



**Delivery and Coordination of Public Safety
and Emergency Services in Iowa**

ISSUE

The delivery of public safety and emergency services in the State of Iowa occurs across all levels of government from the State down to the township level. This ***Issue Review*** outlines the responsibility and funding mechanisms for providing these services at the township, city, county and State level.

AFFECTED AGENCIES

Department of Public Safety (DPS)
Department of Public Health (DPH)
Department of Corrections (DOC)
Iowa Law Enforcement Academy (ILEA)
Department of Transportation (DOT)

Homeland Security and Emergency
Management Department (HSEMD)
Local Government Entities (townships,
cities, counties)

CODE AUTHORITY

Chapter [24](#) – Local Budgets
Chapter [28E](#) – Joint Exercise of Governmental Powers
Chapter [29C](#) – Emergency Management and Security
Chapter [80](#) – Department of Public Safety
Chapter [80B](#) – Iowa Law Enforcement Academy
Chapter [97A](#) – Public Safety Peace Officers Retirement, Accident, and Disability System
Chapter [100](#) – State Fire Marshal
Chapter [135](#) – Department of Public Health
Section [262.13](#) – Peace Officers at Regent's Institutions
Chapter [307](#) – Department of Transportation
Chapter [331](#) – County Home Rule
Section [331.651](#) – County Sheriffs
Chapter [341A](#) – Civil Service for Deputy County Sheriffs
Chapter [356](#) – Jails and Municipal Holding Facilities
Chapter [356A](#) – County Detention Facilities
Chapter [357B](#) – Fire Districts
Chapter [357D](#) – Law Enforcement Districts (unincorporated township areas)
Chapter [357F](#) – Emergency Medical Services Districts
Chapter [357G](#) – City Emergency Medical Services Districts
Chapter [357J](#) – Emergency Response Districts
Chapter [359](#) – Townships and Township Officers
Chapter [362](#) – City Definitions and Miscellaneous Provisions
Chapter [364](#) – Powers and Duties of Cities

Chapter [372](#) – Organization of City Government
Chapter [384](#) – City Finance
Chapter [410](#) – Firefighters and Police Officers Retirement and Disability
Chapter [411](#) – Retirement System for Police Officers and Firefighters
Chapter [422D](#) – Optional Taxes for Emergency Medical Services
Chapter [693](#) – Police Radio Broadcasting System
Chapter [904](#) – Department of Corrections

BACKGROUND

For purposes of this *Issue Review*, public safety and emergency services consist of law enforcement (LE), fire protection, and emergency medical services (EMS). These services are available to all citizens of Iowa, but how these services are funded and delivered depends upon whether the citizen lives in a rural or urban area, and whether the urban area is incorporated or unincorporated. Based upon the United States Census Bureau estimates on July 1, 2015, 636,414 (20.4%) of Iowa's population lives in unincorporated areas of the State and 2,487,485 (79.6%) lives in incorporated areas of the State.¹

TOWNSHIPS

Townships in Iowa are classified as administrative subdivisions of the counties.² There are currently 1,586 townships in Iowa, and township governance is under the county Board of Supervisors (BOS). Townships are often the main way that public safety services are provided to unincorporated areas, as well as some rural incorporated areas.

Law Enforcement Protection

There is no mandate for townships to provide LE protection. Each county's Sheriff's Office provides protection in all unincorporated township areas, as well as some incorporated cities that do not have a municipal police department. These services are paid for by the township residents through a property tax assessment for LE protection (an explanation of property tax levies related to public safety services can be found later in this *Issue Review*).

Fire Protection and Emergency Medical Services

Townships are mandated to provide fire protection and assess property taxes to fund fire services and EMS. Providing EMS is not required; however, EMS are often contracted to be provided in conjunction with fire protection. Some townships contract for fire services through nearby cities, some establish their own fire departments, and a few have established a benefited fire district to provide fire protection services to a specified area. Benefited fire districts could no longer be established after July 1, 1975.³ Those districts established prior to that date can be in existence until they are dissolved.⁴

¹ U.S. Census Bureau as cited by the Iowa State Association of Counties, County Financial Overview, January 2017.

² Laura Book and Robin Madison, Fiscal Services Division, Legislative Services Agency, *Issue Review: Township Governance in Iowa* (January 2017), www.legis.iowa.gov/docs/publications/IR/797676.pdf.

