

CHAPTER 1057

ASBESTOS REMOVAL PERMITS

S.F. 2044

AN ACT relating to technical differences between an asbestos license and an asbestos permit.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 88B.3, subsection 4, Code 1993, is amended to read as follows:

4. At least once a year, during an actual asbestos project, the division shall conduct an on-site inspection of each licensee's permittee's procedures for removing and encapsulating asbestos.

Sec. 2. Section 88B.5, subsection 1, Code 1993, is amended to read as follows:

1. To apply for a license, a business entity ~~an individual~~ shall submit an application to the division in the form required by the division and shall pay the fee prescribed by the division.

Sec. 3. Section 88B.9, subsections 1 and 3, Code 1993, are amended to read as follows:

1. In an emergency that results from a sudden, unexpected event that is not a planned renovation or demolition, the commissioner may waive the requirement for a license permit.

3. If the business entity is not primarily engaged in the removal or encapsulation of asbestos, the commissioner may waive the requirement for a license permit if worker protection requirements are met or an alternative procedure is approved pursuant to subsection 2.

Sec. 4. Section 88B.11, Code 1993, is amended to read as follows:

88B.11 BIDS FOR GOVERNMENTAL PROJECTS.

A state agency or political subdivision shall not accept a bid in connection with any asbestos project from a business entity ~~which that~~ does not hold a license permit from the division at the time the bid is submitted.

Approved April 12, 1994

CHAPTER 1058

DISTRIBUTION OF EARNINGS BY COOPERATIVE ASSOCIATIONS

S.F. 2153

AN ACT providing for the distribution of earnings by cooperative associations operating on a pooling basis.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 499.30, Code 1993, is amended to read as follows:

499.30 DISTRIBUTION OF EARNINGS.

The directors shall annually dispose of the earnings of the association in excess of its operating expenses as follows:

1. To provide a reasonable reserve for depreciation, obsolescence, bad debts, or contingent losses or expenses.

2. a. To the extent that the cooperative association is operating on a pooling basis, the board of directors of the cooperative association shall determine the portion of the remaining earnings derived from the pool that will be added to the surplus. The cooperative association is operating on a pooling basis, if the association markets, sells, or handles an agricultural product and all of the following apply:

(1) The product is a pool composed by commingling units of the same kind of product which are contributed to the cooperative association by its members.

(2) The earnings of the association are computed without deducting a charge for products delivered by members of the association who are contributing units to be commingled in the product pool.

The board of directors may provide an advance payment to the members of the association contributing units of the product to be commingled in the product pool during the contribution period.

b. ~~At~~ To the extent that the cooperative association is not operating on a pooling basis as provided in this subsection, at least ten percent of the remaining earnings must be added to surplus until surplus equals either thirty percent of the total of all capital paid in for stock or memberships, plus all unpaid patronage dividends, plus certificates of indebtedness payable upon liquidation, earnings from nonmember business, and earnings arising from the earnings of other cooperative organizations of which the association is a member, or one thousand dollars, whichever is greater. No additions shall be made to surplus when it exceeds either fifty percent of the total, or one thousand dollars, whichever is greater.

3. Not less than one percent nor more than five percent of such earnings in excess of reserves may be placed in an educational fund, to be used as the directors deem suitable for teaching or promoting co-operation.

4. After the foregoing, to disposing of earnings as provided in subsections 1 and 2, the cooperative association shall pay any fixed dividends on stock or memberships; if any.

5. Notwithstanding the an association's articles of incorporation of any association, for each taxable year of the association beginning after December 31, 1962, the association shall allocate all remaining net earnings shall be allocated to the account of each member, including subscribers described in section 499.16, ratably in proportion to the business the member did with the association during that year. The directors shall determine, or the articles of incorporation or bylaws of the association may specify, the percentage or the amount of the allocation that currently shall be paid in cash. However, so long as there are unpaid local deferred patronage dividends of deceased members for prior years, the amount currently payable in cash shall not exceed twenty percent of the allocation. All the remaining allocation not paid in cash shall be transferred to a revolving fund and credited to the members and subscribers. The credits in the revolving fund are referred to in this chapter as deferred patronage dividends.

Approved April 12, 1994

CHAPTER 1059

WATER TREATMENT OPERATOR CERTIFICATION FEES

S.F. 2221

AN ACT relating to use of water treatment operator certification and examination fees by the department of natural resources.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 455B.221, Code 1993, is amended to read as follows:
455B.221 CERTIFICATION AND EXAMINATION FEES.

The director may charge a fee for certificates issued under this part. The fee for the certificates and for renewal shall be based on the costs of administering and enforcing this part and paying the expenses of the department relating to certification. The department shall be reimbursed for all costs incurred. The director shall set a fee for the examination which shall be