

FILED APR 24 1975

SENATE FILE 488

By COMMITTEE ON STATE GOVERNMENT

Passed Senate, Date 5-7-75 (1278) Passed House, Date 4-5-76 (1610)

Vote: Ayes 31 Nays 15 Vote: Ayes 85 Nays 0

Approved 5-7-76

Motion to reconsider filed 5-7 (1278) prevailed 5-23-75 Repassed House by further amendment by Senate 4-23-76 (2175) 79-5
Repassed 5-23-75 (1555)
4-1-3

A BILL FOR

1 An Act relating to the political affiliation of persons
2 serving on state boards, commissions, and councils.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

4 *Repassed Senate per House amendment by amendment*
5 4-13-76 (1287)
6 33-12

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1 Section 1. NEW SECTION. It is declared the policy of
2 the state of Iowa that all appointive boards, commissions,
3 and councils of the state if not otherwise provided by law
4 shall be bipartisan in their composition. No person shall
5 be appointed or reappointed to any board, commission, or
6 council if the effect of that appointment or reappointment
7 would cause the number of members of the board, commission,
8 or council belonging to one political party to be greater
9 than one-half the membership of the board, commission, or
10 council plus one. ^ This section shall not apply to any board,
11 commission, or council for which other restrictions regarding
12 the political affiliations of members are provided by law.

13 EXPLANATION

14 The bill provides that no person shall be appointed to
15 a board, commission, or council if that appointment would
16 cause more than one-half plus one of the membership of the
17 board, commission, or council to be of one political party.
18 This does not apply if some other restriction is provided.

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LSB 1854
dsb/rh/31

S-5506

1 Amend the House amendment, S-5480, as passed
2 by the House, to Senate File 488, as amended and
3 passed by the Senate as follows:

4 1. Page 1, by inserting after line 20 the
5 following:

6 "Sec. ____ . Section one hundred seventy-three
7 point four (173.4), Code 1975, is amended to read as
8 follows:

9 173.4 VOTING POWER On all questions arising
10 for determination by the convention, each member pre-
11 sent shall be entitled to but one vote, and no pro-
12 xies shall be recognized by the convention. However,
13 a member who is also a board director at large or a
14 board congressional director shall not be entitled to
15 vote for a successor to each of the three directors
16 at large or a successor to each congressional direc-
17 tor on the board."

18 2. Renumber the internal sections as necessary.

S-5506 FILED & ADOPTED (1284)
APRIL 13, 1976

BY BERL E. PRIEBE

S-5509

1 Amend the House amendment, S-5480, as passed by
2 the House, to Senate File 488 as amended and passed
3 by the Senate as follows:

4 1. Page 1, by inserting after line 2 the fol-
5 lowing:

6 "1. Page 1, line 3, by inserting after the
7 word "state" the words "established by the Code".

8 2. Page 1, line 6, by inserting after the
9 word "council" the words "established by the Code".

10 3. Page 1, line 11, by inserting after the
11 word "council" the words "established by the Code"."

12 2. Page 1, line 3, by striking the figure "1",
13 and inserting in lieu thereof the figure "4".

14 3. Page 1, line 6, by striking the figure
15 "2", and inserting in lieu thereof the figure "5".

16 4. Page 1, line 38, by striking the figure
17 "3", and inserting in lieu thereof the figure "6".

S-5509 FILED & ADOPTED (1287)
APRIL 13, 1976

BY CLIFTON C. LAMBORN

S-5480

1 Amend Senate File 488 as amended and passed
2 by the Senate, as follows:

3 1. Page 1, line 12, by inserting after the word
4 "law" the words "or for which the membership is
5 appointed by more than one person".

6 2. Page 1, by inserting after line 12 the
7 following:

8 "Sec. 2. NEW SECTION. If an employee of an
9 appointive board, commission, or council is a member
10 of the board, commission, or council, that
11 employee shall not be a voting member. Payment
12 of per diem and expenses shall not cause a member
13 to be considered an employee of that board,
14 commission or council.

