

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

April 10, 2024

Clip Sheet Summary

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

Bill	Amendment	Action	Sponsor
HF 2531	H-8293	Filed	RECEIVED FROM THE SENATE
HF 2574	H-8296	Filed	ZABNER of Johnson
HF 2616	H-8282	Filed	GUSTOFF of Polk
HF 2616	H-8289	Filed	COLLINS of Des Moines
HF 2641	H-8295	Filed	SEXTON of Calhoun
HF 2644	H-8287	Adopted	LOHSE of Polk
HF 2646	H-8283		MOMMSEN of Clinton
HF 2668	H-8294	Filed	RECEIVED FROM THE SENATE
HF 2681	H-8284	Adopted	WILLS of Dickinson
HF 2681	H-8285	Ruled Out of Order	WILLS of Dickinson
HF 2681	H-8286	Adopted	P. THOMPSON of Boone
HF 2681	H-8292	Adopted	WILLS of Dickinson
HF 2686	H-8288		FRY of Clarke

[SF 2349](#) [H-8290](#) Filed
[SF 2349](#) [H-8291](#) Filed

GUSTOFF of Polk
THOMSON of
Floyd

Fiscal Notes

[HF 2681](#) — [Automated Traffic Enforcement, Speed Cameras](#) (LSB6358HV)

[HF 2685](#) — [Governmental Subdivision Audits, Income Tax Exemption](#)
(LSB5362HV)

[HF 2686](#) — [State Government Reorganization, Code Changes](#) (LSB5333HZ)

SENATE AMENDMENT TO
HOUSE FILE 2531

H-8293

- 1 Amend House File 2531, as passed by the House, as follows:
- 2 1. Page 1, line 1, by striking <cabarets> and inserting
3 <establishments>
- 4 2. Page 1, by striking lines 2 through 34 and inserting:
5 <1. As used in this section, "adult establishment" means any
6 business that provides nude or topless dancing or operates any
7 other adult-oriented business.>
- 8 3. Page 2, line 2, by striking <cabaret> and inserting
9 <establishment>
- 10 4. Page 2, line 3, by striking <within five>
- 11 5. Page 2, by striking line 4 and inserting <in any parking
12 lots or areas, including but not limited to public rights of
13 way, adjacent to the premises:>
- 14 6. Page 2, line 14, before <believes> by inserting <for the
15 county or city where the premises is located>
- 16 7. Page 2, line 19, by striking <cabaret> and inserting
17 <establishment>
- 18 8. Page 2, line 24, by striking <cabaret> and inserting
19 <establishment>
- 20 9. Title page, by striking lines 1 and 2 and inserting <An
21 Act relating to public safety nuisances at adult establishments
22 that provide nude or topless dancing or operate any other
23 adult-oriented business, and making penalties applicable.>

H-8293 FILED APRIL 9, 2024

HOUSE FILE 2574

H-8296

- 1 Amend the amendment, H-8279, to House File 2574, as follows:
2 1. Page 232, after line 34 by inserting:
3 <DIVISION ____
4 DEPARTMENT OF HEALTH AND HUMAN SERVICES — VOTER REGISTRATION
5 Sec. ____ . NATIONAL VOTER REGISTRATION ACT. The director of
6 the department of health and human services shall ensure that
7 the department is in compliance with the federal National Voter
8 Registration Act of 1993, 52 U.S.C. ch. 205, within thirty days
9 after the effective date of this division of this Act.>
10 2. By renumbering as necessary.

By ZABNER of Johnson

H-8296 FILED APRIL 9, 2024

H-8282

1 Amend House File 2616 as follows:

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

4 <DIVISION I

5 DEFENSE SUBPOENAS IN CRIMINAL ACTIONS

6 Section 1. Section 815.9, subsection 1, unnumbered
7 paragraph 1, Code 2024, is amended to read as follows:

8 For purposes of this chapter, chapters 13B, 229A, 232, 665,
9 812, 814, and 822, and ~~section~~ sections 811.1A and 821A.1, and
10 the rules of criminal procedure, a person is indigent if the
11 person is entitled to an attorney appointed by the court as
12 follows:

13 Sec. 2. NEW SECTION. **821A.1 Defense subpoenas in criminal**
14 **actions.**

15 1. *a.* A criminal defendant or counsel acting on the
16 defendant's behalf shall not issue any subpoena for documents
17 or other evidence except upon application to the court. An
18 application shall not be granted unless a defendant proves by a
19 preponderance of the evidence all of the following:

20 (1) There is a compelling need for the evidence sought and
21 that such evidence is material, necessary, exculpatory, and
22 admissible at trial.

23 (2) The evidence sought does not include the private
24 information of a crime victim or any other person except for
25 the defendant's own private information.

26 *b.* For the purposes of this subsection:

27 (1) "*Exculpatory*" means information that tends to negate the
28 guilt of the defendant and not information that is unrelated to
29 the case and is merely impeaching or substantially cumulative
30 in nature.

31 (2) "*Private information*" means information that is not
32 material for the case for which a person has a reasonable
33 expectation of privacy including but not limited to information
34 the state would need a search warrant to obtain, nonpublic
35 electronic communications, and information that would reveal

1 personal information not related to the case.

2 2. Notwithstanding any rule of criminal procedure
3 concerning the issuance of a subpoena, this section is the
4 exclusive mechanism for a criminal defendant or counsel acting
5 on the defendant's behalf to issue a subpoena for documents or
6 other evidence.

7 3. An application for a defense subpoena shall not be filed
8 or reviewed ex parte.

9 4. The prosecuting attorney shall not be required to execute
10 or effectuate any order or subpoena issued pursuant to this
11 section.

12 5. A crime victim or other person who is the subject of
13 a subpoena shall not be required by the court to execute a
14 waiver.

15 6. Upon application by a crime victim or the prosecuting
16 attorney, the court shall appoint an attorney to represent a
17 person or entity served with a defense subpoena if the person
18 or entity is determined to be indigent pursuant to section
19 815.9. Counsel appointed pursuant to this subsection shall be
20 paid from the indigent defense fund established pursuant to
21 section 815.11.

22 7. Documents or other evidence obtained through a defense
23 subpoena must be provided to the prosecuting attorney within
24 five business days after the receipt of the documents or other
25 evidence.

26 8. Documents or other evidence obtained through a defense
27 subpoena that does not comply with this section shall not be
28 admissible in any criminal action if offered by the defendant.

29 9. The court may sanction an attorney for knowingly issuing
30 a defense subpoena in violation of this section.

31 10. An applicant for postconviction relief shall not be
32 entitled to relief on a claim of ineffective assistance of
33 counsel when that claim is predicated upon evidence that
34 was obtained through a defense subpoena and required to be
35 disclosed pursuant to this section.

DIVISION II

LIMITATION OF CRIMINAL ACTIONS INVOLVING CERTAIN SEXUAL
OFFENSES

Sec. 3. Section 802.2B, Code 2024, is amended by adding the following new subsections:

NEW SUBSECTION. 5A. Continuous sexual abuse of a child in violation of section 709.23.

NEW SUBSECTION. 5B. Kidnapping in the first degree when the person kidnapped, and as a consequence of the kidnapping, is intentionally subjected to sexual abuse in violation of section 710.2.

NEW SUBSECTION. 5C. Burglary in the first degree in violation of section 713.3, subsection 1, paragraph "d".

Sec. 4. Section 802.2C, Code 2024, is amended to read as follows:

802.2C Kidnapping.

An information or indictment for kidnapping in the first, second, or third degree, except as provided in section 802.2B, committed on or with a person who is under the age of eighteen years shall be found within ten years after the person upon whom the offense is committed attains eighteen years of age, or if the person against whom the information or indictment is sought is identified through the use of a DNA profile, an information or indictment shall be found within three years from the date the person is identified by the person's DNA profile, whichever is later.

DIVISION III

SEXUALLY PREDATORY OFFENSES

Sec. 5. Section 901A.1, subsection 1, paragraph c, Code 2024, is amended to read as follows:

c. Enticing a minor in violation of section 710.10, subsection 1 or 2.>

2. Title page, by striking lines 1 and 2 and inserting <An Act relating to criminal law, including defense subpoenas in criminal cases, limitation of criminal actions involving

H-8282 (Continued)

1 certain sexual offenses, and sexually predatory offenses, and
2 providing penalties.>

By GUSTOFF of Polk

[H-8282](#) FILED APRIL 9, 2024

HOUSE FILE 2616

H-8289

1 Amend House File 2616 as follows:

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

4 <Section 1. Section 815.9, subsection 1, unnumbered
5 paragraph 1, Code 2024, is amended to read as follows:

6 For purposes of this chapter, chapters 13B, 229A, 232, 665,
7 812, 814, and 822, and ~~section~~ sections 811.1A and 821A.1, and
8 the rules of criminal procedure, a person is indigent if the
9 person is entitled to an attorney appointed by the court as
10 follows:

11 Sec. 2. NEW SECTION. **821A.1 Defense subpoenas in criminal**
12 **actions.**

13 1. *a.* A criminal defendant or counsel acting on the
14 defendant's behalf shall not issue any subpoena for documents
15 or other evidence except upon application to the court. An
16 application shall not be granted unless a defendant proves by a
17 preponderance of the evidence all of the following:

18 (1) There is a compelling need for the evidence sought and
19 that such evidence is material, necessary, exculpatory, and
20 admissible at trial.

21 (2) The evidence sought does not include the private
22 information of a crime victim or any other person except for
23 the defendant's own private information.

24 *b.* For the purposes of this subsection:

25 (1) "*Exculpatory*" means information that tends to negate the
26 guilt of the defendant and not information that is unrelated to
27 the case and is merely impeaching or substantially cumulative
28 in nature.

29 (2) "*Private information*" means information for which
30 a person has a reasonable expectation of privacy including
31 but not limited to information the state would need a search
32 warrant to obtain, nonpublic electronic communications, and
33 information that would reveal personal information immaterial
34 to the prosecution.

35 2. Notwithstanding any rule of criminal procedure

1 concerning the issuance of a subpoena, this section is the
2 exclusive mechanism for a criminal defendant or counsel acting
3 on the defendant's behalf to issue a subpoena for documents or
4 other evidence.

5 3. An application for a defense subpoena shall not be filed
6 or reviewed ex parte.

7 4. The prosecuting attorney shall not be required to execute
8 or effectuate any order or subpoena issued pursuant to this
9 section.

10 5. A crime victim or other party who is the subject of
11 a subpoena shall not be required by the court to execute a
12 waiver.

13 6. Upon application by a crime victim or the prosecuting
14 attorney, the court shall appoint an attorney to represent a
15 person or entity served with a defense subpoena if the person
16 or entity is determined to be indigent pursuant to section
17 815.9. Counsel appointed pursuant to this subsection shall be
18 paid from the indigent defense fund established pursuant to
19 section 815.11.

20 7. Documents or other evidence obtained through a defense
21 subpoena must be provided to the prosecuting attorney within
22 five business days after the receipt of the documents or other
23 evidence.

24 8. Documents or other evidence obtained through a defense
25 subpoena that does not comply with this section shall not be
26 admissible in any criminal action if offered by the defendant.

27 9. The court may sanction an attorney for knowingly issuing
28 a defense subpoena in violation of this section.

