

FILED FEB 2 2000

SENATE FILE

2071

BY SEXTON

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

A BILL FOR

1 An Act relating to certain state and municipal agencies by
 2 making changes relating to the provision of and training for
 3 fire protection service and emergency medical service, by
 4 amending the powers and duties of townships and township
 5 officers, and by providing for the nonpartisan election of
 6 township officers.

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

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SF 2071 LOCAL GOVERNMENT

1 Section 1. Section 28E.31, Code 1999, is amended to read
2 as follows:

3 28E.31 EMERGENCY SERVICES -- CONTRACTS FOR MUTUAL AID.

4 1. A ~~city-fire-department, benefited-fire-district, or~~
5 township municipality's fire department ~~may enter into~~
6 contracts providing that agrees to provide for mutual aid
7 regarding emergency services ~~provided by such department or~~
8 district shall do so in writing. The contracts that are
9 agreed upon may provide for compensation from the parties and
10 other terms that are agreeable to the parties and may be for
11 an indefinite period as long as they include a sixty-day
12 cancellation notice by any party. The contracts agreed upon
13 shall not be entered into for the purpose of reducing the
14 number of employees of any party.

15 2. A ~~city-fire-department, benefited-fire-district, or~~
16 township municipal fire department may provide assistance to
17 any other such department or district in the state at the time
18 of a significant emergency such as a fire, earthquake, flood,
19 tornado, hazardous material incident, or other such disaster.
20 The chief or highest ranking fire officer of an assisting
21 department or district may render aid to a requesting
22 department or district as long as the chief or officer is
23 acting in accordance with the policies and procedures set
24 forth by the governing board of the assisting department or
25 district.

26 3. The chief or highest ranking officer of the ~~city-fire~~
27 ~~department, benefited-fire-district, or township~~ municipal
28 fire department of the district within which the incident
29 occurs shall maintain control of the incident in accordance
30 with the provisions of chapter 102. The chief or highest
31 ranking officer of the department or district giving mutual
32 aid shall be in charge of the assisting departmental or
33 district personnel.

34 4. For purposes of this section, "municipality" means a
35 city, county, township, or benefited fire district.

1 Sec. 2. NEW SECTION. 28E.32 EMERGENCY SERVICES
2 AGREEMENTS.

3 1. A municipality that agrees to provide fire protection
4 service or emergency medical service for another municipality
5 shall do so in writing.

6 2. The written agreement shall state the purposes of the
7 agreement and the services to be provided. The agreement
8 shall state the duration of the agreement and provide for
9 renewal or cancellation of the agreement.

10 3. The agreement may establish a board comprised of one
11 member of the governing body of each municipality that is a
12 party to the agreement. The board shall prepare an annual
13 budget for services provided pursuant to the agreement and
14 shall allocate among the parties to the agreement,
15 responsibility to provide revenue for the amount of the
16 budget. The budget prepared pursuant to the written agreement
17 shall be a part of the budget of the city providing the
18 services.

19 4. For purposes of this section, "municipality" means a
20 city, county, township, or benefited fire district.

21 Sec. 3. Section 39.21, Code 1999, is amended by adding the
22 following new subsections:

23 NEW SUBSECTION. 5. Township trustees as provided in
24 section 39.22.

25 NEW SUBSECTION. 6. Township clerk as provided in section
26 39.22.

27 Sec. 4. Section 39.22, subsection 2, Code 1999, is amended
28 to read as follows:

29 2. BY ELECTION. If the county board of supervisors does
30 not have the power provided under subsection 1 to fill the
31 offices of trustee and clerk within a township by appointment,
32 then the offices of township trustee and township clerk shall
33 be filled by election on a nonpartisan basis. Township
34 trustees and the township clerk, in townships which do not
35 include a city, shall be elected by the voters of the entire

1 township. In townships which include a city, the officers
2 shall be elected by the voters of the township who reside
3 outside the corporate limits of the city, but a township
4 officer may be a resident of the city.

5 a. TOWNSHIP OFFICERS. The election of township officers
6 shall take place at the general election on ballots which
7 shall not reflect a nominee's political affiliation. A
8 candidate for election to a township office shall file an
9 affidavit of candidacy with the county commissioner of
10 elections not more than ninety-two days nor later than five
11 p.m. on the sixty-ninth day before the date of the general
12 election. The affidavit of candidacy form shall be furnished
13 by the county commissioner of elections. A plurality is
14 sufficient to elect the township officers.

