

State Government: Hammond, Chair; Hoffmann-Bright and Pavich.

SENATE FILE **391**

BY COMMITTEE ON STATE GOVERNMENT

(FORMERLY SSB 119)

Approved 3/9 (p. 700)

*Dr. Price per 3495,
3/30/83 (p. 1050)*

Passed Senate, Date 3-18-83 (p. 819) Passed House, Date 4-12-83 (p. 1223)

Vote: Ayes 43 Nays 1 Vote: Ayes 97 Nays 2

Approved May 2, 1983 (p. 1515)

*Repassed Senate per House amendment 3561
4-18-83 (p. 1285)
42-0*

A BILL FOR

- 1 An Act relating to the commission on professional and
- 2 occupational regulation.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE FILE 391

H-3495

- 1 Amend Senate File 391 as passed by the Senate,
- 2 as follows:
- 3 1. Page 2, line 3, by inserting after the word
- 4 "imposed." the words "Proposed changes in licensing
- 5 laws, including changes in the scope of the practice
- 6 or the authority of the licensing board, shall be
- 7 submitted to the commission for its recommendations
- 8 to the chairpersons and ranking members of the standing
- 9 committees on state government of the general
- 10 assembly."

H-3495 FILED MARCH 31, 1983

BY COMMITTEE ON STATE GOVERNMENT

Adopted 4/12/83 (p. 1222)

SENATE FILE 391

H-3701

- 1 Amend Senate File 391 as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, line 34, by striking the words "or
- 4 not undertake" and inserting in lieu thereof the words
- 5 "~~or-not-undertake~~".

H-3701 FILED APRIL 12, 1983

BY SPEAR of Lee

**18 4/13/83 (p. 1257)*

1 Section 1. Section 2B.2, Code 1983, is amended by striking
2 the section and inserting in lieu thereof the following:

3 2B.2 COMMISSION ESTABLISHED.

4 1. A commission on professional and occupational regulation
5 is created. The commission shall be bipartisan and be composed
6 of the following members appointed by the legislative council:

7 a. Two senators, not more than one from any one political
8 party.

9 b. Two representatives, not more than one from any one
10 political party.

11 c. Five persons, not more than three from any one po-
12 litical party.

13 2. A commission member shall be appointed to a term of
14 four years beginning July 1 in the year of appointment. A
15 member shall serve until a successor is appointed. A vacancy
16 exists when a commission member ceases to be a member of the
17 general assembly. A member of the commission shall not be
18 a member of a licensed profession or occupation.

19 3. The commission shall organize annually and elect a
20 chairperson. The legislative service bureau shall provide
21 administrative and staff assistance to the commission. The
22 members of the commission, including the legislative members
23 when the general assembly is not in session, shall be paid
24 forty dollars per diem and actual and necessary expenses from
25 funds appropriated by section 2.12.

26 Sec. 2. Section 2B.3, subsection 1, Code 1983, is amended
27 to read as follows:

28 1. The commission on professional and occupational
29 regulation shall evaluate those professions and occupations
30 seeking to become regulated and may evaluate those professions
31 and occupations which are regulated according to the criteria
32 listed in section 2B.1. The general assembly may, by

33 concurrent resolution, direct that the commission undertake
34 or not undertake an evaluation of a profession or occupation.

35 Upon completion of an evaluation, the commission shall make

1 a recommendation to the general assembly whether the profession
2 or occupation should become or continue to be regulated by
3 the state and the degree of regulation that should be imposed.
4 If the commission recommends a continuation or imposition
5 of regulation, the commission shall recommend whether
6 continuing education should be required. The commission may
7 conduct an evaluation of continuing education requirements
8 of a regulated profession or occupation without evaluating
9 whether regulation of the profession or occupation should
10 be continued. The commission shall file an annual report
11 of its evaluations and recommendations with the chief clerk
12 of the house of representatives and the secretary of the
13 senate upon the convening of each session of the general
14 assembly.

15 Sec. 3. Section 2B.3, subsection 3, Code 1983, is amended
16 by adding the following new lettered paragraph:

17 NEW LETTERED PARAGRAPH. m. Whether the skill or informa-
18 tion necessary to practice the profession or occupation ade-
19 quately changes at such a pace or to such an extent as to
20 justify continuing education requirements.