29 10. An applicant for postconviction relief shall not be
30 entitled to relief on a claim of ineffective assistance of
31 counsel as a result of evidence obtained through a defense
32 subpoena.>

By COLLINS of Des Moines

H-8289 (Continued)

H-8289 FILED APRIL 9, 2024

HOUSE FILE 2641

H-8295

1 Amend House File 2641 as follows:

2 1. By striking page 1, line 15, through page 4, line 35, and
3 inserting:

4 <Sec. _____. Section 159.20, subsection 2, Code 2024, is
5 amended to read as follows:

6 2. The department shall ~~establish and~~ administer a
7 ~~choose Iowa promotional program as provided in part 2 of~~
8 ~~this subchapter, in order to provide consumers a choice in~~
9 programs that advance the purchasing food items of agricultural
10 commodities produced on Iowa farms and Iowa products that
11 originate as ~~an agricultural commodity~~ commodities produced on
12 Iowa farms under this title, including chapter 187.

13 Sec. _____. Section 159.20, subsection 3, unnumbered
14 paragraph 1, Code 2024, is amended to read as follows:

15 As used in this ~~subchapter~~ section:

16 Sec. _____. Section 159.28, Code 2024, is amended to read as
17 follows:

18 **159.28 Choose Iowa promotional program.**

19 1. The department shall establish and administer a choose
20 Iowa promotional program to advertise for retail sale ~~on a~~
21 ~~retail basis a food item that originates as an agricultural~~
22 ~~commodity produced on an Iowa farm, and~~ an Iowa product that
23 may include any of the following:

24 a. An agricultural commodity produced on an Iowa farm,
25 except that it may be prepared for sale by washing or packaging
26 in this state.

27 b. ~~A product, if it is~~ An agricultural commodity processed
28 ~~in this state and any of its ingredients, if its components~~
29 originate as an agricultural commodity produced on an Iowa
30 farm.

31 2. a. The department may adopt rules further defining an
32 Iowa farm, Iowa agricultural commodity, and Iowa product; and
33 describing how an Iowa agricultural commodity originates on an
34 Iowa farm.

35 b. The department may adopt rules providing for the

1 acceptable use of ~~ingredients originating a component that~~
2 originates from an agricultural commodities commodity not
3 produced on ~~an Iowa farms farm~~. In adopting the rules, the
4 department may consider whether the ~~ingredient component~~ is
5 an incidental ~~additive or other component that the department~~
6 ~~determines is~~ or insignificant part of an Iowa product.

7 Sec. _____. Section 159.29, subsections 1 and 5, Code 2024,
8 are amended to read as follows:

9 1. As part of the choose Iowa promotional program, the
10 department may establish a choose Iowa logo to identify a ~~food~~
11 ~~item originating as an agricultural commodity produced on an~~
12 ~~Iowa farm~~ an Iowa product.

13 5. The use of a choose Iowa logo does not do any of the
14 following:

15 a. Provide an express or implied guarantee or warranty
16 concerning the safety, fitness, merchantability, or use of a
17 ~~food item~~ product.

18 b. Supersede, revise, or replace a state or federal labeling
19 requirement, including but not limited to a provision in the
20 federal Fair Packaging and Labeling Act, 15 U.S.C. §1451 et
21 seq.

22 c. Indicate the grade, specification, standard, or value of
23 any ~~food item~~ agricultural commodity, component, or product.

24 Sec. _____. Section 159.31, subsections 1, 2, and 3, Code
25 2024, are amended to read as follows:

26 1. A choose Iowa fund is ~~established~~ created in the state
27 treasury under the management and control of the department.

28 2. The fund shall include moneys collected as fees by
29 the department as provided in section ~~159.30~~ 187.303, moneys
30 appropriated by the general assembly, and other moneys
31 available to and obtained or accepted by the department,
32 including moneys from public or private sources.

33 3. Moneys in the fund are appropriated to the department
34 and shall be used exclusively to ~~carry out the provisions of~~
35 ~~this part~~ administer the programs created in this subchapter

1 as determined and directed by the department, and shall not
2 require further special authorization by the general assembly.

3 Sec. _____. Section 159.31A, Code 2024, is amended to read as
4 follows:

5 **159.31A Dairy innovation fund and revitalization program.**

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

8 ~~a. "Financial assistance" means assistance provided only
9 from the moneys and assets legally available to the department
10 pursuant to this section and includes assistance in the form of
11 grants, low-interest loans, and forgivable loans.~~

12 ~~b. "Fund" means the dairy innovation fund.~~

13 ~~c. "Located in" means the place or places at which
14 a business's operations are located and where at least
15 ninety-eight percent of the business's employees work, or where
16 employees that are paid at least ninety-eight percent of the
17 business's payroll work.~~

18 ~~d. "Program" means the dairy innovation program.~~

19 ~~2. a. The fund is created in the state treasury under
20 the control of the department and consists of any moneys
21 appropriated to the fund by the general assembly and any other
22 moneys available to or obtained or accepted by the department
23 for placement in the fund. Moneys in the fund are appropriated
24 to the department to award financial assistance as provided
25 under the program. The department shall use any moneys
26 specifically appropriated for purposes of this section only for
27 the purposes of the program.~~

28 ~~b. Notwithstanding section 8.33, moneys in the fund
29 that remain unencumbered or unobligated at the close of the
30 fiscal year shall not revert but shall remain available for
31 expenditure for the purposes designated until the close of the
32 succeeding fiscal year.~~

33 1. A dairy innovation and revitalization program is created
34 within the department. The purpose of the program is to
35 promote the development, modernization, and expansion of this

1 state's dairy industry.

2 ~~3.~~ 2. ~~The In administering the program, the department~~
3 ~~shall establish and administer the program for the purpose of~~
4 ~~awarding award~~ financial assistance to eligible businesses
5 ~~engaged in to support~~ projects that do one or more of the
6 following:

7 a. Expand or refurbish existing milk plants or establish a
8 new milk plant, operating pursuant to a permit issued pursuant
9 to section 192.111 or 194.3A.

10 b. Expand or refurbish existing mobile dairy processing
11 units, or establish new mobile dairy processing units.

12 c. Rent buildings, refrigeration ~~facilities,~~ or freezer
13 facilities, or equipment necessary to expand dairy processing
14 capacity, including mobile dairy or refrigeration units used
15 exclusively for dairy processing.

16 d. Incorporate methods and technologies that reduce farm
17 labor associated with milk production and storage, including
18 but not limited to the use of robotics and processes or systems
19 that operate using computerized equipment or machinery.

20 ~~4.~~ 3. The department shall establish eligibility criteria
21 for the program ~~by rule.~~ The eligibility criteria must include
22 all of the following:

23 a. The business must be located in this state.

24 b. The business must not have been subject to any regulatory
25 enforcement action related to federal, state, or local
26 environmental, worker safety, food processing, or food safety
27 laws, rules, or regulations within the last five years.

28 c. The business must only employ individuals legally
29 authorized to work in this state.

30 d. The business must not currently be in bankruptcy.

31 e. The business must employ less than fifty individuals.

32 ~~5.~~ 4. A eligible business seeking financial assistance
33 under this section shall make application to the department in
34 the manner and on forms prescribed by the department ~~by rule.~~

35 ~~6.~~ 5. Applications for financial assistance under this

1 section shall be accepted during one or more annual application
2 ~~periods to be determined~~ established by the department by
3 ~~rule~~. Upon reviewing and scoring all applications that are
4 received during an application period, and subject to ~~funding~~
5 the availability of moneys, the department may award financial
6 assistance to eligible businesses. A financial assistance
7 award shall not exceed the amount of eligible project costs
8 included in the eligible business's application. Priority
9 shall be given to eligible businesses whose proposed project
10 or projects under subsection ~~3~~ will ~~2~~ are most likely to do any
11 one or more of the following:

12 a. Create new jobs.

13 b. Create or expand opportunities for local small-scale milk
14 producers to market pasteurized milk and milk products under
15 private labels.

16 c. Provide greater flexibility or convenience for local
17 small-scale farmers to have milk processed.

18 d. Reduce labor associated with the on-farm production and
19 storage of milk.

20 ~~7.~~ 6. A An eligible business that is awarded financial
21 assistance under this section may apply for financial
22 assistance under other programs administered by the ~~authority~~
23 department.

24 ~~8.~~ ~~The department shall adopt rules pursuant to chapter 17A~~
25 ~~to administer this section.~~

26 Sec. _____. NEW SECTION. 187.101 Short title.

27 This chapter shall be known and may be cited as the "*Choose*
28 *Iowa Act*".

29 Sec. _____. NEW SECTION. 187.102 Definitions.

30 As used in this chapter, unless the context otherwise
31 requires:

32 1. "*Agricultural commodity*" means an animal or plant, or raw
33 material originating from an animal or plant.

34 2. "*Component*" means an agricultural commodity that is
35 combined to form a product during processing.

- 1 3. `"Department"` means the department of agriculture and land
2 stewardship.
- 3 4. `"Farm"` means land and associated structures used to
4 produce an agricultural commodity.
- 5 5. `a. "Financial assistance"` means support provided by the
6 department to an eligible business under this chapter from
7 moneys or other assets legally available to the department.
- 8 `b. "Financial assistance"` includes any form of grant,
9 low-interest loan, or forgivable loan.
- 10 6. `"Food item"` means an agricultural commodity, or an item
11 processed from an agricultural commodity, that is fit for human
12 consumption.
- 13 7. `"Fund"` means the choose Iowa fund created in section
14 187.201.
- 15 8. `"Horticulture item"` means any of the following:
- 16 `a.` A nursery, floral, or greenhouse plant.
- 17 `b.` A product processed from a nursery, floral, or greenhouse
18 plant, including a seed, rooting, cutting, tissue culture,
19 seedling, or other propagation material.
- 20 9. `"Located in"` means the place or places at which
21 a business's operations are located and where at least
22 ninety-eight percent of the business's employees work, or where
23 employees that are paid at least ninety-eight percent of the
24 business's payroll work.
- 25 10. `"Natural fiber item"` means fiber originating from
26 an agricultural commodity for use in processing, including
27 manufacturing into a textile, apparel, or other similar
28 product.
- 29 11. `"Process"` means to prepare a product that includes an
30 agricultural commodity alone or as a component.
- 31 12. `a. "Product"` means an agricultural commodity that
32 in its raw or processed state is moveable at the time of its
33 retail sale.
- 34 `b. "Product"` includes but is not limited to a food item,
35 horticulture item, or natural fiber item.

1 Sec. _____. NEW SECTION. 187.103 **Administration.**

2 The department shall adopt all rules under chapter 17A as it
3 determines necessary or desirable to administer this chapter.

4 Sec. _____. NEW SECTION. 187.321 **Value-added agricultural**
5 **grant program.**

6 A value-added agricultural grant program is created within
7 the department. The purpose of the program is to identify,
8 evaluate, and support projects and services that add value to
9 agricultural commodities produced on Iowa farms, including by
10 supporting new technologies and marketing strategies.

11 Sec. _____. REPEAL. Sections 159.26 and 159.27, Code 2024,
12 are repealed.

13 Sec. _____. TRANSFER OF MONEYS.

14 1. Not later than June 30, 2024, the balance of the dairy
15 innovation fund created in section 159.31A shall be transferred
16 to the choose Iowa fund created in section 159.31.

17 2. Not later than June 30, 2024, any moneys appropriated
18 to the department of agriculture and land stewardship that the
19 department has not expended as required to support a value
20 added agriculture grant program shall be transferred to the
21 choose Iowa fund, including moneys appropriated in 2022 Iowa
22 Acts, chapter 1147, section 12, and 2023 Iowa Acts, chapter
23 109, section 4, subsection 9.

