

**EIGHTY-FIFTH GENERAL ASSEMBLY  
2014 REGULAR SESSION  
DAILY  
SENATE CLIP SHEET**

MARCH 4, 2014

SENATE FILE 2200

S-5033

1 Amend Senate File 2200 as follows:

2 1. By striking page 2, line 14, through page 3,  
3 line 5, and inserting

4 <Sec. \_\_\_\_\_. Section 490.1620, Code 2014, is amended  
5 to read as follows:

6 490.1620 Financial statements for shareholders.

7 1. ~~A~~ Except as provided in subsection 4, a  
8 corporation shall deliver prepare and make available  
9 to its shareholders, as provided in subsection 3,  
10 annual financial statements, which may be consolidated  
11 or combined statements of the corporation and one or  
12 more of its subsidiaries, as appropriate, that include  
13 a balance sheet as of the end of the fiscal year, an  
14 income statement for that year, and a statement of  
15 changes in shareholders' equity for the year unless  
16 that information appears elsewhere in the financial  
17 statements. If financial statements are prepared for  
18 the corporation on the basis of generally accepted  
19 accounting principles, the annual financial statements  
20 must also be prepared on that basis.

21 2. If the annual financial statements are reported  
22 upon by a public accountant, the report must accompany  
23 them. If not, the statements must be accompanied by a  
24 statement of the president or the person responsible  
25 for the corporation's accounting records which does all  
26 of the following:

27 a. States such person's reasonable belief whether  
28 the statements were prepared on the basis of generally  
29 accepted accounting principles and, if not, describing  
30 the basis of preparation.

31 b. Describes any respects in which the statements  
32 were not prepared on a basis of accounting consistent  
33 with the statements prepared for the preceding year.

34 3. Within one hundred twenty days after the close  
35 of each fiscal year, the corporation shall ~~send~~  
36 deliver the annual financial statements described  
37 in subsections 1 and 2 to each any person who was a  
38 shareholder of the corporation at the end of such  
39 fiscal year. Thereafter, on written request from  
40 a shareholder to whom the statements were not sent  
41 delivered, the corporation shall send deliver to the  
42 shareholder the latest financial statements. A public  
43 The corporation may fulfill its responsibilities  
44 obligation to deliver the financial statements under  
45 this section this subsection by any of the following  
46 methods:

47 a. By any means authorized under section 490.141.

48 b. By making the financial statements available  
49 to a shareholder via internet access without charge  
50 notwithstanding the lack of consent otherwise required

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1 by section 490.141, subsection 10, paragraph "b" and by  
2 notifying the shareholder of instructions for access.

3 c. If the corporation is a public corporation,  
4 by delivering the specified financial statements,  
5 or otherwise making them available, in any manner  
6 permitted by the applicable rules and regulations of  
7 the United States securities and exchange commission.

8 d. If the corporation is not a public corporation,  
9 by filing annual financial reports in compliance with  
10 state or federal law, provided that such reports meet  
11 all the following requirements:

12 (1) Contain a balance sheet as of the end of the  
13 fiscal year and an income statement for that fiscal  
14 year.

15 (2) Are required by state or federal law to be  
16 filed with a state or federal agency within one hundred  
17 twenty days after the close of each fiscal year.

18 (3) Are available to the public, including via  
19 internet access, without charge.

20 4. A corporation with fewer than one hundred  
21 shareholders as of the end of the corporation's fiscal  
22 year, or that operates on a cooperative basis as  
23 defined under 26 U.S.C. §1381, shall be excused from  
24 complying with this section if the corporation prepares  
25 annual financial statements, which may be consolidated  
26 or combined statements of the corporation and one or  
27 more of its subsidiaries, as appropriate, that include  
28 a balance sheet as of the end of the fiscal year and an  
29 income statement for that fiscal year. Upon written  
30 request from a shareholder, the corporation shall, at  
31 its expense, deliver to the shareholder the requested  
32 financial statements as provided in subsection  
33 3, paragraph "a" or "b". If the annual financial  
34 statements are reported upon by a public accountant,  
35 the report must accompany them.>

36 2. By renumbering as necessary.

**By CHARLES SCHNEIDER**

S-5036

- 1 Amend Senate File 2239 as follows:  
2 1. Page 3, line 2, by striking <726.25> and  
3 inserting <726.24>  
4 2. Page 4, lines 21 and 22, by striking  
5 <prevention, detection, and reporting> and inserting  
6 <prevention and detection>  
7 3. Page 4, line 28, by striking <network> and  
8 inserting <collaborative>  
9 4. Page 4, line 30, by striking <network> and  
10 inserting <local collaborative>  
11 5. Page 5, line 1, by striking <network> and  
12 inserting <local collaborative>  
13 6. Page 5, line 9, after <abuse.> by inserting  
14 <The primary point of entry shall be implemented in a  
15 manner that does not conflict with existing mandatory  
16 and permissive reporting provisions specified under  
17 chapters 235B and 235E.>  
18 7. Page 5, by striking lines 13 through 19 and  
19 inserting:  
20 <5. The program shall include a component that  
21 utilizes the local collaborative to provide a  
22 coordinated response to referrals of suspected elder  
23 abuse. Any referral of suspected elder abuse received  
24 by the program may be transmitted to the office of the  
25 attorney general and the appropriate law enforcement  
26 agency and county attorney. The program shall  
27 cooperate with and provide information to the office  
28 of the attorney general, law enforcement agencies, and  
29 county attorneys upon request.>  
30 8. Page 21, line 15, by striking <714.2A,>  
31 9. By striking page 26, line 16, through page 27,  
32 line 14.  
33 10. By striking page 27, line 15, through page 28,  
34 line 29.  
35 11. Page 28, line 30, by striking <726.25> and  
36 inserting <726.24>  
37 12. Page 31, line 4, by striking <726.26> and  
38 inserting <726.25>  
39 13. Page 33, by striking line 16 and inserting  
40 <that includes sections 726.24 and 726.25, as enacted>  
41 14. Page 33, line 21, by striking <726.27> and  
42 inserting <726.26>  
43 15. Page 33, line 22, by striking <726.28> and  
44 inserting <726.27>  
45 16. Page 37, lines 16 and 17, by striking <theft  
46 against an older individual,>  
47 17. Page 37, line 19, by striking <714.2A,>  
48 18. By striking page 37, line 32, through page 38,  
49 line 2.  
50 19. By renumbering, redesignating, and correcting

