



# NEW LAWS OF INTEREST TO CITIES 2024 LEGISLATIVE SESSION

500 SW 7th Street,  
Suite 101  
Des Moines, IA 50309  
Phone (515) 244-7282  
LegislativeStaff@iowaleague.org  
[www.iowaleague.org](http://www.iowaleague.org)

Please utilize this document as a conversation or relationship starter with your state elected officials and build a dialogue to improve laws that pertain to cities. And remember, the best time to get to know your legislator is not when you need to ask for a favor.

The 2024 Legislative Session adjourned *Sine Die* on April 20, which ended the 90th General Assembly. Legislators were eager to hit the campaign trail with several primary contests and open seats across the state.

The themes that marked the 2024 session are familiar from years past: taxes, education reform, enhancing public safety resources, and reduced bureaucracy and scope of state and local government. While we did see a “property tax bill” with the passage of SF 2442, the goal was not to minimize the revenues of local governments but rather to make corrections and to soften the impacts passed from HF 718 in the 2023 session. Please visit the League’s website to gain a more granular understanding of the changes from HF 718 and SF 2442.

In comparison to recent years, 2024 was a relatively uneventful year for city governments in the Capitol. This is not to minimize the preemption bills that did pass, but an acknowledgment that the policies were often limited to the practices of a few cities or contained enough exceptions to the preemption that they were workable or relatively innocuous. Additionally, numerous bills were to the direct and explicit benefit of cities in areas of civil service hiring, publication requirements, and nuisance abatement.

Interestingly, a bill was vetoed by Governor Reynolds which would have been included in this document. HF 2539 dealt with open meetings and records violations, but did not become law due to the Governor’s veto. In her statement, the Governor pointed to the removal of training provisions, included in previous iterations of the bill, and a lack of clarity in a new exception to the definition of meetings as justification for her veto. We will expect to see this topic considered again in 2025.

As we transition from understanding the past to affecting the future, it is critical that we see the legislature and legislation as constantly changing. Turnover and changes in perspective are the only guarantees.

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## Reader's Guide to New Laws Summaries

This Special Report outlines legislation passed during the 2024 legislative session that affects cities and is categorized in subject areas for easier reading. The sample entry below explains what type of information this report contains.

*Note: The report is intended as a reference guide to new laws that may interest your community. This report should not act as a substitute for the actual final enrolled legislation, nor should it substitute for advice from an attorney.*

### Reminder:

The text of each bill is accessible from the General Assembly's website: [www.legis.iowa.gov](http://www.legis.iowa.gov)

Indicates the bill number and the League's title for the bill. HF means the bill originated in the House and SF means the bill originated in the Senate.

The digest provides information on the entire bill or a portion of the legislation that impacts cities. Note that a "Section" reference here refers to sections of the enrolled bill.

### **HF123** | Bill Name

This is where a description of the bill would be, along with an explanation of how it impacts city governments.

*Amends Section 12A.3 | Effective February 10, 2024*

Indicates the Section or Chapter in the Code of Iowa that has been amended.

Indicates the effective date.

## Legislation Passed In 2024

### Administration

#### **HF 2398 | Public Official Bonds or Insurance**

Allows a public officer, such as a mayor or city clerk, to hold an insurance policy in lieu of a bond as required in *Code of Iowa* Chapter 64. Alters the provisions which regulate the failure to give bond so that suspension from office is first and removal from office can take place after a reasonable timeframe.

*Creates Section 64.3 and amends Section 64.25 | Effective July 1, 2024*

#### **SF 2331 | Publication Requirements**

Creates new regulations and requirements on Newspapers of Record in regards to accepting and publishing governmental notices that includes posting online, restrictions on charging local governments for proof of publishing, as well as the ability for cities to publish on their own website in the event a newspaper refuses to publish. Alters language about when a city clerk has to provide a meeting summary following a meeting of the council to a newspaper to be published.

*Amends Section 372.13 and numerous Sections of Chapter 618 | Multiple effective dates*

#### **SF 2205 | Civil Service Hiring**

Allows a city council to temporarily suspend the hiring regulations found in *Code of Iowa* Section 400.11 Subsection 1 paragraph “a”. Prevents an officer who has been certified in the Iowa Law Enforcement Academy from having to retake the Civil Service Entrance Examination if they have previously passed the examination and have not had a break in employment as a law enforcement officer of more than 180 days.

