

Senate File 423 - Introduced

SENATE FILE 423
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1148)

A BILL FOR

1 An Act relating to the confirmation by the senate of certain
2 appointees, and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 2.32B Confirmations of appointment
2 — requests.

3 1. A member of the senate may request that an appointment
4 made by the governor or an appointing authority other than the
5 governor that is not otherwise subject to senate confirmation
6 pursuant to section 2.32 be subject to such confirmation as
7 provided in that section.

8 2. A request under this section shall be signed by at least
9 twenty-six senators and shall be submitted to the office of
10 the president of the senate, and the office of the governor
11 or the appointing authority, as applicable, within sixty days
12 following the appointment. The request shall be accompanied
13 by an explanation as to why senate confirmation is sought, and
14 shall be printed in the journal of the senate and included in
15 the materials submitted pursuant to section 2.32, subsection 3.

16 3. An appointee subject to confirmation pursuant to this
17 section shall be confirmed as provided in section 2.32, and
18 shall be considered a nominee to fill a vacancy occurring on
19 the date a request is submitted pursuant to this section.

20 Sec. 2. Section 16.2C, subsection 3, Code 2021, is amended
21 to read as follows:

22 3. The agricultural development board consists of five
23 members appointed by the governor ~~subject to confirmation by~~
24 ~~the senate.~~ The executive director of the authority or the
25 executive director's designee shall serve as an ex officio,
26 nonvoting member.

27 Sec. 3. Section 23.3, subsection 1, Code 2021, is amended
28 to read as follows:

29 1. An Iowa public information board is created consisting of
30 nine members appointed by the governor, ~~subject to confirmation~~
31 ~~by the senate.~~ No more than three members appointed shall be
32 representatives from the media including newspapers and no
33 more than three members appointed shall be representatives
34 of cities, counties, and other political subdivisions of the
35 state.

1 Sec. 4. Section 35A.2, subsection 1, Code 2021, is amended
2 to read as follows:

3 1. A commission of veterans affairs is created consisting of
4 eleven persons who shall be appointed by the governor, ~~subject~~
5 ~~to confirmation by the senate.~~ Members shall be appointed to
6 staggered terms of four years beginning and ending as provided
7 in [section 69.19](#). The governor shall fill a vacancy for the
8 unexpired portion of the term. In addition to the members
9 appointed by the governor, the director of the department
10 and the commandant of the Iowa veterans home shall serve as
11 nonvoting, ex officio members of the commission.

12 Sec. 5. Section 80B.6, subsection 1, unnumbered paragraph
13 1, Code 2021, is amended to read as follows:

14 An Iowa law enforcement academy council is created
15 consisting of the following thirteen voting members appointed
16 by the governor, ~~subject to confirmation by the senate,~~ to
17 terms of four years commencing as provided in [section 69.19](#):

18 Sec. 6. Section 80E.2, subsection 2, Code 2021, is amended
19 to read as follows:

20 2. The prosecuting attorney, licensed substance abuse
21 treatment specialist, certified substance abuse prevention
22 specialist, substance abuse treatment program director,
23 member representing the Iowa peace officers association,
24 member representing the Iowa state police association, and the
25 member representing the Iowa state sheriffs' and deputies'
26 association shall be appointed by the governor, ~~subject to~~
27 ~~senate confirmation,~~ for four-year terms beginning and ending
28 as provided in [section 69.19](#). A vacancy on the council shall
29 be filled for the unexpired term in the same manner as the
30 original appointment was made.

31 Sec. 7. Section 142A.3, subsection 3, paragraph a,
32 unnumbered paragraph 1, Code 2021, is amended to read as
33 follows:

34 Members, at least one of whom is a member of a racial
35 minority, to be appointed by the governor, ~~subject to~~

1 ~~confirmation by the senate pursuant to sections 2.32 and 69.19,~~
2 and consisting of the following:

3 Sec. 8. Section 216.3, subsection 1, Code 2021, is amended
4 to read as follows:

5 1. The Iowa state civil rights commission shall consist of
6 seven members appointed by the governor ~~subject to confirmation~~
7 ~~by the senate.~~ Appointments shall be made to provide
8 geographical area representation insofar as practicable. No
9 more than four members of the commission shall belong to the
10 same political party. Members appointed to the commission
11 shall serve for four-year staggered terms beginning and ending
12 as provided by [section 69.19](#).

13 Sec. 9. Section 216A.12, subsection 1, Code 2021, is amended
14 to read as follows:

15 1. The commission of Latino affairs consists of seven
16 members, appointed by the governor, ~~and subject to confirmation~~
17 ~~by the senate pursuant to section 2.32.~~ Commission members
18 shall be appointed in compliance with [sections 69.16](#) and
19 [69.16A](#). Commission members shall reside in the state.

