

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

May 6, 2021

Clip Sheet Summary

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

Bill	Amendment	Action	Sponsor
HF 644	S-3199	Filed	CHRIS COURNOYER

Fiscal Notes

[SF 243](#) — [Death or Incapacitating Injury, Failure to Report](#) (LSB1031SV.1)

[SF 529](#) — [Fertility Fraud](#) (LSB2551SV.1)

[SF 617](#) — [Unemployment Trust Fund](#) (LSB2826SV.1)

HOUSE FILE 644

S-3199

1 Amend House File 644, as amended, passed, and reprinted by
2 the House, as follows:
3 1. Page 2, line 25, after <2.> by inserting <a.>
4 2. Page 3, by striking lines 13 through 19 and inserting:
5 <~~3~~ b. The aggregate liability of the surety for all
6 breaches of the conditions of the bond shall not exceed the sum
7 of the bond. The surety on the bond may cancel the bond upon
8 giving thirty days' written notice to the college student aid
9 commission and thereafter shall be relieved of liability for
10 any breach of condition occurring after the effective date of
11 the cancellation.>

By CHRIS COURNOYER

S-3199 FILED MAY 5, 2021



[SF 243](#) – Death or Incapacitating Injury, Failure to Report (LSB1031SV)
Staff Contact: Laura Book (515.205.9275) laura.book@legis.iowa.gov
Fiscal Note Version – As amended by [S-3198](#) and passed by the House

Description

[Senate File 243](#) relates to public safety including the crimes of failure to assist, abuse of a corpse, and interference with official acts, and provides penalties. The Bill expands the crime of abuse of a corpse to include when a person fails to disclose the known location of a corpse with the intent to conceal a crime.

Senate File 243 adds medical examiners to the list of authorities relating to the crime of interference with official acts. The Bill provides that a person commits interference with official acts when the person knowingly resists or obstructs anyone known by the person to be a medical examiner in the performance of any act which is within the scope of the medical examiner’s lawful duty or authority.

[Amendment S-3198](#) creates the crime of failure to assist. The amendment provides that a person who reasonably believes another person is suffering from a risk of serious bodily injury or imminent danger of death shall, if the person is able, attempt to contact local law enforcement or emergency response authorities, if doing so does not place the person or the other person at risk of serious bodily injury or imminent danger of death. A person shall not be required to contact local law enforcement or emergency response authorities if the person knows or reasonably believes that the other person is not in need of help or assistance. A person who violates this section without lawful cause commits the following:

- A simple misdemeanor if the failure to assist results in the other person suffering serious bodily injury.
- An aggravated misdemeanor if the failure to assist results in the death of the other person.

Background

Under current law, the crime of abuse of a corpse is a Class D felony punishable by confinement for no more than five years and a fine of at least \$1,025 but not more than \$10,245, and the crime of interference with official acts is a simple misdemeanor and includes a fine of not less than \$250. The crime of failure to assist, as applied in the amendment, is punishable by a simple misdemeanor or an aggravated misdemeanor, which is punishable by confinement for no more than two years and a fine of at least \$855 but not more than \$8,540.

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 243 expands the crime of abuse of a corpse and interference with official acts to include new actions, and creates the crime of failure to assist. Due to a lack of existing data for these expanded and new crimes, a correctional impact cannot be estimated. **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 aggravated misdemeanors and Class D felonies. 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 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
Class D Felony (Persons)	77.0%	16.0	\$20.33	47.8%	30.5	\$5.38	10.5%	\$14.78	38.6%	N/A	\$50.00	11.5	\$5.38
Aggravated Misdemeanor (Persons)	43.0%	7.1	\$20.33	51.7%	20.2	\$5.38	3.3%	\$14.78	70.7%	N/A	\$50.00	6.0	\$5.38

Minority Impact

Senate File 243 expands the definition of abuse of a corpse and interference with official acts to include new actions not previously criminalized, and establishes the crime of failure to assist. 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 243. 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 243 expands the definition of abuse of a corpse and interference with official acts and establishes the crime of failure to assist, 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
Aggravated Misdemeanor	3,700	7,800
Class D Felony	7,700	13,500

The new and expanded offenses in SF 243 may also result in an increase in fine and surcharge revenue, but the impact is unknown.

Sources

CJJP, Department of Human Rights
Judicial Branch
Department of Corrections

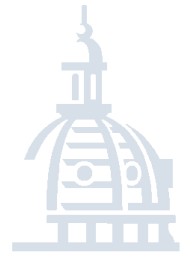
/s/ Holly M. Lyons

May 3, 2021

Doc ID 122036220362

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 529](#) – Fertility Fraud (LSB2551SV)
Staff Contact: Laura Book (515.205.9275) laura.book@legis.iowa.gov
Fiscal Note Version – As amended by [S-3175](#) and passed by the House

Description

[Amendment S-3175](#) replaces the text of [SF 529](#) and establishes the crime of sexual abuse in the fourth degree. A health care professional commits sexual abuse in the fourth degree when the professional implants their own human reproductive material through assisted reproduction without the patient’s prior knowledge or written consent. Sexual abuse in the fourth degree is punishable by an aggravated misdemeanor and is a tier III sex offense under the sex offender registry. The amendment also provides that a conviction of sexual abuse in the fourth degree is grounds for the revocation or suspension of the licensee’s license to practice their health-related profession.

