

Standing Appropriations Bill House File 2589

Last Action:
Senate Floor
May 24, 2022

An Act relating to state and local finances by making appropriations, providing for legal and regulatory responsibilities, providing for other properly related matters, providing penalties, making penalties applicable, and including effective date, applicability, and retroactive applicability provisions.

**Fiscal Services Division
Legislative Services Agency**

NOTES ON BILLS AND AMENDMENTS (NOBA)

Available online at www.legis.iowa.gov/publications/information/appropriationBillAnalysis

LSA Staff Contacts: Jennifer D. Acton (515.281.7846) Jeff W. Robinson (515.281.4614)

FUNDING SUMMARY

House File 2589 makes adjustments to various standing appropriations that result in a decrease of \$33.8 million to General Fund appropriations for FY 2023.

MAJOR INCREASES/DECREASES/TRANSFERS OF EXISTING PROGRAMS

Limits the FY 2023 General Fund appropriation to the Department of Education for nonpublic school transportation to \$9.0 million. Requires the appropriation to be prorated if the claims exceed the appropriation. Page 1, Line 3

Suspends the General Fund standing appropriation of \$14.8 million to the Department of Education for the Instructional Support Program for FY 2023. Page 1, Line 17

Reduces the FY 2023 State school aid funding to Area Education Agencies (AEAs) by \$17.1 million. Page 2, Line 1

SIGNIFICANT CODE CHANGES

Makes nonsubstantive corrections to various Acts enacted during the 2022 Legislative Session. Page 2, Line 33

Amends Iowa Code section [8B.2](#) to move the Office of the Chief Information Officer (OCIO) to the Department of Management (DOM) and makes conforming changes.— Page 7, Line 33

Limits the State commissioner of elections, county commissioners, and political subdivisions of the State to only accept lawful appropriations of public moneys from the government of the United States and the State of Iowa for the conduction of elections, and from political subdivisions of the State for the conduction of elections in the political subdivision. Page 9, Line 29

CODE: Defines “direct mass mailing” under Iowa Code section [68A.405A](#) regarding self-promotion with taxpayer funds for statewide elected officials. Page 10, Line 22

Specifies that a student may open enroll without the need to show “good cause” and at any time. However, a receiving district may decline the open enrollment if the receiving district has insufficient classroom space for the student. Subject to specified limitations, a district may also decline a transfer request if the district’s superintendent finds that enrollment or release of the pupil will adversely affect the district’s implementation of a desegregation order. Page 11, Line 16

Adds college and career transition counselor or coordinator to the list of operational functions that are eligible for supplementary weighting equal to two students. Page 15, Line 18

Adds National Guard members engaged in National Guard duty or State active duty to the list of occupations to whom enhanced penalties for assault apply when the assault is perpetrated against a member of the designated occupation. Page 17, Line 26

Creates a requirement for health care providers, when referring a patient to an ambulatory surgery center, to provide patients with a written document containing specified information so that the patient may make a fully informed decision regarding the patient's course of care. Page 20, Line 17

Amends [HF 2521](#) (Health Care Employment Agencies Act) to apply retroactively to any contract between a health care employment agency and an agency worker or health care entity. The contract must have been entered into or executed on or after January 1, 2019. Page 22, Line 4

Specifies that physical examinations required for personnel of licensed and registered child care facilities and children receiving care in licensed and registered child care facilities may be performed by any licensed physician as defined in Iowa Code section [135.1](#). Page 22, Line 12

Allows a distributor to claim a one-cent refund from the barrel tax established in section Iowa Code section [123.136](#) only if the distributor paid a handling fee for the beverage container that used to contain beer or high-alcoholic content beer and that container was sold for consumption off the premises of the dealer that sold it. Page 22, Line 22

Specifies that Division XIIIV of the Bill related to beverage containers control takes effect January 1, 2023. Page 23, Line 3

Allows cemeteries that do not qualify as pioneer cemeteries as a whole to have certain sections designated as pioneer sections if at least 50.0% of the burials in that portion occurred at least 100 years prior to the designation. Page 23, Line 23

Specifies that milk products regulated under Iowa Code chapter [194](#) are not included in the definition of a homemade food item and are not a cottage food. Page 24, Line 11

EFFECTIVE DATE

Specifies Division III of the Bill that moves the Office of the Chief Information Officer (OCIO) to the Department of Management (DOM) takes effect upon enactment. Page 9, Line 21

EXECUTIVE SUMMARY
STANDING APPROPRIATIONS BILL

HOUSE FILE 2589

Specifies that Division IV of the Bill dealing with funding for conducting elections takes effective upon enactment.

Page 10, Line 20

Specifies Division VI of this Bill related to open enrollment takes effect on enactment.

Page 15, Line 14

Specifies that Division VIII of the Bill which expands the definition of "delinquent act" takes effect upon enactment.

Page 17, Line 22

House File 2589 provides for the following changes to the Code of Iowa.

Page #	Line #	Bill Section	Action	Code Section
2	1	4	Add	257.35.16A
7	33	23	Amend	8B.2
8	30	24	Amend	8D.3.2.b
9	1	25	Amend	11.5B.15
9	29	29	New	49.17
10	24	31	Add	68A.405A.3,4
11	16	32	Amend	256F.9
11	30	33	Amend	282.18.2.a,b
12	26	34	Amend	282.18.3.a
13	6	35	Strike	282.18.4,5,15
13	8	36	Amend	282.18.6
13	32	37	Add	282.18.7.c
14	4	38	Amend	282.18.11.a.(8)
14	27	39	Amend	290.1
15	18	42	Amend	257.11.5.a
17	18	43	Add	232.2.12.e
17	26	45	Amend	708.3A.1,2,3,4
19	32	46	Add	708.3A.5.f,g,h
20	17	48	New	147.163
22	12	50	Add	237A.12.6
23	23	54	Add	331.325.3.d
24	3	55	New	523I.403

1 1 DIVISION I
 1 2 STANDING APPROPRIATIONS AND RELATED MATTERS

1 3 Section 1. LIMITATIONS OF STANDING APPROPRIATIONS — FY
 1 4 2022-2023. Notwithstanding the standing appropriation in the
 1 5 following designated section for the fiscal year beginning July
 1 6 1, 2022, and ending June 30, 2023, the amount appropriated from
 1 7 the general fund of the state pursuant to that section for the
 1 8 following designated purpose shall not exceed the following
 1 9 amount:
 1 10 For payment of claims for nonpublic school pupil
 1 11 transportation under section 285.2:
 1 12 \$ 8,997,091
 1 13 If total approved claims for reimbursement for nonpublic
 1 14 school pupil transportation exceed the amount appropriated in
 1 15 accordance with this section, the department of education shall
 1 16 prorate the amount of each approved claim.

CODE: Limits the FY 2023 General Fund appropriation to the Department of Education for nonpublic school transportation to \$8,997,091. Requires the appropriation to be prorated if total school district claims exceed the appropriation.

DETAIL: This is no change compared to estimated FY 2022. This also represents a decrease of \$1,900,000 compared to the estimated standing unlimited appropriation of \$10,897,091 based on current law.

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

Suspends the General Fund standing appropriation of \$14,800,000 for the Instructional Support Program for FY 2023.

DETAIL: Although no State funding will be provided for the Instructional Support Program, school districts may use local property tax and income surtax to fund their portion of the Program. In FY 2022, 325 school districts implemented the Program and generated \$248,927,940 in local taxes (\$91,616,031 in income surtax and \$157,311,909 in property taxes). This Program has not been funded by the State since FY 2006.

