

MAR 30 2004
WAYS & MEANS CALENDAR

HOUSE FILE 2560
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 2477)

(SUCCESSOR TO HSB 669)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to fire protection service by requiring certain
2 counties to negotiate emergency services agreements for
3 townships, relating to dissolution of benefited fire
4 districts, and including effective and applicability date
5 provisions.

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

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HF 2560

1 Section 1. Section 331.385, subsections 2 and 3, Code
2 2003, are amended to read as follows:

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

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

27 Sec. 2. Section 331.385, Code 2003, is amended by adding
28 the following new subsection:

29 NEW SUBSECTION. 5. a. Notwithstanding subsection 1, in a
30 county having a population in excess of three hundred
31 thousand, if as of July 1, 2004, a township has in force an
32 agreement pursuant to chapter 28E for a city or another
33 township to provide fire protection service or fire protection
34 service and emergency medical services, or if a township is
35 otherwise contracting with a city or another township for fire

1 protection service or fire protection service and emergency
2 medical services, the agreement or contract shall remain in
3 force for the fiscal years beginning July 1, 2005, and July 1,
4 2006, and it shall be the duty of the county board of
5 supervisors to levy, pursuant to section 331.424C, for those
6 two fiscal years an amount sufficient to meet the obligations
7 of the township as it pertains to that agreement or contract.

8 b. The board of supervisors of a county described in
9 paragraph "a" shall negotiate agreements pursuant to chapter
10 28E for continued fire protection service, or fire protection
11 service and emergency medical services, for the fiscal year
12 beginning July 1, 2007, and subsequent fiscal years, on behalf
13 of those townships described in paragraph "a", and shall
14 continue to certify taxes for levy in the township, pursuant
15 to section 331.424C, in amounts sufficient to meet the
16 financial obligations pertaining to those agreements.

17 Sec. 3. Section 331.424C, Code Supplement 2003, is amended
18 to read as follows:

19 331.424C EMERGENCY SERVICES FUND.

20 A county that is providing fire protection service or
21 emergency medical service to a township pursuant to section
22 331.385 shall establish an emergency services fund and may
23 certify taxes for levy in the township not to exceed sixty and
24 three-fourths cents per one thousand dollars of the assessed
25 value of taxable property located in the township. The county
26 has the authority to use a portion of the taxes levied and
27 deposited in the fund for the purpose of accumulating moneys
28 to carry out the purposes of section 359.43, subsection 4.

29 Sec. 4. Section 357B.5, subsection 1, Code 2003, is
30 amended to read as follows:

31 1. Upon petition of a number of registered voters residing
32 in a district at least equal to thirty-five percent of the
33 property taxpayers in the district, the board of supervisors
34 may dissolve a benefited fire district and dispose of any
35 remaining property, the proceeds of which shall first be

1 applied against any outstanding obligation of the district.
2 Any remaining balance shall be applied as a tax credit for the
3 property owners of the district. However, except as provided
4 in subsection 2, if all or a part of a district is annexed,
5 the board of supervisors may transfer the remaining property
6 and balance to the city which annexed the territory. The
7 board of supervisors shall continue to levy an annual tax
8 during the time the district is being dissolved and after the
9 dissolution of a district, not to exceed forty-and-one-half
10 sixty and three-fourths cents per thousand dollars of assessed
11 value of the taxable property of the district, until all
12 outstanding obligations of the district are paid. Except as
13 otherwise provided in subsection 2, the board of supervisors
14 shall negotiate agreements necessary to provide continued fire
15 protection to the benefited fire district area during the time
16 the district is being dissolved and after dissolution, and
17 shall continue to levy an annual tax to fund such agreements,
18 until such time as the township trustees of the township where
19 the benefited fire district is located begin to provide fire
20 protection service as required by section 359.42.

21 Sec. 5. Section 359.42, Code 2003, is amended to read as
22 follows:

23 359.42 TOWNSHIP FIRE PROTECTION SERVICE, EMERGENCY WARNING
24 SYSTEM, AND EMERGENCY MEDICAL SERVICE.

25 The Except as otherwise provided in section 331.385, the
26 trustees of each township shall provide fire protection
27 service for the township, exclusive of any part of the
28 township within a benefited fire district and may provide
29 emergency medical service. The trustees may purchase, own,
30 rent, or maintain fire protection service or emergency medical
31 service apparatus or equipment or both kinds of apparatus or
32 equipment and provide housing for the equipment. The trustees
33 of a township which is located within a county having a
34 population of three hundred thousand or more may also
35 establish and maintain an emergency warning system within the

1 township. The trustees may contract with a public or private
2 agency under chapter 28E for the purpose of providing any
3 service or system required or authorized under this section.

