

House File 2589 - Reprinted

HOUSE FILE 2589
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 730)

(COMPANION TO SF 2384 BY
COMMITTEE ON APPROPRIATIONS)

(As Amended and Passed by the House May 24, 2022)

A BILL FOR

1 An Act relating to state and local finances by making
2 appropriations, providing for legal and regulatory
3 responsibilities, providing for other properly related
4 matters, providing penalties, making penalties applicable,
5 and including effective date, applicability, and retroactive
6 applicability provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

STANDING APPROPRIATIONS AND RELATED MATTERS

1 Section 1. LIMITATIONS OF STANDING APPROPRIATIONS — FY
2 2022-2023. Notwithstanding the standing appropriation in the
3 following designated section for the fiscal year beginning July
4 1, 2022, and ending June 30, 2023, the amount appropriated from
5 the general fund of the state pursuant to that section for the
6 following designated purpose shall not exceed the following
7 amount:
8
9

10 For payment of claims for nonpublic school pupil
11 transportation under [section 285.2](#):
12 \$ 8,997,091

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

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

23 Sec. 3. SPECIAL FUNDS — SALARY ADJUSTMENTS —
24 UNAPPROPRIATED MONEYS — FY 2022-2023. For the fiscal year
25 beginning July 1, 2022, and ending June 30, 2023, salary
26 adjustments otherwise provided may be funded as determined
27 by the department of management, subject to any applicable
28 constitutional limitation, using unappropriated moneys
29 remaining in the department of commerce revolving fund, the
30 gaming enforcement revolving fund, the gaming regulatory
31 revolving fund, the primary road fund, the road use tax
32 fund, the fish and game protection fund, and the Iowa public
33 employees' retirement fund, and in other departmental
34 revolving, trust, or special funds for which the general
35 assembly has not made an operating budget appropriation.

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

3 NEW SUBSECTION. 16A. *a.* Notwithstanding subsection 1, and
4 in addition to the reductions applicable pursuant to subsection
5 2 and paragraph "b" of this subsection, the state aid for area
6 education agencies and the portion of the combined district
7 cost calculated for these agencies related to expenditures
8 other than expenditures for professional development for the
9 fiscal year beginning July 1, 2022, and ending June 30, 2023,
10 shall be reduced by the department of management by fifteen
11 million dollars. The reduction for each area education agency
12 shall be prorated based on the reduction that the agency
13 received in the fiscal year beginning July 1, 2003.

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

33 DIVISION II

34 CORRECTIVE PROVISIONS

35 Sec. 5. Section 45.1, subsection 7, paragraph a, Code 2022,

1 as amended by 2022 Iowa Acts, House File 2466, section 3, is
2 amended to read as follows:

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

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

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

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

25 *c1.* N-(1-phenethylpiperidin-4-yl)
26 -N-phenylcyclopentanecarboxamide. Other name: ~~cyclopentanyl~~
27 cyclopentyl fentanyl.

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

31 1. The department of public safety, with respect to rules
32 relating to permits to carry weapons, that a person who is
33 an unlawful user of or addicted to any controlled substance
34 includes any person who is a current user of a controlled
35 substance in a manner other than as prescribed by a licensed

1 physician.

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

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

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

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

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

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

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

33 *d.* The provisions of chapter 28E are applicable to this
34 ~~section~~ subsection.

35 Sec. 13. Section 600.5, subsection 9A, as enacted by 2022

1 Iowa Acts, House File 2252, section 6, is amended to read as
2 follows:

3 9A. If the parents of the person to be adopted had their
4 parental rights terminated pursuant to chapter 232, the
5 petition shall ~~included~~ include the names of any known siblings
6 placed separately from the person to be adopted and either the
7 plan for ongoing contact between the siblings if a court found
8 that continued contact is in the best interest of each sibling
9 or a statement that the court found continued contact between
10 the siblings is not in the best interest of each sibling.

