

MAR 1 6 2006
WAYS & MEANS CALENDAR

HOUSE FILE 2748
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 2568)

(SUCCESSOR TO HF 2289)

Passed House, Date 4-3-06 Passed Senate, Date 4-24-06
Vote: Ayes 97 Nays 0 Vote: Ayes 50 Nays 0
Approved 6-1-06

A BILL FOR

1 An Act providing for the retention of fees by licensing boards,
2 and the bureau of radiological health, under the purview of
3 the Iowa department of public health, providing for the
4 nontransferability of specified fees, and providing effective
5 dates.

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

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HF 2748

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

3 136C.10 FEES.

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

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

23 e. b. When a registrant or licensee fails to pay the
24 applicable fee the department may suspend or revoke the
25 registration or license or may issue an appropriate order.
26 Fees for the license, amendment of a license, and inspection
27 of radioactive material shall not exceed the fees prescribed
28 by the United States nuclear regulatory commission.

29 2. The department may establish and collect a fee related
30 to transporting radioactive material if the fee is used for a
31 purpose related to transporting radioactive material,
32 including enforcement and planning, developing, and
33 maintaining a capability for emergency response. The fees
34 shall be established by rules adopted pursuant to chapter 17A,
35 ~~and-shall-be-deposited-into-a-special-fund-within-the-state~~

1 treasury-under-the-exclusive-authority-of-the-department.
2 Amounts-deposited-in-the-special-fund-shall-be-considered
3 repayment-receipts-as-defined-in-section-8.2,--and-shall-not-be
4 transferred,--used,--obligated,--appropriated,--or-otherwise
5 encumbered-except-as-provided-in-this-section.--Repayment
6 receipts-collected-and-deposited-pursuant-to-this-section-that
7 remain-unencumbered-or-unobligated-at-the-close-of-the-fiscal
8 year-shall-not-revert-but-shall-remain-available-for
9 expenditure-for-the-purposes-designated-in-future-fiscal
10 years.

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

18 4. Fees collected pursuant to this section shall be
19 retained by the department, shall be considered repayment
20 receipts as defined in section 8.2, and shall be used for the
21 purposes described in this section. Notwithstanding section
22 8.33, moneys retained by the department pursuant to this
23 subsection are not subject to reversion to the general fund of
24 the state.

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

28 a. Ten dollars of each registration fee is appropriated
29 and shall be used for primary and secondary child abuse
30 prevention programs pursuant to section 235A.1, and ten
31 dollars of each registration fee is appropriated and shall be
32 used for the center for congenital and inherited disorders
33 central registry established pursuant to section 136A.6.
34 Notwithstanding section 8.33, moneys appropriated in this
35 paragraph that remain unencumbered or unobligated at the close

1 of the fiscal year shall not revert but shall remain available
2 for expenditure for the purposes designated until the close of
3 the succeeding fiscal year, and shall not be transferred,
4 used, obligated, appropriated, or otherwise encumbered except
5 as provided in this paragraph.

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

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

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

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

14 In addition to any other fee provided by law, a fee may be
15 set by the respective examining boards for each license and
16 renewal of a license to practice a profession, which fee shall
17 be based on the annual cost of collecting information for use
18 by the department in the administration of the system of
19 health personnel statistics established by this section. The
20 fee shall be collected~~7-transmitted-to-the-treasurer-of-state~~
21 ~~and-deposited-in-the-general-fund-of-the-state-in-the-manner~~
22 ~~in-which-license-and-renewal-fees-of-the-respective~~
23 ~~professions-are-collected7-transmitted7-and-deposited-in-the~~
24 ~~general-fund~~ retained by the respective examining boards in
25 the manner in which license and renewal fees are retained in
26 section 147.82.

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

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

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

1 license to practice nursing home administration.

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

5 147.82 FEES.

6 All fees collected by an examining board listed in section
7 147.80 or by the department for the bureau of professional
8 licensure, and fees collected pursuant to sections 124.301 and
9 147.80 and chapter 155A by the board of pharmacy, shall be
10 retained by each examining board or by the department for the
11 bureau of professional licensure. The moneys retained by an
12 examining board shall be used for any of the board's duties.
13 Revenues retained by an examining board pursuant to this
14 section shall be considered repayment receipts as defined in
15 section 8.2. Notwithstanding section 8.33, moneys retained by
16 an examining board pursuant to this section are not subject to
17 reversion to the general fund of the state.

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

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

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

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

35 Sec. 9. Section 152.3, subsection 3, Code 2005, is amended

1 by striking the subsection.

