



September 25, 2006

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**TO: Temporary Co-chairpersons Senator Tom Hancock, Senator Pat Ward, and Representative Linda Upmeyer, and Members of the Emergency Services Interim Study Committee**

**FROM: Emily Gardyas, Legal Counsel, Legislative Services Agency**

**RE: Background Information**

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**Emergency Services Interim Study Committee**

The purpose of this background statement is to provide some basic information to assist you as a member of the Emergency Services Interim Study Committee. This information relates to the following emergency services issues:

1. Structure and funding of emergency services.
2. Regional emergency response training.
3. Computer aided dispatch.
4. Co-location of the Iowa Law Enforcement Academy and the Fire Service Training Bureau.
5. Homeland security structure and funding.

**1. Structure and Funding of Emergency Services.** The state's fire protection and emergency medical services (EMS) is largely dependent on local persons who volunteer to serve their communities. Cities and townships bear the cost of fire and EMS services. (See Code sections 359.42 and 364.16) However, a county may assume the duties of the township trustees for fire service protection and emergency medical services. (See Code section 331.385) In addition, there are some special districts known as "benefited fire districts" that were established prior to 1975 that still provide fire service protection. (See Code chapter 357B)

**Benefited Fire Districts.** Benefited fire districts are governed by a three-member board of trustees appointed by the county board of supervisors. The board of trustees may levy an annual tax not exceeding forty and one-half cents per \$1,000 of assessed value. If the levy is insufficient, the trustees may levy an additional annual tax not exceeding twenty and one-fourth cents per \$1,000 of

assessed value of the taxable property in the benefited district to provide fire protection. (See Code section 357B.3)

In 1975, two changes in fire protection service were enacted. First, townships were required to provide fire protection and second, new benefited fire districts were prohibited. (See 1975 Iowa Acts, chapter 194, sections 1 and 6; and Code section 357B.1)

**Townships.** Townships must provide fire service protection and may also provide emergency medical services. The township may levy an annual tax not exceeding forty and one-half cents per \$1,000 of assessed value of the taxable property in the township, excluding property within a benefited fire district or within city limits. If the levy is insufficient, the trustees may levy an additional annual tax not exceeding twenty and one-fourth cents per \$1,000 of assessed value of the taxable property. Higher taxes may be levied if the trustees have an agreement with a special charter city having a paid fire department, or if the township is located within a county having a population of 300,000 or more. (See Code section 359.43)

**Counties.** If a county provides fire protection service or EMS to a township, the county may certify taxes for levy in the township not to exceed the amounts authorized for the township. (See Code section 331.424C)

**Cities.** Each city must provide fire protection service and "may establish, house, equip, staff, uniform, and maintain a fire department." (See Code section 364.16) A city may levy taxes on the taxable property within the city limits. A city's tax levy for the general fund shall not exceed eight dollars and ten cents per \$1,000 of taxable value in any tax year for all city government purposes. (See Code section 384.1)

**Mutual Aid Agreements.** A city, county, township, benefited fire district, or other authorized agency may agree to provide fire protection service or EMS for one another, commonly referred to as "mutual aid agreements." (See Code sections 28E.31 and 28E.32)

**EMS Districts.** In 1992, the General Assembly authorized a special district known as the "emergency medical services district." Subject to voter approval, the governing board of an emergency medical services district may levy a tax of not more than \$1 per \$1,000 of assessed value on all the taxable property within the district for EMS. (See Code section 357F.8)

Then, in 1994, a special district known as the "city emergency medical services district" was authorized. Subject to voter approval, a city council may levy a tax of not more than \$1 per \$1,000 of assessed value on all taxable property within the district. (See Code section 357G.8) An additional tax may be levied to fund the district pursuant to Code section 384.12, subsection 19.

**2. Regional Emergency Response Training.** Legislation passed in the 2006 Legislative Session appropriates \$4.3 million to the Department of Public Safety for allocation to the Division of the State Fire Marshal, formerly known as the Division of Fire Protection, for the planning, design, and construction of regional emergency response training centers in the state. The regional emergency training centers will provide training to fire fighters and other "emergency responders," including law enforcement officers, emergency medical services personnel, and other personnel having emergency response duties. (See 2006 Iowa Acts, H.F. 2782, sections 40 through 47 for amendments to Code chapter 100B.)

Code section 100B.16 names 11 specific community colleges as the "lead public agencies" for the training centers. The lead public agencies must apply to the Fire Service Training Bureau (FSTB) to be eligible for an appropriation (out of the \$300,000 designated) for the agency's training center. The regional training centers will provide fire service training in accord with curriculum approved by the FSTB and the FSTB will provide the training materials, curriculum, training aids, and training schedule. The regional training centers may also provide emergency

response service training. (See attached portions of 2006 Iowa Acts, H.F. 2782, pertaining to regional emergency response training centers.)

