

Senate Amendment 3287

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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. Page 20, by striking lines 2 through 21 and

4 30 inserting the following:

4 31 <Sec. ____ VEHICLE PURCHASES. The department of
4 32 administrative services shall seek to procure motor
4 33 vehicles for state use at the lowest possible cost to
4 34 the state. Motor vehicles purchased by the department
4 35 shall not include optional equipment that results in
4 36 an increase in the cost of the motor vehicle unless
4 37 such optional equipment is specifically required by
4 38 the requesting state agency or unless such equipment
4 39 is part of the lowest cost package available meeting
4 40 minimum specifications. A state agency seeking to
4 41 replace a motor vehicle shall not request any
4 42 equipment to be added to its motor vehicles except as
4 43 the state agency determines is necessary for the
4 44 department's employees in the safe and efficient
4 45 operation of the motor vehicle. The department shall
4 46 not seek to have any optional equipment removed or
4 47 deleted from an order if such action would increase
4 48 the cost of the vehicle to the state.

4 49 Sec. ____ EFFECTIVE DATE == RETROACTIVE
4 50 APPLICABILITY. The section of this division of this
5 1 Act concerning discretionary audits by the auditor of
5 2 state, being deemed of immediate importance, takes
5 3 effect upon enactment, and is retroactively applicable
5 4 to April 1, 2009, and is applicable on and after that
5 5 date.>

5 6 #9. By striking page 21, line 12, through page 22,
5 7 line 2, and inserting the following:

5 8 <Sec. ____ Section 8.9, subsection 1, Code 2009,
5 9 is amended to read as follows:

5 10 1. The office of grants enterprise management is
5 11 established in the department of management. The
5 12 function of the office is to develop and administer a
5 13 system to track, identify, advocate for, and
5 14 coordinate nonstate grants as defined in section 8.2,
5 15 subsections 1 and 3. Staffing for the office of
5 16 grants enterprise management shall be provided by a
5 17 facilitator appointed by the director of the
5 18 department of management. Additional staff may be
5 19 hired, subject to the availability of funding.

~~5 20 Funding for the office is from the appropriation to
5 21 the department pursuant to section 8A.505, subsection
5 22 2.>~~

5 23 #10. Page 22, by striking lines 5 through 35.

5 24 #11. By striking page 24, line 10, through page
5 25 31, line 23, and inserting the following:

5 26 <ETHICS AND CAMPAIGN DISCLOSURE BOARD ENFORCEMENT

5 27 Sec. ____ Section 68B.32A, Code 2009, is amended
5 28 by adding the following new subsection:

5 29 NEW SUBSECTION. 18. At the board's discretion,
5 30 enter into an agreement with a political subdivision
5 31 authorizing the board to enforce the provisions of a
5 32 code of ethics adopted by that political subdivision.

5 33 DIVISION VI

5 34 ALCOHOLIC BEVERAGE CONTROL PROVISION

5 35 Sec. ____ Section 123.30, subsection 3, paragraph
5 36 e, unnumbered paragraph 1, Code 2009, is amended to

5 37 read as follows:

5 38 CLASS "E". A class "E" liquor control license may
5 39 be issued and shall authorize the holder to purchase
5 40 alcoholic liquor from the division only and to sell
5 41 the alcoholic liquor to patrons for consumption off
5 42 the licensed premises and to other liquor control
5 43 licensees. ~~A class "E" license shall not be issued to~~
~~5 44 premises at which gasoline is sold.~~ A holder of a
5 45 class "E" liquor control license may hold other retail
5 46 liquor control licenses or retail wine or beer
5 47 permits, but the premises licensed under a class "E"
5 48 liquor control license shall be separate from other
5 49 licensed premises, though the separate premises may
5 50 have a common entrance. However, the holder of a
6 1 class "E" liquor control license may also hold a class
6 2 "B" wine or class "C" beer permit or both for the
6 3 premises licensed under a class "E" liquor control
6 4 license.

6 5 DIVISION VII

6 6 BINGO CONDUCTED AT A FAIR OR COMMUNITY FESTIVAL
6 7 Sec. ____ NEW SECTION. 99B.5A BINGO CONDUCTED AT
6 8 A FAIR OR COMMUNITY FESTIVAL.

6 9 1. For purposes of this section:

6 10 a. "Community festival" means a festival of no
6 11 more than four consecutive days in length held by a
6 12 community group.

6 13 b. "Community group" means an Iowa nonprofit,
6 14 tax-exempt organization which is open to the general
6 15 public and established for the promotion and
6 16 development of the arts, history, culture, ethnicity,
6 17 historic preservation, tourism, economic development,
6 18 festivals, or municipal libraries. "Community group"
6 19 does not include a school, college, university,
6 20 political party, labor union, state or federal
6 21 government agency, fraternal organization, church,
6 22 convention or association of churches, or
6 23 organizations operated primarily for religions
6 24 purposes, or which are operated, supervised,
6 25 controlled, or principally supported by a church,
6 26 convention, or association of churches.

6 27 2. Bingo may lawfully be conducted at a fair, as
6 28 defined in section 174.1, or a community festival if
6 29 all the following conditions are met:

6 30 a. Bingo is conducted by the sponsor of the fair
6 31 or community festival or a qualified organization
6 32 licensed under section 99B.7 that has received
6 33 permission from the sponsor of the fair or community
6 34 festival to conduct bingo.

6 35 b. The sponsor of the fair or community festival
6 36 or the qualified organization has submitted a license
6 37 application and a fee of fifty dollars to the
6 38 department, has been issued a license, and prominently
6 39 displays the license at the area where the bingo
6 40 occasion is being held. A license shall only be valid
6 41 for the duration of the fair or community festival
6 42 indicated on the application.

6 43 c. The number of bingo occasions shall be limited
6 44 to one for each day of the duration of the fair or
6 45 community festival.

6 46 d. The rules for the bingo occasion are posted.

6 47 e. Except as provided in this section, the
6 48 provisions of sections 99B.2 and 99B.7 related to
6 49 bingo shall apply.

6 50 3. An individual other than a person conducting
7 1 the bingo occasion may participate in the bingo
7 2 occasion conducted at a fair or community festival,
7 3 whether or not conducted in compliance with this
7 4 section.

7 5 4. Bingo occasions held under a license under this
7 6 section shall not be counted in determining whether a
7 7 qualified organization has conducted more than
7 8 fourteen bingo occasions per month. In addition,
7 9 bingo occasions held under this license shall not be
7 10 limited to four consecutive hours.

7 11 DIVISION VIII

7 12 DEPARTMENT OF COMMERCE REVOLVING

7 13 FUND == APPROPRIATIONS

7 14 Sec. ____ Section 87.11E, subsection 5, Code 2009,
7 15 is amended to read as follows:

7 16 5. A civil penalty levied under subsection 4 shall
7 17 not exceed one thousand dollars per violation per

7 18 person, and shall not exceed ten thousand dollars in a
7 19 single proceeding against any one person. All civil
7 20 penalties shall be deposited ~~in the general fund of~~
7 21 ~~the state~~ pursuant to section 505.7.

