

HOUSE FILE 2789
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 2689)
(SUCCESSOR TO HSB 749)

Passed House, Date 4-5-06
Vote: Ayes 78 Nays 20

Passed Senate, Date 5/2/06
Vote: Ayes 50 Nays 0

Approved _____

A BILL FOR

1 An Act relating to assessing court costs and modifying speeding
2 fines, providing for indigent defense, and making
3 appropriations to the judicial branch and department of
4 inspections and appeals.

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

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8
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HF 2789

HOUSE FILE 2789

H-8493

- 1 Amend House File 2789 as follows:
2 1. Page 3, line 3, by striking the word "thirty-
3 five" and inserting the following: "fifty".
4 2. Page 3, line 5, by striking the word "thirty-
5 five" and inserting the following: "fifty".
6 3. Page 3, line 7, by striking the word "thirty-
7 five" and inserting the following: "fifty".
8 4. By striking page 4, line 15, through page 5,
9 line 13.
10 5. Title page, lines 1 and 2, by striking the
11 words "and modifying speeding fines".

By TOMENGA of Polk KAUFMANN of Cedar
WILDERDYKE of Harrison R. OLSON of Polk

H-8493 FILED APRIL 4, 2006

1 Section 1. Section 602.1304, subsection 2, paragraph b,
2 Code Supplement 2005, is amended to read as follows:
3 b. For each fiscal year, a judicial collection estimate
4 for that fiscal year shall be equally and proportionally
5 divided into a quarterly amount. The judicial collection
6 estimate shall be calculated by using the state revenue
7 estimating conference estimate made by December 15 pursuant to
8 section 8.22A, subsection 3, of the total amount of fines,
9 fees, civil penalties, costs, surcharges, and other revenues
10 collected by judicial officers and court employees for deposit
11 into the general fund of the state. The revenue estimating
12 conference estimate shall be reduced by the maximum amounts
13 allocated to the Iowa prison infrastructure fund pursuant to
14 section 602.8108A, the court technology and modernization fund
15 pursuant to section 602.8108, subsection 7, the judicial
16 branch pursuant to section 602.8108, subsection 8, the
17 department of inspections and appeals pursuant to section
18 602.8108, subsection 8A, and the road use tax fund pursuant to
19 section 602.8108, subsection 9, and the remainder shall be the
20 judicial collection estimate. In each quarter of a fiscal
21 year, after revenues collected by judicial officers and court
22 employees equal to that quarterly amount are deposited into
23 the general fund of the state, after the required amount is
24 deposited during the quarter into the Iowa prison
25 infrastructure fund pursuant to section 602.8108A and into the
26 court technology and modernization fund pursuant to section
27 602.8108, subsection 7, and after the required amount is
28 allocated to the judicial branch pursuant to section 602.8108,
29 subsection 8, and after the required amount is allocated to
30 the department of inspections and appeals pursuant to section
31 602.8108, subsection 8A, the director of the department of
32 administrative services shall deposit the remaining revenues
33 for that quarter into the enhanced court collections fund in
34 lieu of the general fund. However, after total deposits into
35 the collections fund for the fiscal year are equal to the

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

19 Sec. 2. Section 602.8106, subsection 1, paragraphs a, b,
20 d, and e, Code Supplement 2005, are amended to read as
21 follows:

22 a. Except as otherwise provided in paragraphs "b" and "c",
23 for filing and docketing a criminal case to be paid by the
24 county or city which has the duty to prosecute the criminal
25 action, payable as provided in section 602.8109, thirty one
26 hundred dollars. When judgment is rendered against the
27 defendant, costs collected from the defendant shall be paid to
28 the county or city which has the duty to prosecute the
29 criminal action to the extent necessary for reimbursement for
30 fees paid. However, the fees which are payable by the county
31 to the clerk of the district court for services rendered in
32 criminal actions prosecuted under state law and the court
33 costs taxed in connection with the trial of those actions or
34 appeals from the judgments in those actions are waived.

35 b. For filing and docketing of a complaint or information

1 for a simple misdemeanor and a complaint or information for a
2 nonscheduled simple misdemeanor under chapter 321, thirty
3 thirty-five dollars.

4 d. The court costs in scheduled violation cases where a
5 court appearance is required, thirty thirty-five dollars.

6 e. For court costs in scheduled violation cases where a
7 court appearance is not required, thirty thirty-five dollars.

8 Sec. 3. Section 602.8108, subsection 2, Code Supplement
9 2005, is amended to read as follows:

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

22 Sec. 4. Section 602.8108, subsection 8, Code Supplement
23 2005, is amended to read as follows:

24 8. The state court administrator shall allocate to the
25 judicial branch for the fiscal year beginning July 1, 2005
26 2006, and for each fiscal year thereafter, seven thirteen
27 million dollars of the moneys received annually under
28 subsection 2, to be used for salaries of supreme court
29 justices, appellate court judges, district court judges,
30 district associate judges, judicial magistrates and staff,
31 state court administrator, clerk of the supreme court,
32 district court administrators, clerks of the district court,
33 juvenile court officers, board of law examiners and board of
34 examiners of shorthand reporters and judicial qualifications
35 commission, receipt and disbursement of child support

1 payments, reimbursement of the auditor of state for expenses
2 incurred in completing audits of the offices of the clerks of
3 the district court during the fiscal year, and maintenance,
4 equipment, and miscellaneous purposes.

5 Sec. 5. Section 602.8108, Code Supplement 2005, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 8A. The state court administrator shall
8 allocate to the office of the state public defender of the
9 department of inspections and appeals for the fiscal year
10 beginning July 1, 2006, and for each fiscal year thereafter,
11 two million eight hundred thousand dollars of the moneys
12 received annually under subsection 2, to be used for fees of
13 court-appointed attorneys for indigent adults and juveniles,
14 in accordance with section 232.141 and chapter 815.

15 Sec. 6. Section 805.8A, subsection 5, paragraphs a and b,
16 Code Supplement 2005, are amended to read as follows:

17 a. For excessive speed violations in excess of the limit
18 under section 321.236, subsections 5 and 11, sections 321.285,
19 and 461A.36, the scheduled fine shall be the following:

20 (1) ~~Ten~~ Twenty dollars for speed not more than five miles
21 per hour in excess of the limit.

22 (2) ~~Twenty~~ Eighty dollars for speed greater than five but
23 not more than ten miles per hour in excess of the limit.

24 (3) ~~Thirty~~ One hundred twenty dollars for speed greater
25 than ten but not more than fifteen miles per hour in excess of
26 the limit.

27 (4) ~~Forty~~ One hundred sixty dollars for speed greater than
28 fifteen but not more than twenty miles per hour in excess of
29 the limit.

30 (5) ~~Forty~~ One hundred eighty dollars plus two dollars for
31 each mile per hour of excessive speed over twenty miles per
32 hour over the limit.

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

1 (1) Twenty Forty dollars for speed not more than five
2 miles per hour in excess of the limit.

3 (2) Forty Eighty dollars for speed greater than five but
4 not more than ten miles per hour in excess of the limit.

5 (3) Sixty One hundred twenty dollars for speed greater
6 than ten but not more than fifteen miles per hour in excess of
7 the limit.

8 (4) Eighty One hundred sixty dollars for speed greater
9 than fifteen but not more than twenty miles per hour in excess
10 of the limit.

11 (5) Ninety One hundred eighty dollars plus five dollars
12 for each mile per hour of excessive speed over twenty miles
13 per hour over the limit.

14 Sec. 7. Section 815.7, Code 2005, is amended to read as
15 follows:

16 815.7 FEES TO ATTORNEYS.

17 An attorney who has not entered into a contract authorized
18 under section 13B.4 and who is appointed by the court to
19 represent any person ~~charged-with-a-crime-in-this-state,~~
20 ~~seeking-postconviction-relief,-against-whom-a-contempt-action~~
21 ~~is-pending,-appealing-a-criminal-conviction,-appealing-a~~
22 ~~denial-of-postconviction-relief,-or-subject-to-a-proceeding~~
23 ~~under-section-811.1A-or-chapter-229A-or-812,-or-to-serve-as~~
24 ~~counsel-for-any-person-or-guardian-ad-litem-for-any-child-in~~
25 ~~juvenile-court,~~ pursuant to section 814.11 or 815.10 shall be
26 entitled to reasonable compensation and expenses. For
27 appointments made on or after July 1, 1999, through June 30,
28 2006, the reasonable compensation shall be calculated on the
29 basis of sixty dollars per hour for class "A" felonies, fifty-
30 five dollars per hour for class "B" felonies, and fifty
31 dollars per hour for all other cases. For appointments made
32 on or after July 1, 2006, the reasonable compensation shall be
33 calculated on the basis of sixty-five dollars per hour for
34 class "A" felonies, sixty dollars per hour for class "B"
35 felonies, and fifty-five dollars per hour for all other cases.

1 The expenses shall include any sums as are necessary for
2 investigations in the interest of justice, and the cost of
3 obtaining the transcript of the trial record and briefs if an
4 appeal is filed. The attorney need not follow the case into
5 another county or into the appellate court unless so directed
6 by the court. If the attorney follows the case into another
7 county or into the appellate court, the attorney shall be
8 entitled to compensation as provided in this section. Only
9 one attorney fee shall be so awarded in any one case except
10 that in class "A" felony cases, two may be authorized.

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EXPLANATION

12 This bill relates to assessing court costs, providing for
13 indigent defense, and making appropriations to the judicial
14 branch and department of inspections and appeals.

15 The bill increases the court costs including filing and
16 docketing fees for simple misdemeanors from \$30 to \$35. The
17 bill increases the fee charged by the clerk of the district
18 court for filing and docketing in all other criminal cases
19 from \$30 to \$100.

20 The bill increases fines for speeding violations committed
21 in speed zones not exceeding 55 miles per hour. The fines are
22 increased from \$10 to \$20 for speed not more than five miles
23 per hour over the limit; from \$20 to \$80 for speed greater
24 than five but not more than 10 miles per hour over the limit;
25 from \$30 to \$120 for speed greater than 10 but not more than
26 15 miles per hour over the limit; from \$40 to \$160 for speed
27 greater than 15 but not more than 20 miles per hour over the
28 limit; and \$40 to \$180 plus \$2 for each mile per hour of
29 excessive speed over 20 miles per hour over the limit.

30 The bill also increases the fines for speeding violations
31 committed in speed zones exceeding 55 miles per hour. The
32 fines are increased from \$20 to \$40 for speed not more than
33 five miles per hour over the limit; from \$40 to \$80 for speed
34 greater than five but not more than 10 miles per hour over the
35 limit; from \$60 to \$120 for speed greater than 10 but not more

1 than 15 miles per hour over the limit; from \$80 to \$160 for
2 speed greater than 15 but not more than 20 miles per hour over
3 the limit; and \$90 to \$180 plus \$5 for each mile per hour of
4 excessive speed over 20 miles per hour over the limit.

5 The bill directs the state court administrator to allocate
6 \$13 million annually, from fines and fees collected by the
7 clerk of the district court, to the judicial branch to be used
8 for salaries, maintenance, equipment, and other miscellaneous
9 purposes. The amount of the allocation in the bill is
10 excluded from the calculation of the judicial collection
11 estimate for each fiscal year. Current law directs the state
12 court administrator to allocate \$7 million to the judicial
13 branch.

14 The bill also directs the state court administrator to
15 allocate \$2.8 million from the fines and fees collected by the
16 clerk of the district court to the office of the state public
17 defender of the department of inspections and appeals for FY
18 2006-2007 and every fiscal year thereafter. The funds
19 allocated to the office of the state public defender are to be
20 used to compensate court-appointed attorneys for representing
21 indigent adults and juveniles.

22 The bill increases the hourly reimbursement rates for
23 attorneys representing an indigent person. The bill raises
24 the hourly rate from \$60 to \$65 for class "A" felonies, \$55 to
25 \$60 for class "B" felonies, and \$50 to \$55 for all other
26 cases.

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HOUSE FILE 2789
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 2689)
(SUCCESSOR TO HSB 749)

(As Amended and Passed by the House April 5, 2006)

Re-Passed House, Date 5-2-06 Passed Senate, Date 5-2-06
Vote: Ayes 92 Nays 4 Vote: Ayes 50 Nays 0
Approved _____

A BILL FOR

*1 An Act relating to assessing court costs, providing for indigent
2 defense, and making appropriations to the judicial branch and
3 department of inspections and appeals.

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

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6 Deleted Language *
7 House Amendments _____
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1 Section 1. Section 602.1304, subsection 2, paragraph b,
2 Code Supplement 2005, is amended to read as follows:
3 b. For each fiscal year, a judicial collection estimate
4 for that fiscal year shall be equally and proportionally
5 divided into a quarterly amount. The judicial collection
6 estimate shall be calculated by using the state revenue
7 estimating conference estimate made by December 15 pursuant to
8 section 8.22A, subsection 3, of the total amount of fines,
9 fees, civil penalties, costs, surcharges, and other revenues
10 collected by judicial officers and court employees for deposit
11 into the general fund of the state. The revenue estimating
12 conference estimate shall be reduced by the maximum amounts
13 allocated to the Iowa prison infrastructure fund pursuant to
14 section 602.8108A, the court technology and modernization fund
15 pursuant to section 602.8108, subsection 7, the judicial
16 branch pursuant to section 602.8108, subsection 8, the
17 department of inspections and appeals pursuant to section
18 602.8108, subsection 8A, and the road use tax fund pursuant to
19 section 602.8108, subsection 9, and the remainder shall be the
20 judicial collection estimate. In each quarter of a fiscal
21 year, after revenues collected by judicial officers and court
22 employees equal to that quarterly amount are deposited into
23 the general fund of the state, after the required amount is
24 deposited during the quarter into the Iowa prison
25 infrastructure fund pursuant to section 602.8108A and into the
26 court technology and modernization fund pursuant to section
27 602.8108, subsection 7, and after the required amount is
28 allocated to the judicial branch pursuant to section 602.8108,
29 subsection 8, and after the required amount is allocated to
30 the department of inspections and appeals pursuant to section
31 602.8108, subsection 8A, the director of the department of
32 administrative services shall deposit the remaining revenues
33 for that quarter into the enhanced court collections fund in
34 lieu of the general fund. However, after total deposits into
35 the collections fund for the fiscal year are equal to the

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

19 Sec. 2. Section 602.8106, subsection 1, paragraphs a, b,
20 d, and e, Code Supplement 2005, are amended to read as
21 follows:

22 a. Except as otherwise provided in paragraphs "b" and "c",
23 for filing and docketing a criminal case to be paid by the
24 county or city which has the duty to prosecute the criminal
25 action, payable as provided in section 602.8109, thirty one
26 hundred dollars. When judgment is rendered against the
27 defendant, costs collected from the defendant shall be paid to
28 the county or city which has the duty to prosecute the
29 criminal action to the extent necessary for reimbursement for
30 fees paid. However, the fees which are payable by the county
31 to the clerk of the district court for services rendered in
32 criminal actions prosecuted under state law and the court
33 costs taxed in connection with the trial of those actions or
34 appeals from the judgments in those actions are waived.

