board to charge a fee to the applicant for the administrative work involved in reviewing the petition. The fee cannot exceed \$25.
- Provides that professional licensing boards issuing licenses to apprentice and unclassified electricians cannot reject an application for professional licensure solely due to incarceration status or duration of time since the release of an applicant from incarceration.
- Requires that specified professional licensing boards issue professional licenses to applicants with out-of-state licenses if the applicants have established Iowa residency and met specified conditions.
- Requires specified professional licensing boards to extend license expiration dates to June 30, 2021.
- Eliminates the Hospital Licensing Board.
- Waives the initial application and background check fees for any professional licensure applicant if the applicant's household income is at or below 200.0% of the federal poverty level and the applicant has not previously applied for that professional license in Iowa.

This Act is effective upon enactment.

Background

Background checks and criminal history record checks are provided by the Division of Criminal Investigation within the Department of Public Safety on the behalf of the entities conferring professional licenses in [HF 2627](#). The following felony convictions are grounds for the denial of an electrical or plumbing professional license, in addition to the revocation and suspension of that license:

- Sexual abuse in violation of Iowa Code section [709.4](#)
- Sexual violence as defined in Iowa Code section [229A.2](#)

- Dependent adult abuse in violation of Iowa Code section [235B.20](#)
- Domestic abuse assault in violation of Iowa Code section [708.2A](#)

This Act provides that these felony convictions are grounds for the denial, revocation, or suspension of a license only if an unreasonable risk to public safety exists because the offense directly relates to the duties and responsibilities of the profession and the professional licensing board does not grant an exception. This Act specifies that other felony convictions and all misdemeanor offenses are not grounds for license denial, revocation, or suspension.

Assumptions

- Professional licensing system software changes will be necessary to accommodate the licensing changes in this Act. The Department of Public Health (DPH) estimates a one-time cost of \$40,000 to update its professional licensing software.
- The number of new applications received in FY 2021 by DPH licensing boards will be similar to the average number of applications received for fiscal years 2018 and 2019.
- 200.0% of the federal poverty level (FPL) is as follows for calendar year 2020:
 - For a household of 1: \$25,520
 - For a household of 2: \$34,480
 - For a household of 3: \$43,440
 - For a household of 4: \$52,400
- For estimating purposes, it is assumed that between 1.0% and 5.0% of new applicants for DPH professional licenses will meet the 200.0% FPL criteria for fee waivers (**Table 5**).
- Professional licensing boards will assess the maximum \$25 fee for reviewing petitions.
- For estimating purposes, it is assumed that between 1.0% and 5.0% of the new license applications received by the DPH will have petitions filed and be subject to the \$25 petition fee (**Table 6**).
- For estimating purposes, it is assumed that the majority of FY 2020 license renewals are paid
- This Act will not affect accountants, architects, engineers and land surveyors, landscape architects, and interior designers as these professions require an apprentice period before qualifying for licensure and it is assumed that the individuals in those positions will be earning more than 200.0% of the federal poverty level regardless of household size at the time of applying for licensure.
- The following percentages of applicants will qualify for the fee waiver:
 - Real estate salespersons: 25.0% of applicants
 - Real estate appraisers: 75.0% of applicants
 - Certified residential appraisers: 50.0% of applicants
 - Certified general appraisers: 25.0% of applicants
- A 2.0% growth rate was applied to provide Professional Licensing Bureau (PLB) calculations pertaining to real estate salespersons for FY 2021.
- The number of new applications received annually by the PLB (with the exception of real estate salesperson license applications) will be similar to the number received in FY 2019.

- For estimating purposes, it is assumed that between 1.0% and 5.0% of the new license applications received by the PLB will have petitions filed and be subject to the \$25 petition fee (**Table 9**).

Fiscal Impact

Department of Public Health — Fiscal Impact Background Information

Licensing boards under the purview of the DPH processed an average of 20,414 new professional license applications during FY 2018 and FY 2019, which generated an average of \$2.1 million in new license fee revenue. The cost for administering the background checks for the new licenses averaged \$329,000. License fee revenue is retained by the professional licensing boards to cover expenses.

Table 1 — DPH Average New License Fee Revenue — Current Law

Division/Board	New Applications	New License Revenue	Background Check Costs
ADPER/EH	4,078	\$ 284,815	\$ 70,950
BPL	4,690	473,849	30,000
Pharmacy	4,073	326,690	37,980
Nursing	4,578	305,369	162,750
Dental	1,430	102,225	12,788
Medicine	1,565	593,100	14,040
Total	20,414	\$ 2,086,048	\$ 328,508

ADPER/EH = Acute Disease Prevention and Emergency Response/Environmental Health
 PL= Bureau of Professional Licensure

DPH License Renewal Extension

In addition to revenue from new license fees, DPH professional licensing boards generate revenue by renewing existing licenses. This Act specifies that licenses under Iowa Code section [147.13](#) that are set to expire in 2020 are extended to June 30, 2021.

Table 2
Bureau of Professional Licensure
Total Active Licenses

Board	Licenses
Cosmetology Arts and Sciences	18,640
Physical and Occupational Therapy	7,202
Social Work	4,170
Massage Therapy	3,256
Respiratory Care and Polysomnography	1,989
Behavioral Science	1,984
Chiropractic	1,882
Speech Pathology and Audiology	1,819
Physician Assistants	1,609
Dietetics	1,206
Psychology	1,114
Barbering	1,047
Mortuary Science	934
Nursing Home Administrators	857
Athletic Trainers	827
Optometry	713
Podiatry	387
Sign Language Interpreters and Translitterators	377
Hearing Aid Specialists	376
Total Licenses	50,389

As slightly fewer than 5,000 licenses under the DPH Bureau of Professional Licensure (BPL) are new licenses, approximately 46,000 licenses are renewed licenses.

The number of active licenses renewed by the remaining boards under Iowa Code section 147.13 are as follows:

**Table 3 — DPH
Active Licenses**

Board	Licenses
Board of Medicine	12,009
Board of Nursing	65,215
Dental Board	6,090
Board of Pharmacy	8,044
Total Licenses	91,358

Carryforward Funds

The BPL does not receive a General Fund appropriation; instead, the Bureau relies on carryforward funds to cover expenses at the beginning of the fiscal year before license fee revenue is received. Carryforward funds are also sometimes required for covering costs of larger ongoing projects, such as information technology updates. Additionally, some of the licenses under the BPL are set to be renewed in the same time frame; for example, the licenses to practice acupuncture are all renewed in October of even-numbered years. A license renewal extension to June 30, 2021, would indicate a greater reliance on carryforward funds to mitigate cash flow issues throughout FY 2021. As shown in **Table 4**, the FY 2021 estimated carryforward balances for the BPL and the Dental Board are particularly low. The amount of carryforward balance as a percentage of total annual expenses varies by board.

Table 4 — Carryforward Balances for DPH Boards

Professional Licensing Entities	FY 2021 Carryforward Estimate	Carryforward Percentage of Total Expenses
Professional Licensure	\$ 160,566	5.9%
Pharmacy	1,478,557	48.2%
Nursing	572,713	16.7%
Dental	238,727	21.9%
Medicine	1,262,663	37.9%
Total Carryforward Funds	\$ 3,713,226	

LSA estimate

Department of Public Health — Estimated FY 2021 Impact

The revenue reduction to the DPH in the first year of implementation of HF 2627 ranges from \$61,000 to \$234,000, as the percentage of waived application fees will determine the fiscal impact. To implement the license fee and background check waiver provision in this Act, the Department estimates a one-time cost of \$40,000 will be incurred to update the professional licensing system software. **Table 5** shows the estimated decrease in fee revenue the Department may experience, depending on the percentage of applicants qualifying for the fee waiver.

Table 5 — DPH Fiscal Impact

Division/Board	New Applications	1.0% Meet FPL Criteria	3.0% Meet FPL Criteria	5.0% Meet FPL Criteria
ADPER/EH	4,078	\$ 2,848	\$ 8,544	\$ 14,240
PL	4,690	4,738	14,215	47,383
Pharmacy	4,073	3,267	9,801	32,670
Nursing	4,578	3,054	9,161	30,535
Dental	1,430	1,022	3,067	10,223
Medicine	1,565	5,931	17,793	59,309
One-Time Software Update		40,000	40,000	40,000
Total Revenue Reduction	20,414	\$ 60,860	\$ 102,580	\$ 234,360

Totals may not sum due to rounding.

Petition Fees

A professional licensing board can administer a maximum fee of \$25 to applicants petitioning the licensing board for a determination of whether the applicant’s criminal history results in the denial of a license for the administrative work involved in reviewing the petition. **Table 6** shows the range of the estimated increase from petition fee revenue to be generated by applicants filing petitions for the awarding of licenses based on a fee of \$25. The fiscal estimate for increased administrative fee revenue from petitions to the DPH ranges from \$5,000 to \$77,000 annually.

Table 6 — DPH Fee Revenue from Petition Fees

Division/Board	New Applications	1.0% Petition	5.0% Petition	15.0% Petition
ADPER/EH	4,078	\$ 1,020	\$ 5,098	\$ 15,293
PL	4,690	1,173	5,863	17,588
Pharmacy	4,073	1,018	5,091	15,274
Nursing	4,578	1,145	5,723	17,168
Dental	1,430	358	1,788	5,363
Medicine	1,565	391	1,956	5,869
Total Revenue Increase	20,414	\$ 5,104	\$ 25,518	\$ 76,553

Totals may not sum due to rounding.