7 22 Sec. _____. Section 475A.3, subsection 3, Code 2009,
7 23 is amended to read as follows:

7 24 3. SALARIES, EXPENSES, AND APPROPRIATION. The
7 25 salary of the consumer advocate shall be fixed by the
7 26 attorney general within the salary range set by the
7 27 general assembly. The salaries of employees of the
7 28 consumer advocate shall be at rates of compensation
7 29 consistent with current standards in industry. The
7 30 reimbursement of expenses for the employees and the
7 31 consumer advocate is as provided by law. The
7 32 appropriation for the office of consumer advocate
7 33 shall be a separate line item contained in the
7 34 appropriation from the ~~general fund of the state~~
7 35 ~~department of commerce revolving fund created in~~
7 36 ~~section 546.12.~~

7 37 Sec. _____. Section 476.10, unnumbered paragraph 4,
7 38 Code 2009, is amended to read as follows:

7 39 The order shall be subject to review in the manner
7 40 provided in this chapter. All amounts collected by
7 41 the division pursuant to the provisions of this
7 42 section shall be deposited with the treasurer of state
7 43 and credited to the ~~general fund of the state~~
7 44 ~~department of commerce revolving fund created in~~
7 45 ~~section 546.12.~~ Such amounts shall be spent in
7 46 accordance with the provisions of chapter 8.

7 47 Sec. _____. Section 476.10, unnumbered paragraph 6,
7 48 Code 2009, is amended to read as follows:

7 49 Fees paid to the utilities division shall be
7 50 deposited in the ~~general fund of the state~~ ~~department~~
8 1 ~~of commerce revolving fund created in section 546.12.~~

8 2 These funds shall be used for the payment, upon
8 3 appropriation by the general assembly, of the expenses
8 4 of the utilities division and the consumer advocate
8 5 division of the department of justice. ~~Subject to~~
8 6 ~~this section, the utilities division or the consumer~~
8 7 ~~advocate division may keep on hand with the treasurer~~
8 8 ~~of state funds in excess of the current needs of the~~
8 9 ~~utilities division or the consumer advocate division.~~

8 10 Sec. _____. Section 476.10, unnumbered paragraph 8,
8 11 Code 2009, is amended to read as follows:

8 12 All fees and other moneys collected under this
8 13 section and sections 478.4, 479.16, and 479A.9 shall
8 14 be deposited into the ~~general fund of the state~~
8 15 ~~department of commerce revolving fund created in~~
8 16 ~~section 546.12~~ and expenses required to be paid under
8 17 this section shall be paid from funds appropriated for
8 18 those purposes. ~~Moneys deposited into the general~~
8 19 ~~fund of the state pursuant to this section and~~
8 20 ~~sections 478.4, 479.16, and 479A.9 shall be subject to~~
8 21 ~~the requirements of section 8.60.~~

8 22 Sec. _____. Section 476.51, subsection 5, Code 2009,
8 23 is amended to read as follows:

8 24 5. Civil penalties collected pursuant to this
8 25 section from utilities providing water, electric, or
8 26 gas service shall be forwarded by the executive
8 27 secretary of the board to the treasurer of state to be
8 28 credited to the general fund of the state and to be
8 29 used only for the low income home energy assistance
8 30 program and the weatherization assistance program
8 31 administered by the division of community action
8 32 agencies of the department of human rights. Civil
8 33 penalties collected pursuant to this section from
8 34 utilities providing telecommunications service shall
8 35 be forwarded to the treasurer of state to be credited
8 36 to the ~~general fund of the state~~ ~~department of~~
8 37 ~~commerce revolving fund created in section 546.12~~ to

8 38 be used only for consumer education programs
8 39 administered by the board. Penalties paid by a
8 40 rate-regulated public utility pursuant to this section
8 41 shall be excluded from the utility's costs when
8 42 determining the utility's revenue requirement, and
8 43 shall not be included either directly or indirectly in
8 44 the utility's rates or charges to customers.

8 45 Sec. _____. Section 476.87, subsection 3, Code 2009,
8 46 is amended to read as follows:

8 47 3. The board shall allocate the costs and expenses
8 48 reasonably attributable to certification and dispute

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

9 8 in section 476.10.
9 9 Sec. _____. Section 476.101, subsection 10, Code
9 10 2009, is amended to read as follows:

9 11 10. In a proceeding associated with the granting
9 12 of a certificate under section 476.29, approving maps
9 13 and tariffs for competitive local exchange providers
9 14 provided for in this section, or in resolving a
9 15 complaint filed pursuant to subsection 8 and
9 16 proceedings under 47 U.S.C. } 251==254, the board
9 17 shall allocate the costs and expenses of the
9 18 proceedings to persons identified as parties in the
9 19 proceeding who are engaged in or who seek to engage in
9 20 providing telecommunications services or other persons
9 21 identified as participants in the proceeding. The
9 22 funds received for the costs and the expenses shall be
9 23 remitted to the treasurer of state for deposit in the
9 24 ~~general fund of the state department of commerce~~
9 25 ~~revolving fund created in section 546.12~~ as provided

9 26 in section 476.10.
9 27 Sec. _____. Section 476.103, subsection 4, paragraph
9 28 c, Code 2009, is amended to read as follows:

9 29 c. A civil penalty collected pursuant to this
9 30 subsection shall be forwarded by the executive
9 31 secretary of the board to the treasurer of state to be
9 32 credited to the ~~general fund of the state department~~
9 33 ~~of commerce revolving fund created in section 546.12~~
9 34 and to be used only for consumer education programs
9 35 administered by the board.

9 36 Sec. _____. Section 476A.14, subsection 1, Code
9 37 2009, is amended to read as follows:

9 38 1. Any person who commences to construct a
9 39 facility as provided in this subchapter without having
9 40 first obtained a certificate, or who constructs,
9 41 operates or maintains any facility other than in
9 42 compliance with a certificate issued by the board or a
9 43 certificate amended pursuant to this subchapter, or
9 44 who causes any of these acts to occur, shall be liable
9 45 for a civil penalty of not more than ten thousand
9 46 dollars for each violation or for each day of
9 47 continuing violation. Civil penalties collected
9 48 pursuant to this subsection shall be forwarded by the
9 49 clerk of court to the treasurer of state for deposit
9 50 in the ~~general fund of the state department of~~
10 1 ~~commerce revolving fund created in section 546.12.~~

10 2 Sec. _____. Section 478.4, Code 2009, is amended to
10 3 read as follows:

