

2. The term of office of members of the board of trustees is three years commencing and ending as provided in section 69.19. The terms of office of the governor's appointees are staggered so that in one year two members are appointed and in each of the next two years one member is appointed terms of three years each, so that three members are appointed each year.

Sec. 2. TRANSITION. To implement this Act:

1. The current members of the board shall remain on the existing appointment cycle so that in 1993 one current member vacancy exists for a three-year term; two new members shall be appointed for one-year terms; one new member shall be appointed for a two-year term; and two new members shall be appointed for three-year terms.

2. In 1994, one current member vacancy exists for a three-year term with two positions of the members initially appointed in 1993 to be vacant for appointment to three-year terms.

3. In 1995, two current member vacancies will be up for three-year terms with one position of a member initially appointed in 1993 to be vacant for appointment to a three-year term.

4. Beginning in 1996, there will be three vacancies each year.

Approved April 5, 1993

CHAPTER 19

PRACTICE OF PUBLIC ACCOUNTING

H.F. 191

AN ACT authorizing certified public accountants and accounting practitioners to practice as limited liability companies.

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

Section 1. Section 542C.2, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. "Practice of public accounting" means the performance or the offering to perform, by a person holding oneself out to the public as a certified public accountant or accounting practitioner, one or more kinds of services involving the use of accounting or auditing skills, including the issuance of reports on financial statements, or of one or more kinds of management advisory, financial advisory, or consulting services, or the preparation of tax returns or the furnishing of advice on tax matters.

Sec. 2. Section 542C.3, subsection 7, Code 1993, is amended to read as follows:

7. The board may issue further rules and regulations, including but not limited to rules of professional conduct, pertaining to corporations or limited liability companies practicing public accounting, which it deems consistent with or required by the public welfare. The board may prescribe rules governing the style, name, and title of corporations and limited liability companies and governing the affiliation of corporations and limited liability companies with other organizations.

Regulations adopted by the board shall not be in conflict with the Iowa ~~Professional Corporation~~ professional corporation Act, provided in chapter 496C or the limited liability company Act, provided in chapter 490A.

Sec. 3. Section 542C.6, subsection 1, paragraph a, Code 1993, is amended to read as follows:

a. "Applicant" means an entity holding a permit to practice as a corporation, limited liability company, or partnership of certified public accountants issued pursuant to section 542C.20, subsection 3, or a person certified as a certified public accountant pursuant to section 542C.5 who practices as a sole proprietorship.

Sec. 4. Section 542C.18, unnumbered paragraphs 2 through 5, Code 1993, are amended to read as follows:

A corporation organized for the practice of public accounting shall register with the board as a corporation of certified public accountants or accounting practitioners. A limited liability company organized for the practice of public accounting shall register with the board as a limited liability company of certified public accountants or accounting practitioners.

Application for registration as a partnership, ~~or corporation, or limited liability company~~ shall be made upon the affidavit of a general partner of the partnership, ~~or officer of the corporation, or manager of the limited liability company~~ who is a certified public accountant or accounting practitioner of this state having a current permit to practice.

The board shall in ~~each every~~ case determine whether the applicant is eligible for registration.

A partnership, ~~or corporation, or limited liability company~~ which is so registered, and which holds a permit issued under section 542C.20, may use the words "certified public accountant" or the abbreviation "CPA" or "accounting practitioner" or the abbreviation "AP" in connection with its partnership, ~~or corporation, or limited liability company~~ name.

Sec. 5. Section 542C.19, unnumbered paragraphs 1 and 2, Code 1993, are amended to read as follows:

Each office established or maintained in this state for the practice of public accounting in this state by a certified public accountant, or partnership, ~~or corporation, or limited liability company~~ of certified public accountants, or by an accounting practitioner or partnership of accounting practitioners, or by a person registered under section 542C.17, shall be registered annually under this chapter with the board, but no fee shall be charged for the registration.

