

**EIGHTY-NINTH GENERAL ASSEMBLY
2022 REGULAR SESSION
DAILY
SENATE CLIP SHEET**

March 24, 2022

Clip Sheet Summary

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

Bill	Amendment	Action	Sponsor
SF 2131	S-5080	Withdrawn	DENNIS GUTH, et al
SF 2131	S-5083	Lost	NATE BOULTON
SF 2131	S-5084	Lost	JACKIE SMITH
SF 2131	S-5085	Lost	NATE BOULTON, et al
SF 2131	S-5086	Adopted	DENNIS GUTH, et al
SF 2330	S-5081	Adopted	JEFF TAYLOR
HF 781	S-5082	Filed	CHRIS COURNOYER
HF 2355	S-5087	Adopted	DENNIS GUTH, et al

Fiscal Notes

[SF 2363](#) — [Sex Offender Registry](#) (LSB5315SV.1)

[SF 2370](#) — [Aircraft](#) (LSB5658SV)

SENATE FILE 2131

S-5080

1 Amend Senate File 2131 as follows:

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

4 <Section 1. Section 96.2, Code 2022, is amended to read as
5 follows:

6 **96.2 Guide for interpretation.**

7 As a guide to the interpretation and application of this
8 chapter, the public policy of this state is declared to be as
9 follows: Economic insecurity due to unemployment ~~is a serious~~
10 ~~menace to~~ negatively impacts the health, morals, and welfare
11 of the people of ~~this state~~ Iowa. ~~Involuntary unemployment~~
12 ~~is therefore a subject of general interest and concern which~~
13 ~~requires appropriate action by the legislature to prevent~~
14 ~~its spread and to lighten its burden which now so often~~
15 ~~falls with crushing force upon the unemployed worker and the~~
16 ~~worker's family. The achievement of social security requires~~
17 ~~protection against this greatest hazard of our economic~~
18 ~~life. This can be provided~~ These undesirable consequences can
19 be reduced by encouraging employers to provide more stable
20 employment and by the systematic accumulation of funds during
21 periods of employment to provide benefits for periods of
22 unemployment, ~~thus maintaining purchasing power and limiting~~
23 ~~the serious social consequences of poor relief assistance.~~
24 ~~The legislature, therefore, declares that in its considered~~
25 ~~judgment the public good and the general welfare of the~~
26 ~~citizens of this state require the enactment of this measure,~~
27 ~~under the police powers of the state, for the compulsory~~
28 ~~setting aside of unemployment reserves to be used for the~~
29 ~~benefit of persons.~~ This chapter provides for payment of
30 benefits to workers unemployed through no fault of their own.
31 The policy herein is intended to encourage stabilization in
32 employment, to provide for integrated employment and training
33 services in support of state economic development programs, and
34 to provide meaningful job training and employment opportunities
35 for the unemployed, underemployed, economically disadvantaged,

1 dislocated workers, and others with substantial barriers to
2 employment. To further this public policy, the state, through
3 its department of workforce development, will maintain close
4 coordination among all federal, state, and local agencies
5 whose missions affect the employment or employability of the
6 unemployed and underemployed.

7 Sec. 2. Section 96.3, subsection 5, paragraph a, Code 2022,
8 is amended to read as follows:

9 *a. Duration of benefits.* The maximum total amount of
10 benefits payable to an eligible individual during a benefit
11 year shall not exceed the total of the wage credits accrued to
12 the individual's account during the individual's base period,
13 or ~~twenty-six~~ sixteen times the individual's weekly benefit
14 amount, whichever is the lesser. The director shall maintain
15 a separate account for each individual who earns wages in
16 insured work. The director shall compute wage credits for
17 each individual by crediting the individual's account with
18 one-third of the wages for insured work paid to the individual
19 during the individual's base period. However, the director
20 shall recompute wage credits for an individual who is laid
21 off due to the individual's employer going out of business at
22 the factory, establishment, or other premises at which the
23 individual was last employed, by crediting the individual's
24 account with one-half, instead of one-third, of the wages for
25 insured work paid to the individual during the individual's
26 base period. Benefits paid to an eligible individual shall
27 be charged against the base period wage credits in the
28 individual's account which have not been previously charged,
29 in the inverse chronological order as the wages on which the
30 wage credits are based were paid. However if the state "off"
31 indicator is in effect and if the individual is laid off due to
32 the individual's employer going out of business at the factory,
33 establishment, or other premises at which the individual was
34 last employed, the maximum benefits payable shall be extended
35 to ~~thirty-nine~~ twenty-six times the individual's weekly benefit

1 amount, but not to exceed the total of the wage credits accrued
2 to the individual's account.

