



OFFICE OF THE GOVERNOR

THOMAS J. VILSACK
GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

April 21, 2003

The Honorable Chester Culver
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

Senate File 395 an Act relating to assistance services provided to the Department of Agriculture and Land Stewardship, including for the filing of documents and the payment of fees and civil penalties, and the authorization to assess additional charges.

The above Senate File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Vilsack".

Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House





SENATE FILE 395

AN ACT

RELATING TO ASSISTANCE SERVICES PROVIDED TO THE DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP, INCLUDING FOR THE FILING OF DOCUMENTS AND THE PAYMENT OF FEES AND CIVIL PENALTIES, AND THE AUTHORIZATION TO ASSESS ADDITIONAL CHARGES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 12C.1, subsection 2, paragraph e, Code 2003, is amended to read as follows:

e. "Public funds" and "public deposits" mean the any of the following:

(1) The moneys of the state or a political subdivision or instrumentality of the state including a county, school corporation, special district, drainage district, unincorporated town or township, municipality, or municipal corporation or any agency, board, or commission of the state or a political subdivision. Moneys of the state include moneys which are transmitted to a depository for purposes of completing an electronic financial transaction pursuant to section 159.43.

(2) The moneys of any court or public body noted in subsection 1.

(3) The moneys of a legal or administrative entity created pursuant to chapter 28E.

(4) The moneys of an electric power agency as defined in section 28F.2 or 476A.20--and-federal.

(5) Federal and state grant moneys of a quasi-public state entity that are placed in a depository pursuant to this chapter.

SUBCHAPTER III
ASSISTANCE SERVICES

Sec. 2. NEW SECTION. 159.40 DEFINITIONS.

As used in this subchapter, unless the context otherwise requires:

1. "Depository" means a qualified person who executes a contract with the department pursuant to section 159.41 to provide assistance services as provided in this subchapter.

2. "Electronic funds transfer" means a remote electronic transmission used for ordering, instructing, or authorizing a financial institution to apply money to or credit the account of the payee and debit the account of the payer. The remote electronic transmission may be initiated by telephone, computer, or similar device.

3. "Filing document" means any of the following:

a. An application for a license, permit, or certification, required to be submitted to the department as provided in this title.

b. A registration required to be submitted to the department as provided in this title.

4. "Filing document fee" means a fee or other charge established by statute or rule which is required to accompany a filing document submitted to the department as provided in this title.

Sec. 3. NEW SECTION. 159.41 ASSISTANCE SERVICES --
AUTHORITY TO CONTRACT WITH DEPOSITARY.

Whenever practical, the department may execute a contract with a person qualified to provide assistance services under this subchapter, if the contract for the assistance services is cost-effective and the quality of the services ensures compliance with state and any applicable federal law. A person executing a contract with the department for the purpose of providing the assistance services shall be deemed to be a depository of the state and an agent of the department only for purposes expressly provided in this subchapter. The department shall periodically review assistance services performed by a person under the contract to ensure that quality, cost-effective service is being provided.

Sec. 4. NEW SECTION. 159.42 ASSISTANCE SERVICES --
FILING DOCUMENTS.

1. A contract executed under this subchapter may require that a depositary provide for the receipt, acceptance, and storage of filing documents that are sent in an electronic format to the depositary by persons who would otherwise be required to submit filing documents to the department under other provisions of this title. The contract shall be governed under the same provisions as provided in section 14B.202.

2. a. A depositary must send filing documents that it receives to the department for processing, including for the approval or disapproval of an application or the acknowledgement of a registration. The receipt of the filing document by the depositary shall be deemed receipt of the filing document but not an approval of an application or acknowledgement of a registration by the department.

b. A depositary may send a person notice of the department's approval or disapproval of an application or acknowledgement of a registration. The department and not a depositary shall be considered the lawful custodian of the department's filing documents which shall be public records as provided in chapter 22.

3. A filing document that is transmitted electronically to a depositary or from a depositary to another person is an electronic record for purposes of chapter 554D. An application or registration required to be signed must be authenticated by an electronic signature as provided by the department in conformance with chapter 554D.

Sec. 5. NEW SECTION. 159.43 ASSISTANCE SERVICES --
COLLECTION OF MONEYS.

1. A contract executed under this subchapter may require that a depositary provide for the receipt, acceptance, and transmission of moneys owed to the department by a person in order to satisfy a liability arising from the operation of law which is limited to filing document fees and civil penalties. These moneys are public funds or public deposits as provided in chapter 12. The depositary shall transfer the moneys to the department for deposit into the general fund of the state unless the disposition of the moneys is specifically provided for under other law.

2. A depository may commit its assets to lines of credit pursuant to credit arrangements, including but not limited to agreements with credit and debit cardholders and with other credit or debit card issuers. The depository may accept forms of payment including credit cards, debit cards, or electronic funds transfer.

3. The moneys owed to the department shall not exceed the amount required to satisfy the liability arising from the operation of law. However, the contract executed under this subchapter may provide for assistance service charges, including service delivery fees, credit card fees, debit card fees, and electronic funds transfer charges payable to the depository or another party and not to the state. An assistance service charge shall not exceed that permitted by statute. The contract may also provide for the retention of interest earned on moneys under the control of the depository. These moneys are not considered public funds or public deposits as provided in chapter 12.

4. The depository, as required by the department for purposes of determining compliance, shall send information to the department including payment information for an identified filing document fee or the payment of a specific civil penalty.

5. Each calendar year, the auditor of state shall conduct an annual audit of the activities of the depository.

Sec. 6. NEW SECTION. 159.44 FILING DOCUMENTS AND PAYMENT OF MONEYS TO DEPARTMENT.

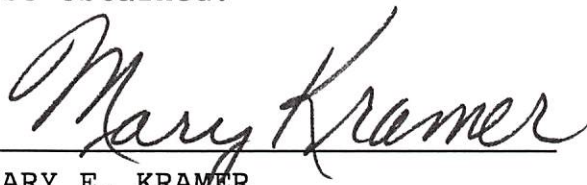
Nothing in this subchapter shall prevent a person from submitting a filing document or making a payment to the department as otherwise provided in this title.

Sec. 7. DIRECTIONS TO CODE EDITOR.

1. The Code editor shall transfer section 159.31 to new section 159.26.

2. The Code editor shall divide chapter 159 into subchapters and eliminate captions which do not include sections containing law text. The Code editor shall consolidate or eliminate the repeal, reserve, and transfer entries in chapter 159 of the 2003 Iowa Code in order to enhance the readability of the chapter. As part of consolidating or eliminating the entries, the Code editor

shall provide directions to the reader that explain where historical information pertaining to the repeal, transfer, or reserving of those entries may be obtained.



MARY E. KRAMER

President of the Senate



CHRISTOPHER C. RANTS

Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 395, Eightieth General Assembly.



MICHAEL E. MARSHALL

Secretary of the Senate

Approved April 21, 2003



THOMAS J. VILSACK

Governor