

**EIGHTY-EIGHTH GENERAL ASSEMBLY
2019 REGULAR SESSION
DAILY
HOUSE CLIP SHEET
February 28, 2019**

Clip Sheet Summary

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

Bill	Amendment	Action	Sponsor
HF 179	H-1004	Filed	COMMITTEE ON NATURAL RESOURCES, et al

Fiscal Notes

[HF 439](#) — [Zero-Based Budget, 10-Year Intervals](#) (LSB2159YH)

[HF 482](#) — [Motor Vehicle Enforcement Officers](#) (LSB1476HV)

[HF 534](#) — [Female Genital Mutilation Ban](#) (LSB1171HV)

HOUSE FILE 179

H-1004

1 Amend House File 179 as follows:

2 1. Page 1, by striking lines 7 through 31 and inserting:

3 <Sec. ____ . Section 481A.48, subsections 5 and 6, Code 2019,
4 are amended to read as follows:

5 5. The commission shall establish one or more pistol
6 or revolver seasons for hunting deer as separate firearm
7 seasons or to coincide with one or more other firearm deer
8 hunting seasons. Any pistol or revolver ~~firing a magnum~~
9 ~~three hundred fifty-seven thousandths of one inch caliber or~~
10 ~~larger, centerfire, straight wall ammunition propelling an~~
11 ~~expanding-type bullet with a barrel length of at least four~~
12 inches and firing straight wall or other centerfire ammunition
13 propelling an expanding-type bullet with a maximum diameter of
14 no less than three hundred fifty thousandths of one inch and
15 no larger than five hundred thousandths of one inch and with
16 a published or calculated muzzle energy of five hundred foot
17 pounds or higher is legal for hunting deer during the pistol or
18 revolver seasons. ~~The commission shall adopt rules to allow~~
19 ~~black powder pistols or revolvers for hunting deer. The rules~~
20 ~~shall not allow pistols or revolvers with shoulder stock or~~
21 ~~long-barrel modifications. The barrel length of a pistol or~~
22 ~~revolver used for deer hunting shall be at least four inches.~~
23 The rules may limit types of ammunition projectiles. A person
24 who is ~~sixteen~~ twenty years of age or less shall not hunt deer
25 with a pistol or revolver unless that person is accompanied and
26 under direct supervision throughout the hunt by a responsible
27 person with a valid hunting license who is at least twenty-one
28 years of age, with the consent of a parent, guardian, or spouse
29 who is at least twenty-one years of age, pursuant to section
30 724.22, subsection 5. A person possessing a prohibited pistol
31 or revolver while hunting deer commits a scheduled violation
32 under section 805.8B, subsection 3, paragraph "h", subparagraph
33 (5).

34 6. The commission shall adopt rules pursuant to chapter 17A
35 allowing the use of ~~straight wall~~ cartridge rifles to hunt deer

1 as follows:

2 *a.* A ~~straight-wall~~ cartridge rifle may be used to hunt deer
3 during youth and disabled deer hunting season and first and
4 second shotgun deer hunting seasons by a person who has a valid
5 deer hunting license and is otherwise qualified to hunt.

6 *b.* A ~~straight-wall~~ cartridge rifle that is allowed pursuant
7 to this subsection shall be of the same caliber and use the
8 same straight wall ammunition as is allowed for use in a pistol
9 or revolver for hunting deer as provided in subsection 5.
10 In addition, the commission shall provide, by rule, for the
11 use of straight wall ammunition under this subsection that
12 meets ballistics specifications similar to the requirements
13 for straight wall ammunition allowed for use in a pistol or
14 revolver for hunting deer as provided in subsection 5.

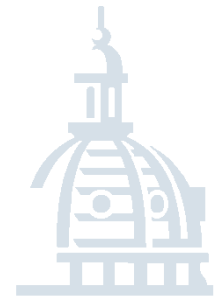
15 *c.* A person possessing a prohibited rifle while hunting deer
16 commits a scheduled violation under section 805.8B, subsection
17 3, paragraph "h", subparagraph (6). In addition, the hunting
18 privileges of a person convicted of possessing a prohibited
19 rifle while hunting deer shall be suspended for two years.>

20 2. Page 1, by striking lines 22 and 23 and inserting
21 <ammunition. A person who is ~~sixteen~~ twenty years of age ~~or~~
22 ~~less shall not~~ may hunt deer with a pistol or revolver as long
23 as that person has completed a hunter education course pursuant
24 to section 483A.27 and the>

25 3. By renumbering as necessary.

By COMMITTEE ON NATURAL RESOURCES
BACON of Story, Chairperson

H-1004 FILED FEBRUARY 28, 2019



[HF 439](#) – Zero-Based Budget, 10-Year Intervals (LSB2159YH)
Analyst: David Reynolds (515.281.6934) dave.reynolds@legis.iowa.gov
Fiscal Note Version – New

Description

[House File 439](#) requires Executive Branch agencies to utilize a zero-base budget process once every 10 years for the fiscal year beginning July 1, 2024 (FY 2025). The Bill requires State agencies to provide sufficient supporting data and explanations to justify each expenditure as though it were a new expenditure. The Bill also requires State agencies to prioritize expenditures and provide performance measures to evaluate the effectiveness of any program.