³ Iowa Code §[357B.1](#).

⁴ Iowa Code §[357B.5](#).

Township trustees may purchase, own, rent, or maintain fire protection service or EMS apparatus or equipment and provide housing for the equipment.⁵ In addition, trustees may contract with a public or private agency under an Iowa Code chapter [28E](#) agreement for the purpose of providing any of these services. A [28E](#) agreement allows agencies to cooperate with each other in many ways, usually with a goal to increase efficiencies of service delivery and enable activities that may otherwise be uneconomical or impractical. The county BOS is required to certify taxes for levy in the township in amounts sufficient to meet the financial obligations associated with the Iowa Code chapter [28E](#) agreement.

CITIES

Cities in Iowa are defined as municipal corporations (not including a county, township, school district, or any special-purpose district or authority). A city includes only the land area within designated city limits.⁶ Currently, there are 943 cities in Iowa ranging in population from 15 to over 215,000 citizens. If a city unincorporates, its governance transfers to the county and township in which it is located. Based upon recent past experience, it is estimated that on average at least one city unincorporates yearly.⁷

A city may, except as expressly limited by the Constitution of the State of Iowa, and if not inconsistent with the laws of the General Assembly, exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the city or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents.⁸ Cities may levy taxes as authorized by the Iowa General Assembly, and enact laws that are consistent with laws of the Iowa General Assembly. City laws or ordinances only apply within a city's boundaries. There are seven different forms of government under which cities can incorporate in Iowa, and the vast majority of cities use the mayor-council form of government.⁹ The other forms are:

- Professional city manager/administrator position.
- Council manager at large.
- Council manager ward.
- Commission.
- Home rule charter.
- Special charter.

Law Enforcement Protection

According to the Iowa Supreme Court decision in *State ex rel. Johnson v. Allen*, Iowa Code chapter 368 requires a city to provide police protection as one of the municipal services it extends to city residents. Many cities do provide LE protection by either funding a municipal police department or by contracting with the County Sheriff for LE services. There are a few cities that are very close geographically that combine to provide a shared municipal police department. The cities of Marquette and McGregor ([Mar-Mac Police Department](#)), Milford and West Okoboji, Otho and Duncombe, and Donnellson and West Point are examples of cities that have merged police departments. There are also some cities that contract with one or more certified LE officials to provide LE services.

⁵ Iowa Code [§359.42](#).

⁶ Iowa Code [§362.2\(4\)](#).

⁷ Iowa Department of Management Local Government staff.

⁸ Iowa Code [§ 364.1](#).

⁹ Iowa League of Cities, 2017 City Candidate's Guide, [www.iowaleague.org/ layouts/media/CandidatesGuide2017.pdf](http://www.iowaleague.org/layouts/media/CandidatesGuide2017.pdf).

The most prevalent [28E](#) agreement entered into by cities is one for County Sheriff LE coverage. According to the [Iowa League of Cities](#), there is a wide range in the price paid by cities that contract with a County Sheriff for LE protection services. The contract cost can be dependent upon the population of the city covered, the geographic area of the city, and other factors such as distance from the County Sheriff's office. There are some extremely small cities that do not have formal contracts for LE protection, but the County Sheriff will still provide some services, including limited patrol and response to calls for service.

Fire Protection and Emergency Medical Services

Cities are required by law to provide fire protection services.¹⁰ They are not required to provide EMS, but most do provide EMS in conjunction with fire services. There are private companies that can enter into contracts to provide EMS/ambulance services, but due to economies of scale, those companies are more likely to contract with larger cities, hospitals, and nursing homes.

COUNTIES

A county is an administrative or political subdivision of the State which has specific boundaries. Iowa has 99 counties. The government of each county is overseen by a locally elected BOS. The duties of the BOS regarding county finances are specified in Iowa Code chapter [331](#), Division IV. The duties include the establishment of an annual budget, certification of taxes, and appropriations of funds to county officers and departments.¹¹

A county may, except as expressly limited by the Constitution of the State of Iowa, and if not inconsistent with the laws of the General Assembly, exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the county or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents.¹² The BOS is authorized to enter into agreements with other units of government and private agencies to provide joint services and facilities.

