

House File 2540 - Introduced

HOUSE FILE 2540
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 670)

A BILL FOR

1 An Act repealing gender balance requirements for appointive
2 bodies.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 8D.3, subsection 2, paragraph a,
2 subparagraph (2), Code 2024, is amended to read as follows:

3 (2) Voting members of the commission shall serve six-year
4 staggered terms as designated by the governor and appointments
5 to the commission are subject to the requirements of sections
6 69.16, ~~69.16A~~, and 69.19. Vacancies shall be filled by the
7 governor for the duration of the unexpired term.

8 Sec. 2. Section 15.480, subsection 3, Code 2024, is amended
9 to read as follows:

10 3. Members appointed by the governor are subject to the
11 requirements of sections 69.16, ~~69.16A~~, and 69.19.

12 Sec. 3. Section 15F.102, subsection 3, paragraph b, Code
13 2024, is amended to read as follows:

14 b. The governor shall appoint the voting members pursuant to
15 subsection 2, subject to sections 69.16, ~~69.16A~~, and 69.16C,
16 and subject to confirmation by the senate.

17 Sec. 4. Section 15H.3, subsection 4, Code 2024, is amended
18 to read as follows:

19 4. The membership of the commission shall comply with
20 sections section 69.16 and ~~69.16A~~. The membership of the
21 commission shall also reflect the diversity of the state's
22 population.

23 Sec. 5. Section 23.3, subsection 2, Code 2024, is amended
24 to read as follows:

25 2. Appointments to the board shall be subject to sections
26 section 69.16 and ~~69.16A~~.

27 Sec. 6. Section 28A.7, subsection 4, Code 2024, is amended
28 to read as follows:

29 ~~4. The membership of the board of commissioners shall be~~
30 ~~gender balanced if possible. The appointing authorities shall~~
31 ~~comply with the requirements of section 69.16A or similar~~
32 ~~laws of the state of Illinois as determined by the appointing~~
33 ~~authorities. The appointing authorities shall also provide~~
34 representation for racial groups residing in the metropolitan
35 area based on the ratio of the racial population to the

1 population as a whole.

2 Sec. 7. Section 35A.2, subsection 2, Code 2024, is amended
3 to read as follows:

4 2. Ten commissioners shall be honorably discharged members
5 of the armed forces of the United States. The American
6 legion of Iowa, disabled American veterans department of Iowa,
7 veterans of foreign wars department of Iowa, American veterans
8 of World War II, Korea, and Vietnam, the Vietnam veterans of
9 America, the military order of the purple heart, the paralyzed
10 veterans of America, and the Iowa association of county
11 commissioners and veteran service officers, through their
12 department commanders, shall submit two names respectively from
13 their organizations to the governor. The adjutant general and
14 the Iowa affiliate of the reserve officers association shall
15 submit names to the governor of persons to represent the Iowa
16 national guard and the association. The governor shall appoint
17 from the group of names submitted by the adjutant general and
18 reserve officers association two representatives and from
19 each of the other organizations one representative to serve
20 as a member of the commission, unless the appointments would
21 conflict with the bipartisan ~~and gender balance~~ provisions of
22 ~~sections~~ [section 69.16](#) and ~~69.16A~~. In addition, the governor
23 shall appoint one member of the public, knowledgeable in the
24 general field of veterans affairs, to serve on the commission.

25 Sec. 8. Section 46.1, subsection 3, Code 2024, is amended by
26 striking the subsection.

27 Sec. 9. Section 46.2, subsection 1, Code 2024, is amended
28 to read as follows:

29 1. The resident members of the bar of each congressional
30 district shall elect two eligible electors ~~of different genders~~
31 to the state judicial nominating commission.

32 Sec. 10. Section 46.3, subsection 3, Code 2024, is amended
33 by striking the subsection.

34 Sec. 11. Section 46.4, subsection 2, Code 2024, is amended
35 by striking the subsection.

1 Sec. 12. Section 46.9, subsection 4, Code 2024, is amended
2 to read as follows:

3 4. In an election to elect ~~one male commissioner and one~~
4 ~~female commissioner~~ two commissioners, each eligible attorney
5 may cast one vote for ~~male commissioner and one vote for female~~
6 ~~commissioner~~ two separate commissioners, and the qualified
7 eligible elector ~~of each gender~~ electors receiving the most and
8 second-most votes shall each be elected.

