

**NINETIETH GENERAL ASSEMBLY
2024 REGULAR SESSION
DAILY
SENATE CLIP SHEET**

February 28, 2024

Clip Sheet Summary

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

Bill	Amendment	Action	Sponsor
SF 2106	S-5027	Filed	ADRIAN DICKEY
SF 2292	S-5024	Adopted	CARRIE KOELKER
SF 2391	S-5023	Adopted	DAWN DRISCOLL
SF 2391	S-5028	Lost	TONY BISIGNANO, et al
SF 2391	S-5029	Lost	TONY BISIGNANO, et al
SF 2395	S-5025	Lost	JANET PETERSEN
SF 2395	S-5026	Lost	JANET PETERSEN

Fiscal Notes

[SF 2113](#) — [Railroad Crossings, Requirements and Financial Responsibility \(LSB1913SZ\)](#)

[SF 2349](#) — [Criminal Procedure, Defense Subpoenas \(LSB5336SV\)](#)

[SF 2391](#) — [Imitation Meat Products, Advertising Requirements \(LSB5774SV\)](#)

SENATE FILE 2106

S-5027

1 Amend Senate File 2106 as follows:

2 1. Page 1, by striking lines 5 and 6 and inserting
3 <documented and reported each activity to the department. The
4 activities may be verified in real time at the discretion of
5 the>

By ADRIAN DICKEY

S-5027 FILED FEBRUARY 27, 2024

SENATE FILE 2292

S-5024

1 Amend Senate File 2292 as follows:

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

4 <Section 1. NEW SECTION. **462A.17A Common interest**
5 **communities — regulation of watercraft on public lakes.**

6 1. As used in this section:

7 *a.* "Bylaws" means the same as defined in section 499C.1.

8 *b.* "Common interest community" means the same as defined in
9 section 499C.1.

10 *c.* "Public lake" means any lake located within the
11 boundaries of this state that is a navigable body of water and
12 that is lawfully accessible by the general public.

13 *d.* "Rule" means the same as defined in section 499C.1.

14 *e.* "Unit" means the same as defined in section 499C.1.

15 *f.* "Unit owner" means the same as defined in section 499C.1.

16 2. Notwithstanding any law to the contrary, a common
17 interest community with one thousand or more units that is
18 adjacent to or abutting in part a public lake may establish
19 policies in the common interest community's bylaws or rules
20 regarding the operation of watercraft, including but not
21 limited to equipment specifications. The authority granted to
22 a common interest community under this subsection shall only
23 apply to unit owners and unit owners' guests.

24 3. Notwithstanding section 462A.32, a common interest
25 community may communicate the common interest community's
26 policies established under subsection 2 through the use of
27 private buoys and other safety-related installations until
28 the date the commission adopts rules regulating buoys and
29 other safety-related installations for the public lake that is
30 adjacent to or abuts the common interest community described in
31 subsection 2.

32 4. The natural resource commission shall adopt rules
33 pursuant to chapter 17A to administer this section.

34 Sec. 2. NEW SECTION. **462A.17B Nonprofit corporations —**
35 **regulation of watercraft on public lakes.**

1 1. As used in this section:

2 a. "*Association*" means a nonprofit corporation incorporated
3 under chapter 504, named as an association, and that manages a
4 community with one thousand or more units that is located on a
5 subdivision that is adjacent to or abuts a public lake.

6 b. "*Bylaws*" means the same as defined in section 504.141.

7 c. "*Member*" means a person who is a record lot owner of the
8 association.

9 d. "*Public lake*" means any lake located within the
10 boundaries of this state that is a navigable body of water and
11 that is lawfully accessible by the general public.

12 e. "*Rules and regulations*" means the rules and regulations
13 adopted by the association's board of directors as authorized
14 by the bylaws of the association.

15 f. "*Unit*" means a dwelling unit designated for separate
16 ownership or occupancy or as otherwise defined in the statute
17 under which the association is organized.

18 2. Notwithstanding any law to the contrary, an association
19 may establish policies in the association's rules and
20 regulations regarding the operation of watercraft, including
21 but not limited to equipment specifications. The authority
22 granted to an association under this subsection shall only
23 apply to the association's members and the association's
24 members' guests.

