

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25 section 2.32, withdrawn from consideration by the governor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.