

# House Amendment 1662

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1 1 Amend House File 809, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 5, by inserting after line 1 the  
1 4 following:  
1 5 <d. Notwithstanding any provision of this  
1 6 subsection to the contrary, the auditor may seek  
1 7 reimbursement from departments and agencies specified  
1 8 in section 11.5B, and governmental subdivisions, in an  
1 9 amount that exceeds the total amount reimbursed to the  
1 10 auditor by those departments, agencies, or  
1 11 governmental subdivisions for the fiscal year  
1 12 beginning July 1, 2008, for audits required by the  
1 13 federal government and reimbursable from federal  
1 14 funds.  
1 15 e. For purposes of this subsection, "total amount  
1 16 reimbursed" does not include amounts reimbursed for  
1 17 audits required and reimbursed from federal funds.  
1 18 Sec. \_\_\_\_ AUDITOR OF STATE == DISCRETIONARY  
1 19 AUDITS. For the fiscal period beginning April 1,  
1 20 2009, and ending June 30, 2010, the auditor of state,  
1 21 in addition to any other requirements provided in this  
1 22 Act, shall not seek reimbursement from departments and  
1 23 agencies specified in section 11.5B for any  
1 24 discretionary audit that the auditor initiates or has  
1 25 initiated on the auditor's own authority and which is  
1 26 not specifically required by statute. Notwithstanding  
1 27 the prohibition contained in this section, the auditor  
1 28 shall perform all necessary audit duties related to  
1 29 any financial report required to be compiled by a  
1 30 department or agency that the auditor has previously  
1 31 audited in the normal course of the auditor's duties,  
1 32 whether or not such financial report is required by  
1 33 law. Any amounts reimbursed in association with such  
1 34 audit shall be limited to the amounts reimbursed for  
1 35 the audit of such report during the previous reporting  
1 36 period.>  
1 37 #2. By striking page 5, line 13, through page 7,  
1 38 line 27, and inserting the following:  
1 39 <SEC. \_\_\_\_ DEPARTMENT OF COMMERCE.  
1 40 1. There is appropriated from the general fund of  
1 41 the state to the department of commerce for the fiscal  
1 42 year beginning July 1, 2009, and ending June 30, 2010,  
1 43 the following amounts, or so much thereof as is  
1 44 necessary, for the purposes designated:  
1 45 a. ALCOHOLIC BEVERAGES DIVISION  
1 46 For salaries, support, maintenance, and  
1 47 miscellaneous purposes, and for not more than the  
1 48 following full-time equivalent positions:  
1 49 ..... \$ 2,007,160  
1 50 ..... FTEs 37.00  
2 1 b. PROFESSIONAL LICENSING AND REGULATION BUREAU  
2 2 For salaries, support, maintenance, and  
2 3 miscellaneous purposes, and for not more than the  
2 4 following full-time equivalent positions:  
2 5 ..... \$ 900,553  
2 6 ..... FTEs 16.00  
2 7 c. INSURANCE DIVISION == SENIOR HEALTH INSURANCE  
2 8 INFORMATION PROGRAM  
2 9 For the use of the senior health insurance  
2 10 information program:  
2 11 ..... \$ 52,253  
2 12 2. There is appropriated from the department of  
2 13 commerce revolving fund created in section 546.12, if  
2 14 enacted by this Act, to the department of commerce for  
2 15 the fiscal year beginning July 1, 2009, and ending  
2 16 June 30, 2010, the following amounts, or so much  
2 17 thereof as is necessary, for the purposes designated:  
2 18 a. BANKING DIVISION  
2 19 For salaries, support, maintenance, and  
2 20 miscellaneous purposes, and for not more than the  
2 21 following full-time equivalent positions:  
2 22 ..... \$ 8,662,670  
2 23 ..... FTEs 73.00  
2 24 b. CREDIT UNION DIVISION

2 25 For salaries, support, maintenance, and  
 2 26 miscellaneous purposes, and for not more than the  
 2 27 following full-time equivalent positions:  
 2 28 ..... \$ 1,727,995  
 2 29 ..... FTEs 19.00  
 2 30 c. INSURANCE DIVISION  
 2 31 (1) For salaries, support, maintenance, and  
 2 32 miscellaneous purposes, and for not more than the  
 2 33 following full-time equivalent positions:  
 2 34 ..... \$ 4,881,216  
 2 35 ..... FTEs 102.00  
 2 36 (2) The insurance division may reallocate  
 2 37 authorized full-time equivalent positions as necessary  
 2 38 to respond to accreditation recommendations or  
 2 39 requirements. The insurance division expenditures for  
 2 40 examination purposes may exceed the projected  
 2 41 receipts, refunds, and reimbursements, estimated  
 2 42 pursuant to section 505.7, subsection 7, including the  
 2 43 expenditures for retention of additional personnel, if  
 2 44 the expenditures are fully reimbursable and the  
 2 45 division first does both of the following:  
 2 46 (a) Notifies the department of management, the  
 2 47 legislative services agency, and the legislative  
 2 48 fiscal committee of the need for the expenditures.  
 2 49 (b) Files with each of the entities named in  
 2 50 subparagraph division (a) the legislative and  
 3 1 regulatory justification for the expenditures, along  
 3 2 with an estimate of the expenditures.  
 3 3 (3) The insurance division shall allocate \$10,000  
 3 4 from the examination receipts for the payment of its  
 3 5 fees to the national conference of insurance  
 3 6 legislators.  
 3 7 d. UTILITIES DIVISION  
 3 8 (1) For salaries, support, maintenance, and  
 3 9 miscellaneous purposes, and for not more than the  
 3 10 following full-time equivalent positions:  
 3 11 ..... \$ 7,795,527  
 3 12 ..... FTEs 79.00  
 3 13 (2) The utilities division may expend additional  
 3 14 funds, including funds for additional personnel, if  
 3 15 those additional expenditures are actual expenses  
 3 16 which exceed the funds budgeted for utility regulation  
 3 17 and the expenditures are fully reimbursable. Before  
 3 18 the division expends or encumbers an amount in excess  
 3 19 of the funds budgeted for regulation, the division  
 3 20 shall first do both of the following:  
 3 21 (a) Notify the department of management, the  
 3 22 legislative services agency, and the legislative  
 3 23 fiscal committee of the need for the expenditures.  
 3 24 (b) File with each of the entities named in  
 3 25 subparagraph division (a) the legislative and  
 3 26 regulatory justification for the expenditures, along  
 3 27 with an estimate of the expenditures.  
 3 28 (3) Notwithstanding sections 8.33 and 476.10 or  
 3 29 any other provision to the contrary, any balance of  
 3 30 the appropriation made in this paragraph for the  
 3 31 utilities division or any other operational  
 3 32 appropriation made for the fiscal year beginning July  
 3 33 1, 2009, and ending June 30, 2010, that remains  
 3 34 unused, unencumbered, or unobligated at the close of  
 3 35 the fiscal year shall not revert but shall remain  
 3 36 available to be used for purposes of the  
 3 37 energy-efficient building project authorized under  
 3 38 section 476.10B, or for relocation costs in succeeding  
 3 39 fiscal years.  
 3 40 3. CHARGES == TRAVEL>.  
 3 41 #3. Page 12, line 26, by inserting before the  
 3 42 words <For salaries> the following: <a.>  
 3 43 #4. Page 12, by inserting after line 30 the  
 3 44 following:  
 3 45 <b. The department shall, in coordination with the  
 3 46 health facilities division, make the following  
 3 47 information available to the public in a timely  
 3 48 manner, to include providing the information on the  
 3 49 department's internet website, during the fiscal year  
 3 50 beginning July 1, 2009, and ending June 30, 2010:  
 4 1 (1) The number of inspections conducted by the  
 4 2 division annually by type of service provider and type  
 4 3 of inspection.  
 4 4 (2) The total annual operations budget for the  
 4 5 division, including general fund appropriations and

4 6 federal contract dollars received by type of service  
4 7 provider inspected.  
4 8 (3) The total number of full-time equivalent  
4 9 positions in the division, to include the number of  
4 10 full-time equivalent positions serving in a  
4 11 supervisory capacity, and serving as surveyors,  
4 12 inspectors, or monitors in the field by type of  
4 13 service provider inspected.

4 14 (4) Identification of state and federal survey  
4 15 trends, cited regulations, the scope and severity of  
4 16 deficiencies identified, and federal and state fines  
4 17 assessed and collected concerning nursing and assisted  
4 18 living facilities and programs.

4 19 c. It is the intent of the general assembly that  
4 20 the department and division continuously solicit input  
4 21 from facilities regulated by the division to assess  
4 22 and improve the division's level of collaboration and  
4 23 to identify new opportunities for cooperation.>

4 24 #5. Page 15, by striking line 21 and inserting the  
4 25 following:

4 26 <..... FTEs

37.50>

4 27 #6. Page 15, by striking lines 27 through 34.