25 3. Notwithstanding section 462A.32, an association may
26 communicate the association's policies established under
27 subsection 2 through the use of private buoys and other
28 safety-related installations until the date the commission
29 adopts rules regulating buoys and other safety-related
30 installations for the public lake that is adjacent to or abuts
31 the association.

32 4. The natural resource commission shall adopt rules
33 pursuant to chapter 17A to administer this section.

34 Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate
35 importance, takes effect upon enactment.>

S-5024 (Continued)

1 2. Title page, by striking lines 1 through 3 and
2 inserting <An Act relating to regulation of watercraft and
3 equipment on public lakes by common interest communities and
4 certain nonprofit corporations, and including effective date
5 provisions.>

By CARRIE KOELKER

[S-5024](#) FILED FEBRUARY 27, 2024

ADOPTED

SENATE FILE 2391

S-5023

1 Amend Senate File 2391 as follows:

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

4 <Section 1. NEW SECTION. 135.16C **Federal nutrition**
5 **programs — cultivated-protein food products.**

6 1. As used in this section, unless the context otherwise
7 requires:

8 a. "*Cultivated-protein food product*" means the same as
9 defined in section 137E.1.

10 b. "*Federal nutrition program*" or "*program*" means any of the
11 following:

12 (1) The special supplemental nutrition program for women,
13 infants, and children as provided in 42 U.S.C. §1786 et seq.

14 (2) The supplemental nutrition assistance program as
15 provided in 7 U.S.C. ch. 51.

16 2. If the United States department of agriculture approves
17 cultivated-protein food products for purchase under a federal
18 nutrition program, the department of health and human services
19 shall submit a request to the United States department of
20 agriculture for a waiver or other exception that excludes
21 cultivated-protein food products from program eligibility in
22 this state.

23 Sec. 2. NEW SECTION. 137E.1 **Definitions.**

24 As used in this chapter, unless the context otherwise
25 requires:

26 1. "*Agricultural food animal*" means a domesticated animal
27 belonging to the bovine, caprine, ovine, or porcine species; or
28 live domestic fowl limited to chickens or turkeys.

29 2. "*Cultivated-protein food product*" means a food product
30 having one or more sensory attributes that resemble a type
31 of tissue originating from an agricultural food animal but
32 that, in lieu of being derived from meat processing, is derived
33 from manufacturing cells, in which one or more stem cells are
34 initially isolated from an agricultural food animal, are grown
35 in vitro, and may be manipulated, as part of a manufacturing

1 operation.

2 3. "*Department*" means the department of inspections,
3 appeals, and licensing.

4 4. "*Food processing plant*" means the same as defined in
5 section 137F.1.

6 5. "*Food product*" means a perishable or nonperishable item
7 stored in a container or package, if the item is fit for human
8 consumption.

9 6. a. "*Identifying meat term*" means any word or phrase
10 that states, indicates, suggests, or describes a meat product,
11 regardless of whether the word or phrase is used individually,
12 as a portmanteau, or as a compound word.

13 b. "*Identifying meat term*" includes but is not limited to
14 any of the following:

15 (1) (a) A common name for the species of the agricultural
16 food animal subject to slaughter and processing, including a
17 calf or cow, chicken, goat or kid, hog or pig, poultry, lamb or
18 sheep, or turkey.

19 (b) A common name for a characteristic of a species of the
20 agricultural food animal subject to slaughter and processing
21 based on age, breed, or sex.

22 (2) (a) Meat.

23 (b) Beef or veal; broiler, fryer, poulet, or yearling;
24 cabrito or chevon; lamb or mutton; or pork.

25 (c) A common name used to describe a major cut of a meat
26 of an agricultural food animal slaughtered and processed,
27 including a major meat cut specified in 9 C.F.R. §317.344;
28 a poultry product such as breast, drumstick, giblet, thigh,
29 or wing; or the common name of an organ or offal, including
30 gizzard, heart, liver, kidney, or tongue.

