

  
**State of Iowa**  
**Executive Department**

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

**PROCLAMATION OF SUSPENSION OF STATUTES  
DUE TO DISASTER EMERGENCY**

- WHEREAS,** On Sunday, May 25, 2008 and continuing, severe storm systems moved across portions of Iowa; and
- WHEREAS,** these storms resulted in widespread flooding and destruction to areas in Iowa; and
- WHEREAS,** eighty-six (86) counties have been declared disaster areas by the Governor ("Disaster Counties") as a result of said storms; and
- WHEREAS,** the flooding and destruction have resulted in the loss of business records, including licenses and other important documents issued to Iowans by the State of Iowa, and have caused an interruption in business activity and/or hampered the ability of some businesses to submit timely applications for renewal of existing licenses or to submit required reports; and
- WHEREAS,** strict compliance with those provisions of the Iowa Code imposing penalties upon late renewal of hotel/motel licenses, home food establishment licenses, food establishment licenses, food processing plant licenses, and egg handlers licenses issued by the State of Iowa will impose an additional hardship to persons who have suffered losses and damages as a result of said floods and storms, and may hinder or delay recovery from the person's ability to cope with the disaster emergency.

**NOW, THEREFORE, I,** Chester J. Culver, Governor of the State of Iowa, by the power and authority vested in me by the constitution Article IV, Sections 1 and 8 and Iowa Code section 29C.6(1), do hereby declare the following measures:

1. Pursuant to Iowa Code § 29C.6(6), I do hereby suspend the regulatory provisions of Iowa Code § 99B.2(2), which requires a licensee to maintain proper books of account and records, and Iowa Code § 99B.2(4), which requires a licensee to submit a quarterly report to the department of inspections and appeals within 30 days of the end of the quarter, as applied to any business licensed under chapter 99B which operates in one of the disaster counties and is unable to file a timely report as a result of said storms. A written statement by the person confirming that the storm or flood damage disrupted their ability to submit a timely report shall be required to invoke this suspension.
  - a. A licensee who has access to records needed to complete the quarterly report shall do so as quickly as reasonably possible.
  - b. A licensee whose records have been lost or destroyed as a result of storm or flood damage shall file a quarterly report as quickly as reasonably possible, including estimated transactions based upon the 2<sup>nd</sup> quarter of calendar year 2007, if they were in operation at that time, or based upon the 1<sup>st</sup> quarter of calendar year 2008, if the business was newly licensed.
2. Pursuant to Iowa Code § 29C.6(6), I do hereby suspend the regulatory provisions of Iowa Code § 137C.8, requiring an application for renewal of a hotel/motel license to be made at least 30 days before the current license expires, Iowa Code § 137C.7, which prohibits operation of a hotel or motel without a valid license and prescribes a ten percent penalty for failure to renew a hotel/motel license on or before the expiration date of the license, and Iowa Code § 137C.28, which imposes penalties, as applied to any person operating a hotel or motel in one of the disaster counties who held a current hotel/motel license prior to the date the county was declared a disaster and was unable to timely file a renewal application as a result of said storms. A written statement by the person, in or appended to the person's renewal application, confirming that the storm or flood damage disrupted their ability to submit timely application shall be required to invoke this suspension.
3. Pursuant to Iowa Code § 29C.6(6), I do hereby suspend the regulatory provisions of Iowa Code §§ 137D.2(1) and 137D.3, which prohibit a person from operating a home food establishment without a current license and impose penalties, as applied to any person operating a home food establishment in

  
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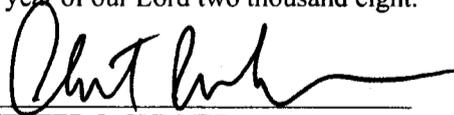
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one of the disaster counties who held a current home food establishment license prior to the date the county was declared a disaster and was unable to timely file a renewal application as a result of said storms. A written statement by the person, in or appended to the person's renewal application, confirming that the storm or flood damage disrupted their ability to submit timely application shall be required to invoke this suspension.

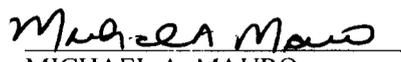
4. Pursuant to Iowa Code § 29C.6(6), I do hereby suspend the regulatory provisions of Iowa Code § 137F.5, requiring an application for renewal of a food establishment or food processing plant license to be made at least 30 days before the current license expires, and Iowa Code § 137F.4, which prohibits operation of a food establishment or food processing plant without at valid license and prescribes a ten percent per month penalty for failure to renew a food establishment or food processing plant license on or before the expiration date of the license, and Iowa Code § 137F.17, which imposes penalties, as applied to any person operating a food establishment or food processing plant in one of the disaster counties who held a current food establishment or food processing plant license prior to the date the county was declared a disaster and was unable to timely file a renewal application as a result of said storms. A written statement by the person, in or appended to the person's renewal application, confirming that the storm or flood damage disrupted their ability to submit timely application shall be required to invoke this suspension.
5. Pursuant to Iowa Code § 29C.6(6), I do hereby suspend the regulatory provisions of Iowa Code § 196.3, which provides that an egg handler license expires one year after its date of issuance, and Iowa Code § 196.14, which imposes penalties, as applied to any egg handler in one of the disaster counties who held a current egg handler license prior to the date the county was declared a disaster and was unable to timely file a renewal application as a result of said storms. A written statement by the person, in or appended to the person's renewal application, confirming that the storm or flood damage disrupted their ability to submit timely application shall be required to invoke this suspension.
6. This Proclamation is effective immediately and will remain in effect in each disaster county for the period of time during which the county is subject to a declaration of disaster emergency.



IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Iowa to be affixed. Done at Des Moines, Iowa this 18<sup>th</sup> day of July in the year of our Lord two thousand eight.

  
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CHESTER J. CULVER  
GOVERNOR OF IOWA

ATTEST:

  
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MICHAEL A. MAURO  
SECRETARY OF STATE