20 Sec. 10. Section 216A.53, subsection 1, Code 2021, is
21 amended to read as follows:

22 1. The commission on the status of women is established and
23 shall consist of seven voting members who shall be appointed by
24 the governor, ~~subject to confirmation by the senate pursuant~~
25 ~~to section 2.32,~~ and shall represent a cross section of the
26 citizens of the state. All members shall reside in the state.

27 Sec. 11. Section 216A.74, subsection 1, Code 2021, is
28 amended to read as follows:

29 1. The commission of persons with disabilities is
30 established and shall consist of seven voting members appointed
31 by the governor, ~~subject to confirmation by the senate pursuant~~
32 ~~to section 2.32.~~ A majority of the commission shall be persons
33 with disabilities. All members shall reside in the state.

34 Sec. 12. Section 216A.92A, subsection 1, unnumbered
35 paragraph 1, Code 2021, is amended to read as follows:

1 The commission on community action agencies is created,
2 composed of nine members appointed by the governor, ~~subject to~~
3 ~~confirmation by the senate.~~ The membership of the commission
4 shall reflect the composition of local community action agency
5 boards as follows:

6 Sec. 13. Section 216A.113, subsection 1, Code 2021, is
7 amended to read as follows:

8 1. The commission of deaf services is established, and shall
9 consist of seven voting members appointed by the governor,
10 ~~subject to confirmation by the senate pursuant to section~~
11 ~~2.32.~~ Membership of the commission shall include at least four
12 members who are deaf and at least one member who is hard of
13 hearing. All members shall reside in Iowa.

14 Sec. 14. Section 216A.132, subsection 1, paragraph a,
15 unnumbered paragraph 1, Code 2021, is amended to read as
16 follows:

17 The governor shall appoint nine voting members each for
18 a four-year term beginning and ending as provided in section
19 69.19 ~~and subject to confirmation by the senate~~ as follows:

20 Sec. 15. Section 216A.142, subsection 1, Code 2021, is
21 amended to read as follows:

22 1. The commission on the status of African Americans is
23 established and shall consist of seven members appointed by
24 the governor, ~~subject to confirmation by the senate.~~ All
25 members shall reside in Iowa. At least five members shall be
26 individuals who are African American.

27 Sec. 16. Section 216A.152, subsection 1, Code 2021, is
28 amended to read as follows:

29 1. The commission of Asian and Pacific Islander affairs is
30 established and shall consist of seven members appointed by the
31 governor, ~~subject to confirmation by the senate.~~ Members shall
32 be appointed representing every geographical area of the state
33 and ethnic groups of Asian and Pacific Islander heritage. All
34 members shall reside in Iowa.

35 Sec. 17. Section 216A.162, subsection 1, Code 2021, is

1 amended to read as follows:

2 1. A commission of Native American affairs is established
3 consisting of eleven voting members appointed by the governor,
4 ~~subject to confirmation by the senate.~~

5 Sec. 18. Section 216B.2, Code 2021, is amended to read as
6 follows:

7 **216B.2 Commission created.**

8 1. The commission for the blind is established consisting
9 of three members appointed by the governor, ~~subject to~~
10 ~~confirmation by the senate.~~ Members of the commission shall
11 serve three-year terms beginning and ending as provided in
12 section 69.19. The commission shall adopt rules concerning
13 programs and services for blind persons provided under this
14 chapter.

15 2. Commission members shall be reimbursed for actual
16 expenses incurred in performance of their duties. Members may
17 also be eligible to receive compensation as provided in section
18 7E.6. The members of the commission shall appoint officers for
19 the commission. A majority of the members of the commission
20 shall constitute a quorum.

21 Sec. 19. Section 217.2, subsection 1, paragraph a, Code
22 2021, is amended to read as follows:

23 a. There is created within the department of human services
24 a council on human services which shall act in a policymaking
25 and advisory capacity on matters within the jurisdiction of
26 the department. The council shall consist of seven voting
27 members appointed by the governor ~~subject to confirmation~~
28 ~~by the senate.~~ Appointments shall be made on the basis of
29 interest in public affairs, good judgment, and knowledge and
30 ability in the field of human services. Appointments shall
31 be made to provide a diversity of interest and point of view
32 in the membership and without regard to religious opinions or
33 affiliations. The voting members of the council shall serve
34 for six-year staggered terms.

