

House Study Bill 174 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON RIZER)

A BILL FOR

1 An Act relating to certain state regulations, including
2 certificate of need requirements, the practice of certain
3 professions, the oversight of state preserves, and
4 elimination of the Iowa capital investment board, and
5 including effective date and transition provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

CERTIFICATE OF NEED REQUIREMENT

Section 1. Section 135.61, subsection 14, paragraph a, Code 2017, is amended by striking the paragraph.

Sec. 2. Section 135.61, subsection 18, Code 2017, is amended by adding the following new paragraphs:

NEW PARAGRAPH. n. The addition of swing-beds by a hospital resulting in a swing-bed capacity of twenty-five or more swing beds, or the addition of nursing facility beds or skilled nursing facility beds by a hospital.

NEW PARAGRAPH. o. The construction, development, or other establishment of a hospital in a county with a population of less than eighty thousand, or of a hospital in a county with a population of greater than eighty thousand if the hospital is to be located within thirty-five miles of a hospital located in a county with a population of less than eighty thousand.

Sec. 3. Section 135.61, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 21A. *“Proposed institutional health service”* or *“institutional health service proposed”* includes an institutional health service and the new institutional health service or changed institutional health service specified in subsection 18, paragraph “n” or “o”.

Sec. 4. Section 135.63, subsection 2, paragraph g, subparagraph (1), subparagraph division (a), Code 2017, is amended to read as follows:

(a) The institutional health facility reports to the department the number and type of beds reduced on a form prescribed by the department at least thirty days before the reduction. In the case of a health care facility, the new bed total must be consistent with the number of licensed beds at the facility. ~~In the case of a hospital, the number of beds must be consistent with bed totals reported to the department of inspections and appeals for purposes of licensure and certification.~~

1 Sec. 5. Section 135.63, subsection 2, paragraphs k and n,
2 Code 2017, are amended by striking the paragraphs.

3 Sec. 6. Section 135.63, subsection 2, paragraphs l and m,
4 Code 2017, are amended to read as follows:

5 1. The replacement or modernization of any institutional
6 health facility if the replacement or modernization does
7 not add new health services or additional bed capacity for
8 existing health services, notwithstanding any provision in this
9 division to the contrary. With respect to a nursing facility,
10 "*replacement*" means establishing a new facility within the same
11 county as the prior facility to be closed. ~~With reference to~~
12 ~~a hospital, "*replacement*" means establishing a new hospital~~
13 ~~that demonstrates compliance with all of the following criteria~~
14 ~~through evidence submitted to the department:~~

15 ~~(1) Is designated as a critical access hospital pursuant to~~
16 ~~42 U.S.C. §1395i-4.~~

17 ~~(2) Serves at least seventy-five percent of the same service~~
18 ~~area that was served by the prior hospital to be closed and~~
19 ~~replaced by the new hospital.~~

20 ~~(3) Provides at least seventy-five percent of the same~~
21 ~~services that were provided by the prior hospital to be closed~~
22 ~~and replaced by the new hospital.~~

23 ~~(4) Is staffed by at least seventy-five percent of the~~
24 ~~same staff, including medical staff, contracted staff, and~~
25 ~~employees, as constituted the staff of the prior hospital to be~~
26 ~~closed and replaced by the new hospital.~~

27 *m.* Hemodialysis services provided by a hospital or
28 freestanding facility, notwithstanding any provision in this
29 division to the contrary.

30 Sec. 7. Section 135.63, subsection 2, Code 2017, is amended
31 by adding the following new paragraph:

32 NEW PARAGRAPH. *q.* A facility that primarily provides
33 services to a person with a primary diagnosis of mental illness
34 as defined in section 229.1.

35 Sec. 8. Section 135P.1, subsection 3, Code 2017, is amended

1 to read as follows:

2 3. "*Health facility*" means an institutional health
3 facility as defined in [section 135.61](#), hospital as defined
4 in section 135B.1, hospice licensed under [chapter 135J](#), home
5 health agency as defined in [section 144D.1](#), assisted living
6 program certified under [chapter 231C](#), clinic, or community
7 health center, and includes any corporation, professional
8 corporation, partnership, limited liability company, limited
9 liability partnership, or other entity comprised of such health
10 facilities.

11 Sec. 9. STATE HEALTH FACILITIES COUNCIL — CERTIFICATE OF
12 NEED STUDY AND REPORT.

13 1. The state health facilities council established in
14 section 135.62 shall conduct a study regarding the continued
15 need for the certificate of need process.

16 2. The state health facilities council shall submit a report
17 to the governor's office and the legislative services agency
18 by July 1, 2018, including its findings and recommendations
19 regarding the future of the certificate of need process.

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

23 DIVISION II

24 PRACTICE OF DENTISTRY MODIFICATION AND INTERIOR DESIGN

25 EXAMINING BOARD REPEAL

26 Sec. 11. Section 153.13, subsection 3, Code 2017, is amended
27 by striking the subsection.

28 Sec. 12. Section 546.10, subsection 1, paragraph f, Code
29 2017, is amended by striking the paragraph.

30 Sec. 13. Section 546.10, subsection 5, Code 2017, is amended
31 to read as follows:

32 5. Fees collected under [chapters 542](#), [542B](#), [543B](#), [544A](#),
33 and 544B, and ~~544C~~ shall be paid to the treasurer of state
34 and credited to the general fund of the state. All expenses
35 required in the discharge of the duties and responsibilities

1 imposed upon the professional licensing and regulation bureau
2 of the banking division of the department of commerce, the
3 administrator, and the licensing boards by the laws of this
4 state shall be paid from moneys appropriated by the general
5 assembly for those purposes. All fees deposited into the
6 general fund of the state, as provided in [this subsection](#),
7 shall be subject to the requirements of [section 8.60](#).

8 Sec. 14. REPEAL. Chapter 544C, Code 2017, is repealed.

9 Sec. 15. TRANSITION PROVISIONS.

10 1. Any moneys remaining in any account or fund under
11 the control of the interior design examining board on the
12 effective date of this division of this Act and relating to the
13 provisions of this division of this Act shall be transferred to
14 the general fund.

15 2. An administrative hearing or court proceeding arising
16 out of an enforcement action under chapter 544C or related
17 administrative rules pending on the effective date of this
18 division of this Act shall not be affected by this division
19 of this Act. Any cause of action or statute of limitation
20 relating to an action taken by the interior design examining
21 board shall not be affected by this division of this Act.

22 DIVISION III

23 REPEAL OF STATE ADVISORY BOARD FOR PRESERVES

24 Sec. 16. Section 455A.8, subsections 1 and 2, Code 2017, are
25 amended to read as follows:

26 1. *a.* The Brushy creek recreation trails advisory board
27 shall be organized within the department and shall be composed
28 of ~~nine~~ eight voting members and one ex officio nonvoting
29 member as follows:

30 (1) The director of the department or the director's
31 designee who shall serve as the nonvoting ex officio member.

32 (2) The park employee who is primarily responsible for
33 maintenance of the Brushy creek recreation area.

34 (3) ~~A member of the state advisory board for preserves~~
35 ~~established under [chapter 465C](#).~~

1 ~~(4)~~ Seven persons appointed by the natural resource
2 commission.

3 *b.* The director shall provide the natural resource
4 commission with nominations of prospective board members.
5 Each person appointed by the natural resource commission must
6 actively participate in recreational trail activities such
7 as hiking, bicycling, an equestrian sport, or a winter sport
8 at the Brushy creek recreation area. The ~~nine~~ eight voting
9 members shall elect a chairperson at the board's first meeting
10 each year.

11 2. Each voting member of the board shall serve for terms
12 of three years, and shall be eligible for reappointment. A
13 vacancy on the board shall be filled for the remainder of the
14 original term. However, a vacancy in the membership slot
15 designated for the park employee shall be filled by the park
16 employee's successor, ~~and the person representing the state~~
17 ~~advisory board for preserves shall serve at the pleasure of the~~
18 ~~board.~~ The department shall reimburse each member, other than
19 the director or the director's designee and the park employee,
20 for actual expenses incurred by the member in performance
21 of the duties of the board. A majority of voting members
22 constitutes a quorum, and the affirmative vote of a majority
23 present is necessary for any action taken by the board, except
24 that a lesser number may adjourn a meeting. A vacancy in the
25 membership of the board does not impair the rights of a quorum
26 to exercise all rights and perform all duties of the board.
27 The board shall meet as required, but at least twice a year.
28 The board shall meet upon call of the chairperson, or upon
29 written request of three members of the board. Written notice
30 of the time and place of the meeting shall be given to each
31 member.

32 Sec. 17. Section 461A.42, subsection 1, paragraph a, Code
33 2017, is amended to read as follows:

34 *a.* A firearm or other weapon authorized for hunting may be
35 used in preserves or parts of preserves designated by ~~the state~~

1 ~~advisory board on preserves at the request of~~ the commission.

2 Sec. 18. Section 465C.1, subsection 2, Code 2017, is amended
3 by striking the subsection.

4 Sec. 19. Section 465C.1, subsection 4, Code 2017, is amended
5 to read as follows:

6 4. "*Dedication*" means the allocation of an area as a
7 preserve by a public agency or by a private owner by written
8 stipulation in a form approved by the ~~state advisory board for~~
9 preserves commission.

10 Sec. 20. Section 465C.9, Code 2017, is amended to read as
11 follows:

12 **465C.9 Articles of dedication.**

13 1. The public agency or private owner shall complete
14 articles of dedication on forms approved by the ~~board~~
15 commission. When the articles of dedication have been approved
16 by the governor, the ~~board~~ commission shall record them with
17 the county recorder for the county or counties in which the
18 area is located.

19 2. The articles of dedication may contain restrictions
20 on development, sale, transfer, method of management, public
21 access, and commercial or other use, and may contain such other
22 provisions as may be necessary to further the purposes of this
23 chapter. They may define the respective jurisdictions of the
24 owner or operating agency and the ~~board~~ commission. They may
25 provide procedures to be applied in case of violation of the
26 dedication. They may recognize reversionary rights. They may
27 vary in provisions from one preserve to another in accordance
28 with differences in relative conditions.

29 Sec. 21. Section 465C.10, Code 2017, is amended to read as
30 follows:

31 **465C.10 When dedicated as a preserve.**

32 An area shall become a preserve when it has been approved by
33 the ~~board~~ commission for dedication as a preserve, whether in
34 public or private ownership, formally dedicated as a preserve
35 within the system by a public agency or private owner and

1 designated by the governor as a preserve.

