

H-8394

1 Amend House File 2589 as follows:

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

4 <DIVISION I

5 STANDING APPROPRIATIONS AND RELATED MATTERS

6 Section 1. LIMITATIONS OF STANDING APPROPRIATIONS — FY
7 2022-2023. Notwithstanding the standing appropriation in the
8 following designated section for the fiscal year beginning July
9 1, 2022, and ending June 30, 2023, the amount appropriated from
10 the general fund of the state pursuant to that section for the
11 following designated purpose shall not exceed the following
12 amount:

13 For payment of claims for nonpublic school pupil
14 transportation under [section 285.2](#):

15 \$ 8,997,091

16 If total approved claims for reimbursement for nonpublic
17 school pupil transportation exceed the amount appropriated in
18 accordance with this section, the department of education shall
19 prorate the amount of each approved claim.

20 Sec. 2. INSTRUCTIONAL SUPPORT STATE AID — FY 2022-2023. In
21 lieu of the appropriation provided in section 257.20,
22 subsection 2, the appropriation for the fiscal year
23 beginning July 1, 2022, and ending June 30, 2023, for paying
24 instructional support state aid under [section 257.20](#) for the
25 fiscal year is zero.

26 Sec. 3. SPECIAL FUNDS — SALARY ADJUSTMENTS —
27 UNAPPROPRIATED MONEYS — FY 2022-2023. For the fiscal year
28 beginning July 1, 2022, and ending June 30, 2023, salary
29 adjustments otherwise provided may be funded as determined
30 by the department of management, subject to any applicable
31 constitutional limitation, using unappropriated moneys
32 remaining in the department of commerce revolving fund, the
33 gaming enforcement revolving fund, the gaming regulatory
34 revolving fund, the primary road fund, the road use tax
35 fund, the fish and game protection fund, and the Iowa public

1 employees' retirement fund, and in other departmental
2 revolving, trust, or special funds for which the general
3 assembly has not made an operating budget appropriation.

4 Sec. 4. Section 257.35, Code 2022, is amended by adding the
5 following new subsection:

6 NEW SUBSECTION. 16A. a. Notwithstanding subsection 1, and
7 in addition to the reductions applicable pursuant to subsection
8 2 and paragraph "b" of this subsection, the state aid for area
9 education agencies and the portion of the combined district
10 cost calculated for these agencies related to expenditures
11 other than expenditures for professional development for the
12 fiscal year beginning July 1, 2022, and ending June 30, 2023,
13 shall be reduced by the department of management by fifteen
14 million dollars. The reduction for each area education agency
15 shall be prorated based on the reduction that the agency
16 received in the fiscal year beginning July 1, 2003.

17 b. Notwithstanding subsection 1, and in addition to
18 the reductions applicable pursuant to subsection 2 and
19 paragraph "a" of this subsection, the state aid for area
20 education agencies and the portion of the combined district
21 cost calculated for these agencies related to professional
22 development expenditures for the fiscal year beginning July
23 1, 2022, and ending June 30, 2023, shall be reduced by the
24 department of management by an amount equal to the sum of the
25 area education agency professional development supplement
26 district cost for all area education agencies determined under
27 section 257.37A, subsection 2, for the budget year beginning
28 July 1, 2022. The reduction for each area education agency
29 shall be equal to the area education agency's professional
30 development district cost determined under section 257.37A,
31 subsection 2, for the budget year beginning July 1, 2022.
32 The amounts reduced under this paragraph shall be considered
33 funds paid to school districts and area education agencies
34 under chapter 284 for purposes of requirements for providing
35 professional development opportunities.

1 DIVISION II

2 CORRECTIVE PROVISIONS

3 Sec. 5. Section 45.1, subsection 7, paragraph a, Code 2022,
4 as amended by 2022 Iowa Acts, House File 2466, section 3, is
5 amended to read as follows:

6 a. For a supervisor district with a population of greater
7 than fifteen thousand but ~~fewer~~ no more than fifty thousand
8 according to the most recent federal decennial census,
9 nomination petitions shall include at least fifty signatures.

10 Sec. 6. Section 80E.2, subsection 2, Code 2022, as amended
11 by 2022 Iowa Acts, House File 2367, section 2, is amended to
12 read as follows:

13 2. The prosecuting attorney, certified alcohol and drug
14 counselor, certified substance abuse prevention specialist,
15 substance use disorder treatment program director, member
16 representing the Iowa peace officers association, member
17 representing the Iowa state police association, the
18 member representing the Iowa state sheriffs' and deputies'
19 association, and the member ~~representing the Iowa police chiefs~~
20 association who is a police chief shall be appointed by the
21 governor, subject to senate confirmation, for four-year terms
22 beginning and ending as provided in [section 69.19](#). A vacancy
23 on the council shall be filled for the unexpired term in the
24 same manner as the original appointment was made.

25 Sec. 7. Section 124.204, subsection 2, paragraph c1, as
26 enacted by 2022 Iowa Acts, House File 2201, section 1, is
27 amended to read as follows:

28 c1. N-(1-phenethylpiperidin-4-yl)
29 -N-phenylcyclopentanecarboxamide. Other name: ~~cyclopentanyl~~
30 cyclopentyl fentanyl.