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Page 2

1 internal references as necessary.

**By** MARY JO WILHELM  
ROBERT E. DVORSKY

S-5036 FILED MARCH 3, 2014

S-5035

- 1 Amend Senate File 2242 as follows:
- 2 1. Page 1, line 1, by striking <subsection 1> and  
3 inserting <subsections 1 and 3>
- 4 2. Page 1, line 1, by striking <is> and inserting  
5 <are>
- 6 3. Page 1, line 4, after <States"> by inserting <or  
7 "eligible service member">
- 8 4. Page 1, line 5, after <was> by inserting <,  
9 if discharged under honorable conditions,>
- 10 5. Page 1, line 11, after <States"> by inserting  
11 <or "eligible service member">
- 12 6. Page 1, after line 18 by inserting:  
13 <3. The program shall be administered by the  
14 authority and shall provide loans, grants, or other  
15 assistance to ~~persons who are or were eligible service~~  
16 ~~members of the armed forces of the United States.~~ In  
17 the event an eligible service member is deceased,  
18 the surviving spouse of the eligible member shall be  
19 eligible for assistance under the program, subject to  
20 the surviving spouse meeting the program's eligibility  
21 requirements other than the military service  
22 requirement. In addition, a person eligible for the  
23 program under this section may participate in other  
24 loan and grant programs of the authority, provided the  
25 person meets the requirements of those programs.>
- 26 7. Page 1, line 19, by striking <paragraph b> and  
27 inserting <paragraphs a and b>
- 28 8. Page 1, line 20, by striking <is> and inserting  
29 <are>
- 30 9. Page 1, after line 20 by inserting:  
31 <a. The person eligible for the program shall, for  
32 financed home purchases that close on or after July 1,  
33 2008, use a lender that participates in the authority's  
34 applicable first mortgage financing programs for  
35 homebuyers or a lender approved by the authority under  
36 subsection 5.>
- 37 10. Page 1, lines 23 and 24, by striking <other  
38 applicable> and inserting <~~other applicable~~ first  
39 mortgage financing>
- 40 11. Page 1, by striking line 25 and inserting:  
41 <(2) Notwithstanding subparagraph (1), a person an  
42 eligible service member who qualifies for>
- 43 12. Page 1, line 26, by striking <other applicable>  
44 and inserting <~~other applicable~~ first mortgage  
45 financing>
- 46 13. Page 1, line 28, before <programs> by inserting  
47 <first mortgage financing>
- 48 14. Page 1, line 30, by striking <person> and  
49 inserting <service member who qualifies for one of the  
50 authority's first mortgage financing programs>

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1 15. By striking page 1, line 32, through page  
2 2, line 2, and inserting <first mortgage financing  
3 programs for homebuyers if all of the following apply:

4 (a) The financing is offered by a lender that  
5 participates in one of the authority's first mortgage  
6 financing programs for homebuyers or by a lender  
7 approved pursuant to subsection 5.

8 (b) The authority determines that:

9 (i) Under the circumstances, requiring the eligible  
10 service member to use one of the authority's first  
11 mortgage financing programs for homebuyers would be a  
12 hardship for the eligible service member.

13 (ii) The offered financing would be economically  
14 feasible and financially advantageous for the eligible  
15 service member.>

**By** JEFF DANIELSON

**S-5035** FILED MARCH 3, 2014  
ADOPTED

**SENATE FILE 2242**

**S-5037**

1 Amend the amendment, S-5035, to Senate File 2242 as  
2 follows:

3 1. Page 2, by striking lines 8 through 15 and  
4 inserting:

5 <(b) The authority determines that the offered  
6 financing would be economically feasible and  
7 financially advantageous for the eligible service  
8 member.>

9 2. By renumbering as necessary.

**By** JEFF DANIELSON  
ROBY SMITH

**S-5037** FILED MARCH 3, 2014  
ADOPTED

SENATE FILE 2248

S-5032

1 Amend Senate File 2248 as follows:

2 1. Page 1, by striking lines 17 through 20 and  
3 inserting:

4 <b. The cost of completing an inventory of ash  
5 trees for local governments and for property owners in  
6 urban and rural settings.

7 c. The cost of removal of ash trees for local  
8 governments and for property owners in urban and rural  
9 settings.>

10 2. Page 1, by striking lines 23 and 24 and  
11 inserting:

12 <e. The cost of replacing ash trees for local  
13 governments and for property owners in urban and rural  
14 settings with a focus on providing for a diversity of  
15 tree species.>

16 3. Page 2, after line 33 by inserting:

17 <(21) One representative of the Iowa chapter of the  
18 sierra club.

19 (22) One representative of county conservation  
20 directors in Iowa.>

21 4. By renumbering, redesignating, and correcting  
22 internal references as necessary.