2 Sec. 22. Section 465C.11, Code 2017, is amended to read as
3 follows:

4 **465C.11 Area held in trust.**

5 1. An area designated as a preserve within the system is
6 hereby declared put to its highest, best, and most important
7 use for public benefit. It shall be held in trust and shall not
8 be alienated except to another public use upon a finding by the
9 ~~board~~ commission of imperative and unavoidable public necessity
10 ~~and with the approval of the commission,~~ the general assembly
11 by concurrent resolution, and the governor. The ~~board's~~
12 commission's interest or interests in any area designated as a
13 preserve shall not be taken under the condemnation statutes of
14 this state without such a finding of imperative and unavoidable
15 public necessity by the ~~board~~ commission, ~~and with the~~
16 ~~consent of the commission,~~ the general assembly by concurrent
17 resolution, and the governor.

18 2. The ~~board~~ commission, with the approval of the governor,
19 may enter into amendments to any articles of dedication upon
20 its finding that such amendment will not permit an impairment,
21 disturbance, or development of the area inconsistent with the
22 purposes of [this chapter](#).

23 3. Before the ~~board~~ commission shall make a finding of
24 imperative and unavoidable public necessity, or shall enter
25 into any amendment to articles of dedication, it shall provide
26 notice of such proposal and opportunity for any person to be
27 heard. Such notice shall be published at least once in a
28 newspaper with a general circulation in the county or counties
29 wherein the area directly affected is situated, and mailed
30 within ten days of such published notice to all persons who
31 have requested notice of all such proposed actions. Each
32 notice shall set forth the substance of the proposed action and
33 describe, with or without legal description, the area affected,
34 and shall set forth a place and time not less than sixty days
35 thence for all persons desiring to be heard to have reasonable

1 opportunity to be heard prior to the finding of the ~~board~~
2 commission.

3 Sec. 23. REPEAL. Sections 465C.2, 465C.3, 465C.4, 465C.5,
4 465C.6, 465C.7, and 465C.8, Code 2017, are repealed.

5 Sec. 24. TRANSITION PROVISIONS.

6 1. Any rule, regulation, form, order, or directive
7 promulgated by the state advisory board for preserves as
8 required to administer and enforce the provisions of chapter
9 465C, Code 2017, shall continue in full force and effect until
10 amended, repealed, or supplemented by affirmative action of the
11 natural resource commission.

12 2. Any moneys remaining in any account or fund under the
13 control of the state advisory board for preserves on the
14 effective date of this division of this Act and relating
15 to the provisions of this division of this Act shall be
16 transferred to a comparable fund or account under the control
17 of the department of natural resources for such purposes.
18 Notwithstanding section 8.33, the moneys transferred in
19 accordance with this subsection shall not revert to the account
20 or fund from which appropriated or transferred.

21 DIVISION IV

22 ELECTRICAL EXAMINING ADVISORY COUNCIL

23 Sec. 25. Section 100C.10, subsection 3, Code 2017, is
24 amended to read as follows:

25 3. The state fire marshal, or the state fire marshal's
26 designee, and the chairperson of the electrical examining ~~board~~
27 advisory council created in [section 103.2](#) shall be nonvoting ex
28 officio members of the board.

29 Sec. 26. Section 103.1, subsections 1, 2, 3, 4, 7, 10, 17,
30 and 18, Code 2017, are amended to read as follows:

31 1. "*Apprentice electrician*" means any person who, as such
32 person's principal occupation, is engaged in learning and
33 assisting in the installation, alteration, and repair of
34 electrical wiring, apparatus, and equipment as an employee of
35 a person licensed under [this chapter](#), and who is licensed by

1 the ~~board~~ department and is progressing toward completion of
2 an apprenticeship training program registered by the office
3 of apprenticeship of the United States department of labor.
4 For purposes of this chapter, persons who are not engaged in
5 the installation, alteration, or repair of electrical wiring,
6 apparatus, and equipment, either inside or outside buildings,
7 shall not be considered apprentice electricians.

8 2. "~~Board~~" "Council" means the electrical examining ~~board~~
9 advisory council created under section 103.2.

10 3. "Class A journeyman electrician" means a person
11 having the necessary qualifications, training, experience,
12 and technical knowledge to wire for or install electrical
13 wiring, apparatus, and equipment and to supervise apprentice
14 electricians and who is licensed by the ~~board~~ department.

15 4. "Class A master electrician" means a person having the
16 necessary qualifications, training, experience, and technical
17 knowledge to properly plan, lay out, and supervise the
18 installation of electrical wiring, apparatus, and equipment for
19 light, heat, power, and other purposes and who is licensed by
20 the ~~board~~ department.

21 7. "Electrical contractor" means a person affiliated with
22 an electrical contracting firm or business who is, or who
23 employs a person who is, licensed by the ~~board~~ department as
24 either a class A or class B master electrician and who is also
25 registered with the state of Iowa as a contractor pursuant to
26 chapter 91C.

27 10. "Inspector" means a person certified as an electrical
28 inspector upon such reasonable conditions as may be adopted by
29 the ~~board~~ department. The ~~board~~ department may permit more
30 than one class of electrical inspector.

31 17. "Special electrician" means a person having the
32 necessary qualifications, training, and experience in wiring
33 or installing special classes of electrical wiring, apparatus,
34 equipment, or installations which shall include irrigation
35 system wiring, disconnecting and reconnecting of existing air

1 conditioning and refrigeration, and sign installation and who
2 is licensed by the ~~board~~ department.

3 18. "Unclassified person" means any person, other than an
4 apprentice electrician or other person licensed under this
5 chapter, who, as such person's principal occupation, is engaged
6 in learning and assisting in the installation, alteration, and
7 repair of electrical wiring, apparatus, and equipment as an
8 employee of a person licensed under this chapter, and who is
9 licensed by the ~~board~~ department as an unclassified person.
10 For purposes of this chapter, persons who are not engaged in
11 the installation, alteration, or repair of electrical wiring,
12 apparatus, and equipment, either inside or outside buildings,
13 shall not be considered unclassified persons.

14 Sec. 27. Section 103.1, Code 2017, is amended by adding the
15 following new subsection:

16 NEW SUBSECTION. 6A. "Department" means the department of
17 public safety created under chapter 80.

18 Sec. 28. Section 103.2, subsections 1 and 3, Code 2017, are
19 amended to read as follows:

20 1. An electrical examining ~~board~~ advisory council is
21 created within the division of state fire marshal of the
22 department of public safety. The ~~board~~ council shall consist
23 of ~~eleven~~ ten voting members appointed by the ~~governor and~~
24 ~~subject to senate confirmation~~ department, all of whom shall be
25 residents of this state.

26 3. ~~The public members of the board shall be allowed to~~
27 ~~participate in administrative, clerical, or ministerial~~
28 ~~functions incident to giving a licensure examination, but shall~~
29 ~~not determine the content of the examination or determine the~~
30 ~~correctness of the answers.~~ Professional associations or
31 societies composed of licensed electricians may recommend to
32 the ~~governor~~ department the names of potential ~~board~~ council
33 members whose profession is representative of that association
34 or society. However, the ~~governor~~ department is not bound
35 by the recommendations. A ~~board~~ council member shall not

1 be required to be a member of any professional electrician
2 association or society.

3 Sec. 29. Section 103.3, subsections 1 and 2, Code 2017, are
4 amended to read as follows:

5 1. Appointments to the board council, other than the state
6 fire marshal or a representative of the state fire marshal's
7 office, shall be for three-year staggered terms and shall
8 commence and end as provided by section 69.19. The most
9 recently appointed state fire marshal, or a representative of
10 the state fire marshal's office, shall be appointed to the
11 board on an ongoing basis. ~~Vacancies shall be filled for the~~
12 ~~unexpired term by appointment of the governor and shall be~~
13 ~~subject to senate confirmation.~~ Members shall serve no more
14 than three terms or nine years, whichever is least.

15 2. Members of the board council are entitled to receive
16 all actual expenses incurred in the discharge of their duties
17 within the limits of funds appropriated to the board. ~~Each~~
18 ~~member of the board may also be eligible to receive council but~~
19 shall serve without compensation as provided in section 7E.6.

20 Sec. 30. Section 103.3, subsection 3, Code 2017, is amended
21 by striking the subsection.

22 Sec. 31. Section 103.4, Code 2017, is amended to read as
23 follows:

24 **103.4 Organization of the board council.**

25 The board council shall elect annually from its members a
26 chairperson and a vice chairperson, ~~and shall hire and provide~~
27 ~~staff to assist the board in administering this chapter.~~ An
28 executive secretary designated by the board council shall
29 report to the state fire marshal for purposes of routine
30 board council administrative functions, ~~and shall report~~
31 ~~directly to the board for purposes of execution of board policy~~
32 ~~such as application of licensing criteria and processing of~~
33 ~~applications.~~ The board council shall hold at least one
34 meeting quarterly at the location of the board's department's
35 principal office, and meetings shall be called at other times

1 by the chairperson or four members of the ~~board~~ council.

2 At any meeting of the ~~board~~ council, a majority of members
3 constitutes a quorum.

4 Sec. 32. Section 103.6, Code 2017, is amended to read as
5 follows:

6 **103.6 Powers and duties of department.**

7 1. The ~~board~~ department shall:

8 a. Adopt rules pursuant to [chapter 17A](#) and in doing so
9 shall be governed by the minimum standards set forth in the
10 most current publication of the national electrical code issued
11 and adopted by the national fire protection association, and
12 amendments to the code, which code and amendments shall be
13 filed in the offices of the state law library and the ~~board~~
14 department and shall be a public record. The ~~board~~ department
15 shall adopt rules reflecting updates to the code and amendments
16 to the code. The ~~board~~ department shall promulgate and adopt
17 rules establishing wiring standards that protect public safety
18 and health and property and that apply to all electrical wiring
19 which is installed subject to [this chapter](#).

20 b. Revoke, suspend, or refuse to renew any license granted
21 pursuant to [this chapter](#) when the licensee does any of the
22 following:

23 (1) Fails or refuses to pay any examination, license, or
24 renewal fee required by law.

25 (2) Is an electrical contractor and fails or refuses to
26 provide and keep in force a public liability insurance policy
27 and surety bond as required by the ~~board~~ department.

