

Senate Study Bill 1288

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
RULES AND ADMINISTRATION
BILL BY CHAIRPERSON
GRONSTAL)

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

A BILL FOR

1 An Act relating to appointments by members of the general
2 assembly to statutory boards, commissions, councils, and
3 committees, and including effective date and applicability
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 1045XC 83
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1 1 Section 1. Section 8.65, subsection 1, paragraph b, Code
1 2 2009, is amended to read as follows:
1 3 b. Four nonvoting members of the general assembly shall be
1 4 appointed for a term of two years commencing at the convening
~~1 5 of each general assembly terms as provided in section 69.16B,~~
1 6 one each appointed by the majority leader of the senate, the
1 7 minority leader of the senate, the speaker of the house of
1 8 representatives, and the minority leader of the house of
1 9 representatives. ~~However, initial appointments of members~~
~~1 10 under this paragraph shall be made on April 27, 2007.~~

1 11 Sec. 2. Section 8.65, subsection 2, paragraph a, Code
1 12 2009, is amended to read as follows:
1 13 a. Terms of voting members and of nonvoting members
1 14 specified in subsection 1, paragraph "c", shall begin and end
1 15 as provided by section 69.19. ~~However, the terms of the~~
~~1 16 voting members appointed by a member of the general assembly~~
~~1 17 shall begin and end as provided in section 69.16B.~~ Any
1 18 vacancy shall be filled in the same manner as regular
1 19 appointments are made for the unexpired portion of the regular
1 20 term.

1 21 Sec. 3. Section 216A.139, subsection 2, unnumbered
1 22 paragraph 1, Code 2009, is amended to read as follows:
1 23 ~~Members~~ The voting members of the council shall include
1 24 ~~members of the general assembly selected by the legislative~~
~~1 25 council and~~ one representative of each of the following:

1 26 Sec. 4. Section 216A.139, Code 2009, is amended by adding
1 27 the following new subsection:

1 28 NEW SUBSECTION. 2A. In addition to the voting members,
1 29 the council membership shall include four members of the
1 30 general assembly with one member designated by each of the
1 31 following: the majority leader of the senate, the minority
1 32 leader of the senate, the speaker of the house of
1 33 representatives, and the minority leader of the house of
1 34 representatives. A legislative member serves for a term as
1 35 provided in section 69.16B in an ex officio, nonvoting
2 1 capacity.

2 2 Sec. 5. Section 225C.5, subsection 1, unnumbered paragraph
2 3 1, Code 2009, is amended to read as follows:

2 4 A mental health, mental retardation, developmental
2 5 disabilities, and brain injury commission is created as the
2 6 state policy-making body for the provision of services to
2 7 persons with mental illness, mental retardation or other
2 8 developmental disabilities, or brain injury. ~~The commission~~
~~2 9 shall consist of sixteen commission's voting members shall be~~
2 10 appointed to three-year staggered terms by the governor and
2 11 ~~are~~ subject to confirmation by the senate. Commission members
2 12 shall be appointed on the basis of interest and experience in
2 13 the fields of mental health, mental retardation or other
2 14 developmental disabilities, and brain injury, in a manner so
2 15 as to ensure adequate representation from persons with

2 16 disabilities and individuals knowledgeable concerning
2 17 disability services. The department shall provide staff
2 18 support to the commission, and the commission may utilize
2 19 staff support and other assistance provided to the commission
2 20 by other persons. The commission shall meet at least four
2 21 times per year. ~~Members~~ The membership of the commission
2 22 shall ~~include~~ consist of the following persons who, at the
2 23 time of appointment to the commission, are active members of
2 24 the indicated groups:

2 25 Sec. 6. Section 249A.36, subsection 2, paragraph a, Code
2 26 2009, is amended to read as follows:

