

Am. by 2/9

Recess FEB 28 1984
To Cal 3/29 (p. 112)
Place On Calendar

HOUSE FILE 2391

BY COMMITTEE ON AGRICULTURE

(Formerly Study Bill 624)

Passed House, Date 3-7-84 (p. 808) Passed Senate, Date 3-30-84 (p. 1127)

Vote: Ayes 93 Nays 4 Vote: Ayes 45 Nays 0

Approved April 17, 1984 (p. 2116)

A BILL FOR

1 An Act relating to license fees, inspection fees, and other
2 fees charged by the commerce commission under chapters
3 542 and 543.

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

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HF 2391

1 Section 1. Section 542.5, unnumbered paragraph 1, Code
2 1983, is amended to read as follows:

3 Upon the filing of the application and compliance with
4 the terms and conditions of this chapter and rules of the
5 commission, the commission shall issue a license to the
6 applicant. The license shall terminate on the thirtieth of
7 June of each year. A grain dealer's license may be renewed
8 annually by the filing of a renewal fee and a renewal
9 application on a form prescribed by the commission. An
10 application for renewal shall be received by the commission
11 before the thirtieth of June. A grain dealer license which
12 has terminated may be reinstated by the commission upon receipt
13 of a proper renewal application, the renewal fee, and penalty
14 ~~the reinstatement fee in-the-amount-of-fifty-dollars-from~~
15 ~~the-grain-dealer,-provided-that-such-materials-are~~ as provided
16 in section 542.6 if filed within thirty days from the date
17 of termination of the grain dealer license. The commission
18 may cancel a license upon request of the licensee unless a
19 complaint or information is filed against the licensee alleging
20 a violation of a provision of this chapter.

21 Sec. 2. Section 542.6, Code 1983, is amended by striking
22 the section and inserting in lieu thereof the following:

23 542.6 FEES. The commission shall charge the following
24 fees for deposit in the general fund:

25 1. For the issuance or renewal of a license for a grain
26 dealer and for any inspection of a grain dealer, the fee shall
27 be determined on the basis of dollar volume of all grain
28 purchased the previous calendar year as follows:

29 a. If the total purchased is one hundred thousand dollars
30 or less, the license fee is forty dollars and the inspection
31 fee is fifty dollars.

32 b. If the total purchased is more than one hundred thousand
33 dollars, but not more than seven hundred fifty thousand
34 dollars, the license fee is seventy dollars and the inspection
35 fee is seventy-five dollars.

1 c. If the total purchased is more than seven hundred fifty
2 thousand dollars, but not more than one million five hundred
3 thousand dollars, the license fee is one hundred dollars and
4 the inspection fee is one hundred fifteen dollars.

5 d. If the total purchased is more than one million five
6 hundred thousand dollars, but not more than three million
7 dollars, the license fee is one hundred seventy-five dollars
8 and the inspection fee is one hundred fifty dollars.

9 e. If the total purchased is more than three million
10 dollars, but not more than four million seven hundred fifty
11 thousand dollars, the license fee is three hundred dollars
12 and the inspection fee is one hundred eighty-five dollars.

13 f. If the total purchased is more than four million seven
14 hundred fifty thousand dollars, but not more than nine million
15 five hundred thousand dollars, the license fee is four hundred
16 twenty-five dollars and the inspection fee is two hundred
17 twenty-five dollars.

18 g. If the total purchased is more than nine million five
19 hundred thousand dollars, the license fee is five hundred
20 seventy-five dollars and the inspection fee is two hundred
21 sixty-five dollars.

22 If the applicant did not purchase grain the previous
23 calendar year, the applicant will pay the fee specified in
24 subsection 1, paragraph "a". If during the license period
25 the total grain actually purchased exceeds one hundred thousand
26 dollars, the licensee shall notify the commission and the
27 license and inspection fee shall be adjusted accordingly.
28 Subsequent adjustments shall be made as necessary. An ap-
29 plicant may elect licensing in any category of subsection
30 1. New licenses issued for less than a full year shall be
31 prorated from the date of application.

32 2. For an amendment to a license, the fee is ten dol-
33 lars.

34 3. For a duplicate license, the fee is five dollars.

35 4. For reinstatement of a license the fee is fifty dollars.

