

March 12, 1957.

House File 472

By BURRIS.

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

A BILL FOR

An Act to abolish the department of public safety and to variously transfer the powers and duties thereof to the secretary of state, the attorney general and the fire marshal which office is hereby established as an independent state agency.

Be It Enacted by the General Assembly of the State of Iowa:

PART ONE

1 Section 1. It is the purpose of this Act to abolish the
2 department of public safety and to transfer all of its duties,
3 powers and functions relating to the registration of motor
4 vehicles, licensing of motor vehicle drivers and enforcement
5 of the law of the road, to the secretary of state; to transfer
6 the functions relating to the detection of crime, apprehension
7 of criminals and enforcement of the general criminal laws of
8 the state, to the attorney general; to transfer the functions
9 relating to fire prevention, investigation and inspection to
10 the fire marshal as an independent state agency; and to
11 transfer all other and incidental powers and duties of the
12 department of public safety to the secretary of state.

1 Sec. 2. Chapter eighty (80), Code 1954, is hereby repealed
2 and the department of public safety is hereby abolished.

1 Sec. 3. All personnel, except the commissioner, and all
2 property, files and records, and all appropriated but
3 unexpended funds, of or assigned or allotted to the division
4 of criminal investigation and bureau of identification of the

5 department of public safety are hereby assigned and transferred
6 to the attorney general.

1 Sec. 4. All personnel and all property, files and records
2 and all appropriated but unexpended funds, of or assigned or
3 allotted to the department of public safety for use of the
4 division of fire marshal are hereby transferred from the
5 department of public safety to the fire marshal.

1 Sec. 5. All other personnel, except the commissioner, and
2 all property, files and records, and all appropriated but
3 unexpended funds, of or assigned or allotted to the department
4 of public safety and not otherwise transferred and assigned by
5 this Act are hereby transferred and assigned to the secretary
6 of state.

PART TWO

1 Sec. 6. There is hereby established in the department of
2 justice, under the direction and control of the attorney
3 general, a division of criminal investigation. It shall
4 include a system of identification as provided in chapter
5 seven hundred forty-nine (749).

1 Sec. 7. The attorney general shall appoint such number of
2 persons as special agents of the department of justice as, in
3 his judgment, is necessary to effect the capture, detention,
4 arrest and prosecution of persons violating the laws of the
5 state. Such agents, or as many of such agents as the attorney
6 general deems advisable, shall be assigned to the division of
7 criminal investigation. They shall act under the direction,
8 and at the pleasure, of the attorney general, and at such
9 salary as he may fix, but the salaries and expenses shall not
10 exceed the appropriation therefor. From such agents, the

11 attorney general shall appoint a chief of the division of
12 criminal investigation.

1 Sec. 8. No applicant for the position of special agent
2 shall be appointed until he has passed a satisfactory physical
3 and mental examination under rules and standards to be
4 prescribed by the attorney general. In addition, such
5 applicant must have resided in the state of Iowa for at least
6 two (2) years immediately prior to making application, must be
7 a citizen of the United States, of good moral character, and
8 be not less than twenty-two (22) years of age. Each applicant
9 shall take an oath on becoming a member of the force, to
10 uphold the laws and constitution of the United States and of
11 the state of Iowa.

1 Sec. 9. All special agents appointed by the attorney
2 general and all members of the division of criminal
3 investigation excepting the members of the clerical force shall,
4 upon appointment, give bond, conditioned upon the faithful
5 discharge of their duties, in the sum of five thousand (5000)
6 dollars, which bond shall be paid from the funds of the
7 division.

1 Sec. 10. The attorney general is authorized to pay from
2 the contingent fund provided for the office of attorney general
3 such expenses as may be necessary in establishing and
4 maintaining the division of criminal investigation.

1 Sec. 11. 1. It shall be the duty of the division of
2 criminal investigation, under the direction of the attorney
3 general, to prevent crime, to detect and apprehend criminals
4 and to aid in the enforcement of the law. Special agents of
5 the division shall have and exercise all the powers of any

6 peace officer of the state.

7 2. The division of criminal investigation shall collect
8 and classify, and keep at all times available, complete
9 information useful for the detection of crime, and the
10 identification and apprehension of criminals. Such
11 information shall be available for all peace officers within
12 the state, under such regulations as the attorney general may
13 prescribe.