31 (d) Any other common name that a reasonable purchaser would
32 immediately and exclusively associate with a meat product
33 prepared for sale in normal commercial channels such as bacon,
34 baloney, bologna, bone, brat or bratwurst, brisket, burger
35 or hamburger, butt, chop, chuck, cold cut, cutlet, filet,

1 flat iron, frank or frankfurter, ham, hock, hot dog, jerky,
2 liverwurst, loin, London broil, lunch meat, New York strip,
3 pepperoni, porterhouse, ribeye, roast, rib or sparerib, salami,
4 sausage, shank, sirloin, tenderloin, or a comparable word or
5 phrase as approved by the department.

6 7. "*Insect-protein food product*" means a food product having
7 one or more sensory attributes that resemble a type of tissue
8 originating from an agricultural food animal but that, in
9 lieu of being derived from meat processing, is derived from
10 manufacturing insect parts.

11 8. "*Label*" means a display of written, printed, or graphic
12 matter placed upon any container storing a food product that
13 is offered for sale or sold on a wholesale or retail basis,
14 regardless of whether the label is printed on the container's
15 packaging or a sticker affixed to the container.

16 9. "*Manufactured-protein food product*" means a
17 cultivated-protein food product, insect-protein food product,
18 or plant-protein food product.

19 10. "*Meat processing*" means the handling, preparation, and
20 slaughter of an agricultural food animal; the dressing of its
21 carcass; or the cutting, storage, and packaging of its tissue
22 or other parts as a food product.

23 11. "*Meat product*" means a food product derived from meat
24 processing.

25 12. "*Plant-protein food product*" means a food product having
26 one or more sensory attributes that resemble a type of tissue
27 found in a species of agricultural food animal but that, in
28 lieu of being derived from meat processing, is derived from
29 manufacturing plant parts.

30 13. a. "*Qualifying term*" means a word, compound word, or
31 phrase that would clearly disclose to a reasonable purchaser of
32 meat products from a food processing plant that a food product
33 is not a meat product.

34 b. "*Qualifying term*" includes but is not limited to
35 cell-cultivated, cell-cultured, fake, grown in a lab,

1 imitation, insect, insect-based, insect-protein, lab-created,
2 lab-grown, meat free, meatless, plant, plant-based, vegan,
3 vegetable, vegetarian, veggie, or a comparable word or phrase
4 as approved by the department.

5 14. *“Regulatory authority”* means the same as defined in
6 section 137F.1.

7 Sec. 3. NEW SECTION. 137E.2 Administration.

8 1. In conducting a routine inspection of the premises of a
9 food processing plant licensed under chapter 137F, a regulatory
10 authority is not required to determine if any food product
11 located on the premises is misbranded as a meat product as
12 provided in section 137E.3.

13 2. A regulatory authority shall inspect an inventory of
14 food products offered for sale or sold at a food processing
15 plant based on a credible complaint that the food products are
16 misbranded as meat products as provided in section 137E.3.

17 3. A regulatory authority shall have the same powers to
18 inspect a food processing plant under this chapter as it does
19 under chapter 137F.

20 4. The department shall adopt rules pursuant to chapter 17A
21 that are necessary or desirable to administer and enforce this
22 chapter.

23 Sec. 4. NEW SECTION. 137E.3 Misbranded food product.

24 A food product is misbranded as a meat product if all of the
25 following apply:

26 1. The food product is a manufactured-protein food product
27 or the food product contains a manufactured-protein food
28 product.

29 2. The food product is offered for sale or sold by a food
30 processing plant.

31 3. a. A label that is part of or placed on the package
32 or other container storing the food product includes an
33 identifying meat term.

34 b. Paragraph “a” does not apply if the label contains a
35 conspicuous and prominent qualifying term in close proximity to

1 an identifying meat term.

2 Sec. 5. NEW SECTION. 137E.4 Prohibition — sale.

3 A food processing plant shall not offer for sale or sell a
4 food product that is misbranded as a meat product as provided
5 in section 137E.3.

6 Sec. 6. NEW SECTION. 137E.5 Enforcement — stop order.

7 1. If a regulatory authority has reasonable cause to believe
8 that a food processing plant is offering for sale or selling a
9 food product that is misbranded as a meat product in violation
10 of section 137E.4, the regulatory authority may issue a stop
11 order. Upon being issued the stop order, the food processing
12 plant shall not offer for sale or sell the food product until
13 the regulatory authority determines that the food product is or
14 is not misbranded as a meat product.

15 2. The regulatory authority may require that the food
16 product be held by the food processing plant and be secured
17 from purchase.