9 Sec. 13. Section 80.28, subsection 4, Code 2024, is amended
10 to read as follows:

11 4. The voting members of the board shall be appointed in
12 compliance with ~~sections~~ section 69.16 and ~~69.16A~~. Members
13 shall elect a chairperson and vice chairperson from the board
14 membership, who shall serve two-year terms. The members
15 appointed by the governor shall be appointed to three-year
16 staggered terms and the terms shall commence and end as
17 provided by section 69.19. If a vacancy occurs among the
18 voting members, a successor shall be appointed to serve the
19 unexpired term. A successor shall be appointed in the same
20 manner and subject to the same qualifications as the original
21 appointment to serve the unexpired term. The voting members
22 of the board are entitled to receive reimbursement for actual
23 expenses incurred while engaged in the performance of official
24 duties from funds appropriated to the department of public
25 safety and the state department of transportation for that
26 purpose. The departments shall enter into an agreement to
27 provide administrative assistance and support to the board.

28 Sec. 14. Section 84A.1A, subsection 8, Code 2024, is amended
29 to read as follows:

30 8. ~~Sections~~ Section 69.16 and ~~69.16A~~ shall apply only to
31 those members of the board appointed by the governor pursuant
32 to subsection 1, paragraph "a", subparagraph (8).

33 Sec. 15. Section 84A.4, subsection 2, paragraph c, Code
34 2024, is amended to read as follows:

35 *c. Political affiliation and gender balance. Sections*

1 Section 69.16 and ~~69.16A~~ shall apply to the total membership of
2 a local workforce development board excluding members required
3 under paragraph "b", subparagraph (4), subparagraph division
4 (a), subparagraph subdivisions (ii) and (iii).

5 Sec. 16. Section 84D.5, subsection 2, Code 2024, is amended
6 to read as follows:

7 2. Members of the council shall be appointed by the governor
8 for terms of three years and in compliance with ~~sections~~
9 section 69.16 and ~~69.16A~~.

10 Sec. 17. Section 135.43, subsection 2, unnumbered paragraph
11 1, Code 2024, is amended to read as follows:

12 The membership of the review team is subject to the
13 provisions of ~~sections~~ section 69.16 and ~~69.16A~~, relating to
14 political affiliation and ~~gender balance~~. Review team members
15 who are not designated by another appointing authority shall
16 be appointed by the director. Membership terms shall be for
17 three years. A membership vacancy shall be filled in the same
18 manner as the original appointment. The review team shall
19 elect a chairperson and other officers as deemed necessary by
20 the review team. The review team shall meet upon the call of
21 the director or as determined by the review team. The review
22 team shall include the following:

23 Sec. 18. Section 135.109, subsection 5, paragraph c, Code
24 2024, is amended to read as follows:

25 c. The membership of the review team is subject to the
26 provisions of ~~sections~~ section 69.16 and ~~69.16A~~, relating to
27 political affiliation and ~~gender balance~~.

28 Sec. 19. Section 142A.3, subsection 3, paragraph b, Code
29 2024, is amended to read as follows:

30 b. Three voting members, to be selected by the participants
31 in the annual statewide youth summit of the initiative's youth
32 program, who shall not be subject to section 69.16 or ~~69.16A~~.
33 However, the selection process shall provide for diversity
34 among the members and at least one of the youth members shall
35 be a female.

1 Sec. 20. Section 148.2A, subsection 2, unnumbered paragraph
2 1, Code 2024, is amended to read as follows:

3 Notwithstanding sections 17A.11, 69.16, ~~69.16A~~, 147.12,
4 147.14, and 147.19, the board may have a pool of up to ten
5 alternate members, including members licensed to practice under
6 this chapter and members not licensed to practice under this
7 chapter, to substitute for board members who are disqualified
8 or become unavailable for any other reason for contested case
9 hearings.

10 Sec. 21. Section 155A.2A, unnumbered paragraph 1, Code
11 2024, is amended to read as follows:

12 Notwithstanding sections 17A.11, 69.16, ~~69.16A~~, 147.12,
13 147.14, and 147.19, the board may have a pool of up to seven
14 alternate members, including members licensed to practice under
15 this chapter and members not licensed to practice under this
16 chapter, to substitute for board members who are disqualified
17 or become unavailable for any reason for contested case
18 hearings.

19 Sec. 22. Section 159A.13, subsection 3, Code 2024, is
20 amended to read as follows:

21 3. Appointments of voting members to the infrastructure
22 board are subject to the requirements of ~~sections~~ section
23 69.16 and ~~69.16A~~. In addition, the appointments shall be
24 geographically balanced. The governor's appointees shall be
25 confirmed by the senate, pursuant to section 2.32.

