SENATE FILE 2263
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 3075)

(As Amended and Passed by the Senate March 8, 2022)

* = Language Stricken by the Senate

A BILL FOR

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. **2.32B Confirmations of appointment — requests.**

1. A member of the senate may request that an appointment made by the governor or an appointing authority other than the governor that is not otherwise subject to senate confirmation pursuant to section 2.32 be subject to such confirmation as provided in that section.

2. A request under this section shall be signed by at least twenty-six senators and shall be submitted to the office of the president of the senate within sixty days following the appointment. The request shall be accompanied by an explanation as to why senate confirmation is sought, and shall be printed in the journal of the senate and included in the materials submitted pursuant to section 2.32, subsection 3.

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

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

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shall remain in the appointed position as a temporary or interim appointee until confirmed pursuant to section 2.32, withdrawn from consideration by the governor or appointing authority, or otherwise terminated from the position.

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

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

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

nonvoting member.

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

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

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

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

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

An Iowa law enforcement academy council is created consisting of the following thirteen voting members appointed by the governor~~, subject to confirmation by the senate,~~ to terms of four years commencing as provided in section 69.19:

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

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

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

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

Members, at least one of whom is a member of a racial minority, to be appointed by the governor~~, subject to confirmation by the senate pursuant to sections 2.32 and 69.19,~~ and consisting of the following:

Sec. 8. Section 216A.12, subsection 1, Code 2022, is amended to read as follows:

1. The commission of Latino affairs consists of seven members~~,~~ appointed by the governor~~, and subject to confirmation by the senate pursuant to section 2.32~~. Commission members shall be appointed in compliance with sections 69.16 and 69.16A. Commission members shall reside in the state.

Sec. 9. Section 216A.53, subsection 1, Code 2022, is amended to read as follows:

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

Sec. 10. Section 216A.74, subsection 1, Code 2022, is amended to read as follows:

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

Sec. 11. Section 216A.92A, subsection 1, unnumbered paragraph 1, Code 2022, is amended to read as follows:

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

Sec. 12. Section 216A.113, subsection 1, Code 2022, is amended to read as follows:

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

Sec. 13. Section 216A.132, subsection 1, paragraph a, unnumbered paragraph 1, Code 2022, is amended to read as follows:

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

Sec. 14. Section 216A.142, subsection 1, Code 2022, is amended to read as follows:

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

Sec. 15. Section 216A.152, subsection 1, Code 2022, is amended to read as follows:

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

Sec. 16. Section 216A.162, subsection 1, Code 2022, is

amended to read as follows:

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

Sec. 17. Section 216B.2, subsection 1, Code 2022, is amended to read as follows:

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

Sec. 18. Section 217.2, subsection 1, paragraph a, Code 2022, is amended to read as follows:

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

Sec. 19. Section 225C.5, subsection 1, unnumbered paragraph 1, Code 2022, is amended to read as follows:

A mental health and disability services commission is created as the state policy-making body for the provision of services to persons with mental illness, an intellectual disability, other developmental disabilities, or brain injury. The commission's voting members shall be appointed to three-year staggered terms by the governor ~~and are subject~~

~~to confirmation by the senate~~. Commission members shall be appointed on the basis of interest and experience in the fields of mental health, intellectual disability, other developmental disabilities, and brain injury, in a manner so as to ensure adequate representation from persons with disabilities and individuals knowledgeable concerning disability services. The department shall provide staff support to the commission, and the commission may utilize staff support and other assistance provided to the commission by other persons. The commission shall meet at least four times per year. The membership of the commission shall consist of the following persons who, at the time of appointment to the commission, are active members of the indicated groups:

Sec. 20. Section 225C.51, subsection 2, Code 2022, is amended to read as follows:

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

Sec. 21. Section 231.11, Code 2022, is amended to read as follows:

231.11 Commission established.

The commission on aging is established which shall consist of eleven members. One member each shall be appointed by the president of the senate, after consultation with the majority leader of the senate, and by the minority leader of the senate, from the members of the senate to serve as ex officio, nonvoting members. One member each shall be appointed by the speaker of the house of representatives and by the minority leader of the house of representatives, from the members of the house of representatives to serve as ex officio, nonvoting members. Seven members shall be appointed by the governor ~~subject to confirmation by the senate~~. Not more than a simple

majority of the governor's appointees shall belong to the same political party. At least four of the seven members appointed by the governor shall be fifty-five years of age or older when appointed.

Sec. 22. Section 237.16, subsection 1, Code 2022, is amended to read as follows:

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

Sec. 23. Section 256.35A, subsection 2, paragraph a, unnumbered paragraph 1, Code 2022, is amended to read as follows:

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

Sec. 24. Section 256I.3, subsection 2, paragraph a, Code 2022, is amended to read as follows:

a. The board shall consist of twenty-one voting members with fifteen citizen members and six state agency members. The six state agency members shall be the directors or their designees of the following agencies: economic development authority, education, human rights, human services, public health, and workforce development. The designees of state agency directors shall be selected on an annual basis. The

citizen members shall be appointed by the governor~~, subject to confirmation by the senate~~. The governor's appointments of citizen members shall be made in a manner so that each of the state's congressional districts is represented by at least two citizen members and so that all the appointments as a whole reflect the ethnic, cultural, social, and economic diversity of the state. A member of the state board shall not be a provider of services or other entity receiving funding through the early childhood Iowa initiative or be employed by such a provider or other entity.

Sec. 25. Section 257.30, subsection 1, Code 2022, is amended to read as follows:

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

Sec. 26. Section 333A.2, subsection 1, paragraphs b and c, Code 2022, are amended to read as follows:

b. Five elected county officials who are regularly involved in budget preparation. One county official shall be from a county with a population of less than eleven thousand five hundred, one from a county with a population of more than eleven thousand five hundred but not more than sixteen thousand, one from a county with a population of more than sixteen thousand but not more than twenty-two thousand five hundred, one from a county with a population of more than twenty-two thousand five hundred but not more than eighty thousand and one from a county with a population of more than eighty thousand. The governor shall select and appoint the county officials~~, subject to the approval of two-thirds of the members of the senate~~.

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

Sec. 27. Section 368.9, subsection 1, Code 2022, is amended to read as follows:

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

Sec. 28. Section 514I.5, subsection 1, paragraph d, Code 2022, is amended to read as follows:

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

this chapter.

Sec. 29. Section 602.2102, subsection 1, Code 2022, is amended to read as follows:

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

Sec. 30. Section 904.104, Code 2022, is amended to read as follows:

904.104 Board created.

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