

**EIGHTY-EIGHTH GENERAL ASSEMBLY
2020 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

February 26, 2020

Clip Sheet Summary

Displays all amendments, fiscal notes, and conference committee reports for previous day.

Bill	Amendment	Action	Sponsor
HF 2404	H-8037		R. SMITH of Black Hawk
HF 2424	H-8036		EHLERT of Linn
HF 2502	H-8038		HOLT of Crawford

Fiscal Notes

- [HF 2196](#) — [Sports Betting Debt Offset](#) (LSB5605HV)
- [HF 2338](#) — [Eluding Law Enforcement](#) (LSB5317HV)
- [HF 2446](#) — [Bicycle Death, Enhanced Penalties](#) (LSB5022HV)
- [HF 2462](#) — [Unemployment Insurance Program, Benefits](#) (LSB5400HV)
- [HF 2495](#) — [Hazard Mitigation Programs, Non-Disaster Matching Moneys](#) (LSB5381HV)
- [HF 2497](#) — [School Finance, Dropout Prevention](#) (LSB6327HV)
- [HF 2500](#) — [Medicaid, Breast Pumps](#) (LSB5980HV)
- [HF 2506](#) — [Indecent Exposure](#) (LSB5318HV)
- [HF 2518](#) — [County Board of Supervisors, Pay](#) (LSB5125HV)
- [HF 2538](#) — [Theft, Third Degree](#) (LSB5074HV)

HOUSE FILE 2404

H-8037

1 Amend House File 2404 as follows:

2 1. Page 1, line 17, after <department,> by inserting <on
3 private property>

4 2. Page 1, by striking lines 30 through 32 and inserting:

5 <3. A person shall not pass through public hunting land
6 during any hunting season established by the commission unless>

By R. SMITH of Black Hawk

H-8037 FILED FEBRUARY 26, 2020

HOUSE FILE 2424

H-8036

- 1 Amend House File 2424 as follows:
- 2 1. Page 1, by striking line 10 and inserting <to exceed one
3 hundred forty-five percent but is less than>
- 4 2. Page 1, by striking line 14 and inserting <to exceed two
5 hundred percent but is less than two hundred>
- 6 3. Page 1, line 17, by striking <at> and inserting
7 <exceeding>
- 8 4. Page 1, lines 25 and 26, by striking <of at least one
9 hundred eighty-five percent> and inserting <exceeding one
10 hundred forty-five percent>
- 11 5. Page 1, line 28, by striking <at least> and inserting
12 <exceeding>

By EHLERT of Linn

H-8036 FILED FEBRUARY 26, 2020

HOUSE FILE 2502

H-8038

- 1 Amend House File 2502 as follows:
- 2 1. Page 1, line 29, by striking <ordinance> and inserting
- 3 <ordinance, motion, resolution, policy, or amendment>
- 4 2. Page 2, line 30, after <resolution,> by inserting
- 5 <policy,>
- 6 3. Page 2, line 32, after <resolution,> by inserting
- 7 <policy,>

By HOLT of Crawford

H-8038 FILED FEBRUARY 26, 2020



[HF 2196](#) – Sports Wagering Debt Offset (LSB5605HV)
Staff Contact: Angel Banks-Adams (515.281.6301) angel.banks-adams@legis.iowa.gov
Fiscal Note Version – New

Description

[House File 2196](#) 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 at a gambling structure.

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 the Bill 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 \$3.2 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 the Iowa Department of 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' winning 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, the impact is expected to be positive as sports wagering winnings are included and the number of taxable gambling events, and the eligible amount won from those taxable events, is expanded.

