

MAR 28 2005  
APPROPRIATIONS CALENDAR

HOUSE FILE 826  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HF 813)  
(SUCCESSOR TO HF 513)  
(SUCCESSOR TO HSB 80)

Passed House, Date 3-31-05 Passed Senate, Date 4-13-05  
Vote: Ayes 51 Nays 49 Vote: Ayes 27 Nays 23  
Approved Item Veto 4/19/05

A BILL FOR

1 An Act relating to the speed limit for vehicular traffic on  
2 highways, the fines for violations, and court costs for simple  
3 misdemeanor offenses and providing a fee and making  
4 appropriations.

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

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HF 826

1 Section 1. Section 321.285, subsection 6, Code 2005, is  
2 amended to read as follows:

3 6. a. Notwithstanding any other speed restrictions, the  
4 speed limit for all vehicular traffic on fully controlled-  
5 access, divided, multilaned highways ~~including the national~~  
6 ~~system of interstate highways~~ is sixty-five miles per hour.  
7 However, the speed limit for all vehicular traffic on highways  
8 that are part of the interstate road system, as defined in  
9 section 306.3, is seventy miles per hour. The department may  
10 establish a speed limit of sixty-five miles per hour on  
11 certain divided, multilaned highways not otherwise described  
12 in this paragraph.

13 ~~b. However, the department or cities with the approval of~~  
14 ~~the~~ The department, on its own motion or in response to a  
15 recommendation of a metropolitan or regional planning  
16 commission or council of governments, may establish a lower  
17 speed limit ~~upon such highways located within the corporate~~  
18 ~~limits of a city~~ on a highway described in this subsection.

19 c. For the purposes of this subsection, ~~a fully~~ "fully  
20 controlled-access highway is highway" means a highway that  
21 gives preference to through traffic by providing access  
22 connections with selected public roads only and by prohibiting  
23 crossings at grade or direct private driveway connections.

24 d. A minimum speed may be established by the department on  
25 the highways referred to in this subsection if warranted by  
26 engineering and traffic investigations.

27 ~~It is further provided that any~~ Any kind of vehicle,  
28 implement, or conveyance incapable of attaining and  
29 maintaining a speed of forty miles per hour shall be  
30 prohibited from using the interstate road system.

31 Sec. 2. Section 602.1302, subsection 1, Code 2005, is  
32 amended to read as follows:

33 1. Except as otherwise provided by sections 602.1303, and  
34 602.1304, and 602.8108 or other applicable law, the expenses  
35 of operating and maintaining the judicial branch shall be paid

1 out of the general fund of the state from funds appropriated  
2 by the general assembly for the judicial branch. State  
3 funding shall be phased in as provided in section 602.11101.

4 Sec. 3. Section 602.1304, subsection 2, paragraph b, Code  
5 2005, is amended to read as follows:

6 b. For each fiscal year, a judicial collection estimate  
7 for that fiscal year shall be equally and proportionally  
8 divided into a quarterly amount. The judicial collection  
9 estimate shall be calculated by using the state revenue  
10 estimating conference estimate made by December 15 pursuant to  
11 section 8.22A, subsection 3, of the total amount of fines,  
12 fees, civil penalties, costs, surcharges, and other revenues  
13 collected by judicial officers and court employees for deposit  
14 into the general fund of the state. The revenue estimating  
15 conference estimate shall be reduced by the maximum amounts  
16 allocated to the Iowa prison infrastructure fund pursuant to  
17 section 602.8108A, the court technology and modernization fund  
18 pursuant to section 602.8108, and subsection 7, the judicial  
19 branch pursuant to section 602.8108, subsection 7A, the road  
20 use tax fund pursuant to section 602.8108, subsection 8, and  
21 amounts allocated to the department of public safety's vehicle  
22 depreciation account pursuant to section 602.8108, subsection  
23 9, and the remainder shall be the judicial collection  
24 estimate. In each quarter of a fiscal year, after revenues  
25 collected by judicial officers and court employees equal to  
26 that quarterly amount are deposited into the general fund of  
27 the state, and after the required amount is deposited during  
28 the quarter into the Iowa prison infrastructure fund pursuant  
29 to section 602.8108A and into the court technology and  
30 modernization fund pursuant to section 602.8108, subsection 7,  
31 and after the required amount is allocated to the judicial  
32 branch pursuant to section 602.8108, subsection 7A, and to the  
33 department of public safety's vehicle depreciation account  
34 pursuant to section 602.8108, subsection 9, the director of  
35 the department of administrative services shall deposit the

1 remaining revenues for that quarter into the enhanced court  
2 collections fund in lieu of the general fund. However, after  
3 total deposits into the collections fund for the fiscal year  
4 are equal to the maximum deposit amount established for the  
5 collections fund, remaining revenues for that fiscal year  
6 shall be deposited into the general fund. If the revenue  
7 estimating conference agrees to a different estimate at a  
8 later meeting which projects a lesser amount of revenue than  
9 the initial estimate amount used to calculate the judicial  
10 collection estimate, the director of the department of  
11 administrative services shall recalculate the judicial  
12 collection estimate accordingly. If the revenue estimating  
13 conference agrees to a different estimate at a later meeting  
14 which projects a greater amount of revenue than the initial  
15 estimate amount used to calculate the judicial collection  
16 estimate, the director of the department of administrative  
17 services shall recalculate the judicial collection estimate  
18 accordingly but only to the extent that the greater amount is  
19 due to an increase in the fines, fees, civil penalties, costs,  
20 surcharges, or other revenues allowed by law to be collected  
21 by judicial officers and court employees.

