

COMMERCE DEPARTMENT[181]

Adopted and Filed

Pursuant to the authority of Iowa Code chapter 546, the Department of Commerce amends Chapter 1, “Organization and Operation,” and rescinds Chapter 2, “Petitions for Rule Making,” and Chapter 3, “Declaratory Rulings,” Iowa Administrative Code.

These amendments update information related to the Divisions of the Commerce Department as a result of location changes and statutory changes over a number of years.

By statute, these amendments do not contain conditions for waiver.

Notice of Intended Action was published in the June 8, 2016, Iowa Administrative Bulletin as **ARC 2575C**. Public comments were allowed until 4:30 p.m. on June 28, 2016. No comments were received by the Department or posted online. No changes were made to the text of the proposed amendments.

After analysis and review of this rule making, the Department has determined that there will be no impact on jobs and no fiscal impact to the state.

These amendments are intended to implement Iowa Code chapters 546 and 17A.

These amendments will become effective September 7, 2016.

The following amendments are adopted.

ITEM 1. Amend rule 181—1.1(546,17A) as follows:

181—1.1(546,17A) Purpose. This chapter describes the organization and operation of the department of commerce (hereafter referred to as the “department”), ~~including the offices where, and the means by which any interested person may obtain public information and make submittals or requests.~~

ITEM 2. Rescind and reserve rule **181—1.3(546,17A)**.

ITEM 3. Amend rule 181—1.4(546,17A) as follows:

181—1.4(546,17A) Duties of the department. The commerce department administers and coordinates the various regulatory, service, and licensing functions of the state ~~regarding relating to the conduct~~ conducting of business and or commerce in the state. The department consists of ~~the director’s office, an office of administrative services, and~~ the following divisions: banking, credit union, savings and loan, utilities, insurance, and alcoholic beverages, ~~and professional licensing and regulation.~~

~~1.4(1) Office of administrative services.~~ The office of administrative services coordinates personnel services and shared administrative support services for the department, coordinates the development of the department’s annual budget, and maintains monitoring and control systems for the department.

~~1.4(2)~~ **1.4(1) Banking division.** The banking division regulates and supervises state banks, regulated loan companies, industrial loan companies, mortgage bankers, mortgage brokers, real estate closing agents, debt management companies, money services companies, and delayed deposit service businesses and performs other duties assigned to it by law. In addition, as provided in Iowa Code section 546.10, the division administers and coordinates the activities of the following professional licensing boards: the engineering and land surveying examining board, the Iowa accountancy examining board, the real estate commission, the architectural examining board, the landscape architectural examining board, the real estate appraiser examining board, and the interior design examining board.

~~1.4(3)~~ **1.4(2) Credit union division.** The credit union division regulates and supervises the operation of credit unions within the state; the credit union review board performs duties assigned to it by Iowa Code chapter 533.

~~1.4(4) Savings and loan division.~~ The savings and loan division regulates and supervises savings and loan associations and savings banks which operate within the state.

~~1.4(5) Gaming division.~~ Rescinded IAB 11/23/94, effective 11/4/94.

~~1.4(6)~~ **1.4(3) Utilities division.** The utilities division regulates and supervises all certain public utilities which operate within the state, and enforces or administers the laws promulgated under Iowa

Code chapters 476, 476A, 476B, 476C, 477A, 477C, 478, and 479, 479A and 479B. The division performs other duties assigned to it by law.

~~1.4(7)~~ **1.4(4)** *Insurance division.* The insurance division regulates and supervises the conduct of the business of insurance within the state, and enforces the laws promulgated under Title XX, and Iowa Code chapters 502, 503, 505 to ~~523C~~ 523D, and ~~535C~~ 523I. The division performs other duties assigned to it by law.

~~1.4(8)~~ **1.4(5)** *Alcoholic beverages division.* The alcoholic beverages division supervises and regulates all matters relating to alcoholic beverages within the state, and enforces the laws promulgated under Iowa Code chapter 123.