31 Sec. 8. Section 147.77, subsection 1, paragraph 1, as
32 enacted by 2022 Iowa Acts, House File 803, section 51, is
33 amended to read as follows:

34 1. The department of public safety, with respect to rules
35 relating to permits to carry weapons, that a person who is

1 an unlawful user of or addicted to any controlled substance
2 includes any person who is a current user of a controlled
3 substance in a manner other than as prescribed by a licensed
4 physician.

5 Sec. 9. Section 147.77, subsection 1, paragraph p,
6 subparagraph (3), as enacted by 2022 Iowa Acts, House File 803,
7 section 51, is amended to read as follows:

8 (3) For applications for a license to practice asbestos
9 removal, that except as noted in rule, only worker and
10 contractor/supervisor license applicants must submit a the
11 respiratory protection and physician's certification forms.

12 Sec. 10. Section 249A.42A, subsection 2, as enacted by 2022
13 Iowa Acts, House File 736, section 1, is amended to read as
14 follows:

15 2. The provider documented the eligibility verification
16 performed and any necessary prior authorization obtained
17 pursuant to ~~paragraph "a"~~ subsection 1 in a manner and format
18 established by the department by rule, and retained the
19 required documentation in the recipient's file.

20 Sec. 11. Section 261.116, subsection 7, Code 2022, as
21 amended by 2022 Iowa Acts, Senate File 2383, section 16, if
22 enacted, is amended to read as follows:

23 6. *Health care award fund.* A health care award fund is
24 created for deposit of moneys appropriated to or received by
25 the commission for use under the program. Notwithstanding
26 section 8.33, moneys deposited in the health care award
27 fund shall not revert to any fund of the state at the
28 end of any fiscal year but shall remain in the award fund
29 and be continuously available for use under the program.
30 Notwithstanding [section 12C.7, subsection 2](#), interest or
31 earnings on moneys deposited in the health care award fund
32 shall be credited to the fund.

33 Sec. 12. Section 441.1, subsection 3, paragraph d, as
34 enacted by 2022 Iowa Acts, Senate File 384, section 1, is
35 amended to read as follows:

1 d. The provisions of chapter 28E are applicable to this
2 ~~section~~ subsection.

3 Sec. 13. Section 600.5, subsection 9A, as enacted by 2022
4 Iowa Acts, House File 2252, section 6, is amended to read as
5 follows:

6 9A. If the parents of the person to be adopted had their
7 parental rights terminated pursuant to chapter 232, the
8 petition shall ~~included~~ include the names of any known siblings
9 placed separately from the person to be adopted and either the
10 plan for ongoing contact between the siblings if a court found
11 that continued contact is in the best interest of each sibling
12 or a statement that the court found continued contact between
13 the siblings is not in the best interest of each sibling.

14 Sec. 14. Section 692A.102, subsection 1, paragraph c,
15 subparagraph (012), if enacted by 2022 Iowa Acts, Senate File
16 529, section 6, is amended to read as follows:

17 NEW SUBPARAGRAPH. (012) Sexual abuse in the fourth
18 degree in violation of section 709.4A, subsection 3, if the
19 perpetrator is a health care professional as defined in section
20 714I.2, who used or provided the health care professional's
21 own human reproductive material for assisted reproduction in
22 violation of section 714I.3, subsection 2.

23 Sec. 15. 2022 Iowa Acts, House File 2200, section 3, is
24 amended to read as follows:

25 SEC. 3. APPLICABILITY. This Act applies to direct health
26 care agreements that are fully executed on or after the
27 effective date of enactment this Act.

28 Sec. 16. 2022 Iowa Acts, House File 2201, section 7, is
29 amended by striking the section and inserting in lieu thereof
30 the following:

31 SEC. 7. Section 124.206, subsection 2, paragraph a,
32 unnumbered paragraph 1, Code 2022, is amended by striking
33 the unnumbered paragraph and inserting in lieu thereof the
34 following:

35 Opium and opiate, and any salt, compound, derivative,

1 or preparation of opium or opiate excluding apomorphine,
2 thebaine-derived butorphanol, dextrorphan, nalbuphine,
3 naldemedine, nalmefene, naloxegol, naloxone, 6beta-naltrexol,
4 naltrexone, and samidorphan, and their respective salts, but
5 including the following:

6 Sec. 17. 2022 Iowa Acts, Senate File 2295, section 184, is
7 amended by striking the section and inserting in lieu thereof
8 the following:

9 SEC. 184. 2020 Iowa Acts, chapter 1064, sections 17 and
10 18, are amended by striking the sections and inserting in lieu
11 thereof the following:

12 SEC. 17. [Section 422.12D, subsection 2](#), Code 2022, is
13 amended to read as follows:

14 2. The director of revenue shall draft the income tax form
15 to allow the designation of contributions to the veterans trust
16 fund and to the volunteer fire fighter preparedness fund as
17 one checkoff on the tax return. The department of revenue,
18 on or before January 31, shall transfer one-half of the total
19 amount designated on the tax return forms due in the preceding
20 calendar year to the veterans trust fund and the remaining
21 one-half to the volunteer fire fighter preparedness fund.
22 However, before a checkoff pursuant to [this section](#) shall be
23 permitted, all liabilities on the books of the department of
24 ~~administrative services~~ and accounts identified as owing under
25 section ~~8A.504~~ [421.65](#) shall be satisfied.