1 23 Sec. 3. SPECIAL FUNDS — SALARY ADJUSTMENTS —
 1 24 UNAPPROPRIATED MONEYS — FY 2022-2023. For the fiscal year
 1 25 beginning July 1, 2022, and ending June 30, 2023, salary
 1 26 adjustments otherwise provided may be funded as determined
 1 27 by the department of management, subject to any applicable
 1 28 constitutional limitation, using unappropriated moneys
 1 29 remaining in the department of commerce revolving fund, the
 1 30 gaming enforcement revolving fund, the gaming regulatory
 1 31 revolving fund, the primary road fund, the road use tax
 1 32 fund, the fish and game protection fund, and the Iowa public
 1 33 employees' retirement fund, and in other departmental

Permits salary adjustments to be funded from non-General Fund moneys remaining in various revolving, trust, or special funds for FY 2023 for which the General Assembly has not established an operating budget.

1 34 revolving, trust, or special funds for which the general
 1 35 assembly has not made an operating budget appropriation.

2 1 Sec. 4. Section 257.35, Code 2022, is amended by adding the
 2 2 following new subsection:
 2 3 NEW SUBSECTION 16A. a. Notwithstanding subsection 1, and
 2 4 in addition to the reductions applicable pursuant to subsection
 2 5 2 and paragraph "b" of this subsection, the state aid for area
 2 6 education agencies and the portion of the combined district
 2 7 cost calculated for these agencies related to expenditures
 2 8 other than expenditures for professional development for the
 2 9 fiscal year beginning July 1, 2022, and ending June 30, 2023,
 2 10 shall be reduced by the department of management by fifteen
 2 11 million dollars. The reduction for each area education agency
 2 12 shall be prorated based on the reduction that the agency
 2 13 received in the fiscal year beginning July 1, 2003.
 2 14 b. Notwithstanding subsection 1, and in addition to
 2 15 the reductions applicable pursuant to subsection 2 and
 2 16 paragraph "a" of this subsection, the state aid for area
 2 17 education agencies and the portion of the combined district
 2 18 cost calculated for these agencies related to professional
 2 19 development expenditures for the fiscal year beginning July
 2 20 1, 2022, and ending June 30, 2023, shall be reduced by the
 2 21 department of management by an amount equal to the sum of the
 2 22 area education agency professional development supplement
 2 23 district cost for all area education agencies determined under
 2 24 section 257.37A, subsection 2, for the budget year beginning
 2 25 July 1, 2022. The reduction for each area education agency
 2 26 shall be equal to the area education agency's professional
 2 27 development district cost determined under section 257.37A,
 2 28 subsection 2, for the budget year beginning July 1, 2022.
 2 29 The amounts reduced under this paragraph shall be considered
 2 30 funds paid to school districts and area education agencies
 2 31 under chapter 284 for purposes of requirements for providing
 2 32 professional development opportunities.

2 33 DIVISION II
 2 34 CORRECTIVE PROVISIONS

2 35 Sec. 5. Section 45.1, subsection 7, paragraph a, Code 2022,
 3 1 as amended by 2022 Iowa Acts, House File 2466, section 3, is
 3 2 amended to read as follows:

CODE: Reduces the FY 2023 State school aid funding to Area Education Agencies (AEAs) by \$15,000,000 and reduces the amount paid to the AEAs by an amount equal to the AEA professional development supplement district cost for each AEA. School districts and AEAs are required to provide professional development opportunities as specified under Iowa Code chapter [284](#).

DETAIL: In addition to the \$15,000,000 State aid reduction for FY 2023 and the AEA professional development supplement district cost reductions totaling \$2,057,141, the AEAs have an annual statutory reduction of \$7,500,000. The State aid reduction to the AEAs will total \$24,557,141 for FY 2023. Funding was reduced by \$22,500,000 in FY 2022.

Corrective provision for [HF 2466](#) (County Redistricting Plans Act).

DETAIL: This Act was approved by the General Assembly on March

<p>3 3 a. For a supervisor district with a population of greater 3 4 than fifteen thousand but fewer no more than fifty thousand 3 5 according to the most recent federal decennial census, 3 6 nomination petitions shall include at least fifty signatures.</p>	<p>22, 2022, and signed by the Governor on March 22, 2022.</p>
<p>3 7 Sec. 6. Section 80E.2, subsection 2, Code 2022, as amended 3 8 by 2022 Iowa Acts, House File 2367, section 2, is amended to 3 9 read as follows: 3 10 2. The prosecuting attorney, certified alcohol and drug 3 11 counselor, certified substance abuse prevention specialist, 3 12 substance use disorder treatment program director, member 3 13 representing the Iowa peace officers association, member 3 14 representing the Iowa state police association, the 3 15 member representing the Iowa state sheriffs' and deputies' 3 16 association, and the member representing the Iowa police chiefs 3 17 association who is a police chief shall be appointed by the 3 18 governor, subject to senate confirmation, for four-year terms 3 19 beginning and ending as provided in section 69.19. A vacancy 3 20 on the council shall be filled for the unexpired term in the 3 21 same manner as the original appointment was made.</p>	<p>Corrective provision for HF 2367 (Iowa Drug Policy Advisory Council Act). DETAIL: This Act was approved by the General Assembly on March 23, 2022, and signed by the Governor on April 21, 2022.</p>
<p>3 22 Sec. 7. Section 124.204, subsection 2, paragraph cl, as 3 23 enacted by 2022 Iowa Acts, House File 2201, section 1, is 3 24 amended to read as follows: 3 25 cl. N-(1-phenethylpiperidin-4-yl) 3 26 -N-phenylcyclopentanecarboxamide. Other name: cyclopentanyl 3 27 <u>cyclopentyl</u> fentanyl.</p>	<p>Corrective provision for HF 2201 (Controlled Substances Act). DETAIL: This Act was approved by the General Assembly on April 12, 2022, and signed by the Governor on May 2, 2022.</p>
<p>3 28 Sec. 8. Section 147.77, subsection 1, paragraph l, as 3 29 enacted by 2022 Iowa Acts, House File 803, section 51, is 3 30 amended to read as follows: 3 31 l. The department of public safety, with respect to rules 3 32 relating to permits to carry weapons, that <u>a person who is</u> 3 33 <u>an unlawful user of or addicted to any controlled substance</u> 3 34 includes any person who is a current user of a controlled 3 35 substance in a manner other than as prescribed by a licensed 4 1 physician.</p>	<p>Corrective provision for HF 803 (Physician Assistants Act). DETAIL: This Act was approved by the General Assembly on April 4, 2022, and signed by the Governor on May 17, 2022.</p>
<p>4 2 Sec. 9. Section 147.77, subsection 1, paragraph p, 4 3 subparagraph (3), as enacted by 2022 Iowa Acts, House File 803, 4 4 section 51, is amended to read as follows: 4 5 (3) For applications for a license to practice asbestos</p>	<p>Corrective provision for HF 803 (Physician Assistants Act). DETAIL: This Act was approved by the General Assembly on April 4, 2022, and signed by the Governor on May 17, 2022.</p>

4 6 removal, that except as noted in rule, only worker and
 4 7 contractor/supervisor license applicants must submit ~~a~~ the
 4 8 respiratory protection and physician's certification forms.

Corrective provision for [HF 736](#) (Medicaid, Refunds, and Offsets Act).

4 9 Sec. 10. Section 249A.42A, subsection 2, as enacted by 2022
 4 10 Iowa Acts, House File 736, section 1, is amended to read as
 4 11 follows:

DETAIL: This Act was approved by the General Assembly on April 6,
 2022, and signed by the Governor on May 17, 2022.

4 12 2. The provider documented the eligibility verification
 4 13 performed and any necessary prior authorization obtained
 4 14 pursuant to ~~paragraph a~~ subsection 1 in a manner and format
 4 15 established by the department by rule, and retained the
 4 16 required documentation in the recipient's file.