18 3. If a regulatory authority determines that the food
19 product being offered for sale or sold by a food processing
20 plant is misbranded as a meat product, the regulatory authority
21 may issue an embargo order requiring the food processing plant
22 to dispose of the misbranded meat product other than by sale to
23 purchasers in this state.

24 4. The department, the attorney general, or the county
25 attorney in the county where the food product is being offered
26 for sale or sold may enforce the stop order or embargo order by
27 petitioning the district court of that county.

28 Sec. 7. NEW SECTION. 137E.6 Violation — misbranding —
29 civil penalty.

30 1. A food processing plant shall not misbrand a food product
31 as a meat product as provided in section 137E.3 as determined
32 by the department.

33 2. A food processing plant violating subsection 1 is subject
34 to a civil penalty of not more than five hundred dollars, not
35 to exceed ten thousand dollars total for violations arising

1 out of the same transaction or occurrence. Each day that a
2 violation continues constitutes a separate offense.

3 3. The department shall impose the civil penalty provided
4 in subsection 2. A food processing plant may contest the
5 imposition of the civil penalty by initiating a contested case
6 proceeding pursuant to chapter 17A.

7 4. Civil penalties collected under this section shall be
8 deposited in the general fund of the state.

9 Sec. 8. Section 137F.3A, subsection 1, paragraph a,
10 unnumbered paragraph 1, Code 2024, is amended to read as
11 follows:

12 The department may employ additional full-time equivalent
13 positions to enforce the provisions of this chapter and
14 chapters 137C, ~~and~~ 137D, ~~and~~ 137E with the approval of the
15 department of management, if either of the following apply:

16 Sec. 9. Section 137F.3A, subsection 1, paragraph b, Code
17 2024, is amended to read as follows:

18 *b.* Before approval may be given, the director of the
19 department of management must have determined that the expenses
20 exceed the funds budgeted by the general assembly for food
21 inspections to the department. The department may hire no more
22 than one full-time equivalent position for each six hundred
23 inspections required pursuant to this chapter and chapters
24 137C, ~~and~~ 137D, ~~and~~ 137E.

25 Sec. 10. Section 137F.4, Code 2024, is amended to read as
26 follows:

27 **137F.4 License required.**

28 1. A person shall not operate a food establishment or food
29 processing plant to provide goods or services to the general
30 public, or open a food establishment to the general public,
31 until the appropriate license has been obtained from the
32 regulatory authority. Sale of products at wholesale to outlets
33 not owned by a commissary owner requires a food processing
34 plant license. A license shall expire one year from the date
35 of issue. A license is renewable if application for renewal is

1 made prior to expiration of the license or within sixty days
2 of the expiration date of the license. All licenses issued
3 under this chapter that are not renewed by the licensee on or
4 before the expiration date shall be subject to a penalty of ten
5 percent per month of the license fee if the license is renewed
6 at a later date.

7 2. A regulatory authority shall not suspend or revoke a
8 license issued to a food processing plant under this chapter
9 for offering for sale or selling a food product that is
10 misbranded as a meat product in violation of section 137E.4.

11 3. A license issued to a food processing plant under this
12 section also covers the operation of a food processing plant
13 under chapter 137E.

14 Sec. 11. NEW SECTION. 260C.10 Purchases — meat products.

15 The board of directors providing services to a merged area,
16 and the board of directors of a community college, shall
17 establish policies to prevent the purchase of a food product
18 that is any of the following:

19 1. Misbranded as a meat product as prohibited in chapter
20 137E.

21 2. A cultivated-protein food product as defined in section
22 137E.1.

23 Sec. 12. NEW SECTION. 262.25D Purchases — meat products.

24 The state board of regents, and institutions under the
25 control of the board, shall establish policies to prevent the
26 purchase of a food product that is any of the following:

27 1. Misbranded as a meat product as prohibited in chapter
28 137E.

29 2. A cultivated-protein food product as defined in section
30 137E.1.

31 Sec. 13. NEW SECTION. 283A.12 Purchases — meat products.

32 The department of education, and school boards, shall
33 establish policies to prevent the purchase of a food product
34 that is any of the following:

35 1. Misbranded as a meat product as prohibited in chapter

S-5023 (Continued)

1 137E.