Sources

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

/s/ Holly M. Lyons

February 25, 2020

Doc ID 1128821

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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[HF 2338](#) – Eluding Law Enforcement (LSB5317HV)
Staff Contact: Christin Mechler (515.250.0458) christin.mechler@legis.iowa.gov
Fiscal Note Version – New

Description

[House File 2338](#) relates to the criminal offense of eluding or attempting to elude a pursuing law enforcement vehicle. The Bill 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 [HF 2338](#), 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, [HF 2338](#) 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 Bill 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 [HF 2338](#) on new admissions to the correctional system cannot be determined. The Bill 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 [HF 2338](#) 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 [HF 2338](#) 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 [HF 2338](#), there would be an estimated cost increase to the DOC of \$329,000 in FY 2021.

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 [HF 2338](#). 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

Sources

Criminal & Juvenile Justice Planning Division, Department of Human Rights
Department of Corrections
Department of Public Safety
Legislative Services Agency

/s/ Holly M. Lyons

February 25, 2020

Doc ID 1130483

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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[HF 2446](#) – Bicycle Death, Enhanced Penalties (LSB5022HV)
 Staff Contact: Laura Book (515.205.9275) laura.book@legis.iowa.gov
 Fiscal Note Version – New

Description

[House File 2446](#) adds violations of Iowa Code section [321.281](#)(1) to the list of violations subject to additional penalties under Iowa Code section [321.482A](#). For a violation causing serious injury, the additional penalties include a fine of \$500 or suspension of the violator’s driver’s license or operating privileges for not more than 90 days, or both. For a violation causing death, additional penalties include a fine of \$1,000 or suspension of the violator’s driver’s license or operating privileges for not more than 180 days, or both.

Background

Under current law, Iowa Code section [321.281](#)(1) prohibits a person operating a motor vehicle from steering the vehicle unreasonably close to or toward a person riding a bicycle on a highway, including the roadway or the shoulder adjacent to the roadway. The scheduled fine for a violation of Iowa Code section [321.281](#)(1) is \$250.

Fine revenue is distributed to the State General Fund. A 35.0% criminal penalty surcharge is assessed on all fines. Of the Criminal Penalty Surcharge revenue, 95.0% is remitted to the State, and the remaining 5.0% is remitted to the county treasurer of the county or the city clerk of the city that was the plaintiff in the action. Of the amount remitted to the State, 83.0% is deposited in the State General Fund and 17.0% is deposited in the Victim Compensation Fund. In addition, a \$60 court cost fee is assessed and the revenue is distributed to the State General Fund.

Assumptions

In FY 2019, the collection rate for a scheduled violation or fine was 61.0%. It is assumed the collection rate will be similar in future fiscal years.

Fiscal Impact

[House File 2446](#) is estimated to have a minimal fiscal impact. In FY 2019, there were only six citations given for a violation of Iowa Code section [321.482A](#). It is unknown how many of these citations would be subject to the additional penalties under this Bill. The following table shows the amount assessed and collected under current law and the enhanced penalties.

Current Law and [HF 2446](#) Fine Assessments and Collections

<u>Assessment</u>	HF 2446		
	Current Law 321.281 (1)	Serious Injury Enhancement	HF 2446 Death Enhancement
Fine	\$ 250.00	\$ 500.00	\$ 1,000.00
911.1 Surcharge	87.50	175.00	350.00
Court Costs	60.00	60.00	60.00
Total Assessed	<u>\$ 397.50</u>	<u>\$ 735.00</u>	<u>\$ 1,410.00</u>
Estimated Collection	<u>\$ 242.48</u>	<u>\$ 448.35</u>	<u>\$ 860.10</u>

In addition to the fine, if the violator's driver's license is suspended, a \$200 civil penalty is assessed and must be paid before the license can be reinstated. Revenue from the civil penalty is deposited in the Juvenile Home Detention Fund. At the time of reinstatement, a \$20 reinstatement is also assessed and paid to the Department of Transportation.

Sources

Judicial Branch
LSA analysis

/s/ Holly M. Lyons

February 25, 2020

Doc ID 1131391

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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[HF 2462](#) – Unemployment Insurance Program, Benefits (LSB5400HV)
Staff Contact: Ron Robinson (515.281.6256) ron.robinson@legis.iowa.gov
Fiscal Note Version – New

Description

[House File 2462](#) relates to unemployment insurance under Iowa Code chapter [96](#). The Bill reduces the benefits that are available to a claimant when the individual's employer goes out of business. This change is effective upon enactment and applies to any week of unemployment benefits beginning on or after the first Sunday after enactment.

