



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

June 1, 2006

The Honorable Chester Culver
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

House File 2748, an Act providing for the retention of fees by licensing boards, and the bureau of radiological health, under the purview of the Iowa Department of Public Health, providing for the nontransferability of specified fees, and providing effective date.,

The above House File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Vilsack".

Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House





THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

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HOUSE FILE 2748

AN ACT

PROVIDING FOR THE RETENTION OF FEES BY LICENSING BOARDS, AND THE BUREAU OF RADIOLOGICAL HEALTH, UNDER THE PURVIEW OF THE IOWA DEPARTMENT OF PUBLIC HEALTH, PROVIDING FOR THE NONTRANSFERABILITY OF SPECIFIED FEES, AND PROVIDING EFFECTIVE DATES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 136C.10, Code Supplement 2005, is amended to read as follows:

136C.10 FEES.

1. a. The department shall establish and collect fees for the licensing and amendment of licenses for radioactive materials, the registration of radiation machines, the periodic inspection of radiation machines and radioactive materials, and the implementation of section 136C.3, subsection 2. Fees shall be in amounts sufficient to defray the cost of administering this chapter. The license fee may include the cost of environmental surveillance activities to assess the radiological impact of activities conducted by licensees.

~~b.--Fees-collected-shall-be-remitted-to-the-treasurer-of state-who-shall-deposit-the-funds-in-the-general-fund-of-the state.--However, the-fees-collected-from-the-licensing, registration, authorization, accreditation, and-inspection-of radiation-machines-used-for-mammographically-guided-breast biopsy, screening, and-diagnostic-mammography-shall-be-used-to support-the-department's-administration-of-this-chapter-and the-fees-collected-shall-be-considered-repayment-receipts, as defined-in-section-8-2.~~

e. b. When a registrant or licensee fails to pay the applicable fee the department may suspend or revoke the

registration or license or may issue an appropriate order. Fees for the license, amendment of a license, and inspection of radioactive material shall not exceed the fees prescribed by the United States nuclear regulatory commission.

2. The department may establish and collect a fee related to transporting radioactive material if the fee is used for a purpose related to transporting radioactive material, including enforcement and planning, developing, and maintaining a capability for emergency response. The fees shall be established by rules adopted pursuant to chapter 17A, ~~and shall be deposited into a special fund within the state treasury under the exclusive authority of the department. Amounts deposited in the special fund shall be considered repayment receipts as defined in section 8.2, and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this section. Repayment receipts collected and deposited pursuant to this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated in future fiscal years.~~

3. The department may establish and collect fees from persons providing mammography services to assure compliance with applicable rules and the federal Mammography Quality Standards Act of 1992, Pub. L. No. 102-539, as amended. Fees shall be in an amount determined by the department by rule and all fees collected shall be used to support the department's mammography program.

4. Fees collected pursuant to this section shall be retained by the department, shall be considered repayment receipts as defined in section 8.2, and shall be used for the purposes described in this section, including but not limited to the addition of full-time equivalent positions for program services and investigations. Notwithstanding section 8.33, moneys retained by the department pursuant to this subsection are not subject to reversion to the general fund of the state.

Sec. 2. Section 144.13A, subsection 4, paragraph a, Code Supplement 2005, is amended by striking the paragraph and inserting in lieu thereof the following:

a. Ten dollars of each registration fee is appropriated and shall be used for primary and secondary child abuse prevention programs pursuant to section 235A.1, and ten

dollars of each registration fee is appropriated and shall be used for the center for congenital and inherited disorders central registry established pursuant to section 136A.6. Notwithstanding section 8.33, moneys appropriated in this paragraph that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year, and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this paragraph.

Sec. 3. Section 147.13, Code Supplement 2005, is amended by adding the following new subsections:

NEW SUBSECTION. 22. For hearing aids, hearing aid dispenser examiners.

NEW SUBSECTION. 23. For nursing home administrators, nursing home administrators examiners.

Sec. 4. Section 147.25, unnumbered paragraph 4, Code 2005, is amended to read as follows:

In addition to any other fee provided by law, a fee may be set by the respective examining boards for each license and renewal of a license to practice a profession, which fee shall be based on the annual cost of collecting information for use by the department in the administration of the system of health personnel statistics established by this section. The fee shall be ~~collected, transmitted to the treasurer of state and deposited in the general fund of the state in the manner in which license and renewal fees of the respective professions are collected, transmitted, and deposited in the general fund~~ retained by the respective examining boards in the manner in which license and renewal fees are retained in section 147.82.

Sec. 5. Section 147.80, Code Supplement 2005, is amended by adding the following new subsections:

NEW SUBSECTION. 29A. License to practice hearing aid dispensing, license to practice hearing aid dispensing under a reciprocal license, or renewal of a license to practice hearing aid dispensing.

NEW SUBSECTION. 29B. License to practice nursing home administration, license to practice nursing home administration under a reciprocal license, or renewal of a license to practice nursing home administration.