28 (3) Violates any political subdivision's inspection
29 ordinances.

30 c. Adopt rules for continuing education requirements for
31 each classification of licensure established pursuant to this
32 chapter, and adopt all rules, not inconsistent with the law,
33 necessary for the proper performance of the duties of the ~~board~~
34 department.

35 d. Provide for the amount and collection of fees for

1 inspection and other services.

2 2. The ~~board~~ department may, in its discretion, revoke,
3 suspend, or refuse to renew any license granted pursuant to
4 this chapter when the licensee violates any provision of the
5 national electrical code as adopted pursuant to [subsection 1](#),
6 this chapter, or any rule adopted pursuant to [this chapter](#).

7 Sec. 33. NEW SECTION. 103.6A Council duties.

8 The council shall approve all rules prior to their adoption
9 by the department pursuant to section 103.6.

10 Sec. 34. Section 103.7, Code 2017, is amended to read as
11 follows:

12 **103.7 Electrician and installer licensing and inspection**
13 **fund.**

14 An electrician and installer licensing and inspection fund
15 is created in the state treasury as a separate fund under the
16 control of the ~~board~~ department. All licensing, examination,
17 renewal, and inspection fees shall be deposited into the fund
18 and retained by and for the use of the ~~board~~ department in
19 administering this chapter. Expenditures from the fund shall
20 be approved by the sole authority of the ~~board~~ department in
21 consultation with the state fire marshal. Amounts deposited
22 into the fund shall be considered repayment receipts as defined
23 in [section 8.2](#). Notwithstanding [section 8.33](#), any balance
24 in the fund on June 30 of each fiscal year shall not revert
25 to the general fund of the state, but shall remain available
26 for the purposes of [this chapter](#) in subsequent fiscal years.
27 Notwithstanding [section 12C.7, subsection 2](#), interest or
28 earnings on moneys deposited in the fund shall be credited to
29 the fund.

30 Sec. 35. Section 103.8, subsection 2, Code 2017, is amended
31 to read as follows:

32 2. Except as provided in [sections 103.13](#) and [103.14](#), no
33 person shall, for another, plan, lay out, or supervise the
34 installation of wiring, apparatus, or equipment for electrical
35 light, heat, power, and other purposes unless the person is

1 licensed by the ~~board~~ department as an electrical contractor, a
2 class A master electrician, or a class B master electrician.

3 Sec. 36. Section 103.10, Code 2017, is amended to read as
4 follows:

5 **103.10 Class A master electrician license — qualifications**
6 **— class B master electrician license.**

7 1. An applicant for a class A master electrician license
8 shall have at least one year's experience, acceptable to the
9 ~~board~~ department, as a licensed class A or class B journeyman
10 electrician.

11 2. In addition, an applicant shall meet examination
12 criteria based upon the most recent national electrical code
13 adopted pursuant to [section 103.6](#) and upon electrical theory,
14 as determined by the ~~board~~ department.

15 3. *a.* An applicant who can provide proof acceptable to
16 the ~~board~~ department that the applicant has been working in
17 the electrical business and involved in planning for, laying
18 out, supervising, and installing electrical wiring, apparatus,
19 or equipment for light, heat, and power since January 1, 1998,
20 and for a total of at least sixteen thousand hours, of which at
21 least eight thousand hours shall have been accumulated since
22 January 1, 1998, may be granted a class B master electrician
23 license without taking an examination. An applicant who is
24 issued a class B master electrician license pursuant to this
25 section shall not be authorized to plan, lay out, or supervise
26 the installation of electrical wiring, apparatus, and equipment
27 in a political subdivision which, prior to or after January 1,
28 2008, establishes licensing standards which preclude such work
29 by class B master electricians in the political subdivision.
30 The ~~board~~ department shall adopt rules establishing procedures
31 relating to the restriction of a class B master electrician
32 license pursuant to [this subsection](#).

33 *b.* A class B master electrician may become licensed as
34 a class A master electrician upon successful passage of the
35 examination prescribed in [subsection 2](#).

1 4. A person licensed to plan, lay out, or supervise the
2 installation of electrical wiring, apparatus, or equipment for
3 light, heat, power, and other purposes and supervise apprentice
4 electricians by a political subdivision preceding January 1,
5 2008, pursuant to a supervised written examination, and who
6 is currently engaged in the electrical contracting industry,
7 shall be issued an applicable statewide license corresponding
8 to that licensure as a class A master electrician or electrical
9 contractor. The ~~board~~ department shall adopt by rule certain
10 criteria for city examination standards satisfactory to fulfill
11 this requirement.

12 5. The ~~board~~ department may reject an application for
13 licensure under [this section](#) from an applicant who would be
14 subject to suspension, revocation, or reprimand pursuant to
15 section 103.35.

16 Sec. 37. Section 103.10A, Code 2017, is amended to read as
17 follows:

18 **103.10A Inactive master electrician license.**

19 The ~~board~~ department may by rule create an inactive
20 master electrician license and establish a fee for such a
21 license. An applicant for an inactive master electrician
22 license shall, at a minimum, meet the requirements of this
23 chapter and requirements established by the ~~board~~ department
24 by rule for licensure as a class A master electrician or a
25 class B master electrician. A person licensed as an inactive
26 master electrician shall not be authorized to act as a master
27 electrician, but shall be authorized to apply for a class A
28 master electrician license or a class B master electrician
29 license at a future date subject to conditions and under
30 procedures established by the ~~board~~ department by rule. The
31 conditions and procedures shall include but not be limited
32 to completion of the required number of contact hours of
33 continuing education courses specified in [section 103.18](#), and
34 paying the applicable license fee specified in [section 103.19](#)
35 for a class A master electrician license or class B master

1 electrician license.

2 Sec. 38. Section 103.11, Code 2017, is amended to read as
3 follows:

4 **103.11 Wiring or installing — supervising apprentices —
5 license required — qualifications.**

6 Except as provided in [section 103.13](#), no person shall, for
7 another, wire for or install electrical wiring, apparatus,
8 or equipment, or supervise an apprentice electrician or
9 unclassified person, unless the person is licensed by the
10 ~~board~~ department as an electrical contractor, a class A master
11 electrician, or a class B master electrician, or is licensed
12 as a class A journeyman electrician or a class B journeyman
13 electrician and is employed by an electrical contractor or is
14 working under the supervision of a class A master electrician
15 or a class B master electrician.

16 Sec. 39. Section 103.12, Code 2017, is amended to read as
17 follows:

18 **103.12 Class A journeyman electrician license qualifications
19 — class B journeyman electrician license.**

20 1. An applicant for a class A journeyman electrician
21 license shall have successfully completed an apprenticeship
22 training program registered by the office of apprenticeship
23 of the United States department of labor in accordance with
24 the standards established by that department or shall have
25 received training or experience for a period of time and under
26 conditions as established by the ~~board~~ department by rule.

27 2. In addition, an applicant shall meet examination
28 criteria based upon the most recent national electrical code
29 adopted pursuant to [section 103.6](#) and upon electrical theory,
30 as determined by the ~~board~~ department.

31 3. a. An applicant who can provide proof acceptable to
32 the ~~board~~ department that the applicant has been employed as a
33 journeyman electrician since January 1, 1998, and for a total
34 of at least sixteen thousand hours, of which at least eight
35 thousand hours shall have been accumulated since January 1,

1 1998, may be granted a class B journeyman electrician license
2 without taking an examination. An applicant who is issued a
3 class B journeyman electrician license pursuant to [this section](#)
4 shall not be authorized to wire for or install electrical
5 wiring, apparatus, and equipment in a political subdivision
6 which, prior to or after January 1, 2008, establishes licensing
7 standards which preclude such work by class B journeyman
8 electricians in the political subdivision. The ~~board~~
9 department shall adopt rules establishing procedures relating
10 to the restriction of a class B journeyman electrician license
11 pursuant to [this subsection](#).

12 *b.* A class B journeyman electrician may become licensed as
13 a class A journeyman electrician upon successful passage of the
14 examination prescribed in [subsection 2](#).

15 4. A person licensed to wire for or install electrical
16 wiring, apparatus, or equipment or supervise an apprentice
17 electrician by a political subdivision preceding January 1,
18 2008, pursuant to a supervised written examination, and who is
19 currently engaged in the electrical contracting industry with
20 at least four years' experience, shall be issued an applicable
21 statewide license corresponding to that licensure as a class
22 A journeyman electrician or a class B journeyman electrician.
23 The ~~board~~ department shall adopt by rule certain criteria
24 for city examination standards satisfactory to fulfill this
25 requirement.

26 5. The ~~board~~ department may reject an application for
27 licensure under [this section](#) from an applicant who would be
28 subject to suspension, revocation, or reprimand pursuant to
29 section 103.35.

30 Sec. 40. Section 103.12A, Code 2017, is amended to read as
31 follows:

32 **103.12A Residential electrician and residential master**
33 **electrician license — qualifications.**

34 1. The ~~board~~ department may by rule provide for the issuance
35 of a residential electrician license, and may by rule provide

1 for the issuance of a residential master electrician license.

2 *a.* A residential electrician license or residential master
3 electrician license, if established by the ~~board~~ department,
4 shall be issued to applicants who meet qualifications
5 determined by the ~~board~~ department, and shall be valid
6 for the performance of residential installations, subject
7 to limitations or restrictions established by the ~~board~~
8 department.

9 *b.* A person who, on or after July 1, 2009, holds a special
10 electrician license authorizing residential electrical
11 installation, granted pursuant to [section 103.13](#), shall be
12 eligible for conversion of that special license to either
13 a residential electrician license or a residential master
14 electrician license, if established by the ~~board~~ department, in
15 accordance with requirements and procedures established by the
16 ~~board~~ department.

17 2. A person licensed by the ~~board~~ department as a class A
18 journeyman electrician or a class B journeyman electrician,
19 or as a class A master electrician or a class B master
20 electrician, shall not be required to hold a residential
21 electrician or residential master electrician license to
22 perform any type of residential installation authorized for a
23 person licensed pursuant to [this section](#).

24 3. The ~~board~~ department may reject an application for
25 licensure under [this section](#) from an applicant who would be
26 subject to suspension, revocation, or reprimand pursuant to
27 section 103.35.