26 SEC. 18. [Section 422.12L, subsection 2](#), Code 2022, is
27 amended to read as follows:

28 2. The director of revenue shall draft the income tax form
29 to allow the designation of contributions to the foundation
30 fund on the tax return. The department, on or before January
31 31, shall transfer the total amount designated on the tax
32 form due in the preceding year to the foundation fund.
33 However, before a checkoff pursuant to [this section](#) shall be
34 permitted, all liabilities on the books of the department of
35 ~~administrative services~~ and accounts identified as owing under

1 section ~~8A.504~~ 421.65 shall be satisfied.

2 Sec. 18. CONTINGENT REPEAL. 2022 Iowa Acts, House File
3 2581, section 13, if enacted, is repealed.

4 Sec. 19. CODE EDITOR DIRECTIVES.

5 1. If Senate File 496 is enacted during the 2022 session
6 of the Eighty-ninth General Assembly, the Code editor is
7 directed to transfer the Code sections as enacted by that Act
8 as follows:

9 a. Section 94.1 to section 94B.1.

10 b. Section 94.2 to section 94B.2.

11 2. The Code editor is directed to renumber section 331.301,
12 subsection 18, as enacted by 2022 Iowa Acts, House File 728, to
13 become section 331.301, subsection 21.

14 3. The Code editor shall correct internal references in the
15 Code and in any enacted legislation as necessary due to the
16 enactment of this section.

17 Sec. 20. EFFECTIVE DATE. The following, being deemed of
18 immediate importance, take effect upon enactment:

19 1. The section of this division of this Act amending section
20 124.204, subsection 2, paragraph "cl".

21 2. The section of this division of this Act amending 2022
22 Iowa Acts, House File 2200, section 3.

23 3. The section of this division of this Act amending 2022
24 Iowa Acts, House File 2201, section 7.

25 Sec. 21. RETROACTIVE APPLICABILITY. The following apply
26 retroactively to May 2, 2022:

27 1. The section of this division of this Act amending section
28 124.204, subsection 2, paragraph "cl".

29 2. The section of this division of this Act amending 2022
30 Iowa Acts, House File 2201, section 7.

31 Sec. 22. RETROACTIVE APPLICABILITY. The section of this
32 division of this Act amending 2022 Iowa Acts, House File 2200,
33 section 3, applies retroactively to May 12, 2022.

34

DIVISION III

35

OFFICE OF THE CHIEF INFORMATION OFFICER

1 Sec. 23. Section 8B.2, Code 2022, is amended to read as
2 follows:

3 **8B.2 Office ~~created~~ established — chief information officer**
4 **~~appointed~~ selected.**

5 1. The office of the chief information officer is ~~created~~
6 ~~as an independent agency and is attached to the department of~~
7 ~~administrative services for accounting and fiscal services.~~
8 ~~The department of administrative services shall provide such~~
9 ~~additional assistance and administrative support services to~~
10 ~~the office as the department of administrative services and the~~
11 ~~office determines maximizes the efficiency and effectiveness~~
12 ~~of both the department and office established within the~~
13 ~~department of management.~~

14 2. The chief information officer, who shall be the head
15 of the office, shall be ~~appointed by the governor to serve at~~
16 ~~the pleasure of the governor and is subject to confirmation by~~
17 ~~the senate. If the office becomes vacant, the vacancy shall~~
18 ~~be filled in the same manner as provided for the original~~
19 ~~appointment selected by the director of the department of~~
20 ~~management. The director of the department of management shall~~
21 ~~set the salary of the chief information officer.~~

22 3. The person ~~appointed~~ selected as the chief information
23 officer for the state shall be professionally qualified by
24 education and have no less than five years' experience in the
25 field of information technology, and a working knowledge of
26 financial management. ~~The chief information officer shall~~
27 ~~not be a member of any local, state, or national committee~~
28 ~~of a political party, an officer or member of a committee in~~
29 ~~any partisan political club or organization, or hold or be~~
30 ~~a candidate for a paid elective public office. The chief~~
31 ~~information officer is subject to the restrictions on political~~
32 ~~activity provided in [section 8A.416](#).~~

33 Sec. 24. Section 8D.3, subsection 2, paragraph b, Code 2022,
34 is amended to read as follows:

35 **b.** The auditor of state or the auditor's designee and

1 the chief information officer ~~appointed~~ selected pursuant to
2 section 8B.2 or the chief information officer's designee shall
3 serve as nonvoting, ex officio members of the commission.

4 Sec. 25. Section 11.5B, subsection 15, Code 2022, is amended
5 to read as follows:

6 15. Office of the chief information officer of the
7 department of management.

