

RECEIVED MAR 20 1991

SENATE FILE 466
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 282)

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

A BILL FOR

1 An Act relating to the authority of departmental policymaking
2 boards, commissions, and councils.

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

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SF 466

1 Section 1. Section 7E.3, Code 1991, is amended by adding
2 the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. The decisions of the head of a
4 department listed in section 7E.5, subsection 1, paragraphs
5 "b", "h", "j", "k", "l", "n", "o", "r", "s", and "v", which
6 implement the duties listed in this section, including
7 decisions regarding the department's budget, are subject to
8 revision and approval by the policymaking board, commission,
9 or council of that department. The policymaking board,
10 commission, or council may adopt rules and nullify rules made
11 by the department. The policymaking board, commission, or
12 council may exempt from its authority decisions implementing
13 certain duties. However, the policymaking board, commission,
14 or council shall review decisions of the head of the depart-
15 ment at the next meeting, and may rescind decisions of the
16 head of the department at that time.

17 Sec. 2. Section 15.104, Code 1991, is amended by adding
18 the following new subsection:

19 NEW SUBSECTION. 9. Appoint and fix the salary of the
20 director.

21 Sec. 3. Section 15.105, Code 1991, is amended by striking
22 the section and inserting in lieu thereof the following:

23 15.105 DEPARTMENT OF ECONOMIC DEVELOPMENT -- DIRECTOR.

24 The Iowa department of economic development is created.
25 The department shall be administered by a director who shall
26 be appointed by the board subject to confirmation by the
27 senate and shall serve at the pleasure of the board. The term
28 of office of the director is four years. The board shall make
29 the appointment based on the appointee's training, experience,
30 and capabilities. The director shall be knowledgeable in the
31 general field of economic development. The salary of the
32 director shall be fixed by the board within the guidelines or
33 a range established by the general assembly. If the office of
34 the director becomes vacant, the vacancy shall be filled in
35 the same manner as the original appointment.

1 Sec. 4. Section 19A.1A, subsection 1, Code 1991, is
2 amended to read as follows:

3 1. The chief administrative officer of the department is
4 the director. The director shall be appointed by the governor
5 commission, subject to confirmation by the senate. The
6 director serves at the pleasure of the governor commission and
7 is subject to reconfirmation after four years in office. The
8 person appointed shall be professionally qualified by
9 education and experience in the field of public personnel
10 administration, including the application of merit principles
11 in public employment, and the appointment shall be made
12 without regard for political affiliation. The director shall
13 not be a member of any local, state, or national committee of
14 a political party, an officer or member of a committee in any
15 partisan political club or organization, or hold or be a
16 candidate for a paid elective public office. The director is
17 subject to the restrictions on political activity provided in
18 section 19A.18 for employees in the classified service. The
19 governor commission shall set the salary of the director
20 within a range established by the general assembly. If the
21 office of the director becomes vacant, the vacancy shall be
22 filled in the same manner as the original appointment.

23 Sec. 5. Section 19A.7, Code 1991, is amended by adding the
24 following new subsection:

25 NEW SUBSECTION. 5. Appoint and fix the salary of the
26 director.

27 Sec. 6. Section 135.2, Code 1991, is amended to read as
28 follows:

29 135.2 APPOINTMENT OF DIRECTOR.

30 The governor state board of health shall appoint the
31 director of the department, subject to confirmation by the
32 senate. The director shall serve at the pleasure of the
33 governor board. The term of office of the director is four
34 years. The director is exempt from the merit system
35 provisions of chapter 19A. The governor board shall set the

1 salary of the director within the range established by the
2 general assembly. If the office of the director becomes
3 vacant, the vacancy shall be filled in the same manner as the
4 original appointment.

5 The director shall possess education and experience in
6 public health.

7 Sec. 7. Section 136.3, subsection 4, Code 1991, is amended
8 to read as follows:

9 4. Establish Appoint and fix the salary of the director,
10 and policies for the guidance of the director in the discharge
11 of the director's duties.

12 Sec. 8. Section 217.3, subsection 8, Code 1991, is amended
13 by striking the subsection and inserting in lieu thereof the
14 following:

15 8. Appoint and fix the salary of the director.

16 Sec. 9. Section 217.5, Code 1991, is amended to read as
17 follows:

18 217.5 DIRECTOR OF HUMAN SERVICES.

19 The chief administrative officer for the department of
20 human services is the director of human services. The
21 director shall be appointed by the governor council subject to
22 confirmation by the senate and shall serve at the pleasure of
23 the governor council. The governor council shall fill a
24 vacancy in this office in the same manner as the original
25 appointment was made. The director shall be selected
26 primarily for administrative ability and knowledge in the
27 field of human services. The term of office of the director
28 is four years. The salary shall be fixed by the council
29 within the guidelines or a range established by the general
30 assembly.

31 The director shall not be selected on the basis of
32 political affiliation and shall not engage in political
33 activity while holding this position.

34 Sec. 10. Section 246.105, subsection 3, Code 1991, is
35 amended by striking the subsection and inserting in lieu

1 thereof the following:

2 3. Appoint and fix the salary of the director.