*Amends Section 400.8 and creates Section 400.12A | Effective July 1, 2024*

#### **SF 2096 | Gender Balance of Appointed Boards**

Strikes the requirement that locally appointed boards and commissions make an effort to maintain gender balance.

*Strikes Section 69.16A | Effective July 1, 2024*

#### **HF 2101 | Purchase of Water Utility**

Alters the threshold that triggers IUB oversight of the sale of a municipally owned water, sanitary sewer, or storm water utility from \$500k to \$3m. Organizes the requirements the city must fulfill in order to sell these utilities in one section of code.

*Amends Section 476.84 | Effective July 1, 2024*

#### **HF 2186 | Agency Sales of Unused Highways**

Changes the requirements of a governmental body in notifying a prior landowner when a highway is vacated under *Code of Iowa* Chapter 306.

*Amends Section 306.23 | Effective July 1, 2024*

#### **HF 2581 | Underground Excavation Locate Notice**

For the purpose of underground facility locating requirements within *Code of Iowa* Chapter 480, defines “48-hour period” as well as “Locator”. Adds two individuals who are Locators to the board of directors of the notification center. Alters, updates, and changes the notification center responsibilities. Creates new enforcement and oversight provisions of Chapter 480.

*Amends or creates numerous Sections in Chapter 480 | Effective July 1, 2024*

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## Preemption

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### HF 2556 | Firearm Preemption Violations

Creates a new set of court assessed fines that can be levied against a local government in the event that the local government violates the preemption found in *Code of Iowa* Section 724.28: Prohibition of Regulation by Political Subdivisions. The fines cannot be levied unless the political subdivision knowingly participates in violating this section.

*Amends Section 724.28 | Effective January 1, 2025*

### HF 2276 | Zoning of Maternity Homes

Requires local governments to consider maternity homes as residential and prohibits the requirement of special permit or use to be granted for placement in all residentially zoned areas. Does contain an allowance of restrictions based on density of maternity homes.

*Creates Section 414.27 | Effective July 1, 2024*

### HF 2388 | Residential Facade Preemption

Preempts a local government from passing or administering an ordinance that would prohibit or limit the use of a specific cladding or finish materials on facade restrictions that are more stringent than the State Building Code. Does specify that these restrictions can be utilized in historic districts, on buildings that are designated as an historic landmark, in Common Interest Communities, or through local government overlay districts.

*Amends Section 414.1 | Effective July 1, 2024*

### HF 2319 | Guaranteed Income Preemption

Preempts a local government from making payments to an individual under a guaranteed income program, which is defined as regular and periodic cash payments without strings attached but does not preempt payments to individuals for the completion of training or education. Allows programs in existence to remain until January 1, 2025.

*Amends Section 364.3 | Effective May 1, 2024*

### SF 455 | Topsoil and Construction Site Permits

Preempts a city from regulating topsoil requirements at construction sites in a more restrictive manner than found in the National Pollutant Discharge Elimination System (NPDES) General Permit #2. Allows for more stringent restrictions on topsoil requirements so long as the local government pays for the difference in cost of study, engineering, and implementation of the more stringent standards. Allows a local government to request the Department of Natural Resources inspect a construction site for compliance with the NPDES General Permit #2.

*Amends Section 364.3 | Effective July 1, 2024*

### HF 2175 | Iowa Cell Citing Act Repeal Date

Extends the repeal of the Iowa Cell Citing Act from 2025 to 2035.

*Amends Section 8C.9 | Effective July 1, 2024*

### HF 2279 | Franchise Agreements of Merchant Lines

Division 1 requires a city to conduct a hearing to consider specific franchise agreement requests and outlines the justification for denial. Creates a “deemed approved” section in the event a city does not act within a certain timeframe. Applies only to merchant lines, as defined in 478.6A, which have been granted a franchise by the Iowa Utility Board prior to the effective date of the bill. Repeals this preemption on January 1, 2026.

