

FILED MAY 9 1977

SENATE FILE 390

By COMMITTEE ON STATE GOVERNMENT

Passed Senate, Date 5-11-77 (p. 1449) Passed House, Date 5-20-77 (p. 2602)

Vote: Ayes 43 Nays 1 Vote: Ayes 88 Nays 0

Approved June 29, 1977

A BILL FOR

1 An Act relating to the authority of public members of
2 examining boards.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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S.F. 390

1 Section 1. Section one hundred fourteen point thirty-
2 one (114.31), Code 1977, is amended to read as follows:

3 114.31 PUBLIC MEMBERS. The public members of the board
4 shall ~~not be allowed to participate in administering or grading~~
5 ~~any portion of an examination~~ administrative, clerical, or
6 ministerial functions incident to giving the examination,
7 but shall not determine the content of the examination or
8 determine the correctness of the answers.

9 Sec. 2. Section one hundred fifteen point nineteen
10 (115.19), Code 1977, is amended to read as follows:

11 115.19 PUBLIC MEMBERS. The public members of the board
12 shall ~~not be allowed to participate in administering or grading~~
13 ~~any portion of an examination~~ administrative, clerical, or
14 ministerial functions incident to giving the examination,
15 but shall not determine the content of the examination or
16 determine the correctness of the answers.

17 Sec. 3. Section one hundred sixteen point three (116.3),
18 subsection one (1), unnumbered paragraph one (1), Code 1977,
19 is amended to read as follows:

20 There is established a board of accountancy. The board
21 of accountancy shall consist of seven members, five of whom
22 shall be certified public accountants and two members who
23 shall not be certified public accountants and who shall
24 represent the general public. A certified member shall be
25 actively engaged in practice as a certified public accountant
26 and shall have been so engaged for five years preceding ~~his~~
27 appointment, the last two of which shall have been in Iowa.
28 Professional associations or societies composed of certified
29 public accountants may recommend the names of potential board
30 members to the governor, but the governor shall not be bound
31 by the recommendations. A board member shall not be required
32 to be a member of any professional association or society
33 composed of certified public accountants. Members shall be
34 appointed by the governor, subject to the approval of two-
35 thirds of the members of the senate. The term "board" as

1 used in this chapter means the board of accountancy established
2 by this section. Within sixty days after July 1, 1975, the
3 governor shall appoint the certified public accountant members
4 of the board for terms as follows: Two members for a term
5 ending June 30, 1976, and two members for a term ending June
6 30, 1977, one member for a term ending June 30, 1978. Within
7 sixty days after July 1, 1975, the governor shall appoint
8 the members representing the general public, one member for
9 a term ending June 30, 1976 and one member for a term ending
10 June 30, 1978. Upon the expiration of each of the terms and
11 of each succeeding term, a successor shall be appointed for
12 a term of three years. Members shall serve a maximum of three
13 terms or nine years, whichever is less. Vacancies occurring
14 in the membership of the board for any cause shall be filled
15 in the same manner by the governor for the unexpired term
16 and shall be subject to senate confirmation. The public
17 members of the board of accountancy shall not be allowed to
18 participate in ~~devising, administering or grading of~~
19 ~~examinations referred to in section 116.5~~ administrative,
20 clerical, or ministerial functions incident to giving the
21 examination, but shall not determine the content of the
22 examination or determine the correctness of the answers.

23 Sec. 4. Section one hundred seventeen point fifty-one
24 (117.51), Code 1977, is amended to read as follows:

25 117.51 PUBLIC MEMBERS. The public members of the com-
26 mission shall not be allowed to participate in administering
27 ~~or grading any portion of an examination~~ administrative,
28 clerical, or ministerial functions incident to giving the
29 examination, but shall not determine the content of the
30 examination or determine the correctness of the answers.

31 Sec. 5. Section one hundred eighteen point twenty-six
32 (118.26), Code 1977, is amended to read as follows:

33 118.26 PUBLIC MEMBERS. The public members of the board
34 shall not be allowed to participate in administering or grading
35 any portion of an examination administrative, clerical, or

1 ministerial functions incident to giving the examination,
2 but shall not determine the content of the examination or
3 determine the correctness of the answers.

4 Sec. 6. Section one hundred eighteen A point eight
5 (118A.8), unnumbered paragraph one (1), Code 1977, is amended
6 to read as follows:

7 The board shall conduct examinations of applicants for
8 certificates of registration as landscape architects at least
9 once each year, or, if there are sufficient applications,
10 at such additional times as the board may deem necessary.
11 The examination shall determine the ability of the applicant
12 to use and understand the theory and practice of landscape
13 architecture and may be divided into such subjects as the
14 board deems necessary. The board shall determine the annual
15 cost of administering the examinations and shall set the fees
16 accordingly. The public members of the board shall not be
17 allowed to participate in administering-or-grading-any-portion
18 of-the-examination administrative, clerical, or ministerial
19 functions incident to giving the examination, but shall not
20 determine the content of the examination or determine the
21 correctness of the answers.