10 4 478.4 FRANCHISE == HEARING.
10 5 The utilities board shall consider the petition and
10 6 any objections filed to it in the manner provided. It
10 7 shall examine the proposed route or cause any engineer
10 8 selected by it to do so. If a hearing is held on the
10 9 petition it may hear testimony as may aid it in
10 10 determining the propriety of granting the franchise.
10 11 It may grant the franchise in whole or in part upon
10 12 the terms, conditions, and restrictions, and with the
10 13 modifications as to location and route as may seem to
10 14 it just and proper. Before granting the franchise,
10 15 the utilities board shall make a finding that the
10 16 proposed line or lines are necessary to serve a public
10 17 use and represents a reasonable relationship to an
10 18 overall plan of transmitting electricity in the public
10 19 interest. A franchise shall not become effective
10 20 until the petitioners shall pay, or file an agreement
10 21 to pay, all costs and expenses of the franchise
10 22 proceeding, whether or not objections are filed,
10 23 including costs of inspections or examinations of the
10 24 route, hearing, salaries, publishing of notice, and
10 25 any other expenses reasonably attributable to it. The
10 26 funds received for the costs and the expenses of the
10 27 franchise proceeding shall be remitted to the
10 28 treasurer of state for deposit in the ~~general fund of~~
10 29 ~~the state department of commerce revolving fund~~

10 30 created in section 546.12 as provided in section
10 31 476.10.
10 32 Sec. _____. Section 479.16, Code 2009, is amended to
10 33 read as follows:
10 34 479.16 RECEIPT OF FUNDS.
10 35 All moneys received under this chapter shall be
10 36 remitted monthly to the treasurer of state and
10 37 credited to the ~~general fund of the state department~~
10 38 of commerce revolving fund created in section 546.12
10 39 as provided in section 476.10.
10 40 Sec. _____. Section 479A.9, Code 2009, is amended to
10 41 read as follows:
10 42 479A.9 DEPOSIT OF FUNDS.
10 43 Moneys received under this chapter shall be
10 44 credited to the ~~general fund of the state department~~
10 45 of commerce revolving fund created in section 546.12
10 46 as provided in section 476.10.
10 47 Sec. _____. Section 479B.12, Code 2009, is amended
10 48 to read as follows:
10 49 479B.12 USE OF FUNDS.
10 50 All moneys received under this chapter, other than
11 1 civil penalties collected pursuant to section 479B.21,
11 2 shall be remitted monthly to the treasurer of state
11 3 and credited to the ~~general fund of the state~~
11 4 department of commerce revolving fund created in
11 5 section 546.12.
11 6 Sec. _____. Section 502.302, Code 2009, is amended
11 7 by adding the following new subsection:
11 8 NEW SUBSECTION. 5. DEPOSIT OF FEES. Fees
11 9 collected under this section shall be deposited as
11 10 provided in section 505.7.
11 11 Sec. _____. Section 502.304A, subsection 3, Code
11 12 2009, is amended by adding the following new
11 13 paragraph:
11 14 NEW PARAGRAPH. h. The fees collected under this
11 15 subsection shall be deposited as provided in section
11 16 505.7.
11 17 Sec. _____. Section 502.305, subsection 2, Code
11 18 2009, is amended to read as follows:
11 19 2. FILING. Except as provided in subsection 10
11 20 and section 502.304A, subsection 3, paragraph "g", a
11 21 person who files a registration statement or a notice
11 22 filing shall pay a filing fee of one-tenth of one
11 23 percent of the proposed aggregate sales price of the
11 24 securities to be offered to persons in this state
11 25 pursuant to the registration statement or notice
11 26 filing. However, except as provided in subsection 10,
11 27 section 502.302, subsection 1, paragraph "a", and
11 28 section 502.304A, subsection 3, paragraph "g", the
11 29 annual filing fee shall not be less than fifty dollars
11 30 or more than one thousand dollars. The administrator
11 31 shall retain the filing fee even if the notice filing
11 32 is withdrawn or the registration is withdrawn, denied,
11 33 suspended, revoked, or abandoned. The fees collected
11 34 under this subsection shall be deposited as provided
11 35 in section 505.7.
11 36 Sec. _____. Section 502.321G, Code 2009, is amended
11 37 to read as follows:
11 38 502.321G FEES.
11 39 The administrator shall charge a nonrefundable
11 40 filing fee of two hundred fifty dollars for a
11 41 registration statement filed by an offeror. The fee
11 42 shall be deposited as provided in section 505.7.
11 43 Sec. _____. Section 502.410, Code 2009, is amended
11 44 by adding the following new subsection:
11 45 NEW SUBSECTION. 7. DEPOSIT OF FEES. Except as
11 46 otherwise provided in subsection 2, fees collected
11 47 under this section shall be deposited as provided in
11 48 section 505.7.
11 49 Sec. _____. Section 505.7, subsection 1, Code 2009,
11 50 is amended to read as follows:
12 1 1. All fees and charges which are required by law
12 2 to be paid by insurance companies, associations, and
12 3 other regulated entities shall be payable to the
12 4 commissioner of the insurance division of the
12 5 department of commerce or department of revenue, as
12 6 provided by law, whose duty it shall be to account for
12 7 and pay over the same to the treasurer of state at the
12 8 time and in the manner provided by law for deposit in
12 9 the ~~general fund of the state department of commerce~~
12 10 revolving fund created in section 546.12.

12 11 Sec. ____ Section 505.7, subsection 3, Code 2009,
12 12 is amended to read as follows:
12 13 3. Forty percent of the nonexamination revenues
12 14 payable to the division of insurance or the department
12 15 of revenue in connection with the regulation of
12 16 insurance companies or other entities subject to the
12 17 regulatory jurisdiction of the division shall be
12 18 ~~deposited in the department of commerce revolving fund~~
12 19 ~~created in section 546.12 and shall be subject to~~
12 20 ~~annual appropriation to the division for its~~
12 21 ~~operations and is also subject to expenditure under~~
12 22 ~~subsection 6. The remaining nonexamination revenues~~
12 23 ~~payable to the division of insurance or the department~~
12 24 ~~of revenue shall be deposited in the general fund of~~
12 25 ~~the state.~~

12 26 Sec. ____ Section 507.9, Code 2009, is amended to
12 27 read as follows:
12 28 507.9 FEES == ACCOUNTING.
12 29 All fees collected under the provisions of this
12 30 chapter shall be paid to the commissioner of insurance
12 31 and shall be turned into the state treasury for
12 32 deposit as provided in section 505.7.

12 33 Sec. ____ Section 507B.7, subsection 4, paragraph
12 34 a, Code 2009, is amended to read as follows:
12 35 a. A monetary penalty of not more than ten
12 36 thousand dollars for each and every act or violation.
12 37 A penalty collected under this lettered paragraph
12 38 shall be deposited as provided in section 505.7.

12 39 Sec. ____ Section 508.13, subsection 3, Code 2009,
12 40 is amended to read as follows:
12 41 3. A company that fails to timely file an
12 42 application for renewal of its certificate of
12 43 authority shall pay an administrative penalty of five
12 44 hundred dollars to the treasurer of state for deposit
12 45 ~~in the general fund of the state~~ as provided in
12 46 section 505.7.

12 47 Sec. ____ Section 508.14, subsection 4, Code 2009,
12 48 is amended to read as follows:
12 49 4. Amounts received by the commissioner pursuant
12 50 to subsections 2 and 3 shall be paid to the treasurer
13 1 of state for deposit ~~in the general fund of the state~~
13 2 as provided in section 505.7.

