

APR 2 1973

HOUSE FILE 547

Place On Calendar
Gen. Citiz & Towns 5/1, Res 5/2

By COMMITTEE ON CITIES AND TOWNS

Passed House, Date 4-27-73 (1046) Passed Senate, Date 6-23-73 (2076)

Vote: Ayes 80 Nays 6 Vote: Ayes 41 Nays 0

Approved June 29, 1973

Passed a similar by Senate

6-23-73
92-0

A BILL FOR

1 An Act relating to the requirements for the chief of police
2 and the chief of the fire department.

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

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1 Section 1. Section three hundred sixty-five point thir-
2 teen (365.13), Code 1973, is amended by striking the section
3 and inserting in lieu thereof the following:

4 365.13 CHIEF OF POLICE AND CHIEF OF FIRE DEPARTMENT.

5 The chief of the fire department and the chief of the police
6 department shall be appointed from the chiefs' civil service
7 eligible lists. The chief of a fire department shall have
8 had a minimum of five years experience in a fire department.
9 The chief of a police department shall have had a minimum
10 of five years law enforcement experience. A chief of a po-
11 lice department or fire department shall maintain his civil
12 service rights as determined by section three hundred sixty-
13 five point twelve (365.12) of the Code.

14 Any person who becomes chief of police or chief of the
15 fire department shall be allowed to transfer all rights he
16 may have acquired under chapter four hundred ten (410) or
17 chapter four hundred eleven (411) of the Code, including em-
18 ployer contributions during his years of service in a city
19 or town, employee contributions, and interest, to the re-
20 tirement system of the city or town that hires him as chief.
21 Such person shall also transfer with him his number of years
22 served as seniority toward other benefits provided by the
23 city or town which hires him.

24 In cities under the commission plan of government the su-
25 perintendent of public safety, with the approval of the city
26 council, shall appoint the chief of the fire department and
27 the chief of the police department. In cities under the city
28 manager plan the city manager shall make such appointments
29 with the approval of the city council, and in all other cities
30 such appointments shall be made by the mayor.

31 Sec. 2. Section three hundred sixty-five point fourteen
32 (365.14), Code 1973, is amended to read as follows:

33 365.14 CIVIL SERVICE STATUS OF ~~CHIEF-OF-POLICE~~ CHIEFS.

34 A police officer under civil service may be appointed chief
35 of police and a fireman under civil service may be appointed

1 chief of the fire department without losing his civil ser-
 2 vice status, and shall retain, while holding the office of
 3 chief, the same civil service rights he may have had immedi-
 4 ately previous to his appointment as chief, but nothing here-
 5 in shall be deemed to extend to such individual any civil
 6 service right upon which he may retain the position of chief.

EXPLANATION

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 8 This bill deletes the strict requirements that a police
 9 chief must be a member of the civil service system of the
 10 appointing authority before becoming chief. It also stan-
 11 dardizes the requirements for the position of chief of po-
 12 lice and fire department and the civil service status for
 13 these positions. Transfer of retirement benefits and civil
 14 service seniority for members of the police and fire depart-
 15 ments who may transfer employment from one city or town to
 16 another to become chief is provided.

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H-316

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1 Amend House File 547, as follows:

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2 1. Page 2, line 7, by inserting after the period
 3 the following: "Such lists shall be determined
 4 by original examination open to all persons
 5 applying, whether or not members of the employing
 6 city."

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H-316 Filed *Adopted 4/27*
 April 16, 1973

By READINGER of Polk
 CONNORS of Polk
 TOFTE of Winneshiek

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LSB 1542
 db/jw/3

SENATE AMENDMENT TO HOUSE FILE 547

1 Amend House File 547 as amended and passed by the House as
2 follows:

3 1. Page 2, by inserting before line 1 the following:

4 Section 1. Section three hundred sixty-five point ten
5 (365.10), Code 1973, is amended to read as follows:

6 365.10 PREFERENCES. In all examinations and appoint-
7 ments under the provisions of this chapter, other than pro-
8 motions and appointments of chief of the police department
9 and chief of the fire department, honorably discharged men
10 and women from the military or naval forces of the United
11 States in any war in which the United States was or is now
12 engaged, including the Philippine Insurrection, China Relief
13 Expedition and the Korean Conflict at anytime between June 27,
14 1950 and July 27, 1953, both dates inclusive, and the Vietnam
15 Conflict beginning August 5, 1964, who are citizens and
16 residents of this state, shall be given the preference, if
17 otherwise qualified.