**By** JOE BOLKCOM

S-5032 FILED MARCH 3, 2014

ADOPTED

S-5038

1 Amend Senate File 2258 as follows:

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

4 <Section 1. SHORT TITLE. This Act shall be known  
5 and may be cited as the "Champion of Financial Literacy  
6 Act of 2014".

7 Sec. 2. Section 256.9, Code 2014, is amended by  
8 adding the following new subsection:

9 NEW SUBSECTION. 65. a. Develop and implement a  
10 voluntary program to recognize school districts and  
11 nonpublic schools that participate in programs that  
12 promote financial literacy for high school students and  
13 that have the following characteristics:

14 (1) Capability for implementation without cost to  
15 students or school districts or schools.

16 (2) Capability for implementation using both  
17 existing instructional time or time outside of the  
18 school day.

19 (3) Capability for implementation as both a new  
20 curriculum component or as a complement to existing  
21 curriculum components.

22 (4) Inclusion of a money management system for  
23 students.

24 (5) Inclusion of curriculum and supporting  
25 materials that can be personalized for students and  
26 that were developed through partnerships with financial  
27 literacy experts in the public, private, or nonprofit  
28 sector.

29 (6) Inclusion of newsletters that provide family  
30 members with weekly savings information and the  
31 opportunity to participate in their children's  
32 activities in the program.

33 b. The department shall maintain on its internet  
34 site a list of resources to assist school districts  
35 and nonpublic schools in participating in programs  
36 developed and implemented pursuant to paragraph "a" and  
37 achieving a superior level of financial literacy as  
38 determined under paragraph "e".

39 c. The department shall select and make available  
40 one or more voluntary assessments that measure student  
41 achievement, based on the program developed and  
42 implemented pursuant to paragraph "a", for use by  
43 school districts and schools. The department shall  
44 announce the selection of the assessment or assessments  
45 annually by August 1.

46 d. The governor or the department shall annually  
47 acknowledge school districts or schools in this state  
48 that demonstrate a proficient level of achievement in  
49 financial literacy as determined by at least seventy  
50 percent of their enrolled students in grades eleven

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1 and twelve or in grade twelve having completed an  
2 assessment with at least an eighty percent competency  
3 level.

4 e. The governor or the department shall annually  
5 recognize school districts or schools in this state  
6 that demonstrate a superior level of achievement in  
7 financial literacy as determined by at least eighty  
8 percent of their enrolled students in grades eleven  
9 and twelve or in grade twelve having completed an  
10 assessment with at least an eighty percent competency  
11 level. The governor or the department shall annually  
12 recognize school districts or schools in this state  
13 that demonstrate a superior level of achievement in  
14 financial literacy as champions of financial literacy.

15 Sec. 3. IMPLEMENTATION. The department of  
16 education shall develop and implement the program  
17 provided for in this Act and select and provide the  
18 assessment or assessments provided for in this Act for  
19 use by school districts and schools by March 1, 2015.>

20 2. Title page, line 2, by striking <accredited>

21 3. Title page, line 4, after <students> by  
22 inserting <and including implementation provisions>

**By** TOD R. BOWMAN

ROBY SMITH

SENATE FILE 2262

S-5039

1 Amend Senate File 2262 as follows:

2 1. Page 1, lines 1 and 2, by striking <and  
3 mitigation>

4 2. By striking page 1, line 14, through page 2,  
5 line 11, and inserting <attendance center.>

6 3. Page 2, by striking lines 16 through 25 and  
7 inserting:

8 <\_\_\_\_. Radon testing pursuant to this section  
9 conducted on and after July 1, 2016, shall be conducted  
10 as prescribed by the department of public health  
11 and shall be conducted by a person certified to  
12 conduct such testing pursuant to section 136B.1. The  
13 department of public health shall maintain and make  
14 available to school districts a list of such certified  
15 persons.

16 \_\_\_\_\_. a. The department of public health and the  
17 department of education shall each adopt rules to  
18 jointly administer this section.

19 b. In consultation with appropriate stakeholders,  
20 the department of public health shall adopt rules  
21 establishing standards for radon testing at attendance  
22 centers pursuant to this Act by July 1, 2016. Such  
23 standards shall include but are not limited to training  
24 requirements for persons certified by the department to  
25 conduct such testing and best practices for conducting  
26 such testing.>

27 4. Page 2, line 28, by striking <and radon  
28 mitigation>

29 5. Page 3, line 1, by striking <and radon  
30 mitigation>

31 6. Title page, line 1, by striking <and mitigation  
32 in public schools> and inserting <in public schools and  
33 including applicability provisions>

34 7. By renumbering, redesignating, and correcting  
35 internal references as necessary.

**By** TOD R. BOWMAN

S-5039 FILED MARCH 3, 2014

SENATE FILE 2285

S-5034

1 Amend Senate File 2285 as follows:

2 1. Page 1, line 8, by striking <and mental health>  
3 and inserting <behavioral, and mental health and  
4 wellness>

5 2. Page 1, by striking lines 9 through 12 and  
6 inserting <needs such as food security, appropriate  
7 nutrition, safe and quality child care settings,  
8 and safe and stable housing, neighborhoods, and  
9 home environments; and promotion of healthy, active  
10 lifestyles by addressing adverse childhood events,  
11 reducing exposures to environmental toxins, decreasing  
12 exposures to violence, advancing tobacco-free and drug  
13 abuse-free living, increasing immunization rates, and  
14 improving family well-being.>

15 3. Page 1, line 13, after <force> by inserting <,  
16 including members who are child health experts external  
17 to the department,>