1 Sec. 12. It shall be the duty of the attorney general to
2 provide for the special agents authorized by this chapter,
3 when on duty, arms, equipment, and suitable uniforms for those
4 agents directed by the attorney general to perform their duties
5 in uniform, and to provide the expense and means of travel and
6 living expense when special agents are absent on duty from
7 their fixed abode, all according to rules and regulations made
8 by the attorney general and as may be provided by appropriation.

1 Sec. 13. The attorney general, subject to the approval of
2 the governor, shall have access to and use of radios,
3 broadcasting devices or other means of communication maintained
4 or operated by any other branch of the state government for the
5 purpose of disseminating or procuring information relating to
6 law enforcement, crime detection or apprehension of criminals,
7 or in case of riot or disorder.

1 Sec. 14. 1. The attorney general is authorized to send
2 special agents of the department of justice and employees of
3 the bureau of identification to any course of instruction for
4 peace officers, not exceeding a total of six (6) weeks length
5 in any one (1) year, given by the college of law of the state
6 university of Iowa, and such members shall be considered on duty

7 while in attendance upon such authority. The governing body
8 of any county, city or town, may authorize the attendance at
9 such course of any law-enforcing officer under the jurisdiction
10 of such county, city or town and may provide for the payment of
11 the actual and necessary expenses of such person while in
12 attendance, which payment shall be made out of the general
13 fund of such county, city or town.

14 2. The course or courses of instruction for peace officers
15 shall include instruction in the following subjects and such
16 others as shall be deemed advisable by the college of law and
17 the attorney general:

- 18 a. Criminal law.
- 19 b. Identification of criminals and fingerprinting.
- 20 c. Methods of criminal investigation.
- 21 d. Rules of criminal evidence.
- 22 e. Presentation of cases in court.
- 23 f. Making of complaints and securing of criminal warrants.
- 24 g. Securing and use of search warrants.
- 25 h. How to secure extradition and return.
- 26 i. Small arms instruction.
- 27 k. Regulation of traffic.
- 28 l. First aid.

1 Sec. 15. The attorney general may appoint as special agent
2 any person who is regularly employed by a common carrier to
3 protect the property of said common carrier, its patrons and
4 employees. Such special agents shall not receive any
5 compensation from the state, and shall not be subject to the
6 requirement of residence, examination or bond otherwise
7 required by this Act as a condition to appointment as special

8 agent.

1 Sec. 16. The bureau of identification created and
2 authorized under the provisions of chapter seven hundred forty-
3 nine (749) of the Code is hereby transferred to the department
4 of justice, division of criminal investigation, under the
5 direction of the attorney general. All property and equipment
6 heretofore acquired by such bureau, all files, records,
7 photographs, photographic films, and all appropriated and
8 unexpended funds and all funds credited and available on the
9 effective date of this Act, are transferred to the attorney
10 general for the use of the bureau as a bureau of the division
11 of criminal investigation under the supervision and control of
12 the attorney general.

1 Sec. 17. All personnel employed by the bureau of criminal
2 investigation, department of public safety, are hereby
3 transferred in the same positions to the bureau of
4 identification, division of criminal investigation, within the
5 department of justice, to serve at the pleasure of the attorney
6 general, but subject to the rights of, and all laws and
7 regulations regarding, employees of the state of Iowa.

1 Sec. 18. Section thirteen point eight (13.8), Code 1954,
2 is amended as follows:

3 1. In line one (1) thereof by striking the word, "and" and
4 inserting in lieu thereof a comma (,).

5 2. In line two (2) thereof, by inserting after the word,
6 "assistants" the words, "and special agents"

1 Sec. 19. Section seven hundred forty-nine point one
2 (749.1), Code 1954, is amended by striking from lines one (1),
3 two (2) and three (3) the words, "The commissioner of public

4 safety may provide in his department a bureau of criminal
5 identification." and inserting in lieu thereof the words, "The
6 attorney general shall provide in the division of criminal
7 investigation a bureau of identification."