26 Sec. 23. Section 176A.8, subsection 3, paragraph a, Code
27 2024, is amended to read as follows:

28 a. To, at least ninety days prior to the date fixed for the
29 election of council members, appoint a nominating committee
30 consisting of four persons who are not council members and
31 designate the chairperson. ~~The membership of the nominating~~
32 ~~committee shall be gender balanced.~~ The nominating committee
33 shall consider the geographic distribution of potential
34 nominees in nominating one or more resident registered voters
35 of the extension district as candidates for election to each

1 office to be filled at the election. To qualify for the
2 election ballot, each nominee shall file a nominating petition
3 signed by at least twenty-five eligible electors of the
4 district with the county commissioner of elections at least
5 sixty-nine days before the date of election.

6 Sec. 24. Section 216A.12, subsection 1, Code 2024, is
7 amended to read as follows:

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

13 Sec. 25. Section 216A.92A, subsection 2, Code 2024, is
14 amended to read as follows:

15 2. Commission members shall serve three-year terms which
16 shall begin and end pursuant to [section 69.19](#), and shall serve
17 the entire term even if the member experiences a change in the
18 status which resulted in their appointment under [subsection 1](#).
19 Vacancies on the commission shall be filled for the remainder
20 of the term of the original appointment. Members whose terms
21 expire may be reappointed. Members of the commission shall
22 receive actual expenses for their services. Members may also
23 be eligible to receive compensation as provided in section
24 7E.6. Members as specified under [subsection 1](#), paragraph
25 "c", however, shall receive per diem compensation as provided
26 in [section 7E.6](#) and actual expenses. The membership of
27 the commission shall also comply with the political party
28 affiliation and ~~gender balance~~ requirements of ~~sections~~ [section](#)
29 [69.16](#) and ~~69.16A~~.

30 Sec. 26. Section 216A.132, subsection 5, Code 2024, is
31 amended to read as follows:

32 5. Membership on the board shall be bipartisan as provided
33 in [section 69.16](#) and ~~gender balanced as provided in section~~
34 ~~69.16A~~.

35 Sec. 27. Section 216A.162, subsection 3, paragraph a, Code

1 2024, is amended to read as follows:

2 a. Seven public members appointed in compliance with
3 ~~sections section 69.16 and 69.16A~~ who shall be appointed
4 with consideration given to the geographic residence of the
5 member and the population density of Native Americans within
6 the vicinity of the geographic residence of a member. Of the
7 seven public members appointed, at least one shall be a Native
8 American who is an enrolled tribal member living on a tribal
9 settlement or reservation in Iowa and whose tribal government
10 is located in Iowa.

11 Sec. 28. Section 217.43, subsection 1, paragraph a,
12 subparagraph (1), Code 2024, is amended to read as follows:

13 (1) The membership shall be appointed in accordance with
14 section 69.16, relating to political affiliation, ~~and section~~
15 ~~69.16A, relating to gender balance.~~

16 Sec. 29. Section 235B.1, subsection 4, paragraph b,
17 subparagraph (2), Code 2024, is amended to read as follows:

18 (2) The members of the advisory council shall be appointed
19 to terms of four years beginning May 1. Appointments shall
20 comply with ~~sections section 69.16 and 69.16A~~. Vacancies shall
21 be filled in the same manner as the original appointment.

22 Sec. 30. Section 252B.22, subsection 2, Code 2024, is
23 amended to read as follows:

24 2. Members of the task force may include, but shall not
25 be limited to, representatives, appointed by the respective
26 entity, of the Iowa land title association, the Iowa realtors'
27 association, the Iowa state bar association, the Iowa county
28 recorders' association, the Iowa clerks of court association,
29 the Iowa county treasurers' association, the Iowa automobile
30 dealers' association, the Iowa bankers association, the Iowa
31 recreational vehicle dealers' association, the independent
32 automobile dealers' association of Iowa, the Iowa mortgage
33 bankers' association, the Iowa motorcycle association, the Iowa
34 credit union league, department of administrative services,
35 state department of transportation, the office of the secretary

1 of state, the office of the state court administrator, and
2 other constituency groups and agencies which have an interest
3 in a statewide support lien index to the record liens.

4 Appointments are not subject to ~~sections~~ section 69.16 and
5 69.16A. Vacancies shall be filled by the original appointment
6 authority and in the manner of the original appointments.