Division of Banking — PLB Fiscal Impact Background Information

In FY 2019, licensing boards under the purview of the PLB processed 922 new applications. These applications generated \$119,000 in fee revenue, and the cost for background checks was approximately \$17,000.

Table 7 — FY 2019 PLB Licensing Fee Revenue

License Type	New Applications	Fee Revenue	Background Check Costs
Real Estate Salespersons	892	\$ 51,290	\$ 16,056
Real Estate Appraisers	27	37,910	486
Certified Residential Appraisers	2	22,300	36
Certified General Appraisers	1	7,680	18
Total	922	\$ 119,180	\$ 16,596

Division of Banking — PLB — FY 2021 Estimated Impact

Table 8 shows the estimated decrease in licensing fee revenue the PLB may experience as a result of the fee waiver in this Act during the first year of implementation, after a 2.0% growth rate in new real estate salesperson license applications has been applied. The annual revenue decrease to the PLB as a result of the fee waiver in this Act is estimated to be \$35,000.

**Table 8 — PLB Licensing Fee Revenue Loss
FY 2021 Compared to Estimated FY 2020**

License Type	Revenue Loss
Real Estate Salespersons	\$ 13,973
Real Estate Appraisers	10,328
Certified Residential Appraisers	6,075
Certified General Appraisers	4,810
Total Revenue Reduction	\$ 35,185

Table 9 shows the estimated administrative fee revenue to be generated by a certain percentage of applicants filing petitions for reinstatement of licenses based on a fee of \$25. The estimate ranges from \$300 to \$1,000.

Table 9 — PLB Fee Revenue from Petition Fees

License Type	New Applications	1.0% Petition	3.0% Petition	5.0% Petition
Real Estate Salespersons	1,058	\$ 275	\$ 800	\$ 1,325
Real Estate Appraisers	24	0	25	25
Certified Residential Appraisers	3	0	0	0
Certified General Appraisers	1	0	0	0
Total Revenue Increase	1,086	\$ 275	\$ 825	\$ 1,350

Summary of FY 2021 Impact

Table 10 summarizes the FY 2021 fiscal impact for the DPH and the PLB in the Division of Banking.

Table 10 — Summary of Fiscal Impact

	FY 2021	
	Board Fee Revenue Impact - Low Estimate	Board Fee Revenue Impact - High Estimate
DPH		
Revenue Reduction	-\$60,860	-\$234,360
One-time Software Cost	-40,000	-40,000
Petition Fee Revenue	5,104	76,553
Net Revenue Reduction	-\$95,756	-\$197,807
PLB		
Revenue Reduction	-\$35,185	-\$35,185
Petition Fee Revenue	1,350	275
Net Revenue Reduction	-\$33,835	-\$34,910
Total Revenue Reduction	-\$129,591	-\$232,717

Hospital Licensing Board

The elimination of the Hospital Licensing Board will not have a significant fiscal impact.

Effective Date

Division I of this Act is effective January 1, 2021. Division II of this Act is effective June 25, 2020.

Enactment Date

This Act was approved by the General Assembly on June 13, 2020 and signed by the Governor on June 25, 2020.

Sources

Department of Public Health

Department of Commerce, Division of Banking, Professional Licensing Bureau

U.S. Department of Health and Human Services

LSA analysis

[HF 2629](#) – Future Ready Iowa (LSB5595HZ.3)

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Fiscal Note Version – Final Action

Description

[House File 2629](#) adds to and modifies the Iowa Code provisions enacted by [2018 Iowa Acts, chapter 1067](#) (Future Ready Iowa Act), and other efforts to strengthen Iowa's workforce, including an apprenticeship training program, a Child Care Challenge Program, computer science instruction, a scholarship program, and a Senior Year Plus Program. This Act is organized by divisions. The Act may contain a State mandate, as defined in Iowa Code section [25B.2\(3\)](#).

DIVISION I — Future Ready Iowa Apprenticeship Training Programs.

Division I creates an Expanded Registered Apprenticeship Opportunities Program that is similar to the existing [Registered Apprenticeship Development Program](#). The purpose of the new Program is to provide financial assistance to encourage sponsors of apprenticeship programs with 20 or fewer apprentices to maintain apprenticeship programs in [high-demand occupations](#). Implementation of this Division is subject to an appropriation.

DIVISION II — Iowa Child Care Challenge Fund.

Division II establishes an Iowa Child Care Challenge Program under the Iowa Department of Workforce Development (IWD) and creates an Iowa Child Care Challenge Fund under the control of the IWD. The IWD must administer the Program in consultation with the Workforce Development Board. The purpose of the Program is to encourage and enable businesses, nonprofit organizations, and consortiums to establish local child care facilities and increase the availability of quality, affordable child care for working Iowans. A portion of the moneys deposited in the [Iowa Employer Innovation Fund](#) created in Iowa Code section [84A.13](#), in an amount determined annually by the IWD in consultation with the Workforce Development Board, must be transferred annually to the Iowa Child Care Challenge Fund.

DIVISION III — Computer Science Instruction — Educational Standards.

Division III relates to computer science instruction in kindergarten through grade 12, amending Iowa Code provisions establishing the minimum educational standards and establishing or modifying computer science instruction-related responsibilities of the Department of Education (DE), school districts, and accredited nonpublic schools. Commencing with the 2023-2024 school year, accredited schools must offer and teach computer science instruction that incorporates the computer science education standards adopted by the State Board of Education in at least one grade at the elementary level and at the middle school level. In grades 9-12, commencing with the 2022-2023

school year, one-half unit of computer science that incorporates the computer science education standards adopted by the State Board must be offered and taught; however, the one-half unit may be offered and taught online.

Each school district and accredited nonpublic school must develop and implement a K-12 computer science plan by July 1, 2022. The DE is required to develop and implement a statewide K-12 computer science instruction plan by July 1, 2022. The DE is required to convene a computer science work group to develop recommendations to strengthen computer science instruction and for the development and implementation of a statewide campaign to promote computer science to K-12 students and to the parents and legal guardians of students. The work group is required to submit its findings to the General Assembly by July 1, 2021.

The establishment of high-quality standards for computer science education taught by elementary, middle, and high schools, as described in Iowa Code section [256.7](#), are effective July 1, 2021.

This Division may include a State mandate as defined in Iowa Code section [25B.3](#) and requires that any State mandate in the Act be paid by a school district from the State Foundation Aid appropriation.

DIVISION IV — Future Ready Iowa Skilled Workforce Last-Dollar Scholarship Program.

Division IV directs the State Board of Education to adopt administrative rules establishing a process by which the DE must approve structured educational and training programs that include authentic worksite training for purposes of participating community colleges, then expands the definition of “eligible student” under the Future Ready Iowa Skilled Workforce Last-Dollar Scholarship Program administered by the Iowa College Student Aid Commission. The Department of Education and the College Student Aid Commission are authorized to adopt emergency rules to implement the provisions of Division IV so as to take effect upon filing unless a later date is specified in the rules.

Division IV is effective upon enactment if approved by the Governor on or after July 1, 2020. If Division IV is approved by the Governor on or after July 1, 2020, Division IV applies retroactively to July 1, 2020.

DIVISION V — Senior Year Plus Program and Postsecondary Enrollment Options.

Division V amends provisions under the Senior Year Plus Program by eliminating references and provisions relating to full-time and part-time enrollment.

Background

DIVISION III — Computer Science Instruction — Educational Standards.

In 2017, [SF 274](#) (Computer Science Education Act) was enacted to expand computer science opportunities for students statewide. Included in the legislation was the establishment of the Computer Science Professional Development Incentive Fund and a Computer Science Education Work Group. The Fund was established to provide for various forms of professional development relating to computer

science and has received an annual appropriation of \$500,000. The Work Group issued its [recommendations](#) in 2017 on how to expand and strengthen computer science education in the State.

The Department of Education recently issued the Computer Science Education in Iowa [report](#), which details the implementation of computer science instruction in school districts and district needs to support computer science education. It is estimated that 51.0% of elementary schools, 39.0% of middle schools, and 38.0% of high schools will need to either incorporate computer science instruction with current staff or add additional teachers to teach computer science to meet the requirements of this Act.

A settlement of a Microsoft class-action lawsuit will provide \$4.0 million to be used for school districts to support Division III of the Act. The funds will be used for supporting computer science professional learning and training for teachers, virtual computer science curriculum for Iowa schools, and computer science curriculum for schools.

DIVISION V — Senior Year Plus Program and Postsecondary Enrollment Options.

The Senior Year Plus Program offers a variety of options for eligible students, including concurrent enrollment and Postsecondary Enrollment Options (PSEO). A review of concurrent enrollment credits by the Department of Education completed during the 2018-2019 school year showed 819 students (1.8% of total enrollees) enrolled in 24 credit hours or more of coursework. One hundred seventeen districts (38.7%) enrolled at least one student in concurrent enrollment courses where credits associated with those courses met the definition of full-time enrollment (24 credits or more). The additional concurrent enrollment credit hours are already funded by supplementary weighting for an estimated total of \$240,000 in State aid from the General Fund.

PSEO enrollment has been declining in the last several years. During the 2018-2019 school year, total PSEO enrollment was 1,014 students, down from 5,916 students in the 2010-2011 school year.

Assumptions

DIVISION III — Computer Science Instruction — Educational Standards. It is unknown how many school districts will choose to hire additional computer science instruction staff.

DIVISION V — Senior Year Plus Program and Postsecondary Enrollment Options.