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

4 2. The establishment of a system for the licensure of
5 respiratory care practitioners and the establishment and
6 collection of licensure fees. ~~The fees charged shall be
7 sufficient to defray the costs of administration of this
8 chapter and all fees collected shall be deposited with the
9 treasurer of state who shall deposit them in the general fund
10 of the state.~~

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

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

18 Sec. 12. Section 154E.2, subsection 3, Code Supplement
19 2005, is amended by striking the subsection.

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

22 Sec. 14. EFFECTIVE DATES. The section of this Act
23 providing for the nontransferability of registration fees
24 appropriated in section 144.13A for primary and secondary
25 child abuse prevention programs and for the center for
26 congenital and inherited disorders central registry, being
27 deemed of immediate importance, takes effect upon enactment.
28 The remaining sections of this Act take effect July 1, 2007.

29 EXPLANATION

30 This bill provides for the retention of fees imposed and
31 collected by health licensing boards listed in Code section
32 147.80, and fees imposed by the bureau of radiological health
33 pursuant to Code section 136C.10. The bill also provides for
34 nonreversion of the retained fees to the general fund of the
35 state. Currently, applicable Code sections provide for the

1 deposit of fees collected by the licensing boards, and the
2 bureau, in the general fund of the state. Code section 147.82
3 currently contains some exceptions permitting retention of
4 portions of the fees imposed by specified licensing boards,
5 and specified percentages of fee increases, but the bill
6 deletes these provisions, given that all fees will now be
7 retained by the boards. The bill makes conforming changes
8 consistent with the retention of the fees by the boards.
9 These provisions of the bill take effect July 1, 2007.

10 The bill additionally provides that amounts appropriated
11 from fees charged for registering birth certificates in Code
12 section 144.13A for primary and secondary child abuse
13 prevention programs and for the center for congenital and
14 inherited disorders central registry shall not be transferred,
15 used, obligated, appropriated, or otherwise encumbered. This
16 provision of the bill takes effect upon enactment.

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Fiscal Services Division
Legislative Services Agency
Fiscal Note

HF 2748 - Health Care Licensing Board Funding (LSB 5457 HZ)
Analyst: Lisa Burk (Phone: [515] 281-7942) (lisa.burk@legis.state.ia.us)
Fiscal Note Version - New

Description

House File 2748 provides for the retention of fees collected by the Boards of Dental, Nursing, Medical, and Pharmacy Examiners, the Boards under the Professional Licensure Division, and the Bureau of Radiological Health within the Department of Public Health, beginning in FY 2008.

The Bill also requires that appropriations from fees charged for birth registrations for primary and secondary child abuse prevention programs and for the Center for Congenital and Inherited Disorders Central Registry not be transferred, used, obligated, appropriated, or otherwise encumbered.

Background

- **Health Care and Professional Licensure Boards** - Under current law, the health care and professional licensure boards collect and deposit licensure fees into the General Fund, with the exception of amounts permitted to be retained for rent costs or other purposes under Section 147.82, Code of Iowa. Each board then receives back a percentage of the fees deposited into the General Fund through the annual appropriation for Public Protection to the Department of Public Health to support the boards' operations and activities. The boards do not have separate line-item appropriations.

The Department allocates a portion of the Public Protection appropriation to each board and the Professional Licensure Division. This budgeting practice has been in place since FY 1999. The boards do not receive back 100.0% of the amounts deposited into the General Fund; therefore, there is a net benefit to the General Fund each year, which pays for indirect board costs, as well as other State government activities.

- **Bureau of Radiological Health** - The Bureau of Radiological Health charges fees to health care providers that are used to inspect mammography diagnostic equipment, and to shippers of radioactive waste to initiate and maintain emergency response for radioactive shipments. The Bureau is permitted to retain 100.0% of these fees under Sections 136C.10(1)(b) and 136C.10(2)(2), Code of Iowa.

The Bureau also charges fees for the registration of radiation machines and to those who hold a radioactive materials license that are used to inspect radioactive materials and machines. Under current law, the Bureau deposits the majority of these fees into the General Fund, and retains and receives 97.8% of the fees back through the annual appropriation for Public Protection to the Department of Public Health to support the Bureau's operations.

- **Birth Registration Fees** - Section 144.13A(4)(a), Code of Iowa, appropriates 50.0% of the fees charged for birth registrations to primary and secondary child abuse prevention programs, and 50.0% to the Center for Congenital and Inherited Disorders. (House File 2748 does not change this structure). House File 882 (FY 2006 Standing Appropriations Act) notwithstanding this provision and reduced the amount appropriated from these fees to the Center by \$40,000 for FY 2006, and credited the \$40,000 to the General Fund.

Assumptions

1. The health care and professional licensure boards and the Bureau of Radiological Health will collect and retain 100.0% of licensure fees and no longer deposit any of the fees into the General Fund beginning in FY 2008.
2. The health care and professional licensure boards and the Bureau of Radiological Health will no longer receive funding from the General Fund appropriation for Public Protection within the Department of Public Health beginning in FY 2008.
3. Under current law, the amount of fees deposited by the Bureau of Radiological Health that would be retained by the General Fund is an estimated \$17,000 for FY 2008.
4. Under current law, the total amount of fees deposited by the health care and professional licensure boards that would be retained by the General Fund is an estimated \$1.3 million for FY 2008, which is outlined in the table below.