35 Sec. 20. Section 225C.5, subsection 1, unnumbered paragraph

1 1, Code 2021, is amended to read as follows:

2 A mental health and disability services commission is
3 created as the state policy-making body for the provision
4 of services to persons with mental illness, an intellectual
5 disability, other developmental disabilities, or brain
6 injury. The commission's voting members shall be appointed
7 to three-year staggered terms by the governor ~~and are subject~~
8 ~~to confirmation by the senate.~~ Commission members shall be
9 appointed on the basis of interest and experience in the fields
10 of mental health, intellectual disability, other developmental
11 disabilities, and brain injury, in a manner so as to ensure
12 adequate representation from persons with disabilities and
13 individuals knowledgeable concerning disability services. The
14 department shall provide staff support to the commission, and
15 the commission may utilize staff support and other assistance
16 provided to the commission by other persons. The commission
17 shall meet at least four times per year. The membership of the
18 commission shall consist of the following persons who, at the
19 time of appointment to the commission, are active members of
20 the indicated groups:

21 Sec. 21. Section 225C.51, subsection 2, Code 2021, is
22 amended to read as follows:

23 2. Members appointed by the governor shall serve four-year
24 staggered terms ~~and are subject to confirmation by the senate.~~
25 The four-year terms shall begin and end as provided in section
26 69.19. ~~Vacancies on the state board shall be filled as~~
27 ~~provided in [section 2.32](#).~~ A member shall not be appointed for
28 more than two consecutive four-year terms.

29 Sec. 22. Section 231.11, Code 2021, is amended to read as
30 follows:

31 **231.11 Commission established.**

32 The commission on aging is established which shall consist
33 of eleven members. One member each shall be appointed by the
34 president of the senate, after consultation with the majority
35 leader of the senate, and by the minority leader of the

1 senate, from the members of the senate to serve as ex officio,
2 nonvoting members. One member each shall be appointed by the
3 speaker of the house of representatives and by the minority
4 leader of the house of representatives, from the members of
5 the house of representatives to serve as ex officio, nonvoting
6 members. Seven members shall be appointed by the governor
7 ~~subject to confirmation by the senate.~~ Not more than a simple
8 majority of the governor's appointees shall belong to the same
9 political party. At least four of the seven members appointed
10 by the governor shall be fifty-five years of age or older when
11 appointed.

12 Sec. 23. Section 237.16, subsection 1, Code 2021, is amended
13 to read as follows:

14 1. The child advocacy board is created within the department
15 of inspections and appeals. The state board consists of nine
16 members appointed by the governor, ~~subject to confirmation~~
17 ~~by the senate~~ and directly responsible to the governor. One
18 member shall be an active court appointed special advocate
19 volunteer, one member shall be an active member of a local
20 citizen foster care review board, and one member shall be a
21 judicial branch employee or judicial officer appointed from
22 nominees submitted by the judicial branch. The appointment is
23 for a term of four years that begins and ends as provided in
24 section 69.19. Vacancies on the state board shall be filled in
25 the same manner as original appointments are made.

26 Sec. 24. Section 256.35A, subsection 2, paragraph a,
27 unnumbered paragraph 1, Code 2021, is amended to read as
28 follows:

29 The council shall consist of thirteen voting members
30 appointed by the governor ~~and confirmed by the senate.~~ The
31 majority of the voting members shall be individuals with autism
32 or members of their families. Additionally, each of the
33 following shall be represented among the voting members:

34 Sec. 25. Section 256I.3, subsection 2, paragraph a, Code
35 2021, is amended to read as follows:

1 a. The board shall consist of twenty-one voting members
2 with fifteen citizen members and six state agency members.
3 The six state agency members shall be the directors or their
4 designees of the following agencies: economic development
5 authority, education, human rights, human services, public
6 health, and workforce development. The designees of state
7 agency directors shall be selected on an annual basis. The
8 citizen members shall be appointed by the governor, ~~subject to~~
9 ~~confirmation by the senate.~~ The governor's appointments of
10 citizen members shall be made in a manner so that each of the
11 state's congressional districts is represented by at least two
12 citizen members and so that all the appointments as a whole
13 reflect the ethnic, cultural, social, and economic diversity of
14 the state. A member of the state board shall not be a provider
15 of services or other entity receiving funding through the early
16 childhood Iowa initiative or be employed by such a provider or
17 other entity.

18 Sec. 26. Section 257.30, subsection 1, Code 2021, is amended
19 to read as follows:

20 1. A school budget review committee is established in
21 the department of education and consists of the director
22 of the department of education in an ex officio, nonvoting
23 capacity, the director of the department of management, and
24 four members who are knowledgeable in the areas of Iowa school
25 finance or public finance issues appointed by the governor
26 to represent the public. At least one of the public members
27 shall possess a master's or doctoral degree in which areas
28 of school finance, economics, or statistics are an integral
29 component, or shall have equivalent experience in an executive
30 administrative or senior research position in the education
31 or public administration field. The members appointed by the
32 governor shall serve staggered three-year terms beginning
33 and ending as provided in [section 69.19](#) and ~~are subject to~~
34 ~~senate confirmation as provided in [section 2.32](#).~~ The committee
35 shall meet and hold hearings each year and shall continue in

1 session until it has reviewed budgets of school districts, as
2 provided in [section 257.31](#). The committee may call in school
3 board members and employees as necessary for the hearings.
4 The committee's scheduled hearing agendas and the minutes of
5 such hearings shall be posted on the department of education's
6 internet site. Legislators shall be notified of hearings
7 concerning school districts in their legislative districts.