- Based on an analysis by the DE of concurrent enrollment credits completed for school year 2018-2019, there may be an additional 143 students who exceed 23 credit hours during the 2020-2021 school year.
- The fiscal estimates assume each student's total credit hours will increase by 4.1 credits.
- The average cost per credit is estimated to be \$71.
- Under current law, the State cost per pupil for FY 2022 and all future years is \$7,048.
- PSEO costs will remain at \$250 per course.
- PSEO enrollment over the 23-hour credit limit may increase; however, the impact is expected to be minimal.

Fiscal Impact

The estimated fiscal impact of [HF 2629](#), by division, is as follows:

Division I relates to an Expanded Registered Apprenticeship Opportunities Program administered by the Iowa Economic Development Authority (IEDA) and is subject to an appropriation of funds. The fiscal impact of Division I cannot be determined since the demand for the Expanded Registered Apprenticeship Opportunities Program is unknown and an appropriation is not provided. The current Registered Apprenticeship Development Program established in Iowa Code chapter [15C](#) receives an annual General Fund appropriation of \$1.0 million. If funds are appropriated, the IEDA annual administrative expenditures are limited to 2.0% of the funds appropriated.

Division II relates to the establishment of an Iowa Child Care Challenge Program and Fund. The Division will have a fiscal impact that cannot be determined because this Division authorizes the IWD to utilize a current appropriation for the new Program, and the impact on current education and training efforts supported by the Iowa Employer Innovation Fund cannot be determined because this Division does not specify the amount of the current appropriation that will be used for the new Program. Administration costs incurred by the IWD would be minimal and incorporated within the existing budget for the IWD.

Division III relates to computer science instruction. Division III will have minimal fiscal impact to the DE. However, the fiscal impact to school districts and accredited nonpublic schools cannot be determined. It is unknown how many school districts will choose to hire additional staff to meet the requirements of this Act. School districts may choose to use current staff or incorporate computer science into current instruction or use an online course offering. School districts may have costs for additional staff, training and professional development of current staff, and curriculum. Some of that cost may be offset by the \$4.0 million Microsoft class-action lawsuit proceeds or by funds in the Computer Science Professional Development Incentive Fund.

Division IV relates to the Future Ready Iowa Skilled Workforce Last-Dollar Scholarship Program. The Division will result in one-time and ongoing costs to the Iowa College Student Aid Commission in FY 2021 totaling an estimated \$32,000. The ongoing costs will total between \$5,000 and \$6,000 in subsequent years. These costs will be funded from the Commission's Strategic Reserve Fund, also known as the Operating Fund. The cost of awards under the Program is capped by an annual General Fund appropriation.

Division V relates to the Senior Year Plus Program and postsecondary enrollment options and is expected to increase State school aid from the General Fund by an estimated \$42,000 beginning in FY 2022. Any increase in Postsecondary Enrollment Options (PSEO) enrollments may increase individual school districts' costs; however, due to the recent decline in PSEO courses, the fiscal impact is expected to be minimal for school districts.

Effective Date

The requirement for the State Board of Education to establish high-quality standards for computer science education taught by elementary, middle, and high schools, as described in Iowa Code section [256.7](#), is effective July 1, 2021. All other provisions of this Act are effective July 1, 2020, with varying applicability dates.

Enactment Date

This Act was approved by the General Assembly on June 12, 2020, and signed by the Governor on June 29, 2020.

Sources

Iowa Department of Workforce Development
Iowa Department of Education
Iowa College Student Aid Commission
Iowa Economic Development Authority

[HF 2647](#) – Criminal Justice Reform (LSB6421YH.1)

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Fiscal Note Version – Final Action

Description and Background

[House File 2647](#) relates to the certification, training, and prosecution of peace officers, and the use of chokeholds by peace officers.

Division I: Prosecution by Attorney General

Division I of HF 2647 authorizes the Attorney General (AG) to prosecute a criminal offense committed by a law enforcement officer, as defined in Iowa Code section [80B.3](#), which arises from the actions of the officer resulting in the death of another person, regardless of whether the county attorney requests the assistance of the AG or decides to independently prosecute the criminal offense committed by the officer. Should the AG determine that criminal charges are not appropriate, but that an officer has committed misconduct in violation of Iowa Code chapter [80B](#) or [80D](#), or related administrative rules, the AG may refer the matter to the Iowa Law Enforcement Academy (ILEA) Council to make a recommendation to suspend or revoke the officer's certification.

Division II: Use of Chokeholds by Peace Officers

Division II of HF 2647 amends existing Iowa Code section [804.8](#), relating to the use of force by a peace officer making an arrest, by providing that the use of a chokehold is only justified when the person being arrested has used or threatened to use deadly force in committing a felony, or when the peace officer reasonably believes the person would use deadly force against any person unless immediately apprehended.

This Act defines “chokehold” as the intentional and prolonged application of force to the throat or windpipe that prevents or hinders breathing or reduces the intake of air.

Division III: Certification — Other States — Revocation or Suspension

Division III of HF 2647 establishes circumstances under which the ILEA Council is required to revoke a certification of a law enforcement or reserve peace officer, may suspend or revoke a certification of a law enforcement or reserve peace officer, or may deny an application of a law enforcement officer from another state seeking employment at an agency in this State.

This Act defines “serious misconduct” in relation to suspension or revocation of a certification as improper or illegal actions taken by a law enforcement officer or reserve peace officer in connection with the officer's official duties including but not limited to a conviction for a felony, fabrication of evidence, repeated use of excessive force, acceptance of a bribe, or the commission of fraud.

Additionally, HF 2647 requires that the ILEA promulgate administrative rules to reflect the circumstances under which the suspension or revocation of an officer's certification is appropriate, and under which circumstances the AG or another employing agency may so recommend.

Division IV: Law Enforcement Training — De-Escalation Techniques and Prevention Bias

House File 2647 requires the ILEA, in consultation with the Iowa Civil Rights Commission (ICRC), advocacy organizations, and various interest groups and stakeholders, to develop, provide, and disseminate annual training to every law enforcement officer employed by a law enforcement agency on matters related to de-escalation techniques and the prevention of bias. The training is mandatory for every law enforcement officer in the State, and must include all of the following:

- An emphasis on law enforcement officer understanding and respect for diverse communities and the importance of effective, noncombative methods of carrying out law enforcement in a diverse community.
- Instruction on diverse communities to foster mutual respect and cooperation between law enforcement and members of a community.
- An examination and identification of patterns, practices, and protocols that cause biased law enforcement actions, and the tools to prevent such actions.
- An examination and identification of key elements and perspectives that make up differences among residents in a community.
- Instruction on implicit bias and consideration of the negative impact of intentional or implicit bias on effective law enforcement, including an examination of how historical perceptions of profiling have harmed community relations.
- Instruction on diverse perspectives of local constituency groups as provided by experts on particular cultural and law enforcement relations issues in a local area.
- A presentation of the history and role of the civil rights movement and the impact on law enforcement.
- Instruction on de-escalation techniques, including verbal and physical tactics to minimize the need for use of force and nonlethal methods of applying force.

The ILEA is also required to consult with local law enforcement agencies to consider challenges and barriers to providing training, and what methods may be utilized to ease any agency burdens.

Division V: Effective Date and Applicability

If approved by the Governor on or after July 1, 2020, HF 2647 takes effect upon enactment and is retroactively applicable to July 1, 2020.

Assumptions

- To support the additional administrative oversight and to assist with the investigation and document preparation related to the decertification process, the ILEA assumes it will need to hire 1.0 additional Administrative Assistant full-time equivalent (FTE) position.
- To develop, provide, and disseminate the required training on de-escalation techniques and bias prevention, the ILEA assumes it will need to hire 1.0 additional Law Enforcement Instructor FTE position.

- It is assumed that the ILEA will not be able to hire both the instructor and administrative assistant positions by the beginning of FY 2021 on July 1, 2020. An estimated start date of October 1, 2020, is assumed for both positions.
- FY 2021 calculations assume the payment of salary and benefits for nine months. FY 2022 calculations assume salary and benefit payment for a full year.
- The ICRC assumes that its caseload may increase due to a rising number of complaints as a result of the passage of HF 2647.

Fiscal Impact

The total annual estimated fiscal impact of HF 2647 to the ILEA is displayed in the table below.

Position	Cost	
	FY 2021	FY 2022
Salary and Benefits		
1.0 Administrative Assistant FTE Position	\$ 70,000	\$ 100,000
Salary and Benefits		
1.0 Law Enforcement Instructor FTE Position	110,000	140,000
Total	\$ 180,000	\$ 240,000

The ICRC cannot determine the increase in its complaint caseload resulting from the implementation of HF 2647. At this time, it is not possible to determine the fiscal impact on the ICRC related to the implications of this Act.

Effective Date

This Act is effective July 1, 2020.

Enactment Date

This Act was approved by the General Assembly on June 11, 2020, and signed by the Governor on June 12, 2020.

Sources

Office of the Attorney General
 Iowa Law Enforcement Academy
 Iowa Civil Rights Commission
 Legislative Services Agency

[SF 2097](#) – Indecent Exposure (LSB5318SV.2)

Staff Contact: Christin Mechler (515.250.0458) christin.mechler@legis.iowa.gov

Fiscal Note Version – Final Action

Description

[Senate File 2097](#) relates to the criminal offense of indecent exposure and makes penalties applicable. This Act expands the definition of indecent exposure in Iowa Code section [709.9](#) to include masturbation, which is defined as the physical stimulation of a person's own genitals or pubic area for the purpose of sexual gratification or arousal of the person, regardless of whether the genitals or pubic area is exposed or covered. This Act specifies that indecent exposure includes an act in which a person exposes the person's genitals or pubic area to another individual who is not the person's spouse, or commits a sex act in the presence of or view of a third person, if all of the following apply:

- The person does so to arouse or satisfy the desires of either party.
- The person knows or reasonably should know that the act is offensive to the viewer.

