

**EIGHTY-SIXTH GENERAL ASSEMBLY  
2015 REGULAR SESSION  
DAILY  
SENATE CLIP SHEET**

MARCH 4, 2015

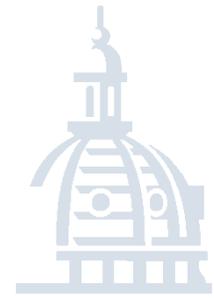
**SENATE FILE 373**

**S-3017**

- 1 Amend Senate File 373 as follows:  
2 1. Page 6, line 17, by striking <executive> and  
3 inserting <executive>

COMMITTEE ON JUDICIARY  
STEVEN J. SODDERS, CHAIRPERSON

**S-3017** FILED MARCH 3, 2015



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**SF 179** – Kidnapping in the Second Degree (LSB1441SV)  
Analyst: Beth Lenstra (Phone: (515) 281-6301) ([beth.lenstra@legis.iowa.gov](mailto:beth.lenstra@legis.iowa.gov))  
Fiscal Note Version – New  
Requested by Senator Steve Soddors

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**Description**

**Senate File 179** amends Iowa Code section **710.3** (second degree kidnapping) to make kidnapping a person under 18 years of age a Class B felony. The Bill also amends **710.4** (third degree kidnapping) to enhance the penalty for repeat convictions of third degree kidnapping to a Class B felony.

**Background**

**Correctional and Fiscal Information**

- All of the offenders impacted by the provisions of **SF 179** are currently sentenced to the State prison system. They will remain in the State prison system longer under the Bill's provisions.
- Under current law, kidnapping a person under 18 years of age may be a Class C felony in certain circumstances. The average length of stay in the State prison system for a Class C felony crime against a person is 45 months (3.75 years).
- The Bill makes any kidnapping of a person under age 18 a Class B felony. Offenders convicted of second degree kidnapping are required to serve at least 70.0% of the sentence in the State prison system per Iowa Code section **902.12**. The average length of stay in the State prison system is 210 months (17.5 years) for these offenders.
- Under current law, repeat convictions for third degree kidnapping are punishable as a Class C felony. The average length of stay in the State prison system for a Class C felony crime against a person is 45 months (3.75 years).
- The Bill makes repeat convictions for third degree kidnapping a Class B felony. The average length of stay in the State prison system for a Class B felony crime against a person is 101.6 months (8.5 years).
- The cost per case to the Judicial Branch is approximately \$929. The fiscal impact to the Judicial Branch operating budget is minimal. The offenders impacted under the provisions of **SF 179** are being tried and convicted under current law.
- The fiscal impact to the Indigent Defense Fund is minimal. The maximum cost of a Class C felony case is \$1,800 while the maximum cost of a Class B felony case is \$3,600, for a difference of \$1,800.
- The marginal cost for State prison is \$18.92 per day.
- The Iowa Court Information System (ICIS) does not provide information on whether a kidnapping offense involved a victim under 18 years old.
- The Criminal and Juvenile Justice Planning Division (**CJJPD**) of the Department of Human Rights (**DHR**) analyzed kidnappings over a 10-year period (FY 2002 through FY 2012). The analysis found there were 17 offenders convicted of any kidnapping (first, second, or third degree) that involved a person under 18 years old.

## Minority Data Information

The table below shows the number of offenders convicted in FY 2014 for second degree and third degree kidnapping by race.

**Offenders Convicted of Kidnapping by Race in FY 2014**

|                          | White | Black | Other/<br>Unknown | Total |
|--------------------------|-------|-------|-------------------|-------|
| Second Degree Kidnapping | 1     | 1     | 0                 | 2     |
| Third Degree Kidnapping  | 3     | 4     | 1                 | 8     |

Refer to the Legislative Services Agency memo addressed to the General Assembly, [Minority Impact Memo](#), for information related to minorities in the criminal justice system.