4 28 #7. Page 19, by striking lines 11 through 18.

4 29 #8. By striking page 19, line 29, through page 20,  
4 30 line 1.

4 31 #9. Page 20, by striking lines 2 through 21 and  
4 32 inserting the following:

4 33 <Sec. \_\_\_\_ VEHICLE PURCHASES. The department of  
4 34 administrative services shall seek to procure motor  
4 35 vehicles for state use at the lowest possible cost to  
4 36 the state. Motor vehicles purchased by the department  
4 37 shall not include optional equipment that results in  
4 38 an increase in the cost of the motor vehicle unless  
4 39 such optional equipment is specifically required by  
4 40 the requesting state agency or unless such equipment  
4 41 is part of the lowest cost package available meeting  
4 42 minimum specifications. A state agency seeking to  
4 43 replace a motor vehicle shall not request any  
4 44 equipment to be added to its motor vehicles except as  
4 45 the state agency determines is necessary for the  
4 46 department's employees in the safe and efficient  
4 47 operation of the motor vehicle. The department shall  
4 48 not seek to have any optional equipment removed or  
4 49 deleted from an order if such action would increase  
4 50 the cost of the vehicle to the state.

5 1 Sec. \_\_\_\_ EFFECTIVE DATE == RETROACTIVE  
5 2 APPLICABILITY. The section of this division of this  
5 3 Act concerning discretionary audits by the auditor of  
5 4 state, being deemed of immediate importance, takes  
5 5 effect upon enactment, and is retroactively applicable  
5 6 to April 1, 2009, and is applicable on and after that  
5 7 date.>

5 8 #10. By striking page 21, line 12, through page  
5 9 22, line 2, and inserting the following:

5 10 <Sec. \_\_\_\_ Section 8.9, subsection 1, Code 2009,  
5 11 is amended to read as follows:

5 12 1. The office of grants enterprise management is  
5 13 established in the department of management. The  
5 14 function of the office is to develop and administer a  
5 15 system to track, identify, advocate for, and  
5 16 coordinate nonstate grants as defined in section 8.2,  
5 17 subsections 1 and 3. Staffing for the office of  
5 18 grants enterprise management shall be provided by a  
5 19 facilitator appointed by the director of the  
5 20 department of management. Additional staff may be  
5 21 hired, subject to the availability of funding.

5 22 ~~Funding for the office is from the appropriation to~~  
5 23 ~~the department pursuant to section 8A.505, subsection~~  
5 24 ~~2.>~~

5 25 #11. Page 22, by striking lines 5 through 35.

5 26 #12. By striking page 24, line 10, through page  
5 27 31, line 23, and inserting the following:

5 28 <ETHICS AND CAMPAIGN DISCLOSURE BOARD ENFORCEMENT  
5 29 Sec. \_\_\_\_ Section 68B.32A, Code 2009, is amended  
5 30 by adding the following new subsection:

5 31 NEW SUBSECTION. 18. At the board's discretion,  
5 32 enter into an agreement with a political subdivision  
5 33 authorizing the board to enforce the provisions of a  
5 34 code of ethics adopted by that political subdivision.

5 35 DIVISION VI  
5 36 ALCOHOLIC BEVERAGE CONTROL PROVISION

5 37 Sec. \_\_\_\_\_. Section 123.30, subsection 3, paragraph  
5 38 e, unnumbered paragraph 1, Code 2009, is amended to  
5 39 read as follows:

5 40 CLASS "E". A class "E" liquor control license may  
5 41 be issued and shall authorize the holder to purchase  
5 42 alcoholic liquor from the division only and to sell  
5 43 the alcoholic liquor to patrons for consumption off  
5 44 the licensed premises and to other liquor control  
5 45 licensees. ~~A class "E" license shall not be issued to~~  
~~5 46 premises at which gasoline is sold.~~ A holder of a  
5 47 class "E" liquor control license may hold other retail  
5 48 liquor control licenses or retail wine or beer  
5 49 permits, but the premises licensed under a class "E"  
5 50 liquor control license shall be separate from other  
6 1 licensed premises, though the separate premises may  
6 2 have a common entrance. However, the holder of a  
6 3 class "E" liquor control license may also hold a class  
6 4 "B" wine or class "C" beer permit or both for the  
6 5 premises licensed under a class "E" liquor control  
6 6 license.

6 7 DIVISION VII

6 8 BINGO CONDUCTED AT A FAIR OR COMMUNITY FESTIVAL

6 9 Sec. \_\_\_\_\_. NEW SECTION. 99B.5A BINGO CONDUCTED AT  
6 10 A FAIR OR COMMUNITY FESTIVAL.

6 11 1. For purposes of this section:

6 12 a. "Community festival" means a festival of no  
6 13 more than four consecutive days in length held by a  
6 14 community group.

6 15 b. "Community group" means an Iowa nonprofit,  
6 16 tax-exempt organization which is open to the general  
6 17 public and established for the promotion and  
6 18 development of the arts, history, culture, ethnicity,  
6 19 historic preservation, tourism, economic development,  
6 20 festivals, or municipal libraries. "Community group"  
6 21 does not include a school, college, university,  
6 22 political party, labor union, state or federal  
6 23 government agency, fraternal organization, church,  
6 24 convention or association of churches, or  
6 25 organizations operated primarily for religious  
6 26 purposes, or which are operated, supervised,  
6 27 controlled, or principally supported by a church,  
6 28 convention, or association of churches.

6 29 2. Bingo may lawfully be conducted at a fair, as  
6 30 defined in section 174.1, or a community festival if  
6 31 all the following conditions are met:

6 32 a. Bingo is conducted by the sponsor of the fair  
6 33 or community festival or a qualified organization  
6 34 licensed under section 99B.7 that has received  
6 35 permission from the sponsor of the fair or community  
6 36 festival to conduct bingo.

6 37 b. The sponsor of the fair or community festival  
6 38 or the qualified organization has submitted a license  
6 39 application and a fee of fifty dollars to the  
6 40 department, has been issued a license, and prominently  
6 41 displays the license at the area where the bingo  
6 42 occasion is being held. A license shall only be valid  
6 43 for the duration of the fair or community festival  
6 44 indicated on the application.

6 45 c. The number of bingo occasions shall be limited  
6 46 to one for each day of the duration of the fair or  
6 47 community festival.

6 48 d. The rules for the bingo occasion are posted.

6 49 e. Except as provided in this section, the  
6 50 provisions of sections 99B.2 and 99B.7 related to  
7 1 bingo shall apply.

7 2 3. An individual other than a person conducting  
7 3 the bingo occasion may participate in the bingo  
7 4 occasion conducted at a fair or community festival,  
7 5 whether or not conducted in compliance with this  
7 6 section.

7 7 4. Bingo occasions held under a license under this  
7 8 section shall not be counted in determining whether a  
7 9 qualified organization has conducted more than  
7 10 fourteen bingo occasions per month. In addition,  
7 11 bingo occasions held under this license shall not be  
7 12 limited to four consecutive hours.

7 13 DIVISION VIII

7 14 DEPARTMENT OF COMMERCE REVOLVING

7 15 FUND == APPROPRIATIONS

7 16 Sec. \_\_\_\_\_. Section 87.11E, subsection 5, Code 2009,  
7 17 is amended to read as follows:

7 18 5. A civil penalty levied under subsection 4 shall  
7 19 not exceed one thousand dollars per violation per  
7 20 person, and shall not exceed ten thousand dollars in a  
7 21 single proceeding against any one person. All civil  
7 22 penalties shall be deposited ~~in the general fund of~~  
7 23 ~~the state~~ pursuant to section 505.7.

7 24 Sec. \_\_\_\_\_. Section 475A.3, subsection 3, Code 2009,  
7 25 is amended to read as follows:

7 26 3. SALARIES, EXPENSES, AND APPROPRIATION. The  
7 27 salary of the consumer advocate shall be fixed by the  
7 28 attorney general within the salary range set by the  
7 29 general assembly. The salaries of employees of the  
7 30 consumer advocate shall be at rates of compensation  
7 31 consistent with current standards in industry. The  
7 32 reimbursement of expenses for the employees and the  
7 33 consumer advocate is as provided by law. The  
7 34 appropriation for the office of consumer advocate  
7 35 shall be a separate line item contained in the  
7 36 appropriation from the ~~general fund of the state~~  
7 37 department of commerce revolving fund created in  
7 38 section 546.12.

7 39 Sec. \_\_\_\_\_. Section 476.10, unnumbered paragraph 4,  
7 40 Code 2009, is amended to read as follows:

7 41 The order shall be subject to review in the manner  
7 42 provided in this chapter. All amounts collected by  
7 43 the division pursuant to the provisions of this  
7 44 section shall be deposited with the treasurer of state  
7 45 and credited to the ~~general fund of the state~~  
7 46 department of commerce revolving fund created in  
7 47 section 546.12. Such amounts shall be spent in  
7 48 accordance with the provisions of chapter 8.