4 17 Sec. 11. Section 261.116, subsection 7, Code 2022, as
 4 18 amended by 2022 Iowa Acts, Senate File 2383, section 16, if
 4 19 enacted, is amended to read as follows:

Corrective provision for [SF 2383](#) (Workforce Omnibus Bill).

4 20 6. HEALTH CARE AWARD FUND. A health care award fund is
 4 21 created for deposit of moneys appropriated to or received by
 4 22 the commission for use under the program. Notwithstanding
 4 23 section 8.33, moneys deposited in the health care award
 4 24 fund shall not revert to any fund of the state at the
 4 25 end of any fiscal year but shall remain in the award fund
 4 26 and be continuously available for use under the program.
 4 27 Notwithstanding section 12C.7, subsection 2, interest or
 4 28 earnings on moneys deposited in the health care award fund
 4 29 shall be credited to the fund.

DETAIL: This Bill was approved by the General Assembly on April 26,
 2022.

4 30 Sec. 12. Section 441.1, subsection 3, paragraph d, as
 4 31 enacted by 2022 Iowa Acts, Senate File 384, section 1, is
 4 32 amended to read as follows:

Corrective provision for [SF 384](#) (County Assessors Act).

4 33 d. The provisions of chapter 28E are applicable to this
 4 34 ~~section~~ subsection.

DETAIL: This Act was approved by General Assembly on March 22,
 2022, and signed by the Governor on April 21, 2022.

4 35 Sec. 13. Section 600.5, subsection 9A, as enacted by 2022
 5 1 Iowa Acts, House File 2252, section 6, is amended to read as
 5 2 follows:

Corrective provision for [HF 2252](#) (State Child Care Assistance Act).

5 3 9A. If the parents of the person to be adopted had their
 5 4 parental rights terminated pursuant to chapter 232, the
 5 5 petition shall ~~included~~ include the names of any known siblings
 5 6 placed separately from the person to be adopted and either the
 5 7 plan for ongoing contact between the siblings if a court found
 5 8 that continued contact is in the best interest of each sibling

DETAIL: This Act was approved by the General Assembly on April 5,
 2022, and signed by the Governor on May 24, 2022.

5 9 or a statement that the court found continued contact between
 5 10 the siblings is not in the best interest of each sibling.

5 11 Sec. 14. Section 692A.102, subsection 1, paragraph c,
 5 12 subparagraph (012), if enacted by 2022 Iowa Acts, Senate File
 5 13 529, section 6, is amended to read as follows:
 5 14 NEW Subparagraph (012) Sexual abuse in the fourth
 5 15 degree in violation of section 709.4A, subsection 3, if the
 5 16 perpetrator is a health care professional as defined in section
 5 17 714I.2, who used or provided the health care professional's
 5 18 own human reproductive material for assisted reproduction in
 5 19 violation of section 714I.3, subsection 2.

5 20 Sec. 15. 2022 Iowa Acts, House File 2200, section 3, is
 5 21 amended to read as follows:
 5 22 SEC. 3. APPLICABILITY. This Act applies to direct health
 5 23 care agreements that are fully executed on or after the
 5 24 effective date of enactment this Act.

5 25 Sec. 16. 2022 Iowa Acts, House File 2201, section 7, is
 5 26 amended by striking the section and inserting in lieu thereof
 5 27 the following:
 5 28 SEC. 7. Section 124.206, subsection 2, paragraph a,
 5 29 unnumbered paragraph 1, Code 2022, is amended by striking
 5 30 the unnumbered paragraph and inserting in lieu thereof the
 5 31 following:
 5 32 Opium and opiate, and any salt, compound, derivative,
 5 33 or preparation of opium or opiate excluding apomorphine,
 5 34 thebaine-derived butorphanol, dextrorphan, nalbuphine,
 5 35 naldemedine, nalmefene, naloxegol, naloxone, 6beta-naltrexol,
 6 1 naltrexone, and samidorphan, and their respective salts, but
 6 2 including the following:

6 3 Sec. 17. 2022 Iowa Acts, Senate File 2295, section 184, is
 6 4 amended by striking the section and inserting in lieu thereof
 6 5 the following:
 6 6 SEC. 184. 2020 Iowa Acts, chapter 1064, sections 17 and
 6 7 18, are amended by striking the sections and inserting in lieu
 6 8 thereof the following:
 6 9 SEC. 17. Section 422.12D, subsection 2, Code 2022, is
 6 10 amended to read as follows:
 6 11 2. The director of revenue shall draft the income tax form

Corrective provision for [SF 529](#) (Fertility Fraud Bill).

DETAIL: This Bill was approved by the General Assembly on May 23, 2022.

Corrective provision for [HF 2200](#) (Direct Primary Care Act).

DETAIL: This Act was approved by the General Assembly on March 22, 2022, and signed by the Governor on May 12, 2022.

Corrective provision for [HF 2201](#) (Controlled Substances Act).

DETAIL: This Act was approved by the General Assembly on April 12, 2022, and signed by the Governor on May 2, 2022.

Corrective provision for [SF 2295](#) (Substantive Code Editor's Act).

DETAIL: This Act was approved by the General Assembly on March 15, 2022, and signed by the Governor on April 21, 2022.

6 12 to allow the designation of contributions to the veterans trust
 6 13 fund and to the volunteer fire fighter preparedness fund as
 6 14 one checkoff on the tax return. The department of revenue,
 6 15 on or before January 31, shall transfer one-half of the total
 6 16 amount designated on the tax return forms due in the preceding
 6 17 calendar year to the veterans trust fund and the remaining
 6 18 one-half to the volunteer fire fighter preparedness fund.
 6 19 However, before a checkoff pursuant to this section shall be
 6 20 permitted, all liabilities on the books of the department of
 6 21 ~~administrative services~~ and accounts identified as owing under
 6 22 section ~~8A.504~~ 421.65 shall be satisfied.

6 23 SEC. 18. Section 422.12L, subsection 2, Code 2022, is
 6 24 amended to read as follows:
 6 25 2. The director of revenue shall draft the income tax form
 6 26 to allow the designation of contributions to the foundation
 6 27 fund on the tax return. The department, on or before January
 6 28 31, shall transfer the total amount designated on the tax
 6 29 form due in the preceding year to the foundation fund.
 6 30 However, before a checkoff pursuant to this section shall be
 6 31 permitted, all liabilities on the books of the department of
 6 32 ~~administrative services~~ and accounts identified as owing under
 6 33 section ~~8A.504~~ 421.65 shall be satisfied.

6 34 Sec. 18. CONTINGENT REPEAL. 2022 Iowa Acts, House File
 6 35 2581, section 13, if enacted, is repealed.

Specifies that Section 13 of [HF 2581](#) (Agriculture Omnibus Bill) requiring administrative rules and enforcement is repealed if enacted.

DETAIL: [House File 2128](#) (Renewable Fuels Incentive Act) was passed by the General Assembly on April 26, 2022, and signed by the Governor on May 17, 2022. Section 15 of the Act relates to the same Iowa Code section and addresses administrative rules and enforcement.

7 1 Sec. 19. CODE EDITOR DIRECTIVES.
 7 2 1. If Senate File 496 is enacted during the 2022 session
 7 3 of the Eighty-ninth General Assembly, the Code editor is
 7 4 directed to transfer the Code sections as enacted by that Act
 7 5 as follows:
 7 6 a. Section 94.1 to section 94B.1.
 7 7 b. Section 94.2 to section 94B.2.
 7 8 2. The Code editor is directed to renumber section 331.301,
 7 9 subsection 18, as enacted by 2022 Iowa Acts, House File 728, to
 7 10 become section 331.301, subsection 21.

Specifies that Division III of the Bill moving the OCIO to DOM takes effect upon enactment.

7 11 3. The Code editor shall correct internal references in the
 7 12 Code and in any enacted legislation as necessary due to the
 7 13 enactment of this section.

