

## CHAPTER 1080

## VACANCIES IN REPRESENTATIVES IN CONGRESS AND THE GENERAL ASSEMBLY

H. F. 1033

AN ACT to provide for the nomination by political parties of candidates for special elections called pursuant to section sixty-nine point fourteen (69.14) of the Code.

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

1 SECTION 1. Section forty-three point seventy-eight (43.78), Code 1975, as  
2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter  
3 eighty-one (81), section twenty-five (25), is amended by adding the following new  
4 subsection:

5 NEW SUBSECTION. Political party candidates for a vacant seat in the congress  
6 of the United States or the general assembly which is to be filled at a special  
7 election called pursuant to section sixty-nine point fourteen (69.14) of the Code  
8 shall be nominated in the manner provided by subsection one (1) of this section  
9 for filling a vacancy on the general election ballot for the same office. The name  
10 of any candidate so nominated shall be submitted in writing to the state  
11 commissioner, as required by section forty-three point eighty-eight (43.88) of the  
12 Code, at the earliest practicable time.

1 SEC. 2. This Act, being deemed of immediate importance, shall take effect  
2 and be in force from and after its publication in The Sioux City Journal, a  
3 newspaper published in Sioux City, Iowa, and in the Fort Dodge Messenger, a  
4 newspaper published in Fort Dodge, Iowa.

Approved January 21, 1976

I hereby certify that the foregoing Act, House File 1033, was published in The Sioux City Journal, Sioux City, Iowa, January 25, 1976, and in the Fort Dodge Messenger, Fort Dodge, Iowa, January 24, 1976.

MELVIN D. SYNHORST, *Secretary of State*

## CHAPTER 1081

## APPOINTIVE BOARDS, COMMISSIONS AND COUNCILS

S. F. 488

AN ACT relating to persons serving on state boards, commissions, and councils.

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

1 SECTION 1. NEW SECTION. It is declared the policy of the state of Iowa that  
2 all appointive boards, commissions, and councils of the state established by the  
3 Code if not otherwise provided by law shall be bipartisan in their composition.  
4 No person shall be appointed or reappointed to any board, commission, or  
5 council established by the Code if the effect of that appointment or  
6 reappointment would cause the number of members of the board, commission, or  
7 council belonging to one political party to be greater than one-half the  
8 membership of the board, commission, or council plus one.

9 In the case where the appointment of members of the general assembly is  
10 allowed, and the law does not otherwise provide, if an even number of legislators  
11 are appointed they shall be equally divided by political party affiliation; if an odd  
12 number of members of the general assembly is appointed, the number  
13 representing a certain political party shall not exceed by more than one the  
14 legislative members of the other political party who may be appointed. This  
15 section shall not apply to any board, commission, or council established by the  
16 Code for which other restrictions regarding the political affiliations of members  
17 are provided by law or for which the membership is appointed by more than one  
18 person.

1 SEC. 2. NEW SECTION. If an employee of an appointive board, commission,  
2 or council is a member of the board, commission, or council, that employee shall  
3 not be a voting member. Payment of per diem and expenses shall not cause a  
4 member to be considered an employee of that board, commission or council.

1 SEC. 3. Section one hundred seventy-three point one (173.1), subsection four  
2 (4), Code 1975, is amended to read as follows:

3 4. A secretary and a treasurer to be elected by the state fair board *who shall be*  
4 *nonvoting members.*

1 SEC. 4. Section one hundred seventy-three point four (173.4), Code 1975, is  
2 amended to read as follows:

3 **173.4 Voting power.** On all questions arising for determination by the  
4 convention, each member present shall be entitled to but one vote, and no proxies  
5 shall be recognized by the convention. *However, a member who is also a board*  
6 *director at large or a board congressional director shall not be entitled to vote for a*  
7 *successor to each of the three directors at large or a successor to each congressional*  
8 *director on the board.*

1 SEC. 5. Section five hundred twenty-four point two hundred five (524.205),  
2 subsection one (1), Code 1975, is amended to read as follows:

3 **524.205 State banking board.**

4 1. The state banking board shall be composed of the superintendent, who shall  
5 be *an ex officio nonvoting* a member and chairman ~~and who shall have the right to~~  
6 ~~vote~~, and six other members, appointed by the governor, who shall be chosen  
7 from various sections of the state. Provided, however, that in no event shall more  
8 than five members of such board be engaged in the business of banking in any  
9 executive capacity. In case of a vacancy in the state banking board, other than  
10 one resulting from a vacancy in the office of the superintendent, the governor  
11 shall appoint a new member to fill such vacancy for the unexpired term.

