

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for the length of term for legislative
2 appointments to appointed boards and commissions and providing
3 an effective and applicability date.

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

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HF 177

1 Section 1. Section 8A.204, subsection 1, paragraph a,
2 subparagraph (5), Code 2005, is amended to read as follows:

3 (5) Four members of the general assembly with not more
4 than one member from each house being from the same political
5 party. The two senators shall be designated by the president
6 of the senate after consultation with the majority and
7 minority leaders of the senate. The two representatives shall
8 be designated by the speaker of the house of representatives
9 after consultation with the majority and minority leaders of
10 the house of representatives. Legislative members shall serve
11 in an ex officio, nonvoting capacity for a term as provided in
12 section 69.16B. A legislative member is eligible for per diem
13 and expenses as provided in section 2.10.

14 Sec. 2. Section 8A.204, subsection 1, paragraph b, Code
15 2005, is amended to read as follows:

16 b. The members appointed pursuant to paragraph "a",
17 subparagraphs (1) through (4), shall serve four-year staggered
18 terms ~~and such~~. All appointments to the information
19 technology council are subject to the requirements of sections
20 69.16, 69.16A, and 69.19. The four-year terms of members
21 appointed by the governor shall be staggered as designated by
22 the governor. Members appointed by the governor are subject
23 to senate confirmation and may also be eligible to receive
24 compensation as provided in section 7E.6. Members shall be
25 reimbursed for actual and necessary expenses incurred in
26 performance of the members' duties.

27 Sec. 3. Section 16A.3, subsection 2, Code 2005, is amended
28 to read as follows:

29 2. The members of the authority appointed pursuant to
30 subsection 1 shall serve terms ~~of three years, except that, of~~
31 ~~first appointments, one member shall be appointed for a term~~
32 ~~of one year and two members shall be appointed for terms of~~
33 two years as provided in section 69.16B. A person appointed
34 to fill a vacancy shall serve only for the unexpired portion
35 of the term. A member is eligible for reappointment. A

1 member of the authority appointed pursuant to subsection 1 may
2 be removed from office by the committee for misfeasance,
3 malfeasance, willful neglect of duty, or other just cause
4 after notice and hearing, unless the notice and hearing is
5 expressly waived in writing. A member of the authority
6 appointed pursuant to subsection 1 may also serve as a member
7 of the Iowa family farm development authority.

8 Sec. 4. Section 17A.8, subsection 2, Code 2005, is amended
9 to read as follows:

10 2. A committee member shall be appointed prior to the
11 adjournment convening of a the first regular session convened
12 in-an-odd-numbered-year of each general assembly. The term of
13 office shall be for-four-years as provided in section 69.16B
14 beginning May-1-of-the-year-of-appointment upon the convening
15 of the first regular session of each general assembly.

16 However, a member shall serve until a successor is appointed.
17 A vacancy on the committee shall be filled by the original
18 appointing authority for the remainder of the term. A vacancy
19 shall exist whenever a committee member ceases to be a member
20 of the house from which the member was appointed.

21 Sec. 5. Section 18A.2, subsections 2 and 3, Code 2005, are
22 amended to read as follows:

23 2. The legislative members of the commission shall be
24 appointed to four-year terms of office,--two-of-which-shall
25 expire-every-two-years as provided in section 69.16B, unless
26 sooner terminated by a commission member ceasing to be a
27 member of the general assembly. Vacancies shall be filled by
28 appointment of the speaker of the house or the president of
29 the senate, after consultation with the majority leader and
30 the minority leader of the senate, as the case may be, for the
31 unexpired term of their predecessors.

32 3. The term of office of each appointive voting member of
33 the commission shall begin on the first of May of the odd-
34 numbered year in which the member is appointed.

35 Sec. 6. NEW SECTION. 69.16B LEGISLATIVE APPOINTMENTS TO

1 BOARDS AND COMMISSIONS -- TERMS.

2 Unless otherwise specifically provided by law, appointments
3 to statutory boards and commissions by a member or members of
4 the legislature shall be for two-year terms which shall expire
5 upon the convening of the following general assembly, or when
6 their successors are appointed, whichever occurs first.

