

House Study Bill 669

HOUSE FILE _____
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:
11 TLSB 6453HC 80
12 sc/pj/5

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1 1 Section 1. Section 331.385, subsections 2 and 3, Code
1 2 2003, are amended to read as follows:
1 3 2. The board of supervisors shall publish notice of the
1 4 proposed resolution, and of a public hearing to be held on the
1 5 proposed resolution, in a newspaper of general circulation in
1 6 the county at least ten days but no more than twenty days
1 7 before the date of the public hearing. If, after notice and
1 8 hearing, the resolution is adopted, the board of supervisors
1 9 shall assume the exercise of the powers and duties of township
1 10 trustees relating to fire protection service and emergency
1 11 medical service as set forth in sections 359.42 through
1 12 359.45.
1 13 3. ~~If, after notice and hearing, the resolution is~~
1 14 ~~adopted, the board of supervisors shall assume the exercise of~~
1 15 ~~the powers and duties of township trustees relating to fire~~
1 16 ~~protection service and emergency medical service as set forth~~
1 17 ~~in sections 359.42 through 359.45.~~ All of the real and
1 18 personal township property used to provide fire protection
1 19 service or emergency medical service shall be transferred to
1 20 the county. The county shall assume all of the outstanding
1 21 obligations of the township relating to fire protection
1 22 service or emergency medical service. If the township
1 23 provides fire protection outside of the county's boundaries,
1 24 the county shall continue to provide fire protection to this
1 25 area for at least ninety days after adoption of the
1 26 resolution.
1 27 Sec. 2. Section 331.385, Code 2003, is amended by adding
1 28 the following new subsection:
1 29 NEW SUBSECTION. 5. Notwithstanding subsection 1, if for
1 30 two successive general elections, nomination petitions filed
1 31 for the office of board of trustees of a township are
1 32 insufficient to elect a quorum for the board of trustees to
1 33 conduct business, or if the board of supervisors in townships
1 34 where the trustees are appointed fails to appoint a number of
1 35 trustees sufficient to constitute a quorum for the board of
2 1 trustees to conduct business, the board of supervisors where
2 2 the township is located shall assume the exercise of the
2 3 powers and duties of the board of trustees relating to fire
2 4 protection service and emergency medical service in the
2 5 township as set forth in sections 359.42 through 359.45, and
2 6 as provided in subsections 3 and 4.
2 7 Sec. 3. Section 331.385, Code 2003, is amended by adding
2 8 the following new subsection:
2 9 NEW SUBSECTION. 6. a. Notwithstanding subsection 1, in a
2 10 county having a population in excess of three hundred
2 11 thousand, if as of July 1, 2004, a township has in force an
2 12 agreement pursuant to chapter 28E for a city or other township
2 13 to provide fire protection service, or if a township is
2 14 otherwise contracting with a city or another township for fire

2 15 protection service, the agreement or contract shall remain in
2 16 force for the fiscal years beginning July 1, 2005, and July 1,
2 17 2006, and it shall be the duty of the county board of
2 18 supervisors to levy, pursuant to section 331.424C, for those
2 19 two fiscal years an amount sufficient to meet the obligations
2 20 of the township as it pertains to that agreement or contract.

2 21 b. The board of supervisors of a county described in
2 22 paragraph "a" shall negotiate agreements pursuant to chapter
2 23 28E for continued fire protection service for the fiscal year
2 24 beginning July 1, 2007, and subsequent fiscal years, on behalf
2 25 of those townships described in paragraph "a", and shall
2 26 continue to certify taxes for levy in the township, pursuant
2 27 to section 331.424C, in amounts sufficient to meet the
2 28 financial obligations pertaining to those agreements.

2 29 Sec. 4. Section 331.424C, Code Supplement 2003, is amended
2 30 to read as follows:

2 31 331.424C EMERGENCY SERVICES FUND.

2 32 A county that is providing fire protection service or
2 33 emergency medical service to a township pursuant to section
2 34 331.385 shall establish an emergency services fund and may
2 35 certify taxes for levy in the township not to exceed sixty and
3 1 three-fourths cents per one thousand dollars of the assessed
3 2 value of taxable property located in the township. The county
3 3 has the authority to use a portion of the taxes levied and
3 4 deposited in the fund for the purpose of accumulating moneys
3 5 to carry out the purposes of section 359.43, subsection 4.

3 6 Sec. 5. Section 357B.5, subsection 1, Code 2003, is
3 7 amended to read as follows:

3 8 1. Upon petition of a number of registered voters residing
3 9 in a district at least equal to thirty-five percent of the
3 10 property taxpayers in the district, the board of supervisors
3 11 may dissolve a benefited fire district and dispose of any
3 12 remaining property, the proceeds of which shall first be
3 13 applied against any outstanding obligation of the district.
3 14 Any remaining balance shall be applied as a tax credit for the
3 15 property owners of the district. However, except as provided
3 16 in subsection 2, if all or a part of a district is annexed,
3 17 the board of supervisors may transfer the remaining property
3 18 and balance to the city which annexed the territory. The
3 19 board of supervisors shall continue to levy an annual tax
3 20 during the time the district is being dissolved and after the
3 21 dissolution of a district, not to exceed ~~forty and one-half~~
3 22 sixty and three-fourths cents per thousand dollars of assessed
3 23 value of the taxable property of the district, until all
3 24 outstanding obligations of the district are paid.

