

# Senate File 595 - Introduced

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON WAYS AND MEANS  
(SUCCESSOR TO SSB 1329)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act allowing regions within the state to participate in a  
2 pilot project for emergency response districts and providing  
3 for a district tax levy.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 2394SV 82  
6 eg/es/88

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1 1 EMERGENCY RESPONSE DISTRICT  
1 2 Section 1. AUTHORIZATION AND PURPOSE. This Act authorizes  
1 3 four pilot projects for which a region of the state may  
1 4 establish an emergency response district.  
1 5 The purpose of this Act is to provide regions within the  
1 6 state an opportunity to participate in a pilot project having  
1 7 a new governance structure to facilitate the delivery and  
1 8 funding of fire protection service and emergency medical  
1 9 service to residents of the region.  
1 10 Sec. 2. DEFINITIONS. As used in this Act, unless the  
1 11 context otherwise requires:  
1 12 1. "Board" means the board of supervisors of a county.  
1 13 2. "Commission" means a governing body composed of a  
1 14 member of the board of supervisors, the sheriff, and the mayor  
1 15 from each city within the district.  
1 16 3. "District" means an emergency response district.  
1 17 Sec. 3. PETITION OR MOTION FOR PUBLIC HEARING.  
1 18 1. The board of supervisors of any county or counties  
1 19 shall, on the petition of 25 percent of the resident property  
1 20 owners in any proposed district if the assessed valuation of  
1 21 the property owned by the petitioners represents at least 25  
1 22 percent of the total assessed value of the proposed district,  
1 23 or on a motion of the township trustees, or on the board's own  
1 24 motion, hold a public hearing concerning the establishment of  
1 25 a proposed district. The petition or motion shall include a  
1 26 statement containing the following information:  
1 27 a. The need for fire protection service and emergency  
1 28 medical service.  
1 29 b. The geographic boundaries of the district to be served.  
1 30 c. The approximate number of families in the district.  
1 31 d. The proposed personnel, equipment, and facilities to  
1 32 provide the fire protection service and emergency medical  
1 33 service.  
1 34 2. The board of supervisors shall notify the state fire  
1 35 marshal's office that a petition has been filed, or a motion  
2 1 has been adopted, to form a district.  
2 2 Sec. 4. DISTRICT. The boundary lines of the district may  
2 3 include any region of the state, such as a whole county having  
2 4 both unincorporated and incorporated areas, or any townships  
2 5 within a county, or adjoining townships located in more than  
2 6 one county.  
2 7 Sec. 5. TIME OF HEARING. The public hearing required in  
2 8 section 3 shall be held within 30 days of the presentation of  
2 9 the petition or the adoption of the motion. Notice of hearing  
2 10 shall be given by publication in two successive issues of any  
2 11 newspaper of general circulation within the district. The  
2 12 last publication shall be not less than one week before the  
2 13 proposed hearing.  
2 14 Sec. 6. DISTRICT ESTABLISHED == PLAN == PILOT AUTHORIZED.  
2 15 1. Within 10 days after the hearing, the board shall adopt  
2 16 a resolution establishing the district or rejecting the  
2 17 petition or township trustees' motion or abandoning the

2 18 board's motion.

2 19 2. Within 10 days after establishing a district, the board  
2 20 shall submit a plan to the state fire marshal's office and the  
2 21 county finance committee. The plan shall include all of the  
2 22 following:

2 23 a. Personnel, equipment, facilities, and other available  
2 24 resources that may be shared by all of the various fire  
2 25 departments and emergency medical service providers within the  
2 26 district.

2 27 b. Financial information demonstrating the ability to  
2 28 provide fire protection service and emergency medical service  
2 29 to the residents of the district.

2 30 c. A plan for transition of delivery and funding of fire  
2 31 protection service and emergency medical service to the new  
2 32 district.

2 33 3. The county finance committee shall review the  
2 34 district's financial information, including revenues,  
2 35 expenditures, and budget items as well as the financial  
3 1 implications and plan for transitioning to a new financing  
3 2 structure. Within 30 days after receiving the plan, the  
3 3 county finance committee shall report its findings to the  
3 4 state fire marshal.

3 5 4. The state fire marshal shall consider the county  
3 6 finance committee's findings and review the district's  
3 7 personnel, equipment, facilities, and other available  
3 8 resources that may be shared by all of the various fire  
3 9 departments and emergency medical service providers as well as  
3 10 the practical considerations and plan for transitioning to a  
3 11 new structure for delivering fire protection service and  
3 12 emergency medical service to the district. The state fire  
3 13 marshal shall determine whether the district can successfully  
3 14 deliver fire protection service and emergency medical service  
3 15 throughout the district.

3 16 5. Within 60 days of receiving the board's plan, the state  
3 17 fire marshal shall notify the board whether the board's plan  
3 18 is approved.