Sec. 6. Section 147.82, Code Supplement 2005, is amended by striking the section and inserting in lieu thereof the following:

147.82 FEES.

All fees collected by an examining board listed in section 147.80 or by the department for the bureau of professional licensure, and fees collected pursuant to sections 124.301 and 147.80 and chapter 155A by the board of pharmacy, shall be retained by each examining board or by the department for the bureau of professional licensure. The moneys retained by an examining board shall be used for any of the board's duties, including but not limited to the addition of full-time equivalent positions for program services and investigations. Revenues retained by an examining board pursuant to this section shall be considered repayment receipts as defined in section 8.2. Notwithstanding section 8.33, moneys retained by an examining board pursuant to this section are not subject to reversion to the general fund of the state.

Sec. 7. Section 147.103A, subsection 4, Code 2005, is amended to read as follows:

4. Applications for a license shall be made to the chairperson, executive director, or secretary of the board. All examination, license, and renewal fees shall be paid to and collected by the chairperson, executive director, or secretary of the board, ~~who shall transmit the fees to the treasurer of state for deposit in the general fund of the state.~~ The salary of the executive director of the board shall be established by the governor with approval of the executive council pursuant to section 8A.413, subsection 2, under the pay plan for exempt positions in the executive branch of government.

Sec. 8. Section 152.3, subsection 2, Code 2005, is amended to read as follows:

2. ~~Notwithstanding section 147.82, to~~ To collect and receive all fees.

Sec. 9. Section 152.3, subsection 3, Code 2005, is amended by striking the subsection.

Sec. 10. Section 152B.6, subsection 2, Code 2005, is amended to read as follows:

2. The establishment of a system for the licensure of respiratory care practitioners and the establishment and collection of licensure fees. ~~The fees charged shall be~~

~~sufficient-to-defray-the-costs-of-administration-of-this chapter-and-all-fees-collected-shall-be-deposited-with-the treasurer-of-state-who-shall-deposit-them-in-the-general-fund of-the-state.~~

Sec. 11. Section 152D.5, subsection 4, Code 2005, is amended to read as follows:

4. Establish a system for the collection of licensure fees. ~~The-fees-charged-shall-be-sufficient-to-defray-the costs-of-administering-this-chapter-and-all-fees-collected shall-be-deposited-with-the-treasurer-of-state-who-shall deposit-them-in-the-general-fund-of-the-state.~~

Sec. 12. Section 154E.2, subsection 3, Code Supplement 2005, is amended by striking the subsection.

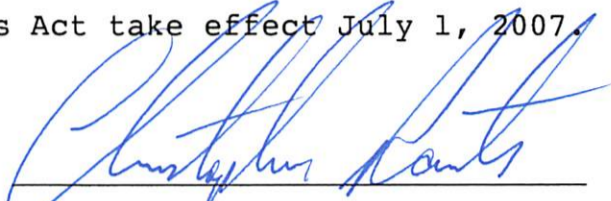
Sec. 13. Sections 154A.22 and 155.6, Code Supplement 2005, are repealed.

Sec. 14. EXAMINING BOARDS -- BUREAU OF PROFESSIONAL LICENSURE -- BUREAU OF RADIOLOGICAL HEALTH -- NONREVERSION OF FUNDS. Notwithstanding any provision to the contrary, and notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2006, and ending June 30, 2007, to an examining board listed in section 147.80, to the bureau of professional licensure, and to the bureau of radiological health that remain unencumbered or unobligated at the close of the fiscal year and repayment receipts and fees authorized to be retained by an examining board listed in section 147.80, the bureau of professional licensure, and the bureau of radiological health, for the fiscal year beginning July 1, 2006, and ending June 30, 2007, shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 15. EFFECTIVE DATES. The section of this Act providing for the nontransferability of registration fees appropriated in section 144.13A for primary and secondary child abuse prevention programs and for the center for congenital and inherited disorders central registry, being deemed of immediate importance, takes effect upon enactment.

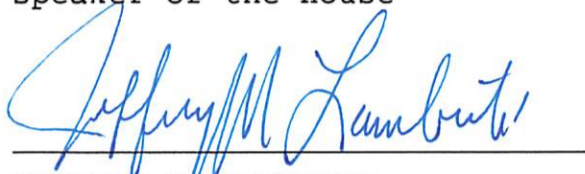
The sections of this Act relating to the addition of the hearing aid dispenser examiners and the nursing home administrators examiners to the list of examining boards in section 147.13, adding those professions to the list of examining boards contained in section 147.80, and providing for nonreversion of certain appropriations made for, and

repayment receipts, and retained fees applicable to, the fiscal year beginning July 1, 2006, take effect July 1, 2006. The remaining sections of this Act take effect July 1, 2007.



CHRISTOPHER C. RANTS

Speaker of the House



JEFFREY M. LAMBERTI

President of the Senate

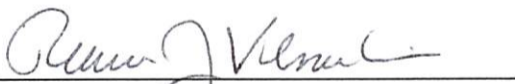
I hereby certify that this bill originated in the House and is known as House File 2748, Eighty-first General Assembly.



MARGARET THOMSON

Chief Clerk of the House

Approved June 1, 2006



THOMAS J. VILSACK

Governor