3 25 Sec. 6. Section 359.42, Code 2003, is amended to read as
3 26 follows:

3 27 359.42 TOWNSHIP FIRE PROTECTION SERVICE, EMERGENCY WARNING
3 28 SYSTEM, AND EMERGENCY MEDICAL SERVICE.

3 29 ~~The Except as otherwise provided in section 331.385, the~~
3 30 trustees of each township shall provide fire protection
3 31 service for the township, exclusive of any part of the
3 32 township within a benefited fire district and may provide
3 33 emergency medical service. The trustees may purchase, own,
3 34 rent, or maintain fire protection service or emergency medical
3 35 service apparatus or equipment or both kinds of apparatus or
4 1 equipment and provide housing for the equipment. The trustees
4 2 of a township which is located within a county having a
4 3 population of three hundred thousand or more may also
4 4 establish and maintain an emergency warning system within the
4 5 township. The trustees may contract with a public or private
4 6 agency under chapter 28E for the purpose of providing any
4 7 service or system required or authorized under this section.

4 8 Sec. 7. NEW SECTION. 359.44 AUTHORITY TO ASSESS FEE TO
4 9 PROPERTY OWNER FOR FIRE PROTECTION SERVICE.

4 10 1. If a township has no township fire department and the
4 11 board of trustees has not entered into an agreement under
4 12 chapter 28E for fire protection service for the township, or
4 13 has not otherwise contracted for fire protection service for
4 14 the township, fire departments providing fire protection
4 15 service in the township may assess the owner of the property a
4 16 fee for service actually provided to the property.

4 17 2. The state fire service and emergency response council
4 18 shall develop guidelines for fire departments to follow when
4 19 assessing property owners fees for fire protection service
4 20 actually provided pursuant to subsection 1.

4 21 3. A fee assessed pursuant to subsection 1 that remains
4 22 unpaid six months after the property owner was notified of the
4 23 fee shall be treated as delinquent property taxes pursuant to
4 24 chapters 446 through 448.

4 25 Sec. 8. BUDGET CERTIFICATION DEADLINE FOR CERTAIN

4 26 TOWNSHIPS FOR FISCAL YEAR 2004=2005. If a township board of
4 27 trustees did not have a sufficient membership to constitute a
4 28 quorum to conduct business, and the board of supervisors of
4 29 the county where the township is located did not appoint a
4 30 sufficient number of trustees to conduct business until after
4 31 February 15, 2004, but before March 15, 2004, the deadline for
4 32 certification of the township budget for the fiscal year
4 33 beginning July 1, 2004, shall be April 15, 2004. All budget
4 34 appeal time limits shall be extended to correspond to the
4 35 budget certification deadline under this section.

5 1 Sec. 9. EFFECTIVE DATE. Sections 5, 7, and 8 of this Act,
5 2 being deemed of immediate importance, take effect upon
5 3 enactment.

5 4 EXPLANATION

5 5 This bill makes changes to the law relating to fire
5 6 protection service by cities, counties, townships, and
5 7 benefited fire districts.

5 8 The bill provides that if for two general election cycles
5 9 nomination petitions filed for the office of township trustee
5 10 are insufficient to elect a quorum to conduct business, or if
5 11 the board of supervisors in a county where township trustees
5 12 are appointed fails to appoint a number of trustees sufficient
5 13 to constitute a quorum to conduct business, then the board of
5 14 supervisors shall assume the powers and duties of township
5 15 trustees as it relates to fire protection service.

5 16 The bill also provides that in a county with a population
5 17 of more than 300,000, fire protection agreements or contracts
5 18 between a township and a city or another township that are in
5 19 force on July 1, 2004, shall remain in force for fiscal years
5 20 2005=2006 and 2006=2007. Thereafter, the county shall
5 21 negotiate agreements for fire protection on behalf of those
5 22 townships and shall levy amounts sufficient to meet the
5 23 obligations under the agreements.

5 24 The bill specifies that the fire protection levy certified
5 25 by a county for fire protection services shall be imposed in
5 26 the township for which powers and duties of the township
5 27 trustees relating to fire protection service have been assumed
5 28 by the county board of supervisors.

5 29 The bill provides that during the process of dissolving a
5 30 benefited fire district, the board of supervisors where the
5 31 district is located shall continue to levy an annual tax for
5 32 fire protection service in the district. The bill increases
5 33 the maximum annual tax to be levied during and after
5 34 dissolution from 40 1/2 cents to 60 3/4 cents per \$1,000 of
5 35 assessed value of taxable property. This section of the bill
6 1 takes effect upon enactment.

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

6 14 The bill delays the budget certification deadline for a
6 15 township to April 15 for the fiscal year beginning July 1,
6 16 2004, if the township lacked a quorum of trustees to conduct
6 17 business and the necessary trustee was not appointed until
6 18 after February 15, 2004, but before March 15, 2004. This
6 19 section of the bill takes effect upon enactment.

6 20 LSB 6453HC 80

6 21 sc/pj/5