2 27 a. The council shall consist of ~~seven~~ eight voting members
2 28 ~~who are not members of the general assembly.~~ The voting
2 29 ~~members shall be appointed~~ two each by the majority leader of
2 30 the senate, the minority leader of the senate, the speaker of
2 31 the house, and the minority leader of the house of
2 32 representatives. At least one member of the council shall be
2 33 a consumer and at least one member shall be a medical
2 34 assistance program provider. An individual who is employed by
2 35 a private or nonprofit organization that receives one million
3 1 dollars or more in compensation or reimbursement from the
3 2 department, annually, is not eligible for appointment to the
3 3 council. The members shall serve terms ~~of two years beginning~~
3 4 ~~and ending~~ as provided in section ~~69.19~~ 69.16B, and
3 5 appointments shall comply with sections ~~69.16, and 69.16A, and~~
3 6 69.16C. Members shall receive reimbursement for actual
3 7 expenses incurred while serving in their official capacity and
3 8 may also be eligible to receive compensation as provided in
3 9 section 7E.6. Vacancies shall be filled by the original
3 10 appointing authority and in the manner of the original
3 11 appointment. A person appointed to fill a vacancy shall serve
3 12 only for the unexpired portion of the term.

3 13 Sec. 7. Section 280A.2, subsections 8 and 9, Code 2009,
3 14 are amended to read as follows:

3 15 8. TERMS OF MEMBERS. The members shall be appointed to
3 16 ~~three-year staggered terms and the terms shall commence and~~
3 17 ~~end as provided by section 69.19, except that the appointment~~
3 18 ~~and terms of legislators shall be~~ terms as provided in section
3 19 69.16B. If a vacancy occurs, a successor shall be appointed
3 20 to serve the unexpired term. A successor shall be appointed
3 21 in the same manner and subject to the same qualifications as
3 22 the original appointment to serve the unexpired portion of the
3 23 term.

3 24 9. EXPENSES. ~~Members~~ The members of the commission ~~who~~
3 25 ~~are not legislators~~ are entitled to receive reimbursement for
3 26 actual expenses incurred while engaged in the performance of
3 27 official duties from funds appropriated to the department of
3 28 education for that purpose, ~~except that legislators'.~~
3 29 Legislators' per diem and expenses shall be paid from funds
3 30 appropriated by section 2.12.

3 31 Sec. 8. Section 303A.5, subsection 2, Code 2009, is
3 32 amended to read as follows:

3 33 2. Members appointed by the general assembly shall be
3 34 appointed to ~~two-year~~ terms as provided in section 69.16B.
3 35 The public members appointed by the governor shall serve
4 1 five-year staggered terms beginning and ending as provided in
4 2 section 69.19. Vacancies on the board shall be filled for the
4 3 unexpired portion of the term in the same manner as the
4 4 original appointments.

4 5 Sec. 9. Section 411.36, subsection 2, Code 2009, is
4 6 amended to read as follows:

4 7 2. Except as otherwise provided for the initial
4 8 appointments, the voting members shall be appointed for
4 9 four-year terms, and the nonvoting members shall be appointed
4 10 for ~~two-year~~ terms as provided in section 69.16B. Terms of
4 11 ~~voting members~~ begin on May 1 in the year of appointment and
4 12 expire on April 30 in the year of expiration.

4 13 Sec. 10. Section 411.36, subsection 5, paragraph a, Code
4 14 2009, is amended to read as follows:

4 15 a. ~~Members~~ The voting members of the board shall be paid
4 16 their actual and necessary expenses incurred in the
4 17 performance of their duties and shall receive a per diem as
4 18 specified in section 7E.6 for each day of service. Per diem
4 19 and expenses shall be paid to voting members from the fire and
4 20 police retirement fund created in section 411.8.

4 21 Sec. 11. Section 455B.150, subsection 1, paragraph b, Code
4 22 2009, is amended to read as follows:

4 23 b. Four persons appointed by the leadership of the general
4 24 assembly.

4 25 (1) The persons, who shall not be members of the general
4 26 assembly, shall be appointed as follows:

4 27 (a) One person by the majority leader of the senate after
4 28 consultation with the president of the senate ~~and the minority~~
~~4 29 leader, and one person by the minority leader of the senate~~
4 30 ~~after consultation with the president of the senate and the~~
~~4 31 majority leader.~~

4 32 (b) ~~Two persons appointed~~ One person by the speaker of the
4 33 house of representatives after consultation with the majority
4 34 leader ~~and minority leader, and one person by the minority~~
4 35 ~~leader of the house of representatives.~~

5 1 (2) Each person shall be an owner of a small business
5 2 stationary source or shall represent an owner of a small
5 3 business stationary source.