3 Sec. 3. Section 96.3, subsection 7, paragraph b,
4 subparagraph (1), subparagraph division (a), Code 2022, is
5 amended to read as follows:

6 (a) If the department determines that an overpayment
7 has been made, the charge for the overpayment against the
8 employer's account shall be removed and the account shall
9 be credited with an amount equal to the overpayment from
10 the unemployment compensation trust fund and this credit
11 shall include both contributory and reimbursable employers,
12 notwithstanding section 96.8, subsection 5. The employer shall
13 not be relieved of charges if benefits are paid because the
14 employer or an agent of the employer failed to respond timely
15 or adequately to the department's request for information
16 relating to the payment of benefits. This prohibition
17 against relief of charges shall apply to both contributory and
18 reimbursable employers. If the department determines that an
19 employer's failure to respond timely or adequately was through
20 no fault of the employer, the employer's account shall not be
21 charged for the overpayment.

22 Sec. 4. Section 96.4, Code 2022, is amended by adding the
23 following new subsection:

24 NEW SUBSECTION. 8. The individual has satisfied a single
25 one-week waiting period during the individual's benefit year.
26 To satisfy the one-week waiting period, the individual, with
27 respect to the week in question, must otherwise be eligible
28 for benefits from this state, must not have received or have
29 payable benefits from this state, and must not be eligible for
30 benefits from another state.

31 Sec. 5. Section 96.5, subsection 2, Code 2022, is amended by
32 adding the following new paragraph:

33 NEW PARAGRAPH. d. For the purposes of this subsection,
34 "misconduct" means a deliberate act or omission by an
35 employee that constitutes a material breach of the duties

1 and obligations arising out of the employee's contract of
2 employment. Misconduct is limited to conduct evincing such
3 willful or wanton disregard of an employer's interest as
4 is found in deliberate violation or disregard of standards
5 of behavior which the employer has the right to expect of
6 employees, or in carelessness or negligence of such degree of
7 recurrence as to manifest equal culpability, wrongful intent
8 or evil design, or to show an intentional and substantial
9 disregard of the employer's interests or of the employee's
10 duties and obligations to the employer. Misconduct by an
11 individual includes but is not limited to all of the following:

12 (1) Falsification of the individual's employment
13 application.

14 (2) Knowing violation of a reasonable and uniformly
15 enforced rule of an employer.

16 (3) Intentional damage of an employer's property.

17 (4) Dishonesty to an employer with regard to the
18 individual's employment.

19 (5) Consumption of alcohol, illegal or nonprescribed
20 prescription drugs, or an impairing substance in a manner
21 not directed by the manufacturer, or a combination of such
22 substances, on the employer's premises in violation of the
23 employer's employment policies.

24 (6) Reporting to work under the influence of alcohol,
25 illegal or nonprescribed prescription drugs, or an impairing
26 substance in an off-label manner, or a combination of such
27 substances, on the employer's premises in violation of the
28 employer's employment policies, unless the individual is
29 compelled to work by the employer outside of scheduled or
30 on-call working hours.

31 (7) Conduct that endangers the personal safety of the
32 individual, coworkers, or the general public.

33 (8) Incarceration for an act for which one could reasonably
34 expect to be incarcerated that results in missing work.

35 (9) Incarceration as a result of a misdemeanor or felony

1 conviction by a court of competent jurisdiction.

2 (10) Excessive unexcused tardiness or absenteeism.

3 (11) Falsification of any work-related report, task, or job
4 that could expose the employer or coworkers to legal liability
5 or sanction for violation of health or safety laws.

6 (12) Failure to maintain any license, registration, or
7 certification that is reasonably required by the employer or
8 by law, or that is a functional requirement to perform the
9 individual's regular job duties, unless the failure is not
10 within the control of the individual.

11 (13) Conduct that is libelous or slanderous toward an
12 employer or an employee of the employer if such conduct is not
13 protected under state or federal law.

14 (14) Conduct creating or attempting to create dissention or
15 animus against the employer or a coworker if such conduct is
16 not protected under state or federal law.

17 (15) Theft of an employer or coworker's funds or property.