15 ~~a~~ b. TOWNSHIP TRUSTEES. Township trustees shall be
16 elected biennially to succeed those whose terms of office
17 expire on the first day of January following the election
18 which is not a Sunday or legal holiday. The term of office of
19 each elected township trustee is four years, except as
20 provided in subsection 1 for initial terms following
21 restoration of the election process.

22 ~~b~~ c. TOWNSHIP CLERK. At the general election held in the
23 year 1990 and every four years thereafter, in each civil
24 township one township clerk shall be elected who shall hold
25 office for the term of four years.

26 Sec. 5. Section 39.22, Code 1999, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. 3. If the county commissioner of
29 elections receives no affidavits of candidacy for the office
30 of township trustee or township clerk to be placed on the
31 general election ballot, the board of supervisors of the
32 county in which the township is located may direct the county
33 commissioner of elections to remove the township offices
34 without nominees from the general election ballot. If the
35 township offices are removed from the general election ballot,

1 the board of supervisors shall appoint a successor to the
2 affected township office for a two-year term.

3 Sec. 6. Section 43.53, Code 1999, is amended to read as
4 follows:

5 43.53 NOMINEES FOR SUBDIVISION OFFICE -- WRITE-IN
6 CANDIDATES.

7 The nominee of each political party for any office to be
8 filled by the voters of any ~~township-or-other~~ political
9 subdivision within the county shall be the person receiving
10 the highest number of votes cast in the primary election by
11 the voters of that party for the office. That person shall
12 appear as the party's candidate for the office on the general
13 election ballot. A person whose name is not printed on the
14 official primary ballot shall not be declared nominated as a
15 candidate for such office in the general election unless that
16 person receives at least five votes. Nomination of a
17 candidate for the office of county supervisor elected from a
18 district within the county shall be governed by section 43.52
19 and not by this section.

20 Sec. 7. Section 43.67, unnumbered paragraph 1, Code 1999,
21 is amended to read as follows:

22 Each candidate nominated pursuant to section 43.52 or 43.65
23 is entitled to have the candidate's name printed on the
24 official ballot to be voted at the general election without
25 other certificate unless the candidate was nominated by write-
26 in votes. Immediately after the completion of the canvass
27 held under section 43.49, the county auditor shall notify each
28 person who was nominated by write-in votes for a county ~~or~~
29 ~~township~~ office that the person is required to file an
30 affidavit of candidacy if the person wishes to be a candidate
31 for that office at the general election. Immediately after
32 the completion of the canvass held under section 43.63, the
33 secretary of state shall notify each person who was nominated
34 by write-in votes for a state or federal office that the
35 person is required to file an affidavit of candidacy if the

1 person wishes to be a candidate for that office at the general
2 election. If the affidavit is not filed by five p.m. on the
3 seventh day after the completion of the canvass, that person's
4 name shall not be placed upon the official general election
5 ballot. The affidavit shall be signed by the candidate,
6 notarized, and filed with the county auditor or the secretary
7 of state, whichever is applicable.

8 Sec. 8. Section 45.1, subsection 10, Code 1999, is amended
9 by striking the subsection.

10 Sec. 9. Section 49.37, subsection 3, Code 1999, is amended
11 to read as follows:

12 3. The commissioner shall arrange the partisan county
13 offices on the ballot with the board of supervisors first,
14 followed by the other county offices ~~and township offices~~ in
15 the same sequence in which they appear in sections 39.17 and
16 39.22. Nonpartisan offices, with the township offices first,
17 shall be listed after partisan offices.

18 Sec. 10. Section 49.41, unnumbered paragraphs 5 and 6,
19 Code 1999, are amended to read as follows:

20 When the state commissioner receives notice from the county
21 commissioner that a candidate for a state or federal office
22 has also been nominated for a county ~~or township~~ office, the
23 state commissioner shall amend the certificate issued pursuant
24 to section 43.73 and notify the commissioners of any other
25 counties to whom the candidate's name was originally certified
26 and instruct them to remove the candidate's name from the
27 ballot in those counties.

28 This section does not apply to the following public
29 offices: county agricultural extension council, soil and
30 water conservation district commission, ~~or regional library~~
31 board of trustees, board of township trustees, or township
32 clerk.

