

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

**March 14, 2024**

**Clip Sheet Summary**

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

<b>Bill</b>	<b>Amendment</b>	<b>Action</b>	<b>Sponsor</b>
<a href="#">HF 2539</a> .....	<a href="#">S-5061</a> .....	Filed	COMMITTEE ON STATE GOVERNMENT, et al

**Fiscal Notes**

[SF 455](#) — [Storm Water Regulation](#) (LSB1480SV.1)

[SF 2358](#) — [Insurance Coverage, Diagnostic Breast Examinations](#) (LSB5676SV)

[HF 2549](#) — [False Election Materials, Prohibition](#) (LSB5506HV.1)

[HF 2605](#) — [Consumable Hemp, Penalties and Licensing](#) (LSB5341HV.1)

HOUSE FILE 2539

S-5061

- 1 Amend House File 2539, as passed by the House, as follows:
- 2 1. By striking page 1, line 32, through page 3, line 9.
- 3 2. Title page, by striking lines 1 and 2 and inserting
- 4 <An Act relating to penalties associated with open meetings
- 5 violations.>

By COMMITTEE ON STATE GOVERNMENT  
JASON SCHULTZ, CHAIRPERSON

S-5061 FILED MARCH 13, 2024



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[SF 455](#) – Storm Water Regulation (LSB1480SV.1)  
Staff Contact: Austin Brinks (515.725.2200) [austin.brinks@legis.iowa.gov](mailto:austin.brinks@legis.iowa.gov)  
Fiscal Note Version – As amended by House amendment S-5058

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**Description**

[Senate File 455](#) as amended by House amendment S-5058 relates to local regulation of topsoil and storm water at construction sites. Provisions in the Bill include:

- Defining “construction site” to mean a site or common plan of residential or commercial development, including a single-unit or multiple-unit residential building.
- Defining “topsoil” as the same as defined in the National Pollutant Discharge Elimination System (NPDES) General Permit Number (No.) 2 as issued by the Department of Natural Resources (DNR).
- Prohibiting a county or city from adopting or enforcing an ordinance, resolution, or amendment regarding topsoil at a construction site that is more restrictive than those requirements provided in NPDES General Permit No. 2.
- Allowing a county or city to adopt or enforce an ordinance, motion, resolution, or amendment that regulates storm water runoff at a construction site for 5- to 100-year rainfall events only if the storm water flow rate is not more restrictive than the existing flow rate of a 5-year rainfall event, with all runoff rates based on site conditions at the time construction commences.
- Allowing a county or city to adopt or enforce an ordinance, motion, resolution, or amendment that regulates storm water runoff from upstream properties adjacent to a construction site if the runoff is allowed to pass through downstream storm water basins at the same flow rates as off-site storm water runoff entering the construction site.
- Allowing a county or city to impose storm water runoff requirements that are more restrictive than what is allowed or required by the DNR if the county or city pays for all study, design, and engineering costs associated with implementing the storm water runoff requirement; pays for one-half of any equipment or practices required for a property owner to comply with the requirement; pays the property owner the fair market value of any property or easement taken to impose the requirement; and pays the costs incurred without imposing a special assessment or otherwise recovering the costs solely from the property owner for the costs attributable to the county or city.
- Allowing a county or city to impose a storm water runoff requirement that is more restrictive than established in federal or State law if the county or city and the owner of the affected property agree to the requirement.
- Allowing a county or city to request that the Department of Natural Resources (DNR) review the soil of a construction site to verify whether a NPDES General Permit No. 2 is appropriate for the site.

**Background**

Iowa Code sections [331.301](#) and [364.3](#), which are amended in the Bill, outline the general powers and limitations of county and city governments, respectively.

The DNR’s NPDES [General Permits](#) allow the DNR to allocate resources efficiently to provide timely permit coverage for multiple facilities in a permit application and allow for consistency.

The DNR's NPDES [General Permit No. 2](#) relates specifically to storm water related to construction activities.

### **Assumptions**

- The expenditure requirements in the Bill are voluntary. However, at least one county or city will establish storm water requirements that will require local government expenditures for study, design, or engineering costs; equipment or practices; or property, as outlined in the Bill.
- The costs to a county or city for creating storm water requirements that are more restrictive than what is allowed or required by the DNR cannot be determined, and will vary depending on individual circumstances.
- There will be approximately 900 inspections of construction sites conducted by the DNR.
- The DNR will require new full-time equivalent (FTE) positions to complete these inspections. The salary and benefits for one inspector would be \$150,000 per year.
- There will be one-time equipment costs including vehicles, clothing, and computers associated with the new inspector FTE positions.