7 49 Sec. \_\_\_\_\_. Section 476.10, unnumbered paragraph 6,  
7 50 Code 2009, is amended to read as follows:

8 1 Fees paid to the utilities division shall be  
8 2 deposited in the ~~general fund of the state department~~  
8 3 of commerce revolving fund created in section 546.12.

8 4 These funds shall be used for the payment, upon  
8 5 appropriation by the general assembly, of the expenses  
8 6 of the utilities division and the consumer advocate  
8 7 division of the department of justice. ~~Subject to~~  
8 8 ~~this section, the utilities division or the consumer~~  
8 9 ~~advocate division may keep on hand with the treasurer~~  
8 10 ~~of state funds in excess of the current needs of the~~  
8 11 ~~utilities division or the consumer advocate division.~~

8 12 Sec. \_\_\_\_\_. Section 476.10, unnumbered paragraph 8,  
8 13 Code 2009, is amended to read as follows:

8 14 All fees and other moneys collected under this  
8 15 section and sections 478.4, 479.16, and 479A.9 shall  
8 16 be deposited into the ~~general fund of the state~~  
8 17 department of commerce revolving fund created in  
8 18 section 546.12 and expenses required to be paid under  
8 19 this section shall be paid from funds appropriated for  
8 20 those purposes. ~~Moneys deposited into the general~~  
8 21 ~~fund of the state pursuant to this section and~~  
8 22 ~~sections 478.4, 479.16, and 479A.9 shall be subject to~~  
8 23 ~~the requirements of section 8.60.~~

8 24 Sec. \_\_\_\_\_. Section 476.51, subsection 5, Code 2009,  
8 25 is amended to read as follows:

8 26 5. Civil penalties collected pursuant to this  
8 27 section from utilities providing water, electric, or  
8 28 gas service shall be forwarded by the executive  
8 29 secretary of the board to the treasurer of state to be  
8 30 credited to the general fund of the state and to be  
8 31 used only for the low income home energy assistance  
8 32 program and the weatherization assistance program  
8 33 administered by the division of community action  
8 34 agencies of the department of human rights. Civil  
8 35 penalties collected pursuant to this section from  
8 36 utilities providing telecommunications service shall  
8 37 be forwarded to the treasurer of state to be credited  
8 38 to the ~~general fund of the state department of~~  
8 39 commerce revolving fund created in section 546.12 to  
8 40 be used only for consumer education programs  
8 41 administered by the board. Penalties paid by a  
8 42 rate-regulated public utility pursuant to this section  
8 43 shall be excluded from the utility's costs when  
8 44 determining the utility's revenue requirement, and  
8 45 shall not be included either directly or indirectly in  
8 46 the utility's rates or charges to customers.

8 47 Sec. \_\_\_\_\_. Section 476.87, subsection 3, Code 2009,  
8 48 is amended to read as follows:

8 49 3. The board shall allocate the costs and expenses  
8 50 reasonably attributable to certification and dispute  
9 1 resolution in this section to persons identified as  
9 2 parties to such proceeding who are engaged in or who  
9 3 seek to engage in providing natural gas services or  
9 4 other persons identified as participants in such  
9 5 proceeding. The funds received for the costs and the  
9 6 expenses of certification and dispute resolution shall  
9 7 be remitted to the treasurer of state for deposit in  
9 8 the ~~general fund of the state department of commerce~~  
9 9 ~~revolving fund created in section 546.12~~ as provided  
9 10 in section 476.10.

9 11 Sec. \_\_\_\_\_. Section 476.101, subsection 10, Code  
9 12 2009, is amended to read as follows:

9 13 10. In a proceeding associated with the granting  
9 14 of a certificate under section 476.29, approving maps  
9 15 and tariffs for competitive local exchange providers  
9 16 provided for in this section, or in resolving a  
9 17 complaint filed pursuant to subsection 8 and  
9 18 proceedings under 47 U.S.C. } 251==254, the board  
9 19 shall allocate the costs and expenses of the  
9 20 proceedings to persons identified as parties in the  
9 21 proceeding who are engaged in or who seek to engage in  
9 22 providing telecommunications services or other persons  
9 23 identified as participants in the proceeding. The  
9 24 funds received for the costs and the expenses shall be  
9 25 remitted to the treasurer of state for deposit in the  
9 26 ~~general fund of the state department of commerce~~  
9 27 ~~revolving fund created in section 546.12~~ as provided  
9 28 in section 476.10.

9 29 Sec. \_\_\_\_\_. Section 476.103, subsection 4, paragraph  
9 30 c, Code 2009, is amended to read as follows:

9 31 c. A civil penalty collected pursuant to this  
9 32 subsection shall be forwarded by the executive  
9 33 secretary of the board to the treasurer of state to be  
9 34 credited to the ~~general fund of the state department~~  
9 35 ~~of commerce revolving fund created in section 546.12~~  
9 36 and to be used only for consumer education programs  
9 37 administered by the board.

9 38 Sec. \_\_\_\_\_. Section 476A.14, subsection 1, Code  
9 39 2009, is amended to read as follows:

9 40 1. Any person who commences to construct a  
9 41 facility as provided in this subchapter without having  
9 42 first obtained a certificate, or who constructs,  
9 43 operates or maintains any facility other than in  
9 44 compliance with a certificate issued by the board or a  
9 45 certificate amended pursuant to this subchapter, or  
9 46 who causes any of these acts to occur, shall be liable  
9 47 for a civil penalty of not more than ten thousand  
9 48 dollars for each violation or for each day of  
9 49 continuing violation. Civil penalties collected  
9 50 pursuant to this subsection shall be forwarded by the  
10 1 clerk of court to the treasurer of state for deposit  
10 2 in the ~~general fund of the state department of~~  
10 3 ~~commerce revolving fund created in section 546.12~~.

10 4 Sec. \_\_\_\_\_. Section 478.4, Code 2009, is amended to  
10 5 read as follows:

10 6 478.4 FRANCHISE == HEARING.

10 7 The utilities board shall consider the petition and  
10 8 any objections filed to it in the manner provided. It  
10 9 shall examine the proposed route or cause any engineer  
10 10 selected by it to do so. If a hearing is held on the  
10 11 petition it may hear testimony as may aid it in  
10 12 determining the propriety of granting the franchise.  
10 13 It may grant the franchise in whole or in part upon  
10 14 the terms, conditions, and restrictions, and with the  
10 15 modifications as to location and route as may seem to  
10 16 it just and proper. Before granting the franchise,  
10 17 the utilities board shall make a finding that the  
10 18 proposed line or lines are necessary to serve a public  
10 19 use and represents a reasonable relationship to an  
10 20 overall plan of transmitting electricity in the public  
10 21 interest. A franchise shall not become effective  
10 22 until the petitioners shall pay, or file an agreement  
10 23 to pay, all costs and expenses of the franchise  
10 24 proceeding, whether or not objections are filed,  
10 25 including costs of inspections or examinations of the  
10 26 route, hearing, salaries, publishing of notice, and  
10 27 any other expenses reasonably attributable to it. The  
10 28 funds received for the costs and the expenses of the  
10 29 franchise proceeding shall be remitted to the

10 30 treasurer of state for deposit in the ~~general fund of~~  
10 31 ~~the state department of commerce revolving fund~~  
10 32 ~~created in section 546.12~~ as provided in section  
10 33 476.10.

10 34 Sec. \_\_\_\_\_. Section 479.16, Code 2009, is amended to  
10 35 read as follows:

10 36 479.16 RECEIPT OF FUNDS.

10 37 All moneys received under this chapter shall be  
10 38 remitted monthly to the treasurer of state and  
10 39 credited to the ~~general fund of the state department~~  
10 40 ~~of commerce revolving fund created in section 546.12~~  
10 41 as provided in section 476.10.

10 42 Sec. \_\_\_\_\_. Section 479A.9, Code 2009, is amended to  
10 43 read as follows:

10 44 479A.9 DEPOSIT OF FUNDS.

10 45 Moneys received under this chapter shall be  
10 46 credited to the ~~general fund of the state department~~  
10 47 ~~of commerce revolving fund created in section 546.12~~  
10 48 as provided in section 476.10.

10 49 Sec. \_\_\_\_\_. Section 479B.12, Code 2009, is amended  
10 50 to read as follows:

11 1 479B.12 USE OF FUNDS.

11 2 All moneys received under this chapter, other than  
11 3 civil penalties collected pursuant to section 479B.21,  
11 4 shall be remitted monthly to the treasurer of state  
11 5 and credited to the ~~general fund of the state~~  
11 6 ~~department of commerce revolving fund created in~~  
11 7 ~~section 546.12.~~

11 8 Sec. \_\_\_\_\_. Section 502.302, Code 2009, is amended  
11 9 by adding the following new subsection:

11 10 NEW SUBSECTION. 5. DEPOSIT OF FEES. Fees  
11 11 collected under this section shall be deposited as  
11 12 provided in section 505.7.