22 Sec. 7. Section one hundred twenty point sixteen (120.16),
23 Code 1977, is amended to read as follows:

24 120.16 PUBLIC MEMBERS. The public members of the board
25 shall not be allowed to participate in administering-or-grading
26 any-portion-of-an-examination administrative, clerical, or
27 ministerial functions incident to giving the examination,
28 but shall not determine the content of the examination or
29 determine the correctness of the answers.

30 Sec. 8. Section one hundred thirty-five E point sixteen
31 (135E.16), Code 1977, is amended to read as follows:

32 135E.16 PUBLIC MEMBERS. The public members of the board
33 shall not be allowed to participate in administering-or-grading
34 any-portion-of-an-examination administrative, clerical, or
35 ministerial functions incident to giving the examination,

1 but shall not determine the content of the examination or
2 determine the correctness of the answers.

3 Sec. 9. Section one hundred forty-seven point twenty-
4 one (147.21), unnumbered paragraph one (1), Code 1977, is
5 amended to read as follows:

6 The public members of the board shall ~~not~~ be allowed to
7 participate in administering-or-grading-any-portion-of-an
8 examination administrative, clerical, or ministerial functions
9 incident to giving the examination, but shall not determine
10 the content of the examination or determine the correctness
11 of the answers.

12 Sec. 10. Section one hundred fifty-four A point five
13 (154A.5), Code 1977, is amended to read as follows:

14 154A.5 PUBLIC MEMBERS. The public members of the board
15 shall ~~not~~ be allowed to participate in administering-or-grading
16 any-portion-of-an-examination, except that for the initial
17 examination-the-public-members-may-participate-in-administering
18 and-grading-the-examination administrative, clerical, or
19 ministerial functions incident to giving the examination,
20 but shall not determine the content of the examination or
21 determine the correctness of the answers.

22 Sec. 11. Section one hundred sixty-nine point fifty-five
23 (169.55), Code 1977, is amended to read as follows:

24 169.55 PUBLIC MEMBERS. The public members of the board
25 shall ~~not~~ be allowed to participate in administering-or-grading
26 any-portion-of-an-examination administrative, clerical, or
27 ministerial functions incident to giving the examination,
28 but shall not determine the content of the examination or
29 determine the correctness of the answers.

30 Sec. 12. Section six hundred ten point forty-eight
31 (610.48), Code 1977, is amended to read as follows:

32 610.48 PUBLIC MEMBERS. The public members of the board
33 ~~may~~ shall be allowed to participate in the administration
34 of-the-examination-and administrative, clerical, or ministerial
35 functions incident to giving the examination, but shall not

1 determine the content of the examination or determine the
2 correctness of the answers. The public members shall
3 participate in the determination of whether or not each
4 applicant meets the requisite character requirements. ~~The~~
5 ~~public-members-shall-not-participate-in-the-grading-of-any~~
6 ~~portion-of-the-examination-or-the-determination-of-whether~~
7 ~~an-applicant-passed-or-failed-such-examination.~~

8 EXPLANATION

9 This bill requires that public members of occupational
10 and professional examining boards be allowed to perform
11 administrative, clerical, or ministerial functions related
12 to giving the examinations, but prohibits them from determining
13 the content of the examinations and from determining the
14 correctness of the answers.
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SENATE FILE 390

AN ACT

RELATING TO THE AUTHORITY OF PUBLIC MEMBERS OF EXAMINING
BOARDS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section one hundred fourteen point thirty-one (114.31), Code 1977, is amended to read as follows:

114.31 PUBLIC MEMBERS. The public members of the board shall not be allowed to participate in administering-or-grading any-portion-of-an-examination administrative, clerical, or ministerial functions incident to giving the examination, but shall not determine the content of the examination or determine the correctness of the answers.

Sec. 2. Section one hundred fifteen point nineteen (115.19), Code 1977, is amended to read as follows:

115.19 PUBLIC MEMBERS. The public members of the board shall not be allowed to participate in administering-or-grading any-portion-of-an-examination administrative, clerical, or ministerial functions incident to giving the examination, but shall not determine the content of the examination or determine the correctness of the answers.