Background

For calendar year 2016 through calendar year 2018, the number of unemployment insurance benefits recipients related to an employer going out of business averaged approximately 2,500 annually. Approximately 1,200 recipients would have had their benefits impacted by this Bill, averaging an annual reduced benefit of approximately \$3,600 per impacted recipient.

Assumptions

- Business closings related to unemployment extended benefits do not fluctuate during the year.
- Approximately 1,200 unemployment insurance benefits recipients will be impacted annually by this Bill.
- The average annual impact per recipient will be a decrease in benefits of \$3,600.
- The Bill will be effective May 1, 2020.

Fiscal Impact

With the enactment of [HF 2462](#), the changes related to an employer going out of business will reduce payments from the Unemployment Insurance Trust Fund by approximately \$744,000 during FY 2020 and by \$4.3 million annually thereafter.

Source

Iowa Department of Workforce Development

/s/ Holly M. Lyons

February 25, 2020

Doc ID 1131155

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.



[HF 2495](#) – Hazard Mitigation Programs, Non-Disaster Matching Moneys (LSB5381HV)
Staff Contact: Christin Mechler (515.250.0458) christin.mechler@legis.iowa.gov
Fiscal Note Version – New

Description

[House File 2495](#) relates to financial assistance granted by the federal government for hazard mitigation. The Bill 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\(8\)](#).

[House File 2495](#) 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) Act under the Federal Emergency Management Association (FEMA) increased the amount of mitigation funding available to a state prior to a disaster occurring or a Presidential Disaster Declaration being granted. [House File 2495](#) amends current Iowa Code section [29C.6](#) to conform to federal changes under the BRIC Act.

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 would 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 event. Such future cost savings cannot be estimated at this time.

Sources

Legislative Services Agency
Department of Homeland Security and Emergency Management

/s/ Holly M. Lyons

February 25, 2020

Doc ID 113174431744

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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[HF 2497](#) – School Finance, Dropout Prevention (LSB6327HV)
 Staff Contact: Michael Guanci (515.725.1286) michael.guanci@legis.iowa.gov
 Fiscal Note Version – New

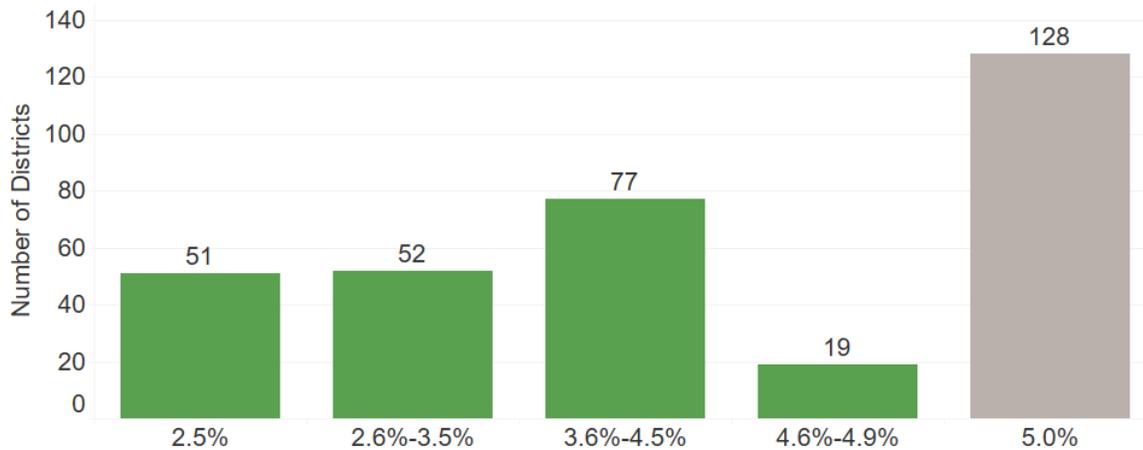
Description

[House File 2497](#) permits a school district to request a Modified Supplemental Amount (MSA) from the School Budget Review Committee (SBRC) up to a maximum ratio of 5.0% for dropout prevention programs under Iowa Code section [257.41](#).