## Assumptions

### Correctional and Fiscal Information

- 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.
- An offender convicted of a Class B felony rather than a Class C felony is likely to remain on parole supervision longer. The fiscal impact of additional supervision is assumed to be minimal.
- Convictions for kidnapping a person under 18 years old are rare.

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

## Summary of Impacts

### Correctional Impact

The correctional impact is expected to be minimal over the five year projection period because convictions are rare. If there is any correctional impact, it is most likely to occur in year four (FY 2019), when offenders currently convicted of a Class C felony would be released from State prison under current law. They will remain in State prison under the provisions of [SF 179](#).

### Minority Impact

The minority impact is minimal. Few convictions are anticipated under the provisions of this Bill.

### Fiscal Impact

The fiscal impact is expected to be minimal because few criminal cases are anticipated under the provisions of this Bill.

## Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division  
Department of Corrections  
Office of the State Court Administrator  
Office of the State Public Defender

/s/ Holly M. Lyons

March 2, 2015

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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 246** – Preschool Expansion (LSB1517SV)

Analyst: John Parker (Phone: (515) 725-2249) ([john.parker@legis.iowa.gov](mailto:john.parker@legis.iowa.gov))

Fiscal Note Version – New

**Description**

**Senate File 246** creates an expansion incentive to increase enrollment in the Statewide Voluntary Preschool Program (SWVPP) for four-year-olds. Districts that have an increase in Program enrollment above the base incentive enrollment (defined as the average actual enrollments for Fall 2012, Fall 2013, and Fall 2014) will receive incentive State aid equal to the increase in enrollment times 20.0% of the State cost per pupil for FY 2017, FY 2018, and FY 2019.

**Background**

The SWVPP was originally established in FY 2008. The Program was implemented with a phase-in that provided funding to approved school districts in the initial year of start-up through a State General Fund appropriation. Following the initial year of program implementation, the school district program received funding through the preschool formula, based on the previous year's enrollment. The following table provides the funding and enrollment history. Program funding for the initial year of school district participation totaled \$57.6 million, while formula funding is estimated to total \$425.7 million through FY 2016.

| Legislative Services Agency: Statewide Voluntary Preschool Program for Four-Year-Olds (SWVPP) Funding Levels (Dollars in Millions) |                                       |             |                           |              |   |   |                             |
|--|---------------------------------------|-------------|---------------------------|--------------|---|---|-----------------------------|
|  | Appropriation Amount for Initial Year |             | Preschool Formula Funding |              | Total State Funding for Statewide Voluntary Preschool Program | Estimated Number of Preschool Students Enrolled in Program* | Preschool Formula Weighting |
| FY 2008  | \$                                    | 15.0        |                           | N.A.         | \$ 15.0   | 5,126   | N.A.                        |
| FY 2009  |                                       | 14.8        | \$                        | 17.1         | 31.8  | 9,676   | 3,075.6                     |
| FY 2010  |                                       | 11.5        |                           | 33.3         | 44.9  | 13,666  | 5,805.6                     |
| FY 2011  |                                       | 16.2        |                           | 48.3         | 64.5  | 19,799  | 8,199.6                     |
| FY 2012  |                                       | N.A.        |                           | 58.4         | 58.4  | 19,800  | 9,900.0                     |
| FY 2013  |                                       | N.A.        |                           | 60.4         | 60.4  | 19,900  | 9,950.0                     |
| FY 2014  |                                       | N.A.        |                           | 66.1         | 66.1  | 21,381  | 10,690.5                    |
| FY 2015  |                                       | N.A.        |                           | 70.0         | 70.0  | 21,926  | 10,963.0                    |
| Est. FY 2016   |                                       | N.A.        |                           | 72.2         | 72.2  | 22,690  | 11,345.0                    |
| <b>Total</b>   | <b>\$</b>                             | <b>57.6</b> | <b>\$</b>                 | <b>425.7</b> | <b>\$ 483.3</b>   |   |                             |