Law Enforcement Protection

The office of sheriff is an elected office, and every county in the State of Iowa maintains a Sheriff's Office. Iowa Code section [331.322](#) states that a County BOS will furnish offices for the sheriff, provide automobiles as needed for the sheriff and deputies to perform their duties, provide the sheriff and full-time deputies with necessary uniforms and accessories, pay for the cost of boarding for prisoners in the sheriff's custody, pay salaries of jail assistants, furnish jail supplies, provide for jail inspections, furnish necessary equipment and materials for the sheriff, and install radio materials in the office of the sheriff.

Iowa Code does allow for a county to combine the duties of two or more of the following county officers and employees: sheriff, treasurer, recorder, auditor, medical examiner, general assistance director, county care facility administrator, commissioner on veteran affairs, director of social welfare, county assessor, and county weed commissioner. Currently, both Marshall and Woodbury counties have combined the duties of the auditor and recorder positions.

¹⁰ Iowa Code [§364.16](#).

¹¹ Robin Madison, Fiscal Services Division, Legislative Services Agency, *Issue Review*: County Finances (December 2014), www.legis.iowa.gov/docs/publications/IR/402006.pdf.

¹² Iowa Code [§331.301](#).

Fire Protection and Emergency Medical Services

Counties have no responsibility for fire protection or EMS, but under Iowa Code section [331.385](#) may assume the powers and duties of township trustees related to fire protection and EMS for any township located in an unincorporated area of the county by resolution. If a county provides fire protection services or EMS to a township, those services are paid for from the county Emergency Services Fund funded through an annual tax levy.

Iowa Code chapter [422D](#) provides that counties may generate local funds in the form of local income surtax, local property tax, or a combination of both for EMS within a county with voter approval. The maximum income surtax rate cannot exceed 1.0% for EMS funding, and funds are deposited in an EMS Fund to be used only for EMS purposes or to match federal and State funds for education and training related to EMS. According to the Department of Revenue, only Appanoose County has approved the use of an income surtax to fund EMS. The amount of the income surtax generated for EMS in tax year 2015 was \$73,246.

SPECIAL DISTRICTS

Special districts are allowed by the State of Iowa for geographical areas that may not fall within the boundaries of a city or county. These include:

- **Benefited Fire Districts**¹³ – Provide fire protection services to a specified area and may purchase, own, rent, or maintain fire apparatus or equipment and provide housing for such apparatus or equipment. Currently in the State of Iowa there are 53 fire districts. For FY 2018, these districts levied a total of \$2.2 million (\$2.1 million of this was property tax).
- **LE Districts**¹⁴ – Provide LE services to a specified area that demonstrates need for such services. An LE district may purchase material, employ peace officers and other personnel, and may perform all other acts necessary to properly maintain and operate the district. The district may not include property assessed as agricultural land, centrally assessed property, or manufacturing personal and real property; however, the owners of centrally assessed property or manufacturing property have the option to be included in the district. Examples of LE districts include the cities of Cumberland, Lewis, Marne, Massena and Wiota in Cass County; the cities of Ashton, Harris, Melvin, Ocheyedan and Sibley in Osceola County; and the cities of Bode, Bradgate, Dakota City, Livermore and Thor in Humboldt County.
- **EMS Districts**¹⁵ – Provide EMS and may include all or parts of the unincorporated areas of one township and unincorporated areas of adjoining townships. They may not include property assessed as agricultural land or centrally assessed property. An EMS district may contract with any other city or county, or public or private agency, under Iowa Code chapter [28E](#) to provide EMS. Currently there are two EMS districts (Sheffield and Riceville) in Iowa, and for FY 2018, a total of \$15,008 was levied from property taxes.
- **City EMS Districts**¹⁶ – Provide EMS to all of the incorporated area of a city except property assessed as agricultural land or centrally assessed property. The area must demonstrate a need for such services. City EMS districts may purchase or rent EMS apparatus, equipment, or material, employ EMS and other personnel, and may perform all other acts necessary to properly maintain and operate the district. The district may contract with any other city or county, or public or private agency, under Iowa Code chapter [28E](#) for the purpose of providing EMS under this Code chapter.

¹³ Iowa Code ch. [357B](#).

¹⁴ Iowa Code ch. [357D](#).

¹⁵ Iowa Code ch. [357E](#).

¹⁶ Iowa Code ch. [357G](#).