### **Fiscal Impact**

The fiscal impact of the Bill to counties and cities cannot be estimated, as it is unknown how many studies would be needed and it is unknown how many counties or cities would create more restrictive storm water requirements.

The DNR estimates that SF 455 as amended will require approximately \$1.7 million and 8.0 new FTE positions for inspectors in FY 2025 to conduct the inspections of construction sites requested by cities and counties. This would include a total ongoing cost of \$1.2 million a year for salaries and a total one-time cost of approximately \$520,000 for equipment and other operational expenses for FY 2025.

### **Sources**

Department of Natural Resources  
Iowa State Association of Counties  
Legislative Services Agency

/s/ Jennifer Acton

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March 13, 2024

Doc ID 1373806

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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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[SF 2358](#) – Insurance Coverage, Diagnostic Breast Examinations (LSB5676SV)  
Staff Contact: Xavier Leonard (515.725.0509) [xavier.leonard@legis.iowa.gov](mailto:xavier.leonard@legis.iowa.gov)  
Fiscal Note Version – New

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**Description**

[Senate File 2358](#) relates to insurance coverage for supplemental and diagnostic breast examinations and does the following:

- Requires a policy, contract, or plan providing for third-party payment or prepayment of health or medical expenses to provide coverage for diagnostic and supplemental breast examinations.
- Prohibits the coverage required by the Bill from being less favorable than coverage a health carrier offers for screening mammograms.
- Prohibits cost-sharing requirements from being imposed by a health carrier for coverage required by the Bill.
- Permits the Iowa Insurance Division (IID) of the Department of Insurance and Financial Services (DIFS) to adopt administrative rules.

The provisions of SF 2358 are applicable to third-party payment provider contracts, policies, or plans delivered, issued for delivery, continued, or renewed in Iowa on or after January 1, 2025.

**Background**

Under the current State of Iowa Plan designs, cost-sharing for preventative and screening mammograms, ultrasounds, and magnetic resonance imaging (MRIs) is cost-free to the policyholder in nearly all cases, with mammograms making up the majority of the preventative imaging services covered by the Bill. The same services for diagnostic purposes apply plan-specific cost-sharing, and the shifting of these cost-shares from Plan members to the Plan may result in an increase in claim spending.

Senate File 2358 is estimated to impact approximately 25.2% of the population of Iowa (807,000). This includes individual coverage, fully insured small and large employer groups, self-insured public employees, and the State of Iowa Plan.

Of the individuals not covered by the mandate, approximately 47.9% are covered by government-sponsored health insurance, 23.0% are covered by employer coverage that is governed by the federal [Employee Retirement Income Security Act of 1974 \(ERISA\)](#), and the remaining 3.9% are uninsured. Additional details are presented in **Figure 1**.

**Figure 1 — Population Covered by Insurance Plans Regulated by Iowa Law**

<b>Type of Coverage</b>	<b>Iowa Population</b>	<b>Percent of Population</b>
Total Population 2022	3,200,517	100.0%
<b>Included in Mandate</b>		
Individual Coverage	102,399	3.2%
Fully Insured Small Employer Group	140,349	4.4%
Fully Insured Large Employer Group	294,013	9.2%
Self-Insured Public Employees	215,000	6.7%
State of Iowa Plan	55,000	1.7%
<b>Total</b>	<b>806,761</b>	<b>25.2%</b>
<b>Not Included in Mandate</b>		
Employer (self-insured + other types not listed)	736,868	23.0%
Uninsured	126,000	3.9%
Other Public (Military, Tricare, Veterans Affairs)	21,600	0.7%
Medicare	658,382	20.6%
Medicaid + Children’s Health Insurance Plan	850,906	26.6%
<b>Total</b>	<b>2,393,756</b>	<b>74.8%</b>

Source: Iowa Insurance Division, Department of Insurance and Financial Services, and Wellmark

**Assumptions**

- The utilization of imaging may increase due to the removal of the requirement of an abnormality for further imaging.
- State of Iowa Plan costs may increase between 0.03% and 0.15%. The lower end of this range is more likely to occur.
- The costs to the Board of Regents Insurance Plans may increase minimally.

**Fiscal Impact**

Senate File 2358 is estimated to increase annual costs to the State of Iowa Insurance Plan by an amount ranging from approximately \$100,000 to \$500,000 beginning in FY 2025. It is anticipated that the lower end of this range is more likely to occur; however, the estimated cost cannot be determined. Senate File 2358 is also estimated to minimally increase annual costs to the Board of Regents Insurance Plans.