11 13 Sec. \_\_\_\_\_. Section 502.304A, subsection 3, Code  
11 14 2009, is amended by adding the following new  
11 15 paragraph:

11 16 NEW PARAGRAPH. h. The fees collected under this  
11 17 subsection shall be deposited as provided in section  
11 18 505.7.

11 19 Sec. \_\_\_\_\_. Section 502.305, subsection 2, Code  
11 20 2009, is amended to read as follows:

11 21 2. FILING. Except as provided in subsection 10  
11 22 and section 502.304A, subsection 3, paragraph "g", a  
11 23 person who files a registration statement or a notice  
11 24 filing shall pay a filing fee of one-tenth of one  
11 25 percent of the proposed aggregate sales price of the  
11 26 securities to be offered to persons in this state  
11 27 pursuant to the registration statement or notice  
11 28 filing. However, except as provided in subsection 10,  
11 29 section 502.302, subsection 1, paragraph "a", and  
11 30 section 502.304A, subsection 3, paragraph "g", the  
11 31 annual filing fee shall not be less than fifty dollars  
11 32 or more than one thousand dollars. The administrator  
11 33 shall retain the filing fee even if the notice filing  
11 34 is withdrawn or the registration is withdrawn, denied,  
11 35 suspended, revoked, or abandoned. The fees collected  
11 36 under this subsection shall be deposited as provided  
11 37 in section 505.7.

11 38 Sec. \_\_\_\_\_. Section 502.321G, Code 2009, is amended  
11 39 to read as follows:

11 40 502.321G FEES.

11 41 The administrator shall charge a nonrefundable  
11 42 filing fee of two hundred fifty dollars for a  
11 43 registration statement filed by an offeror. The fee  
11 44 shall be deposited as provided in section 505.7.

11 45 Sec. \_\_\_\_\_. Section 502.410, Code 2009, is amended  
11 46 by adding the following new subsection:

11 47 NEW SUBSECTION. 7. DEPOSIT OF FEES. Except as  
11 48 otherwise provided in subsection 2, fees collected  
11 49 under this section shall be deposited as provided in  
11 50 section 505.7.

12 1 Sec. \_\_\_\_\_. Section 505.7, subsection 1, Code 2009,  
12 2 is amended to read as follows:

12 3 1. All fees and charges which are required by law  
12 4 to be paid by insurance companies, associations, and  
12 5 other regulated entities shall be payable to the  
12 6 commissioner of the insurance division of the  
12 7 department of commerce or department of revenue, as  
12 8 provided by law, whose duty it shall be to account for  
12 9 and pay over the same to the treasurer of state at the  
12 10 time and in the manner provided by law for deposit in

12 11 ~~the general fund of the state department of commerce~~  
12 12 ~~revolving fund created in section 546.12.~~

12 13 Sec. \_\_\_\_ Section 505.7, subsection 3, Code 2009,  
12 14 is amended to read as follows:

12 15 3. Forty percent of the nonexamination revenues  
12 16 payable to the division of insurance or the department  
12 17 of revenue in connection with the regulation of  
12 18 insurance companies or other entities subject to the  
12 19 regulatory jurisdiction of the division shall be  
12 20 deposited in the department of commerce revolving fund  
12 21 created in section 546.12 and shall be subject to  
12 22 annual appropriation to the division for its  
12 23 operations and is also subject to expenditure under  
12 24 subsection 6. The remaining nonexamination revenues  
12 25 payable to the division of insurance or the department  
12 26 of revenue shall be deposited in the general fund of  
12 27 the state.

12 28 Sec. \_\_\_\_ Section 507.9, Code 2009, is amended to  
12 29 read as follows:

12 30 507.9 FEES == ACCOUNTING.  
12 31 All fees collected under the provisions of this  
12 32 chapter shall be paid to the commissioner of insurance  
12 33 and shall be turned into the state treasury for  
12 34 deposit as provided in section 505.7.

12 35 Sec. \_\_\_\_ Section 507B.7, subsection 4, paragraph  
12 36 a, Code 2009, is amended to read as follows:

12 37 a. A monetary penalty of not more than ten  
12 38 thousand dollars for each and every act or violation.  
12 39 A penalty collected under this lettered paragraph  
12 40 shall be deposited as provided in section 505.7.

12 41 Sec. \_\_\_\_ Section 508.13, subsection 3, Code 2009,  
12 42 is amended to read as follows:

12 43 3. A company that fails to timely file an  
12 44 application for renewal of its certificate of  
12 45 authority shall pay an administrative penalty of five  
12 46 hundred dollars to the treasurer of state for deposit  
12 47 ~~in the general fund of the state~~ as provided in  
12 48 section 505.7.

12 49 Sec. \_\_\_\_ Section 508.14, subsection 4, Code 2009,  
12 50 is amended to read as follows:

13 1 4. Amounts received by the commissioner pursuant  
13 2 to subsections 2 and 3 shall be paid to the treasurer  
13 3 of state for deposit ~~in the general fund of the state~~  
13 4 as provided in section 505.7.

13 5 Sec. \_\_\_\_ Section 508.15, Code 2009, is amended to  
13 6 read as follows:

13 7 508.15 VIOLATION BY FOREIGN COMPANY.  
13 8 Companies organized and chartered by the laws of a  
13 9 foreign state or country, failing to file the evidence  
13 10 of investment and statement within the time fixed, or  
13 11 failing to timely file any financial statement  
13 12 required by rule of the commissioner of insurance,  
13 13 shall forfeit and pay five hundred dollars, to be  
13 14 collected in an action in the name of the state and  
13 15 paid to the treasurer of state for deposit ~~in the~~  
13 16 ~~general fund of the state~~ as provided in section  
13 17 505.7, and their right to transact further new  
13 18 business in this state shall immediately cease until  
13 19 the requirements of this chapter have been fully  
13 20 complied with. The commissioner may give notice to a  
13 21 company which has failed to file within the time fixed  
13 22 that the company is in violation of this section and  
13 23 if the company fails to file the evidence of  
13 24 investment and statement within ten days of the date  
13 25 of the notice the company shall forfeit and pay the  
13 26 additional sum of one hundred dollars for each day the  
13 27 failure continues, to be paid to the treasurer of  
13 28 state for deposit ~~in the general fund of the state~~ as  
13 29 provided in section 505.7.

13 30 Sec. \_\_\_\_ Section 508E.3, subsection 10, Code  
13 31 2009, is amended to read as follows:

13 32 10. Fees collected pursuant to this section shall  
13 33 be deposited ~~into the general fund of the state~~ as  
13 34 provided in section 505.7.

13 35 Sec. \_\_\_\_ Section 508E.16, subsection 5, Code  
13 36 2009, is amended to read as follows:

13 37 5. In addition to the penalties and other  
13 38 enforcement provisions of this chapter, any person who  
13 39 violates this chapter is subject to a civil penalty of  
13 40 up to five thousand dollars for each violation of this  
13 41 chapter. The civil penalty shall be deposited ~~into~~



~~13 42 the general fund of the state as provided in section~~  
~~13 43 505.7. If a person has not been ordered to pay~~  
13 44 restitution by a court, the commissioner's order may  
13 45 require a person found to be in violation of this  
13 46 chapter to make restitution to a person aggrieved by a  
13 47 violation of this chapter.

13 48 Sec. \_\_\_\_\_. Section 512B.25, Code 2009, is amended  
13 49 to read as follows:

13 50 512B.25 ANNUAL LICENSE == RENEWAL.

14 1 The authority of a society to transact business in  
14 2 this state may be renewed annually. A license  
14 3 terminates on the first day of June following issuance  
14 4 or renewal. A society shall submit annually on or  
14 5 before March 1 a completed application for renewal of  
14 6 its license. For each license or renewal the society  
14 7 shall pay the commissioner a fee of fifty dollars. A  
14 8 society that fails to timely file an application for  
14 9 renewal shall pay an administrative penalty of five  
14 10 hundred dollars to the treasurer of state for deposit  
14 11 ~~in the general fund of the state as provided in~~  
14 12 section 505.7. A duly certified copy or duplicate of  
14 13 the license is prima facie evidence that the licensee  
14 14 is a fraternal benefit society within the meaning of  
14 15 this chapter.

14 16 Sec. \_\_\_\_\_. Section 514.9A, Code 2009, is amended to  
14 17 read as follows:

14 18 514.9A CERTIFICATE OF AUTHORITY == RENEWAL.