This Act provides that a person who masturbates in public in the presence of another person, not a child, commits a serious misdemeanor.

This Act further provides that a person who masturbates in public in the presence of a child commits an aggravated misdemeanor.

Background

A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least \$315, but no more than \$1,875. An aggravated misdemeanor is punishable by confinement for no more than two years and a fine of at least \$625, but no more than \$6,250.

In FY 2019, there were 44 convictions of indecent exposure under Iowa Code section 709.9. Of these 44 convictions, 27 offenders were committed to community-based corrections supervision.

Additionally, a person who violates Iowa Code section 709.9 is designated as a Tier I sex offender under Iowa Code section [692A.102](#)(1)(a)(5), and must follow the requirements related to registering as a sex offender pursuant to Iowa Code section [692A.103](#).

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay; revocation rates; plea bargaining; and other criminal justice system policies and practices.

- A lag effect of six months is assumed from the effective date of this Act to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.
- The daily cost of a person under sex offender intensive supervision totals approximately \$9.80.

Correctional Impact

The correctional impact of SF 2097 cannot be determined. This Act establishes new criminal offenses by amending the definition of indecent exposure, and the number of convictions cannot be estimated. It is likely that SF 2097 will increase the number of persons entering into community-based corrections as a result of these new offenses, but the extent of that increase cannot be estimated.

In FY 2019, the average length of stay for an offender serving a violation of Iowa Code section [709.9](#) totaled approximately 435 days under community-based corrections supervision. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 16, 2020, for information related to the correctional system.

Minority Impact

The minority impact of SF 2097 is as follows: African Americans comprised 3.6% of the adult population of the State in FY 2019 and 15.9% of the convictions for Iowa Code section 709.9 offenses in FY 2019. This exceeds the population proportion of the State, which would lead to a racial impact if trends remain constant. Due to low numbers of other minority populations, the impact on those populations cannot be assessed. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 15, 2020, for information related to minorities in the criminal justice system.

Table 1 provides a breakdown of the demographics of the FY 2019 convictions under Iowa Code section 709.9 with respect to percentage of the State's population.

Table 1 — FY 2019 Convictions and Population Percentage

Demographic	Percentage of FY 2019 Indecent Exposure Convictions	Demographic Percentage of Iowa's Total Population
White	70.5%	90.2%
African American	15.9%	3.6%
Hispanic	4.6%	6.2%
Other/Unknown	4.6%	3.0%

Fiscal Impact

The fiscal impact of SF 2097 cannot be determined. This Act expands the definition of indecent exposure and creates two new criminal offenses related to masturbation. The resulting number of convictions and cost to the justice system cannot be estimated. **Table 2** shows estimates for the average State cost per offense class type. The estimates include operating costs incurred by the Judicial Branch, the State Public Defender, and the Department of Corrections for one additional conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 2 — Average State Cost Per Defense Class Type

Offense	Cost Increase	
	Minimum	Maximum
Serious Misdemeanor	\$ 410	\$ 4,900
Aggravated Misdemeanor	\$ 5,600	\$ 8,000

In FY 2019, the cost of admission to community-based corrections of one additional offender for a violation of Iowa Code section [709.9](#) totaled approximately \$4,263 annually. This cost was based on an assumed daily cost of \$9.80 per day for an individual under sex offender intensive supervision for an average length of stay of 435 days.

Effective Date

This Act is effective July 1, 2020.

Enactment Date

This Act was approved by the General Assembly on June 10, 2020, and signed by the Governor on June 17, 2020.

Sources

Criminal and Juvenile Justice Planning Division, Department of Human Rights
Department of Corrections
U.S. Census Bureau

[SF 2142](#) – Supplemental State Aid (2.30% Growth) (LSB5516SVV.1)
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Fiscal Note Version – Final Action

Description

[Senate File 2142](#) modifies and establishes provisions related to the funding of school districts, including establishing a State supplemental aid rate (percent of growth) and the categorical State percent of growth for the budget year beginning July 1, 2020 (FY 2021), and providing for other changes to the school aid formula.

Senate File 2142 has three provisions with a fiscal impact:

- Establishes a 2.30% State percent of growth rate to be applied to the State cost per pupil (SCPP) for FY 2021.
- Establishes a 2.30% State percent of growth rate to be applied to each of the State categorical cost per pupil amounts and to the standing appropriation for the Transportation Equity Fund for FY 2021.
- Provides additional property tax replacement funding based on the per pupil increase that results from the establishment of the State percent of growth in FY 2021. The Act requires the additional levy portion of the FY 2021 SCPP amount to be frozen at \$750 per pupil, regardless of the per pupil increase for FY 2021. Without enactment of this provision, the increase in the FY 2021 SCPP due to the State percent of growth would include a per pupil property tax increase equivalent to one-eighth (12.5%) of the total per pupil increase.

Background

State Cost Per Pupil. The school aid formula provides funding to school districts and Area Education Agencies (AEAs) through a mix of State aid and property taxes. In general, funding is generated on a per pupil basis, with the per pupil amounts providing an overall budget limitation (or spending authority). There are five SCPP funding levels that will be increased by a 2.30% State percent of growth for FY 2021 with the enactment of SF 2142.

Table 1 provides the supplemental State aid amounts (also referred to as per pupil growth amounts) and SCPP amounts for FY 2021 based on a 2.30% growth rate. The supplemental State aid amounts will be applied to all corresponding district and AEA cost per pupil amounts. In addition to a 2.30% growth rate, 2020 Iowa Acts, chapter [1002](#) (School Finance — Regular State Cost Per Pupil — School Transportation Funding), enacted on February 25, 2020, adds an additional \$10 to the SCPP separate from the State supplemental aid.

Table 1 — SF 2142
FY 2021 State Cost Per Pupil Calculations

	FY 2020 State Cost Per Pupil	FY 2021 State Percent of Growth	FY 2021 Supplemental State Aid	FY 2021 State Cost Per Pupil
Regular Program	\$ 6,880	2.30%	\$ 158	\$ 7,048 *
Special Education Program	6,880	2.30%	158	7,048 *
AEA Special Education Services	301.62	2.30%	6.94	308.56
AEA Media Services	56.24	2.30%	1.29	57.53
AEA Education Services	62.05	2.30%	1.43	63.48

* 2020 Iowa Acts, chapter 1002, increases the FY 2021 SCPP by an additional \$10.

In addition to the State percent of growth and supplemental State aid amounts for FY 2021, enrollments, weightings, and taxable valuations within each school district have an impact on the amount of total school aid funding, including the amount of State aid and local property tax required to generate the total funding amount.

State Categorical Supplements. The State categorical supplements are funded entirely through State aid and generate funds for each school district and AEA through the school aid formula on a per pupil basis. The FY 2021 SCPP funding levels for the teacher salary supplement (district and AEA), professional development supplement (district and AEA), early intervention supplement (district only), and Teacher Leadership and Compensation (TLC) (district only) supplement will be increased by a 2.30% State percent of growth for FY 2021. **Table 2** provides the per pupil growth amounts and SCPP amounts for FY 2021 based on SF 2142.

Table 2 — SF 2142**FY 2021 State Categorical Cost Per Pupil Calculations**

	FY 2020 State Cost Per Pupil	FY 2021 State Percent of Growth	FY 2021 Supplemental State Aid	FY 2021 State Cost Per Pupil
Teacher Salary - Districts	\$ 591.96	2.30%	\$13.62	\$ 605.58
Professional Development - Districts	67.04	2.30%	1.54	68.58
Early Intervention	73.03	2.30%	1.68	74.71
Teacher Leadership and Compensation	333.23	2.30%	7.66	340.89
Teacher Salary - AEAs	30.98	2.30%	0.71	31.69
Professional Development - AEAs	3.62	2.30%	0.08	3.70

Additionally, there is a budget guarantee provision for each of the State categorical supplements, which provides each district and AEA with a minimum of the previous fiscal year's level of funding (net of the previous year's budget guarantee amount). This provision for the State categorical supplements is funded entirely through State aid.

Transportation Equity Fund. 2020 Iowa Acts, chapter [1002](#), allows for the standing appropriation to the Transportation Equity Fund to grow at the same rate as the categorical State percent of growth even though it is not a categorical. The Transportation Equity Fund appropriation is not included in the combined district cost or in the total State aid appropriation.

Property Tax Replacement Payment (PTRP). 2013 Iowa Acts, chapter [121](#) (Education Reform), included the creation of the PTRP provision to replace local property tax amounts with State aid. The provision froze the additional levy portion of the SCPP at \$750; based on the State percent of growth enacted during the intervening fiscal years, this provision created \$15 per pupil in property tax relief in FY 2014 and up to \$131 per pupil in FY 2021. The continual growth is a result of the requirement that the per pupil property tax relief of previous fiscal years carry forward into future fiscal years. Enactment of SF 2142 maintains the additional levy portion of the SCPP at \$750 in FY 2021. The per pupil property tax relief amount will be based on the State percent of growth enacted for FY 2021. **Table 3** provides detail regarding the SCPP funding levels as provided by a 2.30% growth rate for FY 2021 in SF 2142.

