

FEB 28 2006  
WAYS AND MEANS

HOUSE FILE 2568  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HF 2289)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

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

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

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HF 2568

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

3 136C.10 FEES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 license to practice nursing home administration.

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

5 147.82 FEES.

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

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

20 4. Applications for a license shall be made to the  
21 chairperson, executive director, or secretary of the board.  
22 All examination, license, and renewal fees shall be paid to  
23 and collected by the chairperson, executive director, or  
24 secretary of the board~~7-who-shall-transmit-the-fees-to-the~~  
25 ~~treasurer-of-state-for-deposit-in-the-general-fund-of-the~~  
26 ~~state.~~ The salary of the executive director of the board  
27 shall be established by the governor with approval of the  
28 executive council pursuant to section 8A.413, subsection 2,  
29 under the pay plan for exempt positions in the executive  
30 branch of government.

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

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

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

1 by striking the subsection.

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

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

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

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

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

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

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

29 EXPLANATION

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

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

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

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