24 Sec. _____. CODE EDITOR DIRECTIVE.

25 1. The Code editor is directed to make the following
26 transfers:

27 a. Section 159.28 to 187.301.

28 b. Section 159.29 to 187.302.

29 c. Section 159.30 to 187.303.

30 d. Section 159.31 to 187.201.

31 e. Section 159.31A to 187.311.

32 2. The Code editor shall correct internal references in the
33 Code and in any enacted legislation as necessary due to the
34 enactment of this section.

35 Sec. _____. DIRECTIONS TO CODE EDITOR — SUBCHAPTERS AND

H-8295 (Continued)

1 PARTS. The Code editor is directed to divide the provisions
2 of chapter 187, as amended, enacted, or transferred in this
3 division of this Act, into subchapters and parts as follows:

4 1. Subchapter I, including sections 187.101 through
5 187.103.

6 2. Subchapter II, including section 187.201.

7 3. Subchapter III, as follows:

8 a. Part 1, including sections 187.301 through 187.303.

9 b. Part 2, including section 187.311.

10 c. Part 3, including section 187.321.

11 Sec. ____ . EFFECTIVE DATE.

12 1. Except as provided in subsection 2, this division of this
13 Act takes effect July 1, 2024.

14 2. The following section of this division of this Act, being
15 deemed of immediate importance, takes effect upon enactment:

16 The section that provides for the transfer of moneys to the
17 choose Iowa fund.>

18 2. By renumbering as necessary.

By SEXTON of Calhoun

H-8295 FILED APRIL 9, 2024

HOUSE FILE 2644

H-8287

1 Amend House File 2644 as follows:

- 2 1. Page 1, by striking lines 10 and 11 and inserting <in
- 3 Iowa is eligible to apply for a grant under the>
- 4 2. Page 2, by striking lines 1 and 2.
- 5 3. Page 2, line 35, by striking <80,000> and inserting
- 6 <100,000>

By LOHSE of Polk

H-8287 FILED APRIL 9, 2024

ADOPTED

H-8283

1 Amend House File 2646 as follows:

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

4 <DIVISION I

5 STORAGE TANK MANAGEMENT ACCOUNT

6 Section 1. Section 455B.471, subsections 1 and 3, Code 2024,
7 are amended by striking the subsections.

8 Sec. 2. Section 455B.471, Code 2024, is amended by adding
9 the following new subsections:

10 NEW SUBSECTION. 1A. "*Account*" means the storage tank
11 management account created in the groundwater protection fund
12 created in section 455E.11.

13 NEW SUBSECTION. 1B. "*Claimant*" means an owner or operator
14 who has filed a claim for assistance under the account, and
15 that claim has been approved by the department, or the Iowa
16 comprehensive petroleum underground storage tank fund created
17 in section 455G.3, Code 2024.

18 NEW SUBSECTION. 1C. "*Community remediation*" means a
19 curriculum of coordinated testing, planning, or remediation
20 involving two or more tank sites potentially connected with a
21 continuous contaminated area, pursuant to rules adopted by the
22 commission under section 455B.474. A community remediation
23 does not expand the scope of coverage otherwise available or
24 relieve liability otherwise imposed under state or federal law.

25 NEW SUBSECTION. 2A. "*Costs*" means all costs, charges,
26 expenses, or other indebtedness incurred by a claimant that
27 are determined by the department to be reasonable for carrying
28 out all works and undertakings necessary or incidental to the
29 accomplishment of any project. "*Costs*" includes reasonable
30 attorney fees and costs of litigation for which moneys are
31 expended from the account in connection with a release.

32 NEW SUBSECTION. 3A. "*Insurance*" means any form of financial
33 assistance or showing of financial responsibility sufficient
34 to comply with the federal Resource Conservation and Recovery
35 Act, 42 U.S.C. §6901 et seq., or the department's underground

1 storage tank financial responsibility rules.

2 NEW SUBSECTION. 7A. "*Potentially responsible party*" means a
3 person who may be responsible or liable for a release for which
4 payments from the account were made for corrective action or
5 third-party liability.

6 NEW SUBSECTION. 7B. "*Program*" means the storage tank
7 management account financing program created pursuant to
8 section 455B.472A.

9 NEW SUBSECTION. 10A. "*Third-party liability*" means any of
10 the following:

11 a. Property damage including physical injury to tangible
12 property, but not including loss of use. Property damage does
13 not include costs to remediate.

14 b. Bodily injury including sickness, physical injury, or
15 death.

16 Sec. 3. NEW SECTION. 455B.472A Storage tank management
17 account financing program.

18 1. The department shall establish and administer a storage
19 tank management account financing program for the purpose of
20 reimbursing eligible claimants for all or part of the costs of
21 corrective action for petroleum releases previously eligible
22 for payment from the Iowa comprehensive petroleum underground
23 storage tank fund pursuant to chapter 455G, Code 2024.

24 2. The department may enter into any agreements and provide
25 any documents, instruments, certificates, data, or information
26 necessary in connection with the operation, administration,
27 and financing of the program consistent with this part 8 of
28 subchapter IV, the federal Resource Conservation and Recovery
29 Act, 42 U.S.C. §6901 et seq., the rules of the commission, and
30 other applicable federal and state law.

31 3. The department may act to conform the program to the
32 applicable guidance and regulations adopted by the United
33 States environmental protection agency.

34 4. The department shall administer the moneys in the account
35 transferred pursuant to this Act to carry out the purposes

1 of the program and shall manage the revenue, administration,
2 restrictions, and disposition of the moneys in the account
3 transferred pursuant to this Act.

4 5. Moneys in the account transferred pursuant to this Act
5 are appropriated to the department for the purposes set forth
6 in section 455E.11, subsection 2, paragraph "d", subparagraph
7 (1A).

8 6. Payments for reimbursement or other costs relating to any
9 claim or cause of action in connection with a tank not owned or
10 operated by the state or an agency of the state shall be made
11 solely from the moneys in the account transferred pursuant to
12 this Act and no liability is otherwise imposed upon the state.
13 Moneys from the account transferred pursuant to this Act are
14 limited to the extent of coverage provided by the provisions
15 set forth in section 455E.11, subsection 2, paragraph "d",
16 subparagraph (1A). A court, an administrative law judge, the
17 department, or the commission shall not order or approve a
18 remedy that would require the account to exceed the account's
19 then current funding limitations to satisfy an award or that
20 would restrict the availability of moneys for higher priority
21 purposes described in section 455E.11, subsection 2, paragraph
22 "d", subparagraph (1A), subparagraph division (c). The state
23 is not otherwise liable for a claim related to the account
24 and moneys from the general fund shall not be used to pay for
25 reimbursement or other costs relating to any claim or cause of
26 action in connection with a tank not owned or operated by the
27 state or an agency of the state.

28 Sec. 4. NEW SECTION. 455B.472B **Cost recovery enforcement.**

29 1. *Full recovery sought by department.* The department
30 may seek full recovery from an owner, operator, or other
31 potentially responsible party liable for a release that is
32 the subject of a corrective action for which moneys from
33 the account are expended, or for which moneys from the Iowa
34 comprehensive petroleum underground storage tank fund created
35 in section 455G.3, Code 2024, were expended, including for

1 third-party liability and for all other costs. If federal
2 cleanup moneys are recovered, the federal cleanup moneys shall
3 be used solely for the purpose of future cleanup activities.

4 2. *Limitation of liability of owner or operator.* Except
5 as provided in subsection 3, the department shall not seek
6 recovery for expenses in connection with corrective action for
7 a release from an owner or operator eligible for assistance
8 under the program, except for any unpaid portion of the
9 deductible or copayment. This subsection does not affect any
10 authorization of the department to impose or collect civil or
11 administrative fines, penalties, or fees. Moneys from the
12 account shall not be used to pay for any third-party liability.

13 3. *Owner or operator not in compliance.* Notwithstanding
14 subsection 2, the liability of an owner or operator shall be
15 the full and total costs of corrective action and bodily injury
16 or property damage to third parties, as specified in subsection
17 1, if the owner or operator has not complied with the financial
18 responsibility or other underground storage tank rules of
19 the department or with this part 8 of subchapter IV or rules
20 adopted under this part.

21 4. *Lien on tank site.* Any amount for which an owner or
22 operator is required to pay to the account by statute, rule,
23 contract, or determination of liability by the department after
24 hearing, if not paid when due, shall constitute a lien upon the
25 real property where the tank that was the subject of corrective
26 action is located, and the payment shall be collected in the
27 same manner as the environmental protection charge pursuant to
28 section 424.11, Code 2016.

29 5. *Joinder of parties.* The department has standing in
30 any case or contested action related to the account or a tank
31 to assert any claim that the department may have regarding
32 the tank at issue in the case or contested action. Upon
33 motion and sufficient showing by a party to a cost recovery or
34 subrogation action provided for under this section, the court
35 or the administrative law judge shall join to the action any

1 potentially responsible party who may be liable for costs and
2 expenditures of the type recoverable pursuant to this section.

3 6. *Third-party contracts.* An insurance, indemnification,
4 hold-harmless, conveyance, or similar risk-sharing or
5 risk-shifting agreement shall not be effective to transfer
6 any liability for costs recoverable under this section. The
7 department may proceed directly against the owner, operator,
8 or other potentially responsible party. This subsection does
9 not bar any agreement to insure, hold harmless, or indemnify
10 a party to the agreement for any costs or expenditures under
11 this part 8 of subchapter IV, and does not modify rights
12 between the parties to an agreement, except to the extent the
13 agreement shifts liability to an owner or operator eligible
14 for assistance under the program for any damages or other
15 costs in connection with a corrective action for which another
16 potentially responsible party is or may be liable. Any such
17 provision is void and of no further force and effect.

18 7. *Later proceedings permitted against other parties.* The
19 entry of judgment against a party to the action does not bar
20 a future action by the department against another person who
21 is later alleged to be or discovered to be liable for costs
22 and expenditures paid from the account. Notwithstanding
23 section 668.5, a potentially responsible party shall not seek
24 contribution or any other recovery from an owner or operator
25 eligible for assistance under the program for damages or other
26 costs in connection with corrective action for a release for
27 which the potentially responsible party is or may be liable.
28 Subsequent successful proceedings against another party shall
29 not modify or reduce the liability of a party against whom
30 judgment has been previously entered.

31 8. *Claims against potentially responsible parties.*

32 a. Upon payment from the account for corrective action or
33 third-party liability pursuant to this part 8 of subchapter
34 IV, the rights of the claimant to recover payment from any
35 potentially responsible party are assumed by the department to

1 the extent paid from the account. A claimant shall not receive
2 double compensation for the same injury.

3 **b.** In an action brought pursuant to this part 8 of
4 subchapter IV seeking damages for corrective action or
5 third-party liability, the court shall allow evidence and
6 argument as to the replacement or indemnification of actual
7 economic losses incurred or to be incurred in the future by the
8 claimant by reason of insurance benefits, governmental benefits
9 or programs, or other sources.

10 **c.** A claimant may elect to authorize the department
11 to pursue the claimant's cause of action for any injury
12 not compensated from the fund against any potentially
13 responsible party, provided the attorney general determines
14 such representation would not be a conflict of interest. If
15 a claimant so elects, the department's litigation expenses
16 shall be shared on a pro rata basis with the claimant, but the
17 claimant's share of litigation expenses is payable exclusively
18 from any share of the settlement or judgment payable to the
19 claimant.

20 **9. Exclusion of punitive damages.** Moneys from the account
21 shall not be used to pay punitive damages.