1 Sec. 20. Section seven hundred forty-nine point two
2 (749.2), Code 1954, is amended by striking from lines seventeen
3 (17) and eighteen (18) the words, "commissioner of public
4 safety" and inserting in lieu thereof the words, "attorney
5 general", and by striking from line nineteen (19) the word,
6 "bureau" and inserting in lieu thereof the word, "division".

1 Sec. 21. Section seven hundred forty-nine point four
2 (749.4), Code 1954, is amended by striking from lines fourteen
3 (14) and fifteen (15) the words, "Iowa department of public
4 safety," and by striking from lines twenty-nine (29) and
5 thirty (30) the words, ", Iowa department of public safety".

1 Sec. 22. Section one hundred twenty-five point six (125.6),
2 Code 1954, is amended by striking from line seven (7) the word,
3 "bureau" and inserting in lieu thereof the word, "division";
4 and is further amended by striking from line nine (9) the
5 word, "bureau" and inserting in lieu thereof the word,
6 "division".

1 Sec. 23. Section one hundred twenty-seven point fourteen
2 (127.14), Code 1954, is amended by striking from line six (6)
3 the word, "bureau" and inserting in lieu thereof the word,
4 "division".

1 Sec. 24. Section one hundred twenty-seven point fifteen
2 (127.15), Code 1954, is amended by striking from line eleven
3 (11) the word, "bureau" and inserting in lieu thereof the
4 word, "division".

1 Sec. 25. Section three hundred thirty-nine point eighteen
2 (339.18), Code 1954, is amended by striking from line two (2)
3 the word, "bureau" and inserting in lieu thereof the word,
4 "division".

1 Sec. 26. Section three hundred thirty-seven point one
2 (337.1), Code 1954, is amended by striking all of such section
3 after the word, "county." in line six (6) thereof.

1 Sec. 27. Section three hundred thirty-seven point two
2 (337.2), Code 1954, is amended by striking from line three (3)
3 the words, "commissioner of public safety" and inserting in
4 lieu thereof the words, "division of criminal investigation".

1 Sec. 28. Section one hundred twenty-three point sixteen
2 (123.16), Code 1954, is amended by striking from the last line
3 of such section the words, "department of public safety" and
4 inserting in lieu thereof the words, "attorney general".

1 Sec. 29. Section one hundred twenty-three point ninety-three
2 (123.93), Code 1954, is amended by striking from line four (4)
3 thereof the words, "state department of public safety, the".

1 Sec. 30. Section three hundred twenty-one point
2 seventy-five (321.75), Code 1954, is amended by inserting in
3 line five (5) thereof after the word, "to" the words, "the
4 division of criminal investigation, ".

1 Sec. 31. Section six hundred ninety-five point nine
2 (695.9), Code 1954, is amended by striking from line one (1)
3 and two (2) thereof the words, "commissioner of public safety"
4 and inserting in lieu thereof the words, "attorney general";
5 and further by striking from lines six (6) and seven (7)
6 thereof the word, "commissioner" and inserting in lieu thereof
7 the words, "attorney general".

1 Sec. 32. Whenever in the Code the words, "bureau of
2 investigation" or "bureau of criminal investigation" are used
3 they shall be construed to mean "division of criminal
4 investigation" and whenever the words, "bureau of criminal
5 identification" are used they shall be construed to mean,
6 "bureau of identification".

1 Sec. 33. Section eighty A point one (80A.1), Code 1954,
2 is hereby amended by striking subsection five (5).

1 Sec. 34. Chapter eighty A (80A), Code 1954, is hereby
2 amended by striking the words, "commissioner of public
3 safety" and the word, "commissioner" wherever the same shall
4 appear in such chapter and inserting in lieu thereof the
5 words, "attorney general".

PART THREE

1 Sec. 35. Section three hundred twenty-one point one
2 (321.1), Code 1954, is amended as follows:

3 1. By striking from lines two (2) and three (3) of
4 subsection thirty-four (34) the words, "commissioner of public
5 safety" and inserting in lieu thereof the words, "secretary of
6 state".

7 2. By striking subsection thirty-three (33).

1 Sec. 36. Section three hundred twenty-one point two
2 (321.2), Code 1954, is repealed and the following enacted in
3 lieu thereof:

4 "There is hereby constituted in the office of the secretary
5 of state under the direction of the secretary of state the
6 motor vehicle department for the administration and enforcement
7 of this chapter."