4 Sec. 6. EFFECTIVE AND APPLICABILITY DATES. Section 4 of
5 this Act, being deemed of immediate importance, takes effect
6 upon enactment and applies to fiscal years beginning on or
7 after July 1, 2004.

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EXPLANATION

9 This bill makes changes to the law relating to fire
10 protection service by cities, counties, townships, and
11 benefited fire districts.

12 The bill also provides that in a county with a population
13 of more than 300,000, fire protection or fire protection and
14 emergency medical services agreements or contracts between a
15 township and a city or another township that are in force on
16 July 1, 2004, shall remain in force for fiscal years 2005-2006
17 and 2006-2007. Thereafter, the county shall negotiate
18 agreements for fire protection or fire protection and
19 emergency medical services on behalf of those townships and
20 shall levy amounts sufficient to meet the obligations under
21 the agreements.

22 The bill specifies that the fire protection levy certified
23 by a county for fire protection services shall be imposed in
24 the township for which powers and duties of the township
25 trustees relating to fire protection service have been assumed
26 by the county board of supervisors.

27 The bill provides that during the process of dissolving a
28 benefited fire district, the board of supervisors where the
29 district is located shall continue to levy an annual tax for
30 fire protection service in the district and shall negotiate
31 agreements for continued fire protection service until such
32 time as the board of trustees of the township assumes that
33 duty. The bill increases the maximum annual tax to be levied
34 during and after dissolution from 40 1/2 cents to 60 3/4 cents
35 per \$1,000 of assessed value of taxable property. This

1 section of the bill takes effect upon enactment.

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HOUSE FILE 2560

S-5327

1 Amend House File 2560, as passed by the House, as
2 follows:

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

5 "c. This subsection does not apply to a chapter
6 28E agreement entered into by three or more townships
7 if such agreement provides for the creation of one
8 fire department to provide fire protection services
9 jointly to the townships that are parties to the
10 agreement."

By DOUG SHULL

S-5327 FILED APRIL 13, 2004
ADOPTED

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**SENATE AMENDMENT TO
HOUSE FILE 2560**

H-8515

1 Amend House File 2560, as passed by the House, as
2 follows:

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

5 "c. This subsection does not apply to a chapter
6 28E agreement entered into by three or more townships
7 if such agreement provides for the creation of one
8 fire department to provide fire protection services
9 jointly to the townships that are parties to the
10 agreement."

RECEIVED FROM THE SENATE

H-8515 FILED APRIL 14, 2004

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Chair Boal
Arnold
Hanson
Co Chair Huser
Laskell

Suc ed By HSB 669
SF: 062477 LOCAL GOVERNMENT
HOUSE FILE 2560
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT
BILL BY CHAIRPERSON
VAN ENGELENHOVEN)

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

A BILL FOR

1 An Act relating to fire protection service by requiring counties
2 to assume the duties and powers of township trustees in
3 certain circumstances, requiring certain counties to negotiate
4 fire protection agreements for townships, relating to
5 dissolution of benefited fire districts, authorizing certain
6 fire departments to assess fees to property owners for fire
7 protection service, and delaying the budget certification
8 deadline for certain townships, and including an effective
9 date provision.

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

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1 Section 1. Section 331.385, subsections 2 and 3, Code
2 2003, are amended to read as follows:

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

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

27 Sec. 2. Section 331.385, Code 2003, is amended by adding
28 the following new subsection:

29 NEW SUBSECTION. 5. Notwithstanding subsection 1, if for
30 two successive general elections, nomination petitions filed
31 for the office of board of trustees of a township are
32 insufficient to elect a quorum for the board of trustees to
33 conduct business, or if the board of supervisors in townships
34 where the trustees are appointed fails to appoint a number of
35 trustees sufficient to constitute a quorum for the board of

1 trustees to conduct business, the board of supervisors where
2 the township is located shall assume the exercise of the
3 powers and duties of the board of trustees relating to fire
4 protection service and emergency medical service in the
5 township as set forth in sections 359.42 through 359.45, and
6 as provided in subsections 3 and 4.

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

9 NEW SUBSECTION. 6. a. Notwithstanding subsection 1, in a
10 county having a population in excess of three hundred
11 thousand, if as of July 1, 2004, a township has in force an
12 agreement pursuant to chapter 28E for a city or other township
13 to provide fire protection service, or if a township is
14 otherwise contracting with a city or another township for fire
15 protection service, the agreement or contract shall remain in
16 force for the fiscal years beginning July 1, 2005, and July 1,
17 2006, and it shall be the duty of the county board of
18 supervisors to levy, pursuant to section 331.424C, for those
19 two fiscal years an amount sufficient to meet the obligations
20 of the township as it pertains to that agreement or contract.