	<u>Est. Total</u> <u>Fees</u>	<u>Amount</u> <u>Retained</u>	<u>Gen. Fund</u> <u>Approp.</u>	<u>Total Fees</u> <u>Retained &</u> <u>Appropriated</u>	<u>Fees</u> <u>Deposited to</u> <u>Gen. Fund</u>
Board of Dental Examiners	\$ 810,000	\$ 354,753	\$ 379,008	\$ 733,761	\$ 76,239
Board of Medical Examiners	2,098,640	406,850	1,487,061	1,893,911	204,729
Board of Nursing	1,982,356	402,056	1,044,811	1,446,867	535,489
Board of Pharmacy	1,835,140	863,008	780,642	1,643,650	191,490
Professional Licensure	1,712,559	259,111	1,208,488	1,467,599	244,960
Total	\$ 8,438,695	\$ 2,285,778	\$ 4,900,010	\$ 7,185,788	\$ 1,252,907

Fiscal Impact

House File 2748 will result in an estimated net decrease in General Fund revenues of \$1.3 million beginning in FY 2008.

Source

Department of Public Health

/s/ Holly M. Lyons

March 21, 2006

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

HOUSE FILE 2748

H-8443

1 Amend House File 2748 as follows:

2 1. Page 2, line 21, by inserting after the words
3 "this section" the following: ", including but not
4 limited to the addition of full-time equivalent
5 positions for program services and investigations".

6 2. Page 4, line 12, by inserting after the word
7 "duties" the following: ", including but not limited
8 to the addition of full-time equivalent positions for
9 program services and investigations".

10 3. Page 5, by inserting after line 21 the
11 following:

12 "Sec. ____ EXAMINING BOARDS -- BUREAU OF
13 PROFESSIONAL LICENSURE -- BUREAU OF RADIOLOGICAL
14 HEALTH -- NONREVERSION OF FUNDS. Notwithstanding any
15 provision to the contrary, and notwithstanding section
16 8.33, moneys appropriated for the fiscal year
17 beginning July 1, 2006, and ending June 30, 2007, to
18 an examining board listed in section 147.80, to the
19 bureau of professional licensure, and to the bureau of
20 radiological health that remain unencumbered or
21 unobligated at the close of the fiscal year and
22 repayment receipts and fees authorized to be retained
23 by an examining board listed in section 147.80, the
24 bureau of professional licensure, and the bureau of
25 radiological health, for the fiscal year beginning
26 July 1, 2006, and ending June 30, 2007, shall not
27 revert but shall remain available for expenditure for
28 the purposes designated until the close of the
29 succeeding fiscal year."

30 4. Page 5, by striking line 28 and inserting the
31 following:

32 "The sections of this Act relating to the addition
33 of the hearing aid dispenser examiners and the nursing
34 home administrators examiners to the list of examining
35 boards in section 147.13, adding those professions to
36 the list of examining boards contained in section
37 147.80, and providing for nonreversion of certain
38 appropriations made for, and repayment receipts, and
39 retained fees applicable to, the fiscal year beginning
40 July 1, 2006, take effect July 1, 2006. The remaining
41 sections of this Act take effect July 1, 2007."

42 5. By renumbering as necessary.

By UPMEYER of Hancock

H-8443 FILED MARCH 30, 2006

HOUSE FILE 2748
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 2568)

(SUCCESSOR TO HF 2289)

(As Amended and Passed by the House April 3, 2006)

Passed House, Date _____ Passed Senate, Date 4-24-06
Vote: Ayes _____ Nays _____ Vote: Ayes 50 Nays 0
Approved _____

A BILL FOR

1 An Act providing for the retention of fees by licensing boards,
2 and the bureau of radiological health, under the purview of
3 the Iowa department of public health, providing for the
4 nontransferability of specified fees, and providing effective
5 dates.

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

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House Amendments _____

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

3 136C.10 FEES.

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

14 ~~b. Fees collected shall be remitted to the treasurer of~~
15 ~~state who shall deposit the funds in the general fund of the~~
16 ~~state. However, the fees collected from the licensing,~~
17 ~~registration, authorization, accreditation, and inspection of~~
18 ~~radiation machines used for mammographically-guided breast~~
19 ~~biopsy, screening, and diagnostic mammography shall be used to~~
20 ~~support the department's administration of this chapter and~~
21 ~~the fees collected shall be considered repayment receipts, as~~
22 ~~defined in section 8.2.~~

23 e. b. When a registrant or licensee fails to pay the
24 applicable fee the department may suspend or revoke the
25 registration or license or may issue an appropriate order.
26 Fees for the license, amendment of a license, and inspection
27 of radioactive material shall not exceed the fees prescribed
28 by the United States nuclear regulatory commission.