1 Sec. 37. Section three hundred twenty-one point three

2 (321.3), Code 1954, is amended by striking in line one (1) the
3 word, "commissioner" and inserting in lieu thereof the words,
4 "secretary of state".

1 Sec. 38. Section three hundred twenty-one point four
2 (321.4), Code 1954, is amended by striking from lines one (1)
3 and two (2) the word, "commissioner" and inserting in lieu
4 thereof the words, "secretary of state".

1 Sec. 39. Chapter three hundred twenty-one (321), Code
2 1954, as amended by chapters one hundred fifty-two (152), one
3 hundred fifty-four (154), one hundred fifty-five (155), one
4 hundred fifty-six (156), one hundred fifty-seven (157), one
5 hundred fifty-nine (159), one hundred sixty (160), one hundred
6 sixty-one (161), one hundred sixty-two (162), one hundred
7 sixty-three (163), one hundred sixty-four (164), one hundred
8 sixty-five (165), one hundred sixty-six (166), one hundred
9 sixty-seven (167) and one hundred sixty-eight (168), Acts of
10 the Fifty-sixth General Assembly, is hereby amended by
11 striking the words, "commissioner of public safety", the words,
12 "public safety commissioner", the word, "commissioner", the
13 words, "department of public safety" and the words, "public
14 safety department" wherever the same shall appear and
15 substituting therefor the words, "secretary of state".

1 Sec. 40. The secretary of state shall be responsible for
2 the administration and control of the Iowa highway safety
3 patrol heretofore established by statute. The secretary of
4 state is authorized to employ the members of said patrol;
5 however, not to exceed two hundred twenty-five (225) men.

1 Sec. 41. All members in good standing of the Iowa highway
2 safety patrol heretofore a part of the department of public

3 safety shall, upon the effective date of this Act, immediately
4 become members of the motor vehicle department under the
5 direction and control of the secretary of state without
6 appointment and the rank of all members of the Iowa highway
7 safety patrol, except the chief and assistant chiefs shall
8 remain the same as heretofore.

1 Sec. 42. The secretary of state is authorized to appoint a
2 chief, a first and second assistant and all other supervisory
3 officials of the patrol. All appointments and promotions shall
4 be made on the basis of seniority and merit examination. There
5 shall not be more than twenty (20) supervisory officers in the
6 said patrol unless the membership thereof is increased to such
7 a number as to require the appointment of additional
8 supervisory officers.

1 Sec. 43. The salaries of all members of the said patrol
2 and the expenses of the patrol shall be provided for by
3 legislative appropriation. The compensation of the members of
4 the highway patrol shall be fixed according to grades as to
5 rank and length of service by the secretary of state with the
6 approval of the governor. While on active duty each patrolman
7 shall also receive a flat daily sum as fixed by the secretary
8 of state with the approval of the governor for meals while
9 away from home and within his district.

1 Sec. 44. Members of the highway safety patrol shall be
2 selected after an examination as to physical and mental fitness
3 to be prescribed by the secretary of state. Such members
4 at time of appointment, shall have resided in the state of Iowa
5 for at least two (2) years immediately prior to making
6 application, must be a citizen of the United States, of good

7 moral character, and be not less than twenty-two (22) years of
8 age. Each applicant shall take an oath on becoming a member of
9 the force to uphold the laws and constitution of the United
10 States and of the state of Iowa and shall, upon appointment,
11 give bond conditioned upon the faithful discharge of their
12 duties in the sum of five thousand (5000) dollars to be
13 approved by the appointing authority.

1 Sec. 45. During the period of twelve (12) months after
2 appointment to said patrol, any member of the patrol shall be
3 subject to dismissal at the will of the secretary of state.
4 After twelve (12) months service, no member of the patrol shall
5 be subject to dismissal unless charges have been filed with
6 the secretary of the executive council and a hearing held
7 before the executive council, if requested by said member, at
8 which he shall have an opportunity to present his defense to
9 such charges. The decision of the executive council by
10 majority vote shall be final.