8 Sec. 26. 2008 Iowa Acts, chapter 1191, section 14,
9 subsection 7, as amended by 2010 Iowa Acts, chapter 1193,
10 section 26, is amended to read as follows:

11 7. The following are range 7 positions: administrator
12 of the public broadcasting division of the department of
13 education, director of the department of corrections, director
14 of the department of education, director of human services,
15 director of the department of economic development, executive
16 director of the Iowa telecommunications and technology
17 commission, executive director of the state board of regents,
18 director of transportation, director of the department of
19 workforce development, director of revenue, director of
20 public health, state court administrator, director of the
21 department of management, ~~chief information officer~~, state debt
22 coordinator, and director of the department of administrative
23 services.

24 Sec. 27. EFFECTIVE DATE. This division of this Act, being
25 deemed of immediate importance, takes effect upon enactment.

26 Sec. 28. APPLICABILITY. This division of this Act, as it
27 relates to the salary of the chief information officer, applies
28 with the pay period beginning after the effective date of this
29 division of this Act, and subsequent pay periods.

30 DIVISION IV

31 CONDUCT OF ELECTIONS — FUNDING

32 Sec. 29. NEW SECTION. **49.17 Conduct of elections —**
33 **funding.**

34 1. The state commissioner or a county commissioner or
35 political subdivision of the state shall only accept funding

1 from the following sources for the purposes of conducting an
2 election:

3 *a.* Lawful appropriations of public moneys from the
4 government of the United States.

5 *b.* Lawful appropriations of public moneys from the state of
6 Iowa.

7 *c.* Lawful appropriations of public moneys from a political
8 subdivision of the state for the conduct of an election in the
9 political subdivision.

10 2. The state commissioner, a county commissioner, or a
11 political subdivision of the state shall not accept or expend
12 a grant, gift, or other source of funding from a source other
13 than those listed in subsection 1, including from a private
14 person, corporation, partnership, political party, nonparty
15 political organization, committee as defined in section
16 68A.102, or other organization for the purpose of conducting
17 an election.

18 3. This section does not prohibit the state commissioner or
19 a county commissioner or political subdivision from issuing and
20 collecting fees as otherwise provided by law.

21 4. This section does not apply to the contribution of a
22 building for use as a polling place pursuant to section 49.21.

23 Sec. 30. EFFECTIVE DATE. This division of this Act, being
24 deemed of immediate importance, takes effect upon enactment.

25 DIVISION V

26 OPEN ENROLLMENT

27 Sec. 31. Section 256F.9, Code 2022, is amended to read as
28 follows:

29 **256F.9 Procedures after revocation — student enrollment.**

30 If a charter school or innovation zone school contract is
31 revoked in accordance with **this chapter**, a nonresident student
32 who attended the school, and any siblings of the student,
33 ~~shall be determined to have shown "good cause" as provided in~~
34 ~~section 282.18, subsection 4, paragraph "b",~~ and may submit an
35 application to another school district according to section

1 282.18 ~~at any time.~~ Applications and notices required by
2 section 282.18 shall be processed and provided in a prompt
3 manner. ~~The application and notice deadlines in section 282.18~~
4 ~~do not apply to a nonresident student application under these~~
5 ~~circumstances.~~

6 Sec. 32. Section 282.18, subsection 2, paragraphs a and b,
7 Code 2022, are amended to read as follows:

8 ~~a. By March 1 of the preceding school year for students~~
9 ~~entering grades one through twelve, or by September 1 of the~~
10 ~~current school year for students entering kindergarten or~~
11 ~~for prekindergarten students enrolled in special education~~
12 ~~programs and included in the school district's basic enrollment~~
13 ~~under [section 257.6, subsection 1](#), paragraph "a", subparagraph~~
14 ~~(1), the A parent or guardian shall send notification to the~~
15 ~~district of residence and the receiving district, on forms~~
16 ~~prescribed by the department of education, that the parent or~~
17 ~~guardian intends to enroll the parent's or guardian's child~~
18 ~~in a public school in another school district. If a parent~~
19 ~~or guardian fails to file a notification that the parent~~
20 ~~intends to enroll the parent's or guardian's child in a public~~
21 ~~school in another district by the deadline specified in this~~
22 ~~subsection, the procedures of [subsection 4](#) apply.~~

23 ~~b. The board of the receiving district shall enroll the~~
24 ~~pupil in a school in the receiving district for the following~~
25 ~~school year unless the receiving district has insufficient~~
26 ~~classroom space for the pupil. The board of directors~~
27 ~~of a receiving district may adopt a policy granting the~~
28 ~~superintendent of the school district authority to approve open~~
29 ~~enrollment applications. If the request is granted, the board~~
30 ~~shall transmit a copy of the form to the parent or guardian and~~
31 ~~the school district of residence within five days after board~~
32 ~~action, but not later than June 1 of the preceding school year.~~
33 ~~The parent or guardian may withdraw the request at any time~~
34 ~~prior to the start of the school year board's action on the~~
35 ~~application. A denial of a request by the board of a receiving~~

1 district is not subject to appeal.