28 Sec. 41. Section 103.13, subsections 1 and 3, Code 2017, are
29 amended to read as follows:

30 1. The ~~board~~ department shall by rule provide for the
31 issuance of special electrician licenses authorizing the
32 licensee to engage in a limited class or classes of electrical
33 work, which class or classes shall be specified on the license.
34 Each licensee shall have experience, acceptable to the ~~board~~
35 department, in each such limited class of work for which the

1 person is licensed.

2 3. The ~~board~~ department may reject an application for
3 licensure under this section from an applicant who would be
4 subject to suspension, revocation, or reprimand pursuant to
5 section 103.35.

6 Sec. 42. Section 103.15, subsections 1, 2, 3, and 6, Code
7 2017, are amended to read as follows:

8 1. A person shall be licensed by the ~~board~~ department and
9 pay a licensing fee to work as an apprentice electrician while
10 participating in an apprenticeship training program registered
11 by the office of apprenticeship of the United States department
12 of labor in accordance with the standards established by
13 that department. An apprenticeship shall be limited to six
14 years from the date of licensure, unless extended by the
15 ~~board~~ department upon a finding that a hardship existed which
16 prevented completion of the apprenticeship program. Such
17 licensure shall entitle the licensee to act as an apprentice to
18 an electrical contractor, a class A master electrician, a class
19 B master electrician, a class A journeyman electrician, or a
20 class B journeyman electrician as provided in subsection 3.

21 2. a. A person shall be licensed as an unclassified
22 person by the ~~board~~ department to perform electrical work if
23 the work is performed under the personal supervision of a
24 person actually licensed to perform such work and the licensed
25 and unclassified persons are employed by the same employer.
26 A person shall not be employed continuously for more than
27 one hundred days as an unclassified person without having
28 obtained a current license from the ~~board~~ department. For the
29 purposes of determining whether a person has been "*employed*
30 *continuously*" for more than one hundred days under this
31 subsection, employment shall include any days not worked due to
32 illness, holidays, weekend days, and other absences that do not
33 constitute separation from or termination of employment. Any
34 period of employment as a nonlicensed unclassified person shall
35 not be credited to any applicable experiential requirement of

1 an apprenticeship training program registered by the office of
2 apprenticeship of the United States department of labor.

3 *b.* Licensed persons shall not permit unclassified
4 persons to perform electrical work except under the personal
5 supervision of a person actually licensed to perform such
6 work. Unclassified persons shall not supervise the performance
7 of electrical work or make assignments of electrical work
8 to unclassified persons. Any person employing unclassified
9 persons performing electrical work shall maintain records
10 establishing compliance with [this section](#), which shall
11 designate all unclassified persons performing electrical work.

12 3. Apprentice electricians and unclassified persons shall
13 do no electrical wiring except under the direct personal
14 on-the-job supervision and control and in the immediate
15 presence of a licensee as specified in [section 103.11](#). Such
16 supervision shall include both on-the-job training and related
17 classroom training as approved by the ~~board~~ department. The
18 licensee may employ or supervise apprentice electricians and
19 unclassified persons at a ratio not to exceed three apprentice
20 electricians and unclassified persons to one licensee, except
21 that such ratio and the other requirements of [this section](#)
22 shall not apply to apprenticeship classroom training.

23 6. The ~~board~~ department may reject an application for
24 licensure under [this section](#) from an applicant who would be
25 subject to suspension, revocation, or reprimand pursuant to
26 section 103.35.

27 Sec. 43. Section 103.16, Code 2017, is amended to read as
28 follows:

29 **103.16 License examinations.**

30 1. Examinations for licensure shall be offered as often
31 as deemed necessary by the ~~board~~ department, but no less
32 than one time per quarter. The scope of the examinations
33 and the methods of procedure shall be prescribed by the
34 ~~board~~ department. The examinations given by the ~~board~~
35 department shall be the Experior assessment examination, or

1 a successor examination approved by the ~~board~~ department,
2 or an examination prepared by a third-party testing service
3 which is substantially equivalent to the Experior assessment
4 examination, or a successor examination approved by the ~~board~~
5 department.

6 2. An examination may be given by representatives of the
7 ~~board~~ department. As soon as practicable after the close of
8 each examination, a report shall be filed ~~in the office of~~
9 ~~the secretary of~~ with the board by the board department. The
10 report shall show the action of the ~~board~~ department upon
11 each application and the ~~secretary of the board~~ department
12 shall notify each applicant of the result of the applicant's
13 examination. Applicants who fail the examination once shall
14 be allowed to take the examination at the next scheduled
15 time. Thereafter, the applicant shall be allowed to take
16 the examination at the discretion of the ~~board~~ department.
17 An applicant who has failed the examination may request, in
18 writing, information from the ~~board~~ department concerning the
19 applicant's examination grade and subject areas or questions
20 which the applicant failed to answer correctly, except that
21 if the ~~board~~ department administers a uniform, standardized
22 examination, the ~~board~~ department shall only be required to
23 provide the examination grade and such other information
24 concerning the applicant's examination results which are
25 available to the ~~board~~ department.

26 Sec. 44. Section 103.17, subsection 1, unnumbered paragraph
27 1, Code 2017, is amended to read as follows:

28 A member of the ~~board~~ department shall not disclose
29 information relating to the following:

30 Sec. 45. Section 103.17, subsection 2, Code 2017, is amended
31 to read as follows:

32 2. A member of the ~~board~~ department who willfully
33 communicates or seeks to communicate such information, and any
34 person who willfully requests, obtains, or seeks to obtain such
35 information, is guilty of a simple misdemeanor.

1 Sec. 46. Section 103.18, Code 2017, is amended to read as
2 follows:

3 **103.18 License renewal — continuing education.**

4 In order to renew a class A master electrician, class B
5 master electrician, class A journeyman electrician, or class
6 B journeyman electrician license issued pursuant to this
7 chapter, the licensee shall be required to complete eighteen
8 contact hours of continuing education courses approved by the
9 ~~board~~ department during the three-year period for which a
10 license is granted. The contact hours shall include a minimum
11 of six contact hours studying the national electrical code
12 described in [section 103.6](#), and the remaining contact hours may
13 include study of electrical circuit theory, blueprint reading,
14 transformer and motor theory, electrical circuits and devices,
15 control systems, programmable controllers, and microcomputers
16 or any other study of electrical-related material that is
17 approved by the ~~board~~ department. Any additional hours
18 studying the national electrical code shall be acceptable. For
19 purposes of [this section](#), "contact hour" means fifty minutes of
20 classroom attendance at an approved course under a qualified
21 instructor approved by the ~~board~~ department.

22 Sec. 47. Section 103.19, subsection 1, unnumbered paragraph
23 1, Code 2017, is amended to read as follows:

24 Licenses issued pursuant to [this chapter](#) shall expire every
25 three years, with the exception of licenses for apprentice
26 electricians and unclassified persons, which shall expire on
27 an annual basis. All license applications shall include the
28 applicant's social security number, which shall be maintained
29 as a confidential record and shall be redacted prior to public
30 release of an application or other record containing such
31 social security number. The ~~board~~ department shall establish
32 the fees to be payable for license issuance and renewal in
33 amounts not to exceed the following:

34 Sec. 48. Section 103.19, subsection 3, Code 2017, is amended
35 to read as follows:

1 3. If the ~~board~~ department determines that all licenses
2 shall expire on the same date every three years for licenses
3 specified in subsection 1, paragraph "a", the license fees shall
4 be prorated by month. The ~~board~~ department shall determine an
5 individual's license fee based on the number of months that the
6 individual's license will be in effect after being issued and
7 prior to expiration.

8 Sec. 49. Section 103.20, Code 2017, is amended to read as
9 follows:

10 **103.20 Licensee status — employment — death.**

11 1. Individuals performing electrical work in a capacity
12 for which licensure is required pursuant to this chapter shall
13 be employed by the authority or company obtaining a permit for
14 the performance of such work, and shall possess a valid license
15 issued by the ~~board~~ department.

16 2. Upon the death of an electrical contractor, a class A
17 master electrician, or a class B master electrician, the ~~board~~
18 department may permit a representative to carry on the business
19 of the decedent for a period not to exceed six months for
20 the purpose of completing work under contract to comply with
21 this chapter. Such representative shall furnish all public
22 liability and property damage insurance required by the ~~board~~
23 department.

24 Sec. 50. Section 103.21, Code 2017, is amended to read as
25 follows:

26 **103.21 Licenses without examination — reciprocity with other**
27 **states.**

28 To the extent that any other state which provides for the
29 licensing of electricians provides for similar action, the
30 ~~board~~ department may grant licenses, without examination,
31 of the same grade and class to an electrician who has been
32 licensed by such other state for at least one year, upon
33 payment by the applicant of the required fee, and upon
34 the ~~board~~ department being furnished with proof that the
35 qualifications of the applicant are equal to the qualifications

1 of holders of similar licenses in this state.

2 Sec. 51. Section 103.22, subsections 13 and 14, Code 2017,
3 are amended to read as follows:

4 13. Apply to a person otherwise licensed pursuant to
5 this chapter who is engaged in the wiring or installation of
6 electrical wiring, apparatus, or equipment while presenting a
7 course of instruction relating to home construction technology,
8 or a similar course of instruction, offered to students
9 by a community college established under [chapter 260C](#), an
10 institution under the control of the state board of regents, or
11 a school corporation. A student enrolled in such a course of
12 instruction shall not be considered an apprentice electrician
13 or unclassified person, and supervision ratios as provided in
14 section 103.15, subsection 3, shall not be applicable. The
15 ~~board~~ department shall by rule establish inspection procedures
16 in the event that the home constructed pursuant to the course
17 is intended for eventual occupation as a residence.

18 14. Prohibit a person from performing work on an emergency
19 basis as determined by the ~~board~~ department.

20 Sec. 52. Section 103.24, subsection 1, unnumbered paragraph
21 1, Code 2017, is amended to read as follows:

22 The ~~board~~ department shall establish by rule standards for
23 the certification and decertification of electrical inspectors
24 appointed by the state or a political subdivision to enforce
25 this chapter or any applicable resolution or ordinance within
26 the inspector's jurisdiction, and for certified electrical
27 inspector continuing education requirements.

