

4/3/97 Unfinished Business
Calendar
4/29/97 Referred to Agri. Comm.

MAR 18 1997
Place On Calendar

HOUSE FILE **672**
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HF 411)

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

A BILL FOR

- 1 An Act changing election and appointment provisions relating to
- 2 the secretary of agriculture.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 672

H-1324

1 Amend House File 672 as follows:
 2 1. Page 3, by inserting after line 15 the
 3 following:
 4 "Sec. ____ . CONDITIONAL EFFECTIVE DATE. This Act
 5 takes effect upon the earlier of the following:
 6 1. Upon the retirement, removal, resignation, or
 7 death of the secretary of agriculture serving in that
 8 capacity on January 1, 1997.
 9 2. After the expiration of one term served by an
 10 individual who defeated the secretary of agriculture
 11 serving in that capacity on January 1, 1997, in an
 12 attempt by that secretary of agriculture to win
 13 reelection.
 14 Election laws applicable to election of the
 15 secretary of agriculture shall not apply for the year
 16 in which the term of an individual who has defeated
 17 the secretary of agriculture serving in that capacity
 18 on January 1, 1997, expires."
 19 2. Title page, line 2, by inserting after the
 20 word "agriculture" the following: ", and providing a
 21 contingent effective date".

By DREES of Carroll

H-1324 FILED MARCH 24, 1997

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.

9 Sec. 2. Section 43.6, subsection 1, Code 1997, 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 1997, 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 1997, 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 1997, 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 1997,
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 159.5, unnumbered paragraph 1, Code 1997,
35 is amended to read as follows:

1 ~~The secretary of agriculture is the head of the department~~
2 ~~of agriculture and land stewardship which~~ The governor shall
3 appoint, subject to confirmation by the senate, a secretary of
4 agriculture who shall be the chief administrative officer of
5 the department of agriculture and land stewardship. The
6 appointee must be a resident of the state. The secretary
7 shall serve at the pleasure of the governor and shall possess
8 a background in agriculture and administration. The
9 department shall:

10 Sec. 8. Section 159.19, Code 1997, is amended to read as
11 follows:

12 159.19 SALARY.

13 The salary of the secretary of agriculture shall be as
14 fixed set by the governor within a range established by the
15 general assembly.

16

EXPLANATION

17 This bill modifies provisions concerning the appointment of
18 individuals to the office of secretary of agriculture. The
19 bill removes the secretary of agriculture from the list of
20 statewide elected officials designated in section 68B.2,
21 subsection 26, concerning conflicts of interest of public
22 officers and employees, and from the list of offices in which
23 vacancies are filled by general election in section 69.13.
24 The bill provides that the governor shall appoint the
25 secretary. The bill provides that an appointee must be a
26 resident of the state. The appointee must also have a
27 background in agriculture and administration. The appointment
28 is subject to senate confirmation, and that the secretary is
29 to serve at the pleasure of the governor. Currently, section
30 39.9 provides that the secretary of agriculture shall be
31 elected for a term of four years by general election. This
32 provision is deleted in the bill. Vacancy election provisions
33 contained in sections 43.6, 43.77, and 43.78 are modified
34 accordingly, removing the secretary of agriculture from the
35 positions whose vacancies are addressed. The bill provides

1 that the governor shall establish the salary of the secretary
2 within a range set by the general assembly, instead of having
3 the salary fixed directly by the general assembly as currently
4 provided in section 159.19.

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