

(P.26) 1/10/94 State Gov.
(P.172) 1/31/94 Do Pass

FILED JAN 10 1994

SENATE FILE 2010

BY KIBBIE

Failed to Pass Senate, Date 3/8/94 (p.583)
Vote: Ayes 25 Nays 25

Passed House, Date _____
Vote: Ayes _____ Nays _____

Motion to Reconsider Approved _____

Keaton
Wieland p.586
Motion R/c adopted (p.603)
Vote 26-23
3-9-94 (p.604)
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 2010

1 Section 1. Section 2.32, Code 1993, 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 1993, 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 or a range
21 established by the general assembly.

22 Sec. 3. Section 256.10, Code 1993, 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. Effective July 1, 1994,
5 the director of the department of education who was appointed
6 by the governor shall cease to serve as the director, unless
7 appointed to that position by the state board of education.
8 The state board of education shall appoint a director to serve
9 an interim term in accordance with sections 2.32 and 256.8
10 beginning July 1, 1994, and ending April 30, 1995. The
11 regular term of office of the director to be appointed by the
12 state board of education and confirmed by the senate shall be
13 four years beginning May 1, 1995.

14 EXPLANATION

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

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

28 A transitional provision provides for the state board's
29 appointment and employment authority over an interim director
30 of the department of education to commence on July 1, 1994.
31 The regular term of office of the director is four years and
32 commences on May 1, 1995.

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SENATE FILE 2010

S-5115

1 Amend Senate File 2010 as follows:

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

4 "Sec. 101. Section 262.9, Code Supplement 1993, is
5 amended by adding the following new subsection:

6 NEW SUBSECTION. 29. Appoint an executive
7 director, subject to senate confirmation, to
8 administer the office of the board. The executive
9 director shall serve at the pleasure of the board,
10 subject to reconfirmation by the senate every four
11 years, and is exempt from the merit system provisions
12 of chapter 19A. The salary of the executive director
13 shall be set within a range established by the general
14 assembly. The executive director shall possess
15 education and experience in administration and with
16 state educational institutions."

17 2. Page 2, by inserting after line 13 the
18 following:

19 "Sec. ____ . EFFECTIVE DATE. Section 101 of this
20 Act takes effect July 1, 1996."

21 3. Title page, line 4, by inserting after the
22 word "education" the following: "and the executive
23 director of the office of the state board of regents,
24 providing an effective date".

By JIM KERSTEN

S-5115 FILED MARCH 8, 1994
ADOPTED (p. 582)

1 Section 1. Section 2.32, Code 1993, 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 1993, is amended to read as
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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 or a range
21 established by the general assembly.

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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. Section 262.9, Code Supplement 1993, is amended by
5 adding the following new subsection:

6 NEW SUBSECTION. 29. Appoint an executive director,
7 subject to senate confirmation, to administer the office of
8 the board. The executive director shall serve at the pleasure
9 of the board, subject to reconfirmation by the senate every
10 four years, and is exempt from the merit system provisions of
11 chapter 19A. The salary of the executive director shall be
12 set within a range established by the general assembly. The
13 executive director shall possess education and experience in
14 administration and with state educational institutions.

15 Sec. 5. TRANSITIONAL PROVISION. Effective July 1, 1994,
16 the director of the department of education who was appointed
17 by the governor shall cease to serve as the director, unless
18 appointed to that position by the state board of education.
19 The state board of education shall appoint a director to serve
20 an interim term in accordance with sections 2.32 and 256.8
21 beginning July 1, 1994, and ending April 30, 1995. The
22 regular term of office of the director to be appointed by the
23 state board of education and confirmed by the senate shall be
24 four years beginning May 1, 1995.

25 Sec. 6. EFFECTIVE DATE. Section 4 of this Act takes
26 effect July 1, 1996.

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