

Sec. 14. Section 443.2, unnumbered paragraph 2, Code 1999, is amended to read as follows:

The county auditor shall list the aggregate actual value and the aggregate taxable value of all taxable property within the county and each political subdivision including property subject to the statewide property tax imposed under section 437A.18 on the tax list in order that the actual value of the taxable property within the county or a political subdivision may be ascertained and shown by the tax list for the purpose of computing the debt-incurring capacity of the county or political subdivision. As used in this section, "actual value" is the value determined under section 441.21, subsections 1 to 3, prior to the reduction to a percentage of actual value as otherwise provided in section 441.21. "Actual value" of property subject to statewide property tax is the assessed value under section 437A.18.

Sec. 15. Section 445.57, Code 1999, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The county treasurer shall apportion all interest and penalties on the replacement taxes and special utility property tax levies collected by the county treasurer to the general fund. Replacement taxes collected by the county treasurer shall be apportioned as set forth in this section.

Sec. 16. **RECOMPUTATION.** The director of revenue and finance shall recompute the electric replacement delivery tax rate applicable to each electric competitive service area under section 437A.4 in order to reflect the electric generation tax component determined under section 437A.6, as amended by this Act. If the recomputed electric replacement delivery tax rate differs from the delivery tax rate published in the Iowa administrative bulletin in 1999, the director shall publish the recomputed tax rate in the Iowa administrative bulletin within ninety days of the effective date of this Act.

Sec. 17. **RETROACTIVE APPLICABILITY.** Sections 3, 4, 5, 6, 7, 9, and 10 of this Act, amending section 437A.5, subsection 7; section 437A.6; section 437A.8, subsection 4; section 437A.14, subsection 1; and section 437A.15, subsection 3, respectively, apply retroactively to January 1, 1999, for tax years beginning on and after that date.

Sec. 18. **EFFECTIVE DATE.** This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 19, 2000

CHAPTER 1115

INDIGENT DEFENSE

H.F. 2470

AN ACT relating to the office of the state public defender including indigent defense costs and the appropriation of indigent defense funds.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 13B.8, subsection 2, Code Supplement 1999, is amended to read as follows:

2. The state public defender may appoint ~~a local public defender~~ and may remove the local public defender, assistant local public defenders, clerks, investigators, secretaries, or other

employees for cause. Each local public defender, and any assistant local public defender, must be an attorney admitted to the practice of law before the Iowa supreme court.

Sec. 2. Section 232.141, subsection 2, Code Supplement 1999, is amended to read as follows:

2. All of the following expenses are a charge upon the county in which the proceedings are held, to the extent provided in subsection 3:

a. The fees and mileage of witnesses and the expenses of officers serving notices and subpoenas which are incurred ~~in connection with the appointment of~~ by an attorney appointed by the court to serve as counsel to any party or to serve as a guardian ad litem for any child.

b. Reasonable compensation for an attorney appointed by the court to serve as counsel to any party or as guardian ad litem for any child. ~~However, the amount of compensation paid shall be paid in accordance with section 815.7.~~

Sec. 3. Section 232.141, subsection 3, paragraph c, Code Supplement 1999, is amended to read as follows:

c. ~~Costs incurred under subsection 2 which are not paid by the county under paragraphs "a" and "b" shall be paid by the state. However, before any costs are paid, a claim must be submitted to and approved by the state public defender who shall prescribe rules and forms to implement this subsection for compensation of an attorney appointed by the court to serve as counsel to any party or guardian ad litem for any child shall be made in accordance with sections 13B.4 and 815.7.~~

Sec. 4. Section 232.141, subsection 3, Code Supplement 1999, is amended by adding the following new paragraph:

NEW PARAGRAPH d. Costs incurred under subsection 2 shall be paid by the state. The county shall be required to reimburse the indigent defense fund for costs incurred by the state up to the county's base in subsection 2.