11 Sec. 14. Section 692A.102, subsection 1, paragraph c,
12 subparagraph (012), if enacted by 2022 Iowa Acts, Senate File
13 529, section 6, is amended to read as follows:

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

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

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

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

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

32 Opium and opiate, and any salt, compound, derivative,
33 or preparation of opium or opiate excluding apomorphine,
34 thebaine-derived butorphanol, dextrorphan, nalbuphine,
35 naldemedine, nalmefene, naloxegol, naloxone, 6beta-naltrexol,

1 naltrexone, and samidorphan, and their respective salts, but
2 including the following:

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

6 SEC. 184. 2020 Iowa Acts, chapter 1064, sections 17 and
7 18, are amended by striking the sections and inserting in lieu
8 thereof the following:

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

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

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

25 2. The director of revenue shall draft the income tax form
26 to allow the designation of contributions to the foundation
27 fund on the tax return. The department, on or before January
28 31, shall transfer the total amount designated on the tax
29 form due in the preceding year to the foundation fund.
30 However, before a checkoff pursuant to [this section](#) shall be
31 permitted, all liabilities on the books of the department of
32 ~~administrative services~~ and accounts identified as owing under
33 section ~~8A.504~~ [421.65](#) shall be satisfied.

34 Sec. 18. CONTINGENT REPEAL. 2022 Iowa Acts, House File
35 2581, section 13, if enacted, is repealed.

1 Sec. 19. CODE EDITOR DIRECTIVES.

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

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

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

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

11 3. The Code editor shall correct internal references in the
12 Code and in any enacted legislation as necessary due to the
13 enactment of this section.

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

16 1. The section of this division of this Act amending section
17 124.204, subsection 2, paragraph "c1".

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

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

22 Sec. 21. RETROACTIVE APPLICABILITY. The following apply
23 retroactively to May 2, 2022:

24 1. The section of this division of this Act amending section
25 124.204, subsection 2, paragraph "c1".

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

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

31 DIVISION III

32 OFFICE OF THE CHIEF INFORMATION OFFICER

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

35 **8B.2 Office ~~created~~ established — chief information officer**

1 ~~appointed~~ selected.

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

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

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

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

32 b. The auditor of state or the auditor's designee and
33 the chief information officer ~~appointed~~ selected pursuant to
34 section 8B.2 or the chief information officer's designee shall
35 serve as nonvoting, ex officio members of the commission.

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

3 15. Office of the chief information officer of the
4 department of management.

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

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

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

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

27 DIVISION IV

28 CONDUCT OF ELECTIONS — FUNDING

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

31 1. The state commissioner or a county commissioner or
32 political subdivision of the state shall only accept funding
33 from the following sources for the purposes of conducting an
34 election:

35 a. Lawful appropriations of public moneys from the

1 *b.* Sent to more than two hundred physical addresses.

2 *c.* Substantially similar or identical as regards each
3 mailing.

4 *d.* Sent at the same time or within a thirty-day period.

5 NEW SUBSECTION. 4. Notwithstanding subsection 3, a
6 mailing that is sent to any participant in a program or the
7 participant's address within sixty days of an election in which
8 an office listed in section 39.9 is to appear on the ballot
9 shall be considered a direct mass mailing for the purposes
10 of subsection 1 if the purpose of the mailing is to provide
11 a participant with information relevant to the participant's
12 existing account with a program sponsored and administered by
13 the statewide elected official who sent the mailing.

14 DIVISION VI

15 OPEN ENROLLMENT

16 Sec. 32. Section 256F.9, Code 2022, is amended to read as
17 follows:

18 **256F.9 Procedures after revocation — student enrollment.**

19 If a charter school or innovation zone school contract is
20 revoked in accordance with [this chapter](#), a nonresident student
21 who attended the school, and any siblings of the student,
22 ~~shall be determined to have shown "good cause" as provided in~~
23 ~~[section 282.18, subsection 4](#), paragraph "b", and may submit an~~
24 application to another school district according to section
25 282.18 ~~at any time.~~ Applications and notices required by
26 section 282.18 shall be processed and provided in a prompt
27 manner. ~~The application and notice deadlines in section 282.18~~
28 ~~do not apply to a nonresident student application under these~~
29 ~~circumstances.~~