3 Sec. 11. Section 246.107, Code 1991, is amended to read as
4 follows:

5 246.107 DIRECTOR -- APPOINTMENT AND QUALIFICATIONS.

6 1. The chief administrative officer for the department is
7 the director. The director shall be appointed by the governor
8 board subject to confirmation by the senate and shall serve at
9 the pleasure of the governor board. The term of office of the
10 director is four years. The salary of the director shall be
11 fixed by the board within salary guidelines or a range
12 established by the general assembly. If the office of the
13 director becomes vacant, the vacancy shall be filled in the
14 same manner as the original appointment.

15 2. The director shall be qualified in reformatory and
16 prison management, knowledgeable in community-based
17 corrections, and shall possess administrative ability. The
18 director shall also have experience in the field of
19 criminology and discipline and in the supervision of inmates
20 in corrective penal institutions. The director shall not be
21 selected on the basis of political affiliation, and while
22 employed as the director, shall not be a member of a political
23 committee, participate in a political campaign, be a candidate
24 for a partisan elective office, and shall not contribute to a
25 political campaign fund, except that the director may
26 designate on the checkoff portion of the state or federal
27 income tax return, or both, a party or parties to which a
28 contribution is made pursuant to the checkoff. The director
29 shall not hold any other office under the laws of the United
30 States or of this or any state or hold any position for profit
31 and shall devote full time to the duties of office.

32 Sec. 12. Section 249D.14, Code 1991, is amended by adding
33 the following new subsection:

34 NEW SUBSECTION. 11. Appoint and fix the salary of the
35 director.

1 Sec. 13. Section 249D.22, unnumbered paragraph 1, Code
2 1991, is amended by striking the paragraph and inserting in
3 lieu thereof the following:

4 The chief administrative officer of the department is the
5 director who shall be appointed by the commission, subject to
6 confirmation by the senate, and serve at the commission's
7 pleasure. The term of office of the director is four years.
8 The salary of the director shall be fixed by the commission
9 within salary guidelines or a range established by the general
10 assembly.

11 Sec. 14. Section 256.7, Code 1991, is amended by adding
12 the following new subsection:

13 NEW SUBSECTION. 21. Appoint and fix the salary of the
14 director.

15 Sec. 15. Section 256.8, Code 1991, is amended by striking
16 the section and inserting in lieu thereof the following:

17 256.8 DIRECTOR OF DEPARTMENT OF EDUCATION.

18 The chief administrative officer of the department is the
19 director who shall be appointed by the state board, subject to
20 confirmation by the senate, and serve at the board's pleasure.
21 The term of office of the director is four years. The
22 director shall possess a background in education and
23 administrative experience. The director shall be
24 knowledgeable in the general field of education. The salary
25 of the director shall be fixed by the board within salary
26 guidelines or a range established by the general assembly. If
27 the office of director becomes vacant, the vacancy shall be
28 filled in the same manner as the original appointment.

29 Sec. 16. Section 307.10, Code 1991, is amended by adding
30 the following new subsection:

31 NEW SUBSECTION. 8. Appoint and fix the salary of the
32 director.

33 Sec. 17. Section 307.11, Code 1991, is amended to read as
34 follows:

35 307.11 DIRECTOR OF TRANSPORTATION -- QUALIFICATIONS --

1 SALARY.

2 The governor commission shall appoint a director of
3 transportation, subject to confirmation by the senate, who
4 shall serve at the pleasure of the governor commission and who
5 shall not be a member of the commission. The term of office
6 of the director is four years. The director shall not hold
7 any other office under the laws of the United States or of
8 this or any other state or hold any other position for profit.
9 The director shall not engage in any occupation, business, or
10 profession interfering with or inconsistent with the
11 director's duties, serve on or under a committee of a
12 political party, or contribute to the campaign fund of any
13 person or political party. The director shall be appointed on
14 the basis of executive and administrative abilities and shall
15 devote full time to the duties of the position. The director
16 shall be knowledgeable in the general field of transportation.
17 If the office of the director becomes vacant, the vacancy
18 shall be filled in the same manner as the original
19 appointment.

20 The director shall receive a salary as fixed by the
21 governor commission within a salary range set by the general
22 assembly.

23 Sec. 18. Section 455A.3, Code 1991, is amended to read as
24 follows:

25 455A.3 DIRECTOR -- QUALIFICATIONS.

26 The chief administrative officer of the department is the
27 director who shall be appointed by the governor natural
28 resource commission and the environmental protection
29 commission, subject to confirmation of the senate, and serve
30 at the governor's pleasure of the commissions. The governor
31 commissions shall make the appointment based on the
32 appointee's training, experience, and capabilities. The
33 director shall be knowledgeable in the general field of
34 natural resource management and environmental protection. The
35 salary of the director shall be fixed by the governor

1 commissions within salary guidelines or a range established by
2 the general assembly.

