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SENATE FILE
BY JOHNSON

128

STATE GOVERNMENT

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

A BILL FOR

1 An Act making the office of secretary of agriculture an
2 appointive office.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 128
STATE GOVERNMENT

1 Section 1. Section 7D.1, subsection 5, Code 2005, is
2 amended to read as follows:

3 ~~5. Secretary-of-agriculture~~ Lieutenant governor.

4 Sec. 2. Section 14A.1, Code 2005, is amended to read as
5 follows:

6 14A.1 DEPUTIES.

7 The secretary, auditor, and treasurer of state ~~and~~
8 ~~secretary-of-agriculture~~ may each appoint, in writing, any
9 person, except one holding a state office, as deputy, for
10 whose acts the appointing officer shall be responsible, and
11 from whom the appointing officer shall require bond, which
12 appointment and bond must be approved by the officer having
13 the approval of the principal's bond, and such appointment may
14 be revoked in the same manner. The appointment and revocation
15 shall be filed with and kept by the secretary of state. The
16 state shall pay the reasonable cost of the bonds required by
17 this section.

18 Sec. 3. Section 39.9, Code 2005, is amended to read as
19 follows:

20 39.9 STATE OFFICERS -- TERM.

21 The governor, lieutenant governor, secretary of state,
22 auditor of state, treasurer of state, ~~secretary-of~~
23 ~~agriculture~~, and attorney general shall be elected for a term
24 of four years at the general election held in the year 1974
25 and every four years thereafter.

26 Sec. 4. Section 43.6, subsection 1, Code 2005, is amended
27 to read as follows:

28 1. When a vacancy occurs in the office of senator in the
29 Congress of the United States, secretary of state, auditor of
30 state, treasurer of state, ~~secretary-of-agriculture~~, or
31 attorney general and section 69.13 requires that the vacancy
32 be filled for the balance of the unexpired term at a general
33 election, candidates for the office shall be nominated in the
34 preceding primary election if the vacancy occurs eighty-nine
35 or more days before the date of that primary election. If the

1 vacancy occurs less than one hundred four days before the date
2 of that primary election, the state commissioner shall accept
3 nomination papers for that office only until five o'clock p.m.
4 on the seventy-fourth day before the primary election, the
5 provisions of section 43.11 notwithstanding. If the vacancy
6 occurs later than eighty-nine days before the date of that
7 primary election, but not less than eighty-nine days before
8 the date of the general election, the nominations shall be
9 made in the manner prescribed by this chapter for filling
10 vacancies in nominations for offices to be voted for at the
11 general election.

12 Sec. 5. Section 43.24, subsection 3, unnumbered paragraph
13 1, Code 2005, is amended to read as follows:

14 Objections filed with the state commissioner shall be
15 considered by the secretary of state, auditor of state, and
16 attorney general. However, if the objection is to the
17 nomination petition, certificate of nomination, or eligibility
18 of one or more of those officers, those officers shall be
19 replaced, respectively, by the treasurer of state, ~~secretary~~
20 ~~of-agriculture,~~ and lieutenant governor, and governor for the
21 hearing.

22 Sec. 6. Section 43.77, subsection 4, Code 2005, is amended
23 to read as follows:

24 4. A vacancy has occurred in the office of senator in the
25 Congress of the United States, lieutenant governor, secretary
26 of state, auditor of state, treasurer of state, ~~secretary-of~~
27 ~~agriculture,~~ or attorney general, under the circumstances
28 described in section 69.13, less than eighty-nine days before
29 the primary election and not less than eighty-nine days before
30 the general election.

31 Sec. 7. Section 43.78, subsection 1, paragraph a, Code
32 2005, is amended to read as follows:

33 a. For senator in the Congress of the United States or any
34 office listed in section 39.9, by the party's state
35 convention, which may be reconvened by the state party

1 chairperson if the vacancy occurs after the convention has
2 been held or too late to be filled at the time it is held.
3 However, a vacancy so occurring with respect to the offices of
4 secretary of state, auditor of state, or treasurer of state or
5 ~~secretary-of-agriculture~~ may be filled by the party's state
6 central committee in lieu of reconvening the state convention.