15 Sec. 3. Section one hundred seventy-three point
16 one (173.1), subsection four (4), Code 1975, is
17 amended to read as follows:

18 4. A secretary and a treasurer to be elected
19 by the state fair board who shall be nonvoting
20 members.

21 Sec. 4. Section five hundred twenty-four point
22 two hundred five (524.205), subsection one (1),
23 Code 1975, is amended to read as follows:

24 524.205 STATE BANKING BOARD.

25 1. The state banking board shall be composed of
26 the superintendent, who shall be an ex officio
27 nonvoting a member and chairman ~~and who shall have~~
28 ~~the right to vote~~, and six other members, appointed
29 by the governor, who shall be chosen from various
30 sections of the state. Provided, however, that in
31 no event shall more than five members of such board
32 be engaged in the business of banking in any
33 executive capacity. In case of a vacancy in the
34 state banking board, other than one resulting from
35 a vacancy in the office of the superintendent, the
36 governor shall appoint a new member to fill such
37 vacancy for the unexpired term."

38 3. Amend the title, line 1, by striking the
39 words "the political affiliation of".

S-5480 FILED-
APRIL 7, 1976

RECEIVED FROM THE HOUSE

Senate amended (5506, 5509, 5510) and concurred 4/13 (1287)

1 Amend Senate File 488 as amended and passed by
2 the Senate as follows:

3 1. Page 1, by inserting after line 12 the
4 following:

5 "Sec. 2. NEW SECTION. If an employee of an
6 appointive board, commission, or council is a member
7 of the board, commission, or council, that employee
8 shall not be a voting member. Payment of per diem
9 and expenses shall not cause a member to be considered
10 an employee of that board, commission or council.

11 Sec. 3. Section one hundred seventy-three point
12 one (173.1), subsection four (4), Code 1975, is amended
13 to read as follows:

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

16 Sec. 4. Section five hundred twenty-four point
17 two hundred five (524.205), subsection one (1), Code
18 1975, is amended to read as follows:

19 524.205 STATE BANKING BOARD.

20 1. The state banking board shall be composed of
21 the superintendent, who shall be an ex officio
22 nonvoting a member and chairman ~~and who shall have~~
23 ~~the right to vote~~, and six other members, appointed
24 by the governor, who shall be chosen from various
25 sections of the state. Provided, however, that in
26 no event shall more than five members of such board
27 be engaged in the business of banking in any executive
28 capacity. In case of a vacancy in the state banking
29 board, other than one resulting from a vacancy in
30 the office of the superintendent, the governor shall
31 appoint a new member to fill such vacancy for the
32 unexpired term."

33 2. Amend the title, line 1, by striking the words
34 "the political affiliation of".

S-3864

1 Amend Senate File 488 as follows:
2 Page 1, line 10, after the period insert the
3 following:
4 "In the case where the appointment of members of
5 the general assembly is allowed, and the law does
6 not otherwise provide, if an even number of legis-
7 lators are appointed they shall be equally divided
8 by political party affiliation; if an odd number
9 of members of the general assembly is appointed,
10 the number representing a certain political party
11 shall not exceed by more than one the legislative
12 members of the other political party who may be
13 appointed."

S-3864 FILED - *adopted 5/23 (1555)* BY CLIFTON C. LAMBORN
MAY 20, 1975

SENATE FILE 488

H-5903

1 Amend Senate File 488 as amended and passed by
2 the Senate, as follows:
3 1. Page 1, line 12, by inserting after the word
4 "law" the words "or for which the membership is
5 appointed by more than one person".

H-5903 FILED BY MONROE of Des Moines
MARCH 19, 1976 - *adopted 4/5 (1604)*

S-5510

1 Amend the House amendment, S-5480, as passed
2 by the House, to Senate File 488 as amended and
3 passed by the Senate as follows:

4 1. Page 1, by inserting after lines 37 the
5 following:

6 "Sec. _____. Section six hundred five point twen-
7 ty-six (605.26), unnumbered paragraph one, Code
8 1975 is amended to read as follows:

9 605.26 COMMISSION ON JUDICIAL QUALIFICATIONS.

