

FEB 3 2006  
LOCAL GOVERNMENT

HOUSE FILE 2234  
BY HUSER and BUKTA

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

**A BILL FOR**

1 An Act relating to the application of the state building code,  
2 appropriating fees, and providing an applicability date.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2234

1 Section 1. Section 103A.10, subsection 2, Code 2005, is  
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. c. To the construction of a building or a  
4 structure within the limits of a governmental subdivision that  
5 has not adopted any local building code substantially in  
6 accord with a nationally recognized building code and the  
7 building or structure is any of the following:

8 (1) Financed, in whole or in part, by a state agency,  
9 regardless of source.

10 (2) Intended for use as any of the following:

11 (a) A hospital licensed under chapter 135B.

12 (b) A health care facility licensed under chapter 135C.

13 (c) A psychiatric medical institution for children  
14 licensed under chapter 135H.

15 (d) A hotel licensed under chapter 137C.

16 (e) An elder group home certified under chapter 231B.

17 (f) An assisted living program certified under chapter  
18 231C.

19 (g) An adult day services program certified under chapter  
20 231D.

21 (h) A child foster care facility licensed under chapter  
22 237.

23 (i) A child care center licensed under chapter 237A.

24 (j) A children's center licensed or certified under  
25 chapter 237B.

26 (k) A jail.

27 (l) A municipal holding facility.

28 (m) A county detention facility.

29 (n) A community-based correctional facility.

30 (o) A gaming facility.

31 (p) A school.

32 (q) A college or university.

33 Sec. 2. Section 103A.23, unnumbered paragraph 2, Code  
34 2005, is amended to read as follows:

35 ~~All~~ Except as provided in section 103A.26, fees collected

1 by the commissioner shall be deposited in the state treasury  
2 ~~to the credit of the general fund of the state~~ and are  
3 appropriated to the department of public safety for the  
4 purpose of administering this chapter.

5 Sec. 3. Section 103A.26, subsection 1, paragraph b, Code  
6 2005, is amended to read as follows:

7 b. ~~Notwithstanding section 103A.23, all~~ All fees collected  
8 by the commissioner for the administration of the manufactured  
9 or mobile home program shall be credited to the general fund  
10 of the state and are appropriated to the ~~commissioner~~  
11 department of public safety for the purpose of administering  
12 this certification program including the employment of  
13 personnel for the enforcement and administration of this  
14 program.

15 Sec. 4. APPLICABILITY DATE. This Act applies to building  
16 permits issued on or after July 1, 2006.

17 Sec. 5. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
18 3, shall not apply to this Act.

19 EXPLANATION

20 Under this bill, the state building code applies to  
21 governmental subdivisions that have not adopted a local  
22 building code, as specified, when constructing buildings and  
23 structures financed by the state or intended for specific  
24 licensed, certified, or regulated uses, such as hospitals,  
25 child care centers, jails and detention facilities, schools,  
26 and colleges.

27 The bill appropriates fees to the department of public  
28 safety to administer the state building code chapter  
29 provisions. Currently, fees collected for the manufactured or  
30 mobile home program are appropriated pursuant to Code section  
31 103A.26 for administration of that particular program.

32 The bill provides that the Act applies to building permits  
33 issued on or after July 1, 2006.

34 The bill may include a state mandate as defined in Code  
35 section 25B.3. The bill makes inapplicable Code section

1 25B.2, subsection 3, which would relieve a political  
2 subdivision from complying with a state mandate if funding for  
3 the cost of the state mandate is not provided or specified.  
4 Therefore, political subdivisions are required to comply with  
5 any state mandate included in the bill.

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