18 (16) Misrepresentation of time worked or work carried out
19 that results in the individual receiving unearned wages or
20 unearned benefits.

21 Sec. 6. Section 96.5, subsection 3, paragraph a,
22 subparagraph (1), subparagraph divisions (a), (b), (c), and
23 (d), Code 2022, are amended to read as follows:

24 (a) One hundred percent, if the work is offered during the
25 first ~~five weeks~~ week of unemployment.

26 (b) ~~Seventy-five~~ Ninety percent, if the work is offered
27 during the ~~sixth~~ second through the ~~twelfth~~ third week of
28 unemployment.

29 (c) ~~Seventy~~ Eighty percent, if the work is offered during
30 the ~~thirteenth~~ fourth through the ~~eighteenth~~ fifth week of
31 unemployment.

32 (d) ~~Sixty-five~~ Seventy percent, if the work is offered
33 ~~after~~ during the ~~eighteenth~~ sixth through the ~~eighth~~ week of
34 unemployment.

35 Sec. 7. Section 96.5, subsection 3, paragraph a,

1 subparagraph (1), Code 2022, is amended by adding the following
2 new subparagraph division:

3 NEW SUBPARAGRAPH DIVISION. (e) Sixty percent, if the work
4 is offered after the eighth week of unemployment.

5 Sec. 8. Section 96.6, subsection 3, paragraph b, Code 2022,
6 is amended to read as follows:

7 b. Appeals from the initial determination shall be heard
8 by an administrative law judge employed by the department.
9 An administrative law judge's decision may be appealed by
10 any party to the employment appeal board created in section
11 10A.601. ~~The decision of the appeal board is final agency~~
12 ~~action and an appeal of the decision shall be made~~ or directly
13 to the district court.

14 Sec. 9. Section 96.40, subsection 2, Code 2022, is amended
15 by adding the following new paragraph:

16 NEW PARAGRAPH. 1. The reduction in work hours for employees
17 was not based on a work week exceeding forty hours.

18 Sec. 10. Section 96.40, Code 2022, is amended by adding the
19 following new subsections:

20 NEW SUBSECTION. 4A. Approval of a shared work plan shall
21 be revoked if the employer lays off any employee, whether the
22 employee is employed within an affected unit or not, while
23 participating in the shared work unemployment compensation
24 program.

25 NEW SUBSECTION. 12. A part-time employee shall be eligible
26 for shared work unemployment compensation program benefits,
27 provided that the employee meets all other requirements in this
28 section.>

By DENNIS GUTH
JASON SCHULTZ

SENATE FILE 2131

S-5083

- 1 Amend the amendment, S-5080, to Senate File 2131, as
2 follows:
3 1. Page 3, by striking lines 22 through 30
4 2. By renumbering as necessary.

By NATE BOULTON

S-5083 FILED MARCH 23, 2022

LOST

SENATE FILE 2131

S-5084

1 Amend the amendment, S-5080, to Senate File 2131, as
2 follows:

3 1. Page 3, after line 21 by inserting:

4 <Sec. ____ . Section 96.4, subsection 3, paragraph b, Code
5 2022, is amended to read as follows:

6 *b.* Notwithstanding any provision of this chapter to the
7 contrary, the department may establish by rule a process to
8 waive or alter the work search requirements of this subsection
9 for a claim for benefits if an individual has a reasonable
10 expectation that the individual will be returning to employment
11 and is attached to a regular job or industry or a member in
12 good standing of a union therein eligible for referral for
13 employment. To be considered attached to a regular job or
14 industry, an individual must be on a short-term seasonal
15 temporary layoff. If work is not available at the conclusion
16 of the layoff period due to short-term circumstances beyond
17 the employer's control, the employer may request an extension
18 of the waiver or alteration for up to two weeks from the
19 department. For purposes of this paragraph, "*short-term*
20 seasonal temporary layoff" means a layoff period of sixteen
21 weeks or less due to seasonal weather conditions that impact
22 the ability to perform work ~~related to highway construction,~~
23 ~~repair, or maintenance~~ with a specific return-to-work date
24 verified by the employer.>

25 2. By renumbering as necessary.