1 Sec. 3. Section 543.2, Code 1983, is amended to read as
2 follows:

3 543.2 DUTIES AND POWERS OF THE COMMISSION. The commission
4 may exercise general supervision over the storage, warehousing,
5 classifying according to grade or otherwise, weighing, and
6 certification of agricultural products. The commission may
7 inspect or cause to be inspected any warehouse. Inspections
8 may be made at times and for purposes as the commission
9 determines. The commission shall cause every licensed
10 warehouse and its contents to be inspected once in every
11 twelve-month period, provided that if a class 1 warehouseman
12 elects to submit the unaudited financial statement under
13 section 543.6, subsection 4, paragraph "b," the commission
14 shall cause the warehouse to be inspected twice in every
15 twelve-month period. The commission may require the filing
16 of reports relating to a warehouse or its operation. If upon
17 inspection a deficiency is found to exist as to the quantity
18 or quality of agricultural products stored, as indicated on
19 the warehouseman's books and records according to official
20 grain standards, the commission may require an employee of
21 the commission to remain at the licensed warehouse and
22 supervise all operations involving agricultural products
23 stored there under this chapter until the deficiency is
24 corrected. The charge for the cost of maintaining an employee
25 of the commission at a warehouse to supervise the correction
26 of a deficiency is one hundred fifty dollars per day. The
27 commission may make available to the United States government,
28 or any of its agencies, including the Commodity Credit
29 Corporation, the results of inspections made and inspection
30 reports submitted to it by employees of the commission, upon
31 payment to it of charges as determined by the commission,
32 but the charges shall not be less than the actual cost of
33 services rendered, as determined by the commission. The
34 commission may enter into contracts and agreements for such
35 purpose and shall keep a record of all money thus received.

1 All such money shall be paid over to the treasurer of state
2 as miscellaneous receipts. The commission may classify any
3 warehouse in accordance with its suitability for the storage
4 of agricultural products and shall specify in any license
5 issued for the operation of any warehouse the type or types
6 and the quantity of agricultural products which may be
7 exclusively stored in the warehouse. The commission may
8 prescribe, within the limitations of this chapter, the duties
9 of licensed warehousemen with respect to the care of and
10 responsibility for the contents of licensed warehouses. Grain
11 grades shall be determined under the official grain standards.
12 The commission may from time to time publish data in connection
13 with the administration of this chapter as may be of public
14 interest. The commission shall administer this chapter.

15 Sec. 4. Section 543.33, Code 1983, is amended by striking
16 the section and inserting in lieu thereof the following:

17 543.33 FEES. The commission shall charge the following
18 fees for deposit in the general fund:

19 1. For the issuance or renewal of a warehouse license,
20 the fee shall be determined on the basis of the storage
21 capacity in bushels of grain as follows:

22 a. If the total storage capacity is one hundred thousand
23 bushels or less, the fee is thirty-five dollars.

24 b. If the total storage capacity is more than one hundred
25 thousand bushels, but not more than seven hundred fifty thou-
26 sand bushels, the fee is seventy-five dollars.

27 c. If the total storage capacity is more than seven hundred
28 fifty thousand bushels, but not more than one million five
29 hundred thousand bushels, the fee is one hundred fifteen
30 dollars.

31 d. If the total storage capacity is more than one million
32 five hundred thousand bushels, but not more than three million
33 bushels, the fee is one hundred fifty dollars.

34 e. If the total storage capacity is more than three million
35 bushels, but not more than four million seven hundred fifty

1 thousand bushels, the fee is one hundred eighty-five dollars.

2 f. If the total storage capacity is more than four million
3 seven hundred fifty thousand bushels, but not more than nine
4 million five hundred thousand bushels, the fee is two hundred
5 twenty-five dollars.

6 g. If the total storage capacity is more than nine million
7 five hundred thousand bushels, the fee is two hundred sixty-
8 five dollars.

9 2. For the issuance or renewal of a warehouse license
10 for the storage of products other than bulk grain, the fee
11 shall be determined as follows:

12 a. For intended storage of products of a value of one
13 hundred thousand dollars or less, a fee of sixty dollars.

14 b. For intended storage of products of a value greater
15 than one hundred thousand dollars but not greater than three
16 hundred thousand dollars, a fee of one hundred dollars.

17 c. For intended storage of products of a value in excess
18 of three hundred thousand dollars, a fee of two hundred
19 dollars.

20 For each inspection of a warehouse or station for the
21 purpose of licensing, a fee of twenty-five dollars, and for
22 each additional warehouse or station under the same license,
23 a fee of ten dollars.

24 3. For each amendment of a license, a fee of ten dol-
25 lars.

26 4. For each amendment of a tariff, a fee of ten dollars.

27 5. For a duplicate license, a fee of five dollars.

28 6. For the reinstatement of a license, a fee of fifty
29 dollars.

30 New licenses issued for less than a year shall be prorated
31 from the date of application.

32 Sec. 5. Section 543.37, Code 1983, is amended to read
33 as follows:

34 543.37 FAILURE TO PAY FEE. Failure to pay the annual
35 fee provided for in section 543.33 on or before June 30 of

1 the year for which due shall cause a license to terminate.
 2 A warehouse license which has terminated may be reinstated
 3 by the commission upon receipt of a proper renewal application,
 4 the renewal fee, and ~~a penalty~~ the reinstatement fee in the
 5 ~~amount of twenty-five dollars~~ as provided for in section
 6 543.33, if filed within thirty days from the date of
 7 termination of the warehouse license. The commission may
 8 cancel the license upon request of the licensee unless a
 9 complaint or information is filed against the licensee alleging
 10 a violation of a provision of this chapter.