30 Sec. 33. Section 282.18, subsection 2, paragraphs a and b,
31 Code 2022, are amended to read as follows:

32 ~~*a.* By March 1 of the preceding school year for students~~
33 ~~entering grades one through twelve, or by September 1 of the~~
34 ~~current school year for students entering kindergarten or~~
35 ~~for prekindergarten students enrolled in special education~~

1 ~~programs and included in the school district's basic enrollment~~
2 ~~under section 257.6, subsection 1, paragraph "a", subparagraph~~
3 ~~(1), the A~~ parent or guardian shall send notification to the
4 district of residence and the receiving district, on forms
5 prescribed by the department of education, that the parent or
6 guardian intends to enroll the parent's or guardian's child
7 in a public school in another school district. ~~If a parent~~
8 ~~or guardian fails to file a notification that the parent~~
9 ~~intends to enroll the parent's or guardian's child in a public~~
10 ~~school in another district by the deadline specified in this~~
11 ~~subsection, the procedures of subsection 4 apply.~~

12 **b.** The board of the receiving district shall enroll the
13 pupil in a school in the receiving district ~~for the following~~
14 ~~school year~~ unless the receiving district has insufficient
15 classroom space for the pupil. The board of directors
16 of a receiving district may adopt a policy granting the
17 superintendent of the school district authority to approve open
18 enrollment applications. If the request is granted, the board
19 shall transmit a copy of the form to the parent or guardian and
20 the school district of residence within five days after board
21 ~~action, but not later than June 1 of the preceding school year.~~
22 The parent or guardian may withdraw the request at any time
23 prior to the ~~start of the school year~~ board's action on the
24 application. A denial of a request by the board of a receiving
25 district is not subject to appeal.

26 Sec. 34. Section 282.18, subsection 3, paragraph a, Code
27 2022, is amended to read as follows:

28 **a.** The superintendent of a district subject to court-ordered
29 desegregation may deny a request for transfer under this
30 section if the superintendent finds that enrollment or release
31 of a pupil will adversely affect the district's implementation
32 of the desegregation order, unless the transfer is requested
33 by a pupil whose sibling is already participating in open
34 enrollment to another district, or unless the request for
35 transfer is submitted to the district ~~in a timely manner as~~

1 ~~required under subsection 2~~ prior to implementation of the
2 desegregation order by the district. If a transfer request
3 would facilitate implementation of a desegregation order, the
4 district shall give priority to granting the request over other
5 requests.

6 Sec. 35. Section 282.18, subsections 4, 5, and 15, Code
7 2022, are amended by striking the subsections.

8 Sec. 36. Section 282.18, subsection 6, Code 2022, is amended
9 to read as follows:

10 6. A request under [this section](#) is for a period of not less
11 than one year. If the request is for more than one year and
12 the parent or guardian desires to have the pupil enroll in a
13 different district, the parent or guardian may petition the
14 current receiving district ~~by March 1 of the previous school~~
15 ~~year~~ for permission to enroll the pupil in a different district
16 for a period of not less than one year. Upon receipt of such a
17 request, the current receiving district board may act on the
18 request to transfer to the other school district at the next
19 regularly scheduled board meeting after the receipt of the
20 request. The new receiving district shall enroll the pupil
21 in the district unless there is insufficient classroom space
22 in the district or the district is subject to court-ordered
23 desegregation and enrollment of the pupil would adversely
24 affect implementation of the desegregation order. A denial of
25 a request to change district enrollment ~~within the approved~~
26 ~~period~~ is not subject to appeal. ~~However, a~~ A pupil who has
27 been in attendance in another district under [this section](#)
28 may return to the district of residence and enroll at any
29 time, once the parent or guardian has notified the district of
30 residence and the receiving district in writing of the decision
31 to enroll the pupil in the district of residence.

32 Sec. 37. Section 282.18, subsection 7, Code 2022, is amended
33 by adding the following new paragraph:

34 NEW PARAGRAPH. *c.* If a pupil participating in open
35 enrollment attends school in the receiving district for less

1 than a full school year, payment from the district of residence
2 to the receiving district shall be prorated on a per diem
3 basis.

