

**EIGHTY-NINTH GENERAL ASSEMBLY
2021 REGULAR SESSION
DAILY
SENATE CLIP SHEET**

February 16, 2021

Clip Sheet Summary

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

Bill	Amendment	Action	Sponsor
SF 269	S-3022	Filed	RECEIVED FROM THE HOUSE
SF 324	S-3023	Filed	CRAIG JOHNSON

Fiscal Notes

[SJR 9](#) — [Suffrage, Constitutional Amendment](#) (LSB1213SV)

[SF 55](#) — [Carbon Monoxide Alarms Standards](#) (LSB1903XS)

[SF 196](#) — [Income Tax, Business Deductions for Paycheck Protection Program](#)
(LSB1873XS)

[SF 214](#) — [Income Tax Exemption, Pandemic Payments](#) (LSB1862XS)

[SF 288](#) — [Teach Iowa Scholar](#) (LSB1303SV)

[SF 329](#) — [Synthetic Urine Prohibition](#) (LSB1216SV)

[SF 330](#) — [Distracted Driving](#) (LSB1179SV)

HOUSE AMENDMENT TO
SENATE FILE 269

S-3022

1 Amend Senate File 269, as passed by the Senate, as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 257.8, subsections 1 and 2, Code 2021,
5 are amended to read as follows:

6 1. *State percent of growth.* ~~The state percent of growth~~
7 ~~for the budget year beginning July 1, 2018, is one percent.~~
8 The state percent of growth for the budget year beginning
9 July 1, 2019, is two and six hundredths percent. The state
10 percent of growth for the budget year beginning July 1,
11 2020, is two and three-tenths percent. The state percent of
12 growth for the budget year beginning July 1, 2021, is two and
13 four-tenths percent. The state percent of growth for each
14 subsequent budget year shall be established by statute which
15 shall be enacted within thirty days of the transmission of the
16 governor's budget required by February 1 under section 8.21
17 during the regular legislative session beginning in the base
18 year.

19 2. *Categorical state percent of growth.* ~~The categorical~~
20 ~~state percent of growth for the budget year beginning July~~
21 ~~1, 2018, is one percent.~~ The categorical state percent of
22 growth for the budget year beginning July 1, 2019, is two
23 and six hundredths percent. The categorical state percent
24 of growth for the budget year beginning July 1, 2020, is two
25 and three-tenths percent. The categorical state percent of
26 growth for the budget year beginning July 1, 2021, is two and
27 four-tenths percent. The categorical state percent of growth
28 for each budget year shall be established by statute which
29 shall be enacted within thirty days of the transmission of the
30 governor's budget required by February 1 under section 8.21
31 during the regular legislative session beginning in the base
32 year. The categorical state percent of growth may include
33 state percents of growth for the teacher salary supplement, the
34 professional development supplement, the early intervention
35 supplement, the teacher leadership supplement, and for budget

1 years beginning on or after July 1, 2020, transportation equity
2 aid payments under section 257.16C.

3 Sec. 2. Section 257.9, subsection 2, Code 2021, is amended
4 to read as follows:

5 2. *Regular program state cost per pupil for 1992-1993 and*
6 *succeeding years.*

7 a. For the budget year beginning July 1, 1992, and
8 succeeding budget years beginning before July 1, 2018, the
9 regular program state cost per pupil for a budget year is the
10 regular program state cost per pupil for the base year plus the
11 regular program supplemental state aid for the budget year.

12 b. For the budget year beginning July 1, 2018, the regular
13 program state cost per pupil is the regular program state
14 cost per pupil for the base year plus the regular program
15 supplemental state aid for the budget year, plus five dollars.

16 c. For the budget year beginning July 1, 2019, the regular
17 program state cost per pupil is the regular program state
18 cost per pupil for the base year plus the regular program
19 supplemental state aid for the budget year, plus five dollars.

20 d. For the budget year beginning July 1, 2020, the regular
21 program state cost per pupil is the regular program state
22 cost per pupil for the base year plus the regular program
23 supplemental state aid for the budget year, plus ten dollars.

24 e. For the budget year beginning July 1, 2021, the regular
25 program state cost per pupil is the regular program state
26 cost per pupil for the base year plus the regular program
27 supplemental state aid for the budget year, plus ten dollars.