2 2. A cultivated-protein food product as defined in section

3 137E.1.>

By DAWN DRISCOLL

[S-5023](#) FILED FEBRUARY 27, 2024

ADOPTED

SENATE FILE 2391

S-5028

- 1 Amend the amendment, S-5023, to Senate File 2391, as
2 follows:
3 1. Page 1, by striking lines 4 through 22.
4 2. By renumbering as necessary.

By TONY BISIGNANO
ZACH WAHLS

S-5028 FILED FEBRUARY 27, 2024

LOST

SENATE FILE 2391

S-5029

- 1 Amend the amendment, S-5023, to Senate File 2391, as
2 follows:
- 3 1. Page 2, after line 1 by inserting:
4 <___. "*Dairy animal*" means a cow, goat, or sheep that is
5 actively producing milk.>
- 6 2. Page 3, after line 15 by inserting:
7 <___. "*Manufactured milk product*" means a food product
8 having one or more sensory attributes that resemble milk or a
9 milk product, but in lieu of being derived from the lacteal
10 secretion of a dairy animal, is derived from manufactured
11 plants or other organic materials.>
- 12 3. Page 3, after line 24 by inserting:
13 <___. "*Milk*" means the raw lacteal secretion of a dairy
14 animal.
15 _____. "*Milk product*" means a product pasteurized or processed
16 using milk as its exclusive ingredient.>
- 17 4. Page 3, line 32, after <meat products> by inserting <or
18 milk products>
- 19 5. Page 3, line 33, after <meat product> by inserting <or
20 milk product>
- 21 6. Page 4, line 2, after <meatless> by inserting <milk-free
22 or dairy-free,>
- 23 7. Page 4, line 11, after <meat product> by inserting <or
24 milk product>
- 25 8. Page 4, line 16, after <meat products> by inserting <or
26 milk products>
- 27 9. Page 4, line 24, before <A> by inserting <1.>
- 28 10. Page 4, line 26, by striking <1.> and inserting <a.>
- 29 11. Page 4, line 29, by striking <2.> and inserting <b.>
- 30 12. By striking page 4, line 31, through page 5, line 1, and
31 inserting:
32 <c. (1) A label that is part of or placed on the package
33 or other container storing the food product includes an
34 identifying meat term.
35 (2) Subparagraph (1) does not apply if the label contains a

1 conspicuous and prominent qualifying term in close proximity to
2 an identifying meat term.

3 2. A food product is misbranded as a milk product if all of
4 the following apply:

5 a. The food product is a manufactured milk product or the
6 food product contains a manufactured milk product.

7 b. The food product is offered for sale or sold by a food
8 processing plant.

9 c. (1) The label that is part of or placed on the package
10 or the container storing the food product includes a term
11 identifying the food product as containing a milk product.

12 (2) Subparagraph (1) does not apply if the label contains a
13 conspicuous and prominent qualifying term in close proximity
14 to the term "*milk*" that would clearly disclose to a reasonable
15 purchaser of milk products from a food processing plant that
16 the food product is a manufactured milk product.>

17 13. Page 5, line 4, after <meat product> by inserting <or
18 milk product>

19 14. Page 5, line 9, after <meat product> by inserting <or
20 milk product>

21 15. Page 5, line 14, after <meat product> by inserting <or
22 milk product>

23 16. Page 5, line 20, after <meat product> by inserting <or
24 milk product>

25 17. Page 5, line 22, after <meat product> by inserting <or
26 milk product>

27 18. Page 5, line 31, after <meat product> by inserting <or
28 milk product>

29 19. Page 7, line 10, after <meat product> by inserting <or
30 milk product>

31 20. Page 7, line 14, after <meat products> by inserting <or
32 milk products>

33 21. Page 7, line 19, after <meat product> by inserting <or
34 milk product>

35 22. Page 7, line 23, after <meat products> by inserting <or

S-5029 (Continued)

1 milk products>

2 23. Page 7, line 27, after <meat product> by inserting <or
3 milk product>

4 24. Page 7, line 31, after <meat products> by inserting <or
5 milk products>

6 25. Page 7, line 35, after <meat product> by inserting <or
7 milk product>

8 26. By renumbering, redesignating, and correcting internal
9 references as necessary.

