

Senate File 136 - Introduced

SENATE FILE 136
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1037)

A BILL FOR

1 An Act repealing gender balance requirements for appointive
2 boards, commissions, committees, and councils.
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 2023, 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 15F.102, subsection 3, paragraph b, Code
9 2023, is amended to read as follows:

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

13 Sec. 3. Section 15H.3, subsection 4, Code 2023, is amended
14 to read as follows:

15 4. The membership of the commission shall comply with
16 ~~sections~~ section 69.16 and ~~69.16A~~. The membership of the
17 commission shall also reflect the diversity of the state's
18 population.

19 Sec. 4. Section 23.3, subsection 2, Code 2023, is amended
20 to read as follows:

21 2. Appointments to the board shall be subject to ~~sections~~
22 section 69.16 and ~~69.16A~~.

23 Sec. 5. Section 28A.7, subsection 4, Code 2023, is amended
24 to read as follows:

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

33 Sec. 6. Section 35A.2, subsection 2, Code 2023, is amended
34 to read as follows:

35 2. Ten commissioners shall be honorably discharged members

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

21 Sec. 7. Section 80.28, subsection 4, Code 2023, is amended
22 to read as follows:

23 4. The voting members of the board shall be appointed in
24 compliance with ~~sections~~ section 69.16 and ~~69.16A~~. Members
25 shall elect a chairperson and vice chairperson from the board
26 membership, who shall serve two-year terms. The members
27 appointed by the governor shall be appointed to three-year
28 staggered terms and the terms shall commence and end as
29 provided by section 69.19. If a vacancy occurs among the
30 voting members, a successor shall be appointed to serve the
31 unexpired term. A successor shall be appointed in the same
32 manner and subject to the same qualifications as the original
33 appointment to serve the unexpired term. The voting members
34 of the board are entitled to receive reimbursement for actual
35 expenses incurred while engaged in the performance of official

1 duties from funds appropriated to the department of public
2 safety and the state department of transportation for that
3 purpose. The departments shall enter into an agreement to
4 provide administrative assistance and support to the board.

5 Sec. 8. Section 84A.1A, subsection 8, Code 2023, is amended
6 to read as follows:

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

10 Sec. 9. Section 84A.4, subsection 2, paragraph c, Code 2023,
11 is amended to read as follows:

12 *c. Political affiliation and gender balance.* ~~Sections~~
13 Section 69.16 and ~~69.16A~~ shall apply to the total membership of
14 a local workforce development board excluding members required
15 under paragraph "b", subparagraph (4), subparagraph division
16 (a), subparagraph subdivisions (ii) and (iii).

17 Sec. 10. Section 135.43, subsection 2, unnumbered paragraph
18 1, Code 2023, is amended to read as follows:

19 The membership of the review team is subject to the
20 provisions of ~~sections~~ section 69.16 and ~~69.16A~~, relating to
21 political affiliation and ~~gender balance~~. Review team members
22 who are not designated by another appointing authority shall
23 be appointed by the state medical examiner. Membership terms
24 shall be for three years. A membership vacancy shall be filled
25 in the same manner as the original appointment. The review
26 team shall elect a chairperson and other officers as deemed
27 necessary by the review team. The review team shall meet upon
28 the call of the state medical examiner or as determined by the
29 review team. The review team shall include the following:

30 Sec. 11. Section 135.109, subsection 5, paragraph c, Code
31 2023, is amended to read as follows:

32 *c.* The membership of the review team is subject to the
33 provisions of ~~sections~~ section 69.16 and ~~69.16A~~, relating to
34 political affiliation and ~~gender balance~~.

35 Sec. 12. Section 142A.3, subsection 3, paragraph b, Code

1 2023, is amended to read as follows:

2 *b.* Three voting members, to be selected by the participants
3 in the annual statewide youth summit of the initiative's youth
4 program, who shall not be subject to [section 69.16](#) ~~or [69.16A](#)~~.
5 However, the selection process shall provide for diversity
6 among the members and at least one of the youth members shall
7 be a female.

8 Sec. 13. Section 148.2A, subsection 2, unnumbered paragraph
9 1, Code 2023, is amended to read as follows:

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

17 Sec. 14. Section 155A.2A, unnumbered paragraph 1, Code
18 2023, is amended to read as follows:

19 Notwithstanding [sections 17A.11, 69.16, ~~69.16A~~, 147.12,](#)
20 [147.14, and 147.19](#), the board may have a pool of up to seven
21 alternate members, including members licensed to practice under
22 this chapter and members not licensed to practice under this
23 chapter, to substitute for board members who are disqualified
24 or become unavailable for any reason for contested case
25 hearings.

26 Sec. 15. Section 159A.13, subsection 3, Code 2023, is
27 amended to read as follows:

28 3. Appointments of voting members to the infrastructure
29 board are subject to the requirements of ~~sections~~ section
30 [69.16](#) ~~and [69.16A](#)~~. In addition, the appointments shall be
31 geographically balanced. The governor's appointees shall be
32 confirmed by the senate, pursuant to [section 2.32](#).

