

MAR 20 1973

Place On Calendar

Reprinted 5/22  
HOUSE FILE 439

By COMMITTEE ON COUNTY GOVERNMENT

Passed House, Date 5-15-73 (1355) Passed Senate, Date \_\_\_\_\_  
Vote: Ayes 72 Nays 21 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the establishment of civil service for  
2 deputy county sheriffs and providing penalties for vio-  
3 lations.

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

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1 Section 1. NEW SECTION. As used in this Act, unless the  
2 context otherwise requires:

3 1. "Commission" means the civil service commission or  
4 a combined county civil service commission created pursuant  
5 to the provisions of this Act.

6 2. "Commissioner" means a member of the commission defined  
7 in subsection one (1) of this section.

8 3. "County" means a single county or several counties  
9 combined for the purposes enumerated in section three (3)  
10 of this Act.

11 Sec. 2. NEW SECTION. Subject to the alternate plan  
12 enumerated in section three (3) of this Act, there is created  
13 in each county a civil service commission composed of three  
14 members. One member shall be appointed by the county board  
15 of supervisors, one member shall be appointed by the presiding  
16 district court judge of each county, and one member shall  
17 be appointed by the county attorney of each county. Commis-  
18 sion members shall be appointed within sixty days after the  
19 effective date of this Act. Appointees to the commission  
20 shall be residents of the county for at least two years  
21 immediately preceding appointment, and shall be electors.  
22 Terms of office shall be six years, however, the initial  
23 members of the commission shall be appointed as follows:

24 The member appointed by the board of supervisors shall  
25 serve for a period of two years, the member appointed by the  
26 county attorney shall serve for a period of four years, and  
27 the member appointed by the district court judge shall serve  
28 for a period of six years.

29 Any member of the commission may be removed by the appoint-  
30 ing authority for incompetence, dereliction of duty, malfea-  
31 sance in office, or for other good cause, however, no member  
32 of the commission shall be removed until apprised in writing  
33 of the nature of the charges against him and a hearing on  
34 such charges has been held before the board of supervisors.  
35 In the event a vacancy occurs in the commission for any reason

1 other than expiration of the term, an appointment to fill  
2 the vacancy for the unexpired term shall be made in the same  
3 manner as the original appointment.

4 A majority vote of the membership of the commission shall  
5 be sufficient to transact the business of the commission.  
6 Not more than two commissioners shall be members of the same  
7 political party. Commissioners shall hold no elective or  
8 other appointive public office during their terms of appoint-  
9 ment to the commission. Commissioners shall serve without com-  
10 pensation but shall be reimbursed for necessary expense and  
11 mileage incurred in the actual performance of their duties.

12 Sec. 3. NEW SECTION. Any combination of counties in this  
13 state may, by resolution of the boards of supervisors in each  
14 county, establish a combined civil service system to serve  
15 such counties. The specific terms of the agreement regarding  
16 the operation of the combined civil service system, including  
17 the appointment of qualified commissioners, and any other  
18 matters pertinent to the operation of such system shall be  
19 contained in the resolutions adopted by the respective boards  
20 of supervisors of the participating counties. Counties  
21 participating in a combined civil service system need not  
22 be contiguous.

23 Appointment of commissioners in combined counties shall  
24 be by joint meeting of the boards of supervisors, district  
25 court judges, and county attorneys, respectively. Each group  
26 meeting jointly shall appoint one commissioner whose term  
27 shall be six years, except that initial terms shall be as  
28 provided in section two (2) of this Act.

29 Sec. 4. NEW SECTION. If a county or combination of  
30 counties has a civil service commission, this commission shall  
31 serve as the commission established by this Act and shall  
32 have all the powers and duties provided by this Act.

33 If more than one civil service commission exists, the one  
34 from the county with the largest population shall serve as  
35 the commission under this Act.

1     Sec. 5. NEW SECTION. The commission shall hold an  
2 organizational meeting immediately after its establishment  
3 and shall elect one of its members as chairman. The commis-  
4 sion shall hold regular meetings at least once every three  
5 months, and may hold such additional meetings as may be  
6 required in the fulfillment of its responsibilities. All  
7 commission meetings shall be public meetings.

8     The commission shall appoint a personnel director who shall  
9 act as its secretary and such other personnel as may be  
10 necessary. The personnel director shall keep and preserve  
11 all records of the commission, including reports submitted  
12 to it and examinations held under its direction, advise the  
13 commission in all matters pertaining to the civil service  
14 system, and perform such other duties as the commission may  
15 prescribe.

16     Sec. 6. NEW SECTION. The commission shall have the  
17 following powers and duties:

18     1. To adopt, and amend as necessary, rules and regulations  
19 pursuant to the provisions of this Act, which shall specify  
20 the manner in which examinations are to be held and appoint-  
21 ments, promotions, transfers, reinstatements, demotions,  
22 suspensions, and discharges are to be made. The rules and  
23 regulations may make such other provisions regarding personnel  
24 administration and practices as are necessary or desirable  
25 in carrying out the purposes of this Act. The commission  
26 rules and regulations, and their amendments, shall be printed  
27 and made available without cost to the public.

28     2. To administer practical tests designed to determine  
29 the ability of persons examined to perform the duties of the  
30 position for which they are seeking appointment. Such tests  
31 shall be consistent with standards established pursuant to  
32 chapter eighty B (80B) of the Code governing standards for  
33 employment of Iowa law enforcement officers.

34     3. To conduct and prepare annual investigations and reports  
35 concerning the effectiveness of, and compliance with, the

1 provisions of this Act and the rules and regulations adopted  
2 by the commission, and pursuant thereto, to inspect all  
3 departments, offices, and positions of employment affected  
4 by this Act. In making such investigations a commissioner  
5 or the personnel director may administer oaths, issue subpoenas  
6 and require the attendance of witnesses and the production  
7 of books, documents, and accounts pertaining to such investi-  
8 gation, and may also cause the deposition of witnesses to  
9 be taken as in civil actions in the district court.

10 4. To conduct informal hearings concerning matters con-  
11 templated by this Act. The validity of any such hearing shall  
12 not be affected by the manner in which it is conducted, how-  
13 ever, a majority of the commissioners shall affirm all orders,  
14 rules, and decisions made pursuant to such hearings.

15 5. To hear and determine appeals or complaints respecting  
16 the allocation of positions of employment, rejection of those  
17 persons certified to the sheriff for appointment, and such  
18 other matters as may be referred to the commission.

19 6. To arrange, compile, and administer competitive tests  
20 to determine the relative qualifications of persons seeking  
21 employment in any class of position and as a result thereof  
22 establish eligible lists for the various classes of positions,  
23 and provide that persons discharged because of curtailment  
24 of expenditures, reduction in force, and for like causes,  
25 head the list in the order of their seniority, to the end  
26 that they shall be the first to be reemployed. Notice of  
27 competitive tests to be given shall be published at least  
28 two weeks prior to holding the tests in a newspaper of general  
29 circulation in the county or counties in which a vacancy  
30 exists.