3 Sec. 19. Section 455A.5, subsection 6, Code 1991, is
4 amended by adding the following new paragraph:

5 NEW PARAGRAPH. e. Appoint and fix the salary of the
6 director in cooperation with the environmental protection
7 commission.

8 Sec. 20. Section 455A.6, subsection 6, Code 1991, is
9 amended by adding the following new paragraph:

10 NEW PARAGRAPH. e. Appoint and fix the salary of the
11 director in cooperation with the natural resource commission.

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12 Sec. 21. CURRENT TERMS. A director in office on the
13 effective date of this Act may complete the current term of
14 appointment if already confirmed by the senate.

15 EXPLANATION

16 Section 1 of the bill provides that certain decisions of
17 the heads of certain departments, including decisions
18 regarding the budget of the department, are subject to
19 revision and approval by the policymaking board, commission,
20 or council of that department. Section 1 of the bill applies
21 to the following departments: personnel, economic
22 development, human services, public health, elder affairs,
23 education, corrections, natural resources, transportation, and
24 blind. The board, commission, or council also has the
25 authority to adopt rules and nullify rules made by the
26 department and may exempt from its authority decisions
27 implementing certain duties and retains the authority to
28 rescind those decisions.

29 Sections 2 through 21 of the bill provide that executive
30 branch department directors of the following departments shall
31 be appointed by the department's policymaking commission,
32 board, or council: the department of economic development,
33 the department of personnel, the Iowa department of public
34 health, the department of human services, the department of
35 corrections, the department of elder affairs, the department

1 of education, the state department of transportation, and the
2 department of natural resources. Sections 2 through 21 of the
3 bill define the terms, qualifications, provisions for vacancy,
4 and salary levels for each director's office, if not currently
5 in the Code. Section 21 of the bill provides that a director
6 in office on the effective date of the bill may complete the
7 current term of appointment if already confirmed by the
8 senate.

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SENATE FILE 466

S-3313

1 Amend Senate File 466 as follows:

2 1. Page 7, by inserting after line 11, the
3 following:

4 "Sec. _____. Section 601L.3, Code 1991, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 14. Appoint and fix the salary of
7 the director.

8 Sec. _____. Section 601L.4, unnumbered paragraph 1,
9 Code 1991, is amended to read as follows:

10 The ~~administrator~~ director may accept financial aid
11 from the government of the United States for carrying
12 out rehabilitation and physical restoration of the
13 blind and for providing library services to the blind
14 and physically handicapped.

15 Sec. _____. Section 601L.5, Code 1991, is amended to
16 read as follows:

17 601L.5 COMMISSION EMPLOYEES.

18 The commission may employ staff who shall be
19 qualified by experience to assume the responsibilities
20 of the offices. ~~The director shall be the~~
21 ~~administrative officer of the commission and shall be~~
22 ~~responsible for implementing policy set by the~~
23 ~~commission. The director shall carry out programs and~~
24 ~~policies as determined by the commission.~~

25 Sec. _____. NEW SECTION. 601L.9 DIRECTOR.

26 1. The chief administrative officer of the
27 department is the director. The director shall be
28 appointed by the commission, subject to confirmation
29 by the senate. The director serves at the pleasure of
30 the commission and is subject to reconfirmation after
31 four years in office. The person appointed shall be
32 qualified by education and experience to assume the
33 responsibilities of the office. The salary of the
34 director shall be fixed by the commission within
35 guidelines or a range established by the general
36 assembly. If the office of director becomes vacant,
37 the vacancy shall be filled in the same manner as the
38 original appointment.

39 2. The director shall administer programs and
40 policies as determined by the commission."

41 2. By renumbering as necessary.

By JOHN P. KIBBIE

S-3313 FILED APRIL 4, 1991

WELSH, CH.
MURPHY
SOORHOLTZ

SSB 282
STATE GOVERNMENT

SENATE FILE 466
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON KIBBIE)

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

A BILL FOR

1 An Act relating to the authority of departmental policymaking
2 boards, commissions, and councils.

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

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1 Sect ~~300R.10572~~ Section 7E.3, Code 1991, is amended by adding
 2 the following new unnumbered paragraph:
 3 NEW UNNUMBERED PARAGRAPH. The decisions of the head of a
 4 department listed in section 7E.5, subsection 1, paragraphs
 5 "b", "h", "j", "k", "l", "n", "o", "r", "s", and "v", which
 6 implement the duties listed in this section, including
 7 decisions regarding the hiring and discharge of personnel, and
 8 the department's budget, are subject to revision and approval
 9 by the policymaking board, commission, or council of that
 10 department. Approved _____

EXPLANATION

11
 12 This bill provides that ~~the~~ **A BILL FOR** decisions of the heads of
 13 certain departments, including decisions regarding hiring and
 14 discharge of personnel and authority of departmental policymaking
 15 boards, commissions, and approval by the policymaking board,
 16 ~~of the~~ **ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA** this bill applies
 17 to the following departments: personnel, economic
 18 development, human services, public health, elder affairs,
 19 education, corrections, natural resources, transportation, and
 20 blind.

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