28 Sec. 53. Section 103.24, subsection 2, Code 2017, is amended
29 to read as follows:

30 2. State inspection shall not apply within the jurisdiction
31 of any political subdivision which, pursuant to [section 103.29](#),
32 provides by resolution or ordinance standards of electrical
33 wiring and its installation that are not less stringent than
34 those prescribed by the ~~board~~ department or by [this chapter](#)
35 and which further provides by resolution or ordinance for

1 the inspection of electrical installations within the limits
2 of such subdivision by a certified electrical inspector. A
3 copy of the certificate of each electrical inspector shall be
4 provided to the ~~board~~ department by the political subdivision
5 issuing the certificate.

6 Sec. 54. Section 103.25, Code 2017, is amended to read as
7 follows:

8 **103.25 Request for inspection — fees.**

9 1. At or before commencement of any installation required to
10 be inspected by the ~~board~~ department, the licensee or property
11 owner making such installation shall submit to the state
12 fire marshal's office a request for inspection. The ~~board~~
13 department shall prescribe the methods by which the request
14 may be submitted, which may include electronic submission or
15 through a form prescribed by the ~~board~~ department that can be
16 submitted either through the mail or by a fax transmission.
17 The ~~board~~ department shall also prescribe methods by which
18 inspection fees can be paid, which may include electronic
19 methods of payment. If the ~~board~~ department or the state fire
20 marshal's office becomes aware that a person has failed to
21 file a necessary request for inspection, the ~~board~~ department
22 shall send a written notification by certified mail that the
23 request must be filed within fourteen days. Any person filing
24 a late request for inspection shall pay a delinquency fee in an
25 amount to be determined by the ~~board~~ department. A person who
26 fails to file a late request within fourteen days from receipt
27 of the notification shall be subject to a civil penalty to be
28 determined by the ~~board~~ department by rule.

29 2. Notwithstanding [subsection 1](#), the ~~board~~ department
30 may by rule provide for the issuance of a single permit
31 to a licensee to request multiple inspections. The permit
32 authorizes the licensee to perform new electrical installations
33 specified in the permit. The ~~board~~ department shall prescribe
34 the methods by which the request for multiple inspections
35 may be submitted, which may include electronic submission or

1 through a form prescribed by the ~~board~~ department that can be
2 submitted either through the mail or by a fax transmission.
3 The ~~board~~ department shall also prescribe methods by which
4 inspection fees can be paid, which may include electronic
5 methods of payment. The ~~board~~ department may perform
6 inspections of each new electrical installation or any portion
7 of the total number of new electrical installations made under
8 each permit. The ~~board~~ department shall establish fees for
9 such permits, which shall not exceed the total inspection fees
10 that would be required if each new electrical installation
11 performed under the request for multiple inspections had been
12 performed under individual requests for inspections as provided
13 in [subsection 1](#).

14 Sec. 55. Section 103.26, Code 2017, is amended to read as
15 follows:

16 **103.26 Condemnation — disconnection — opportunity to**
17 **correct noncompliance.**

18 If the inspector finds that any installation or portion of
19 an installation is not in compliance with accepted standards
20 of construction for health safety and property safety, based
21 upon minimum standards set forth in the local electrical
22 code or the national electrical code adopted by the ~~board~~
23 department pursuant to [section 103.6](#), the inspector shall by
24 written order condemn the installation or noncomplying portion
25 or order service to such installation disconnected and shall
26 send a copy of such order to the ~~board~~ department, the state
27 fire marshal, and the electrical utility supplying power
28 involved. If the installation or the noncomplying portion is
29 such as to seriously and proximately endanger human health
30 or property, the order of the inspector when approved by the
31 inspector's supervisor shall require immediate condemnation
32 and disconnection by the applicant. In all other cases, the
33 order of the inspector shall establish a reasonable period
34 of time for the installation to be brought into compliance
35 with accepted standards of construction for health safety and

1 property safety prior to the effective date established in such
2 order for condemnation or disconnection.

3 Sec. 56. Section 103.27, subsection 1, Code 2017, is amended
4 to read as follows:

5 1. A copy of each condemnation or disconnection order shall
6 be served personally or by regular mail upon the property
7 owner at the property owner's last known address, the licensee
8 making the installation, and such other persons as the ~~board~~
9 department by rule may direct.

10 Sec. 57. Section 103.28, subsection 2, Code 2017, is amended
11 to read as follows:

12 2. If the electrical inspector determines that an
13 electrical installation subject to inspection by the ~~board~~
14 department is not in compliance with accepted standards of
15 construction for health safety and property safety, based upon
16 minimum standards adopted by the ~~board~~ department pursuant to
17 this chapter, the inspector shall issue a correction order. A
18 correction order made pursuant to [this section](#) shall be served
19 personally or by United States mail only upon the licensee
20 making the installation. The correction order shall order the
21 licensee to make the installation comply with the standards,
22 noting specifically what changes are required. The order
23 shall specify a date, not more than seventeen calendar days
24 from the date of the order, when a new inspection shall be
25 made. When the installation is brought into compliance to the
26 satisfaction of the inspector, the inspector shall file with
27 the electrical utility supplying power a certificate stating
28 that the electrical inspector has approved energization.

29 Sec. 58. Section 103.29, subsections 1, 2, 3, and 5, Code
30 2017, are amended to read as follows:

31 1. A political subdivision performing electrical
32 inspections prior to December 31, 2007, shall continue
33 to perform such inspections. After December 31, 2013, a
34 political subdivision may choose to discontinue performing
35 its own inspections and permit the ~~board~~ department to have

1 jurisdiction over inspections in the political subdivision.
2 If a political subdivision seeks to discontinue its own
3 inspections prior to December 31, 2013, the political
4 subdivision shall petition the ~~board~~ department. On or after
5 January 1, 2014, if a ~~unanimous vote of the board~~ department
6 finds that a political subdivision's inspections are inadequate
7 by reason of misfeasance, malfeasance, or nonfeasance,
8 the ~~board~~ department may suspend or revoke the political
9 subdivision's authority to perform its own inspections, subject
10 to appeal according to the procedure set forth in section
11 103.34 and judicial review pursuant to [section 17A.19](#). A
12 political subdivision not performing electrical inspections
13 prior to December 31, 2007, may make provision for inspection
14 of electrical installations within its jurisdiction, in which
15 case it shall keep on file with the ~~board~~ department copies of
16 its current inspection ordinances or resolutions and electrical
17 codes.

18 2. A political subdivision performing electrical
19 inspections pursuant to [subsection 1](#) prior to December 31,
20 2007, may maintain a different supervision ratio than the ratio
21 of three apprentice electricians and unclassified persons to
22 one licensee specified in [section 103.15, subsection 3](#), but
23 may not exceed that ratio. A political subdivision which
24 begins performing electrical inspections after December 31,
25 2007, shall maintain the specified three-to-one ratio unless
26 the ~~board~~ department approves a petition by the political
27 subdivision for a lower ratio. A political subdivision which
28 discontinues performing electrical inspections and permits the
29 ~~board~~ department to have jurisdiction over inspections shall
30 maintain the specified three-to-one supervision ratio, and may
31 not petition for a lower ratio unless the political subdivision
32 subsequently resumes performing electrical inspections.

33 3. A political subdivision that performs electrical
34 inspections may set appropriate permit fees to pay for such
35 inspections. A political subdivision shall not require any

1 person holding a license from the ~~board~~ department to pay
2 any license fee or take any examination if the person holds
3 a current license issued by the ~~board~~ department which is of
4 a classification equal to or greater than the classification
5 needed to do the work proposed. Any such political subdivision
6 may provide a requirement that each person doing electrical
7 work within the jurisdiction of such political subdivision have
8 on file with the political subdivision a copy of the current
9 license issued by the ~~board~~ department or such other evidence
10 of such license as may be provided by the ~~board~~ department.

11 5. A political subdivision that performs electrical
12 inspections shall act as the authority having jurisdiction for
13 electrical inspections and for amending the national electrical
14 code adopted by the ~~board~~ department pursuant to section
15 103.6 for work performed within the jurisdictional limits of
16 the political subdivision, provided those inspections and
17 amendments conform to the requirements of [this chapter](#). Any
18 action by a political subdivision with respect to amendments
19 to the national electrical code shall be filed with the ~~board~~
20 department prior to enforcement by the political subdivision,
21 and shall not be less stringent than the minimum standards
22 established by the ~~board~~ department by rule.

23 Sec. 59. Section 103.30, subsection 2, Code 2017, is amended
24 to read as follows:

25 2. The ~~board~~ department may by rule exempt specified types
26 of new electrical installations from the state electrical
27 inspection requirements under [section 103.23](#), provided that
28 a political subdivision conducting inspections pursuant
29 to [section 103.24](#) shall not be prohibited from requiring
30 inspection of any new electrical installation exempt by rule
31 from state inspection pursuant to [this subsection](#).

32 Sec. 60. Section 103.31, subsections 1, 3, 4, 5, and 6, Code
33 2017, are amended to read as follows:

34 1. An inspection shall be made within three business
35 days of the submission of a request for an inspection as

1 provided in [section 103.25](#). When necessary, circuits may be
2 energized by the authorized installer prior to inspection but
3 the installation shall remain subject to condemnation and
4 disconnection and subject to any appropriate restrictions or
5 limitations as determined by the ~~board~~ department.

6 3. State inspection procedures and policies shall be
7 established by the ~~board~~ department. The state fire marshal,
8 or the state fire marshal's designee, shall enforce the
9 procedures and policies, and enforce the provisions of the
10 national electrical code adopted by the ~~board~~ department.

11 4. Except when an inspection reveals that an installation or
12 portion of an installation is not in compliance with accepted
13 standards of construction for health safety and property
14 safety, based upon minimum standards set forth in the local
15 electrical code or the national electrical code adopted by
16 the ~~board~~ department pursuant to [section 103.6](#), such that an
17 order of condemnation or disconnection is warranted pursuant to
18 [section 103.26](#), an inspector shall not add to, modify, or amend
19 a construction plan as originally approved by the state fire
20 marshal or the state building code commissioner in the course
21 of conducting an inspection.

22 5. Management and supervision of inspectors, including
23 hiring decisions, disciplinary action, promotions, and work
24 schedules are the responsibility of the state fire marshal
25 acting in accordance with applicable law and pursuant to any
26 applicable collective bargaining agreement. The state fire
27 marshal and the ~~board~~ department shall jointly determine
28 work territories, regions, or districts for inspectors
29 and continuing education and ongoing training requirements
30 applicable to inspectors. An inspector subject to disciplinary
31 action pursuant to [this subsection](#) shall be entitled to an
32 appeal according to the procedure set forth in [section 103.34](#)
33 and judicial review pursuant to [section 17A.19](#).