22 Sec. 4. Section 602.8106, subsection 1, paragraphs b, d,  
23 and e, Code 2005, are amended to read as follows:

24 b. For filing and docketing of a complaint or information  
25 for a simple misdemeanor and a complaint or information for a  
26 nonscheduled simple misdemeanor under chapter 321, **seventeen**  
27 thirty dollars.

28 d. The court costs in scheduled violation cases where a  
29 court appearance is required, **seventeen** thirty dollars.

30 e. For court costs in scheduled violation cases where a  
31 court appearance is not required, **seventeen** thirty dollars.

32 Sec. 5. Section 602.8108, subsection 2, Code 2005, is  
33 amended to read as follows:

34 2. Except as otherwise provided, the clerk of the district  
35 court shall report and submit to the state court

1 administrator, not later than the fifteenth day of each month,  
2 the fines and fees received during the preceding calendar  
3 month. Except as provided in subsections 3, 4, 5, 7, and 7A,  
4 8, and 9, the state court administrator shall deposit the  
5 amounts received with the treasurer of state for deposit in  
6 the general fund of the state. The state court administrator  
7 shall report to the legislative services agency within thirty  
8 days of the beginning of each fiscal quarter the amount  
9 received during the previous quarter in the account  
10 established under this section.

11 Sec. 6. Section 602.8108, Code 2005, is amended by adding  
12 the following new subsection:

13 NEW SUBSECTION. 7A. The state court administrator shall  
14 allocate to the judicial branch for the fiscal year beginning  
15 July 1, 2005, and for each fiscal year thereafter, seven  
16 million dollars of the moneys received annually under  
17 subsection 2, to be used for salaries of supreme court  
18 justices, appellate court judges, district court judges,  
19 district associate judges, judicial magistrates and staff,  
20 state court administrator, clerk of the supreme court,  
21 district court administrators, clerks of the district court,  
22 juvenile court officers, board of law examiners and board of  
23 examiners of shorthand reporters and judicial qualifications  
24 commission, receipt and disbursement of child support  
25 payments, reimbursement of the auditor of state for expenses  
26 incurred in completing audits of the offices of the clerks of  
27 the district court during the fiscal year, and maintenance,  
28 equipment, and miscellaneous purposes.

29 Sec. 7. Section 602.8108, Code 2005, is amended by adding  
30 the following new subsection:

31 NEW SUBSECTION. 9. a. The state court administrator  
32 shall allocate to the vehicle depreciation account maintained  
33 by the department of public safety for vehicles utilized by  
34 the Iowa state patrol the following amounts from fines  
35 attributable to speeding violations:

1 the state patrol vehicle depreciation account. The moneys are  
2 appropriated to the department of public safety to be used to  
3 purchase vehicles for the Iowa state patrol. The department  
4 of public safety is directed to use a portion of those vehicle  
5 depreciation funds to replace state patrol vehicles used by  
6 canine handlers with multipurpose vehicles equipped for canine  
7 transport when the existing vehicles are due for replacement.

8 The bill provides for an increase in the fee charged by the  
9 clerk of the district court for the filing and docketing of a  
10 complaint or information for a simple misdemeanor from \$17 to  
11 \$30. The bill also increases the court costs for a scheduled  
12 violation from \$17 to \$30. The state court administrator is  
13 directed to allocate \$7 million annually, from fines and fees  
14 received from the district courts, to the judicial branch to  
15 be used for salaries, receipt and disbursement of child  
16 support payments, reimbursement of auditor expenses,  
17 maintenance, equipment, and miscellaneous purposes. The  
18 amount of the allocation is excluded from the calculation of  
19 the judicial collection estimate for each fiscal year.

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HOUSE FILE 826

H-1206

1 Amend House File 826 as follows:

2 1. Page 1, by inserting after line 30, the  
3 following:

4 "Sec. \_\_\_\_ . NEW SECTION. 321.301 PASSING LANE.

5 1. A person shall not drive a motor vehicle in the  
6 passing lane of a multilaned highway if the speed  
7 limit is sixty-five miles per hour or greater unless  
8 the person is turning left or overtaking and passing  
9 another vehicle that is in a nonpassing lane, or  
10 unless the volume of traffic does not permit the motor  
11 vehicle to safely merge into a nonpassing lane.

12 2. For purposes of this section, the following  
13 definitions apply:

14 a. "Nonpassing lane" means any lane that is to the  
15 right of the passing lane.

16 b. "Passing lane" means the lane that is farthest  
17 to the left when there are two or more adjacent lanes  
18 of traffic moving in the same direction. However, if  
19 the farthest lane to the left is reserved for high  
20 occupancy vehicles or for vehicles making left turns  
21 only, "passing lane" means the lane immediately to the  
22 right of the high occupancy or left-turn lane.