13 3 Sec. ____ Section 508.15, Code 2009, is amended to
13 4 read as follows:
13 5 508.15 VIOLATION BY FOREIGN COMPANYY.
13 6 Companies organized and chartered by the laws of a
13 7 foreign state or country, failing to file the evidence
13 8 of investment and statement within the time fixed, or
13 9 failing to timely file any financial statement
13 10 required by rule of the commissioner of insurance,
13 11 shall forfeit and pay five hundred dollars, to be
13 12 collected in an action in the name of the state and
13 13 paid to the treasurer of state for deposit ~~in the~~
13 14 ~~general fund of the state~~ as provided in section
13 15 505.7, and their right to transact further new
13 16 business in this state shall immediately cease until
13 17 the requirements of this chapter have been fully
13 18 complied with. The commissioner may give notice to a
13 19 company which has failed to file within the time fixed
13 20 that the company is in violation of this section and
13 21 if the company fails to file the evidence of
13 22 investment and statement within ten days of the date
13 23 of the notice the company shall forfeit and pay the
13 24 additional sum of one hundred dollars for each day the
13 25 failure continues, to be paid to the treasurer of
13 26 state for deposit ~~in the general fund of the state~~ as
13 27 provided in section 505.7.

13 28 Sec. ____ Section 508E.3, subsection 10, Code
13 29 2009, is amended to read as follows:
13 30 10. Fees collected pursuant to this section shall
13 31 be deposited ~~into the general fund of the state~~ as
13 32 provided in section 505.7.

13 33 Sec. ____ Section 508E.16, subsection 5, Code
13 34 2009, is amended to read as follows:
13 35 5. In addition to the penalties and other
13 36 enforcement provisions of this chapter, any person who
13 37 violates this chapter is subject to a civil penalty of
13 38 up to five thousand dollars for each violation of this
13 39 chapter. The civil penalty shall be deposited ~~into~~
13 40 ~~the general fund of the state~~ as provided in section
13 41 505.7. If a person has not been ordered to pay

13 42 restitution by a court, the commissioner's order may
13 43 require a person found to be in violation of this
13 44 chapter to make restitution to a person aggrieved by a
13 45 violation of this chapter.

13 46 Sec. _____. Section 512B.25, Code 2009, is amended
13 47 to read as follows:

13 48 512B.25 ANNUAL LICENSE == RENEWAL.

13 49 The authority of a society to transact business in
13 50 this state may be renewed annually. A license
14 1 terminates on the first day of June following issuance
14 2 or renewal. A society shall submit annually on or
14 3 before March 1 a completed application for renewal of
14 4 its license. For each license or renewal the society
14 5 shall pay the commissioner a fee of fifty dollars. A
14 6 society that fails to timely file an application for
14 7 renewal shall pay an administrative penalty of five
14 8 hundred dollars to the treasurer of state for deposit
14 9 ~~in the general fund of the state~~ as provided in
14 10 section 505.7. A duly certified copy or duplicate of
14 11 the license is prima facie evidence that the licensee
14 12 is a fraternal benefit society within the meaning of
14 13 this chapter.

14 14 Sec. _____. Section 514.9A, Code 2009, is amended to
14 15 read as follows:

14 16 514.9A CERTIFICATE OF AUTHORITY == RENEWAL.

14 17 A certificate of authority of a corporation formed
14 18 under this chapter expires on June 1 succeeding its
14 19 issue and shall be renewed annually so long as the
14 20 corporation transacts its business in accordance with
14 21 all legal requirements. A corporation shall submit
14 22 annually, on or before March 1, a completed
14 23 application for renewal of its certificate of
14 24 authority. A corporation that fails to timely file an
14 25 application for renewal shall pay an administrative
14 26 penalty of five hundred dollars to the treasurer of
14 27 state for deposit ~~in the general fund of the state~~ as
14 28 provided in section 505.7. A duly certified copy or
14 29 duplicate of the certificate is admissible in evidence
14 30 for or against the corporation with the same effect as
14 31 the original.

14 32 Sec. _____. Section 514B.3B, Code 2009, is amended
14 33 to read as follows:

14 34 514B.3B CERTIFICATE OF AUTHORITY == RENEWAL.

14 35 A certificate of authority of a health maintenance
14 36 organization formed under this chapter expires on June
14 37 1 succeeding its issue and shall be renewed annually
14 38 so long as the organization transacts its business in
14 39 accordance with all legal requirements. A health
14 40 maintenance organization shall submit annually, on or
14 41 before March 1, a completed application for renewal of
14 42 its certificate of authority. A health maintenance
14 43 organization that fails to timely file an application
14 44 for renewal shall pay an administrative penalty of
14 45 five hundred dollars to the treasurer of state for
14 46 deposit ~~in the general fund of the state~~ as provided
14 47 in section 505.7. A duly certified copy or duplicate
14 48 of the certificate is admissible in evidence for or
14 49 against the organization with the same effect as the
14 50 original.

15 1 Sec. _____. Section 514B.12, subsections 3 and 4,
15 2 Code 2009, are amended to read as follows:

15 3 3. A health maintenance organization that fails to
15 4 timely file the report required under subsection 1 is
15 5 in violation of this section and shall pay an
15 6 administrative penalty of five hundred dollars to the
15 7 treasurer of state for deposit ~~in the general fund of~~
~~15 8 the state~~ as provided in section 505.7.

15 9 4. The commissioner may give notice to a health
15 10 maintenance organization that the organization has not
15 11 timely filed the report required under subsection 1
15 12 and is in violation of this section. If the
15 13 organization fails to file the required report and
15 14 comply with this section within ten days of the date
15 15 of the notice, the organization shall pay an
15 16 additional administrative penalty of one hundred
15 17 dollars for each day that the failure continues to the
15 18 treasurer of state for deposit ~~in the general fund of~~
~~15 19 the state~~ as provided in section 505.7.

15 20 Sec. _____. Section 514G.113, Code 2009, is amended
15 21 to read as follows:

15 22 514G.113 PENALTIES.

15 23 In addition to any other penalties provided by the
15 24 laws of this state, any insurer or any producer found
15 25 to have violated a provision of this chapter or any
15 26 other requirement of this state relating to the
15 27 regulation of long-term care insurance or the
15 28 marketing of such insurance shall be subject to a fine
15 29 of up to three times the amount of any commission paid
15 30 for each policy involved in the violation, or up to
15 31 ten thousand dollars, whichever is greater. A fine
15 32 collected under this section shall be deposited as

15 33 provided in section 505.7.

15 34 Sec. _____. Section 515.42, Code 2009, is amended to
15 35 read as follows:

15 36 515.42 TENURE OF CERTIFICATE == RENEWAL ==
15 37 EVIDENCE.