1 Sec. 46. No member of the patrol shall, while in such
2 position, be a candidate for any political office, or take
3 part in or contribute any money or other things of value,
4 directly or indirectly, to any political campaign or to any
5 candidate for public office. Anyone violating the provisions
6 of this section shall be guilty of a misdemeanor.

1 Sec. 47. The duties of the Iowa highway safety patrol
2 shall be the enforcement of the provisions of chapter three
3 hundred twenty-one (321) of the Code relating to the regulation
4 of motor vehicles and laws of the road. In performing such
5 duties its members shall have all the powers of a peace officer.
6 They shall also have the power and it shall be their duty to

7 arrest without warrant any person or persons committing or
8 attempting to commit within their presence or view a breach of
9 peace or other violation of the law or any fugitive from
10 justice.

1 Sec. 48. In case of emergency the governor may requisition
2 from the secretary of state such number of the members of the
3 highway safety patrol as he shall deem necessary and assign
4 them to temporary duty with the department of justice under
5 the temporary direction and control of the attorney general.

1 Sec. 49. The secretary of state is hereby authorized to
2 set up a training school for patrolmen and shall prescribe the
3 rules and regulations of such school and period of training to
4 be required of appointees to the Iowa highway safety patrol.
5 The expenses of such training school shall be paid in the same
6 manner as other expenses of the patrol. In addition thereto
7 the secretary of state is authorized to send members of such
8 patrol to any course of instruction for peace officers, not
9 exceeding a total of six (6) weeks length in any one (1) year,
10 given by the college of law of the state university of Iowa
11 or the course of instruction in public safety education given
12 at Iowa state college. Such members shall be considered on
13 duty while in attendance at such courses.

1 Sec. 50. Any person who impersonates a member of the Iowa
2 safety patrol or wears a uniform likely to be confused with the
3 official uniform of any such officer, with intent to deceive
4 anyone, shall be guilty of a misdemeanor and be punished by a
5 fine of not more than one hundred (100) dollars or by
6 imprisonment in a county jail for not more than thirty (30)
7 days.

1 Sec. 51. It shall be the duty of the secretary of state to
2 provide for the members of the highway safety patrol when on
3 duty, suitable uniforms, subsistence, arms, equipment, quarters,
4 and other necessary supplies, and also the expense and means
5 of travel and boarding the members of the patrol, according to
6 rules and regulations made by the secretary of state, as may
7 be provided by appropriation.

1 Sec. 52. The secretary of state may cooperate with any
2 recognized agency in the education of the public in highway
3 safety. No money shall be expended for such purpose except
4 as specifically appropriated by the legislature for that
5 purpose. Any recognized agency receiving appropriations of
6 state money for public safety shall annually file with the
7 auditor of state an itemized statement of all its receipts
8 and expenditures.

1 Sec. 53. The secretary of state may, subject to the approval
2 of the governor, establish divisional headquarters of the motor
3 vehicle department or highway patrol at various places in the
4 state.

1 Sec. 54. No fees or rewards shall be retained personally
2 by members of the patrol in addition to their salaries. Any
3 such fees or rewards earned by any members of the patrol shall
4 be credited to the funds provided to pay the expenses of the
5 department. All salaries herein provided for, and all expenses
6 incurred under the provisions of this Act shall be allowed
7 and audited in the same manner as in other state offices, and
8 shall be payable out of moneys hereafter appropriated.

1 Sec. 55. The liquor control commission shall pay to the
2 general fund for services received by it at the hands of the

3 highway safety patrol and the department of justice, the sum
4 of twenty-five hundred (2500) dollars per month.

1 Sec. 56. The radio broadcasting system and any other means
2 of communication heretofore established by the department of
3 public safety under authority of the provisions of chapters
4 eighty (80) and seven hundred fifty (750) of the Code, are
5 hereby transferred, with full authority over and supervision
6 thereof, to the secretary of state.

1 Sec. 57. The secretary of state shall appoint a director
2 of communications who shall have supervision of the radio
3 broadcasting system authorized by chapter seven hundred fifty
4 (750) of the Code, and of the equipment thereof, including
5 sending or receiving apparatus or both, and supervision of
6 other mechanical or coordinated communications from the motor
7 vehicle department to its officers, agents and patrolmen,
8 interdepartmental mechanical or coordinated communications,
9 and broadcasting communications from the department to persons
10 without the department in matters relating to law enforcement,
11 safety and police work.