14 19 A certificate of authority of a corporation formed  
14 20 under this chapter expires on June 1 succeeding its  
14 21 issue and shall be renewed annually so long as the  
14 22 corporation transacts its business in accordance with  
14 23 all legal requirements. A corporation shall submit  
14 24 annually, on or before March 1, a completed  
14 25 application for renewal of its certificate of  
14 26 authority. A corporation that fails to timely file an  
14 27 application for renewal shall pay an administrative  
14 28 penalty of five hundred dollars to the treasurer of  
14 29 state for deposit ~~in the general fund of the state as~~  
14 30 provided in section 505.7. A duly certified copy or  
14 31 duplicate of the certificate is admissible in evidence  
14 32 for or against the corporation with the same effect as  
14 33 the original.

14 34 Sec. \_\_\_\_\_. Section 514B.3B, Code 2009, is amended  
14 35 to read as follows:

14 36 514B.3B CERTIFICATE OF AUTHORITY == RENEWAL.

14 37 A certificate of authority of a health maintenance  
14 38 organization formed under this chapter expires on June  
14 39 1 succeeding its issue and shall be renewed annually  
14 40 so long as the organization transacts its business in  
14 41 accordance with all legal requirements. A health  
14 42 maintenance organization shall submit annually, on or  
14 43 before March 1, a completed application for renewal of  
14 44 its certificate of authority. A health maintenance  
14 45 organization that fails to timely file an application  
14 46 for renewal shall pay an administrative penalty of  
14 47 five hundred dollars to the treasurer of state for  
14 48 deposit ~~in the general fund of the state as provided~~  
14 49 in section 505.7. A duly certified copy or duplicate  
14 50 of the certificate is admissible in evidence for or  
15 1 against the organization with the same effect as the  
15 2 original.

15 3 Sec. \_\_\_\_\_. Section 514B.12, subsections 3 and 4,  
15 4 Code 2009, are amended to read as follows:

15 5 3. A health maintenance organization that fails to  
15 6 timely file the report required under subsection 1 is  
15 7 in violation of this section and shall pay an  
15 8 administrative penalty of five hundred dollars to the  
15 9 treasurer of state for deposit ~~in the general fund of~~  
~~15 10 the state as provided in section 505.7.~~

15 11 4. The commissioner may give notice to a health  
15 12 maintenance organization that the organization has not  
15 13 timely filed the report required under subsection 1  
15 14 and is in violation of this section. If the  
15 15 organization fails to file the required report and  
15 16 comply with this section within ten days of the date  
15 17 of the notice, the organization shall pay an  
15 18 additional administrative penalty of one hundred  
15 19 dollars for each day that the failure continues to the  
15 20 treasurer of state for deposit ~~in the general fund of~~  
~~15 21 the state as provided in section 505.7.~~

15 22 Sec. \_\_\_\_\_. Section 514G.113, Code 2009, is amended

15 23 to read as follows:

15 24 514G.113 PENALTIES.

15 25 In addition to any other penalties provided by the  
15 26 laws of this state, any insurer or any producer found  
15 27 to have violated a provision of this chapter or any  
15 28 other requirement of this state relating to the  
15 29 regulation of long-term care insurance or the  
15 30 marketing of such insurance shall be subject to a fine  
15 31 of up to three times the amount of any commission paid  
15 32 for each policy involved in the violation, or up to  
15 33 ten thousand dollars, whichever is greater. A fine  
~~15 34 collected under this section shall be deposited as~~  
~~15 35 provided in section 505.7.~~

15 36 Sec. \_\_\_\_\_. Section 515.42, Code 2009, is amended to  
15 37 read as follows:

15 38 515.42 TENURE OF CERTIFICATE == RENEWAL ==  
15 39 EVIDENCE.

15 40 A certificate of authority shall expire on the  
15 41 first day of June next succeeding its issue, and shall  
15 42 be renewed annually so long as such company shall  
15 43 transact business in accordance with the requirements  
15 44 of law; a copy of which certificate, when certified to  
15 45 by the commissioner of insurance, shall be admissible  
15 46 in evidence for or against a company with the same  
15 47 effect as the original. A company shall submit  
15 48 annually, on or before March 1, a completed  
15 49 application for renewal of its certificate of  
15 50 authority. A company that fails to timely file an  
16 1 application for renewal shall pay an administrative  
16 2 penalty of five hundred dollars to the treasurer of  
16 3 state for deposit ~~in the general fund of the state as~~  
16 4 provided in section 505.7.

16 5 Sec. \_\_\_\_\_. Section 515.121, subsections 1 and 3,  
16 6 Code 2009, are amended to read as follows:

16 7 1. An excess and surplus lines insurance producer  
16 8 who fails to timely file the report required in  
16 9 section 515.120 is in violation of this section and  
16 10 shall pay an administrative penalty of five hundred  
16 11 dollars to the treasurer of state for deposit ~~in the~~  
~~16 12 general fund of the state as provided in section~~  
16 13 505.7.

16 14 3. The commissioner may give notice to a producer  
16 15 that the producer has not timely filed the report  
16 16 required under section 515.120 and is in violation of  
16 17 this section. If the producer fails to file the  
16 18 required report within ten days of the date of the  
16 19 notice, the producer shall pay an additional  
16 20 administrative penalty of one hundred dollars for each  
16 21 day that the failure continues to the treasurer of  
16 22 state for deposit ~~in the general fund of the state as~~  
16 23 provided in section 505.7.

16 24 Sec. \_\_\_\_\_. Section 515.146, Code 2009, is amended  
16 25 to read as follows:

16 26 515.146 CERTIFICATE REFUSED == ADMINISTRATIVE  
16 27 PENALTY.

16 28 The commissioner of insurance shall withhold the  
16 29 commissioner's certificate or permission of authority  
16 30 to do business from a company neglecting or failing to  
16 31 comply with this chapter. In addition, a company  
16 32 organized or authorized under this chapter which fails  
16 33 to file the annual statement referred to in section  
16 34 515.63 in the time required shall pay and forfeit an  
16 35 administrative penalty in an amount of five hundred  
16 36 dollars to be collected in the name of the state for  
16 37 deposit ~~in the general fund of the state as provided~~  
16 38 in section 505.7. The company's right to transact  
16 39 further new business in this state shall immediately  
16 40 cease until the company has fully complied with this  
16 41 chapter. The commissioner may give notice to a  
16 42 company which has failed to file within the time  
16 43 required that the company is in violation of this  
16 44 section and, if the company fails to file the evidence  
16 45 of investment and statement within ten days of the  
16 46 date of the notice, the company shall forfeit and pay  
16 47 the additional sum of one hundred dollars for each day  
16 48 the failure continues, to be paid to the treasurer of  
16 49 state for deposit ~~in the general fund of the state as~~  
16 50 provided in section 505.7.

17 1 Sec. \_\_\_\_\_. Section 515.147, unnumbered paragraph 1,  
17 2 Code 2009, is amended to read as follows:

17 3 Fees shall be paid to the commissioner of insurance

17 4 for deposit as provided in section 505.7 as follows:

17 5 Sec. \_\_\_\_ Section 515A.17, subsection 1, Code  
17 6 2009, is amended to read as follows:

17 7 1. The commissioner may, if the commissioner finds  
17 8 that any person or organization has violated any  
17 9 provision of this chapter, impose a penalty of not  
17 10 more than one thousand dollars for each such  
17 11 violation, but if the commissioner finds such  
17 12 violation to be willful the commissioner may impose a  
17 13 penalty of not more than five thousand dollars for  
17 14 each such violation. Such penalties may be in  
17 15 addition to any other penalty provided by law. A  
17 16 penalty collected under this subsection shall be  
17 17 deposited as provided in section 505.7.

17 18 Sec. \_\_\_\_ Section 515F.19, Code 2009, is amended  
17 19 by adding the following new unnumbered paragraph:  
17 20 NEW UNNUMBERED PARAGRAPH. A penalty collected  
17 21 under this section shall be deposited as provided in  
17 22 section 505.7.

17 23 Sec. \_\_\_\_ Section 516E.2, subsection 2, Code 2009,  
17 24 is amended to read as follows:

17 25 2. A service company shall not issue a service  
17 26 contract or arrange to perform services pursuant to a  
17 27 service contract unless the service company is  
17 28 registered with the commissioner. A service company  
17 29 shall file a registration with the commissioner  
17 30 annually, on a form prescribed by the commissioner,  
17 31 accompanied by a registration fee in the amount of  
17 32 five hundred dollars. Fees collected under this  
17 33 subsection shall be deposited as provided in section  
17 34 505.7.

17 35 Sec. \_\_\_\_ Section 518.15, subsections 5 and 6,  
17 36 Code 2009, are amended to read as follows:

17 37 5. An association formed under this chapter that  
17 38 fails to timely file the statement required under  
17 39 subsection 1 or the application for renewal required  
17 40 under subsection 3 is in violation of this section and  
17 41 shall pay an administrative penalty of five hundred  
17 42 dollars to the treasurer of state for deposit ~~in the~~

~~17 43 general fund of the state~~ as provided in section  
17 44 505.7. The association's right to transact new  
17 45 business in this state shall immediately cease until  
17 46 the association has fully complied with this chapter.