31 7. To certify to the county sheriff when a vacant position  
32 is to be filled, on written request, a list of the names of  
33 the persons passing the examination.

34 8. To keep such records as may be necessary for the proper  
35 administration of this Act.

1 9. To classify deputy sheriffs and subdivide them into  
2 groups according to rank and grade which shall be based upon  
3 the duties and responsibilities of the deputy sheriffs.

4 10. To purchase all necessary supplies, enter into con-  
5 tracts, and do all things necessary to carry out the provi-  
6 sions of this Act.

7 11. To keep records of the service of each employee in  
8 the classified service. These records shall contain facts  
9 and statements on all matters relating to the character and  
10 quality of the work done and the attitude of the individual  
11 to his work. All such service records and employee records  
12 shall be subject only to the inspection of the commission.

13 Sec. 7. NEW SECTION. The classified civil service  
14 positions covered by this Act shall include persons actually  
15 serving as deputy sheriffs who are salaried pursuant to section  
16 three hundred forty point eight (340.8) of the Code, but do  
17 not include a chief deputy sheriff. A deputy sheriff serving  
18 with permanent rank under this Act may be designated chief  
19 deputy sheriff and retain such rank during the period of his  
20 service as chief deputy sheriff and shall, upon termination  
21 of his duties as chief deputy sheriff, revert to his permanent  
22 rank.

23 Sec. 8. NEW SECTION. All appointments to and promotions  
24 to classified civil service positions in the office of county  
25 sheriff shall be made solely on merit, efficiency, and fitness,  
26 which shall be ascertained by open competitive examinations  
27 and impartial investigations, and no person in the classified  
28 civil service shall be reinstated in or transferred, suspended,  
29 or discharged from any such place, position, or employment  
30 contrary to the provisions of this Act.

31 Whenever possible, vacancies shall be filled by promotion.  
32 Promotion shall be made from among deputy sheriffs qualified  
33 by competitive examination, training and experience to fill  
34 the vacancies and whose length of service entitles them to  
35 consideration. The commission shall for the purpose of cer-

1 tifying to the sheriff the list of deputy sheriffs eligible  
2 for promotion, rate the qualified deputy sheriffs on the basis  
3 of their service record, experience in the work, seniority,  
4 and military service ratings. Seniority shall be controlling  
5 only when other factors are equal. Only the names of the  
6 three highest on the list of ratings shall be certified.  
7 The sheriff shall appoint one of the three persons certified.

8 Sec. 9. NEW SECTION. All persons holding a position on  
9 the effective date of this Act which is deemed classified  
10 by section seven (7) of this Act are eligible for a permanent  
11 appointment under civil service to the offices or positions  
12 currently held without examination, and every such person  
13 shall be inducted permanently into civil service in the office  
14 or position of employment which he then holds. The commission  
15 shall designate a permanent rank for those persons as chief  
16 deputy on the effective date of this Act and such persons  
17 shall be inducted permanently into civil service in that rank.

18 Sec. 10. NEW SECTION. An applicant for any position  
19 under civil service, shall be a citizen of the United States  
20 and an elector of the county in which he resides, who can  
21 read and write the English language, and shall meet the minimum  
22 requirements of the Iowa law enforcement academy for a law  
23 enforcement officer.

24 Sec. 11. NEW SECTION. The tenure of every deputy sheriff  
25 holding an office or position of employment under the  
26 provisions of this Act shall be conditional, and he may be  
27 removed or discharged, suspended without pay, demoted, or  
28 reduced in rank, or deprived of vacation privileges or other  
29 privileges for any of the following reasons:

30 1. Incompetency, inefficiency, or inattention to or dere-  
31 liction of duty.

32 2. Dishonesty, intemperance, immoral conduct, insubordi-  
33 nation, discourteous treatment of the public or a fellow  
34 employee, or any other act of omission or commission tending  
35 to injure the public, or any other willful failure to properly

1 conduct himself, or any willful violation of the provisions  
2 of this Act or the rules and regulations to be adopted here-  
3 under.

4 3. Mental or physical unfitness for the position held.

5 4. Dishonest, disgraceful, or prejudicial conduct.

6 5. Drunkenness or habitual use of intoxicating liquor,  
7 or use of narcotics, or any other habit-forming drug, liquid,  
8 preparation or controlled substance.

9 6. Conviction of a felony or a misdemeanor involving moral  
10 turpitude.

11 7. Any other act or failure to act which in the judgment  
12 of the commission is sufficient to show the offender to be  
13 unsuitable or unfit for employment.

14 Sec. 12. NEW SECTION. No person in the classified civil  
15 service who has been permanently appointed or inducted into  
16 civil service under provisions of this Act shall be removed,  
17 suspended, or demoted except for cause, and only upon written  
18 accusation of the county sheriff, which shall be served upon  
19 the accused, and a duplicate filed with the commission. Any  
20 person so removed, suspended, or reduced in rank or grade  
21 may, within ten days after presentation to him of the order  
22 of removal, suspension or reduction, appeal to the commission  
23 from such order. The commission shall, within two weeks from  
24 the filing of such appeal, hold a hearing thereon, and fully  
25 hear and determine the matter, and either affirm, modify,  
26 or revoke such order. The appellant shall be entitled to  
27 appeal personally, produce evidence, and to have counsel.  
28 The finding and decision of the commission shall be certified  
29 to the sheriff, and shall be enforced and followed by him,  
30 but under no condition shall the employee who has appealed  
31 to the commission be permanently removed, suspended, or reduced  
32 in rank until such finding and decision of the commission  
33 is certified to the sheriff pursuant to the rules of civil  
34 procedure.

35 If the order of removal, suspension, or demotion is con-

1 curred in by a majority of the commission, the accused may  
2 appeal therefrom to the district court of the county where  
3 he resides. Such appeal shall be taken by serving upon the  
4 commission within thirty days after the entry of its order,  
5 a written notice of appeal, stating the grounds thereof, and  
6 demanding that a certified transcript of the record and of  
7 all papers on file in the office of the commission affecting  
8 or relating to its order, be filed by the commission with  
9 the court. The commission shall, within ten days after the  
10 filing of the notice make, certify, and file such transcript  
11 with the court. The court shall proceed to hear and determine  
12 the appeal in a summary manner. Such hearing shall be con-  
13 fined to the determination of whether the order of removal,  
14 suspension, or demotion made by the commission was made in  
15 good faith and for cause, and no appeal shall be taken except  
16 upon such grounds. The decision of the district court may  
17 be appealed to the supreme court.

