

**Senate Study Bill 3075 - 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  
9 least twenty-six senators and shall be submitted to the office  
10 of the president of the senate within sixty days following  
11 the appointment. The request shall be accompanied by an  
12 explanation as to why senate confirmation is sought, and shall  
13 be printed in the journal of the senate and included in the  
14 materials submitted pursuant to section 2.32, subsection 3.

15 3. The secretary of the senate shall notify the office of  
16 the governor or the appointing authority, as applicable, within  
17 two days of receipt of a request under this section.

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

22 5. An appointee who is the subject of a request pursuant  
23 to this section shall remain in the appointed position as a  
24 temporary or interim appointee until confirmed pursuant to  
25 section 2.32, withdrawn from consideration by the governor  
26 or appointing authority, or otherwise terminated from the  
27 position.

28 6. The senate may adopt rules for the implementation of this  
29 section.

30 Sec. 2. Section 16.2C, subsection 3, Code 2022, is amended  
31 to read as follows:

32 3. The agricultural development board consists of five  
33 members appointed by the governor ~~subject to confirmation by~~  
34 ~~the senate.~~ The executive director of the authority or the  
35 executive director's designee shall serve as an ex officio,

1 nonvoting member.

2 Sec. 3. Section 23.3, subsection 1, Code 2022, is amended  
3 to read as follows:

4 1. An Iowa public information board is created consisting of  
5 nine members appointed by the governor, ~~subject to confirmation~~  
6 ~~by the senate~~. No more than three members appointed shall be  
7 representatives from the media including newspapers and no  
8 more than three members appointed shall be representatives  
9 of cities, counties, and other political subdivisions of the  
10 state.

11 Sec. 4. Section 35A.2, subsection 1, Code 2022, is amended  
12 to read as follows:

13 1. A commission of veterans affairs is created consisting of  
14 eleven persons who shall be appointed by the governor, ~~subject~~  
15 ~~to confirmation by the senate~~. Members shall be appointed to  
16 staggered terms of four years beginning and ending as provided  
17 in [section 69.19](#). The governor shall fill a vacancy for the  
18 unexpired portion of the term. In addition to the members  
19 appointed by the governor, the director of the department  
20 and the commandant of the Iowa veterans home shall serve as  
21 nonvoting, ex officio members of the commission.

22 Sec. 5. Section 80B.6, subsection 1, unnumbered paragraph  
23 1, Code 2022, is amended to read as follows:

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

28 Sec. 6. Section 80E.2, subsection 2, Code 2022, is amended  
29 to read as follows:

30 2. The prosecuting attorney, licensed substance abuse  
31 treatment specialist, certified substance abuse prevention  
32 specialist, substance abuse treatment program director,  
33 member representing the Iowa peace officers association,  
34 member representing the Iowa state police association, and the  
35 member representing the Iowa state sheriffs' and deputies'

1 association shall be appointed by the governor, ~~subject to~~  
2 ~~senate confirmation,~~ for four-year terms beginning and ending  
3 as provided in [section 69.19](#). A vacancy on the council shall  
4 be filled for the unexpired term in the same manner as the  
5 original appointment was made.

6 Sec. 7. Section 142A.3, subsection 3, paragraph a,  
7 unnumbered paragraph 1, Code 2022, is amended to read as  
8 follows:

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

13 Sec. 8. Section 216.3, subsection 1, Code 2022, is amended  
14 to read as follows:

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

23 Sec. 9. Section 216A.12, subsection 1, Code 2022, is amended  
24 to read as follows:

25 1. The commission of Latino affairs consists of seven  
26 members, appointed by the governor, ~~and subject to confirmation~~  
27 ~~by the senate pursuant to [section 2.32](#).~~ Commission members  
28 shall be appointed in compliance with [sections 69.16](#) and  
29 [69.16A](#). Commission members shall reside in the state.

30 Sec. 10. Section 216A.53, subsection 1, Code 2022, is  
31 amended to read as follows:

32 1. The commission on the status of women is established and  
33 shall consist of seven voting members who shall be appointed by  
34 the governor, ~~subject to confirmation by the senate pursuant~~  
35 ~~to [section 2.32](#),~~ and shall represent a cross section of the

1 citizens of the state. All members shall reside in the state.