**By** JANET PETERSEN  
WILLIAM A. DOTZLER, JR.

S-5034 FILED MARCH 3, 2014

ADOPTED



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**SF 2235** - Reporting Requirements of Executive Branch Agencies (LSB 5239SV)  
Analyst: David Reynolds (Phone: (515) 281-6934) ([dave.reynolds@legis.iowa.gov](mailto:dave.reynolds@legis.iowa.gov))  
Fiscal Note Version – New

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**Description**

**Senate File 2235** eliminates various reporting requirements of the Department of Administrative Services (DAS) and other State agencies. The reporting requirements affected are summarized below:

- A summary report pertaining to budget information filed every other year for selected agencies. A more detailed biennial report will continue to be required.
- A requirement that State agencies maintain records of employee suggestions that were implemented.
- Annual reporting of the DAS business plans and financial reports relating to internal service funds.
- A requirement that the DAS annually issue a request for proposals for leasing privately owned office space for State employees in the downtown area of Des Moines. Instead, this Bill provides that the DAS will issue the request for proposals when considering replacing or renovating publicly owned buildings or relocating a State agency at the seat of government to any space in publicly owned buildings.
- A requirement that the DAS submit an annual corporate average fuel economy standards compliance report to the Economic Development Authority.
- A requirement that the DAS provide quarterly reports relative to the Capitol View Preservation Plan to the Governor and the Capitol Planning Commission.
- A requirement that a public agency asserting a setoff payment against a person send a copy of the notice to the DAS or the other appropriate agency that has established a debt collection setoff procedure. This Bill requires the public entity to allow the person an opportunity to contest the liability.
- A requirement that the Chief Information Officer annually provide internal service fund business plans and financial reports to the Department of Management and the General Assembly.
- Reporting and review requirements by the DAS for educational leave and assistance programs provided by State agencies.
- A monthly DAS report on the Military Pay Differential appropriation required to be submitted to the Legislative Fiscal Committee.
- A report on savings by State agencies concerning the use of the Iowa Communications Network.

This Bill allows the DAS to purchase printing and writing paper in lieu of recycled paper if the purchase results in significant savings to the State.

This Bill requires a State agency to perform a cost comparison analysis and an economic and environmental impact analysis prior to entering into a service contract as defined in Iowa Code section **8F.2**. The cost comparison requires a determination that a service contract will result in lower contract costs than having the services provided by State government. Under current law, a service contract only exists when a contract between an agency and recipient exceeds

\$500,000. Iowa Code section [8F.2](#) also stipulates various types of contracts (i.e., construction contracts) that are excluded from the definition of service contract.

**Assumptions**

**Division I**

- The number of hours to prepare the reports affected by Division I is estimated at 1,845.
- The average cost to prepare the reports identified in Division I is estimated at \$50 per hour. The hourly cost estimate includes salary and state benefits.

**Division II**

- The required economic analysis of service contracts will be completed by a Senior State Fiscal and Policy Analyst at a salary and benefit range of \$74,800 to \$133,300.
- The environmental studies will be completed by a State Environmental Specialist at a salary and benefit range of \$61,000 to \$92,000.
- Support costs including lab tests, surveys, office expense, are estimated at 30.0% of salaries.
- The economic and environmental studies will take between three and six weeks to complete.
- The number of service contracts exceeding \$500,000 to be annually processed is estimated at 69.
- Indirect costs relating to increased prices quoted by vendors due to potential delays in awarding contract are not included.

**Fiscal Impact**

The provisions in Division I, relating to the elimination of reporting requirements, is estimated to save state agencies approximately \$92,000 per year allowing resources to be used elsewhere within the departments. The savings will impact multiple State funding sources.

The estimated cost of Division II to Executive Branch agencies (excluding the Regents institutions), relating to service contract requirements, is estimated to range from \$659,000 to \$2.2 million per year. The costs will impact multiple State funding sources. The estimated impact on the Board of Regents could not be determined.

<b>SF 2235 - Division II</b>		
	Range	
	Min	Max
<b>Salaries and Benefits</b>		
State Fiscal and Policy Analyst	\$ 74,838	\$ 133,282
Environmental Specialist	61,006	91,990
<b>FTE Positions</b>		
State Fiscal and Policy Analyst	4.0	8.0
Environmental Specialist	4.0	8.0
<b>Total FTE Positions</b>	<b>8.0</b>	<b>16.0</b>
<b>Total Salaries &amp; Benefits</b>	<b>543,379</b>	<b>1,802,179</b>
<b>Total Support Costs</b>	<b>115,599</b>	<b>383,396</b>
<b>TOTAL</b>	<b>\$ 658,978</b>	<b>\$ 2,185,575</b>
<small>NOTE: The minimum estimate assumes the required studies will take 3 weeks to complete. The maximum estimate assumes the required studies will take 6 weeks to complete.</small>		

**Sources**

Department of Administrative Services  
Department of Corrections  
Department of Education  
Department of Management  
Department of Natural Resources  
Department of Public Health  
Department of Revenue  
Iowa Lottery Authority  
Iowa Veterans Home

/s/ Holly M. Lyons

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February 28, 2014

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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 2239** – Elder Abuse Definition and Penalties (LSB 5237SV)

Analyst: Jess Benson (Phone: (515) 281-4611) ([jess.benson@legis.iowa.gov](mailto:jess.benson@legis.iowa.gov))

Beth Lenstra (Phone: (515) 281-6301) ([beth.lenstra@legis.iowa.gov](mailto:beth.lenstra@legis.iowa.gov))

Fiscal Note Version – New

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**Description**

**Senate File 2239** provides criminal and civil protections to older individuals, defined as age 60 or older. This Bill requires the Iowa Department on Aging (IDA) to establish an Elder Abuse Resource and Referral Program in each of the six Area Agencies on Aging (AAA) and for each AAA to designate an elder rights specialist to administer the Program. The Program goals are to increase the awareness of elder abuse; to provide options for elder individuals at risk of elder abuse; and to provide a mechanism to address prevention, detection, reporting of, and intervention in cases of abuse, neglect and financial exploitation of older individuals. This Bill also directs the IDA to collect and maintain information on incidents involving elder abuse, and to design and implement a uniform method of collecting data on elder abuse from entities involved in the prevention, detection, and reporting of and intervention in cases of abuse, neglect, and financial exploitation of older individuals.