7 14 Sec. 20. EFFECTIVE DATE. The following, being deemed of
 7 15 immediate importance, take effect upon enactment:

7 16 1. The section of this division of this Act amending section
 7 17 124.204, subsection 2, paragraph "c".

7 18 2. The section of this division of this Act amending 2022
 7 19 Iowa Acts, House File 2200, section 3.

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

Specifies that the various sections of this Bill amending [HF 2200](#) (Direct Primary Care Act) and [HF 2201](#) (Controlled Substances Act) are effective upon enactment.

DETAIL: The enactment dates are as follows:

- House File 2200 was approved by the General Assembly on March 22, 2022, and signed by the Governor on May 12, 2022.
- House File 2201 was approved by the General Assembly on April 12, 2022, and signed by the Governor on May 2, 2022.

7 22 Sec. 21. RETROACTIVE APPLICABILITY. The following apply
 7 23 retroactively to May 2, 2022:

7 24 1. The section of this division of this Act amending section
 7 25 124.204, subsection 2, paragraph "c".

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

Specifies that the sections of this Bill amending [HF 2201](#) (Controlled Substances Act) apply retroactively to May 2, 2022.

7 28 Sec. 22. RETROACTIVE APPLICABILITY. The section of this
 7 29 division of this Act amending 2022 Iowa Acts, House File 2200,
 7 30 section 3, applies retroactively to May 12, 2022.

Specifies that the sections of this Bill amending [HF 2200](#) (Direct Primary Care Act) apply retroactively to May 12, 2022.

7 31 DIVISION III
 7 32 OFFICE OF THE CHIEF INFORMATION OFFICER

7 33 Sec. 23. Section 8B.2, Code 2022, is amended to read as
 7 34 follows:

7 35 8B.2 OFFICE ~~CREATED~~ ESTABLISHED — CHIEF INFORMATION OFFICER
 8 1 ~~APPOINTED~~ SELECTED.

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

CODE: Amends Iowa Code section [8B.2](#) to move the Office of the Chief Information Officer (OCIO) to the Department of Management (DOM). Requires the DOM Director to select the Chief Information Officer (CIO) and set the salary of the CIO. Eliminates the provisions prohibiting the CIO from being a member of any committee of a political party, being an officer or member of a committee in any partisan political club or organization, holding or being a candidate for a paid elective public office, or being subject to the restrictions on political activity provided for in Iowa Code section [8A.416](#).

DETAIL: The OCIO was transferred from the Department of Administrative Services (DAS) to become a separate department by [SF 396](#) (Government Efficiency Act), enacted during the 2013 Legislative Session. Currently, the CIO is appointed by the Governor

8 11 2. The chief information officer, who shall be the head
 8 12 of the office, shall be ~~appointed by the governor to serve at~~
 8 13 ~~the pleasure of the governor and is subject to confirmation by~~
 8 14 ~~the senate. If the office becomes vacant, the vacancy shall~~
 8 15 ~~be filled in the same manner as provided for the original~~
 8 16 ~~appointment selected by the director of the department of~~
 8 17 ~~management. The director of the department of management shall~~
 8 18 ~~set the salary of the chief information officer.~~

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

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

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

9 1 Sec. 25. Section 11.5B, subsection 15, Code 2022, is amended
 9 2 to read as follows:

9 3 15. Office of the chief information officer of the
 9 4 department of management.

9 5 Sec. 26. 2008 Iowa Acts, chapter 1191, section 14,
 9 6 subsection 7, as amended by 2010 Iowa Acts, chapter 1193,
 9 7 section 26, is amended to read as follows:

9 8 7. The following are range 7 positions: administrator
 9 9 of the public broadcasting division of the department of
 9 10 education, director of the department of corrections, director
 9 11 of the department of education, director of human services,
 9 12 director of the department of economic development, executive
 9 13 director of the Iowa telecommunications and technology
 9 14 commission, executive director of the state board of regents,

and is subject to confirmation by the Senate. The OCIO was created for the purpose of leading, directing, managing, coordinating, and providing accountability for the information technology resources of State government and to provide objective, customer-focused information technology services and business solutions. The OCIO is primarily funded through fees collected from State agencies.

CODE: Makes a conforming change to the Iowa Code.

CODE: Makes a conforming change in Iowa Code section [11.5B](#) regarding the repayment of audit expenses to specify the OCIO of the DOM.

Makes a conforming change to 2008 Iowa Acts, chapter [1191](#) to remove the CIO as a salary range 7 position.

DETAIL: Under 2008 Iowa Act, chapter 1191, the minimum salary is \$100,840 and the maximum salary is \$154,300 for a range 7 position.

9 15 director of transportation, director of the department of
 9 16 workforce development, director of revenue, director of
 9 17 public health, state court administrator, director of the
 9 18 department of management, ~~chief information officer~~, state debt
 9 19 coordinator, and director of the department of administrative
 9 20 services.

9 21 Sec. 27. EFFECTIVE DATE. This division of this Act, being
 9 22 deemed of immediate importance, takes effect upon enactment.

Specifies that this Division takes effect upon enactment.

9 23 Sec. 28. APPLICABILITY. This division of this Act, as it
 9 24 relates to the salary of the chief information officer, applies
 9 25 with the pay period beginning after the effective date of this
 9 26 division of this Act, and subsequent pay periods.

Specifies that the portion of Division III relating to the salary of the CIO applies to the pay period beginning after the enactment date of the Division and subsequent pay periods.

9 27 DIVISION IV
 9 28 CONDUCT OF ELECTIONS — FUNDING

9 29 Sec. 29. NEW SECTION 49.17 CONDUCT OF ELECTIONS —
 9 30 FUNDING.

9 31 1. The state commissioner or a county commissioner or
 9 32 political subdivision of the state shall only accept funding
 9 33 from the following sources for the purposes of conducting an
 9 34 election:

9 35 a. Lawful appropriations of public moneys from the
 10 1 government of the United States.

10 2 b. Lawful appropriations of public moneys from the state of
 10 3 Iowa.

10 4 c. Lawful appropriations of public moneys from a political
 10 5 subdivision of the state for the conduct of an election in the
 10 6 political subdivision.

10 7 2. The state commissioner, a county commissioner, or a
 10 8 political subdivision of the state shall not accept or expend
 10 9 a grant, gift, or other source of funding from a source other
 10 10 than those listed in subsection 1, including from a private
 10 11 person, corporation, partnership, political party, nonparty
 10 12 political organization, committee as defined in section
 10 13 68A.102, or other organization for the purpose of conducting
 10 14 an election.

10 15 3. This section does not prohibit the state commissioner or
 10 16 a county commissioner or political subdivision from issuing and
 10 17 collecting fees as otherwise provided by law.

CODE: Limits the State commissioner of elections, county commissioners, and political subdivisions of the State to only accept lawful appropriations of public moneys from the government of the United States and the State of Iowa for the conduction of elections, and from political subdivisions of the State for the conduction of elections in the political subdivision. This limitation of funding does not allow for grants, gifts, or other sources of funding for the purpose of conducting an election. This section does not prohibit the issuing or collection of fees as otherwise provided and does not apply to the contribution of a building for use as a polling place.

10 18 4. This section does not apply to the contribution of a
 10 19 building for use as a polling place pursuant to section 49.21.

10 20 Sec. 30. EFFECTIVE DATE. This division of this Act, being
 10 21 deemed of immediate importance, takes effect upon enactment.

Specifies that this Division takes effective upon enactment.