15 38 A certificate of authority shall expire on the
15 39 first day of June next succeeding its issue, and shall
15 40 be renewed annually so long as such company shall
15 41 transact business in accordance with the requirements
15 42 of law; a copy of which certificate, when certified to
15 43 by the commissioner of insurance, shall be admissible
15 44 in evidence for or against a company with the same
15 45 effect as the original. A company shall submit
15 46 annually, on or before March 1, a completed
15 47 application for renewal of its certificate of
15 48 authority. A company that fails to timely file an
15 49 application for renewal shall pay an administrative
15 50 penalty of five hundred dollars to the treasurer of
16 1 state for deposit ~~in the general fund of the state~~ as
16 2 provided in section 505.7.

16 3 Sec. _____. Section 515.121, subsections 1 and 3,
16 4 Code 2009, are amended to read as follows:

16 5 1. An excess and surplus lines insurance producer
16 6 who fails to timely file the report required in
16 7 section 515.120 is in violation of this section and
16 8 shall pay an administrative penalty of five hundred
16 9 dollars to the treasurer of state for deposit ~~in the~~
16 10 ~~general fund of the state~~ as provided in section
16 11 505.7.

16 12 3. The commissioner may give notice to a producer
16 13 that the producer has not timely filed the report
16 14 required under section 515.120 and is in violation of
16 15 this section. If the producer fails to file the
16 16 required report within ten days of the date of the
16 17 notice, the producer shall pay an additional
16 18 administrative penalty of one hundred dollars for each
16 19 day that the failure continues to the treasurer of
16 20 state for deposit ~~in the general fund of the state~~ as
16 21 provided in section 505.7.

16 22 Sec. _____. Section 515.146, Code 2009, is amended
16 23 to read as follows:

16 24 515.146 CERTIFICATE REFUSED == ADMINISTRATIVE
16 25 PENALTY.

16 26 The commissioner of insurance shall withhold the
16 27 commissioner's certificate or permission of authority
16 28 to do business from a company neglecting or failing to
16 29 comply with this chapter. In addition, a company
16 30 organized or authorized under this chapter which fails
16 31 to file the annual statement referred to in section
16 32 515.63 in the time required shall pay and forfeit an
16 33 administrative penalty in an amount of five hundred
16 34 dollars to be collected in the name of the state for
16 35 deposit ~~in the general fund of the state~~ as provided
16 36 in section 505.7. The company's right to transact
16 37 further new business in this state shall immediately
16 38 cease until the company has fully complied with this
16 39 chapter. The commissioner may give notice to a
16 40 company which has failed to file within the time
16 41 required that the company is in violation of this
16 42 section and, if the company fails to file the evidence
16 43 of investment and statement within ten days of the
16 44 date of the notice, the company shall forfeit and pay
16 45 the additional sum of one hundred dollars for each day
16 46 the failure continues, to be paid to the treasurer of
16 47 state for deposit ~~in the general fund of the state~~ as
16 48 provided in section 505.7.

16 49 Sec. _____. Section 515.147, unnumbered paragraph 1,
16 50 Code 2009, is amended to read as follows:

17 1 Fees shall be paid to the commissioner of insurance
17 2 for deposit as provided in section 505.7 as follows:

17 3 Sec. _____. Section 515A.17, subsection 1, Code

17 4 2009, is amended to read as follows:

17 5 1. The commissioner may, if the commissioner finds
17 6 that any person or organization has violated any
17 7 provision of this chapter, impose a penalty of not
17 8 more than one thousand dollars for each such
17 9 violation, but if the commissioner finds such
17 10 violation to be willful the commissioner may impose a
17 11 penalty of not more than five thousand dollars for
17 12 each such violation. Such penalties may be in
17 13 addition to any other penalty provided by law. A
17 14 penalty collected under this subsection shall be
17 15 deposited as provided in section 505.7.

17 16 Sec. _____. Section 515F.19, Code 2009, is amended
17 17 by adding the following new unnumbered paragraph:
17 18 NEW UNNUMBERED PARAGRAPH. A penalty collected
17 19 under this section shall be deposited as provided in
17 20 section 505.7.

17 21 Sec. _____. Section 516E.2, subsection 2, Code 2009,
17 22 is amended to read as follows:

17 23 2. A service company shall not issue a service
17 24 contract or arrange to perform services pursuant to a
17 25 service contract unless the service company is
17 26 registered with the commissioner. A service company
17 27 shall file a registration with the commissioner
17 28 annually, on a form prescribed by the commissioner,
17 29 accompanied by a registration fee in the amount of
17 30 five hundred dollars. Fees collected under this
17 31 subsection shall be deposited as provided in section
17 32 505.7.

17 33 Sec. _____. Section 518.15, subsections 5 and 6,
17 34 Code 2009, are amended to read as follows:

17 35 5. An association formed under this chapter that
17 36 fails to timely file the statement required under
17 37 subsection 1 or the application for renewal required
17 38 under subsection 3 is in violation of this section and
17 39 shall pay an administrative penalty of five hundred
17 40 dollars to the treasurer of state for deposit ~~in the~~
17 41 ~~general fund of the state~~ as provided in section
17 42 505.7. The association's right to transact new
17 43 business in this state shall immediately cease until
17 44 the association has fully complied with this chapter.

17 45 6. The commissioner may give notice to an
17 46 association that the association has not timely filed
17 47 the statement required under subsection 1 or an
17 48 application for renewal under subsection 3 and is in
17 49 violation of this section. If the association fails
17 50 to file the required statement or application and
18 1 comply with this section within ten days of the date
18 2 of the notice, the association shall pay an additional
18 3 administrative penalty of one hundred dollars for each
18 4 day that the failure continues to the treasurer of
18 5 state for deposit ~~in the general fund of the state~~ as
18 6 provided in section 505.7.

18 7 Sec. _____. Section 518A.18, subsections 2 and 3,
18 8 Code 2009, are amended to read as follows:

18 9 2. An association that fails to timely file the
18 10 statement required under subsection 1 is in violation
18 11 of this section and shall pay an administrative
18 12 penalty of five hundred dollars for each violation to
18 13 the treasurer of state for deposit ~~in the general fund~~
18 14 ~~of the state~~ as provided in section 505.7.

18 15 3. The commissioner may give notice to an
18 16 association that the association has not timely filed
18 17 the statement required under subsection 1 and is in
18 18 violation of this section. If the association fails
18 19 to file the required statement and comply with this
18 20 section within ten days of the date of the notice, the
18 21 association shall pay an additional administrative
18 22 penalty of one hundred dollars for each day that each
18 23 failure continues to the treasurer of state for
18 24 deposit ~~in the general fund of the state~~ as provided
18 25 in section 505.7.

18 26 Sec. _____. Section 518A.40, subsection 4, Code
18 27 2009, is amended to read as follows:

18 28 4. An association that fails to timely file the
18 29 application for renewal required under subsection 2 is
18 30 in violation of this section and shall pay an
18 31 administrative penalty of five hundred dollars to the
18 32 treasurer of state for deposit ~~in the general fund of~~
18 33 ~~the state~~ as provided in section 505.7.