35 b. For filing and docketing of a complaint or information

1 for a simple misdemeanor and a complaint or information for a
2 nonscheduled simple misdemeanor under chapter 321, thirty
3 fifty dollars. .

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

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

8 Sec. 3. Section 602.8108, subsection 2, Code Supplement
9 2005, is amended to read as follows:

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

22 Sec. 4. Section 602.8108, subsection 8, Code Supplement
23 2005, is amended to read as follows:

24 8. The state court administrator shall allocate to the
25 judicial branch for the fiscal year beginning July 1, 2005
26 2006, and for each fiscal year thereafter, seven thirteen
27 million dollars of the moneys received annually under
28 subsection 2, to be used for salaries of supreme court
29 justices, appellate court judges, district court judges,
30 district associate judges, judicial magistrates and staff,
31 state court administrator, clerk of the supreme court,
32 district court administrators, clerks of the district court,
33 juvenile court officers, board of law examiners and board of
34 examiners of shorthand reporters and judicial qualifications
35 commission, receipt and disbursement of child support

1 payments, reimbursement of the auditor of state for expenses
2 incurred in completing audits of the offices of the clerks of
3 the district court during the fiscal year, and maintenance,
4 equipment, and miscellaneous purposes.

5 Sec. 5. Section 602.8108, Code Supplement 2005, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 8A. The state court administrator shall
8 allocate to the office of the state public defender of the
9 department of inspections and appeals for the fiscal year
10 beginning July 1, 2006, and for each fiscal year thereafter,
11 two million eight hundred thousand dollars of the moneys
12 received annually under subsection 2, to be used for fees of
13 court-appointed attorneys for indigent adults and juveniles,
14 in accordance with section 232.141 and chapter 815.

* 15 Sec. 6. Section 815.7, Code 2005, is amended to read as
16 follows:

17 815.7 FEES TO ATTORNEYS.

18 An attorney who has not entered into a contract authorized
19 under section 13B.4 and who is appointed by the court to
20 represent any person ~~charged-with-a-crime-in-this-state,~~
21 ~~seeking-postconviction-relief,-against-whom-a-contempt-action~~
22 ~~is-pending,-appealing-a-criminal-conviction,-appealing-a~~
23 ~~denial-of-postconviction-relief,-or-subject-to-a-proceeding~~
24 ~~under-section-811.1A-or-chapter-229A-or-812,-or-to-serve-as~~
25 ~~counsel-for-any-person-or-guardian-ad-litem-for-any-child-in~~
26 ~~juvenile-court,~~ pursuant to section 814.11 or 815.10 shall be
27 entitled to reasonable compensation and expenses. For
28 appointments made on or after July 1, 1999, through June 30,
29 2006, the reasonable compensation shall be calculated on the
30 basis of sixty dollars per hour for class "A" felonies, fifty-
31 five dollars per hour for class "B" felonies, and fifty
32 dollars per hour for all other cases. For appointments made
33 on or after July 1, 2006, the reasonable compensation shall be
34 calculated on the basis of sixty-five dollars per hour for
35 class "A" felonies, sixty dollars per hour for class "B"

1 felonies, and fifty-five dollars per hour for all other cases.
2 The expenses shall include any sums as are necessary for
3 investigations in the interest of justice, and the cost of
4 obtaining the transcript of the trial record and briefs if an
5 appeal is filed. The attorney need not follow the case into
6 another county or into the appellate court unless so directed
7 by the court. If the attorney follows the case into another
8 county or into the appellate court, the attorney shall be
9 entitled to compensation as provided in this section. Only
10 one attorney fee shall be so awarded in any one case except
11 that in class "A" felony cases, two may be authorized.

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S-5237

1 Amend House File 2789, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Section 1. Section 321J.2, subsection 2,
6 paragraph a, subparagraph (2), Code 2005, is amended
7 to read as follows:

8 (2) Assessment of a fine of one thousand two
9 hundred fifty dollars. However, in the discretion of
10 the court, if no personal or property injury has
11 resulted from the defendant's actions, the court may
12 waive up to five six hundred twenty-five dollars of
13 the fine when the defendant presents to the court at
14 the end of the minimum period of ineligibility, a
15 temporary restricted license issued pursuant to
16 section 321J.20. As an alternative to a portion or
17 all of the fine, the court may order the person to
18 perform unpaid community service.

19 Sec. 2. Section 321J.2, subsection 2, paragraph b,
20 Code 2005, is amended to read as follows:

21 b. An aggravated misdemeanor for a second offense,
22 and shall be imprisoned in the county jail or
23 community-based correctional facility not less than
24 seven days, and assessed a fine of not less than one
25 thousand five eight hundred seventy-five dollars nor
26 more than five six thousand two hundred fifty dollars.

27 Sec. 3. Section 321J.2, subsection 2, paragraph c,
28 unnumbered paragraph 1, Code 2005, is amended to read
29 as follows:

30 A class "D" felony for a third offense and each
31 subsequent offense, and shall be committed to the
32 custody of the director of the department of
33 corrections for an indeterminate term not to exceed
34 five years, shall be confined for a mandatory minimum
35 term of thirty days, and shall be assessed a fine of
36 not less than ~~two~~ three thousand five one hundred
37 twenty-five dollars nor more than ~~seven~~ nine thousand
38 five three hundred seventy-five dollars."

39 2. Page 3, line 14, by inserting after the figure
40 "8A," the following: "8B,".

41 3. Page 3, line 26, by striking the word
42 "thirteen" and inserting the following: "fourteen".

43 4. Page 4, line 6, by striking the word
44 "subsection" and inserting the following:
45 "subsections".

46 5. Page 4, line 11, by striking the words "two
47 million eight hundred thousand" and inserting the
48 following: "three million".

49 6. Page 4, by inserting after line 14 the
50 following:

S-5237

1 "NEW SUBSECTION. 8B. The state court
2 administrator shall allocate to the office of attorney
3 general for the fiscal year beginning July 1, 2006,
4 and for each fiscal year thereafter, three hundred
5 thousand dollars of the moneys received annually under
6 subsection 2, to be used for legal services for
7 persons in poverty grants as provided in section
8 13.34."

9 7. By striking page 4, line 35 through page 5,
10 line 1, and inserting the following: "class "A"
11 felonies, sixty dollars per hour for all other
12 felonies, sixty dollars per hour for misdemeanors, and
13 fifty-five dollars per hour for all other cases."

14 8. Page 5, by inserting after line 11 the
15 following:

16 "Sec. ____ . Section 903.1, subsection 1, paragraphs
17 a and b, Code 2005, are amended to read as follows:

18 a. For a simple misdemeanor, there shall be a fine
19 of at least ~~five~~ sixty-five dollars but not to exceed
20 ~~five~~ six hundred ~~twenty-five~~ dollars. The court may
21 order imprisonment not to exceed thirty days in lieu
22 of a fine or in addition to a fine.

23 b. For a serious misdemeanor, there shall be a
24 fine of at least ~~two~~ three hundred ~~fifty~~ fifteen
25 dollars but not to exceed one thousand ~~five~~ eight
26 hundred ~~seventy-five~~ dollars. In addition, the court
27 may also order imprisonment not to exceed one year.

28 Sec. ____ . Section 903.1, subsection 2, Code 2005,
29 is amended to read as follows:

30 2. When a person is convicted of an aggravated
31 misdemeanor, and a specific penalty is not provided
32 for, the maximum penalty shall be imprisonment not to
33 exceed two years. There shall be a fine of at least
34 ~~five~~ six hundred ~~twenty-five~~ dollars but not to exceed
35 ~~five~~ six thousand ~~two~~ hundred ~~fifty~~ dollars. When a
36 judgment of conviction of an aggravated misdemeanor is
37 entered against any person and the court imposes a
38 sentence of confinement for a period of more than one
39 year the term shall be an indeterminate term."

40 9. Title page, line 1, by inserting after the
41 word "costs" the following: "and modifying fines".

42 10. Title page, line 2, by inserting after the
43 word "branch" the following: ", attorney general,".

44 11. By renumbering as necessary.

By JEFF ANGELO
ROBERT E. DVORSKY

SENATE FILE 2400

S-5235

1 Amend Senate File 2400 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "DIVISION I

5 REBUILD IOWA INFRASTRUCTURE FUND

6 Section 1. There is appropriated from the rebuild
7 Iowa infrastructure fund to the following departments
8 and agencies for the fiscal year beginning July 1,
9 2006, and ending June 30, 2007, the following amounts,
10 or so much thereof as is necessary, to be used for the
11 purposes designated:

12 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

13 a. For relocation and project costs directly
14 associated with remodeling projects on the capitol
15 complex and for facility lease payments,
16 notwithstanding section 8.57, subsection 6, paragraph
17 "c":

18 \$ 1,824,500

19 Of the funds appropriated in this paragraph,
20 \$210,600 is allocated to the department of corrections
21 and board of parole for assessed maintenance charges
22 by the department of administrative services, \$122,000
23 is allocated for rent payments for the community-based
24 corrections facility located in Davenport, and
25 \$185,768 is allocated to the department of cultural
26 affairs for costs associated with leasing space for
27 the state records center.

28 b. For routine maintenance of state buildings and
29 facilities, notwithstanding section 8.57, subsection
30 6, paragraph "c":

31 \$ 2,536,500

32 c. For maintenance of the Terrace Hill complex:

33 \$ 75,000

34 d. For planning, design, and construction costs
35 associated with the construction of a new 350,000-
36 gross-square-foot state office building:

37 \$ 1,800,000

38 2. DEPARTMENT OF CORRECTIONS

39 a. For the lease payment under the lease-purchase
40 agreement to connect the electrical system supporting
41 the special needs unit at Fort Madison:

42 \$ 333,168

43 b. For the Oakdale expansion one-time equipment
44 purchases and expenses, notwithstanding section 8.57,
45 subsection 6, paragraph "c":

46 \$ 3,376,519

47 c. For systemic study and planning of the state
48 prison system to maximize the efficient use of the
49 current infrastructure, capacity, and treatment needs,
50 versus projected needs of the prison system based on

S-5235

1 the Iowa prison population forecast:
2 \$ 500,000
3 3. DEPARTMENT OF CULTURAL AFFAIRS
4 For continuation of the project recommended by the
5 Iowa battle flag advisory committee to stabilize the
6 condition of the battle flag collection,
7 notwithstanding section 8.57, subsection 6, paragraph
8 "c":
9 \$ 220,000
10 4. DEPARTMENT OF ECONOMIC DEVELOPMENT
11 For costs associated with the creation and
12 operation of Iowa port authorities pursuant to chapter
13 28J:
14 \$ 80,000
15 The amount appropriated in this subsection shall be
16 administered by the department as a grant program.
17 The purpose of the grant program is to provide support
18 for programs that enhance, foster, aid, provide, or
19 promote transportation, economic development,
20 recreation, governmental operations, culture, or
21 research within the jurisdiction of a port authority
22 pursuant to chapter 28J. Grants shall be awarded in
23 the manner provided by the department pursuant to
24 rule.
25 5. DEPARTMENT OF EDUCATION
26 To provide resources for structural and
27 technological improvements to local libraries and for
28 the enrich Iowa program, notwithstanding section 8.57,
29 subsection 6, paragraph "c":
30 \$ 1,200,000
31 6. IOWA FINANCE AUTHORITY
32 For deposit into the transitional housing revolving
33 loan program fund created in section 16.184:
34 \$ 1,400,000
35 7. DEPARTMENT OF NATURAL RESOURCES
36 To be used to assist in the purchase, through
37 public-private partnerships, of certain unique and
38 treasured land in Iowa:
39 \$ 1,500,000
40 8. DEPARTMENT OF PUBLIC DEFENSE
41 For construction costs associated with the Camp
42 Dodge armed forces readiness center:
43 \$ 100,000
44 9. STATE BOARD OF REGENTS
45 a. For allocation by the state board of regents to
46 the state university of Iowa, the Iowa state
47 university of science and technology, and the
48 university of Northern Iowa to reimburse the
49 institutions for deficiencies in their operating funds
50 resulting from the pledging of tuition, student fees

1 and charges, and institutional income to finance the
2 cost of providing academic and administrative
3 buildings and facilities and utility services at the
4 institutions, notwithstanding section 8.57, subsection
5 6, paragraph "c":
6

..... \$ 10,329,981

7 b. For implementation of the recommendations
8 provided in separate consultant reports on bioscience,
9 advanced manufacturing, and information technology
10 submitted to the department of economic development in
11 the calendar years 2004 and 2005, notwithstanding
12 section 8.57, subsection 6, paragraph "c":
13

..... \$ 8,200,000

14 c. For vertical infrastructure-related
15 improvements associated with the implementation of the
16 recommendations provided in separate consultant
17 reports on bioscience, advanced manufacturing, and
18 information technology submitted to the department of
19 economic development in the calendar years 2004 and
20 2005:
21

..... \$ 1,800,000

22 d. For the design and construction of a new
23 university hygienic laboratory at the state university
24 of Iowa:
25

..... \$ 10,000,000

26 e. For the construction, major renovation, and
27 maintenance of a veterinary laboratory at Iowa state
28 university of science and technology:
29

..... \$ 2,000,000

30 f. For major renovation and major repair needs,
31 including health, life, and fire safety needs, and for
32 compliance with the federal Americans With
33 Disabilities Act, for state buildings and facilities
34 under the purview of the state board of regents
35 institutions:
36

..... \$ 6,200,000

37 It is the intent of the general assembly that the
38 moneys appropriated in this subsection supplant state
39 university operating funds used for the purposes
40 stated.