28 ~~e.~~ f. For the budget year beginning July 1, ~~2021~~ 2022, and
29 succeeding budget years, the regular program state cost per
30 pupil for a budget year is the regular program state cost per
31 pupil for the base year plus the regular program supplemental
32 state aid for the budget year.

33 Sec. 3. Section 257.16B, subsections 1 and 2, Code 2021, are
34 amended to read as follows:

35 1. For each fiscal year beginning on or after July 1, ~~2018~~

1 2019, there is appropriated from the general fund of the state
2 to the department of education an amount necessary to make all
3 school district property tax replacement payments under this
4 section, as calculated in subsection 2.

5 ~~2. a. For the budget year beginning July 1, 2018, the~~
6 ~~department of management shall calculate for each school~~
7 ~~district all of the following:~~

8 ~~(1) The regular program state cost per pupil for the budget~~
9 ~~year beginning July 1, 2012, multiplied by one hundred percent~~
10 ~~less the regular program foundation base per pupil percentage~~
11 ~~pursuant to section 257.1.~~

12 ~~(2) The regular program state cost per pupil for the budget~~
13 ~~year beginning July 1, 2018, multiplied by one hundred percent~~
14 ~~less the regular program foundation base per pupil percentage~~
15 ~~pursuant to section 257.1.~~

16 ~~(3) The amount of each school district's property tax~~
17 ~~replacement payment. Each school district's property tax~~
18 ~~replacement payment equals the school district's weighted~~
19 ~~enrollment for the budget year beginning July 1, 2018,~~
20 ~~multiplied by the remainder of the amount calculated for~~
21 ~~the school district under subparagraph (2) minus the amount~~
22 ~~calculated for the school district under subparagraph (1).~~

23 ~~b. a.~~ For the budget year beginning July 1, 2019, the
24 department of management shall calculate for each school
25 district all of the following:

26 (1) The regular program state cost per pupil for the budget
27 year beginning July 1, 2012, multiplied by one hundred percent
28 less the regular program foundation base per pupil percentage
29 pursuant to section 257.1.

30 (2) The regular program state cost per pupil for the budget
31 year beginning July 1, 2019, multiplied by one hundred percent
32 less the regular program foundation base per pupil percentage
33 pursuant to section 257.1.

34 (3) The amount of each school district's property tax
35 replacement payment. Each school district's property tax

1 replacement payment equals the school district's weighted
2 enrollment for the budget year beginning July 1, 2019,
3 multiplied by the remainder of the amount calculated for
4 the school district under subparagraph (2) minus the amount
5 calculated for the school district under subparagraph (1).

6 ~~e.~~ b. For each the budget year beginning ~~on or~~ after July
7 1, 2020, the department of management shall calculate for each
8 school district all of the following:

9 (1) The regular program state cost per pupil for the budget
10 year beginning July 1, 2012, multiplied by one hundred percent
11 less the regular program foundation base per pupil percentage
12 pursuant to section 257.1.

13 (2) The regular program state cost per pupil for the budget
14 year beginning July 1, 2020, multiplied by one hundred percent
15 less the regular program foundation base per pupil percentage
16 pursuant to section 257.1.

17 (3) The amount of each school district's property tax
18 replacement payment. Each school district's property tax
19 replacement payment equals the school district's weighted
20 enrollment for the budget year beginning July 1, 2020,
21 multiplied by the remainder of the amount calculated for
22 the school district under subparagraph (2) minus the amount
23 calculated for the school district under subparagraph (1).

24 c. For each budget year beginning on or after July 1, 2021,
25 the department of management shall calculate for each school
26 district all of the following:

27 (1) The regular program state cost per pupil for the budget
28 year beginning July 1, 2012, multiplied by one hundred percent
29 less the regular program foundation base per pupil percentage
30 pursuant to section 257.1.

31 (2) The regular program state cost per pupil for the budget
32 year beginning July 1, 2021, multiplied by one hundred percent
33 less the regular program foundation base per pupil percentage
34 pursuant to section 257.1.

35 (3) The amount of each school district's property tax

1 replacement payment. Each school district's property tax
2 replacement payment equals the school district's weighted
3 enrollment for the budget year multiplied by the remainder
4 of the amount calculated for the school district under
5 subparagraph (2) minus the amount calculated for the school
6 district under subparagraph (1).