By TONY BISIGNANO
ZACH WAHLS

[S-5029](#) FILED FEBRUARY 27, 2024

LOST

SENATE FILE 2395

S-5025

1 Amend Senate File 2395 as follows:

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

4 <Section 1. Section 12.51, subsection 2, Code 2024, is
5 amended to read as follows:

6 2. a. Moneys in the fund shall not be transferred, used,
7 obligated, appropriated, or otherwise encumbered except as
8 provided in this section.

9 b. Moneys in the fund shall only be used pursuant to
10 appropriations from the fund by the general assembly for
11 purposes of abating the opioid crisis in this state, which
12 ~~may include but are not limited to~~ the purposes specified in
13 section 135.190A for moneys in the opioid antagonist medication
14 fund, and as specified in paragraph "c".

15 c. Moneys in the fund are appropriated annually to the
16 department of health and human services to be disbursed
17 directly to organizations with demonstrated ability to provide
18 evidence-based treatment or recovery housing services that meet
19 any of the following targeted goals:

20 (1) To increase the distribution of naloxone to Iowans.

21 (2) To provide evidence-based medication-assisted
22 treatment.

23 (3) To expand screening, evidence-based treatment, and
24 wraparound services, including housing, for pregnant and
25 postpartum women who are experiencing or are recovering from
26 a substance use disorder, with priority given to existing
27 programs that coordinate treatment and services for such women
28 and their children in the same setting.

29 (4) To expand evidence-based treatment services for
30 neonatal abstinence syndrome.

31 (5) To support community navigator programs that specialize
32 in recovery service referrals.

33 (6) To support organizations with proposals to expand
34 wraparound services including temporary recovery housing.

35 (7) To expand treatment, including medication-assisted

1 treatment, for incarcerated individuals.

2 d. The department of health and human services may use
3 up to two percent of the moneys appropriated annually for
4 administrative costs related to fund disbursement. The
5 department may use the moneys to supplement, but shall not
6 use the moneys to supplant, any existing funding provided by
7 various federal, state, or other sources.

8 e. The moneys disbursed by the department of health and
9 human services to organizations shall be accompanied by a
10 statement on any printed or marketing materials that the moneys
11 are a one-time allocation from the opioid settlement fund.

12 f. The department of health and human services shall
13 submit a report to the general assembly annually not later
14 than December 31 that specifies the organizations to which
15 disbursements were made during the immediately preceding
16 fiscal year, the specific use of the moneys by the recipient
17 organizations and the provision of any master settlement
18 agreement authorizing the expenditure for such use, and the
19 number of recipients of the services or assistance provided by
20 the organizations through such expenditures.

21 Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate
22 importance, takes effect upon enactment.>

By JANET PETERSEN

[S-5025](#) FILED FEBRUARY 27, 2024

LOST

SENATE FILE 2395

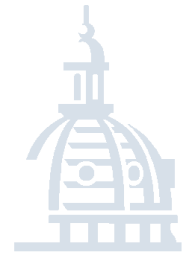
S-5026

- 1 Amend Senate File 2395 as follows:
- 2 1. Page 1, line 6, after <b.> by inserting <(1)>
- 3 2. Page 1, after line 17 by inserting:
- 4 <(2) The department of health and human services and the
- 5 office of the attorney general shall submit a joint report to
- 6 the general assembly annually no later than December 31 that
- 7 specifies the entities to which disbursements of the moneys
- 8 received under this paragraph were made during the immediately
- 9 preceding fiscal year, the specific use for which the moneys
- 10 were expended by the recipient entities and the provision of
- 11 any master settlement agreement authorizing the expenditure
- 12 for such use, and the number of recipients of services or
- 13 assistance through such expenditure of the moneys by the
- 14 entity.>
- 15 3. By renumbering as necessary.

By JANET PETERSEN

S-5026 FILED FEBRUARY 27, 2024

LOST



SF 2113 – Railroad Crossings, Requirements and Financial Responsibility (LSB1913SZ)
Staff Contact: Garry Martin (515.281.4611) garry.martin@legis.iowa.gov
Fiscal Note Version – New

Description

Senate File 2113 requires a railroad corporation constructing or operating a railway to erect at least two signs, and install enough gate arms, gate arm signals, and crossing signal lights designed to flash when a train approaches a crossing, to give notice of the proximity of the railway and warning signs. The Bill provides that the railroad corporation is responsible for all associated costs.

