

FILED FEB 09 1988

SENATE FILE 2135
BY COMMITTEE ON AGRICULTURE
(formerly LSB #8188)

Passed Senate, Date 12/16/87 (p. 205) Passed House, Date 3/29/88 (p. 1161)
Vote: Ayes 45 Nays 0 Vote: Ayes 77 Nays 0

Approved May 3, 1988
46-0 46-0

A BILL FOR

1 An Act relating to limiting the assets of the grain depositors
2 and sellers indemnity fund, and providing for an early
3 effective date.

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

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SF 2135

1 Section 1. Section 543A.5, subsection 2, Code Supplement
2 1987, is amended to read as follows:

3 2. If, at the end of any ~~fiscal~~-year three-month period,
4 the assets of the fund exceed six million dollars, less any
5 encumbered balances or pending or unsettled claims, the per-
6 bushel fee required under section 543A.3, subsection 2, and
7 the dealer-warehouse fee required under section 543A.3,
8 subsection 3, shall be ~~waived until the board reinstates and~~
9 the fees are not assessable or owing. The board shall
10 reinstate the fees if the assets of the fund, less any
11 unencumbered balances or pending or unsettled claims, are
12 three million dollars or less.

13 Sec. 2. This Act, being deemed of immediate importance,
14 takes effect upon enactment.

15 EXPLANATION

16 This bill provides that when the assets of the grain
17 depositors and sellers indemnification fund exceed six million
18 dollars as determined at the end of every three-month period,
19 the per-bushel fee and the dealer-warehouse fee shall be
20 waived and are not assessable or owing. The bill takes effect
21 upon enactment.

22 SIMILAR TO LSB 8188SC

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SENATE FILE 2135

H-6044

1 Amend Senate File 2135, as passed by the Senate, as
2 follows:

3 1. page 1, by inserting before line 1 the
4 following:

5 "Sec. 100. Section 543A.3, subsection 2, Code
6 Supplement 1987, is amended to read as follows:

7 2. The grain dealer or warehouse operator shall
8 forward the per-bushel fee to the department in the
9 manner and using the forms prescribed by the
10 department. If the per-bushel fee has not been
11 received by the department by the date required by the
12 department, the grain dealer or warehouse operator is
13 subject to a penalty, ~~of ten dollars~~ for each day the
14 grain dealer or warehouse operator is delinquent. The
15 total penalty for a delinquency shall be the greater
16 of either up to one hundred percent of the amount of
17 the per-bushel fee deficiency or ten percent interest
18 charged on the amount of the per-bushel fee
19 deficiency. If the per-bushel fee has not been
20 received by the department within thirty days after
21 the payment was due, the grain dealer's or warehouse
22 operator's license shall be suspended. The per-bushel
23 fee shall be collected only once on each bushel of
24 grain."

25 2. Page 1, line 13, by inserting before the word
26 "This" the following: "Section 100 of this Act shall
27 be applied retroactive on and after July 1, 1987."

28 3. Title page, line 2, by inserting after the
29 word "fund," the following: "providing for penalties
30 for certain delinquent payments,".

31 4. Title page, line 3, by inserting after the
32 word "date" the following: "and date of
33 applicability".

By KOENIGS of Mitchell

H-6044 FILED MARCH 29, 1988

Adopted 3/29/88

SENATE FILE 2135

H-6011

1 Amend Senate File 2135, as passed by the Senate as
2 follows:

3 1. Page 1, by inserting before line 1, the
4 following:

5 "Section 1. Section 542A.2, Code 1987, is amended
6 by adding the following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. The department may deny
8 an application for a permit to a person licensed as a
9 grain dealer under chapter 542 if the grain dealer
10 license is under suspension or has been revoked
11 pursuant to section 542.10. If information or a
12 complaint is filed with the department against the
13 person as a grain dealer in accordance with section
14 542.10, the department may delay approving the
15 application for a permit until after a hearing is
16 provided under that section.