4 Sec. 38. Section 282.18, subsection 11, paragraph a,
5 subparagraph (8), Code 2022, is amended to read as follows:

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

27 Sec. 39. Section 290.1, Code 2022, is amended to read as
28 follows:

29 **290.1 Appeal to state board.**

30 An affected pupil, or the parent or guardian of an affected
31 pupil who is a minor, who is aggrieved by a decision or order
32 of the board of directors of a school corporation in a matter
33 of law or fact, ~~or a decision or order of a board of directors~~
34 ~~under section 282.18, subsection 5,~~ may, within thirty days
35 after the rendition of the decision or the making of the order,

1 appeal the decision or order to the state board of education;
2 the basis of the proceedings shall be an affidavit filed with
3 the state board by the party aggrieved within the time for
4 taking the appeal, which affidavit shall set forth any error
5 complained of in a plain and concise manner.

6 Sec. 40. EMERGENCY RULES. The department of education may
7 adopt emergency rules under section 17A.4, subsection 3, and
8 section 17A.5, subsection 2, paragraph "b", to implement the
9 provisions of this division of this Act and the rules shall
10 be effective immediately upon filing unless a later date is
11 specified in the rules. Any rules adopted in accordance with
12 this section shall also be published as a notice of intended
13 action as provided in section 17A.4.

14 Sec. 41. EFFECTIVE DATE. This division of this Act, being
15 deemed of immediate importance, takes effect upon enactment.

16 DIVISION VII

17 SHARED OPERATIONAL FUNCTIONS

18 Sec. 42. Section 257.11, subsection 5, paragraph a, Code
19 2022, is amended to read as follows:

20 a. (1) In order to provide additional funding to increase
21 student opportunities and redirect more resources to student
22 programming for school districts that share operational
23 functions, a district that shares with a political subdivision
24 one or more operational functions of a curriculum director,
25 master social worker, independent social worker, work-based
26 learning coordinator, special education director, mental
27 health professional who holds a statement of recognition
28 issued by the board of educational examiners, college
29 and career transition counselor or coordinator, or school
30 counselor, or one or more operational functions in the areas
31 of superintendent management, business management, human
32 resources, transportation, or operation and maintenance for at
33 least twenty percent of the school year shall be assigned a
34 supplementary weighting for each shared operational function.
35 A school district that shares an operational function in

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

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

33 (a) "College and career transition counselor or coordinator"
 34 means a licensed school counselor or an appropriately trained
 35 individual responsible for providing direct services to

1 students, parents, families, schools, and postsecondary
2 institutions to support college preparation and postsecondary
3 success, such as college preparation, financial aid processing,
4 and transition to postsecondary institution enrollment.

5 ~~(a)~~ (b) "*Political subdivision*" means a city, township,
6 county, school corporation, merged area, area education agency,
7 institution governed by the state board of regents, or any
8 other governmental subdivision.

9 ~~(b)~~ (c) "*Work-based learning coordinator*" means an
10 appropriately trained individual responsible for facilitating
11 authentic, engaging work-based learning experiences for
12 learners and educators in partnership with employers and others
13 to enhance learning by connecting the content and skills that
14 are necessary for future careers.

15 DIVISION VIII

16 DELINQUENT ACT — POSSESSION OF DANGEROUS WEAPONS OR FIREARMS
17 BY MINORS

18 Sec. 43. Section 232.2, subsection 12, Code 2022, is amended
19 by adding the following new paragraph:

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

22 Sec. 44. EFFECTIVE DATE. This division of this Act, being
23 deemed of immediate importance, takes effect upon enactment.