**Sources**

Iowa Insurance Division, Department of Insurance and Financial Services  
 Board of Regents  
 Wellmark

/s/ Jennifer Acton

March 13, 2024

Doc ID 1447437

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 2549](#) – False Election Materials, Prohibition (LSB5506HV.1)  
Staff Contact: Joey Lovan (515.242.5925) [joey.lovan@legis.iowa.gov](mailto:joey.lovan@legis.iowa.gov)  
Fiscal Note Version – As amended and passed by the House

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**Description**

[House File 2549](#) relates to the use of artificial intelligence in technologies used in elections and the publication of certain materials related to elections. The Bill prohibits the use of artificial intelligence in automatic tabulating equipment, ballot marking devices, and optical scan voting systems approved for use in the State with specified exceptions.

The Bill requires published material generated through the use of artificial intelligence that is designed to expressly advocate for the nomination, election, or defeat of a ballot issue to include a disclosure that the published material was generated using artificial intelligence. A person who fails to include this disclosure may be guilty of a simple misdemeanor punishable by confinement for no more than 90 days and a fine of not more than \$1,000.

The Bill requires that published material designed to expressly advocate the nomination, election, or defeat of a candidate that includes a materially deceptive depiction of a candidate to include a disclosure that the published material has been manipulated. A person who fails to include this disclosure may be guilty of a simple misdemeanor punishable by confinement for no more than 90 days and a fine of not more than \$1,000.

This Bill creates restrictions and penalties for synthetic media and defines terms under newly created Iowa Code section 68A.507. The Bill prohibits the creation and distribution of synthetic media messages if a person knows, or should have known, the messages to be a deceptive and fraudulent deepfake of a candidate or party within 90 days of an election if the candidate will appear on a ballot. A person who violates these restrictions may be guilty of a simple misdemeanor, punishable by confinement for no more than 90 days and a fine of not more than \$1,000. A person whose intent is to cause violence or bodily harm may be guilty of a serious misdemeanor. A person who is a repeat violator within a five-year span of a prior conviction may be guilty of a Class D felony.

**Background**

Currently, the provisions regarding attribution statements on published materials are established in Iowa Code section 68A.405.

A Class D felony is punishable by confinement for no more than five years and a fine of at least \$1,025 but not more than \$10,245. A serious misdemeanor is punishable by confinement for not more than one year and a fine of at least \$430 but not more than \$2,560. A simple misdemeanor is punishable by a fine of at least \$105 but not more than \$855 and confinement for not more than 30 days in lieu of a fine or in addition to a fine.

**Assumptions**

- Due to the requirements of House File 2549, the Iowa Ethics and Campaign Disclosure Board (IECDB) will need to hire 1.0 full-time equivalent (FTE) Attorney 1 position due to increasing complaints, necessary investigations, and enforcement actions.
- Annual salary and benefits for 1.0 Attorney 1 FTE position are \$77,000.
- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay (LOS); revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.

**Correctional Impact**

House File 2549 creates new criminal offenses, and the correctional impact cannot be estimated for the Bill due to a lack of existing conviction data. **Figure 1** shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; LOS in months under those supervisions; and supervision marginal costs per day for Class D felonies and serious misdemeanors. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 16, 2024, for information related to the correctional system.

**Figure 1 — Sentencing Estimate and Length of Stay (LOS)**

Conviction Offense Class	Percent Ordered to State Prison	FY 2023 Avg LOS in Prison (All Releases)	Marginal Cost Per Day Prison	Percent Ordered to Probation	FY23 Field Avg LOS on Probation	Avg Cost Per Day on Probation	Percent Sentenced to CBC Residential Facility	Marginal Cost Per Day CBC	Percent Ordered to County Jail	Marginal Cost Per Day Jail	FY23 Field Avg LOS on Parole	Marginal Cost Per Day Parole
Class D Felony Non-Persons	84.4%	13.0	\$24.94	69.8%	39.5	\$ 7.67	14.5%	\$ 20.00	32.2%	\$ 50.00	15.7	\$ 7.67
Serious Misd	1.7%	6.6	\$24.94	53.0%	19.2	\$ 7.67	1.2%	\$ 20.00	74.2%	\$ 50.00	N/A	\$ 7.67

**Minority Impact**

House File 2549 establishes new criminal offenses. As a result, Criminal and Juvenile Justice Planning (CJJP) of the Department of Management (DOM) cannot use existing data to estimate the minority impact of the Bill. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 16, 2024, for information related to minorities in the criminal justice system.

**Fiscal Impact**

The fiscal impact of House File 2549 to the IECDB is an increase in annual costs of \$77,000 for 1.0 additional Attorney 1 FTE position.