1 SEC. 6. Section six hundred five point twenty-six (605.26), unnumbered  
2 paragraph one (1), Code 1975, is amended to read as follows:

3 **605.26 Commission on judicial qualifications.** A "Commission on Judicial  
4 Qualifications" is hereby created consisting of one district court judge and two  
5 members who are practicing attorneys in Iowa licensed under the provisions of  
6 chapter 610 *and are not of the same political affiliation*, appointed by the chief  
7 justice of the supreme court, and four electors of the state who are not attorneys,  
8 no more than two of whom shall belong to the same political party, to be  
9 appointed by the governor and subject to confirmation by a vote of two-thirds of  
10 the membership of the senate. The commission members shall serve for six-year  
11 terms, shall be ineligible for a second term, shall hold no other office of and shall  
12 not be employed by the United States or the state of Iowa or of its political  
13 subdivisions, except for the judicial member. The first commission members shall  
14 take office January 1, 1974. Initially, two members shall serve for two years, two  
15 for four years, and three for six years, as shall be determined by lot among the

16 first commission members. Vacancies shall be filled by appointment by the chief  
17 justice or governor as the case may be, for the unexpired portion of the term of  
18 the previous commission member.

Approved May 7, 1976

## CHAPTER 1082

### MEDICALLY RELATED DISABILITY OF PUBLIC EMPLOYEES

H. F. 243

AN ACT relating to absences of public employees for medically-related disability.

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

1 SECTION 1. Section seventy-nine point one (79.1), unnumbered paragraph four  
2 (4), Code 1975, is amended to read as follows:

3 Leave of absence of two and one-half working days each month with pay may  
4 be granted in the discretion of the head of any department, agency or commission  
5 to employees of such department, agency or commission when necessary ~~by~~  
6 ~~reason of sickness or injury~~ *for medically-related disability*; unused portions of  
7 such leave for any one year may be accumulative to a total of ninety working  
8 days. Leave of absence in excess of two and one-half working days each month  
9 may be granted on recommendation of the head of any department, agency, or  
10 commission and with the approval of the executive council for an employee when  
11 unusual circumstances resulting from employment are present which will cause  
12 hardship for the employee. It is further provided that employees of institutions  
13 under the state board of regents who are employed for nine months or more in  
14 any twelve-month period shall be entitled, in the discretion of the board, to a  
15 leave of absence with pay of two and one-half working days for each month of  
16 employment when necessary ~~by reason of sickness or injury~~ *for medically-related*  
17 *disability*, and such portion as is unused may be accumulated to a total of ninety  
18 working days.

1 SEC. 2. Chapter seventy-nine (79), Code 1975, is amended by adding the  
2 following new section:

3 NEW SECTION. When supported by the verification of the attending physician  
4 that an absence is necessary in the best interest of the health and well-being of  
5 the employee, an absence for medically-related disability shall not be considered  
6 in actions for promotion, discharge, demotion, or suspension of the employee.

1 SEC. 3. Section two hundred seventy-nine point forty (279.40), unnumbered  
2 paragraph one (1), Code 1975, is amended to read as follows:

3 Public school employees are granted leave of absence for ~~personal illness or~~  
4 ~~injury~~ *medically-related disability* with full pay in the following minimum  
5 amounts:

1 SEC. 4. Section two hundred seventy-nine point forty (279.40), Code 1975, is  
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. Any amounts due an employee under this section shall be  
4 reduced by benefits payable under sections eighty-five point thirty-three (85.33),  
5 and eighty-five point thirty-four (85.34), subsection one (1) of the Code.

Approved February 20, 1976