

Senate Study Bill 1148 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON SMITH)

A BILL FOR

1 An Act relating to the confirmation by the senate of certain
2 appointees.

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 68B.32, subsection 1, Code 2021, is amended
13 to read as follows:

14 1. An Iowa ethics and campaign disclosure board is
15 established as an independent agency. The board shall
16 administer [this chapter](#) and set standards for, investigate
17 complaints relating to, and monitor the ethics of officials,
18 employees, lobbyists, and candidates for office in the
19 executive branch of state government. The board shall
20 administer and set standards for, investigate complaints
21 relating to, and monitor the campaign finance practices of
22 candidates for public office. The board shall administer and
23 establish standards for, investigate complaints relating to,
24 and monitor the reporting of gifts and bequests under section
25 8.7. The board shall consist of six members and shall be
26 balanced as to political affiliation as provided in section
27 69.16. The members shall be appointed by the governor, ~~subject~~
28 ~~to confirmation by the senate.~~

29 Sec. 6. Section 80B.6, subsection 1, unnumbered paragraph
30 1, Code 2021, is amended to read as follows:

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

35 Sec. 7. Section 80E.2, subsection 2, Code 2021, is amended

1 to read as follows:

2 2. The prosecuting attorney, licensed substance abuse
3 treatment specialist, certified substance abuse prevention
4 specialist, substance abuse treatment program director,
5 member representing the Iowa peace officers association,
6 member representing the Iowa state police association, and the
7 member representing the Iowa state sheriffs' and deputies'
8 association shall be appointed by the governor, ~~subject to~~
9 ~~senate confirmation,~~ for four-year terms beginning and ending
10 as provided in [section 69.19](#). A vacancy on the council shall
11 be filled for the unexpired term in the same manner as the
12 original appointment was made.

13 Sec. 8. Section 142A.3, subsection 3, paragraph a,
14 unnumbered paragraph 1, Code 2021, is amended to read as
15 follows:

16 Members, at least one of whom is a member of a racial
17 minority, to be appointed by the governor, ~~subject to~~
18 ~~confirmation by the senate pursuant to [sections 2.32](#) and [69.19](#),~~
19 and consisting of the following:

20 Sec. 9. Section 216.3, subsection 1, Code 2021, is amended
21 to read as follows:

22 1. The Iowa state civil rights commission shall consist of
23 seven members appointed by the governor ~~subject to confirmation~~
24 ~~by the senate~~. Appointments shall be made to provide
25 geographical area representation insofar as practicable. No
26 more than four members of the commission shall belong to the
27 same political party. Members appointed to the commission
28 shall serve for four-year staggered terms beginning and ending
29 as provided by [section 69.19](#).

30 Sec. 10. Section 216A.12, subsection 1, Code 2021, is
31 amended to read as follows:

32 1. The commission of Latino affairs consists of seven
33 members, ~~appointed by the governor, and subject to confirmation~~
34 ~~by the senate pursuant to [section 2.32](#)~~. Commission members
35 shall be appointed in compliance with [sections 69.16](#) and

1 69.16A. Commission members shall reside in the state.

2 Sec. 11. Section 216A.53, subsection 1, Code 2021, is
3 amended to read as follows:

4 1. The commission on the status of women is established and
5 shall consist of seven voting members who shall be appointed by
6 the governor, ~~subject to confirmation by the senate pursuant~~
7 ~~to section 2.32,~~ and shall represent a cross section of the
8 citizens of the state. All members shall reside in the state.

9 Sec. 12. Section 216A.74, subsection 1, Code 2021, is
10 amended to read as follows:

11 1. The commission of persons with disabilities is
12 established and shall consist of seven voting members appointed
13 by the governor, ~~subject to confirmation by the senate pursuant~~
14 ~~to section 2.32.~~ A majority of the commission shall be persons
15 with disabilities. All members shall reside in the state.