Each such office shall be under the direct supervision of a resident manager who may be either a member, principal, shareholder, or a staff employee holding a current permit under section 542C.20. The title or designation "certified public accountant" or the abbreviation "CPA" or "accounting practitioner" or the abbreviation "AP" shall not be used in connection with an office unless the resident manager is the holder of a certificate as a certified public accountant under section 542C.5, or a license as an accounting practitioner issued under section 542C.7 or 542C.8, and a permit issued under section 542C.20, both of which are in full force and effect.

Sec. 6. Section 542C.20, subsections 3 through 5, Code 1993, are amended to read as follows:

3. Permits to engage in the practice of public accounting in this state shall also be issued by the board to persons, partnerships, ~~and corporations,~~ or limited liability companies registered under sections 542C.17 and 542C.18 if all offices of the registrant are maintained and registered as required under section 542C.19.

4. There shall be a permit fee in an amount to be determined by the board, payable by certified public accountants and accounting practitioners engaged in practice in this state. A fee shall not be charged for the renewal of a partnership, ~~or corporation, or limited liability company~~ permit to practice. All permits shall expire as determined by the board.

5. A person, firm, ~~or corporation,~~ or limited liability company shall not practice as a certified public accountant or accounting practitioner without a permit.

Sec. 7. Section 542C.22, Code 1993, is amended to read as follows:

542C.22 REVOCATION, SUSPENSION, AND REFUSAL TO RENEW REGISTRATION AND PERMIT OF PARTNERSHIP, ~~OR CORPORATION,~~ OR LIMITED LIABILITY COMPANY.

After notice and hearing as provided in section 542C.23, the board shall revoke the registration and permit to practice of a partnership, ~~or corporation, or limited liability company~~ if at any time it does not possess the qualifications prescribed by the section of this chapter under which it qualified for registration.

After notice and hearing as provided in section 542C.23, the board may revoke or suspend the registration of a partnership, ~~or corporation, or limited liability company,~~ or may revoke, suspend, or refuse to renew its permit to practice or may censure the holder of any such permit for any of the following additional causes:

1. The revocation or suspension of the certificate, registration, or license or the revocation or suspension or refusal to renew the permit to practice of any member, partner, officer, or shareholder.

2. The cancellation, revocation, suspension, or refusal to renew the authority of the partnership, or corporation, or limited liability company, or any member, partner, officer, or shareholder thereof to practice public accounting in any other state for any cause other than failure to pay appropriate fees in such other state.

Sec. 8. Section 542C.23, subsection 4, Code 1993, is amended to read as follows:

4. At any hearing the accused may appear in person and by counsel, produce evidence and witnesses on behalf of the accused, cross-examine witnesses, and examine evidence which is produced against the accused. A corporation may be represented before the board by counsel, or by a shareholder who is a certified public accountant or accounting practitioner of this state in good standing. A limited liability company may be represented before the board by counsel, or by a member who is a certified public accountant or accounting practitioner of this state in good standing. The accused is entitled, on application to the board, to the issuance of subpoenas to compel the attendance of witnesses on behalf of the accused.

Sec. 9. Section 542C.25, subsections 2, 4, 6, 7, 9, and 10, Code 1993, are amended to read as follows:

2. ~~No~~ A partnership, or corporation, or limited liability company shall not assume or use the title or designation "certified public accountant" or the abbreviation "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the partnership, or corporation, or limited liability company is composed of certified public accountants unless the ~~partnership or corporation~~ it is registered as a partnership of certified public accountants, corporation, or limited liability company under section 542C.18, holds a current permit issued under section 542C.20, and all offices of such partnership, or corporation, or limited liability company in this state for the practice of public accounting are maintained and are registered as required under section 542C.19.

4. A partnership, or corporation, or limited liability company shall not assume or use the title or designation "public accountant" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the partnership, or corporation, or limited liability company is composed of certified public accountants, unless the partnership, or corporation, or limited liability company is registered as a partnership, or corporation, or limited liability company of certified public accountants under section 542C.18.