- **Pilot Project Emergency Response Districts**¹⁷ – A county having a population of at least 16,925 but not more than 16,950 may establish an emergency response district and participate in a pilot project having a new governance structure to facilitate the delivery and funding of fire protection and EMS to residents of the county. Establishment would be initiated by the county BOS, and the plan would need to be approved by the State Fire Marshal. The boundary lines of a district may include any areas within a county. Currently there are no established Emergency Response Districts. Based upon 2016 population estimates, Crawford County is the only county that would be eligible to establish an Emergency Response District.

JAILS AND MUNICIPAL HOLDING FACILITIES

State law requires that counties provide space for prisoners sentenced to confinement of one year or less. County Sheriffs are charged with providing board and care for prisoners in their custody in the county jail.¹⁸ Some cities also operate a municipal jail, but all are considered holding facilities, with prisoners being transported to the county's jail facility if the offender is not being cited and released.

The State provides oversight of jail operations. The ILEA establishes jailer training standards and provides training. The DOC, in conjunction with the Iowa State Sheriffs and Deputies Association and the Iowa State Association of Counties, sets construction and operation standards, and inspects county jails for compliance. There are currently 96 full-service county jails operating in Iowa. The primary funding source for jail operating costs is local property tax.

The General Assembly makes a General Fund appropriation to the DOC to reimburse counties for holding alleged parole, work release, and certain Operating While Intoxicated (OWI) offenders until their revocation hearings. The DOC reimburses counties based on an average cost of \$50 per day. Not all eligible counties participate. The State does not reimburse counties for holding alleged probation violators.

Current law does provide the opportunity for certain counties to share the costs of a sheriff and jail. No counties currently share either a Sheriff or a jail, but three counties contract with other county jails for services. A fourth county is considering closing its jail facility to utilize another facility. Current law also permits County Sheriffs to charge certain offenders for administrative, medical, and room and board costs; these charges may be perfected with a judgment lien. Some counties are utilizing this option.

PROPERTY TAX FUNDING FOR LOCAL GOVERNMENT

Property taxes support many different taxing authorities and are the largest source of funding for local governments. Public safety services are the largest expenditure for local governments.

Township

Township trustees are authorized to implement several different taxes and anticipatory bonds for various funding purposes. Those related to providing emergency services include:

¹⁷ Iowa Code ch. [357J](#).

¹⁸ Iowa Code [§331.658](#).

- **Annual Tax Levy**¹⁹ – To provide funding for the exercise of the emergency services powers and duties specified in Iowa Code section [359.42](#). This amount may not exceed \$0.405 per \$1,000 of assessed value of the taxable property in the township, excluding property within a benefited fire district or within city limits. A higher rate not to exceed \$0.54 per \$1,000 assessed value may be levied if the trustees have an agreement with a special charter city having a paid fire department. If the township is located within a county that has a population of 300,000 or more, a higher rate not to exceed \$0.675 per \$1,000 of assessed value may be levied.
- **Supplemental Tax Levy**²⁰ – To provide funding for emergency services if the annual levy is insufficient. This amount may not exceed \$0.2025 per \$1,000 of assessed value of the taxable property.
- **Reserve Account**²¹ – The trustees may credit the account annually in an amount not to exceed \$0.30 per \$1,000 of the assessed value of the taxable property in the township. The funds may be used for the purchase or replacement of supplies and equipment required to carry out emergency services.
- **Bonds**²² – The township trustees may anticipate the collection of taxes and direct the county BOS to issue bonds. The bonds are payable only from tax levies on property subject to the emergency services levy.

The township trustees may divide the township into tax districts for the purpose of providing fire protection services and EMS, and may levy a different tax rate in each district for the authorized or required services, but neither levy can exceed the tax levy limitations for that township.²³ During FY 2017, estimated expenditures for fire protection and EMS for all townships were \$26.1 million and accounted for 73.7% of total township expenditures. Data on township budgets and tax rates can be found on the [township resource page](#) located on the Iowa Department of Management (DOM) website.

City

City officials may certify taxes to be levied by the county on all taxable property within the city limits for all city government purposes. Those related to providing emergency services include:

- **General Fund Levy** – Used to pay for many items within a city, and cannot exceed \$8.10 per \$1,000 of assessed value. Expenditures for LE, fire protection, and EMS are funded through this general fund tax levy.
- **Special Revenue Levy** – Cannot exceed \$0.27 per \$1,000 of assessed value, and can be used if the general fund levy is set at its maximum of \$8.10 per \$1,000 of assessed value. The funds can be used for a few different items, including police and fire retirement funds.