2 Sec. 33. Section 282.18, subsection 3, paragraph a, Code
3 2022, is amended to read as follows:

4 a. The superintendent of a district subject to court-ordered
5 desegregation may deny a request for transfer under this
6 section if the superintendent finds that enrollment or release
7 of a pupil will adversely affect the district's implementation
8 of the desegregation order, unless the transfer is requested
9 by a pupil whose sibling is already participating in open
10 enrollment to another district, or unless the request for
11 transfer is submitted to the district ~~in a timely manner as~~
12 ~~required under~~ [subsection 2](#) prior to implementation of the
13 desegregation order by the district. If a transfer request
14 would facilitate implementation of a desegregation order, the
15 district shall give priority to granting the request over other
16 requests.

17 Sec. 34. Section 282.18, subsections 4, 5, and 15, Code
18 2022, are amended by striking the subsections.

19 Sec. 35. Section 282.18, subsection 6, Code 2022, is amended
20 to read as follows:

21 6. A request under [this section](#) is for a period of not less
22 than one year. If the request is for more than one year and
23 the parent or guardian desires to have the pupil enroll in a
24 different district, the parent or guardian may petition the
25 current receiving district ~~by March 1 of the previous school~~
26 ~~year~~ for permission to enroll the pupil in a different district
27 for a period of not less than one year. Upon receipt of such a
28 request, the current receiving district board may act on the
29 request to transfer to the other school district at the next
30 regularly scheduled board meeting after the receipt of the
31 request. The new receiving district shall enroll the pupil
32 in the district unless there is insufficient classroom space
33 in the district or the district is subject to court-ordered
34 desegregation and enrollment of the pupil would adversely
35 affect implementation of the desegregation order. A denial of

1 a request to change district enrollment ~~within the approved~~
2 ~~period~~ is not subject to appeal. ~~However, a~~ A pupil who has
3 been in attendance in another district under [this section](#)
4 may return to the district of residence and enroll at any
5 time, once the parent or guardian has notified the district of
6 residence and the receiving district in writing of the decision
7 to enroll the pupil in the district of residence.

8 Sec. 36. Section 282.18, subsection 7, Code 2022, is amended
9 by adding the following new paragraph:

10 NEW PARAGRAPH. c. If a pupil participating in open
11 enrollment attends school in the receiving district for less
12 than a full school year, payment from the district of residence
13 to the receiving district shall be prorated on a per diem
14 basis.

15 Sec. 37. Section 282.18, subsection 11, paragraph a,
16 subparagraph (8), Code 2022, is amended to read as follows:

17 (8) If the pupil participates in open enrollment because
18 of circumstances that meet the definition of good cause ~~under~~
19 [subsection 4, paragraph "b"](#). For purposes of this subparagraph,
20 "good cause" means a change in a child's residence due to a
21 change in family residence, a change in a child's residence
22 from the residence of one parent or guardian to the residence
23 of different parent or guardian, a change in the state in
24 which the family residence is located, a change in a child's
25 parents' marital status, a guardianship or custody proceeding,
26 placement in foster care, adoption, participation in a foreign
27 exchange program, initial placement of a prekindergarten
28 student in a special education program requiring specially
29 designed instruction, or participation in a substance abuse
30 or mental health treatment program, a change in the status of
31 a child's resident district such as removal of accreditation
32 by the state board, surrender of accreditation, or permanent
33 closure of a nonpublic school, revocation of a charter school
34 contract as provided in section 256E.10 or 256F.8, the failure
35 of negotiations for a whole grade sharing, reorganization,

1 dissolution agreement, or the rejection of a current whole
2 grade sharing agreement, or reorganization plan.

3 Sec. 38. Section 290.1, Code 2022, is amended to read as
4 follows:

5 **290.1 Appeal to state board.**

6 An affected pupil, or the parent or guardian of an affected
7 pupil who is a minor, who is aggrieved by a decision or order
8 of the board of directors of a school corporation in a matter
9 of law or fact, ~~or a decision or order of a board of directors~~
10 ~~under section 282.18, subsection 5,~~ may, within thirty days
11 after the rendition of the decision or the making of the order,
12 appeal the decision or order to the state board of education;
13 the basis of the proceedings shall be an affidavit filed with
14 the state board by the party aggrieved within the time for
15 taking the appeal, which affidavit shall set forth any error
16 complained of in a plain and concise manner.

17 Sec. 39. EMERGENCY RULES. The department of education may
18 adopt emergency rules under section 17A.4, subsection 3, and
19 section 17A.5, subsection 2, paragraph "b", to implement the
20 provisions of this division of this Act and the rules shall
21 be effective immediately upon filing unless a later date is
22 specified in the rules. Any rules adopted in accordance with
23 this section shall also be published as a notice of intended
24 action as provided in section 17A.4.

25 Sec. 40. EFFECTIVE DATE. This division of this Act, being
26 deemed of immediate importance, takes effect upon enactment.