By JACKIE SMITH

S-5084 FILED MARCH 23, 2022

LOST

SENATE FILE 2131

S-5085

1 Amend the amendment, S-5080, to Senate File 2131, as
2 follows:

3 1. Page 2, line 35, by striking ~~<thirty-nine twenty-six>~~ and
4 inserting <thirty-nine>

5 2. Page 6, after line 4 by inserting:

6 <Sec. _____. Section 96.5, subsection 3, paragraph b, Code
7 2022, is amended by adding the following new subparagraphs:

8 NEW SUBPARAGRAPH. (4) (a) If the individual has a
9 reasonable expectation that the individual will be returning
10 to employment, as defined by the department by rule, and
11 is attached to a regular job or industry or is a member in
12 good standing of a union therein eligible for referral for
13 employment.

14 (b) To be considered attached to a regular job or industry,
15 an individual must be on a short-term seasonal temporary layoff
16 as defined by the department by rule.

17 NEW SUBPARAGRAPH. (5) If all of the following circumstances
18 apply:

19 (a) The individual is unemployed due to the individual's
20 employer temporarily ceasing operations or going out of
21 business at the factory, establishment, or other premises at
22 which the individual was last employed.

23 (b) The reason for the employer going out of business was a
24 result of unforeseen circumstances, including but not limited
25 to cybersecurity attacks.

26 (c) The individual has a reasonable expectation that the
27 individual will be returning to employment with the employer
28 that temporarily ceased operations or went out of business.>

29 3. By renumbering as necessary.

By NATE BOULTON
WILLIAM A. DOTZLER, JR.
TONY BISIGNANO
PAM JOCHUM
TODD TAYLOR

S-5085 (Continued)

S-5085 FILED MARCH 23, 2022

LOST

SENATE FILE 2131

S-5086

1 Amend Senate File 2131 as follows:

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

4 <Section 1. Section 96.2, Code 2022, is amended to read as
5 follows:

6 **96.2 Guide for interpretation.**

7 As a guide to the interpretation and application of this
8 chapter, the public policy of this state is declared to be as
9 follows: Economic insecurity due to unemployment ~~is a serious~~
10 ~~menace to~~ negatively impacts the health, morals, and welfare
11 of the people of ~~this state~~ Iowa. ~~Involuntary unemployment~~
12 ~~is therefore a subject of general interest and concern which~~
13 ~~requires appropriate action by the legislature to prevent~~
14 ~~its spread and to lighten its burden which now so often~~
15 ~~falls with crushing force upon the unemployed worker and the~~
16 ~~worker's family. The achievement of social security requires~~
17 ~~protection against this greatest hazard of our economic~~
18 ~~life. This can be provided~~ These undesirable consequences can
19 be reduced by encouraging employers to provide more stable
20 employment and by the systematic accumulation of funds during
21 periods of employment to provide benefits for periods of
22 unemployment, ~~thus maintaining purchasing power and limiting~~
23 ~~the serious social consequences of poor relief assistance.~~
24 ~~The legislature, therefore, declares that in its considered~~
25 ~~judgment the public good and the general welfare of the~~
26 ~~citizens of this state require the enactment of this measure,~~
27 ~~under the police powers of the state, for the compulsory~~
28 ~~setting aside of unemployment reserves to be used for the~~
29 ~~benefit of persons.~~ This chapter provides for payment of
30 benefits to workers unemployed through no fault of their own.
31 The policy herein is intended to encourage stabilization in
32 employment, to provide for integrated employment and training
33 services in support of state economic development programs, and
34 to provide meaningful job training and employment opportunities
35 for the unemployed, underemployed, economically disadvantaged,

1 dislocated workers, and others with substantial barriers to
2 employment. To further this public policy, the state, through
3 its department of workforce development, will maintain close
4 coordination among all federal, state, and local agencies
5 whose missions affect the employment or employability of the
6 unemployed and underemployed.

