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SENATE FILE 268  
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Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act providing authority to participating agencies to establish  
2 pilot projects for the refund of fees associated with certain  
3 licenses and certifications.

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

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SF 268

1 Section 1. PILOT PROJECT FOR REFUND OF PROCESSING FEES.

2 1. As used in this section:

3 a. "Customer" means a person paying a fee as provided in  
4 paragraph "c", as part of an application for the issuance of a  
5 renewed license or certification by a participating agency.

6 b. "Participating agency" means the Iowa department of  
7 public health or the professional licensing division of the  
8 department of commerce that elects to participate in the pilot  
9 project as provided in subsection 2.

10 c. "Processing fee" means a fee that is required to be  
11 paid to a participating agency as follows:

12 (1) The Iowa department of public health for issuing a  
13 renewed emergency medical care provider certification pursuant  
14 to section 147A.6 for which a fee is required pursuant to  
15 rules adopted by the department under section 147A.4.

16 (2) The professional licensing division, for issuing any  
17 of the following:

18 (a) The renewal of a certificate of a license as a  
19 professional engineer pursuant to section 542B.18 for which a  
20 fee is required pursuant to section 542B.30.

21 (b) The renewal of a license to practice as an accounting  
22 practitioner pursuant to section 542C.20 for which a fee is  
23 required pursuant to section 542C.15.

24 (c) The renewal of a license as a real estate broker or  
25 real estate salesperson pursuant to section 543B.28 for which  
26 a fee is required pursuant to section 543B.27.

27 (d) The renewal of a certification as a real estate  
28 appraiser pursuant to section 543D.7 for which a fee is  
29 required pursuant to section 543D.6.

30 (e) The renewal of a certificate of registration as an  
31 architect pursuant to section 544A.10 for which a fee is  
32 required pursuant to section 544A.11.

33 (f) The renewal of a certificate of registration as a  
34 landscape architect pursuant to section 544B.13 for which a  
35 fee is required pursuant to section 544B.14.

1        2. The department of management in cooperation with a  
2 participating agency may establish a pilot project for the  
3 refund of all or a portion of processing fees paid by  
4 customers. The following shall apply to a participating  
5 agency:

6        a. The participating agency shall refund all or a portion  
7 of a processing fee to a customer if the participating agency  
8 fails to issue a license or certification in a manner and  
9 within a period of time customary for issuing similar licenses  
10 and certifications.

11       b. The participating agency is not required to refund any  
12 amount of a processing fee if the failure to issue a license  
13 or certification is primarily caused by the customer,  
14 including the customer's failure to comply with legal  
15 requirements, furnish a completed application or document, or  
16 cooperate with the participating agency as required by the  
17 participating agency.

18       3. Each participating agency shall adopt rules pursuant to  
19 chapter 17A necessary in order to administer this section.  
20 The participating agencies shall cooperate in order to develop  
21 simple common procedures for providing refunds, which may  
22 include a uniform refund form. The agencies may cooperate  
23 with the general assembly's joint oversight and communications  
24 appropriations subcommittee or other appropriate committee or  
25 subcommittee in carrying out this section.

26       4. Each participating agency shall prepare a report to the  
27 department of management. The report shall analyze the  
28 administration of the pilot project, including its effect on  
29 administrative efficiency, the collection of revenue, and  
30 customer reactions. The reports shall be delivered to the  
31 department of management not later than November 1, 2002. The  
32 department of management shall compile the reports and include  
33 any findings or recommendations by the department. The  
34 department's compiled report shall be delivered to the  
35 governor and general assembly not later than January 10, 2003.

1 Sec. 2. This Act is repealed January 11, 2003.

2 EXPLANATION

3 This bill establishes a pilot project involving the refund  
4 of moneys ("processing fees") paid to a participating agency  
5 (the Iowa department of public health and the professional  
6 licensing division of the department of commerce) for issuing  
7 emergency medical care provider certifications and the renewal  
8 of licenses or certifications for professional engineers,  
9 public accountants, real estate brokers and salespersons, real  
10 estate appraisers, and registered architects and landscape  
11 architects. The bill provides that a member of the public  
12 ("customer") who pays a fee to a participating agency related  
13 to the issuance of a license or certification may be refunded  
14 all or a portion of the fee if the participating agency fails  
15 to issue the license or certification in a manner and within a  
16 period of time customary for issuing similar licenses or  
17 certifications.

18 The bill provides that a participating agency is not  
19 required to refund any amount of the fee, if the failure to  
20 issue a license or certification is primarily caused by the  
21 customer.

22 The bill provides that the participating agencies must  
23 cooperate in order to develop simple common procedures for  
24 providing refunds and may cooperate with the general  
25 assembly's joint oversight and communications appropriations  
26 subcommittee and other appropriate committees.

27 The bill provides that a participating agency must prepare  
28 a report which analyzes the project to the department of  
29 management. The reports must be delivered to the department  
30 of management not later than November 1, 2002. The department  
31 of management must compile the reports and include any of its  
32 findings or recommendations. The department's compiled report  
33 must be delivered to the governor and general assembly not  
34 later than January 10, 2003.

35 The bill is repealed January 11, 2003.