18 For the purposes of this section World War II shall be
19 from December 7, 1941, to September 2, 1945, both dates
20 inclusive.

21 2. Page 2, line 13, by inserting before the word "law"
22 the words "experience in a public".

23 3. Page 2, line 13, by striking the word "experience" and
24 inserting in lieu thereof the word "agency".

25 4. Page 2, by adding the following after the period in line 26:
26 "If a chief of a police or fire department is relieved of that
27 position, he shall be entitled to remain in the department for
28 which he was chief at a position commensurate with his civil
29 service status, even if this means that the city must create
30 a position for him to fill until a regular position becomes
31 vacant."

32 5. By renumbering the sections.

Received from the Senate and concurred
June 23, 1973

S—933

- 1 Amend the Gluba, et al. amendment S-666, to House File 547,
2 as follows:
3 1. Page 1, by striking line 25, and page 2, by striking
4 lines 1 through 12 and inserting in lieu thereof the following:
5 "4. Page 2, by adding the following after the period in
6 line 23:
7 'If a chief'.
8 2. Page 2, line 13, by inserting after the word "police"
9 the words "or fire".
10 3. Page 2, line 14, by striking the word "police".
11 4. Page 2, by striking lines 18 and 19.
12 5. By renumbering divisions to conform with this amendment.

S—933 Filed - *adopted 6/23*
June 18, 1973

By PALMER

S—949

- 1 Amend the Gluba amendment, S-666, to House File 547, filed on
2 May 25, 1973, as follows:
3 1. Page 2, line 7, by striking the words "tenure in that
4 position until the age of".
5 2. Page 2, line 8, by striking the word "sixty-five" and
6 inserting in lieu thereof the words "full civil service rights
7 as chief".

S—949 Filed - *W.A. 6/23*
June 19, 1973

By PALMER, GLUBA, SHAW,
KELLY and DODERER

1 Amend House File 547 as amended and passed by the House
2 as follows:

3 1. Page 2, by inserting before line 1 the following:
4 Section 1. Section three hundred sixty-five point ten
5 (365.10), Code 1973, is amended to read as follows:
6 365.10 PREFERENCES. In all examinations and appoint-
7 ments under the provisions of this chapter, other than pro-
8 motions and appointments of chief of the police department
9 and chief of the fire department, honorably discharged men
10 and women from the military or naval forces of the United
11 States in any war in which the United States was or is now
12 engaged, including the Philippine Insurrection, China
13 Relief Expedition and the Korean Conflict at anytime be-
14 tween June 27, 1950 and July 27, 1953, both dates inclusive,
15 and the Vietnam Conflict beginning August 5, 1964, who are
16 citizens and residents of this state, shall be given the
17 preference, if otherwise qualified.

18 For the purpose of this section World War II shall be
19 from December 7, 1941, to September 2, 1945, both dates
20 inclusive.

21 2. Page 2, line 10, by inserting before the word
22 "law" the words "experience in a public".

23 3. Page 2, line 10, by striking the word "experience"
24 and inserting in lieu thereof the word "agency".

25 4. Page 2, lines 11, 12, and 13, by striking the sen-

Page 2

1 tence "A chief of a police department or fire depart-
2 ment shall maintain his civil service rights as deter-
3 mined by section three hundred sixty-five point twelve
4 (365.12) of the Code." and inserting in lieu thereof the
5 following sentences:

6 "An individual appointed chief of the fire department
7 shall hold tenure in that position until the age of
8 sixty-five. An individual appointed chief of the police
9 department shall maintain his civil service rights under
10 section three hundred sixty-five point twelve (365.12)
11 of the Code and if from another city, he may transfer these
12 rights to the city for which he is appointed chief. If a chief
13 of a police department is relieved of that position, he shall be
14 entitled to remain in the police department for which he was
15 chief at a position commensurate with his civil service status,
16 even if this means that the city must create a position for him
17 to fill until a regular position becomes vacant."

18 5. Page 3, line 6, by inserting before the period the words
19 "of police".

20 6. By renumbering the sections.