

JAN 19 1996
STATE GOVERNMENT

HOUSE FILE
BY TEIG

2083

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the office of secretary of agriculture and
2 providing an applicability date.

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

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

HF 2083

1 Section 1. Section 39.9, Code 1995, is amended to read as
2 follows:

3 39.9 STATE OFFICERS -- TERM.

4 The governor, lieutenant governor, secretary of state,
5 auditor of state, treasurer of state, ~~secretary-of~~
6 ~~agriculture~~, and attorney general shall be elected for a term
7 of four years at the general election held in the year 1974
8 and every four years thereafter.

9 Sec. 2. Section 43.6, subsection 1, Code 1995, is amended
10 to read as follows:

11 1. When a vacancy occurs in the office of senator in the
12 Congress of the United States, lieutenant governor, secretary
13 of state, auditor of state, treasurer of state, ~~secretary-of~~
14 ~~agriculture~~, or attorney general and section 69.13 requires
15 that the vacancy be filled for the balance of the unexpired
16 term at a general election, candidates for the office shall be
17 nominated in the preceding primary election if the vacancy
18 occurs eighty-nine or more days before the date of that
19 primary election. If the vacancy occurs less than one hundred
20 four days before the date of that primary election, the state
21 commissioner shall accept nomination papers for that office
22 only until five o'clock p.m. on the seventy-fourth day before
23 the primary election, the provisions of section 43.11
24 notwithstanding. If the vacancy occurs later than eighty-nine
25 days before the date of that primary election, but not less
26 than eighty-nine days before the date of the general election,
27 the nominations shall be made in the manner prescribed by this
28 chapter for filling vacancies in nominations for offices to be
29 voted for at the general election.

30 Sec. 3. Section 43.24, subsection 3, unnumbered paragraph
31 1, Code 1995, is amended to read as follows:

32 Objections filed with the state commissioner shall be
33 considered by the secretary of state, auditor of state, and
34 attorney general. However, if the objection is to the
35 nomination petition, certificate of nomination, or eligibility

1 of one or more of those officers, those officers shall be
2 replaced, respectively, by the treasurer of state, ~~secretary~~
3 ~~of agriculture~~, and lieutenant governor for the hearing.

4 Sec. 4. Section 43.77, subsection 4, Code 1995, is amended
5 to read as follows:

6 4. A vacancy has occurred in the office of senator in the
7 Congress of the United States, lieutenant governor, secretary
8 of state, auditor of state, treasurer of state, ~~secretary-of~~
9 ~~agriculture~~, or attorney general, under the circumstances
10 described in section 69.13, less than eighty-nine days before
11 the primary election and not less than eighty-nine days before
12 the general election.

13 Sec. 5. Section 43.78, subsection 1, paragraph a, Code
14 1995, is amended to read as follows:

15 a. For senator in the Congress of the United States or any
16 office listed in section 39.9, by the party's state
17 convention, which may be reconvened by the state party
18 chairperson if the vacancy occurs after the convention has
19 been held or too late to be filled at the time it is held.
20 However, a vacancy so occurring with respect to the offices of
21 secretary of state, auditor of state, or treasurer of state ~~or~~
22 ~~secretary-of-agriculture~~ may be filled by the party's state
23 central committee in lieu of reconvening the state convention.

24 Sec. 6. Section 44.6, Code 1995, is amended to read as
25 follows:

26 44.6 HEARING BEFORE STATE COMMISSIONER.

27 Objections filed with the state commissioner shall be
28 considered by the secretary of state and auditor of state and
29 attorney general, and a majority decision shall be final; but
30 if the objection is to the certificate of nomination of one or
31 more of the above named officers, said officer or officers so
32 objected to shall not pass upon the same, but their places
33 shall be filled, respectively, by the treasurer of state, the
34 governor, and the ~~secretary-of-agriculture~~ lieutenant
35 governor.

1 Sec. 7. Section 68B.2, subsection 26, Code 1995, is
2 amended to read as follows:

3 26. "Statewide elected official" means the governor,
4 lieutenant governor, secretary of state, auditor of state,
5 treasurer of state, ~~secretary-of-agriculture~~, and attorney
6 general of the state of Iowa.

7 Sec. 8. Section 69.13, unnumbered paragraph 1, Code 1995,
8 is amended to read as follows:

9 If a vacancy occurs in the office of senator in the
10 Congress of the United States, lieutenant governor, secretary
11 of state, auditor of state, treasurer of state, ~~secretary-of~~
12 ~~agriculture~~, or attorney general eighty-nine or more days
13 before a general election, and the unexpired term in which the
14 vacancy exists has more than seventy days to run after the
15 date of that general election, the vacancy shall be filled for
16 the balance of the unexpired term at that general election and
17 the person elected to fill the vacancy shall assume office as
18 soon as a certificate of election has been issued and the
19 person has qualified.

20 Sec. 9. Section 159.5, Code 1995, is amended by adding the
21 following new unnumbered paragraph before unnumbered paragraph
22 1:

23 NEW UNNUMBERED PARAGRAPH. The chief administrative officer
24 of the department is the secretary who shall be appointed by
25 the governor, subject to confirmation of the senate, and serve
26 at the governor's pleasure. The governor shall make the
27 appointment based on the appointee's training, experience, and
28 capabilities. The secretary shall be knowledgeable in the
29 general field of agriculture and land management. The salary
30 of the director shall be fixed by the governor within salary
31 guidelines or a range established by the general assembly.

32 Sec. 10. Section 159.19, Code 1995, is repealed.

33 Sec. 11. APPLICABILITY. This Act applies to terms of
34 office of secretary of agriculture beginning on or after
35 January 1, 1999.

EXPLANATION

1
2 This bill changes the office of secretary of agriculture
3 from an elective office to an appointive one. The bill
4 provides that the secretary is to be appointed by the governor
5 to serve at the pleasure of the governor, subject to confirma-
6 tion by the senate. The salary of the secretary is to be set
7 by the governor within guidelines established by the general
8 assembly.

9 The bill applies to terms of office of secretary of
10 agriculture beginning on or after January 1, 1999.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35