~~1.4(9)~~ *Professional licensing and regulation division.* The professional licensing and regulation division coordinates and administers the licensing and regulation of the engineering and land surveying examining board, the accountancy examining board, the real estate commission, the architectural examining board, the real estate appraisers examining board, and the landscape architectural examining board. The commission and boards within this division retain the regulatory and licensing powers conferred upon them by the statutes creating the commission and boards.

ITEM 4. Amend rule **181—1.5(546,17A)**, definition of “Administrator of professional licensing and regulation,” as follows:

“Administrator of professional licensing and regulation” means the ~~chief administrative officer of the professional licensing and regulation division of the department of commerce~~ superintendent of banking.

ITEM 5. Rescind the definitions of “Administrator of public utilities” and “Superintendent of savings and loan associations” in rule **181—1.5(546,17A)**.

ITEM 6. Amend rule 181—1.6(546,17A) as follows:

181—1.6(546,17A) Central offices and communications. Correspondence and communications with the department of commerce shall be addressed or directed to the department’s ~~central office located at the Lucas State Office Building, East 12th and Grand Avenue, Des Moines, Iowa 50319, (515)281-7405.~~ The central office is the principal custodian of departmental orders, statements of law or policy issued by the department, legal documents, and other public documents on file with the department director. The director is the division head appointed by the governor to fulfill the responsibilities and duties of the director in addition to the individual’s responsibilities and duties as the head of a division. The department’s Web site is <http://commerce.iowa.gov/>.

1.6(1) Correspondence and communications with the banking division shall be addressed or directed to its central office located at 200 East Grand Avenue, Suite 300, Des Moines, Iowa 50309-1827, (515)281-4014. The division’s Web site is <http://www.idob.state.ia.us/>.

1.6(2) Correspondence and communications with the professional licensing and regulation ~~division~~ bureau of the banking division shall be addressed or directed to its ~~central office located at 1918 S.E. Hulsizer, Ankeny, Iowa 50021, (515)281-3183~~ 200 East Grand Avenue, Suite 300, Des Moines, Iowa 50309-1827, (515)725-9022. The bureau’s Web site is <https://plb.iowa.gov/>.

1.6(3) Correspondence and communications with the alcoholic beverages division shall be addressed or directed to its central office located at 1918 S.E. Hulsizer Road, Ankeny, Iowa 50021-3961, (515)281-7400. The division’s Web site is <https://abd.iowa.gov/>.

1.6(4) Correspondence and communications with the insurance division shall be addressed or directed to its central office located at ~~the Lucas State Office Building, East 12th and Grand Avenue, 601 Locust Street, Fourth Floor, Des Moines, Iowa 50319~~ 50309-3738, (515)281-5705. The division’s Web site is <http://www.iid.iowa.gov/>.

1.6(5) Correspondence and communications with the utilities division shall be addressed or directed to its central office located at ~~the Lucas State Office Building, East 12th and Grand Avenue~~ 1375 East Court Avenue, Des Moines, Iowa 50319-0069, (515)281-5979 725-7300. The division’s Web site is <https://iub.iowa.gov/>.

~~1.6(6)~~ Correspondence and communications with the savings and loan division shall be addressed to 1918 S.E. Hulsizer, Ankeny, Iowa 50021.

~~1.6(7)~~ **1.6(6)** Correspondence and communications with the credit union division shall be addressed or directed to its central office located at 200 East Grand Avenue, Suite 370, Des Moines, Iowa 50309-1827, (515)281-6514 725-0505. The division's Web site is <https://creditunions.iowa.gov/>.

ITEM 7. Rescind subrules **1.7(1)** and **1.7(2)**.

ITEM 8. Amend subrule 1.8(5) as follows:

1.8(5) *Expenditure authorization.* Each division administrator may authorize expenditures from ~~any appropriation or trust~~ accounts for that division or office within the department of commerce revolving fund established on the behalf of the division in Iowa Code section 546.12, or otherwise use funds as permitted by Iowa Code section 546.12.

ITEM 9. Rescind and reserve **181—Chapter 2**.

ITEM 10. Rescind and reserve **181—Chapter 3**.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/3/16.