33 Sec. 16. Section 176A.8, subsection 3, paragraph a, Code
34 2023, is amended to read as follows:

35 *a.* To, at least ninety days prior to the date fixed for the

1 election of council members, appoint a nominating committee
2 consisting of four persons who are not council members and
3 designate the chairperson. ~~The membership of the nominating~~
4 ~~committee shall be gender balanced.~~ The nominating committee
5 shall consider the geographic distribution of potential
6 nominees in nominating one or more resident registered voters
7 of the extension district as candidates for election to each
8 office to be filled at the election. To qualify for the
9 election ballot, each nominee shall file a nominating petition
10 signed by at least twenty-five eligible electors of the
11 district with the county commissioner of elections at least
12 sixty-nine days before the date of election.

13 Sec. 17. Section 216A.12, subsection 1, Code 2023, is
14 amended to read as follows:

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

20 Sec. 18. Section 216A.92A, subsection 2, Code 2023, is
21 amended to read as follows:

22 2. Commission members shall serve three-year terms which
23 shall begin and end pursuant to [section 69.19](#), and shall serve
24 the entire term even if the member experiences a change in the
25 status which resulted in their appointment under [subsection 1](#).
26 Vacancies on the commission shall be filled for the remainder
27 of the term of the original appointment. Members whose terms
28 expire may be reappointed. Members of the commission shall
29 receive actual expenses for their services. Members may also
30 be eligible to receive compensation as provided in section
31 7E.6. Members as specified under [subsection 1](#), paragraph
32 "c", however, shall receive per diem compensation as provided
33 in [section 7E.6](#) and actual expenses. The membership of
34 the commission shall also comply with the political party
35 affiliation and ~~gender balance~~ requirements of ~~sections~~ [section](#)

1 69.16 and ~~69.16A~~.

2 Sec. 19. Section 216A.132, subsection 5, Code 2023, is
3 amended to read as follows:

4 5. Membership on the board shall be bipartisan as provided
5 in section 69.16 and ~~gender balanced as provided in section~~
6 ~~69.16A~~.

7 Sec. 20. Section 216A.162, subsection 3, paragraph a, Code
8 2023, is amended to read as follows:

9 a. Seven public members appointed in compliance with
10 ~~sections~~ section 69.16 and ~~69.16A~~ who shall be appointed
11 with consideration given to the geographic residence of the
12 member and the population density of Native Americans within
13 the vicinity of the geographic residence of a member. Of the
14 seven public members appointed, at least one shall be a Native
15 American who is an enrolled tribal member living on a tribal
16 settlement or reservation in Iowa and whose tribal government
17 is located in Iowa.

18 Sec. 21. Section 217.43, subsection 1, paragraph a,
19 subparagraph (1), Code 2023, is amended to read as follows:

20 (1) The membership shall be appointed in accordance with
21 section 69.16, relating to political affiliation, ~~and section~~
22 ~~69.16A, relating to gender balance.~~

23 Sec. 22. Section 235B.1, subsection 4, paragraph b,
24 subparagraph (2), Code 2023, is amended to read as follows:

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

29 Sec. 23. Section 252B.22, subsection 2, Code 2023, is
30 amended to read as follows:

31 2. Members of the task force may include, but shall not
32 be limited to, representatives, appointed by the respective
33 entity, of the Iowa land title association, the Iowa realtors'
34 association, the Iowa state bar association, the Iowa county
35 recorders' association, the Iowa clerks of court association,

1 the Iowa county treasurers' association, the Iowa automobile
2 dealers' association, the Iowa bankers association, the Iowa
3 recreational vehicle dealers' association, the independent
4 automobile dealers' association of Iowa, the Iowa mortgage
5 bankers' association, the Iowa motorcycle association, the Iowa
6 credit union league, department of administrative services,
7 state department of transportation, the office of the secretary
8 of state, the office of the state court administrator, and
9 other constituency groups and agencies which have an interest
10 in a statewide support lien index to the record liens.

11 Appointments are not subject to ~~sections~~ section 69.16 and
12 69.16A. Vacancies shall be filled by the original appointment
13 authority and in the manner of the original appointments.

14 Sec. 24. Section 256.5A, subsection 4, Code 2023, is amended
15 to read as follows:

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

18 Sec. 25. Section 256.35A, subsection 2, paragraph c, Code
19 2023, is amended to read as follows:

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

29 Sec. 26. Section 256.82, subsection 1, paragraph b,
30 unnumbered paragraph 1, Code 2023, is amended to read as
31 follows:

32 Five members shall be selected in the manner provided in
33 this paragraph and ~~the gender balance of the membership shall~~
34 ~~be coordinated among the associations and boards making the~~
35 ~~appointments so that not more than three members serving under~~

1 ~~this paragraph at the same time are of the same gender.~~

2 Sec. 27. Section 272.3, subsection 2, Code 2023, is amended
3 to read as follows:

4 2. A majority of the licensed practitioner members shall be
5 nonadministrative practitioners. Four of the members shall be
6 administrators. Membership of the board shall comply with the
7 requirements of [sections section 69.16](#) and ~~69.16A~~. A quorum of
8 the board shall consist of six members. Members shall elect a
9 chairperson of the board. Members, except for the director of
10 the department of education or the director's designee, shall
11 be appointed by the governor subject to confirmation by the
12 senate.