Sec. 5. Section 815.7, Code Supplement 1999, is amended to read as follows:

815.7 FEES TO ATTORNEYS.

An attorney who has not entered into a contract authorized under section 13B.4 and who is appointed by the court to represent any person charged with a crime in this state, seeking postconviction relief, against whom a contempt action is pending, appealing a criminal conviction, appealing a denial of postconviction relief, or subject to a proceeding under chapter 229A, or to serve as counsel for any person or guardian ad litem for any child in juvenile court, shall be entitled to reasonable compensation and expenses. For appointments made on or after July 1, 1999, the reasonable compensation shall be calculated on the basis of sixty dollars per hour for class "A" felonies, fifty-five dollars per hour for class "B" felonies, and fifty dollars per hour for all other ~~offenses cases~~. The expenses shall include any sums as are necessary for investigations in the interest of justice, and the cost of obtaining the transcript of the trial record and briefs if an appeal is filed. The attorney need not follow the case into another county or into the appellate court unless so directed by the court. If the attorney follows the case into another county or into the appellate court, the attorney shall be entitled to compensation as provided in this section. Only one attorney fee shall be so awarded in any one case except that in class "A" felony cases, two may be authorized.

Sec. 6. Section 815.9, subsection 1, Code Supplement 1999, is amended to read as follows:

1. For purposes of this chapter, chapter 13B, chapter 229A, chapter 232, chapter 665, chapter 814, chapter 822, and the rules of criminal procedure, a person is indigent if the person is entitled to an attorney appointed by the court as follows:

a. A person is entitled to an attorney appointed by the court to represent the person if the person has an income level at or below one hundred twenty-five percent of the United States

poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services, unless the court determines that the person is able to pay for the cost of an attorney to represent the person on the pending ~~charges case~~. In making the determination of a person's ability to pay for the cost of an attorney, the court shall consider not only the person's income, but also the availability of any assets subject to execution, including but not limited to cash, stocks, bonds, and any other property which may be applied to the satisfaction of judgments and the seriousness of the charge or nature of the case.

b. A person with an income level greater than one hundred twenty-five percent, but at or below two hundred percent, of the most recently revised poverty income guidelines published by the United States department of health and human services shall not be entitled to an attorney appointed by the court, unless the court makes a written finding that not appointing counsel on the pending ~~charges case~~ would cause the person substantial hardship. In determining whether substantial hardship would result, the court shall consider not only the person's income, but also the availability of any assets subject to execution, including but not limited to cash, stocks, bonds, and any other property which may be applied to the satisfaction of judgments and the seriousness of the charge or nature of the case.

c. A person with an income level greater than two hundred percent of the most recently revised poverty income guidelines published by the United States department of health and human services shall not be entitled to an attorney appointed by the court, unless the person is charged with a felony and the court makes a written finding that not appointing counsel would cause the person substantial hardship. In determining whether substantial hardship would result, the court shall consider not only the person's income, but also the availability of any assets subject to execution, including but not limited to cash, stocks, bonds, and any other property which may be applied to the satisfaction of judgments and the seriousness of the charge or nature of the case.

Sec. 7. Section 815.10, subsection 1, Code Supplement 1999, is amended to read as follows:

1. The court, for cause and upon its own motion or upon application by an indigent person or a public defender, shall appoint ~~the state public defender~~, the state public defender's designee pursuant to section 13B.4, or an attorney pursuant to section 13B.9 to represent an indigent person at any stage of the criminal, postconviction, contempt, commitment under chapter 229A, or juvenile proceedings or on appeal of any criminal, postconviction, contempt, commitment under chapter 229A, or juvenile action in which the indigent person is entitled to legal assistance at public expense. However, in juvenile cases, the court may directly appoint an existing nonprofit corporation established for and engaged in the provision of legal services for juveniles. An appointment shall not be made unless the person is determined to be indigent under section 815.9. Only one attorney shall be appointed in all cases, except that in class "A" felony cases the court may appoint two attorneys.