House File 2549 establishes new criminal offenses, and the fiscal impact cannot be estimated due to a lack of existing conviction data. The average State costs for the offenses found within HF 2549 are shown in **Figure 2**. The estimated impact to the State General Fund includes operating costs incurred by the Judicial Branch, the Indigent Defense Fund, and the Department of Corrections (DOC). The cost will be incurred across multiple fiscal years for prison and parole supervision.



**Figure 2 — Average State Cost Per Offense**

<b>Offense Class</b>	<b>Average Cost</b>
Class D Felony	\$12,600 to \$18,200
Serious Misdemeanor	\$400 to \$6,900
Simple Misdemeanor	\$40 to \$400

**Sources**

Iowa Ethics and Campaign Disclosure Board  
Criminal and Juvenile Justice Planning, Department of Management  
Department of Corrections  
Legislative Services Agency

/s/ Jennifer Acton

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March 13, 2024

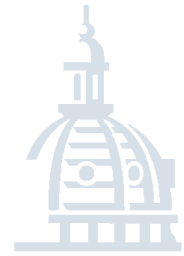
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The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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[HF 2605](#) – Consumable Hemp, Penalties and Licensing (LSB5341HV.1)  
Staff Contact: Austin Brinks (515.725.2200) [austin.brinks@legis.iowa.gov](mailto:austin.brinks@legis.iowa.gov)  
Fiscal Note Version – As amended and passed by the House

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**Description**

[House File 2605](#) makes various changes to the Iowa Hemp Act.

**Division I** of the Bill does the following:

- Updates the definition of a consumable hemp product to require that the product's maximum tetrahydrocannabinol (THC) concentration is less than or equal to the lesser of 0.3% on a dry weight basis or 4 milligrams per serving and 10 milligrams per container on a dry weight basis.
- Updates the definition of a hemp product to exclude an item or part of an item that exceeds the maximum total THC concentration allowed under Iowa Code section [124.204\(7\)](#), or an item or part of an item that is metabolized or otherwise subject to a biotransformative process when introduced into the human body and that exceeds the maximum THC allowed for a consumable hemp product.
- Requires that each container storing consumable hemp be affixed with a notice advising consumers on the risks associated with its use, for which the Department of Health and Human Services (HHS) is required to adopt administrative rules for the language and display.
- Updates the requirements for manufacturing, selling, or consuming a consumable hemp product to require that the product complies with restrictions set forth in rules adopted by the HHS.
- Creates a serious misdemeanor for a person using, marketing, or distributing a raw or dried flower form of hemp for the purpose of inhalation, and requires any raw or dried flower form of hemp that is marketed or distributed to have a notice on its container stating that it is a raw or dried agricultural commodity not suitable for human consumption.
- Creates a serious misdemeanor for a person registered to manufacture or sell consumable hemp who manufactures, produces, distributes, markets, or sells a synthetic consumable hemp product as defined by administrative rules adopted by the HHS.
- Creates a civil penalty not to exceed \$10,000 per day for a person who is engaged in the retail sale of a consumable hemp product and has failed to register with the HHS.
- Creates a serious misdemeanor for a person who is engaged in the retail sale of consumable hemp products but has not registered with the HHS and for selling a consumable hemp product that is advertised as a consumable hemp product but is not a consumable hemp product.
- Creates a simple misdemeanor for a person who sells, gives, or distributes a consumable hemp product to a person under the age of 21.
- Specifies that a person under the age of 21 who consumes, possesses, purchases, or attempts to purchase a consumable hemp product is subject to a scheduled violation. In addition, the person is subject to a court appearance where the court shall sentence the person to a number of hours of community service depending on the number of violations. A person under the age of 21 does not violate the Bill if the person is possessing a consumable hemp product as part of the person's employment or if the person is working

under the direction or consent of the Department of Public Safety (DPS) or local law enforcement.

- Provides scheduled violations for a person under the age of 21 who violates the Bill. For a first violation, there is a scheduled fine of \$70; for a second violation, a scheduled fine of \$135; and for a third or subsequent violation, a scheduled fine of \$325. These scheduled violations are not subject to the Crime Services Surcharge or court costs otherwise added to scheduled violations. Any fines paid for these violations are retained by the city or county that enforced the violation.
- Allows the HHS to order the confiscation and disposal of a hemp product if the product is in violation of this Bill, requires the HHS to deliver any sample of the product to the DPS or local law enforcement, and requires a person who is registered with the HHS to pay for the cost incurred by the HHS for the destruction of the product.