11 EXPLANATION

12 This bill sets the fees that the commerce commission may
 13 charge grain dealers and grain warehouses for inspections,
 14 licenses, and other services. This bill takes effect July
 15 1 following enactment.

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HOUSE FILE 2391

FISCAL NOTE

REQUESTED BY SENATOR HUTCHINS

In compliance with a written request there is hereby submitted a Fiscal Note for House File 2391 pursuant to Joint Rule 17.

House File 2391 changes the fees that the Commerce Commission may charge grain dealers and grain warehouses for inspections, licenses, and other services. The bill provides that fees for the issuance or renewal of a license for or any inspection of a grain dealer will depend upon the dollar volume of all grain purchased the previous calendar year. Fees for the issuance or renewal of a warehouse license will be determined on the basis of the storage capacity in bushels of grain. Licenses issued for less than a full year will be prorated. Warehouses will be charged for maintaining an employee of the Commerce Commission to supervise the correction of deficiencies as to the quantity or quality of agricultural products stored.

This bill is estimated to affect revenues to the general fund as follows:

	Current Law	House File 2391
Grain Dealer Revenue	\$469,000	\$520,665
Warehouse Revenue	64,000	291,030
Miscellaneous	173,000	-----
Total	\$706,000	\$811,695
Percentage of division's budget:	66 %	76 %

Additional revenue generated by House File 2391: \$105,695

Source: Commerce Commission

(3563H, 276B, JMN)

FILED:
MARCH 20, 1984

BY DENNIS C. PROUTY, DIRECTOR
LEGISLATIVE FISCAL BUREAU

HOUSE FILE 2391

AN ACT

RELATING TO LICENSE FEES, INSPECTION FEES, AND OTHER FEES
CHARGED BY THE COMMERCE COMMISSION UNDER CHAPTERS 542
AND 543.

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

Section 1. Section 542.5, unnumbered paragraph 1, Code 1983, is amended to read as follows:

Upon the filing of the application and compliance with the terms and conditions of this chapter and rules of the commission, the commission shall issue a license to the applicant. The license shall terminate on the thirtieth of June of each year. A grain dealer's license may be renewed annually by the filing of a renewal fee and a renewal application on a form prescribed by the commission. An application for renewal shall be received by the commission before the thirtieth of June. A grain dealer license which has terminated may be reinstated by the commission upon receipt of a proper renewal application, the renewal fee, and ~~penalty the reinstatement fee in the amount of fifty dollars from the grain dealer, provided that such materials are as provided in section 542.6 if~~ filed within thirty days from the date of termination of the grain dealer license. The commission may cancel a license upon request of the licensee unless a complaint or information is filed against the licensee alleging a violation of a provision of this chapter.

Sec. 2. Section 542.6, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

542.6 FEES. The commission shall charge the following fees for deposit in the general fund:

1. For the issuance or renewal of a license for a grain dealer and for any inspection of a grain dealer, the fee shall be determined on the basis of dollar volume of all grain purchased the previous calendar year as follows:

a. If the total purchased is one hundred thousand dollars or less, the license fee is forty dollars and the inspection fee is fifty dollars.

b. If the total purchased is more than one hundred thousand dollars, but not more than seven hundred fifty thousand dollars, the license fee is seventy dollars and the inspection fee is seventy-five dollars.

c. If the total purchased is more than seven hundred fifty thousand dollars, but not more than one million five hundred thousand dollars, the license fee is one hundred dollars and the inspection fee is one hundred fifteen dollars.

d. If the total purchased is more than one million five hundred thousand dollars, but not more than three million dollars, the license fee is one hundred seventy-five dollars and the inspection fee is one hundred fifty dollars.

e. If the total purchased is more than three million dollars, but not more than four million seven hundred fifty thousand dollars, the license fee is three hundred dollars and the inspection fee is one hundred eighty-five dollars.

f. If the total purchased is more than four million seven hundred fifty thousand dollars, but not more than nine million five hundred thousand dollars, the license fee is four hundred twenty-five dollars and the inspection fee is two hundred twenty-five dollars.

g. If the total purchased is more than nine million five hundred thousand dollars, the license fee is five hundred seventy-five dollars and the inspection fee is two hundred sixty-five dollars.

If the applicant did not purchase grain the previous calendar year, the applicant will pay the fee specified in subsection 1, paragraph "a". If during the license period the total grain actually purchased exceeds one hundred thousand dollars, the licensee shall notify the commission and the license and inspection fee shall be adjusted accordingly. Subsequent adjustments shall be made as necessary. An applicant may elect licensing in any category of subsection 1. New licenses issued for less than a full year shall be prorated from the date of application.