2 Sec. 11. Section 216A.74, subsection 1, Code 2022, is  
3 amended to read as follows:

4 1. The commission of persons with disabilities is  
5 established and shall consist of seven voting members appointed  
6 by the governor, ~~subject to confirmation by the senate pursuant~~  
7 ~~to section 2.32~~. A majority of the commission shall be persons  
8 with disabilities. All members shall reside in the state.

9 Sec. 12. Section 216A.92A, subsection 1, unnumbered  
10 paragraph 1, Code 2022, is amended to read as follows:

11 The commission on community action agencies is created,  
12 composed of nine members appointed by the governor, ~~subject to~~  
13 ~~confirmation by the senate~~. The membership of the commission  
14 shall reflect the composition of local community action agency  
15 boards as follows:

16 Sec. 13. Section 216A.113, subsection 1, Code 2022, is  
17 amended to read as follows:

18 1. The commission of deaf services is established, and shall  
19 consist of seven voting members appointed by the governor,  
20 ~~subject to confirmation by the senate pursuant to section~~  
21 ~~2.32~~. Membership of the commission shall include at least four  
22 members who are deaf and at least one member who is hard of  
23 hearing. All members shall reside in Iowa.

24 Sec. 14. Section 216A.132, subsection 1, paragraph a,  
25 unnumbered paragraph 1, Code 2022, is amended to read as  
26 follows:

27 The governor shall appoint nine voting members each for  
28 a four-year term beginning and ending as provided in section  
29 69.19 and ~~subject to confirmation by the senate~~ as follows:

30 Sec. 15. Section 216A.142, subsection 1, Code 2022, is  
31 amended to read as follows:

32 1. The commission on the status of African Americans is  
33 established and shall consist of seven members appointed by  
34 the governor, ~~subject to confirmation by the senate~~. All  
35 members shall reside in Iowa. At least five members shall be

1 individuals who are African American.

2 Sec. 16. Section 216A.152, subsection 1, Code 2022, is  
3 amended to read as follows:

4 1. The commission of Asian and Pacific Islander affairs is  
5 established and shall consist of seven members appointed by the  
6 governor, ~~subject to confirmation by the senate.~~ Members shall  
7 be appointed representing every geographical area of the state  
8 and ethnic groups of Asian and Pacific Islander heritage. All  
9 members shall reside in Iowa.

10 Sec. 17. Section 216A.162, subsection 1, Code 2022, is  
11 amended to read as follows:

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

15 Sec. 18. Section 216B.2, subsection 1, Code 2022, is amended  
16 to read as follows:

17 1. The commission for the blind is established consisting  
18 of three members appointed by the governor, ~~subject to~~  
19 ~~confirmation by the senate.~~ Members of the commission shall  
20 serve three-year terms beginning and ending as provided in  
21 section 69.19. The members of the commission shall appoint  
22 officers for the commission. A majority of the members of the  
23 commission shall constitute a quorum.

24 Sec. 19. Section 217.2, subsection 1, paragraph a, Code  
25 2022, is amended to read as follows:

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

1 affiliations. The voting members of the council shall serve  
2 for six-year staggered terms.

3 Sec. 20. Section 225C.5, subsection 1, unnumbered paragraph  
4 1, Code 2022, is amended to read as follows:

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

24 Sec. 21. Section 225C.51, subsection 2, Code 2022, is  
25 amended to read as follows:

26 2. Members appointed by the governor shall serve four-year  
27 staggered terms ~~and are subject to confirmation by the senate.~~  
28 The four-year terms shall begin and end as provided in section  
29 69.19. ~~Vacancies on the state board shall be filled as~~  
30 ~~provided in [section 2.32](#).~~ A member shall not be appointed for  
31 more than two consecutive four-year terms.