16 Sec. 13. Section 216A.92A, subsection 1, unnumbered
17 paragraph 1, Code 2021, is amended to read as follows:

18 The commission on community action agencies is created,
19 composed of nine members appointed by the governor, ~~subject to~~
20 ~~confirmation by the senate.~~ The membership of the commission
21 shall reflect the composition of local community action agency
22 boards as follows:

23 Sec. 14. Section 216A.113, subsection 1, Code 2021, is
24 amended to read as follows:

25 1. The commission of deaf services is established, and shall
26 consist of seven voting members appointed by the governor,
27 ~~subject to confirmation by the senate pursuant to section~~
28 ~~2.32.~~ Membership of the commission shall include at least four
29 members who are deaf and at least one member who is hard of
30 hearing. All members shall reside in Iowa.

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

34 The governor shall appoint nine voting members each for
35 a four-year term beginning and ending as provided in section

1 69.19 and ~~subject to confirmation by the senate~~ as follows:

2 Sec. 16. Section 216A.142, subsection 1, Code 2021, is
3 amended to read as follows:

4 1. The commission on the status of African Americans is
5 established and shall consist of seven members appointed by
6 the governor, ~~subject to confirmation by the senate~~. All
7 members shall reside in Iowa. At least five members shall be
8 individuals who are African American.

9 Sec. 17. Section 216A.152, subsection 1, Code 2021, is
10 amended to read as follows:

11 1. The commission of Asian and Pacific Islander affairs is
12 established and shall consist of seven members appointed by the
13 governor, ~~subject to confirmation by the senate~~. Members shall
14 be appointed representing every geographical area of the state
15 and ethnic groups of Asian and Pacific Islander heritage. All
16 members shall reside in Iowa.

17 Sec. 18. Section 216A.162, subsection 1, Code 2021, is
18 amended to read as follows:

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

22 Sec. 19. Section 216B.2, Code 2021, is amended to read as
23 follows:

24 **216B.2 Commission created.**

25 1. The commission for the blind is established consisting
26 of three members appointed by the governor, ~~subject to~~
27 ~~confirmation by the senate~~. Members of the commission shall
28 serve three-year terms beginning and ending as provided in
29 section 69.19. The commission shall adopt rules concerning
30 programs and services for blind persons provided under this
31 chapter.

32 2. Commission members shall be reimbursed for actual
33 expenses incurred in performance of their duties. Members may
34 also be eligible to receive compensation as provided in section
35 7E.6. The members of the commission shall appoint officers for

1 the commission. A majority of the members of the commission
2 shall constitute a quorum.

3 Sec. 20. Section 217.2, subsection 1, paragraph a, Code
4 2021, is amended to read as follows:

5 a. There is created within the department of human services
6 a council on human services which shall act in a policymaking
7 and advisory capacity on matters within the jurisdiction of
8 the department. The council shall consist of seven voting
9 members appointed by the governor ~~subject to confirmation~~
10 ~~by the senate~~. Appointments shall be made on the basis of
11 interest in public affairs, good judgment, and knowledge and
12 ability in the field of human services. Appointments shall
13 be made to provide a diversity of interest and point of view
14 in the membership and without regard to religious opinions or
15 affiliations. The voting members of the council shall serve
16 for six-year staggered terms.

17 Sec. 21. Section 225C.5, subsection 1, unnumbered paragraph
18 1, Code 2021, is amended to read as follows:

19 A mental health and disability services commission is
20 created as the state policy-making body for the provision
21 of services to persons with mental illness, an intellectual
22 disability, other developmental disabilities, or brain
23 injury. The commission's voting members shall be appointed
24 to three-year staggered terms by the governor ~~and are subject~~
25 ~~to confirmation by the senate~~. Commission members shall be
26 appointed on the basis of interest and experience in the fields
27 of mental health, intellectual disability, other developmental
28 disabilities, and brain injury, in a manner so as to ensure
29 adequate representation from persons with disabilities and
30 individuals knowledgeable concerning disability services. The
31 department shall provide staff support to the commission, and
32 the commission may utilize staff support and other assistance
33 provided to the commission by other persons. The commission
34 shall meet at least four times per year. The membership of the
35 commission shall consist of the following persons who, at the

1 time of appointment to the commission, are active members of
2 the indicated groups:

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

5 2. Members appointed by the governor shall serve four-year
6 staggered terms ~~and are subject to confirmation by the senate.~~
7 The four-year terms shall begin and end as provided in section
8 69.19. ~~Vacancies on the state board shall be filled as~~
9 ~~provided in section 2.32.~~ A member shall not be appointed for
10 more than two consecutive four-year terms.

