

FEB 12 2003
LOCAL GOVERNMENT

HOUSE FILE 176
BY HUSER

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

A BILL FOR

1 An Act relating to township emergency services, compensation of
2 township officers, and township budgets.

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

HF-176

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1 Section 1. Section 331.322, subsection 14, Code 2003, is
2 amended by striking the subsection.

3 Sec. 2. Section 331.385, subsections 2 and 3, Code 2003,
4 are amended to read as follows:

5 2. The board of supervisors shall publish notice of the
6 proposed resolution, and of a public hearing to be held on the
7 proposed resolution, in a newspaper of general circulation in
8 the county at least ten days but no more than twenty days
9 before the date of the public hearing. If, after notice and
10 hearing, the resolution is adopted, the board of supervisors
11 shall assume the exercise of the powers and duties of township
12 trustees relating to fire protection service and emergency
13 medical service as set forth in sections 359.42 through
14 359.45.

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

29 Sec. 3. Section 331.385, Code 2003, is amended by adding
30 the following new subsection:

31 NEW SUBSECTION. 5. Notwithstanding subsections 1 and 2,
32 if section 359.45A applies, a county shall provide fire
33 protection service and emergency medical service for a
34 township.

35 Sec. 4. NEW SECTION. 359.45A EMERGENCY SERVICES PROVIDED

1 BY COUNTY.

2 If, as of January 1, 2003, a township is not operating its
3 own township fire department, the county where the township is
4 located shall assume the exercise of all powers and duties of
5 the township relating to fire protection service and emergency
6 medical service beginning with the fiscal year beginning July
7 1, 2004. The county may contract with another township, a
8 benefited fire district, a county, or a city for fire
9 protection service and emergency medical service for the
10 township. However, any contract in force at the time the
11 county assumes responsibility for fire protection service and
12 emergency medical service shall remain in effect until its
13 expiration. Fire protection service and emergency medical
14 service shall be paid for by the county as provided in section
15 331.385.

16 Sec. 5. Section 359.46, Code 2003, is amended to read as
17 follows:

18 359.46 COMPENSATION OF TOWNSHIP TRUSTEES.

19 1. A township trustee while engaged in official business
20 shall be compensated at an hourly rate established by the
21 ~~county-board-of-supervisors~~ trustees. However, the ~~county~~
22 ~~board-of-supervisors~~ trustees may establish a minimum daily
23 pay rate for the time spent by a township trustee attending a
24 scheduled meeting of township trustees. The compensation
25 shall be paid by from the county administration fund
26 established in section 359.48 except:

27 a. When the trustee is assessing damages done by
28 trespassing animals, payment of the compensation shall be made
29 in the same manner as other costs in such cases.

30 b. When the trustee is acting as a fence viewer or in a
31 case where provision is made for payment from a source other
32 than the ~~general~~ administration fund of the ~~county~~ township.

33 2. In cases where their fees or compensation are not paid
34 by from the county administration fund, the trustees shall be
35 paid by the party requiring their services. The trustees

1 shall attach to the report of their proceedings a statement
2 specifying their services, directing who shall pay the fees or
3 compensation, and specifying the amount to be paid by each
4 party. A party who makes advance payment for the services of
5 the trustees may take legal action to recover the amount of
6 the payment from the party who is directed to pay by the
7 trustees unless the party entitled to recovery under this
8 subsection is paid within ten days after a demand for
9 reimbursement is made.

10 Sec. 6. NEW SECTION. 359.48 ADMINISTRATION FUND.

11 A township shall establish an administration fund and may
12 certify a tax levy sufficient to pay administrative costs as
13 provided in sections 359.46 and 359.47.

14 Sec. 7. Section 359.49, subsection 9, Code 2003, is
15 amended to read as follows:

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

28 EXPLANATION

29 This bill makes changes to the law relating to township
30 emergency services, compensation of township officers, and
31 township budgets.

32 The bill provides that if, as of January 1, 2003, a
33 township is not operating its own fire department, the county
34 where the township is located shall assume all the powers and
35 duties of the township relating to fire protection service and

1 emergency medical service beginning with the fiscal year
2 beginning July 1, 2004. The county may contract for fire
3 protection and emergency medical services.

4 The bill also requires a township to establish an
5 administration fund for paying compensation of township
6 trustees and the township clerk. The township is to levy
7 property taxes sufficient to pay such administrative costs.
8 The bill strikes the requirement that the county set the rate
9 of compensation and pay the compensation of the trustees and
10 clerks and requires that the trustees set the rate of
11 compensation.

12 The bill strikes the requirement that a county is not to
13 disburse a township's taxes until copies of the township
14 budget are transmitted to the county auditor.

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