7 Sec. 2. Section 96.3, subsection 5, paragraph a, Code 2022,
8 is amended to read as follows:

9 *a. Duration of benefits.* The maximum total amount of
10 benefits payable to an eligible individual during a benefit
11 year shall not exceed the total of the wage credits accrued to
12 the individual's account during the individual's base period,
13 or ~~twenty-six~~ sixteen times the individual's weekly benefit
14 amount, whichever is the lesser. The director shall maintain
15 a separate account for each individual who earns wages in
16 insured work. The director shall compute wage credits for
17 each individual by crediting the individual's account with
18 one-third of the wages for insured work paid to the individual
19 during the individual's base period. However, the director
20 shall recompute wage credits for an individual who is laid
21 off due to the individual's employer going out of business at
22 the factory, establishment, or other premises at which the
23 individual was last employed, by crediting the individual's
24 account with one-half, instead of one-third, of the wages for
25 insured work paid to the individual during the individual's
26 base period. Benefits paid to an eligible individual shall
27 be charged against the base period wage credits in the
28 individual's account which have not been previously charged,
29 in the inverse chronological order as the wages on which the
30 wage credits are based were paid. However if the state "off"
31 indicator is in effect and if the individual is laid off due to
32 the individual's employer going out of business at the factory,
33 establishment, or other premises at which the individual was
34 last employed, the maximum benefits payable shall be extended
35 to ~~thirty-nine~~ twenty-six times the individual's weekly benefit

1 amount, but not to exceed the total of the wage credits accrued
2 to the individual's account.

3 Sec. 3. Section 96.3, subsection 7, paragraph b,
4 subparagraph (1), subparagraph division (a), Code 2022, is
5 amended to read as follows:

6 (a) If the department determines that an overpayment
7 has been made, the charge for the overpayment against the
8 employer's account shall be removed and the account shall
9 be credited with an amount equal to the overpayment from
10 the unemployment compensation trust fund and this credit
11 shall include both contributory and reimbursable employers,
12 notwithstanding section 96.8, subsection 5. The employer shall
13 not be relieved of charges if benefits are paid because the
14 employer or an agent of the employer failed to respond timely
15 or adequately to the department's request for information
16 relating to the payment of benefits. This prohibition
17 against relief of charges shall apply to both contributory and
18 reimbursable employers. If the department determines that an
19 employer's failure to respond timely or adequately was due to
20 insufficient notification from the department, the employer's
21 account shall not be charged for the overpayment.

22 Sec. 4. Section 96.5, subsection 2, Code 2022, is amended by
23 adding the following new paragraph:

24 NEW PARAGRAPH. *d.* For the purposes of this subsection,
25 "*misconduct*" means a deliberate act or omission by an
26 employee that constitutes a material breach of the duties
27 and obligations arising out of the employee's contract of
28 employment. Misconduct is limited to conduct evincing such
29 willful or wanton disregard of an employer's interest as
30 is found in deliberate violation or disregard of standards
31 of behavior which the employer has the right to expect of
32 employees, or in carelessness or negligence of such degree of
33 recurrence as to manifest equal culpability, wrongful intent
34 or evil design, or to show an intentional and substantial
35 disregard of the employer's interests or of the employee's

S-5086 (Continued)

1 duties and obligations to the employer. Misconduct by an
2 individual includes but is not limited to all of the following:

3 (1) Material falsification of the individual's employment
4 application.

5 (2) Knowing violation of a reasonable and uniformly
6 enforced rule of an employer.

7 (3) Intentional damage of an employer's property.

8 (4) Consumption of alcohol, illegal or nonprescribed
9 prescription drugs, or an impairing substance in a manner
10 not directed by the manufacturer, or a combination of such
11 substances, on the employer's premises in violation of the
12 employer's employment policies.

13 (5) Reporting to work under the influence of alcohol,
14 illegal or nonprescribed prescription drugs, or an impairing
15 substance in an off-label manner, or a combination of such
16 substances, on the employer's premises in violation of the
17 employer's employment policies, unless the individual is
18 compelled to work by the employer outside of scheduled or
19 on-call working hours.

20 (6) Conduct that substantially and unjustifiably endangers
21 the personal safety of coworkers or the general public.

22 (7) Incarceration for an act for which one could reasonably
23 expect to be incarcerated that results in missing work.

24 (8) Incarceration as a result of a misdemeanor or felony
25 conviction by a court of competent jurisdiction.

26 (9) Excessive unexcused tardiness or absenteeism.

27 (10) Falsification of any work-related report, task, or job
28 that could expose the employer or coworkers to legal liability
29 or sanction for violation of health or safety laws.

30 (11) Failure to maintain any license, registration, or
31 certification that is reasonably required by the employer or
32 by law, or that is a functional requirement to perform the
33 individual's regular job duties, unless the failure is not
34 within the control of the individual.

35 (12) Conduct that is libelous or slanderous toward an

1 employer or an employee of the employer if such conduct is not
2 protected under state or federal law.

3 (13) Theft of an employer or coworker's funds or property.