7 Sec. 4. Section 257.16C, subsection 3, paragraph d,
8 subparagraph (3), Code 2021, is amended to read as follows:

9 (3) For each the fiscal year beginning ~~on or after~~ July
10 1, 2021, there is appropriated from the general fund of the
11 state to the department of management for deposit in the
12 transportation equity fund ~~the sum of the following, or so~~
13 ~~much thereof as is necessary~~ an amount necessary to make all
14 transportation equity aid payments under subsection 2, to be
15 used for the purposes of this section.

16 ~~(a) The amount appropriated to the transportation equity~~
17 ~~fund under this paragraph for the immediately preceding fiscal~~
18 ~~year.~~

19 ~~(b) The product of the amount determined under subparagraph~~
20 ~~division (a) multiplied by the categorical percent of growth~~
21 ~~under section 257.8, subsection 2, for the budget year~~
22 ~~beginning on the same date of the fiscal year for which the~~
23 ~~appropriation is made.~~

24 Sec. 5. Section 257.16C, subsection 3, paragraph d, Code
25 2021, is amended by adding the following new subparagraph:

26 NEW SUBPARAGRAPH. (4) For each fiscal year beginning on
27 or after July 1, 2022, there is appropriated from the general
28 fund of the state to the department of management for deposit
29 in the transportation equity fund the sum of the following, or
30 so much thereof as is necessary, to be used for the purposes of
31 this section:

32 (a) The amount appropriated to the transportation equity
33 fund under this paragraph for the immediately preceding fiscal
34 year.

35 (b) The product of the amount determined under subparagraph

S-3022 (Continued)

1 division (a) multiplied by the categorical percent of growth
2 under section 257.8, subsection 2, for the budget year
3 beginning on the same date of the fiscal year for which the
4 appropriation is made.

5 Sec. 6. CODE SECTION 257.8 — IMPLEMENTATION. The
6 requirements of section 257.8, subsections 1 and 2, regarding
7 the enactment of bills establishing the state percent of growth
8 and the categorical state percent of growth within thirty
9 days of the transmission of the governor's budget required by
10 February 1 under section 8.21 during the regular legislative
11 session beginning in the base year, do not apply to this Act.

12 Sec. 7. EFFECTIVE DATE. This Act, being deemed of immediate
13 importance, takes effect upon enactment.>

14 2. Title page, by striking lines 1 through 9 and inserting
15 <An Act relating to public school funding by establishing the
16 state percent of growth and the categorical state percent of
17 growth for the budget year beginning July 1, 2021, modifying
18 provisions relating to the regular program state cost per
19 pupil, modifying provisions relating to the property tax
20 replacement payment and the transportation equity payments, and
21 including effective date provisions.>

S-3022 FILED FEBRUARY 15, 2021

SENATE FILE 324

S-3023

1 Amend Senate File 324 as follows:

2 1. Page 1, line 34, after <Masturbation> by inserting <,
3 which means the same as "*masturbate*" as defined in section
4 709.9, subsection 2, paragraph "c">

By CRAIG JOHNSON

S-3023 FILED FEBRUARY 15, 2021



[SJR 9](#) – Suffrage, Constitutional Amendment (LSB1213HV)
Staff Contact: Maria Wagenhofer (515.281.5270) maria.wagenhofer@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate Joint Resolution 9](#) proposes an amendment to the Iowa Constitution reducing the voting age from 21 years of age to 18 years of age, except that a person who will be 18 years of age by the next general election is permitted to vote in a primary election.

Background

The 26th Amendment to the United States Constitution was ratified on July 1, 1971. The Amendment lowered the voting age from 21 to 18 years of age for every election in the United States.

Iowa Code section [49A.1](#) and the Iowa Constitution require that when a proposed amendment to the Constitution has passed the General Assembly and has been referred to the next succeeding General Assembly, the General Assembly is required to publish the proposed amendment in two newspapers of general circulation in each Iowa congressional district once each month, for three consecutive months, prior to the start of the next General Assembly.

Upon passage of the same amendment by the succeeding General Assembly, Iowa Code section [49A.2](#) requires the amendment to be published in newspapers in all 99 counties once each month for three consecutive months immediately preceding the general election.

Assumptions

- The average cost to publish a proposed constitutional amendment in a single newspaper is \$600.
- Publication of the initial amendment would occur monthly in eight newspapers (two in each congressional district) for a three-month period if the proposed amendment were passed by the 89th General Assembly.
- Subsequent publication of the amendment would occur monthly in 99 newspapers (one in each county) for a three-month period prior to the 2024 General Election if the amendment were passed by the 90th General Assembly.