21 Sec. 4. 1979 Iowa Acts, chapter 41, section 4, is re-
22 pealed.

23 Sec. 5. Chapter 2B, Code 1983, is repealed effective July
24 1, 1986.

25 Sec. 6. The terms of members of the commission on
26 professional and occupational regulation appointed under
27 chapter 2B, Code 1983, expire on the effective date of this
28 Act. The legislative council shall make appointments to the
29 commission as provided in this Act. In making the initial
30 appointments, the legislative council shall appoint one
31 senator, one representative, and three citizens to initial
32 terms of two years.

33 EXPLANATION

34 This bill reorganizes the commission on professional and
35 occupational regulation by making all the members appointed

1 by the legislative council and providing it with administrative
2 and staff support from the legislative service bureau. The
3 bill allows the commission to evaluate a continuing education
4 requirement independently by evaluating the rest of the
5 regulation of the profession or occupation. The bill provides
6 a new "sunset" clause effective in three years.

7 The bill takes effect July 1 following enactment.

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HOUSE AMENDMENT TO SENATE FILE 191

S-3561

1 Amend Senate File 391 as passed by the Senate,
2 as follows:

3 1. Page 2, line 3, by inserting after the word
4 "imposed." the words "Proposed changes in licensing
5 laws, including changes in the scope of the practice
6 or the authority of the licensing board, shall be
7 submitted to the commission for its recommendations
8 to the chairpersons and ranking members of the standing
9 committees on state government of the general
10 assembly."

S-3561 FILED
APRIL 14, 1983

RECEIVED FROM THE HOUSE
Senate concurred 4/18/83 (p. 1285)

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SENATE FILE 391

AN ACT

RELATING TO THE COMMISSION ON PROFESSIONAL AND OCCUPATIONAL
REGULATION.

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

Section 1. Section 2B.2, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

2B.2 COMMISSION ESTABLISHED.

1. A commission on professional and occupational regulation is created. The commission shall be bipartisan and be composed of the following members appointed by the legislative council:

- a. Two senators, not more than one from any one political party.
- b. Two representatives, not more than one from any one political party.
- c. Five persons, not more than three from any one political party.

2. A commission member shall be appointed to a term of four years beginning July 1 in the year of appointment. A member shall serve until a successor is appointed. A vacancy exists when a commission member ceases to be a member of the general assembly. A member of the commission shall not be a member of a licensed profession or occupation.

3. The commission shall organize annually and elect a chairperson. The legislative service bureau shall provide administrative and staff assistance to the commission. The members of the commission, including the legislative members when the general assembly is not in session, shall be paid forty dollars per diem and actual and necessary expenses from funds appropriated by section 2.12.

Sec. 2. Section 2B.3, subsection 1, Code 1983, is amended to read as follows:

1. The commission on professional and occupational regulation shall evaluate those professions and occupations seeking to become regulated and may evaluate those professions and occupations which are regulated according to the criteria listed in section 2B.1. The general assembly may, by concurrent resolution, direct that the commission undertake or not undertake an evaluation of a profession or occupation. Upon completion of an evaluation, the commission shall make a recommendation to the general assembly whether the profession or occupation should become or continue to be regulated by the state and the degree of regulation that should be imposed. Proposed changes in licensing laws, including changes in the scope of the practice or the authority of the licensing board, shall be submitted to the commission for its recommendations to the chairpersons and ranking members of the standing committees on state government of the general assembly. If the commission recommends a continuation or imposition of regulation, the commission shall recommend whether continuing education should be required. The commission may conduct an evaluation of continuing education requirements of a regulated profession or occupation without evaluating whether regulation of the profession or occupation should be continued. The commission shall file an annual report of its evaluations and recommendations with the chief clerk of the house of representatives and the secretary of the senate upon the convening of each session of the general assembly.

Sec. 3. Section 2B.3, subsection 3, Code 1983, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. m. Whether the skill or information necessary to practice the profession or occupation adequately changes at such a pace or to such an extent as to justify continuing education requirements.

Sec. 4. 1979 Iowa Acts, chapter 41, section 4, is repealed.

Sec. 5. Chapter 2B, Code 1983, is repealed effective July 1, 1986.

Sec. 6. The terms of members of the commission on professional and occupational regulation appointed under chapter 2B, Code 1983, expire on the effective date of this Act. The legislative council shall make appointments to the commission as provided in this Act. In making the initial appointments, the legislative council shall appoint one senator, one representative, and three citizens to initial terms of two years.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 391, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved May 2, 1983

TERRY E. BRANSTAD
Governor