4 (14) Intentional misrepresentation of time worked or work
5 carried out that results in the individual receiving unearned
6 wages or unearned benefits.

7 Sec. 5. Section 96.5, subsection 3, paragraph a,
8 subparagraph (1), subparagraph divisions (a), (b), (c), and
9 (d), Code 2022, are amended to read as follows:

10 (a) One hundred percent, if the work is offered during the
11 first ~~five weeks~~ week of unemployment.

12 (b) ~~Seventy-five~~ Ninety percent, if the work is offered
13 during the ~~sixth~~ second through the ~~twelfth~~ third week of
14 unemployment.

15 (c) ~~Seventy~~ Eighty percent, if the work is offered during
16 the ~~thirteenth~~ fourth through the ~~eighteenth~~ fifth week of
17 unemployment.

18 (d) ~~Sixty-five~~ Seventy percent, if the work is offered
19 ~~after~~ during the ~~eighteenth~~ sixth through the ~~eighth~~ seventh week of
20 unemployment.

21 Sec. 6. Section 96.5, subsection 3, paragraph a,
22 subparagraph (1), Code 2022, is amended by adding the following
23 new subparagraph division:

24 NEW SUBPARAGRAPH DIVISION. (e) Sixty percent, if the work
25 is offered after the eighth week of unemployment.

26 Sec. 7. Section 96.6, subsection 3, paragraph b, Code 2022,
27 is amended to read as follows:

28 *b.* Appeals from the initial determination shall be heard
29 by an administrative law judge employed by the department.
30 An administrative law judge's decision may be appealed by
31 any party to the employment appeal board created in section
32 10A.601. ~~The decision of the appeal board is final agency~~
33 ~~action and an appeal of the decision shall be made~~ or directly
34 to the district court.

35 Sec. 8. Section 96.40, subsection 2, Code 2022, is amended

S-5086 (Continued)

1 by adding the following new paragraph:

2 NEW PARAGRAPH. 1. The reduction in work hours for employees
3 was not based on a work week exceeding forty hours.

4 Sec. 9. Section 96.40, Code 2022, is amended by adding the
5 following new subsections:

6 NEW SUBSECTION. 4A. Approval of a shared work plan shall
7 be revoked if the employer lays off any employee, whether the
8 employee is employed within an affected unit or not, while
9 participating in the shared work unemployment compensation
10 program.

11 NEW SUBSECTION. 12. A part-time employee shall be eligible
12 for shared work unemployment compensation program benefits,
13 provided that the employee meets all other requirements in this
14 section.>

By DENNIS GUTH
JASON SCHULTZ

S-5086 FILED MARCH 23, 2022

ADOPTED

SENATE FILE 2330

S-5081

1 Amend Senate File 2330 as follows:

2 1. Page 2, by striking lines 8 through 10 and inserting:
3 <There is no known private burial site, well, solid waste
4 disposal site, underground storage tank, hazardous waste, or
5 private sewage disposal system on the property as described
6 in Iowa Code section 558.69, and therefore the transaction is
7 exempt from the requirement to submit a groundwater hazard
8 statement.>

By JEFF TAYLOR

S-5081 FILED MARCH 23, 2022

ADOPTED

HOUSE FILE 781

S-5082

1 Amend the amendment, S-5067, to House File 781, as passed by
2 the House, as follows:

- 3 1. Page 4, line 32, by striking <registered>
- 4 2. Page 4, line 35, by striking <registered>
- 5 3. Page 5, line 3, by striking <registered>
- 6 4. Page 5, by striking lines 6 through 16.
- 7 5. By renumbering as necessary.

By CHRIS COURNOYER

S-5082 FILED MARCH 23, 2022

HOUSE FILE 2355

S-5087

1 Amend House File 2355, as amended, passed, and reprinted by
2 the House, as follows:

3 1. Page 3, after line 18 by inserting:

4 <Sec. ____ . Section 96.4, Code 2022, is amended by adding the
5 following new subsection:

6 NEW SUBSECTION. 8. The individual has satisfied a single
7 one-week waiting period during the individual's benefit year.
8 To satisfy the one-week waiting period, the individual, with
9 respect to the week in question, must otherwise be eligible
10 for benefits from this state, must not have received or have
11 payable benefits from this state, and must not be eligible for
12 benefits from another state.>

13 2. By renumbering as necessary.