Notes:  
 FY 2011 appropriation amount for initial year includes \$12.2 million from the State General Fund and \$4.0 million from the Cash Reserve Fund.  
 Beginning in FY 2012, the preschool formula weighting was reduced from 0.6 to 0.5.  
 \*Enrollment amounts for FY 2008 - FY 2011 are based on the June 2014 SWVPP Fact Sheet released by the Department of Education. Enrollment amounts for FY 2012 - FY 2016 are calculated based on the preschool formula weighting amounts. Preschool formula weighting is the amount of weighting that was used to generate funding for the Estimated FY 2016 is based on the State cost per pupil of \$6,366. The amount will increase if the General Assembly enacts a State percent of growth for FY 2016.  
 Estimates as of February 20, 2015.

Sources:  
 Iowa Department of Management, School Aid files.  
 LSA Analysis and Calculations.

## **Assumptions**

Assumptions include:

- Current Legislative Services Agency (LSA) preschool formula funding estimates assume an increase of 2.5% to the preschool weightings for FY 2017, FY 2018, and FY 2019.
- There are an estimated 39,959<sup>1</sup> four-year-olds in Iowa.
- There are an estimated 42,809<sup>2</sup> three and four-year-olds in Iowa not enrolled in school, and of this total, 21,508 are four-year-olds.
- There are an estimated 25,587<sup>2</sup> (65.5%) three and four-year-olds in Iowa enrolled in public school and 13,496<sup>2</sup> (34.5%) enrolled in private school.
- Based on the proportion of four-year-olds in Iowa not enrolled in school and the proportion of three and four-year-olds in Iowa enrolled in public school, approximately 14,100 new four-year-olds will enroll in the SWVPP.
- The 14,100 new four-year-olds enrolled in the SWVPP are adjusted to include the already assumed increase of 2.5% to the preschool weightings for FY 2017, FY 2018, and FY 2019.
- The new four-year-olds enrolled in the SWVPP will be evenly split and counted in the certified enrollment counts for FY 2017, FY 2018, and FY 2019.
- Full enrollment for the SWVPP is 36,790 and will remain static through FY 2019.
- The current estimated enrollment for other existing preschool programs noted in this Bill (Shared Visions, special education programs, School Ready Children Grant Program through the Early Childhood Iowa Initiative, Head Start, and Title I of the ESEA) is assumed to remain static and included in U.S. Census Bureau estimates. The fiscal impact noted in the following table does not include enrollment counts for these students. This Bill allows these students to be included in the SWVPP enrollment count if participation in the SWVPP enhances the existing Program. The inclusion of these students in SWVPP enrollment count will increase both incentive funding and total Program funding amounts.
- In addition to the projected growth, the incentive Program may increase enrollments above the current assumed growth levels. This impact will include both the incentive State aid portion and an increase in overall funding levels for the SWVPP.
- The State percent of growth will impact future cost per pupil levels. This estimate assumes a 0.0% State percent of growth for FY 2016 through FY 2019. Any State percent of growth above 0.0% will increase the total fiscal impact.

## **Fiscal Impact**

Based on current LSA school aid estimates and the SWVPP for four-year-old growth, the minimum State aid increase resulting from the incentive State aid provision will be at least \$1.6 million in FY 2017, \$2.3 million in FY 2018, and \$3.1 million in FY 2019.

There may be additional enrollments above current projected levels resulting from this Bill. Timing of the increased enrollments will factor into the overall impact, and the specific increased enrollments and designated fiscal year is unknown.

The following table includes the fiscal impact (in millions) of each provision and the total increase compared to current estimates.

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<sup>1</sup> U.S. Census Bureau, Population Division, Annual Estimates of the Resident Population by Single Year of Age and Sex for Iowa, April 1, 2010, to July 1, 2013.