27 DIVISION VI

28 SHARED OPERATIONAL FUNCTIONS

29 Sec. 41. Section 257.11, subsection 5, paragraph a, Code
30 2022, is amended to read as follows:

31 a. (1) In order to provide additional funding to increase
32 student opportunities and redirect more resources to student
33 programming for school districts that share operational
34 functions, a district that shares with a political subdivision
35 one or more operational functions of a curriculum director,

1 master social worker, independent social worker, work-based
2 learning coordinator, special education director, mental
3 health professional who holds a statement of recognition
4 issued by the board of educational examiners, college
5 and career transition counselor or coordinator, or school
6 counselor, or one or more operational functions in the areas
7 of superintendent management, business management, human
8 resources, transportation, or operation and maintenance for at
9 least twenty percent of the school year shall be assigned a
10 supplementary weighting for each shared operational function.
11 A school district that shares an operational function in
12 the area of superintendent management shall be assigned a
13 supplementary weighting of eight pupils for the function. A
14 school district that shares an operational function in the area
15 of business management, human resources, transportation, or
16 operation and maintenance shall be assigned a supplementary
17 weighting of five pupils for the function. A school district
18 that shares the operational functions of a curriculum director;
19 a master social worker or an independent social worker
20 licensed under [chapters 147 and 154C](#); a work-based learning
21 coordinator; a special education director; a mental health
22 professional who holds a statement of recognition issued by
23 the board of educational examiners; a college and career
24 transition counselor or coordinator; or a school counselor
25 shall be assigned a supplementary weighting of three pupils
26 for the function. The additional weighting shall be assigned
27 for each discrete operational function shared. However, a
28 school district may receive the additional weighting under this
29 subsection for sharing the services of an individual with a
30 political subdivision even if the type of operational function
31 performed by the individual for the school district and the
32 type of operational function performed by the individual
33 for the political subdivision are not the same operational
34 function, so long as both operational functions are eligible
35 for weighting under [this subsection](#). In such case, the school

1 district shall be assigned the additional weighting for the
2 type of operational function that the individual performs for
3 the school district, and the school district shall not receive
4 additional weighting for any other function performed by the
5 individual. The operational function sharing arrangement does
6 not need to be a newly implemented sharing arrangement to
7 receive supplementary weighting under this subsection.

8 (2) For the purposes of this paragraph "a":

9 (a) "College and career transition counselor or coordinator"
10 means a licensed school counselor or an appropriately trained
11 individual responsible for providing direct services to
12 students, parents, families, schools, and postsecondary
13 institutions to support college preparation and postsecondary
14 success, such as college preparation, financial aid processing,
15 and transition to postsecondary institution enrollment.

16 ~~(a)~~ (b) "Political subdivision" means a city, township,
17 county, school corporation, merged area, area education agency,
18 institution governed by the state board of regents, or any
19 other governmental subdivision.

20 ~~(b)~~ (c) "Work-based learning coordinator" means an
21 appropriately trained individual responsible for facilitating
22 authentic, engaging work-based learning experiences for
23 learners and educators in partnership with employers and others
24 to enhance learning by connecting the content and skills that
25 are necessary for future careers.

26 DIVISION VII

27 DELINQUENT ACT — POSSESSION OF DANGEROUS WEAPONS OR FIREARMS
28 BY MINORS

29 Sec. 42. Section 232.2, subsection 12, Code 2022, is amended
30 by adding the following new paragraph:

31 NEW PARAGRAPH. e. The violation of section 724.4E which is
32 committed by a child.

33 Sec. 43. EFFECTIVE DATE. This division of this Act, being
34 deemed of immediate importance, takes effect upon enactment.

35 DIVISION VIII

1 who knows that the person against whom the assault is committed
2 is a peace officer, jailer, correctional staff, member or
3 employee of the board of parole, health care provider, employee
4 of the department of human services, employee of the department
5 of revenue, national guard member engaged in national guard
6 duty or state active duty, civilian employee of a law
7 enforcement agency, civilian employee of a fire department, or
8 fire fighter and who uses or displays a dangerous weapon in
9 connection with the assault, is guilty of a class "D" felony.

10 3. A person who commits an assault, as defined in section
11 708.1, against a peace officer, jailer, correctional staff,
12 member or employee of the board of parole, health care
13 provider, employee of the department of human services,
14 employee of the department of revenue, national guard member
15 engaged in national guard duty or state active duty, civilian
16 employee of a law enforcement agency, civilian employee of a
17 fire department, or fire fighter, whether paid or volunteer,
18 who knows that the person against whom the assault is committed
19 is a peace officer, jailer, correctional staff, member or
20 employee of the board of parole, health care provider, employee
21 of the department of human services, employee of the department
22 of revenue, national guard member engaged in national guard
23 duty or state active duty, civilian employee of a law
24 enforcement agency, civilian employee of a fire department, or
25 fire fighter, and who causes bodily injury or mental illness,
26 is guilty of an aggravated misdemeanor.