17 Sec. 2. Section 542A.7, Code 1987, is amended by
18 adding the following new unnumbered paragraph after
19 the second unnumbered paragraph:

20 NEW UNNUMBERED PARAGRAPH. The department, after a
21 hearing, may suspend or revoke a bargaining agent's
22 permit if the permittee is licensed as a grain dealer
23 under chapter 542 and the permittee's grain dealer
24 license is under suspension or has been revoked
25 pursuant to section 542.10."

26 2. Title page, line 1, by inserting after the
27 words "relating to" the following: "the issuance of
28 grain bargaining permits and".

29 3. By renumbering as necessary.

By KOENIGS of Mitchell

H-6011 FILED MARCH 29, 1988

Adopted 2/12/88 (p. 175)

HOUSE AMENDMENT TO
SENATE FILE 2135

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1 Amend Senate File 2135, as passed by the Senate as
2 follows:

3 1. Page 1, by inserting before line 1, the
4 following:

5 "Section 1. Section 542A.2, Code 1987, is amended
6 by adding the following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. The department may deny
8 an application for a permit to a person licensed as a
9 grain dealer under chapter 542 if the grain dealer
10 license is under suspension or has been revoked
11 pursuant to section 542.10. If information or a
12 complaint is filed with the department against the
13 person as a grain dealer in accordance with section
14 542.10, the department may delay approving the
15 application for a permit until after a hearing is
16 provided under that section.

17 Sec. 2. Section 542A.7, Code 1987, is amended by
18 adding the following new unnumbered paragraph after
19 the second unnumbered paragraph:

20 NEW UNNUMBERED PARAGRAPH. The department, after a
21 hearing, may suspend or revoke a bargaining agent's
22 permit if the permittee is licensed as a grain dealer
23 under chapter 542 and the permittee's grain dealer
24 license is under suspension or has been revoked
25 pursuant to section 542.10."

26 2. Page 1, by inserting before line 1 the
27 following:

28 "Sec. 100. Section 543A.3, subsection 2, Code
29 Supplement 1987, is amended to read as follows:

57930 30 2. The grain dealer or warehouse operator shall
31 forward the per-bushel fee to the department in the
32 manner and using the forms prescribed by the
33 department. If the per-bushel fee has not been
34 received by the department by the date required by the
35 department, the grain dealer or warehouse operator is
36 subject to a penalty, ~~of ten dollars~~ for each day the
37 grain dealer or warehouse operator is delinquent. The
38 total penalty for a delinquency shall be the greater
39 of either up to one hundred percent of the amount of
40 the per-bushel fee deficiency or ten percent interest
41 charged on the amount of the per-bushel fee
42 deficiency. If the per-bushel fee has not been
43 received by the department within thirty days after
44 the payment was due, the grain dealer's or warehouse
45 operator's license shall be suspended. The per-bushel
46 fee shall be collected only once on each bushel of
47 grain."

48 3. Page 1, line 13, by inserting before the word
49 "This" the following: "Section 100 of this Act shall
50 be applied retroactive on and after July 1, 1987."

S-5750 Page 2

- 1 4. Title page, line 1, by inserting after the
- 2 words "relating to" the following: "the issuance of
- 3 grain bargaining permits and".
- 4 5. Title page, line 2, by inserting after the
- 5 word "fund," the following: "providing for penalties
- 6 for certain delinquent payments,".
- 7 6. Title page, line 3, by inserting after the
- 8 word "date" the following: "and date of
- 9 applicability".
- 10 7. By renumbering, relettering, or redesignating
- 11 and correcting internal references as necessary.

S-5750

Filed April 4, 1988

Senate amended (S-5750) on 4/5/88

RECEIVED FROM THE HOUSE

SENATE FILE 2135

S-5790

- 1 Amend the House amendment, S-5750, to Senate File
- 2 2135, as passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 36 through 42 and
- 4 inserting the following: "subject to a penalty of ten
- 5 dollars for each day the grain dealer or warehouse
- 6 operator is delinquent or an amount equal to the
- 7 amount of the deficiency, whichever is less. The
- 8 department may establish and apply a margin of error
- 9 in determining whether a grain dealer or warehouse
- 10 operator is delinquent. If the per-bushel fee has not
- 11 been".