11 Sec. 23. Section 231.11, Code 2021, is amended to read as
12 follows:

13 **231.11 Commission established.**

14 The commission on aging is established which shall consist
15 of eleven members. One member each shall be appointed by the
16 president of the senate, after consultation with the majority
17 leader of the senate, and by the minority leader of the
18 senate, from the members of the senate to serve as ex officio,
19 nonvoting members. One member each shall be appointed by the
20 speaker of the house of representatives and by the minority
21 leader of the house of representatives, from the members of
22 the house of representatives to serve as ex officio, nonvoting
23 members. Seven members shall be appointed by the governor
24 ~~subject to confirmation by the senate.~~ Not more than a simple
25 majority of the governor's appointees shall belong to the same
26 political party. At least four of the seven members appointed
27 by the governor shall be fifty-five years of age or older when
28 appointed.

29 Sec. 24. Section 237.16, subsection 1, Code 2021, is amended
30 to read as follows:

31 1. The child advocacy board is created within the department
32 of inspections and appeals. The state board consists of nine
33 members appointed by the governor, ~~subject to confirmation~~
34 ~~by the senate~~ and directly responsible to the governor. One
35 member shall be an active court appointed special advocate

1 volunteer, one member shall be an active member of a local
2 citizen foster care review board, and one member shall be a
3 judicial branch employee or judicial officer appointed from
4 nominees submitted by the judicial branch. The appointment is
5 for a term of four years that begins and ends as provided in
6 section 69.19. Vacancies on the state board shall be filled in
7 the same manner as original appointments are made.

8 Sec. 25. Section 256.35A, subsection 2, paragraph a,
9 unnumbered paragraph 1, Code 2021, is amended to read as
10 follows:

11 The council shall consist of thirteen voting members
12 appointed by the governor ~~and confirmed by the senate~~. The
13 majority of the voting members shall be individuals with autism
14 or members of their families. Additionally, each of the
15 following shall be represented among the voting members:

16 Sec. 26. Section 256I.3, subsection 2, paragraph a, Code
17 2021, is amended to read as follows:

18 a. The board shall consist of twenty-one voting members
19 with fifteen citizen members and six state agency members.
20 The six state agency members shall be the directors or their
21 designees of the following agencies: economic development
22 authority, education, human rights, human services, public
23 health, and workforce development. The designees of state
24 agency directors shall be selected on an annual basis. The
25 citizen members shall be appointed by the governor, ~~subject to~~
26 ~~confirmation by the senate~~. The governor's appointments of
27 citizen members shall be made in a manner so that each of the
28 state's congressional districts is represented by at least two
29 citizen members and so that all the appointments as a whole
30 reflect the ethnic, cultural, social, and economic diversity of
31 the state. A member of the state board shall not be a provider
32 of services or other entity receiving funding through the early
33 childhood Iowa initiative or be employed by such a provider or
34 other entity.

35 Sec. 27. Section 257.30, subsection 1, Code 2021, is amended

1 to read as follows:

2 1. A school budget review committee is established in
3 the department of education and consists of the director
4 of the department of education in an ex officio, nonvoting
5 capacity, the director of the department of management, and
6 four members who are knowledgeable in the areas of Iowa school
7 finance or public finance issues appointed by the governor
8 to represent the public. At least one of the public members
9 shall possess a master's or doctoral degree in which areas
10 of school finance, economics, or statistics are an integral
11 component, or shall have equivalent experience in an executive
12 administrative or senior research position in the education
13 or public administration field. The members appointed by the
14 governor shall serve staggered three-year terms beginning
15 and ending as provided in [section 69.19](#) and ~~are subject to~~
16 ~~senate confirmation as provided in [section 2.32](#)~~. The committee
17 shall meet and hold hearings each year and shall continue in
18 session until it has reviewed budgets of school districts, as
19 provided in [section 257.31](#). The committee may call in school
20 board members and employees as necessary for the hearings.
21 The committee's scheduled hearing agendas and the minutes of
22 such hearings shall be posted on the department of education's
23 internet site. Legislators shall be notified of hearings
24 concerning school districts in their legislative districts.