Background

School districts may levy property taxes for returning dropout prevention programs, which the SBRC shall grant under Iowa Code section [257.40](#). Up to 75.0% of the program’s budget may be funded with an MSA, with the remaining 25.0% matched from a school district’s general fund. Effective in FY 2013, 2012 Iowa Acts, chapter [1102](#) (Returning Dropout Prevention Programs — Funding), froze the MSA ratio that a school district could request from a maximum of 5.0% to the maximum ratio the school district had between FY 2010 and FY 2013. However, a district with a ratio below 2.5% could request an MSA up to a ratio of 2.5%. There are 199 school districts out of 327 that are capped at a maximum ratio below 5.0%. The following chart shows the number of districts by maximum ratios.

Number of School Districts by Range of Ratios



The MSA amounts for the program are calculated by the district’s cost per pupil multiplied by its budget enrollment. The product is then multiplied by up to the district’s capped ratio. Any program carryforward funds from the previous year are subtracted from the district’s requested MSA amount before it is approved by the SBRC.

Assumptions

- Districts’ cost per pupil, which ranges from \$6,880 to \$7,045, is fixed at current law.
- Budget enrollment estimates are agreed upon by the Legislative Services Agency (LSA) and the Department of Management (DOM).

- The 199 school districts previously capped below 5.0% will begin to request MSAs for dropout prevention using the maximum ratio (5.0%) starting in FY 2022, if their carryforward does not exceed the maximum amount for which a district can levy.
- Future program carryforward by district is unknown. For estimation purposes, the fiscal impact assumes districts statewide will have the same FY 2019 carryforward amount of \$10.2 million.

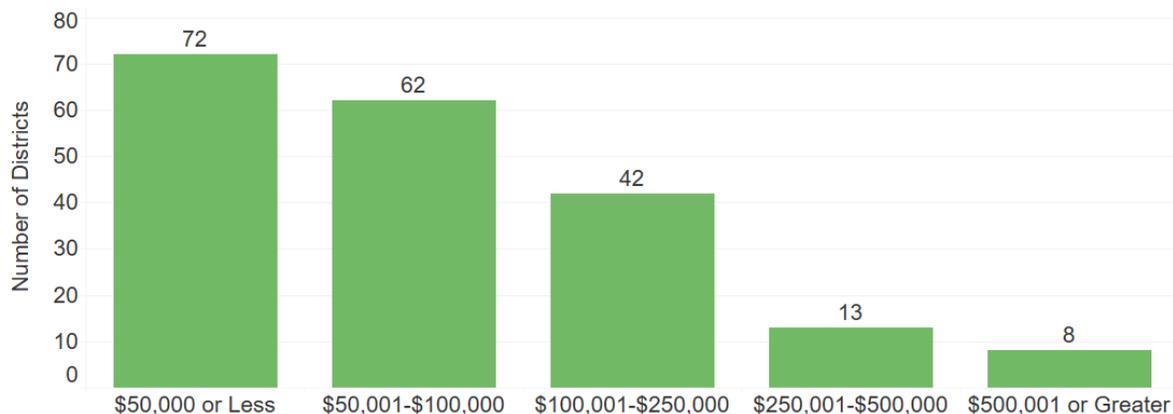
Fiscal Impact

[House File 2497](#) does not have a fiscal impact to the State. Under the provisions of this Bill, and at the maximum ratio permitted, statewide property taxes may increase by the following:

- FY 2022: \$24.7 million
- FY 2023: \$24.8 million
- FY 2024: \$24.9 million
- FY 2025: \$24.9 million

The median maximum increase by district in FY 2022 is \$63,929. The chart below shows the number of school districts by category of estimated highest additional levy amounts for the programs.