13 Sec. 28. Section 273.15, subsection 4, Code 2023, is amended
14 to read as follows:

15 4. All member appointments made pursuant to subsection
16 2 shall comply with [sections 69.16](#), ~~69.16A~~, and [69.16C](#). In
17 addition, every reasonable effort shall be made to appoint
18 members to provide balanced representation based on age,
19 experience, ethnicity, district size, and geography.

20 Sec. 29. Section 284.15, subsection 12, paragraph b, Code
21 2023, is amended to read as follows:

22 *b.* Members shall be appointed to staggered three-year
23 terms which begin and end as provided in [section 69.19](#).
24 Appointments shall comply with sections [69.16](#), ~~69.16A~~, and
25 [69.16C](#). Vacancies on the commission shall be filled in the
26 same manner as the original appointment. A person appointed
27 to fill a vacancy shall serve only for the unexpired portion
28 of the term. Members are entitled to reimbursement of actual
29 expenses incurred in performance of their official duties.

30 Sec. 30. Section 303A.5, subsection 3, Code 2023, is amended
31 to read as follows:

32 3. Members appointed by the governor are subject to the
33 requirements of [sections 69.16](#), ~~69.16A~~, and [69.19](#).

34 Sec. 31. Section 314.22, subsection 3, paragraph c, Code
35 2023, is amended to read as follows:

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

9 Sec. 32. Section 331.233, subsection 2, Code 2023, is
10 amended to read as follows:

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

25 Sec. 33. Section 373.2, subsection 2, Code 2023, is amended
26 to read as follows:

27 2. Only eligible electors of the county not holding
28 a city, county, or state office shall be members of the
29 commission. In counties having multiple state legislative
30 districts, the districts shall be represented as equally as
31 possible. The membership shall be bipartisan ~~and gender~~
32 ~~balanced~~ and each appointing authority under subsection
33 1 shall provide for representation of various age groups,
34 racial minorities, economic groups, and representatives
35 of identifiable geographically defined populations, all in

1 reasonable relationship to the proportions in which these
2 groups are present in the population of the commission area.

3 Sec. 34. Section 418.5, subsection 3, Code 2023, is amended
4 to read as follows:

5 3. The general public members shall be appointed by
6 the governor, subject to confirmation by the senate. The
7 appointments shall comply with ~~sections~~ section 69.16 and
8 69.16A.

9 Sec. 35. Section 455A.20, subsection 1, paragraph f, Code
10 2023, is amended to read as follows:

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

18 Sec. 36. Section 455B.150, subsection 1, paragraph a,
19 subparagraph (3), Code 2023, is amended to read as follows:

20 (3) An appointment shall comply with ~~sections~~ section
21 69.16 and 69.16A. In addition, the appointments shall be
22 geographically balanced.

23 Sec. 37. Section 514E.2, subsection 2, paragraph b, Code
24 2023, is amended to read as follows:

25 *b.* The composition of the board of directors shall
26 be in compliance with ~~sections~~ section 69.16 and 69.16A.

27 The governor's appointees shall be chosen from a broad
28 cross-section of the residents of this state.

29 Sec. 38. Section 542.4, subsection 1, paragraph d, Code
30 2023, is amended to read as follows:

31 *d.* The term of each member of the board shall be three
32 years, as designated by the governor, and appointments to
33 the board are subject to the requirements of sections 69.16
34 69.16A and 69.19. Vacancies occurring during a term shall be
35 filled by appointment by the governor for the unexpired term.

1 Upon the expiration of the member's term of office, a member
2 shall continue to serve until a successor shall have been
3 appointed and taken office.

4 Sec. 39. Section 904A.2A, subsection 1, Code 2023, is
5 amended to read as follows:

6 1. The board of parole shall have a pool of three alternate
7 members to substitute for board members who are disqualified
8 or become unavailable for any other reason for hearings. The
9 pool of alternate members shall be deemed a separate appointive
10 board for purposes of complying with the requirements of
11 ~~sections~~ section 69.16 and ~~69.16A~~. Each alternate member shall
12 serve a term of four years beginning and ending as provided
13 by section 69.19, except for alternate members appointed to
14 fill vacancies who shall serve for the balance of the unexpired
15 term.

16 Sec. 40. REPEAL. Section 69.16A, Code 2023, is repealed.

17 EXPLANATION

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

20 This bill repeals Code section 69.16A, imposing gender
21 balance requirements on appointive boards, commissions,
22 committees, and councils established in the Iowa Code. The
23 bill makes conforming changes by removing references to Code
24 section 69.16A and gender balance requirements.