During FY 2017, budgeted expenditures for public safety for all cities were \$846.0 million, and accounted for 13.7% of total city expenditures. Data on city budgets and tax rates can be found on the [city resource page](#) located on the Iowa DOM website.

County

A county is made up of townships and cities. The county BOS can certify four categories of property tax levies:

¹⁹ Iowa Code [§359.43\(1\)](#).

²⁰ Iowa Code [§359.43\(2\)](#).

²¹ Iowa Code [§359.43\(4\)](#).

²² Iowa Code [§359.45](#).

²³ Iowa Code [§§359.42](#) and [359.43](#).

- **Basic Levy** – Imposed on all taxable property within the county, and is limited to \$3.50 per \$1,000 of assessed value to pay for general county services.
- **Rural Services Levy** – Imposed on all taxable property not within incorporated areas of the county is limited to \$3.95 per \$1,000 of assessed value to pay for rural county services.
- **Debt Service Levy** – Levied on all taxable property within the county in the amount necessary to cover the costs of servicing county debt obligations.
- **Supplemental Levies** – Certified if the basic levies are insufficient to meet the county's needs for certain general county or rural county services. There are several items for which supplemental levies may be used, and the amount of a supplemental levy is not limited by statute.
- **Other Levies** – Taxes may be certified not to exceed \$0.675 per \$1,000 of assessed value on all taxable property in the county to repair and maintain cemeteries. Taxes may be certified not to exceed \$0.405 per \$1,000 of assessed value within the township to provide fire protection or EMS.

Additions to levies may be certified if unusual circumstances create a need for additional tax revenue. An addition must first be submitted at a special levy election and receive a favorable majority of the votes cast. Unusual circumstances can include a natural disaster or other emergency. During FY 2017, budgeted expenditures for public safety for all counties were \$538.1 million, and accounted for 20.0% of total county expenditures. Roads and transportation expenditures were the highest budgeted item in county budgets and constituted 21.4% of total county expenditures. Data on city budgets and tax rates can be found on the [county resource page](#) located on the Iowa DOM website.

STATE

Department of Public Safety

The DPS was established in 1939 and authorized in Iowa Code chapter [80](#). The mission of the DPS is to serve the people of Iowa by providing public safety services with leadership, integrity, and professionalism. The goals of the Department are to reduce preventable injuries and deaths, suppress criminal activity, reduce or minimize the costs of compliance with government requirements, and promote integrity and excellence in the workforce. Divisions within the DPS are:

- Commissioner's Office.
- Administrative Services Division.
- Division of Criminal Investigation.
- State Fire Marshal Division.
- Division of Intelligence and Fusion Center.
- Division of Narcotics Enforcement.
- Iowa State Patrol Division.

Funding for the DPS comes predominantly from the State General Fund. There are some services that the DPS provides that are paid for by fees. Services where fees are collected include: background check requests by private employers or the gaming industry, licensing, inspections, and copies of accident reports.

The DPS provides LE and fire investigative support upon request to local entities within the State of Iowa to assist with major investigations. In general, the DPS does not charge for this assistance. There are a few exceptions, including if a lab sample needs to be sent to a private lab, or if investigative agents need to travel out of state to further an investigation. Local narcotics task force funding comes from the State General Fund and federal funds.

The DPS also does not charge for Iowa State Patrol functions, except in circumstances when trooper personnel are needed for long periods of time, such as the 2008 flooding in Cedar Rapids, university football games, and the Iowa State Fair. In those circumstances, the DPS requests reimbursement through a Memorandum of Understanding (MOU), but those reimbursements do not usually cover the full cost. No reimbursement is requested or received for political events where a trooper presence is needed, such as the Iowa caucuses or other campaign occasions.

The DPS Commissioner is authorized to establish a special radio broadcasting system to assist peace officers of the State.²⁴ A statewide land mobile radio communications platform was authorized and is currently being built, and is being financed through a 10-year lease agreement. The first three years of this lease have been paid for from the E911 Surcharge Fund and the Rebuild Iowa Infrastructure Fund (RIIF). The platform is under the joint purview of the DPS and the DOT. Local entities will not be charged to access the statewide platform. It is the duty of each county BOS to provide a radio receiving set as prescribed by the DPS Commissioner to the county sheriff. The BOS has the authority to obtain any additional radio, electronic, and telecommunications systems it deems necessary for the efficient operation of LE agencies. This equipment may be owned and operated jointly with a city, town, or other county if more economical or efficient.