Number of School Districts by Estimated Maximum Additional Levy Amounts for Dropout Prevention



Sources

Department of Education
 Iowa Association of School Boards
 Department of Management
 LSA analysis and calculations

/s/ Holly M. Lyons

February 26, 2020

Doc ID 1131723

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.



[HF 2500](#) – Medicaid, Breast Pumps (LSB5980HV)
Staff Contact: Jess Benson (515.281.4611) jess.benson@legis.iowa.gov
Fiscal Note Version – New

Description

[House File 2500](#) requires the Department of Human Services (DHS) to adopt rules to provide reimbursement for breast pumps, including electric breast pumps and associated breast pump supplies, as prescribed by a Medicaid member's health care provider based on a determination of medical necessity under both Medicaid fee-for-service and managed care.

Background

Breast pumps are currently considered a nonmedical convenience item and are not covered under the Medicaid durable medical equipment benefit.

A February 2019 [study](#) by the United States Department of Agriculture (USDA) Economic Research Service concluded that breastfeeding provides substantial health benefits to both the mother and the child, and could result in significant Medicaid savings if the prevalence of breastfeeding were increased.

Assumptions

- Iowa Medicaid covers 16,327 live births per year.
- 81.5% of women in Iowa breastfeed their child.
- 85.0% of women breastfeeding will use a breast pump.
- The average cost of an electronic breast pump and supplies is \$152.38, based on a DHS survey of other state Medicaid programs.
- The Medicaid match rate is 61.61% federal and 38.39% State.

Fiscal Impact

[House File 2500](#) is estimated to increase DHS operating costs by \$662,000 in FY 2021 and subsequent fiscal years. In addition, if providing breast pumps results in an increase in women who breastfeed, it could result in Medicaid cost avoidance in both the short- and long-term, due to fewer pediatric and maternal diseases. Due to the uncertainty about whether there will be an increase in breastfeeding, no Medicaid savings have been included in this estimate.

Sources

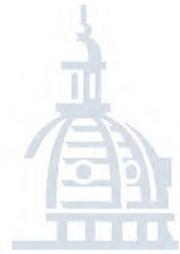
Department of Human Services
2018 Center for Disease Control Breastfeeding Report Card
American Academy of Pediatrics Journal
USDA Economic Research Service

/s/ Holly M. Lyons

February 26, 2020

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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[HF 2506](#) – Indecent Exposure (LSB5318HV)
Staff Contact: Christin Mechler (515.250.0458) christin.mechler@legis.iowa.gov
Fiscal Note Version – New

Description

[House File 2506](#) relates to the criminal offense of indecent exposure and makes penalties applicable. The Bill expands the existing definition of indecent exposure in Iowa Code section [709.9](#) to include masturbating in public in the presence or view of another adult, or in public in the presence or view of a child. A person who masturbates in public in the presence or view of another adult, not a child, commits a serious misdemeanor. A person who masturbates in public in the presence or view of a child commits an aggravated misdemeanor.

Under the Bill, masturbation is defined as the rubbing or other 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 of that individual are exposed or covered.

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 \$650, but no more than \$6,500.

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 Bill 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 [HF 2506](#) cannot be determined. The Bill establishes a new criminal offense by amending the definition of indecent exposure, and the number of convictions cannot be estimated. It is likely that [HF 2506](#) will increase the number of persons entering into community-based corrections as a result of this new offense, but the extent of that increase cannot be estimated.

