

CHAPTER 24**BEER AND WINE WHOLESALERS — SALE OF DISPOSABLE CONTAINERS***S.F. 284*

AN ACT to permit the sale of disposable containers for the consumption of beer or wine by wholesalers to retailers for one-time use by retail customers on the premises of licensed establishments.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 123.45, unnumbered paragraph 2, Code 1991, is amended to read as follows:

A person engaged in the business of manufacturing, bottling, or wholesaling alcoholic beverages, wine, or beer, or any jobber, representative, broker, employee, or agent of such a person, shall not directly or indirectly supply, furnish, give, or pay for any furnishings, fixtures, or equipment used in the storage, handling, serving, or dispensing of alcoholic beverages, wine, beer, or food within the place of business of a licensee or permittee authorized under this chapter to sell at retail; nor shall the person directly or indirectly extend any credit for alcoholic beverages or beer or pay for any such license or permit, nor directly or indirectly be interested in the ownership, conduct, or operation of the business of another licensee or permittee authorized under this chapter to sell at retail, nor hold a retail liquor control license or retail wine or beer permit, ~~except that~~. However, a person engaged in the wholesaling of beer or wine may sell only disposable glassware, which is constructed of paper, paper laminated, or plastic materials and designed primarily for personal consumption on a one-time usage basis, to retailers for use within the premises of licensed establishments, for an amount which is greater than or equal to an amount which represents the greater of either the amount paid for the disposable glassware by the supplier or the amount paid for the disposable glassware by the wholesaler. Also, a person engaged in the business of manufacturing beer may sell beer at retail for consumption on or off the premises of the manufacturing facility and, notwithstanding any other provision of this chapter or the fact that such a person may be is the holder of a class "A" beer permit, may be granted not more than one class "B" beer permit as defined in section 123.124 for such that purpose. ~~Any A~~ licensee or permittee who permits or assents to or is a party in any way to ~~any such a~~ violation or infringement of this section is guilty of a violation of this section.

Approved April 11, 1991

CHAPTER 25**PRIVATE ACTIVITY BOND ALLOCATION FOR FIRST-TIME FARMERS***S.F. 436*

AN ACT to increase the percentage of the state ceiling allocated to qualified small issue bonds issued for first-time farmers, and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 7C.4A, subsection 4, Code 1991, is amended to read as follows:

4. ~~Twelve~~ Sixteen percent of the state ceiling shall be allocated to qualified small issue bonds issued for first-time farmers. However, at any time during the calendar year the governor's designee, with the approval of the Iowa agricultural development authority, may determine that a lesser amount need be allocated to qualified small issue bonds for first-time farmers and on that date this lesser amount shall be the amount allocated for those bonds and the excess shall be allocated under subsection 6.

Sec. 2. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 11, 1991

CHAPTER 26
INSURANCE REGULATION
S.F. 518

AN ACT relating to the financial supervision and solvency oversight of insurance companies by the commissioner of insurance and accreditation of the insurance division as an approved insurance regulator by the national association of insurance commissioners, imposing civil liability, authorizing administrative and criminal penalties, and providing effective dates and applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I

Section 1. **NEW SECTION. 510.1A SHORT TITLE.**

This chapter may be cited as the "Managing General Agents Act."

Sec. 2. **NEW SECTION. 510.2A DEFINITIONS.**

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

1. "Actuary" means a person who is a member in good standing of the American academy of actuaries.
2. "Commissioner" means the commissioner of insurance.
3. "Insurer" means a person duly licensed in this state as an insurance company pursuant to Title XX.
4. a. "Managing general agent" means any person who engages in all of the following:
 - (1) Negotiates and binds ceding reinsurance contracts on behalf of an insurer or manages all or part of the insurance business of an insurer, including the management of a separate division, department, or underwriting office, and who acts as an agent for such insurer whether known as a managing general agent, manager, or other similar term or title.
 - (2) With or without authority and either separately or together with affiliates, directly or indirectly produces, and underwrites, an amount of gross direct written premium equal to or greater than five percent of the policyholder surplus in any one quarter or year as reported in the last annual statement of the insurer.
 - (3) Engages in either or both of the following:
 - (a) Adjusts or pays claims in excess of an amount determined by the commissioner.
 - (b) Negotiates reinsurance on behalf of the insurer.
- b. Managing general agent does not include any of the following:
 - (1) An employee of the insurer.
 - (2) A manager of a United States branch of an alien insurer who resides in this country.
 - (3) An underwriting manager who, pursuant to contract, manages all insurance operations of the insurer, who is under common control with the insurer, subject to chapter 521A relating to the regulation of insurance holding company systems, and who is not compensated based upon the volume of premiums written.
 - (4) An insurance company, in connection with the acceptance or rejection of reinsurance on a block of business.
 - (5) The attorney-in-fact authorized by or acting for the subscribers of a reciprocal insurer or interinsurance exchange under power of attorney.