

stakeholder groups in this state to receive their recommendations before substantive proposals or actions are voted upon or to receive policy positions to submit to the Missouri river basin association with regard to issues impacting the Missouri river basin.

Approved May 7, 2008

CHAPTER 1151

PORTABLE HIGH-VOLTAGE PULSE DEVICES OR OTHER WEAPONS

H.F. 2628

†AN ACT including a portable device or weapon directing an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person in the definition of a dangerous weapon and making penalties applicable.

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

Section 1. Section 702.7, Code 2007, is amended to read as follows:
702.7 DANGEROUS WEAPON.

A “dangerous weapon” is any instrument or device designed primarily for use in inflicting death or injury upon a human being or animal, and which is capable of inflicting death upon a human being when used in the manner for which it was designed, except a bow and arrow when possessed and used for hunting or any other lawful purpose. Additionally, any instrument or device of any sort whatsoever which is actually used in such a manner as to indicate that the defendant intends to inflict death or serious injury upon the other, and which, when so used, is capable of inflicting death upon a human being, is a dangerous weapon. Dangerous weapons include, but are not limited to, any offensive weapon, pistol, revolver, or other firearm, dagger, razor, stiletto, switchblade knife, or knife having a blade exceeding five inches in length, or any portable device or weapon directing an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person.

Approved May 7, 2008

CHAPTER 1152

EMERGENCY RESPONSE DISTRICTS — PILOT PROJECTS

S.F. 2415

AN ACT allowing certain counties to participate in a pilot project for emergency response districts and providing for a district tax levy.

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

Section 1. NEW SECTION. 357I.1 AUTHORIZATION AND PURPOSE.

This chapter authorizes a pilot project for which a county of the state may establish an emergency response district.

† Estimate of additional local revenue expenditures required by state mandate on file with the Secretary of State

The purpose of this chapter is to provide a county within the state an opportunity to participate in a pilot project having a new governance structure to facilitate the delivery and funding of fire protection service and emergency medical service to residents of the county.

Sec. 2. NEW SECTION. 357I.2 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Board" means the board of supervisors of a county.
2. "Commission" means a governing body composed of a member of the board of supervisors, the sheriff, and the mayor from each city within the district. A member of the commission shall not appoint a designee to serve on the commission in the member's capacity.
3. "District" means an emergency response district.

Sec. 3. NEW SECTION. 357I.3 MOTION FOR PUBLIC HEARING.

1. The board of supervisors of any county having a population of at least sixteen thousand nine hundred twenty-five but not more than sixteen thousand nine hundred fifty, according to the 2000 certified federal census, shall, on the board's own motion, hold a public hearing concerning the establishment of a proposed district. The motion shall include a statement containing the following information:

- a. The need for fire protection service and emergency medical service.
 - b. The geographic boundaries of the district to be served.
 - c. The approximate number of families in the district.
 - d. The proposed personnel, equipment, and facilities to provide the fire protection service and emergency medical service.
2. The board of supervisors shall notify the state fire marshal's office that a motion has been adopted to form a district.

Sec. 4. NEW SECTION. 357I.4 DISTRICT.

The boundary lines of a district may include any incorporated or unincorporated areas within a county.

Sec. 5. NEW SECTION. 357I.5 TIME OF HEARING.

The public hearing required in section 357I.3 shall be held within thirty days of the adoption of the motion. Notice of hearing shall be given by publication in two successive issues of any newspaper of general circulation within the district. The last publication shall be not less than one week before the proposed hearing.

Sec. 6. NEW SECTION. 357I.6 DISTRICT ESTABLISHED — PLAN — PILOT AUTHORIZED.

1. Within ten days after the hearing, the board shall adopt a resolution establishing the district or abandoning the board's motion.
2. Within ten days after establishing a district, the board shall submit a plan to the state fire marshal's office and the county finance committee. The plan shall include all of the following:
 - a. Personnel, equipment, facilities, and other available resources that may be shared by all of the various fire departments and emergency medical service providers within the district.
 - b. Financial information demonstrating the ability to provide fire protection service and emergency medical service to the residents of the district.
 - c. A plan for transition of delivery and funding of fire protection service and emergency medical service to the new district.
 - d. A plan for the dissolution of the district and a plan for the allocation of any assets acquired by the district in the event of dissolution.
3. The county finance committee shall review the district's financial information, including revenues, expenditures, and budget items as well as the financial implications and plan for transitioning to a new financing structure. Within thirty days after receiving the plan, the county finance committee shall report its findings to the state fire marshal.