33 Sec. 11. NEW SECTION. 55.2 LEAVE OF ABSENCE FOR
34 VOLUNTEER EMERGENCY SERVICE.

35 All officers and employees of the state, other than

1 employees employed temporarily for six months or less or those
2 employees considered essential personnel, who are volunteer
3 fire fighters or emergency medical service personnel shall be
4 entitled to a leave of absence from such civil employment for
5 the period of an emergency response or for training without
6 loss of status or efficiency rating, and without loss of pay
7 during such leave of absence. Such leave of absence shall in
8 no way affect the employee's rights to action, sick leave,
9 bonus, or other employment benefits relating to the employee's
10 particular employment.

11 Sec. 12. Section 80.9, subsection 2, paragraph c, Code
12 1999, is amended to read as follows:

13 c. To investigate all fires; to apprehend persons
14 suspected of arson; to enforce all safety measures in
15 connection with the prevention of fires; and to disseminate
16 fire-prevention education; and to provide statewide service to
17 fire departments and fire protection personnel.

18 Sec. 13. Section 80.9, subsection 2, Code Supplement 1999,
19 is amended by adding the following new paragraph:

20 NEW PARAGRAPH. i. Receive and review the budget submitted
21 by the state fire service council.

22 Sec. 14. Section 88.6, Code 1999, is amended by adding the
23 following new subsection:

24 NEW SUBSECTION. 9. Reports of inspections and
25 investigations involving the occupational safety and health
26 for fire fighters shall be presented to the state fire service
27 council.

28 Sec. 15. Section 91.4, Code Supplement 1999, is amended by
29 adding the following new subsection:

30 NEW SUBSECTION. 10. Serve as ex officio member of the
31 state fire service council, or appoint a designee to serve as
32 an ex officio member of such council, to assist the council in
33 the development of rules relating to fire fighting training
34 standards and any other issues relating to occupational safety
35 and health standards for fire fighters.

1 Sec. 16. NEW SECTION. 100B.1 STATE FIRE SERVICE COUNCIL.

2 1. The state fire service council is established in the
3 division of fire protection of the department of public
4 safety. The council shall consist of nine voting members.
5 Members of the state fire service council shall be appointed
6 by the governor. The governor shall appoint members from the
7 following organizations, chosen from a list of names submitted
8 by each of the following organizations:

9 a. Two members from the Iowa firemen's association.

10 b. Two members from the Iowa fire chiefs' association.

11 c. One member from the Iowa association of professional
12 fire fighters.

13 d. Two members from the Iowa association of professional
14 fire chiefs.

15 e. One member from the Iowa fire fighters group.

16 The ninth member of the council shall be a member of the
17 general public appointed by the governor.

18 The labor commissioner, or the commissioner's designee,
19 shall be a nonvoting ex officio member of the council.

20 Members of the council shall hold office commencing July 1,
21 2000, for four years and until their successors are appointed,
22 except that two initial appointees shall be appointed for two
23 years, three initial appointees for three years, and four
24 initial appointees for four years.

25 The fire marshal or the fire marshal's designee shall
26 attend each meeting of the council.

27 2. Each voting member of the council shall receive per
28 diem compensation at the rate as specified in section 7E.6 for
29 each day spent in the performance of the member's duties. All
30 members of the council shall receive actual and necessary
31 expenses incurred in the performance of their duties.

32 3. Five voting members of the council shall constitute a
33 quorum. For the purpose of conducting business a majority
34 vote of the council shall be required. The council shall
35 elect a chairperson from its members. The council shall meet

1 at the call of the chairperson, or the state fire marshal, or
2 when any five members of the council file a written request
3 with the chairperson for a meeting.

4 4. If a voting member of the council is absent for fifty
5 or more percent of council meetings during any twelve-month
6 period, the other council members by their unanimous vote may
7 declare the member's position on the council vacant. A
8 vacancy in the membership of the council shall be filled by
9 appointment of the governor for the balance of the unexpired
10 term.

11 Sec. 17. NEW SECTION. 100B.2 DUTIES.

12 The state fire service council shall:

13 1. Advise and confer with the state fire marshal in
14 matters relating to fire protection services, including, but
15 not limited to, training.

16 2. Cooperate with and assist agencies concerning fire
17 emergency services matters and may, at the request of the
18 state fire marshal or the chairperson of the council, hold
19 public hearings for the purpose of seeking resolution of, or
20 making recommendations on, fire services issues.

21 3. Direct the state fire marshal regarding policies and
22 operations of the fire service training bureau of the division
23 of fire protection.

24 4. Develop and submit to the state fire marshal for
25 adoption rules establishing minimum training standards for
26 fire service training that will be applicable statewide,
27 periodically review these standards and offer rules as deemed
28 appropriate.

