

House File 242 - Enrolled

House File 242

AN ACT

RELATING TO THE INDIVIDUAL INCOME TAX CHECKOFF FOR THE IOWA ELECTION CAMPAIGN FUND BY PROVIDING FOR THE FUTURE REPEAL OF THE TAX CHECKOFF AND THE IOWA ELECTION CAMPAIGN FUND, AND INCLUDING EFFECTIVE DATE PROVISIONS.

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

DIVISION I

IOWA ELECTION CAMPAIGN FUND TAX CHECKOFF

Section 1. Section 68A.601, Code 2017, is amended to read as follows:

68A.601 Checkoff — income tax.

A For tax years beginning before January 1, 2017, a person whose state income tax liability for any taxable year is one dollar and fifty cents or more may direct that one dollar and fifty cents of that liability be paid over to the Iowa election campaign fund when submitting the person's state income tax return to the department of revenue. In the case of a joint return of husband and wife having a state income tax liability of three dollars or more, each spouse may direct that one dollar and fifty cents be paid to the fund. ~~The~~ For tax years beginning before January 1, 2017, the director of revenue shall draft the income tax form to provide spaces on the tax return which the taxpayer may use to designate that contributions made under [this section](#) be credited to a specified political party as defined by [section 43.2](#), or to the Iowa election campaign fund as a contribution to be shared by all such political

parties in the manner prescribed by [section 68A.602](#). The form shall inform the taxpayer of the consequences of the choices provided under [this section](#), but this information may be contained in a footnote or other suitable form if the director of revenue finds it is not feasible to place the information immediately above the signature line. The action taken by a person for the checkoff is irrevocable.

Sec. 2. Section 422.12J, Code 2017, is amended to read as follows:

422.12J Income tax checkoff for Iowa election campaign fund.

A For tax years beginning before January 1, 2017, a person who files an individual or a joint income tax return with the department of revenue under [section 422.13](#) may designate a contribution to the Iowa election campaign fund authorized pursuant to [section 68A.601](#).

DIVISION II

FUTURE REPEAL OF IOWA ELECTION CAMPAIGN FUND TAX CHECKOFF

Sec. 3. Section 68A.103, subsection 2, Code 2017, is amended by striking the subsection.

Sec. 4. Section 97B.3, subsection 2, Code 2017, is amended to read as follows:

2. The qualifications for appointment as the chief executive officer shall include management-level pension fund administration experience. The qualifications for appointment as the chief executive officer shall also include a demonstrated knowledge of all aspects of pension fund administration, including financial management, investment asset management, benefit design and delivery, legal administration, and operations administration. The chief executive officer shall not be selected on the basis of political affiliation, and while employed as the chief executive officer, shall not be a member of a political committee, participate in a political campaign, or be a candidate for a partisan elective office, and shall not contribute to a political campaign fund, except that the chief executive officer may designate on the checkoff portion of the ~~state or federal income tax return, or both,~~ a party or parties to which a contribution is made pursuant to the checkoff. The chief executive officer shall not hold any other office under

the laws of the United States or of this or any state and shall devote full time to the duties of office.

Sec. 5. Section 422.12D, subsection 2, Code 2017, is amended to read as follows:

2. The director of revenue shall draft the income tax form to allow the designation of contributions to the foundation fund on the tax return. The department, on or before January 31, shall transfer the total amount designated on the tax form due in the preceding year to the foundation fund.

However, before a checkoff pursuant to [this section](#) shall be permitted, all liabilities on the books of the department of administrative services and accounts identified as owing under section 8A.504 and ~~the political contribution allowed under [section 68A.601](#)~~ shall be satisfied.

Sec. 6. Section 422.12E, subsection 1, Code 2017, is amended to read as follows:

1. For tax years beginning on or after January 1, 2019, there shall be allowed no more than four income tax return checkoffs on each income tax return. For tax years beginning on or after January 1, 2017, when the same four income tax return checkoffs have been provided on the income tax return for two consecutive years, the two checkoffs for which the least amount has been contributed, in the aggregate for the first tax year and through March 15 of the second tax year, are repealed. ~~This section does not apply to the income tax return checkoff provided in [section 68A.601](#).~~

Sec. 7. Section 422.12K, subsection 2, Code 2017, is amended to read as follows:

2. The director of revenue shall draft the income tax form to allow the designation of contributions to the child abuse prevention program fund on the tax return. The department of revenue, on or before January 31, shall transfer the total amount designated on the tax return forms due in the preceding calendar year to the child abuse prevention program fund.