7 Sec. 7. Section 80B.6, unnumbered paragraph 2, Code 2005,
8 is amended to read as follows:

9 One senator appointed by the president of the senate after
10 consultation with the majority leader and the minority leader
11 of the senate and one representative appointed by the speaker
12 of the house are also ex officio, nonvoting members of the
13 council who shall serve a term as provided in section 69.16B.

14 Sec. 8. Section 216A.53, Code 2005, is amended to read as
15 follows:

16 216A.53 TERM OF OFFICE.

17 Four of the members appointed to the initial commission
18 shall be designated by the governor to serve two-year terms,
19 and five shall be designated by the governor to serve four-
20 year terms. The legislative members of the commission shall
21 be appointed to ~~four-year~~ terms of office, ~~two of which shall~~
22 ~~expire every two years~~ as provided in section 69.16B, unless
23 sooner terminated by a commission member ceasing to be a
24 member of the general assembly. Succeeding appointments of
25 voting members shall be for a term of four years. Vacancies
26 in the membership shall be filled for the unexpired term in
27 the same manner as the original appointment.

28 Sec. 9. Section 216A.132, unnumbered paragraph 3, Code
29 2005, is amended to read as follows:

30 The chief justice of the supreme court shall appoint two
31 additional members currently serving as district judges. Two
32 members of the senate and two members of the house of
33 representatives shall be ex officio members and shall be
34 appointed by the majority and minority leaders of the senate
35 and the speaker and minority leader of the house of

1 representatives pursuant to section 69.16 and shall serve
2 terms as provided in section 69.16B. Members Nonlegislative
3 members appointed pursuant to this paragraph shall serve for
4 four-year terms beginning and ending as provided in section
5 69.19 unless the member ceases to serve as a district court
6 ~~judge or-as-a-member-of-the-senate-or-of-the-house-of~~
7 representatives.

8 Sec. 10. Section 225C.5, subsection 1, paragraph j, Code
9 2005, is amended to read as follows:

10 j. In addition to the voting members, the membership shall
11 include four members of the general assembly with one member
12 designated by each of the following: the majority leader of
13 the senate, the minority leader of the senate, the speaker of
14 the house of representatives, and the minority leader of the
15 house of representatives. A legislative member serves for a
16 term as provided in section 69.16B in an ex officio, nonvoting
17 capacity and is eligible for per diem and expenses as provided
18 in section 2.10.

19 Sec. 11. Section 225C.48, subsection 1, Code 2005, is
20 amended to read as follows:

21 1. An eleven-member personal assistance and family support
22 services council is created in the department. The members of
23 the council shall be appointed by the following officials as
24 follows: governor, five members; majority leader of the
25 senate, three members; and speaker of the house, three
26 members. At least three of the governor's appointments and
27 one of each legislative chamber's appointments shall be a
28 family member of an individual with a disability as defined in
29 section 225C.47. At least five of the members shall be
30 consumers of personal services. Members appointed by the
31 governor shall serve for three-year staggered terms while
32 members appointed by the majority leader of the senate and the
33 speaker of the house shall serve terms as provided in section
34 69.16B. A vacancy on the council shall be filled in the same
35 manner as the original appointment. The members of the

1 council shall be entitled to reimbursement of actual and
2 necessary expenses incurred in the performance of their
3 official duties. The council shall elect officers from among
4 the council's members.

5 Sec. 12. Section 231.12, Code 2005, is amended to read as
6 follows:

7 231.12 TERMS.

8 All members of the commission appointed by the governor
9 shall be appointed for terms of four years, with staggered
10 expiration dates. The terms of office of members appointed by
11 the governor shall commence and end as provided by section
12 69.19. Members of the commission appointed by the president
13 of the senate and the speaker of the house of representatives
14 shall serve terms of office as provided in section 69.16B. A
15 vacancy on the commission shall be filled for the unexpired
16 term of the vacancy in the same manner as the original
17 appointment was made. If a legislative member ceases to be a
18 member of the general assembly the legislative member may
19 continue to serve until a successor is appointed.

20 Sec. 13. Section 252B.18, subsection 1, paragraph b, Code
21 2005, is amended to read as follows:

22 b. The legislative members of the committee shall be
23 appointed by the majority leader of the senate, after
24 consultation with the president of the senate, and the
25 minority leader of the senate, and by the speaker of the
26 house, after consultation with the majority leader and the
27 minority leader of the house of representatives and shall
28 serve terms as provided in section 69.16B. **Members**
29 Nonlegislative members shall serve staggered terms of two
30 years. Appointments shall comply with sections 69.16 and
31 69.16A. Vacancies shall be filled by the original appointing
32 authority and in the manner of the original appointments.