S-5790

Filed April 5, 1988

Adopted 4/5/88

BY EMIL HUSAK
JOHN E. SOORHOLTZ
ALVIN MILLER
EUGENE FRAISE

SENATE AMENDMENT TO HOUSE AMENDMENT TO
SENATE FILE 2135

H-6266

1 Amend the House amendment, S-5750, to Senate File
2 2135, as passed by the Senate, as follows:
3 1. Page 1, by striking lines 36 through 42 and
4 inserting the following: "subject to a penalty of ten
5 dollars for each day the grain dealer or warehouse
6 operator is delinquent or an amount equal to the
7 amount of the deficiency, whichever is less. The
8 department may establish and apply a margin of error
9 in determining whether a grain dealer or warehouse
10 operator is delinquent. If the per-bushel fee has not
11 been".

RECEIVED FROM THE SENATE

H-6266 FILED APRIL 6, 1988

House Amendment 418 (p. 1007)

SENATE FILE 2135

AN ACT

RELATING TO THE ISSUANCE OF GRAIN BARGAINING PERMITS AND
LIMITING THE ASSETS OF THE GRAIN DEPOSITORS AND SELLERS
INDEMNITY FUND, PROVIDING FOR PENALTIES FOR CERTAIN DELIN-
QUENT PAYMENTS, AND PROVIDING FOR AN EARLY EFFECTIVE DATE
AND DATE OF APPLICABILITY.

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

Section 1. Section 542A.2, Code 1987, is amended by adding
the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The department may deny an
application for a permit to a person licensed as a grain
dealer under chapter 542 if the grain dealer license is under
suspension or has been revoked pursuant to section 542.10. If
information or a complaint is filed with the department
against the person as a grain dealer in accordance with
section 542.10, the department may delay approving the
application for a permit until after a hearing is provided
under that section.

Sec. 2. Section 542A.7, Code 1987, is amended by adding
the following new unnumbered paragraph after the second
unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The department, after a hearing,
may suspend or revoke a bargaining agent's permit if the
permittee is licensed as a grain dealer under chapter 542 and
the permittee's grain dealer license is under suspension or
has been revoked pursuant to section 542.10.

Sec. 3. Section 543A.3, subsection 2, Code Supplement
1987, is amended to read as follows:

2. The grain dealer or warehouse operator shall forward
the per-bushel fee to the department in the manner and using
the forms prescribed by the department. If the per-bushel fee
has not been received by the department by the date required
by the department, the grain dealer or warehouse operator is
subject to a penalty of ten dollars for each day the grain
dealer or warehouse operator is delinquent or an amount equal
to the amount of the deficiency, whichever is less. The
department may establish and apply a margin of error in
determining whether a grain dealer or warehouse operator is
delinquent. If the per-bushel fee has not been received by
the department within thirty days after the payment was due,
the grain dealer's or warehouse operator's license shall be
suspended. The per-bushel fee shall be collected only once on
each bushel of grain.

Sec. 4. Section 543A.5, subsection 2, Code Supplement
1987, is amended to read as follows:

2. If, at the end of any fiscal-year three-month period,
the assets of the fund exceed six million dollars, less any
encumbered balances or pending or unsettled claims, the per-
bushel fee required under section 543A.3, subsection 2, and
the dealer-warehouse fee required under section 543A.3,
subsection 3, shall be waived until the board reinstates and
the fees are not assessable or owing. The board shall
reinstate the fees if the assets of the fund, less any
unencumbered balances or pending or unsettled claims, are
three million dollars or less.

Sec. 5. Section 3 of this Act shall be applied retroactively on and after July 1, 1987. This Act, being deemed of immediate importance, takes effect upon enactment.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2135, Seventy-second General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved May 3, 1988

TERRY E. BRANSTAD
Governor