29 5. Provide recommendations to the state fire marshal that
30 will facilitate the delivery of basic level fire fighter
31 training at the local level.

32 6. Provide recommendations to the state fire marshal for a
33 fee schedule for training and consultation services as
34 necessary for the administration of this chapter.

35 7. Develop mechanisms by which fire fighters and others

1 may earn college credits and degrees in fire-related
2 disciplines.

3 8. Develop instructional and educational materials to
4 support the fire training and education programs offered by
5 the council.

6 9. Develop and offer other programs and services
7 consistent with the general purposes of the council.

8 10. Hear testimony from the labor commissioner, or the
9 commissioner's designee, on inspections and investigations
10 involving occupational safety and health standards for fire
11 fighters and conducted by the office of the labor
12 commissioner.

13 Sec. 18. NEW SECTION. 100B.3 TRAINING AGREEMENTS.

14 The state fire marshal, subject to the approval of the
15 state fire service council, may enter into chapter 28E
16 agreements with other educational institutions to provide
17 training in conjunction with training provided by the fire
18 service training bureau or to assist in research conducted by
19 the bureau.

20 Sec. 19. NEW SECTION. 100B.4 FEES.

21 Fees assessed pursuant to this chapter shall be retained by
22 the bureau and such repayments received shall be used
23 exclusively to offset the cost of fire service training.

24 Notwithstanding section 8.33, repayment receipts collected
25 by the fire service training bureau that remain unencumbered
26 or unobligated at the close of the fiscal year shall not
27 revert but shall remain available for expenditure for the
28 purposes designated until the close of the succeeding fiscal
29 year.

30 Sec. 20. NEW SECTION. 100B.5 BUDGET.

31 The state fire marshal and the state fire service council
32 shall prepare an annual budget for the council and the fire
33 service training bureau. The budget shall be transmitted to
34 the commissioner of public safety for inclusion in that
35 department's budget.

1 Sec. 21. NEW SECTION. 100B.6 FIRE SERVICE TRAINING
2 BUREAU.

3 1. The state fire service council shall assist in
4 operation of a fire service training bureau for instructing
5 the general public and fire protection personnel throughout
6 the state, providing service to public and private fire
7 departments in the state, conducting research in the methods
8 of maintaining and improving fire education consistent with
9 the needs of Iowa communities, and performing any other
10 functions assigned to the bureau by the state fire service
11 council.

12 2. Enrollment and attendance in fire service training
13 bureau programs may include persons engaged with a unit of
14 government or a public or private fire department in the
15 state, including volunteer, trainee, or employed fire
16 fighters.

17 3. Programs conducted by the fire service training bureau
18 shall include at least instruction in the subjects necessary
19 for the certification of students in accordance with a
20 nationally recognized fire fighter qualification system as
21 approved by the state fire service council. At the direction
22 of the state fire service council, the fire service training
23 bureau may develop and conduct programs which extend beyond
24 the programs directly related to such system.

25 Sec. 22. NEW SECTION. 100B.7 ADMINISTRATOR --
26 APPOINTMENT -- DUTIES.

27 1. The administrator of the fire service training bureau
28 shall be appointed by the commissioner of public safety,
29 subject to the approval of the state fire service council.

30 2. The administrator shall:

31 a. Provide direct oversight to the operations of the fire
32 service training bureau.

33 b. Manage the budget of the fire service training bureau
34 consistent with budgeting methods as may be required by the
35 department of public safety or the state of Iowa.

- 1 c. Advise, confer, and consult with the state fire service
2 council in developing rules establishing minimum standards for
3 fire service training.
- 4 d. Advise, confer, and consult regularly with the state
5 fire service council to seek input and recommendations on all
6 facets of fire service training programs in Iowa.
- 7 e. Maintain a statewide system to provide basic level fire
8 firefighter training at the local level.
- 9 f. Distribute instructional and educational materials to
10 support the fire training and education programs offered by
11 the department of public safety.
- 12 g. Recruit and train qualified instructors for the
13 training program.
- 14 h. Maintain training records as directed by the state fire
15 marshal and necessary to accomplish the purposes of training
16 programs.
- 17 i. Establish and amend, as needed, with the approval of
18 the state fire service council, a fee schedule for training
19 services that will ensure quality training at the most
20 reasonable price.
- 21 j. Offer programs of education and instruction approved by
22 the state fire service council and conducted by qualified
23 staff and faculty.
- 24 k. Plan and coordinate fire schools and other short
25 courses of instruction on a statewide, regional and local
26 level, utilizing existing educational institutions, programs,
27 and facilities.
- 28 l. Prepare for the state fire marshal and the state fire
29 service council an annual report of activities that include a
30 summary of classes taught, budget, and staff activities.
- 31 m. Provide supervision and management to the fire service
32 training bureau staff consistent with the methods of the
33 department of public safety and as assigned by the state fire
34 marshal or commissioner of public safety.
- 35 n. Consult with the fire service council in preparing an