24 DIVISION IX

25 ASSAULT — NATIONAL GUARD MEMBERS

26 Sec. 45. Section 708.3A, subsections 1, 2, 3, and 4, Code
27 2022, are amended to read as follows:

28 1. A person who commits an assault, as defined in section
29 708.1, against a peace officer, jailer, correctional staff,
30 member or employee of the board of parole, health care
31 provider, employee of the department of human services,
32 employee of the department of revenue, national guard member
33 engaged in national guard duty or state active duty, civilian
34 employee of a law enforcement agency, civilian employee of a
35 fire department, or fire fighter, whether paid or volunteer,

1 with the knowledge that the person against whom the assault
2 is committed is a peace officer, jailer, correctional staff,
3 member or employee of the board of parole, health care
4 provider, employee of the department of human services,
5 employee of the department of revenue, national guard member
6 engaged in national guard duty or state active duty, civilian
7 employee of a law enforcement agency, civilian employee of a
8 fire department, or fire fighter and with the intent to inflict
9 a serious injury upon the peace officer, jailer, correctional
10 staff, member or employee of the board of parole, health
11 care provider, employee of the department of human services,
12 employee of the department of revenue, national guard member
13 engaged in national guard duty or state active duty, civilian
14 employee of a law enforcement agency, civilian employee of a
15 fire department, or fire fighter, is guilty of a class "D"
16 felony.

17 2. A person who commits an assault, as defined in section
18 708.1, against a peace officer, jailer, correctional staff,
19 member or employee of the board of parole, health care
20 provider, employee of the department of human services,
21 employee of the department of revenue, national guard member
22 engaged in national guard duty or state active duty, civilian
23 employee of a law enforcement agency, civilian employee of a
24 fire department, or fire fighter, whether paid or volunteer,
25 who knows that the person against whom the assault is committed
26 is a peace officer, jailer, correctional staff, member or
27 employee of the board of parole, health care provider, employee
28 of the department of human services, employee of the department
29 of revenue, national guard member engaged in national guard
30 duty or state active duty, civilian employee of a law
31 enforcement agency, civilian employee of a fire department, or
32 fire fighter and who uses or displays a dangerous weapon in
33 connection with the assault, is guilty of a class "D" felony.

34 3. A person who commits an assault, as defined in section
35 708.1, against a peace officer, jailer, correctional staff,

1 member or employee of the board of parole, health care
2 provider, employee of the department of human services,
3 employee of the department of revenue, national guard member
4 engaged in national guard duty or state active duty, civilian
5 employee of a law enforcement agency, civilian employee of a
6 fire department, or fire fighter, whether paid or volunteer,
7 who knows that the person against whom the assault is committed
8 is a peace officer, jailer, correctional staff, member or
9 employee of the board of parole, health care provider, employee
10 of the department of human services, employee of the department
11 of revenue, national guard member engaged in national guard
12 duty or state active duty, civilian employee of a law
13 enforcement agency, civilian employee of a fire department, or
14 fire fighter, and who causes bodily injury or mental illness,
15 is guilty of an aggravated misdemeanor.

16 4. Any other assault, as defined in [section 708.1](#), committed
17 against a peace officer, jailer, correctional staff, member or
18 employee of the board of parole, health care provider, employee
19 of the department of human services, employee of the department
20 of revenue, national guard member engaged in national guard
21 duty or state active duty, civilian employee of a law
22 enforcement agency, civilian employee of a fire department,
23 or fire fighter, whether paid or volunteer, by a person who
24 knows that the person against whom the assault is committed is
25 a peace officer, jailer, correctional staff, member or employee
26 of the board of parole, health care provider, employee of the
27 department of human services, employee of the department of
28 revenue, national guard member engaged in national guard duty
29 or state active duty, civilian employee of a law enforcement
30 agency, civilian employee of a fire department, or fire
31 fighter, is a serious misdemeanor.

32 Sec. 46. Section 708.3A, subsection 5, Code 2022, is amended
33 by adding the following new paragraphs:

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

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

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

5 DIVISION X

6 DEPENDENT ADULT ABUSE RESULTING IN DEATH

7 Sec. 47. Section 726.26, if enacted by 2022 Iowa Acts,
8 Senate File 522, section 6, is amended by adding the following
9 new subsection:

10 NEW SUBSECTION. 2A. A caretaker who intentionally or
11 recklessly commits dependent adult abuse is guilty of murder
12 in the second degree in violation of section 707.3 if the
13 intentional or reckless dependent adult abuse results in the
14 death of the dependent adult.