Background

Under current law, wherever a railway track crosses a highway, street, or alley, the railroad corporation owning such track and the applicable governmental entity may agree upon the location, manner, vacation, physical structure, characteristics, and maintenance of the crossing and flasher lights or gate arm signals at the crossing and the allocation of associated costs thereof pursuant to Iowa Code section [327G.15](#). Every corporation constructing or operating a railway is required pursuant to Iowa Code section [327G.2](#) to erect a sign with large and distinct letters to give notice of the proximity of the railway and warn persons of the necessity of looking out for trains. There are 4,108 open public at-grade highway railroad grade crossings in the State of Iowa.

The Department of Transportation (DOT) Highway-Railroad Crossing Safety Program participates in the cost of safety improvements at public highway-railroad grade crossings. These funds are used to install new crossing signal devices, upgrade existing signals, and provide low-cost improvements.

Assumptions

- The DOT will hire 1.0 full-time equivalent (FTE) Executive Officer 2 position to implement and manage the design, construction, and railroad crossing improvements to ensure projects comply with roadway design and traffic control standards.
- According to the Department of Management, the starting salary and benefits for an Executive Officer 2 FTE position is \$86,000.
- The DOT anticipates hiring an Executive Officer 2 near the top of the salary range for that position. The annual cost of this position is estimated to be \$120,000. The position would be located in the Modal Transportation Bureau which is funded through appropriations to the DOT for operations.

Fiscal Impact

The estimated fiscal impact of SF 2113 is approximately \$120,000 for 1.0 Executive Officer 2 FTE position in the DOT.

Source

Department of Transportation

/s/ Jennifer Acton

February 27, 2024

Doc ID 1447188

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

www.legis.iowa.gov



[SF 2349](#) – Criminal Procedure, Defense Subpoenas (LSB5336SV)
Staff Contact: Molly Kilker (515.725.1286) molly.kilker@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 2349](#) relates to defense subpoenas in criminal actions and provides the following:

- A criminal defendant or counsel acting on the defendant's behalf may not issue any subpoena for documents or evidence except upon application to the court. The defendant must prove by a preponderance of the evidence all of the following:
 - There is a compelling need for the evidence sought, and the evidence is material, necessary, exculpatory, and admissible at trial.
 - The evidence sought does not include the private information of a crime victim or any other person except for the defendant's private information.
- Notwithstanding any rule of criminal procedure concerning the issuance of a subpoena, the Bill serves as the exclusive mechanism for a criminal defendant or counsel acting on the defendant's behalf to issue a subpoena for documents or other evidence.
- An application for a defense subpoena must not be filed or reviewed ex parte.
- The prosecuting attorney is not required to execute or effectuate any order or subpoena issued pursuant to the Bill.
- A crime victim or other party who is the subject of a subpoena must not be required by the court to execute a waiver.
- Upon application by a crime victim or the prosecuting attorney, the court must appoint an attorney to represent the person or entity served with a defense subpoena if the person or entity is determined to be indigent. Counsel appointed for this purpose pursuant to the Bill must be paid from the Indigent Defense Fund.
- Documents or other evidence obtained through a defense subpoena must be provided to the prosecuting attorney within five business days after the receipt of the documents or other evidence.
- Documents or other evidence obtained through a defense subpoena that does not comply with the requirements in the Bill are not admissible in any criminal action if offered by the defendant.
- The court may sanction an attorney for knowingly issuing a defense subpoena in violation of the Bill.
- An applicant for postconviction relief is not entitled to relief on a claim of ineffective assistance of counsel as a result of evidence obtained through a defense subpoena.

Background

Iowa Code section [815.9\(1\)](#) provides the qualifications for indigency. Iowa Code section [815.11](#) establishes the Indigent Defense Fund. The Indigent Defense Fund consists of funds appropriated by the General Assembly from the General Fund to the Office of the State Public Defender (SPD) for indigent legal defense by a court-appointed attorney. Approximately \$22.7 million was expended from the Indigent Defense Fund in FY 2023 for processing criminal claims. The average cost per criminal case in FY 2023 was \$524 per case.