Fiscal Impact

Constitutional Amendment Publication Cost. The estimated cost to publish a proposed constitutional amendment passed by the 89th General Assembly would be \$14,400 (8 newspapers x 3 months x \$600). The costs would be incurred in the fall of 2022 (FY 2023), prior to the convening of the 2023 Legislative Session.

Assuming the proposed amendment is passed a second time by the 90th General Assembly, the estimated cost would be \$178,200 (99 newspapers x 3 months x \$600). The costs would be incurred in the fall of 2024 (FY 2025).

These publication costs would be incurred by the Secretary of the Senate's Office and the Chief Clerk's Office in the House of Representatives and reimbursed by the Iowa Secretary of State's Office.

Sources

Legislative Services Agency
Office of the Secretary of State

/s/ Holly M. Lyons

February 15, 2021

Doc ID 12124721212472

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.

www.legis.iowa.gov



[SF 55](#) – Carbon Monoxide Alarms Standards (LSB1903XS)
Staff Contact: Christin Mechler (515.250.0458) christin.mechler@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 55](#) requires the State Fire Marshal of the Department of Public Safety to adopt rules related to carbon monoxide protection standards in the construction of new buildings, additions to buildings, or rehabilitation of existing buildings and other certain public facilities that are consistent with the [International Building Code](#) and the [International Fire Code](#). The Bill also permits the State Fire Marshal to include carbon monoxide awareness as part of fire safety campaigns.

Background

The State Fire Marshal currently adopts rules regarding carbon monoxide protection on a regular basis.

Current law provides that an individual who violates a rule adopted by the State Fire Marshal is guilty of a simple misdemeanor. Additionally, a person who fails to remedy a violation that constitutes a clear and present danger to life 30 days after receiving written notice of a violation is guilty of a serious misdemeanor.

A simple misdemeanor is punishable by confinement for no more than 30 days or a fine of at least \$105 but no more than \$855, or both. A serious misdemeanor is punishable by confinement of no more than one year and a fine of at least \$430 but not more than \$2,560.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay (LOS); 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

Senate File 55 establishes a new criminal offense, and the correctional impact cannot be estimated due to a lack of existing conviction data.

Table 1 provides estimates for sentencing to State prison, parole, probation, or Community Based Corrections (CBC) residential facilities; LOS under those supervisions; and supervision marginal costs per day for all convictions of serious misdemeanors. The LOS data is not applicable to simple misdemeanors. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 22, 2021, for information related to the correctional system.

Table 1 — LOS and Sentencing Estimates

Conviction Offense Class	Percent to Prison	Avg Length of Stay in Prison (months)	FY 20 Marginal Cost Per Day	Percent Ordered to Probation	Avg LOS on Probation	Avg Cost Per Day on Probation	Percent Sentenced to CBC Residential Facility	FY 20 Marginal Cost CBC Per Day	Percent Ordered to County Jail	Avg Length of Stay in County Jail	Marginal Cost Per Day	Avg LOS on Parole	FY 20 Average Cost Per Day Parole
Serious Misdemeanor	2.0%	5.0	\$20.33	56.0%	13.4	\$5.38	1.0%	\$14.78	69.0%	N/A	\$50.00	2.4	\$5.38

Minority Impact

Senate File 55 establishes a new criminal offense, and it is unknown how many violations will occur as a result of not complying with the State Fire Marshal’s rules. As a result, the Criminal and Juvenile Justice Planning Division (CJJP) of the Department of Human Rights cannot use prior existing data to estimate the minority impact of SF 55. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 27, 2021, for information related to minorities in the criminal justice system.

Fiscal Impact

The State Fire Marshal does not expect any fiscal impact resulting out of promulgating rules related to carbon monoxide protection. Any fiscal impact to local entities, including school districts, cities, and counties, cannot be determined until the rulemaking process has been completed and the proposed rules have been fully implemented.

Senate File 55 establishes a new criminal offense, and the fiscal impact cannot be estimated due to the lack of existing conviction data. **Table 2** contains cost estimates for the average State cost per offense class type for one conviction. The cost 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.