18 Sec. 13. NEW SECTION. Whenever a position in the  
19 classified service is to be filled, the sheriff shall notify  
20 the commission of that fact, and the commission shall certify  
21 the names and addresses of the three candidates standing  
22 highest on the eligibility list for the class or grade for  
23 the position to be filled. The sheriff shall appoint one  
24 of the three persons so certified, and the appointment shall  
25 be deemed permanent.

26 Sec. 14. NEW SECTION. No treasurer, auditor, or other  
27 officer, or employee of any county subject to this Act shall  
28 approve the payment of or be in any manner involved in paying,  
29 auditing, or approving salary, wage, or other compensation  
30 for services to any person subject to the provisions of this  
31 Act, unless a payroll, estimate, or account for such salary,  
32 wage or other compensation containing the names of the persons  
33 to be paid, the amount to be paid to each person, the services  
34 on account of which same is paid, and any other information  
35 which, in the judgment of the civil service commission should

1 be furnished on such payroll, bears the certificate of the  
2 civil service commission, or of its personnel director or  
3 other duly authorized agent. The certificate shall state  
4 that the persons named therein have been appointed or employed  
5 in compliance with the terms of this Act and the rules of  
6 the commission, and that the payroll, estimate, or account  
7 is, insofar as known to the commission, a true and accurate  
8 statement. The commission shall refuse to certify the pay  
9 of any public officer or employee whom it finds to be illegally  
10 or improperly appointed, and may further refuse to certify  
11 the pay of any public officer or employee who, willfully or  
12 through culpable negligence, violates or fails to comply with  
13 this Act or with the rules of the commission.

14 Sec. 15. NEW SECTION. Leave of absence, without pay,  
15 may be granted by any county sheriff to any person under civil  
16 service, however, the sheriff shall give notice of leave  
17 to the commission.

18 Sec. 16. NEW SECTION. The commission shall initiate and  
19 conduct all civil suits necessary for the proper enforce-  
20 ment of this Act and the rules of the commission. The commis-  
21 sion shall be represented in such suits by the county attorney.  
22 In the case of the combined counties, any one or more of the  
23 county attorneys of such combined counties may be selected  
24 by the commission to represent it.

25 Sec. 17. NEW SECTION. A commissioner or any other person  
26 shall not, by himself or in cooperation with another, deceive  
27 or obstruct any person in respect to his right of examination  
28 or registration according to the commission rules, or falsely  
29 mark, grade, estimate, or report upon the examination or  
30 proper standing of any person examined, registered, or  
31 certified pursuant to this Act, or aid in so doing, or make  
32 any false representation concerning the same, or concerning  
33 the person examined. A commissioner or other person shall  
34 not furnish any person with special or secret information  
35 for the purpose of improving or reducing the prospects or

1 chances of any person who is or will be examined, registered,  
2 or certified, or persuade any other person, or permit or aid  
3 in any manner any other person to impersonate him, in  
4 connection with any examination or registration of application  
5 or request to be examined or registered. The right of any  
6 person to an appointment or promotion shall not be withheld  
7 because of his sex, color, creed, national origin, political  
8 affiliation or belief, nor shall any person be dismissed,  
9 demoted, or reduced in grade for such reason.

10 Sec. 18. NEW SECTION. No person holding any position  
11 subject to civil service shall contribute to any political  
12 fund or render any political service to any person or party  
13 whatsoever, and no person shall be removed, reduced in grade  
14 or salary, or otherwise prejudiced for refusing to do so.  
15 No public officer shall discharge, promote, demote, or in  
16 any manner change the official rank, employment, or compen-  
17 sation of any person under civil service or promise or threaten  
18 to do so for giving or withholding, or neglecting to make  
19 any contribution of money, or service, or any other valuable  
20 thing, for any political purpose.

21 Sec. 19. NEW SECTION. All officers and employees of each  
22 county shall aid in carrying out the provisions of this Act.  
23 Rules and regulations as may, from time to time, be prescribed  
24 by the commission shall afford the commission, its members,  
25 and employees, all reasonable facilities and assistance in  
26 the inspection of books, documents, and accounts applying  
27 or in any way pertaining to all offices, places, positions,  
28 and employments subject to civil service. All officers and  
29 employees of a county shall produce books, documents, and  
30 accounts, and attend and testify, whenever required to do  
31 so by the commission or any commissioner.

32 Sec. 20. NEW SECTION. The county board of supervisors  
33 of each county shall provide in the county budget for each  
34 fiscal year a sum equal to one-half of one percent of the  
35 preceding year's total payroll of those included under the

1 jurisdiction and scope of this Act. The funds so provided  
2 shall be used for the support of the commission. Any part  
3 of the funds not expended for the support of the commission  
4 during the fiscal year shall be placed in the general fund  
5 of the county, or counties, according to the ratio of contri-  
6 bution, on the first day of January following the end of such  
7 fiscal year.

8 Sec. 21. NEW SECTION. Any person who willfully violates  
9 any of the provisions of this Act shall be guilty of a misde-  
10 meanor, and upon conviction thereof, shall be punished by  
11 a fine of not more than one hundred dollars or by imprisonment  
12 in the county jail for not longer than thirty days or punished  
13 by both such fine and imprisonment. The district court shall  
14 have jurisdiction of all such offenses.

15 EXPLANATION

16 This bill establishes a civil service commission in each  
17 county or combination of counties, for the purpose of insti-  
18 tuting civil service classifications for deputy sheriffs.  
19 The sheriff and his chief deputy are exempt from classifica-  
20 tion.

21 Where a civil service commission already exists in the  
22 county, it will serve as the commission established by the  
23 bill.

24 The commission is made up of three members who are appointed  
25 by the board of supervisors, the county attorney, and the  
26 district judge. They serve without pay but receive actual  
27 expenses.

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LSB0102CF  
bk/cc/1

1 Amend House File 439 as follows:

2 1. Page 4, by inserting after the period in line  
3 33 the words "Notice of such tests shall be posted in  
4 the office of the sheriff and his office of the board  
5 of supervisors not less than thirty days prior to  
6 giving such tests."

7 2. Page 6, by inserting before the period in line  
8 17 the words ", two second deputy sheriffs in counties  
9 with a population of more than one hundred thousand,  
10 and four second deputy sheriffs in counties with a  
11 population of more than two hundred thousand".

12 3. Page 6, line 19, by inserting after the word  
13 "sheriff" the words "or second deputy sheriff".

14 4. Page 7, line 5, by striking the words "Only the  
15 names of the" and inserting in lieu thereof the words  
16 "The names of not more than the ten highest on the  
17 list of ratings shall be certified. The certified  
18 eligible list for promotion shall hold preference for  
19 promotion until the beginning of a new examination,  
20 but in no case shall such preference continue longer  
21 than two years following the date of certification,  
22 after which said list shall be cancelled and no pro-  
23 motion to such grade shall be made until a new list  
24 has been certified eligible for promotion. The  
25 sheriff shall appoint one of the ten certified persons."

