

## DEPARTMENT OF COMMERCE

### **546.1 Definitions.**

When used in this chapter, unless the context otherwise requires:

1. "*Department*" means the department of commerce.
2. "*Director*" means the director of the department of commerce.

86 Acts, ch 1245, § 701

### **546.2 Department of commerce.**

1. A department of commerce is created to coordinate and administer the various regulatory, service, and licensing functions of the state relating to the conducting of business or commerce in the state.
2. The chief administrative officer of the department is the director. The director shall be appointed by the governor from among those individuals who serve as heads of the divisions within the department. A division head appointed to be the director shall fulfill the responsibilities and duties of the director in addition to the individual's responsibilities and duties as the head of a division. The director shall serve at the pleasure of the governor. If the office of director becomes vacant, the vacancy shall be filled in the same manner as the original appointment was made.
3. The department is administratively organized into the following divisions:
  - a. Banking.
  - b. Credit union.
  - c. Savings and loan.
  - d. Utilities.
  - e. Insurance.
  - f. Alcoholic beverages.
  - g. Professional licensing and regulation.
4. The director shall have the following responsibilities:
  - a. To establish general operating policies for the department to provide general uniformity among the divisions while providing for necessary flexibility.
  - b. To assemble a department structure and strategic plan that will provide optimal decentralization of responsibilities and authorities with sufficient coordination for appropriate growth and development.
  - c. To coordinate personnel services and shared administrative support services to assure maximum support and assistance to the divisions.
  - d. To coordinate the development of an annual budget which quantifies the operational plans of the divisions.

*e.* To identify and, with the chief administrative officers of each division, facilitate the opportunities for consolidation and efficiencies within the department.

*f.* To maintain monitoring and control systems, procedures, and policies which will permit each level of responsibility to quickly and precisely measure its results with its plan and standards.

5. The chief administrative officer of each division shall have the following responsibilities:

*a.* To make rules pursuant to chapter 17A except to the extent that rulemaking authority is vested in a policymaking commission.

*b.* To hire, allocate, develop, and supervise employees of the division necessary to perform duties assigned to the division by law.

*c.* To supervise and direct personnel and other resources to accomplish duties assigned to the division by law.

*d.* To establish fees assessed to the regulated industry except to the extent this power is vested in a policymaking commission.

6. Each division is responsible for policymaking and enforcement duties assigned to the division under the law. Except as provided in section 546.10, subsection 3:

*a.* Each division shall adopt rules pursuant to chapter 17A to implement its duties.

*b.* Decisions by the divisions are final agency actions pursuant to chapter 17A.

86 Acts, ch 1245, § 702; 87 Acts, ch 234, §438; 93 Acts, ch 175, §20; 2000 Acts, ch 1219, §17

### **546.3 Banking division.**

The banking division shall regulate and supervise banks under chapter 524, regulated loan companies under chapter 536, and industrial loan companies under chapter 536A, and shall perform other duties assigned to the division by law. The division is headed by the superintendent of banking who is appointed pursuant to section 524.201. The state banking council shall render advice within the division when requested by the superintendent.

86 Acts, ch 1245, § 703; 91 Acts, ch 63, §5; 2004 Acts, ch 1141, §32

### **546.4 Credit union division.**

The credit union division shall regulate and supervise credit unions under chapter 533. The division is headed by the superintendent of credit unions who shall be appointed pursuant to section 533.55. The credit union review board shall perform duties within the division as prescribed in chapter 533.

86 Acts, ch 1245, § 704

### **546.5 Savings and loan division.**

The savings and loan division shall regulate and supervise savings and loan associations and savings banks under chapter 534. The division is headed by the superintendent of savings and loan associations who shall be appointed pursuant to section 534.401.

86 Acts, ch 1245, § 705

**546.6 Gaming division.** Repealed by 87 Acts, ch 234, § 440. See § 10A.701.

**546.7 Utilities division.**

The utilities division shall regulate and supervise public utilities operating in the state. The division shall enforce and implement chapters 476, 476A, 477C, 478, 479, 479A, and 479B and shall perform other duties assigned to it by law. The division is headed by the administrator of public utilities who shall be appointed by the governor pursuant to section 474.1.

86 Acts, ch 1245, § 707; 91 Acts, ch 97, § 58; 92 Acts, ch 1163, § 105; 95 Acts, ch 192, § 60

**546.8 Insurance division.**

The insurance division shall regulate and supervise the conducting of the business of insurance in the state. The division shall enforce and implement Title XIII, subtitle 1, insurance and related regulation, and chapter 502, and shall perform other duties assigned to the division by law. The division is headed by the commissioner of insurance who shall be appointed pursuant to section 505.2.