**3. Computer Aided Dispatch.** Computer aided dispatch is an education program that is used to train persons at emergency dispatch centers on how to effectively handle emergency situations and includes radio interoperability.

**4. Co-location of the Iowa Law Enforcement Academy and the Fire Service Training Bureau.** Presently, the Iowa Law Enforcement Academy is located on the grounds of Camp Dodge at Johnston. (See Code section 80B.4.) The FSTB is located in the building known as the "fire service institute" at Iowa State University, Ames. Iowa State University is required to lease the building to the Department of Public Safety for the FSTB "until July 1, 2010. . .at a cost not to exceed the actual cost of heating, lighting, and maintaining the building and parking space." (See Code section 100B.9.)

**5. Homeland Security Structure and Funding.** The Homeland Security and Emergency Management Division of the Department of Public Defense administers and coordinates emergency planning in the state. The Division coordinates with Iowa's political subdivisions to carry out its emergency plans on the local level. (See Code Chapter 29C.)

**Local Emergency Management.** Local emergency management is provided through "county emergency management commissions." Each county's commission is composed of a member of the board of supervisors, the sheriff, and the mayor from each city within the county, or a representative of each. The commission is required to appoint an "emergency management coordinator." The coordinator assists the political subdivisions in emergency planning and, when an emergency or disaster occurs, assists the local city and county officials.

**Funding.** Code section 29C.17, subsection 2, provides that local emergency management "may be funded by one or any combination of the following options:

- a. A countywide special levy approved by the board of supervisors.
- b. Per capita allocation funded from city and county general funds or by a combination of city and county special levies which may be apportioned among the member jurisdictions.
- c. An allocation computed as each jurisdiction's relative share of the total assessed valuation within the county.
- d. A voluntary share allocation."

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DIVISION V

ENDOWMENT FOR IOWA'S HEALTH RESTRICTED CAPITALS FUND

Sec. 16. There is appropriated from the endowment for Iowa's health restricted capitals fund to the following departments and agencies for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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9. DEPARTMENT OF PUBLIC SAFETY

For allocation to the division of fire protection for the planning, design, and construction of regional emergency response training centers in the state:

..... \$ 2,000,000

Of the amount appropriated in this subsection, \$400,000 shall be allocated to north Iowa area community college.

Of the amount appropriated in this subsection, \$400,000 shall be allocated to southeastern Iowa community college.

Of the amount appropriated in this subsection, \$400,000 shall be allocated to Des Moines area community college to be used at the Ankeny campus site.

Of the amount appropriated in this subsection, \$400,000 shall be allocated to the city of Coralville fire department.

Of the amount appropriated in this subsection, \$400,000 shall be allocated to Iowa central community college.

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Sec. 40. Section 100B.3, Code 2005, is amended to read as follows:

100B.3 TRAINING AGREEMENTS.

~~The state fire marshal, subject to the approval of the state fire service and emergency response council, may shall enter into written agreements with other educational institutions public agencies that have established regional emergency response training centers under section 100B.16 to provide training in conjunction with training provided by the fire service training bureau or. Moneys appropriated shall not be distributed by the department of public safety to a regional training center until such an agreement has been entered into with the regional training center.~~

The state fire marshal may enter into written agreements with other educational institutions to assist in research conducted by the bureau.

Sec. 41. Section 100B.4, unnumbered paragraph 1, Code Supplement 2005, is amended to read as follows:

Fees assessed pursuant to this chapter shall be retained by the division of state fire marshal and such repayments received shall be used exclusively to offset the cost of fire service training. Fees charged by regional emergency response training centers for fire service training programs as described in section 100B.6 shall not be greater than the fee schedule established by rule by the state fire marshal.

40 19 Sec. 42. Section 100B.7, subsection 2, paragraphs k and l,  
40 20 Code 2005, are amended to read as follows:

40 21 k. Plan and coordinate fire schools and other short  
40 22 courses of instruction on a statewide, regional, and local  
40 23 level, utilizing existing educational institutions, programs,  
40 24 and facilities as ~~feasible~~ provided in sections 100B.16 and  
40 25 100B.18.

40 26 1. Prepare for the state fire marshal and the state fire  
40 27 service and emergency response council an annual report of  
40 28 activities that include a summary of classes taught, budget,  
40 29 and staff activities. The annual report shall include a  
40 30 report of the activities of each regional emergency response  
40 31 training center established under section 100B.16.

40 32 Sec. 43. NEW SECTION. 100B.15 DEFINITIONS.