22 **Sec. 5. NEW SECTION. 455B.472C Discretionary rulemaking.**

23 **1.** The commission may adopt rules pursuant to chapter 17A
24 conditioning receipt of moneys from the account transferred
25 pursuant to this Act to those petroleum-contaminated properties
26 that present a higher degree of risk to the public health and
27 safety or the environment and providing for denial of moneys
28 from the account transferred pursuant to this Act to a person
29 who did not make a good-faith attempt to comply with this part
30 8 of subchapter IV. This subsection does not confer a legal
31 right to an owner of a petroleum-contaminated property, or an
32 owner or operator of an underground storage tank located on the
33 property, for receipt of moneys under this part 8 of subchapter
34 IV.

35 **2.** The commission may adopt rules pursuant to chapter

1 17A providing for the transfer of all or a portion of the
2 liabilities relating to the account. Notwithstanding any other
3 provision to the contrary, the department, upon such transfer,
4 shall not maintain any duty to reimburse claimants for those
5 liabilities transferred.

6 Sec. 6. Section 455B.474, subsection 1, paragraph a,
7 subparagraph (6), subparagraph divisions (g), (i), and (j),
8 Code 2024, are amended to read as follows:

9 (g) An owner or operator may elect to proceed with
10 additional corrective action on the site. However, any
11 action taken in addition to that required pursuant to this
12 subparagraph (6), shall be solely at the expense of the owner
13 or operator and shall not be considered corrective action
14 for purposes of section ~~455G.9~~ 455B.472A, unless otherwise
15 previously agreed to by the ~~board~~ department and the owner or
16 operator pursuant to section ~~455G.9, subsection 7~~ 455B.472A.
17 Corrective action taken by an owner or operator due to the
18 department's failure to meet the time requirements provided in
19 subparagraph division (e) shall be considered corrective action
20 for purposes of section ~~455G.9~~ 455B.472A.

21 (i) Replacement or upgrade of a tank on a site classified
22 as a high or low risk site shall be equipped with a secondary
23 containment system with monitoring of the space between the
24 primary and secondary containment structures or other ~~board~~
25 approved tank system or methodology approved by the department.

26 (j) The commission and the ~~board~~ department shall cooperate
27 to ensure that remedial measures required by the corrective
28 action rules adopted pursuant to this subparagraph (6) are
29 reasonably cost-effective and shall, to the fullest extent
30 possible, avoid duplicating and conflicting requirements.

31 Sec. 7. Section 455B.474, subsection 9, paragraph d, Code
32 2024, is amended to read as follows:

33 d. The certification of groundwater professionals shall
34 not impose liability on ~~the board~~, the department, or the
35 ~~fund~~ account for any claim or cause of action of any nature,

1 based on the action or inaction of a groundwater professional
2 certified pursuant to this subsection.

3 Sec. 8. Section 455B.474, Code 2024, is amended by adding
4 the following new subsection:

5 NEW SUBSECTION. 11. Department practices and procedures
6 for implementing and administering the storage tank management
7 account financing program. The rules shall include but
8 are not limited to requirements for program eligibility,
9 investigating and settling claims made against the account,
10 appeal procedures, community remediation, prioritization of
11 account moneys, funding for tank operator training, additional
12 assessment and corrective action arising out of releases at
13 sites for which a certificate of no further action has been
14 issued, and reimbursement for the permanent closure of an
15 underground storage tank system.

16 Sec. 9. Section 455B.477, subsection 7, Code 2024, is
17 amended to read as follows:

18 ~~7. The civil penalties or other damages or moneys recovered~~
19 ~~by the state or the petroleum underground storage tank fund in~~
20 ~~connection with a petroleum underground storage tank under this~~
21 ~~part 8 of subchapter IV or chapter 455G shall be credited to~~
22 ~~the fund created in section 455G.3 and allocated between fund~~
23 ~~accounts according to the fund budget. Any federal moneys,~~
24 including but not limited to federal underground storage tank
25 trust fund moneys, received by the state or the department of
26 natural resources in connection with a release occurring on
27 or after May 5, 1989, or received generally for underground
28 storage tank programs on or after May 5, 1989, shall be
29 credited to the fund account created in section 455G.3 and
30 ~~allocated between fund accounts according to the fund budget~~
31 455E.11, subsection 2, paragraph "d", unless such use would
32 be contrary to federal law. The department shall cooperate
33 ~~with the board of the Iowa comprehensive petroleum underground~~
34 ~~storage tank fund to maximize the state's eligibility for and~~
35 receipt of federal funds for underground storage tank related

1 purposes.

2 Sec. 10. Section 455E.11, subsection 2, paragraph d,
3 unnumbered paragraph 1, Code 2024, is amended to read as
4 follows:

5 A storage tank management account. ~~All~~ The account shall
6 consist of moneys appropriated to, transferred to, or deposited
7 in the account, including fees collected pursuant to section
8 455B.473, subsection 5, section 455B.477, subsection 7, and
9 section 455B.479, shall be deposited in the storage tank
10 management account. Moneys deposited in the account shall be
11 expended for all of the following purposes:

12 Sec. 11. Section 455E.11, subsection 2, paragraph d, Code
13 2024, is amended by adding the following new subparagraph:

14 NEW SUBPARAGRAPH. (1A) Moneys transferred under this Act to
15 the account are appropriated for the following purposes until
16 such moneys are fully expended:

17 (a) For reimbursement to tank owners or operators for all
18 or part of the costs of a corrective action for a petroleum
19 release.

20 (b) For the annual appropriation to the department
21 of agriculture and land stewardship in the amount of two
22 hundred fifty thousand dollars for the purpose of inspecting
23 fuel quality at pipeline terminals and renewable fuel
24 production facilities, including associated salaries, support,
25 maintenance, and miscellaneous purposes.

26 (c) For permanent closure of an underground storage tank
27 system under a remedial program pursuant to chapter 455B,
28 subchapter IV, part 8, for additional assessment and corrective
29 action arising out of releases at sites for which a certificate
30 of no further action has been issued, and for tank operator
31 training. At least three million dollars of the total moneys
32 expended pursuant to this subparagraph shall be expended for
33 the purposes described in this subparagraph division, but not
34 more than fifty thousand dollars shall be utilized for operator
35 training each fiscal year.

1 Sec. 12. Section 455E.11, subsection 2, paragraph d,
2 subparagraph (2), Code 2024, is amended to read as follows:

3 (2) The moneys remaining in the account after the
4 ~~appropriation~~ appropriations in ~~subparagraph~~ subparagraphs (1)
5 and (1A) are appropriated ~~from the storage tank management~~
6 ~~account~~ to the department of natural resources for the
7 administration of a state storage tank program pursuant to
8 chapter 455B, subchapter IV, part 8, and for programs ~~which~~
9 that reduce the potential for harm to the environment and the
10 public health from storage tanks.

11 Sec. 13. REPEAL. Sections 455G.1, 455G.2, 455G.2A, 455G.3,
12 455G.4, 455G.5, 455G.6, 455G.7, 455G.8, 455G.9, 455G.12,
13 455G.12A, 455G.13, 455G.14, 455G.15, 455G.16, 455G.20, and
14 455G.21, Code 2024, are repealed.

15 DIVISION II

16 CONFORMING CHANGES

17 Sec. 14. Section 68B.35, subsection 2, paragraph e, Code
18 2024, is amended to read as follows:

19 e. Members of the state banking council, the Iowa ethics and
20 campaign disclosure board, the credit union review board, the
21 economic development authority, the employment appeal board,
22 the environmental protection commission, the health facilities
23 council, the Iowa finance authority, the Iowa public employees'
24 retirement system investment board, the Iowa lottery board
25 created in section 99G.8, the natural resource commission,
26 the board of parole, ~~the petroleum underground storage tank~~
27 ~~fund board~~, the public employment relations board, the state
28 racing and gaming commission, the state board of regents, the
29 transportation commission, the office of consumer advocate, the
30 utilities board, the Iowa telecommunications and technology
31 commission, and any full-time members of other boards and
32 commissions as defined under section 7E.4 who receive an annual
33 salary for their service on the board or commission. The Iowa
34 ethics and campaign disclosure board shall conduct an annual
35 review to determine if members of any other board, commission,

1 or authority should file a statement and shall require the
2 filing of a statement pursuant to rules adopted pursuant to
3 chapter 17A.

4 Sec. 15. Section 323.1, subsection 16, Code 2024, is amended
5 to read as follows:

6 16. "*Storage tank*" means a motor fuel storage tank as
7 defined in section 214.1, including an underground storage
8 tank subject to regulation under chapter ~~455G~~ 455B, subchapter
9 IV, part 8, section 455E.11, subsection 2, paragraph "d",
10 subparagraph (1A), or section 455G.31.

11 Sec. 16. Section 422.7, subsection 2, paragraph u, Code
12 2024, is amended by striking the paragraph.

13 Sec. 17. Section 455B.174, subsection 4, paragraph d, Code
14 2024, is amended to read as follows:

15 *d.* If a public water supply has a groundwater source
16 that contains petroleum, a fraction of crude oil, or their
17 degradation products, or is located in an area deemed by the
18 department as likely to be contaminated by such materials, and
19 after consultation with the public water supply system and
20 consideration of all applicable rules relating to remediation,
21 the department may require the public water supply system to
22 replace that groundwater source in order to receive a permit
23 to operate. The requirement to replace the source shall only
24 be made by the department if the public water supply system
25 is fully compensated for any additional design, construction,
26 operation, and monitoring costs ~~from the Iowa comprehensive~~
27 ~~petroleum underground storage tank fund created by chapter~~
28 ~~455G or from any other funds~~ that do not impose a financial
29 obligation on the part of the public water supply system.
30 Funds available to or provided by the public water supply
31 system may be used for system improvements made in conjunction
32 with replacement of the source. The department cannot require
33 a public water supply system to replace its water source with a
34 less reliable water source or with a source that does not meet
35 federal primary, secondary, or other health-based standards

1 unless treatment is provided to ensure that the drinking water
2 meets these standards. Nothing in this paragraph shall affect
3 the public water supply system's right to pursue recovery from
4 a responsible party.

5 Sec. 18. Section 455E.11, subsection 2, paragraph d,
6 subparagraph (3), Code 2024, is amended by striking the
7 subparagraph.

8 Sec. 19. Section 455I.2, subsection 5, paragraph a, Code
9 2024, is amended to read as follows:

10 a. A federal or state program that is subject to the
11 jurisdiction of an agency, including but not limited to
12 programs established by chapters 455B and ~~455G~~ 455E, corrective
13 or response actions pursuant to 42 U.S.C. §6901 et seq., and
14 remedial actions under 42 U.S.C. §9601 et seq.

15 Sec. 20. REPEAL. Sections 427B.20, 427B.21, and 427B.22,
16 Code 2024, are repealed.

17 DIVISION III

18 TRANSITION PROVISIONS

19 Sec. 21. TRANSITION PROVISIONS.

20 1. Upon repeal of sections 455G.1, 455G.2, 455G.2A, 455G.3,
21 455G.4, 455G.5, 455G.6 455G.7, 455G.8, 455G.9, 455G.12,
22 455G.12A, 455G.13, 455G.14, 455G.15, 455G.16, 455G.20,
23 and 455G.21, pursuant to this Act, all moneys in all funds
24 administered by the Iowa comprehensive petroleum underground
25 storage tank fund board are transferred to the treasurer of
26 state for deposit in the storage tank management account
27 created in the groundwater protection fund created in section
28 455E.11. Any moneys credited to any fund administered by the
29 Iowa comprehensive petroleum underground storage tank fund
30 board on and after the effective date of divisions I and II
31 of this Act are transferred to the treasurer of state for
32 deposit in the storage tank management account created in the
33 groundwater protection fund created in section 455E.11.