86 Acts, ch 1245, § 708; 93 Acts, ch 60, §24; 94 Acts, ch 1023, §115

**546.9 Alcoholic beverages division.**

The alcoholic beverages division shall enforce and implement chapter 123. The division is headed by the administrator of alcoholic beverages who shall be appointed pursuant to section 123.10. The alcoholic beverages commission shall perform duties within the division pursuant to chapter 123.

86 Acts, ch 1245, § 709; 90 Acts, ch 1247, § 17; 94 Acts, ch 1107, §93

**546.10 Professional licensing and regulation division superintendent of savings and loan associations.**

1. The professional licensing and regulation division shall administer and coordinate the licensing and regulation of several professions by bringing together the following licensing boards:

- a.* The engineering and land surveying examining board created pursuant to chapter 542B.
- b.* The Iowa accountancy examining board created pursuant to chapter 542.
- c.* The real estate commission created pursuant to chapter 543B.
- d.* The architectural examining board created pursuant to chapter 544A.
- e.* The landscape architectural examining board created pursuant to chapter 544B.

2. The division is headed by the administrator of professional licensing and regulation who shall be appointed by the governor subject to confirmation by the senate and shall serve a four-year term that begins and ends as provided in section 69.19. A vacancy shall be filled for the unexpired portion of the term in the same manner as a full-term appointment is made. The administrator shall appoint and supervise staff and shall coordinate activities for the licensing boards within the division. The administrator shall act as a staff person to one or more of the licensing boards.

3. The licensing and regulation examining boards included in the division pursuant to subsection 1 retain the powers granted them pursuant to the chapters in which they are created, except for budgetary and personnel matters which shall be handled by the administrator. Each licensing board shall adopt rules pursuant to

chapter 17A. Decisions by a licensing board are final agency actions for purposes of chapter 17A.

Notwithstanding subsection 5, eighty-five percent of the funds received annually resulting from an increase in licensing fees implemented on or after April 1, 2002, by a licensing board or commission listed in subsection 1, is appropriated to the professional licensing and regulation division to be allocated to the board or commission for the fiscal year beginning July 1, 2002, and succeeding fiscal years, for purposes related to the duties of the board or commission, including but not limited to additional full-time equivalent positions. The director of the department of administrative services shall draw warrants upon the treasurer of state from the funds appropriated as provided in this section and shall make the funds available to the professional licensing division on a monthly basis during each fiscal year.

4. The professional licensing and regulation division of the department of commerce may expend additional funds, including funds for additional personnel, if those additional expenditures are directly the cause of actual examination expenses exceeding funds budgeted for examinations. Before the division expends or encumbers an amount in excess of the funds budgeted for examinations, the director of the department of management shall approve the expenditure or encumbrance. Before approval is given, the director of the department of management shall determine that the examination expenses exceed the funds budgeted by the general assembly to the division and the division does not have other funds from which the expenses can be paid. Upon approval of the director of the department of management, the division may expend and encumber funds for excess examination expenses. The amounts necessary to fund the examination expenses shall be collected as fees from additional examination applicants and shall be treated as repayment receipts as defined in section 8.2, subsection 8.

5. Fees collected under chapters 542, 542B, 543B, 543D, 544A, and 544B shall be paid to the treasurer of state and credited to the general fund of the state. All expenses required in the discharge of the duties and responsibilities imposed upon the professional licensing division of the department of commerce, the administrator, and the licensing boards by the laws of this state shall be paid from moneys appropriated by the general assembly for those purposes. All fees deposited into the general fund of the state, as provided in this subsection, shall be subject to the requirements of section 8.60.

6. The administrator of professional licensing and regulation is the superintendent of savings and loan associations. The administrator may appoint an individual to act as the superintendent who shall serve as the superintendent at the pleasure of the administrator.

86 Acts, ch 1245, § 710; 88 Acts, ch 1274, §41; 90 Acts, ch 1247, § 18; 90 Acts, ch 1261, § 42; 91 Acts, ch 260, §1246; 93 Acts, ch 131, §24; 94 Acts, ch 1107, §94, 95; 94 Acts, ch 1187, §22; 2001 Acts, ch 55, §33, 34, 38; 2002 Acts, 2nd Ex, ch 1003, §33, 35; 2003 Acts, ch 145, § 286

## Footnotes

Regulation of Iowa real estate appraiser board, see § 543D.4

Confirmation, see § 2.32

**546.11 Administrative services trust fund created.** Repealed by 94 Acts, ch 1107, §99.