34 6. The ~~board~~ department shall establish an internet-based
35 licensure verification database for access by a state or local

1 inspector for verification of licensee status. The database
2 shall include the name of every person licensed under this
3 chapter and a corresponding licensure number. Inspectors
4 shall be authorized to request the name and license number of
5 any person working at a job site subject to inspection for
6 verification of licensee status. Licensees under **this chapter**
7 shall be required to carry a copy of their current license and
8 photo identification at all times when employed on a job site
9 for compliance with **this subsection**.

10 Sec. 61. Section 103.32, subsection 1, Code 2017, is amended
11 to read as follows:

12 1. All state electrical inspection fees shall be due and
13 payable to the ~~board~~ department at or before commencement of
14 the installation and shall be forwarded with the request for
15 inspection. Inspection fees provided in **this section** shall
16 not apply within the jurisdiction of any political subdivision
17 if the political subdivision has adopted an ordinance or
18 resolution pursuant to **this chapter**.

19 Sec. 62. Section 103.32, subsection 2, unnumbered paragraph
20 1, Code 2017, is amended to read as follows:

21 The ~~board~~ department shall establish the fees for
22 inspections in amounts not to exceed:

23 Sec. 63. Section 103.33, Code 2017, is amended to read as
24 follows:

25 **103.33 Condemnation or disconnection orders — appeals —**
26 **disposition of orders pending appeal.**

27 1. Any person aggrieved by a condemnation or disconnection
28 order issued by the state fire marshal's office may appeal from
29 the order by filing a written notice of appeal with the ~~board~~
30 department within ten days after the date the order was served
31 upon the property owner or within ten days after the order was
32 filed with the ~~board~~ department, whichever is later.

33 2. Upon receipt of the notice of appeal from a condemnation
34 or disconnection order because the electrical installation is
35 proximately dangerous to health or property, the order appealed

1 from shall not be stayed unless countermanded by the ~~board~~
2 department.

3 3. Upon receipt of notice of appeal from a condemnation
4 or disconnection order because the electrical installation
5 is not in compliance with accepted standards of construction
6 for health safety and property safety, except as provided in
7 subsection 2, the order appealed from shall be stayed until
8 final decision of the ~~board~~ department and the ~~board~~ department
9 shall notify the property owner and the electrical contractor,
10 class A master electrician, class B master electrician, fire
11 alarm installer, special electrician, or if established by the
12 ~~board~~ department the residential master electrician, making
13 the installation. The power supplier shall also be notified
14 in those instances in which the order has been served on such
15 supplier.

16 Sec. 64. Section 103.34, Code 2017, is amended to read as
17 follows:

18 **103.34 Appeal procedures.**

19 1. Upon receipt of a notice of appeal filed pursuant to
20 section 103.33, the ~~chairperson or executive secretary of the~~
21 ~~board~~ department may designate a hearing officer ~~from among~~
22 ~~the board members~~ to hear the appeal or ~~may set the matter for~~
23 ~~hearing before the full board at its next regular meeting.~~ A
24 ~~majority of the board shall make the decision.~~

25 2. Upon receiving the notice of appeal filed pursuant to
26 section 103.33, the ~~board~~ department shall notify all persons
27 served with the order appealed from. Such persons may join
28 in the hearing and give testimony in their own behalf. The
29 ~~board~~ department shall set the hearing date on a date not
30 more than fourteen days after receipt of the notice of appeal
31 unless otherwise agreed by the interested parties and the ~~board~~
32 department.

33 Sec. 65. Section 103.35, unnumbered paragraph 1, Code 2017,
34 is amended to read as follows:

35 The ~~board, by a simple majority vote of the entire board,~~

1 department may suspend for a period not exceeding two years,
2 or revoke the certificate of licensure of, or reprimand any
3 licensee who is found guilty of any of the following acts or
4 offenses:

5 Sec. 66. Section 103.36, Code 2017, is amended to read as
6 follows:

7 **103.36 Procedure.**

8 Proceedings for any action under [section 103.35](#) shall be
9 commenced by filing with the ~~board~~ department written charges
10 against the accused. Upon the filing of charges, the ~~board~~
11 department shall conduct an investigation into the charges.
12 The ~~board~~ department shall designate a time and place for
13 a hearing, and shall notify the accused of this action and
14 furnish the accused a copy of all charges at least thirty days
15 prior to the date of the hearing. The accused has the right to
16 appear personally or by counsel, to cross-examine witnesses, or
17 to produce witnesses in defense.

18 Sec. 67. Section 103.38, Code 2017, is amended to read as
19 follows:

20 **103.38 Criminal violations.**

21 A person who violates a permanent injunction issued pursuant
22 to [section 103.37](#) or presents or attempts to file as the
23 person's own the certificate of licensure of another, or
24 who gives false or forged evidence of any kind to the ~~board~~
25 department in obtaining a certificate of licensure, or who
26 falsely impersonates another practitioner of like or different
27 name, or who uses or attempts to use a revoked certificate of
28 licensure, is guilty of a fraudulent practice under chapter
29 714.

30 Sec. 68. Section 103.39, subsections 1, 3, 4, 5, and 7, Code
31 2017, are amended to read as follows:

32 1. In addition to any other penalties provided for in this
33 chapter, the ~~board~~ department may by order impose a civil
34 penalty upon a person who is not licensed under [this chapter](#)
35 and who does any of the following:

- 1 *a.* Is employed in a capacity in which the person engages in
2 or offers to engage in the activities authorized pursuant to
3 this chapter.
- 4 *b.* Uses or employs the words "electrical contractor", "class
5 A master electrician", "class B master electrician", "class A
6 journeyman electrician", or "class B journeyman electrician",
7 or implies authorization to provide or offer those services,
8 or otherwise uses or advertises any title, word, figure, sign,
9 card, advertisement, or other symbol or description tending
10 to convey the impression that the person is an "electrical
11 contractor", "class A master electrician", "class B master
12 electrician", "class A journeyman electrician", or "class B
13 journeyman electrician".
- 14 *c.* Gives false or forged evidence of any kind to the
15 ~~board or any member of the board~~ department in obtaining or
16 attempting to obtain a certificate of licensure.
- 17 *d.* Falsely impersonates any individual licensed pursuant to
18 this chapter.
- 19 *e.* Uses or attempts to use an expired, suspended, revoked,
20 or nonexistent certificate of licensure.
- 21 *f.* Knowingly aids or abets an unlicensed person who engages
22 in any activity identified in [this subsection](#).
- 23 3. In determining the amount of a civil penalty to
24 be imposed, the ~~board~~ department may consider any of the
25 following:
- 26 *a.* Whether the amount imposed will be a substantial economic
27 deterrent to the violation.
- 28 *b.* The circumstances leading to the violation.
- 29 *c.* The severity of the violation and the risk of harm to the
30 public.
- 31 *d.* The economic benefits gained by the violator as a result
32 of noncompliance.
- 33 *e.* The interest of the public.
- 34 4. Before issuing an order under [this section](#), the ~~board~~
35 department shall provide the person written notice and the

1 opportunity to request a hearing on the record. The hearing
2 must be requested within thirty days of the issuance of the
3 notice and shall be conducted in the same manner as provided
4 in [section 103.36](#).

5 5. The ~~board~~ department, in connection with a proceeding
6 under [this section](#), may issue subpoenas to compel the
7 attendance and testimony of witnesses and the disclosure of
8 evidence, and may request the attorney general to bring an
9 action to enforce the subpoena.

10 7. If a person fails to pay a civil penalty within thirty
11 days after entry of an order under [subsection 1](#), or if the
12 order is stayed pending an appeal within ten days after the
13 court enters a final judgment in favor of the ~~board~~ department,
14 the ~~board~~ department shall notify the attorney general. The
15 attorney general may commence an action to recover the amount
16 of the penalty, including reasonable attorney fees and costs.

17 Sec. 69. REPEAL. Section 103.5, Code 2017, is repealed.

18 Sec. 70. TRANSITION PROVISIONS.

19 1. Any rule, regulation, form, order, or directive
20 promulgated by the electrical examining board as required to
21 administer and enforce the provisions of chapter 103, Code
22 2017, shall continue in full force and effect until amended,
23 repealed, or supplemented by affirmative action of the
24 department of public safety.

25 2. Any moneys remaining in any account or fund under the
26 control of the electrical examining board on the effective date
27 of this division of this Act and relating to the provisions of
28 this division of this Act shall be transferred to a comparable
29 fund or account under the control of the department of public
30 safety for such purposes. Notwithstanding section 8.33, the
31 moneys transferred in accordance with this subsection shall
32 not revert to the account or fund from which appropriated or
33 transferred.

34 3. The electrical examining board shall assist the
35 department of public safety in implementing this division of

1 this Act by providing for an effective transition of powers and
2 duties from the board to the department under chapter 103 and
3 related administrative rules. Such assistance shall include
4 but is not limited to assisting in cooperating with federal
5 agencies.

6 4. Any replacement of signs, logos, stationery, insignia,
7 uniforms, and related items that is made due to the effect of
8 this division of this Act shall be done as part of the normal
9 replacement cycle for such items.

10 5. The license of a person licensed by the electrical
11 examining board on the effective date of this division of this
12 Act shall remain in effect upon the transition of regulatory
13 authority from the board to the department of public safety in
14 accordance with this division of this Act.

15 6. An administrative hearing or court proceeding arising
16 out of an enforcement action under chapter 103 or related
17 administrative rules pending on the effective date of this
18 division of this Act shall not be affected by this division
19 of this Act. Any cause of action or statute of limitation
20 relating to an action taken by the electrical examining board
21 shall not be affected by this division of this Act and such
22 cause of action or statute of limitation shall apply to the
23 department of public safety.

24 DIVISION V

25 LICENSING MORATORIUM AND PROFESSIONAL LICENSING TASK FORCE

26 Sec. 71. NEW SECTION. 7E.4A Professional regulation.

27 An executive branch administrative unit shall not assess a
28 fee, require authorization to practice, or otherwise impose
29 regulations on a profession if the administrative unit did not
30 regulate the profession prior to July 1, 2017.

31 Sec. 72. PROFESSIONAL LICENSING TASK FORCE — REPORT.

32 1. A professional licensing task force is established to
33 review the requirements for each professional license in the
34 state and make recommendations regarding each profession that
35 is subject to state licensure requirements with the goals of

1 protecting public health and safety, removing barriers to
2 practice, streamlining application processes, reducing the
3 size, scope, and cost of government, and reducing licensing
4 fees.