4. The state fire marshal shall consider the county finance committee's findings and review the district's personnel, equipment, facilities, and other available resources that may be shared by all of the various fire departments and emergency medical service providers as well as the practical considerations and plan for transitioning to a new structure for delivering fire protection service and emergency medical service to the district. The state fire marshal shall determine whether the district can successfully deliver fire protection service and emergency medical service throughout the district.

5. Within sixty days of receiving the board's plan, the state fire marshal shall notify the board whether the board's plan is approved.

Sec. 7. NEW SECTION. 357I.7 PILOT PROJECT — FIVE YEARS — REPORT.

1. A district established by the board and having a plan approved by the state fire marshal under section 357I.6 is authorized to proceed and continue as a pilot project for five years beginning on July 1 of the fiscal year following the date of the board's resolution establishing the district. However, if the date of the board's action falls after November 1, the pilot project shall not begin until July 1 of the fiscal year subsequent to the next following fiscal year.

2. The commission shall submit an annual report to the state fire marshal summarizing the results of the pilot project, including the strengths of the project, whether delivery of fire protection service and emergency medical service was improved throughout the district, and additional measures needed to improve the delivery of such services.

3. The fourth annual report prepared by the commission under subsection 2 shall also be submitted to the governor and the general assembly. It is the intent of the general assembly to use that report to determine whether to continue the pilot project, revise it, terminate it, or implement the pilot project provisions or a similar approach statewide.

Sec. 8. NEW SECTION. 357I.8 ENGINEER.

1. When the pilot project is approved, the board shall appoint a civil engineer or county engineer who shall prepare a preliminary plat showing:

- a. The proper design in general outline of the district.
- b. The lots and parcels of land within the proposed district as they appear on the county auditor's plat books with the names of the owners.
- c. The assessed valuation of the lots and parcels.

2. The board shall determine the compensation for the engineer's preliminary investigation. The engineer shall file a report with the county auditor within thirty days of appointment. The board may extend the time upon good cause shown.

Sec. 9. NEW SECTION. 357I.9 HEARING ON ENGINEER'S REPORT.

After the engineer's report is filed, the board shall give notice, as provided in section 357I.5, of a public hearing to be held concerning the engineer's preliminary plat. Within ten days after the hearing, the board shall, by resolution, approve or disapprove the engineer's plan.

Sec. 10. NEW SECTION. 357I.10 APPROVAL OF DISTRICT PROPERTY TAX LEVY.

Annually, the commission shall propose the levy of a tax of not more than one dollar and sixty and three-quarters cents per one thousand dollars of assessed value on all taxable property within the district. A proposed property tax levy rate shall not be approved by the commission unless two-thirds of the commission's members are present when the proposed property tax levy rate is approved. The commission shall hold a public hearing within thirty days of the commission's approval of a proposed property tax levy rate to receive public comment. Notice of the hearing shall be given by publication in a newspaper of general circulation within the district and shall be posted in a public place in each city within the district no less than ten days before the public hearing. The notice shall include the commission's proposed property tax levy rate, the reason for the tax, and the time when and the place where the hearing shall be held. The commission shall be considered a municipality for purposes of adopting and certifying a budget pursuant to chapter 24 and shall set the property tax levy rate no more than ten

days following the public hearing. The tax shall be set to raise only the amount needed. The commission shall have exclusive tax-levying authority for the district.

Sec. 11. NEW SECTION. 357I.11 GOVERNANCE AUTHORITY — COMMISSION.
The district shall be governed by a commission, as defined in section 357I.2.

Sec. 12. NEW SECTION. 357I.12 COMMISSION POWERS.

1. The commission may purchase, own, rent, or maintain fire and emergency medical services apparatus or equipment within the state or outside the territorial jurisdiction and boundary limits of this state, provide housing for such apparatus and equipment, provide fire protection service and emergency medical service and facilities, and may certify for levy an annual tax as provided in section 357I.10. The commission may purchase material, employ fire protection service personnel, emergency medical service personnel, and other personnel, and may perform all other acts necessary to properly maintain and operate the district. The commission may contract under chapter 28E with any city or county or public or private agency that is not a member of the district for the purpose of providing fire protection service or emergency medical service under this chapter. The commissioners are allowed necessary expenses in the discharge of their duties.