This Bill provides for the filing of a petition for a protective order or temporary or emergency orders for elder abuse. Such petitions may be filed pro se (no filing fee is required). This Bill provides criminal penalties for elder abuse assault or elder abuse, and creates the crimes of theft against an older individual or financial exploitation of an older individual. This Bill imposes criminal penalties ranging from a simple misdemeanor to a Class B felony, enhanced penalties for repeat offenses, and mandatory minimum sentences of incarceration in a county jail or state prison, depending on the offense. This Bill permits the Crime Victim Assistance Division of the Office of the Attorney General to provide grants from the Victim Compensation Fund to providers of emergency shelter services and support services to victims of elder abuse.

**Background**

**Correctional and Fiscal Information**

- A significant number of the criminal offenses in this Bill may be charged as some other type of criminal conduct under current law. The offenders are likely to be sentenced to probation under Community-Based Corrections (CBC) supervision. Under SF 2239, they will be convicted of a higher offense class and remain under correctional supervision longer than current law. Expanded definitions and enhanced penalties generally increase criminal justice system costs. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Correctional Impact Memo](#), dated January 30, 2014, for information related to criminal justice system costs.
- According to the Justice Data Warehouse, in FY 2013 there were 4,701 offenders convicted of assault and 8,553 offenders convicted of theft. A percentage of these convictions will be impacted by the enhanced penalties and new crimes in this Bill.
- The average cost per case for the Judicial Branch is \$28 for a Simple Misdemeanor, \$208 for a Serious or Aggravated Misdemeanor, \$427 for a Class D, C, or B felony, and \$910 for a forcible felony.

- The cost for an indigent defense case is \$300 for a Simple Misdemeanor, \$600 for a Serious Misdemeanor, \$1,200 for an Aggravated Misdemeanor or Class D felony, \$1,800 for a Class C felony, and \$3,600 for a Class B felony.
- According to the Criminal and Juvenile Justice Planning Division (CJJPD) and the Department of Corrections (DOC), the following are estimates for sentencing, length of stay, and costs for assault and theft convictions. Assault crimes are classified as a crime against a person; therefore, length of stay under correctional supervision is longer than crimes within the same offense class. Theft crimes are property crimes and are considered to be nonperson crimes. Offenders sentenced to state prison for nonperson crimes generally serve a shorter prison term than crimes against a person.

### Criminal Justice System Information

Conviction Offense Class	Percent Sentenced to Probation	Avg Length of Stay on Probation (Months)	Avg Cost per Day for Prob/Parole	Percent Sentenced to CBC Residential Facility	Avg Length of Stay in a CBC Residential Facility (Months)	Marginal Cost per Day for CBC Res. Facility*	Percent Sentenced to County Jail	Avg Length of Stay in County Jail (Days)	Marginal Cost Per Day for County Jail*	Percent Sentenced to Prison	Avg Length of Stay in State Prison (Months)	Marginal Cost Per Day for State Prison
Simple Misdemeanor Assault	0.0%	0	\$0.00	0.0%	0	\$0.00	36.5%	8	\$15.00	0.0%	0	\$0.00
Serious Misd. Assault	51.6%	11.5	\$3.35	1.0%	5.9	\$10.73	59.2%	41	\$15.00	3.1%	6.2	\$18.25
Aggravated Misd. Assault	60.0%	17.6	\$3.35	3.4%	5.9	\$10.73	33.3%	45	\$15.00	12.8%	8.6	\$18.25
Class D Felony Assault	42.1%	31.0	\$3.35	4.8%	5.9	\$10.73	0.0%	0	\$0.00	55.1%	16.9	\$18.25
Serious Misd. Property	56.0%	11.5	\$3.35	1.0%	5.9	\$10.73	32.9%	49	\$15.00	1.7%	6.2	\$18.25
Aggravated Misd. Property	57.2%	17.6	\$3.35	4.0%	5.9	\$10.73	27.1%	52	\$15.00	10.9%	7.1	\$18.25
Class D felony Property	70.3%	31.0	\$3.35	8.1%	5.9	\$10.73	0.0%	0	\$0.00	27.2%	12.2	\$18.25
Class C Felony Property	63.8%	35.2	\$3.35	6.9%	5.9	\$0.00	0.0%	0	\$0.00	38.0%	21.8	\$18.25
Class B Felony Property	3.2%	33.6	\$3.35	0.0%	0	\$0.00	0.0%	0	\$0.00	93.5%	40.5	\$18.25

\* Approximately 95.0% of the marginal cost per day for a CBC residential facility is funded by local income.  
\*\*Marginal costs for county jails cannot be determined due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$15.00 per day.

### Minority Data Information

The table below shows the FY 2013 offender-based convictions by race for all levels of assaults and all degrees of theft. Black offenders are disproportionately convicted compared to their percentage of the Iowa population.

