

MAR 10 1995

STATE GOVERNMENT

HOUSE FILE 350

BY HALVORSON

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
 Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the appointment of the secretary of  
 2 agriculture.

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

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HF 350

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 43.77, subsection 4, Code 1995, is amended  
31 to read as follows:

32 4. A vacancy has occurred in the office of senator in the  
33 Congress of the United States, lieutenant governor, secretary  
34 of state, auditor of state, treasurer of state, ~~secretary-of~~  
35 ~~agriculture~~, or attorney general, under the circumstances

1 described in section 69.13, less than eighty-nine days before  
2 the primary election and not less than eighty-nine days before  
3 the general election.

4 Sec. 4. Section 43.78, subsection 1, paragraph a, Code  
5 1995, is amended to read as follows:

6 a. For senator in the Congress of the United States or any  
7 office listed in section 39.9, by the party's state  
8 convention, which may be reconvened by the state party  
9 chairperson if the vacancy occurs after the convention has  
10 been held or too late to be filled at the time it is held.  
11 However, a vacancy so occurring with respect to the offices of  
12 secretary of state, auditor of state, or treasurer of state ~~or~~  
13 ~~secretary-of-agriculture~~ may be filled by the party's state  
14 central committee in lieu of reconvening the state convention.

15 Sec. 5. Section 68B.2, subsection 26, Code 1995, is  
16 amended to read as follows:

17 26. "Statewide elected official" means the governor,  
18 lieutenant governor, secretary of state, auditor of state,  
19 treasurer of state, ~~secretary-of-agriculture~~, and attorney  
20 general of the state of Iowa.

21 Sec. 6. Section 69.13, unnumbered paragraph 1, Code 1995,  
22 is amended to read as follows:

23 If a vacancy occurs in the office of senator in the  
24 Congress of the United States, lieutenant governor, secretary  
25 of state, auditor of state, treasurer of state, ~~secretary-of~~  
26 ~~agriculture~~, or attorney general eighty-nine or more days  
27 before a general election, and the unexpired term in which the  
28 vacancy exists has more than seventy days to run after the  
29 date of that general election, the vacancy shall be filled for  
30 the balance of the unexpired term at that general election and  
31 the person elected to fill the vacancy shall assume office as  
32 soon as a certificate of election has been issued and the  
33 person has qualified.

34 Sec. 7. Section 159.19, Code 1995, is amended by striking  
35 the section and inserting in lieu thereof the following:

1 159.19 APPOINTMENT OF SECRETARY -- COMPENSATION.

2 The secretary of agriculture shall be appointed by the  
3 governor, subject to confirmation by the senate, to serve a  
4 term of four years commencing January 15 following the  
5 election of governor at the general election.

6 The salary of the secretary shall be as fixed by the  
7 general assembly.

8 EXPLANATION

9 This bill provides for the appointment by the governor of  
10 the Iowa secretary of agriculture, subject to confirmation by  
11 the senate. The bill includes conforming amendments to Iowa's  
12 election laws pertaining to the election of the secretary of  
13 agriculture.

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