17 47 6. The commissioner may give notice to an  
17 48 association that the association has not timely filed  
17 49 the statement required under subsection 1 or an  
17 50 application for renewal under subsection 3 and is in  
18 1 violation of this section. If the association fails  
18 2 to file the required statement or application and  
18 3 comply with this section within ten days of the date  
18 4 of the notice, the association shall pay an additional  
18 5 administrative penalty of one hundred dollars for each  
18 6 day that the failure continues to the treasurer of  
18 7 state for deposit ~~in the general fund of the state~~ as  
18 8 provided in section 505.7.

18 9 Sec. \_\_\_\_ Section 518A.18, subsections 2 and 3,  
18 10 Code 2009, are amended to read as follows:

18 11 2. An association that fails to timely file the  
18 12 statement required under subsection 1 is in violation  
18 13 of this section and shall pay an administrative  
18 14 penalty of five hundred dollars for each violation to  
18 15 the treasurer of state for deposit ~~in the general fund~~  
~~18 16 of the state~~ as provided in section 505.7.

18 17 3. The commissioner may give notice to an  
18 18 association that the association has not timely filed  
18 19 the statement required under subsection 1 and is in  
18 20 violation of this section. If the association fails  
18 21 to file the required statement and comply with this  
18 22 section within ten days of the date of the notice, the  
18 23 association shall pay an additional administrative  
18 24 penalty of one hundred dollars for each day that each  
18 25 failure continues to the treasurer of state for  
18 26 deposit ~~in the general fund of the state~~ as provided  
18 27 in section 505.7.

18 28 Sec. \_\_\_\_ Section 518A.40, subsection 4, Code  
18 29 2009, is amended to read as follows:

18 30 4. An association that fails to timely file the  
18 31 application for renewal required under subsection 2 is  
18 32 in violation of this section and shall pay an  
18 33 administrative penalty of five hundred dollars to the  
18 34 treasurer of state for deposit ~~in the general fund of~~

~~18 35 the state as provided in section 505.7.~~  
18 36 Sec. \_\_\_\_ Section 520.10, subsections 4 and 5,  
18 37 Code 2009, are amended to read as follows:  
18 38 4. A reciprocal or interinsurance insurer that  
18 39 fails to timely file the report required under  
18 40 subsection 1 is in violation of this section and shall  
18 41 pay an administrative penalty of five hundred dollars  
18 42 to the treasurer of state for deposit ~~in the general~~  
~~18 43 fund of the state as provided in section 505.7.~~

18 44 5. The commissioner may give notice to a  
18 45 reciprocal or interinsurance insurer that the insurer  
18 46 has not timely filed the report required under  
18 47 subsection 1 and is in violation of this section. If  
18 48 the insurer fails to file the required report and  
18 49 comply with this section within ten days of the date  
18 50 of the notice, the insurer shall pay an additional  
19 1 administrative penalty of one hundred dollars for each  
19 2 day that the failure continues to the treasurer of  
19 3 state for deposit ~~in the general fund of the state as~~  
19 4 provided in section 505.7.

19 5 Sec. \_\_\_\_ Section 520.12, subsection 2, Code 2009,  
19 6 is amended to read as follows:

19 7 2. A reciprocal or interinsurance insurer shall  
19 8 submit annually, on or before March 1, a completed  
19 9 application for renewal of the insurer's certificate  
19 10 of authority. An insurer that fails to timely file an  
19 11 application for renewal shall pay an administrative  
19 12 fee of five hundred dollars to the treasurer of state  
19 13 for deposit ~~in the general fund of the state as~~  
19 14 provided in section 505.7.

19 15 Sec. \_\_\_\_ Section 521A.10, subsection 1, Code  
19 16 2009, is amended to read as follows:

19 17 1. If the commissioner finds after notice and  
19 18 hearing that a person subject to registration under  
19 19 section 521A.4 failed without just cause to file a  
19 20 registration statement as required in this chapter,  
19 21 the person shall be required to pay a penalty of one  
19 22 thousand dollars for each day's delay. The penalty  
19 23 shall be recovered by the commissioner and ~~paid into~~  
~~19 24 the state general fund deposited as provided in~~  
19 25 ~~section 505.7.~~ The maximum penalty under this section  
19 26 is ten thousand dollars. The commissioner may reduce  
19 27 the penalty if the person demonstrates that the  
19 28 imposition of the penalty would constitute a financial  
19 29 hardship to the person.

19 30 Sec. \_\_\_\_ Section 522A.5, Code 2009, is amended to  
19 31 read as follows:

19 32 522A.5 FEES.  
19 33 The fee for a counter employee license shall be  
19 34 fifty dollars per counter employee. In no case shall  
19 35 any combined fees exceed one thousand dollars in any  
19 36 calendar year for any one rental company or limited  
19 37 license or licensee or renewal license. The fees  
19 38 collected under this section shall be deposited as  
19 39 provided in section 505.7.

19 40 Sec. \_\_\_\_ Section 522B.5, Code 2009, is amended by  
19 41 adding the following new subsection:

19 42 NEW SUBSECTION. 4. Fees collected under this  
19 43 section shall be deposited as provided in section  
19 44 505.7.

19 45 Sec. \_\_\_\_ Section 523A.204, subsection 4, Code  
19 46 2009, is amended to read as follows:

19 47 4. The commissioner shall levy an administrative  
19 48 penalty in the amount of five hundred dollars against  
19 49 a preneed seller that fails to file the annual report  
19 50 when due, payable to the state for deposit ~~in the~~  
~~20 1 general fund of the state as provided in section~~  
20 2 ~~505.7.~~

20 3 Sec. \_\_\_\_ Section 523A.501, Code 2009, is amended  
20 4 by adding the following new subsection:

20 5 NEW SUBSECTION. 9. Fees collected under this  
20 6 section shall be deposited as provided in section  
20 7 505.7.

20 8 Sec. \_\_\_\_ Section 523A.502, subsection 3, Code  
20 9 2009, is amended to read as follows:

20 10 3. An application for a sales license shall be  
20 11 filed on a form prescribed by the commissioner and be  
20 12 accompanied by a filing fee in an amount set by the  
20 13 commissioner by rule. The fees collected under this  
20 14 subsection shall be deposited as provided in section  
20 15 505.7.

20 16 Sec. \_\_\_\_ Section 523A.502A, subsection 3, Code  
20 17 2009, is amended to read as follows:

20 18 3. The commissioner shall levy an administrative  
20 19 penalty in the amount of five hundred dollars against  
20 20 a sales agent who fails to file an annual report when  
20 21 due, payable to the state for deposit ~~in the general~~  
~~20 22 fund as provided in section 505.7.~~

20 23 Sec. \_\_\_\_ Section 523A.504, subsection 2, Code  
20 24 2009, is amended to read as follows:

20 25 2. A preneed seller shall pay an annual fee of  
20 26 five dollars for each sales agent appointed by the  
20 27 preneed seller, which fee shall be submitted with the  
20 28 annual report. Fees collected under this subsection  
20 29 shall be deposited as provided in section 505.7.

20 30 Sec. \_\_\_\_ Section 523A.807, subsection 3,  
20 31 paragraph a, Code 2009, is amended to read as follows:

20 32 a. Payment of a civil penalty of not more than one  
20 33 thousand dollars for each violation, but not exceeding  
20 34 an aggregate of ten thousand dollars during any  
20 35 six-month period, except that if the commissioner  
20 36 finds that the person knew or reasonably should have  
20 37 known that the person was in violation of such  
20 38 provisions or rules adopted pursuant thereto, the  
20 39 penalty shall be not more than five thousand dollars  
20 40 for each violation, but not exceeding an aggregate of  
20 41 fifty thousand dollars during any six-month period.  
20 42 The commissioner shall assess the penalty on the  
20 43 employer of an individual and not on the individual,  
20 44 if the commissioner finds that the violations  
20 45 committed by the individual were directed, encouraged,  
20 46 condoned, ignored, or ratified by the individual's  
20 47 employer. Any civil penalties collected under this  
20 48 subsection shall be deposited as provided in section  
20 49 505.7.