Table 2 — Average State Cost Per Offense Class Type

Offense Class	Total Cost	
	Minimum	Maximum
Simple Misdemeanor	\$ 40	\$ 350
Serious Misdemeanor	\$ 410	\$ 7,500

Sources

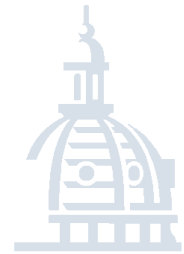
State Fire Marshal, Department of Public Safety
 Department of Corrections
 Criminal and Juvenile Justice Planning Division, Department of Human Rights
 Legislative Services Agency

/s/ Holly M. Lyons

February 15, 2021

Doc ID 1212469

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.



SF 196 – Income Tax, Business Deductions for Paycheck Protection Program (LSB1873XS)
 Staff Contact: Jeff Robinson (515.281.4614) jeff.robinson@legis.iowa.gov
 Fiscal Note Version – New

Description

Senate File 196 expands an existing tax preference available for the income and deductions associated with a forgiven federal Paycheck Protection Program (PPP) loan to include taxpayers who received a PPP loan within the taxpayer’s 2019 tax year (TY).

Background

Existing Iowa law provides an income tax exemption and associated expense deduction for forgiven federal PPP loans for tax years beginning on or after January 1, 2020 (TY 2020). This change extends the same benefit to taxpayers whose tax year is not the calendar year and who received PPP income in TY 2019.

Assumptions

The Department of Revenue estimates that Iowa businesses that do not have a tax year that coincides with a calendar year have a total of \$107.8 million in net PPP income that will be subject to Iowa income tax under existing law. The net PPP income amounts, average marginal tax rates, and income tax reductions assumptions are shown in the following table.

Paycheck Protection Program Tax Exemption Projected General Fund Revenue Reduction			
Dollars in Millions			
<u>Taxpayer Type</u>	<u>PPP Net Income</u>	<u>Marginal Tax Rate</u>	<u>Tax Reduction</u>
Nonprofits	\$ 19.7	0.0%	\$ 0.0
C Corporations	\$ 43.2	6.40%	\$ 2.8
S Corps & Partnerships	\$ 38.2	5.58%	\$ 2.1
Individuals	\$ 6.7	5.35%	\$ 0.4
	<u>\$ 107.8</u>		<u>\$ 5.3</u>

It is anticipated that taxpayers will file returns or amended returns for TY 2019 prior to the end of FY 2021.

Fiscal Impact

Expanding the income tax exemption to include businesses with a tax year that is not a calendar year is projected to reduce net General Fund revenue by \$5.3 million in FY 2021.

Source

Department of Revenue

/s/ Holly M. Lyons

February 15, 2021

Doc ID 1212475

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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[SF 214](#) – Income Tax Exemption, Pandemic Payments (LSB1862XS)
Staff Contact: Jeff Robinson (515.281.4614) jeff.robinson@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 214](#) excludes unemployment insurance (UI) payments received through several recent federal programs from Iowa taxable income when computing income tax liability. The changes are retroactive to January 1, 2020, and apply to tax years (TY) 2020 and 2021. The federal programs included in the exemption are:

- Pandemic Unemployment Assistance (PUA).
- Pandemic Emergency Unemployment Compensation (PEUC).
- Unemployment compensation approved by Presidential declaration and known as Lost Wages Assistance (LWA).
- The extension of PUA and PEUC approved by Congress in December 2020.

Background

The distribution of UI payments is a function of the Iowa Department of Workforce Development. Payments to qualified individuals are made weekly. The large increase in weekly UI payments began in mid-March 2020, when Congress enacted the federally funded emergency programs. With the recent extensions approved by Congress in December 2020, the emergency programs are available to qualified individuals through mid-March 2021.

Unemployment insurance recipients may choose to have federal and State income tax withheld from the payments they receive. If a recipient chooses Iowa withholding, the amount withheld is equal to 5.0% of the payment. If the recipient chooses to not have income tax withheld, any tax due on the UI income is resolved when the tax return for the year is filed.

Assumptions

- The taxpayer benefit from this exemption will be realized through lower individual income tax liability when filing TY 2020 and TY 2021 income tax returns. For some taxpayers, an amended TY 2020 filing will be necessary.
- The average marginal income tax rate for persons receiving UI payments is projected by the Department of Revenue to equal 5.25%.
- The reduction in State income tax liability will result in a reduction in the amount owed for any local option income surtax for schools. The statewide average surtax rate is 3.0% of State income tax liability.
- The total amount of UI payments subject to the proposed income tax exemption is calculated to be \$966.4 million.