21 b. The board of supervisors of a county described in
22 paragraph "a" shall negotiate agreements pursuant to chapter
23 28E for continued fire protection service for the fiscal year
24 beginning July 1, 2007, and subsequent fiscal years, on behalf
25 of those townships described in paragraph "a", and shall
26 continue to certify taxes for levy in the township, pursuant
27 to section 331.424C, in amounts sufficient to meet the
28 financial obligations pertaining to those agreements.

29 Sec. 4. Section 331.424C, Code Supplement 2003, is amended
30 to read as follows:

31 331.424C EMERGENCY SERVICES FUND.

32 A county that is providing fire protection service or
33 emergency medical service to a township pursuant to section
34 331.385 shall establish an emergency services fund and may
35 certify taxes for levy in the township not to exceed sixty and

1 three-fourths cents per one thousand dollars of the assessed
2 value of taxable property located in the township. The county
3 has the authority to use a portion of the taxes levied and
4 deposited in the fund for the purpose of accumulating moneys
5 to carry out the purposes of section 359.43, subsection 4.

6 Sec. 5. Section 357B.5, subsection 1, Code 2003, is
7 amended to read as follows:

8 1. Upon petition of a number of registered voters residing
9 in a district at least equal to thirty-five percent of the
10 property taxpayers in the district, the board of supervisors
11 may dissolve a benefited fire district and dispose of any
12 remaining property, the proceeds of which shall first be
13 applied against any outstanding obligation of the district.
14 Any remaining balance shall be applied as a tax credit for the
15 property owners of the district. However, except as provided
16 in subsection 2, if all or a part of a district is annexed,
17 the board of supervisors may transfer the remaining property
18 and balance to the city which annexed the territory. The
19 board of supervisors shall continue to levy an annual tax
20 during the time the district is being dissolved and after the
21 dissolution of a district, not to exceed ~~forty-and-one-half~~
22 sixty and three-fourths cents per thousand dollars of assessed
23 value of the taxable property of the district, until all
24 outstanding obligations of the district are paid.

25 Sec. 6. Section 359.42, Code 2003, is amended to read as
26 follows:

27 359.42 TOWNSHIP FIRE PROTECTION SERVICE, EMERGENCY WARNING
28 SYSTEM, AND EMERGENCY MEDICAL SERVICE.

29 The Except as otherwise provided in section 331.385, the
30 trustees of each township shall provide fire protection
31 service for the township, exclusive of any part of the
32 township within a benefited fire district and may provide
33 emergency medical service. The trustees may purchase, own,
34 rent, or maintain fire protection service or emergency medical
35 service apparatus or equipment or both kinds of apparatus or

1 equipment and provide housing for the equipment. The trustees
2 of a township which is located within a county having a
3 population of three hundred thousand or more may also
4 establish and maintain an emergency warning system within the
5 township. The trustees may contract with a public or private
6 agency under chapter 28E for the purpose of providing any
7 service or system required or authorized under this section.

8 Sec. 7. NEW SECTION. 359.44 AUTHORITY TO ASSESS FEE TO
9 PROPERTY OWNER FOR FIRE PROTECTION SERVICE.

10 1. If a township has no township fire department and the
11 board of trustees has not entered into an agreement under
12 chapter 28E for fire protection service for the township, or
13 has not otherwise contracted for fire protection service for
14 the township, fire departments providing fire protection
15 service in the township may assess the owner of the property a
16 fee for service actually provided to the property.

17 2. The state fire service and emergency response council
18 shall develop guidelines for fire departments to follow when
19 assessing property owners fees for fire protection service
20 actually provided pursuant to subsection 1.

21 3. A fee assessed pursuant to subsection 1 that remains
22 unpaid six months after the property owner was notified of the
23 fee shall be treated as delinquent property taxes pursuant to
24 chapters 446 through 448.

25 Sec. 8. BUDGET CERTIFICATION DEADLINE FOR CERTAIN
26 TOWNSHIPS FOR FISCAL YEAR 2004-2005. If a township board of
27 trustees did not have a sufficient membership to constitute a
28 quorum to conduct business, and the board of supervisors of
29 the county where the township is located did not appoint a
30 sufficient number of trustees to conduct business until after
31 February 15, 2004, but before March 15, 2004, the deadline for
32 certification of the township budget for the fiscal year
33 beginning July 1, 2004, shall be April 15, 2004. All budget
34 appeal time limits shall be extended to correspond to the
35 budget certification deadline under this section.

669

1 takes effect upon enactment.

2 The bill authorizes fire departments that provide fire
3 protection service in townships where there is no township
4 fire department and the townships trustees have not entered
5 into an agreement for, or otherwise contracted for, fire
6 protection service to assess a fee to a property owner for
7 fire protection service actually provided to the owner's
8 property. The bill requires the state fire service and
9 emergency response council to develop guidelines for fire
10 departments to follow when assessing fees to property owners.
11 The bill further provides that unpaid fire protection fees
12 shall be treated as unpaid property taxes. This section of
13 the bill takes effect upon enactment.