Table 3 — SF 2142
FY 2021 Property Tax Replacement Payment Calculation

	FY 2020	Increase Due to Supplemental State Aid Rate	FY 2021
Regular Program	\$ 6,880	\$ 158	\$ 7,048 *
Unadjusted Additional Levy	860	20	881 *
PTRP Portion	110	21	131
Fixed Additional Levy Portion	750	0	750

* 2020 Iowa Acts, chapter 1002, increases the FY 2021 SCPP by an additional \$10 and increases the unadjusted additional levy by \$1.

Assumptions

- Estimates are based on October 2019 certified enrollments and supplementary weightings for FY 2021, which were approved by the School Budget Review Committee (SBRC) in December 2019.
- A statewide taxable valuation growth rate of 4.92% for FY 2021 was previously agreed upon by the Legislative Services Agency (LSA) and the Department of Management. Based on this assumed rate, the statewide total for the uniform levy is estimated to account for \$47.2 million (+5.0%) of the school foundation property tax change in FY 2021 (including the uniform levy portion of the commercial/industrial rollback replacement payment). The estimated increase in the uniform levy amount is not affected by the establishment of the State percent of growth rate. Property tax adjustment aid amounts are based on the statewide taxable valuation growth factor applied to each school district's FY 2021 taxable valuation amount.
- Total State aid includes funding from the State General Fund and other funds appropriated or deposited in the Property Tax Equity and Relief (PTER) Fund, which is used to provide additional property tax relief through the school aid formula.
- Establishing an FY 2021 State percent of growth will also affect the amount of funding generated for the Statewide Voluntary Preschool Program. Funding for the Program is provided by State General Fund dollars and is included in the overall State aid total.
- Districts eligible for the 101.00% budget adjustment will approve use of that provision.

- Under the provisions of 2020 Iowa Acts, chapter [1019](#) (Supplemental and Continuing Appropriations Act), the total AEA reduction for FY 2021 is \$22.5 million.
- The General Fund appropriation to the Transportation Equity Fund will increase by the categorical State percent of growth.
- Other legislation may have an impact on the amount of State aid and property tax generated through the school aid formula.

Fiscal Impact

The following table provides the estimated fiscal impact of the three provisions of SF 2142: State supplemental aid, State categorical rate, and PTRP implementation. These provisions include:

- \$22.5 million reduction in State aid to the AEAs.
- \$75.1 million in PTRP funding, an increase of \$12.4 million (19.80%) compared to FY 2020.
- \$552.8 million for the State categorical supplements for school districts and AEAs, an increase of \$14.9 million (2.78%). This includes:
 - \$313.4 million for the teacher salary supplement at the district and AEA level.
 - \$35.6 million for the professional development supplement at the district and AEA level.
 - \$36.6 million for the early intervention supplement.
 - \$167.3 million for the Teacher Leadership and Compensation supplement.
- \$88.1 million for preschool formula funding, an increase of \$2.0 million (2.31%) compared to FY 2020. The preschool formula funding is included in the State aid amount but is not included in the combined district cost total.
- \$8.3 million in budget adjustment funding for 106 qualifying districts, a decrease of \$1.5 million (15.59%) compared to FY 2020. The budget guarantee adjustment is calculated at the school district level so that school districts receive 101.00% of their previous year's funding. The budget guarantee adjustment is funded entirely through property taxes.
- The total property tax funds generated through the school aid formula are estimated to be \$1.612 billion, an increase of \$49.1 million (3.14%) compared to FY 2020.
- The total State aid from the General Fund (reflecting the total school aid funding level for school districts and AEAs generated through the school aid formula) is estimated to be \$3.392 billion, an increase of \$106.3 million (3.24%) compared to FY 2020. Any legislative action affecting FY 2021 school aid provisions will have an impact on school aid amounts. Additionally, any variations in the assumptions noted may result in changes in the FY 2021 estimates provided in the following table.

Table 4 further provides the fiscal impact of SF 2142. This also includes:

- An increase in the SPPP of \$10 under the provisions of 2020 Iowa Acts, chapter [1002](#).
- The standing appropriation to the Transportation Equity Fund, which is not included in the total State aid from the General Fund

Table 4 — SF 2142 — for a printable version, click [here](#)

Legislative Services Agency: FY 2021 School Aid Estimates — 2.30% State Percent of Growth (Statewide Dollars in Millions)

State Percent of Growth: 2.30%		*State Cost Per Pupil: \$7,048		State Supplemental Aid: \$158	
AEA Reduction: \$7,500,000		Additional Reduction: \$15,000,000		Total AEA Reduction: \$22,500,000	
Program Funding:	FY 2020	Est. FY 2021	Est. Change	% Change	
Regular Program District Cost	\$ 3,364.1	\$ 3,461.5	\$ 97.4	2.90%	
Regular Program Budget Adjustment	9.8	8.3	-1.5	-15.59%	
Supplementary Weighting (District)	104.8	106.5	1.8	1.68%	
Special Education Instruction (District)	460.2	478.6	18.3	3.99%	
Teacher Salary Supplement (District)	288.6	296.6	8.0	2.76%	
Professional Development Supplement (District)	32.7	33.6	0.9	2.75%	
Early Intervention Supplement (District)	35.6	36.6	1.0	2.76%	
Teacher Leadership Supplement (District)	162.7	167.3	4.5	2.79%	
AEA Special Ed Support District Cost	167.3	172.3	4.9	2.94%	
AEA Special Ed Support Adjustment	1.4	1.2	-0.2	-17.18%	
AEA Media Services	29.3	30.1	0.8	2.78%	
AEA Ed Services	32.4	33.3	0.9	2.79%	
AEA Teacher Salary Supplement	16.4	16.8	0.5	3.00%	
AEA Professional Development Supplement	1.9	2.0	0.1	2.93%	
Dropout and Dropout Prevention	124.9	124.9	0.0	0.00%	
Combined District Cost	\$ 4,809.6	\$ 4,946.9	\$ 137.4	2.86%	
Statewide Voluntary Preschool Program	\$ 86.2	\$ 88.1	\$ 2.0	2.31%	
State Aid:	FY 2020	Est. FY 2021	Est. Change	% Change	
Regular Program	\$ 1,964.5	\$ 2,005.0	\$ 40.5	2.06%	
Supplementary Weighting	91.4	93.0	1.6	1.75%	
Special Education Weighting	401.6	417.8	16.2	4.04%	
Property Tax Adjustment Aid (1992)	7.7	7.4	-0.4	-4.92%	
Property Tax Replacement Payment (PTRP)	62.6	75.1	12.4	19.80%	
Adjusted Additional Property Tax - General Fund	24.0	24.0	0.0	0.00%	
Statewide Voluntary Preschool Program	86.2	88.1	2.0	2.31%	
Minimum State Aid	0.0	0.0	0.0	0.00%	
State Aid from General Fund	\$ 3,285.4	\$ 3,376.8	\$ 91.3	2.78%	
**Excess from SAVE Fund	10.1	10.4	0.3	2.67%	
Total State Aid (Includes Non-General Fund)	\$ 3,295.6	\$ 3,387.2	\$ 91.6	2.78%	
Local Property Tax:	FY 2020	Est. FY 2021	Est. Change	% Change	
Uniform Levy Amount	\$ 948.3	\$ 995.5	\$ 47.2	4.98%	
Additional Levy	614.1	615.9	1.8	0.30%	
Total Levy to Fund Combined District Cost	\$ 1,562.5	\$ 1,611.5	\$ 49.0	3.14%	
Comm/Ind - Uniform Levy Replacement	22.8	21.9	-0.9	-3.95%	
Comm/Ind - Additional Levy Replacement	14.9	14.5	-0.4	-2.73%	
Miscellaneous Information:	FY 2020	Est. FY 2021	Est. Change	% Change	
State Cost Per Pupil	\$ 6,880	\$ 7,048	\$ 168	2.44%	
Number of Districts with Budget Adjustment	114	106	-8	-7.02%	
Percent of Districts with Budget Adjustment	34.86%	32.42%			
Statewide Categoricals Total	\$ 537.9	\$ 552.8	\$ 14.9	2.78%	
Property Tax Relief Payment Per Pupil	110	131	21	19.09%	
Statewide AEA Funding Reduction	-22.5	-22.5	0.0	0.00%	
Statewide AEA Funding	226.2	233.1	6.9	3.04%	
Transportation Equity Fund	19.0	26.7	7.7	40.47%	

Notes:

Totals may not sum due to data duplication and exclusion. For example, other funds are provided by State aid but not included in the State Aid section because the funds are represented in the Program Funding section listed above.

Transportation Equity Fund dollars are not included in the total State aid amounts. The provision for minimum State aid requires that the State provide at least \$300 per student.

* 2020 Iowa Acts, chapter 1002, adds an additional \$10 to the State cost per pupil separate from the State supplemental aid.

** Secure an Advanced Vision for Education (SAVE) Fund.

Sources: Department of Management (School Aid File), LSA analysis and calculations

Effective Date

This Act takes effect upon enactment

Enactment Date

This Act was approved by the General Assembly on March 4, 2020, and signed by the Governor on March 12, 2020.

Sources

Iowa Department of Education, Certified Enrollment and Enrollment Projections File

Iowa Department of Management, School Aid File

Iowa Department of Revenue

LSA analysis and calculations

[SF 2188](#) – Hazard Mitigation Programs, Non-Disaster Matching Moneys (LSB5381SV.1)

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Fiscal Note Version – Final Action

Description

[Senate File 2188](#) relates to financial assistance granted by the federal government for hazard mitigation. This Act states that in circumstances where Iowa Code section [29C.6](#) is not applicable, and federal assistance is granted under the [Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 93-288, as amended, 42 U.S.C. § 5121 et seq.](#), or the federal [National Flood Insurance Reform Act of 1994, Pub. L. No. 103-325, 42 U.S.C. § 4001 et seq.](#), the State may participate in funding of the financial assistance for up to 10.0% of eligible expenses, with the local government providing a share of the local cost and the applicant providing the balance of any participation amount. State participation in funding financial assistance to a local government is contingent upon the local government having a State-approved, comprehensive emergency plan that meets the standards listed in Iowa Code section [29C.9\(8\)](#).