25 Sec. 28. Section 333A.2, subsection 1, paragraphs b and c,
26 Code 2021, are amended to read as follows:

27 *b.* Five elected county officials who are regularly involved
28 in budget preparation. One county official shall be from
29 a county with a population of less than eleven thousand
30 five hundred, one from a county with a population of more
31 than eleven thousand five hundred but not more than sixteen
32 thousand, one from a county with a population of more than
33 sixteen thousand but not more than twenty-two thousand five
34 hundred, one from a county with a population of more than
35 twenty-two thousand five hundred but not more than eighty

1 thousand and one from a county with a population of more than
2 eighty thousand. The governor shall select and appoint the
3 county officials, ~~subject to the approval of two-thirds of the~~
4 ~~members of the senate.~~

5 c. A certified public accountant experienced in governmental
6 accounting selected and appointed by the governor ~~with the~~
7 ~~approval of two-thirds of the members of the senate.~~

8 Sec. 29. Section 368.9, subsection 1, Code 2021, is amended
9 to read as follows:

10 1. A city development board is created. The economic
11 development authority shall provide office space and staff
12 assistance, and shall budget funds to cover expenses of the
13 board and committees. The board consists of five members
14 appointed by the governor ~~subject to confirmation by the~~
15 ~~senate.~~ The appointments must be for four-year staggered terms
16 beginning and ending as provided by [section 69.19](#), or to fill
17 an unexpired term in case of a vacancy. Members are eligible
18 for reappointment.

19 Sec. 30. Section 514I.5, subsection 1, paragraph d, Code
20 2021, is amended to read as follows:

21 d. Four public members appointed by the governor ~~and~~
22 ~~subject to confirmation by the senate.~~ The public members
23 shall be members of the general public who have experience,
24 knowledge, or expertise in the subject matter embraced within
25 this chapter.

26 Sec. 31. Section 602.2102, subsection 1, Code 2021, is
27 amended to read as follows:

28 1. A seven-member "Commission on Judicial Qualifications"
29 is established. The commission consists of one district judge
30 and two members who are practicing attorneys in Iowa and who
31 do not belong to the same political party, to be appointed
32 by the chief justice; and four electors of the state who are
33 not attorneys, no more than two of whom belong to the same
34 political party, to be appointed by the governor, ~~subject to~~
35 ~~confirmation by the senate.~~ The commission members shall serve

1 for six-year terms, are ineligible for a second term, and
2 except for the judicial member shall not hold any other office
3 of and shall not be employed by the United States or the state
4 of Iowa or its political subdivisions. Members appointed by
5 the chief justice shall serve terms beginning January 1 of the
6 year for which the appointments are made and members appointed
7 by the governor shall serve staggered terms beginning and
8 ending as provided by [section 69.19](#). Vacancies shall be filled
9 by appointment by the chief justice or governor as provided in
10 this subsection, for the unexpired portion of the term.

11 Sec. 32. Section 904.104, Code 2021, is amended to read as
12 follows:

13 **904.104 Board created.**

14 A board of corrections is created within the department. The
15 board shall consist of seven members appointed by the governor
16 ~~subject to confirmation by the senate.~~ Not more than four of
17 the members shall be from the same political party. Members
18 shall be electors of this state. Members of the board shall
19 serve four-year staggered terms.

20 EXPLANATION

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

23 This bill relates to the confirmation of certain persons
24 appointed to fill vacancies by the governor or an appointing
25 authority other than the governor. The bill allows a member of
26 the senate to request that an appointee who is not otherwise
27 subject to confirmation by the senate by law be subject to
28 such confirmation. The request shall be signed by at least
29 26 senators and submitted to the secretary of the senate and
30 the governor or appointing authority within 60 days of the
31 appointment. The request shall also include the reason why
32 confirmation is sought and shall be printed in the journal
33 of the senate. The appointee shall be considered to be a
34 nominee to fill a vacancy occurring on the date the request is
35 submitted.

S.F. _____

1 The bill removes provisions for mandatory senate
2 confirmation of appointees to several boards and commissions.
3 Such appointees would be subject to confirmation at the request
4 of a member of the senate pursuant to the bill.