**Division II** of the Bill does the following:

- Adds the prohibition of a person holding a retail alcohol license and the person's agents or employees from selling, giving, or otherwise supplying any alcoholic beverage containing THC, as described in Iowa Code chapter [124](#) and Iowa Code section [123.49](#).
- Prohibits a person holding a license, permit, or certificate of compliance from manufacturing, importing, or selling at wholesale an alcoholic beverage containing THC as described in Iowa Code chapter 124.

### **Background**

Iowa Code chapter [204](#), known as the Iowa Hemp Act, was created in 2019 and governs the production and sale of products derived from hemp. Hemp is defined as a species of cannabis that has a maximum concentration of delta-9 THC that does not exceed 0.3% on a dry weight basis. The current definition does not include hemp products that are intended to be inhaled and does not specify an age limit on the use of consumable hemp products.

The Iowa Hemp Act prohibits a person from possessing, using, manufacturing, marketing, transporting, delivering, or distributing harvested hemp or a hemp product if the intended use is introduction into the body through an electronic, chemical, or mechanical process, or a device such as a cigarette, cigar, cigarillo, or pipe. Any person who manufactures or sells a consumable hemp product must register with the HHS.

Iowa Code chapter [123](#) provides regulation on alcoholic beverages in the State. A violation of Iowa Code section 123.49 is a simple misdemeanor, while a general violation of Iowa Code chapter 123 is a serious misdemeanor for a first and second offense and an aggravated misdemeanor for a third and subsequent offense.

A simple misdemeanor is punishable by confinement for up to 30 days in jail and a fine of at least \$105 but no more than \$855. A serious misdemeanor is punishable by confinement for up to one year and a fine of at least \$430 but no more than \$2,560. An aggravated misdemeanor is punishable by confinement for up to two years and a fine of at least \$865 but no more than \$8,540.

### **Assumptions**

- There may be an increase in simple, serious, and aggravated misdemeanors as a result of this Bill, but the number is unknown.
- There may be an increase in the number of scheduled violations as a result of this Bill, but the number is unknown.
- Registration revenue collected by the HHS may decrease, but the amount of this decrease is unknown.

- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.
- The marginal cost per day in prison is \$24.94.

**Correctional Impact**

House File 2605 creates and expands criminal offenses. As a result, the correctional impact cannot be estimated due to a lack of existing data. **Figure 1** shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; length of stay (LOS) in months under those supervisions; and supervision marginal costs per day for serious and aggravated misdemeanors. A conviction for a simple misdemeanor does not result in a prison sentence but does carry the possibility of confinement in jail for up to 30 days. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 16, 2024, for information related to the correctional system.

**Figure 1 — Sentencing Estimate and Length of Stay (LOS)**

Conviction Offense Class	Percent Ordered to State Prison	FY 2023 Avg LOS in Prison (All Releases)	Marginal Cost Per Day	Percent Ordered to Probation	FY23 Field Avg LOS on Probation	Avg Cost Per Day on Probation	Percent Sentenced to CBC Residential Facility	Marginal Cost CBC Per Day	Percent Ordered to County Jail	Marginal Cost Per Day Jail	FY23 Field Avg LOS on Parole	Marginal Cost Per Day Parole
Aggravated Misdemeanor	47.6%	10.6	\$24.94	67.6%	25.1	\$ 7.67	5.2%	\$ 20.00	55.9%	\$ 50.00	6.7	\$ 7.67
Serious Misdemeanor	1.7%	6.6	\$24.94	53.0%	19.2	\$ 7.67	1.2%	\$ 20.00	74.2%	\$ 50.00	N/A	\$ 7.67

**Minority Impact**

House File 2605 creates and expands criminal offenses, and the minority impact cannot be determined due to lack of conviction data. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 16, 2024, for information related to minorities in the criminal justice system.

**Fiscal Impact**

The fiscal impact cannot be estimated due to a lack of existing data. **Figure 2** shows the average State cost per offense for an aggravated misdemeanor, serious misdemeanor, and simple misdemeanor.

**Figure 2 — Average State Cost Per Offense**

Offense Class	Average Cost
Aggravated Misdemeanor	\$7,500 to \$10,800
Serious Misdemeanor	\$400 to \$6,900
Simple Misdemeanor	\$40 to \$400

Revenue from scheduled violations paid to cities and counties for violations under the Bill cannot be estimated.

There may be a loss of revenue from registration fees associated with consumable hemp products, but the impact is unknown.

**Sources**

Criminal and Juvenile Justice Planning, Department of Management  
Department of Health and Human Services  
Legislative Services Agency

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/s/ Jennifer Acton

March 13, 2024

Doc ID 1448013

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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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