23 3. A person convicted of a violation of this  
24 section is guilty of a simple misdemeanor punishable  
25 as a scheduled violation under section 805.8A,  
26 subsection 6, paragraph "c".

27 2. Page 6, by inserting after line 1, the  
28 following:

29 "Sec. \_\_\_\_ . Section 805.8A, subsection 6, paragraph  
30 c, Code 2005, is amended to read as follows:

31 c. For violations under sections 321.288, 321.297,  
32 321.299, 321.301, 321.303, 321.304, subsections 1 and  
33 2, sections 321.305, 321.306, 321.311, 321.312,  
34 321.314, 321.323, 321.340, 321.353, 321.354, and  
35 321.395, the scheduled fine is thirty-five dollars."

36 3. Title page, line 1, by striking the words  
37 "speed limit for" and inserting the following:  
38 "regulation of".

39 4. By renumbering as necessary.

By LYKAM of Scott

H-1206 FILED MARCH 29, 2005

HOUSE FILE 826

H-1261

- 1 Amend House File 826 as follows:  
2 1. Page 2, lines 21 and 22, by striking the words  
3 "to the department of public safety's vehicle  
4 depreciation account".  
5 2. Page 2, lines 32 and 33, by striking the words  
6 "to the department of public safety's vehicle  
7 depreciation account".  
8 3. Page 2, line 34, by striking the words  
9 "pursuant to" and inserting the following: "allocated  
10 as provided in".  
11 4. Page 5, line 2, by striking the word "ninety-  
12 six" and inserting the following: "seventy-one".  
13 5. Page 5, by striking line 9, and inserting the  
14 following: "All moneys allocated under this paragraph  
15 "a" are".  
16 6. Page 5, line 14, by striking the word  
17 "subsection" and inserting the following: "paragraph  
18 "a"".   
19 7. Page 5, line 16, by striking the word  
20 "subsection" and inserting the following: "paragraph  
21 "a"".   
22 8. Page 5, by inserting after line 18, the  
23 following:  
24 "b. For the fiscal year beginning July 1, 2005,  
25 and ending June 30, 2006, the state court  
26 administrator shall allocate twenty-five thousand  
27 dollars from fines attributable to speeding violations  
28 to the department of public safety. The moneys are  
29 appropriated to the department of public safety to be  
30 used by the division of criminal investigation to  
31 update the sex offender registry. Notwithstanding  
32 section 8.33, moneys appropriated under this paragraph  
33 "b" shall not revert at the end of the fiscal year but  
34 shall remain available for the purpose intended."  
35 9. By renumbering as necessary.

By HORBACH of Tama

H-1261 FILED MARCH 30, 2005

HOUSE FILE 826

H-1268

- 1 Amend House File 826 as follows:  
2 1. Page 5, line 25, by striking the words "~~Ten~~  
3 Twenty" and inserting the following: "Ten".  
4 2. Page 5, line 27, by striking the words "~~Twenty~~  
5 Forty" and inserting the following: "Twenty".

By GREINER of Washington

H-1268 FILED MARCH 31, 2005

OUT OF ORDER

HOUSE FILE 826

H-1270

1 Amend the amendment, H-1261, to House File 826 as  
2 follows:

3 1. Page 1, by inserting after line 4, the  
4 following:

5 "\_\_\_\_. Page 2, lines 22 and 23, by striking the  
6 word and figure: "subsection 9," and inserting the  
7 following: "subsections 9 and 10,"."

8 2. Page 1, by striking lines 9 and 10, and  
9 inserting the following: "pursuant to section  
10 602.8108, subsection 9," and inserting the following:  
11 "allocated as provided in section 602.8108,  
12 subsections 9 and 10,"."

13 3. Page 1, by inserting before line 11, the  
14 following:

15 "\_\_\_\_. Page 4, line 4, by striking the word and  
16 figure "and 9," and inserting the following: "9, and  
17 10,"."

18 4. Page 1, by inserting after line 34, the  
19 following:

20 "\_\_\_\_. Page 5, by inserting after line 19, the  
21 following:

22 "Sec. \_\_\_\_\_. Section 602.8108, Code 2005, is amended  
23 by adding the following new subsection:

24 NEW SUBSECTION. 10. Notwithstanding subsection 7A  
25 and subsection 9, paragraph "a", beginning July 1,  
26 2005, the state court administrator shall allocate to  
27 the department of public safety for the fiscal year  
28 beginning July 1, 2005, and ending June 30, 2006, one  
29 million seventy-eight thousand eight hundred eight  
30 dollars, and for each fiscal year thereafter, six  
31 hundred fifty-one thousand five hundred forty-six  
32 dollars, to be drawn first from funds otherwise  
33 allocated to the vehicle depreciation account of the  
34 department of public safety pursuant to subsection 9,  
35 paragraph "a", and next from funds otherwise allocated  
36 to the judicial branch pursuant to subsection 7A. The  
37 moneys allocated under this subsection are  
38 appropriated to the department of public safety to be  
39 used for DNA profiling of felons. Any moneys that  
40 remain available from funds described in subsection 7A  
41 and subsection 9, paragraph "a", after the allocations  
42 have been made as required in this subsection shall be  
43 allocated as described in subsection 7A and subsection  
44 9, paragraph "a"."

45 5. By renumbering as necessary.