Senate File 2188 further specifies that if financial assistance is granted by the federal government under the federal Acts listed above for State-related hazard mitigation, the State may participate in the funding of authorized financial assistance of up to 50.0% of the total expenses.

Background

Iowa Code section 29C.6 currently states that the State may authorize a 10.0% funding match for disaster mitigation assistance after a disaster has occurred and, in certain situations, a Presidential Disaster Declaration has been granted. The federal Building Resilient Infrastructure and Communities (BRIC) Program under the Federal Emergency Management Agency (FEMA) increased the amount of mitigation funding available to a state prior to a disaster occurring or a Presidential Disaster Declaration being granted. Senate File 2188 amends current Iowa Code section 29C.6 to conform to federal changes under the BRIC Program.

Assumptions

- Local governments that receive a State match will have filed an approved, comprehensive emergency plan meeting the standards of Iowa Code section 29C.9(8).
- Local governments and the State will provide the required matching funds of eligible expenditures totaling 15.0% and 10.0% respectively. The remaining 75.0% of eligible expenses will be provided by federal funds.

Fiscal Impact

The Department of Homeland Security and Emergency Management estimates that the State may provide a funding match totaling approximately \$3.0 to \$5.0 million on an annual basis. These funds will be paid from the Economic Emergency Fund as stipulated by the [Performance of Duty](#) requirements listed in Iowa Code section [7D.29](#) as approved by the Executive Council. As this funding may be received prior to the occurring of a disaster, it may lead to the cost-avoidance of any future disaster. Such future cost savings cannot be estimated at this time.

Effective Date

This Act is effective July 1, 2020.

Enactment Date

This Act was approved by the General Assembly on June 10, 2020, and signed by the Governor on June 17, 2020.

Sources

Legislative Services Agency
Department of Homeland Security and Emergency Management

[SF 2225](#) – Theft, Third Degree (LSB5074SV.2)

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Fiscal Note Version – Final Action

Description

[Senate File 2225](#) increases the dollar limit from \$500 to \$750 for third degree theft of any property by a person who has previously been convicted of theft.

Background

Under current law, theft in the third degree is defined as the theft of property that is more than \$750 but not more than \$1,500, or the theft of any property not more than \$500 by a person who has previously been twice convicted of theft. Theft in the third degree is an aggravated misdemeanor punishable by confinement for no more than two years and a fine of at least \$625 but not more than \$6,250.

Theft in the fourth degree is defined as the theft of property exceeding \$300 but not exceeding \$750 in value. Theft in the fourth degree is a serious misdemeanor punishable by confinement for no more than one year and a fine of at least \$315 but not more than \$1,875.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay; revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Act to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.

Correctional Impact

Senate File 2225 will likely increase the number of third degree theft convictions, prison admissions, probationers, and jail stays, and reduce the number of fourth degree theft convictions. The full impact cannot be estimated due to a lack of data describing the dollar value of current theft convictions. In FY 2019, there were 670 convictions of third degree theft, 214 admissions to prison, 342 admissions to probation, and 456 admissions to jail. There were 1,180 convictions for fourth degree theft in FY 2019.

Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 16, 2020, for information related to the correctional system.

Minority Impact

Currently, African Americans represent 3.6% of the adult population in Iowa. In FY 2019, African Americans represented 20.8% of convictions for third degree theft and 17.5% of convictions of fourth degree theft. According to the Criminal and Juvenile Justice Planning Division (CJJP) of the Department of Human Rights, these rates exceed the population proportion of the State and would lead to a racial impact if they remain consistent. Due to the low numbers of members of other minority categories convicted of theft, the impact on those populations cannot be assessed.

Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 15, 2020, for information related to minorities in the criminal justice system.

Fiscal Impact

The fiscal impact of SF 2225 to the justice system is unknown due to a lack of data describing the dollar value of current theft convictions and the potential increase in third degree theft convictions.

The average State cost for a serious misdemeanor ranges from \$410 to \$4,900, and the cost for an aggravated misdemeanor ranges from \$5,600 to \$8,000. As a result, the potential cost increase may range from \$3,100 to \$5,190 per offense. This estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the Department of Corrections for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Effective Date

This Act is effective July 1, 2020.

Enactment Date

This Act was approved by the General Assembly on June 10, 2020, and signed by the Governor on June 17, 2020.

Sources

Criminal and Juvenile Justice Planning Division, Department of Human Rights
Department of Corrections

[SF 2275](#) – Eluding Law Enforcement (LSB5317HV.1)

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Fiscal Note Version – Final Action

Description

[Senate File 2275](#) relates to the criminal offense of eluding or attempting to elude a pursuing law enforcement vehicle. This Act enhances penalties in Iowa Code section [321.279](#), specifically for a second or subsequent criminal offense of eluding or attempting to elude a law enforcement vehicle. Under SF 2275, a driver of a motor vehicle who is convicted of a second or subsequent violation of Iowa Code section 321.279(1) is guilty of an aggravated misdemeanor. The driver of a motor vehicle who is convicted of a second or subsequent violation of Iowa Code section 321.279(2) is guilty of a Class D felony, and a driver of a motor vehicle who is convicted of a second or subsequent violation of Iowa Code section 321.279(3) is guilty of a Class C felony.

Additionally, SF 2275 prohibits a court from ordering a deferred sentence or deferred judgment for the driver of a motor vehicle convicted of eluding or attempting to elude a pursuing law enforcement vehicle while exceeding the speed limit by 25 miles per hour or more and while violating Iowa Code section [321J.2](#) by operating a motor vehicle while intoxicated (OWI).

Background

Under current law, a driver of a motor vehicle who commits a violation of Iowa Code section 321.279(1) by willfully failing to bring a motor vehicle to a stop or otherwise eluding or attempting to elude a marked law enforcement vehicle is, upon conviction, guilty of a serious misdemeanor. Iowa Code section 321.279(2) states that a driver of a motor vehicle who willfully fails to bring a motor vehicle to a stop or otherwise eludes or attempts to elude a marked law enforcement vehicle, and in doing so, exceeds the speed limit by 25 miles per hour or more, is, upon conviction, guilty of an aggravated misdemeanor. Additionally, a driver of a motor vehicle is, upon conviction of violating Iowa Code section 321.279(3), guilty of a Class D felony. A violation of Iowa Code section 321.279(3) occurs when the driver of a motor vehicle willfully fails to bring a motor vehicle to a stop or otherwise eludes or attempts to elude a marked law enforcement vehicle, and in doing so, exceeds the speed limit by 25 miles per hour or more, and any of the following also occur:

- The driver participates in a public offense as defined in Iowa Code section [702.13](#) that is classified as a felony.
- The driver violates Iowa Code section [321J.2](#) by operating a motor vehicle while under the influence of alcohol or a drug or while having a blood alcohol concentration of .08 or more, or while committing a controlled substance violation under Iowa Code section [124.401](#).
- The offense results in bodily injury to a person other than the driver.

In FY 2019, there were 35 convictions newly admitted to prison as a result of the most serious violations of Iowa Code section 321.279. Of these new convictions, 12 were classified as aggravated misdemeanors, and 23 were classified as Class D felonies. Additionally, in FY 2019 there were 31 individuals who entered prison as a result of probation revocation for a most serious offense of Iowa Code section

321.279. Of these 31 probation revocations, three were classified as aggravated misdemeanors, and 28 were classified as Class D felonies.

In FY 2019, a total of 135 offenders entered probation for a most serious offense of Iowa Code section [321.279](#), and a total of 25 offenders entered parole.

A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least \$315, but no more than \$1,875.

An aggravated misdemeanor is punishable by confinement for no more than two years and a fine of at least \$650, but no more than \$6,500.

A Class D felony is punishable by confinement for no more than five years and a fine of at least \$750, but no more than \$7,500.

A Class C felony is punishable by confinement for no more than 10 years and a fine of at least \$1,000, but no more than \$10,000.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay; revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Act to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.
- In order to extrapolate length of stay cost per month using daily cost data, it is assumed that the average length of one month is 30.4 days.

Correctional Impact

The correctional impact of SF 2275 on new admissions to the correctional system cannot be determined. This Act enhances penalties for all second or subsequent offenses of Iowa Code section [321.279](#), and the number of new convictions, as well as the number of any potentially redistributed convictions, cannot be determined. The Department of Corrections (DOC) expects that the proposed enhanced penalties will likely increase costs for the Department, as the redistribution of convictions into a higher crime class will result in an increase in the number of prison admissions and the average length of stay per offender. See the Fiscal Impact at the end of this ***Fiscal Note***.

Table 1 provides estimates for sentencing to State prison, parole, probation, or community-based corrections (CBC) residential facilities; length of stay under those supervisions; and supervision marginal costs per day for all serious misdemeanor, aggravated misdemeanor, Class D felony, and Class C felony convictions. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 16, 2020, for information related to the correctional system.