1 annual legislative and budgetary agenda that will address
2 items necessary to accomplish the provisions of this chapter,
3 and submit this agenda to the state fire marshal in a format
4 and time frame consistent with departmental policy.

5 Sec. 23. NEW SECTION. 100B.8 EMPLOYEES.

6 Employees of the fire service institute at Iowa state
7 university on the effective date of this Act may elect to
8 transfer to the department of public safety in a position and
9 at a pay range commensurate with their duties as determined by
10 the department of personnel, the department of public safety,
11 and the employee's certified collective bargaining
12 representative. Those employees covered by this section shall
13 also be given an opportunity to transfer to a position with
14 Iowa state university at a salary and pay range not less than
15 they received at the time of the transfer.

16 Sec. 24. NEW SECTION. 100B.9 FACILITIES AND EQUIPMENT.

17 The building and grounds known as the fire service
18 institute at Iowa state university shall, until July 1, 2005,
19 be leased by Iowa state university to the department of public
20 safety at a cost not to exceed the actual cost of heating,
21 lighting, and maintaining the building and grounds. In the
22 event the department of public safety locates suitable
23 facilities prior to that time, the lease may be terminated at
24 the option of the department. All equipment owned by Iowa
25 state university and used exclusively to conduct fire service
26 training, classes, or business shall transfer on the effective
27 date of this Act to the department of public safety. This
28 equipment includes, but is not limited to, breathing
29 apparatus, fire suppression gear, mobile equipment, office
30 furniture, computers, copying machines, library, file
31 cabinets, and training records.

32 Sec. 25. NEW SECTION. 100B.10 RULES.

33 The state fire marshal shall adopt rules under chapter 17A
34 for carrying out the responsibilities of this chapter.

35 Sec. 26. NEW SECTION. 331.385 POWERS RELATING TO

1 EMERGENCY SERVICES.

2 1. A county may, by resolution, assume the exercise of the
3 powers and duties of township trustees relating to fire
4 protection service and emergency medical service for any
5 township located in the unincorporated area of the county.

6 2. The board of supervisors shall publish notice of the
7 proposed resolution, and of a public hearing to be held on the
8 proposed resolution, in a newspaper of general circulation in
9 the county at least ten days but no more than twenty days
10 before the date of the public hearing.

11 3. If, after notice and hearing, the resolution is
12 adopted, the board of supervisors shall assume the exercise of
13 the powers and duties of township trustees relating to fire
14 protection service and emergency medical service as set forth
15 in sections 359.42 through 359.45. All of the real and
16 personal township property used to provide fire protection
17 service or emergency medical service shall be transferred to
18 the county. The county shall assume all of the outstanding
19 obligations of the township relating to fire protection
20 service or emergency medical service. If the township
21 provides fire protection outside of the county's boundaries,
22 the county shall continue to provide fire protection to this
23 area for at least ninety days after adoption of the
24 resolution.

25 4. Fire protection service and emergency medical service
26 shall be paid from the emergency services fund of the county
27 authorized in section 331.424C.

28 Sec. 27. Section 331.403, subsection 1, Code 1999, is
29 amended by adding the following new unnumbered paragraph:

30 NEW UNNUMBERED PARAGRAPH. The county shall also publish in
31 a newspaper of general circulation in the township a summary
32 of each financial statement filed by the townships of the
33 county with the county auditor pursuant to section 359.23.
34 However, if the township has a population of two hundred or
35 less, the publication requirement shall be met by posting the

1 summary of the financial statement in a prominent place in the
2 building where the auditor's office is located. The county
3 auditor shall certify the publication costs to the county
4 treasurer. The county treasurer shall deduct the publication
5 costs from the next disbursement of property taxes to the
6 township.