12 The secretary of state, with the approval of the governor,
13 shall appoint such technicians, clerical workers and other
14 employees as may be required to properly maintain and operate
15 the communication division, which shall include, in addition
16 to the director and such clerical and maintenance employees as
17 are deemed necessary, a chief technician, chief dispatcher, not
18 less than seven (7) station supervisors, a radiotelegraph
19 operator, not less than seven (7) operators, class II, and not
20 less than fourteen (14) operators, class I.

21 The compensation of employees of the division of

22 communications shall be fixed by the secretary of state with
23 the approval of the governor, but shall not exceed the
24 legislative appropriation therefor.

1 Sec. 58. Section seven hundred fifty point one (750.1),
2 Code 1954, is amended as follows:

3 1. By striking from lines one (1) and two (2) thereof the
4 words, "commissioner of public safety" and inserting in lieu
5 thereof the words, "secretary of state".

6 2. By striking from line eight (8) the words, "said
7 commissioner" and inserting in lieu thereof the words,
8 "secretary of state".

1 Sec. 59. Section seven hundred fifty point four (750.4),
2 Code 1954, is amended by striking from lines four (4) and five
3 (5) the words, "commissioner of public safety" and inserting
4 in lieu thereof the words, "secretary of state".

1 Sec. 60. Section seven hundred fifty point five (750.5),
2 Code 1954, is amended by striking from line five (5) the words,
3 "commissioner of public safety" and inserting in lieu thereof
4 the words, "secretary of state".

1 Sec. 61. Section three hundred twenty-one A point one
2 (321A.1), Code 1954, is hereby amended by striking subsection
3 one (1).

1 Sec. 62. Chapter three hundred twenty-one A (321A), Code
2 1954, is hereby amended by striking the words, "commissioner
3 of public safety" and the word, "commissioner" wherever the
4 same shall appear and substituting therefor the words,
5 "secretary of state".

1 Sec. 63. Section three hundred twenty-two point one
2 (322.1), Code 1954, is amended by striking in lines two (2)

3 and three (3) the words, "commissioner of public safety. The
4 commissioner" and inserting in lieu thereof the words,
5 "secretary of state. He".

1 Sec. 64. Section three hundred twenty-two point two
2 (322.2), Code 1954, is amended by striking from subsection
3 two (2), lines one (1) and two (2), the words, "department
4 of public safety" and inserting in lieu thereof the words,
5 "motor vehicle department under the supervision and control
6 of the secretary of state".

1 Sec. 65. Section three hundred twenty-five point thirty-
2 three (325.33), Code 1954, is amended by striking in line ten
3 (10) the words, "commissioner of public safety" and inserting
4 in lieu thereof the words, "secretary of state".

1 Sec. 66. Section one hundred twenty-seven point eleven
2 (127.11), Code 1954, is amended by striking in lines eight (8)
3 and nine (9) of subsection one (1) the words, "commissioner of
4 public safety" and inserting in lieu thereof the words,
5 "secretary of state".

1 Sec. 67. Section one hundred twenty-seven point twelve
2 (127.12), Code 1954, is amended by striking in lines one (1)
3 and two (2) the words, "commissioner of public safety" and
4 inserting in lieu thereof the words, "secretary of state"; and
5 is further amended by striking in lines five (5) and six (6)
6 the words, "said commissioner" and inserting in lieu thereof
7 the word, "he".

1 Sec. 68. Section seven hundred fifty-five point sixteen
2 (755.16), Code 1954, is hereby amended by striking in lines
3 four (4) and five (5) the words, "state department of public
4 safety" and inserting in lieu thereof the words, "Iowa

5 department of justice or Iowa highway safety patrol”.

1 Sec. 69. All duties, responsibilities, power, and authority
2 required of or granted to the commissioner of public safety or
3 the department of public safety by any statute and not otherwise
4 transferred by this Act are hereby transferred to, required of,
5 and granted to the secretary of state in all particulars.