**Unemployment Insurance Income
Impacted by the Proposed Tax Exemption**

In Millions

	PUA	PEUC	LWA	Total
TY 2020	\$ 173.9	\$ 185.9	\$ 156.9	\$ 516.7
TY 2021	\$ 216.3	\$ 231.7	\$ 1.7	\$ 449.7
Total	<u>\$ 390.2</u>	<u>\$ 417.6</u>	<u>\$ 158.6</u>	<u>\$ 966.4</u>

Fiscal Impact

Exempting federal emergency UI payments from the State income tax is projected to reduce General Fund revenue by the following amounts:

- FY 2021 = \$27.1 million
- FY 2022 = \$23.6 million

There is no projected impact beyond FY 2022. The statewide yield from the local option income surtax for schools will be reduced by a projected \$1.5 million across the two fiscal years.

Tax returns for TY 2020 filing season begins in mid-February 2021. Exempting the UI income from income tax for TY 2020 will require changes to tax forms, instructions, and programs. It is likely that this change will result in a significant number of TY 2020 amended returns and that will increase the administration costs of the Department of Revenue.

Additional Potential Fiscal Impact

Existing Iowa law provides for a significant change to Iowa's individual income tax system once two General Fund revenue triggers are met. The first year that the triggers may be met is at the conclusion of FY 2022. Once implemented, this contingent income tax system is projected to reduce Iowa individual income tax by roughly \$300.0 million per tax year. Since this Bill is projected to reduce General Fund revenue in FY 2022, the Bill's changes will reduce the probability of achieving both revenue triggers; as a consequence, the Bill could result in delayed implementation of the income tax reduction by one tax year.

Sources

Department of Workforce Development
Department of Revenue

/s/ Holly M. Lyons

February 15, 2021

Doc ID 1212377

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.



SF 288 – Teach Iowa Scholar (LSB1303SV)
Staff Contact: Ron Robinson (515.281.6256) ron.robinson@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 288](#) provides for the transfer of all funds that are available and that become available in the Teacher Shortage Forgivable Loan Repayment Fund, established in Iowa Code section [261.111](#), and the Teacher Shortage Loan Forgiveness Repayment Fund, established in Iowa Code section [261.112](#), to the Teach Iowa Scholar Fund, established in Iowa Code section [261.110](#). The Bill appropriates the transferred funds to the College Student Aid Commission to be used for the purposes of the Teach Iowa Scholar Program.

Background

The Teacher Shortage Loan Forgiveness and Forgivable Loan Programs are no longer supported by State funding.

Fiscal Impact

The Iowa College Student Aid Commission estimates that as of January 11, 2021, approximately \$146,000 is available to transfer to the Teach Iowa Scholar Fund and approximately \$2,500 additional repayments are received each month. Under the Bill, approximately \$191,000 will be transferred to the Teach Iowa Scholar Fund in FY 2022.

Source

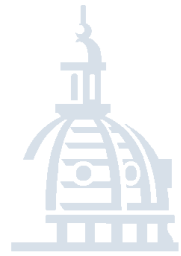
Iowa College Student Aid Commission

/s/ Holly M. Lyons

February 15, 2021

Doc ID 1212462

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.



[SF 329](#) – Synthetic Urine Prohibition (LSB1216SV)
Staff Contact: Laura Book (515.205.9275) laura.book@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 329](#) creates the criminal offense of defrauding a drug or alcohol test given in a private-sector workplace or by a public employer. The Bill prohibits a person from:

- Manufacturing, marketing, selling, distributing, using, or possessing synthetic urine or a urine additive for the purpose of defrauding a drug or alcohol test.
- Knowingly using a person's own urine expelled or withdrawn prior to the collection of urine for the purpose of defrauding a drug or alcohol test.
- Knowingly using the urine of another person for the purpose of defrauding a drug or alcohol test.

A person who violates the provisions of the Bill commits a simple misdemeanor for a first offense and a serious misdemeanor for all subsequent offenses. The Bill allows a person who collects a urine sample from another person for a drug or alcohol test, having knowledge or a reasonable suspicion that the other person has used synthetic urine or a urine additive in violation of the Bill, to report such information to law enforcement authorities. The Bill applies to both public and private-sector workplaces.