7 Sec. 28. Section 331.421, Code 1999, is amended by adding
8 the following new subsection:

9 NEW SUBSECTION. 10. "Emergency services levy" means a
10 levy authorized and limited by section 331.424C.

11 Sec. 29. NEW SECTION. 331.424C EMERGENCY SERVICES FUND.

12 A county that is providing fire protection service or
13 emergency medical service to a township pursuant to section
14 331.385 shall establish an emergency services fund and may
15 certify taxes not to exceed sixty and three-fourths cents per
16 one thousand dollars of the assessed value of taxable property
17 located in the township. The county has the authority to use
18 a portion of the taxes levied and deposited in the fund for
19 the purpose of accumulating moneys to carry out the purposes
20 of section 359.43, subsection 3.

21 Sec. 30. Section 331.434, subsection 3, Code 1999, is
22 amended by adding the following new unnumbered paragraph:

23 NEW UNNUMBERED PARAGRAPH. The county shall also publish,
24 in the same publication, a summary of each proposed budget
25 filed by the townships of the county with the county auditor
26 pursuant to section 359.49, subsection 3. However, if the
27 township has a population of two hundred or less, the
28 publication requirement shall be met by posting the proposed
29 budget summary in a prominent place in the building where the
30 auditor's office is located. The county auditor shall certify
31 the costs of publication to the county treasurer. The county
32 treasurer shall deduct the publication costs from the next
33 disbursement of property taxes to the township.

34 Sec. 31. Section 359.17, Code 1999, is amended to read as
35 follows:

1 359.17 TRUSTEES -- DUTIES -- MEETINGS.

2 The board of township trustees in each township shall
3 consist of three qualified electors of the township. The
4 trustees shall act as fence viewers and shall perform other
5 duties assigned them by law. The board of trustees shall meet
6 not less than ~~once~~ two times a year. At least one of the
7 meetings shall be scheduled to meet the requirements of
8 section 359.49.

9 Sec. 32. Section 359.20, Code 1999, is amended by adding
10 the following new unnumbered paragraph:

11 NEW UNNUMBERED PARAGRAPH. Township records and documents,
12 or accurate reproduction, shall be kept by the township clerk
13 for at least five years except that:

14 a. Resolutions, board proceedings, records and documents,
15 or accurate reproductions, relating to the issuance of public
16 bonds or obligations shall be kept for at least eleven years
17 following the final maturity of the bonds or obligations.
18 Thereafter, such records, documents, and reproductions may be
19 destroyed, preserving confidentiality as necessary.

20 b. Resolutions, board proceedings, records, and documents,
21 or accurate reproductions, relating to real property
22 transactions shall be maintained permanently.

23 Sec. 33. Section 359.23, Code 1999, is amended to read as
24 follows:

25 359.23 RECEIPTS AND EXPENDITURES.

26 Each township clerk shall prepare, on or before September
27 30 of each year, a statement in writing, showing all receipts
28 of money and disbursements in the clerk's office for each
29 separate tax levy authorized by law for the preceding fiscal
30 year, showing the current public debt of the township, and
31 showing the balance as of June 30 of all separate reserve
32 accounts held by the township, which shall be certified as
33 correct by the trustees of the township. Each township clerk
34 shall send a copy of this written statement to the county
35 auditor no later than seven days after the statement is

1 certified by the trustees. The statement shall be published
2 by the county as provided in section 331.403. The county
3 treasurer shall withhold disbursement of township taxes until
4 the statement is filed with the county auditor.

5 Sec. 34. Section 359.43, Code 1999, is amended by adding
6 the following new subsection:

7 NEW SUBSECTION. 5. Township taxes collected and disbursed
8 by the county shall be apportioned by the clerk and paid into
9 the separate accounts of the tax districts no later than
10 thirty days after receipt of the funds by the township clerk.

11 TOWNSHIP FINANCES

12 Sec. 35. NEW SECTION. 359.49 TOWNSHIP BUDGET.

13 Annually, a township shall prepare and adopt a budget, and
14 shall certify taxes as follows:

15 1. A budget must be prepared for at least the following
16 fiscal year. A proposed budget must show estimates of the
17 following:

- 18 a. Expenditures from each fund.
- 19 b. Income from sources other than property taxation.
- 20 c. Amount to be raised by property taxation, and the
- 21 property tax rate expressed in dollars per one thousand
- 22 dollars assessed valuation.

23 2. Not less than ten days before the date set for the
24 regular meeting of the board at which objections and arguments
25 on the budget will be heard, the clerk shall make available a
26 sufficient number of copies of the detailed budget to meet the
27 requests of taxpayers and organizations, and have them
28 available for distribution at the offices of the county
29 auditor, city clerk, and at the city library, if any, of all
30 the cities in the township.

