

**Senate File 2301 - Reprinted**

SENATE FILE 2301  
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 3159)

(As Amended and Passed by the Senate March 12, 2012)

**A BILL FOR**

1 An Act providing for the payment of expenses incurred by a  
2 local authority when providing for rescue, maintenance, or  
3 disposition of certain animals in commercial establishments.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

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

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

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

9 NEW SUBSECTION. 2A. The fiscal year of the fund begins July  
10 1 and ends June 30. Fiscal quarters of the fund begin July 1,  
11 October 1, January 1, and April 1.

12 NEW SUBSECTION. 2B. The fund shall include two accounts, a  
13 general account and a dispositional account.

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

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

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

32 1. The department shall utilize the moneys deposited into  
33 the dispositional account of the commercial establishment fund  
34 created in section 162.2C to pay eligible claims submitted to  
35 the department by local authorities for dispositional expenses

1 incurred by the local authority, including by providing for the  
2 maintenance of a vertebrate animal subject to a court hearing  
3 pursuant to section 717B.4 or rescued pursuant to section  
4 717B.5. This section does not apply to livestock as defined  
5 in section 717.1.

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

9 a. At the time of the hearing for the disposition of the  
10 vertebrate animal or the rescue of the vertebrate animal, the  
11 vertebrate animal must have been possessed or controlled by  
12 a commercial establishment that possessed or controlled more  
13 than twenty vertebrate animals at any one time during the prior  
14 twelve months.

15 b. The commercial establishment must be required to operate  
16 pursuant to an authorization issued or renewed pursuant  
17 to section 162.2A, regardless of whether the commercial  
18 establishment is actually issued or renewed such authorization.

19 c. The dispositional expenses must be actually and  
20 reasonably incurred by the local authority, including by an  
21 animal care provider providing for the maintenance of the  
22 vertebrate animal under contract with the local authority.

23 d. The local authority must submit the claim to the  
24 department according to procedures established by rules adopted  
25 by the department. A claim is not eligible if submitted twelve  
26 months or more after the local authority has incurred its final  
27 dispositional expense.

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

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

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

35 4. Upon a determination that the claim is eligible, the

1 department shall provide for payment to the local authority  
2 of one hundred percent of the claimed amount. If there are  
3 insufficient moneys in the dispositional account to make full  
4 payment of all eligible claims, the department shall prorate  
5 the payment amounts and defer the remaining payment until the  
6 dispositional account again contains sufficient moneys.

7 5. A local authority shall repay the department for the  
8 claim amount from any moneys received by the local authority  
9 from a responsible party for dispositional expenses pursuant to  
10 section 717B.4. The department shall deposit the moneys in the  
11 commercial establishment fund as provided in section 162.2C.

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

14 NEW SUBSECTION. 3A. "*Department*" means the department of  
15 agriculture and land stewardship.

16 Sec. 5. NEW SECTION. 717B.5A **Dispositional expenses —**  
17 **commercial establishment fund.**

18 A local authority may submit a claim to the department to  
19 pay for dispositional expenses incurred by the local authority  
20 if the local authority complies with the requirements provided  
21 in section 162.2D.