

**House File 2312 - Introduced**

HOUSE FILE 2312

BY ISENHART

**A BILL FOR**

1 An Act providing for the filling of a vacancy in the office of  
2 commissioner of soil and water conservation districts.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 161A.5, subsection 2, Code 2022, is  
2 amended to read as follows:

3 2. a. The governing body of each district shall consist of  
4 five commissioners elected on a nonpartisan basis for staggered  
5 four-year terms commencing on the first day of January that is  
6 not a Sunday or holiday following their election.

7 b. Any eligible elector residing in the district is  
8 eligible to the office of commissioner, except that not more  
9 than two commissioners shall at any one time be a resident of  
10 any one township. ~~A vacancy is created in the office of any~~  
11 ~~commissioner who changes residence into a township where two~~  
12 ~~commissioners then reside.~~

13 ~~c. If a commissioner is absent for sixty or more percent~~  
14 ~~of monthly meetings during any twelve-month period, the other~~  
15 ~~commissioners by their unanimous vote may declare the member's~~  
16 ~~office vacant. A vacancy in the office of commissioner shall~~  
17 ~~be filled by appointment of the committee until the next~~  
18 ~~succeeding general election, at which time the balance of the~~  
19 ~~unexpired term shall be filled as provided by [section 69.12](#).~~

20 Sec. 2. Section 161A.5, Code 2022, is amended by adding the  
21 following new subsection:

22 NEW SUBSECTION. 4. a. A vacancy in the office of  
23 commissioner of a district shall be filled by a person  
24 appointed by the committee.

25 b. The commission shall declare a vacancy in the office  
26 of commissioner not later than thirty days after the vacancy  
27 occurs. The vacancy may be based on a commissioner's  
28 death or the commission's acceptance of the commissioner's  
29 resignation. A vacancy is created when a commissioner changes  
30 residence into a township where two commissioners then reside.

31 If a commissioner is absent for sixty percent or more of  
32 monthly meetings during any twelve-month period, the other  
33 commissioners by unanimous vote may declare the member's office  
34 vacant.

35 c. The commissioners shall publish notice of the vacancy in

1 the district pursuant to section 331.305. The commissioners  
2 shall nominate one or more qualified electors residing in the  
3 district to the committee. The commissioners shall make the  
4 nominations in open session as provided in chapter 21. The  
5 commissioners shall consider representation on the commission  
6 that reflects the diversity of the district's population.  
7 The commissioners shall accept applications from eligible  
8 electors residing in the district. Not earlier than thirty  
9 days after the notice of the vacancy was first published,  
10 the commissioners shall submit to the committee a list and  
11 qualifications of eligible electors residing in the district  
12 who are nominated by the commissioners and applicants who  
13 submitted timely applications to the commissioners.

14 *d.* The committee shall review the lists of all nominees  
15 and applicants in open session as provided in chapter 21. The  
16 committee shall place consideration of the appointment on the  
17 published agenda of the next regularly scheduled meeting of the  
18 committee following receipt of nominations and applications.  
19 The committee shall make all decisions regarding an appointment  
20 in open session as provided in chapter 21. The committee shall  
21 consider representation on the commission that reflects the  
22 diversity of the district's population.

23 *e.* The vacancy shall be filled until the next succeeding  
24 general election, at which time the balance of the unexpired  
25 term shall be filled as provided by section 69.12.

26 EXPLANATION

27 The inclusion of this explanation does not constitute agreement with  
28 the explanation's substance by the members of the general assembly.

29 BACKGROUND. This bill amends provisions in Code chapter  
30 161A, known as the "soil conservation districts law" (Code  
31 section 161A.1), established within the jurisdiction of the  
32 department of agriculture and land stewardship (DALs). There  
33 are 100 soil and water conservation districts (districts)  
34 (Code section 161A.5(1)). The governing body of a district  
35 consists of five commissioners elected on a nonpartisan

1 basis for staggered four-year terms (Code section 161A.5(2)).  
2 The state soil conservation and water quality committee  
3 (committee) consisting of nine governor-appointed members  
4 together with DALS' division of soil conservation and water  
5 quality oversees the districts and the commissioners for each  
6 district (Code section 161A.4). A vacancy may occur on a  
7 commission for various reasons, including when a commissioner  
8 changes residence into a township where two commissioners then  
9 reside. A vacancy may also occur based on a commissioner's  
10 nonattendance. A vacancy is filled by a person appointed by  
11 the committee until the next succeeding general election (Code  
12 section 161A.5(2)).

13 BILL'S PROVISIONS. The bill requires the commissioners  
14 to publish a notice of a vacancy in the district and accept  
15 applications from persons interested in being appointed to fill  
16 that vacancy. The commissioners must submit to the committee  
17 a list of the names and qualifications of one or more persons  
18 nominated by the commissioners and any applications that it  
19 received after publishing the notice. The committee must  
20 place consideration of the appointment on the published agenda  
21 for the next regularly scheduled meeting of the committee  
22 following receipt of the list of nominations and applications.  
23 The commissioners and the committee shall make all decisions  
24 regarding an appointment in open session under Iowa's open  
25 meeting law (Code chapter 21). The commissioners and the  
26 committee must consider representation on the commission  
27 in a manner that reflects the diversity of the district's  
28 population.