By DENNIS GUTH
JASON SCHULTZ

S-5087 FILED MARCH 23, 2022

ADOPTED



[SF 2363](#) – Sex Offender Registry (LSB5315SV.1)
 Staff Contact: Evan Johnson (515.281.6301) evan.johnson@legis.iowa.gov
 Fiscal Note Version – As amended and passed by the Senate

Description

[Senate File 2363](#) changes the requirements for a sex offender whose requirement to register as a sex offender commenced on or after July 1, 2022, to be granted a modification of the sex offender registry requirements pursuant to Iowa Code chapter [692A](#). This Bill allows any sex offender on the Iowa Sex Offender Registry to file an application for a modification of the Registry requirements. The Bill allows a court to grant a modification if the offender, whose requirement to register commenced on or after July 1, 2022, has successfully completed any pretrial release, probation, parole, or work release for the offense requiring registration.

Background

Under current law, a sex offender who is on probation, on parole, on work release, serving a special sentence, or in any type of conditional release may file an application to request a modification of the registry requirements. Prior to the granting of a modification, the following conditions must be met:

- A Tier I offender must have been required to register for at least two years, and a Tier II or III offender must have been required to register for at least five years.
- The offender must have successfully completed all required sex offender treatment programs.
- The Department of Corrections (DOC) must complete a valid risk assessment of the offender and determine the offender to be at a low risk of reoffending.
- The offender may not be incarcerated at the time of filing the application.
- The director of the judicial district department of correctional services supervising the offender, or the director’s designee, must also stipulate to the modification.

According to the Department of Public Safety (DPS), in calendar year (CY) 2021, there were 80 individuals who received Sex Offender Registry modifications. The number of sex offender registrants as of June 30, 2021, is shown in **Table 1**.

Table 1 — FY 2021 Sex Offender Registrant Count

Tier	Offender Count
Tier I	1,257
Tier II	1,686
Tier III	3,537
Registrant Total	6,480

Assumptions

- To be considered for a modification, a Tier I offender must have initially registered at least 10 years prior to the filing of the application. If the Tier I offender was under 20 years of age at the time the offender committed sexual abuse in the third degree under circumstances pursuant to Iowa Code section [709.4\(1\)\(b\)\(2\)\(d\)](#), the offender must have initially registered

at least 5 years prior to the filing of the application. A Tier II or III offender must have initially registered at least 15 years prior to the filing of the application.

- An increased length of time before an offender can request a modification of the Sex Offender Registry requirements will result in fewer modifications being granted and an increase in the number of offenders on the Registry.
- An increased number of offenders on the Registry will result in an increased number of violations of the Registry requirements.

Correctional Impact

[Senate File 2363](#) increases the length of time that an offender must remain on the Sex Offender Registry before requesting a modification. This is estimated to increase prison and community-based corrections (CBC) admissions by an unknown amount for violations of the Sex Offender Registry requirements. As shown in **Table 2**, there were 78 offenders admitted to prison and 203 offenders admitted to CBC on a most serious Iowa Code chapter 692A sex offender registration or verification violation in FY 2021.

Table 2 — FY 2021 Prison and CBC Admissions Under Iowa Code Chapter 692A

Offense Class	Prison Admissions Under 692A	CBC Admissions Under 692A
B Felony	5	14
C Felony	59	94
Aggravated Misdemeanor	14	95
Total	78	203

In CY 2021, there were 80 offenders who received a Sex Offender Registry modification. Also, there were 463 convictions under Iowa Code chapter 692A among 428 unique offenders in FY 2021. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 18, 2022, for information related to the correctional system.

Minority Impact

Minority data related to violations of Iowa Code chapter 692A for FY 2021 is shown in **Table 3**. This Bill could have a disproportionate or negative impact on the African American community as 16.3% of prison admissions for violations of Iowa Code chapter 692A were African American compared to 3.9% of Iowa’s population. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 18, 2022, for information related to minorities in the criminal justice system.

Table 3 — FY 2021 Minority Prison Admissions Under Iowa Code Chapter 692A

Race	Population of Iowa	Prison Admissions
Caucasian	85.3%	78.9%
African American	3.9%	16.3%
Hispanic	6.2%	2.4%
American Indian/Alaska Native	0.3%	2.4%

Fiscal Impact

Senate File 2363 is estimated to have a minimal fiscal impact to the DPS. The Bill would not bring the DPS into compliance with the federal [Sex Offender Registration and Notification System \(SORNA\)](#), also known as Title I of the federal [Adam Walsh Child Protection and Safety Act of 2006](#). As a result, the DPS would remain unable to receive 10.0% of the State’s awarded federal Byrne Justice Assistance Grant, which equates to approximately \$100,000 annually.