15 DIVISION XI

16 HEALTH CARE PROVIDER REFERRAL TO AMBULATORY SURGICAL CENTER

17 Sec. 48. NEW SECTION. 147.163 **Provision of information —**
18 **referral to ambulatory surgical center — licensee discipline.**

19 1. A health care provider who determines that a patient is a
20 candidate for outpatient surgery based on the patient's medical
21 status and surgical service needs, and refers the patient to
22 an ambulatory surgical center as an option for the surgery,
23 shall provide the patient with a written document listing the
24 factors the patient should consider to make a fully informed
25 decision about the patient's recommended course of care. The
26 considerations shall include all of the following:

27 *a.* The differences in ownership; licensure, certification,
28 or accreditation; and payment alternatives between the
29 ambulatory surgical center and a hospital.

30 *b.* The types of medical personnel generally involved in the
31 patient's surgical service and the capacity of the ambulatory
32 surgical center and a hospital to comply with the personnel
33 requirements.

34 *c.* The capacity of the ambulatory surgical center and a
35 hospital to respond to medical complications and emergencies

1 that may arise from the surgical service.

2 *d.* The proximity of the ambulatory surgical center to a
3 hospital and the protocols in place for transfer of a patient
4 from the ambulatory surgical center to the hospital for
5 emergency care.

6 *e.* The type of anesthesia generally used for the patient's
7 surgical service and the capacity of the ambulatory surgical
8 center and a hospital to comply with requirements relative to
9 the use of anesthesia.

10 2. For the purposes of this section:

11 *a.* "*Ambulatory surgical center*" means a distinct facility
12 that operates exclusively for the purpose of providing surgical
13 services to patients not requiring hospitalization and in which
14 the expected duration of services does not exceed twenty-four
15 hours following an admission. "*Ambulatory surgical center*"
16 includes a facility that otherwise meets the definition of
17 ambulatory surgical center whether or not licensed, certified,
18 or accredited as an ambulatory surgical center and which may
19 or may not operate on a partially cash-only or completely
20 cash-only basis. "*Ambulatory surgical center*" does not include
21 individual or group practice offices of private physicians
22 or podiatrists that do not contain a distinct area used for
23 outpatient surgical treatment on a regular basis, or that
24 only provide surgery routinely provided in a physician's
25 or podiatrist's office using local anesthesia or conscious
26 sedation; individual or group practice offices of private
27 dentists; or a portion of a licensed hospital designated for
28 outpatient surgical treatment.

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

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

34 3. A health care provider who violates this section is
35 subject to licensee discipline by the appropriate licensing or

1 disciplinary authority.

2 DIVISION XII

3 HEALTH CARE EMPLOYMENT AGENCIES

4 Sec. 49. RETROACTIVE APPLICABILITY. 2022 Iowa Acts, House
5 File 2521, applies retroactively to any contract between a
6 health care employment agency and an agency worker or health
7 care entity referred to under section 135Q.2, subsection 3, as
8 enacted by 2022 Iowa Acts, House File 2521, that was entered
9 into or executed on or after January 1, 2019.

10 DIVISION XIII

11 PHYSICAL EXAMINATIONS BY LICENSED PHYSICIANS

12 Sec. 50. Section 237A.12, Code 2022, is amended by adding
13 the following new subsection:

14 NEW SUBSECTION. 6. Rules adopted relating to physical
15 examination requirements for licensed or registered facility
16 personnel and the children being provided child care by the
17 licensed or registered facility shall allow for any licensed
18 physician as defined in section 135.1 to perform the physical
19 examination.