27 4. Any other assault, as defined in [section 708.1](#), committed
28 against a peace officer, jailer, correctional staff, member or
29 employee of the board of parole, health care provider, employee
30 of the department of human services, employee of the department
31 of revenue, national guard member engaged in national guard
32 duty or state active duty, civilian employee of a law
33 enforcement agency, civilian employee of a fire department,
34 or fire fighter, whether paid or volunteer, by a person who
35 knows that the person against whom the assault is committed is

1 a peace officer, jailer, correctional staff, member or employee
2 of the board of parole, health care provider, employee of the
3 department of human services, employee of the department of
4 revenue, national guard member engaged in national guard duty
5 or state active duty, civilian employee of a law enforcement
6 agency, civilian employee of a fire department, or fire
7 fighter, is a serious misdemeanor.

8 Sec. 45. Section 708.3A, subsection 5, Code 2022, is amended
9 by adding the following new paragraphs:

10 NEW PARAGRAPH. *f.* "*National guard*" means the same as
11 defined in section 29A.1.

12 NEW PARAGRAPH. *g.* "*National guard duty*" means the same as
13 defined in section 29A.1.

14 NEW PARAGRAPH. *h.* "*State active duty*" means the same as
15 defined in section 29A.1.

16 DIVISION IX

17 DEPENDENT ADULT ABUSE RESULTING IN DEATH

18 Sec. 46. Section 726.26, if enacted by 2022 Iowa Acts,
19 Senate File 522, section 6, is amended by adding the following
20 new subsection:

21 NEW SUBSECTION. 2A. A caretaker who intentionally or
22 recklessly commits dependent adult abuse is guilty of murder
23 in the second degree in violation of section 707.3 if the
24 intentional or reckless dependent adult abuse results in the
25 death of the dependent adult.

26 DIVISION X

27 HEALTH CARE PROVIDER REFERRAL TO AMBULATORY SURGICAL CENTER

28 Sec. 47. NEW SECTION. 147.163 Provision of information —
29 referral to ambulatory surgical center — licensee discipline.

30 1. A health care provider who determines that a patient is a
31 candidate for outpatient surgery based on the patient's medical
32 status and surgical service needs, and refers the patient to
33 an ambulatory surgical center as an option for the surgery,
34 shall provide the patient with a written document listing the
35 factors the patient should consider to make a fully informed

1 decision about the patient's recommended course of care. The
2 considerations shall include all of the following:

3 a. The differences in ownership; licensure, certification,
4 or accreditation; and payment alternatives between the
5 ambulatory surgical center and a hospital.

6 b. The types of medical personnel generally involved in the
7 patient's surgical service and the capacity of the ambulatory
8 surgical center and a hospital to comply with the personnel
9 requirements.

10 c. The capacity of the ambulatory surgical center and a
11 hospital to respond to medical complications and emergencies
12 that may arise from the surgical service.

13 d. The proximity of the ambulatory surgical center to a
14 hospital and the protocols in place for transfer of a patient
15 from the ambulatory surgical center to the hospital for
16 emergency care.

17 e. The type of anesthesia generally used for the patient's
18 surgical service and the capacity of the ambulatory surgical
19 center and a hospital to comply with requirements relative to
20 the use of anesthesia.

21 2. For the purposes of this section:

22 a. "*Ambulatory surgical center*" means a distinct facility
23 that operates exclusively for the purpose of providing surgical
24 services to patients not requiring hospitalization and in which
25 the expected duration of services does not exceed twenty-four
26 hours following an admission. "*Ambulatory surgical center*"
27 includes a facility that otherwise meets the definition of
28 ambulatory surgical center whether or not licensed, certified,
29 or accredited as an ambulatory surgical center and which may
30 or may not operate on a partially cash-only or completely
31 cash-only basis. "*Ambulatory surgical center*" does not include
32 individual or group practice offices of private physicians
33 or podiatrists that do not contain a distinct area used for
34 outpatient surgical treatment on a regular basis, or that
35 only provide surgery routinely provided in a physician's

1 or podiatrist's office using local anesthesia or conscious
2 sedation; individual or group practice offices of private
3 dentists; or a portion of a licensed hospital designated for
4 outpatient surgical treatment.

5 *b. "Health care provider"* means a person who is licensed,
6 certified, or otherwise authorized or permitted by the laws of
7 this state to administer health care in the ordinary course of
8 business or in the practice of a profession.

9 *c. "Hospital"* means the same as defined in section 135B.1.

10 3. A health care provider who violates this section is
11 subject to licensee discipline by the appropriate licensing or
12 disciplinary authority.

13 DIVISION XI

14 HEALTH CARE EMPLOYMENT AGENCIES

15 Sec. 48. RETROACTIVE APPLICABILITY. 2022 Iowa Acts, House
16 File 2521, applies retroactively to any contract between a
17 health care employment agency and an agency worker or health
18 care entity referred to under section 135Q.2, subsection 3, as
19 enacted by 2022 Iowa Acts, House File 2521, that was entered
20 into or executed on or after January 1, 2019.