Amendment S-3175 also establishes Iowa Code section 147.115, which provides that a woman who is 18 years of age or older has the legal capacity to provide informed consent to a hysterectomy. The amendment also prohibits a licensed health care provider from conditioning the hysterectomy on obtaining the consent of any other person, including the woman’s spouse.

Background

An aggravated misdemeanor is punishable by confinement for no more than two years and a fine of at least \$855 but not more than \$8,540.

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 529 as amended establishes a new offense and a 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 aggravated misdemeanors for sex offenses. 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
Aggravated Misd. (Sex Offenses)	78.0%	10.5	\$20.33	58.5%	15.1	\$5.38	1.0%	\$14.78	74.6%	N/A	\$50.00	2.5	\$5.38

Minority Impact

Senate File 529 as amended establishes a new offense. 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 529. 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 529 as amended establishes a new offense and the fiscal impact cannot be estimated due to the lack of existing conviction data. The average State cost per one conviction of an aggravated misdemeanor ranges from \$3,700 to \$7,800. 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.

Sources

CJJP, Department of Human Rights
 Department of Corrections
 Judicial Branch
 LSA analysis

/s/ Holly M. Lyons

May 4, 2021

Doc ID 1220413

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 617](#) – Unemployment Trust Fund (LSB2826SV.1)
 Staff Contact: Eric Richardson (515.281.6767) eric.richardson@legis.iowa.gov
 Fiscal Note Version – REVISED (Fiscal Impact – removed text, table was correct)

Description

[Senate File 617](#) relates to unemployment insurance benefits. The Bill:

- For individuals whose employers have gone out of business, removes language requiring the Director of the Iowa Department of Workforce Development (IWD) to recompute wage credits from 33.0% to 50.0% for purposes of calculating an individual’s maximum total amount of unemployment benefits payable during a benefit year. The Bill also eliminates the ability of these individuals to collect an extra 13 weeks of benefits. This section of the Bill takes effect on July 1, 2022.
- Allows the IWD to establish by rule a process to waive or alter work search requirements for individuals who will be returning to employment and are attached to a regular job or industry or a member in good standing of a union. The section applies to temporary layoffs of 16 weeks or less due to seasonal weather conditions for highway construction, repair, or maintenance workers. This section of the Bill takes effect on enactment.
- Reinstates a one-week waiting period for those eligible to collect unemployment insurance during the individual’s benefit year. This section of the Bill takes effect on July 1, 2022.

Background

The UI Trust Fund, administered by the U.S. Department of Labor, is used to pay UI benefits to eligible claimants. The balance of the Fund at the end of calendar year (CY) 2016 was \$1.006 billion, rising to \$1.252 billion at the end of CY 2019. The Fund balance as of April 2, 2021, was \$856.2 million. The table below shows historical claims paid from the Fund to Iowans:

UI Benefits Paid — CY 2016-2020*

Year	2016	2017	2018	2019	2020
Benefits	\$ 423,511,364	\$ 402,624,842	\$ 364,712,930	\$ 381,788,782	\$ 1,254,245,440

*Source: U.S. Department of Labor

The UI Trust Fund is replenished through insurance taxes paid by Iowa employers based on a formula that includes an employer’s five-year average annual benefit payment and the employer’s five-year average annual taxable payroll. This formula results in a benefit ratio, which is compared to every other employer’s benefit ratio in determining the employer tax rate. The lowest employer benefit ratios receive the lowest tax rates. The Contribution Rate Table below shows the tax rates paid by Iowa employers and is set on a scale of 1 (highest tax rate paid) to 8 (lowest tax rate paid). For 2021, the Contribution Rate Table is set at 7, with tax rates ranging from 0.00% for those with the lowest benefit ratios to 7.50% for those with the highest benefit ratios. In 2020, \$490.0 million was transferred from federal funds deposited into the [Iowa Coronavirus Relief Fund](#) to the UI Trust Fund to keep the Contribution Rate at 7.