Background

Zero-base budgeting is a concept designed to identify, prioritize, and control expenditures of programs, and to measure the effectiveness of funding those programs. Under a zero-base budgeting process, every budget cycle begins with the assumption that all programs or activities funded in the prior budget must be reevaluated and justified for funding under the new budget.

Iowa Code section [8.23](#) requires State agencies to submit annual budget requests for the next fiscal year using a 75.0% base, which equates to 75.0% of the current year budget. The remaining 25.0% of the budget request, plus any increase, is justified using individual decision packages. Since FY 2009, the budget requirements in Iowa Code section [8.23](#) have been annually suspended through session law, and the budget requests of State agencies have been based on 100.0% of the current year budget with adjustments made by departments to arrive at their budget requests for the next fiscal year.

Assumptions

- The Bill will require the Department of Management (DOM) to develop new training procedures for departments using a zero-base approach to enable the departments to submit the FY 2025 budget requests by October 1, 2023. The DOM estimates that this training can be accomplished within DOM's current budget.
- No new programming will be required for the I-3 Budget System, as the base budget that is used in the current System will be zero and instances in the System will be used to build the budget requests from zero.

Fiscal Impact

The fiscal impact of [HF 439](#) cannot be determined at this time. The new zero-base budget approach will require additional work on behalf of State agencies to identify and associate expenditure classes to programs and activities at a level that is sufficient to meet the requirements of a zero-base budget. Agencies with more complex and varied programs (i.e., Department of Human Services) will require more work to develop a zero-base budget, while other agencies will require less work.

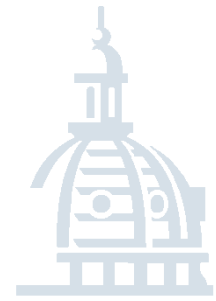
Sources

Department of Management
Legislative Services Agency

/s/ Holly M. Lyons

February 27, 2019

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.



HF 482 – Motor Vehicle Enforcement Officers (LSB1476HV)
Analyst: Adam Broich (515.281.8223) adam.broich@legis.iowa.gov
Rodrigo Acevedo (515.281.6764) rodrigo.acevedo@legis.iowa.gov
Fiscal Note Version – New

Description

[House File 482](#) extends the authorization of Motor Vehicle Enforcement (MVE) Officers employed by the Department of Transportation (DOT) to perform duties outlined in Iowa Code section [321.477](#). The current authorization sunsets on July 1, 2019. The Bill allows the following duties, which the DOT is currently performing, to continue until July 1, 2022:

- Employees designated as peace officers by the DOT may “enforce all laws of the state including but not limited to the rules and regulations of the department.”
- “Employees designated as peace officers pursuant to section [321.477](#) shall have the same powers conferred by law on peace officers for the enforcement of all laws of this state and the apprehension of violators.”
- MVE officers may operate within the limits of a city under certain circumstances.
- MVE officers must spend the preponderance of their time enforcing the State and federal commercial motor vehicle laws and regulations.
- The Department is required to provide a report to the General Assembly by December 1 each year that describes the nature and scope of enforcement activities during the prior fiscal year.

Background

In 2017, the General Assembly passed the Motor Vehicle Regulation and Enforcement Act that specified the powers, duties, and limitations of the MVE officers and granted authority to the DOT to perform these duties for one year (2017 Iowa Acts, ch. [149](#)). In 2018, the General Assembly extended the authorization to perform these duties until July 1, 2019. The sunset on July 1, 2019, will return law enforcement duties in Iowa Code section [321.477](#) to those authorized prior to July 1, 2017.

In 2018, the Iowa Supreme Court ruled that prior to July 1, 2017, MVE officers did not have the authority to issue traffic citations “unrelated to operating authority, registration, size, weight, and load” ([opinion](#)). This ruling, in conjunction with the sunset, means that the DOT will only be able to conduct enforcement activities related to “operating authority, registration, size, weight, and load” after July 1, 2019. MVE officers would still be able to conduct other enforcement activities if authorized to do so by another statute, such as Iowa Code section [321.380](#) for school bus violations and Iowa Code section [321J.2](#) for operating-while-intoxicated violations.

A total of 21,100 convictions for scheduled traffic violations in FY 2018 were due to citations issued by MVE officers. Scheduled traffic convictions issued by the DOT include a wide range of violations. The majority of the citations were issued to vehicles that require commercial driver’s licenses. A few examples of convictions include but are not limited to scheduled traffic violations including weight violations, speeding, CMV safety regulations, and operating without insurance and registration. The Legislative Services Agency (LSA) is unable to determine which of these scheduled traffic violations the DOT will be able to enforce after July 1, 2019, if the current language in Iowa Code section [321.477](#) sunsets.