33 Sec. 14. Section 256.32, subsection 4, Code 2005, is
34 amended to read as follows:

35 4. The term of membership is three years. The terms shall

1 be staggered so that three of the terms end each year, but no
2 member serving on the initial council shall serve less than
3 one year. The governor shall determine the length of the
4 initial terms of office. However, the terms of office for
5 members of the general assembly shall be as provided in
6 section 69.16B.

7 Sec. 15. Section 261.1, subsections 3 and 4, Code 2005,
8 are amended to read as follows:

9 3. A member of the senate to be appointed by the president
10 of the senate, after consultation with the majority leader and
11 the minority leader of the senate, to serve as an ex officio
12 nonvoting member for a term ~~of four years beginning on July 1~~
13 ~~of the year of appointment~~ as provided in section 69.16B.

14 4. A member of the house of representatives to be
15 appointed by the speaker of the house to serve as an ex
16 officio nonvoting member for a term ~~of four years beginning on~~
17 ~~July 1 of the year of appointment~~ as provided in section
18 69.16B.

19 Sec. 16. Section 272B.2, Code 2005, is amended to read as
20 follows:

21 272B.2 EDUCATION COMMISSION OF THE STATES.

22 Article III, paragraph 1, of the compact notwithstanding,
23 the members of the education commission of the states
24 representing this state consist of the governor, two
25 nonlegislative members appointed by the governor, two members
26 of the senate appointed by the majority leader of the senate,
27 and two members of the house of representatives appointed by
28 the speaker of the house of representatives. ~~The~~
29 Nonlegislative members shall serve four-year terms and
30 legislative members shall serve terms as provided in section
31 69.16B. Nonlegislative members shall serve on the education
32 commission of the states without compensation, but shall
33 receive their actual and necessary expenses and travel.
34 Legislative members shall receive actual and necessary
35 expenses and travel pursuant to sections 2.10 and 2.12.

1 Vacancies on the commission shall be filled for the unexpired
2 portion of the term in the same manner as the original
3 appointments. If a member ceases to be a member of the
4 general assembly, the member shall no longer serve as a member
5 of the education commission of the states.

6 Sec. 17. Section 602.1514, subsection 2, Code 2005, is
7 amended to read as follows:

8 2. Members of the commission appointed by the governor
9 shall serve for a term of office of four years, and for the
10 initial commission, two members determined by lot shall be
11 appointed by each appointing authority to a term of two years.
12 Thereafter, all members appointed by the governor shall be
13 appointed to four-year terms. Members appointed by the
14 legislative council shall serve terms as provided in section
15 69.16B. Vacancies on the commission shall be filled for the
16 unexpired term in the same manner as the original appointment.

17 Sec. 18. EFFECTIVE AND APPLICABILITY DATE. This Act takes
18 effect January 1, 2007, and is applicable to appointments or
19 reappointments made on or after that date.

20 EXPLANATION

21 This bill provides that, unless otherwise provided by law,
22 appointments of members to statutory boards and commissions by
23 a member or members of the legislature shall be for two-year
24 terms which shall expire upon the convening of the following
25 general assembly, or when their successors are appointed,
26 whichever first occurs.

27 The following boards and commissions which provide for
28 terms of office for legislative appointments longer than two
29 years or for staggered two-year terms are made subject to the
30 two-year term provided by this bill: information technology
31 council, Iowa economic protective and investment authority,
32 administrative rules review committee, capitol planning
33 commission, Iowa law enforcement academy council, commission
34 on the status of women, criminal and juvenile justice planning
35 advisory council, mental health, mental retardation,

1 developmental disabilities, and brain injury commission,
2 personal assistance and family support services council,
3 commission of elder affairs, child support advisory committee,
4 advisory council for agricultural education, college student
5 aid commission, education commission of the states, and
6 judicial compensation commission.

7 The bill takes effect January 1, 2007, and applies to
8 legislative appointments or reappointments made on or after
9 that date.

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