*Amends Section 364.2 | Effective July 1, 2024*

## Revenues, Permits, Fees

### **SF 2442** | Property Tax Change Omnibus

This tax omnibus bill makes many changes that relate to various taxes. Alters thresholds within the Targeted Jobs Withholding Tax Credit. Allows a city that fails to file necessary information regarding property taxes with the Department of Management by the deadline to certify a levy that is not more than the previous year's budget. Changes the date that cities must report budget and levy information related to the Property Tax Notification Statement to the Department of Management from March 15 to March 5. Alters the information contained in the Property Tax Notification Statement which is mailed to each property owner. Allows a city which has a levy rate of \$0 for the prior fiscal year to certify a Budget Year General Fund Levy up to \$8.10. Allows for a limited extension of a Tax Increment Finance division of revenue with the approval of all taxing entities whose revenues would be affected. Creates a new tier of Consolidated General Fund Levy ratcheting which is based on the non-TIF taxable valuation growth that is between 2.75% and 4% growth. Incrementally changes the rollback applied to pipeline and cable property until it is equal to the commercial rollback.

*Amends numerous Sections in Chapters 8, 24, 384, 403, 422, 425, and 441 | Multiple effective dates*

### **SF 574** | MEGA Economic Development Program

Creates the Major Economic Growth Attraction (MEGA) Program for the purposes of attracting large economic development projects in the fields of advanced manufacturing, biosciences, or research and development to the State of Iowa. Administered within the Iowa Economic Development Authority. Limits the property tax exemption and local incentives to 20 years and cannot include school district taxes.

*Creates numerous Sections in Chapter 15 | Effective May 10, 2024*

### **SF 345** | Tobacco Device Retailer Permit

Creates a new permit for the sale of “tobacco devices” which requires application to the city and approval by the Department of Revenue for brick and mortar retail. Application for this permit will mimic the tobacco retail permit and be approved by the city using the Department of Revenue’s online permit portal. Requires a city to report the suspension or revocation of a permit to the Department of Revenue within 30 days.

*Creates Chapter 453E | Effective January 1, 2025*

### **HF 2648** | New Alcohol Licenses

Creates a new temporary class C special retail license within *Code of Iowa* Chapter 123. Limits the number of temporary class C licenses that may be granted to an individual in a calendar year. Clarifies that this new license can be held without forgoing or otherwise temporarily transferring a class A native distilled spirits license.

*Amends numerous Sections in Chapter 123 | Effective July, 1 2024*

### **HF 2397** | Emergency Medical Service Transport Reimbursement

Allows emergency medical transport services to transport a person experiencing a mental health crisis to a mental health access center and directs the Department of Health and Human Services to reimburse for this service at rates similar to transportation to hospital emergency departments.

*Creates Section 147A.19 | Effective July 1, 2024*

## Public Safety and Pension

### HF 2681 | Automated Traffic Enforcement (ATE)

Creates a regulatory framework for the usage and a requirement that cities must obtain a permit from the Department of Transportation in order to operate an automated traffic enforcement system. Defines this “system” as a camera that works in conjunction with a speed measuring device to issue citations sent through the mail. Bans the use of mobile ATE units for cities below 20k in population. Allows an existing system to make an application to the DOT and continue to operate, but creates a moratorium for any system not placed prior to January 1, 2024. This moratorium lasts until 2026. Restricts the usage of dollars generated from an ATE system to public safety or transportation infrastructure costs.

*Creates Chapter 321P | Multiple effective dates*

### HF 2680 | MFPRSI Benefits

Enhances the benefits within the Municipal Fire and Police Retirement System of Iowa, Chapter 411. Strikes the definite time and place language within *Code of Iowa* Chapter 411 and replaces it with “arising out of or in the course of the employment.” Stipulates that a mental incapacity that will be considered compensable under Chapter 411 will have to be demonstrated to be a readily identifiable work event manifesting from a sudden and traumatic experience that is unusual for firefighters or police. Allows for the conversion of ordinary disability to accidental disability. Clarifies that cities shall provide physical and mental medical attention and can utilize group health insurance to do so. Allows vested members to make claims related to employment up to three years after the last date of employment, subject to restrictions.