By MURPHY of Dubuque  
BELL of Jasper  
BERRY of Black Hawk  
BUKTA of Clinton  
COHOON of Des Moines  
DANDEKAR of Linn  
DAVITT of Warren  
FOEGE of Linn  
FORD of Polk  
FREVERT of Palo Alto  
GASKILL of Wapello  
HEDDENS of Story  
HOGG of Linn  
HUNTER of Polk  
JACOBY of Johnson  
JOCHUM of Dubuque  
KRESSIG of Black Hawk  
KUHN of Floyd  
LENSING of Johnson  
LYKAM of Scott  
MASCHER of Johnson  
McCARTHY of Polk  
MERTZ of Kossuth

MILLER of Webster  
OLDSON of Polk  
D. OLSON of Boone  
PETERSEN of Polk  
PETTENGILL of Benton  
QUIRK of Chickasaw  
REASONER of Union  
REICHERT of Muscatine  
SCHUELLER of Jackson  
SHOMSHOR of Pottawattamie  
SHOULTZ of Black Hawk  
SMITH of Marshall  
SWAIM of Davis  
D. TAYLOR of Linn  
THOMAS of Clayton  
WENDT of Woodbury  
WESSEL-KROESCHELL of Story  
WHITAKER of Van Buren  
WHITEAD of Woodbury  
WINCKLER of Scott  
WISE of Lee  
ZIRKELBACH of Jones

**H-1270** FILED MARCH 31, 2005  
OUT OF ORDER

HOUSE FILE 826

H-1271

1 Amend the amendment, H-1261, to House File 826 as  
2 follows:

3 1. Page 1, by inserting after line 4, the  
4 following:

5 "\_\_\_\_. Page 2, lines 22 and 23, by striking the  
6 word and figure: "subsection 9," and inserting the  
7 following: "subsections 9 and 10,."

8 2. Page 1, by striking lines 9 and 10, and  
9 inserting the following: "pursuant to section  
10 602.8108, subsection 9," and inserting the following:  
11 "allocated as provided in section 602.8108,  
12 subsections 9 and 10,."

13 3. Page 1, by inserting before line 11, the  
14 following:

15 "\_\_\_\_. Page 4, line 4, by striking the word and  
16 figure "and 9," and inserting the following: "9, and  
17 10,."

18 4. Page 1, by inserting after line 34, the  
19 following:

20 "\_\_\_\_. Page 5, by inserting after line 19, the  
21 following:

22 "Sec. \_\_\_\_\_. Section 602.8108, Code 2005, is amended  
23 by adding the following new subsection:

24 NEW SUBSECTION. 10. Notwithstanding subsection 7A  
25 and subsection 9, paragraph "a", beginning July 1,  
26 2005, the state court administrator shall allocate  
27 annually to the department of public safety the sum of  
28 three hundred thirty thousand dollars, to be drawn  
29 first from funds otherwise allocated to the vehicle  
30 depreciation account of the department of public  
31 safety pursuant to subsection 9, paragraph "a", and  
32 next from funds otherwise allocated to the judicial  
33 branch pursuant to subsection 7A. The moneys  
34 allocated under this subsection are appropriated to  
35 the department of public safety to be used for three  
36 agents to maintain information, including addresses  
37 and photographs, for the sex offender registry's web  
38 page. Any moneys that remain available from funds  
39 described in subsection 7A and subsection 9, paragraph  
40 "a", after the allocations have been made as required  
41 in this subsection shall be allocated as described in  
42 subsection 7A and subsection 9, paragraph "a"."

43 5. By renumbering as necessary.

By MURPHY of Dubuque  
BELL of Jasper  
BERRY of Black Hawk  
REASONER of Union  
OLDSON of Polk  
HUNTER of Polk  
JOCHUM of Dubuque  
MILLER of Webster  
ZIRKELBACH of Jones  
DAVITT of Warren  
JACOBY of Johnson  
HOGG of Linn  
BUKTA of Clinton  
McCARTHY of Polk  
LYKAM of Scott  
WHITAKER of Van Buren  
FORD of Polk  
PETERSEN of Polk  
MERTZ of Kossuth  
KRESSIG of Black Hawk  
FREVERT of Palo Alto  
D. OLSON of Boone  
MASCHER of Johnson

KUHN of Floyd  
PETTENGILL of Benton  
WENDT of Woodbury  
REICHERT of Muscatine  
WESSEL-KROESCHELL of Story  
WINCKLER of Scott  
SHOULTZ of Black Hawk  
SHOMSHOR of Pottawattamie  
DANDEKAR of Linn  
QUIRK of Chickasaw  
COHOON of Des Moines  
WHITEAD of Woodbury  
HEDDENS of Story  
LENSING of Johnson  
THOMAS of Clayton  
D. TAYLOR of Linn  
WISE of Lee  
SMITH of Marshall  
GASKILL of Wapello  
SWAIM of Davis  
FOEGE of Linn  
SCHUELLER of Jackson

**H-1271** FILED MARCH 31, 2005  
OUT OF ORDER

HOUSE FILE 826

H-1272

1 Amend the amendment, H-1261, to House File 826 as  
2 follows:

3 1. Page 1, by inserting after line 4, the  
4 following:

5 "\_\_\_\_. Page 2, lines 22 and 23, by striking the  
6 word and figure: "subsection 9," and inserting the  
7 following: "subsections 9 and 10,."

