

House File 367 - Introduced

HOUSE FILE _____
BY PETTENGILL

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act increasing the number of members serving on the utilities
2 board within the utilities division of the department of
3 commerce and changing the membership from an appointed to an
4 elected board.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1588HH 83
7 rn/sc/5

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1 1 Section 1. Section 39.21, Code 2009, is amended by adding
2 the following new subsection:
1 3 NEW SUBSECTION. 5. Members of the utilities board within
1 4 the utilities division of the department of commerce as
1 5 provided in section 474.1.
1 6 Sec. 2. Section 474.1, subsections 1 and 2, Code 2009, are
1 7 amended by striking the subsections and inserting in lieu
1 8 thereof the following:
1 9 1. a. A utilities division is created within the
1 10 department of commerce. The policymaking body for the
1 11 division is the utilities board which is created within the
1 12 division.
1 13 b. The board is composed of five members, one to be
1 14 elected by the registered voters of each congressional
1 15 district. Board members shall be elected on a nonpartisan
1 16 basis at the general election for staggered four-year terms
1 17 commencing on the first day of January that is not a Sunday or
1 18 holiday following their election. Any eligible elector is
1 19 entitled to membership on the board, except that no more than
1 20 one member shall at any one time be a resident of any one
1 21 congressional district. A vacancy shall be filled by the
1 22 chairperson of the board for the unexpired balance of the term
1 23 as provided in section 69.12 until the next succeeding general
1 24 election.
1 25 c. At each general election a successor shall be chosen
1 26 for each commissioner whose term will expire in the succeeding
1 27 January. Nomination of candidates shall be made by petition
1 28 in accordance with chapter 45, except that each candidate's
1 29 nominating petition shall be signed by at least three hundred
1 30 eligible electors residing in the congressional district. The
1 31 petition form shall be furnished by the county commissioner of
1 32 elections. Every candidate shall file with the nomination
1 33 papers an affidavit stating the candidate's name, the
1 34 candidate's residence, that the person is a candidate and is
1 35 eligible for board membership, and that if elected the
2 1 candidate will qualify for the office. The affidavit shall
2 2 also state that the candidate is aware that the candidate is
2 3 disqualified from holding office if the candidate has been
2 4 convicted of a felony or other infamous crime and the
2 5 candidate's rights have not been restored by the governor or
2 6 by the president of the United States.
2 7 d. The signed petitions shall be filed with the county
2 8 commissioner of elections not later than 5:00 p.m. on the
2 9 sixty-ninth day before the general election. The votes for
2 10 board membership shall be canvassed in the same manner as the
2 11 votes for state officers, and the returns shall be certified
2 12 to the state commissioner of elections. A plurality is
2 13 sufficient to elect members, and a primary election for the
2 14 office shall not be held.
2 15 e. As used in this subsection, "congressional district"
2 16 means those districts established following the 2000 federal
2 17 decennial census.
2 18 2. The utilities board shall organize by appointing an

2 19 executive secretary, who shall take the same oath as the
2 20 members. The board shall set the salary of the executive
2 21 secretary within the limits of the pay plan for exempt
2 22 positions provided for in section 8A.413, subsection 3, unless
2 23 otherwise provided by the general assembly. The board may
2 24 employ additional personnel as it finds necessary. Board
2 25 members shall elect a member to serve as the chairperson of
2 26 the board. The chairperson shall be the administrator of the
2 27 utilities division. A member shall serve as chairperson for a
2 28 two-year term.

2 29 Sec. 3. TRANSITION PROVISIONS. Membership terms of
2 30 utilities board members serving on the board on the effective
2 31 date of this Act and otherwise expiring prior to the general
2 32 election to be conducted in 2010 shall be extended until the
2 33 first day of January that is not a Sunday or holiday following
2 34 the election. Membership terms of utilities board members
2 35 appointed to the board after the effective date of this Act
3 1 shall expire in 2011 on the first day of January that is not a
3 2 Sunday or holiday.

3 3 EXPLANATION

3 4 This bill changes the composition of the utilities board
3 5 within the utilities division of the department of commerce
3 6 from the current membership of three appointed members to a
3 7 membership of five elected members.

3 8 The bill provides that the five members shall be elected by
3 9 the registered voters of each congressional district, as those
3 10 districts were established following the 2000 federal census,
3 11 with no more than one member at any time residing in any one
3 12 district, on a nonpartisan basis for staggered four-year
3 13 terms. The election shall be held biennially at the same time
3 14 as the general election, and any eligible elector is entitled
3 15 to membership on the board.

3 16 The bill specifies nomination of candidates for the board
3 17 shall be made by petition pursuant to Code chapter 45, with
3 18 the exception that each candidate's nominating petition shall
3 19 be signed by at least 25 eligible electors residing in the
3 20 district. The bill states that the votes for board membership
3 21 shall be canvassed in the same manner as the votes for state
3 22 officers, that returns shall be certified to the state
3 23 commissioner of elections, that a plurality is sufficient to
3 24 elect members, and that a primary election for the office
3 25 shall not be held.

3 26 The bill provides that a chairperson of the board shall be
3 27 elected from among the board membership for a two-year term.
3 28 Currently, a chairperson is appointed by the governor.

3 29 The bill provides transition provisions for the general
3 30 election in 2010. The terms of utilities board members
3 31 serving on the board on the bill's effective date and
3 32 otherwise expiring prior to the general election in 2010 shall
3 33 be extended until the first day of January that is not a
3 34 Sunday or holiday following the election. The terms of
3 35 members appointed after the effective date shall expire in
4 1 2011 on the first day of January that is not a Sunday or a
4 2 holiday.

4 3 LSB 1588HH 83
4 4 rn/sc/5