40 33 As used in this part:

40 34 1. "Bureau" means the fire service training bureau.

40 35 2. "Council" means the state fire service and emergency  
41 1 response council.

41 2 3. "Emergency responders" means firefighters, law  
41 3 enforcement officers, emergency medical service personnel, and  
41 4 other personnel having emergency response duties.

41 5 4. "Emergency response service" means fire protection  
41 6 service, law enforcement, emergency medical service, hazardous  
41 7 materials containment and disposal, search and rescue  
41 8 operations, evacuation operations, and other related services.

41 9 5. "Municipality" means a city, county, township,  
41 10 benefited fire district, or agency authorized by law to  
41 11 provide emergency response services.

41 12 6. "Public agency" means a municipality, a community  
41 13 college, or an association representing fire fighters.

41 14 7. "Training center" means a regional emergency response  
41 15 training center established under section 100B.16.

41 16 Sec. 44. NEW SECTION. 100B.16 REGIONAL EMERGENCY  
41 17 RESPONSE TRAINING CENTERS.

41 18 1. Regional emergency response training centers shall be  
41 19 established to provide training to fire fighters and other  
41 20 emergency responders. The lead public agency for the training  
41 21 centers shall be the following community colleges for the  
41 22 following merged areas:

41 23 a. Northeast Iowa community college for merged area I in  
41 24 partnership with the Dubuque county firemen's association and  
41 25 to provide advanced training in agricultural emergency  
41 26 response as such advanced training is funded by the homeland  
41 27 security and emergency management division of the department  
41 28 of public defense.

41 29 b. North Iowa area community college for merged area II in  
41 30 partnership with the Mason City fire department.

41 31 c. Iowa lakes community college for merged area III.

41 32 d. Iowa central community college for merged area V and to  
41 33 provide advanced training in homeland security as such  
41 34 advanced training is funded by the homeland security and  
41 35 emergency management division of the department of public  
42 1 defense.

42 2 e. Hawkeye community college for merged area VII in

42 3 partnership with the Waterloo regional hazardous materials  
42 4 training center and to provide advanced training in hazardous  
42 5 materials emergency response as such advanced training is  
42 6 funded by the homeland security and emergency management  
42 7 division of the department of public defense.

42 8 f. Eastern Iowa community college for merged area IX in  
42 9 partnership with the city of Davenport fire department.

42 10 g. Kirkwood community college for merged area X in  
42 11 partnership with the city of Coralville fire department and  
42 12 the Iowa City fire department and to provide advanced training  
42 13 in agricultural terrorism response and mass casualty and  
42 14 fatality response as such advanced training is funded by the  
42 15 homeland security and emergency management division of the  
42 16 department of public defense.

42 17 h. Des Moines area community college for merged area XI  
42 18 and to provide advanced training in operations integration in  
42 19 compliance with the national incident management system as  
42 20 such advanced training is funded by the homeland security and  
42 21 emergency management division of the department of public  
42 22 defense.

42 23 i. Western Iowa technical community college for merged  
42 24 area XII in partnership with the Sioux City fire department  
42 25 and to provide advanced training in emergency responder  
42 26 communications as such advanced training is funded by the  
42 27 homeland security and emergency management division of the  
42 28 department of public defense.

42 29 j. Iowa western community college for merged areas XIII  
42 30 and XIV in partnership with southwestern community college and  
42 31 the Council Bluffs fire department.

42 32 k. Southeastern Iowa community college for merged areas XV  
42 33 and XVI in partnership with Indian hills community college and  
42 34 the city of Fort Madison fire department.

42 35 The public agencies named in paragraphs "a" through "j"  
43 1 shall, in conjunction with the bureau, coordinate fire service  
43 2 training programs as described in section 100B.6 at each  
43 3 training center.

43 4 2. a. A lead public agency listed in subsection 1,  
43 5 paragraphs "a" through "k", shall submit an application to the  
43 6 bureau in order to be eligible to receive a state  
43 7 appropriation for the agency's training center. The bureau  
43 8 shall prescribe the form of the application and, on or before  
43 9 August 15, 2006, shall provide such application to each lead  
43 10 public agency.

43 11 b. An applicant lead public agency shall indicate on the  
43 12 application the location of the proposed training center. An  
43 13 applicant shall also include on the application the location  
43 14 of any existing facilities required in section 100B.17 and  
43 15 located in the training region. The application shall be  
43 16 accompanied by letters from public agencies and private  
43 17 businesses in the merged area stating an intent to participate  
43 18 in, and provide for financial support for, establishment and  
43 19 activities of the training center.

43 20 c. By January 10 of each year, the bureau shall submit to  
43 21 the general assembly a list of applications received and the  
43 22 action taken by the bureau on each application. The bureau  
43 23 shall, upon request, provide the applications and supporting  
43 24 documentation submitted by each applicant.