41 g. For endowment salaries:
42

..... \$ 5,000,000

43 h. To provide a grant for the construction of, and
44 purchasing equipment for, a facility to be used
45 exclusively for processing novel proteins from
46 agricultural products for pharmaceutical,
47 nutraceutical, or chemical applications:
48

..... \$ 1,000,000

49 10. NATIONAL PROGRAM FOR PLAYGROUND SAFETY AT THE
50 UNIVERSITY OF NORTHERN IOWA

1 For the Iowa safe surfacing initiative,
 2 notwithstanding section 8.57, subsection 6, paragraph
 3 "c":
 4 \$ 500,000

5 Not more than 2.5 percent of the funds appropriated
 6 in this subsection shall be used by the national
 7 program for playground safety for administrative costs
 8 associated with the Iowa safe surfacing initiative.

9 The crumb rubber playground tiles for the
 10 initiative shall be international play equipment
 11 manufacturers association (IPEMA)-certified to the
 12 American society for testing and materials (A.S.T.M.)
 13 F1292 standard.

14 The national program for playground safety shall
 15 submit a report by January 15, 2007, to the joint
 16 appropriations subcommittee on transportation,
 17 infrastructure, and capitals detailing the use of the
 18 moneys appropriated in this subsection. The report
 19 shall specify the projects for which moneys were used
 20 and the cost of each project, including the amounts
 21 spent on administration.

22 11. DEPARTMENT OF TRANSPORTATION

23 a. For the rail assistance program and to provide
 24 economic development project funding, notwithstanding
 25 section 8.57, subsection 6, paragraph "c":
 26 \$ 235,000

27 b. For operation and maintenance of the network of
 28 automated weather observation and data transfer
 29 systems associated with the Iowa aviation weather
 30 system, the runway marking program for public
 31 airports, the windsock program for public airports,
 32 and the aviation improvement program, notwithstanding
 33 section 8.57, subsection 6, paragraph "c":
 34 \$ 564,000

35 c. For acquiring, constructing, and improving
 36 recreational trails within the state:
 37 \$ 1,000,000

38 12. TREASURER OF STATE

39 For repayment of prison infrastructure revenue
 40 bonds under section 16.177, notwithstanding section
 41 8.57, subsection 6, paragraph "c":
 42 \$ 5,416,604

43 Sec. 2. There is appropriated from the rebuild
 44 Iowa infrastructure fund to the department of public
 45 defense for the fiscal year beginning July 1, 2007,
 46 and ending June 30, 2008, the following amount, or so
 47 much thereof as is necessary, to be used for the
 48 purposes designated:

49 For allocation to the homeland security and
 50 emergency management division for construction costs

1 of regional multijurisdictional institutes for
 2 governmental, first responder, communications, and
 3 training operations, and including regional and mobile
 4 fire training centers, in consultation with the state
 5 fire marshal:
 6 \$ 6,000,000

7 Sec. 3. There is appropriated from the rebuild
 8 Iowa infrastructure fund to the department of public
 9 defense for the fiscal year beginning July 1, 2008,
 10 and ending June 30, 2009, the following amount, or so
 11 much thereof as is necessary, to be used for the
 12 purposes designated:

13 For allocation to the homeland security and
 14 emergency management division for construction costs
 15 of regional multijurisdictional institutes for
 16 governmental, first responder, communications, and
 17 training operations, and including regional and mobile
 18 fire training centers, in consultation with the state
 19 fire marshal:
 20 \$ 6,000,000

21 Sec. 4. REVERSION. Notwithstanding section 8.33,
 22 moneys appropriated for the fiscal year beginning July
 23 1, 2006, in this division of this Act that remain
 24 unencumbered or unobligated at the close of the fiscal
 25 year shall not revert but shall remain available for
 26 the purposes designated until the close of the fiscal
 27 year that begins July 1, 2009, or until the project
 28 for which the appropriation was made is completed,
 29 whichever is earlier.

30 Sec: 5. DEPARTMENT OF ADMINISTRATIVE SERVICES.
 31 There is appropriated from the rebuild Iowa
 32 infrastructure fund to the department of
 33 administrative services for the designated fiscal
 34 years, the following amounts, or so much thereof as is
 35 necessary, to be used for the purposes designated:

36 For planning, design, and construction costs
 37 associated with the construction of a new 350,000-
 38 gross-square-foot state office building, including
 39 costs associated with furnishings, employee
 40 relocation, and the demolition of the Wallace
 41 Building:
 42 FY 2007-2008..... \$ 14,600,000
 43 FY 2008-2009..... \$ 14,600,000
 44 FY 2009-2010..... \$ 6,657,100

45 Notwithstanding section 8.33, moneys appropriated
 46 in this section shall not revert at the close of the
 47 fiscal year for which they were appropriated but shall
 48 remain available for the purposes designated until the
 49 close of the fiscal year that begins July 1, 2011, or
 50 until the project for which the appropriation was made

1 is completed, whichever is earlier.

2 Sec. 6. STATE BOARD OF REGENTS. There is
3 appropriated from the rebuild Iowa infrastructure fund
4 to the state board of regents for the following fiscal
5 years the following amounts, or so much thereof as is
6 necessary, to be used for the purposes designated:

7 For the design and construction of a new university
8 hygienic laboratory at the state university of Iowa:

9 FY 2007-2008..... \$ 14,000,000
10 FY 2008-2009..... \$ 12,000,000

11 Notwithstanding section 8.33, moneys appropriated
12 in this section shall not revert at the close of the
13 fiscal year for which they were appropriated but shall
14 remain available for the purposes designated until the
15 close of the fiscal year that begins July 1, 2011, or
16 until the project for which the appropriation was made
17 is completed, whichever is earlier.

18 DIVISION II

19 ENVIRONMENT FIRST FUND

20 Sec. 7. There is appropriated from the environment
21 first fund to the following departments and agencies
22 for the fiscal year beginning July 1, 2006, and ending
23 June 30, 2007, the following amounts, or so much
24 thereof as is necessary, to be used for the purposes
25 designated:

26 1. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

27 a. For the conservation reserve enhancement
28 program to restore and construct wetlands for the
29 purposes of intercepting tile line runoff, reducing
30 nutrient loss, improving water quality, and enhancing
31 agricultural production practices:

32 \$ 1,500,000

33 Not more than 5 percent of the moneys appropriated
34 in this lettered paragraph may be used for costs of
35 administration and implementation of soil and water
36 conservation practices.

37 b. For continuation of a program that provides
38 multiobjective resource protections for flood control,
39 water quality, erosion control, and natural resource
40 conservation:

41 \$ 2,700,000

42 Not more than 5 percent of the moneys appropriated
43 in this lettered paragraph may be used for costs of
44 administration and implementation of soil and water
45 conservation practices.

46 c. For continuation of a statewide voluntary farm
47 management demonstration program to demonstrate the
48 effectiveness and adaptability of emerging practices
49 in agronomy that protect water resources and provide
50 other environmental benefits:

1 \$ 850,000

2 Not more than 5 percent of the moneys appropriated
3 in this lettered paragraph may be used for costs of
4 administration and implementation of soil and water
5 conservation practices.

6 Of the amount appropriated in this lettered
7 paragraph, \$400,000 shall be allocated to the Iowa
8 soybean association's agriculture and environment
9 performance program.

10 d. For deposit in the alternative drainage system
11 assistance fund created in section 460.303 to be used
12 for purposes of supporting the alternative drainage
13 system assistance program as provided in section
14 460.304:

15 \$ 500,000

16 Not more than 5 percent of the moneys appropriated
17 in this lettered paragraph may be used for costs of
18 administration and implementation of soil and water
19 conservation practices.

20 e. To provide financial assistance for the
21 establishment of permanent soil and water conservation
22 practices:

23 \$ 5,500,000

24 (1) Not more than 5 percent of the moneys
25 appropriated in this lettered paragraph may be
26 allocated for cost-sharing to abate complaints filed
27 under section 161A.47.

28 (2) Of the moneys appropriated in this lettered
29 paragraph, 5 percent shall be allocated for financial
30 incentives to establish practices to protect
31 watersheds above publicly owned lakes of the state
32 from soil erosion and sediment as provided in section
33 161A.73.

34 (3) Not more than 30 percent of a soil and water
35 conservation district's allocation of moneys as
36 financial incentives may be provided for the purpose
37 of establishing management practices to control soil
38 erosion on land that is row-cropped, including but not
39 limited to no-till planting, ridge-till planting,
40 contouring, and contour strip-cropping as provided in
41 section 161A.73.

42 (4) The state soil conservation committee created
43 in section 161A.4 may allocate moneys appropriated in
44 this lettered paragraph to conduct research and
45 demonstration projects to promote conservation tillage
46 and nonpoint source pollution control practices.

47 (5) The financial incentive payments may be used
48 in combination with department of natural resources
49 moneys.

50 (6) Not more than 10 percent of the moneys

1 appropriated in this lettered paragraph may be used
2 for costs of administration and implementation of soil
3 and water conservation practices.

4 f. To encourage and assist farmers in enrolling in
5 and the implementation of federal conservation
6 programs and to work with them to enhance their
7 revegetation efforts to improve water quality and
8 habitat:

9 \$ 2,000,000

10 Not more than 5 percent of the moneys appropriated
11 in this lettered paragraph may be used for costs of
12 administration and implementation of soil and water
13 conservation practices.

14 g. For deposit in the loess hills development and
15 conservation fund created in section 161D.2:

16 \$ 600,000

17 Of the amount appropriated in this lettered
18 paragraph, \$400,000 shall be allocated to the hungry
19 canyons account and \$200,000 shall be allocated to the
20 loess hills alliance account to be used for the
21 purposes for which the moneys in those accounts are
22 authorized to be used under chapter 161D. No more
23 than 10 percent of the moneys allocated to the hungry
24 canyons account in this lettered paragraph may be used
25 for administrative costs. No more than 10 percent of
26 the moneys allocated to the loess hills alliance
27 account in this lettered paragraph may be used for
28 administrative costs.

29 h. For deposit in the southern Iowa development
30 and conservation fund created in section 161D.12:

31 \$ 300,000

32 Not more than 5 percent of the moneys appropriated
33 in this lettered paragraph may be used for
34 administrative costs.

35 2. DEPARTMENT OF ECONOMIC DEVELOPMENT

36 For deposit in the brownfield redevelopment fund
37 created in section 15.293 to provide assistance under
38 the brownfield redevelopment program:

39 \$ 500,000

40 3. DEPARTMENT OF NATURAL RESOURCES

41 a. For statewide coordination of volunteer efforts
42 under the water quality and keepers of the land
43 programs:

44 \$ 100,000

45 b. For purposes of funding capital projects for
46 the purposes specified in section 452A.79, and for
47 expenditures for the local cost-share grants to be
48 used for capital expenditures to local governmental
49 units for boating accessibility:

50 \$ 2,500,000

1 c. For regular maintenance of state parks and
 2 staff time associated with these activities:
 3 \$ 2,000,000

4 d. To provide local watershed managers with
 5 geographic information system data for their use in
 6 developing, monitoring, and displaying results of
 7 their watershed work:
 8 \$ 195,000

9 e. For continuing the establishment and operation
 10 of water quality monitoring stations:
 11 \$ 2,955,000

12 f. For deposit in the administration account of
 13 the water quality protection fund, to carry out the
 14 purposes of that account:
 15 \$ 500,000

16 g. For full-time personnel to conduct air quality
 17 monitoring, which may include but is not limited to
 18 staffing required to perform field monitoring and
 19 laboratory functions, including salaries, support,
 20 maintenance, and miscellaneous purposes:
 21 \$ 275,000

22 h. For the dredging of lakes, including necessary
 23 preparation for dredging, in accordance with the
 24 department's classification of Iowa lakes restoration
 25 report:
 26 \$ 275,000

27 Of the amount appropriated for the dredging of
 28 lakes, \$275,000 shall be allocated for a lake with
 29 public access located in a county with a population
 30 between 18,350 and 18,450.

31 The department shall consider the following
 32 criteria for funding lake dredging projects as
 33 provided in this lettered paragraph, and shall
 34 prioritize projects based on the following:

35 (1) Documented efforts to address watershed
 36 protection, considering testing, conservation efforts,
 37 and the amount of time devoted to watershed
 38 protection.

39 (2) Protection of a natural resource and natural
 40 habitat.

41 (3) Percentage of public access and undeveloped
 42 lakefront property.

43 (4) Continuation of current projects partially
 44 funded by state resources to achieve department
 45 recommendations.

46 i. For the purposes of contracting with qualified
 47 persons outside the department to conduct use
 48 attainability analyses in conformance with section
 49 455B.176A, as enacted in 2006 Iowa Acts, Senate File
 50 2363, if enacted, or in any other Act of the Eighty-

1 first General Assembly, 2006 Session:

2 \$ 750,000

3 RESOURCES ENHANCEMENT AND PROTECTION FUND

4 Sec. 8. Notwithstanding the amount of the standing
5 appropriation from the general fund of the state under
6 section 455A.18, subsection 3, there is appropriated
7 from the environment first fund to the Iowa resources
8 enhancement and protection fund, in lieu of the
9 appropriation made in section 455A.18, for the fiscal
10 year beginning July 1, 2006, and ending June 30, 2007,
11 the following amount, to be allocated as provided in
12 section 455A.19:

13 \$ 11,000,000

14 Sec. 9. REVERSION.

15 1. Except as provided in subsection 2, and
16 notwithstanding section 8.33, moneys appropriated in
17 this division of this Act that remain unencumbered or
18 unobligated at the close of the fiscal year shall not
19 revert but shall remain available for the purposes
20 designated until the close of the fiscal year
21 beginning July 1, 2007, or until the project for which
22 the appropriation was made is completed, whichever is
23 earlier.