The fiscal impact of [SF 2363](#) on the DOC cannot be estimated due to a lack of data. **Table 4** shows the increase in costs for one offender to be returned to prison and CBC for a violation of Iowa Code chapter 692A for each offense class.

Table 4 — Marginal Cost of a Violation of Iowa Code Chapter 692A by Offense Class

Offense Class	Average Length of Stay in Prison (Months)	Marginal Prison Cost Per Day	Average Length of Stay in CBC (Months)	Marginal CBC Cost Per Day	Total Cost
B Felony	17.9	\$23.33	27.5	\$7.01	\$ 18,600
C Felony	13.7	\$23.33	23.2	\$7.01	\$ 14,700
Aggravated Misdemeanor	7.7	\$23.33	14.1	\$7.01	\$ 8,500

Sources

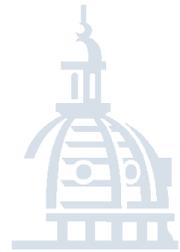
Criminal and Juvenile Justice Planning Division, Department of Human Rights
 Department of Corrections
 Department of Public Safety
 Legislative Services Agency calculations

 /s/ Holly M. Lyons

March 22, 2022

Doc ID 1288801

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 2370](#) – Aircraft (LSB5658SV)
Staff Contact: Lora Vargason (515.725.2249) lora.vargason@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 2370](#) creates a three-year time limit within which aircraft may be operated under a special certificate as provided for in Iowa Code section [328.28](#). The Bill also increases the annual special certificate fee from \$100 to \$400 and changes the expiration from midnight on June 30 to midnight on October 31.

The Bill also expands the existing aircraft repair and maintenance sales and use tax exemption to include aircraft that are not used in scheduled or nonscheduled interstate Federal Aviation Administration (FAA) certified air carrier operations.

Background

[761 IAC 750.30](#) limits the time aircraft can be operated under a special certificate to two years.

Nationally, state sales tax laws relating to aircraft maintenance can be broken down into four basic categories:

- States with no sales tax.
- States exempting all aircraft maintenance from sales tax.
- States with a limited sales tax exemption for aircraft maintenance.
- States with a sales tax and no exemption for aircraft maintenance.

Assumptions

- A total of 30 special certificate holders will be subject to the increased annual special certificate fee.
- According to the [FAA website](#), there are 3,305 aircraft registered in Iowa. All aviation activities other than commercial air service and military operations will become eligible for the expanded exemption under the Bill. The number of aircraft affected will be 88.0% of aircraft registered in Iowa, or 2,900 aircraft.
- The estimated repair costs per aircraft per year are \$3,500, calculated using an average cost of repairs and maintenance of \$35 per flight hour and the average flight time for general aviation pilots of 100 hours per year.
- The total cost of repairs and maintenance exempted under this Bill is \$10.2 million, based on 2,900 aircraft with an average cost of repairs and maintenance of \$3,500 per year.
- Growth trends in future fiscal years are based on the United States Bureau of Labor and Statistics Producer's Price Index (PPI) average estimated increases of 0.8% from FY 2023 to FY 2028.

Fiscal Impact

Senate File 2370 is estimated to increase revenue to the State Aviation Fund by \$9,000 per year beginning in FY 2023.

Senate File 2370 is estimated to reduce revenues to the General Fund, Secure an Advanced Vision for Education (SAVE) Fund, and local option sales tax (LOST) by the amounts listed below.

Fiscal Impact of Sales/Use Tax Exemption for Aircraft Repair and Maintenance					
In Millions					
	<u>General Fund</u>		<u>SAVE</u>		<u>LOST</u>
FY 2023	\$ -0.5	\$	-0.1	\$	-0.1
FY 2024	-0.5		-0.1		-0.1
FY 2025	-0.5		-0.1		-0.1
FY 2026	-0.5		-0.1		-0.1
FY 2027	-0.5		-0.1		-0.1
FY 2028	-0.5		-0.1		-0.1

Sources

Department of Transportation
 Department of Revenue
 Federal Aviation Administration
 LSA analysis and calculations

 /s/ Holly M. Lyons

March 23, 2022

Doc ID 1288821

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.