5 4 (3) ~~The~~ Each person shall serve for a ~~two-year~~ term as
5 5 provided in section 69.16B and may be reappointed.

5 6 ~~(4) A term shall expire upon the convening of the~~
~~5 7 following general assembly, or when the appointee's successor~~
~~5 8 is appointed, whichever occurs later.~~

5 9 Sec. 12. EFFECTIVE DATE AND APPLICABILITY PROVISIONS.
5 10 This Act, being deemed of immediate importance, takes effect
5 11 upon enactment. This Act applies to appointees named by a
5 12 member or members of the general assembly before, on, or after
5 13 the effective date of this Act.

5 14 EXPLANATION

5 15 This bill relates to appointments by members of the general
5 16 assembly to statutory boards, commissions, councils, and
5 17 committees. Many of the bill's provisions provide that terms
5 18 of legislative appointees are for the approximately two-year
5 19 period specified in Code section 69.16B beginning in
5 20 odd-numbered years when a new general assembly convenes and
5 21 ending upon the convening of the subsequent general assembly,
5 22 or when the appointee's successor is appointed, whichever is
5 23 later.

5 24 Code section 8.65, creating the local government innovation
5 25 commission, is amended to provide that the terms of the four
5 26 members of the general public appointed by legislative leaders
5 27 are the same as the two-year terms of other legislative
5 28 appointments. Citations to Code section 69.16B are provided
5 29 and obsolete language is deleted.

5 30 Code section 216A.139, relating to establishment of the sex
5 31 offender research council, is amended to replace a general
5 32 requirement for appointment of an unspecified number of
5 33 legislators by the legislative council with a requirement for
5 34 appointment of two legislators from each chamber, one each by
5 35 their respective legislative leaders.

6 1 Code section 225C.5, creating the mental health, mental
6 2 retardation, developmental disabilities, and brain injury
6 3 commission, is amended to eliminate a reference to a specific
6 4 number of voting members. Current law provides a limitation
6 5 of 16 voting members while including a listing of various
6 6 interests amounting to 17 membership slots.

6 7 Code section 249A.36, establishing the medical assistance
6 8 quality improvement council, is amended to replace joint
6 9 appointment of seven members by the four legislative leaders
6 10 with appointment of eight public members with two each
6 11 appointed by the same four legislative leaders. The terms are
6 12 specified to be the two-year terms for legislative
6 13 appointments outlined in Code section 69.16B.

6 14 Code section 280A.2, creating the Iowa learning technology
6 15 commission, is amended to change the current three-year terms
6 16 to two-year terms as specified for legislative appointments in
6 17 Code section 69.16B. Six of the seven voting members are
6 18 legislative appointments and four of the five ex officio,
6 19 nonvoting members are legislators. The bill also provides for
6 20 payment of per diem for the legislator members of the
6 21 commission.

6 22 Code section 303A.5, creating the board of trustees of the
6 23 Iowa cultural trust, is amended to specify that the four
6 24 legislative public member appointees serve two-year terms
6 25 coinciding with the beginning and ending of each general
6 26 assembly as provided in Code section 69.16B. The remaining
6 27 public members appointed by the governor serve five-year terms
6 28 beginning on May 1 and ending April 30.

6 29 Code section 411.36, creating the board of trustees for the
6 30 statewide fire and police retirement system, is amended to
6 31 provide that the two-year terms of the legislator members
6 32 coincide with the beginning and ending of the general assembly
6 33 as provided in Code section 69.16B. Current law provides for
6 34 all board terms to begin on May 1 and end on April 30.

6 35 Code section 455B.150, creating the compliance advisory
7 1 panel in accordance with the federal Clean Air Act Amendments
7 2 of 1990, is amended to provide individual appointment

7 3 authority by the four legislative leaders to conform with
7 4 other legislative appointments. The bill specifies that the
7 5 four legislative appointments cannot be members of the general
7 6 assembly and the terms are for two years coinciding with the
7 7 beginning and ending of a general assembly as provided in Code
7 8 section 69.16B.
7 9 The bill takes effect upon enactment and applies to
7 10 appointees named by a member or members of the general
7 11 assembly before, on, or after the effective date.
7 12 LSB 1045XC 83
7 13 jp/rj/5