7 Sec. 31. Section 256.5A, subsection 4, Code 2024, is amended
8 to read as follows:

9 4. The nonvoting student member appointment is not subject
10 to section 69.16 ~~or 69.16A~~.

11 Sec. 32. Section 256.35A, subsection 2, paragraph c, Code
12 2024, is amended to read as follows:

13 c. Voting members shall serve three-year terms beginning
14 and ending as provided in section 69.19, and appointments shall
15 comply with ~~sections~~ section 69.16 and ~~69.16A~~. Vacancies on
16 the council shall be filled in the same manner as the original
17 appointment. A person appointed to fill a vacancy shall serve
18 only for the unexpired portion of the term. Public members
19 shall receive reimbursement for actual expenses incurred while
20 serving in their official capacity and may also be eligible to
21 receive compensation as provided in section 7E.6.

22 Sec. 33. Section 256.82, subsection 1, paragraph b,
23 unnumbered paragraph 1, Code 2024, is amended to read as
24 follows:

25 Five members shall be selected in the manner provided in
26 this paragraph and ~~the gender balance of the membership shall~~
27 ~~be coordinated among the associations and boards making the~~
28 ~~appointments so that not more than three members serving under~~
29 ~~this paragraph at the same time are of the same gender.~~

30 Sec. 34. Section 256.82, subsection 3, paragraph a, Code
31 2024, is amended to read as follows:

32 a. The board shall appoint an advisory committee on
33 journalistic and editorial integrity ~~which has no more than a~~
34 ~~simple majority of members of the same gender.~~

35 Sec. 35. Section 256.147, subsection 2, Code 2024, is

1 amended to read as follows:

2 2. The membership of the board shall comply with the
3 requirements of ~~sections~~ section 69.16 and ~~69.16A~~. A quorum
4 of the board shall consist of seven members. Members shall
5 elect a chairperson of the board. Members, except for the
6 director of the department or the director's designee, shall
7 be appointed by the governor subject to confirmation by the
8 senate.

9 Sec. 36. Section 260C.36, subsection 1, unnumbered
10 paragraph 1, Code 2024, is amended to read as follows:

11 The community college administration shall establish a
12 committee consisting of instructors and administrators, equally
13 representative of the arts and sciences faculty and the career
14 and technical faculty, ~~which has no more than a simple majority~~
15 ~~of members of the same gender~~. The faculty members shall be
16 appointed by the certified employee organization if one exists
17 and if not, by the college administration. The administrators
18 shall be appointed by the college administration. The
19 committee shall develop and maintain a plan for hiring and
20 developing quality faculty that includes all of the following:

21 Sec. 37. Section 273.15, subsection 4, Code 2024, is amended
22 to read as follows:

23 4. All member appointments made pursuant to subsection
24 2 shall comply with sections 69.16, ~~69.16A~~, and 69.16C. In
25 addition, every reasonable effort shall be made to appoint
26 members to provide balanced representation based on age,
27 experience, ethnicity, district size, and geography.

28 Sec. 38. Section 284.15, subsection 12, paragraph b, Code
29 2024, is amended to read as follows:

30 *b.* Members shall be appointed to staggered three-year
31 terms which begin and end as provided in section 69.19.
32 Appointments shall comply with sections 69.16, ~~69.16A~~, and
33 69.16C. Vacancies on the commission shall be filled in the
34 same manner as the original appointment. A person appointed
35 to fill a vacancy shall serve only for the unexpired portion

1 of the term. Members are entitled to reimbursement of actual
2 expenses incurred in performance of their official duties.

3 Sec. 39. Section 314.22, subsection 3, paragraph c, Code
4 2024, is amended to read as follows:

5 c. Members of the committee shall serve without
6 compensation, but may be reimbursed for allowable expenses from
7 the living roadway trust fund created under [section 314.21](#). ~~No~~
8 ~~more than a simple majority of the members of the committee~~
9 ~~shall be of the same gender as provided in [section 69.16A](#).~~
10 The director of the department shall appoint the chair of the
11 committee and shall establish a minimum schedule of meetings
12 for the committee.

13 Sec. 40. Section 331.233, subsection 2, Code 2024, is
14 amended to read as follows:

15 2. Only eligible electors of the county not holding
16 a city, county, or state office shall be members of the
17 commission. In counties having multiple state legislative
18 districts, the districts shall be represented as equally as
19 possible. The membership shall be bipartisan ~~and gender~~
20 ~~balanced~~ and each appointing authority under subsection
21 1 shall provide for representation of various age groups,
22 racial minorities, economic groups, and representatives
23 of identifiable geographically defined populations, all in
24 reasonable relationship to the proportions in which these
25 groups are present in the population of the commission area. A
26 vacancy on the commission shall be filled by appointment in the
27 same manner as the original appointment. The county auditor
28 shall notify the appropriate appointing authority of a vacancy.

