

March 27, 1969

SENATE FILE 400

Iowa Government - Pages 4-29, Page 2-2-70

By LODWICK
(AS PASSED BY THE SENATE)

Passed Senate, Date *3-27-69* Passed House, Date *2-11-70*

Vote: Ayes *46* Nays *11* Vote: Ayes *51* Nays *4*

Approved *3-20-70*

A BILL FOR

1 An Act relating to the appointees of the governor.

2 *Be It Enacted by the General Assembly of the State of Iowa:*

3 Section 1. Chapter sixty-nine (69), Code 1966, is hereby
4 amended by adding the following new section:

5 "Any person who has been appointed by the governor to
6 any board under the laws of this state shall be deemed to have
7 submitted his resignation from such office if either of the
8 following events occurs:

9 1. He does not attend three or more consecutive regular
10 meetings of such board. This paragraph does not apply unless
11 the first and last of the consecutive meetings counted for this
12 purpose are at least thirty days apart.

13 2. He attends less than one-half of the regular meetings
14 of such board within any period of twelve calendar months
15 beginning on July 1 or January 1. This paragraph does not
16 apply unless such board holds at least four regular meetings
17 during such period. This paragraph applies only to such a
18 period beginning on or after the date when he takes office
19 as a member of such board.

20 If such person received no notice and had no knowledge
21 of a regular meeting and gives the governor his sworn statement
22 to that effect within ten days after he learns of the meeting,
23 such meeting shall not be counted for the purposes of this
24 section.

25 The governor in his discretion may accept or reject

1 such resignation. If he accepts it, he shall notify such
2 person, in writing, that his resignation is accepted pursuant
3 to this Act. The governor shall then make another appoint-
4 ment to such office. Such appointment shall be made in the
5 same manner and for the same term as in the case of other
6 vacancies caused by resignation from such office.

7 As used in this section, 'board' includes any commission,
8 committee, agency, or governmental body which has three or
9 more members."

EXPLANATION OF SENATE FILE 400

This bill will authorize the governor to appoint persons to state boards, agencies, commissions, or offices to fill vacancies created by a present member's involuntary resignation due to his failure to attend three consecutive regular meetings or one-half of the regular meetings within a period of six months.

The present member's resignation would not become effective until the governor notified such person in writing that his resignation had been accepted under the provisions of this Act, at which time the governor could appoint another person to fill the office for the duration of the term of such office.

March 10, 1969
Passed on File
State Government 3-12, *Page 3-13*

SENATE FILE 400
Reprinted 3-27-69
By LODWICK

Passed Senate, Date *3-27-69* Passed House, Date
Vote: Ayes *46* Nays *11* Vote: Ayes Nays
Approved

A BILL FOR

- 1 An Act relating to the appointees of the governor.
- 2 *Be It Enacted by the General Assembly of the State of Iowa:*
- 3 Section 1. Chapter sixty-nine (69), Code 1966, is hereby
- 4 amended by adding the following new section:
- 5 "Any person who has been appointed by the governor to any
- 6 state board, agency, commission, or other public office
- 7 under the laws of this state, and who fails to attend three
- 8 consecutive regular meetings of such board, agency, commis-
- 9 sion, or office, or fails to attend at least one-half of the
- 10 regular meetings of such board, agency, commission, or office,
- 11 within a period of six months shall be declared to have re-
- 12 signed such office.
- 13 The governor shall notify such person, in writing, that
- 14 his resignation has been accepted pursuant to the provisions
- 15 of this Act, and the governor shall then have the authority
- 16 to make another appointment to such office. Such appointment
- 17 shall be only for the duration of the unexpired term of the
- 18 office to which such appointment is made."

EXPLANATION OF SENATE FILE 400

This bill will authorize the governor to appoint persons to state boards, agencies, commissions, or offices to fill vacancies created by a present member's involuntary resignation due to his failure to attend three consecutive regular meetings or one-half of the regular meetings within a period of six months.

The present member's resignation would not become effective until the governor notified such person in writing that his resignation had been accepted under the provisions of this act, at which time the governor could appoint another person to fill the office for the duration of the term of such office.

- 1 Amend Senate File 400 as follows:
- 2 1. By striking from page 1, lines 11 and 12, the words
- 3 "shall be declared to have resigned such office" and inserting
- 4 in lieu thereof the words "may be considered as having sub-
- 5 mitted his resignation from such office to the governor".
- 6 2. By striking from page 1, line 13, the word "shall"
- 7 and inserting in lieu thereof the word "may".

Filed - *adopted 3-24*
March 21, 1969

By POTGETER and LODWICK

- 1 Amend Senate File 400 by adding the following new
- 2 paragraph after line eighteen (18) thereof:
- 3 "Prior to accepting the resignation of any person
- 4 pursuant to the provisions of this Act, it shall be the
- 5 duty of the Governor to notify said person by registered
- 6 mail that said person's absence at any further meetings
- 7 will subject said person to the provisions of this Act."

Filed - *Withdrawn 3-27*
March 24, 1969

By SCHABEN

- 1 Amend Senate File 400 by striking lines 17 and 18 and
- 2 inserting in lieu thereof the words "shall be made in
- 3 the same manner as in any other case of vacancy caused
- 4 by resignation."

Filed and adopted
March 24, 1969

By HOUGEN, DeKOSTER
and SULLIVAN

Date prepared March 25, 1969

Requested by Senator Clarke.

Prepared in regard to Senate File 400, a bill for an act relating to the appointees of the governor.

Following is the fiscal effect in dollars of the legislative proposal as required by Rule 47: No fiscal note required.

Filed
March 25, 1969

GERRY D. RANKIN
Legislative Fiscal Director

1 Amend Senate File 400 by striking all after line 4 and
2 and inserting in lieu thereof the following:
3 "Any person who has been appointed by the governor to any
4 board under the laws of this state shall be deemed to have
5 submitted his resignation from such office if either of the following
6 events occurs:

7 1. He does not attend three or more consecutive regular
8 meetings of such board. This paragraph does not apply unless
9 the first and last of the consecutive meetings counted for this
10 purpose are at least thirty days apart.

11 2. He attends less than one-half of the regular meetings
12 of such board within any period of twelve calendar months beginning
13 on July 1 or January 1. This paragraph does not apply unless
14 such board holds at least four regular meetings during such period.
15 This paragraph applies only to such a period beginning on or after
16 the date when he takes office as a member of such board.

17 "If such person received no notice and had no knowledge
18 of a regular meeting and gives the governor his sworn statement
19 to that effect within ten days after he learns of the meeting,
20 such meeting shall not be counted for the purposes of this section.

21 "The governor in his discretion may accept or reject
22 such resignation. If he accepts it, he shall notify such person,
23 in writing that his resignation is accepted pursuant to this Act.
24 The governor shall then make another appointment to such office.
25 Such appointment shall be made in the same manner and for the
26 same term as in the case of other vacancies caused by resignation
27 from such office.

28 "As used in this section, 'board' includes any commission,
29 committee, agency, or governmental body which has three or more
30 members."

Filed - *Adopted 3-27*

March 25, 1969

By STANLEY, LODWICK and POTGETER

1 Amend the Stanley, et al., amendment to Senate File 400,
2 dated March 25, line 10, by striking the word "thirty"
3 and inserting in lieu thereof the word "sixty".

Filed and lost
March 27, 1969

By FROMMELT