43 25 3. In selecting a location for a proposed training center,  
43 26 an applicant lead public agency shall consider, and address in  
43 27 the application, all of the following:

43 28 a. The availability and proximity of quality classroom  
43 29 space with adequate audio=visual support.

43 30 b. The availability and adequate supply from area  
43 31 emergency response service entities of equipment which  
43 32 supports training.

43 33 c. A site where limited, safe open burning would not be  
43 34 challenged or prohibited due to environmental issues or  
43 35 community concerns.

44 1 d. Proximity to a medical facility.

44 2 e. The availability of water mains, roadway, drainage,  
44 3 electrical service, and reasonably flat terrain.

44 4 f. Accessibility to area fire departments.

44 5 The application shall include letters of support for the  
44 6 recommended site from emergency response entities in the  
44 7 region.

44 8 4. Applications must be submitted to the bureau by  
44 9 September 15, 2006, in order for a training center to be  
44 10 eligible to receive state funds in the fiscal year beginning  
44 11 July 1, 2006, if funds are appropriated to that training  
44 12 center for that fiscal year. The bureau shall review and  
44 13 approve an application and, if approved, distribute funds  
44 14 appropriated for that training center within thirty days of  
44 15 receiving the application from the applicant. State funds  
44 16 that have been appropriated for use by a specified training  
44 17 center shall be distributed to that training center as soon as  
44 18 possible after the bureau approves such training center's  
44 19 application.

44 20 5. The application shall list the training facilities to  
44 21 be required in order for a training center to provide training  
44 22 to fire fighters and other emergency responders. If a lead  
44 23 agency or a partner of a lead agency already owns or utilizes  
44 24 a required training facility, that facility shall not be  
44 25 duplicated when constructing the required training facilities  
44 26 listed on the application.

44 27 6. The state fire marshal may adopt administrative rules  
44 28 under section 17A.4, subsection 2, and section 17A.5,  
44 29 subsection 2, paragraph "b", to administer this section.

44 30 Sec. 45. NEW SECTION. 100B.17 TRAINING CENTER FACILITIES  
44 31 == ADVANCED TRAINING == INSPECTIONS.

44 32 1. Each training center is required to have the facilities  
44 33 listed on the application in section 100B.16. In addition,  
44 34 each training center assigned an area of advanced training as  
44 35 specified in section 100B.16 is required to have facilities to  
45 1 support instruction in its area of advanced training. These  
45 2 facilities shall include facilities and structures to support  
45 3 full=scale training exercises in such area of advanced  
45 4 training as recommended or required by any applicable state or  
45 5 national training facility standards.

45 6 2. The bureau shall inspect the facilities of each  
45 7 training center to ensure compliance with the requirements of  
45 8 this section.



45 9 Sec. 46. NEW SECTION. 100B.18 TRAINING PROVIDED.

45 10 1. Training centers shall provide fire service training in  
45 11 accordance with curriculum approved by the bureau. The  
45 12 bureau, in cooperation with the public agencies operating the  
45 13 training centers, shall provide the necessary training  
45 14 materials, curriculum, training aids, and training schedule.

45 15 2. Training centers may provide emergency response service  
45 16 training in addition to fire service training. A training  
45 17 center shall offer joint training exercises to emergency  
45 18 responders. The bureau shall work in conjunction with those  
45 19 state agencies charged with developing training standards for  
45 20 emergency response service training to develop a curriculum  
45 21 and standards for emergency response service training provided  
45 22 by a training center.

45 23 3. A training center shall offer training to any emergency  
45 24 responder who applies for training at the training center  
45 25 regardless of the emergency responder's place of residence or  
45 26 employment.

45 27 Sec. 47. NEW SECTION. 100B.19 AGREEMENTS FOR TRAINING  
45 28 AND FINANCIAL ASSISTANCE == AUTHORITY.

45 29 A public agency operating a training center may enter into  
45 30 agreements under chapter 28E to provide emergency response  
45 31 service training to emergency responders. The agreements may  
45 32 provide for financial contributions from participating public  
45 33 agencies, private fire departments, and emergency response  
45 34 service entities and may provide for in-kind contributions of  
45 35 land, equipment, and personnel from such public agencies,  
46 1 private fire departments, and other entities providing  
46 2 emergency response services.

56 33 Sec. 67. EFFECTIVE DATE. The sections of this division of  
56 34 this Act amending sections 100B.3, 100B.4, and 100B.7, and  
56 35 enacting sections 100B.15 through 100B.19, being deemed of  
57 1 immediate importance, take effect upon enactment.