10 22 DIVISION V
 10 23 DIRECT MASS MAILING

10 24 Sec. 31. Section 68A.405A, Code 2022, is amended by adding
 10 25 the following new subsections:

10 26 NEW SUBSECTION 3. For the purposes of this section,
 10 27 "direct mass mailing" means a mailing, regardless of whether
 10 28 the mailing was sent in response to a request or due to the
 10 29 recipient's enrollment in a program, that provides information
 10 30 to the recipient about a person, policy, product, service,
 10 31 program, initiative, law, legislation, event, or activity
 10 32 promoted by the statewide elected official that is all of the
 10 33 following:

10 34 a. Printed material delivered by the United States mail or
 10 35 other delivery service.

11 1 b. Sent to more than two hundred physical addresses.

11 2 c. Substantially similar or identical as regards each
 11 3 mailing.

11 4 d. Sent at the same time or within a thirty-day period.

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

CODE: Defines "direct mass mailing" under Iowa Code section [68A.405A](#) regarding self-promotion with taxpayer funds for statewide elected officials. Provides that mailings sent within 60 days of an election in which a statewide elected official is to appear on the ballot is considered a direct mass mailing if the purpose of the mailing is to provide a participant (recipient) with information relevant to the participant's existing account with a program sponsored and administered by the statewide elected official who sent the mailing.

11 14 DIVISION VI
 11 15 OPEN ENROLLMENT

11 16 Sec. 32. Section 256F.9, Code 2022, is amended to read as
 11 17 follows:

11 18 256F.9 PROCEDURES AFTER REVOCATION — STUDENT ENROLLMENT.

11 19 If a charter school or innovation zone school contract is

11 20 revoked in accordance with this chapter, a nonresident student
 11 21 who attended the school, and any siblings of the student;
 11 22 shall be determined to have shown "good cause" as provided in
 11 23 section ~~282.18~~, subsection 4, paragraph "b", and may submit an
 11 24 application to another school district according to section
 11 25 282.18 at any time. Applications and notices required by
 11 26 section 282.18 shall be processed and provided in a prompt
 11 27 manner. ~~The application and notice deadlines in section 282.18~~
 11 28 ~~do not apply to a nonresident student application under these~~
 11 29 ~~circumstances:~~

11 30 Sec. 33. Section 282.18, subsection 2, paragraphs a and b,
 11 31 Code 2022, are amended to read as follows:

11 32 a. ~~By March 1 of the preceding school year for students~~
 11 33 ~~entering grades one through twelve, or by September 1 of the~~
 11 34 ~~current school year for students entering kindergarten or~~
 11 35 ~~for prekindergarten students enrolled in special education~~
 12 1 ~~programs and included in the school district's basic enrollment~~
 12 2 ~~under section 257.0, subsection 1, paragraph "a", subparagraph~~
 12 3 ~~(1), the A parent or guardian shall send notification to the~~
 12 4 ~~district of residence and the receiving district, on forms~~
 12 5 ~~prescribed by the department of education, that the parent or~~
 12 6 ~~guardian intends to enroll the parent's or guardian's child~~
 12 7 ~~in a public school in another school district. If a parent~~
 12 8 ~~or guardian fails to file a notification that the parent~~
 12 9 ~~intends to enroll the parent's or guardian's child in a public~~
 12 10 ~~school in another district by the deadline specified in this~~
 12 11 ~~subsection, the procedures of subsection 4 apply.~~

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

CODE: Specifies that a student may open enroll without the need to show "good cause" and at any time. However, a receiving district may decline the open enrollment if the receiving district has insufficient classroom space for the student. Subject to specified limitations, a district may also decline a transfer request if the district's superintendent finds that enrollment or release of the pupil will adversely affect the district's implementation of a desegregation order.

Strikes from the definition of "good cause", for an open enrollment student to be immediately eligible to participate in varsity interscholastic sport as provided for under Iowa Code section [282.18](#), the claim that the child is assigned to an attendance center that is identified as in "significant need for improvement".

FISCAL IMPACT: Open enrollment applications and transportation reimbursements are expected to increase; however, the extent to which each district may experience a fiscal impact cannot be estimated at this time.

12 26 Sec. 34. Section 282.18, subsection 3, paragraph a, Code
12 27 2022, is amended to read as follows:

12 28 a. The superintendent of a district subject to court-ordered
12 29 desegregation may deny a request for transfer under this
12 30 section if the superintendent finds that enrollment or release
12 31 of a pupil will adversely affect the district's implementation
12 32 of the desegregation order, unless the transfer is requested
12 33 by a pupil whose sibling is already participating in open
12 34 enrollment to another district, or unless the request for
12 35 transfer is submitted to the district ~~in a timely manner as~~
13 1 ~~required under subsection 2~~ prior to implementation of the
13 2 desegregation order by the district. If a transfer request
13 3 would facilitate implementation of a desegregation order, the
13 4 district shall give priority to granting the request over other
13 5 requests.

13 6 Sec. 35. Section 282.18, subsections 4, 5, and 15, Code
13 7 2022, are amended by striking the subsections.

13 8 Sec. 36. Section 282.18, subsection 6, Code 2022, is amended
13 9 to read as follows:

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

13 32 Sec. 37. Section 282.18, subsection 7, Code 2022, is amended
13 33 by adding the following new paragraph:

13 34 NEW PARAGRAPH c. If a pupil participating in open
13 35 enrollment attends school in the receiving district for less
14 1 than a full school year, payment from the district of residence
14 2 to the receiving district shall be prorated on a per diem
14 3 basis.

14 4 Sec. 38. Section 282.18, subsection 11, paragraph a,
14 5 subparagraph (8), Code 2022, is amended to read as follows:

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

14 27 Sec. 39. Section 290.1, Code 2022, is amended to read as
14 28 follows:

14 29 290.1 APPEAL TO STATE BOARD.

14 30 An affected pupil, or the parent or guardian of an affected
14 31 pupil who is a minor, who is aggrieved by a decision or order
14 32 of the board of directors of a school corporation in a matter
14 33 of law or fact, ~~or a decision or order of a board of directors~~
14 34 ~~under section 282.16, subsection 5,~~ may, within thirty days
14 35 after the rendition of the decision or the making of the order,
15 1 appeal the decision or order to the state board of education;
15 2 the basis of the proceedings shall be an affidavit filed with

15 3 the state board by the party aggrieved within the time for
 15 4 taking the appeal, which affidavit shall set forth any error
 15 5 complained of in a plain and concise manner.

15 6 Sec. 40. EMERGENCY RULES. The department of education may
 15 7 adopt emergency rules under section 17A.4, subsection 3, and
 15 8 section 17A.5, subsection 2, paragraph "b", to implement the
 15 9 provisions of this division of this Act and the rules shall
 15 10 be effective immediately upon filing unless a later date is
 15 11 specified in the rules. Any rules adopted in accordance with
 15 12 this section shall also be published as a notice of intended
 15 13 action as provided in section 17A.4.

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

15 16 DIVISION VII
 15 17 SHARED OPERATIONAL FUNCTIONS

15 18 Sec. 42. Section 257.11, subsection 5, paragraph a, Code
 15 19 2022, is amended to read as follows:
 15 20 a. (1) In order to provide additional funding to increase
 15 21 student opportunities and redirect more resources to student
 15 22 programming for school districts that share operational
 15 23 functions, a district that shares with a political subdivision
 15 24 one or more operational functions of a curriculum director,
 15 25 master social worker, independent social worker, work-based
 15 26 learning coordinator, special education director, mental
 15 27 health professional who holds a statement of recognition
 15 28 issued by the board of educational examiners, college
 15 29 and career transition counselor or coordinator, or school
 15 30 counselor, or one or more operational functions in the areas
 15 31 of superintendent management, business management, human
 15 32 resources, transportation, or operation and maintenance for at
 15 33 least twenty percent of the school year shall be assigned a
 15 34 supplementary weighting for each shared operational function.
 15 35 A school district that shares an operational function in
 16 1 the area of superintendent management shall be assigned a
 16 2 supplementary weighting of eight pupils for the function. A
 16 3 school district that shares an operational function in the area
 16 4 of business management, human resources, transportation, or
 16 5 operation and maintenance shall be assigned a supplementary

Permits the Department of Education (DE) to adopt emergency rules to implement provisions related to Division VI of this Bill, related to open enrollment. The emergency rules are to be effective when filled unless a later date is specified in the rules.