26 5. Page 7, by striking lines 6 and 7.

27 6. Page 7, line 26, by striking the word ", and"  
28 and inserting in lieu thereof the words "upon a pro-  
29 bationary period of not more than six months, and  
30 where such deputy sheriff attends the law-enforcement  
31 academy, a probationary period of not more than twelve  
32 months, during which time the appointee may be removed  
33 or discharged by the sheriff. Upon promotion to a  
34 higher rank, such promotion shall be conditional for  
35 a probationary period of six months. Thereafter,".

36 7. Page 8, line 11, by inserting after the second  
37 word "act" the words "or to follow reasonable regula-  
38 tions prescribed by the sheriff".

39 8. Page 9, line 21, by striking the word "three"  
40 and inserting in lieu thereof the word "ten".

41 9. Page 9, line 24, by striking the word "three"  
42 and inserting in lieu thereof the word "ten".

43 10. Page 11, by striking lines 10 through 20 and  
44 inserting in lieu thereof the following:

45 Sec. 18. NEW SECTION. A person shall not be  
46 appointed or promoted to, or demoted or discharged from,  
47 any position subject to civil service, or in any way  
48 favored or discriminated against with respect to  
49 employment in the sheriff's office because of his  
50 political or religious opinions or affiliations or

51 race or national origin or sex, or age.

52 A person holding a position subject to civil service  
53 shall not, during his working hours or when performing  
54 his duties or when using county equipment or at any  
55 time on county property, take part in any way in  
56 soliciting any contribution for any political party  
57 or any person seeking political office, nor shall such  
58 employee engage in any political activity that will  
59 impair his efficiency during working hours or cause  
60 him to be tardy or absent from his work. The provisions  
61 of this section do not preclude any employee from  
62 holding any office for which no pay is received or any  
63 office for which only token pay is received.

64 A person shall not seek or attempt to use any  
65 political endorsement in connection with any appoint-  
66 ment to a position subject to civil service.

67 A person shall not use or promise to use, directly  
68 or indirectly, any official authority or influence,  
69 whether possessed or anticipated, to secure or attempt  
70 to secure for any person an appointment or advantage  
71 in the appointment to a position subject to civil  
72 service, or an increase in pay or other advantage in  
73 employment in any such position, for the purpose of  
74 influencing the vote or political action of any person  
75 or for any consideration.

76 An employee shall not use his official authority  
77 or influence for the purpose of interfering with an  
78 election or affecting the results thereof.

79 Any officer or employee subject to civil service who  
80 violates any of the provisions of this section shall  
81 be subject to suspension, dismissal, or demotion  
82 subject to the right of appeal herein.

83 All employees shall retain the right to vote as  
84 they please and to express their opinions on all  
85 subjects.

86 Any officer or employee subject to civil service  
87 who shall become a candidate for any partisan elective  
88 office for remuneration shall, commencing thirty days  
89 prior to the date of the primary or general election  
90 and continuing until such person is eliminated as a  
91 candidate, either voluntarily or otherwise, auto-  
92 matically receive leave of absence without pay and  
93 during such period shall perform no duties connected  
94 with the office or position so held.

H-400 Filed - *adopted as amended*  
April 30, 1973 *by H-484 and 488.* By  
*5/12*

HILL of Polk  
KISER of Scott  
KREAMER of Polk  
BORTELL of Madison  
READINGER of Polk

H-258

1 Amend House File 439 as follows:  
2 1. Page 6, by inserting after line 30, the  
3 following new sentence:  
4 Any person appointed to a civil service position  
5 under the provisions of this Act shall serve a pro-  
6 bationary period of six months prior to receiving a  
7 civil service classification.  
8 2. Page 7, line 12, by inserting after the word  
9 "examination" the words "following a probationary  
10 period of six months".

H-258 Filed *w.d. 5/15*  
April 4, 1973

By HARGRAVE of Johnson

H-399

1 Amend House File 439, page 12, by inserting after  
2 line 14, the following new section:  
3 Sec. \_\_\_\_ . Section three hundred sixty-five point  
4 six (365.6), subsection one (1), Code 1973, is amended  
5 to read as follows:  
6 1. The provisions of this chapter shall apply to  
7 all appointive officers and employees, including  
8 former deputy clerks ~~and-deputy-bailiffs~~ of the  
9 municipal court who became deputies of the district  
10 court clerks ~~and-sheriffs~~, in cities under any form  
11 of government having a population of more than  
12 fifteen thousand except:

H-399 Filed - *adopted 5/12*  
April 30, 1973

By HILL of Polk  
KREAMER of Polk  
BITTLE of Polk

H-476

1 Amend House File 439 as follows:  
2 1. Page 12, by inserting after line 7 the follow-  
3 ing new section:  
4 "Sec. \_\_\_\_ . NEW SECTION. Provisions of this Act  
5 shall not apply to any county under twenty thousand  
6 population unless requested by the county board of  
7 supervisors."  
8 2. By renumbering the remaining section.

H-476 Filed - *Lost 5/15*  
May 9, 1973

By BENNETT of Ida

H-488

1 Amend the Hill et al. amendment, H-400, to House  
2 File 439, lines 33 through 35, by striking the words  
3 "Upon promotion to a higher rank, such promotion shall  
4 be conditional for a probationary period of six  
5 months."

H-488 Filed - *adopted 5/15*  
May 11, 1973

By CONNORS of Polk  
MENDENHALL of Allamakee  
EDELLEN of Emmet  
HARGRAVE of Johnson  
PETERSON of Woodbury  
WELLS of Linn

H-484

- 1 Amend the Hill et al. amendment, H-400, to House
- 2 File 439, as follows:
- 3 1. Line 29, by striking the word "six" and insert-
- 4 ing in lieu thereof the word "twelve".
- 5 2. Line 31, by striking the word "twelve" and in-
- 6 serting in lieu thereof the word "six".
- 7 3. Line 53, by inserting after the word "his" the
- 8 word "scheduled".

H-484 Filed *Adopted 5/15*  
May 11, 1973

By HARGRAVE of Johnson

H-510

- 1 Amend House File 439, page 11, line 7, by striking
- 2 the word "his".

