

notifies the committee that the deficiencies have been corrected.

9. Funds obtained under this section shall be used only to conduct reassessments of property as approved and conducted pursuant to this section.

Sec. 3. Section four hundred forty-one point nineteen (441.19), Code 1977, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. On or before February fifteenth of each year, each owner of industrial real estate shall submit to the local assessor a report listing by year of acquisition and by acquisition cost the owner's machinery as described in section four hundred twenty-seven A point one (427A.1), subsection one (1), paragraph e, of the Code, and specifying any machinery added or removed during the preceding assessment year. A report containing an itemized list of machinery by year of acquisition and by acquisition cost shall be required only when deemed necessary by the assessor. The reports shall be submitted on forms prescribed by the director of revenue or on forms submitted by the taxpayer and approved by the assessor which forms shall contain the same information as is required to be reported on forms prescribed by the director. If a person shall knowingly enter false information on the report, the person shall be guilty of a simple misdemeanor. Also, if a person refuses to file the report provided for in this paragraph, the assessor shall proceed in accordance with the provisions of section four hundred forty-one point twenty-four (441.24) of the Code.

Approved May 8, 1978

## CHAPTER 1137

### INCOME TAX WITHHOLDING AGENTS

S. F. 141

AN ACT relating to the definition and bonding of withholding agent for income tax purposes and making the Act retroactive.

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

Section 1. Section four hundred twenty-two point four (422.4), subsection thirteen (13), Code 1977, is amended to read as follows:

13. The term "withholding agent" means any individual, fiduciary, estate, trust, corporation, partnership or

association in whatever capacity acting and including all officers and employees of the state of Iowa, or any municipal corporation of the state of Iowa and of any school district or school board of the state, or of any political subdivision of the state of Iowa, or any tax-supported unit of government that is obligated to pay or has control of paying or does pay to any resident or nonresident of the state of Iowa or his agent any wages that are subject to the Iowa income tax in the hands of such resident or nonresident, or any of the above-designated entities making payment or having control of making such payment of any taxable Iowa income to any nonresident. The term "withholding agent" shall also include an officer or employee of a corporation or association, or a member or employee of a partnership, who as such officer, employee, or member has the responsibility to perform an act under section four hundred twenty-two point sixteen (422.16) of the Code and who subsequently knowingly violates the provisions of section four hundred twenty-two point sixteen (422.16) of the Code.

Sec. 2. Section four hundred twenty-two point sixteen (422.16), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. The director may, when necessary and advisable in order to secure the collection of the tax required to be deducted and withheld or the amount actually deducted, whichever is greater, require a nonresident employer or withholding agent to file with the director a bond, issued by a surety company authorized to conduct business in this state and approved by the insurance commissioner as to solvency and responsibility, in such amount as the director may fix, to secure the payment of the tax and penalty due or which may become due. In lieu of the bond, securities shall be kept in the custody of the department and may be sold by the director at public or private sale, without notice to the depositor, if it becomes necessary to do so in order to recover any tax and penalty due. Upon any such sale, any surplus above the amounts due under this section shall be returned to the nonresident employer or withholding agent who deposited the securities.

Sec. 3. The provisions of this Act are effective to January 1, 1978, and to this extent the provisions of this Act are retroactive.

Sec. 4. This Act, being deemed of immediate importance,

shall take effect and be in force from and after its publication in the Adair County Free Press, a newspaper published in Greenfield, Iowa, and in the Storm Lake Pilot-Tribune, a newspaper published in Storm Lake, Iowa.

Approved April 27, 1978

I hereby certify that the foregoing Act, Senate File 141, was published in the Adair County Free Press, Greenfield, Iowa on May 3, 1978, and in the Storm Lake Pilot-Tribune, Storm Lake, Iowa on May 3, 1978.

MELVIN D. SYNHORST, *Secretary of State*

## CHAPTER 1138

### INDIVIDUAL AND CORPORATE INCOME TAX

H. F. 2037

AN ACT relating to the computation of individual and corporate income tax and the franchise tax by updating the references to the internal revenue code, by providing for the computation of depreciation and capital loss by certain taxpayers, by allowing a deduction from income by individuals and corporations for the amount of the allowable federal new jobs tax credit and making the Act retroactive.

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

Section 1. Section four hundred twenty-two point four (422.4), subsection seventeen (17), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter one hundred nineteen (119), section one (1), is amended to read as follows:

17. "Internal Revenue Code of 1954" means the Internal Revenue Code of 1954, as amended to and including January 1, ~~1977~~ 1978.

Sec. 2. Section four hundred twenty-two point seven (422.7), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter one hundred nineteen (119), sections two (2) and three (3), is amended by adding the following new subsections:

NEW SUBSECTION. Married taxpayers who file a joint federal income tax return and who elect to file separate returns or separate filing on a combined return for Iowa income tax purposes, may avail themselves of the additional first-year depreciation and capital loss provisions of sections one hundred seventy-nine a (179(a)) and twelve hundred eleven