Specifies that this Division takes effect on enactment.

CODE: Amends Iowa Code section [257.11](#)(5)(a) to add college and career transition counselor or coordinator to the list of operational functions that are eligible for supplementary weighting equal to two students.

FISCAL IMPACT: Based on FY 2023 data, a total of 296 school districts are currently under the maximum amount of additional weighting for a school district of 21 additional pupils per year. School districts have a capacity to add total weighting of 554 for a college and career transition counselor or coordinator. Information is not available to determine the number of school districts that will receive the additional maximum weighting of two for a college and career transition counselor or coordinator as provided in this Bill. Each school district that receives the additional weighting for a college and career transition counselor or coordinator will result in additional weighting costing an estimated \$14,826. The weighting would be funded with \$13,456 from the State General Fund and \$1,370 from local property tax beginning with FY 2024 and ending with FY 2025.

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

16 32 (2) For the purposes of this paragraph "a":

16 33 (a) "College and career transition counselor or coordinator"
16 34 means a licensed school counselor or an appropriately trained
16 35 individual responsible for providing direct services to
17 1 students, parents, families, schools, and postsecondary
17 2 institutions to support college preparation and postsecondary
17 3 success, such as college preparation, financial aid processing,
17 4 and transition to postsecondary institution enrollment.

17 5 ~~(a)~~ (b) "Political subdivision" means a city, township,
17 6 county, school corporation, merged area, area education agency,
17 7 institution governed by the state board of regents, or any
17 8 other governmental subdivision.

17 9 ~~(b)~~ (c) "Work-based learning coordinator" means an
17 10 appropriately trained individual responsible for facilitating
17 11 authentic, engaging work-based learning experiences for

17 12 learners and educators in partnership with employers and others
 17 13 to enhance learning by connecting the content and skills that
 17 14 are necessary for future careers.

17 15 DIVISION VIII
 17 16 DELINQUENT ACT — POSSESSION OF DANGEROUS WEAPONS OR FIREARMS
 17 17 BY MINORS

17 18 Sec. 43. Section 232.2, subsection 12, Code 2022, is amended
 17 19 by adding the following new paragraph:
 17 20 NEW PARAGRAPH e. The violation of section 724.4E which is
 17 21 committed by a child.

Expands the definition of “delinquent act” to include violations of Iowa Code section [724.4E](#), regarding the possession of dangerous weapons and [loaded](#) firearms by minors.

17 22 Sec. 44. EFFECTIVE DATE. This division of this Act, being
 17 23 deemed of immediate importance, takes effect upon enactment.

Specifies that this Division takes effect upon enactment.

17 24 DIVISION IX
 17 25 ASSAULT — NATIONAL GUARD MEMBERS

17 26 Sec. 45. Section 708.3A, subsections 1, 2, 3, and 4, Code
 17 27 2022, are amended to read as follows:
 17 28 1. A person who commits an assault, as defined in section
 17 29 708.1, against a peace officer, jailer, correctional staff,
 17 30 member or employee of the board of parole, health care
 17 31 provider, employee of the department of human services,
 17 32 employee of the department of revenue, national guard member
 17 33 engaged in national guard duty or state active duty, civilian
 17 34 employee of a law enforcement agency, civilian employee of a
 17 35 fire department, or fire fighter, whether paid or volunteer,
 18 1 with the knowledge that the person against whom the assault
 18 2 is committed is a peace officer, jailer, correctional staff,
 18 3 member or employee of the board of parole, health care
 18 4 provider, employee of the department of human services,
 18 5 employee of the department of revenue, national guard member
 18 6 engaged in national guard duty or state active duty, civilian
 18 7 employee of a law enforcement agency, civilian employee of a
 18 8 fire department, or fire fighter and with the intent to inflict
 18 9 a serious injury upon the peace officer, jailer, correctional
 18 10 staff, member or employee of the board of parole, health
 18 11 care provider, employee of the department of human services,
 18 12 employee of the department of revenue, national guard member
 18 13 engaged in national guard duty or state active duty, civilian

CODE: Adds National Guard members engaged in National Guard duty or State active duty to the list of occupations to whom enhanced penalties for assault apply when the assault is perpetrated against a member of the designated occupation.

18 14 employee of a law enforcement agency, civilian employee of a
18 15 fire department, or fire fighter, is guilty of a class "D"
18 16 felony.

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

18 34 3. A person who commits an assault, as defined in section
18 35 708.1, against a peace officer, jailer, correctional staff,
19 1 member or employee of the board of parole, health care
19 2 provider, employee of the department of human services,
19 3 employee of the department of revenue, national guard member
19 4 engaged in national guard duty or state active duty, civilian
19 5 employee of a law enforcement agency, civilian employee of a
19 6 fire department, or fire fighter, whether paid or volunteer,
19 7 who knows that the person against whom the assault is committed
19 8 is a peace officer, jailer, correctional staff, member or
19 9 employee of the board of parole, health care provider, employee
19 10 of the department of human services, employee of the department
19 11 of revenue, national guard member engaged in national guard
19 12 duty or state active duty, civilian employee of a law
19 13 enforcement agency, civilian employee of a fire department, or
19 14 fire fighter, and who causes bodily injury or mental illness,
19 15 is guilty of an aggravated misdemeanor.

19 16 4. Any other assault, as defined in section 708.1, committed
19 17 against a peace officer, jailer, correctional staff, member or
19 18 employee of the board of parole, health care provider, employee
19 19 of the department of human services, employee of the department

19 20 of revenue, national guard member engaged in national guard
 19 21 duty or state active duty, civilian employee of a law
 19 22 enforcement agency, civilian employee of a fire department,
 19 23 or fire fighter, whether paid or volunteer, by a person who
 19 24 knows that the person against whom the assault is committed is
 19 25 a peace officer, jailer, correctional staff, member or employee
 19 26 of the board of parole, health care provider, employee of the
 19 27 department of human services, employee of the department of
 19 28 revenue, national guard member engaged in national guard duty
 19 29 or state active duty, civilian employee of a law enforcement
 19 30 agency, civilian employee of a fire department, or fire
 19 31 fighter, is a serious misdemeanor.
 19 32 Sec. 46. Section 708.3A, subsection 5, Code 2022, is amended
 19 33 by adding the following new paragraphs:
 19 34 NEW PARAGRAPH f. "National guard" means the same as
 19 35 defined in section 29A.1.
 20 1 NEW PARAGRAPH g. "National guard duty" means the same as
 20 2 defined in section 29A.1.
 20 3 NEW PARAGRAPH h. "State active duty" means the same as
 20 4 defined in section 29A.1.

20 5 DIVISION X
 20 6 DEPENDENT ADULT ABUSE RESULTING IN DEATH

20 7 Sec. 47. Section 726.26, if enacted by 2022 Iowa Acts,
 20 8 Senate File 522, section 6, is amended by adding the following
 20 9 new subsection:
 20 10 NEW SUBSECTION 2A. A caretaker who intentionally or
 20 11 recklessly commits dependent adult abuse is guilty of murder
 20 12 in the second degree in violation of section 707.3 if the
 20 13 intentional or reckless dependent adult abuse results in the
 20 14 death of the dependent adult.