2. For an amendment to a license, the fee is ten dollars.

3. For a duplicate license, the fee is five dollars.

4. For reinstatement of a license the fee is fifty dollars.

Sec. 3. Section 543.2, Code 1983, is amended to read as follows:

543.2 DUTIES AND POWERS OF THE COMMISSION. The commission may exercise general supervision over the storage, warehousing, classifying according to grade or otherwise, weighing, and certification of agricultural products. The commission may inspect or cause to be inspected any warehouse. Inspections may be made at times and for purposes as the commission determines. The commission shall cause every licensed warehouse and its contents to be inspected once in every twelve-month period, provided that if a class 1 warehouseman elects to submit the unaudited financial statement under section 543.6, subsection 4, paragraph "b," the commission shall cause the warehouse to be inspected twice in every twelve-month period. The commission may require the filing of reports relating to a warehouse or its operation. If upon inspection a deficiency is found to exist as to the quantity or quality of agricultural products stored, as indicated on the warehouseman's books and records according to official grain standards, the commission may require an employee of the commission to remain at the licensed warehouse and supervise all operations involving agricultural products stored there under this chapter until the deficiency is corrected. The charge for the cost of maintaining an employee of the commission at a warehouse to supervise the correction of a deficiency is one hundred fifty dollars per day. The commission may make available to the United States government, or any of its agencies, including the Commodity Credit Corporation, the results of inspections made and inspection reports submitted to it by employees of the commission, upon payment to it of charges as determined by the commission, but the charges shall not be less than the actual cost of services rendered, as determined by the commission. The

commission may enter into contracts and agreements for such purpose and shall keep a record of all money thus received. All such money shall be paid over to the treasurer of state as miscellaneous receipts. The commission may classify any warehouse in accordance with its suitability for the storage of agricultural products and shall specify in any license issued for the operation of any warehouse the type or types and the quantity of agricultural products which may be exclusively stored in the warehouse. The commission may prescribe, within the limitations of this chapter, the duties of licensed warehousemen with respect to the care of and responsibility for the contents of licensed warehouses. Grain grades shall be determined under the official grain standards. The commission may from time to time publish data in connection with the administration of this chapter as may be of public interest. The commission shall administer this chapter.

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b. If the total storage capacity is more than one hundred thousand bushels, but not more than seven hundred fifty thousand bushels, the fee is seventy-five dollars.

c. If the total storage capacity is more than seven hundred fifty thousand bushels, but not more than one million five hundred thousand bushels, the fee is one hundred fifteen dollars.

d. If the total storage capacity is more than one million five hundred thousand bushels, but not more than three million bushels, the fee is one hundred fifty dollars.

e. If the total storage capacity is more than three million bushels, but not more than four million seven hundred fifty thousand bushels, the fee is one hundred eighty-five dollars.

1. If the total storage capacity is more than four million seven hundred fifty thousand bushels, but not more than nine million five hundred thousand bushels, the fee is two hundred twenty-five dollars.

g. If the total storage capacity is more than nine million five hundred thousand bushels, the fee is two hundred sixty-five dollars.

2. For the issuance or renewal of a warehouse license for the storage of products other than bulk grain, the fee shall be determined as follows:

a. For intended storage of products of a value of one hundred thousand dollars or less, a fee of sixty dollars.

b. For intended storage of products of a value greater than one hundred thousand dollars but not greater than three hundred thousand dollars, a fee of one hundred dollars.

c. For intended storage of products of a value in excess of three hundred thousand dollars, a fee of two hundred dollars.

For each inspection of a warehouse or station for the purpose of licensing, a fee of twenty-five dollars, and for each additional warehouse or station under the same license, a fee of ten dollars.

3. For each amendment of a license, a fee of ten dollars.

4. For each amendment of a tariff, a fee of ten dollars.

5. For a duplicate license, a fee of five dollars.

6. For the reinstatement of a license, a fee of fifty dollars.

New licenses issued for less than a year shall be prorated from the date of application.

Sec. 5. Section 543.37, Code 1983, is amended to read as follows:

543.37 FAILURE TO PAY FEES. Failure to pay the annual fee provided for in section 543.33 on or before June 30 of the year for which due shall cause a license to terminate. A warehouse license which has terminated may be reinstated by the commission upon receipt of a proper renewal application.

the renewal fee, and a penalty the reinstatement fee in the amount of twenty-five dollars as provided for in section 543.33, if filed within thirty days from the date of termination of the warehouse license. The commission may cancel the license upon request of the licensee unless a complaint or information is filed against the licensee alleging a violation of a provision of this chapter.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2391, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved April 17, 1984

TERRY E. BRANSTAD
Governor