20 50 Sec. \_\_\_\_ Section 523A.812, Code 2009, is amended  
21 1 to read as follows:

21 2 523A.812 INSURANCE DIVISION REGULATORY FUND.  
21 3 The insurance division may authorize the creation  
21 4 of a special revenue fund in the state treasury, to be  
21 5 known as the insurance division regulatory fund. The  
21 6 commissioner shall allocate annually from the fees  
21 7 paid pursuant to section 523A.204, two dollars for  
21 8 each purchase agreement reported on a preneed seller's  
21 9 annual report filed pursuant to section 523A.204 for  
21 10 deposit to the regulatory fund. The remainder of the  
21 11 fees collected pursuant to section 523A.204 shall be  
21 12 ~~deposited into the general fund of the state as~~  
~~21 13 provided in section 505.7.~~ The commissioner shall  
21 14 also allocate annually the examination fees paid  
21 15 pursuant to section 523A.814 and any examination  
21 16 expense reimbursement for deposit to the regulatory  
21 17 fund. The moneys in the regulatory fund shall be  
21 18 retained in the fund. The moneys are appropriated  
21 19 and, subject to authorization by the commissioner, may  
21 20 be used to pay examiners, examination expenses,  
21 21 investigative expenses, the expenses of mediation  
21 22 ordered by the commissioner, consumer education  
21 23 expenses, the expenses of a toll-free telephone line  
21 24 to receive consumer complaints, and the expenses of  
21 25 receiverships established under section 523A.811. If  
21 26 the commissioner determines that funding is not  
21 27 otherwise available to reimburse the expenses of a  
21 28 person who receives title to a cemetery subject to  
21 29 chapter 523I, pursuant to such a receivership, the  
21 30 commissioner shall use moneys in the regulatory fund  
21 31 as necessary to preserve, protect, restore, and  
21 32 maintain the physical integrity of that cemetery and  
21 33 to satisfy claims or demands for cemetery merchandise,  
21 34 funeral merchandise, and funeral services based on  
21 35 purchase agreements which the commissioner determines  
21 36 are just and outstanding. An annual allocation to the  
21 37 regulatory fund shall not be imposed if the current  
21 38 balance of the fund exceeds five hundred thousand  
21 39 dollars.

21 40 Sec. \_\_\_\_ Section 523C.3, Code 2009, is amended by  
21 41 adding the following new subsection:

21 42 NEW SUBSECTION. 4. Fees collected under this  
21 43 section shall be deposited as provided in section  
21 44 505.7.

21 45 Sec. \_\_\_\_ Section 523C.13, subsection 1, Code  
21 46 2009, is amended to read as follows:

21 47 1. Payment of a civil penalty of not more than one  
21 48 thousand dollars for each and every act or violation,  
21 49 but not to exceed an aggregate of ten thousand  
21 50 dollars, unless the person knew or reasonably should  
22 1 have known the person was in violation of this  
22 2 section, in which case the penalty shall be not more  
22 3 than five thousand dollars for each and every act or  
22 4 violation, but not to exceed an aggregate penalty of  
22 5 fifty thousand dollars in any one six-month period.  
22 6 The commissioner shall, if it finds the violations of  
22 7 this section were directed, encouraged, condoned,  
22 8 ignored, or ratified by the employer of such person,  
22 9 assess such fine to the employer and not such person.  
22 10 Any civil penalties collected under this subsection  
22 11 shall be deposited as provided in section 505.7.

22 12 Sec. \_\_\_\_ Section 523D.2A, unnumbered paragraph 1,  
22 13 Code 2009, is amended to read as follows:

22 14 On or before March 1 of each year, a provider shall  
22 15 file a certification with the commissioner in a manner  
22 16 and according to requirements established by the  
22 17 commissioner. The certification shall be accompanied  
22 18 by a one hundred dollar administrative fee which fee  
22 19 shall be deposited as provided in section 505.7. The

22 20 certification shall attest that according to the best  
22 21 knowledge and belief of the attesting party, the  
22 22 facility administered by the provider is in compliance  
22 23 with the provisions of this chapter, including rules  
22 24 adopted by the commissioner or orders issued by the  
22 25 commissioner as authorized under this chapter. The  
22 26 attesting person may be any of the following:

22 27 Sec. \_\_\_\_ Section 523I.205, subsection 3, Code  
22 28 2009, is amended to read as follows:

22 29 3. A person who violates a provision of this  
22 30 chapter or rules adopted or orders issued under this  
22 31 chapter may be subject to civil penalties in addition  
22 32 to criminal penalties. The commissioner may impose,  
22 33 assess, and collect a civil penalty not exceeding ten  
22 34 thousand dollars for each violation. For the purposes  
22 35 of computing the amount of each civil penalty, each  
22 36 day of a continuing violation constitutes a separate  
22 37 violation. All civil penalties collected pursuant to  
22 38 this section shall be deposited ~~in the general fund of~~  
22 39 ~~the state as provided in section 505.7.~~

22 40 Sec. \_\_\_\_ Section 523I.813, subsection 3, Code  
22 41 2009, is amended to read as follows:

22 42 3. The commissioner shall levy an administrative  
22 43 penalty in the amount of five hundred dollars against  
22 44 a cemetery that fails to file the annual report when  
22 45 due, payable to the state for deposit ~~in the general~~  
22 46 ~~fund of the state as provided in section 505.7.~~

22 47 Sec. \_\_\_\_ Section 524.207, subsections 1, 3, and  
22 48 4, Code 2009, are amended to read as follows:

22 49 1. ~~All~~ Except as otherwise provided by statute,  
22 50 all expenses required in the discharge of the duties  
23 1 and responsibilities imposed upon the banking division  
23 2 of the department of commerce, the superintendent, and  
23 3 the state banking council by the laws of this state  
23 4 shall be paid from fees provided by the laws of this  
23 5 state and appropriated by the general assembly from  
23 6 the ~~general fund of the state~~ department of commerce  
23 7 revolving fund created in section 546.12. All of

23 8 these fees are payable to the superintendent. The  
23 9 superintendent shall pay all the fees and other moneys  
23 10 received by the superintendent to the treasurer of  
23 11 state within the time required by section 12.10 and  
23 12 the fees and other moneys shall be deposited into the  
23 13 ~~general fund of the state~~ department of commerce  
23 14 revolving fund created in section 546.12. ~~The~~  
23 15 ~~superintendent may keep on hand with the treasurer of~~  
23 16 ~~state funds in excess of the current needs of the~~  
23 17 ~~division to the extent recommended by the state~~  
23 18 ~~banking council.~~

23 19 3. The banking division may expend additional  
23 20 funds, including funds for additional personnel, if  
23 21 those additional expenditures are actual expenses  
23 22 which exceed the funds budgeted for bank or licensee  
23 23 examinations or investigations and directly result  
23 24 from examinations or investigations of banks or  
23 25 licensees. The amounts necessary to fund the excess  
23 26 examination or investigation expenses shall be  
23 27 collected from banks and licensees being regulated,

23 28 and the collections shall be treated as repayment  
23 29 receipts as defined in section 8.2. The division  
23 30 shall notify in writing the legislative services  
23 31 agency and the department of management when hiring  
23 32 additional personnel. The written notification shall  
23 33 include documentation that any additional expenditure  
23 34 related to such hiring will be totally reimbursed to  
~~23 35 the general fund as provided in section 546.12,~~  
23 36 subsection 2, and shall also include the division's  
23 37 justification for hiring such personnel. The division  
23 38 must obtain the approval of the department of  
23 39 management only if the number of additional personnel  
23 40 to be hired exceeds the number of full-time equivalent  
23 41 positions authorized by the general assembly.

23 42 4. All fees and moneys collected shall be  
23 43 deposited into the ~~general fund of the state~~  
23 44 ~~department of commerce revolving fund created in~~  
~~23 45 section 546.12~~ and expenses required to be paid under  
23 46 this section shall be paid from ~~funds moneys in the~~  
~~23 47 department of commerce revolving fund and appropriated~~  
23 48 for those purposes. ~~Moneys deposited into the general~~  
~~23 49 fund of the state pursuant to this section shall be~~  
~~23 50 subject to the requirements of section 8.60.~~

24 1 Sec. \_\_\_\_ Section 533.111, subsections 1, 3, 4,  
24 2 and 5, Code 2009, are amended to read as follows:

24 3 1. a. All expenses required in the discharge of  
24 4 the duties and responsibilities imposed upon the  
24 5 credit union division, the superintendent, and the  
24 6 review board by the laws of this state shall be paid  
24 7 from fees provided by the laws of this state and  
24 8 appropriated by the general assembly from the ~~general~~  
~~24 9 fund of the state department of commerce revolving~~  
24 10 ~~fund created in section 546.12.~~

24 11 b. All fees imposed under this chapter are payable  
24 12 to the superintendent, who shall pay all fees and  
24 13 other moneys received to the treasurer of state within  
24 14 the time required by section 12.10. The treasurer of  
24 15 state shall deposit such funds in the ~~general fund of~~  
~~24 16 the state department of commerce revolving fund~~  
24 17 ~~created in section 546.12.~~

24 18 3. The credit union division may expend additional  
24 19 funds, including funds for additional personnel, if  
24 20 the additional expenditures are actual expenses that  
24 21 exceed the funds budgeted for credit union  
24 22 examinations and directly result from examinations of  
24 23 state credit unions.