7 Sec. 8. Section 44.6, Code 2005, is amended to read as
8 follows:

9 44.6 HEARING BEFORE STATE COMMISSIONER.

10 Objections filed with the state commissioner shall be
11 considered by the secretary of state and auditor of state and
12 attorney general, and a majority decision shall be final; but
13 if the objection is to the certificate of nomination of one or
14 more of the above named officers, said officer or officers so
15 objected to shall not pass upon the same, but their places
16 shall be filled, respectively, by the treasurer of state, the
17 lieutenant governor, and the governor,~~and the secretary of~~
18 ~~agriculture.~~

19 Sec. 9. Section 63A.2, subsection 1, Code 2005, is amended
20 to read as follows:

21 1. Governor, secretary of state, ~~secretary-of-agriculture,~~
22 auditor of state, treasurer of state, attorney general.

23 Sec. 10. Section 68B.2, subsection 26, Code 2005, is
24 amended to read as follows:

25 26. "Statewide elected official" means the governor,
26 lieutenant governor, secretary of state, auditor of state,
27 treasurer of state, ~~secretary-of-agriculture,~~ and attorney
28 general of the state of Iowa.

29 Sec. 11. Section 69.13, unnumbered paragraph 1, Code 2005,
30 is amended to read as follows:

31 If a vacancy occurs in the office of senator in the
32 Congress of the United States, secretary of state, auditor of
33 state, treasurer of state, ~~secretary-of-agriculture,~~ or
34 attorney general eighty-nine or more days before a general
35 election, and the unexpired term in which the vacancy exists

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

7 Sec. 12. NEW SECTION. 159.4A SECRETARY OF AGRICULTURE.

8 The department shall be administered by a secretary of
9 agriculture who shall be appointed by the governor subject to
10 confirmation by the senate and shall serve at the pleasure of
11 the governor. The governor shall set the salary of the
12 secretary of agriculture within the range established by the
13 general assembly. If the office of the secretary becomes
14 vacant, the vacancy shall be filled in the same manner as
15 provided for the original appointment.

16 Sec. 13. Section 159.5, unnumbered paragraph 1, Code 2005,
17 is amended to read as follows:

18 The ~~secretary of agriculture is the head of the~~ department
19 of agriculture and land stewardship ~~which~~ shall:

20 Sec. 14. Section 159.19, Code 2005, is repealed.

21 Sec. 15. TRANSITION. The secretary of agriculture in
22 office on the effective date of this Act, or that person's
23 successor if the office should become vacant prior to the 2006
24 general election, shall continue in office for the remainder
25 of the term for which the secretary was elected or appointed.
26 The governor elected in November 2006, immediately upon taking
27 office, shall appoint a secretary of agriculture so that the
28 senate may consider the appointee's confirmation during the
29 2007 regular session of the general assembly.

30 EXPLANATION

31 This bill changes the office of secretary of agriculture
32 from an elective office to an appointive office. The bill
33 provides that the secretary of agriculture shall be appointed
34 by the governor subject to confirmation by the senate and
35 serve at the pleasure of the governor. The bill also provides

1 that the salary of the secretary of agriculture is to be
2 established by the governor within a range established by the
3 general assembly.

4 The bill removes the secretary of agriculture from the list
5 of statewide elected officials designated in various Code
6 chapters. The bill provides that the lieutenant governor
7 shall serve on the executive council in lieu of the secretary
8 of agriculture.

9 The bill also provides that the current secretary of
10 agriculture shall continue in office for the remainder of the
11 term for which the secretary was elected. The governor
12 elected in November 2006 shall appoint a secretary of
13 agriculture whose confirmation shall be considered during the
14 2007 regular session of the general assembly.

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