10 A "Commission on Judicial Qualifications" is here-
11 by created consisting of one district court judge
12 and two members who are practicing attorneys
13 in Iowa licensed under the provisions of chapter
14 610 and are not of the same political affiliation,
15 appointed by the chief justice of the supreme court
16 and four electors of the state who are not attorneys,
17 no more than two of whom shall belong to the same
18 political party, to be appointed by the governor and
19 subject to confirmation by a vote of two-thirds of the
20 membership of the senate. The commission members shall
21 serve for six-year terms, shall be ineligible for a
22 second term, shall hold no other office of and shall
23 not be employed by the United States or the state of
24 Iowa or of its political subdivisions, except for the
25 judicial member. The first commission members shall
26 take office January 1, 1974. Initially, two members
27 shall serve for two years, two for four years, and
28 three for six years, as shall be determined by lot
29 among the first commission members. Vacancies shall
30 be filled by appointment by the chief justice or gover-
31 nor as the case may be, for the unexpired portion of
32 the term, of the previous commission member."

33 2. Renumber the section numbers as necessary.

S-5510 FILED & ADOPTED (1286)
APRIL 13, 1976

BY MINNETTE F. DODERER

S-5499

1 Amend the House amendment, S-5480, as passed
2 by the House, to Senate File 488 as amended and
3 passed by the Senate as follows:

4 1. Page 1, by inserting after line 37 the
5 following:

6 "Sec. ____ . Section six hundred five point twen-
7 ty-six (605.26), unnumbered paragraph one, Code
8 1975 is amended to read as follows:

9 605.26 COMMISSION ON JUDICIAL QUALIFICATIONS.

10 A "Commission on Judicial Qualifications" is here-
11 by created consisting of one district court judge
12 and two members, neither of which are of the same
13 political affiliation, who are practicing attorneys
14 in Iowa licensed under the provisions of chapter
15 610, appointed by the chief justice of the supreme
16 court, and four electors of the state who are not
17 attorneys, no more than two of whom shall belong to
18 the same political party, to be appointed by the
19 governor and subject to confirmation by a vote of
20 two-thirds of the membership of the senate. The
21 commission members shall serve for six-year terms,
22 shall be ineligible for a second term, shall hold
23 no other office of and shall not be employed by the
24 United States or the state of Iowa or of its pol-
25 itical subdivisions, except for the judicial mem-
26 ber. The first commission members shall take of-
27 fice January 1, 1974. Initially, two members shall
28 serve for two years, two for four years, and three
29 for six years, as shall be determined by lot among
30 the first commission members. Vacancies shall be
31 filled by appointment by the chief justice or gover-
32 nor as the case may be, for the unexpired portion
33 of the term, of the previous commission member."

34 2. Renumber the section numbers as necessary.
35

S-5499 FILED. *Withdrawn 4/13 (1286)*
APRIL 12, 1976

BY MINNETTE F. DODERER

S-5500

1 Amend the House amendment, S-5480, as passed
2 by the House, to Senate File 488, as amended and
3 passed by the Senate as follows:

4 1. Page 1, by inserting after line 20 the
5 following:

6 "Sec. ____ . Section one hundred seventy-three
7 point four (173.4), Code 1973, is amended to read as
8 follows:

9 173.4 VOTING POWER On all questions arising
10 for determination by the convention, each member pre-
11 sent shall be entitled to but one vote, and no pro-
12 xies shall be recognized by the convention. However,
13 a member who is also a board director at large or a
14 board congressional director shall not be entitled to
15 vote for a successor to each of the three directors
16 at large or a successor to each congressional direc-
17 tor on the board."

18 2. Renumber the internal sections as necessary.

S-5500 FILED. *Withdrawn 4/13 (1283)* BY BERL E. PRIEBE

H-6310

1 Amend the House amendment S-5480, as passed by
2 the House, to Senate File 488, as amended and passed
3 by the Senate as follows:

4 1. Page 1, by inserting after line 2 the following:

5 "1. Page 1, line 3, by inserting after the word
6 "state" the words "established by the Code".