8 2. Page 1, by striking lines 9 and 10, and  
9 inserting the following: "pursuant to section  
10 602.8108, subsection 9," and inserting the following:  
11 "allocated as provided in section 602.8108,  
12 subsections 9 and 10,."

13 3. Page 1, by inserting before line 11, the  
14 following:

15 "\_\_\_\_. Page 4, line 4, by striking the word and  
16 figure "and 9," and inserting the following: "9, and  
17 10,."

18 4. Page 1, by inserting after line 34, the  
19 following:

20 "\_\_\_\_. Page 5, by inserting after line 19, the  
21 following:

22 "Sec. \_\_\_\_\_. Section 602.8108, Code 2005, is amended  
23 by adding the following new subsection:

24 NEW SUBSECTION. 10. Notwithstanding subsection 7A  
25 and subsection 9, paragraph "a", beginning July 1,  
26 2005, the state court administrator shall allocate  
27 annually to the department of corrections the sum of  
28 two million three hundred thousand dollars, to be  
29 drawn first from funds otherwise allocated to the  
30 vehicle depreciation account of the department of  
31 public safety pursuant to subsection 9, paragraph "a",  
32 and next from funds otherwise allocated to the  
33 judicial branch pursuant to subsection 7A. The moneys  
34 allocated under this subsection are appropriated to  
35 the department of corrections for use by the judicial  
36 district departments of correctional services for  
37 electronic tracking and monitoring of persons required  
38 to register as sex offenders. Any moneys that remain  
39 available from funds described in subsection 7A and  
40 subsection 9, paragraph "a", after the allocations  
41 have been made as required in this subsection shall be  
42 allocated as described in subsection 7A and subsection  
43 9, paragraph "a"."

44 5. By renumbering as necessary.

By MURPHY of Dubuque  
BELL of Jasper  
BUKTA of Clinton  
DAVITT of Warren  
FORD of Polk  
HOGG of Linn  
HUNTER of Polk  
JACOBY of Johnson  
JOCHUM of Dubuque  
KUHN of Floyd  
LYKAM of Scott  
MASCHER of Johnson  
McCARTHY of Polk  
MILLER of Webster  
OLDSON of Polk  
PETERSEN of Polk  
REASONER of Union  
SWAIM of Davis  
FOEGE of Linn  
SCHUELLER of Jackson  
D. TAYLOR of Linn  
BERRY of Black Hawk  
SMITH of Marshall  
**H-1272** FILED MARCH 31, 2005  
OUT OF ORDER

PETTENGILL of Benton  
WENDT of Woodbury  
REICHERT of Muscatine  
WESSEL-KROESCHELL of Story  
WINCKLER of Scott  
SHOULTZ of Black Hawk  
MERTZ of Kossuth  
FREVERT of Palo Alto  
KRESSIG of Black Hawk  
D. OLSON of Boone  
WHITAKER of Van Buren  
WISE of Lee  
GASKILL of Wapello  
ZIRKELBACH of Jones  
SHOMSHOR of Pottawattamie  
DANDEKAR of Linn  
QUIRK of Chickasaw  
COHOON of Des Moines  
WHITEAD of Woodbury  
HEDDENS of Story  
LENSING of Johnson  
THOMAS of Clayton

HOUSE FILE 826

S-3110

- 1 Amend House File 826, as passed by the House, as  
2 follows:
- 3 1. Page 2, line 19, by inserting after the figure  
4 "7A," the following: "the courthouse security fund  
5 pursuant to section 602.8108, subsection 7B,".
- 6 2. Page 2, line 32, by inserting after the figure  
7 "7A," the following: "to the courthouse security fund  
8 pursuant to section 602.8108, subsection 7B,".
- 9 3. Page 4, line 3, by inserting after the figure  
10 "7A," the following: "7B,".
- 11 4. Page 4, lines 15 and 16, by striking the words  
12 "seven million" and inserting the following: "six  
13 million five hundred thousand".
- 14 5. Page 4, by inserting after line 28, the  
15 following:
- 16 "Sec. \_\_. Section 602.8108, Code 2005, is amended  
17 by adding the following new subsection:  
18 NEW SUBSECTION. 7B. A courthouse security fund is  
19 established as a separate fund in the state treasury.  
20 The state court administrator shall allocate five  
21 hundred thousand dollars of the moneys received  
22 annually under subsection 2 to be deposited in the  
23 fund. The moneys in the fund shall be distributed by  
24 the treasurer of state to each county based on the  
25 county's population in proportion to the total  
26 population of the state, to be used by the county for  
27 costs related to courthouse security, including but  
28 not limited to equipment purchasing and maintenance,  
29 depreciation, personnel costs, and training. For  
30 purposes of this subsection, "population" means as  
31 defined in section 4.1."
- 32 6. By renumbering as necessary.

By JOE BOLKCOM

S-3110 FILED APRIL 12, 2005

HOUSE FILE 826

S-3121

1 Amend House File 826, as passed by the House, as  
2 follows:

3 1. Page 1, by striking lines 5 through 9, and  
4 inserting the following: "access, divided, multilaned  
5 highways including the national system of interstate  
6 highways is sixty-five miles per hour. The department  
7 may".