24 2. Notwithstanding section 8.33, moneys
25 appropriated in this division of this Act to the
26 department of agriculture and land stewardship to
27 provide financial assistance for the establishment of
28 permanent soil and water conservation practices that
29 remain unencumbered or unobligated at the close of the
30 fiscal year shall not revert but shall remain
31 available for expenditure for the purposes designated
32 until the close of the fiscal year that begins July 1,
33 2009.

34 Sec. 10. CONTINGENT EFFECTIVE DATE. The lettered
35 paragraph in the section of this division of this Act
36 making an appropriation from the environment first
37 fund to the department of natural resources for
38 purposes related to use attainability analyses is
39 contingent upon the enactment of section 455B.176A by
40 the Eighty-first General Assembly, 2006 Session,
41 making it necessary for the department to contract
42 with qualified persons outside the department to
43 conduct use attainability analyses.

44 DIVISION III

45 TOBACCO SETTLEMENT TRUST FUND

46 Sec. 11.

47 1. There is appropriated from the tax-exempt bond
48 proceeds restricted capital funds account of the
49 tobacco settlement trust fund to the following
50 departments and agencies for the fiscal year beginning

1 July 1, 2006, and ending June 30, 2007, the following
2 amounts, or so much thereof as is necessary, to be
3 used for the purposes designated:

4 a. DEPARTMENT OF ADMINISTRATIVE SERVICES

5 (1) For upgrades to the electrical distribution
6 system serving the capitol complex:

7 \$ 3,468,800

8 (2) For planning, design, and construction costs
9 associated with the construction of a new 350,000-
10 gross-square-foot state office building:

11 \$ 1,000,000

12 b. DEPARTMENT OF CULTURAL AFFAIRS

13 For historical site preservation grants, to be used
14 for the restoration, preservation, and development of
15 historic sites:

16 \$ 800,000

17 In making grants pursuant to this paragraph, the
18 department shall consider the existence and amount of
19 other funds available to an applicant for the
20 designated project. A grant awarded from moneys
21 appropriated in this subsection shall not exceed
22 \$100,000 per project. Not more than two grants may be
23 awarded in the same county.

24 c. DEPARTMENT OF ECONOMIC DEVELOPMENT

25 For accelerated career education program capital
26 projects at community colleges that are authorized
27 under chapter 260G and that meet the definition of
28 "vertical infrastructure" in section 8.57B, subsection
29 3:

30 \$ 5,500,000

31 d. DEPARTMENT OF NATURAL RESOURCES

32 For state park infrastructure renovations:

33 \$ 1,000,000

34 e. DEPARTMENT OF PUBLIC DEFENSE

35 (1) For major maintenance projects at national
36 guard armories and facilities:

37 \$ 1,500,000

38 (2) For allocation to the homeland security and
39 emergency management division for the STARCOM project:

40 \$ 1,700,000

41 f. DEPARTMENT OF PUBLIC SAFETY

42 For allocation to the division of fire protection
43 for the planning, design, and construction of regional
44 emergency response training centers in the state:

45 \$ 4,300,000

46 Of the amount appropriated in this subsection,
47 \$300,000 shall be allocated to Western Iowa technical
48 community college.

49 Of the amount appropriated in this subsection,
50 \$900,000 shall be allocated to Iowa western community

1 college.

2 Of the amount appropriated in this subsection,
3 \$150,000 shall be allocated to the Dubuque county
4 firefighter's association.

5 Of the amount appropriated in this subsection,
6 \$150,000 shall be allocated to the city of Waterloo.

7 Of the amount appropriated in this subsection,
8 \$300,000 shall be allocated to Scott county community
9 college.

10 Of the amount appropriated in this subsection,
11 \$400,000 shall be allocated to Iowa lakes community
12 college.

13 Of the amount appropriated in this subsection,
14 \$400,000 shall be allocated to the Mason City fire
15 department.

16 Of the amount appropriated in this subsection,
17 \$400,000 shall be allocated to southeastern community
18 college.

19 Of the amount appropriated in this subsection,
20 \$300,000 shall be allocated to a public agency, as
21 defined in section 470.1, located in merged area
22 eleven.

23 Of the amount appropriated in this subsection,
24 \$300,000 shall be allocated to Kirkwood community
25 college.

26 Of the amount appropriated in this subsection,
27 \$300,000 shall be allocated to Iowa central community
28 college.

29 Of the amount appropriated in this subsection,
30 \$400,000 shall be allocated to a public agency, as
31 defined in section 470.1, located in merged areas
32 fourteen and fifteen.

33 g. DEPARTMENT OF TRANSPORTATION

34 (1) For infrastructure improvements at general
35 aviation airports within the state:

36 \$ 750,000

37 (2) For vertical infrastructure improvements at
38 the commercial air service airports within the state:

39 \$ 1,000,000

40 Fifty percent of the funds appropriated in this
41 subparagraph shall be allocated equally between each
42 commercial service airport, 40 percent of the funds
43 shall be allocated based on the percentage that the
44 number of enplaned passengers at each commercial
45 service airport bears to the total number of enplaned
46 passengers in the state during the previous fiscal
47 year, and 10 percent of the funds shall be allocated
48 based on the percentage that the air cargo tonnage at
49 each commercial service airport bears to the total air
50 cargo tonnage in the state during the previous fiscal

1 year. In order for a commercial service airport to receive funding under this subparagraph, the airport shall be required to submit applications for funding of specific projects to the department for approval by the state transportation commission.

h. OFFICE OF TREASURER OF STATE

For county fair infrastructure improvements for distribution in accordance with chapter 174 to qualified fairs which belong to the association of Iowa fairs:

..... \$ 1,060,000

2. TAX-EXEMPT STATUS -- USE OF APPROPRIATIONS.

Payment of moneys from the appropriations in this section shall be made in a manner that does not adversely affect the tax-exempt status of any outstanding bonds issued by the tobacco settlement authority.

3. REVERSION. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2009, or until the project for which the appropriation was made is completed, whichever is earlier.

DIVISION IV

VERTICAL INFRASTRUCTURE FUND

Sec. 12. There is appropriated from the vertical infrastructure fund to the state board of regents for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

STATE BOARD OF REGENTS

For vertical infrastructure-related improvements associated with the implementation of the recommendations provided in separate consultant reports on bioscience, advanced manufacturing, and information technology submitted to the department of economic development in the calendar years 2004 and 2005:

..... \$ 5,000,000

Sec. 13. REVERSION. Notwithstanding section 8.33, moneys appropriated in this division of this Act that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2009, or until the project for which the appropriation was made is completed, whichever is earlier.

DIVISION V

1
2 ENDOWMENT FOR IOWA'S HEALTH RESTRICTED CAPITALS FUND
3 Sec. 14. There is appropriated from the endowment
4 for Iowa's health restricted capitals fund to the
5 following departments and agencies for the fiscal year
6 beginning July 1, 2006, and ending June 30, 2007, the
7 following amounts, or so much thereof as is necessary,
8 to be used for the purposes designated:

9 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

10 a. For costs to repair parking lots on the capitol
11 complex:

12 \$ 1,545,000

13 b. For capitol interior and exterior restoration
14 and for major renovation and major repair needs,
15 including health, life, and fire safety needs, and for
16 compliance with the federal Americans With
17 Disabilities Act, for state buildings and facilities
18 under the purview of the department:

19 \$ 6,830,000

20 Of the amount appropriated in this paragraph, up to
21 \$500,000 shall be used to establish areas of rescue
22 assistance in emergency evacuation situations.

23 c. For planning, design, and construction costs
24 associated with the construction of a new 350,000-
25 gross-square-foot state office building:

26 \$ 38,485,000

27 d. For upgrades to the Woodward state resource
28 center wastewater treatment system:

29 \$ 2,443,000

30 e. For costs associated with the remodeling of the
31 records and property center:

32 \$ 2,200,000

33 f. For costs associated with the replacement of
34 the powerhouse facilities at the Iowa juvenile home at
35 Toledo:

36 \$ 1,521,045

37 g. For construction of a new school and infirmary
38 building at the Iowa juvenile home at Toledo and for
39 the renovation of existing school buildings and the
40 demolition of other buildings:

41 \$ 8,130,668

42 2. DEPARTMENT FOR THE BLIND

43 For costs associated with department for the blind
44 building renovations:

45 \$ 4,000,000

46 3. DEPARTMENT OF CORRECTIONS

47 a. For construction of a community-based
48 correctional facility, including district offices, in
49 Davenport:

50 \$ 3,750,000

1 b. For construction of a community-based
 2 correctional facility, including district offices, in
 3 Fort Dodge:
 4 \$ 1,400,000

5 c. For the remodeling and renovation of the
 6 kitchen facilities at the Anamosa correctional
 7 facility:
 8 \$ 1,840,000

9 4. DEPARTMENT OF CULTURAL AFFAIRS

10 To fund capital projects in a city with a
 11 population of at least 1,285 residents but not more
 12 than 1,320 residents in the county of Carroll, in a
 13 city with a population of at least 25,000 residents
 14 but not more than 30,000 residents, and in a city with
 15 a population of at least 80,000 residents but not more
 16 than 90,000 residents through the Iowa great places
 17 program:
 18 \$ 3,000,000

19 5. DEPARTMENT OF EDUCATION

20 For major renovation and major repair needs,
 21 including health, life, and fire safety needs, and for
 22 compliance with the federal Americans With
 23 Disabilities Act, for state buildings and facilities
 24 under the purview of community colleges:
 25 \$ 2,000,000

26 The moneys appropriated in this subsection shall be
 27 allocated to the community colleges based upon the
 28 state aid distribution formula established in section
 29 260C.18C.

30 6. IOWA STATE FAIR AUTHORITY

31 For capital projects on the Iowa state fairgrounds:
 32 \$ 1,000,000

33 7. DEPARTMENT OF PUBLIC DEFENSE

34 a. For construction of a national guard readiness
 35 center in Iowa City:
 36 \$ 1,444,288

37 b. For construction of a national guard aviation
 38 armory in Waterloo:
 39 \$ 1,635,000

40 c. For construction of a national guard armory in
 41 Spencer:
 42 \$ 689,000

43 d. For upgrades to the Camp Dodge water
 44 distribution system:
 45 \$ 750,000

46 8. DEPARTMENT OF PUBLIC SAFETY

47 For construction of an Iowa state patrol post in
 48 district 8:
 49 \$ 2,400,000

50 9. STATE BOARD OF REGENTS

1 For major renovation and major repair needs,
 2 including health, life, and fire safety needs, and for
 3 compliance with the federal American With Disabilities
 4 Act, for state buildings and facilities under the
 5 purview of state board of regents institutions:
 6 \$ 10,000,000

7 Of the funds appropriated in this paragraph,
 8 \$5,000,000 is allocated for costs associated with the
 9 planning, design, and construction of the chemistry
 10 building at Iowa state university of science and
 11 technology, \$3,000,000 is allocated for costs
 12 associated with completing upgrades to the electrical
 13 distribution system at the university of northern
 14 Iowa, and \$2,000,000 is allocated for costs associated
 15 with the planning, design, and construction of a new
 16 building to house the college of public health at the
 17 state university of Iowa.

18 10. DEPARTMENT OF VETERANS AFFAIRS

19 For capital improvement projects at the Iowa
 20 veterans home:
 21 \$ 6,200,000

22 Sec. 15. There is appropriated from the endowment
 23 for Iowa's health restricted capitals fund to the
 24 department of administrative services for the fiscal
 25 year beginning July 1, 2005, and ending June 30, 2006,
 26 the following amount, or so much thereof as is
 27 necessary, to be used for the purpose designated:

28 For costs associated with the restoration of the
 29 west capitol terrace:
 30 \$ 2,300,000

31 Sec. 16. TAX-EXEMPT STATUS -- USE OF
 32 APPROPRIATIONS. Payment of moneys from the
 33 appropriations in this section shall be made in a
 34 manner that does not adversely affect the tax-exempt
 35 status of any outstanding bonds issued by the tobacco
 36 settlement authority.

37 Sec. 17. REVERSION.

38 1. Except as provided in subsections 2 and 3,
 39 notwithstanding section 8.33, moneys appropriated from
 40 the endowment for Iowa's health restricted capitals
 41 fund for the fiscal years that begin July 1, 2005, and
 42 July 1, 2006, in this division of this Act that remain
 43 unencumbered or unobligated at the close of the fiscal
 44 year shall not revert but shall remain available for
 45 the purposes designated until the close of the fiscal
 46 year that begins July 1, 2009, or until the project
 47 for which the appropriation was made is completed,
 48 whichever is earlier.

49 2. Notwithstanding section 8.33, moneys
 50 appropriated from the endowment for Iowa's health

1 restricted capitals fund for the fiscal year that
 2 begins July 1, 2006, and ends June 30, 2007, in this
 3 division of this Act to the department of veterans
 4 affairs for capital improvement projects at the Iowa
 5 veterans home that remain unencumbered or unobligated
 6 at the close of the fiscal year shall not revert but
 7 shall remain available for expenditure for the
 8 purposes designated until the close of the fiscal year
 9 that begins July 1, 2010.

10 3. Notwithstanding section 8.33, moneys
 11 appropriated from the endowment for Iowa's health
 12 restricted capitals fund for the fiscal year beginning
 13 July 1, 2006, and ending June 30, 2007, in this
 14 division of this Act to the department of education
 15 for major renovation and major repair needs at the
 16 community colleges that remain unencumbered or
 17 unobligated at the close of the fiscal year shall not
 18 revert but shall remain available for expenditure for
 19 the purposes designated until the close of the fiscal
 20 year beginning July 1, 2010, or until the project for
 21 which appropriated is completed, whichever is earlier.

22 Sec. 18. EFFECTIVE DATE. The section of this
 23 division of this Act appropriating moneys to the
 24 department of administrative services for the fiscal
 25 year beginning July 1, 2005, for restoration of the
 26 west capitol terrace, being deemed of immediate
 27 importance, takes effect upon enactment.