Table 1 — Sentencing and Length of Stay Estimates

Conviction Offense Class	Percent to Prison	FY 19 Avg Length of Stay Prison (months)	FY 19 Marginal Cost/Day Prison	FY 19 Avg Length of Stay Parole (months)	FY 19 Marginal Cost/Day Parole	Percent to Probation	FY 19 Avg Length of Stay Probation (months)	FY 19 Avg Cost/Day Probation	Percent to CBC Residential Facility	FY 19 CBC Marginal Cost/Day	Percent to County Jail	Avg Length of Stay in County Jail	Marginal Cost per Day
Class C Felony (Non-Persons)	77.0%	15.6	\$20.38	18.7	\$6.12	64.0%	35.6	\$6.12	13.0%	\$12.58	30.0%	N/A	\$50.00
Class D Felony (Non-Persons)	76.0%	12.2	\$20.38	13.0	\$6.12	64.0%	31.8	\$6.12	12.0%	\$12.58	29.0%	N/A	\$50.00
Aggravated Misdemeanor (Non-Persons)	32.0%	6.9	\$20.38	5.9	\$6.12	51.0%	19.3	\$6.12	3.0%	\$12.58	68.0%	N/A	\$50.00
Serious Misdemeanor	2.0%	5	\$20.38	2.4	\$6.12	56.0%	13.4	\$6.12	1.0%	\$12.58	69.0%	N/A	\$50.00

Minority Impact

The minority impact of SF 2275 is as follows: African Americans comprised 3.6% of the adult population of the State in FY 2019 and 19.6% of the convictions for Iowa Code section 321.279 offenses in FY 2019. This exceeds the population proportion of the State, which would lead to a racial impact if trends remain constant. Due to low numbers of other minority populations, the impact on those populations cannot be assessed. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 15, 2020, for information related to minorities in the criminal justice system. **Table 2** provides a breakdown of the demographics of FY 2019 convictions under Iowa Code section 321.279 in relation to the percentage of the State’s population.

Table 2 — FY 2019 Convictions and Population Percentage

Demographic	Percentage of FY 2019 Convictions under Iowa Code section 321.279	Demographic Percentage of Iowa's Total Population
White	66.9%	90.2%
African American	19.6%	3.6%
Hispanic	3.2%	6.2%
Other/Unknown	2.7%	3.0%

Fiscal Impact

The change in the number of admissions that will result from SF 2275 cannot be determined. However, if the same number of admissions occur in FY 2021 that occurred in FY 2019, and those offenses reclassified to the new offenses under SF 2275, there would be an estimated cost increase to the DOC of \$164,500 in FY 2021 and \$329,000 in subsequent fiscal years.

Table 3 shows estimates for the average State cost per offense class type. The estimates include operating costs incurred by the Judicial Branch, the State Public Defender, and the Department of Corrections for one additional conviction. The cost for prison and parole supervision would be incurred across multiple fiscal years.

Table 3 — Average State Cost per Offense Type

Offense	Total Minimum Cost	Total Maximum Cost
Class C Felony	\$ 11,600	\$ 19,400
Class D Felony	\$ 10,000	\$ 14,700
Aggravated Misdemeanor	\$ 5,600	\$ 8,000

Table 4 shows the costs to the DOC associated with the FY 2019 admissions and **Table 5** shows the estimated cost for FY 2021 based on the reclassification of offenses under SF 2275.

Both tables utilize the sentencing and length of stay data provided in **Table 2**.

Table 4 — Supervision Costs, FY 2019 Admissions for a Most Serious Violation of Iowa Code Section 321.279 Offenses (Current Law)

Admission Type (Current Law)	Crime Class (Current Law)	Admission Count	Fiscal Estimate (Current Law)	
New Prison Admission				
	Class D Felony	23	\$	173,846
	Aggravated Misdemeanor	12	\$	51,299
Prison Admission - Probation Revocation				
	Class D Felony	28	\$	211,639
	Aggravated Misdemeanor	3	\$	12,285
Probation Admission				
	Class D Felony	76	\$	449,641
	Aggravated Misdemeanor	48	\$	172,355
	Serious Misdemeanor	11	\$	45,433
Parole Admission				
	Class D Felony	21	\$	50,791
	Aggravated Misdemeanor	4	\$	18,977
		Total	\$	1,186,266

Table 5 — Supervision Costs and Admissions for a Most Serious Violation of Iowa Code Section 321.279 Offenses (Proposed Law)

Admission Type (Proposed Law)	Crime Class (Proposed Law)	Admission Count	Fiscal Estimate (Proposed Law)
New Prison Admission			
	Class C Felony	23	\$ 222,295
	Class D Felony	12	\$ 90,702
Prison Admission - Probation Revocation			
	Class C Felony	28	\$ 270,620
	Class D Felony	3	\$ 22,676
Probation Admission			
	Class C Felony	76	\$ 503,371
	Class D Felony	48	\$ 283,984
	Aggravated Misdemeanor	11	\$ 39,293
Parole Admission			
	Class C Felony	21	\$ 73,061
	Class D Felony	4	\$ 9,674
	Total		\$ 1,515,678

Effective Date

This Act is effective July 1, 2020.

Enactment Date

This Act was approved by the General Assembly on March 11, 2020, and signed by the Governor on June 1, 2020.

Sources

Criminal and Juvenile Justice Planning Division, Department of Human Rights
 Department of Corrections
 Department of Public Safety
 Legislative Service Agency

[SF 2296](#) – Vehicles, Owner Definition (LSB6305SV.2)

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Fiscal Note Version – Final Action

Description

[Senate File 2296](#) automatically classifies owner-operators of specified vehicles as independent contractors when performing services while operating the vehicle.

Background

While the total number of owner-operators is not known, the Iowa Department of Workforce Development (IWD), through the work of the Audits and Misclassification Units, identified 745 individuals in FY 2018 and 149 individuals in FY 2019 for a total of 894 individuals as owner-operators who are classified as employees and not independent contractors under current law. The employers of those individuals contribute approximately \$300,000 annually to the Unemployment Insurance Trust Fund.

Independent contractors are exempt from unemployment insurance requirements under Iowa Code chapter [96](#).

Assumptions

- Information is not available on the total number of owner-operators in Iowa.
- Information is not available on the amount of unemployment insurance benefits that is paid to owner-operators each year.
- Wage and benefit modifications for individuals resulting from the change cannot be estimated.

Fiscal Impact

The net fiscal impact of [SF 2296](#) on the Unemployment Insurance Trust Fund cannot be determined since the number of owner-operators is unknown and the amount of unemployment insurance benefits paid to owner-operators is also unknown. Because wage and benefit modifications for individuals resulting from the change cannot be estimated, the fiscal impact of possible wage and benefit changes cannot be determined. This Act will not have a significant fiscal impact on the operations of the IWD.

Effective Date

This Act is effective July 1, 2020

Enactment Date

This Act was approved by the General Assembly on June 4, 2020, and signed by the Governor on June 18, 2020.

Source

Iowa Department of Workforce Development

[SF 2310](#) – Iowa Learning Online (LSB5150SV.2)

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Fiscal Note Version – Final Action

Description

[Senate File 2310](#) makes a variety of changes to the Iowa Code regarding education. This Act takes effect upon enactment, unless otherwise provided, and is applicable July 1, 2020.

Division I:

This Act requires school districts and accredited nonpublic schools to report to the Department of Education (DE) online coursework offered by the school district or accredited nonpublic school in which students are enrolled. Rules adopted by the State Board of Education must require that online coursework offered by school districts, accredited nonpublic schools, and area education agencies (AEAs) meet specified requirements. The previously established DE online learning program model, [Iowa Learning Online](#), will be eliminated, and the DE will maintain a list of [approved online providers](#) that includes a school district, accredited nonpublic school, partnership or consortium of schools, private provider, AEAs, or [Iowa e-Learning Central](#). The DE and AEAs will coordinate to ensure the most effective use of resources and delivery for the Iowa e-Learning Central platform and will use federal funds, if available, to offset costs to participating schools.

No offer and teach waiver issued by the DE would be required for school districts or accredited nonpublic schools for offering a world language, finance literacy, or computer science course online, if the school district or accredited nonpublic school makes every reasonable and good-faith effort to employ a licensed teacher for the specified subject and is unable to employ such teacher, or if fewer than 10 students typically register for instruction in the specified subject at the school district or accredited nonpublic school. An additional two courses can be offered online with the waiver of offer and teach requirements if the school district or accredited nonpublic school makes every reasonable and good faith effort to employ a licensed teacher for the specified subject and is unable to employ such teacher or fewer than 10 students typically register for instruction in the specified subject at the school district or accredited nonpublic school. A school district or accredited nonpublic school may request an additional waiver from the DE to exceed the five courses allowed for waiver of offer and teach requirements.

An online learning program to deliver distance education to Iowa's students will be available to students receiving [independent private instruction \(IPI\)](#), [competent private instruction \(CPI\)](#), or [private instruction by a nonlicensed person](#), provided such students register with the school district of residence.

Participating students will be awarded high school credit, and the school district or accredited nonpublic school in which the student is enrolled is responsible for recordkeeping and issuing an earned high school diploma. Each school that participates in the program is

required to have a site coordinator to serve as a student advocate and as a liaison between the online learning program staff, teachers, and the school district or accredited nonpublic school. School districts and accredited nonpublic schools will pay AEAs the cost of providing coursework under an online learning program.

This Act also provides for school calendar flexibility for school districts and accredited nonpublic schools that submit a [Return-to-Learn Plan](#) addressing student learning in response to school closures due to a Governor proclamation of a public health disaster emergency related to COVID-19. Any return-to-learn plan submitted by a school district or accredited nonpublic school must contain provisions for in-person instruction and provide that in-person instruction is the presumed method of instruction. This subsection of this Act is repealed on July 1, 2021.