8 2. Page 6, by inserting after line 1 the  
9 following:

10 "Sec. \_\_\_\_ . Section 321.285, subsection 6,  
11 paragraph a, as enacted in this Act, is amended to  
12 read as follows:

13 a. Notwithstanding any other speed restrictions,  
14 the speed limit for all vehicular traffic on fully  
15 controlled-access, divided, multilaned highways  
16 ~~including the national system of interstate highways~~  
17 is sixty-five miles per hour. However, the speed  
18 limit for all vehicular traffic on highways that are  
19 part of the interstate road system, as defined in  
20 section 306.3, is seventy miles per hour. The  
21 department may establish a speed limit of sixty-five  
22 miles per hour on certain divided, multilaned highways  
23 not otherwise described in this paragraph.

24 Sec. \_\_\_\_ . EFFECTIVE DATE. The section of this Act  
25 amending section 321.285, subsection 6, paragraph "a",  
26 as enacted in this Act, takes effect July 1, 2006."

27 3. Title page, line 4, by inserting after the  
28 word "appropriations" the following: "and providing  
29 an effective date".

30 4. By renumbering as necessary.

By DARYL BEALL

S-3121 FILED APRIL 13, 2005  
WITHDRAWN

HOUSE FILE 826

S-3122

1 Amend House File 826, as passed by the House, as  
2 follows:

3 1. Page 1, by inserting after line 30 the  
4 following:

5 "Sec. \_\_\_\_ . Section 321.555, subsection 2, Code  
6 2005, is amended to read as follows:

7 2. Six or more of any separate and distinct  
8 offenses within a two-year period in the operation of  
9 a motor vehicle, which are required to be reported to  
10 the department by section 321.491 or chapter 321C,  
11 except equipment violations, parking violations as  
12 defined in section 321.210, violations of registration  
13 laws, violations of sections 321.445 and 321.446,  
14 operating a vehicle with an expired license or permit,  
15 failure to appear, weights and measures violations and  
16 speeding violations of less than fifteen miles per  
17 hour over the legal speed limit in speed zones with a  
18 legal speed limit of sixty-five miles per hour or  
19 less."

20 2. By renumbering as necessary.

By HERMAN C. QUIRMBACH

S-3122 FILED APRIL 13, 2005

LOST

Chair - Tjepkes  
Rasmussen  
Huser

HSB 80  
TRANSPORTATION

HOUSE FILE <sup>sub</sup> SF 1 <sup>by</sup> 826  
BY (PROPOSED COMMITTEE ON  
TRANSPORTATION BILL BY  
CHAIRPERSON ARNOLD)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act increasing the speed limit for vehicular traffic on  
2 interstate highways.

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

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1 Section 1. Section 321.285, subsection 6, Code 2005, is  
2 amended to read as follows:

3 6. a. Notwithstanding any other speed restrictions, the  
4 speed limit for all vehicular traffic on fully controlled-  
5 access, divided, multilaned highways ~~including the national~~  
6 ~~system of interstate highways~~ is sixty-five miles per hour.  
7 However, the speed limit for all vehicular traffic on highways  
8 that are part of the interstate road system, as defined in  
9 section 306.3, is seventy miles per hour. The department may  
10 establish a speed limit of sixty-five miles per hour on  
11 certain divided, multilaned highways not otherwise described  
12 in this paragraph.

13 b. ~~However, the~~ The department, or ~~cities~~ a city with the  
14 approval of the department, may establish a lower speed limit  
15 upon such highways on a highway described in this subsection  
16 that is located within the corporate limits of a city.

17 c. For the purposes of this subsection, ~~a fully~~ "fully  
18 controlled-access highway is highway" means a highway that  
19 gives preference to through traffic by providing access  
20 connections with selected public roads only and by prohibiting  
21 crossings at grade or direct private driveway connections.

22 d. A minimum speed may be established by the department on  
23 the highways referred to in this subsection if warranted by  
24 engineering and traffic investigations.

25 e. ~~It is further provided that any~~ Any kind of vehicle,  
26 implement, or conveyance incapable of attaining and  
27 maintaining a speed of forty miles per hour shall be  
28 prohibited from using the interstate road system.

29 EXPLANATION

30 This bill increases the speed limit for interstate highways  
31 from 65 to 70 miles per hour for all vehicles. The bill  
32 retains the current provision that allows the state department  
33 of transportation, or a city with the approval of the  
34 department, to establish a lower speed limit for such a  
35 highway located within the corporate limits of a city.

April 19, 2005

Christopher Rants  
Speaker of the House  
State Capitol Building  
L O C A L

Dear Speaker Rants:

I hereby transmit **House File 826**, an Act relating to the speed limit for vehicular traffic on highways, the fines for violations, and court costs for simple misdemeanor offenses and providing a fee and making appropriations.

I approve, in part, House File 826 to increase the speed limit to 70 mph on Iowa's interstate highways and to increase fines for violations and court costs. However, I remain concerned about the impacts of higher speeds on our roads; so I am taking the additional step today to direct the Department of Public Safety to strictly enforce the 70 mph limit once it becomes effective. Current Department of Transportation data indicates a vast majority of interstate drivers travel at 69.8 mph on average. Through my action today, the speed limit will increase but actual speeds on Iowa's highways will not. I expect Iowa drivers to respect the law and the posted speed limit.