8 Sec. 27. Section 333A.2, subsection 1, paragraphs b and c,
9 Code 2021, are amended to read as follows:

10 *b.* Five elected county officials who are regularly involved
11 in budget preparation. One county official shall be from
12 a county with a population of less than eleven thousand
13 five hundred, one from a county with a population of more
14 than eleven thousand five hundred but not more than sixteen
15 thousand, one from a county with a population of more than
16 sixteen thousand but not more than twenty-two thousand five
17 hundred, one from a county with a population of more than
18 twenty-two thousand five hundred but not more than eighty
19 thousand and one from a county with a population of more than
20 eighty thousand. The governor shall select and appoint the
21 county officials, ~~subject to the approval of two-thirds of the~~
22 ~~members of the senate.~~

23 *c.* A certified public accountant experienced in governmental
24 accounting selected and appointed by the governor ~~with the~~
25 ~~approval of two-thirds of the members of the senate.~~

26 Sec. 28. Section 368.9, subsection 1, Code 2021, is amended
27 to read as follows:

28 1. A city development board is created. The economic
29 development authority shall provide office space and staff
30 assistance, and shall budget funds to cover expenses of the
31 board and committees. The board consists of five members
32 appointed by the governor ~~subject to confirmation by the~~
33 ~~senate.~~ The appointments must be for four-year staggered terms
34 beginning and ending as provided by [section 69.19](#), or to fill
35 an unexpired term in case of a vacancy. Members are eligible

1 for reappointment.

2 Sec. 29. Section 514I.5, subsection 1, paragraph d, Code
3 2021, is amended to read as follows:

4 *d.* Four public members appointed by the governor ~~and~~
5 ~~subject to confirmation by the senate.~~ The public members
6 shall be members of the general public who have experience,
7 knowledge, or expertise in the subject matter embraced within
8 this chapter.

9 Sec. 30. Section 602.2102, subsection 1, Code 2021, is
10 amended to read as follows:

11 1. A seven-member "Commission on Judicial Qualifications"
12 is established. The commission consists of one district judge
13 and two members who are practicing attorneys in Iowa and who
14 do not belong to the same political party, to be appointed
15 by the chief justice; and four electors of the state who are
16 not attorneys, no more than two of whom belong to the same
17 political party, to be appointed by the governor, ~~subject to~~
18 ~~confirmation by the senate.~~ The commission members shall serve
19 for six-year terms, are ineligible for a second term, and
20 except for the judicial member shall not hold any other office
21 of and shall not be employed by the United States or the state
22 of Iowa or its political subdivisions. Members appointed by
23 the chief justice shall serve terms beginning January 1 of the
24 year for which the appointments are made and members appointed
25 by the governor shall serve staggered terms beginning and
26 ending as provided by [section 69.19](#). Vacancies shall be filled
27 by appointment by the chief justice or governor as provided in
28 this subsection, for the unexpired portion of the term.

29 Sec. 31. Section 904.104, Code 2021, is amended to read as
30 follows:

31 **904.104 Board created.**

32 A board of corrections is created within the department. The
33 board shall consist of seven members appointed by the governor
34 ~~subject to confirmation by the senate.~~ Not more than four of
35 the members shall be from the same political party. Members

1 shall be electors of this state. Members of the board shall
2 serve four-year staggered terms.

3 Sec. 32. EFFECTIVE DATE. This Act, being deemed of
4 immediate importance, takes effect upon enactment.

5 EXPLANATION

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

8 This bill relates to the confirmation of certain persons
9 appointed to fill vacancies by the governor or an appointing
10 authority other than the governor. The bill allows a member of
11 the senate to request that an appointee who is not otherwise
12 subject to confirmation by the senate by law be subject to
13 such confirmation. The request shall be signed by at least
14 26 senators and submitted to the secretary of the senate and
15 the governor or appointing authority within 60 days of the
16 appointment. The request shall also include the reason why
17 confirmation is sought and shall be printed in the journal
18 of the senate. The appointee shall be considered to be a
19 nominee to fill a vacancy occurring on the date the request is
20 submitted.

21 The bill removes provisions for mandatory senate
22 confirmation of appointees to several boards and commissions.
23 Such appointees would be subject to confirmation at the request
24 of a member of the senate pursuant to the bill.

25 The bill takes effect upon enactment.