*Amends numerous Sections of Chapter 400 and 411 | Effective January 1, 2024*

### HF 2661 | Sheriff Pension, Officer Relocation Grants, Enhanced Penalty for Assaulting an Officer

Enhances the pension benefits for Sheriff and Sheriff Deputies for retirements that occur after July 1 of 2024. Creates the crime of felonious assault of an officer and prevents bail from being awarded to a defendant who is charged with murdering a police officer. Creates an income tax credit for officers who move to Iowa.

*Amends Sections 97B.49C, 811.1, and creates 422.12P | Multiple effective dates*

### HF 2531 | Public Safety Nuisance and Adult Cabaret

Creates a new definition of “nuisance” in *Code of Iowa* Chapter 657 that pertains to the business license of “adult establishments.” Provides local governments additional tools, that mirror *Code of Iowa* Section 123.56, to mitigate threats to public safety that arise from these businesses.

*Creates Section 657.12 | Effective July 1, 2024*

### SF 2161 | Enhanced Penalty for Filing False Reports

Enhances penalties for false reporting in an effort to curb the practice of “swatting” or false reporting crimes with the intent of triggering an overwhelming police response.

*Amends Section 718.6 | Effective July 1, 2024*

**HF 2592 | Brady Giglio List**

Creates the right for an officer to petition the courts in regards to the officer's placement on the "Brady-Giglio" list. Grants the court jurisdiction to review evidence and hear arguments in a closed hearing. Sets "preponderance of the evidence" as the burden of proof for *Code of Iowa* Chapter 80F.

*Amends Section 80F.1 and adds Section 80F.3 | Effective July 1, 2024*

**HF 2163 | Public Safety Telecommunicator**

Updates the definition of officer within the Rights of Peace Officers and Public Safety and Emergency Response Personnel (80F) by removing the term Communications Officer and replacing it with Public Safety Telecommunicator.

*Amends Sections 80F.1 and 622.10 | Effective July 1, 2024*

**HF 572 | Remotely Piloted Aircraft Restrictions**

Creates intrusion and surveillance offense for use of a remote piloted aircraft above personal or business property. Specifically carves out local government purposes from this offense.

*Creates Chapter 715D | Effective July 1, 2024*

**HF 2190 | Seized Asset Through Warrant Requirements**

Allows a magistrate to require a peace officer to produce a list of seized assets as part of a search warrant rather than providing the assets themselves.

*Amends Section 808.4 | Effective July 1, 2024*

**HF 2315 | Fingerprinting Procedure by Police**

Alters the requirements on Chiefs of Police for taking fingerprints to include those individuals who were issued a citation in lieu of continued custody and requires this to occur within two days of an initial court appearance.

*Amends Sections 690.2, 692.13, and 692.15 | Effective July 1, 2024*

**HF 2325 | Tobacco Permit Conditions**

Requires a tobacco or nicotine retailer defined in *Code of Iowa* Section 453A.1 or 453A.42, who allows the products to be consumed on the premises, to allow police officers to search the premises without a warrant.

*Creates Section 453A.13A | Effective July 1, 2024*

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## Miscellaneous

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### **SF 2385 | Boards and Commission Omnibus**

Eliminates the Public Employment Relations Board and transfers duties and responsibilities to the Iowa Employment Appeal Board. Requires governmental bodies allow hybrid or electronic participation to official meetings.

*Amends numerous Sections of 8A and 21 | Numerous effective dates*

### **HF 2308 | Federal Emergency Proclamations**

Expands which emergency declarations made by the President of the United States allow local and state governments to draw down contingency fund grants in order meet the needs not provided by other means.

*Amends Sections 29C.6 and 29C.20 | Effective July 1*

### **SF 2095 | Religious Freedom Restoration Act**

Creates the Religious Freedom Restoration Act (RFRA). Specifically, RFRA states that a compelling governmental interest of the highest order, an action that is unable to be achieved in less burdensome means, must exist in order to infringe on an individual's free exercise of religion.

*Amends Sections 364 and creates Chapter 675 | Effective April 2, 2024*