The higher speed limit will become effective on July 1, 2005. In the meantime, I direct the Department of Transportation to work in cooperation with the Department of Public Safety to conduct a study of the interstate system to determine areas that 70 mph may not be safe. Under this law, the Department of Transportation is authorized to establish a lower speed limit if warranted. Based on the study's findings, a determination will be made on the appropriate speed limit for individual areas of Iowa's interstate system.

House File 826 is approved on this date with the following exceptions, which I hereby disapprove:

I am unable to approve the items designated as Section 7 and Section 9 in their entirety. These sections deal with the allocation of funds to the Department of Public Safety for vehicles utilized by the Iowa State Patrol from fines attributable to speeding fines. Although I agree with the need to increase funding for the Iowa State Patrol vehicle fleet, I do not believe the proper way is to directly tie the increase in speeding fines with the allocation for vehicles. This could leave the impression by some of tickets being written solely for improving the Iowa State Patrol fleet as opposed to the need for safety on our roads. I would encourage the Legislature to appropriate through the normal

process for the Department of Public Safety and fund directly from the general fund additional resources for the Iowa State Patrol vehicle fleet.

For the above reasons, I respectfully disapprove these items in accordance with Article 3, Section 16, of the Constitution of the State of Iowa. All other items in **House File 826** are hereby approved as of this date.

Sincerely,

Thomas J. Vilsack  
Governor

TJV:jmc

cc: Secretary of the Senate  
Chief Clerk of the House

HOUSE FILE 826

AN ACT

RELATING TO THE SPEED LIMIT FOR VEHICULAR TRAFFIC ON HIGHWAYS, THE FINES FOR VIOLATIONS, AND COURT COSTS FOR SIMPLE MISDEMEANOR OFFENSES AND PROVIDING A FEE AND MAKING APPROPRIATIONS.

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

Section 1. Section 321.285, subsection 6, Code 2005, is amended to read as follows:

6. a. Notwithstanding any other speed restrictions, the speed limit for all vehicular traffic on fully controlled-access, divided, multilaned highways ~~including the national system of interstate highways~~ is sixty-five miles per hour. However, the speed limit for all vehicular traffic on highways that are part of the interstate road system, as defined in section 306.3, is seventy miles per hour. The department may establish a speed limit of sixty-five miles per hour on certain divided, multilaned highways not otherwise described in this paragraph.

b. ~~However, the department or cities with the approval of the~~ The department, on its own motion or in response to a recommendation of a metropolitan or regional planning commission or council of governments, may establish a lower speed limit ~~upon such highways located within the corporate limits of a city~~ on a highway described in this subsection.

c. For the purposes of this subsection, ~~a fully~~ "fully controlled-access highway is highway" means a highway that gives preference to through traffic by providing access connections with selected public roads only and by prohibiting crossings at grade or direct private driveway connections.

d. A minimum speed may be established by the department on the highways referred to in this subsection if warranted by engineering and traffic investigations.

~~e. It is further provided that any~~ Any kind of vehicle, implement, or conveyance incapable of attaining and maintaining a speed of forty miles per hour shall be prohibited from using the interstate road system.

Sec. 2. Section 602.1302, subsection 1, Code 2005, is amended to read as follows:

1. Except as otherwise provided by sections 602.1303, and 602.1304, ~~and 602.8108~~ or other applicable law, the expenses of operating and maintaining the judicial branch shall be paid out of the general fund of the state from funds appropriated by the general assembly for the judicial branch. State funding shall be phased in as provided in section 602.11101.

Sec. 3. Section 602.1304, subsection 2, paragraph b, Code 2005, is amended to read as follows:

b. For each fiscal year, a judicial collection estimate for that fiscal year shall be equally and proportionally divided into a quarterly amount. The judicial collection estimate shall be calculated by using the state revenue estimating conference estimate made by December 15 pursuant to section 8.22A, subsection 3, of the total amount of fines, fees, civil penalties, costs, surcharges, and other revenues collected by judicial officers and court employees for deposit into the general fund of the state. The revenue estimating conference estimate shall be reduced by the maximum amounts allocated to the Iowa prison infrastructure fund pursuant to section 602.8108A, the court technology and modernization fund pursuant to section 602.8108, and subsection 7, the judicial branch pursuant to section 602.8108, subsection 7A, the road use tax fund pursuant to section 602.8108, subsection 8, and amounts allocated to the department of public safety's vehicle depreciation account pursuant to section 602.8108, subsection 9, and the remainder shall be the judicial collection estimate. In each quarter of a fiscal year, after revenues collected by judicial officers and court employees equal to that quarterly amount are deposited into the general fund of the state, and after the required amount is deposited during the quarter into the Iowa prison infrastructure fund pursuant