20 15 DIVISION XI
 20 16 HEALTH CARE PROVIDER REFERRAL TO AMBULATORY SURGICAL CENTER

20 17 Sec. 48. NEW SECTION 147.163 PROVISION OF INFORMATION —
 20 18 REFERRAL TO AMBULATORY SURGICAL CENTER — LICENSEE DISCIPLINE.
 20 19 1. A health care provider who determines that a patient is a
 20 20 candidate for outpatient surgery based on the patient's medical
 20 21 status and surgical service needs, and refers the patient to
 20 22 an ambulatory surgical center as an option for the surgery,

Corrective provision for [SF 522](#) (Elder Abuse, Criminal Penalties Bill).

DETAIL: This Bill was approved by the General Assembly on April 5, 2022.

CODE: Creates a requirement for health care providers, when referring a patient to an ambulatory surgery center, to provide patients with a written document containing specified information so that the patient may make a fully informed decision regarding the patient's course of care.

20 23 shall provide the patient with a written document listing the
20 24 factors the patient should consider to make a fully informed
20 25 decision about the patient's recommended course of care. The
20 26 considerations shall include all of the following:

20 27 a. The differences in ownership; licensure, certification,
20 28 or accreditation; and payment alternatives between the
20 29 ambulatory surgical center and a hospital.

20 30 b. The types of medical personnel generally involved in the
20 31 patient's surgical service and the capacity of the ambulatory
20 32 surgical center and a hospital to comply with the personnel
20 33 requirements.

20 34 c. The capacity of the ambulatory surgical center and a
20 35 hospital to respond to medical complications and emergencies
21 1 that may arise from the surgical service.

21 2 d. The proximity of the ambulatory surgical center to a
21 3 hospital and the protocols in place for transfer of a patient
21 4 from the ambulatory surgical center to the hospital for
21 5 emergency care.

21 6 e. The type of anesthesia generally used for the patient's
21 7 surgical service and the capacity of the ambulatory surgical
21 8 center and a hospital to comply with requirements relative to
21 9 the use of anesthesia.

21 10 2. For the purposes of this section:

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

21 29 b. "Health care provider" means a person who is licensed,
 21 30 certified, or otherwise authorized or permitted by the laws of
 21 31 this state to administer health care in the ordinary course of
 21 32 business or in the practice of a profession.
 21 33 c. "Hospital" means the same as defined in section 135B.1.
 21 34 3. A health care provider who violates this section is
 21 35 subject to licensee discipline by the appropriate licensing or
 22 1 disciplinary authority.

22 2 DIVISION XII
 22 3 HEALTH CARE EMPLOYMENT AGENCIES

22 4 Sec. 49. RETROACTIVE APPLICABILITY. 2022 Iowa Acts, House
 22 5 File 2521, applies retroactively to any contract between a
 22 6 health care employment agency and an agency worker or health
 22 7 care entity referred to under section 135Q.2, subsection 3, as
 22 8 enacted by 2022 Iowa Acts, House File 2521, that was entered
 22 9 into or executed on or after January 1, 2019.

CODE: Amends [HF 2521](#) (Health Care Employment Agencies Act) to apply retroactively to any contract between a health care employment agency and an agency worker or health care entity that was entered into or executed on or after January 1, 2019.

DETAIL: Under HF 2521, the Department of Inspections and Appeals (DIA) would be required to receive registrations, fees, and reports of health care employment agencies. The DIA would be required to investigate complaints of violations.

FISCAL IMPACT: The cost to DIA of investigating one complaint is estimated to be \$360, which includes the time to investigate, write, and process a complaint of health care employment agencies. Assuming 50 complaints a year, the fiscal impact to the DIA is estimated to be \$18,500 annually. The revenue generated through the \$500 registration fee for each location of an agency would offset these costs; however, the total volume of registrations cannot currently be estimated.

22 10 DIVISION XIII
 22 11 PHYSICAL EXAMINATIONS BY LICENSED PHYSICIANS

22 12 Sec. 50. Section 237A.12, Code 2022, is amended by adding
 22 13 the following new subsection:
 22 14 NEW SUBSECTION 6. Rules adopted relating to physical
 22 15 examination requirements for licensed or registered facility
 22 16 personnel and the children being provided child care by the
 22 17 licensed or registered facility shall allow for any licensed
 22 18 physician as defined in section 135.1 to perform the physical
 22 19 examination.

CODE: Specifies that physical examinations required for personnel of licensed and registered child care facilities and children receiving care in licensed and registered child care facilities may be performed by any licensed physician as defined in Iowa Code section [135.1](#).

22 20 DIVISION XIIV
22 21 BEVERAGE CONTAINERS CONTROL

22 22 Sec. 51. Section 455C.2, subsection 2, paragraph b, if
22 23 enacted by 2022 Iowa Acts, Senate File 2378, section 4, is
22 24 amended to read as follows:
22 25 b. A distributor who pays a handling fee for ~~beverage~~
22 26 ~~containers~~ a beverage container that was sold for consumption
22 27 off the premises and that used to contain beer, including
22 28 high-alcoholic content beer, may claim a refund of the barrel
22 29 tax established in section 123.136 paid by the distributor
22 30 in the amount of one cent for each such beverage container
22 31 accepted by the distributor. The department of revenue shall
22 32 prescribe forms for a distributor to use to claim a refund
22 33 under this paragraph. Identifying information collected by the
22 34 department of revenue pursuant to this paragraph that can be
22 35 used to identify a specific distributor shall be considered
23 1 confidential information pursuant to section 22.7, subsection
23 2 75.

CODE: Allows a distributor to claim a one-cent refund from the barrel tax established in section Iowa Code section [123.136](#) only if the distributor paid a handling fee for the beverage container that used to contain beer or high-alcoholic content beer and that container was sold for consumption off the premises of the dealer that sold it.

23 3 Sec. 52. EFFECTIVE DATE. This division of this Act takes
23 4 effect January 1, 2023.

Specifies that this Division takes effect January 1, 2023.

23 5 DIVISION XV
23 6 FUNERAL SERVICES — CORRECTION

23 7 Sec. 53. Section 523A.505, subsection 1, as enacted by 2022
23 8 Iowa Acts, House File 2155, section 4, is amended to read as
23 9 follows:
23 10 1. A sales agent, and any person who owns at least five
23 11 percent of a preneed seller business, shall have an ongoing
23 12 duty to disclose to the commissioner all felony crimes and
23 13 those misdemeanor-level crimes involving dishonesty or false
23 14 statement for which the sales agent or person has been found
23 15 guilty, or for which the sales agent or person has pled
23 16 guilty or no contest. Such disclosure shall be made to the
23 17 commissioner within thirty calendar days of the date that
23 18 the sales agent or person has been found guilty by a court
23 19 of competent jurisdiction, or of the date the sales agent or
23 20 person pleads ~~not~~ guilty or no contest.

Corrective provision for [HF 2155](#) (Funeral and Cemetery Services, Preneed Purchases Act).

DETAIL: This Act was approved by the General Assembly on April 5, 2022, and signed by the Governor on May 2, 2022.

23 21 DIVISION XVI

23 22 COUNTY JURISDICTION — CEMETERIES

23 23 Sec. 54. Section 331.325, subsection 3, Code 2022, is
 23 24 amended by adding the following new paragraph:
 23 25 NEW PARAGRAPH d. A cemetery that does not otherwise
 23 26 qualify to be under the jurisdiction and control of a county
 23 27 board of supervisors or county cemetery commission may
 23 28 designate a portion of the cemetery as a pioneer section if at
 23 29 least fifty percent of the burials in that portion occurred
 23 30 at least one hundred years prior to the designation. Upon
 23 31 approval by the cemetery, the county board of supervisors, and
 23 32 the county cemetery commission, the county cemetery commission
 23 33 may use its resources to restore and maintain the pioneer
 23 34 section of the cemetery as though that section was a pioneer
 23 35 cemetery. However, a cemetery with a designated pioneer
 24 1 section and the pioneer section itself shall not be considered
 24 2 a pioneer cemetery.