DIVISION VI

TECHNOLOGY REINVESTMENT FUND

30 Sec. 19. There is appropriated from the technology
 31 reinvestment fund created in section 8.57C to the
 32 following departments and agencies for the fiscal year
 33 beginning July 1, 2006, and ending June 30, 2007, the
 34 following amounts, or so much thereof as is necessary,
 35 to be used for the purposes designated:

- 36 1. DEPARTMENT OF ADMINISTRATIVE SERVICES
- 37 For technology improvement projects:
- 38 \$ 3,358,334
- 39 2. DEPARTMENT OF CORRECTIONS
- 40 For costs associated with the Iowa corrections
- 41 offender network data system:
- 42 \$ 500,000
- 43 3. DEPARTMENT OF EDUCATION
- 44 a. For implementation of the provisions of chapter
- 45 280A:
- 46 \$ 500,000
- 47 b. For maintenance and lease costs associated with
- 48 connections for Part III of the Iowa communications
- 49 network:
- 50 \$ 2,727,000

1 c. For allocation to the public broadcasting
2 division for installation costs for the conversion to
3 high definition broadcasting at the Iowa public
4 television facilities:
5 \$ 2,300,000

6 d. To the public broadcasting division for
7 replacing transmitters:
8 \$ 1,425,000

9 e. To the public broadcasting division for the
10 purchase of equipment intended to provide an
11 uninterruptible power supply:
12 \$ 315,000

13 4. DEPARTMENT OF HUMAN RIGHTS
14 For the cost of equipment and computer software for
15 the implementation of Iowa's criminal justice
16 information system:
17 \$ 2,645,066

18 5. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD
19 For technological improvements to the board's
20 electronic filing system:
21 \$ 39,100

22 6. IOWA TELECOMMUNICATIONS AND TECHNOLOGY
23 COMMISSION
24 For replacement of equipment for the Iowa
25 communications network:
26 \$ 1,997,500

27 7. IOWA LAW ENFORCEMENT ACADEMY
28 For information technology upgrades and renovations
29 at the Iowa law enforcement academy:
30 \$ 50,000

31 8. BOARD OF PAROLE
32 For information technology upgrades for the board
33 of parole:
34 \$ 75,000

35 9. DEPARTMENT OF PUBLIC DEFENSE
36 For information technology upgrades for the Iowa
37 national guard:
38 \$ 75,000

39 10. DEPARTMENT OF PUBLIC SAFETY
40 a. For continuation of payments on the lease of
41 the automated fingerprint identification system:
42 \$ 550,000

43 b. For information technology hardware and
44 software upgrades for the department of public safety:
45 \$ 943,000

46 Sec. 20. REVERSION. Notwithstanding section 8.33,
47 moneys appropriated in this division of this Act that
48 remain unencumbered or unobligated at the close of the
49 fiscal year shall not revert but shall remain
50 available for the purposes designated until the close

1 of the fiscal year beginning July 1, 2007, or until
2 the project for which the appropriation was made is
3 completed, whichever is earlier.

4 Sec. 21. NEW SECTION. 8.57C TECHNOLOGY
5 REINVESTMENT FUND.

6 1. A technology reinvestment fund is created under
7 the authority of the department of management. The
8 fund shall consist of appropriations made to the fund
9 and transfers of interest, earnings, and moneys from
10 other funds as provided by law. The fund shall be
11 separate from the general fund of the state and the
12 balance in the fund shall not be considered part of
13 the balance of the general fund of the state.

14 However, the fund shall be considered a special
15 account for the purposes of section 8.53, relating to
16 generally accepted accounting principles.

17 2. Moneys in the fund in a fiscal year shall be
18 used as appropriated by the general assembly for the
19 acquisition of computer hardware and software,
20 software development, telecommunications equipment,
21 and maintenance and lease agreements associated with
22 technology components and for the purchase of
23 equipment intended to provide an uninterruptible power
24 supply.

25 3. There is appropriated from the general fund of
26 the state for the fiscal year beginning July 1, 2006,
27 and for each subsequent fiscal year, the sum of
28 seventeen million five hundred thousand dollars to the
29 technology reinvestment fund.

30 DIVISION VII

31 ENDOWMENT FOR IOWA'S HEALTH ACCOUNT

32 Sec. 22. Notwithstanding section 12.65, subsection
33 2, and section 12E.12, subsection 1, paragraph "b",
34 subparagraph (2), there is appropriated from the
35 endowment for Iowa's health account of the tobacco
36 settlement trust fund established in section 12E.12 to
37 the following departments and agencies for the fiscal
38 year beginning July 1, 2006, and ending June 30, 2007,
39 the following amounts, or so much thereof as is
40 necessary, to be used for the purposes designated:

41 1. DEPARTMENT OF NATURAL RESOURCES

42 For implementation of lake projects that have
43 established watershed improvement initiatives and
44 community support in accordance with the department's
45 annual lake restoration plan and report:

46 \$ 8,600,000

47 It is the intent of the general assembly that all
48 lake restoration projects that satisfy the criteria
49 required in section 456A.33B and whose project
50 designers worked with the department to develop an

1 action plan prior to January 1, 2006, shall be funded
2 in the amounts and according to the timeline for
3 fiscal year 2006-2007 provided in the department's
4 Iowa lakes restoration report submitted to the Eighty-
5 first General Assembly.

6 Of the amounts appropriated in this subsection, at
7 least the following amounts shall be allocated as
8 follows:

- 9 a. For clear lake in Cerro Gordo county:
10 \$ 4,000,000
- 11 b. For storm lake in Buena Vista county:
12 \$ 500,000
- 13 c. For crystal lake in Hancock county:
14 \$ 1,400,000

15 2. TREASURER OF STATE

16 For deposit in the watershed improvement fund
17 created in section 466A.2:
18 \$ 5,000,000

19 Sec. 23. Notwithstanding section 12.65, subsection
20 2, and section 12E.12, subsection 1, paragraph "b",
21 subparagraph (2), there is appropriated from the
22 endowment for Iowa's health account of the tobacco
23 settlement trust fund established in section 12E.12 to
24 the treasurer of state for the fiscal year beginning
25 July 1, 2007, and ending June 30, 2008, the following
26 amount, or so much thereof as is necessary, to be used
27 for the purposes designated:

28 For deposit in the watershed improvement fund
29 created in section 466A.2:
30 \$ 5,000,000

31 Sec. 24. NEW SECTION. 456A.33B LAKE RESTORATION
32 PLAN AND REPORT.

33 1. It is the intent of the general assembly that
34 the department of natural resources shall develop
35 annually a lake restoration plan and report that shall
36 be submitted to the joint appropriations subcommittee
37 on transportation, infrastructure, and capitals and
38 the legislative services agency by no later than
39 January 1 of each year. The plan and report shall
40 include the department's plans and recommendations for
41 lake restoration projects to receive funding
42 consistent with the process and criteria provided in
43 this section, and shall include the department's
44 assessment of the progress and results of projects
45 funded with moneys appropriated under this section.

46 The department shall recommend funding for lake
47 restoration projects that are designed to achieve the
48 following goals:

- 49 a. Ensure a cost-effective, positive return on
50 investment for the citizens of Iowa.

- 1 b. Ensure local community commitment to lake and
- 2 watershed protection.
- 3 c. Ensure significant improvement in water
- 4 clarity, safety, and quality of Iowa lakes.
- 5 d. Provide for a sustainable, healthy, functioning
- 6 lake system.
- 7 e. Result in the removal of the lake from the
- 8 impaired waters list.
- 9 2. The process and criteria the department shall
- 10 utilize to recommend funding for lake restoration
- 11 projects shall be as follows:
- 12 a. The department shall develop an initial list of
- 13 not more than thirty-five significant public lakes to
- 14 be considered for funding based on the feasibility of
- 15 each lake for restoration and the use or potential use
- 16 of the lake, if restored. The list shall include lake
- 17 projects under active development that the department
- 18 shall recommend be given priority for funding so long
- 19 as progress toward completion of the projects remains
- 20 consistent with the goals of this section.
- 21 b. The department shall meet with representatives
- 22 of communities where lakes on the initial list are
- 23 located to provide an initial lake restoration
- 24 assessment and to explain the process and criteria for
- 25 receiving lake restoration funding. Communities with
- 26 lakes not included on the initial list may petition
- 27 the director of the department for a preliminary lake
- 28 restoration assessment and explanation of the funding
- 29 process and criteria. The department shall work with
- 30 representatives of each community to develop a joint
- 31 lake restoration action plan. At a minimum, each
- 32 joint action plan shall document the causes, sources,
- 33 and magnitude of lake impairment, evaluate the
- 34 feasibility of the lake and watershed restoration
- 35 options, establish water quality goals and a schedule
- 36 for attainment, assess the economic benefits of the
- 37 project, identify the sources and amounts of any
- 38 leveraged funds, and describe the community's
- 39 commitment to the project, including local funding.
- 40 The community's commitment to the project may include
- 41 moneys to fund a lake diagnostic study and watershed
- 42 assessment, including development of a TMDL (total
- 43 maximum daily load).
- 44 c. Each joint lake restoration plan shall comply
- 45 with the following guidelines:
- 46 (1) Biologic controls will be utilized to the
- 47 maximum extent, wherever possible.
- 48 (2) If proposed, dredging of the lake will be
- 49 conducted to a mean depth of at least ten feet to gain
- 50 water quality benefits unless a combination of

1 biologic and structural controls is sufficient to
2 assure water quality targets will be achieved at a
3 shallower average water depth.

4 (3) The costs of lake restoration will include the
5 maintenance costs of improvements to the lake.

6 (4) Delivery of phosphorous and sediment from the
7 watershed will be controlled and in place before lake
8 restoration begins. Loads of phosphorous and
9 sediment, in conjunction with in-lake management, will
10 meet or exceed the following water quality targets:

11 (a) Clarity. A four-and-one-half-foot secchi
12 depth will be achieved fifty percent of the time from
13 April 1 through September 30.

14 (b) Safety. Beaches will meet water quality
15 standards for recreational use.

16 (c) Biota. A diverse, balanced, and sustainable
17 aquatic community will be maintained.

18 (d) Sustainability. The water quality benefits of
19 the restoration efforts will be sustained for at least
20 fifty years.

21 d. The department shall evaluate the joint action
22 plans and prioritize the plans based on the criteria
23 required in this section. The department's annual
24 lake restoration plan and report shall include the
25 prioritized list and the amounts of state and other
26 funding the department recommends for each lake
27 restoration project. The department may seek public
28 comment on its recommendations prior to submitting the
29 plan and report to the general assembly.

30 DIVISION VIII

31 CHANGES TO PRIOR APPROPRIATIONS

32 Sec. 25. 2001 Iowa Acts, chapter 185, section 30,
33 as amended by 2005 Iowa Acts, chapter 178, section 22,
34 is amended to read as follows:

35 SEC. 30. REVERSION.

36 1. Except as provided in subsection 2 and
37 notwithstanding section 8.33, moneys appropriated in
38 this division of this Act shall not revert at the
39 close of the fiscal year for which they were
40 appropriated but shall remain available for the
41 purposes designated until the close of the fiscal year
42 that begins July 1, 2004, or until the project for
43 which the appropriation was made is completed,
44 whichever is earlier.

45 2. Notwithstanding section 8.33, moneys
46 appropriated in section 25, subsection 3, paragraph
47 "b", and section 28 of this division of this Act shall
48 not revert at the close of the fiscal year for which
49 they were appropriated but shall remain available for
50 the purpose designated until the close of the fiscal

1 year that begins July 1, ~~2005~~ 2006, or until the project for which the appropriation was made is completed, whichever is earlier.

Sec. 26. 2002 Iowa Acts, chapter 1173, section 1, subsection 3, paragraph b, is amended to read as follows:

b. To provide a grant for construction of, and purchasing of equipment for, a facility to be used exclusively for processing novel proteins from agricultural products for pharmaceutical, nutraceutical, or chemical applications:

FY 2002-2003.....	\$	3,268,696	
			0
FY 2003-2004.....	\$		0
FY 2004-2005.....	\$		0
FY 2005-2006.....	\$		0

The moneys appropriated in this paragraph "b" shall comprise no more than 15 percent of the total costs of construction of, and purchasing equipment for, the facility.

Sec. 27. 2004 Iowa Acts, chapter 1175, section 288, subsection 4, paragraph b, is amended to read as follows:

b. For construction of a community-based correctional facility, including district offices, in Davenport:

FY 2004-2005.....	\$	3,000,000	
FY 2005-2006.....	\$	3,750,000	
FY 2006-2007.....	\$	3,750,000	0

~~It is the intent of the general assembly that the department of management allocate the entire appropriation for the fiscal year beginning July 1, 2006, to the department of corrections by July 31, 2006.~~

Sec. 28. 2004 Iowa Acts, chapter 1175, section 288, subsection 7, paragraph d, is amended to read as follows:

d. For allocation to the public broadcasting division for costs of installation of digital and analog television for Iowa public television facilities, notwithstanding section 8.57, subsection 5, paragraph "c":

FY 2004-2005.....	\$	8,000,000	
FY 2005-2006.....	\$	8,000,000	
FY 2006-2007.....	\$	2,300,000	0

Sec. 29. 2005 Iowa Acts, chapter 178, section 4, is amended to read as follows:

SEC. 4. There is appropriated from the rebuild

1 Iowa infrastructure fund to the following departments
2 and agencies for the fiscal year beginning July 1,
3 2006, and ending June 30, 2007, the following amounts,
4 or so much thereof as is necessary, to be used for the
5 purposes designated:

6 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

7 a. For costs associated with the remodeling of the
8 records and property center:

9 \$ ~~2,200,000~~
10 0

11 b. For costs associated with the replacement of
12 the powerhouse facilities at the Iowa juvenile home at
13 Toledo:

14 \$ ~~1,521,045~~
15 0

16 2. DEPARTMENT OF CORRECTIONS

17 a. For construction of a community-based
18 correctional facility, including district offices, in
19 Fort Dodge:

20 \$ ~~1,400,000~~
21 0

22 b. For the remodeling and renovation of the
23 kitchen facilities at the Anamosa correctional
24 facility:

25 \$ ~~1,840,000~~
26 0

27 Sec. 30. 2005 Iowa Acts, chapter 179, section 13,
28 unnumbered paragraph 2, is amended to read as follows:

29 For major renovation and major repair needs,
30 including health, life, and fire safety needs, and for
31 compliance with the federal Americans With
32 Disabilities Act, for state buildings and facilities
33 under the purview of the community colleges:

34 FY 2006-2007..... \$ ~~2,000,000~~
35 0

36 FY 2007-2008..... \$ 2,000,000

37 FY 2008-2009..... \$ 2,000,000

38 DIVISION IX

39 MISCELLANEOUS CHANGES

40 Sec. 31. STATE BOARD OF REGENTS -- GENERAL FUND
41 ENDING BALANCE.

42 1. Prior to the appropriation of the surplus
43 existing in the general fund of the state at the
44 conclusion of the fiscal year beginning July 1, 2005,
45 pursuant to section 8.57, subsections 1 and 2, from
46 appropriations that remain unencumbered or unobligated
47 and would otherwise revert on August 31, 2006,
48 pursuant to section 8.33, up to \$2,800,000 shall be
49 transferred to the state board of regents.