18 34 Sec. _____. Section 520.10, subsections 4 and 5,

18 35 Code 2009, are amended to read as follows:

18 36 4. A reciprocal or interinsurance insurer that
18 37 fails to timely file the report required under
18 38 subsection 1 is in violation of this section and shall
18 39 pay an administrative penalty of five hundred dollars
18 40 to the treasurer of state for deposit ~~in the general~~
~~18 41 fund of the state~~ as provided in section 505.7.

18 42 5. The commissioner may give notice to a
18 43 reciprocal or interinsurance insurer that the insurer
18 44 has not timely filed the report required under
18 45 subsection 1 and is in violation of this section. If
18 46 the insurer fails to file the required report and
18 47 comply with this section within ten days of the date
18 48 of the notice, the insurer shall pay an additional
18 49 administrative penalty of one hundred dollars for each
18 50 day that the failure continues to the treasurer of
19 1 state for deposit ~~in the general fund of the state~~ as
19 2 provided in section 505.7.

19 3 Sec. _____. Section 520.12, subsection 2, Code 2009,
19 4 is amended to read as follows:

19 5 2. A reciprocal or interinsurance insurer shall
19 6 submit annually, on or before March 1, a completed
19 7 application for renewal of the insurer's certificate
19 8 of authority. An insurer that fails to timely file an
19 9 application for renewal shall pay an administrative
19 10 fee of five hundred dollars to the treasurer of state
19 11 for deposit ~~in the general fund of the state~~ as
19 12 provided in section 505.7.

19 13 Sec. _____. Section 521A.10, subsection 1, Code
19 14 2009, is amended to read as follows:

19 15 1. If the commissioner finds after notice and
19 16 hearing that a person subject to registration under
19 17 section 521A.4 failed without just cause to file a
19 18 registration statement as required in this chapter,
19 19 the person shall be required to pay a penalty of one
19 20 thousand dollars for each day's delay. The penalty
19 21 shall be recovered by the commissioner and ~~paid into~~
~~19 22 the state general fund deposited as provided in~~
~~19 23 section 505.7.~~ The maximum penalty under this section

19 24 is ten thousand dollars. The commissioner may reduce
19 25 the penalty if the person demonstrates that the
19 26 imposition of the penalty would constitute a financial
19 27 hardship to the person.

19 28 Sec. _____. Section 522A.5, Code 2009, is amended to
19 29 read as follows:

19 30 522A.5 FEES.

19 31 The fee for a counter employee license shall be
19 32 fifty dollars per counter employee. In no case shall
19 33 any combined fees exceed one thousand dollars in any
19 34 calendar year for any one rental company or limited
19 35 license or licensee or renewal license. The fees
19 36 collected under this section shall be deposited as
19 37 provided in section 505.7.

19 38 Sec. _____. Section 522B.5, Code 2009, is amended by
19 39 adding the following new subsection:

19 40 NEW SUBSECTION. 4. Fees collected under this
19 41 section shall be deposited as provided in section
19 42 505.7.

19 43 Sec. _____. Section 523A.204, subsection 4, Code
19 44 2009, is amended to read as follows:

19 45 4. The commissioner shall levy an administrative
19 46 penalty in the amount of five hundred dollars against
19 47 a preneed seller that fails to file the annual report
19 48 when due, payable to the state for deposit ~~in the~~
~~19 49 general fund of the state~~ as provided in section
19 50 505.7.

20 1 Sec. _____. Section 523A.501, Code 2009, is amended
20 2 by adding the following new subsection:

20 3 NEW SUBSECTION. 9. Fees collected under this
20 4 section shall be deposited as provided in section
20 5 505.7.

20 6 Sec. _____. Section 523A.502, subsection 3, Code
20 7 2009, is amended to read as follows:

20 8 3. An application for a sales license shall be
20 9 filed on a form prescribed by the commissioner and be
20 10 accompanied by a filing fee in an amount set by the
20 11 commissioner by rule. The fees collected under this
20 12 subsection shall be deposited as provided in section
20 13 505.7.

20 14 Sec. _____. Section 523A.502A, subsection 3, Code
20 15 2009, is amended to read as follows:

20 16 3. The commissioner shall levy an administrative
20 17 penalty in the amount of five hundred dollars against
20 18 a sales agent who fails to file an annual report when
20 19 due, payable to the state for deposit ~~in the general~~
~~20 20 fund as provided in section 505.7.~~

20 21 Sec. _____. Section 523A.504, subsection 2, Code
20 22 2009, is amended to read as follows:

20 23 2. A preneed seller shall pay an annual fee of
20 24 five dollars for each sales agent appointed by the
20 25 preneed seller, which fee shall be submitted with the
20 26 annual report. Fees collected under this subsection
~~20 27 shall be deposited as provided in section 505.7.~~

20 28 Sec. _____. Section 523A.807, subsection 3,
20 29 paragraph a, Code 2009, is amended to read as follows:

20 30 a. Payment of a civil penalty of not more than one
20 31 thousand dollars for each violation, but not exceeding
20 32 an aggregate of ten thousand dollars during any
20 33 six-month period, except that if the commissioner
20 34 finds that the person knew or reasonably should have
20 35 known that the person was in violation of such
20 36 provisions or rules adopted pursuant thereto, the
20 37 penalty shall be not more than five thousand dollars
20 38 for each violation, but not exceeding an aggregate of
20 39 fifty thousand dollars during any six-month period.
20 40 The commissioner shall assess the penalty on the
20 41 employer of an individual and not on the individual,
20 42 if the commissioner finds that the violations
20 43 committed by the individual were directed, encouraged,
20 44 condoned, ignored, or ratified by the individual's
20 45 employer. Any civil penalties collected under this
~~20 46 subsection shall be deposited as provided in section~~
~~20 47 505.7.~~

20 48 Sec. _____. Section 523A.812, Code 2009, is amended
20 49 to read as follows:

20 50 523A.812 INSURANCE DIVISION REGULATORY FUND.

21 1 The insurance division may authorize the creation
21 2 of a special revenue fund in the state treasury, to be
21 3 known as the insurance division regulatory fund. The
21 4 commissioner shall allocate annually from the fees
21 5 paid pursuant to section 523A.204, two dollars for
21 6 each purchase agreement reported on a preneed seller's
21 7 annual report filed pursuant to section 523A.204 for
21 8 deposit to the regulatory fund. The remainder of the
21 9 fees collected pursuant to section 523A.204 shall be
21 10 ~~deposited into the general fund of the state as~~
~~21 11 provided in section 505.7.~~ The commissioner shall
21 12 also allocate annually the examination fees paid
21 13 pursuant to section 523A.814 and any examination
21 14 expense reimbursement for deposit to the regulatory
21 15 fund. The moneys in the regulatory fund shall be
21 16 retained in the fund. The moneys are appropriated
21 17 and, subject to authorization by the commissioner, may
21 18 be used to pay examiners, examination expenses,
21 19 investigative expenses, the expenses of mediation
21 20 ordered by the commissioner, consumer education
21 21 expenses, the expenses of a toll-free telephone line
21 22 to receive consumer complaints, and the expenses of
21 23 receiverships established under section 523A.811. If
21 24 the commissioner determines that funding is not
21 25 otherwise available to reimburse the expenses of a
21 26 person who receives title to a cemetery subject to
21 27 chapter 523I, pursuant to such a receivership, the
21 28 commissioner shall use moneys in the regulatory fund
21 29 as necessary to preserve, protect, restore, and
21 30 maintain the physical integrity of that cemetery and
21 31 to satisfy claims or demands for cemetery merchandise,
21 32 funeral merchandise, and funeral services based on
21 33 purchase agreements which the commissioner determines
21 34 are just and outstanding. An annual allocation to the
21 35 regulatory fund shall not be imposed if the current
21 36 balance of the fund exceeds five hundred thousand
21 37 dollars.