31 3. The board of trustees shall transmit a copy of the
32 proposed budget to the county auditor for publication pursuant
33 to section 331.434, subsection 3. The board shall set a time
34 and place for a regular meeting before final certification
35 which shall provide time for a hearing on the budget by the

1 trustees. The meeting shall be held no less than ten days and
2 no more than twenty days after the summary of the budget is
3 published by the county.

4 4. At the meeting, any resident or taxpayer of the
5 township may present to the board of trustees objections to
6 any part of the budget for the following fiscal year or
7 arguments in favor of any part of the budget.

8 5. After the hearing on the budget, the board of trustees
9 shall adopt by resolution a budget for at least the next
10 fiscal year, and the clerk shall certify the necessary tax
11 levy for the next fiscal year to the county auditor and the
12 county board of supervisors by March 15. The tax levy
13 certified may be less than but shall not be more than the
14 amount estimated in the proposed budget submitted at the
15 meeting. Two copies each of the detailed budget as adopted
16 and of the certified tax levy must be transmitted to the
17 county auditor by March 15.

18 6. Taxes from a township levy shall be collected but not
19 disbursed by the county to a township until copies of the
20 township budget are transmitted to the county auditor as
21 required in subsection 5. If copies of a township budget are
22 not transmitted by March 15, the amount of taxes collected by
23 the county for the township shall be the amount collected for
24 the township in the previous fiscal year. However, that
25 amount may not exceed the amount the township could collect
26 based on property assessments for the previous fiscal year for
27 which a budget was not filed.

28 Sec. 36. NEW SECTION. 359.50 BUDGET AMENDMENT.

29 1. A township budget as finally adopted for the following
30 fiscal year becomes effective July 1. A township budget for
31 the current fiscal year may be amended for any of the
32 following purposes:

33 a. To permit the expenditure of unexpended, unencumbered
34 cash balances on hand at the end of the preceding fiscal year
35 which had not been anticipated in the budget.

1 b. To permit the expenditure of amounts anticipated to be
2 available from sources other than property taxation, and which
3 had not been anticipated in the budget.

4 2. A budget amendment must be prepared and adopted by May
5 31 of the current fiscal year.

6 Sec. 37. NEW SECTION. 359.51 SEPARATE ACCOUNTS.

7 A township shall keep separate accounts corresponding to
8 the items in the township's adopted or amended budget. A
9 township shall keep accounts which provide an accurate and
10 detailed statement of all public funds collected, received, or
11 expended for any township purpose, by any township officer,
12 employee, or other person, and which show the receipt, use,
13 and disposition of all township property.

14 Sec. 38. NEW SECTION. 359.52 DISPOSAL OF PROPERTY.

15 A township shall not dispose of an interest in personal
16 property valued over one thousand dollars, or an interest in
17 real property, by sale, lease, or gift, except in accordance
18 with the following procedure:

19 1. The board of trustees shall set forth its proposal in a
20 resolution and shall publish notice of the resolution and of a
21 date, time, and place of a public hearing on the proposal.
22 The notice shall be published in a newspaper published at
23 least once weekly and having general circulation in the
24 township or in the largest city in the township. The notice
25 shall be published no less than ten days and no more than
26 twenty days before the hearing.

27 2. After the public hearing, the trustees may make a final
28 determination on the proposal by resolution.

29 3. A township shall not dispose of real property by gift
30 except to a governmental body for a public purpose.

31 Sec. 39. Section 43.21 and sections 266.40 through 266.46,
32 Code 1999, are repealed.

33 EXPLANATION

34 This bill makes several changes to the Code relating to
35 fire protection service and emergency medical service provided

1 by townships, cities, and counties. The bill also makes
2 several changes to the law relating to townships. The bill
3 provides that mutual aid agreements between fire departments
4 must be in writing. The bill also provides that a
5 municipality which provides fire protection service or
6 emergency medical service for a municipality must do so by
7 written agreement. The written agreement may provide for
8 establishment of a board of directors which makes budget,
9 financial, and services decisions relating to fire protection.
10 The board is comprised of one member of the governing body of
11 each municipality that is a party to the agreement. The
12 written agreement shall provide for allocation of funding
13 responsibility for the budget among each party to the
14 agreement.

15 The bill changes the offices of township trustee and
16 township clerk to nonpartisan offices. A candidate for a
17 township office must file an affidavit of candidacy no more
18 than 92 days nor less than 69 days before the general
19 election.