Assumptions

- Expanding representation by the SPD to indigent individuals who receive a defense subpoena may significantly increase costs to the Indigent Defense Fund due to an increase in attorney time spent on criminal cases; the time needed for investigation; the number of motions, hearings, trials, and appeals; and the use of expert witnesses. The number of individuals to which this will apply cannot be estimated.
- The requirement to provide information obtained through a subpoena to the prosecutor within five days may also increase costs to the Indigent Defense Fund due to additional staff needed to comply.
- The SPD will require 15.0 Investigator 2 full-time equivalent (FTE) positions at a cost of \$67,000 each to meet the increased investigatory needs of public defender employees and contract attorneys.
- The number of applications to the court for defense subpoenas is unknown.
- The average cost per criminal case is estimated to double from \$524 to \$1,048 per case.

Fiscal Impact

The total fiscal impact of Senate File 2349 cannot be estimated, but the costs to the SPD are anticipated to be significant. Under the Bill, the amount of attorney time spent on a case is estimated to increase due to the increased numbers of motions, hearings, and investigations, and fewer resolutions before trials which may increase the average cost per criminal case handled by court-appointed attorneys. The costs will be incurred by the Indigent Defense Fund.

Additionally, the SPD estimates the need to hire 15.0 Investigator 2 FTE positions, for a total cost of \$1.0 million to the SPD operating budget.

Sources

Office of the State Public Defender
Legislative Services Agency

/s/ Jennifer Acton

February 27, 2024

Doc ID 1447313

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

www.legis.iowa.gov



[SF 2391](#) – Imitation Meat Products, Advertising Requirements (LSB5774SV)
Staff Contact: Lindsey Ingraham (515.281.6764) lindsey.ingraham@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 2391](#) establishes regulations regarding food items misbranded as meat products as well as cultivated-protein food products in the following ways:

- Restricts the sale of food products misbranded as meat and cultivated-protein food products.
- Requires the Department of Inspections, Appeals, and Licensing (DIAL), as the regulatory authority, to inspect a food processing plant or grocery store for compliance based on a credible complaint that food products are misbranded as meat.
- Allows a regulatory authority to issue a stop order or an embargo order.
- Allows the Department of Health and Human Services (HHS), the Attorney General, or the county attorney in the county where the food product is being offered for sale or sold to enforce a stop order or embargo order by petitioning the district court of that county.
- Prohibits institutions under the control of the Board of Regents and the Department of Education from purchasing products misbranded as a meat product or cultivated-protein food as defined by the Bill.
- Prohibits institutions under the control of the Board of Regents from conducting research into the production, distribution, or use of products misbranded as a meat product or cultivated-protein food as defined by the Bill.

This Bill also establishes a simple misdemeanor for a person who willfully misbrands a food product in violation of Iowa Code chapter [137E](#).

Assumptions

- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.
- Information technology costs for DIAL to modify the existing electronic inspection report and complaint system are estimated to be approximately \$10,000 and will be funded by existing license fee revenue.

Correctional Impact

Senate File 2391 creates a new simple misdemeanor, and the correctional impact cannot be estimated for the Bill due to a lack of existing conviction data. A conviction for a simple misdemeanor does not result in a prison sentence but does carry the possibility of confinement in jail for up to 30 days. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 16, 2024, for information related to the correctional system.

Minority Impact

Senate File 2391 creates a new offense. As a result, the Criminal and Juvenile Justice Planning (CJJP) of the Department of Management cannot use existing data to estimate the minority impact of the Bill. Refer to the LSA memo addressed to the General Assembly, [Minority Impact](#)

[Statement](#), dated January 16, 2024, for information related to minorities in the criminal justice system.

Fiscal Impact

The fiscal impact cannot be estimated due to a lack of existing conviction data. The average State cost per offence for one simple misdemeanor conviction ranges between \$40 and \$400 per offense.

The fiscal impact to DIAL cannot be estimated because the amount of industry inquiries, complaints, and investigations are unknown.

Sources

Department of Inspections, Appeals, and Licensing
Board of Regents
Legislative Services Agency

/s/ Jennifer Acton

February 26, 2024

Doc ID 1447119

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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