21 38 Sec. _____. Section 523C.3, Code 2009, is amended by
21 39 adding the following new subsection:

21 40 NEW SUBSECTION. 4. Fees collected under this
21 41 section shall be deposited as provided in section
21 42 505.7.

21 43 Sec. _____. Section 523C.13, subsection 1, Code
21 44 2009, is amended to read as follows:

21 45 1. Payment of a civil penalty of not more than one
21 46 thousand dollars for each and every act or violation,

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

22 10 Sec. _____. Section 523D.2A, unnumbered paragraph 1,
22 11 Code 2009, is amended to read as follows:

22 12 On or before March 1 of each year, a provider shall
22 13 file a certification with the commissioner in a manner
22 14 and according to requirements established by the
22 15 commissioner. The certification shall be accompanied
22 16 by a one hundred dollar administrative fee which fee
22 17 shall be deposited as provided in section 505.7. The
22 18 certification shall attest that according to the best
22 19 knowledge and belief of the attesting party, the
22 20 facility administered by the provider is in compliance
22 21 with the provisions of this chapter, including rules
22 22 adopted by the commissioner or orders issued by the
22 23 commissioner as authorized under this chapter. The
22 24 attesting person may be any of the following:

22 25 Sec. _____. Section 523I.205, subsection 3, Code
22 26 2009, is amended to read as follows:

22 27 3. A person who violates a provision of this
22 28 chapter or rules adopted or orders issued under this
22 29 chapter may be subject to civil penalties in addition
22 30 to criminal penalties. The commissioner may impose,
22 31 assess, and collect a civil penalty not exceeding ten
22 32 thousand dollars for each violation. For the purposes
22 33 of computing the amount of each civil penalty, each
22 34 day of a continuing violation constitutes a separate
22 35 violation. All civil penalties collected pursuant to
22 36 this section shall be deposited ~~in the general fund of~~
22 37 ~~the state as provided in section 505.7.~~

22 38 Sec. _____. Section 523I.813, subsection 3, Code
22 39 2009, is amended to read as follows:

22 40 3. The commissioner shall levy an administrative
22 41 penalty in the amount of five hundred dollars against
22 42 a cemetery that fails to file the annual report when
22 43 due, payable to the state for deposit ~~in the general~~
22 44 ~~fund of the state as provided in section 505.7.~~

22 45 Sec. _____. Section 524.207, subsections 1, 3, and
22 46 4, Code 2009, are amended to read as follows:

22 47 1. ~~All~~ Except as otherwise provided by statute,
22 48 all expenses required in the discharge of the duties
22 49 and responsibilities imposed upon the banking division
22 50 of the department of commerce, the superintendent, and
23 1 the state banking council by the laws of this state
23 2 shall be paid from fees provided by the laws of this
23 3 state and appropriated by the general assembly from
23 4 the ~~general fund of the state department of commerce~~
23 5 revolving fund created in section 546.12. All of
23 6 these fees are payable to the superintendent. The
23 7 superintendent shall pay all the fees and other moneys
23 8 received by the superintendent to the treasurer of
23 9 state within the time required by section 12.10 and
23 10 the fees and other moneys shall be deposited into the
23 11 ~~general fund of the state department of commerce~~
23 12 ~~revolving fund created in section 546.12.~~ ~~The~~

~~23 13 superintendent may keep on hand with the treasurer of~~
~~23 14 state funds in excess of the current needs of the~~
~~23 15 division to the extent recommended by the state~~
~~23 16 banking council.~~

23 17 3. The banking division may expend additional
23 18 funds, including funds for additional personnel, if
23 19 those additional expenditures are actual expenses
23 20 which exceed the funds budgeted for bank or licensee
23 21 examinations or investigations and directly result
23 22 from examinations or investigations of banks or
23 23 licensees. The amounts necessary to fund the excess
23 24 examination or investigation expenses shall be
23 25 collected from banks and licensees being regulated,
23 26 and the collections shall be treated as repayment
23 27 receipts as defined in section 8.2. The division

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

23 40 4. All fees and moneys collected shall be
23 41 deposited into the ~~general fund of the state~~
23 42 department of commerce revolving fund created in
23 43 section 546.12 and expenses required to be paid under
23 44 this section shall be paid from ~~funds moneys in the~~
23 45 ~~department of commerce revolving fund and appropriated~~
23 46 for those purposes. ~~Moneys deposited into the general~~
~~23 47 fund of the state pursuant to this section shall be~~
~~23 48 subject to the requirements of section 8.60.~~

23 49 Sec. _____. Section 533.111, subsections 1, 3, 4,
23 50 and 5, Code 2009, are amended to read as follows:

24 1 a. All expenses required in the discharge of
24 2 the duties and responsibilities imposed upon the
24 3 credit union division, the superintendent, and the
24 4 review board by the laws of this state shall be paid
24 5 from fees provided by the laws of this state and
24 6 appropriated by the general assembly from the ~~general~~
~~24 7 fund of the state department of commerce revolving~~
24 8 fund created in section 546.12.

24 9 b. All fees imposed under this chapter are payable
24 10 to the superintendent, who shall pay all fees and
24 11 other moneys received to the treasurer of state within
24 12 the time required by section 12.10. The treasurer of
24 13 state shall deposit such funds in the ~~general fund of~~
~~24 14 the state department of commerce revolving fund~~
24 15 created in section 546.12.

24 16 3. The credit union division may expend additional
24 17 funds, including funds for additional personnel, if
24 18 the additional expenditures are actual expenses that
24 19 exceed the funds budgeted for credit union
24 20 examinations and directly result from examinations of
24 21 state credit unions.

24 22 a. The amounts necessary to fund the excess
24 23 examination expenses shall be collected from state
24 24 credit unions being regulated, and the collections
24 25 shall be treated as repayment receipts as defined in
24 26 section 8.2.

24 27 b. The division shall notify in writing the
24 28 legislative services agency and the department of
24 29 management when hiring additional personnel. The
24 30 written notification shall include documentation that
24 31 any additional expenditure related to such hiring will
24 32 be totally reimbursed to the ~~general fund of the state~~
24 33 as provided in section 546.12, subsection 2, and shall
24 34 also include the division's justification for hiring
24 35 such personnel. The division must obtain the approval
24 36 of the department of management only if the number of
24 37 additional personnel to be hired exceeds the number of
24 38 full-time equivalent positions authorized by the
24 39 general assembly.