H-510 Filed and adopted  
May 15, 1973

By O'HALLORAN of Black Hawk

SENATE AMENDMENT TO HOUSE FILE 439

- 1 Amend House File 439, as amended, passed and reprinted by the
- 2 House, as follows:
- 3 1. Page 4A, line 15, by adding the following sentence:
- 4 "The commission may add the personnel director's duties
- 5 to a presently employed county employee."
- 6 2. Page 4A, line 30, by adding after the word "tests" the
- 7 following: "shall be designed and prepared by the director
- 8 of the Iowa law enforcement academy, shall be administered
- 9 by each commission in a uniform manner prescribed by the
- 10 director, and".
- 11 3. Page 7A, line 20, by striking the words "without
- 12 examination" and inserting in lieu thereof the words "if they
- 13 qualify for appointment pursuant to section eight (8) of
- 14 this Act".
- 15 4. Page 7A, line 28, by striking the words "and an elector
- 16 of the county in which he resides".
- 17 5. Page 7B, line 37, by inserting after the word "academy"
- 18 the following: "or a law enforcement academy certified by
- 19 the director of the Iowa law enforcement academy".

Received from the Senate  
June 6, 1973

*House Concurred as amended 6/7*

H-712

- 1 Amend the Senate amendment to House File 439
- 2 as passed by the House and reprinted, by striking
- 3 from line 18 the words "law enforcement academy"
- 4 and inserting in lieu thereof the words "regional
- 5 training facility".

H-712 Filed and adopted  
June 7, 1973

By LIPPOLD of Black Hawk

May 22, 1973

HOUSE FILE 439

By COMMITTEE ON COUNTY GOVERNMENT  
(AS AMENDED AND PASSED BY THE HOUSE)

Passed House, Date 6-7-73 (1777) Passed Senate, Date 6-6-73 (1569)

Vote: Ayes 36 Nays 9 Vote: Ayes 37 Nays 7

Approved 7-19-73  
*Passed Senate further amended by House*  
6-12-73 (1690)  
40-6

## A BILL FOR

- 1 An Act relating to the establishment of civil service for
- 2 deputy county sheriffs and providing penalties for vio-
- 3 lations.
- 4 *Be It Enacted by the General Assembly of the State of Iowa:*

1 Section 1. *NEW SECTION.* As used in this Act, unless the  
2 context otherwise requires:

3 1. "Commission" means the civil service commission or  
4 a combined county civil service commission created pursuant  
5 to the provisions of this Act.

6 2. "Commissioner" means a member of the commission defined  
7 in subsection one (1) of this section.

8 3. "County" means a single county or several counties  
9 combined for the purposes enumerated in section three (3)  
10 of this Act.

11 Sec. 2. *NEW SECTION.* Subject to the alternate plan  
12 enumerated in section three (3) of this Act, there is created  
13 in each county a civil service commission composed of three  
14 members. One member shall be appointed by the county board  
15 of supervisors, one member shall be appointed by the presiding  
16 district court judge of each county, and one member shall  
17 be appointed by the county attorney of each county. Commis-  
18 sion members shall be appointed within sixty days after the  
19 effective date of this Act. Appointees to the commission  
20 shall be residents of the county for at least two years  
21 immediately preceding appointment, and shall be electors.  
22 Terms of office shall be six years, however, the initial  
23 members of the commission shall be appointed as follows:

24 The member appointed by the board of supervisors shall  
25 serve for a period of two years, the member appointed by the  
26 county attorney shall serve for a period of four years, and  
27 the member appointed by the district court judge shall serve  
28 for a period of six years.

29 Any member of the commission may be removed by the appoint-  
30 ing authority for incompetence, dereliction of duty, malfea-  
31 sance in office, or for other good cause, however, no member  
32 of the commission shall be removed until apprised in writing  
33 of the nature of the charges against him and a hearing on  
34 such charges has been held before the board of supervisors.

35 In the event a vacancy occurs in the commission for any reason

1 other than expiration of the term, an appointment to fill  
2 the vacancy for the unexpired term shall be made in the same  
3 manner as the original appointment.

4 A majority vote of the membership of the commission shall  
5 be insufficient to transact the business of the commission.  
6 Not more than two commissioners shall be members of the same  
7 political party. Commissioners shall hold no elective or  
8 other appointive public office during their terms of appoint-  
9 ment to the commission. Commissioners shall serve without com-  
10 pensation but shall be reimbursed for necessary expense and  
11 mileage incurred in the actual performance of their duties.

12 Sec. 3. *NEW SECTION.* Any combination of counties in this  
13 state may, by resolution of the boards of supervisors in each  
14 county, establish a combined civil service system to serve  
15 such counties. The specific terms of the agreement regarding  
16 the operation of the combined civil service system, including  
17 the appointment of qualified commissioners, and any other  
18 matters pertinent to the operation of such system shall be  
19 contained in the resolutions adopted by the respective boards  
20 of supervisors of the participating counties. Counties  
21 participating in a combined civil service system need not  
22 be contiguous.

23 Appointment of commissioners in combined counties shall  
24 be by joint meeting of the boards of supervisors, district  
25 court judges, and county attorneys, respectively. Each group  
26 meeting jointly shall appoint one commissioner whose term  
27 shall be six years, except that initial terms shall be as  
28 provided in section two (2) of this Act.

29 Sec. 4. *NEW SECTION.* If a county or combination of  
30 counties has a civil service commission, this commission shall  
31 serve as the commission established by this Act and shall  
32 have all the powers and duties provided by this Act.

33 If more than one civil service commission exists, the one  
34 from the county with the largest population shall serve as  
35 the commission under this Act.

1     Sec. 5. *NEW SECTION.* The commission shall hold an  
2     organizational meeting immediately after its establishment  
3     and shall elect one of its members as chairman. The commis-  
4     sion shall hold regular meetings at least once every three  
5     months, and may hold such additional meetings as may be  
6     required in the fulfillment of its responsibilities. All  
7     commission meetings shall be public meetings.

8     The commission shall appoint a personnel director who shall  
9     act as its secretary and such other personnel as may be  
10    necessary. The personnel director shall keep and preserve  
11    all records of the commission, including reports submitted  
12    to it and examinations held under its direction, advise the  
13    commission in all matters pertaining to the civil service  
14    system, and perform such other duties as the commission may  
15    prescribe.

16    Sec. 6. *NEW SECTION.* The commission shall have the  
17    following powers and duties :

18    1. To adopt, and amend as necessary, rules and regulations  
19    pursuant to the provisions of this Act, which shall specify  
20    the manner in which examinations are to be held and appoint-  
21    ments, promotions, transfers, reinstatements, demotions,  
22    suspensions, and discharges are to be made. The rules and  
23    regulations may make such other provisions regarding personnel  
24    administration and practices as are necessary or desirable  
25    in carrying out the purposes of this Act. The commission  
26    rules and regulations, and their amendments, shall be printed  
27    and made available without cost to the public.