5 2. The members of the task force shall be as follows:

6 a. Three members of the senate, including two members
7 appointed by the majority leader of the senate and one member
8 appointed by the minority leader of the senate.

9 b. Three members of the house of representatives, including
10 two members appointed by the speaker of the house and one
11 member appointed by the minority leader of the house.

12 c. A representative of the office of the governor.

13 d. The director of the department of public health or the
14 director's designee.

15 e. The commissioner of public safety or the commissioner's
16 designee.

17 f. A representative of the professional licensing and
18 regulation bureau of the division of banking.

19 g. A representative of the board of educational examiners.

20 h. Three members of the public with professional licensure
21 experience, appointed by the governor.

22 3. The task force shall receive input and comments from
23 members of every profession currently licensed by the state
24 and provide notice to the professional associations for each
25 licensed profession of the date and time of each meeting of the
26 task force no less than five business days before the date of
27 the meeting.

28 4. The task force shall make findings and recommendations
29 regarding all professions currently subject to licensure
30 requirements and whether such professions shall be required
31 to obtain or be subject to any of the following in the future
32 or whether the profession should be subject to no or limited
33 government regulation:

34 a. A license.

35 b. Certification.

1 c. Registration.

2 d. Bonding or insurance.

3 e. Inspection.

4 f. Private certification.

5 5. The task force shall make recommendations on specific
6 licensure requirements including but not limited to the
7 following:

8 a. Hours of study or experience prior to obtaining a
9 license.

10 b. Fees.

11 c. Continuing education requirements.

12 d. Reciprocity with other jurisdictions.

13 e. Required paperwork and other application materials.

14 6. In making these recommendations, the task force shall
15 consider the structure of boards, commissions, and other
16 government entities that currently issue licenses or otherwise
17 regulate a profession and consider the possibility of combining
18 or eliminating any duplicative or redundant entities or
19 processes of such entities.

20 7. The office of the governor and the legislative services
21 agency shall cooperate to provide staffing and administrative
22 assistance for the task force.

23 8. The task force shall produce its final report for
24 publication on the Iowa general assembly internet site no later
25 than December 30, 2017.

26 DIVISION VI

27 IOWA CAPITAL INVESTMENT BOARD

28 Sec. 73. Section 15.117A, subsection 2, paragraph a,
29 subparagraph (2), Code 2017, is amended to read as follows:

30 (2) One member, selected by the governor, ~~who also serves on~~
31 ~~the Iowa capital investment board created in~~ [section 15E.63](#).

32 Sec. 74. Section 15E.62, subsection 1, Code 2017, is amended
33 by striking the subsection and inserting in lieu thereof the
34 following:

35 1. "Authority" means the economic development authority

1 created in section 15.105.

2 Sec. 75. Section 15E.62, subsections 2 and 5, Code 2017, are
3 amended to read as follows:

4 2. "*Certificate*" means a contract between the ~~board~~
5 authority and a designated investor pursuant to which a tax
6 credit is available and issued to the designated investor.

7 5. "*Fund documents*" means all agreements relating to matters
8 under the purview of this division VII entered into prior
9 to June 20, 2013, between or among the state, the Iowa fund
10 of funds, a fund allocation manager or similar manager, the
11 Iowa capital investment corporation, the ~~board~~ authority, a
12 creditor, a designated investor, and a private seed or venture
13 capital partnership, and includes other documents having the
14 same force and effect between or among such parties, as any of
15 the foregoing may be amended, modified, restated, or replaced
16 from time to time.

17 Sec. 76. Section 15E.63, subsection 1, Code 2017, is amended
18 to read as follows:

19 1. ~~The Iowa capital investment board is created as a state~~
20 ~~governmental board and the exercise by the board of powers~~
21 ~~conferred by this division shall be deemed and held to be the~~
22 ~~performance of essential public purposes. The purpose of~~
23 ~~the board this division shall be to mobilize venture equity~~
24 capital for investment in such a manner that will result in
25 a significant potential to create jobs and to diversify and
26 stabilize the economy of the state.

27 Sec. 77. Section 15E.63, subsection 2, Code 2017, is amended
28 by striking the subsection.

29 Sec. 78. Section 15E.63, subsection 3, Code 2017, is amended
30 to read as follows:

31 3. The ~~board~~ authority shall have the power to engage
32 consultants, expend funds, invest funds, contract, bond or
33 insure against loss, or perform any other act necessary to
34 carry out its the purpose, ~~provided, however, that the board~~
35 ~~shall not hire employees~~ of this division.

1 Sec. 79. Section 15E.63, subsections 4 and 5, Code 2017, are
2 amended by striking the subsections.

3 Sec. 80. Section 15E.63, subsections 6, 7, 8, 9, 10, and 11,
4 Code 2017, are amended to read as follows:

5 6. The ~~board~~ authority shall, in cooperation with the
6 department of revenue, establish criteria and procedures for
7 the allocation and issuance of tax credits to designated
8 investors by means of certificates issued by the ~~board~~
9 authority. The criteria shall include the contingencies
10 that must be met for a certificate to be redeemable by a
11 designated investor or transferee in order to receive a tax
12 credit. The contingencies to redemption shall be tied to the
13 scheduled rates of return of equity interests purchased by
14 designated investors in the Iowa fund of funds. The procedures
15 established by the ~~board~~ authority, in cooperation with the
16 department of revenue, shall relate to the procedures for the
17 issuance of the certificates and the related tax credits, for
18 the transfer of a certificate and related tax credit by a
19 designated investor, and for the redemption of a certificate
20 and related tax credit by a designated investor or transferee.
21 The ~~board~~ authority shall also establish criteria and
22 procedures for assessing the likelihood of future certificate
23 redemptions by designated investors and transferees, including,
24 without limitation, criteria and procedures for evaluating the
25 value of investments made by the Iowa fund of funds and the
26 returns from the Iowa fund of funds.

27 7. Pursuant to [section 15E.66](#), the ~~board~~ authority shall
28 issue certificates which may be redeemable for tax credits
29 to provide incentives to designated investors to make equity
30 investments in the Iowa fund of funds. The ~~board~~ authority
31 shall issue the certificates so that not more than twenty
32 million dollars of tax credits may be initially redeemable in
33 any fiscal year. The ~~board~~ authority shall indicate on the tax
34 certificate the principal amount of the tax credit and the date
35 or dates on which the credit may be first claimed.

1 8. The ~~board~~ authority may charge a placement fee to
2 the Iowa fund of funds with respect to the issuance of a
3 certificate and related tax credit to a designated investor,
4 but the fee shall be charged only to pay for reasonable and
5 necessary costs of the ~~board~~ authority and shall not exceed
6 one-half of one percent of the equity investment of the
7 designated investor.

8 9. The ~~board~~ authority shall, in consultation with the
9 Iowa capital investment corporation, publish an annual report
10 of the activities conducted by the Iowa fund of funds, and
11 present the report to the governor and the general assembly.
12 The annual report shall include a copy of the audit of the Iowa
13 fund of funds and a valuation of the assets of the Iowa fund of
14 funds, review the progress of the investment fund allocation
15 manager in implementing its investment plan, and describe any
16 redemption or transfer of a certificate issued pursuant to
17 this division, provided, however, that the annual report shall
18 not identify any specific designated investor who has redeemed
19 or transferred a certificate. Every five years, the ~~board~~
20 authority shall publish a progress report which shall evaluate
21 the progress of the state of Iowa in accomplishing the purposes
22 stated in [section 15E.61](#).

23 10. The ~~board~~ authority shall redeem a certificate
24 submitted to the ~~board~~ authority by a designated investor
25 and shall calculate the amount of the allowable tax credit
26 based upon the investment returns received by the designated
27 investor and its predecessors in interest and the provisions
28 of the certificate. Upon submission of a certificate for
29 redemption, the ~~board~~ authority shall issue a verification to
30 the department of revenue setting forth the maximum tax credit
31 which may be claimed by the designated investor with respect to
32 the redemption of the certificate.

33 11. The ~~board~~ authority shall adopt rules pursuant to
34 chapter 17A necessary to administer the duties of the ~~board~~
35 authority under this division.

1 Sec. 81. Section 15E.65, subsection 2, paragraphs e, g, and
2 h, Code 2017, are amended to read as follows:

3 e. The Iowa fund of funds may issue debt and borrow such
4 funds as may be needed to accomplish its goals. However, such
5 debt shall not be secured by tax credits issued by the ~~board~~
6 authority. The Iowa fund of funds may open and manage bank
7 and short-term investment accounts as deemed necessary by the
8 venture capital investment fund allocation manager.

9 g. Each calendar year, the auditor of state shall conduct
10 an annual audit of the activities of the Iowa fund of funds
11 or shall engage an independent auditor to conduct the audit,
12 provided that the independent auditor has no business,
13 contractual, or other connection to the Iowa capital investment
14 corporation or the Iowa fund of funds. The corporation shall
15 reimburse the auditor of state for costs associated with the
16 annual audit. The audit shall be delivered to the Iowa capital
17 investment corporation and the ~~board~~ authority each year and
18 shall include a valuation of the assets owned by the Iowa fund
19 of funds as of the end of each year.

20 h. As soon as practicable after June 20, 2013, the Iowa
21 capital investment corporation, in conjunction with the
22 department of revenue, the ~~board~~ authority, and the attorney
23 general, shall wind up the Iowa fund of funds pursuant to
24 section 15E.72 and shall cause the Iowa fund of funds to be
25 liquidated with all of its assets distributed to its owners in
26 accordance with the provisions of its organizational documents
27 and in accordance with the fund documents. In liquidating such
28 assets, the capital investment corporation, the department of
29 revenue, the ~~board~~ authority, and the attorney general shall
30 act with prudence and caution in order to minimize costs and
31 fees and to preserve investment assets to the extent reasonably
32 possible.