34 2. Any rule, regulation, form, order, or directive
35 promulgated by the Iowa comprehensive petroleum underground

1 storage tank fund board as required to administer and enforce
2 the provisions relating to the Iowa comprehensive petroleum
3 underground storage tank fund shall continue in full force
4 and effect under the jurisdiction of the department of
5 natural resources until amended, repealed, or supplemented by
6 affirmative action of the department.

7 3. Any remaining liabilities, contracts, outstanding
8 claims, payments, or other obligations for open claims from
9 the comprehensive petroleum underground storage tank fund
10 existing on or before the effective date of divisions I and II
11 of this Act shall continue in full force and effect under the
12 jurisdiction of the department of natural resources. A claim
13 for a release filed on or after the effective date of divisions
14 I and II of this Act shall not be eligible for payment from the
15 Iowa comprehensive petroleum underground storage tank fund.

16 4. The department of natural resources may begin
17 implementation of subsections 2 and 3 prior to the effective
18 date of divisions I and II of this Act, to the extent necessary
19 to transition to full implementation of the provisions
20 relating to the storage tank management account created in the
21 groundwater protection fund created in section 455E.11 and
22 repeal of the Iowa comprehensive petroleum underground storage
23 tank fund created in section 455G.3, Code 2024.

24 5. All property tax credits provided under chapter 427B,
25 subchapter IV, existing upon the repeal of sections 427B.20,
26 427B.21, and 427B.22 shall continue until their expiration.

27 Sec. 22. EFFECTIVE DATE. This division of this Act, being
28 deemed of immediate importance, takes effect upon enactment.>

29 2. Title page, by striking lines 1 through 3 and inserting
30 <An Act relating to underground storage tanks, including
31 repealing the Iowa comprehensive petroleum underground storage
32 tank fund and eliminating the Iowa comprehensive petroleum
33 underground storage tank fund board, making appropriations, and
34 including effective date and transition provisions.>

H-8283 (Continued)

By MOMMSEN of Clinton

H-8283 FILED APRIL 9, 2024

SENATE AMENDMENT TO
HOUSE FILE 2668

H-8294

- 1 Amend House File 2668, as passed by the House, as follows:
2 1. Page 1, by striking lines 14 through 17 and inserting:
3 <c. "*Clinical utility*" means sufficient medical and
4 scientific evidence indicating that the use of a biomarker test
5 will provide meaningful information that affects treatment
6 decisions and guides improvement of net health outcomes,
7 including an improved quality of life or longer survival.>

H-8294 FILED APRIL 9, 2024

HOUSE FILE 2681

H-8284

1 Amend House File 2681 as follows:

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

4 <Section 1. NEW SECTION. 321.492C Use of automated or
5 remote systems for traffic law enforcement prohibited — sharing
6 related information prohibited.

7 1. The state or a local authority shall not place or cause
8 to be placed on or adjacent to a highway, or maintain or employ
9 the use of, any automated or remote system for traffic law
10 enforcement.

11 2. The department of transportation and the department of
12 public safety shall not share or provide information used to
13 impose or collect a civil penalty that results from a violation
14 captured by an automated or remote system for traffic law
15 enforcement through any existing interstate compact that does
16 not specifically allow or require information to be shared or
17 provided for that explicit purpose.

18 3. For purposes of this section, "*automated or remote system*
19 *for traffic law enforcement*" means a camera or other optical
20 device designed to work in conjunction with an official traffic
21 control signal or speed measuring device to identify motor
22 vehicles operating in violation of traffic laws, the use of
23 which results in the issuance of citations sent through the
24 mail or by electronic means.

25 Sec. 2. REMOVAL OF AUTOMATED OR REMOTE SYSTEMS FOR TRAFFIC
26 LAW ENFORCEMENT — VALIDITY OF PRIOR CITATIONS. Prior to July
27 1, 2025, a local authority using an automated or remote system
28 for traffic law enforcement shall discontinue using the system
29 and remove the system equipment. On and after July 1, 2025,
30 all local ordinances authorizing the use of automated or remote
31 systems for traffic law enforcement are void. However, any
32 citation issued or mailed pursuant to such an ordinance prior
33 to July 1, 2025, shall not be invalidated by the enactment of
34 this Act and shall be processed according to the provisions of
35 law under which the citation was authorized.

H-8284 (Continued)

1 Sec. 3. EFFECTIVE DATE. The section of this Act enacting
2 section 321.492C takes effect July 1, 2025.>

3 2. Title page, by striking lines 1 and 2 and inserting <An
4 Act prohibiting the use of automated or remote systems for
5 traffic law enforcement and the sharing of related information,
6 and including effective date provisions.>

By WILLS of Dickinson

[H-8284](#) FILED APRIL 9, 2024

ADOPTED

HOUSE FILE 2681

H-8285

1 Amend House File 2681 as follows:

2 1. Page 5, after line 34 by inserting:

3 <Sec. _____. NEW SECTION. 321P.9 Prompt investigation of
4 reported violation — citation issued to driver.

5 1. A peace officer of a local jurisdiction using an
6 automated traffic enforcement system shall promptly investigate
7 a detected excessive-speed violation to identify the driver of
8 the vehicle used to commit the violation detected by automated
9 enforcement.

10 2. *a.* If, from the investigation, the peace officer has
11 reasonable cause to believe an excessive-speed violation has
12 occurred, the peace officer shall prepare a uniform citation
13 and complaint pursuant to chapter 805 for the violation and
14 shall serve it personally to the driver of the vehicle not more
15 than seventy-two hours after the violation occurs.

16 *b.* A peace officer may contact the owner of a motor
17 vehicle used to commit an excessive-speed violation detected
18 by automated enforcement and request that the owner supply
19 information identifying the driver in accordance with section
20 321.484. When requested, the owner of the vehicle shall
21 identify the driver to the best of the owner's ability.
22 However, the owner of the vehicle is not required to supply
23 identification information to the officer if the owner believes
24 the information is self-incriminating. The owner of a vehicle
25 shall not be held responsible for a violation if the owner was
26 not the driver.

27 *c.* A peace officer who makes personal contact with the owner
28 of a motor vehicle that was used to commit an excessive-speed
29 violation detected by automated enforcement shall arrive at the
30 owner's location in an authorized emergency vehicle, whether
31 marked or unmarked.

32 3. A citation for a violation detected by automated
33 enforcement issued not in accordance with this section is void
34 and unenforceable, including but not limited to issuing a
35 citation for a civil infraction by mail.

H-8285 (Continued)

1 4. For purposes of this section, "owner" means a person who
2 holds the legal title to a motor vehicle; however, if the motor
3 vehicle is the subject of a security agreement with a right of
4 possession in the debtor, the debtor shall be deemed the owner
5 for purposes of this section, or if the motor vehicle is leased
6 as defined in section 321.493, the lessee shall be deemed the
7 owner for purposes of this section.>

8 2. Page 5, line 35, by striking <321P.9> and inserting
9 <321P.10>

10 3. Page 6, line 6, by striking <321P.10> and inserting
11 <321P.11>

12 4. Page 6, line 25, by striking <321P.9> and inserting
13 <321P.10>

14 5. Page 7, line 8, by striking <321P.11> and inserting
15 <321P.12>

16 6. Page 7, line 16, by striking <321P.12> and inserting
17 <321P.13>

18 7. By renumbering as necessary.

By WILLS of Dickinson

[H-8285](#) FILED APRIL 9, 2024

RULED OUT OF ORDER

H-8286

1 Amend House File 2681 as follows:

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

4 <DIVISION I

5 AUTOMATED OR REMOTE SYSTEMS FOR TRAFFIC LAW ENFORCEMENT —
6 AUTOMATIC REGISTRATION PLATE READERS

7 Section 1. NEW SECTION. 321P.1 Definitions.

8 As used in this chapter, unless the context otherwise
9 requires:

10 1. *"Automated or remote system for traffic law enforcement"*
11 or *"system"* means a camera or other optical device designed to
12 work in conjunction with a speed measuring device to detect
13 motor vehicles being operated in violation of the speed limit,
14 the use of which results in the issuance of citations sent
15 through the mail or by electronic means.

16 2. *"Critical traffic safety issues"* include traffic
17 violations resulting in a traffic collision or accident and
18 traffic collisions and accidents resulting in serious injury or
19 death occurring at a location.

20 3. *"Department"* means the state department of
21 transportation.

22 4. *"Local authority"* means a county or municipality
23 having authority to adopt local police regulations under the
24 Constitution of the State of Iowa and laws of this state.

25 Sec. 2. NEW SECTION. 321P.2 Permit required — local
26 ordinances.

27 1. A person shall not use an automated or remote system
28 for traffic law enforcement unless authorized under this
29 chapter. A local authority shall not adopt, enforce, or
30 otherwise administer an ordinance authorizing the use of a
31 system, and shall not use a system, unless the local authority
32 holds a valid permit to use a system at the system's location.
33 Notwithstanding section 331.302, subsection 6, and section
34 380.3, the governing body of a local authority that is
35 considering an ordinance to authorize or implement traffic law

1 enforcement by automated or remote systems shall not suspend
2 the requirements of section 331.302, subsection 6, or section
3 380.3, as applicable.

4 2. A local authority may apply for a permit by submitting
5 an application to the department in a manner determined by
6 the department. The department may approve or disapprove
7 the application for a permit based on the department's
8 determination that a system is appropriate and necessary and
9 the least restrictive means to address the critical traffic
10 safety issues at a location. The department shall only issue
11 one permit for a local authority, which shall set forth all
12 locations at which a local authority is authorized to use a
13 system. A local authority may submit an application to the
14 department to update the local authority's permit with a new
15 location in the same manner and with the same information as
16 required for the initial permit. An application for a permit
17 must contain all of the following for a location at which the
18 local authority intends to operate a system:

19 a. Records detailing the number and description of traffic
20 violations at the location, which shall be compiled and
21 maintained by the local authority for at least one year prior
22 to the installation of the system and for each year the system
23 is in operation. The records shall be considered public
24 records for purposes of chapter 22.

25 b. Records detailing the number and severity of traffic
26 collisions and accidents occurring at the location.

27 c. An analysis of existing traffic speed data, posted speed
28 limits, traffic volume data, and intersection and roadway
29 measurements of the location. The analysis must demonstrate to
30 the department that existing speed restrictions are appropriate
31 and must describe how the speed restrictions were established.

32 d. The proposed cause of critical traffic safety issues at
33 the location.

34 e. Alternative methods to improve traffic safety at the
35 location that the local authority has implemented or has

1 considered but declined to implement. Alternative methods
2 to improve traffic safety may include but are not limited to
3 changes relating to law enforcement practices, roadway or
4 intersection design, traffic control devices used, and public
5 education campaigns.

6 *f.* Details of discussions, if any, held with an entity
7 that has resources which may aid the reduction of traffic
8 collisions and accidents caused at the location by failure to
9 obey speed restrictions and subsequent actions taken by the
10 local authority.

11 *g.* An explanation detailing the reasons that the use of a
12 system at the location is appropriate and necessary and the
13 least restrictive means to address the critical traffic safety
14 issues.

15 Sec. 3. NEW SECTION. 321P.3 Use limited.

16 1. A local authority shall not use an automated or remote
17 system for traffic law enforcement to issue a citation for a
18 traffic violation unless the violation is for exceeding the
19 speed limit by more than ten miles per hour.