Division II:

Division II allows for additional flexibility for use of professional development dollars and management levy dollars for FY 2021. During the 2020-2021 school year, school districts may use any portion of the 36 required hours for professional development to provide instructional time in addition to the amount of required instructional time under Iowa Code section [279.10](#). In FY 2021, school districts are estimated to receive \$33.6 million in categorical State aid for professional development. At the end of FY 2019, school districts carried over a statewide total of \$26.7 million in professional development categorical fund balances for FY 2020.

Division III

- Until July 15, 2020, for the school year commencing July 1, 2020, a parent may apply to open-enroll a student in an online public school in another school district if the child, the child's caretaker, or another resident of the child's residence has a significant health condition that may increase the risk of COVID-19.
- For the 2020-2021 school year, each school district, if requested, shall provide texts and supplementary materials to children enrolled in competent private instruction (CPI) under a school district's Home School Assistance program (HSAP).
- For the 2020-2021 school year, if the Governor proclaims a public health disaster, a school board of directors may authorize the closure of the school district due to an outbreak of COVID-19 in the school district or any school district attendance center. School districts are encouraged to follow guidelines issued by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services and the Iowa Department of Public Health.
- For the 2020-2021 school year, minimum school day requirements will not be waived for school closures due to COVID-19 unless the school district or accredited nonpublic school provides compulsory remote learning. Unless explicitly authorized in a proclamation of a public health disaster emergency issued by the Governor and related to COVID-19, a brick-and-mortar school district or accredited nonpublic school will not take action to provide instruction primarily through remote-learning opportunities.
- For the 2020-2021 school year, if a remote-learning period is necessary, teachers and other necessary school staff will be available during regular required contract hours.
- For the 2020-2021 school year, a student who is enrolled in a school district or accredited nonpublic school but who does not participate in compulsory remote-learning opportunities that are implemented due to COVID-19 will be considered truant, except for defined excluded students.

- For the 2020-2021 school year, the DE may waive teacher-endorsement requirements for defined circumstances.
- For the 2020-2021 school year, when implementing social distancing policies included in a return-to-learn plan, school districts and accredited nonpublic schools must, to the extent possible, provide in-person instruction for [core academic subjects](#).
- For the 2020-2021 school year, statewide assessments will not be waived.
- For the 2020-2021 school year, cardiopulmonary resuscitation certification (CPR) requirements for graduation will be waived for specified circumstances.
- If a parent or guardian of a student enrolled in a school district or accredited nonpublic school notifies the school in writing, with specific notice requirements, that a student, resident of the student's residence, or caretaker of the student has a significant health condition that increases the risk of COVID-19, the school will make reasonable accommodations for the student to attend school through remote learning. The provisions and accommodations for students with individualized education programs (IEP) or in need of accommodations will be determined by the student's IEP or accommodations team. The school may collaborate with an AEA or another school district or accredited nonpublic school to provide remote learning opportunities to the defined student.
- A school district or accredited nonpublic school, in response to a proclamation of a public health disaster emergency explicitly addressing school closures issued by the Governor and related to COVID-19, may provide instruction primarily through continuous remote-learning opportunities if such instruction is provided in accordance with the school's return-to-learn plan submitted to the DE regardless of whether the school is approved to provide instruction primarily through continuous remote-learning opportunities. Instruction provided pursuant to this section will be provided by Iowa licensed teachers and will be aligned with the Iowa Core and core content requirements and standards.

School District Impact Report

This Act requires school districts to submit a report, with specified information, to the DE detailing any reduction in expenditures to the school district resulting from the closure of schools due to COVID-19 during the school budget year beginning July 1, 2019, and ending June 30, 2020. The DE will prepare and submit to the General Assembly, by November 15, 2020, a report that details, for each school district, the total net impact of the COVID-19 pandemic on each school district's budget.

Fiscal Impact

The estimated fiscal impact of [SF 2310](#), by section, is as follows:

Division I

There will be no fiscal impact to the State for this section unless an appropriation is made for the online learning platform. An estimated \$7.0 million will be provided for establishing the statewide online learning platform through the Elementary and Secondary School Emergency Relief Fund as part of the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act ([H.R. 748](#)).

School districts and accredited nonpublic schools participating in the online learning program may incur additional staff costs associated with the requirement to have a site coordinator.

Division II

This section has no fiscal impact to the State or local property taxes. Some districts may choose to use professional development dollars in the 2020-2021 school year for additional instructional time in the classroom; however, the amount that will be used cannot be determined.

Division III

The fiscal impact of this section cannot be determined; however, there may be some impact to school districts as follows:

- Some districts may experience an increase or decrease in revenue due to an increase in COVID-19 related open enrollment filers; however, the extent is unknown.
- There is not expected to be a fiscal impact to school districts providing texts and materials to CPI students under a HSAP.
- There may be increased costs to provide compulsory remote learning independently or alongside in-building learning and potentially in collaboration with AEAs.
- There may be increased information technology costs to ensure accessibility of teachers and other necessary staff.
- There may be costs associated with additional personnel and reporting for students not participating in compulsory remote-learning opportunities, who are considered truant.
- There may be costs associated with additional staff to support multiple classrooms to meet social distancing requirements.
- There may be potential support costs for administration of the statewide summative assessment outside of a typical classroom setting. The State currently provides a \$3.0 million [appropriation](#) to Iowa Testing Programs that offsets the school district and accredited nonpublic school [cost](#) of the statewide summative assessment. The cost per test/per student, not covered by the State appropriation, is directly billed from Iowa Testing Programs to school districts.
- There may be cost savings to school districts with the potential DE waiver of teacher-endorsement requirements allowing a teacher to teach multiple subject areas or multiple grades, and the availability of an online learning option for determined courses.
- There may be additional cost savings to school districts that opt to use the statewide online learning program instead of paying for a course provided by an online private provider. For more information, see the [Fiscal Note](#) for [SF 394](#).
- There may be cost savings to school districts by using State-developed and -owned content available via the online learning platform rather than individual school district purchases and development of content.

School District Savings Report

There may be one-time costs to the DE in compiling the requested information, but the amount cannot be determined.

Senate File 2310 may include a State mandate as defined in Iowa Code section [25B.3](#) and requires that any State mandate in this Act be paid by a school district from the State Foundation Aid appropriation.

Effective Date

Unless otherwise provided, this Act is effective July 1, 2020.

Enactment Date

This Act was approved by the General Assembly on June 13, 2020, and signed by the Governor on June 29, 2020.

Source

Iowa Department of Education

[SF 2356](#) – Dyslexia Task Force Recommendations (LSB6089SV.2)

Staff Contact: Lora Vargason (515.725.2249) lora.vargason@legis.iowa.gov

Fiscal Note Version – Final Action

Description

[Senate File 2356](#) does the following:

- Requires the State Board of Education, in collaboration with the Iowa Reading Research Center (IRRC), to adopt rules by July 1, 2022, regarding the approval of practitioner preparation programs that would offer coursework to meet the requirements for a newly established advanced Dyslexia Specialist endorsement.
- Directs the Department of Education (DE) to dedicate at least one full-time equivalent (FTE) position to be a Dyslexia Consultant and outlines duties of that position.
- Establishes an Iowa Dyslexia Board, requires the Board to submit findings and recommendations, and repeals the Board on July 1, 2025.
- Directs the Board of Educational Examiners (BOEE), in collaboration with the IRRC, to adopt rules regarding the establishment of an advanced Dyslexia Specialist endorsement.
- Directs each area education agency (AEA) board to dedicate at least one FTE position to be a Dyslexia Specialist and outlines duties of that position. This requirement is subject to an appropriation by the General Assembly for this purpose.
- Requires completion of the IRRC Dyslexia Overview module by designated AEA and school district employees.
- Amends the Iowa Code to use the definition of dyslexia provided by the International Dyslexia Association.

Background

In 2018, the Dyslexia Task Force was established and charged with submitting a report regarding its findings and recommendations relating to dyslexia response in the State of Iowa. The Iowa Dyslexia Task Force [Report](#) to the General Assembly was issued November 15, 2019, and included recommendations for the General Assembly, the DE, AEAs, preservice education programs, and school districts. Goals of the recommendations included increasing dyslexia knowledge across educational settings and building a framework for increased expertise to support students and teachers.

Assumptions

- The DE anticipates no fiscal impact to meet the Dyslexia Consultant position requirement of this Act because it will use a currently vacant FTE position that will be paid for with federal funding.
- The IRRC Dyslexia Overview [module](#) is available online and is free for all Iowa in-service K-12 teachers and AEA employees. The module takes about an hour to complete, and training would be built into current professional development time.
- The cost to an AEA to hire a Dyslexia Specialist is estimated at \$90,000 per year.

Fiscal Impact

This Act requires the BOEE to adopt rules establishing an advanced Dyslexia Specialist endorsement. The IRRC-estimated cost to develop the curriculum for the endorsement is \$250,000.

This Act does not include an appropriation for the AEA's. The annual cost to hire a Dyslexia Specialist position at each of the nine AEA's is estimated at \$810,000.

[Senate File 2356](#) may include a State mandate as defined in Iowa Code section [25B.3](#) and requires that any State mandate in this Act be paid by a school district from the State Foundation Aid appropriation.

Effective Date

This Act is effective July 1, 2020.

Enactment Date

This Act was approved by the General Assembly on June 11, 2020, and signed by the Governor on June 17, 2020.

Sources

Area Education Agencies
Department of Education
Iowa Dyslexia Task Force
Iowa Reading Research Center