50 2. The transfer made in subsection 1 shall be

1 distributed to the state board of regents in the
2 fiscal year beginning July 1, 2006, to be used as
3 additional funding for the fiscal year beginning July
4 1, 2006, for the institutions under the state board of
5 regents.

6 Sec. 32. EFFECTIVE DATE. This division of this
7 Act, being deemed of immediate importance, takes
8 effect upon enactment.

9 DIVISION X

10 MISCELLANEOUS CODE CHANGES

11 Sec. 33. NEW SECTION. 8A.330 NEW CONSTRUCTION --
12 RETURN ON INVESTMENT.

13 The department shall not expend or obligate more
14 than \$1,000,000 in total of the funds appropriated for
15 a project unless authorized by a constitutional
16 majority of each house of the general assembly, or
17 upon approval by a constitutional majority of the
18 members of each house of the general assembly
19 appointed to the legislative fiscal committee if the
20 general assembly is not in session. If the return on
21 investment is less than five percent, the expenditure
22 or obligation of the funds must be approved by the
23 general assembly and the governor. Additionally,
24 prior to expending or obligating more than \$1,000,000
25 in total, the department shall submit a business plan
26 related to the construction of a new state office
27 building that includes all of the following:

28 1. A list of the identified agencies that will
29 occupy the building and an estimate of the number of
30 employees of each agency.

31 2. The rental or lease costs currently paid by the
32 identified state agencies, and the estimated rental or
33 lease costs to be incurred by the identified state
34 agencies if a new state office building is not
35 constructed.

36 3. A return on investment analysis associated with
37 the construction of a new state office building
38 compared with the following:

39 a. Continuing to lease or rent space for existing
40 state agencies in addition to renovating the Wallace
41 state office building.

42 b. Entering into an agreement for the construction
43 of a new building for use by the state through a long-
44 term lease or long-term lease-purchase agreement.

45 Sec. 34. Section 100B.2, Code Supplement 2005, is
46 amended by adding the following new subsection:

47 NEW SUBSECTION. 9. Participate in the regional
48 emergency response training center application process
49 as provided in section 100B.16.

50 Sec. 35. Section 100B.3, Code 2005, is amended to

1 read as follows:

2 100B.3 TRAINING AGREEMENTS.

3 The state fire marshal, subject to the approval of
4 the state fire service and emergency response council,
5 ~~may~~ shall enter into written agreements with other
6 ~~educational institutions~~ public agencies that have
7 established regional emergency response training
8 centers under section 100B.16 to provide training in
9 conjunction with training provided by the fire service
10 training bureau ~~or~~. Moneys appropriated shall not be
11 distributed by the department of public safety to a
12 regional training center until such an agreement has
13 been entered into with the regional training center.

14 PARAGRAPH DIVIDED. The state fire marshal, subject
15 to the approval of the state fire service and
16 emergency response council, may enter into written
17 agreements with other educational institutions to
18 assist in research conducted by the bureau.

19 Sec. 36. Section 100B.4, unnumbered paragraph 1,
20 Code Supplement 2005, is amended to read as follows:

21 Fees assessed pursuant to this chapter shall be
22 retained by the division of state fire marshal and
23 such repayments received shall be used exclusively to
24 offset the cost of fire service training. Fees
25 charged by regional emergency response training
26 centers for fire service training programs as
27 described in section 100B.6 shall be uniform statewide
28 and shall not be greater than the fee schedule
29 approved by the state fire service and emergency
30 response council.

31 Sec. 37. Section 100B.7, subsection 2, paragraphs
32 k and l, Code 2005, are amended to read as follows:

33 k. Plan and coordinate fire schools and other
34 short courses of instruction on a statewide, regional,
35 and local level, utilizing existing educational
36 institutions, programs, and facilities as ~~feasible~~
37 provided in sections 100B.16 and 100B.18.

38 l. Prepare for the state fire marshal and the
39 state fire service and emergency response council an
40 annual report of activities that include a summary of
41 classes taught, budget, and staff activities. The
42 annual report shall include a report of the activities
43 of each regional emergency response training center
44 established under section 100B.16.

45 Sec. 38. Section 100B.7, subsection 2, Code 2005,
46 is amended by adding the following new paragraph:

47 NEW PARAGRAPH. r. Work in conjunction with those
48 state agencies charged with developing training
49 standards for emergency response training to develop a
50 curriculum and standards for emergency response

1 training provided by a training center established
2 pursuant to section 100B.16.

3 Sec. 39. NEW SECTION. 100B.15 DEFINITIONS.

4 As used in this part:

5 1. "Bureau" means the fire service training
6 bureau.

7 2. "Council" means the state fire service and
8 emergency response council.

9 3. "Emergency responders" means firefighters, law
10 enforcement officers, emergency medical service
11 personnel, and other personnel having emergency
12 response duties.

13 4. "Emergency response service" means fire
14 protection service, law enforcement, emergency medical
15 service, hazardous materials containment and disposal,
16 search and rescue operations, evacuation operations,
17 and other related services.

18 5. "Municipality" means a city, county, township,
19 benefited fire district, or agency authorized by law
20 to provide emergency response services.

21 6. "Public agency" means a municipality, a
22 community college, or an association representing fire
23 fighters.

24 7. "Training center" means a regional emergency
25 response training center established under section
26 100B.16.

27 Sec. 40. NEW SECTION. 100B.16 REGIONAL EMERGENCY
28 RESPONSE TRAINING CENTERS.

29 1. Twelve regional emergency response training
30 centers are established to provide training to fire
31 fighters and other emergency responders. The training
32 centers are established in the following cities and
33 shall be operated by the following public agencies:

34 a. In Dubuque to be operated by the Dubuque county
35 fire fighters' association and to provide advanced
36 training in agricultural emergency response.

37 b. In Waterloo to be operated by the city of
38 Waterloo and to provide advanced training in hazardous
39 materials emergency response.

40 c. In Sioux City to be operated by Western Iowa
41 technology community college and to provide advanced
42 training in emergency responder communications.

43 d. In Cedar Rapids to be operated by Kirkwood
44 community college and to provide advanced training in
45 agricultural terrorism response and mass casualty and
46 fatality response.

47 e. In Council Bluffs to be operated by Iowa
48 western community college.

49 f. In Davenport to be operated by Scott County
50 community college.

1 g. In Emmetsburg to be operated by Iowa lakes
2 community college.

3 h. In Fort Dodge to be operated by Iowa central
4 community college and to provide advanced training in
5 homeland security.

6 i. In Mason City to be operated by the Mason City
7 fire department.

8 j. In Fort Madison to be operated by southeastern
9 community college.

10 The public agencies named in paragraphs "a" through
11 "j" shall, in conjunction with the bureau, coordinate
12 fire service training programs as described in section
13 100B.6 at each training center.

14 2. a. A public agency listed in subsection 1,
15 paragraphs "a" through "j", shall submit an
16 application to the council in order to receive any
17 appropriation made for the agency's training center.
18 A public agency located in merged area eleven, or in
19 merged areas fourteen and fifteen combined may submit
20 an application to the council to request that a
21 training center be established to coordinate, in
22 conjunction with the bureau, fire service training
23 programs as described in section 100B.6 at that
24 training center.

25 b. The application shall be provided by the bureau
26 in a form prescribed by the council. An applicant
27 public agency shall indicate on the application the
28 location of the proposed training center. The
29 application shall be accompanied by letters from
30 public agencies and private businesses in the merged
31 area stating an intent to participate in, and provide
32 for financial support for, establishment and
33 activities of the training center.

34 c. By January 10 of each year, the council shall
35 submit a list of applications received and the
36 council's recommendation on each application to the
37 general assembly. The general assembly shall
38 determine which applications for establishment of a
39 training center shall be approved. The council shall,
40 upon request, provide the applications and supporting
41 documentation submitted by each applicant.

42 3. In selecting a location for a proposed training
43 center, an applicant public agency shall consider, and
44 address in the application, all of the following:

45 a. The availability and proximity of quality
46 classroom space with adequate audio-visual support.

47 b. The availability and adequate supply from area
48 emergency response service entities of equipment which
49 supports training.

50 c. A site where limited, safe open burning would

1 not be challenged or prohibited due to environmental
2 issues or community concerns.

3 d. Proximity to a medical facility.

4 e. The availability of water mains, roadway,
5 drainage, electrical service, and reasonably flat
6 terrain.

7 f. Accessibility to area fire departments.

8 The application shall include letters of support
9 for the recommended site from emergency response
10 entities in the region.

11 4. If a training center is established in merged
12 area eleven, the training center shall provide
13 advanced training in operations integration in
14 compliance with the national incident management
15 system.

16 Sec. 41. NEW SECTION. 100B.17 TRAINING CENTER
17 FACILITIES.

18 1. Each training center is required to have the
19 following facilities:

20 a. A two-story burn building containing a minimum
21 of two burn rooms, interior and exterior stairways, a
22 standpipe connection, and other features necessary to
23 provide live fire training which meets federal fire
24 fighter professional qualifications standards and the
25 minimum training standards developed by the council
26 for Iowa fire fighters.

27 b. A two-story skills building containing interior
28 and exterior stairways, ventilation panels, forcible
29 entry skill stations, a sprinkler system, and other
30 features necessary to provide live fire training which
31 meets federal fire fighter professional qualifications
32 standards and the minimum training standards developed
33 by the council for Iowa fire fighters.

34 c. Necessary classroom space.

35 2. In addition to the requirements in subsection
36 1, each training center assigned an area of advanced
37 training as specified in section 100B.16 is required
38 to have facilities to support instruction in its area
39 of advanced training. These facilities shall include
40 facilities and structures to support full-scale
41 training exercises in such area of advanced training
42 as recommended or required by any applicable state or
43 national training facility standards.

44 3. The bureau shall inspect the facilities of each
45 training center to ensure compliance with the
46 requirements of this section.

47 Sec. 42. NEW SECTION. 100B.18 TRAINING PROVIDED.

48 1. Training centers shall provide fire service
49 training in accordance with curriculum approved by the
50 bureau. The bureau, in cooperation with the public

1 agencies operating the training centers, shall provide
2 the necessary training materials, curriculum, and
3 training aids. Each public agency operating a
4 training center shall be responsible for scheduling
5 training programs.

6 2. Training centers may provide emergency response
7 service training in addition to fire service training.
8 A training center shall offer joint training exercises
9 to emergency responders. The bureau shall work in
10 conjunction with those state agencies charged with
11 developing training standards for emergency response
12 service training to develop a curriculum and standards
13 for emergency response service training provided by a
14 training center.

15 3. A training center shall offer training to any
16 emergency responder who applies for training at the
17 training center regardless of the emergency
18 responder's place of residence or employment.

19 Sec. 43. NEW SECTION. 100B.19 AGREEMENTS FOR
20 TRAINING AND FINANCIAL ASSISTANCE -- AUTHORITY.

21 A public agency operating a training center may
22 enter into agreements under chapter 28E to provide
23 emergency response service training to emergency
24 responders. The agreements may provide for financial
25 contributions from participating public agencies,
26 private fire departments, and emergency response
27 service entities and may provide for in-kind
28 contributions of land, equipment, and personnel from
29 such public agencies, private fire departments, and
30 other entities providing emergency response services.

31 Sec. 44. NEW SECTION. 546.12 COMMERCE-RELATED
32 BUILDING:

33 1. For the purposes of this section:

34 a. "Chargeable expenses" means expenses incurred
35 as part of the regulatory expenses charged by a
36 commerce-related agency that are not deposited into
37 the general fund of the state, may be expended by the
38 commerce-related agency, and are collected by the
39 following commerce-related agency pursuant to the
40 following specified authorization:

41 (1) The utilities board and the consumer advocate
42 division of the department of justice, expenses for
43 carrying out duties under section 476.10.

44 (2) The banking division, actual expenses under
45 section 524.207, subsection 3.

46 (3) The credit union division, actual expenses
47 under section 533.67, subsection 3.

48 (4) The insurance division, actual expenses under
49 section 505.7, subsection 4.

50 b. "Commerce-related agency" means the consumer

1 advocate division of the department of justice or any
2 of the following divisions of the department:

- 3 (1) Banking.
- 4 (2) Credit union.
- 5 (3) Insurance.
- 6 (4) Utilities.

7 2. The commerce-related agencies may jointly
8 provide for construction of a building to house the
9 commerce-related agencies. If deemed cost-effective.
10 by the commerce-related agencies, the building may be
11 developed with capacity for other occupants. A
12 building developed under this section shall be a model
13 energy-efficient building that may be used as a public
14 example for similar efforts. The building shall
15 comply with the life cycle cost provisions developed
16 pursuant to section 72.5. The building shall be
17 located on the capitol grounds.

18 3. Costs associated with construction and
19 operation of the building are chargeable expenses.
20 The commerce-related agencies shall utilize a cost-
21 effective approach for financing construction of the
22 building which may include but is not limited to
23 lease, lease-purchase, bonding, or installment
24 acquisition arrangement, or a financing arrangement
25 under section 12.28. If financing for the building is
26 implemented under section 12.28, the limitation on
27 principal under that section does not apply. This
28 section comprises a complete and independent
29 authorization and procedure for the commerce-related
30 agencies to enter into a lease or agreement and this
31 section is not a qualification of any other powers
32 which the commerce-related agencies may possess and
33 the authorizations and powers granted under this
34 section are not subject to the terms, requirements, or
35 limitations of any other provisions of law, except
36 that the commerce-related agencies must comply with
37 the provisions of section 12.28 when entering into
38 financing agreements for the purchase of real or
39 personal property.