32 Sec. 22. Section 231.11, Code 2022, is amended to read as  
33 follows:

34 **231.11 Commission established.**

35 The commission on aging is established which shall consist

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

15 Sec. 23. Section 237.16, subsection 1, Code 2022, is amended  
16 to read as follows:

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

29 Sec. 24. Section 256.35A, subsection 2, paragraph a,  
30 unnumbered paragraph 1, Code 2022, is amended to read as  
31 follows:

32 The council shall consist of thirteen voting members  
33 appointed by the governor ~~and confirmed by the senate.~~ The  
34 majority of the voting members shall be individuals with autism  
35 or members of their families. Additionally, each of the

1 following shall be represented among the voting members:

2 Sec. 25. Section 256I.3, subsection 2, paragraph a, Code  
3 2022, is amended to read as follows:

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

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

23 1. A school budget review committee is established in  
24 the department of education and consists of the director  
25 of the department of education in an ex officio, nonvoting  
26 capacity, the director of the department of management, and  
27 four members who are knowledgeable in the areas of Iowa school  
28 finance or public finance issues appointed by the governor  
29 to represent the public. At least one of the public members  
30 shall possess a master's or doctoral degree in which areas  
31 of school finance, economics, or statistics are an integral  
32 component, or shall have equivalent experience in an executive  
33 administrative or senior research position in the education  
34 or public administration field. The members appointed by the  
35 governor shall serve staggered three-year terms beginning

1 and ending as provided in [section 69.19](#) and ~~are subject to~~  
2 ~~senate confirmation as provided in [section 2.32](#)~~. The committee  
3 shall meet and hold hearings each year and shall continue in  
4 session until it has reviewed budgets of school districts, as  
5 provided in [section 257.31](#). The committee may call in school  
6 board members and employees as necessary for the hearings.  
7 The committee's scheduled hearing agendas and the minutes of  
8 such hearings shall be posted on the department of education's  
9 internet site. Legislators shall be notified of hearings  
10 concerning school districts in their legislative districts.

11 Sec. 27. Section 333A.2, subsection 1, paragraphs b and c,  
12 Code 2022, are amended to read as follows:

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

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

29 Sec. 28. Section 368.9, subsection 1, Code 2022, is amended  
30 to read as follows:

31 1. A city development board is created. The economic  
32 development authority shall provide office space and staff  
33 assistance, and shall budget funds to cover expenses of the  
34 board and committees. The board consists of five members  
35 appointed by the governor ~~subject to confirmation by the~~

1 senate. The appointments must be for four-year staggered terms  
2 beginning and ending as provided by [section 69.19](#), or to fill  
3 an unexpired term in case of a vacancy. Members are eligible  
4 for reappointment.

5 Sec. 29. Section 514I.5, subsection 1, paragraph d, Code  
6 2022, is amended to read as follows:

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

12 Sec. 30. Section 602.2102, subsection 1, Code 2022, is  
13 amended to read as follows:

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

32 Sec. 31. Section 904.104, Code 2022, is amended to read as  
33 follows:

34 **904.104 Board created.**

35 A board of corrections is created within the department. The

1 board shall consist of seven members appointed by the governor  
2 ~~subject to confirmation by the senate.~~ Not more than four of  
3 the members shall be from the same political party. Members  
4 shall be electors of this state. Members of the board shall  
5 serve four-year staggered terms.

6

EXPLANATION

7

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

8

9 This bill relates to the confirmation of certain persons  
10 appointed to fill vacancies by the governor or an appointing  
11 authority other than the governor. The bill allows a member of  
12 the senate to request that an appointee who is not otherwise  
13 subject to confirmation by the senate by law be subject to  
14 such confirmation. The request shall be signed by at least 26  
15 senators and submitted to the secretary of the senate within  
16 60 days of the appointment. The secretary of the senate shall  
17 inform the governor or appointing authority within two days of  
18 receiving such a request. The request shall also include the  
19 reason why confirmation is sought and shall be printed in the  
20 journal of the senate. The appointee shall be considered to be  
21 a nominee to fill a vacancy occurring on the date the request  
22 is submitted. The appointee shall continue to serve in the  
23 appointed position as a temporary or interim appointee until  
24 the appointee is confirmed, withdrawn from consideration, or  
25 otherwise terminated from the position. The bill allows the  
26 senate to adopt rules to implement the bill.

27 The bill removes provisions for mandatory senate  
28 confirmation of appointees to several boards and commissions.  
29 Such appointees would be subject to confirmation at the request  
30 of a member of the senate pursuant to the bill.