20 2. A local authority with a population of twenty thousand or
21 less based on the most recent federal decennial census shall
22 not use a mobile system to issue a citation for a traffic
23 violation. The department shall adopt rules pursuant to
24 chapter 17A otherwise authorizing and regulating the operation
25 of mobile systems, taking into consideration a mobile system's
26 mobility, flexible usage, and the needs of a local authority to
27 control traffic speed to address critical traffic safety issues
28 at a location. However, the rules shall not authorize the use
29 of a mobile system other than in neighborhoods, construction
30 zones, school zones, including collegiate zones, and locations
31 where traffic enforcement is difficult or dangerous to enforce
32 by alternative methods.

33 3. A local authority, regardless of its population, may
34 issue a warning memorandum to the owner of a vehicle that was
35 operated in violation of a traffic law if the violation was

1 detected by an automated or remote system for traffic law
2 enforcement, including a mobile system.

3 Sec. 4. NEW SECTION. **321P.4 Automatic registration plate**
4 **readers — data retention limited.**

5 1. The operator of an automatic registration plate reader
6 or any associated data storage device shall permanently delete
7 from the plate reader and storage device, as applicable, every
8 image of a vehicle registration plate captured by the plate
9 reader, and any other accompanying data, no later than thirty
10 days after the image was captured.

11 2. Prior to deletion under subsection 1, an image of
12 a vehicle registration plate captured by an automatic
13 registration plate reader, and any other accompanying data,
14 may be copied and stored by a law enforcement agency if the
15 image and data are relevant to an ongoing criminal case or
16 investigation. The law enforcement agency shall maintain
17 the copied registration plate image and accompanying data in
18 accordance with the agency's evidence retention policies.
19 Copies maintained by the law enforcement agency are not subject
20 to subsection 1.

21 3. For purposes of this section, "*automatic registration*
22 *plate reader*" or "*plate reader*" means a camera or other optical
23 device designed or programmed to automatically detect a
24 vehicle's registration plate, or to automatically capture
25 or store an image of a vehicle's registration plate and any
26 accompanying data.

27 4. A person who violates subsection 1 commits a simple
28 misdemeanor.

29 Sec. 5. NEW SECTION. **321P.5 Notice — signage and reports.**

30 1. *a.* A local authority shall not operate an automated or
31 remote system for traffic law enforcement at a fixed location
32 unless permanent signs meeting the requirements as specified in
33 the department manual on uniform traffic-control devices and
34 giving notice of the system are erected at least five hundred
35 feet but not more than one thousand feet along the approach of

1 the highway where the system is used.

2 *b.* A local authority shall not operate a mobile automated
3 or remote system for traffic law enforcement unless permanent
4 signs meeting the requirements as specified in the department
5 manual on uniform traffic-control devices and giving notice
6 of the local authority's use of a mobile system within the
7 boundaries of the local authority are posted at every location
8 where a highway enters the boundaries of the local authority.

9 *c.* Signs required under this subsection shall be erected
10 by the local authority at the local authority's expense at
11 least thirty days prior to a system enforcing any detected
12 violations.

13 2. A local authority using a system shall submit to the
14 department an annual report by March 1 of each year detailing
15 the number of traffic collisions and accidents that occurred at
16 each location where a system is in use, the number of citations
17 issued for each system during the previous calendar year, and
18 any other relevant information about the systems that the local
19 authority deems appropriate. The local authority shall post
20 the report on the local authority's internet site, if the local
21 authority has an internet site.

22 Sec. 6. NEW SECTION. 321P.6 **Enforcement.**

23 1. A local authority shall not issue a citation or warning
24 memorandum for a violation detected by a system until a peace
25 officer of the local authority, or an individual trained and
26 certified by the local authority, has reviewed and approved
27 the recorded photograph or video to affirm a traffic violation
28 occurred.

29 2. *a.* For an excessive speed violation detected by a system
30 other than as provided in paragraph "b", the fine shall not
31 exceed the following amounts:

32 (1) Seventy-five dollars for speed greater than ten miles
33 per hour in excess of the limit but not more than twenty miles
34 per hour in excess of the limit.

35 (2) One hundred dollars for speed greater than twenty miles

1 per hour in excess of the limit but not more than twenty-five
2 miles per hour in excess of the limit.

3 (3) Two hundred fifty dollars for speed greater than
4 twenty-five miles per hour in excess of the limit but not more
5 than thirty miles per hour in excess of the limit.

6 (4) Five hundred dollars for speed greater than thirty miles
7 per hour in excess of the limit.

8 *b.* For an excessive speed violation detected by a system in
9 a road work zone, as defined in section 321.1, the fine shall
10 not exceed the following amounts:

11 (1) One hundred fifty dollars for speed greater than ten
12 miles per hour in excess of the limit but not more than twenty
13 miles per hour in excess of the limit.

14 (2) Two hundred dollars for speed greater than twenty miles
15 per hour in excess of the limit but not more than twenty-five
16 miles per hour in excess of the limit.

17 (3) Five hundred dollars for speed greater than twenty-five
18 miles per hour in excess of the limit but not more than thirty
19 miles per hour in excess of the limit.

20 (4) One thousand dollars for speed greater than thirty miles
21 per hour in excess of the limit.

22 3. A system not in compliance with this chapter shall not
23 be used to detect violations. A citation issued while the
24 system is not in compliance with this chapter is void and
25 unenforceable.

26 4. A violation detected by an automated or remote system
27 for traffic law enforcement is a civil infraction. Such
28 a violation shall not be considered by the department of
29 transportation for purposes of driver's license sanctions,
30 and shall not be considered by an insurer for purposes of a
31 person's automobile insurance rates. The fine associated with
32 a citation issued by a local authority as the result of the use
33 of a system must be a civil penalty.

34 Sec. 7. NEW SECTION. 321P.7 Liability for violations
35 detected.

1 1. A citation for a violation detected by an automated or
2 remote system for traffic law enforcement shall be issued to
3 the owner of the identified motor vehicle.

4 2. a. Notwithstanding subsection 1, a local authority shall
5 provide the owner of a motor vehicle who receives a citation
6 for a violation detected by a system with an opportunity
7 to submit evidence that the owner was not operating the
8 motor vehicle at the time of the violation. As part of the
9 proceeding, the owner shall provide the name and address of the
10 person who was operating the motor vehicle at the time of the
11 violation.

12 b. Notwithstanding subsection 1, a citation issued to the
13 owner of a motor vehicle may be amended and issued to the
14 person identified under paragraph "a" who was operating the
15 motor vehicle.

16 3. For purposes of this section, "owner" means a person
17 who holds the legal title to a motor vehicle. However, if the
18 motor vehicle is the subject of a security agreement with a
19 right of possession in the debtor, the debtor is deemed the
20 owner for purposes of this section, or if the motor vehicle is
21 leased as defined in section 321.493, the lessee is deemed the
22 owner for purposes of this section.

23 Sec. 8. NEW SECTION. 321P.8 Restrictions on use of revenue.

24 A local authority shall not use any revenue received as
25 a result of the use of a system and retained by the local
26 authority, not including the cost to install, operate, and
27 maintain the system, other than for any of the following
28 purposes:

29 1. To fund transportation infrastructure improvement
30 projects.

31 2. To offset costs incurred relating to the operation of a
32 police department or fire department.

33 Sec. 9. NEW SECTION. 321P.9 Installation and maintenance.

34 1. A local authority shall install a system in a manner that
35 minimizes the effect of camera flash on drivers, if a camera

1 flash is used.

2 2. An automated or remote system for traffic law enforcement
3 must only record a photograph or video of the rear of a vehicle
4 and the vehicle's registration plate while the vehicle is used
5 to commit an alleged traffic violation. A local authority
6 shall not install a system such that the system's camera is
7 placed to capture the front of a motor vehicle or the face of
8 any person in the vehicle being recorded. In accordance with
9 section 321P.6, subsection 3, a citation issued by a system
10 that captures the front of a motor vehicle or the face of any
11 person in the vehicle is void and unenforceable.

12 3. A system must verify its internal calibrations daily, and
13 a person trained in the calibration of the system shall conduct
14 a monthly calibration.

15 4. A local authority operating a system shall maintain
16 a monthly log detailing whether a person trained in the
17 calibration of the system successfully performed the monthly
18 calibrations and whether the system successfully performed the
19 daily internal calibrations.

20 5. The log and documentation of the calibrations required
21 under this section are admissible in any court proceeding
22 relating to a violation detected by the system.

23 6. If a daily or monthly calibration is not successfully
24 performed, the system shall not operate until a successful
25 calibration is subsequently performed.

26 DIVISION II

27 EXISTING SYSTEMS

28 Sec. 10. EXISTING SYSTEMS.

29 1. A local authority using an automated or remote system for
30 traffic law enforcement prior to January 1, 2024, may submit
31 to the department of transportation by July 1, 2024, a list
32 of system locations and justifications for placement and use
33 of the systems at the locations in conformance with section
34 321P.2, as enacted by this Act, to the extent practicable,
35 as determined by the department. The department shall, by

H-8286 (Continued)

1 October 1, 2024, issue a permit as provided in section 321P.2,
2 as enacted by this Act, to a local authority that provided
3 valid submissions in accordance with this subsection. A local
4 authority using a system prior to January 1, 2024, may continue
5 to use the system in the same manner and at the same locations
6 as the system was used on or before January 1, 2024, during
7 the period of time between the local authority's submission to
8 the department and the date the department issues the permit
9 to the local authority, unless the system is a mobile system
10 prohibited under section 321P.3, as enacted by this Act. If,
11 on October 1, 2024, a local authority has not been issued a
12 permit by the department as a result of a submission that was
13 not timely filed, or due to a timely filed submission that did
14 not otherwise comply with this subsection, the local authority
15 shall cease using all systems until the local authority obtains
16 a permit from the department pursuant to section 321P.2, as
17 enacted by this Act.

18 2. A local authority using an automated or remote system
19 for traffic law enforcement at a location for the first time
20 on or after January 1, 2024, shall not be issued a permit by
21 the department of transportation pursuant to section 321P.2, as
22 enacted by this Act, before July 1, 2026.

23 Sec. 11. EFFECTIVE DATE. This division of this Act, being
24 deemed of immediate importance, takes effect upon enactment.>

25 2. Title page, by striking lines 1 and 2 and inserting
26 <An Act relating to automated traffic systems, including for
27 traffic law enforcement and for capture of registration plate
28 images, providing penalties, and including effective date
29 provisions.>

By P. THOMPSON of Boone

H-8286 FILED APRIL 9, 2024

ADOPTED

HOUSE FILE 2681

H-8292

1 Amend the amendment, H-8284, to House File 2681, as follows:

2 1. Page 1, by striking lines 20 through 22 and inserting
3 <device designed to work in conjunction with a speed measuring
4 device to detect motor vehicles being operated in violation of
5 the speed limit, the use of>

By WILLS of Dickinson

H-8292 FILED APRIL 9, 2024

ADOPTED

HOUSE FILE 2686

H-8288

- 1 Amend House File 2686 as follows:
- 2 1. Page 5, after line 28 by inserting:
- 3 <Sec. ____ . Section 272C.2, subsection 2, Code 2024, is
- 4 amended by adding the following new paragraph:
- 5 NEW PARAGRAPH. *h.* Allow a licensee to apply continuing
- 6 education credit obtained in excess of the requirements for a
- 7 renewal period to the continuing education requirements for
- 8 the following renewal period in an amount not to exceed fifty
- 9 percent of the continuing education credits required for a
- 10 renewal period. A licensing board may adopt rules specifying
- 11 types of continuing education credits earned in a renewal
- 12 period that cannot be applied to the continuing education
- 13 requirements for the following renewal period.>
- 14 2. Page 49, before line 19 by inserting:
- 15 <Sec. ____ . Section 84A.5, subsection 5, paragraph o, Code
- 16 2024, is amended to read as follows:
- 17 o. Adult education and literacy programs with community
- 18 colleges under section 84A.19.>
- 19 3. Page 50, by striking lines 1 through 8.
- 20 4. By renumbering as necessary.

