

Sec. 5. EFFECTIVE DATE. Sections 1, 3, and 4 of this Act, being deemed of immediate importance, take effect upon enactment.

Approved April 21, 2003

CHAPTER 47
CHILD ABUSE ASSESSMENT REPORTING
S.F. 303

AN ACT relating to the contents of certain child abuse assessment reports.

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

Section 1. Section 232.71B, subsection 11, Code 2003, is amended by adding the following new paragraph:

NEW PARAGRAPH. h. If after completing the assessment process the child protection worker determines, with the concurrence of the worker's supervisor and the department's area administrator, that a report is a spurious report or that protective concerns are not present, the portions of the assessment report described under paragraphs "d" and "e" shall not be required.

Approved April 21, 2003

CHAPTER 48
DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
— THIRD-PARTY RECEIPT OF FUNDS AND DOCUMENTS
S.F. 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.¹

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 depository provide for the receipt, acceptance, and storage of filing documents that are sent in an electronic format to the depository 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 depository 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 depository 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 depository 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 depository shall

¹ See chapter 18, §1; chapter 179, §58 herein

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 depository or from a depository 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 depository 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 depository 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.

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