

FEB 4 1998  
STATE GOVERNMENT

HOUSE FILE 2147  
BY SCHRADER

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

**A BILL FOR**

1 An Act providing for the election of the commissioner of  
2 insurance.  
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 2147

1 Section 1. Section 39.9, Code 1997, 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. The commissioner of  
9 insurance shall be elected for a term of four years at the  
10 general election held in the year 2002 and every four years  
11 thereafter.

12 Sec. 2. Section 43.6, subsection 1, Code Supplement 1997,  
13 is amended to read as follows:

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

33 Sec. 3. Section 43.77, subsection 4, Code 1997, is amended  
34 to read as follows:

35 4. A vacancy has occurred in the office of senator in the

1 Congress of the United States, lieutenant governor, secretary  
2 of state, auditor of state, treasurer of state, secretary of  
3 agriculture, commissioner of insurance, or attorney general,  
4 under the circumstances described in section 69.13, less than  
5 eighty-nine days before the primary election and not less than  
6 eighty-nine days before the general election.

7 Sec. 4. Section 43.78, subsection 1, paragraph a, Code  
8 1997, is amended to read as follows:

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

19 Sec. 5. Section 63A.2, subsection 1, Code 1997, is amended  
20 to read as follows:

21 1. Governor, secretary of state, secretary of agriculture,  
22 auditor of state, treasurer of state, commissioner of  
23 insurance, attorney general.

24 Sec. 6. Section 68B.2, subsection 26, Code 1997, is  
25 amended to read as follows:

26 26. "Statewide elected official" means the governor,  
27 lieutenant governor, secretary of state, auditor of state,  
28 treasurer of state, secretary of agriculture, commissioner of  
29 insurance, and attorney general of the state of Iowa.

30 Sec. 7. Section 69.13, unnumbered paragraph 1, Code  
31 Supplement 1997, is amended to read as follows:

32 If a vacancy occurs in the office of senator in the  
33 Congress of the United States, secretary of state, auditor of  
34 state, treasurer of state, secretary of agriculture,  
35 commissioner of insurance, or attorney general eighty-nine or

1 more days before a general election, and the unexpired term in  
2 which the vacancy exists has more than seventy days to run  
3 after the date of that general election, the vacancy shall be  
4 filled for the balance of the unexpired term at that general  
5 election and the person elected to fill the vacancy shall  
6 assume office as soon as a certificate of election has been  
7 issued and the person has qualified.

8 Sec. 8. Section 546.8, Code 1997, is amended to read as  
9 follows:

10 546.8 INSURANCE DIVISION.

11 The insurance division shall regulate and supervise the  
12 conducting of the business of insurance in the state. The  
13 division shall enforce and implement Title XIII, subtitle 1,  
14 insurance and related regulation, and chapter 502, and shall  
15 perform other duties assigned to the division by law. The  
16 division is headed by the commissioner of insurance ~~who shall~~  
17 ~~be appointed pursuant to section 505.2.~~

18 Sec. 9. Sections 505.2 and 505.3, Code 1997, are repealed.

19 EXPLANATION

20 This bill changes the office of commissioner of insurance  
21 from an appointive office (appointed by the governor), to an  
22 elective office beginning with the general election in 2002.  
23 The elective term of office is four years.

24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35