

FILED FEB 27 '01

SENATE FILE 304
BY COMMITTEE ON NATURAL RESOURCES
AND ENVIRONMENT

(SUCCESSOR TO SF 246)

Passed Senate ^(p.686) Date 3/19/01 Passed House, Date _____
Vote: Ayes 39 Nays 7 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the application procedure for variances for
2 open burning.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 304

1 Section 1. Section 455B.143, Code 2001, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 6. This section shall not apply to a
4 person seeking a variance from the rules or standards for open
5 burning. An application for a variance from the rules or
6 standards for open burning shall be submitted to the fire
7 chief of the fire district where the burn would take place.

8 EXPLANATION

9 This bill provides that an application for a variance from
10 rules or standards for open burning shall not be submitted to
11 the department of natural resources. Rather, the bill
12 provides that the application shall be submitted to the fire
13 chief of the fire district where the burn would take place.

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HOUSE FILE 304

H-1251

1 Amend House File 304 as follows:

2 1. By striking page 17, line 30 through page 18,
3 line 19.

4 2. By renumbering as necessary.

By TREMMEL of Wapello

H-1251 FILED MARCH 20, 2001

HOUSE FILE 304

H-1252

1 Amend House File 304 as follows:

2 1. By striking page 16, line 18 through page 17,
3 line 1.

4 2. Title page, lines 5 and 6, by striking the
5 words "election polling hours,".

6 3. By renumbering as necessary.

By FALCK of Fayette

H-1252 FILED MARCH 20, 2001

**HOUSE FILE 304
FISCAL NOTE**

The estimate for **House File 304** is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 304 makes changes to election laws, procedures, and voter registration as well as consolidating local elections for the directors of local school districts, area education agencies, and merged areas on the municipal general election day in November in odd-numbered years. The Bill creates and enhances penalties for voter fraud and tampering.

ASSUMPTIONS

1. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
2. Prisoner length of stay, revocation rates, and other corrections' practices and policies will not change over the projection period.
3. The law will become effective July 1, 2001. A lag effect of six months is assumed, from the effective date of the change in the law to the date of first entry of affected offenders into the correctional system.
4. The analysis is based on information obtained from the Justice Data Warehouse, which includes statewide court information. Conviction and penalty information is based on FY 2000 data.
5. The marginal cost per day in prison is \$16 per offender.
6. The marginal cost per day for county jails is \$25 per offender.
7. Court costs vary by type of offense charged, as well as contested versus uncontested cases. Information concerning the ratio of contested versus uncontested cases is not available. Trial costs for a Class D Felony case range from approximately \$3,000 to \$5,000 and from \$50 to \$500 for a simple misdemeanor.
8. Court costs include expenses for the Clerk of Court, court attendant, court reporter, juries, and judges; i.e., Magistrates, District Associate Judges, and District Court Judges.
9. The median cost per case for the State Public Defender to defend a Class C or D felony is \$1,500.
10. The median cost per case for the State Public Defender to defend a simple misdemeanor is \$200.

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11. Average length of stay for a Class D Non-person Felony is 16.7 months in prison.
12. Average length of stay for simple misdemeanors is 3 days in county jail.
13. There have been no convictions for cases initiated on or after September 1, 1997, under Chapters 39, 39A, 48A, 52 or 53, Code of Iowa.
14. Cost savings to local governments may be realized due to decreased hourly cost for poll watchers, shortened county auditor hours, and sharing elections between school district and city elections, however, the amount cannot be determined due to insufficient information.
15. Counties may incur additional costs due to the reprinting of voter registration forms, absentee application forms, voter identification cards, as well as software programming changes, and hiring temporary personnel. However, the amount cannot be determined due to insufficient information.

CORRECTIONAL IMPACT

House File 304 is not expected to have a significant correctional impact.

FISCAL IMPACT

The General Fund impact of House File 304 cannot be determined due to insufficient information. However, any impact is not expected to be significant. The estimated cost for violators of this Bill range from \$325 for a simple misdemeanor violation to \$14,000 for a Class D Felony violation.

House File 304 is not expected to have any impact on the operations of the Office of Secretary of State.

The impact on local government cannot be determined due to insufficient information.

~USOURCES

Department of Corrections
Department of Human Rights, Criminal and Juvenile Justice Planning Division
Judicial Branch
Secretary of State
State Public Defender
Iowa County Auditor

(LSB 2064yh, CR3)

FILED MARCH 27, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR