

*5-24/00 Local Gov*

FEB 28 2000

Place On Calendar

HOUSE FILE **2492**  
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HF 2133)

Passed House, <sup>(p. 537)</sup> Date 3/2/00 Passed Senate, <sup>(p. 868)</sup> Date 3-27-00  
Vote: Ayes 94 Nays 0 Vote: Ayes 46 Nays 2  
Approved 4-19-00

<sup>(p. 1125)</sup> Re-passed 3-29-00  
Vote 96-0

**A BILL FOR**

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

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

7  
8

**HOUSE FILE 2492**

**H-8160**

1 Amend the amendment, H-8152, to House File 2492 as  
2 follows:  
3 1. Page 1, by striking lines 4 through 35, and  
4 inserting the following:  
5 "\_\_\_\_". Page 9, line 28, by striking the figure  
6 "2005" and inserting the following: "2003".  
7 \_\_\_\_\_. Page 16, by striking line 8, and inserting  
8 the following:  
9 "Sec. \_\_\_\_\_. Sections 266.40 through 266.46, "."  
10 2. By renumbering as necessary.

By HUSER of Polk  
SUNDERBRUCH of Scott

H-8160 FILED MARCH 2, 2000  
*adopted 3/2/00 (p. 537)*

*HF 2492*

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23

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, benefited fire district, or agency

1 formed under this chapter and authorized by law to provide  
2 emergency services.

3 Sec. 2. NEW SECTION. 28E.32 EMERGENCY SERVICES  
4 AGREEMENTS.

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

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

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

21 4. For purposes of this section, "municipality" means a  
22 city, county, township, benefited fire district, or agency  
23 formed under this chapter and authorized by law to provide  
24 emergency services.

25 Sec. 3. NEW SECTION. 55.2 LEAVE OF ABSENCE FOR VOLUNTEER  
26 EMERGENCY SERVICE.

27 All officers and employees of the state, other than  
28 employees employed temporarily for six months or less or those  
29 employees considered essential personnel, who are volunteer  
30 fire fighters or emergency medical service personnel shall be  
31 entitled to a leave of absence from such civil employment for  
32 the period of an emergency response without loss of status or  
33 efficiency rating, and without loss of pay during such leave  
34 of absence. Such leave of absence shall in no way affect the  
35 employee's rights to action, sick leave, bonus, or other

1 employment benefits relating to the employee's particular  
2 employment.

3 Sec. 4. Section 80.9, subsection 2, paragraph c, Code  
4 1999, is amended to read as follows:

5 c. To investigate all fires; to apprehend persons  
6 suspected of arson; to enforce all safety measures in  
7 connection with the prevention of fires; ~~and~~ to disseminate  
8 fire-prevention education; to develop training standards and  
9 provide training to fire fighters around the state; and to  
10 address other issues related to fire service and emergency  
11 response as requested by the state fire service and emergency  
12 response council.

13 Sec. 5. Section 80.9, subsection 2, Code Supplement 1999,  
14 is amended by adding the following new paragraph:

15 NEW PARAGRAPH. i. Receive and review the budget submitted  
16 by the state fire marshal and the state fire service and  
17 emergency response council.

18 Sec. 6. Section 88.6, Code 1999, is amended by adding the  
19 following new subsection:

20 NEW SUBSECTION. 9. Reports of inspections and  
21 investigations involving the occupational safety and health  
22 for fire fighters shall be presented to the state fire service  
23 council.

24 Sec. 7. Section 91.4, Code Supplement 1999, is amended by  
25 adding the following new subsection:

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

32 Sec. 8. NEW SECTION. 100B.1 STATE FIRE SERVICE AND  
33 EMERGENCY RESPONSE COUNCIL.

34 1. The state fire service and emergency response council  
35 is established in the division of fire protection of the

1 department of public safety. The council shall consist of  
2 nine voting members. Members of the state fire service and  
3 emergency response council shall be appointed by the governor.  
4 The governor shall appoint members from the following  
5 organizations, chosen from a list of names submitted by each  
6 of the following organizations:

7 a. Two members from the Iowa firemen's association.  
8 b. Two members from the Iowa fire chiefs' association.  
9 c. One member from the Iowa association of professional

10 fire fighters.

11 d. Two members from the Iowa association of professional  
12 fire chiefs.

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

14 The ninth member of the council shall be a member of the  
15 general public appointed by the governor.

16 The labor commissioner, or the labor commissioner's  
17 designee, shall be a nonvoting ex officio member of the  
18 council. Members of the council shall hold office commencing  
19 July 1, 2000, for four years and until their successors are  
20 appointed, except that two initial appointees shall be  
21 appointed for two years, three initial appointees for three  
22 years, and four initial appointees for four years.

23 The fire marshal or the fire marshal's designee shall  
24 attend each meeting of the council.

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

30 3. Five voting members of the council shall constitute a  
31 quorum. For the purpose of conducting business a majority  
32 vote of the council shall be required. The council shall  
33 elect a chairperson from its members. The council shall meet  
34 at the call of the chairperson, or the state fire marshal, or  
35 when any five members of the council file a written request

1 with the chairperson for a meeting.

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

9 Sec. 9. NEW SECTION. 100B.2 DUTIES.

10 The state fire service and emergency response council  
11 shall:

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

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

20 3. Develop, in consultation with the state fire marshal,  
21 the policies of the fire service training bureau of the  
22 division of fire protection.

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

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

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

34 7. Prepare annual performance reviews of training  
35 administrators for submittal to the state fire marshal.

1 8. Hear testimony from the labor commissioner, or the  
2 labor commissioner's designee, on inspections and  
3 investigations involving occupational safety and health  
4 standards for fire fighters and conducted by the office of the  
5 labor commissioner.

6 Sec. 10. NEW SECTION. 100B.3 TRAINING AGREEMENTS.

7 The state fire marshal, subject to the approval of the  
8 state fire service and emergency response council, may enter  
9 into written agreements with other educational institutions to  
10 provide training in conjunction with training provided by the  
11 fire service training bureau or to assist in research  
12 conducted by the bureau.

13 Sec. 11. NEW SECTION. 100B.4 FEES.

14 Fees assessed pursuant to this chapter shall be retained by  
15 the division of fire protection and such repayments received  
16 shall be used exclusively to offset the cost of fire service  
17 training.

18 Notwithstanding section 8.33, repayment receipts collected  
19 by the division of fire protection for the fire service  
20 training bureau that remain unencumbered or unobligated at the  
21 close of the fiscal year shall not revert but shall remain  
22 available for expenditure for the purposes designated until  
23 the close of the succeeding fiscal year.

24 Sec. 12. NEW SECTION. 100B.5 BUDGET.

25 The state fire marshal and the state fire service and  
26 emergency response council shall prepare an annual budget for  
27 the council and the fire service training bureau. The budget  
28 shall be transmitted to the commissioner of public safety for  
29 inclusion in that department's budget.

30 Sec. 13. NEW SECTION. 100B.6 FIRE SERVICE TRAINING  
31 BUREAU.

32 1. The state fire service and emergency response council  
33 shall assist in operation of a fire service training bureau  
34 for instructing the general public and fire protection  
35 personnel throughout the state, providing service to public

1 and private fire departments in the state, conducting research  
2 in the methods of maintaining and improving fire education  
3 consistent with the needs of Iowa communities, and performing  
4 any other functions assigned to the bureau by the state fire  
5 marshal in consultation with the state fire service and  
6 emergency response council.

7 2. Enrollment and attendance in fire service training  
8 bureau programs may include persons engaged with a unit of  
9 government or a public or private fire department in the  
10 state, including volunteer, trainee, or employed fire  
11 fighters.

12 3. Programs conducted by the fire service training bureau  
13 shall include at a minimum instruction in the subjects  
14 necessary for the certification of persons in accordance with  
15 a nationally recognized fire fighter qualification system as  
16 approved by the state fire service and emergency response  
17 council. At the direction of the state fire marshal in  
18 consultation with the state fire service and emergency  
19 response council, the fire service training bureau may develop  
20 and conduct programs which extend beyond the programs directly  
21 related to such system.

22 Sec. 14. NEW SECTION. 100B.7 ADMINISTRATOR --  
23 APPOINTMENT -- DUTIES.

24 1. The administrator of the fire service training bureau  
25 shall be appointed by the commissioner of public safety,  
26 subject to the approval of the state fire service and  
27 emergency response council.

28 2. The state fire marshal shall direct the administrator  
29 to:

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

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

35 c. Advise, confer, and consult with the state fire service

- 1 and emergency response council in developing rules  
2 establishing minimum standards for fire service training.
- 3 d. Advise, confer, and consult regularly with the state  
4 fire service and emergency response council to seek input and  
5 recommendations on all facets of fire service training  
6 programs in Iowa.
- 7 e. Maintain a statewide system to provide basic level fire  
8 fighter 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, with the approval of the state fire service  
18 and emergency response 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 and emergency response council and  
23 conducted by qualified 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 as feasible.
- 28 l. Prepare for the state fire marshal and the state fire  
29 service and emergency response council an annual report of  
30 activities that include a summary of classes taught, budget,  
31 and staff activities.
- 32 m. Provide supervision and management to the fire service  
33 training bureau staff consistent with the methods of the  
34 department of public safety and as assigned by the state fire  
35 marshal.

1 n. Consult with the state fire service and emergency  
2 response council in preparing an annual legislative and  
3 budgetary agenda that will address items necessary to  
4 accomplish the provisions of this chapter, and submit this  
5 agenda to the state fire marshal in a format and time frame  
6 consistent with departmental policy.

7 o. Develop mechanisms by which fire fighters and others  
8 may earn college credits and degrees in fire-related  
9 disciplines.

10 p. Develop instructional and educational materials to  
11 support the fire training and education programs offered by  
12 the council.

13 q. Develop and offer other programs and services  
14 consistent with the general purposes of the council.

15 Sec. 15. NEW SECTION. 100B.8 EMPLOYEES.

16 Employees of the fire service institute at Iowa state  
17 university on the effective date of this Act may elect to  
18 transfer to the department of public safety in a position and  
19 at a pay range commensurate with their duties as determined by  
20 the department of personnel, the department of public safety,  
21 and the employee's certified collective bargaining  
22 representative. Those employees covered by this section shall  
23 also be given an opportunity to transfer to a position with  
24 Iowa state university at a salary and pay range not less than  
25 they received at the time of the transfer.

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

27 The building and grounds known as the fire service  
28 institute at Iowa state university shall, until July 1, 2005,  
29 be leased by Iowa state university to the department of public  
30 safety at a cost not to exceed the actual cost of heating,  
31 lighting, and maintaining the building and grounds. In the  
32 event the department of public safety locates suitable  
33 facilities prior to that time, the lease may be terminated at  
34 the option of the department. All equipment owned by Iowa  
35 state university and used exclusively to conduct fire service

1 training, classes, or business shall transfer on the effective  
2 date of this Act to the department of public safety. This  
3 equipment includes, but is not limited to, breathing  
4 apparatus, fire suppression gear, mobile equipment, office  
5 furniture, computers, copying machines, library, file  
6 cabinets, and training records.

7 Sec. 17. NEW SECTION. 100B.10 RULES.

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

10 Sec. 18. NEW SECTION. 331.385 POWERS RELATING TO  
11 EMERGENCY SERVICES.

12 1. A county may, by resolution, assume the exercise of the  
13 powers and duties of township trustees relating to fire  
14 protection service and emergency medical service for any  
15 township located in the unincorporated area of the county.

16 2. The board of supervisors shall publish notice of the  
17 proposed resolution, and of a public hearing to be held on the  
18 proposed resolution, in a newspaper of general circulation in  
19 the county at least ten days but no more than twenty days  
20 before the date of the public hearing.

21 3. If, after notice and hearing, the resolution is  
22 adopted, the board of supervisors shall assume the exercise of  
23 the powers and duties of township trustees relating to fire  
24 protection service and emergency medical service as set forth  
25 in sections 359.42 through 359.45. All of the real and  
26 personal township property used to provide fire protection  
27 service or emergency medical service shall be transferred to  
28 the county. The county shall assume all of the outstanding  
29 obligations of the township relating to fire protection  
30 service or emergency medical service. If the township  
31 provides fire protection outside of the county's boundaries,  
32 the county shall continue to provide fire protection to this  
33 area for at least ninety days after adoption of the  
34 resolution.

35 4. Fire protection service and emergency medical service

1 shall be paid from the emergency services fund of the county  
2 authorized in section 331.424C.

3 Sec. 19. Section 331.421, Code 1999, is amended by adding  
4 the following new subsection:

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

7 Sec. 20. NEW SECTION. 331.424C EMERGENCY SERVICES FUND.

8 A county that is providing fire protection service or  
9 emergency medical service to a township pursuant to section  
10 331.385 shall establish an emergency services fund and may  
11 certify taxes not to exceed sixty and three-fourths cents per  
12 one thousand dollars of the assessed value of taxable property  
13 located in the township. The county has the authority to use  
14 a portion of the taxes levied and deposited in the fund for  
15 the purpose of accumulating moneys to carry out the purposes  
16 of section 359.43, subsection 3.

17 Sec. 21. Section 331.502, Code 1999, is amended by adding  
18 the following new subsection:

19 NEW SUBSECTION. 30A. Carry out duties related to posting  
20 financial information of a township as provided in sections  
21 359.23 and 359.49.

22 Sec. 22. Section 359.17, Code 1999, is amended to read as  
23 follows:

24 359.17 TRUSTEES -- DUTIES -- MEETINGS.

25 The board of township trustees in each township shall  
26 consist of three qualified electors of the township. The  
27 trustees shall act as fence viewers and shall perform other  
28 duties assigned them by law. The board of trustees shall meet  
29 not less than once two times a year. At least one of the  
30 meetings shall be scheduled to meet the requirements of  
31 section 359.49.

32 Sec. 23. Section 359.20, Code 1999, is amended by adding  
33 the following new unnumbered paragraph:

34 NEW UNNUMBERED PARAGRAPH. Township records and documents,  
35 or accurate reproduction, shall be kept by the township clerk

1 for at least five years except that:

2 a. Resolutions, board proceedings, records and documents,  
3 or accurate reproductions, relating to the issuance of public  
4 bonds or obligations shall be kept for at least eleven years  
5 following the final maturity of the bonds or obligations.

6 Thereafter, such records, documents, and reproductions may be  
7 destroyed, preserving confidentiality as necessary.

8 b. Resolutions, board proceedings, records, and documents,  
9 or accurate reproductions, relating to real property  
10 transactions shall be maintained permanently.

11 Sec. 24. Section 359.23, Code 1999, is amended to read as  
12 follows:

13 359.23 RECEIPTS AND EXPENDITURES.

14 Each township clerk shall prepare, on or before September  
15 30 of each year, a statement in writing, showing all receipts  
16 of money and disbursements in the clerk's office for each  
17 separate tax levy authorized by law for the preceding fiscal  
18 year, showing the current public debt of the township, and  
19 showing the balance as of June 30 of all separate reserve  
20 accounts held by the township, which shall be certified as  
21 correct by the trustees of the township. The statement shall  
22 be in a form prescribed by the county finance committee in  
23 consultation with the department of management. Each township  
24 clerk shall send a copy of this written statement to the  
25 county auditor no later than seven days after the statement is  
26 certified by the trustees. The county auditor shall post the  
27 statement or a summary of the statement in a prominent place  
28 in the building where the auditor's office is located. The  
29 county treasurer shall withhold disbursement of township taxes  
30 until the statement is filed with the county auditor. The  
31 county auditor shall notify the county treasurer if taxes are  
32 to be withheld.

33 The county auditor may waive the requirement that a  
34 township send a copy of the written financial statement to the  
35 county auditor.

1     Sec. 25. Section 359.43, Code 1999, is amended by adding  
2 the following new subsection:

3     NEW SUBSECTION. 5. Township taxes collected and disbursed  
4 by the county shall be apportioned by the clerk and paid into  
5 the separate accounts of the tax districts no later than May  
6 31 and November 30 of each year.

7                                   TOWNSHIP FINANCES

8     Sec. 26. NEW SECTION. 359.49 TOWNSHIP BUDGET.

9     Annually, a township shall prepare and adopt a budget, and  
10 shall certify taxes as follows:

11     1. A budget must be prepared for at least the following  
12 fiscal year. A proposed budget must show estimates of the  
13 following:

14     a. Expenditures from each fund.

15     b. Income from sources other than property taxation.

16     c. Amount to be raised by property taxation, and the  
17 property tax rate expressed in dollars per one thousand  
18 dollars assessed valuation.

19     2. By January 15 of each year, each township fire  
20 department in the township shall provide to the board of  
21 trustees a proposed budget showing all revenues and all  
22 expenses for emergency services for the next fiscal year. By  
23 January 15 of each year, each township fire department, and  
24 each municipal fire department providing emergency services to  
25 a township, shall submit to the board of trustees a report  
26 detailing emergency services calls for the prior calendar year  
27 for the fire district and a copy of the fire report filed by  
28 the fire department with the state fire marshal's office. For  
29 purposes of this subsection, "municipal" means relating to a  
30 city, county, township, benefited fire district, or chapter  
31 28E agency authorized by law to provide emergency services.

32     3. Not less than ten days before the date set for the  
33 regular meeting of the board at which objections and arguments  
34 on the budget will be heard, the clerk shall make available a  
35 sufficient number of copies of the detailed budget to meet the

1 requests of taxpayers and organizations.

2 4. The board of trustees shall transmit a copy of the  
3 proposed budget to the county auditor for posting.

4 5. The board of trustees shall set a time and place for a  
5 regular meeting before final certification of the budget,  
6 which meeting shall provide time for comments and objections  
7 to be heard on the proposed budget. The meeting shall be held  
8 no less than ten days and no more than twenty days after the  
9 proposed budget is posted by the county auditor. The county  
10 auditor shall certify to the clerk the date of posting.

11 6. At the meeting, any resident or taxpayer of the  
12 township may present to the board of trustees objections to  
13 any part of the budget for the following fiscal year or  
14 arguments in favor of any part of the budget.

15 7. After the meeting on the proposed budget, the board of  
16 trustees shall adopt by resolution a budget for at least the  
17 next fiscal year, and the clerk shall certify the necessary  
18 tax levy for the next fiscal year to the county auditor and  
19 the county board of supervisors by March 15. The tax levy  
20 certified may be less than but shall not be more than the  
21 amount estimated in the proposed budget submitted at the  
22 meeting. Two copies each of the detailed budget as adopted  
23 and of the certified tax levy must be transmitted to the  
24 county auditor by March 15.

25 8. Taxes from a township levy shall be collected but not  
26 disbursed by the county to a township until copies of the  
27 township budget are transmitted to the county auditor as  
28 required in subsection 7. If copies of a township budget are  
29 not transmitted by March 15, the amount of taxes collected by  
30 the county for the township shall be the amount collected for  
31 the township in the previous fiscal year to the extent that it  
32 does not exceed the applicable levy rate limits in this  
33 chapter. However, that amount may not exceed the amount the  
34 township could collect based on property assessments for the  
35 previous fiscal year for which a budget was not filed.

1 9. The township budget shall be prepared on forms, and  
2 pursuant to instructions, prescribed by the county finance  
3 committee in consultation with the department of management.

4 Sec. 27. NEW SECTION. 359.50 BUDGET AMENDMENT.

5 1. A township budget as finally adopted for the following  
6 fiscal year becomes effective July 1. A township budget for  
7 the current fiscal year may be amended for any of the  
8 following purposes:

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

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

15 2. A budget amendment must be prepared and adopted by May  
16 31 of the current fiscal year.

17 Sec. 28. NEW SECTION. 359.51 SEPARATE ACCOUNTS.

18 A township shall keep separate accounts corresponding to  
19 the items in the township's adopted or amended budget. A  
20 township shall keep accounts which provide an accurate and  
21 detailed statement of all public funds collected, received, or  
22 expended for any township purpose, by any township officer,  
23 employee, or other person, and which show the receipt, use,  
24 and disposition of all township property.

25 Sec. 29. NEW SECTION. 359.52 DISPOSAL OF PROPERTY.

26 A township shall not dispose of an interest in personal  
27 property, or an interest in real property, by sale, lease, or  
28 gift, except in accordance with the following procedure:

29 1. The board of trustees shall set forth its proposal in a  
30 resolution and shall publish notice of the resolution and of a  
31 date, time, and place of a public hearing on the proposal.

32 The notice shall be published in a newspaper published at  
33 least once weekly and having general circulation in the  
34 township or in the largest city in the township. The notice  
35 shall be published no less than ten days and no more than

1 twenty days before the hearing.

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

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

6 This section does not apply to the sale by a township of  
7 subdivisions or lots within a cemetery.

8 Sec. 30. Section 43.21 and sections 266.40 through 266.46,  
9 Code 1999, are repealed.

10

#### EXPLANATION

11 This bill makes several changes to the Code relating to  
12 fire protection service and emergency medical service provided  
13 by townships, cities, and counties, and other entities. The  
14 bill also makes several changes to the law relating to  
15 townships. The bill provides that mutual aid agreements  
16 between fire departments must be in writing. The bill also  
17 provides that a municipality which provides fire protection  
18 service or emergency medical service for a municipality must  
19 do so by written agreement. The written agreement may provide  
20 for establishment of a board of directors which makes budget,  
21 financial, and services decisions relating to fire protection.  
22 The board is comprised of one member of the governing body of  
23 each municipality that is a party to the agreement. The  
24 written agreement shall provide for allocation of funding  
25 responsibility for the budget among each party to the  
26 agreement.

27 The bill provides that employees of the state who are  
28 volunteer fire fighters or emergency medical service personnel  
29 are entitled to a paid leave of absence to respond to  
30 emergency calls. This does not apply to temporary state  
31 employees or state employees considered to be essential  
32 personnel.

33 The bill establishes the state fire service and emergency  
34 response council in the division of fire protection of the  
35 department of public safety. The council is made up of the

1 members of associations representing fire fighters and fire  
2 chiefs and the general public. The labor commissioner, or the  
3 commissioner's designee, is an ex officio member of the  
4 council. Council members are provided per diem compensation  
5 and expenses for service on the commission.

6 The duties of the labor commissioner are amended to provide  
7 that reports of inspections and investigations conducted by  
8 the office of labor commissioner shall be presented to the  
9 state fire service and emergency response council.

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

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

31 The bill changes the required number of board of township  
32 trustee meetings from once a year to two times a year and  
33 requires that at least one of those meetings be scheduled to  
34 prepare the township budget, hear comments on the budget, and  
35 finalize the budget.

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

6 Currently, each township is required to prepare an annual  
7 financial statement and file the statement with the county  
8 auditor. The bill requires that the statement show the  
9 current public debt of the township and the balance of each  
10 township reserve account. The bill also requires that the  
11 statement be posted by the county auditor. The county auditor  
12 may waive the requirement that the township submit an annual  
13 financial statement to the auditor. The bill provides that a  
14 county shall not disburse township taxes collected until the  
15 financial statement is filed with the auditor.

16 The bill requires each township to prepare an annual  
17 budget. A summary of each proposed township budget is to be  
18 posted by the county auditor and the board of trustees is to  
19 schedule a regular meeting of the board no less than 10 and no  
20 more than 20 days after posting to hear comments on the  
21 budget. The bill requires the township trustees to certify  
22 the township tax levy to the county board of supervisors and  
23 the county auditor. The bill also provides that a county  
24 shall not disburse township taxes collected until copies of  
25 the township budget are filed with the county auditor. The  
26 bill directs the county to collect the amount of taxes  
27 collected for the township in the previous fiscal year if the  
28 township does not file a copy of its budget by March 15. The  
29 bill allows a township to amend its budget to permit  
30 expenditure of unencumbered cash balances on hand and not  
31 anticipated in the budget and to permit expenditure of amounts  
32 anticipated from sources other than property tax which were  
33 also not anticipated in the budget. The bill requires a  
34 township to keep separate accounts which correspond to its  
35 budget.

1 The bill requires townships to follow certain procedures  
 2 when disposing of personal property or real property, by sale,  
 3 lease, or gift. The board of township trustees must adopt a  
 4 resolution regarding disposal of the property and must publish  
 5 notice of the resolution and of a public hearing on the  
 6 proposal to dispose of the property. The procedures do not  
 7 apply to the sale of cemetery plots by townships. The bill  
 8 prohibits a township from disposing of real property by gift,  
 9 except to a governmental body for a public purpose.

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## HOUSE FILE 2492

H-8152

1 Amend House File 2492 as follows:

2 1. Page 9, by striking lines 22 through 25, and  
3 inserting the following: "representative."

4 2. By striking page 9, line 26, through page 10,  
5 line 6, and inserting the following:

6 "Sec. 100. NEW SECTION. 100B.9 EQUIPMENT.

7 Equipment owned by Iowa state university and used  
8 exclusively to conduct fire service training or  
9 classes shall transfer on the effective date of this  
10 Act to the department of public safety. This  
11 equipment includes breathing apparatus, fire  
12 suppression gear, mobile equipment, and training  
13 records."

14 3. Page 16, by striking lines 8 and 9, and  
15 inserting the following:

16 "Sec. 101. Section 43.21, Code 1999, is repealed.

17 Sec. 102. Sections 266.40 through 266.46, Code  
18 1999, are repealed contingent upon cessation of the  
19 operation of section 103 of this Act.

20 Sec. 103. APPLICABILITY. The duties and  
21 responsibilities of the fire service training bureau  
22 as provided in section 100B.6 and the duties and  
23 responsibilities of the administrator of the fire  
24 service training bureau as provided in section 100B.7  
25 and other duties of the training bureau and its  
26 administrator as prescribed by the state fire service  
27 and emergency response council shall remain with the  
28 fire service institute located at Iowa state  
29 university of science and technology until such time  
30 as the department of public safety has secured  
31 adequate facilities to carry out such duties and  
32 responsibilities. Sections 15 and 100 of this Act,  
33 enacting sections 100B.8 and 100B.9, shall not be  
34 implemented until this section is no longer  
35 applicable."

36 4. By renumbering and correcting internal  
37 references as necessary.

By BLODGETT of Cerro Gordo

H-8152 FILED MARCH 1, 2000

*Adopted*  
*3/2/00*  
*(p. 537)*

HOUSE FILE 2492

H-8153

1 Amend House File 2492 as follows:

2 1. Page 16, by inserting after line 7 the  
3 following:

4 "Sec. \_\_\_\_ . FIREFIGHTER AND EMERGENCY MEDICAL  
5 SERVICES PROVIDER BENEFITS -- REPORT. The department  
6 of management shall conduct a study concerning the  
7 possible implementation of a system to provide  
8 retirement benefits to volunteer firefighters and  
9 emergency medical service personnel and to provide  
10 death and survivor benefits, including but not limited  
11 to providing for payment of postsecondary education  
12 expenses of dependent children, when a volunteer  
13 firefighter or emergency medical service provider or a  
14 firefighter covered under chapter 411 dies in the line  
15 of duty. The study shall examine what benefits should  
16 be provided, if any, as well as possible funding  
17 mechanisms to provide any such proposed benefits,  
18 including the use of excess insurance premium tax  
19 receipts, but excluding the fire and police retirement  
20 fund created in section 411.8. In conducting the  
21 study, the department shall consult with  
22 representatives from the Iowa firemen's association,  
23 the Iowa fire chief's association, the Iowa  
24 association of professional firefighters, the Iowa  
25 association of professional fire chiefs, the Iowa  
26 firefighters group, the state fire service and  
27 emergency response council, the Iowa emergency medical  
28 services association, and the Iowa league of cities.  
29 The department shall submit a report concerning the  
30 results of its study, including any findings and  
31 recommendations, to the general assembly by January 8,  
32 2001."

33 2. By renumbering as necessary.

By SUNDERBRUCH of Scott  
FALCK of Fayette

H-8153 FILED MARCH 1, 2000

W/D

3/2/00

(p. 537)

HOUSE FILE 2492

H-8129

1 Amend House file 2492 as follows:

2 1. page 4, line 2, by striking the word "nine"  
3 and inserting the following: "ten".

4 2. Page 4, by inserting after line 13, the  
5 following:

6 "f. One member from the Iowa emergency medical  
7 services association."

8 3. Page 4, line 14, by striking the word "ninth"  
9 and inserting the following: "tenth".

10 4. Page 4, line 20, by striking the word "two"  
11 and inserting the following: "three".

12 5. Page 4, line 30, by striking the word "Five"  
13 and inserting the following: "Six".

14 6. Page 4, line 35, by striking the word "five"  
15 and inserting the following: "six".

By THOMAS of Clayton

H-8129 FILED MARCH 1, 2000

adopted  
3/2/00  
(p. 537)

HOUSE FILE **2492**  
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HF 2133)

(As Amended and Passed by the House, March 2, 2000)

Passed House, Date 3-29-00 (P.1125) Passed Senate, Date 3-27-00 (P.868)  
Vote: Ayes 96 Nays 0 Vote: Ayes 46 Nays 2  
Approved 4-19-00

**A BILL FOR**

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

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

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House Amendments \_\_\_\_\_

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, benefited fire district, or agency

1 formed under this chapter and authorized by law to provide  
2 emergency services.

3 Sec. 2. NEW SECTION. 28E.32 EMERGENCY SERVICES  
4 AGREEMENTS.

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

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

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

21 4. For purposes of this section, "municipality" means a  
22 city, county, township, benefited fire district, or agency  
23 formed under this chapter and authorized by law to provide  
24 emergency services.

25 Sec. 3. NEW SECTION. 55.2 LEAVE OF ABSENCE FOR VOLUNTEER  
26 EMERGENCY SERVICE.

27 All officers and employees of the state, other than  
28 employees employed temporarily for six months or less or those  
29 employees considered essential personnel, who are volunteer  
30 fire fighters or emergency medical service personnel shall be  
31 entitled to a leave of absence from such civil employment for  
32 the period of an emergency response without loss of status or  
33 efficiency rating, and without loss of pay during such leave  
34 of absence. Such leave of absence shall in no way affect the  
35 employee's rights to action, sick leave, bonus, or other

1 employment benefits relating to the employee's particular  
2 employment.

3 Sec. 4. Section 80.9, subsection 2, paragraph c, Code  
4 1999, is amended to read as follows:

5 c. To investigate all fires; to apprehend persons  
6 suspected of arson; to enforce all safety measures in  
7 connection with the prevention of fires; and to disseminate  
8 fire-prevention education; to develop training standards and  
9 provide training to fire fighters around the state; and to  
10 address other issues related to fire service and emergency  
11 response as requested by the state fire service and emergency  
12 response council.

13 Sec. 5. Section 80.9, subsection 2, Code Supplement 1999,  
14 is amended by adding the following new paragraph:

15 NEW PARAGRAPH. i. Receive and review the budget submitted  
16 by the state fire marshal and the state fire service and  
17 emergency response council.

18 Sec. 6. Section 88.6, Code 1999, is amended by adding the  
19 following new subsection:

20 NEW SUBSECTION. 9. Reports of inspections and  
21 investigations involving the occupational safety and health  
22 for fire fighters shall be presented to the state fire service  
23 council.

24 Sec. 7. Section 91.4, Code Supplement 1999, is amended by  
25 adding the following new subsection:

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

32 Sec. 8. NEW SECTION. 100B.1 STATE FIRE SERVICE AND  
33 EMERGENCY RESPONSE COUNCIL.

34 1. The state fire service and emergency response council  
35 is established in the division of fire protection of the

1 department of public safety. The council shall consist of ten  
2 voting members. Members of the state fire service and  
3 emergency response council shall be appointed by the governor.  
4 The governor shall appoint members from the following  
5 organizations, chosen from a list of names submitted by each  
6 of the following organizations:

- 7 a. Two members from the Iowa firemen's association.
- 8 b. Two members from the Iowa fire chiefs' association.
- 9 c. One member from the Iowa association of professional  
10 fire fighters.
- 11 d. Two members from the Iowa association of professional  
12 fire chiefs.
- 13 e. One member from the Iowa fire fighters group.
- 14 f. One member from the Iowa emergency medical services  
15 association.

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

18 The labor commissioner, or the labor commissioner's  
19 designee, shall be a nonvoting ex officio member of the  
20 council. Members of the council shall hold office commencing  
21 July 1, 2000, for four years and until their successors are  
22 appointed, except that three initial appointees shall be  
23 appointed for two years, three initial appointees for three  
24 years, and four 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. Six 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 six 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. 9. NEW SECTION. 100B.2 DUTIES.

12 The state fire service and emergency response council  
13 shall:

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

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

22 3. Develop, in consultation with the state fire marshal,  
23 the policies of the fire service training bureau of the  
24 division of fire protection.

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

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

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

1 7. Prepare annual performance reviews of training  
2 administrators for submittal to the state fire marshal.

3 8. Hear testimony from the labor commissioner, or the  
4 labor commissioner's designee, on inspections and  
5 investigations involving occupational safety and health  
6 standards for fire fighters and conducted by the office of the  
7 labor commissioner.

8 Sec. 10. NEW SECTION. 100B.3 TRAINING AGREEMENTS.

9 The state fire marshal, subject to the approval of the  
10 state fire service and emergency response council, may enter  
11 into written agreements with other educational institutions to  
12 provide training in conjunction with training provided by the  
13 fire service training bureau or to assist in research  
14 conducted by the bureau.

15 Sec. 11. NEW SECTION. 100B.4 FEES.

16 Fees assessed pursuant to this chapter shall be retained by  
17 the division of fire protection and such repayments received  
18 shall be used exclusively to offset the cost of fire service  
19 training.

20 Notwithstanding section 8.33, repayment receipts collected  
21 by the division of fire protection for the fire service  
22 training bureau that remain unencumbered or unobligated at the  
23 close of the fiscal year shall not revert but shall remain  
24 available for expenditure for the purposes designated until  
25 the close of the succeeding fiscal year.

26 Sec. 12. NEW SECTION. 100B.5 BUDGET.

27 The state fire marshal and the state fire service and  
28 emergency response council shall prepare an annual budget for  
29 the council and the fire service training bureau. The budget  
30 shall be transmitted to the commissioner of public safety for  
31 inclusion in that department's budget.

32 Sec. 13. NEW SECTION. 100B.6 FIRE SERVICE TRAINING  
33 BUREAU.

34 1. The state fire service and emergency response council  
35 shall assist in operation of a fire service training bureau

1 for instructing the general public and fire protection  
2 personnel throughout the state, providing service to public  
3 and private fire departments in the state, conducting research  
4 in the methods of maintaining and improving fire education  
5 consistent with the needs of Iowa communities, and performing  
6 any other functions assigned to the bureau by the state fire  
7 marshal in consultation with the state fire service and  
8 emergency response council.

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

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

24 Sec. 14. NEW SECTION. 100B.7 ADMINISTRATOR --  
25 APPOINTMENT -- DUTIES.

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

30 2. The state fire marshal shall direct the administrator  
31 to:

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

34 b. Manage the budget of the fire service training bureau  
35 consistent with budgeting methods as may be required by the

1 department of public safety or the state of Iowa.

2 c. Advise, confer, and consult with the state fire service  
3 and emergency response council in developing rules  
4 establishing minimum standards for fire service training.

5 d. Advise, confer, and consult regularly with the state  
6 fire service and emergency response council to seek input and  
7 recommendations on all facets of fire service training  
8 programs in Iowa.

9 e. Maintain a statewide system to provide basic level fire  
10 fighter training at the local level.

11 f. Distribute instructional and educational materials to  
12 support the fire training and education programs offered by  
13 the department of public safety.

14 g. Recruit and train qualified instructors for the  
15 training program.

16 h. Maintain training records as directed by the state fire  
17 marshal and necessary to accomplish the purposes of training  
18 programs.

19 i. Establish, with the approval of the state fire service  
20 and emergency response council, a fee schedule for training  
21 services that will ensure quality training at the most  
22 reasonable price.

23 j. Offer programs of education and instruction approved by  
24 the state fire service and emergency response council and  
25 conducted by qualified staff and faculty.

26 k. Plan and coordinate fire schools and other short  
27 courses of instruction on a statewide, regional and local  
28 level, utilizing existing educational institutions, programs,  
29 and facilities as feasible.

30 l. Prepare for the state fire marshal and the state fire  
31 service and emergency response council an annual report of  
32 activities that include a summary of classes taught, budget,  
33 and staff activities.

34 m. Provide supervision and management to the fire service  
35 training bureau staff consistent with the methods of the

1 department of public safety and as assigned by the state fire  
2 marshal.

3 n. Consult with the state fire service and emergency  
4 response council in preparing an annual legislative and  
5 budgetary agenda that will address items necessary to  
6 accomplish the provisions of this chapter, and submit this  
7 agenda to the state fire marshal in a format and time frame  
8 consistent with departmental policy.

9 o. Develop mechanisms by which fire fighters and others  
10 may earn college credits and degrees in fire-related  
11 disciplines.

12 p. Develop instructional and educational materials to  
13 support the fire training and education programs offered by  
14 the council.

15 q. Develop and offer other programs and services  
16 consistent with the general purposes of the council.

17 Sec. 15. NEW SECTION. 100B.8 EMPLOYEES.

18 Employees of the fire service institute at Iowa state  
19 university on the effective date of this Act may elect to  
20 transfer to the department of public safety in a position and  
21 at a pay range commensurate with their duties as determined by  
22 the department of personnel, the department of public safety,  
23 and the employee's certified collective bargaining  
24 representative.

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

26 The building and grounds known as the fire service  
27 institute at Iowa state university shall, until July 1, 2003,  
28 be leased by Iowa state university to the department of public  
29 safety at a cost not to exceed the actual cost of heating,  
30 lighting, and maintaining the building and grounds. In the  
31 event the department of public safety locates suitable  
32 facilities prior to that time, the lease may be terminated at  
33 the option of the department. All equipment owned by Iowa  
34 state university and used exclusively to conduct fire service  
35 training, classes, or business shall transfer on the effective

1 date of this Act to the department of public safety. This  
2 equipment includes, but is not limited to, breathing  
3 apparatus, fire suppression gear, mobile equipment, office  
4 furniture, computers, copying machines, library, file  
5 cabinets, and training records.

6 Sec. 17. NEW SECTION. 100B.10 RULES.

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

9 Sec. 18. NEW SECTION. 331.385 POWERS RELATING TO  
10 EMERGENCY SERVICES.

11 1. A county may, by resolution, assume the exercise of the  
12 powers and duties of township trustees relating to fire  
13 protection service and emergency medical service for any  
14 township located in the unincorporated area of the county.

15 2. The board of supervisors shall publish notice of the  
16 proposed resolution, and of a public hearing to be held on the  
17 proposed resolution; in a newspaper of general circulation in  
18 the county at least ten days but no more than twenty days  
19 before the date of the public hearing.

20 3. If, after notice and hearing, the resolution is  
21 adopted, the board of supervisors shall assume the exercise of  
22 the powers and duties of township trustees relating to fire  
23 protection service and emergency medical service as set forth  
24 in sections 359.42 through 359.45. All of the real and  
25 personal township property used to provide fire protection  
26 service or emergency medical service shall be transferred to  
27 the county. The county shall assume all of the outstanding  
28 obligations of the township relating to fire protection  
29 service or emergency medical service. If the township  
30 provides fire protection outside of the county's boundaries,  
31 the county shall continue to provide fire protection to this  
32 area for at least ninety days after adoption of the  
33 resolution.

34 4. Fire protection service and emergency medical service  
35 shall be paid from the emergency services fund of the county

1 authorized in section 331.424C.

2 Sec. 19. Section 331.421, Code 1999, is amended by adding  
3 the following new subsection:

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

6 Sec. 20. NEW SECTION. 331.424C EMERGENCY SERVICES FUND.

7 A county that is providing fire protection service or  
8 emergency medical service to a township pursuant to section  
9 331.385 shall establish an emergency services fund and may  
10 certify taxes not to exceed sixty and three-fourths cents per  
11 one thousand dollars of the assessed value of taxable property  
12 located in the township. The county has the authority to use  
13 a portion of the taxes levied and deposited in the fund for  
14 the purpose of accumulating moneys to carry out the purposes  
15 of section 359.43, subsection 3.

16 Sec. 21. Section 331.502, Code 1999, is amended by adding  
17 the following new subsection:

18 NEW SUBSECTION. 30A. Carry out duties related to posting  
19 financial information of a township as provided in sections  
20 359.23 and 359.49.

21 Sec. 22. Section 359.17, Code 1999, is amended to read as  
22 follows:

23 359.17 TRUSTEES -- DUTIES -- MEETINGS.

24 The board of township trustees in each township shall  
25 consist of three qualified electors of the township. The  
26 trustees shall act as fence viewers and shall perform other  
27 duties assigned them by law. The board of trustees shall meet  
28 not less than once two times a year. At least one of the  
29 meetings shall be scheduled to meet the requirements of  
30 section 359.49.

31 Sec. 23. Section 359.20, Code 1999, is amended by adding  
32 the following new unnumbered paragraph:

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

1 a. Resolutions, board proceedings, records and documents,  
2 or accurate reproductions, relating to the issuance of public  
3 bonds or obligations shall be kept for at least eleven years  
4 following the final maturity of the bonds or obligations.  
5 Thereafter, such records, documents, and reproductions may be  
6 destroyed, preserving confidentiality as necessary.

7 b. Resolutions, board proceedings, records, and documents,  
8 or accurate reproductions, relating to real property  
9 transactions shall be maintained permanently.

10 Sec. 24. Section 359.23, Code 1999, is amended to read as  
11 follows:

12 359.23 RECEIPTS AND EXPENDITURES.

13 Each township clerk shall prepare, on or before September  
14 30 of each year, a statement in writing, showing all receipts  
15 of money and disbursements in the clerk's office for each  
16 separate tax levy authorized by law for the preceding fiscal  
17 year, showing the current public debt of the township, and  
18 showing the balance as of June 30 of all separate reserve  
19 accounts held by the township, which shall be certified as  
20 correct by the trustees of the township. The statement shall  
21 be in a form prescribed by the county finance committee in  
22 consultation with the department of management. Each township  
23 clerk shall send a copy of this written statement to the  
24 county auditor no later than seven days after the statement is  
25 certified by the trustees. The county auditor shall post the  
26 statement or a summary of the statement in a prominent place  
27 in the building where the auditor's office is located. The  
28 county treasurer shall withhold disbursement of township taxes  
29 until the statement is filed with the county auditor. The  
30 county auditor shall notify the county treasurer if taxes are  
31 to be withheld.

32 The county auditor may waive the requirement that a  
33 township send a copy of the written financial statement to the  
34 county auditor.

35 Sec. 25. Section 359.43, Code 1999, is amended by adding

1 the following new subsection:

2 NEW SUBSECTION. 5. Township taxes collected and disbursed  
3 by the county shall be apportioned by the clerk and paid into  
4 the separate accounts of the tax districts no later than May  
5 31 and November 30 of each year.

6 TOWNSHIP FINANCES

7 Sec. 26. NEW SECTION. 359.49 TOWNSHIP BUDGET.

8 Annually, a township shall prepare and adopt a budget, and  
9 shall certify taxes as follows:

10 1. A budget must be prepared for at least the following  
11 fiscal year. A proposed budget must show estimates of the  
12 following:

- 13 a. Expenditures from each fund.
- 14 b. Income from sources other than property taxation.
- 15 c. Amount to be raised by property taxation, and the  
16 property tax rate expressed in dollars per one thousand  
17 dollars assessed valuation.

18 2. By January 15 of each year, each township fire  
19 department in the township shall provide to the board of  
20 trustees a proposed budget showing all revenues and all  
21 expenses for emergency services for the next fiscal year. By  
22 January 15 of each year, each township fire department, and  
23 each municipal fire department providing emergency services to  
24 a township, shall submit to the board of trustees a report  
25 detailing emergency services calls for the prior calendar year  
26 for the fire district and a copy of the fire report filed by  
27 the fire department with the state fire marshal's office. For  
28 purposes of this subsection, "municipal" means relating to a  
29 city, county, township, benefited fire district, or chapter  
30 28E agency authorized by law to provide emergency services.

31 3. Not less than ten days before the date set for the  
32 regular meeting of the board at which objections and arguments  
33 on the budget will be heard, the clerk shall make available a  
34 sufficient number of copies of the detailed budget to meet the  
35 requests of taxpayers and organizations.

1 4. The board of trustees shall transmit a copy of the  
2 proposed budget to the county auditor for posting.

3 5. The board of trustees shall set a time and place for a  
4 regular meeting before final certification of the budget,  
5 which meeting shall provide time for comments and objections  
6 to be heard on the proposed budget. The meeting shall be held  
7 no less than ten days and no more than twenty days after the  
8 proposed budget is posted by the county auditor. The county  
9 auditor shall certify to the clerk the date of posting.

10 6. At the meeting, any resident or taxpayer of the  
11 township may present to the board of trustees objections to  
12 any part of the budget for the following fiscal year or  
13 arguments in favor of any part of the budget.

14 7. After the meeting on the proposed budget, the board of  
15 trustees shall adopt by resolution a budget for at least the  
16 next fiscal year, and the clerk shall certify the necessary  
17 tax levy for the next fiscal year to the county auditor and  
18 the county board of supervisors by March 15. The tax levy  
19 certified may be less than but shall not be more than the  
20 amount estimated in the proposed budget submitted at the  
21 meeting. Two copies each of the detailed budget as adopted  
22 and of the certified tax levy must be transmitted to the  
23 county auditor by March 15.

24 8. Taxes from a township levy shall be collected but not  
25 disbursed by the county to a township until copies of the  
26 township budget are transmitted to the county auditor as  
27 required in subsection 7. If copies of a township budget are  
28 not transmitted by March 15, the amount of taxes collected by  
29 the county for the township shall be the amount collected for  
30 the township in the previous fiscal year to the extent that it  
31 does not exceed the applicable levy rate limits in this  
32 chapter. However, that amount may not exceed the amount the  
33 township could collect based on property assessments for the  
34 previous fiscal year for which a budget was not filed.

35 9. The township budget shall be prepared on forms, and

1 pursuant to instructions, prescribed by the county finance  
2 committee in consultation with the department of management.

3 Sec. 27. NEW SECTION. 359.50 BUDGET AMENDMENT.

4 1. A township budget as finally adopted for the following  
5 fiscal year becomes effective July 1. A township budget for  
6 the current fiscal year may be amended for any of the  
7 following purposes:

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

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

14 2. A budget amendment must be prepared and adopted by May  
15 31 of the current fiscal year.

16 Sec. 28. NEW SECTION. 359.51 SEPARATE ACCOUNTS.

17 A township shall keep separate accounts corresponding to  
18 the items in the township's adopted or amended budget. A  
19 township shall keep accounts which provide an accurate and  
20 detailed statement of all public funds collected, received, or  
21 expended for any township purpose, by any township officer,  
22 employee, or other person, and which show the receipt, use,  
23 and disposition of all township property.

24 Sec. 29. NEW SECTION. 359.52 DISPOSAL OF PROPERTY.

25 A township shall not dispose of an interest in personal  
26 property, or an interest in real property, by sale, lease, or  
27 gift, except in accordance with the following procedure:

28 1. The board of trustees shall set forth its proposal in a  
29 resolution and shall publish notice of the resolution and of a  
30 date, time, and place of a public hearing on the proposal.  
31 The notice shall be published in a newspaper published at  
32 least once weekly and having general circulation in the  
33 township or in the largest city in the township. The notice  
34 shall be published no less than ten days and no more than  
35 twenty days before the hearing.

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

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

5        This section does not apply to the sale by a township of  
6 subdivisions or lots within a cemetery.

7        Sec. 30. Sections 266.40 through 266.46, Code 1999, are  
8 repealed.

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HOUSE FILE 2492

S-5168

1 Amend House File 2492, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 9, line 26, by striking the words "and  
4 grounds".

5 2. Page 9, line 27, by inserting after the word  
6 "university" the following: ", the land upon which  
7 the building is located, and parking space associated  
8 with the building".

9 3. Page 9, line 30, by striking the word  
10 "grounds" and inserting the following: "parking  
11 space".

12 4. Page 10, line 1, by inserting after the word  
13 "safety" the following: "unless such transfer is  
14 prohibited or restricted by law or agreement".

15 5. Page 10, by inserting after line 5, the  
16 following:

17 "The department of public safety and the state  
18 board of regents shall enter into a written agreement  
19 pursuant to chapter 28E regarding payment of debt  
20 obligations incurred by the state board of regents on  
21 behalf of the Iowa cooperative extension service for  
22 agriculture and home economics for the lease-purchase  
23 of a mobile burn unit which is to be used by the  
24 department of public safety for fire fighter training.  
25 The written agreement shall also provide for storage  
26 of any of the equipment covered in this section at a  
27 facility owned by Iowa state university for as long as  
28 the lease for the building, land, and associated  
29 parking is in effect."

By COMMITTEE ON LOCAL GOVERNMENT  
JEFF ANGELO, Chairperson

*Adopted*  
*3,27-00 (p.867)*  
S-5168 FILED MARCH 16, 2000

HOUSE FILE 2492

S-5247

1 Amend House File 2492, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 14, by striking lines 27 and 28, and  
4 inserting the following: "required in subsection 7.  
5 If a township fails to certify property taxes by March  
6 15, the amount of taxes collected by".

7 2. Page 14, by striking line 34, and inserting  
8 the following: "fiscal year for which the township  
9 failed to certify property taxes."

By MERLIN E. BARTZ

S-5247 FILED MARCH 27, 2000

ADOPTED

*(p. 868)*

## SENATE AMENDMENT TO HOUSE FILE 2492

H-8578

- 1 Amend House File 2492, as amended, passed, and  
2 reprinted by the House, as follows:
- 3 1. Page 9, line 26, by striking the words "and  
4 grounds".
- 5 2. Page 9, line 27, by inserting after the word  
6 "university" the following: ", the land upon which  
7 the building is located, and parking space associated  
8 with the building".
- 9 3. Page 9, line 30, by striking the word  
10 "grounds" and inserting the following: "parking  
11 space".
- 12 4. Page 10, line 1, by inserting after the word  
13 "safety" the following: "unless such transfer is  
14 prohibited or restricted by law or agreement".
- 15 5. Page 10, by inserting after line 5, the  
16 following:  
17 "The department of public safety and the state  
18 board of regents shall enter into a written agreement  
19 pursuant to chapter 28E regarding payment of debt  
20 obligations incurred by the state board of regents on  
21 behalf of the Iowa cooperative extension service for  
22 agriculture and home economics for the lease-purchase  
23 of a mobile burn unit which is to be used by the  
24 department of public safety for fire fighter training.  
25 The written agreement shall also provide for storage  
26 of any of the equipment covered in this section at a  
27 facility owned by Iowa state university for as long as  
28 the lease for the building, land, and associated  
29 parking is in effect."
- 30 6. Page 14, by striking lines 27 and 28, and  
31 inserting the following: "required in subsection 7.  
32 If a township fails to certify property taxes by March  
33 15, the amount of taxes collected by".
- 34 7. Page 14, by striking line 34, and inserting  
35 the following: "fiscal year for which the township  
36 failed to certify property taxes."
- 37 8. By renumbering, relettering, or redesignating  
38 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-8578 FILED MARCH 28, 2000

*House Concurred*  
*3/29/00 (P. 1124)*

**HOUSE FILE 2492  
FISCAL NOTE**

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A fiscal note for **House File 2492 as passed by the House** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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House File 2492 makes several changes to the Code of Iowa relating to fire protection service and emergency medical service provided by townships, cities, counties, and other entities. The Bill also makes several changes in the law relating to townships.

**ASSUMPTIONS**

1. Most meetings of the State Fire Service and Emergency Response Council will meet in Des Moines. Travel costs of State members will be minimal, or combined with other duties if the meetings are held outside of Des Moines. Cost for the State Fire Service and Emergency Council are not anticipated to be significant.
2. Certain publication and storage costs, as well as administrative duties, will increase for townships. That cost cannot be determined due to a lack of data.
3. Provisions relating to paid leave for State employees who are volunteer fire fighters or emergency medical personnel to respond to emergencies will have a cost impact. The average hourly wage for all State employees is \$17.72. There are an estimated 100 volunteer fire fighters or emergency medical personnel eligible for leave under this provision. It is estimated there will be five hours of leave per year per person. The anticipated cost is \$8,900 during FY 2001.
4. The Fire Service Training Bureau may impose a fee for providing training. Revenues generated from the fee shall be used to offset the cost of fire protection training, and do not revert to the General Fund of the State, but remain in the fund established for collection of the fee. Any fees generated will be used for training expenses. All user fees, grants, and contractual revenue will transfer from Iowa State University to the Iowa Department of Public Safety. This revenue is estimated to be \$550,000 annually.
5. The Fire Service Institute is transferred from Iowa State University to the Department of Public Safety. All equipment and supplies (approximately \$800,000) and building lease costs (\$210,000) are transferred to the Department of Public Safety for up to three years. The Department of Public Safety has the option to terminate the lease within the first three years, if it locates suitable space. After three years, the Department of Public Safety will need to relocate the Fire Service Training Bureau to a new site.
6. The FY 2000 General Fund appropriation of \$591,000 to Iowa State University for the Fire Service Institute will be appropriated to the Department of Public Safety for the Fire Service Training Bureau.
7. Section 15 provides that Iowa State University employees of the Fire

Service Institute may elect to transfer to the Department of Public Safety, Fire Service Training Bureau, at a pay range commensurate with their duties, or they shall be given an opportunity to transfer to another position within Iowa State University at a salary and pay range not less than their current pay. If vacant, funded positions are not available for employees to transfer into, the maximum cost to Iowa State University is \$591,000, if all employees elect to remain at the University.

8. If all of the current Iowa State University employees elect to transfer to the Department of Public Safety, the salary cost of \$591,000 will be offset by the General Fund appropriation to the Department of Public Safety.

9. House File 2492 allows the county board of supervisors to assume responsibilities for fire protection and emergency medical services for unincorporated areas within the county. If they choose to provide these services, a county emergency fund is established, and a levy of 60 3/4 cents per \$1,000 of assessed value of taxable property within the unincorporated area is permitted. The fiscal impact of these provisions cannot be estimated. It is unknown how many counties will elect to provide the service, which triggers the imposition of the levy.

FISCAL IMPACT

The total fiscal impact for House File 2492 cannot be determined. However, the fiscal impact of the paid leave provision for State employees is expected to be minimal, approximately \$9,000 during FY 2001.

The provisions transferring the Fire Service Institute from Iowa State University to the Department of Public Safety is not expected to have a significant fiscal impact on the Department of Public Safety.

The fiscal impact to Iowa State University cannot be determined because the actual number of employees who will choose to remain at the University is unknown. However, if all current staff opted to stay at Iowa State University, the maximum salary and benefit cost to the University would be \$591,000.

SOURCES

- Iowa Workforce Development
- Department of Public Safety
- Office of the Auditor of State
- State Board of Regents
- Department of Personnel

(LSB 5184HV, BAL)

FILED MARCH 6, 2000

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 2492

AN ACT

RELATING TO CERTAIN STATE AND MUNICIPAL AGENCIES BY MAKING CHANGES RELATING TO THE PROVISION OF AND TRAINING FOR FIRE PROTECTION SERVICE AND EMERGENCY MEDICAL SERVICE AND BY AMENDING THE POWERS AND DUTIES OF TOWNSHIPS AND TOWNSHIP OFFICERS.

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

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

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

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

2. A ~~city-fire-department,-benefited-fire-district,-or township~~ municipal fire department may provide assistance to any other such department or district in the state at the time of a significant emergency such as a fire, earthquake, flood, tornado, hazardous material incident, or other such disaster.

The chief or highest ranking fire officer of an assisting department or district may render aid to a requesting department or district as long as the chief or officer is acting in accordance with the policies and procedures set forth by the governing board of the assisting department or district.

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

4. For purposes of this section, "municipality" means a city, county, township, benefited fire district, or agency formed under this chapter and authorized by law to provide emergency services.

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

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

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

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

4. For purposes of this section, "municipality" means a city, county, township, benefited fire district, or agency formed under this chapter and authorized by law to provide emergency services.

Sec. 3. NEW SECTION. 55.2 LEAVE OF ABSENCE FOR VOLUNTEER EMERGENCY SERVICE.

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

Sec. 4. Section 80.9, subsection 2, paragraph c, Code 1999, is amended to read as follows:

c. To investigate all fires; to apprehend persons suspected of arson; to enforce all safety measures in connection with the prevention of fires; and to disseminate fire-prevention education; to develop training standards and provide training to fire fighters around the state; and to address other issues related to fire service and emergency response as requested by the state fire service and emergency response council.

Sec. 5. Section 80.9, subsection 2, Code Supplement 1999, is amended by adding the following new paragraph:

NEW PARAGRAPH. i. Receive and review the budget submitted by the state fire marshal and the state fire service and emergency response council.

Sec. 6. Section 88.6, Code 1999, is amended by adding the following new subsection:

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

Sec. 7. Section 91.4, Code Supplement 1999, is amended by adding the following new subsection:

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

Sec. 8. NEW SECTION. 100B.1 STATE FIRE SERVICE AND EMERGENCY RESPONSE COUNCIL.

1. The state fire service and emergency response council is established in the division of fire protection of the department of public safety. The council shall consist of ten voting members. Members of the state fire service and emergency response council shall be appointed by the governor. The governor shall appoint members from the following organizations, chosen from a list of names submitted by each of the following organizations:

- a. Two members from the Iowa firemen's association.
- b. Two members from the Iowa fire chiefs' association.
- c. One member from the Iowa association of professional fire fighters.
- d. Two members from the Iowa association of professional fire chiefs.
- e. One member from the Iowa fire fighters group.
- f. One member from the Iowa emergency medical services association.

The tenth member of the council shall be a member of the general public appointed by the governor.

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

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

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

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

3. Six voting members of the council shall constitute a quorum. For the purpose of conducting business a majority vote of the council shall be required. The council shall elect a chairperson from its members. The council shall meet at the call of the chairperson, or the state fire marshal, or when any six members of the council file a written request with the chairperson for a meeting.

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

Sec. 9. NEW SECTION. 100B.2 DUTIES.

The state fire service and emergency response council shall:

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

2. Cooperate with and assist agencies concerning fire emergency services matters and may, at the request of the state fire marshal or the chairperson of the council, hold

public hearings for the purpose of seeking resolution of, or making recommendations on, fire services issues.

3. Develop, in consultation with the state fire marshal, the policies of the fire service training bureau of the division of fire protection.

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

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

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

7. Prepare annual performance reviews of training administrators for submittal to the state fire marshal.

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

Sec. 10. NEW SECTION. 100B.3 TRAINING AGREEMENTS.

The state fire marshal, subject to the approval of the state fire service and emergency response council, may enter into written agreements with other educational institutions to provide training in conjunction with training provided by the fire service training bureau or to assist in research conducted by the bureau.

Sec. 11. NEW SECTION. 100B.4 FEES.

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

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

Sec. 12. NEW SECTION. 100B.5 BUDGET.

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

Sec. 13. NEW SECTION. 100B.6 FIRE SERVICE TRAINING BUREAU.