33 Sec. 82. Section 15E.66, Code 2017, is amended to read as
34 follows:

35 **15E.66 Certificates and tax credits.**

1 1. The ~~board~~ authority may issue certificates and related
2 tax credits to designated investors which, if redeemed for the
3 maximum possible amount, shall not exceed a total aggregate of
4 sixty million dollars of tax credits. The certificates shall
5 be issued contemporaneously with a commitment to invest in the
6 Iowa fund of funds by a designated investor. A certificate
7 issued by the ~~board~~ authority shall have a specific maturity
8 date or dates designated by the ~~board~~ authority and shall be
9 redeemable only in accordance with the contingencies reflected
10 on the certificate or incorporated therein by reference. A
11 certificate and the related tax credit shall be transferable
12 by the designated investor. A tax credit shall not be claimed
13 or redeemed except by a designated investor or transferee in
14 accordance with the terms of a certificate from the ~~board~~
15 authority. A tax credit shall not be claimed for a tax year
16 that begins earlier than the maturity date or dates stated
17 on the certificate. An individual may claim the credit of a
18 partnership, limited liability company, S corporation, estate,
19 or trust electing to have the income taxed directly to the
20 individual. The amount claimed by the individual shall be
21 based upon the pro rata share of the individual's earnings from
22 the partnership, limited liability company, S corporation,
23 estate, or trust. Any tax credit in excess of the taxpayer's
24 tax liability for the tax year may be credited to the tax
25 liability for the following seven years, or until depleted,
26 whichever is earlier.

27 2. The ~~board~~ authority shall certify the maximum amount of
28 a tax credit which could be issued to a designated investor and
29 identify the specific earliest date or dates the certificate
30 may be redeemed pursuant to [this division](#). The amount of
31 the tax credit shall be limited to an amount equivalent to
32 any difference between the scheduled aggregate return to the
33 designated investor at rates of return authorized by the
34 ~~board~~ authority and aggregate actual return received by the
35 designated investor and any predecessor in interest of capital

1 and interest on the capital. The rates, whether fixed rates
2 or variable rates, shall be determined pursuant to a formula
3 stipulated in the certificate or incorporated therein by
4 reference. The ~~board~~ authority shall clearly indicate on the
5 certificate, or incorporate therein by reference, the schedule,
6 the amount of equity investment, the calculation formula for
7 determining the scheduled aggregate return on invested capital,
8 and the calculation formula for determining the amount of the
9 tax credit that may be claimed. Once issued to a designated
10 investor, a certificate shall be binding on the ~~board~~ authority
11 and the department of revenue and shall not be modified,
12 terminated, or rescinded.

13 3. If a designated investor or transferee elects to redeem
14 a certificate, the certificate shall not be redeemed prior
15 to the maturity date or dates stated on the certificate. At
16 the time of redemption, the ~~board~~ authority shall determine
17 the amount of the tax credit that may be claimed by the
18 designated investor based upon the returns received by the
19 designated investor and its predecessors in interest and the
20 provisions of the certificate. The ~~board~~ authority shall issue
21 a verification to the department of revenue setting forth the
22 maximum tax credit which can be claimed by the designated
23 investor with respect to the redemption of the certificate.

24 4. The ~~board~~ authority shall, in conjunction with the
25 department of revenue, develop a system for registration of
26 any certificate and related tax credit issued or transferred
27 pursuant to [this section](#) and a system that permits verification
28 that any tax credit claimed upon a tax return is valid and that
29 any transfers of the certificate and related tax credit are
30 made in accordance with the requirements of [this division](#).

31 5. The ~~board~~ authority shall issue the tax credits in such a
32 manner that not more than twenty million dollars of tax credits
33 may be initially redeemable in any fiscal year. The ~~board~~
34 authority shall indicate on the tax certificate the principal
35 amount of the tax credit and the maturity date or dates on

1 which the credit may be first claimed.

2 6. A certificate or tax credit issued or transferred
3 pursuant to **this division** shall not be considered a security
4 pursuant to **chapter 502**.

5 7. In determining the maximum aggregate limit in subsection
6 1 and the fiscal year limitation in **subsection 5**, the ~~board~~
7 authority shall use the cumulative amount of scheduled
8 aggregate returns on certificates issued by the ~~board~~ authority
9 to designated investors. However, certificates and related
10 tax credits which have expired shall not be included and
11 certificates and related tax credits which have been redeemed
12 shall be included only to the extent of tax credits actually
13 allowed.

14 Sec. 83. Section 15E.67, Code 2017, is amended to read as
15 follows:

16 **15E.67 Powers and effectiveness.**

17 This division shall not be construed as a restriction or
18 limitation upon any power which the ~~board~~ authority might
19 otherwise have under any other law of this state and the
20 provisions of **this division** are cumulative to such powers.
21 This division shall be construed to provide a complete,
22 additional, and alternative method for performing the duties
23 authorized and shall be regarded as supplemental and additional
24 to the powers conferred by any other law. The level,
25 timing, or degree of success of the Iowa fund of funds or the
26 investment funds in which the Iowa fund of funds invests in, or
27 the extent to which the investment funds are invested in Iowa
28 venture capital projects, or are successful in accomplishing
29 any economic development objectives, shall not compromise,
30 diminish, invalidate, or affect the provisions of any contract
31 entered into by the ~~board~~ authority or the Iowa fund of funds.

32 Sec. 84. Section 15E.72, subsections 4, 6, and 8, Code 2017,
33 are amended to read as follows:

34 4. *Issuance, verification, and redemption of new certificates*
35 *prohibited.*

1 a. Except as provided in paragraph "b", and notwithstanding
2 any other provision in this division VII, the ~~board~~ authority
3 shall not issue, verify, or redeem a certificate or a related
4 tax credit on or after June 20, 2013.

5 b. Notwithstanding the prohibition in paragraph "a", the
6 ~~board~~ authority may issue, redeem, or verify a certificate or a
7 related tax credit under any of the following conditions:

8 (1) The board authority is required to do so under the terms
9 of the fund documents.

10 (2) The issuance, redemption, or verification is deemed
11 necessary by the director of revenue and the attorney general
12 in order to arrange new financing terms with a creditor.

13 (3) The issuance, redemption, or verification is deemed
14 necessary by the director of revenue and the attorney general
15 to preserve fund assets, repay creditors, or otherwise
16 effectuate an orderly wind-up of the program pursuant to this
17 section.

18 6. *Pledging of certificates prohibited.*

19 a. Except as provided in paragraph "b", and notwithstanding
20 any other provision of law to the contrary, a certificate and a
21 related tax credit or verified tax credit issued by the ~~board~~
22 authority shall not be pledged by a designated investor as
23 security for a loan or an extension of credit on or after June
24 20, 2013.

25 b. Notwithstanding the prohibition in paragraph "a", a
26 certificate and related tax credit or verified tax credit
27 issued by the ~~board~~ authority may be pledged by a designated
28 investor as security for a loan or an extension of credit
29 to the extent such pledge is required by the fund documents.
30 In addition, the ~~board~~ authority, with the approval of the
31 director of revenue and the attorney general, may authorize a
32 certificate and related tax credit to be pledged as security
33 for a loan or an extension of credit, but only if such a pledge
34 is necessary to arrange new financing terms with a creditor or
35 to repay creditors for moneys loaned or credit extended to a

1 designated investor.

2 8. *Iowa capital investment corporation purposes*
3 *amended.* Notwithstanding [section 15E.64](#), on or after June 20,
4 2013, the purposes of the Iowa capital investment corporation
5 shall be to comply with its obligations under the fund
6 documents and to assist the ~~board~~ authority, the director of
7 revenue, and the attorney general in effectuating the orderly
8 wind-up of the Iowa fund of funds. In effectuating such a
9 wind-up, the Iowa capital investment corporation shall comply
10 with all reasonable requests by the ~~board~~ authority, the
11 director of revenue, the attorney general, or the auditor of
12 state.

13 Sec. 85. TRANSITION PROVISIONS. Any rule, regulation,
14 form, order, or directive promulgated, or any tax credit
15 certificate issued, by the Iowa capital investment board and in
16 effect on the effective date of this division of this Act shall
17 continue in full force and effect until amended, repealed, or
18 supplemented by affirmative action of the economic development
19 authority.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with
22 the explanation's substance by the members of the general assembly.

23 This bill relates to certain state regulations, including
24 certificate of need requirements, the practice of certain
25 professions, and the oversight of state preserves. The bill is
26 organized into divisions.

27 CERTIFICATE OF NEED REQUIREMENT. This division removes the
28 requirement for a hospital to apply to the Iowa department of
29 public health for a certificate of need prior to the offering
30 or development of a new or changed institutional health
31 service unless the hospital plans to expand its swing-bed
32 capacity above 25 beds or plans to add any nursing facility
33 beds or skilled nursing beds. The division also requires a
34 certificate of need for the construction, development, or other
35 establishment of a hospital in a county with a population of

1 less than 80,000, or a hospital in a county with a population
2 of greater than 80,000 if the hospital is within 35 miles of
3 a hospital located in a county with a population of less than
4 80,000.

5 The division exempts facilities that provide services
6 to a person with a primary diagnosis of mental illness, as
7 defined in Code section 229.1, from the certificate of need
8 requirement.

9 The division takes effect upon enactment.

10 PRACTICE OF DENTISTRY MODIFICATION AND INTERIOR DESIGN
11 EXAMINING BOARD REPEAL. This division eliminates the
12 interior design examining board and removes all registration
13 requirements for interior designers.

14 The division removes tooth whitening from the practice of
15 dentistry as provided in Code section 153.13.

16 REPEAL OF STATE ADVISORY BOARD FOR PRESERVES. This division
17 eliminates the state advisory board for preserves and assigns
18 the duties of the board to the natural resource commission of
19 the department of natural resources.

20 ELECTRICAL EXAMINING BOARD. This division reassigns the
21 regulatory authority of the electrical examining board to the
22 department of public safety, which shall regulate the licensure
23 of electricians. The division changes the electrical examining
24 board to an electrical examining advisory council, which
25 shall have authority to approve administrative rules relating
26 to professions governed by Code chapter 103 before they are
27 adopted by the department.

28 LICENSING MORATORIUM AND TASK FORCE. This division
29 prohibits an executive branch administrative unit from imposing
30 new licensing regulations for a profession not regulated prior
31 to July 1, 2017. The division also establishes a professional
32 licensing task force made up of legislators, executive branch
33 department representatives, a representative of the governor's
34 office, and public members with professional licensure
35 experience to review all aspects of professional licensure in

1 the state.

2 IOWA CAPITAL INVESTMENT BOARD. This division of the bill
3 eliminates the Iowa capital investment board established in
4 Code section 15E.63 and transfers the duties and authority of
5 that board to the economic development authority.