

Senate File 2301

S-5046

1 Amend Senate File 2301 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. Section 162.2, Code 2011, is amended by
5 adding the following new subsections:

6 NEW SUBSECTION. 12A. "*Dispositional expenses*" means
7 the same as defined in section 717B.1.

8 NEW SUBSECTION. 16A. "*Local authority*" means the
9 same as defined in section 717B.1.

10 Sec. 2. Section 162.2C, Code 2011, is amended by
11 adding the following new subsections:

12 NEW SUBSECTION. 2A. The fiscal year of the fund
13 begins July 1 and ends June 30. Fiscal quarters of the
14 fund begin July 1, October 1, January 1, and April 1.

15 NEW SUBSECTION. 2B. The fund shall include two
16 accounts, a general account and a dispositional
17 account.

18 a. Except as provided in paragraph "b", the general
19 account is composed of all moneys deposited in the fund
20 as provided in subsection 2. The department shall
21 utilize moneys in the general account to provide for
22 the administration and enforcement of this chapter.

23 b. The dispositional account is composed of all
24 fees collected pursuant to section 162.2B, until the
25 department determines that the account has achieved
26 a threshold of at least two hundred fifty thousand
27 dollars. At the end of each fiscal quarter the
28 department shall determine the balance of unencumbered
29 and unobligated moneys in the account, and may transfer
30 any moneys in the account exceeding the threshold to
31 the general account. The department shall return
32 any unexpended and unobligated moneys expended from
33 the dispositional account back to that account, or
34 the general account if the dispositional account's
35 threshold is achieved.

36 Sec. 3. NEW SECTION. 162.2D **Payment of**
37 **dispositional expenses incurred by local authorities.**

38 1. The department shall utilize the moneys
39 deposited into the dispositional account of the
40 commercial establishment fund created in section 162.2C
41 to pay eligible claims submitted to the department by
42 local authorities for dispositional expenses incurred
43 by the local authority, including by providing for the
44 maintenance of a vertebrate animal subject to a court
45 hearing pursuant to section 717B.4 or rescued pursuant
46 to section 717B.5.

47 2. The department shall pay an eligible claim
48 according to procedures adopted by departmental
49 rule. In order for a claim to be eligible, all of the
50 following must apply:

1 a. At the time of the hearing for the disposition
2 of the vertebrate animal or the rescue of the
3 vertebrate animal, the vertebrate animal must have been
4 possessed or controlled by a commercial establishment
5 that possessed or controlled more than twenty
6 vertebrate animals at any one time during the prior
7 twelve months.

8 b. The commercial establishment must be required to
9 operate pursuant to an authorization issued or renewed
10 pursuant to section 162.2A, regardless of whether the
11 commercial establishment is actually issued or renewed
12 such authorization.

13 c. The dispositional expenses must be actually
14 and reasonably incurred by the local authority,
15 including by an animal care provider providing for the
16 maintenance of the vertebrate animal under contract
17 with the local authority.

18 d. The local authority must submit the claim to the
19 department according to procedures established by rules
20 adopted by the department. A claim is not eligible
21 if submitted twelve months or more after the local
22 authority has incurred its final dispositional expense.

23 3. A claim is eligible for payment even if any of
24 the following applies:

25 a. The responsible party has posted a bond or
26 other security with the local authority as provided in
27 section 717B.4.

28 b. The local authority may receive a future payment
29 for the dispositional expense from a responsible party
30 as provided in section 717B.4.

31 4. Upon a determination that the claim is eligible,
32 the department shall provide for payment to the local
33 authority of one hundred percent of the claimed amount.
34 If there are insufficient moneys in the dispositional
35 account to make full payment of all eligible claims,
36 the department shall prorate the payment amounts and
37 defer the remaining payment until the dispositional
38 account again contains sufficient moneys.

39 5. A local authority shall repay the department
40 for the claim amount from any moneys received by
41 the local authority from a responsible party for
42 dispositional expenses pursuant to section 717B.4. The
43 department shall deposit the moneys in the commercial
44 establishment fund as provided in section 162.2C.

45 Sec. 4. Section 717B.1, Code 2011, is amended by
46 adding the following new subsection:

47 NEW SUBSECTION. 3A. "Department" means the
48 department of agriculture and land stewardship.

49 Sec. 5. NEW SECTION. 717B.5A Dispositional
50 expenses — commercial establishment fund.

1 A local authority may submit a claim to the
2 department to pay for dispositional expenses incurred
3 by the local authority if the local authority complies
4 with the requirements provided in section 162.2D.>

5 2. Title page, by striking lines 1 through 4 and
6 inserting <An Act providing for the payment of expenses
7 incurred by a local authority when providing for
8 rescue, maintenance, or disposition of certain animals
9 in commercial establishments.>

MATT McCOY