29 Sec. 41. Section 373.2, subsection 2, Code 2024, is amended
30 to read as follows:

31 2. Only eligible electors of the county not holding
32 a city, county, or state office shall be members of the
33 commission. In counties having multiple state legislative
34 districts, the districts shall be represented as equally as
35 possible. The membership shall be bipartisan ~~and gender~~

1 ~~balanced~~ and each appointing authority under subsection
2 1 shall provide for representation of various age groups,
3 racial minorities, economic groups, and representatives
4 of identifiable geographically defined populations, all in
5 reasonable relationship to the proportions in which these
6 groups are present in the population of the commission area.

7 Sec. 42. Section 418.5, subsection 3, Code 2024, is amended
8 to read as follows:

9 3. The general public members shall be appointed by
10 the governor, subject to confirmation by the senate. The
11 appointments shall comply with ~~sections~~ section 69.16 and
12 69.16A.

13 Sec. 43. Section 455A.20, subsection 1, paragraph f, Code
14 2024, is amended to read as follows:

15 *f.* If a question arises as to whether a recognized county
16 organization exists under paragraph "c" or "d", the question
17 shall be decided by a majority vote of the members selected
18 under paragraphs "a" and "b", excluding the representative of
19 the county conservation board. ~~Sections~~ Section 69.16 and
20 69.16A ~~do~~ does not apply to appointments made pursuant to this
21 subsection.

22 Sec. 44. Section 455B.150, subsection 1, paragraph a,
23 subparagraph (3), Code 2024, is amended to read as follows:

24 (3) An appointment shall comply with ~~sections~~ section
25 69.16 and 69.16A. In addition, the appointments shall be
26 geographically balanced.

27 Sec. 45. Section 475A.7, Code 2024, is amended to read as
28 follows:

29 **475A.7 Consumer advisory panel.**

30 The attorney general shall appoint five members and the
31 governor shall appoint four members to a consumer advisory
32 panel to meet at the request of the consumer advocate for
33 consultation regarding public utility regulation. A member
34 shall be appointed from each congressional district with
35 the appointee residing within the congressional district at

1 the time of appointment. The remaining appointees shall be
2 members at large. No more than five members shall belong to
3 the same political party as provided in [section 69.16](#). ~~Not~~
4 ~~more than a simple majority of the members shall be of the~~
5 ~~same gender.~~ The members appointed by the attorney general
6 shall serve four-year terms at the pleasure of the attorney
7 general and their appointments are not subject to confirmation.
8 The members appointed by the governor shall serve four-year
9 terms at the pleasure of the governor and their appointments
10 are not subject to confirmation. The governor or attorney
11 general shall fill a vacancy in the same manner as the original
12 appointment for the unexpired portion of the member's term.
13 Members of the consumer advisory panel shall serve without
14 compensation, but shall be reimbursed for actual expenses from
15 funds appropriated to the consumer advocate division.

16 Sec. 46. Section 514E.2, subsection 2, paragraph b, Code
17 2024, is amended to read as follows:

18 *b.* The composition of the board of directors shall be
19 in compliance with [sections section 69.16](#) and ~~69.16A~~. The
20 governor's appointees shall be chosen from a broad cross
21 section of the residents of this state.

22 Sec. 47. Section 542.4, subsection 1, paragraph d, Code
23 2024, is amended to read as follows:

24 *d.* The term of each member of the board shall be three
25 years, as designated by the governor, and appointments to
26 the board are subject to the requirements of [sections 69.16](#)
27 ~~69.16A~~ and [69.19](#). Vacancies occurring during a term shall be
28 filled by appointment by the governor for the unexpired term.
29 Upon the expiration of the member's term of office, a member
30 shall continue to serve until a successor shall have been
31 appointed and taken office.

32 Sec. 48. REPEAL. Section 69.16A, Code 2024, is repealed.

33

EXPLANATION

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

H.F. 2540

1 This bill repeals Code section 69.16A, imposing gender
2 balance requirements on appointive bodies established in the
3 Code. The bill makes conforming changes by removing references
4 to Code section 69.16A and gender balance requirements.