CODE: Allows a portion of a cemetery to be designated as a pioneer section if at least 50.0% of the burials in that portion occurred at least 100 years prior to the designation. Upon approval by the cemetery, the county board of supervisors, and the county cemetery commission, the pioneer section may be treated as a pioneer cemetery as outlined in Iowa Code section [331.325](#), but the pioneer section and the cemetery containing the pioneer section are not considered pioneer cemeteries.

Note: Pioneer cemeteries are cemeteries where there have been twelve or fewer burials in the preceding fifty years. The maintenance of a pioneer cemetery many include restoration and management of native prairie grasses and wildflowers.

24 3 Sec. 55. NEW SECTION 523I.403 PIONEER SECTION —
 24 4 MANAGEMENT BY COUNTY CEMETERY COMMISSION.
 24 5 A cemetery may designate a portion of the cemetery as a
 24 6 pioneer section to be restored and maintained by the county
 24 7 cemetery commission as provided in section 331.325, subsection
 24 8 3, paragraph “d”.

CODE: Allows a portion of a cemetery to be designated as a pioneer section as outlined in in Iowa Code section [331.325](#).

24 9 DIVISION XVII
 24 10 HOME-BASED BUSINESSES

24 11 Sec. 56. Section 137D.1, subsection 4, unnumbered paragraph
 24 12 1, Code 2022, as amended by 2022 Iowa Acts, House File 2431,
 24 13 section 2, if enacted, is amended to read as follows:
 24 14 “Homemade food item” means a food that is produced and, if
 24 15 packaged, packaged at a home food processing establishment.
 24 16 “Homemade food item” includes food that is not time/temperature
 24 17 control for safety food, but does not include such food if
 24 18 produced and sold under section 137F.20. “Homemade food item”
 24 19 does not include unpasteurized fruit or vegetable juice, raw
 24 20 sprout seeds, foods containing game animals, fish or shellfish,
 24 21 alcoholic beverages, bottled water, packaged ice, consumable
 24 22 hemp products, food that will be further processed by a food
 24 23 processing plant, time/temperature control for safety food
 24 24 packaged using a reduced oxygen packaging method, milk or milk

CODE: Specifies that milk products regulated under Iowa Code chapter [194](#) are not included in the definition of a homemade food item or a cottage food.

24 25 products regulated under chapter 192 or 194, and meat, meat
24 26 food products, poultry, or poultry products regulated under
24 27 chapter 189A, except for any of the following products when
24 28 sold directly to the end consumer:
24 29 Sec. 57. Section 137F.1, subsection 2A, paragraph a, if
24 30 enacted by 2022 Iowa Acts, House File 2431, section 8, is
24 31 amended to read as follows:
24 32 a. Milk or milk products regulated under chapter 192 or 194.

House File 2589 — Standings Bill

General Fund

	Actual FY 2021	Estimated FY 2022	FY 2023		
	(1)	(2)	Current Law (3)	Senate Approp FY 2023 (4)	Net Total (5)
<u>Administrative Services, Department of</u>					
State Accounting Trust Accounts					
Federal Cash Management - Standing	\$ 215,335	\$ 54,182	\$ 54,182	\$ 0	\$ 54,182
Unemployment Compensation - Standing	226,479	421,655	421,655	0	421,655
Total Administrative Services, Department of	\$ 441,814	\$ 475,837	\$ 475,837	\$ 0	\$ 475,837
<u>Education, Department of</u>					
Education, Dept. of					
State Foundation School Aid	\$ 3,380,338,562	\$ 3,408,570,509	\$ 3,580,567,414	\$ -17,057,141	\$ 3,563,510,273
Nonpublic School Transportation	8,197,091	8,997,091	10,897,091	-1,900,000	8,997,091
Instructional Support	0	0	14,800,000	-14,800,000	0
Sac and Fox Settlement Education	100,000	100,000	100,000	0	100,000
Charter School Programs	0	0	2,600,000	0	2,600,000
Total Education, Department of	\$ 3,388,635,653	\$ 3,417,667,600	\$ 3,608,964,505	\$ -33,757,141	\$ 3,575,207,364
<u>Executive Council</u>					
Executive Council					
Court Costs	\$ 311,869	\$ 56,455	\$ 56,455	\$ 0	\$ 56,455
Public Improvements	11,129	9,575	9,575	0	9,575
Drainage Assessment	135,009	19,367	19,367	0	19,367
Total Executive Council	\$ 458,007	\$ 85,397	\$ 85,397	\$ 0	\$ 85,397
<u>Legislative Branch</u>					
Legislative Branch					
Legislative Branch	\$ 35,265,221	\$ 37,010,000	\$ 38,000,000	\$ 0	\$ 38,000,000
Total Legislative Branch	\$ 35,265,221	\$ 37,010,000	\$ 38,000,000	\$ 0	\$ 38,000,000
<u>Human Services, Department of</u>					
Assistance					
MHDS Regional Services Fund	\$ 0	\$ 50,039,410	\$ 121,234,022	\$ 0	\$ 121,234,022
MHDS Regions Incentive Fund	0	3,000,000	0	0	0
Total Human Services, Department of	\$ 0	\$ 53,039,410	\$ 121,234,022	\$ 0	\$ 121,234,022

House File 2589 — Standings Bill

General Fund

	Actual FY 2021 (1)	Estimated FY 2022 (2)	Current Law (3)	Senate Approp FY 2023 (4)	Net Total (5)
<u>Management, Department of</u>					
Management, Dept. of					
Technology Reinvestment Fund	\$ 0	\$ 17,700,000	\$ 0	\$ 0	\$ 0
State Appeal Board Claims	12,168,278	4,501,794	4,501,794	0	4,501,794
Special Olympics Fund	100,000	100,000	100,000	0	100,000
Transportation Equity Fund	26,690,088	27,457,960	29,456,377	0	29,456,377
Total Management, Department of	\$ 38,958,366	\$ 49,759,754	\$ 34,058,171	\$ 0	\$ 34,058,171
<u>Public Defense, Dept. of</u>					
Public Defense, Dept. of					
Compensation and Expense	\$ 473,780	\$ 342,556	\$ 342,556	\$ 0	\$ 342,556
Total Public Defense, Department of	\$ 473,780	\$ 342,556	\$ 342,556	\$ 0	\$ 342,556
<u>Public Safety, Department of</u>					
Public Safety, Dept. of					
DPS - POR Unfunded Liabilities	\$ 5,000,000	\$ 5,000,000	\$ 5,000,000	\$ 0	\$ 5,000,000
Total Public Safety, Department of	\$ 5,000,000	\$ 5,000,000	\$ 5,000,000	\$ 0	\$ 5,000,000
<u>Revenue, Department of</u>					
Revenue, Dept. of					
Homestead Tax Credit Aid - GF	\$ 139,836,557	\$ 144,740,000	\$ 146,740,000	\$ 0	\$ 146,740,000
Elderly & Disabled Tax Credit	14,360,986	17,910,000	17,820,000	0	17,820,000
Ag Land Tax Credit - GF	39,098,532	39,100,000	39,100,000	0	39,100,000
Military Service Tax Exemption	1,696,053	1,640,000	1,580,000	0	1,580,000
Comm & Industrial Prop Tax Replacement	152,106,228	152,114,544	79,019,211	0	79,019,211
Business Property Tax Credit	125,000,000	125,000,000	125,000,000	0	125,000,000
Total Revenue, Department of	\$ 472,098,357	\$ 480,504,544	\$ 409,259,211	\$ 0	\$ 409,259,211
Total Unassigned Standings	\$ 3,941,331,198	\$ 4,043,885,098	\$ 4,217,419,699	\$ -33,757,141	\$ 4,183,662,558