Homeland Security and Emergency Management Department

The HSEMD receives an annual General Fund appropriation that is leveraged with federal funds to support State and local efforts in planning for, responding to, recovering from, and mitigating natural and man-made disasters and acts of terrorism. The Department is also funded by multiple nondisaster and disaster-related grants.

The Department is responsible for administering the 911 Wireless Surcharge. This Program annually receives an estimated \$29.0 million that is used to provide 911 wireless services to the citizens of Iowa. In FY 2018, it is estimated that \$26.1 million of this revenue will be passed on through a payment formula and grants to local governments for processing the wireless calls.

The county BOS and city councils are required to form a joint county-municipal emergency management commission composed of a member of the BOS, the mayor from each of the cities in the county, and the sheriff of the county. The emergency management commission appoints a coordinator who is responsible for the administration and coordination of all disaster services and emergency planning matters throughout the county. A separate fund is maintained for emergencies.

Department of Public Health

The Bureau of Emergency and Trauma Services is within the Iowa DPH, and is the lead agency responsible for the development, implementation, coordination, and evaluation of the EMS system in Iowa. The Bureau provides leadership, direction, and resource support to build a comprehensive, sustainable, efficient, and effective statewide EMS system. The Preparedness Program works to protect the health of Iowans by preparing for public health emergencies including terrorism, natural disasters, and disease outbreaks. The Preparedness Program works with local public health agencies, hospitals, community health centers, the Meskwaki tribal nation, and other public and private entities by administering federal preparedness funds, maintaining the antiviral stockpile, and providing technical assistance. Additionally, funds are allocated to transfer to the Emergency Medical Services Fund in Iowa Code section [135.25](#). The Fund consists of State and federal appropriations as well as private sources of moneys,

²⁴ Iowa Code [§331.301](#).

and provides a 1:1 match for counties for the acquisition of equipment, education, and training related to EMS.

In 2015, there were 8,468 certified emergency medical providers in Iowa working as Emergency Medical Technicians in the EMS field.²⁵ There are 17 training centers, 781 authorized EMS agencies, and close to 12,000 individual total EMS providers in Iowa.²⁶ Authorization is required to establish a service program using certified emergency medical care providers for the delivery of care at the scene of an emergency or nonemergency, during transportation to a hospital, during transfer from one medical care facility to another or to a private home, or while in the hospital emergency department and until care is directly assumed by a physician or by authorized hospital personnel.

Iowa Law Enforcement Academy

The ILEA provides training for LE officers, jailers, and telecommunicators in the State. The Academy also administers a program of psychological testing for applicants for LE positions, approves regional training programs, establishes minimum hiring standards, and provides audio-visual resources for LE training and educational institutions. The Academy is also responsible for decertifying or suspending an officer's certification.

The funding sources for the ILEA include an annual General Fund appropriation and the fees charged to local LE agencies for the training of their newly hired officers to attend the Basic Academy and for continuing education programs. The Academy is allowed to bill one-third of the cost to the local agency and one-third of the cost to the individual officer, with one-third of the cost paid by funds appropriated to the ILEA. The local agency can elect to pay the individual officer's share, and usually does. Currently, the full cost of attending the 15-week Basic Training is \$9,500. Funding for the ILEA is comprised of approximately 68.0% fees and 32.0% General Fund appropriation.

Not all LE officers are trained at the ILEA. In addition to the ILEA, the DPS, the Cedar Rapids Police Department, and the Des Moines Police Department offer training courses certified by the ILEA. Training is also offered at Hawkeye Community College and Western Iowa Tech Community College. Officers have one year from the date of their employment with an LE agency to become certified through the successful completion of training at an approved LE training. A regular LE officer must also receive a minimum of 12 hours per year, or 36 hours every three years, of law enforcement-related in-service training.

Department of Transportation

The Motor Vehicle Division of the DOT is responsible for administering and enforcing federal and State motor vehicle laws and regulations, including testing, licensing, and sanctioning of all drivers. The Division maintains and oversees driver and vehicle-related functions including all driver history files, central issuance of driver's licenses, crash reports, vehicle titles, vehicle registrations, driver offenses, permits, county-based registrations, weigh stations, issuance of special plates, driver safety and education, and commercial vehicle inspections. The Division

²⁵ Bureau of EMS Status Report 2015, Department of Public Health, www.idph.iowa.gov/Portals/1/userfiles/61/EMS%20PDFs%20and%20Zips/2015%20EMSReport%203-16.pdf.