3 19 Sec. 7. PILOT PROJECT == TWO YEARS == REPORT.

3 20 1. A district established by the board and having an  
3 21 approved plan by the state fire marshal under section 6 is  
3 22 authorized to proceed and continue as a pilot project for two  
3 23 years beginning on July 1 of the fiscal year following the  
3 24 date of the board's resolution establishing the district.  
3 25 However, if the date of the board's action falls after  
3 26 November 1, the pilot project shall not begin until July 1 of  
3 27 the fiscal year subsequent to the next following fiscal year.

3 28 2. At the end of two years, the commission shall submit a  
3 29 report to the state fire marshal summarizing the results of  
3 30 the pilot project, including the strengths of the project,  
3 31 whether delivery of fire protection service and emergency  
3 32 medical service was improved throughout the district, and  
3 33 additional measures needed to improve the delivery of such  
3 34 services.

3 35 Sec. 8. ENGINEER.

4 1 1. When the pilot project is approved, the board shall  
4 2 appoint a civil engineer or county engineer who shall prepare  
4 3 a preliminary plat showing:

4 4 a. The proper design in general outline of the district.

4 5 b. The lots and parcels of land within the proposed  
4 6 district as they appear on the county auditor's plat books  
4 7 with the names of the owners.

4 8 c. The assessed valuation of the lots and parcels.

4 9 2. The board shall determine the compensation for the  
4 10 engineer's preliminary investigation. The engineer shall file  
4 11 a report with the county auditor within 30 days of  
4 12 appointment. The board may extend the time upon good cause  
4 13 shown.

4 14 Sec. 9. HEARING ON ENGINEER'S REPORT. After the  
4 15 engineer's report is filed, the board shall give notice, as  
4 16 provided in section 5, of a public hearing to be held  
4 17 concerning the engineer's preliminary plat. Within 10 days  
4 18 after the hearing, the board shall, by resolution, approve or  
4 19 disapprove the engineer's plan.

4 20 Sec. 10. ELECTION ON PROPOSED LEVY. When a preliminary  
4 21 plat has been approved by the board, an election shall be held  
4 22 within the district within 60 days to approve or disapprove  
4 23 the levy of a tax of not more than \$1.60 and 3/4 cents per  
4 24 \$1,000 of assessed value on all of the taxable property within  
4 25 the district. The ballot shall set out the reason for the tax  
4 26 and the amount needed. The tax shall be set to raise only the  
4 27 amount needed. Notice of the election, including the time and  
4 28 place of holding the election, shall be given as provided in

4 29 section 5. The vote shall be by ballot which shall state  
4 30 clearly the proposition to be voted upon and any registered  
4 31 voter residing within the district at the time of the election  
4 32 may vote. The county auditor shall conduct elections held  
4 33 pursuant to this Act. The proposition is approved if a  
4 34 majority of those voting on the proposition vote in favor of  
4 35 it.

5 1 Sec. 11. GOVERNANCE AUTHORITY == COMMISSION. The district  
5 2 shall be governed by a commission, as defined in this Act.

5 3 If the district includes townships located in more than one  
5 4 county, the district shall be governed by a joint commission  
5 5 that includes members of the commissions of each county.

5 6 Sec. 12. COMMISSION POWERS.

5 7 1. The commission may purchase, own, rent, or maintain  
5 8 fire and emergency medical services apparatus or equipment  
5 9 within the state or outside the territorial jurisdiction and  
5 10 boundary limits of this state, provide housing for such  
5 11 apparatus and equipment, provide fire protection service and  
5 12 emergency medical service and facilities, and may certify for  
5 13 levy an annual tax as provided in section 10. The commission  
5 14 may purchase material, employ fire protection service  
5 15 personnel, emergency medical service personnel, and other  
5 16 personnel, and may perform all other acts necessary to  
5 17 properly maintain and operate the district. The commission  
5 18 may contract under chapter 28E with any city or county or  
5 19 public or private agency that is not a member of the district  
5 20 for the purpose of providing fire protection service or  
5 21 emergency medical service under this Act. The commissioners  
5 22 are allowed necessary expenses in the discharge of their  
5 23 duties.

5 24 2. The commission shall draw the boundaries of fire and  
5 25 emergency medical services areas within the district to be  
5 26 assigned to various fire departments and stations throughout  
5 27 the district.

5 28 Sec. 13. DISTRICT FIRE CHIEF. The commission shall  
5 29 appoint a district fire chief who shall serve at the pleasure  
5 30 of the commission and shall be responsible for the  
5 31 coordination of fire protection service and emergency medical  
5 32 service throughout the district.

5 33 Sec. 14. FIRE CHIEFS. The district fire chief shall  
5 34 appoint an assistant fire chief for each existing fire  
5 35 department and station within the district who shall be  
6 1 responsible for delivery of fire protection service and  
6 2 emergency medical service within the areas designated by the  
6 3 commission pursuant to section 12.