PART FOUR

1 Sec. 70. Section one hundred point one (100.1), Code 1954,
2 is hereby repealed.

1 Sec. 71. Chapter one hundred (100), Code 1954, is hereby
2 amended by adding the following new sections:

3 “1. The governor shall, within sixty (60) days after this
4 Act shall become effective, and every fourth (4th) year after
5 the year 1957, within sixty (60) days following the
6 organization of the regular session of the general assembly
7 in such year, appoint, with the approval of two-thirds (2/3)
8 of the members of the senate in executive session, a state
9 fire marshal who shall serve for a term of four (4) years from
10 July 1, of the year of his appointment. The office of the fire
11 marshal shall be at the seat of government and he shall devote
12 his entire time to the duties of his office.

13 2. The fire marshal may appoint, with the approval of the
14 executive council, a deputy and such assistant deputies as
15 shall be necessary. The compensation of such deputy and
16 assistant deputies shall be fixed by the executive council.
17 The fire marshal, the deputy fire marshal and assistant
18 deputies shall be entitled to necessary expenses while away
19 from the seat of government and the fire marshal may control
20 other necessary expenses in the performance of his duties.

21 The salary of the fire marshal shall be that salary last paid
22 to the fire marshal within the department of public safety
23 prior to the passage of this Act. No expenditures under this
24 section for salaries, travel expenses or other expenses shall
25 exceed the amount appropriated therefor.

26 3. During the absence or disability of the fire marshal
27 or during the time of an unfilled vacancy in that office, the
28 deputy fire marshal shall perform the duties of the fire
29 marshal. The fire marshal, the deputy fire marshal, and
30 assistant deputies shall have all powers of peace officers
31 while acting in performance of their duties.

32 4. The governor may remove the fire marshal at any time for
33 cause and appoint a successor to fill the vacancy.

34 5. A vacancy in the office of fire marshal that may occur
35 when the general assembly be not in session shall be filled by
36 appointment by the governor, which appointment shall expire
37 thirty (30) days from the time the general assembly next
38 convenes. Prior to the expiration of such thirty (30) days,
39 the governor shall transmit to the senate for approval an
40 appointment for the unexpired portion of the regular term.
41 A vacancy occurring while the general assembly is in session
42 shall be filled before the end of such session for the balance
43 of the unexpired term and in the same manner as a regular
44 appointment."

PART FIVE

1 Sec. 72. Section ninety-seven A point one (97A.1), Code
2 1954, is amended as follows:

3 1. By striking in lines one (1) and two (2) of subsection
4 one (1) the words, "department of public safety".

5 2. By striking in lines two (2), three (3), four (4) and
6 five (5) of subsection two (2) the words, "members of the
7 divisions of highway safety and uniformed force and criminal
8 investigation and bureau of identification in the department
9 of public safety" and inserting in lieu thereof the words,
10 "members of the highway safety patrol except clerical workers,
11 special agents in the department of justice and members of the
12 division of criminal investigation except clerical workers".

13 3. By striking in lines two (2) and three (3) of
14 subsection three (3) the words, "department of public safety".

15 4. By striking in line three (3) of subsection four (4) the
16 words, "department of public safety".

17 5. By striking in lines two (2), three (3), four (4) and
18 five (5) of subsection six (6) the words, "division of highway
19 safety and uniformed forces or the division of criminal
20 investigation and bureau of identification in the department
21 of public safety" and inserting in lieu thereof the words,
22 "in the highway safety patrol, the department of justice or
23 the division of criminal investigation including the bureau of
24 identification".

25 6. By striking subsections twenty-one (21) and twenty-two
26 (22).

1 Sec. 73. Section ninety-seven A point two (97A.2), Code
2 1954, is amended as follows:

3 1. By striking in line three (3) the words, "department
4 of public safety".

5 2. By striking in lines seven (7) and eight (8) the words,
6 "of the Iowa department of public safety".

7 3. By striking in line sixteen (16) the words, "department

8 of public safety”.

1 Sec. 74. Section ninety-seven A point three (97A.3),
2 subsection one (1), Code 1954, is amended as follows:

3 1. By striking in line four (4) the words, “department
4 of public safety”.