Sec. 3. Section one hundred sixteen point three (116.3), subsection one (1), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

There is established a board of accountancy. The board of accountancy shall consist of seven members, five of whom shall be certified public accountants and two members who shall not be certified public accountants and who shall represent the general public. A certified member shall be actively engaged in practice as a certified public accountant and shall have been so engaged for five years preceding his appointment, the last two of which shall have been in Iowa. Professional associations or societies composed of certified public accountants may recommend the names of potential board

members to the governor, but the governor shall not be bound by the recommendations. A board member shall not be required to be a member of any professional association or society composed of certified public accountants. Members shall be appointed by the governor, subject to the approval of two-thirds of the members of the senate. The term "board" as used in this chapter means the board of accountancy established by this section. Within sixty days after July 1, 1975, the governor shall appoint the certified public accountant members of the board for terms as follows: Two members for a term ending June 30, 1976, and two members for a term ending June 30, 1977, one member for a term ending June 30, 1978. Within sixty days after July 1, 1975, the governor shall appoint the members representing the general public, one member for a term ending June 30, 1976 and one member for a term ending June 30, 1978. Upon the expiration of each of the terms and of each succeeding term, a successor shall be appointed for a term of three years. Members shall serve a maximum of three terms or nine years, whichever is less. Vacancies occurring in the membership of the board for any cause shall be filled in the same manner by the governor for the unexpired term and shall be subject to senate confirmation. The public members of the board of accountancy shall not be allowed to participate in devising,-administering-or-grading-of examinations-referred-to-in-section-116.5 administrative, clerical, or ministerial functions incident to giving the examination, but shall not determine the content of the examination or determine the correctness of the answers.

Sec. 4. Section one hundred seventeen point fifty-one (117.51), Code 1977, is amended to read as follows:

117.51 PUBLIC MEMBERS. The public members of the commission shall not be allowed to participate in administering or-grading-any-portion-of-an-examination administrative, clerical, or ministerial functions incident to giving the examination, but shall not determine the content of the examination or determine the correctness of the answers.

Sec. 5. Section one hundred eighteen point twenty-six

(118.26), Code 1977, is amended to read as follows:

118.26 PUBLIC MEMBERS. The public members of the board shall not be allowed to participate in administering-or-grading any-portion-of-an-examination administrative, clerical, or ministerial functions incident to giving the examination, but shall not determine the content of the examination or determine the correctness of the answers.

Sec. 6. Section one hundred eighteen A point eight (118A.8), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

The board shall conduct examinations of applicants for certificates of registration as landscape architects at least once each year, or, if there are sufficient applications, at such additional times as the board may deem necessary. The examination shall determine the ability of the applicant to use and understand the theory and practice of landscape architecture and may be divided into such subjects as the board deems necessary. The board shall determine the annual cost of administering the examinations and shall set the fees accordingly. The public members of the board shall not be allowed to participate in administering-or-grading-any-portion-of-the-examination administrative, clerical, or ministerial functions incident to giving the examination, but shall not determine the content of the examination or determine the correctness of the answers.

Sec. 7. Section one hundred twenty point sixteen (120.16), Code 1977, is amended to read as follows:

120.16 PUBLIC MEMBERS. The public members of the board shall not be allowed to participate in administering-or-grading any-portion-of-an-examination administrative, clerical, or ministerial functions incident to giving the examination, but shall not determine the content of the examination or determine the correctness of the answers.

Sec. 8. Section one hundred thirty-five E point sixteen (135E.16), Code 1977, is amended to read as follows:

135E.16 PUBLIC MEMBERS. The public members of the board shall not be allowed to participate in administering-or-grading

any-portion-of-an-examination administrative, clerical, or ministerial functions incident to giving the examination, but shall not determine the content of the examination or determine the correctness of the answers.

Sec. 9. Section one hundred forty-seven point twenty-one (147.21), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

The public members of the board shall not be allowed to participate in administering-or-grading-any-portion-of-an-examination administrative, clerical, or ministerial functions incident to giving the examination, but shall not determine the content of the examination or determine the correctness of the answers.

Sec. 10. Section one hundred fifty-four A point five (154A.5), Code 1977, is amended to read as follows:

154A.5 PUBLIC MEMBERS. The public members of the board shall not be allowed to participate in administering-or-grading any-portion-of-an-examination, except that for the initial examination the public members may participate in administering and grading the examination administrative, clerical, or ministerial functions incident to giving the examination, but shall not determine the content of the examination or determine the correctness of the answers.

Sec. 11. Section one hundred sixty-nine point fifty-five (169.55), Code 1977, is amended to read as follows:

169.55 PUBLIC MEMBERS. The public members of the board shall not be allowed to participate in administering-or-grading any-portion-of-an-examination administrative, clerical, or ministerial functions incident to giving the examination, but shall not determine the content of the examination or determine the correctness of the answers.

Sec. 12. Section six hundred ten point forty-eight (610.48), Code 1977, is amended to read as follows:

610.48 PUBLIC MEMBERS. The public members of the board may shall be allowed to participate in the administration of-the-examination-and administrative, clerical, or ministerial functions incident to giving the examination, but shall not

determine the content of the examination or determine the correctness of the answers. The public members shall participate in the determination of whether or not each applicant meets the requisite character requirements. ~~The public members shall not participate in the grading of any portion of the examination or the determination of whether an applicant passed or failed such examination.~~

ARTHUR A. NEU
President of the Senate

DALE M. COCHRAN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 390, Sixty-seventh General Assembly.

STEVEN C. CROSS
Secretary of the Senate

Approved June 29, 1977

ROBERT D. RAY
Governor