24 40 4. a. All fees and other moneys collected shall
24 41 be deposited into the ~~general fund of the state~~
24 42 department of commerce revolving fund created in
24 43 section 546.12 and expenses required to be paid under
24 44 this section shall be paid from ~~funds moneys in the~~
24 45 ~~department of commerce revolving fund and appropriated~~
24 46 for those purposes. ~~Moneys deposited into the general~~
~~24 47 fund of the state pursuant to this section shall be~~
~~24 48 subject to the requirements of section 8.60.~~

24 49 b. Funds appropriated to the credit union division
24 50 shall be subject at all times to the warrant of the
25 1 director of revenue, drawn upon written requisition of
25 2 the superintendent or a designated representative, for
25 3 the payment of all salaries and other expenses
25 4 necessary to carry out the duties of the credit union
25 5 division.

25 6 5. The credit union division may accept
25 7 reimbursement of expenses related to the examination
25 8 of a state credit union from the national credit union

25 9 administration or any other guarantor or insurance
25 10 plan authorized by this chapter. These reimbursements
25 11 shall be deposited into the ~~general fund of the state~~
25 12 ~~department of commerce revolving fund created in~~
25 13 ~~section 546.12.~~

25 14 Sec. _____. Section 533A.14, Code 2009, is amended
25 15 to read as follows:

25 16 533A.14 FEES TO STATE TREASURER.

25 17 All moneys received by the superintendent from
25 18 fees, licenses and examinations pursuant to this
25 19 chapter shall be deposited by the superintendent with
25 20 the treasurer of state for deposit in the department
25 21 of commerce revolving fund created in section 546.12.

25 22 Sec. _____. Section 534.305, Code 2009, is amended
25 23 to read as follows:

25 24 534.305 REDEMPTION.

25 25 When funds are on hand for the purpose, the
25 26 association may redeem by lot or otherwise, as the
25 27 board of directors determines, all or any part of any
25 28 of its savings accounts on a dividend date by giving
25 29 thirty days' notice by registered mail addressed to
25 30 the account holders at their last addresses recorded
25 31 on the books of the association. An association shall
25 32 not redeem its share accounts when the association is
25 33 in an impaired condition or when it has applications
25 34 for withdrawal which have been on file more than
25 35 thirty days and have not been reached for payment.
25 36 The redemption price of a savings account shall be the
25 37 full value of the account redeemed, as determined by
25 38 the board of directors, but the redemption value shall
25 39 not be less than the withdrawal value. If the notice
25 40 of redemption has been given, and if on or before the
25 41 redemption date the funds necessary for the redemption
25 42 have been set aside for redemptions, dividends upon
25 43 the accounts called for redemption shall cease to
25 44 accrue from and after the dividend date specified as
25 45 the redemption date, and rights with respect to those
25 46 accounts terminate as of the redemption date, subject
25 47 only to the right of the account holder of record to
25 48 receive the redemption value without interest.
25 49 Savings accounts which have been validly called for
25 50 redemption must be tendered for payment within ten
26 1 years from the date of redemption designated in the
26 2 redemption notice, or they shall be canceled and paid
26 3 to the treasurer of state for deposit in the ~~general~~
26 4 ~~fund of the state department of commerce revolving~~
26 5 ~~fund created in section 546.12~~ and all claims of the
26 6 account holders against the association are barred
26 7 forever. Redemption shall not be made of any savings
26 8 accounts which are held by a person who is a director
26 9 and which are necessary to qualify the person to act
26 10 as director.

26 11 Sec. _____. Section 534.408, Code 2009, is amended
26 12 by adding the following new subsection:

26 13 NEW SUBSECTION. 3. All fees collected under this
26 14 chapter shall be deposited with the treasurer of state
26 15 in the department of commerce revolving fund created
26 16 in section 546.12.

26 17 Sec. _____. NEW SECTION. 546.12 DEPARTMENT OF
26 18 COMMERCE REVOLVING FUND.

26 19 1. A department of commerce revolving fund is
26 20 created in the state treasury. The fund shall consist
26 21 of moneys collected by the banking division; credit
26 22 union division; utilities division, including moneys
26 23 collected on behalf of the office of consumer advocate
26 24 established in section 475A.3; and the insurance
26 25 division of the department; and deposited into an
26 26 account for that division or office within the fund on
26 27 a monthly basis. Except as otherwise provided by
26 28 statute, all costs for operating the office of
26 29 consumer advocate and the banking division, the credit
26 30 union division, the utilities division, and the
26 31 insurance division of the department shall be paid
26 32 from the division's accounts within the fund, subject
26 33 to appropriation by the general assembly.

26 34 2. To meet cash flow needs for the office of
26 35 consumer advocate and the banking division, credit
26 36 union division, utilities division, or the insurance
26 37 division of the department, the administrative head of
26 38 that division or office may temporarily use funds from
26 39 the general fund of the state to pay expenses in

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

27 1 Sec. _____. 2009 Iowa Acts, Senate File 475, section
27 2 2, unnumbered paragraph 1, if enacted, is amended to
27 3 read as follows:

27 4 There is appropriated from the ~~general fund of the~~
~~27 5 state department of commerce revolving fund created in~~
27 6 ~~section 546.12, if enacted by this Act,~~ to the office
27 7 of consumer advocate of the department of justice for
27 8 the fiscal year beginning July 1, 2009, and ending
27 9 June 30, 2010, the following amount, or so much
27 10 thereof as is necessary, to be used for the purposes
27 11 designated:

27 12 DIVISION IX>

27 13 #12. Page 33, by striking lines 16 through 22 and
27 14 inserting the following:

27 15 <Sec. _____. Section 237.18, subsections 3 and 4,
27 16 Code 2009, are amended to read as follows:

27 17 3. Assign the ~~case cases~~ of ~~each child children~~
27 18 receiving foster care ~~within the judicial district~~ to
27 19 the appropriate local ~~board boards~~.

27 20 4. Assist local boards in reviewing ~~each case~~
27 21 ~~cases of a child children~~ receiving foster care, as
27 22 provided in section 237.20.

27 23 Sec. _____. Section 237.20, subsection 1, unnumbered
27 24 paragraph 1, Code 2009, is amended to read as follows:

27 25 Review ~~at least every six months~~ the case of each
27 26 child receiving foster care assigned to the local
27 27 board by the state board to determine whether
27 28 satisfactory progress is being made toward the goals
27 29 of the case permanency plan pursuant to section
27 30 237.22. ~~As much as is possible, review shall be~~
~~27 31 conducted immediately prior to~~ The timing and
27 32 frequency of a review of each case by a local board
27 33 shall take into consideration the permanency goals,
27 34 placement setting, and frequency of any court reviews
27 35 of the case.>

27 36 #13. By renumbering as necessary.

27 37
27 38

27 39 _____
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