20 DIVISION XIIIV

21 BEVERAGE CONTAINERS CONTROL

22 Sec. 51. Section 455C.2, subsection 2, paragraph b, if
23 enacted by 2022 Iowa Acts, Senate File 2378, section 4, is
24 amended to read as follows:

25 *b.* A distributor who pays a handling fee for beverage
26 ~~containers~~ a beverage container that was sold for consumption
27 off the premises and that used to contain beer, including
28 high-alcoholic content beer, may claim a refund of the barrel
29 tax established in section 123.136 paid by the distributor
30 in the amount of one cent for each such beverage container
31 accepted by the distributor. The department of revenue shall
32 prescribe forms for a distributor to use to claim a refund
33 under this paragraph. Identifying information collected by the
34 department of revenue pursuant to this paragraph that can be
35 used to identify a specific distributor shall be considered

1 confidential information pursuant to section 22.7, subsection
2 75.

3 Sec. 52. EFFECTIVE DATE. This division of this Act takes
4 effect January 1, 2023.

5 DIVISION XV

6 FUNERAL SERVICES — CORRECTION

7 Sec. 53. Section 523A.505, subsection 1, as enacted by 2022
8 Iowa Acts, House File 2155, section 4, is amended to read as
9 follows:

10 1. A sales agent, and any person who owns at least five
11 percent of a preneed seller business, shall have an ongoing
12 duty to disclose to the commissioner all felony crimes and
13 those misdemeanor-level crimes involving dishonesty or false
14 statement for which the sales agent or person has been found
15 guilty, or for which the sales agent or person has pled
16 guilty or no contest. Such disclosure shall be made to the
17 commissioner within thirty calendar days of the date that
18 the sales agent or person has been found guilty by a court
19 of competent jurisdiction, or of the date the sales agent or
20 person pleads ~~not~~ guilty or no contest.

21 DIVISION XVI

22 COUNTY JURISDICTION — CEMETERIES

23 Sec. 54. Section 331.325, subsection 3, Code 2022, is
24 amended by adding the following new paragraph:

25 NEW PARAGRAPH. *d.* A cemetery that does not otherwise
26 qualify to be under the jurisdiction and control of a county
27 board of supervisors or county cemetery commission may
28 designate a portion of the cemetery as a pioneer section if at
29 least fifty percent of the burials in that portion occurred
30 at least one hundred years prior to the designation. Upon
31 approval by the cemetery, the county board of supervisors, and
32 the county cemetery commission, the county cemetery commission
33 may use its resources to restore and maintain the pioneer
34 section of the cemetery as though that section was a pioneer
35 cemetery. However, a cemetery with a designated pioneer

1 section and the pioneer section itself shall not be considered
2 a pioneer cemetery.

3 Sec. 55. NEW SECTION. 523I.403 Pioneer section —
4 management by county cemetery commission.

5 A cemetery may designate a portion of the cemetery as a
6 pioneer section to be restored and maintained by the county
7 cemetery commission as provided in section 331.325, subsection
8 3, paragraph "d".

9 DIVISION XVII

10 HOME-BASED BUSINESSES

11 Sec. 56. Section 137D.1, subsection 4, unnumbered paragraph
12 1, Code 2022, as amended by 2022 Iowa Acts, House File 2431,
13 section 2, if enacted, is amended to read as follows:

14 "*Homemade food item*" means a food that is produced and, if
15 packaged, packaged at a home food processing establishment.
16 "*Homemade food item*" includes food that is not time/temperature
17 control for safety food, but does not include such food if
18 produced and sold under section 137F.20. "*Homemade food item*"
19 does not include unpasteurized fruit or vegetable juice, raw
20 sprout seeds, foods containing game animals, fish or shellfish,
21 alcoholic beverages, bottled water, packaged ice, consumable
22 hemp products, food that will be further processed by a food
23 processing plant, time/temperature control for safety food
24 packaged using a reduced oxygen packaging method, milk or milk
25 products regulated under chapter 192 or 194, and meat, meat
26 food products, poultry, or poultry products regulated under
27 chapter 189A, except for any of the following products when
28 sold directly to the end consumer:

29 Sec. 57. Section 137F.1, subsection 2A, paragraph a, if
30 enacted by 2022 Iowa Acts, House File 2431, section 8, is
31 amended to read as follows:

32 a. Milk or milk products regulated under chapter 192 or 194.