29 2. The department may establish and collect a fee related
30 to transporting radioactive material if the fee is used for a
31 purpose related to transporting radioactive material,
32 including enforcement and planning, developing, and
33 maintaining a capability for emergency response. The fees
34 shall be established by rules adopted pursuant to chapter 17A
35 ~~and shall be deposited into a special fund within the state~~

1 treasury-under-the-exclusive-authority-of-the-department.
2 Amounts-deposited-in-the-special-fund-shall-be-considered
3 repayment-receipts-as-defined-in-section-8.2,-and-shall-not-be
4 transferred,-used,-obligated,-appropriated,-or-otherwise
5 encumbered-except-as-provided-in-this-section.--Repayment
6 receipts-collected-and-deposited-pursuant-to-this-section-that
7 remain-unencumbered-or-unobligated-at-the-close-of-the-fiscal
8 year-shall-not-revert-but-shall-remain-available-for
9 expenditure-for-the-purposes-designated-in-future-fiscal
10 years.

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

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

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

29 a. Ten dollars of each registration fee is appropriated
30 and shall be used for primary and secondary child abuse
31 prevention programs pursuant to section 235A.1, and ten
32 dollars of each registration fee is appropriated and shall be
33 used for the center for congenital and inherited disorders
34 central registry established pursuant to section 136A.6.
35 Notwithstanding section 8.33, moneys appropriated in this

1 paragraph that remain unencumbered or unobligated at the close
2 of the fiscal year shall not revert but shall remain available
3 for expenditure for the purposes designated until the close of
4 the succeeding fiscal year, and shall not be transferred,
5 used, obligated, appropriated, or otherwise encumbered except
6 as provided in this paragraph.

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

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

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

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

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

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

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

34 NEW SUBSECTION. 29B. License to practice nursing home
35 administration, license to practice nursing home

1 administration under a reciprocal license, or renewal of a
2 license to practice nursing home administration.

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

6 147.82 FEES.

7 All fees collected by an examining board listed in section
8 147.80 or by the department for the bureau of professional
9 licensure, and fees collected pursuant to sections 124.301 and
10 147.80 and chapter 155A by the board of pharmacy, shall be
11 retained by each examining board or by the department for the
12 bureau of professional licensure. The moneys retained by an
13 examining board shall be used for any of the board's duties,
14 including but not limited to the addition of full-time
15 equivalent positions for program services and investigations.

16 Revenues retained by an examining board pursuant to this
17 section shall be considered repayment receipts as defined in
18 section 8.2. Notwithstanding section 8.33, moneys retained by
19 an examining board pursuant to this section are not subject to
20 reversion to the general fund of the state.

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

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

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

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

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

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

7 2. The establishment of a system for the licensure of
8 respiratory care practitioners and the establishment and
9 collection of licensure fees. ~~The fees charged shall be~~
10 ~~sufficient to defray the costs of administration of this~~
11 ~~chapter and all fees collected shall be deposited with the~~
12 ~~treasurer of state who shall deposit them in the general fund~~
13 ~~of the state.~~

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

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

21 Sec. 12. Section 154E.2, subsection 3, Code Supplement
22 2005, is amended by striking the subsection.

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

25 Sec. 14. EXAMINING BOARDS -- BUREAU OF PROFESSIONAL
26 LICENSURE -- BUREAU OF RADIOLOGICAL HEALTH -- NONREVERSION OF
27 FUNDS. Notwithstanding any provision to the contrary, and
28 notwithstanding section 8.33, moneys appropriated for the
29 fiscal year beginning July 1, 2006, and ending June 30, 2007,
30 to an examining board listed in section 147.80, to the bureau
31 of professional licensure, and to the bureau of radiological
32 health that remain unencumbered or unobligated at the close of
33 the fiscal year and repayment receipts and fees authorized to
34 be retained by an examining board listed in section 147.80,
35 the bureau of professional licensure, and the bureau of

1 radiological health, for the fiscal year beginning July 1,
2 2006, and ending June 30, 2007, shall not revert but shall
3 remain available for expenditure for the purposes designated
4 until the close of the succeeding fiscal year.

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

11 The sections of this Act relating to the addition of the
12 hearing aid dispenser examiners and the nursing home
13 administrators examiners to the list of examining boards in
14 section 147.13, adding those professions to the list of
15 examining boards contained in section 147.80, and providing
16 for nonreversion of certain appropriations made for, and
17 repayment receipts, and retained fees applicable to, the
18 fiscal year beginning July 1, 2006, take effect July 1, 2006.
19 The remaining sections of this Act take effect July 1, 2007.

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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.~~

c. 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 _____, 2006

THOMAS J. VILSACK
Governor