However, before a checkoff pursuant to [this section](#) shall be permitted, all liabilities on the books of the department of administrative services and accounts identified as owing under section 8A.504 and ~~the political contribution allowed under [section 68A.601](#)~~ shall be satisfied.

Sec. 8. Section 422.12L, subsection 2, Code 2017, is amended to read as follows:

2. The director of revenue shall draft the income tax form to allow the designation of contributions to the veterans trust fund and to the volunteer fire fighter preparedness fund as one checkoff on the tax return. The department of revenue, on or before January 31, shall transfer one-half of the total amount designated on the tax return forms due in the preceding calendar year to the veterans trust fund and the remaining one-half to the volunteer fire fighter preparedness fund. However, before a checkoff pursuant to [this section](#) shall be permitted, all liabilities on the books of the department of administrative services and accounts identified as owing under section 8A.504 and ~~the political contribution allowed under [section 68A.601](#)~~ shall be satisfied.

Sec. 9. Section 456A.16, subsection 7, Code 2017, is amended to read as follows:

7. The department shall adopt rules pursuant to [chapter 17A](#) to implement [this section](#). However, before a checkoff pursuant to [this section](#) shall be permitted, all liabilities on the books of the department of administrative services and accounts identified as owing under [section 8A.504](#) and ~~the political contribution allowed under [section 68A.601](#)~~ shall be satisfied.

Sec. 10. Section 474.10, Code 2017, is amended to read as follows:

474.10 General counsel.

The board shall employ a competent attorney to serve as its general counsel, and assistants to the general counsel as it finds necessary for the full and efficient discharge of its duties. The general counsel is the attorney for, and legal advisor of, the board and is exempt from the merit system provisions of [chapter 8A, subchapter IV](#). Assistants to the general counsel are subject to the merit system provisions of [chapter 8A, subchapter IV](#). The general counsel or an assistant to the general counsel shall provide the necessary legal advice to the board in all matters and represent the board in all actions instituted in a state or federal court challenging the validity of a rule or order of the board. The existence of a fact which disqualifies a person from election or from

acting as a utilities board member disqualifies the person from employment as general counsel or assistant general counsel. The general counsel shall devote full time to the duties of the office. During employment the counsel shall not be a member of a political committee, contribute to a political campaign fund other than through the income tax checkoff for contributions to ~~the Iowa election campaign fund and~~ the presidential election campaign fund, participate in a political campaign, or be a candidate for a political office.

Sec. 11. Section 475A.1, subsection 4, Code 2017, is amended to read as follows:

4. *Political activity prohibited.* The consumer advocate shall devote the advocate's entire time to the duties of the office; ~~and during.~~ During the advocate's term of office the advocate shall not be a member of a political committee or contribute to a political campaign fund other than through the income tax checkoff for contributions to ~~the Iowa election campaign fund and~~ the presidential election campaign fund or take part in political campaigns or be a candidate for a political office.

Sec. 12. Section 904.107, Code 2017, is amended to read as follows:

904.107 Director — appointment and qualifications.

The chief administrative officer for the department is the director. The director shall be appointed by the governor subject to confirmation by the senate and shall serve at the pleasure of the governor. The director shall be qualified in reformatory and prison management, knowledgeable in community-based corrections, and shall possess administrative ability. The director shall also have experience in the field of criminology and discipline and in the supervision of inmates in corrective penal institutions. The director shall not be selected on the basis of political affiliation, and while employed as the director, shall not be a member of a political committee, participate in a political campaign, be a candidate for a partisan elective office, and shall not contribute to a political campaign fund, except that the director may designate on the checkoff portion of the ~~state or~~ federal income tax return, ~~or both,~~ a party or parties to which a contribution is

made pursuant to the checkoff. The director shall not hold any other office under the laws of the United States or of this or any state or hold any position for profit and shall devote full time to the duties of office.

Sec. 13. REPEAL. Sections 68A.601, 68A.602, 68A.603, 68A.604, 68A.605, 68A.606, 68A.607, 68A.608, 68A.609, and 422.12J, Code 2017, are repealed.

Sec. 14. EFFECTIVE DATE. This division of this Act takes effect July 1, 2018.

LINDA UPMEYER
Speaker of the House

JACK WHITVER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 242, Eighty-seventh General Assembly.

CARMINE BOAL
Chief Clerk of the House

Approved _____, 2017

TERRY E. BRANSTAD
Governor