By FRY of Clarke

H-8288 FILED APRIL 9, 2024

H-8290

1 Amend Senate File 2349, as passed by the Senate, as follows:

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

4 <DIVISION I

5 DEFENSE SUBPOENAS IN CRIMINAL ACTIONS

6 Section 1. Section 815.9, subsection 1, unnumbered
7 paragraph 1, Code 2024, is amended to read as follows:

8 For purposes of this chapter, chapters 13B, 229A, 232, 665,
9 812, 814, and 822, and ~~section~~ sections 811.1A and 821A.1, and
10 the rules of criminal procedure, a person is indigent if the
11 person is entitled to an attorney appointed by the court as
12 follows:

13 Sec. 2. NEW SECTION. **821A.1 Defense subpoenas in criminal**
14 **actions.**

15 1. *a.* A criminal defendant or counsel acting on the
16 defendant's behalf shall not issue any subpoena for documents
17 or other evidence except upon application to the court. An
18 application shall not be granted unless a defendant proves by a
19 preponderance of the evidence all of the following:

20 (1) There is a compelling need for the evidence sought and
21 that such evidence is material, necessary, exculpatory, and
22 admissible at trial.

23 (2) The evidence sought does not include the private
24 information of a crime victim or any other person except for
25 the defendant's own private information.

26 *b.* For the purposes of this subsection:

27 (1) "*Exculpatory*" means information that tends to negate the
28 guilt of the defendant and not information that is unrelated to
29 the case and is merely impeaching or substantially cumulative
30 in nature.

31 (2) "*Private information*" means information that is not
32 material for the case for which a person has a reasonable
33 expectation of privacy including but not limited to information
34 the state would need a search warrant to obtain, nonpublic
35 electronic communications, and information that would reveal

1 personal information not related to the case.

2 2. Notwithstanding any rule of criminal procedure
3 concerning the issuance of a subpoena, this section is the
4 exclusive mechanism for a criminal defendant or counsel acting
5 on the defendant's behalf to issue a subpoena for documents or
6 other evidence.

7 3. An application for a defense subpoena shall not be filed
8 or reviewed ex parte.

9 4. The prosecuting attorney shall not be required to execute
10 or effectuate any order or subpoena issued pursuant to this
11 section.

12 5. A crime victim or other person who is the subject of
13 a subpoena shall not be required by the court to execute a
14 waiver.

15 6. Upon application by a crime victim or the prosecuting
16 attorney, the court shall appoint an attorney to represent a
17 person or entity served with a defense subpoena if the person
18 or entity is determined to be indigent pursuant to section
19 815.9. Counsel appointed pursuant to this subsection shall be
20 paid from the indigent defense fund established pursuant to
21 section 815.11.

22 7. Documents or other evidence obtained through a defense
23 subpoena must be provided to the prosecuting attorney within
24 five business days after the receipt of the documents or other
25 evidence.

26 8. Documents or other evidence obtained through a defense
27 subpoena that does not comply with this section shall not be
28 admissible in any criminal action if offered by the defendant.

29 9. The court may sanction an attorney for knowingly issuing
30 a defense subpoena in violation of this section.

31 10. An applicant for postconviction relief shall not be
32 entitled to relief on a claim of ineffective assistance of
33 counsel when that claim is predicated upon evidence that
34 was obtained through a defense subpoena and required to be
35 disclosed pursuant to this section.

DIVISION II

LIMITATION OF CRIMINAL ACTIONS INVOLVING CERTAIN SEXUAL
OFFENSES

1
2
3
4 Sec. 3. Section 802.2B, Code 2024, is amended by adding the
5 following new subsections:

6 NEW SUBSECTION. 5A. Continuous sexual abuse of a child in
7 violation of section 709.23.

8 NEW SUBSECTION. 5B. Kidnapping in the first degree when the
9 person kidnapped, and as a consequence of the kidnapping, is
10 intentionally subjected to sexual abuse in violation of section
11 710.2.

12 NEW SUBSECTION. 5C. Burglary in the first degree in
13 violation of section 713.3, subsection 1, paragraph "d".

14 Sec. 4. Section 802.2C, Code 2024, is amended to read as
15 follows:

16 **802.2C Kidnapping.**

17 An information or indictment for kidnapping in the first,
18 second, or third degree, except as provided in section 802.2B,
19 committed on or with a person who is under the age of eighteen
20 years shall be found within ten years after the person upon
21 whom the offense is committed attains eighteen years of age,
22 or if the person against whom the information or indictment
23 is sought is identified through the use of a DNA profile, an
24 information or indictment shall be found within three years
25 from the date the person is identified by the person's DNA
26 profile, whichever is later.

27 DIVISION III

28 SEXUALLY PREDATORY OFFENSES

29 Sec. 5. Section 901A.1, subsection 1, paragraph c, Code
30 2024, is amended to read as follows:

31 c. Enticing a minor in violation of section 710.10,
32 subsection 1 or 2.>

33 2. Title page, by striking lines 1 and 2 and inserting
34 <An Act relating to criminal law, including defense subpoenas
35 in criminal cases, limitation of criminal actions involving

H-8290 (Continued)

1 certain sexual offenses, and sexually predatory offenses, and
2 providing penalties.>

By GUSTOFF of Polk

H-8290 FILED APRIL 9, 2024

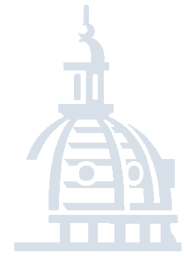
SENATE FILE 2349

H-8291

- 1 Amend the amendment, H-8290, to Senate File 2349, as passed
2 by the Senate, as follows:
- 3 1. Page 1, line 15, by striking <a.>
- 4 2. Page 1, line 19, by striking <all of the following:> and
5 inserting <that there is a compelling need for the evidence
6 sought or that such evidence appears reasonably likely to lead
7 to the discovery of relevant information. A defense subpoena
8 shall not be filed or reviewed ex parte.>
- 9 3. By striking page 1, line 20, through page 2, line 8.
- 10 4. Page 2, line 14, after <waiver> by inserting <except upon
11 a showing of good and otherwise lawful cause>
- 12 5. Page 2, by striking lines 29 through 35 and inserting:
13 <____. A criminal defendant or counsel acting on the
14 defendant's behalf, in evaluating whether to submit an
15 application for a subpoena, and the court, in considering
16 an application for a subpoena, shall give due consideration
17 concerning the likely burdens placed upon the person to
18 be subpoenaed. No subpoena shall issue if the court finds
19 that the likely burdens, including but not limited to the
20 compromise of privacy interests, expense, inconvenience,
21 and the disruption of emotional tranquility, so overwhelm
22 the likely benefit to the defense that the granting of the
23 subpoena application would constitute manifest injustice. If
24 an application for a subpoena appears to have been motivated
25 by malice, the court shall impose appropriate sanctions upon
26 the criminal defendant or counsel acting on the defendant's
27 behalf.>
- 28 6. By renumbering, redesignating, and correcting internal
29 references as necessary.

By THOMSON of Floyd

H-8291 FILED APRIL 9, 2024



[HF 2681](#) – Automated Traffic Enforcement, Speed Cameras (LSB6358HV)
Staff Contact: Garry Martin (515.281.4611) garry.martin@legis.iowa.gov
Fiscal Note Version – New

Description

[House File 2681](#) regulates the use of automated traffic enforcement (ATE) systems by local authorities on the primary road system and prohibits the use or ownership of any ATE devices by the Iowa Department of Transportation (DOT). The DOT is also prohibited from receiving any financial payment from ATE systems owned or operated by a local jurisdiction.

Prior to utilizing an ATE system on the primary road system, a local jurisdiction must receive approval from the DOT through submittal of a justification report that details the need for an ATE system based on a variety of factors as detailed in the Bill. The DOT must approve or deny ATE system requests within 90 days of receiving a completed justification report. The DOT must post the local jurisdiction’s request and justification report on its website.

The Bill establishes the location at and method by which ATE systems may be installed and requires local jurisdictions to post signs in advance of locations where ATE systems are in use. ATE systems must be calibrated quarterly for fixed locations and prior to use for mobile ATE systems. ATE systems must be used in conjunction with conventional law enforcement methods and not as a replacement.

A local jurisdiction with an ATE system must evaluate the effectiveness of the system annually and submit a report of the findings to the DOT on or before May 1 each year. The DOT must review the annual reports and determine whether continued use of the ATE system is justified. A local jurisdiction may appeal a decision made by the DOT.

Background

As of January 2024, the Legislative Services Agency (LSA) is aware of 25 cities and towns in Iowa that operate an ATE system or systems, including Sioux City, Cedar Rapids, Davenport, Muscatine, Fort Dodge, Council Bluffs, Des Moines, Waterloo, Fayette, West Union, Le Claire, Strawberry Point, Hazleton, Hudson, Chester, Buffalo, Bellevue, Miles, Independence, Oelwein, Prairie City, Webster City, Marshalltown, Marion, and Postville. Data is not available at this time regarding the use of ATE systems in additional cities or towns. As of January 15, 2024, the LSA obtained data from Cedar Rapids, Council Bluffs, Davenport, Des Moines, LeClaire, Muscatine, Waterloo, Buffalo, Fayette, and Marshalltown regarding their current ATE systems. Sioux City recently changed its ATE system provider and does not have accurate data for a full year.

Figure 1 provides data obtained by the LSA related to the total of ATE devices, base cost per violation, vendors’ share of revenues, and local authorities’ share of revenues for the last full fiscal year. **Figure 2** shows each city’s use of ATE system revenue. **Figure 3** shows each city’s use of ATE systems on primary roads.

Figure 1 — Data Provided for Fiscal Year 2023

Local Authority	Number of Mobile ATEs	Total Number of Operating ATEs	Number of Violations Issued	Number of Violations Collected	Base Fine Per Violation	Vendor Revenue	Local Authority Revenue
Buffalo	1	3	10,006	9,359	\$ 75	\$ 145,125	\$ 362,813
Cedar Rapids	2	19	169,696	94,037	75	1,834,563	7,207,857
Council Bluffs	0	15	20,299	12,557	100	489,416	849,453
Davenport	4	18	43,452	20,314	65	440,601	1,420,540
Des Moines	3	13	125,768	84,991	65	1,929,663	3,594,696
Fayette	0	2	5,315	4,074	100	138,878	324,049
LeClaire	1	5	62,229	50,533	50	1,664,130	1,703,438
Marshalltown	0	3	5,966	2,952	100	100,000	195,050
Muscatine	1	9	11,577	8,516	75	215,514	510,840
Waterloo	2	25	53,054	26,117	36	942,296	1,166,746

*Lowest violation amount. Actual violation may increase depending on miles per hour over the legal speed limit.
Source: Local Authorities

Figure 2 — Local Uses for ATE System Revenue

Local Authority	Uses
Buffalo	Public safety expenses
Cedar Rapids	General fund
Council Bluffs	General fund
Davenport	General fund
Des Moines	Des Moines Public Safety Radio System and Iowa Statewide Interoperable Communications System
Fayette	General fund
LeClaire	General fund
Marshalltown	General fund
Muscatine	Police department for personnel costs
Waterloo	General fund: Police department for equipment

Source: As reported by local authorities

Figure 3 — Local Use of ATE Systems on Primary Roads

Local Authority	Stationary ATEs	Mobile ATEs
Buffalo	2	Yes
Cedar Rapids	14	No
Council Bluffs	2	No
Davenport	11	Yes
Des Moines	4	No
Fayette	2	Yes
LeClaire	4	Yes
Marshalltown	0	No
Muscatine	2	No
Waterloo	6	Yes

Assumptions

The fiscal impact of House File 2681 on local governments that operate ATE systems on primary roads is unknown. The number of ATE systems that are speed cameras or red-light traffic cameras are unknown.