24 24 a. The amounts necessary to fund the excess  
24 25 examination expenses shall be collected from state  
24 26 credit unions being regulated, and the collections  
24 27 shall be treated as repayment receipts as defined in  
24 28 section 8.2.

24 29 b. The division shall notify in writing the  
24 30 legislative services agency and the department of  
24 31 management when hiring additional personnel. The  
24 32 written notification shall include documentation that  
24 33 any additional expenditure related to such hiring will  
24 34 be totally reimbursed to the ~~general fund of the state~~  
24 35 ~~as provided in section 546.12, subsection 2,~~ and shall  
24 36 also include the division's justification for hiring  
24 37 such personnel. The division must obtain the approval  
24 38 of the department of management only if the number of  
24 39 additional personnel to be hired exceeds the number of  
24 40 full-time equivalent positions authorized by the  
24 41 general assembly.

24 42 4. a. All fees and other moneys collected shall  
24 43 be deposited into the ~~general fund of the state~~  
24 44 ~~department of commerce revolving fund created in~~  
~~24 45 section 546.12~~ and expenses required to be paid under  
24 46 this section shall be paid from ~~funds moneys in the~~  
~~24 47 department of commerce revolving fund and appropriated~~  
24 48 for those purposes. ~~Moneys deposited into the general~~  
~~24 49 fund of the state pursuant to this section shall be~~  
~~24 50 subject to the requirements of section 8.60.~~

25 1 b. Funds appropriated to the credit union division  
25 2 shall be subject at all times to the warrant of the  
25 3 director of revenue, drawn upon written requisition of  
25 4 the superintendent or a designated representative, for  
25 5 the payment of all salaries and other expenses  
25 6 necessary to carry out the duties of the credit union  
25 7 division.

25 8 5. The credit union division may accept

25 9 reimbursement of expenses related to the examination  
25 10 of a state credit union from the national credit union  
25 11 administration or any other guarantor or insurance  
25 12 plan authorized by this chapter. These reimbursements  
25 13 shall be deposited into the ~~general fund of the state~~  
25 14 ~~department of commerce revolving fund created in~~  
25 15 ~~section 546.12.~~

25 16 Sec. \_\_\_\_\_. Section 533A.14, Code 2009, is amended  
25 17 to read as follows:

25 18 533A.14 FEES TO STATE TREASURER.

25 19 All moneys received by the superintendent from  
25 20 fees, licenses and examinations pursuant to this  
25 21 chapter shall be deposited by the superintendent with  
25 22 the treasurer of state for deposit in the department  
25 23 of commerce revolving fund created in section 546.12.

25 24 Sec. \_\_\_\_\_. Section 534.305, Code 2009, is amended  
25 25 to read as follows:

25 26 534.305 REDEMPTION.

25 27 When funds are on hand for the purpose, the  
25 28 association may redeem by lot or otherwise, as the  
25 29 board of directors determines, all or any part of any  
25 30 of its savings accounts on a dividend date by giving  
25 31 thirty days' notice by registered mail addressed to  
25 32 the account holders at their last addresses recorded  
25 33 on the books of the association. An association shall  
25 34 not redeem its share accounts when the association is  
25 35 in an impaired condition or when it has applications  
25 36 for withdrawal which have been on file more than  
25 37 thirty days and have not been reached for payment.  
25 38 The redemption price of a savings account shall be the  
25 39 full value of the account redeemed, as determined by  
25 40 the board of directors, but the redemption value shall  
25 41 not be less than the withdrawal value. If the notice  
25 42 of redemption has been given, and if on or before the  
25 43 redemption date the funds necessary for the redemption  
25 44 have been set aside for redemptions, dividends upon  
25 45 the accounts called for redemption shall cease to  
25 46 accrue from and after the dividend date specified as  
25 47 the redemption date, and rights with respect to those  
25 48 accounts terminate as of the redemption date, subject  
25 49 only to the right of the account holder of record to  
25 50 receive the redemption value without interest.

26 1 Savings accounts which have been validly called for  
26 2 redemption must be tendered for payment within ten  
26 3 years from the date of redemption designated in the  
26 4 redemption notice, or they shall be canceled and paid  
26 5 to the treasurer of state for deposit in the ~~general~~  
26 6 ~~fund of the state department of commerce revolving~~  
26 7 ~~fund created in section 546.12~~ and all claims of the  
26 8 account holders against the association are barred  
26 9 forever. Redemption shall not be made of any savings  
26 10 accounts which are held by a person who is a director  
26 11 and which are necessary to qualify the person to act  
26 12 as director.

26 13 Sec. \_\_\_\_\_. Section 534.408, Code 2009, is amended  
26 14 by adding the following new subsection:

26 15 NEW SUBSECTION. 3. All fees collected under this  
26 16 chapter shall be deposited with the treasurer of state  
26 17 in the department of commerce revolving fund created  
26 18 in section 546.12.

26 19 Sec. \_\_\_\_\_. NEW SECTION. 546.12 DEPARTMENT OF  
26 20 COMMERCE REVOLVING FUND.

26 21 1. A department of commerce revolving fund is  
26 22 created in the state treasury. The fund shall consist  
26 23 of moneys collected by the banking division; credit  
26 24 union division; utilities division, including moneys  
26 25 collected on behalf of the office of consumer advocate  
26 26 established in section 475A.3; and the insurance  
26 27 division of the department; and deposited into an  
26 28 account for that division or office within the fund on  
26 29 a monthly basis. Except as otherwise provided by  
26 30 statute, all costs for operating the office of  
26 31 consumer advocate and the banking division, the credit  
26 32 union division, the utilities division, and the  
26 33 insurance division of the department shall be paid  
26 34 from the division's accounts within the fund, subject  
26 35 to appropriation by the general assembly.

26 36 2. To meet cash flow needs for the office of  
26 37 consumer advocate and the banking division, credit  
26 38 union division, utilities division, or the insurance  
26 39 division of the department, the administrative head of



26 40 that division or office may temporarily use funds from  
26 41 the general fund of the state to pay expenses in  
26 42 excess of moneys available in the revolving fund for  
26 43 that division or office if those additional  
26 44 expenditures are fully reimbursable and the division  
26 45 or office reimburses the general fund of the state and  
26 46 ensures all moneys are repaid in full by the close of  
26 47 the fiscal year. Because any general fund moneys used  
26 48 shall be fully reimbursed, such temporary use of funds  
26 49 from the general fund of the state shall not  
26 50 constitute an appropriation for purposes of  
27 1 calculating the state general fund expenditure  
27 2 limitation pursuant to section 8.54.

27 3 Sec. \_\_\_\_\_. 2009 Iowa Acts, Senate File 475, section  
27 4 2, if enacted, is amended by striking the section and  
27 5 inserting in lieu thereof the following:

27 6 SEC. 2. OFFICE OF CONSUMER ADVOCATE. There is  
27 7 appropriated from the department of commerce revolving  
27 8 fund created in section 546.12, if enacted by 2009  
27 9 Iowa Acts, House File 809, to the office of consumer  
27 10 advocate of the department of justice for the fiscal  
27 11 year beginning July 1, 2009, and ending June 30, 2010,  
27 12 the following amount, or so much thereof as is  
27 13 necessary, to be used for the purposes designated:

27 14 For salaries, support, maintenance, miscellaneous  
27 15 purposes, and for not more than the following  
27 16 full-time equivalent positions:

27 17 .....	\$	3,138,888
27 18 .....	FTEs	27.00

27 19 DIVISION IX>

27 20 #13. Page 33, by striking lines 16 through 22 and  
27 21 inserting the following:

27 22 <Sec. \_\_\_\_\_. Section 237.18, subsections 3 and 4,  
27 23 Code 2009, are amended to read as follows:

27 24 3. Assign the ~~case cases~~ of ~~each child children~~  
27 25 receiving foster care ~~within the judicial district to~~  
27 26 the appropriate local ~~board boards~~.

27 27 4. Assist local boards in reviewing ~~each case~~  
27 28 ~~cases~~ of ~~a child children~~ receiving foster care, as  
27 29 provided in section 237.20.

27 30 Sec. \_\_\_\_\_. Section 237.20, subsection 1, unnumbered  
27 31 paragraph 1, Code 2009, is amended to read as follows:

27 32 Review ~~at least every six months~~ the case of each  
27 33 child receiving foster care assigned to the local  
27 34 board by the state board to determine whether  
27 35 satisfactory progress is being made toward the goals  
27 36 of the case permanency plan pursuant to section  
27 37 237.22. ~~As much as is possible, review shall be~~  
~~27 38 conducted immediately prior to~~ The timing and  
~~27 39 frequency of a review of each case by a local board~~  
~~27 40 shall take into consideration the permanency goals,~~  
~~27 41 placement setting, and frequency of any court reviews~~  
27 42 of the case.>

27 43 #14. By renumbering as necessary.

27 44 HF 809.S

27 45 ec/jp/jh/26