14 The bill delays the budget certification deadline for a
15 township to April 15 for the fiscal year beginning July 1,
16 2004, if the township lacked a quorum of trustees to conduct
17 business and the necessary trustee was not appointed until
18 after February 15, 2004, but before March 15, 2004. This
19 section of the bill takes effect upon enactment.

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HOUSE FILE 2560

AN ACT

RELATING TO FIRE PROTECTION SERVICE BY REQUIRING CERTAIN COUNTIES TO NEGOTIATE EMERGENCY SERVICES AGREEMENTS FOR TOWNSHIPS, RELATING TO DISSOLUTION OF BENEFITED FIRE DISTRICTS, AND INCLUDING EFFECTIVE AND APPLICABILITY DATE PROVISIONS.

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

Section 1. Section 331.385, subsections 2 and 3, Code 2003, are amended to read as follows:

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. 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.

~~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.

Sec. 2. Section 331.385, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 5. a. Notwithstanding subsection 1, in a county having a population in excess of three hundred thousand, if as of July 1, 2004, a township has in force an agreement pursuant to chapter 28E for a city or another township to provide fire protection service or fire protection service and emergency medical services, or if a township is otherwise contracting with a city or another township for fire protection service or fire protection service and emergency medical services, the agreement or contract shall remain in force for the fiscal years beginning July 1, 2005, and July 1, 2006, and it shall be the duty of the county board of supervisors to levy, pursuant to section 331.424C, for those two fiscal years an amount sufficient to meet the obligations of the township as it pertains to that agreement or contract.

b. The board of supervisors of a county described in paragraph "a" shall negotiate agreements pursuant to chapter 28E for continued fire protection service, or fire protection

service and emergency medical services, for the fiscal year beginning July 1, 2007, and subsequent fiscal years, on behalf of those townships described in paragraph "a", and shall continue to certify taxes for levy in the township, pursuant to section 331.424C, in amounts sufficient to meet the financial obligations pertaining to those agreements.

c. This subsection does not apply to a chapter 28E agreement entered into by three or more townships if such agreement provides for the creation of one fire department to provide fire protection services jointly to the townships that are parties to the agreement.

Sec. 3. Section 331.424C, Code Supplement 2003, is amended to read as follows:

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 for levy in the township 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 4.

Sec. 4. Section 357B.5, subsection 1, Code 2003, is amended to read as follows:

1. Upon petition of a number of registered voters residing in a district at least equal to thirty-five percent of the property taxpayers in the district, the board of supervisors may dissolve a benefited fire district and dispose of any remaining property, the proceeds of which shall first be applied against any outstanding obligation of the district. Any remaining balance shall be applied as a tax credit for the property owners of the district. However, except as provided in subsection 2, if all or a part of a district is annexed, the board of supervisors may transfer the remaining property

and balance to the city which annexed the territory. The board of supervisors shall continue to levy an annual tax during the time the district is being dissolved and after the dissolution of a district, not to exceed forty-and-one-half sixty and three-fourths cents per thousand dollars of assessed value of the taxable property of the district, until all outstanding obligations of the district are paid. Except as otherwise provided in subsection 2, the board of supervisors shall negotiate agreements necessary to provide continued fire protection to the benefited fire district area during the time the district is being dissolved and after dissolution, and shall continue to levy an annual tax to fund such agreements, until such time as the township trustees of the township where the benefited fire district is located begin to provide fire protection service as required by section 359.42.

Sec. 5. Section 359.42, Code 2003, is amended to read as follows:

359.42 TOWNSHIP FIRE PROTECTION SERVICE, EMERGENCY WARNING SYSTEM, AND EMERGENCY MEDICAL SERVICE.

The Except as otherwise provided in section 331.385, the trustees of each township shall provide fire protection service for the township, exclusive of any part of the township within a benefited fire district and may provide emergency medical service. The trustees may purchase, own, rent, or maintain fire protection service or emergency medical service apparatus or equipment or both kinds of apparatus or equipment and provide housing for the equipment. The trustees of a township which is located within a county having a population of three hundred thousand or more may also establish and maintain an emergency warning system within the township. The trustees may contract with a public or private agency under chapter 28E for the purpose of providing any service or system required or authorized under this section.

Sec. 6. EFFECTIVE AND APPLICABILITY DATES. Section 4 of this Act, being deemed of immediate importance, takes effect

upon enactment and applies to fiscal years beginning on or after July 1, 2004.

CHRISTOPHER C. RANTS
Speaker of the House

JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2560, Eightieth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2004

THOMAS J. VILSACK
Governor