

2050 House 2/02

FILE NO. 2050

SENATE FILE 2050

BY COMMITTEE ON STATE GOVERNMENT
approved (p. 110)

(SUCCESSOR TO SSB 2008)

Passed Senate, Date 2.20/92 (p. 424) Passed House, Date _____

Vote: Ayes 31 Nays 13 Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to appointments subject to senate confirmation by
2 providing for duties of appointing authorities and to the
3 appointment and employment of the director of the department
4 of education, and enacting a transitional provision.

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

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SF 2050

1 Section 1. Section 2.32, Code 1991, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 9. If an appointment subject to senate
4 confirmation is required by statute to be made by an
5 appointing authority other than the governor, the duties
6 assigned under this section to the governor shall be performed
7 by the appointing authority.

8 Sec. 2. Section 256.8, Code 1991, is amended to read as
9 follows:

10 256.8 DIRECTOR OF DEPARTMENT OF EDUCATION.

11 ~~The governor shall appoint a director chief administrative~~
12 ~~officer of the department of education is the director who~~
13 ~~shall be appointed by the state board to a four year term,~~
14 ~~subject to confirmation by the senate, and serve at the state~~
15 ~~board's pleasure. The state board shall make the appointment,~~
16 ~~based on the appointee's education, experience, and~~
17 ~~capabilities. The director shall possess a background in~~
18 ~~education and administrative experience and shall serve at the~~
19 ~~pleasure of the governor. The salary of the director shall be~~
20 ~~fixed by the state board within salary guidelines of a range~~
21 ~~established by the general assembly.~~

22 Sec. 3. Section 256.10, Code 1991, is amended to read as
23 follows:

24 256.10 EMPLOYMENT OF PROFESSIONAL STAFF.

25 ~~The salary of the director shall be fixed by the governor~~
26 ~~within a range established by the general assembly.~~
27 Appointments to the professional staff of the department shall
28 be without reference to political party affiliation, religious
29 affiliation, sex, or marital status, but shall be based solely
30 upon fitness, ability, and proper qualifications for the
31 particular position. The professional staff shall serve at
32 the discretion of the director. A member of the professional
33 staff shall not be dismissed for cause without at least ninety
34 days' notice, except in cases of conviction of a felony or
35 cases involving moral turpitude. In cases of procedure for

1 dismissal, the accused has the same right to notice and
2 hearing as teachers in the public school systems as provided
3 in section 279.27 to the extent that it is applicable.

4 Sec. 4. TRANSITIONAL PROVISION.

5 Effective July 1, 1992, the director of the department of
6 education who was appointed by the governor shall cease to
7 serve as the director, unless appointed to that position by
8 the state board of education. The state board of education
9 shall appoint a director to serve an interim term in
10 accordance with sections 2.32 and 256.8 beginning July 1,
11 1992, and ending April 30, 1993. The regular term of office
12 of the director to be appointed by the state board of
13 education and confirmed by the senate shall be four years
14 beginning May 1, 1993.

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EXPLANATION

16 This bill provides that an appointing authority other than
17 the governor shall perform the duties required of the governor
18 relating to appointment and confirmation of the appointment by
19 the senate if the appointment is required by statute to be
20 made by the appointing authority.

21 The bill also provides authority to the state board of
22 education relating to the appointment and employment of the
23 director of the department of education. The director of the
24 department of education will be appointed, subject to senate
25 confirmation, by the state board. The director serves at the
26 pleasure of the state board. The salary of the director is to
27 be set by the state board within limitations established by
28 the general assembly.

29 A transitional provision provides for the state board's
30 appointment and employment authority over an interim director
31 of the department of education to commence on July 1, 1992.
32 The regular term of office of the director is four years and
33 commences on May 1, 1993.

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MURPHY, CH.
DIELEMAN
KRAMER 1-14-92

SSB 2008
STATE GOVERNMENT
NOW -

SENATE FILE 2050
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON KIBBIE)

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

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