#### FY 2013 Offender-Based Convictions by Race

Code Cite	White	Black	Hispanic	Native American	Asian	Other	Unknown	Total
Assaults	68.9%	18.1%	4.3%	1.6%	0.6%	1.3%	5.2%	100.0%
Thefts	69.7%	17.6%	3.1%	1.4%	0.5%	0.8%	6.9%	100.0%

Refer to the memo addressed to the General Assembly, [Minority Impact Memo](#), dated January 30, 2014, for information related to minorities in the criminal justice system.

### Assumptions

#### Correctional and Fiscal Information

- The number of individuals seeking pro se protective orders cannot be estimated but is expected to be relatively small. The impact on revenue by eliminating the filing fee is expected to be minimal.
- The provision of grants to care providers to victims of elder abuse is permissive, not required. If the Office of the Attorney General receives federal funds for these purposes, those receipts will be deposited in the Victim Compensation Fund. Grant awards to care

providers to victims of elder abuse would be awarded from the Victim Compensation Fund. Administrative costs are minimal.

- Charge, conviction, and sentencing patterns and trends will not change over the projection period.
- Prisoner length of stay, revocation rates, plea bargaining, and other criminal justice system policies and practices will not change over the projection period.
- This law will become effective July 1, 2014. A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of offenders into the correctional system.
- These will be bench trials. Trials by jury are rare. Refer to the *Fiscal Topic, Jury Trials* published by the LSA in August 2013 for additional information regarding the use of juries.
- Approximately 50.0% of the defendants will be indigent.
- The Uniform Crime Reports and U.S. Census data were used to estimate the number of offenders that would be affected by this Bill's sentencing provisions.
- Assault provisions for the proposed law may mirror the proportional distribution of domestic abuse convictions by offense class.

**Minority Data Information:** The impact on minorities will remain consistent with current data.

### Summary of Impacts

#### **Correctional Impact**

SF 2239 impacts sentencing for an estimated 787 offenders. The table below shows the impact by offense class and type of crime.

**Net Impact on Sentencing and Admissions to Correctional Supervision**

Conviction Offense Class	Total Number of Offenders Convicted	Number Sentenced to Probation	Number Sentenced to CBC Facility	Number Sentenced to County Jail	Avg Length of Stay in County Jail (Days)	Number Sentenced to Prison
Simple Misdemeanor Assault	-33	0	0	-31	8	0
Serious Misd. Assault	-1	-1	0	0	41	0
Aggravated Misd. Assault	28	17	1	10	45	4
Class D Felony Assault	6	3	0	0	0	3
Simple Misd. Property	-553	0	0	-68	8	0
Serious Misd. Property	-200	-112	-2	-66	49	-4
Aggravated Misd. Property	634	363	25	172	52	69
Class D Felony Property	38	27	3	0	0	10
Class C Felony Property	63	41	5	0	0	24
Class B Felony Property	18	1	0	0	0	17
Total Number of Offenders	0	339	32	17	0	123

On an annual basis, there will be an estimated 28 offenders convicted of an Aggravated Misdemeanor Assault and six offenders convicted of a Class D Felony Assault. Four of the offenders convicted of Aggravated Misdemeanor Assault will receive multiple penalties, such as probation and a county jail sentence or CBC residential facility sentence. Currently, these offenders are convicted of a Simple Misdemeanor Assault (33 offenders) or a Serious Misdemeanor Assault (one offender). These offenders will remain under correctional supervision longer under SF 2239 than they would under current law.

On an annual basis, there will be an estimated 634 offenders convicted of an Aggravated Misdemeanor Property offense, 38 offenders convicted of a Class D Felony Property offense,

63 offenders convicted of a Class C Felony Property offense, and 18 offenders convicted of a Class B Felony Property offense. Currently, these offenders are convicted of the following Property offenses: 553 Simple Misdemeanors and 200 Serious Misdemeanors. Five of the offenders convicted of Aggravated Misdemeanor Property offenses will not be supervised by the corrections system. They may receive a fine, community service sentence, and/or unsupervised probation. Two Class D felons and seven Class C felons will receive multiple penalties, such as probation and a CBC residential facility sentence. These offenders will remain under correctional supervision longer under SF 2239 than they would under current law.

The table below shows the net correctional impact of SF 2239. The data is not totaled by fiscal year to avoid double counting offenders. Generally, offenders sentenced to county jail or a CBC residential facility also receive a probation sentence.

**Correctional Impact of SF 2239**

Supervision Type	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
County Jails	8	17	17	17	17
CBC Res. Facilities	16	32	32	32	32
CBC Field Services:					
Probation	170	509	678	848	1,018
Parole	0	49	106	133	168
Net Change to CBC					
Field Services:	170	558	784	981	1,186
State Prison	70	144	186	216	216

**Minority Impact**

It is expected this Bill will have a disproportionate impact on Black offenders because approximately 18.1% of the assault convictions and 17.6% of the theft convictions may be Black.

**Fiscal Impact**

The fiscal impact for SF 2239 is estimated to be an increased cost to the state General Fund of \$1.4 million in FY 2015 and \$2.7 million in FY 2016. The IDA will distribute \$550,000 between each of the six AAA's or \$92,000 for each Agency to hire an elder rights specialist, serve as a primary point of entry for questions and concerns related to elder abuse, and to operate a public education component. The IDA will need \$75,000 to administer the Elder Abuse Resource and Referral Program, assist with the public education component, and collect and maintain information on incidents involving elder abuse. County jail costs are estimated to increase by \$35,200 in FY 2016 and \$70,400 in FY 2016.