28    2. To administer practical tests designed to determine  
29    the ability of persons examined to perform the duties of the  
30    position for which they are seeking appointment. Such tests  
31    shall be consistent with standards established pursuant to  
32    chapter eighty B (80B) of the Code governing standards for  
33    employment of Iowa law enforcement officers. **Notice of**  
34    **such tests shall be posted in the office of the sheriff**  
35    **and the office of the board of supervisors not less**

- 36 than thirty days prior to giving such tests.
- 37 3. To conduct and prepare annual investigations and reports
- 38 concerning the effectiveness of, and compliance with, the

1 provisions of this Act and the rules and regulations adopted  
2 by the commission, and pursuant thereto, to inspect all  
3 departments, offices, and positions of employment affected  
4 by this Act. In making such investigations a commissioner  
5 or the personnel director may administer oaths, issue subpoenas  
6 and require the attendance of witnesses and the production  
7 of books, documents, and accounts pertaining to such investi-  
8 gation, and may also cause the deposition of witnesses to  
9 be taken as in civil actions in the district court.

10 4. To conduct informal hearings concerning matters con-  
11 templated by this Act. The validity of any such hearing shall  
12 not be affected by the manner in which it is conducted, how-  
13 ever, a majority of the commissioners shall affirm all orders,  
14 rules, and decisions made pursuant to such hearings.

15 5. To hear and determine appeals or complaints respecting  
16 the allocation of positions of employment, rejection of those  
17 persons certified to the sheriff for appointment, and such  
18 other matters as may be referred to the commission.

19 6. To arrange, compile, and administer competitive tests  
20 to determine the relative qualifications of persons seeking  
21 employment in any class of position and as a result thereof  
22 establish eligible lists for the various classes of positions,  
23 and provide that persons discharged because of curtailment  
24 of expenditures, reduction in force, and for like causes,  
25 head the list in the order of their seniority, to the end  
26 that they shall be the first to be reemployed. Notice of  
27 competitive tests to be given shall be published at least  
28 two weeks prior to holding the tests in a newspaper of general  
29 circulation in the county or counties in which a vacancy  
30 exists.

31 7. To certify to the county sheriff when a vacant position  
32 is to be filled, on written request, a list of the names of  
33 the persons passing the examination.

34 8. To keep such records as may be necessary for the proper  
35 administration of this Act.

1 9. To classify deputy sheriffs and subdivide them into  
2 groups according to rank and grade which shall be based upon  
3 the duties and responsibilities of the deputy sheriffs.

4 10. To purchase all necessary supplies, enter into con-  
5 tracts, and do all things necessary to carry out the provi-  
6 sions of this Act.

7 11. To keep records of the service of each employee in  
8 the classified service. These records shall contain facts  
9 and statements on all matters relating to the character and  
10 quality of the work done and the attitude of the individual  
11 to his work. All such service records and employee records  
12 shall be subject only to the inspection of the commission.

13 Sec. 7. *NEW SECTION.* The classified civil service  
14 positions covered by this Act shall include persons actually  
15 serving deputy sheriffs who are salaried pursuant to section  
16 three hundred forty point eight (340.8) of the Code, but do  
17 not include a chief deputy sheriff , **two second deputy**  
18 **sheriffs in counties with a population of more than**  
19 **one hundred thousand, and four second deputy sheriffs**  
20 **in counties with a population of more than two hundred**  
21 **thousand.**

A deputy sheriff serving  
22 with permanent rank under this Act may be designated chief  
23 deputy sheriff or **second deputy sheriff**

24 and retain such rank during the period of his  
25 service as chief deputy sheriff and shall, upon termination  
26 of his duties as chief deputy sheriff, revert to his permanent  
27 rank.

28 Sec. 8. *NEW SECTION.* All appointments to and promotions  
29 to classified civil service positions in the office of county  
30 sheriff shall be made solely on merit, efficiency, and fitness,  
31 which shall be ascertained by open competitive examinations  
32 and impartial investigations, and no person in the classified  
33 civil service shall be reinstated in or transferred, suspended,  
34 or discharged from any such place, position, or employment  
35 contrary to the provisions of this Act.

36 Whenever possible, vacancies shall be filled by promotion.  
37 Promotion shall be made from among deputy sheriffs qualified  
38 by competitive examination, training and experience to fill  
39 the vacancies and whose length of service entitles them to  
40 consideration. The commission shall for the purpose of cer-

1 tifying to the sheriff the list of deputy sheriffs eligible  
2 for promotion, rate the qualified deputy sheriffs on the basis  
3 of their service record, experience in the work, seniority,  
4 and military service ratings. Seniority shall be controlling  
5 only when other factors are equal. The names of not  
6 more than ten highest on the list of ratings shall  
7 be certified. The certified eligible list for promotion  
8 shall hold preference for promotion until the beginning  
9 of a new examination, but in no case shall such pre-  
10 ference continue longer than two years following the  
11 date of certification, after which said list shall be  
12 cancelled and no promotion to such grade shall be  
13 made until a new list has been certified eligible for  
14 promotion. The sheriff shall appoint one of the ten  
15 certified persons.

16 Sec. 9. *NEW SECTION.* All persons holding a position on  
17 the effective date of this Act which is deemed classified  
18 by section seven (7) of this Act are eligible for a permanent  
19 appointment under civil service to the offices or positions  
20 currently held without examination, and every such person  
21 shall be inducted permanently into civil service in the office  
22 or position of employment which he then holds. The commission  
23 shall designate a permanent rank for those persons as chief  
24 deputy on the effective date of this Act and such persons  
25 shall be inducted permanently into civil service in that rank.

26 Sec. 10. *NEW SECTION.* An applicant for any position  
27 under civil service, shall be a citizen of the United States  
28 and an elector of the county in which he resides, who can  
29 read and write the English language, and shall meet the minimum  
30 requirements of the Iowa law enforcement academy for a law  
31 enforcement officer.

32 Sec. 11. *NEW SECTION.* The tenure of every deputy sheriff  
33 holding an office or position of employment under the  
34 provisions of this Act shall be conditional upon a pro-  
35 bationary period of not more than twelve months, and

36 where such deputy sheriff attends the law-enforcement  
37 academy, a probationary period of not more than six  
38 months, during which time the appointee may be removed  
39 or discharged by the sheriff. Thereafter, he may be  
40 removed or discharged, suspended without pay, demoted, or  
41 reduced in rank, or deprived of vacation privileges or other  
42 privileges for any of the following reasons:

- 43 1. Incompetency, inefficiency, or inattention to or dere-  
44 liction of duty.
- 45 2. Dishonesty, intemperance, immoral conduct, insubordi-  
46 nation, discourteous treatment of the public or a fellow  
47 employee, or any other act of omission or commission tending  
48 to injure the public, or any other willful failure to properly

1 conduct himself, or any willful violation of the provisions  
2 of this Act or the rules and regulations to be adopted here-  
3 under.