21 DIVISION XII

22 PHYSICAL EXAMINATIONS BY LICENSED PHYSICIANS

23 Sec. 49. Section 237A.12, Code 2022, is amended by adding
24 the following new subsection:

25 NEW SUBSECTION. 6. Rules adopted relating to physical
26 examination requirements for licensed or registered facility
27 personnel and the children being provided child care by the
28 licensed or registered facility shall allow for any licensed
29 physician as defined in section 135.1 to perform the physical
30 examination.

31 DIVISION XIII

32 BEVERAGE CONTAINERS CONTROL

33 Sec. 50. Section 455C.2, subsection 2, paragraph b, if
34 enacted by 2022 Iowa Acts, Senate File 2378, section 4, is
35 amended to read as follows:

1 **b.** A distributor who pays a handling fee for ~~beverage~~
2 ~~containers~~ a beverage container that was sold for consumption
3 off the premises and that used to contain beer, including
4 high-alcoholic content beer, may claim a refund of the barrel
5 tax established in section 123.136 paid by the distributor
6 in the amount of one cent for each such beverage container
7 accepted by the distributor. The department of revenue shall
8 prescribe forms for a distributor to use to claim a refund
9 under this paragraph. Identifying information collected by the
10 department of revenue pursuant to this paragraph that can be
11 used to identify a specific distributor shall be considered
12 confidential information pursuant to section 22.7, subsection
13 75.

14 Sec. 51. EFFECTIVE DATE. This division of this Act takes
15 effect January 1, 2023.

16 DIVISION XIV

17 FUNERAL SERVICES — CORRECTION

18 Sec. 52. Section 523A.505, subsection 1, as enacted by 2022
19 Iowa Acts, House File 2155, section 4, is amended to read as
20 follows:

21 1. A sales agent, and any person who owns at least five
22 percent of a preneed seller business, shall have an ongoing
23 duty to disclose to the commissioner all felony crimes and
24 those misdemeanor-level crimes involving dishonesty or false
25 statement for which the sales agent or person has been found
26 guilty, or for which the sales agent or person has pled
27 guilty or no contest. Such disclosure shall be made to the
28 commissioner within thirty calendar days of the date that
29 the sales agent or person has been found guilty by a court
30 of competent jurisdiction, or of the date the sales agent or
31 person pleads ~~not~~ guilty or no contest.

32 DIVISION XV

33 COUNTY JURISDICTION — CEMETERIES

34 Sec. 53. Section 331.325, subsection 3, Code 2022, is
35 amended by adding the following new paragraph:

1 NEW PARAGRAPH. *d.* A cemetery that does not otherwise
2 qualify to be under the jurisdiction and control of a county
3 board of supervisors or county cemetery commission may
4 designate a portion of the cemetery as a pioneer section if at
5 least fifty percent of the burials in that portion occurred
6 at least one hundred years prior to the designation. Upon
7 approval by the cemetery, the county board of supervisors, and
8 the county cemetery commission, the county cemetery commission
9 may use its resources to restore and maintain the pioneer
10 section of the cemetery as though that section was a pioneer
11 cemetery. However, a cemetery with a designated pioneer
12 section and the pioneer section itself shall not be considered
13 a pioneer cemetery.

14 Sec. 54. NEW SECTION. 523I.403 Pioneer section —
15 management by county cemetery commission.

16 A cemetery may designate a portion of the cemetery as a
17 pioneer section to be restored and maintained by the county
18 cemetery commission as provided in section 331.325, subsection
19 3, paragraph “d”.

20 DIVISION XVI

21 HOME-BASED BUSINESSES

22 Sec. 55. Section 137D.1, subsection 4, unnumbered paragraph
23 1, Code 2022, as amended by 2022 Iowa Acts, House File 2431,
24 section 2, if enacted, is amended to read as follows:

25 “*Homemade food item*” means a food that is produced and, if
26 packaged, packaged at a home food processing establishment.
27 “*Homemade food item*” includes food that is not time/temperature
28 control for safety food, but does not include such food if
29 produced and sold under section 137F.20. “*Homemade food item*”
30 does not include unpasteurized fruit or vegetable juice, raw
31 sprout seeds, foods containing game animals, fish or shellfish,
32 alcoholic beverages, bottled water, packaged ice, consumable
33 hemp products, food that will be further processed by a food
34 processing plant, time/temperature control for safety food
35 packaged using a reduced oxygen packaging method, milk or milk

1 products regulated under chapter 192 or 194, and meat, meat
2 food products, poultry, or poultry products regulated under
3 chapter 189A, except for any of the following products when
4 sold directly to the end consumer:

5 Sec. 56. Section 137F.1, subsection 2A, paragraph a, if
6 enacted by 2022 Iowa Acts, House File 2431, section 8, is
7 amended to read as follows:

8 a. Milk or milk products regulated under chapter 192 or
9 194.>

10 2. Title page, by striking lines 1 through 5 and
11 inserting <An Act relating to state and local finances by
12 making appropriations, providing for legal and regulatory
13 responsibilities, providing for other properly related matters,
14 providing penalties, making penalties applicable, and including
15 effective date, applicability, and retroactive applicability
16 provisions.>

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