The table below shows the impact by areas of the criminal justice system and State and local government. Costs will continue to increase in future fiscal years because the length of stay in the corrections system generally exceeds one year for the criminal offenses in this Bill.

**Estimated Fiscal Impact by Funding Source**

	FY 2015			FY 2016		
	County Budgets	General Fund	Total	County Budgets	General Fund	Total
County Jail	\$ 35,200	\$ 0	\$ 35,200	\$ 70,400	\$ 0	\$ 70,400
CBC - Total	0	133,300	133,300	0	744,000	744,000
Field and Residential	0	0	0	0	0	0
State Prison	0	416,100	416,100	0	832,200	832,200
Judicial Branch	0	67,000	67,000	0	133,300	133,300
Indigent Defense	0	185,000	185,000	0	364,000	364,000
IDA	0	625,000	625,000	0	625,000	625,000
<b>Total</b>	<b>\$ 35,200</b>	<b>\$ 1,426,400</b>	<b>\$ 1,461,600</b>	<b>\$ 70,400</b>	<b>\$ 2,698,500</b>	<b>\$ 2,768,900</b>

**Sources**

Iowa Department on Aging  
 Department of Human Rights, Criminal and Juvenile Justice Planning Division  
 Department of Corrections  
 Office of the Attorney General  
 Office of the State Public Defender  
 Office of the State Court Administrator

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February 28, 2014

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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 2265** – Vehicle Registrations and Levee & Drainage Districts (LSB 5748SV)  
Analyst: Adam Broich (Phone: (515) 281-8223) ([adam.broich@legis.iowa.gov](mailto:adam.broich@legis.iowa.gov))  
Fiscal Note Version – New

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### **Description**

**Senate File 2265** relates to vehicle registrations and levee and drainage districts. This Bill makes the following changes:

- Allows an annual vehicle registration credit to be claimed by the owner's spouse. An annual registration fee credit may be claimed for a vehicle that has been sold, traded, or junked.
- Exempts trailers purchased for the purpose of renting to users from the fee for new registration. To qualify for the exemption, the rental must be subject to Streamlined Sales and Use Tax.
- Allows county treasurers to destroy levee and drainage district assessment records and accompanying documents required by Iowa Code chapter **468** after 10 years have elapsed from the end of the fiscal year that the assessment was paid off.
- Removes a provision that requires that levee and drainage district assessments of \$20 or less be paid in cash.

### **Background**

Currently, annual vehicle registration fee credits may only be claimed by the owner of the vehicle. The fee for new vehicle registration is 5.0% of the purchase price of the vehicle. Vehicles purchased by businesses for rent to other users are exempt from the fee for new registration. Trailers do not qualify for this exemption.

### **Assumptions**

- The number of spouses that may claim an annual vehicle registration fee credit is unknown.
- Permitting the destruction of levee and drainage district records and allowing cash payments will not alter county operations.
- The Department of Revenue estimates that 72 business entities purchased 553 trailers in FY 2013. This fiscal note assumes that the same number of businesses will purchase the same number of trailers.
- The Department of Revenue estimates the average taxable sale price of trailers sold to rental companies in FY 2013 is \$8,137.
- The Department of Revenue estimated an increase to the taxable sales prices for exempt trailers using forecast consumer price index estimates. This fiscal note assumes these estimates in the calculations.
- This fiscal note assumes that FY 2015 will be the first year impacted by the trailer exemption.

### **Fiscal Impact**

**SF 2265** is estimated to reduce revenue to the Statutory Allocations Fund as shown in the following table.

### Estimated Statutory Allocations Fund Impact

<u>Fiscal Year</u>	<u>Fiscal Impact</u>
FY 2014	\$ 0
FY 2015	-232,000
FY 2016	-245,000
FY 2017	-265,000
FY 2018	-293,000
FY 2019	-332,000

#### **Sources**

LSA Calculations  
Department of Revenue

/s/ Holly M. Lyons

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February 28, 2014

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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 2301** – Election Administration (LSB 5683SV)  
Analyst: Ron Robinson (Phone: (515-281-6256) ([ron.robinson@legis.iowa.gov](mailto:ron.robinson@legis.iowa.gov))  
Fiscal Note Version – New

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### **Description**

**Senate File 2301** relates to the administration of elections and voter registration as follows:

- Requires voter registration to close 11 days prior to primary elections.
- Requires the return envelopes for absentee ballots to be received in the election commissioner's office by 5:00 PM on the day after the election.
- Maintains the 12:00 PM Monday deadline for the receipt of ballots from certain military and overseas voters.
- Allows an affidavit to be marked on the return envelope. If a return envelope marked with the affidavit is used, absentee ballots mailed to a voter are required to be enclosed in the unsealed return envelope marked with the affidavit which is required to be enclosed in a second envelope to be sent to the registered voter requesting an absentee ballot. This Bill allows a county commissioner of elections to continue sending absentee ballots as provided under current law or to send absentee ballots utilizing a return envelope marked with the affidavit.
- Repeals Iowa Code section **53.14**. This will eliminate the requirement that an affidavit designate a voter's party affiliation if the ballot enclosed is a primary election ballot.

### **Background**

Under current law, the following provisions apply:

- Voter registration closes at 5:00 PM 10 days prior to a general or primary election and 11 days prior to all other elections.
- Absentee ballots must be received before the polls close on Election Day or must be postmarked no later than the day before the election and received by the county commissioner of elections no later than 12:00 PM on the Monday following the election.
- Absentee ballots mailed to a voter must be enclosed in an unsealed envelope bearing a serial number and an affidavit, which are then required to be enclosed in or with a return envelope, all of which are then required to be enclosed in a third envelope to be sent to the registered voter requesting an absentee ballot.