4 3. Mental or physical unfitness for the position held.  
5 4. Dishonest, disgraceful, or prejudicial conduct.  
6 5. Drunkenness or habitual use of intoxicating liquor,  
7 or use of narcotics, or any other habit-forming drug, liquid,  
8 preparation or controlled substance.  
9 6. Conviction of a felony or a misdemeanor involving moral  
10 turpitude.

11 7. Any other act or failure to act or to follow reasonable  
12 regulations prescribed by the sheriff which in the judgment  
13 of the commission is sufficient to show the offender to be  
14 unsuitable or unfit for employment.

15 **Sec. 12. NEW SECTION.** No person in the classified civil  
16 service who has been permanently appointed or inducted into  
17 civil service under provisions of this Act shall be removed,  
18 suspended, or demoted except for cause, and only upon written  
19 accusation of the county sheriff, which shall be served upon  
20 the accused, and a duplicate filed with the commission. Any  
21 person so removed, suspended, or reduced in rank or grade  
22 may, within ten days after presentation to him of the order  
23 of removal, suspension or reduction, appeal to the commission  
24 from such order. The commission shall, within two weeks from  
25 the filing of such appeal, hold a hearing thereon, and fully  
26 hear and determine the matter, and either affirm, modify,  
27 or revoke such order. The appellant shall be entitled to  
28 appeal personally, produce evidence, and to have counsel.  
29 The finding and decision of the commission shall be certified  
30 to the sheriff, and shall be enforced and followed by him,  
31 but under no condition shall the employee who has appealed  
32 to the commission be permanently removed, suspended, or reduced  
33 in rank until such finding and decision of the commission  
34 is certified to the sheriff pursuant to the rules of civil  
35 procedure.

36 If the order of removal, suspension, or demotion is con-

1 curred in by a majority of the commission, the accused may  
2 appeal therefrom to the district court of the county where  
3 he resides. Such appeal shall be taken by serving upon the  
4 commission within thirty days after the entry of its order,  
5 a written notice of appeal, stating the grounds thereof, and  
6 demanding that a certified transcript of the record and of  
7 all papers on file in the office of the commission affecting  
8 or relating to its order, be filed by the commission with  
9 the court. The commission shall, within ten days after the  
10 filing of the notice make, certify, and file such transcript  
11 with the court. The court shall proceed to hear and determine  
12 the appeal in a summary manner. Such hearing shall be con-  
13 fined to the determination of whether the order of removal,  
14 suspension, or demotion made by the commission was made in  
15 good faith and for cause, and no appeal shall be taken except  
16 upon such grounds. The decision of the district court may  
17 be appealed to the supreme court.

18 Sec. 13. *NEW SECTION.* Whenever a position in the  
19 classified service is to be filled, the sheriff shall notify  
20 the commission of that fact, and the commission shall certify  
21 the names and addresses of the ten candidates standing  
22 highest on the eligibility list for the class or grade for  
23 the position to be filled. The sheriff shall appoint one  
24 of the ten persons so certified, and the appointment shall  
25 be deemed permanent.

26 Sec. 14. *NEW SECTION.* No treasurer, auditor, or other  
27 officer, or employee of any county subject to this Act shall  
28 approve the payment of or be in any manner involved in paying,  
29 auditing, or approving salary, wage, or other compensation  
30 for services to any person subject to the provisions of this  
31 Act, unless a payroll, estimate, or account for such salary,  
32 wage or other compensation containing the names of the persons  
33 to be paid, the amount to be paid to each person, the services  
34 on account of which same is paid, and any other information  
35 which, in the judgment of the civil service commission should

1 be furnished on such payroll, bears the certificate of the  
2 civil service commission, or of its personnel director or  
3 other duly authorized agent. The certificate shall state  
4 that the persons named therein have been appointed or employed  
5 in compliance with the terms of this Act and the rules of  
6 the commission, and that the payroll, estimate, or account  
7 is, insofar as known to the commission, a true and accurate  
8 statement. The commission shall refuse to certify the pay  
9 of any public officer or employee whom it finds to be illegally  
10 or improperly appointed, and may further refuse to certify  
11 the pay of any public officer or employee who, willfully or  
12 through culpable negligence, violates or fails to comply with  
13 this Act or with the rules of the commission.

14 Sec. 15. *NEW SECTION.* Leave of absence, without pay,  
15 may be granted by any county sheriff to any person under civil  
16 service, however, the sheriff shall give notice of leave  
17 to the commission.

18 Sec. 16. *NEW SECTION.* The commission shall initiate and  
19 conduct all civil suits necessary for the proper enforce-  
20 ment of this Act and the rules of the commission. The commis-  
21 sion shall be represented in such suits by the county attorney.  
22 In the case of the combined counties, any one or more of the  
23 county attorneys of such combined counties may be selected  
24 by the commission to represent it.

25 Sec. 17. *NEW SECTION.* A commissioner or any other person  
26 shall not, by himself or in cooperation with another, deceive  
27 or obstruct any person in respect to his right of examination  
28 or registration according to the commission rules, or falsely  
29 mark, grade, estimate, or report upon the examination or  
30 proper standing of any person examined, registered, or  
31 certified pursuant to this Act, or aid in so doing, or make  
32 any false representation concerning the same, or concerning  
33 the person examined. A commissioner or other person shall  
34 not furnish any person with special or secret information  
35 for the purpose of improving or reducing the prospects or

1 chances of any person who is or will be examined, registered,  
2 or certified, or persuade any other person, or permit or aid  
3 in any manner any other person to impersonate him, in  
4 connection with any examination or registration of application  
5 or request to be examined or registered. The right of any  
6 person to an appointment or promotion shall not be withheld  
7 because of sex, color, creed, national origin, political  
8 affiliation or belief, nor shall any person be dismissed,  
9 demoted, or reduced in grade for such reason.

10 **Sec. 18. NEW SECTION. A person shall not be appointed**  
11 **or promoted to, or demoted or discharged from, any**  
12 **position subject to civil service, or in any way favored**  
13 **or discriminated against with respect to employment**  
14 **in the sheriff's office because of his political or**  
15 **religious opinions or affiliations or race or national**  
16 **origin or sex, or age.**

17 **A person holding a position subject to civil service**  
18 **shall not, during his scheduled working hours or when**  
19 **performing his duties or when using county equipment or at**  
20 **any time on county property, take part in any way in**  
21 **soliciting any contribution for any political party or**  
22 **any person seeking political office, nor shall such**  
23 **employee engage in any political activity that will**  
24 **impair his efficiency during working hours or cause**  
25 **him to be tardy or absent from his work. The provisions**  
26 **of this section do not preclude any employee from**  
27 **holding any office for which no pay is received or any**  
28 **office for which only token pay is received.**

29 **A person shall not seek or attempt to use any**  
30 **political endorsement in connection with any appointment**  
31 **to a position subject to civil service.**

32 **A person shall not use or promise to use, directly**  
33 **or indirectly, any official authority or influence,**  
34 **whether possessed or anticipated, to secure or attempt**  
35 **to secure for any person an appointment or advantage**

36 in the appointment to a position subject to civil  
37 service, or an increase in pay or other advantage in  
38 employment in any such position, for the purpose of  
39 influencing the vote or political action of any person  
40 or for any consideration.