<sup>2</sup> U.S. Census Bureau, 2009-2013 5-Year American Community Survey, Table B14003 - sex by school enrollment by type of school by age for the population three years and over.

| <b>Current Law Estimates<br/>(Dollars in Millions)</b>       |                |                 |                 |
|--|----------------|-----------------|-----------------|
|  | <u>FY 2017</u> | <u>FY 2018</u>  | <u>FY 2019</u>  |
| <b>Current Law State Aid for Preschool</b>                   | <b>\$ 74.0</b> | <b>\$ 75.9</b>  | <b>\$ 77.8</b>  |
| <b>Incentive Period State Aid Payments (Current Law)</b>     |                |                 |                 |
|  | <u>FY 2017</u> | <u>FY 2018</u>  | <u>FY 2019</u>  |
| LSA Projected Enrollments                                    | 23,257         | 23,839          | 24,435          |
| Incentive Enrollment   | 1,258          | 1,840           | 2,436           |
| <b>Current Law Incentive State Aid</b>                       | <b>\$ 1.6</b>  | <b>\$ 2.3</b>   | <b>\$ 3.1</b>   |
| <b>Incentive Period State Aid Payments (New Enrollments)</b> |                |                 |                 |
|  | <u>FY 2017</u> | <u>FY 2018</u>  | <u>FY 2019</u>  |
| Full Enrollment in FY 2019                                   | 27,390         | 32,090          | 36,790          |
| Incentive Enrollment   | 4,133          | 8,251           | 12,355          |
| <b>New Incentive State Aid</b>                               | <b>\$ 5.3</b>  | <b>\$ 10.5</b>  | <b>\$ 15.7</b>  |
| <b>Preschool Foundation Aid Increase</b>                     |                |                 |                 |
|  | <u>FY 2017</u> | <u>FY 2018</u>  | <u>FY 2019</u>  |
| Full Enrollment in FY 2019                                   | 27,390         | 32,090          | 36,790          |
| New Preschool Students                                       | 4,133          | 8,251           | 12,355          |
| <b>Increase to Preschool Formula</b>                         | <b>\$ 13.2</b> | <b>\$ 26.3</b>  | <b>\$ 39.3</b>  |
| <b>Estimated Impact<br/>(Dollars in Millions)</b>            |                |                 |                 |
|  | <u>FY 2017</u> | <u>FY 2018</u>  | <u>FY 2019</u>  |
| Current Law State Aid for Preschool                          | \$ 74.0        | \$ 75.9         | \$ 77.8         |
| Current Law Incentive State Aid                              | 1.6            | 2.3             | 3.1             |
| New Incentive State Aid                                      | 5.3            | 10.5            | 15.7            |
| Increase to Preschool Formula                                | 13.2           | 26.3            | 39.3            |
| <b>Total Preschool Funding with Bill</b>                     | <b>\$ 94.0</b> | <b>\$ 115.0</b> | <b>\$ 135.9</b> |
| <b>Estimated General Fund Increase</b>                       | <b>\$ 20.0</b> | <b>\$ 39.1</b>  | <b>\$ 58.2</b>  |

**Sources**

U.S. Census Bureau  
Iowa Department of Education  
Iowa Department of Management, School Aid file  
LSA analysis and calculations

/s/ Holly M. Lyons

March 3, 2015

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 322** – Runoff Primary Election (LSB1090SV)  
Analyst: Jennifer Acton (Phone: (515) 281-7846) ([jennifer.acton@legis.iowa.gov](mailto:jennifer.acton@legis.iowa.gov))  
Fiscal Note Version – New

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### **Description**

**Senate File 322** requires a primary runoff election in the event of an inconclusive primary election for county offices, statewide offices, congressional offices, and members of the General Assembly. An inconclusive primary occurs when an insufficient number of candidates receive at least 35.0% of the vote in a primary election to fill the necessary number of nominations for an office. The runoff election is to be held four weeks after the primary election. The Bill takes effect July 1, 2015 (FY 2016).

### **Background**

- Under current law for an inconclusive primary election, the winner is determined by the applicable delegates at convention and expenses are paid by the applicable political party.
- Eleven states have provisions for primary runoff elections: Alabama, Arkansas, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, South Dakota, Texas, and Vermont. Vermont holds runoffs only in the event of a tie, and South Dakota only holds runoffs for the offices of U.S. Senator, U.S. Representative, and Governor.