to section 602.8108A and into the court technology and modernization fund pursuant to section 602.8108, subsection 7, and after the required amount is allocated to the judicial branch pursuant to section 602.8108, subsection 7A, and to the department of public safety's vehicle depreciation account pursuant to section 602.8108, subsection 9, the director of the department of administrative services shall deposit the remaining revenues for that quarter into the enhanced court collections fund in lieu of the general fund. However, after total deposits into the collections fund for the fiscal year are equal to the maximum deposit amount established for the collections fund, remaining revenues for that fiscal year shall be deposited into the general fund. If the revenue estimating conference agrees to a different estimate at a later meeting which projects a lesser amount of revenue than the initial estimate amount used to calculate the judicial collection estimate, the director of the department of administrative services shall recalculate the judicial collection estimate accordingly. If the revenue estimating conference agrees to a different estimate at a later meeting which projects a greater amount of revenue than the initial estimate amount used to calculate the judicial collection estimate, the director of the department of administrative services shall recalculate the judicial collection estimate accordingly but only to the extent that the greater amount is due to an increase in the fines, fees, civil penalties, costs, surcharges, or other revenues allowed by law to be collected by judicial officers and court employees.

Sec. 4. Section 602.8106, subsection 1, paragraphs b, d, and e, Code 2005, are amended to read as follows:

b. For filing and docketing of a complaint or information for a simple misdemeanor and a complaint or information for a nonscheduled simple misdemeanor under chapter 321, seventeen thirty dollars.

d. The court costs in scheduled violation cases where a court appearance is required, seventeen thirty dollars.

e. For court costs in scheduled violation cases where a court appearance is not required, seventeen thirty dollars.

Sec. 5. Section 602.8108, subsection 2, Code 2005, is amended to read as follows:

2. Except as otherwise provided, the clerk of the district court shall report and submit to the state court administrator, not later than the fifteenth day of each month, the fines and fees received during the preceding calendar month. Except as provided in subsections 3, 4, 5, 7, and 7A, 8, and 9, the state court administrator shall deposit the amounts received with the treasurer of state for deposit in the general fund of the state. The state court administrator shall report to the legislative services agency within thirty days of the beginning of each fiscal quarter the amount received during the previous quarter in the account established under this section.

Sec. 6. Section 602.8108, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 7A. The state court administrator shall allocate to the judicial branch for the fiscal year beginning July 1, 2005, and for each fiscal year thereafter, seven million dollars of the moneys received annually under subsection 2, to be used for salaries of supreme court justices, appellate court judges, district court judges, district associate judges, judicial magistrates and staff, state court administrator, clerk of the supreme court, district court administrators, clerks of the district court, juvenile court officers, board of law examiners and board of examiners of shorthand reporters and judicial qualifications commission, receipt and disbursement of child support payments, reimbursement of the auditor of state for expenses incurred in completing audits of the offices of the clerks of the district court during the fiscal year, and maintenance, equipment, and miscellaneous purposes.

Sec. 7. Section 602.8108, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 9. a. The state court administrator shall allocate to the vehicle depreciation account maintained by the department of public safety for vehicles utilized by the Iowa state patrol the following amounts from fines attributable to speeding violations:

- (1) For the fiscal year beginning July 1, 2005, and ending June 30, 2006, five hundred ninety-six thousand dollars.
- (2) For the fiscal year beginning July 1, 2006, and ending June 30, 2007, seven hundred nine thousand dollars.
- (3) For the fiscal year beginning July 1, 2007, and ending June 30, 2008, eight hundred forty-one thousand dollars.
- (4) For the fiscal year beginning July 1, 2008, and ending June 30, 2009, eight hundred forty-one thousand dollars.

b. All moneys allocated under this subsection are appropriated to the department of public safety and shall be used for the purchase of state patrol vehicles.

Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys allocated to the vehicle depreciation account under this subsection shall be credited to the account. Notwithstanding section 8.33, moneys allocated to the vehicle depreciation account under this subsection shall not revert at the end of the fiscal year but shall remain available for the purpose intended.

c. This subsection is repealed July 1, 2009.

Sec. 8. Section 805.8A, subsection 5, paragraph b, Code 2005, is amended to read as follows:

b. Notwithstanding paragraph "a", for excessive speed violations in speed zones greater than fifty-five miles per hour, the scheduled fine shall be:

- (1) Ten Twenty dollars for speed not more than five miles per hour in excess of the limit.
- (2) Twenty Forty dollars for speed greater than five but not more than ten miles per hour in excess of the limit.
- (3) Forty Sixty dollars for speed greater than ten but not more than fifteen miles per hour in excess of the limit.
- (4) Sixty Eighty dollars for speed greater than fifteen but not more than twenty miles per hour in excess of the limit.

(5) Sixty Ninety dollars plus two five dollars for each mile per hour of excessive speed over twenty miles per hour over the limit.

Sec. 9. CANINE VEHICLE REPLACEMENT. The department of public safety shall use a portion of the funds allocated to the department of public safety's vehicle depreciation account pursuant to section 602.8108, subsection 9, as enacted in this Act, to replace existing Iowa state patrol vehicles used by canine handlers, when those vehicles are due for replacement, with multipurpose vehicles properly equipped for canine transport.

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CHRISTOPHER C. RANTS  
Speaker of the House

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JOHN P. KIBBIE  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 826, Eighty-first General Assembly.

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MARGARET THOMSON  
Chief Clerk of the House

*Item Veto*  
Approved 4/19, 2005

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THOMAS J. VILSACK  
Governor