1. The state fire service and emergency response council shall assist in operation of a fire service training bureau for instructing the general public and fire protection personnel throughout the state, providing service to public and private fire departments in the state, conducting research in the methods of maintaining and improving fire education consistent with the needs of Iowa communities, and performing any other functions assigned to the bureau by the state fire marshal in consultation with the state fire service and emergency response council.

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

3. Programs conducted by the fire service training bureau shall include at a minimum instruction in the subjects necessary for the certification of persons in accordance with a nationally recognized fire fighter qualification system as approved by the state fire service and emergency response council. At the direction of the state fire marshal in

consultation with the state fire service and emergency response council, the fire service training bureau may develop and conduct programs which extend beyond the programs directly related to such system.

Sec. 14. NEW SECTION. 100B.7 ADMINISTRATOR -- APPOINTMENT -- DUTIES.

1. The administrator of the fire service training bureau shall be appointed by the commissioner of public safety, subject to the approval of the state fire service and emergency response council.

2. The state fire marshal shall direct the administrator to:

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

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

c. Advise, confer, and consult with the state fire service and emergency response council in developing rules establishing minimum standards for fire service training.

d. Advise, confer, and consult regularly with the state fire service and emergency response council to seek input and recommendations on all facets of fire service training programs in Iowa.

e. Maintain a statewide system to provide basic level fire fighter training at the local level.

f. Distribute instructional and educational materials to support the fire training and education programs offered by the department of public safety.

g. Recruit and train qualified instructors for the training program.

h. Maintain training records as directed by the state fire marshal and necessary to accomplish the purposes of training programs.

i. Establish, with the approval of the state fire service and emergency response council, a fee schedule for training services that will ensure quality training at the most reasonable price.

j. Offer programs of education and instruction approved by the state fire service and emergency response council and conducted by qualified staff and faculty.

k. Plan and coordinate fire schools and other short courses of instruction on a statewide, regional and local level, utilizing existing educational institutions, programs, and facilities as feasible.

l. Prepare for the state fire marshal and the state fire service and emergency response council an annual report of activities that include a summary of classes taught, budget, and staff activities.

m. Provide supervision and management to the fire service training bureau staff consistent with the methods of the department of public safety and as assigned by the state fire marshal.

n. Consult with the state fire service and emergency response council in preparing an annual legislative and budgetary agenda that will address items necessary to accomplish the provisions of this chapter, and submit this agenda to the state fire marshal in a format and time frame consistent with departmental policy.

o. Develop mechanisms by which fire fighters and others may earn college credits and degrees in fire-related disciplines.

p. Develop instructional and educational materials to support the fire training and education programs offered by the council.

q. Develop and offer other programs and services consistent with the general purposes of the council.

Sec. 15. NEW SECTION. 100B.8 EMPLOYEES.

Employees of the fire service institute at Iowa state university on the effective date of this Act may elect to transfer to the department of public safety in a position and at a pay range commensurate with their duties as determined by the department of personnel, the department of public safety, and the employee's certified collective bargaining representative.

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

The building known as the fire service institute at Iowa state university, the land upon which the building is located, and parking space associated with the building shall, until July 1, 2003, be leased by Iowa state university to the department of public safety at a cost not to exceed the actual cost of heating, lighting, and maintaining the building and parking space. In the event the department of public safety locates suitable facilities prior to that time, the lease may be terminated at the option of the department. All equipment owned by Iowa state university and used exclusively to conduct fire service training, classes, or business shall transfer on the effective date of this Act to the department of public safety unless such transfer is prohibited or restricted by law or agreement. This equipment includes, but is not limited to, breathing apparatus, fire suppression gear, mobile equipment, office furniture, computers, copying machines, library, file cabinets, and training records.

The department of public safety and the state board of regents shall enter into a written agreement pursuant to chapter 28E regarding payment of debt obligations incurred by the state board of regents on behalf of the Iowa cooperative extension service for agriculture and home economics for the lease-purchase of a mobile burn unit which is to be used by the department of public safety for fire fighter training. The written agreement shall also provide for storage of any of the equipment covered in this section at a facility owned by Iowa state university for as long as the lease for the building, land, and associated parking is in effect.

Sec. 17. NEW SECTION. 100B.10 RULES.

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

Sec. 18. NEW SECTION. 331.385 POWERS RELATING TO EMERGENCY SERVICES.

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

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

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

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

Sec. 19. Section 331.421, Code 1999, is amended by adding the following new subsection:

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

Sec. 20. NEW SECTION. 331.424C EMERGENCY SERVICES FUND.

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

Sec. 21. Section 331.502, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 30A. Carry out duties related to posting financial information of a township as provided in sections 359.23 and 359.49.

Sec. 22. Section 359.17, Code 1999, is amended to read as follows:

359.17 TRUSTEES -- DUTIES -- MEETINGS.

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

Sec. 23. Section 359.20, Code 1999, is amended by adding the following new unnumbered paragraph:

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

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

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

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

359.23 RECEIPTS AND EXPENDITURES.

Each township clerk shall prepare, on or before September 30 of each year, a statement in writing, showing all receipts of money and disbursements in the clerk's office for each separate tax levy authorized by law for the preceding fiscal year, showing the current public debt of the township, and showing the balance as of June 30 of all separate reserve accounts held by the township, which shall be certified as correct by the trustees of the township. The statement shall be in a form prescribed by the county finance committee in consultation with the department of management. Each township clerk shall send a copy of this written statement to the county auditor no later than seven days after the statement is certified by the trustees. The county auditor shall post the statement or a summary of the statement in a prominent place in the building where the auditor's office is located. The county treasurer shall withhold disbursement of township taxes until the statement is filed with the county auditor. The county auditor shall notify the county treasurer if taxes are to be withheld.

The county auditor may waive the requirement that a township send a copy of the written financial statement to the county auditor.

Sec. 25. Section 359.43, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Township taxes collected and disbursed by the county shall be apportioned by the clerk and paid into the separate accounts of the tax districts no later than May 31 and November 30 of each year.

TOWNSHIP FINANCES

Sec. 26. NEW SECTION. 359.49 TOWNSHIP BUDGET.

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

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

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

2. By January 15 of each year, each township fire department in the township shall provide to the board of trustees a proposed budget showing all revenues and all expenses for emergency services for the next fiscal year. By January 15 of each year, each township fire department, and each municipal fire department providing emergency services to a township, shall submit to the board of trustees a report detailing emergency services calls for the prior calendar year for the fire district and a copy of the fire report filed by the fire department with the state fire marshal's office. For purposes of this subsection, "municipal" means relating to a city, county, township, benefited fire district, or chapter 28E agency authorized by law to provide emergency services.

3. Not less than ten days before the date set for the regular meeting of the board at which objections and arguments on the budget will be heard, the clerk shall make available a sufficient number of copies of the detailed budget to meet the requests of taxpayers and organizations.

4. The board of trustees shall transmit a copy of the proposed budget to the county auditor for posting.

5. The board of trustees shall set a time and place for a regular meeting before final certification of the budget, which meeting shall provide time for comments and objections to be heard on the proposed budget. The meeting shall be held no less than ten days and no more than twenty days after the

proposed budget is posted by the county auditor. The county auditor shall certify to the clerk the date of posting

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

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

8. Taxes from a township levy shall be collected but not disbursed by the county to a township until copies of the township budget are transmitted to the county auditor as required in subsection 7. If a township fails to certify property taxes by March 15, the amount of taxes collected by the county for the township shall be the amount collected for the township in the previous fiscal year to the extent that it does not exceed the applicable levy rate limits in this chapter. However, that amount may not exceed the amount the township could collect based on property assessments for the fiscal year for which the township failed to certify property taxes.

9. The township budget shall be prepared on forms, and pursuant to instructions, prescribed by the county finance committee in consultation with the department of management.

Sec. 27. NEW SECTION. 359.50 BUDGET AMENDMENT.

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

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

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

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

Sec. 28. NEW SECTION. 359.51 SEPARATE ACCOUNTS.

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

Sec. 29. NEW SECTION. 359.52 DISPOSAL OF PROPERTY.

A township shall not dispose of an interest in personal property, or an interest in real property, by sale, lease, or gift, except in accordance with the following procedure:

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

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

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

This section does not apply to the sale by a township of subdivisions or lots within a cemetery.

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Sec. 30. Sections 266.40 through 266.46, Code 1999, are repealed.

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BRENT SIEGRIST  
Speaker of the House

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MARY E. KRAMER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2492, Seventy-eighth General Assembly.

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ELIZABETH ISAACSON  
Chief Clerk of the House

Approved 4/19, 2000

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THOMAS J. VILSACK  
Governor