### **Assumptions**

- There are 1,775 voting precincts in Iowa.
- Precinct workers are paid an average of \$8.50 per hour plus travel reimbursement, training, and supplies. Travel costs in rural precincts will be higher than urban precincts. Each precinct has approximately five workers working a 16-hour day.
- The cost per ballot is \$0.25.
- The cost for postage and envelopes per absentee ballot is \$1.68.
- County election administration costs are estimated to be \$30 per hour, per person, including base pay, overtime pay, and benefits.
- Publication cost per county is \$2,000.
- The voting equipment programming cost per county is \$3,000.
- The calculations assume 25.0% voter turnout.
- The average cost per precinct is estimated to be \$1,450.
- Some county supervisors are elected “at large” by the entire county and some are elected by a specific district within the county. The smallest district is assumed to include seven precincts.
- Primary runoff elections happen infrequently, but are assumed to happen more frequently at the county level, rather than the State or congressional level.

### **Fiscal Impact**

All costs for a primary runoff election will be paid at the county level. The effect on county expenditures will depend on the number of precincts involved. Costs range from approximately \$10,000 for seven precincts in a county local election for a specific County Board of Supervisor seat to \$2.6 million for a statewide election such as Secretary of Agriculture or Attorney General.

In the event of a statewide primary runoff, the Secretary of State's Office will incur approximately \$35,000 in costs for additional computer programming and staff overtime expenses. These costs will come from the General Fund appropriation.

**Sources**

Secretary of State  
Iowa Association of Counties

/s/ Holly M. Lyons

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March 2, 2015

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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 323** – Lottery Proceeds to Iowa Veterans Trust Fund (LSB1182SZ)  
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 323** requires \$2.5 million of lottery revenue to be transferred annually to the Veterans Trust Fund. Under current law, the Lottery Authority is required to conduct a limited series of lottery games to specifically benefit veterans programs. The proceeds from these lottery games are deposited in the Veterans Trust Fund. **Senate File 323** repeals the current requirement.

**Background**

The lottery revenues deposited in the Veterans Trust Fund from FY 2009 to FY 2014 have averaged \$2.5 million annually. However, over the last two fiscal years the proceeds have been below the five-year average and have decreased to \$2.1 million in FY 2013 and \$1.8 million in FY 2014. For the first six months of FY 2015, the revenues from lottery games benefitting veterans have increased \$467,000 compared to the same period of FY 2014. According to the Iowa Lottery Authority, the increase is due to the successful release of a \$3 instant-scratch game at the beginning of the fiscal year. The Lottery Authority discontinued the \$3 instant-scratch game and does not anticipate ticket sales to be as strong in the second half of FY 2015.

**Assumptions**

- Assumes lottery revenues generated for the Veterans Trust Fund from January 2015 through June 2015 will be similar to the revenue generated during the same period of FY 2014 (\$955,000), resulting in estimated revenues of \$2.3 million for FY 2015.
- The actual impact of **SF 323** will be the difference between the potential future sales of lottery games benefitting veterans compared to the \$2.5 million transfer limit specified in the Bill. For estimating purposes it is assumed that lottery revenue for the Veterans Trust Fund in FY 2016 and FY 2017 will range between \$2.0 million and \$2.3 million annually.
- According to the Iowa Lottery Authority, lottery games benefitting veterans will continue to be marketed.

**Fiscal Impact**

**Senate File 323** will reduce lottery revenues transferred to the General Fund in FY 2016 and FY 2017 by an estimated \$200,000 to \$500,000 annually with a midpoint estimate of \$350,000. The Bill will also increase the funds transferred to the Veterans Trust Fund by a like amount.

**Sources**

Iowa Lottery Authority  
Legislative Services Agency

/s/ Holly M. Lyons

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March 2, 2015