### **Assumptions**

- The average staffing costs for each county on day 11 before a primary election is \$400, not including utilities. (a Saturday)
- Not all 99 counties will have the auditor's office open on day 11 before a primary election.
- The envelope, printing, and postage costs resulting from the third absentee envelope is an estimated \$0.35 per ballot.
- An estimated 30,000 absentee ballots will be mailed for each primary election.
- An estimated 688,000 absentee ballots will be mailed for presidential general elections.
- An estimated 360,000 absentee ballots will be mailed for gubernatorial general elections.
- The number of absentee ballots for city and school elections is not available.

## **Fiscal Impact**

**SF 2301** will have no impact on the State General Fund. However, SF 2301 will result in estimated statewide savings for county funds as follows:

- \$40,000 from not having auditors' offices open on day 11 before primary elections beginning with FY 2016 and every two years after.
- \$126,000 from not requiring a third envelope for absentee ballots for gubernatorial elections beginning with FY 2015 and every four years after FY 2015.
- \$11,000 from not requiring a third envelope for absentee ballots for primary elections beginning with FY 2016 and every two years after FY 2016.
- \$241,000 from not requiring a third envelope for absentee ballots for presidential elections beginning with FY 2017 and every four years after FY 2017.

The savings for cities and schools cannot be determined since the number of absentee ballots mailed for those elections is not available. The savings would be for city and county funds, since they reimburse the counties for election administration.

## **Sources**

Iowa State Association of Counties  
Secretary of State

/s/ Holly M. Lyons

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February 28, 2014

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

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**HF 2271** – School Finance, Shared Operational Functions (LSB 5729HF)  
Analyst: Shawn Snyder (Phone: (515) 281-7799) ([shawn.snyder@legis.iowa.gov](mailto:shawn.snyder@legis.iowa.gov))  
Fiscal Note Version – As amended and Passed by the House

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### **Description**

**House File 2271** modifies the current shared operational functions supplementary weighting provision to change the weighting structure to provide funding on a per function basis and caps the level of totaling weighting at 21.0 per district. Additionally, this Bill requires the AEAs to receive a minimum of \$30,000 for sharing functions.

This Bill provides that school districts and AEAs may share:

- Superintendent management functions at a weighting factor of 8.0.
- Business management, human resources, transportation, and operation and maintenance functions at a weighting factor of 5.0 per function.
- Curriculum director and guidance counselor functions at a weighting factor of 3.0 per function.

### **Background**

The shared operational functions provision was originally enacted in 2007 and implemented in FY 2008 through FY 2014. This provision provided supplementary weighting for superintendent management, business management, human resources, transportation, or operation and maintenance, and phased-out funding over a five-year period. During the 2013 Legislative Session, **HF 472** was enacted and created a new provision for shared operational functions, including an expansion of the eligible functions.

Based on the increased interest by school districts in the new provision and potential fiscal impact, the Department of Education established administrative rules that required district staffing levels for the specific shared function to remain at or below the staffing levels in the baseline year (designated as FY 2013 by the Department) for a district to be eligible to receive the supplementary weighting. The Administrative Rules Committee placed a session delay on the rules. However, the supplementary weighting for shared operational functions data was collected by the Department of Education based on the proposed rules. Based on this data, the current level of supplementary weighting included in the FY 2015 school aid estimate totals 4,345.19. Additionally, the current FY 2015 school aid estimate includes \$27.8 million for this provision, including \$24.4 million in State aid.

### **Assumptions**

Assumptions include:

- Changes in the provision will be implemented for FY 2015.
- Estimates are based on the Department of Education's fall data collection and include functions that were not approved based on the Department's proposed rules.
- The amount of total weighting beginning in FY 2016 through FY 2020 is unknown, but will be at least at the FY 2015 level.
- The maximum level of weighting any district could generate totals 21.0 and the statewide funding level could total \$46.5 million if all districts are at the maximum weighting level

(including \$40.8 million in State aid). The maximum funding level may increase with enactment of the State percent of growth in future fiscal years.

- In addition to impacting supplementary weighting provisions for school districts, the AEAs will have the shared operational functions supplementary weighting provision modified. Based on the new provision, funding generated from the shared operational functions provision will decrease from \$200,000 to \$30,000 for participating AEAs.
- The FY 2015 funding level changes resulting from this Amendment will be compared to the current estimate included in the FY 2015 school aid estimate.

### **Fiscal Impact**

Based on this Bill, the FY 2015 supplementary weighting will generate an estimated total of \$12.4 million including \$10.9 million in State aid and \$1.5 million in local property taxes. This will be a reduction in the total of \$15.4 million, including \$13.5 million in State aid and \$1.9 million in property taxes compared to the current FY 2015 school aid estimate.

The estimated impact in FY 2016 through FY 2020 is unknown, but will be at least at the level of FY 2015. Additionally, the maximum capacity funding level beginning in FY 2016 will be approximately \$46.5 million, including \$40.8 million in State aid and \$5.7 million in local property taxes.

Additionally, compared to current estimates for FY 2015, the estimated FY 2015 funding for AEAs will decrease by a total of \$510,000, including a reduction of \$403,000 in State aid and a reduction of \$107,000 in local property taxes.

### **Sources**

Iowa Department of Education  
Iowa Department of Management, School Aid file  
LSA analysis and calculations

/s/ Holly M. Lyons

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March 3, 2014

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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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