40 4. If financing for the building is implemented
41 through bonding, the commerce-related agencies shall
42 be considered to be an authority for purposes of
43 section 12.30 and shall be subject to that section.
44 In order further to assure maintenance of any bond
45 reserve funds established in connection with the
46 financing, the treasurer of state shall, on or before
47 January 1 of each calendar year, make and deliver to
48 the governor the treasurer of state's certificate
49 stating the sum, if any, required to restore any such
50 bond reserve fund to the bond reserve fund requirement

1 for that fund. Within thirty days after the beginning
2 of the session of the general assembly next following
3 the delivery of the certificate, the governor shall
4 submit to both houses of the general assembly printed
5 copies of a budget including the sum, if any, required
6 to restore any such bond reserve fund to the bond
7 reserve fund requirement for that fund. Any sums
8 appropriated by the general assembly and paid to the
9 treasurer of state shall be deposited by the treasurer
10 of state in the applicable bond reserve fund.

11 5. All moneys received by the commerce-related
12 agencies from agreements and leases entered into
13 pursuant to this section with private and public
14 agencies shall be considered repayment receipts as
15 defined in section 8.2, and shall be used for costs
16 incurred in connection with the building.

17 6. Notwithstanding sections 8A.302, 8A.321, and
18 8A.322, the commerce-related agencies shall be
19 responsible for securing architectural services,
20 contracting for construction, engineering, and
21 construction oversight and management, assigning
22 space, and controlling the funding associated with the
23 building construction and the building's operation.
24 The commerce-related agencies may utilize consultants
25 or other expert assistance to address feasibility,
26 planning, or other considerations connected with
27 construction of the building or decision making
28 regarding the building. The commerce-related agencies
29 shall consult with the office of the governor and the
30 legislative bodies with oversight of the commerce-
31 related agencies and capital projects. The building
32 location shall be subject to a recommendation by the
33 capitol planning commission.

34 Sec. 45. TRAINING FOCUS REPORT.

35 1. The state fire service and emergency response
36 council and the homeland security and emergency
37 management division of the department of public
38 defense shall compile a report developing a
39 comprehensive training focus for emergency responders
40 to be implemented by training centers that are, or
41 will be, established under section 100B.16. The
42 report shall identify areas of emergency response
43 services on which the state should focus, including
44 but not limited to advanced training in homeland
45 security, agricultural terrorism response, mass
46 casualty and fatality response, and operations
47 integration in compliance with the national incident
48 management system. The report shall also include
49 recommendations on which a merged area or established
50 training center should provide the training.

S-5235

Page 33

1 2. On or before March 10, 2007, the state fire
2 service and emergency response council and the
3 homeland security and emergency response division
4 shall report to the general assembly on the matters
5 described in subsection 1."

6 2. Title page, by striking lines 1 through 6 and
7 inserting the following: "An Act relating to and
8 making appropriations to state departments and
9 agencies from the rebuild Iowa infrastructure fund,
10 environment first fund, tobacco settlement trust fund,
11 vertical infrastructure fund, the endowment for Iowa's
12 health restricted capitals fund, the technology
13 reinvestment fund, the endowment for Iowa's health
14 account, and related matters."

By STEVE KETTERING
STEVEN H. WARNSTADT

S-5235 FILED MAY 1, 2006

HOUSE FILE 2789

S-5254

1 Amend the amendment, S-5243, to House File 2789, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 2, by striking lines 27 through 31 and
5 inserting the following:

6 " . Page 4, line 34, by striking the word
7 "sixty-five" and inserting the following: "seventy".

8 " . Page 4, line 35, by striking the word
9 "sixty" and inserting the following: "sixty-five".

10 " . Page 5, line 1, by striking the word
11 "fifty-five" and inserting the following: "sixty"."

By MIKE CONNOLLY

S-5254 FILED MAY 2, 2006

WITHDRAWN

S-5243

1 Amend House File 2789, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Section 1. Section 321J.2, subsection 2,
6 paragraph a, subparagraph (2), Code 2005, is amended
7 to read as follows:

8 (2) Assessment of a fine of one thousand two
9 hundred fifty dollars. However, in the discretion of
10 the court, if no personal or property injury has
11 resulted from the defendant's actions, the court may
12 waive up to five six hundred twenty-five dollars of
13 the fine when the defendant presents to the court at
14 the end of the minimum period of ineligibility, a
15 temporary restricted license issued pursuant to
16 section 321J.20. As an alternative to a portion or
17 all of the fine, the court may order the person to
18 perform unpaid community service.

19 Sec. 2. Section 321J.2, subsection 2, paragraph b,
20 Code 2005, is amended to read as follows:

21 b. An aggravated misdemeanor for a second offense,
22 and shall be imprisoned in the county jail or
23 community-based correctional facility not less than
24 seven days, and assessed a fine of not less than one
25 thousand five eight hundred seventy-five dollars nor
26 more than five six thousand two hundred fifty dollars.

27 Sec. 3. Section 321J.2, subsection 2, paragraph c,
28 unnumbered paragraph 1, Code 2005, is amended to read
29 as follows:

30 A class "D" felony for a third offense and each
31 subsequent offense, and shall be committed to the
32 custody of the director of the department of
33 corrections for an indeterminate term not to exceed
34 five years, shall be confined for a mandatory minimum
35 term of thirty days, and shall be assessed a fine of
36 not less than ~~two~~ three thousand five one hundred
37 twenty-five dollars nor more than ~~seven nine~~ thousand
38 five three hundred seventy-five dollars."

39 2. Page 1, line 18, by inserting after the figure
40 "8A," the following: "the office of attorney general
41 pursuant to section 602.8108, subsection 8B, the
42 department of corrections pursuant to section
43 602.8108, subsection 8C,".

44 3. Page 1, line 31, by inserting after the figure
45 "8A," the following: "the office of attorney general
46 pursuant to section 602.8108, subsection 8B, and the
47 department of corrections pursuant to section
48 602.8108, subsection 8C,".

49 4. Page 3, line 14, by inserting after the figure
50 "8A," the following: "8B, 8C,".

S-5243

1 5. Page 3, line 26, by striking the word
2 "thirteen" and inserting the following: "fourteen".

3 6. Page 4, line 6, by striking the word
4 "subsection" and inserting the following:
5 "subsections".

6 7. Page 4, line 11, by striking the words "two
7 million eight hundred thousand" and inserting the
8 following: "three million".

9 8. Page 4, by inserting after line 14 the
10 following:

11 "NEW SUBSECTION. 8B. The state court
12 administrator shall allocate to the office of attorney
13 general for the fiscal year beginning July 1, 2006,
14 and for each fiscal year thereafter, three hundred
15 thousand dollars of the moneys received annually under
16 subsection 2, to be used for legal services for
17 persons in poverty grants as provided in section
18 13.34.

19 NEW SUBSECTION. 8C. The state court administrator
20 shall allocate to the department of corrections for
21 the fiscal year beginning July 1, 2006, and for each
22 fiscal year thereafter, five hundred sixty thousand
23 dollars of the moneys received annually under
24 subsection 2, to be used for offenders transferred to
25 the department pursuant to section 229A.5, subsection
26 5."

27 9. By striking page 4, line 35, through page 5,
28 line 1, and inserting the following: "class "A"
29 felonies, sixty dollars per hour for all other
30 felonies, sixty dollars per hour for misdemeanors, and
31 fifty-five dollars per hour for all other cases."

32 10. Page 5, by inserting after line 11 the
33 following:

34 "Sec. ____ . Section 903.1, subsection 1, paragraphs
35 a and b, Code 2005, are amended to read as follows:

36 a. For a simple misdemeanor, there shall be a fine
37 of at least ~~fifty~~ sixty-five dollars but not to exceed
38 ~~five six~~ hundred twenty-five dollars. The court may
39 order imprisonment not to exceed thirty days in lieu
40 of a fine or in addition to a fine.

41 b. For a serious misdemeanor, there shall be a
42 fine of at least ~~two~~ three hundred ~~fifty~~ fifteen
43 dollars but not to exceed one thousand ~~five~~ eight
44 hundred seventy-five dollars. In addition, the court
45 may also order imprisonment not to exceed one year.

46 Sec. ____ . Section 903.1, subsection 2, Code 2005,
47 is amended to read as follows:

48 2. When a person is convicted of an aggravated
49 misdemeanor, and a specific penalty is not provided
50 for, the maximum penalty shall be imprisonment not to

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Page 3

1 exceed two years. There shall be a fine of at least
2 ~~five~~ six hundred twenty-five dollars but not to exceed
3 ~~five~~ six thousand two hundred fifty dollars. When a
4 judgment of conviction of an aggravated misdemeanor is
5 entered against any person and the court imposes a
6 sentence of confinement for a period of more than one
7 year the term shall be an indeterminate term."

8 11. Title page, line 1, by inserting after the
9 word "costs" the following: "and modifying fines".

10 12. Title page, line 2, by inserting after the
11 word "branch" the following: ", attorney general,
12 department of corrections,".

13 13. By renumbering as necessary.

By JEFF ANGELO

ROBERT E. DVORSKY

S-5243 FILED MAY 2, 2006

ADOPTED

HOUSE FILE 2789

S-5250

1 Amend the amendment, S-5243, to House File 2789, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, line 43, by inserting after the figure
5 "8C," the following: "the department of public safety
6 pursuant to section 602.8108, subsection 8D,".

7 2. Page 1, line 46, by striking the word "and".

8 3. Page 1, line 48, by inserting after the figure
9 "8C," the following: "and the department of public
10 safety pursuant to section 602.8108, subsection 8D,".

11 4. Page 1, line 50, by inserting after the figure
12 "8C," the following: "8D,".

13 5. Page 2, by striking line 26 and inserting the
14 following:

15 "5.

16 NEW SUBSECTION. 8D. The state court administrator
17 shall allocate to the department of public safety for
18 the fiscal year beginning July 1, 2006, and for each
19 fiscal year thereafter, one hundred thousand dollars
20 of the moneys received annually under subsection 2, to
21 be used by the division of state patrol."

22 6. Page 3, line 12, by inserting after the word
23 "corrections," the following: "department of public
24 safety,".

By TOM HANCOCK

S-5250 FILED MAY 2, 2006

WITHDRAWN

SENATE AMENDMENT TO
HOUSE FILE 2789

H-8618

1 Amend House File 2789, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Section 1. Section 321J.2, subsection 2,
6 paragraph a, subparagraph (2), Code 2005, is amended
7 to read as follows:

8 (2) Assessment of a fine of one thousand two
9 hundred fifty dollars. However, in the discretion of
10 the court, if no personal or property injury has
11 resulted from the defendant's actions, the court may
12 waive up to ~~five~~ six hundred twenty-five dollars of
13 the fine when the defendant presents to the court at
14 the end of the minimum period of ineligibility, a
15 temporary restricted license issued pursuant to
16 section 321J.20. As an alternative to a portion or
17 all of the fine, the court may order the person to
18 perform unpaid community service.

19 Sec. 2. Section 321J.2, subsection 2, paragraph b,
20 Code 2005, is amended to read as follows:

21 b. An aggravated misdemeanor for a second offense,
22 and shall be imprisoned in the county jail or
23 community-based correctional facility not less than
24 seven days, and assessed a fine of not less than one
25 thousand ~~five~~ eight hundred seventy-five dollars nor
26 more than ~~five~~ six thousand two hundred fifty dollars.

27 Sec. 3. Section 321J.2, subsection 2, paragraph c,
28 unnumbered paragraph 1, Code 2005, is amended to read
29 as follows:

30 A class "D" felony for a third offense and each
31 subsequent offense, and shall be committed to the
32 custody of the director of the department of
33 corrections for an indeterminate term not to exceed
34 five years, shall be confined for a mandatory minimum
35 term of thirty days, and shall be assessed a fine of
36 not less than ~~two~~ three thousand five one hundred
37 twenty-five dollars nor more than ~~seven~~ nine thousand
38 five three hundred seventy-five dollars."

39 2. Page 1, line 18, by inserting after the figure
40 "8A," the following: "the office of attorney general
41 pursuant to section 602.8108, subsection 8B, the
42 department of corrections pursuant to section
43 602.8108, subsection 8C,".

44 3. Page 1, line 31, by inserting after the figure
45 "8A," the following: "the office of attorney general
46 pursuant to section 602.8108, subsection 8B, and the
47 department of corrections pursuant to section
48 602.8108, subsection 8C,".

49 4. Page 3, line 14, by inserting after the figure
50 "8A," the following: "8B, 8C,".

H-8618

1 5. Page 3, line 26, by striking the word
2 "thirteen" and inserting the following: "fourteen".

3 6. Page 4, line 6, by striking the word
4 "subsection" and inserting the following:
5 "subsections".

6 7. Page 4, line 11, by striking the words "two
7 million eight hundred thousand" and inserting the
8 following: "three million".

9 8. Page 4, by inserting after line 14 the
10 following:

11 "NEW SUBSECTION. 8B. The state court
12 administrator shall allocate to the office of attorney
13 general for the fiscal year beginning July 1, 2006,
14 and for each fiscal year thereafter, three hundred
15 thousand dollars of the moneys received annually under
16 subsection 2, to be used for legal services for
17 persons in poverty grants as provided in section
18 13.34.

19 NEW SUBSECTION. 8C. The state court administrator
20 shall allocate to the department of corrections for
21 the fiscal year beginning July 1, 2006, and for each
22 fiscal year thereafter, five hundred sixty thousand
23 dollars of the moneys received annually under
24 subsection 2, to be used for offenders transferred to
25 the department pursuant to section 229A.5, subsection
26 5."

27 9. By striking page 4, line 35, through page 5,
28 line 1, and inserting the following: "class "A"
29 felonies, sixty dollars per hour for all other
30 felonies, sixty dollars per hour for misdemeanors, and
31 fifty-five dollars per hour for all other cases."

