May 11, 2007

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit:

House File 808, an Act concerning accountability requirements for entities and boards created for joint exercise of governmental powers and providing an effective date.

The above House File is hereby approved this date.

Sincerely,

Chester J. Culver
Governor

CJC:bdj

cc: Secretary of the Senate
    Chief Clerk of the House

AN ACT
CONCERNING ACCOUNTABILITY REQUIREMENTS FOR ENTITIES,
    ADMINISTRATORS, AND BOARDS CREATED FOR JOINT EXERCISE OF
    GOVERNMENTAL POWERS AND PROVIDING EFFECTIVE DATES.

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

    Section 1. Section 28E.6, subsections 2 and 3, Code 2007,
are amended to read as follows:
    2. The entity-created-or-the-administrator-or joint board
specified in the agreement shall be a governmental body for
purposes of chapter 21 and the entity created shall be a
government body for purposes of chapter 22 unless the entity
created or agreement includes public agencies from more than
one state.

3. a. ~~All~~ A summary of the proceedings of each regular, adjourned, or special meeting of the joint board of the entity created ~~or-the-administrator-or-joint-board-specified~~ in the agreement, including the schedule of bills allowed, shall be published after adjournment of the meeting in ~~a~~ one newspaper of general circulation within the geographic area served by the joint board of the entity created ~~or-the-administrator-or-joint-board-specified~~ in the agreement. The summary of the proceedings shall include the date, time, and place the meeting was held, the members present, and the actions taken at the meeting. The joint board of the entity created ~~or-the-administrator-or-joint-board-specified~~ in the agreement shall furnish ~~a-copy~~ the summary of the proceedings to be ~~published~~ submitted for publication to the newspaper within ~~one-week~~ twenty days following adjournment of the meeting. The publication of the schedule of bills allowed shall include a list of all salaries paid for services performed, showing the name of the person or firm performing the service and the amount paid. The publication of the schedule of bills allowed may consolidate amounts paid to the same claimant if the purpose of the individual bills is the same. However, the names and gross salaries of persons regularly employed by the entity created ~~or-the-administrator-or-joint-board-specified~~ in the agreement shall only be published annually.

    b. An entity created which had a cash balance, including investments, of less than one hundred thousand dollars at the end of the previous fiscal year and which had total expenditures of less than one hundred thousand dollars during the prior fiscal year is not required to publish as required in paragraph "a". However, such an entity shall file without charge, in an electronic format, the information described in paragraph "a" with the office of the county recorder in the most populous county served by the entity. The county recorder shall make the information submitted available to the public, which information shall also include access to a copy of the agreement creating the entity.

    c. This subsection shall not apply ~~if-the~~ to an entity ~~or the-administrator-or-joint-board-specified~~ created in ~~the~~ an agreement that includes public agencies from more than one state or to a contract entered into pursuant to section 28E.12.

Sec. 2. Section 28E.8, Code 2007, is amended to read as follows:

28E.8 FILING AND RECORDING.

1. a. Before entry into force, an agreement made pursuant to this chapter shall be filed, in an electronic format, with the secretary of state and recorded with the county recorder in a manner specified by the secretary of state. In counties in which the office of county recorder is abolished, the agreement shall be recorded with the county auditor.

b. Any amendment, modification, or notice of termination of an agreement made pursuant to this chapter shall be filed, in an electronic format, with the secretary of state within thirty days of the effective date of the amendment, modification, or termination, in a manner specified by the secretary of state.

2. a. In addition to subsection 1, each entity subject to section 28E.5 shall submit, in an electronic format, an initial report to the secretary of state as prescribed by the secretary of state. The report shall include, as applicable, the name of the entity created, the board members of the joint board created, whether the entity is exempt from the publication requirements of section 28E.6, subsection 3, a valid electronic mail address, and any additional information the secretary of state deems appropriate.
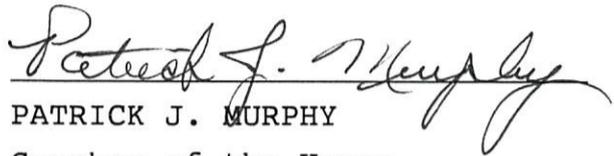
b. Following submission of an initial report pursuant to paragraph "a", each entity subject to section 28E.5 shall submit, in an electronic format, a biennial report to the secretary of state in a manner prescribed by the secretary of state by April 1 of every odd-numbered year beginning in calendar year 2009.

Sec. 3. JOINT EXERCISE OF GOVERNMENTAL POWERS -- REPORTING REQUIREMENTS -- TRANSITION PROVISION. Notwithstanding any provision of section 28E.8, subsection 2, as enacted by this Act, to the contrary, an entity created prior to January 1, 2008, shall be required to submit an initial report to the secretary of state by July 1, 2008.

Sec. 4. EFFECTIVE DATE.

1. The section of this Act amending section 28E.6, being deemed of immediate importance, takes effect upon enactment.

2.   The sections of this Act amending section 28E.8 and enacting a transition provision take effect January 1, 2008.
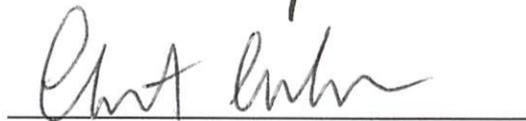

PATRICK J. MURPHY
Speaker of the House

JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 808, Eighty-second General Assembly.

MARK BRANDSGARD
Chief Clerk of the House

Approved May 11th , 2007

CHESTER J. CULVER
Governor