41 Any employee shall not use his official authority  
42 or influence for the purpose of interfering with an  
43 election or affecting the results thereof.

44 Any officer or employee subject to civil service who  
45 violates any of the provisions of this section shall  
46 be subject to suspension, dismissal, or demotion  
47 subject to the right of appeal herein.

48 All employees shall retain the right to vote as  
49 they please and to express their opinions on all  
50 subjects.

51 Any officer or employee subject to civil service  
52 who shall become a candidate for any partisan elective  
53 office for remuneration shall, commencing thirty days  
54 prior to the date of the primary or general election  
55 and continuing until such person is eliminated as a  
56 candidate, either voluntarily or otherwise, auto-  
57 matically receive leave of absence without pay and  
58 during such period shall perform no duties connected  
59 with the office or position so held.

60 Sec. 19. *NEW SECTION.* All officers and employees of each  
61 county shall aid in carrying out the provisions of this Act.  
62 Rules and regulations as may, from time to time, be prescribed  
63 by the commission shall afford the commission, its members,  
64 and employees, all reasonable facilities and assistance in  
65 the inspection of books, documents, and accounts applying  
66 or in any way pertaining to all offices, places, positions,  
67 and employments subject to civil service. All officers and  
68 employees of a county shall produce books, documents, and  
69 accounts, and attend and testify, whenever required to do  
70 so by the commission or any commissioner.

71    Sec. 20. *NEW SECTION.* The county board of supervisors  
72 of each county shall provide in the county budget for each  
73 fiscal year a sum equal to one-half of one percent of the  
74 preceding year's total payroll of those included under the

1 jurisdiction and scope of this Act. The funds so provided  
2 shall be used for the support of the commission. Any part  
3 of the funds not expended for the support of the commission  
4 during the fiscal year shall be placed in the general fund  
5 of the county, or counties, according to the ratio of contri-  
6 bution, on the first day of January following the end of such  
7 fiscal year.

8 Sec. 21. *NEW SECTION.* Any person who willfully violates  
9 any of the provisions of this Act shall be guilty of a misde-  
10 meanor, and upon conviction thereof, shall be punished by  
11 a fine of not more than one hundred dollars or by imprisonment  
12 in the county jail for not longer than thirty days or punished  
13 by both such fine and imprisonment. The district court shall  
14 have jurisdiction of all such offenses.

15 Sec. 22. Section three hundred sixty-five point  
16 six (365.6), subsection one (1), unnumbered paragraph  
17 one (1), Code 1973, is amended to read as follows:

18 1. The provisions of this chapter shall apply to  
19 all appointive officers and employees, including  
20 former deputy clerks [and deputy bailiffs] of the  
21 municipal court who became deputies of the district  
22 court clerks [and sheriffs], in cities under any form  
23 of government having a population of more than  
24 fifteen thousand except:

#### 25 EXPLANATION

26 This bill establishes a civil service commission in each  
27 county or combination of counties, for the purpose of insti-  
28 tuting civil service classifications for deputy sheriffs.  
29 The sheriff and his chief deputy are exempt from classifica-  
30 tion.

31 Where a civil service commission already exists in the  
32 county, it will serve as the commission established by the  
33 bill.

34 The commission is made up of three members who are appointed  
35 by the board of supervisors, the county attorney, and the

36 district judge. They serve without pay but receive actual  
37 expenses.

S-648

1 Amend House File 439 as amended, passed and reprinted by the  
2 House, page 6A, by inserting after line 27 the following new  
3 paragraph:  
4 However, the provisions of this Act shall not apply to any  
5 county in which there are four or less deputy sheriffs.

S-648 Filed - *Lost 6/6*  
May 23, 1973

By TAYLOR and RAMSEY

S-766

1 Amend House File 439 as amended, passed and reprinted by  
2 the House, page 4A, line 15, by adding the following sentence:  
3 "The commission may add the personnel director's duties to a  
4 presently employed county employee."

S-766 Filed and adopted  
June 6, 1973

By DODERER

S-761

1 Amend House File 439 as amended, passed and reprinted  
2 by the House, page 7A, line 28 by striking the words "and an  
3 elector of the county in which he resides".

S-761 Filed and adopted  
June 6, 1973

By DODERER

S-759

1 Amend House File 439 as amended, passed and reprinted  
2 by the House page 7A, line 20, by striking the words  
3 "without examination" and inserting in lieu thereof  
4 the words "if they qualify for appointment pursuant to  
5 section eight (8) of this Act".

6,  
S-759 Filed, lost,  
reconsidered and adopted  
June 6, 1973

By LAMBORN and HILL

S-762

1 Amend House File 439 as amended, passed by the House and re-  
2 printed, page 7B, line 37, by inserting after the word "academy"  
3 the words: "or a law enforcement academy certified by the  
4 director of the Iowa law enforcement academy".

S-762 Filed and adopted  
June 6 1973

By SCHWENGELS

S-763

1 Amend House File 439 as amended, passed and reprinted by the  
2 House, page 12A, by adding the following new section after line  
3 24:  
4 "Sec. \_\_\_\_ . NEW SECTION. SUBMISSION TO ELECTORS. The board  
5 of supervisors shall submit to the people of the county at any  
6 general election the question whether the provisions of this Act  
7 shall be implemented in that county. A notice of the question  
8 which will be voted upon at the general election shall be pub-  
9 lished once each week for at least four weeks in some newspaper  
10 of general circulation published in the county. Such notice  
11 shall name the time when such question will be voted upon, and  
12 the form in which the question shall be submitted, and a copy of  
13 the question to be submitted shall be posted at each polling  
14 place during the day of election. Upon a majority vote of those  
15 voting on the proposed question the provisions of this Act shall  
16 become effective for that county."

S-763 Filed and lost  
June 6, 1973

By LAMBORN

S-765

1 Amend House File 439 as amended, passed and reprinted by the  
2 House, page 4A, line 30 by adding after the word "tests" the word  
3 "shall be designed and prepared by the director of the Iowa law  
4 enforcement academy, shall be administered by each commission in  
5 a uniform manner prescribed by the director, and".

S-765 Filed and adopted  
June 6, 1973

By LAMBORN

HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE FILE 439

1 Amend the Senate amendment to House File 439  
2 as passed by the House and reprinted, by striking  
3 from line 18 the words "law enforcement academy"  
4 and inserting in lieu thereof the words "regional  
5 training facility".

Received from the House  
June 8, 1973

*Senate concurred 6/12*