32 10. Page 5, by inserting after line 11 the
33 following:

34 "Sec. _____. Section 903.1, subsection 1, paragraphs
35 a and b, Code 2005, are amended to read as follows:

36 a. For a simple misdemeanor, there shall be a fine
37 of at least ~~fifty~~ sixty-five dollars but not to exceed
38 ~~five six~~ hundred twenty-five dollars. The court may
39 order imprisonment not to exceed thirty days in lieu
40 of a fine or in addition to a fine.

41 b. For a serious misdemeanor, there shall be a
42 fine of at least ~~two~~ three hundred ~~fifty~~ fifteen
43 dollars but not to exceed one thousand ~~five~~ eight
44 hundred ~~seventy-five~~ dollars. In addition, the court
45 may also order imprisonment not to exceed one year.

46 Sec. _____. Section 903.1, subsection 2, Code 2005,
47 is amended to read as follows:

48 2. When a person is convicted of an aggravated
49 misdemeanor, and a specific penalty is not provided
50 for, the maximum penalty shall be imprisonment not to

1 exceed two years. There shall be a fine of at least
2 ~~five six~~ hundred twenty-five dollars but not to exceed
3 ~~five six~~ thousand two hundred fifty dollars. When a
4 judgment of conviction of an aggravated misdemeanor is
5 entered against any person and the court imposes a
6 sentence of confinement for a period of more than one
7 year the term shall be an indeterminate term."

8 11. Title page, line 1, by inserting after the
9 word "costs" the following: "and modifying fines".

10 12. Title page, line 2, by inserting after the
11 word "branch" the following: ", attorney general,
12 department of corrections,".

13 13. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-8618 FILED MAY 2, 2006

CONCURRED

Horbach, Ch.
Roberts
Miller

SF 02789

HSB 749
APPROPRIATIONS

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON RAECKER)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to assessing court costs, providing for indigent
2 defense, and making appropriations to the judicial branch and
3 department of inspections and appeals.

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

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1 Section 1. Section 602.1304, subsection 2, paragraph b,
2 Code Supplement 2005, is amended to read as follows:

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

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

19 Sec. 2. Section 602.8106, subsection 1, paragraphs a, b,
 20 d, and e, Code Supplement 2005, are amended to read as
 21 follows:

22 a. Except as otherwise provided in paragraphs "b" and "c",
 23 for filing and docketing a criminal case to be paid by the
 24 county or city which has the duty to prosecute the criminal
 25 action, payable as provided in section 602.8109, thirty fifty
 26 dollars. When judgment is rendered against the defendant,
 27 costs collected from the defendant shall be paid to the county
 28 or city which has the duty to prosecute the criminal action to
 29 the extent necessary for reimbursement for fees paid.
 30 However, the fees which are payable by the county to the clerk
 31 of the district court for services rendered in criminal
 32 actions prosecuted under state law and the court costs taxed
 33 in connection with the trial of those actions or appeals from
 34 the judgments in those actions are waived.

35 b. For filing and docketing of a complaint or information

1 for a simple misdemeanor and a complaint or information for a
2 nonscheduled simple misdemeanor under chapter 321, thirty
3 fifty dollars.

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

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

8 Sec. 3. Section 602.8108, subsection 2, Code Supplement
9 2005, is amended to read as follows:

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

22 Sec. 4. Section 602.8108, subsection 8, Code Supplement
23 2005, is amended to read as follows:

24 8. The state court administrator shall allocate to the
25 judicial branch for the fiscal year beginning July 1, 2005
26 2006, and for each fiscal year thereafter, seven thirteen
27 million dollars of the moneys received annually under
28 subsection 2, to be used for salaries of supreme court
29 justices, appellate court judges, district court judges,
30 district associate judges, judicial magistrates and staff,
31 state court administrator, clerk of the supreme court,
32 district court administrators, clerks of the district court,
33 juvenile court officers, board of law examiners and board of
34 examiners of shorthand reporters and judicial qualifications
35 commission, receipt and disbursement of child support

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1 payments, reimbursement of the auditor of state for expenses
2 incurred in completing audits of the offices of the clerks of
3 the district court during the fiscal year, and maintenance,
4 equipment, and miscellaneous purposes.

5 Sec. 5. Section 602.8108, Code Supplement 2005, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 8A. The state court administrator shall
8 allocate to the office of the state public defender of the
9 department of inspections and appeals for the fiscal year
10 beginning July 1, 2006, and for each fiscal year thereafter,
11 two million eight hundred thousand dollars of the moneys
12 received annually under subsection 2, to be used for fees of
13 court-appointed attorneys for indigent adults and juveniles,
14 in accordance with section 232.141 and chapter 815.

15 Sec. 6. Section 815.7, Code 2005, is amended to read as
16 follows:

17 815.7 FEES TO ATTORNEYS.

18 An attorney who has not entered into a contract authorized
19 under section 13B.4 and who is appointed by the court to
20 represent any person ~~charged-with-a-crime-in-this-state,~~
21 ~~seeking-postconviction-relief,-against-whom-a-contempt-action~~
22 ~~is-pending,-appealing-a-criminal-conviction,-appealing-a~~
23 ~~denial-of-postconviction-relief,-or-subject-to-a-proceeding~~
24 ~~under-section-811.1A-or-chapter-229A-or-812,-or-to-serve-as~~
25 ~~counsel-for-any-person-or-guardian-ad-litem-for-any-child-in~~
26 ~~juvenile-court,~~ pursuant to section 814.11 or 815.10 shall be
27 entitled to reasonable compensation and expenses. For
28 appointments made on or after July 1, 1999, through June 30,
29 2006, the reasonable compensation shall be calculated on the
30 basis of sixty dollars per hour for class "A" felonies, fifty-
31 five dollars per hour for class "B" felonies, and fifty
32 dollars per hour for all other cases. For appointments made
33 on or after July 1, 2006, the reasonable compensation shall be
34 calculated on the basis of sixty-five dollars per hour for
35 class "A" felonies, sixty dollars per hour for class "B"

1 felonies, and fifty-five dollars per hour for all other cases.
2 The expenses shall include any sums as are necessary for
3 investigations in the interest of justice, and the cost of
4 obtaining the transcript of the trial record and briefs if an
5 appeal is filed. The attorney need not follow the case into
6 another county or into the appellate court unless so directed
7 by the court. If the attorney follows the case into another
8 county or into the appellate court, the attorney shall be
9 entitled to compensation as provided in this section. Only
10 one attorney fee shall be so awarded in any one case except
11 that in class "A" felony cases, two may be authorized.

12 EXPLANATION

13 This bill relates to assessing court costs, providing for
14 indigent defense, and making appropriations to the judicial
15 branch and department of inspections and appeals.

16 The bill provides for an increase in the fee charged by the
17 clerk of the district court for filing and docketing a
18 criminal case from \$30 to \$50. The bill also increases the
19 court costs for a scheduled violation from \$30 to \$50.

20 The bill directs the state court administrator to allocate
21 \$13 million annually, from fines and fees collected by the
22 clerk of the district court, to the judicial branch to be used
23 for salaries, maintenance, equipment, and other miscellaneous
24 purposes. The amount of the allocation in the bill is
25 excluded from the calculation of the judicial collection
26 estimate for each fiscal year. Current law directs the state
27 court administrator to allocate \$7 million to the judicial
28 branch.

29 The bill also directs the state court administrator to
30 allocate \$2.8 million from the fines and fees collected by the
31 clerk of the district court to the office of the state public
32 defender of the department of inspections and appeals for FY
33 2006-2007 and every fiscal year thereafter. The funds
34 allocated to the office of the state public defender are to be
35 used to compensate court-appointed attorneys for representing

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1 indigent adults and juveniles.

2 The bill increases the hourly reimbursement rates for
3 attorneys representing an indigent person. The bill raises
4 the hourly rate from \$60 to \$65 for class "A" felonies, \$55 to
5 \$60 for class "B" felonies, and \$50 to \$55 for all other
6 cases.

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HOUSE FILE 2789

AN ACT

RELATING TO ASSESSING COURT COSTS AND MODIFYING FINES,
PROVIDING FOR INDIGENT DEFENSE, AND MAKING APPROPRIATIONS
TO THE JUDICIAL BRANCH, ATTORNEY GENERAL, DEPARTMENT OF
CORRECTIONS, AND DEPARTMENT OF INSPECTIONS AND APPEALS.

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

Section 1. Section 321J.2, subsection 2, paragraph a,
subparagraph (2), Code 2005, is amended to read as follows:

(2) Assessment of a fine of one thousand two hundred fifty
dollars. However, in the discretion of the court, if no
personal or property injury has resulted from the defendant's
actions, the court may waive up to five six hundred
twenty-five dollars of the fine when the defendant presents to
the court at the end of the minimum period of ineligibility, a
temporary restricted license issued pursuant to section
321J.20. As an alternative to a portion or all of the fine,
the court may order the person to perform unpaid community
service.

Sec. 2. Section 321J.2, subsection 2, paragraph b, Code
2005, is amended to read as follows:

b. An aggravated misdemeanor for a second offense, and
shall be imprisoned in the county jail or community-based
correctional facility not less than seven days, and assessed a
fine of not less than one thousand five eight hundred
seventy-five dollars nor more than five six thousand two
hundred fifty dollars.

Sec. 3. Section 321J.2, subsection 2, paragraph c,
unnumbered paragraph 1, Code 2005, is amended to read as
follows:

A class "D" felony for a third offense and each subsequent
offense, and shall be committed to the custody of the director
of the department of corrections for an indeterminate term not
to exceed five years, shall be confined for a mandatory
minimum term of thirty days, and shall be assessed a fine of
not less than two three thousand five one hundred twenty-five
dollars nor more than seven nine thousand five three hundred
seventy-five dollars.

Sec. 4. Section 602.1304, subsection 2, paragraph b, Code
Supplement 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, subsection 7, the judicial
branch pursuant to section 602.8108, subsection 8, the

department of inspections and appeals pursuant to section 602.8108, subsection 8A, the office of attorney general pursuant to section 602.8108, subsection 8B, the department of corrections pursuant to section 602.8108, subsection 8C, and the road use tax fund 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, 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 8, and after the required amount is allocated to the department of inspections and appeals pursuant to section 602.8108, subsection 8A, the office of attorney general pursuant to section 602.8108, subsection 8B, and the department of corrections pursuant to section 602.8108, subsection 8C, 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. 5. Section 602.8106, subsection 1, paragraphs a, b, d, and e, Code Supplement 2005, are amended to read as follows:

a. Except as otherwise provided in paragraphs "b" and "c", for filing and docketing a criminal case to be paid by the county or city which has the duty to prosecute the criminal action, payable as provided in section 602.8109, thirty one hundred dollars. When judgment is rendered against the defendant, costs collected from the defendant shall be paid to the county or city which has the duty to prosecute the criminal action to the extent necessary for reimbursement for fees paid. However, the fees which are payable by the county to the clerk of the district court for services rendered in criminal actions prosecuted under state law and the court costs taxed in connection with the trial of those actions or appeals from the judgments in those actions are waived.

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, thirty fifty dollars.

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

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

Sec. 6. Section 602.8108, subsection 2, Code Supplement 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, 8, 8A, 8B, 8C, 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. 7. Section 602.8108, subsection 8, Code Supplement 2005, is amended to read as follows:

8. The state court administrator shall allocate to the judicial branch for the fiscal year beginning July 1, ~~2005~~ 2006, and for each fiscal year thereafter, ~~seven~~ fourteen 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. 8. Section 602.8108, Code Supplement 2005, is amended by adding the following new subsections:

NEW SUBSECTION. 8A. The state court administrator shall allocate to the office of the state public defender of the department of inspections and appeals for the fiscal year beginning July 1, 2006, and for each fiscal year thereafter, three million dollars of the moneys received annually under

subsection 2, to be used for fees of court-appointed attorneys for indigent adults and juveniles, in accordance with section 232.141 and chapter 815.

NEW SUBSECTION. 8B. The state court administrator shall allocate to the office of attorney general for the fiscal year beginning July 1, 2006, and for each fiscal year thereafter, three hundred thousand dollars of the moneys received annually under subsection 2, to be used for legal services for persons in poverty grants as provided in section 13.34.

NEW SUBSECTION. 8C. The state court administrator shall allocate to the department of corrections for the fiscal year beginning July 1, 2006, and for each fiscal year thereafter, five hundred sixty thousand dollars of the moneys received annually under subsection 2, to be used for offenders transferred to the department pursuant to section 229A.5, subsection 5.

Sec. 9. Section 815.7, Code 2005, 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 section 811.1A or chapter 229A or 812, or to serve as counsel for any person or guardian ad litem for any child in juvenile court,~~ pursuant to section 814.11 or 815.10 shall be entitled to reasonable compensation and expenses. For appointments made on or after July 1, 1999, through June 30, 2006, 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 cases. For appointments made on or after July 1, 2006, the reasonable compensation shall be

calculated on the basis of sixty-five dollars per hour for class "A" felonies, sixty dollars per hour for all other felonies, sixty dollars per hour for misdemeanors, and fifty-five dollars per hour for all other 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. 10. Section 903.1, subsection 1, paragraphs a and b, Code 2005, are amended to read as follows:

a. For a simple misdemeanor, there shall be a fine of at least fifty sixty-five dollars but not to exceed five six hundred twenty-five dollars. The court may order imprisonment not to exceed thirty days in lieu of a fine or in addition to a fine.

b. For a serious misdemeanor, there shall be a fine of at least two three hundred fifty fifteen dollars but not to exceed one thousand five eight hundred seventy-five dollars. In addition, the court may also order imprisonment not to exceed one year.

Sec. 11. Section 903.1, subsection 2, Code 2005, is amended to read as follows:

2. When a person is convicted of an aggravated misdemeanor, and a specific penalty is not provided for, the maximum penalty shall be imprisonment not to exceed two years. There shall be a fine of at least five six hundred twenty-five dollars but not to exceed five six thousand two hundred fifty dollars. When a judgment of conviction of an aggravated misdemeanor is entered against any person and the court

imposes a sentence of confinement for a period of more than one year the term shall be an indeterminate term.

CHRISTOPHER C. RANTS
Speaker of the House

JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2789, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved *June 2*, 2006

THOMAS J. VILSACK
Governor