7 2. Page 1, line 6, by inserting after the word
8 "council" the words "established by the Code".

9 3. Page 1, line 11, by inserting after the word
10 "council" the words "established by the Code".

11 2. Page 1, line 3, by striking the figure "1"
12 and inserting in lieu thereof the figure "4".

13 3. Page 1, line 6, by striking the figure "2"
14 and inserting in lieu thereof the figure "5".

15 4. Page 1, by inserting after line 20 the
16 following:

17 "Sec. _____. Section one hundred seventy-three point
18 four (173.4), Code 1975, is amended to read as follows:

19 173.4 VOTING POWER. On all questions arising
20 for determination by the convention, each member pre-
21 sent shall be entitled to but one vote, and no prox-
22 ies shall be recognized by the convention. However,
23 a member who is also a board director at large or
24 a board congressional director shall not be entitled
25 to vote for a successor to each of the three directors
26 at large or a successor to each congressional direc-
27 tor on the board."

28 5. Page 1, by inserting after line 37 the
29 following:

30 "Sec. _____. Section six hundred five point twen-
31 ty-six (605.26), unnumbered paragraph one (1), Code
32 1975, is amended to read as follows:

33 605.26 COMMISSION ON JUDICIAL QUALIFICATIONS.

34 A "Commission on Judicial Qualifications" is here-
35 by created consisting of one district court judge
36 and two members who are practicing attorneys in Iowa
37 licensed under the provisions of chapter 610 and are
38 not of the same political affiliation, appointed by
39 the chief justice of the supreme court, and four
40 electors of the state who are not attorneys, no more
41 than two of whom shall belong to the same political
42 party, to be appointed by the governor and subject
43 to confirmation by a vote of two-thirds of the
44 membership of the senate. The commission members
45 shall serve for six-year terms, shall be ineligible
46 for a second term, shall hold no other office of and
47 shall not be employed by the United States or the
48 state of Iowa or of its political subdivisions, except
49 for the judicial member. The first commission members
50 shall take office January 1, 1974. Initially, two

Page 2

1 members shall serve for two years, **two for four years,**
2 and three for six years, as shall be determined by
3 lot among the first commission members. Vacancies
4 shall be filled by appointment by the chief justice
5 or governor as the case may be, for the unexpired
6 portion of the term of the previous commission member."

7 6. Page 1, line 38, by striking the figure "3"
8 and inserting in lieu thereof the figure "6".

House concurred 4/23 (2174)

AN ACT

RELATING TO PERSONS SERVING ON STATE BOARDS, COMMISSIONS, AND COUNCILS.

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

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

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

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

or council.

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

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

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

173.4 VOTING POWER. On all questions arising for determination by the convention, each member present shall be entitled to but one vote, and no proxies shall be recognized by the convention. However, a member who is also a board director at large or a board congressional director shall not be entitled to vote for a successor to each of the three directors at large or a successor to each congressional director on the board.

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

524.205 STATE BANKING BOARD.

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

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

605.26 COMMISSION ON JUDICIAL QUALIFICATIONS. A

"Commission on Judicial Qualifications" is hereby created consisting of one district court judge and two members who are practicing attorneys in Iowa licensed under the provisions of chapter 610 and are not of the same political affiliation, appointed by the chief justice of the supreme court, and four electors of the state who are not attorneys, no more than two of whom shall belong to the same political party, to be appointed by the governor and subject to confirmation by a vote of two-thirds of the membership of the senate. The commission members shall serve for six-year terms, shall be ineligible for a second term, shall hold no other office of and shall not be employed by the United States or the state of Iowa or of its political subdivisions, except for the judicial member. The first commission members shall take office January 1, 1974. Initially, two members shall serve for two years, two for four years, and three for six years, as shall be determined by lot among the first commission members. Vacancies shall be filled by appointment by the chief justice or governor as the case may be, for the unexpired portion of the term of the previous commission member.

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 488, Sixty-sixth General Assembly.

Approved May 7, 1976

STEVEN C. CROSS
Secretary of the Senate

ROBERT D. RAY
Governor