6. ~~No~~ A partnership, or corporation, or limited liability company shall not assume or use the title or designation "accounting practitioner" or the abbreviation "AP" or any other title, designation, words, letters, abbreviation, sign, card, or device, tending to indicate that the partnership, or corporation, or limited liability company is composed of licensed accounting practitioners unless the partnership, or corporation, or limited liability company under section 542C.18 holds holding a permit issued under section 542C.20, and all offices of the partnership, or corporation, or limited liability company in this state are maintained and are registered as required under section 542C.19.

7. ~~No~~ A person, partnership, or corporation, or limited liability company shall not assume or use the title or designation "certified accountant", "chartered accountant", "enrolled accountant", "licensed accountant", "registered accountant", or any other title or designation likely to be confused with "certified public accountant" or "public accountant" or any of the abbreviations "CA", "PA", "EA", "RA", or "LA", or similar abbreviations, likely to be confused with "CPA". However, a foreign accountant registered under section 542C.17 may use the title under which the foreign accountant is generally known in the foreign accountant's country, followed by the name of the country from which the foreign accountant received the certificate, license, or degree. Nothing in this subsection shall prohibit the use of the title or designation "accountant" by persons other than those holding a current permit issued under section 542C.20.

9. ~~No~~ A person shall not sign or affix a partnership, ~~or~~ corporation, or limited liability company name to any opinion attesting to the reliability of any representation in regard to any person or organization embracing financial information or facts respecting compliance with conditions established by law or contract, including but not limited to statutes, ordinances, regulations, grants, loans and appropriations, ~~unless~~ except the name of a partnership, or corporation, or limited liability company holds holding a current permit issued under section 542C.20 and with all of its offices in this state for the practice of certified public accounting are maintained and registered as required under section 542C.19.

10. A person shall not assume or use the title or designation "certified public accountant" or "public accountant" in conjunction with names indicating or implying that there is a partnership, ~~or~~ corporation, or limited liability company or in conjunction with the designation "and company", "and co.", or a similar designation, if in any such case, there is in fact no bona fide partnership, ~~or~~ corporation, or limited liability company registered under section 542C.18; however, a sole proprietor or partnership lawfully using such a title or designation on July 1, 1975, may continue to do so if the sole proprietor or partnership otherwise complies with the provisions of this chapter.

Sec. 10. Section 542C.26, Code 1993, is amended to read as follows:
542C.26 EMPLOYEES OF ACCOUNTANTS.

This chapter does not prohibit any person not a certified public accountant or accounting practitioner from serving as an employee of, or an assistant to, a certified public accountant or accounting practitioner, or partnership, ~~or~~ corporation, or limited liability company composed of certified public accountants or accounting practitioners, holding a permit to practice issued under section 542C.20, or a foreign accountant registered under section 542C.17; however, the employee or assistant shall not issue any accounting or financial statement over the employee's or assistant's name.

Sec. 11. Section 542C.31, unnumbered paragraph 2, Code 1993, is amended to read as follows:

~~No such~~ A statement, record, schedule, working paper, or memoranda, shall not be sold, transferred or bequeathed, without the consent of the client or the client's personal representative or assignee, to anyone other than one or more surviving partners or new partners of the accountant or to the accountant's corporation or limited liability company.

Approved April 5, 1993

CHAPTER 20

PROTECTION OF NONGAME SPECIES

H.F. 346

AN ACT relating to the protection of nongame species.

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

Section 1. Section 481A.42, Code 1993, is amended to read as follows:

481A.42 NONGAME PROTECTED — EXCLUSION.

Protected nongame species include wild fish, wild birds, wild bats, wild reptiles, and wild amphibians, an egg, a nest ~~in current use~~, a dead body or part of a dead body, and a product made from part of a body of a wild fish, wild bird, wild bat, wild reptile, or wild amphibian. However, nongame does not include game, fish that may be taken pursuant to regulations established under the Code or departmental rule, fur-bearing animals, turtles, or frogs, as defined in this chapter. The commission shall designate by rule those species of nongame