Additionally, actions of MVE officers resulted in 500 convictions for various crimes in FY 2018. Examples include operating while under the influence, possession of drug paraphernalia, and possession of controlled substances. These arrests may have occurred after a routine traffic stop that MVE officers may not be able to conduct after the current sunset. It is not possible to determine the circumstances of these arrests. The LSA cannot determine what violations the DOT may have authority to enforce after July 1, 2019, and if the loss of this authority will reduce the ability of MVE officers to enforce Iowa Code section [321J.2](#) or [321.380](#).

The costs for MVE officers and enforcement activities are funded by appropriations from the Road Use Tax Fund to the Highway Division of the DOT. The Department also receives reimbursements for approved commercial enforcement activities under the Motor Carrier Safety Assistance Program (MCSAP). In FFY 2017, Iowa was eligible to receive a total of \$4.3 million in MCSAP reimbursements. Approximately \$1.5 million of the total federal funds was allocated to the Department of Public Safety (DPS).

Fines associated with each scheduled traffic citation vary. There is an estimated court cost of \$60 per violation. A criminal penalty surcharge is applied to the scheduled fine. Ninety-five percent of the surcharge goes to the State. Of the State's share, 83.0% goes to the General Fund and 17.0% to the Victim Compensation Fund. The remaining 5.0% of the surcharge goes to the local city or county where the infraction occurred.

Fiscal Impact

[House File 482](#) will allow the DOT to continue law enforcement activities as conducted in FY 2018 and FY 2019. By extending authorized duties through FY 2022, the Bill avoids a potential reduction in General Fund revenue from fines due to the sunset of the authority designated in Iowa Code section [321.477](#). However, the number of convictions that will be issued in FY 2020 and FY 2021 that would not have been issued if authority sunsets is unknown. Extending authorized duties through FY 2022 may avoid a reduction in Federal MCSAP funding. The extent that MCSAP funding may be reduced if Iowa Code section [321.477](#) sunset is unknown.

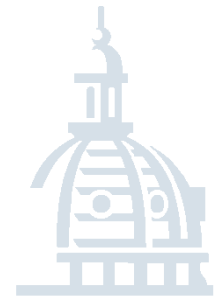
Sources

Criminal and Juvenile Justice Planning Division, Department of Human Rights
Iowa Department of Transportation
Legislative Services Agency

/s/ Holly M. Lyons

February 27, 2019

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.



HF 534 – Female Genital Mutilation Ban (LSB1171HV)
Analyst: Laura Book (515.205.9275) laura.book@legis.iowa.gov
Fiscal Note Version – New

Description

[House File 534](#) creates the criminal offense of female genital mutilation and provides penalties. The Bill provides that a person who knowingly commits female genital mutilation on a minor as described in Iowa Code section 708.16 commits an aggravated misdemeanor. In addition, a person who knowingly transports a minor outside of this State for the purpose of performing a surgical procedure that would be in violation of the Bill if the conduct occurred in this State, commits an aggravated misdemeanor.

Background

An aggravated misdemeanor is punishable by confinement for no more than two years and a fine of at least \$625 but not more than \$6,250. Currently, a person who has control over a child or a minor and commits the act of female genital mutilation may be in violation of Iowa Code section [726.6](#) (Child Endangerment), with a penalty ranging from an aggravated misdemeanor to a Class B felony depending on the severity of the offense.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay; revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.

Correctional Impact

The correctional impact of [HF 534](#) cannot be determined. The Bill establishes a new offense, and the number of convictions cannot be estimated.

Table 1 below shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; length of stay (LOS) under those supervisions; and supervision marginal costs per day for all convictions of aggravated misdemeanors. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 8, 2019, for information related to the correctional system.

Table 1 — Sentencing Estimates and LOS

Conviction Offense Class	Percent to Prison	FY 18 Avg Length of Stay Prison (months)	FY 18 Marginal Cost/Day Prison	Percent to Probation	FY 18 Avg Length of Stay Probation (months)	FY 18 Avg Cost/Day Probation	Percent to CBC	FY 18 Marginal Cost/Day CBC	FY 18 Avg Length of Stay Parole (months)	FY 18 Marginal Cost/Day Parole	Percent to County Jail	Marginal Cost/Day
Aggravated Misdemeanor (Persons)	46.0%	8.5	\$18.43	71.0%	20.2	\$5.38	5.0%	\$11.85	4.8	\$5.38	53.0%	\$50.00

Minority Impact

The minority impact of [HF 534](#) is unknown. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 7, 2019, for information related to minorities in the criminal justice system.

Fiscal Impact

[House File 534](#) establishes a new criminal offense, and the resulting cost to the Justice System cannot be estimated. The average State cost for one aggravated misdemeanor conviction ranges from \$4,700 to \$7,500. This estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the Department of Corrections for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Sources

Criminal and Juvenile Justice Planning Division, Department of Human Rights

/s/ Holly M. Lyons

February 27, 2019

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.