Unemployment Insurance Taxes Contribution Rates Table

Benefit Ration Rank	Approximate Cumulative Taxable	Contribution Rates Table							
		1	2	3	4	5	6	7	8
1	4.80%	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
2	9.50%	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
3	14.30%	0.100	0.100	0.100	0.100	0.100	0.000	0.000	0.000
4	19.00%	0.400	0.300	0.300	0.200	0.100	0.100	0.100	0.100
5	23.80%	0.600	0.500	0.400	0.300	0.300	0.200	0.100	0.100
6	28.60%	0.900	0.800	0.600	0.500	0.400	0.300	0.200	0.100
7	33.30%	1.200	1.000	0.800	0.600	0.500	0.400	0.300	0.200
8	38.10%	1.500	1.300	1.000	0.800	0.600	0.500	0.300	0.200
9	42.80%	1.900	1.500	1.200	0.900	0.700	0.600	0.400	0.300
10	47.60%	2.100	1.800	1.400	1.100	0.800	0.600	0.500	0.300
11	52.40%	2.500	2.000	1.600	1.300	1.000	0.700	0.500	0.300
12	57.10%	3.000	2.400	1.900	1.500	1.100	0.900	0.600	0.400
13	61.90%	3.600	2.900	2.400	1.800	1.400	1.100	0.800	0.500
14	66.60%	4.400	3.600	2.900	2.200	1.700	1.300	1.000	0.600
15	71.40%	5.300	4.300	3.500	2.700	2.000	1.600	1.100	0.700
16	76.20%	6.300	5.200	4.100	3.200	2.400	1.900	1.400	0.900
17	80.90%	7.000	6.400	5.200	4.000	3.000	2.300	1.700	1.100
18	85.70%	7.500	7.500	7.000	5.400	4.100	3.100	2.300	1.500
19	90.40%	8.000	8.000	8.000	7.300	5.600	4.200	3.100	2.000
20	95.20%	8.500	8.500	8.500	8.000	7.600	5.800	4.300	2.800
21	100.00%	9.000	9.000	9.000	9.000	8.500	8.000	7.500	7.000

Iowa Code Section [96.1A](#)(37) defines temporary unemployment for a period lasting up to four consecutive weeks when the individual is unemployed due to a plant shutdown, vacation, inventory, lack of work, or emergency from the individual’s regular job. After four weeks, under current law, work search requirements apply to these temporarily unemployed workers.

Many states currently impose a one-week waiting period for payment of UI benefits because federal funds are not available for the first week after a claim is filed. Iowa does not have a waiting week. The [Coronavirus, Aid, Relief, and Economic Security \(CARES\) Act](#) provided 100.0% federal reimbursement to states for the first week of UI for the time period March 29, 2020, through December 16, 2020, saving Iowa \$105.5 million. The [Consolidated Appropriations Act, 2021](#), provided a 50.0% reimbursement for the first week of all claims paid from December 27, 2020, through March 13, 2021, while the [American Rescue Plan Act of 2021](#) retroactively provided a 100.0% reimbursement for the first week of all claims paid from December 31, 2020, through September 6, 2021.

Assumptions

- 2020 UI data was not used as a model due to high claims paid from COVID-19 closures.
- Two percent inflation beginning in FY 2023 was used for projected costs of salary and benefits.
- Business failure projections going forward are based on FY 2014 to FY 2019 data from the IWD, as an average of \$4.6 million in UI benefits were paid out to 2,741 recipients due to closings.
- Waiving of work search requirements to those with a temporary layoff for 16 weeks instead of 4 weeks will impact 5,000 highway construction workers statewide, according to IWD data.
- The IWD would need to spend \$60,000 in FY 2022 for information technology costs to administer the changes to work search requirements.

- Reinstating an initial waiting week would reduce withdrawals to cover UI benefits by 5.5% annually. According to the IWD, the annual average in first week benefit payments from FY 2015 to FY 2019 to 62,000 recipients who would no longer receive them was \$23.3 million.

Fiscal Impact

- The Bill will eliminate the need for 3.0 full-time equivalent (FTE) Workforce Advisor positions within IWD due to elimination of the benefit to claimants when employers go out of business, reducing federal UI administrative expenses by an estimated \$251,000 beginning in FY 2023, and increasing via inflation every year thereafter. This provision will also reduce payments from the UI Trust Fund by approximately \$4.6 million annually beginning in FY 2023.
- Waiving or altering work search requirements will increase IWD federal UI administrative expenses by an estimated \$60,000 in FY 2022. The Bill may, depending if or how IWD establishes new administrative rules to enact this section, marginally increase benefits paid from the UI Trust Fund by an amount that cannot be estimated due to a lack of data.
- Reinstating the one-week waiting period for payment of UI benefits would reduce withdrawals from the UI Trust Fund by an estimated \$23.3 million annually beginning in FY 2023. See chart below for the overall fiscal impact of the Bill.
- Employer taxes paid into the UI Trust Fund would be expected to decrease in later years, absent any other law changes, due to a reduction in benefit payments. These cannot be estimated due to lack of data.

Estimated Fiscal Impact of SF 617

<u>Section of Bill</u>	<u>FTE</u>	<u>Category</u>	<u>FY 2022</u>	<u>FY 2023</u>	<u>Funding Source</u>
Business Closings - Wage Credits	-3.0	IWD Employee Salary and Benefits	\$ 0	\$ -251,000	Federal UI Administrative Funding
		Benefits to Claimants	0	-4,600,000	UI Trust Fund
Work Search Requirements		IWD System Expenses	\$ 60,000	0	Federal UI Administrative Funding
Reinstate Waiting Week		Benefits to Claimants	\$ 0	\$ -23,300,000	UI Trust Fund
TOTAL	-3.0		\$ 60,000	\$ -28,151,000	

Sources

Legislative Services Agency
Iowa Department of Workforce Development
United States Department of Labor
Iowa Department of Management

/s/ Holly M. Lyons

May 3, 2021

Doc ID 1220441

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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