Sec. 8. Section 815.11, Code Supplement 1999, is amended to read as follows:

815.11 APPROPRIATIONS FOR INDIGENT DEFENSE.

Costs incurred under chapter 229A, 665, or 822, or section 232.141, subsection 3, paragraph "c", or sections 814.9, 814.10, 814.11, 815.4, 815.5, 815.6, 815.7, and 815.10, or the rules of criminal procedure on behalf of an indigent shall be paid from funds appropriated by the general assembly to the office of the state public defender in the department of inspections and appeals for those purposes.

Sec. 9. Section 910.2, unnumbered paragraph 1, Code 1999, is amended to read as follows:

In all criminal cases in which there is a plea of guilty, verdict of guilty, or special verdict upon which a judgment of conviction is rendered, the sentencing court shall order that restitution be made by each offender to the victims of the offender's criminal activities, to the clerk of court for fines, penalties, surcharges, and, to the extent that the offender is reasonably able to pay, for crime victim assistance reimbursement, restitution to public agencies pursuant to section 321J.2, subsection 9, paragraph "b", court costs including correctional

fees approved pursuant to section 356.7, court-appointed attorney's fees, ~~or ordered pursuant to section 815.9 including~~ the expense of a public defender when applicable, or contribution to a local anticrime organization. However, victims shall be paid in full before fines, penalties, and surcharges, crime victim compensation program reimbursement, public agencies, court costs including correctional fees approved pursuant to section 356.7, court-appointed attorney's fees, the expenses of a public defender, or contribution to a local anticrime organization are paid. In structuring a plan of restitution, the court shall provide for payments in the following order of priority: victim, fines, penalties, and surcharges, crime victim compensation program reimbursement, public agencies, court costs including correctional fees approved pursuant to section 356.7, court-appointed attorney's fees, or the expense of a public defender, and contribution to a local anticrime organization.

Sec. 10. INDIGENT DEFENSE COSTS.

1. For an attorney entitled to compensation under section 815.7 for an appointment made before July 1, 1999, the reasonable compensation shall be calculated on the basis of fifty-five dollars per hour for class "A" felonies, fifty dollars per hour for class "B" felonies, and forty-five dollars per hour for all other cases.

2. For purposes of determining the reasonable basis for compensation in juvenile cases under section 815.7, an attorney is considered appointed on the date of the first dispositional hearing or first review hearing held on or after July 1, 1999, and shall be compensated at a rate of fifty dollars per hour for and after such hearing.

Approved April 19, 2000

CHAPTER 1116

TAKING OF FISH AND GAME

H.F. 2486

AN ACT relating to the taking of fish and game by establishing residency requirements, authorizing the taking of deer and the use of certain mechanical devices for taking deer within a city, and methods of taking fish and subjecting violators to an existing penalty.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 481A.76, Code 1999, is amended to read as follows:

481A.76 UNLAWFUL MEANS — EXCEPTION.

It is unlawful, except as otherwise provided, to use on or in the waters of the state any grabhook, snaghook, any kind of a net, seine, trap, firearm, dynamite, or other explosives, or poisonous or stupefying substances, lime, ashes, ~~or electricity, or hand fishing~~ in the taking or attempting to take any fish, except that gaffhooks or landing nets may be used to assist in landing fish. ~~A person shall not take or kill, or attempt to take or kill any fish by hand fishing. However, carp, buffalo, quillback, gar, sheepshead, dogfish, and other rough fish designated by the~~ The commission may permit designated fish to be taken by hand fishing, by snagging, by ~~spear spearing~~, by bow and arrow, ~~day or night~~, and with artificial light. ~~The snagging of paddlefish and other game fish may be permitted at such~~ the times and at such the places as determined by rules of the commission.

Sec. 2. Section 481A.123, subsection 1, Code 1999, is amended to read as follows:

1. A person shall not discharge a firearm or shoot or attempt to shoot a game or fur-bearing animal within two hundred yards of a building inhabited by people or domestic livestock or