Background

A simple misdemeanor is punishable by confinement for no more than 30 days or a fine of at least \$105 but not more than \$855 or both. A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least \$130 but not more than \$2,560.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay (LOS); 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

Senate File 329 establishes a new criminal offense, and the correctional impact cannot be estimated due to a lack of existing conviction data. In addition, it is unknown how many drug tests are currently defrauded through synthetic urine.

Table 1 provides estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; LOS under those supervisions; and supervision marginal costs per day for all convictions of serious misdemeanors. The LOS data is not applicable to simple or serious misdemeanors. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 22, 2021, for information related to the correctional system.

Table 1 — LOS and Sentencing Estimates

Conviction Offense Class	Percent to Prison	Avg Length of Stay Prison (months)	FY 20 Marginal Cost/Day Prison	Percent Ordered to Probation	Avg LOS on Probation	Avg Cost Per Day on Probation	Percent Sentenced to CBC Residential Facility	FY 20 Marginal Cost CBC Per Day	Percent Ordered to County Jail	Avg Length of Stay in County Jail	Marginal Cost Per Day	Avg LOS on Parole	FY 20 Average Cost Per Day Parole
Serious Misdemeanor	2.0%	5.0	\$20.33	56.0%	13.4	\$5.38	1.0%	\$14.78	69.0%	N/A	\$50.00	2.4	\$5.38

Minority Impact

Senate File 329 establishes a new criminal offense, and it is unknown how often drug tests are defrauded through synthetic urine currently. As a result, the Criminal and Juvenile Justice Planning Division (CJJJ) of the Department of Human Rights cannot use prior existing data to estimate the minority impact of SF 329. In addition, there is no data available to account for any differences between races seeking the types of employment that would require such a test. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 27, 2021, for information related to minorities in the criminal justice system.

Fiscal Impact

Senate File 329 establishes a new criminal offense, and the fiscal impact cannot be estimated due to the lack of existing conviction data. **Table 2** contains cost estimates for the average State cost per offense class type for one conviction. The cost 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.

Table 2 — Average State Cost Per Offense Class Type

Offense Class	Total Cost	
	Minimum	Maximum
Simple Misdemeanor	\$ 40	\$ 350
Serious Misdemeanor	410	7,500

Sources

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

/s/ Holly M. Lyons

February 12, 2021

Doc ID 12126482648

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.



[SF 330](#) – Distracted Driving (LSB1179SV)
 Staff Contact: Austin Brinks (515.725.2200) austin.brinks@legis.iowa.gov
 Fiscal Note Version – New

Description

[Senate File 330](#) prohibits any use of an electronic device while driving. The Bill defines an electronic device as being capable of sending or receiving messages and storing or displaying videos. Under the Bill, use of an electronic device would be a moving violation. A moving violation can be considered for purposes of administrative suspension of a driver’s license or to establish habitual offender status.

The Bill allows use of an electronic device under the following circumstances:

- Use in voice-activated or hands-free mode.
- Use by members of a public safety agency performing official duties.
- Use by health care professionals in the course of emergency situations.
- Use for the purpose of receiving safety-related information.
- Use for the purpose of reporting an emergency situation, including maintaining communication with emergency personnel during the emergency situation, or public transit personnel responding to a transit-specific situation.
- Use by certain radio operators.
- Use by members of a public transit system performing official duties in a vehicle that is not in motion.
- A utility maintenance employee or contractor using an electronic device while in a utility maintenance vehicle for the purpose of providing utility services.
- A transportation network company driver engaged in a prearranged ride, provided the vehicle is not in motion.
- A person using an electronic device for the purpose of accessing or using a fleet management system.

A peace officer is required to issue a warning memorandum in lieu of a citation for violations that occur during the period of time between July 1, 2021, the effective date of the Bill, and January 1, 2022.

Background

Current law prohibits the use of hand-held electronic communication devices to write, send, or view electronic messages while driving a motor vehicle. The fine for this violation is \$45. The violation is not considered a moving violation.

Table 1 — Cost of Single Citation	
Penalty	\$ 45.00
Surcharge (15.0%)	6.75
Court Cost	55.00
Total	\$ 106.75

Persons under the age of 18 are currently prohibited from using an electronic communication device while driving a motor vehicle (Iowa Code section [321.178](#)). For FY 2019, convictions under Iowa Code section [321.276](#) for using an electronic communication device while driving a motor vehicle totaled 1,770. FY 2019 is used for calculations due to the COVID-19 pandemic limiting traffic in FY 2020.