2. The commission shall draw the boundaries of fire and emergency medical services areas within the district to be assigned to various fire departments and stations throughout the district.

Sec. 13. NEW SECTION. 357I.13 DISTRICT FIRE CHIEF.

The commission shall appoint a district fire chief who shall serve at the pleasure of the commission and shall be responsible for the coordination of fire protection service and emergency medical service throughout the district.

Sec. 14. NEW SECTION. 357I.14 FIRE CHIEFS.

The district fire chief shall appoint an assistant fire chief for each existing fire department and station within the district who shall be responsible for delivery of fire protection service and emergency medical service within the areas designated by the commission pursuant to section 357I.12.

Sec. 15. NEW SECTION. 357I.15 CITIES WITHIN THE DISTRICT.

If a city is included in a district, the maximum tax levy authorized for the general fund of that city under section 384.1 shall be reduced by the amount of the tax rate levied within the city by the district. Such city shall not be responsible for providing fire protection service and emergency medical service as provided in section 364.16, and shall have no liability for the method, manner, or means by which the district provides the fire protection service and emergency medical service.

Sec. 16. NEW SECTION. 357I.16 BONDS IN ANTICIPATION OF REVENUE.

A district may anticipate the collection of taxes by the levy authorized in section 357I.10, and to carry out the purposes of this chapter may issue bonds payable in not more than ten equal installments with the rate of interest not exceeding that permitted by chapter 74A. An indebtedness shall not be incurred under this chapter until authorized by an election. The election shall be conducted by the county commissioner of elections pursuant to chapters 39 through 53. The commission shall give the county commissioner of elections thirty-two days' notice of the special election.

Sec. 17. NEW SECTION. 357I.17 TRANSITION — TOWNSHIP TAX DISCONTINUED.

When the boundary lines of the district include all or a portion of a township and the district has certified a tax levy within the township for the purpose of fire protection service and emergency medical service, the township trustees shall no longer levy the tax provided by section 359.43 in that portion of the township provided services by the district. Any indebtedness in-

curred for the purposes of sections 359.42 through 359.45 for a service now provided by the district shall be assumed by the district. Such township shall not be responsible for providing fire protection service and emergency medical service as provided in section 359.42 for the portion of the township within the district, and shall have no liability for the method, manner, or means by which the district provides the fire protection service and emergency medical service.

Sec. 18. NEW SECTION. 357I.18 TRANSITION — EMERGENCY MEDICAL SERVICES DISTRICT TAXES DISCONTINUED.

When the boundary lines of the emergency response district include all or a portion of an emergency medical services district under chapter 357F or chapter 357G and the emergency response district has certified a tax to be levied on property located within the emergency medical services district for the purpose of emergency medical service, the emergency medical services district trustees shall no longer levy the taxes authorized in section 357F.8 or section 357G.8 in that portion of such emergency medical services district that is provided services by the emergency response district. Any indebtedness incurred by an emergency medical services district under chapter 357F or chapter 357G for a service now provided by the emergency response district shall be assumed by the emergency response district.

Approved May 9, 2008

CHAPTER 1153

DISPOSITION OF SEIZED PROPERTY — NOTICE — VALUE

S.F. 2132

AN ACT relating to notices regarding the disposition of seized property and providing an effective date.

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

Section 1. Section 809.5, subsection 1, Code Supplement 2007, is amended to read as follows:

1. Seized property which is no longer required as evidence or for use in an investigation shall be returned to the owner, ~~provided that the person's possession of the property is not prohibited by law and there is no forfeiture claim filed on behalf of the state if the property is no longer required as evidence or the property has been photographed and the photograph will be used as evidence in lieu of the property, if the property is no longer required for use in an investigation, if the owner's possession is not prohibited by law, and if a forfeiture claim has not been filed on behalf of the state.~~

a. ~~The~~ If the aggregate fair market value of the property is greater than five hundred dollars, the seizing agency shall ~~send~~ serve notice by personal service or by sending the notice by restricted certified mail, return receipt requested, to the last known address of any person having an ownership or possessory right in the property ~~stating that the property must be claimed within thirty days from the date of receipt of the notice.~~ Refusal of restricted certified mail, return receipt requested, shall be construed as receipt of the notice. ~~Such notice shall state that if no written claim for the property is filed with the seizing agency within thirty days from the date of receipt of the notice, the property shall be deemed abandoned and disposed of accordingly.~~