²⁶ Final Report of the Emergency Medical Services Study Committee, Legislative Services Agency, January 2014, www.legis.iowa.gov/docs/publications/DF/662509.pdf.

also enforces federal motor carrier safety standards and hazardous materials regulation, carries out investigations, and issues commercial vehicle citations.

[House File 463](#) (Motor Vehicle Enforcement and Commercial Learner's Permits Act) was enacted during the 2017 Legislative Session, regulates the enforcement powers and duties of the DOT Motor Vehicle Enforcement (MVE) officers under Iowa Code section [321.477](#). The Act conferred the authority of a peace officer to designated DOT employees to enforce all the laws of the State, including DOT rules and regulations. However, enforcement officers may not exercise the general powers of a police officer within city limits unless:

- A mayor makes a request with the approval of the Director of the DOT.
- A sheriff or county attorney makes a request with the approval of the Director of the DOT.
- The MVE officer is in pursuit of law violators or law investigations.
- The MVE officer is performing commercial motor vehicle (CMV) inspections.
- The MVE officer is conducting the investigation of laws relating to narcotics and other drugs.

The provisions in [HF 463](#) were originally designated to sunset on July 1, 2018. [House File 2494](#) (FY 2019 Transportation Appropriations Act) extends this sunset to July 1, 2019.

The DOT's MVE unit is comprised of 98 sworn peace officers and nine civilians. MVE officers primarily engage in CMV enforcement on the primary road system. Motor Vehicle Division operations are 96.0% funded from the Road Use Tax Fund (RUTF) and 4.0% funded from the Primary Road Fund. The State General Fund is not used for the Division's operations. Commercial scheduled fines are deposited into the RUTF, and noncommercial scheduled fines are deposited into the General Fund.

Pending litigation against the DOT seeks to nullify any activities the MVE did prior to enactment of [HF 463](#), including most commercial enforcement, and prevent the Department from most enforcement activities outside of those specifically mentioned under current Iowa Code section [321.477](#). The case is still pending. The DOT has requested legislation to clarify the MVE officers' designation as peace officers to enforce all laws of the State under this Iowa Code section.

The DOT also receives federal grant funding under the federal Motor Carrier Safety Assistance Program (MCSAP). In FY 2017, the amount awarded to the DOT was an estimated \$4.2 million. The DOT will subapportion an estimated \$1.4 million of this grant award to the DPS. Under this Program, the DOT uses the federal funds to reimburse the RUTF for commercial enforcement salaries and activities that are initially appropriated in the Transportation Appropriations Act. The DPS primarily uses the federal grant money to fund the salaries of 10 officers who are dedicated to commercial traffic enforcement.

Under the requirements of the MCSAP, the State must designate a lead agency that has legal authority under [49 C.F.R. 350.201\(d\)](#). The Governor has designated the DOT as the lead agency.

Regents Institutions

The three Regents Universities (University of Northern Iowa, Iowa State University, and the University of Iowa) have University Police Departments that are the official LE authority for each university. The Officers are fully trained and certified as LE officers. They provide a full range of LE services and officers possess full powers to detain, investigate, and arrest. The costs of

maintaining these police departments are included in the general operations budgets for each university and funded by the General Fund appropriation yearly.

The University of Iowa also assesses other units such as Housing and Dining, Athletics, University of Iowa Hospital and Clinics, and other auxiliary funds for their proportionate share of public safety services, and issues direct billings related to special events. At Iowa State University, the student body government has provided some one-time funding for the Safe Ride program.

CONCLUSION

The delivery of public safety services to the citizens of Iowa and the funding of those services has evolved over time. The current system is a mixture of responsibilities from the township, city, county, and State level.

Each level of government is required by statute to provide fire protection services. While LE and EMS requirements vary by the type of locality, local governments do ensure that they are available. Public safety services constitute a large part of local government budgets, and costs continue to increase over time due to many factors including specialized equipment, training needs, personnel costs, and funding of pensions.

State agencies provide standards, training, and specialized investigative services while the majority of work and interaction with the public is done at the local level. Any shift of State expenses to the local government level could necessitate an increase in property tax levies. If local governments were required to pay for State services, they may decline their delivery to save money.

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