In FY 2019, the average length of stay for an offender serving a violation of indecent exposure totaled approximately 435 days under community-based corrections supervision. **Table 1** displays the 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 and an aggravated 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

Offense Type	Percent to Prison	FY 19 Avg LOS Prison (months)	FY 19 Marginal Cost/Day Prison	Percent to Probation	FY 19 Avg LOS Probation (months)	FY 19 Marginal Cost/Day Probation	Percent to CBC	FY 19 Marginal Cost/Day CBC	FY 19 Avg LOS Parole (months)	FY 19 Marginal Cost/Day Parole	Percent to County Jail	Marginal Cost/Day County Jail
Serious Misdemeanor	2.0%	5	\$ 20.38	56.0%	13.4	\$ 6.12	1.0%	\$ 12.58	2.4	\$ 6.12	69.0%	\$ 50
Aggravated Misdemeanor (Sex)	32.0%	9.3	\$ 20.38	56.0%	22.2	\$ 6.12	4.0%	\$ 12.58	1.9	\$ 6.12	33.0%	\$ 50

Minority Impact

The minority impact of [HF 2506](#) 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 2 below provides a breakdown of the demographics of the FY 2019 convictions for indecent exposure with respect to percentage of the State’s population.

Table 2 — 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 [HF 2506](#) cannot be determined. The Bill expands the definition of indecent exposure and creates a new criminal offense. The resulting number of convictions and cost to the justice system cannot be estimated. **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 would be incurred across multiple fiscal years for prison and parole supervision.

Table 3 — Average State Cost per Defense Class Type

Offense	Total Minimum Cost	Total Maximum Cost
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 indecent exposure 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.

Sources

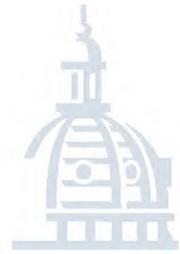
Criminal and Juvenile Justice Planning Division, Department of Human Rights
Department of Corrections
U.S. Census Bureau

/s/ Holly M. Lyons

February 26, 2020

Doc ID 1131836

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.



[HF 2518](#) – County Board of Supervisors, Pay (LSB5125HV)
 Staff Contact: Robin Madison (515.281.5270) robin.madison@legis.iowa.gov
 Fiscal Note Version – New

Description

[House File 2518](#) requires a special election for voter approval of a county compensation schedule, adopted by the board of supervisors, that compensates a supervisor in excess of the county’s median household income based on the most recent U.S. Census data.

Background

Only four Iowa counties currently have supervisor salaries that exceed the median household income. Those counties are Johnson, Linn, Polk, and Story.

County Supervisor Salaries Compared to the Median Household Income			
County	Current Supervisor Salary	2018 Median Household Income	Salary vs. Median
Johnson	\$ 81,864	\$ 61,395	\$ 20,469
Linn	114,843	63,754	51,089
Polk	122,739	66,112	56,627
Story	82,665	61,381	21,284

In the remaining counties, supervisor salaries are far enough below the median household income that it is unlikely those counties will be affected by the Bill in the next two years.

If enacted, the Bill will take effect July 1, 2020, and first impact the adoption of annual county compensation schedules in FY 2021.

Assumptions

The four counties likely to be affected by [HF 2518](#) provided the following information regarding the estimated cost of a special election:

- Johnson — \$80,000
- Linn — \$200,000
- Polk — \$225,000 - \$250,000
- Story — \$85,000

The estimated fiscal impact assumes each of the four counties will maintain or increase supervisor salaries compared to the current level. However, the boards of supervisors in the four counties could choose to reduce supervisors’ salaries below the median household income to avoid special elections.

Fiscal Impact

If enacted, [HF 2518](#) is estimated to cost Iowa counties a total of \$590,000 annually to conduct the required special elections in Johnson, Linn, Polk, and Story counties.

Source

Iowa State Association of Counties

/s/ Holly M. Lyons

February 25, 2020

Doc ID 1131860

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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[HF 2538](#) – Theft, Third Degree (LSB5074SV)
Staff Contact: Laura Book (515.205.9275) laura.book@legis.iowa.gov
Fiscal Note Version – New

Description

[House File 2538](#) 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 Bill 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

[House File 2538](#) 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), 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 other minority categories, 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 [HF 2538](#) 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 DOC for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Sources

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

/s/ Holly M. Lyons

February 26, 2020

Doc ID 1131872

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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