20 The bill also provides that if no one is nominated to fill
21 an office of township trustee or township clerk at a primary
22 election and no one is nominated by convention or petition to
23 be placed on the general election ballot, the board of
24 supervisors may direct the county commissioner of elections to
25 remove the affected township office from the general election
26 ballot. If the township office is removed from the general
27 election ballot, the board of supervisors shall appoint a
28 person to the affected office for a two-year term.

29 The bill removes the prohibition against a person being a
30 candidate for more than one office if one of those is a
31 township office.

32 The bill provides that employees of the state who are
33 volunteer fire fighters or emergency medical service personnel
34 are entitled to a paid leave of absence to respond to
35 emergency calls or for training. This does not apply to

1 temporary state employees or state employees considered to be
2 essential personnel.

3 The bill establishes the state fire service council in the
4 division of fire protection of the department of public
5 safety. The council is made up of the members of associations
6 representing fire fighters and fire chiefs and the general
7 public. The labor commissioner, or the commissioner's
8 designee, is an ex officio member of the council. Council
9 members are provided per diem compensation and expenses for
10 service on the commission.

11 The duties of the labor commissioner are amended to provide
12 that reports of inspections and investigations conducted by
13 the office of labor commissioner shall be presented to the
14 state fire service council.

15 The fire service institute, renamed the fire service
16 training bureau, is moved from under the auspices of Iowa
17 state university to the division of fire protection of the
18 department of public safety to be operated under the direction
19 of the state fire service council. The state fire marshal
20 shall appoint an administrator to direct the operations of the
21 bureau, subject to the approval of the state fire service
22 council and the commissioner of public safety.

23 The bill provides that counties may, by resolution, assume
24 responsibility for providing fire protection service and
25 emergency medical service in any township in the
26 unincorporated area of the county. The board would have the
27 same powers and duties as township trustees relating to
28 providing these emergency services. The service would be paid
29 from an emergency services levy of the county. The bill
30 allows the board of supervisors to establish an emergency
31 services fund and to levy an additional 60 3/4 cents per
32 \$1,000 of assessed value of taxable property in the
33 unincorporated area served for fire protection and emergency
34 medical service.

35 The bill changes the required number of board of township

1 trustee meetings from once a year to two times a year and
2 requires that at least one of those meetings be scheduled to
3 prepare the township budget, hear comments on the budget, and
4 finalize the budget.

5 The bill requires that township records and documents be
6 kept for five years, except that records and documents
7 relating to bonds or other indebtedness shall be kept for at
8 least 11 years and records and documents relating to real
9 property transactions shall be maintained permanently.

10 Currently, each township is required to prepare an annual
11 financial statement and file the statement with the county
12 auditor. The bill requires that the statement show the
13 current public debt of the township and the balance of each
14 township reserve account. The bill also requires that the
15 statement be published by the county when it publishes its
16 annual financial report. The statement may be posted rather
17 than published if the township has a population of 200 or
18 less. The bill provides that a county shall not disburse
19 township taxes collected until the financial statement is
20 filed with the auditor.

21 The bill requires each township to prepare an annual
22 budget. A summary of each proposed township budget is to be
23 published by the county and the board of trustees is to
24 schedule a regular meeting of the board no less than 10 and no
25 more than 20 days after the publication to hear comments on
26 the budget. The proposed budget summary may be posted rather
27 than published if the township has a population of 200 or
28 less. The bill requires the township trustees to certify the
29 township tax levy to the county board of supervisors and the
30 county auditor. The bill also provides that a county shall
31 not disburse township taxes collected until copies of the
32 township budget are filed with the county auditor. The bill
33 directs the county to collect the amount of taxes collected
34 for the township in the previous fiscal year if the township
35 does not file a copy of its budget by March 15. The bill

1 allows a township to amend its budget to permit expenditure of
2 unencumbered cash balances on hand and not anticipated in the
3 budget and to permit expenditure of amounts anticipated from
4 sources other than property tax which were also not
5 anticipated in the budget. The bill requires a township to
6 keep separate accounts which correspond to its budget.

7 The bill requires townships to follow certain procedures
8 when disposing of personal property valued over \$1,000 or real
9 property, by sale, lease, or gift. The board of township
10 trustees must adopt a resolution regarding disposal of the
11 property and must publish notice of the resolution and of a
12 public hearing on the proposal to dispose of the property.
13 The bill prohibits a township from disposing of real property
14 by gift, except to a governmental body for a public purpose.

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