Fiscal Impact

The fiscal impact, if any, to local governments is unknown at this time.

Sources

Local authorities
Legislative Services Agency

/s/ Jennifer Acton

April 8, 2024

Doc ID 1448563

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



[HF 2685](#) – Governmental Subdivision Audits, Income Tax Exemption (LSB5362HV)
Staff Contact: Eric Richardson (515.281.6767) eric.richardson@legis.iowa.gov
Fiscal Note Version – New

Description

[House File 2685](#) exempts from the State individual income tax and corporate income tax income received by a certified public accountant (CPA) performing an audit or examination of a governmental subdivision under Iowa Code section [11.6](#).

The Bill applies retroactively for tax years beginning on or after January 1, 2024, and is repealed for tax years beginning on or after January 1, 2029.

Background

Iowa Code section 11.6 details audits of governmental subdivisions and related organizations, which are required to undergo annual audits unless they have a population of less than 2,000 people and more than \$1.0 million in budgeted gross expenditures in consecutive years, in which case they must undergo an audit in the second fiscal year. Cities with less than 2,000 people and less than \$1.0 million in budgeted gross expenditures are required to undergo a periodic examination at least once during an eight-year period.

Assumptions

- The Auditor of State [reports](#) that between 2018 and 2023, an average of 1,322 audit reports of governments and governmental subdivisions are released per year. Of those reports, approximately 1,027 (78.0%) were conducted by outside CPA firms. It is assumed the number of audits performed by CPA firms remains stable beginning in tax year (TY) 2024.
- An outside CPA audit on governmental subdivisions results in an average of 236 billable hours per audit or examination.
- Outside CPA audits are assumed to bill at \$139 per billable hour and collect \$33.7 million from local governments in TY 2024. This amount is assumed to increase by 2.0% annual inflation beginning in TY 2025.
- It is assumed that a CPA firm contracted to perform governmental subdivision audits and examinations will be structured as either an S corporation or a partnership, with individual partners including this income on their individual income tax returns. It is assumed that these S corporations and partnerships do not elect to utilize the pass-through entity tax (PTET).
- The marginal individual income tax rate is estimated to be 5.0% in TY 2024, 4.7% in TY 2025, and 3.9% in TY 2026 and beyond.
- The [income surtax for schools](#) is a local option tax that is based on a taxpayer's Iowa income tax liability. Law changes that lower Iowa income tax liability also lower the amount of income surtax owed by any taxpayer subject to the surtax. For this **Fiscal Note**, the surtax is assumed to equal 2.5% of State individual income tax liability.

Fiscal Impact

The proposed income exemptions in HF 2685 are projected to decrease net General Fund revenue by the following:

- FY 2025 = \$1.7 million
- FY 2026 = \$1.6 million
- FY 2027 = \$1.4 million
- FY 2028 = \$1.4 million
- FY 2029 = \$1.4 million

The Bill is projected to decrease school district surtax revenue by the following:

- FY 2025 = \$42,000
- FY 2026 = \$40,000
- FY 2027 = \$34,000
- FY 2028 = \$35,000
- FY 2029 = \$36,000

Sources

Iowa Department of Revenue
Iowa Auditor of State
Legislative Services Agency analysis

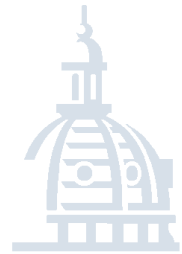
/s/ Jennifer Acton

April 8, 2024

Doc ID 1448657

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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[HF 2686](#) – State Government Reorganization, Code Changes (LSB5333HZ)
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Fiscal Note Version – New

[House File 2686](#) is composed of 15 divisions. The Bill relates to the organization, structure, and functions of State and local government.

Divisions with No Fiscal Impact

- Division I** — Removes the requirement for the Department of Natural Resources (DNR) to provide permanent housing for certain children from the State Training School.
- Division III** — Provides for changes to the Iowa Code for various functions of the Department of Transportation (DOT).
- Division IV** — Provides for changes to the Iowa Code for various functions of the Department of Education (DE).
- Division V** — Amends, repeals, and transfers various provisions relating to the Department of Corrections (DOC) and Judicial District Departments of Correctional Services.
- Division VI** — Provides for changes to the Iowa Code for various references and functions of the Iowa Department of Revenue (IDR) and Iowa Lottery Division of the IDR.
- Division VII** — Adds the Supplemental Nutrition Assistance Program (SNAP) to the list of programs administered by the Iowa Department of Workforce Development (IWD) and requires the IWD to jointly implement adult education and literacy programs with community colleges.
- Division VIII** — Removes the requirement that the Director of the Office of Drug Control Policy submit an annual report to the Governor and General Assembly, and updates various references in the Iowa Code.
- Division IX** — Allows the Iowa Economic Development Authority (IEDA) and the Iowa Finance Authority (IFA) to include any other report that they are required to submit in the annual reports they are required to submit in Iowa Code sections [15.107B](#) and [16.7](#), respectively.
- Division X** — Removes the requirement for the IEDA to establish and administer certain internship programs for Iowa students and requires the IWD to establish and administer a similar program.
- Division XI** — Amends various provisions relating to the duties and authority of the Department of Health and Human Services (HHS) and the Council on Health and Human Services.
- Division XIII** — Removes language requiring the Office for State-Federal Relations to be located in Washington, D.C., and instead provides that the office be attached to the Office of the Governor.
- Division XIV** — Provides changes for various duties and functions of the Department of Administrative Services (DAS) in regard to State historical sites.

Division II — Department of Inspections, Appeals, and Licensing

Description and Background

Division II provides for changes to the Iowa Code for various functions of the Department of Inspections, Appeals, and Licensing (DIAL). **Division II** repeals the Contractor Registration Revolving Fund (CRRF), redirects fees that were paid into the CRRF into the Licensing and Regulation Fund (LRF), and transfers funds that remain in the CRRF to the LRF at the end of FY 2024.

Assumptions and Fiscal Impact

As of April 3, 2024, the balance of the CRRF is approximately \$4.4 million. Any funds that remain in the CRRF will be transferred to the LRF at the end of FY 2024.

Division XII — State Salaries, Appointed State Officers

Description and Background

Division XII relates to the salaries of appointed State officials. 2023 Iowa Acts, [chapter 19](#) (State Government Reorganization Act), established salary ranges four through seven for various State officials. **Figure 1** includes the salary ranges and minimum and maximum salary amounts for each salary range, as set in 2023.

Figure 1 — Salary Ranges Set in 2023

<u>Salary Range</u>	<u>Minimum</u>	<u>Maximum</u>
4	\$ 63,690	\$ 97,460
5	73,250	112,070
6	84,240	128,890
7	100,840	154,300

Division XII instead provides for three salary ranges that are to be paid in a range set in accordance with the specified pay grade of the pay plans published by the Department of Administrative Services. **Figure 2** includes the salary ranges established under **Division XII** and the current minimum and maximum salary amounts for those pay grades.

Figure 2 — New Salary Ranges Under Division XII

<u>Salary Range</u>	<u>Pay Grade</u>	<u>Minimum</u>	<u>Maximum</u>
1	32	\$ 65,395	\$ 101,150
2	38	93,288	132,829
3	43	118,082	167,898

Figure 3 includes the changes to the salary range for current positions established under 2023 Iowa Acts, chapter 19, compared to the salary ranges established in **Division XII**.

Figure 3 — Changes to Salary Ranges Under Division XII

Position Title	Salary Range Under Current Law	Salary Range Under HF 2686
Chairperson and Members of the Employment Appeal Board of the DIAL	4	1
Director of the Iowa Civil Rights Commission	4	2
Director of the Department for the Blind	4	1
Executive Director of the Ethics and Campaign Disclosure Board	4	1
Board of Parole Chairperson, Vice Chairperson, and Members	4	1
Executive Director of the Iowa Public Information Board	4	1
State Public Defender	5	3
Labor Commissioner (Workforce Development)	5	3
Workers' Compensation Commissioner (Workforce Development)	5	2
Director of the Iowa Law Enforcement Academy	5	2
Executive Director of the Public Employment Relations Board	5	*
Superintendent of Banking of the Department of Insurance and Financial Services	6	3
Superintendent of Credit Unions of the Department of Insurance and Financial Services	6	3
Consumer Advocate	6	2
Chairperson and Members of the Utilities Board	6	3
Administrator of the Public Broadcasting Division of the Department of Education	7	2
Executive Director of the Iowa Telecommunications and Technology Commission (ICN)	7	3
Executive Director of the State Board of Regents	7	3
State Court Administrator	7	3
Lottery Administrator of the Department of Revenue	7	3

*The salary of the Executive Director of the Public Employment Relations Board is not set within a salary range under HF 2686. Instead, under the Bill, the Governor sets the salary of the Executive Director.

Unless the Bill specifies otherwise, **Division XII** allows the Governor to establish the salary for the various appointed State officials within their specified salary range.

Division XII takes effect June 21, 2024 (first pay period of FY 2025).

Assumptions and Fiscal Impact

There may be a fiscal impact for the agency if the salary of the appointed State officer is set above the current salary range maximum or below the current salary range minimum. However, any potential fiscal impact as a result of these changes cannot be determined at this time.

Division XV — Department of Management, Justice Information

Description and Background

Division XV relates to the transfer of the Criminal and Juvenile Justice Planning (CJJP) research staff from the HHS to the Department of Management (DOM). The Bill requires the DOM to maintain a Statewide Integrated Justice Information System. The Bill also transfers the responsibility of maintaining the Iowa Statistical Analysis Center, the Iowa Correctional Policy Project, and the Multiagency Information System for Juveniles from the HHS to the DOM. The Bill requires the Multiagency Information System for Juveniles to also include adults who have been charged with a criminal offense in the court system.

The DOM and the HHS entered into a Memorandum of Understanding (MOU) on January 5, 2024, to coordinate the transition of CJJP staff from the HHS to the DOM. The MOU states that

the DOM will charge the HHS monthly in arrears for the cost of all funded positions and filled contractor roles, including training, travel, office space, equipment, and other related expenses.

In FY 2024, the HHS was appropriated \$1.2 million and 10.7 full-time equivalent (FTE) positions from the General Fund for CJJP research staff.

Assumptions and Fiscal Impact

Based on FY 2024 funding for CJJP, it is assumed the fiscal impact of **Division XV** is approximately \$1.2 million and 10.7 FTE positions for CJJP research staff, which will be appropriated in FY 2025 to the DOM Department Operations instead of the HHS.

Sources

Department of Management
Legislative Services Agency

/s/ Jennifer Acton

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