5 2. By striking in lines eight (8) and nine (9) the words,
6 “a member of such divisions in the department of public
7 safety” and inserting in lieu thereof the words, “members of
8 the highway safety patrol, special agents in the department of
9 justice, and officers and employees of the division of criminal
10 investigation”.

11 3. By inserting in line eleven (11) after the word, “system”
12 the words, “except as hereinafter provided”.

1 Sec. 75. Section ninety-seven A point five (97A.5),
2 subsection one (1), Code 1954, is amended by striking in lines
3 seven (7) and eight (8) the words, “commissioner of public
4 safety” and inserting in lieu thereof the words, “secretary of
5 state”.

1 Sec. 76. Section ninety-seven A point six (97A.6),
2 subsection five (5), Code 1954, is amended by striking in lines
3 two (2) and three (3) of such subsection the words, “the
4 commissioner of public safety” and inserting in lieu thereof
5 the words, “the secretary of state or the attorney general”.

1 Sec. 77. Section ninety-seven A point six (97A.6),
2 subsection seven (7), Code 1954, is amended by striking
3 subparagraph c and inserting in lieu thereof the following:
4 “A former member who is retired and drawing a pension
5 for disability under the provisions of this chapter may,
6 subject to approval of the medical board, be assigned to the

7 performance of light duties in the division or bureau from
8 which he is retired.”

1 Sec. 78. Section ninety-seven A point six (97A.6),
2 subsection ten (10), Code 1954, is amended as follows:

3 1. By in line one (1) after the word, “officer” inserting
4 a comma (,).

5 2. By striking in lines two (2), three (3), four (4) and
6 five (5) the words, “in the division of highway safety and
7 uniformed force or the division of criminal investigation and
8 bureau of identification in the department of public safety”.

9 3. By inserting in line six (6) after the word, “retirement,”
10 the words, “in any division or bureau covered by the provisions
11 of this chapter,”

1 Sec. 79. Section ninety-seven A point eleven (97A.11), Code
2 1954, is amended by striking in lines nine (9) and ten (10)
3 thereof the words, “Iowa department of public safety” and
4 inserting in lieu thereof the words, “departments, divisions
5 and bureaus covered by this chapter”.

1 Sec. 80. Chapter ninety-seven A (97A), Code 1954, is
2 amended by adding the following section:

3 “If any employee or officer of the state of Iowa who is a
4 member of the public employees’ retirement system created by
5 chapter ninety-seven B (97B) of the Code is transferred to or
6 becomes a member of any department, division or bureau
7 covered by this chapter, such person shall have thirty (30)
8 days from the date of such transfer or employment in which to
9 elect whether to become a member of the system defined and
10 provided in this chapter or to remain a member of the system
11 provided in chapter ninety-seven B (97B) of the Code which

12 election shall be signified in writing to the board of
13 trustees provided by this chapter. If such person makes no
14 election he shall become a member of the retirement system
15 under the provisions of this chapter.
16 Former employment by the state of Iowa and covered by the
17 provisions of chapter ninety-seven B (97B) of the Code shall
18 be credited as service under the provisions of this chapter.
19 The amount credited to such member under the system provided
20 in chapter ninety-seven B (97B) of the Code shall be
21 transferred to the account of such member under the provisions
22 hereof."

EXPLANATION OF HOUSE FILE 472

This bill would abolish the department of public safety and transfer its powers and duties so far as practical back where they were before the department of public safety was created. It puts the motor vehicle department and motor vehicle registration back in the office of the secretary of state. It retains the highway safety patrol, but returns it to the duties it had when created, enforcing the laws of the road and giving assistance to motorists.

The division of criminal investigation with its bureau of identification is transferred to the office of the attorney general. The general enforcement of the criminal laws of the state is returned to the department of justice under the attorney general. He is allowed additional special agents for general law enforcement, taking this function from the highway safety patrol.

The fire marshal is made an independent office appointed by the governor as it was for many years.

The radio and communication system is retained as part of the motor vehicle department and highway patrol, but is made a recognized division thereof.

Peace officers in the attorney general's department are brought under the retirement provisions of chapter 97A.

Present personnel other than the commissioner of public safety are transferred in grade to the several departments and the files, record and unexpended appropriations are transferred along with the duties to which they pertain.