Under Iowa Code section [602.8106\(4\)\(b\)](#), scheduled fine revenue for a State law violation is distributed as follows: 91.0% to the State and 9.0% to the general fund of the county in which the violation occurred. For the State share of citations, 1.3% is distributed to the Emergency Medical Services (EMS) Fund and 98.7% is distributed to the State General Fund.

In addition to the scheduled fine, a Crime Services Surcharge, equal to 15.0% of the fine, and a \$55 fee for court costs are also imposed. The Crime Services Surcharge is remitted to the State Court Administrator and is distributed as follows: 46.0% to the Juvenile Detention Home Fund; 32.0% to the Victim Compensation Fund; 20.0% to the Criminalistics Laboratory Fund; and 2.0% to the Drug Abuse Resistance Education (DARE) Fund. The fee assessed for court costs is deposited into the State General Fund.

Correctional Impact

House File 392 is estimated to have minimal correctional impact. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 22, 2021, for information related to the correctional system.

Minority Impact

Convictions issued under Iowa Code section [321.276](#) are displayed in **Table 2**. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 27, 2021, for information related to minorities in the criminal justice system.

Table 2 — Iowa Code Section 321.276 Convictions by Ethnicity								
	<u>Caucasian</u>	<u>African American</u>	<u>Hispanic</u>	<u>Asian</u>	<u>American Indian</u>	<u>Other</u>	<u>Unknown</u>	<u>Total</u>
FY 2018	1286	68	11	33	9	33	294	1734
FY 2019	1315	70	23	35	3	45	279	1770
FY 2020	1144	73	18	24	1	37	279	1576

Assumptions

- The state of Utah enacted a similar law beginning in May 2014. From 2016 to 2019, the state averaged 2,667 convictions per year for operating an electronic communication device while driving. Utah has 1.9 million drivers. Utah’s citation rate was 133.7 per 100,000 licensed drivers.
- The number of citations under current law for FY 2021 is estimated to total 1,700, which is similar to the average number of citations over the previous three years.
- For estimation purposes, it is assumed that the number of annual citations issued under SF 330 will total 3,000, which is similar to the rate of citations issued annually in Utah from 2016 to 2019. However, the estimated number of citations issued during FY 2022, will total 1,500 as a result of the requirement in SF 330 that warning memorandums be issued in lieu of citations in FY 2022.
- A delay of six months is expected until fines are collected. The collection rate for the scheduled violation is estimated to be 58.0%.

Fiscal Impact

Senate file 330 is estimated to reduce state General Fund revenue by \$47,000 in FY 2022, and increase revenue by \$72,000 beginning in FY 2023. The fiscal impact on other funding sources and the counties is shown on **Table 3**.

Table 3 displays the estimated fiscal impact of the changes enacted in the Bill.

Table 3 — Estimated Revenue Current Law vs SF 330					
	Current Law	SF 330			
	FY 2021	FY 2022	FY 2022 vs FY 2021	FY 2023	FY 2023 vs FY 2021
General Fund					
Penalty Revenue	\$ 40,000	\$ 20,000	\$ -20,000	\$ 70,000	\$ 30,000
Court Fee	54,000	27,000	-27,000	96,000	42,000
Subtotal	\$ 94,000	\$ 47,000	\$ -47,000	\$ 166,000	\$ 72,000
Surcharge Revenue					
Juvenile Detention	\$ 3,100	\$ 1,600	\$ -1,500	\$ 5,400	\$ 2,300
Victim Comp.	2,100	1,100	-1,000	3,800	1,700
Crime Lab	1,300	700	-600	2,300	1,000
DARE	100	50	-50	200	100
Subtotal	\$ 6,600	\$ 3,450	\$ -3,150	\$ 11,700	\$ 5,100
Other					
County General Funds	\$ 4,000	\$ 2,000	\$ -2,000	\$ 7,000	\$ 3,000
EMS Fund	500	300	-200	900	400
Grand Total	\$ 105,100	\$ 52,750	\$ -52,350	\$ 185,600	\$ 80,500

Sources

LSA calculations
Criminal and Juvenile Justice Planning Division, Department of Human Rights

/s/ Holly M. Lyons

February 15, 2021

Doc ID 12126531212653

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.