6 4 Sec. 15. CITIES WITHIN THE DISTRICT. If a city is  
6 5 included in a district, the maximum tax levy authorized for  
6 6 the general fund of that city under section 384.1 shall be  
6 7 reduced by the amount of the tax rate levied within the city  
6 8 by the district. Such city shall not be responsible for  
6 9 providing fire protection service and emergency medical  
6 10 service as provided in section 364.16, and shall have no  
6 11 liability for the method, manner, or means by which the  
6 12 district provides the fire protection service and emergency  
6 13 medical service.

6 14 Sec. 16. BONDS IN ANTICIPATION OF REVENUE. A district may  
6 15 anticipate the collection of taxes by the levy authorized in  
6 16 this Act, and to carry out the purposes of this Act may issue  
6 17 bonds payable in not more than 10 equal installments with the  
6 18 rate of interest not exceeding that permitted by chapter 74A.  
6 19 An indebtedness shall not be incurred under this Act until  
6 20 authorized by an election. The election shall be held and  
6 21 notice given in the same manner as provided in section 10, and  
6 22 a majority vote shall be necessary to authorize indebtedness.  
6 23 Both propositions may be submitted to the voters at the same  
6 24 election.

6 25 Sec. 17. TRANSITION == TOWNSHIP TAX DISCONTINUED. When  
6 26 the boundary lines of the district include all or a portion of  
6 27 a township and the district has certified a tax levy not  
6 28 exceeding \$1.60 and 3/4 cents per \$1,000 of assessed valuation  
6 29 of the taxable property within the township for the purpose of  
6 30 fire protection service and emergency medical service, the  
6 31 township trustees shall no longer levy the tax provided by  
6 32 section 359.43 in that portion of the township provided  
6 33 services by the district. Any indebtedness incurred for the  
6 34 purposes of sections 359.42 through 359.45 for a service now  
6 35 provided by the district shall be assumed by the district and  
7 1 all of the assets of the township which relate to the  
7 2 fire-fighting operation and emergency medical service  
7 3 operation shall be transferred to the district.

7 4 EXPLANATION

7 5 This bill allows a region of the state to participate in a  
7 6 pilot project that provides for a new governance structure for  
7 7 the delivery of fire protection and emergency medical services  
7 8 to the residents of the region. The bill authorizes four  
7 9 pilot projects for which a region of the state may establish  
7 10 an emergency response district. The bill provides procedures  
7 11 to establish a district that are similar to the procedures  
7 12 found in Code chapter 357F for establishing an emergency  
7 13 medical services district, including the initial petition for  
7 14 a public hearing filed by the resident property owners of the  
7 15 proposed district. The bill also allows a public hearing on a  
7 16 proposed district based upon a motion by the township trustees  
7 17 or the county board of supervisors' own motion.

7 18 The boundaries of the district may include a whole county,  
7 19 both unincorporated and incorporated areas, and may also  
7 20 include townships within a county, or adjoining townships  
7 21 located in different counties.

7 22 Once a public hearing is held, the bill provides that the  
7 23 board of supervisors may establish the district by resolution.  
7 24 The bill provides that the board submit a plan to the state  
7 25 fire marshal's office and the county finance committee that  
7 26 includes all of the following:

7 27 1. Personnel, equipment, facilities, and other available  
7 28 resources that may be shared by all of the various fire  
7 29 departments and emergency medical service providers.

7 30 2. Financial information demonstrating the ability to  
7 31 provide fire protection service and emergency medical service  
7 32 to the residents of the district.

7 33 3. A plan for transitioning to the new district.

7 34 The bill provides that after the county finance committee  
7 35 has reviewed the financial information and reported its  
8 1 findings to the state fire marshal, the state fire marshal  
8 2 shall review the findings as well as the personnel, equipment,  
8 3 facilities, and other resources of the district to determine  
8 4 whether the district can successfully deliver services  
8 5 throughout the district.

8 6 A district established by the board and having an approved  
8 7 plan by the state fire marshal is authorized to proceed and  
8 8 continue as a pilot project for two years beginning on July 1  
8 9 of the fiscal year following the date of the board's  
8 10 resolution establishing the district. However, if the date of  
8 11 the board's action falls after November 1, the pilot project  
8 12 shall not begin until July 1 of the fiscal year subsequent to  
8 13 the next following fiscal year.

8 14 The bill requires that at the end of two years the  
8 15 commission that governs the district submit a report to the  
8 16 state fire marshal summarizing the results of the pilot  
8 17 project, including the strengths of the project, whether  
8 18 delivery of fire protection service and emergency medical  
8 19 service was improved throughout the district, and additional  
8 20 measures needed to improve the delivery of such services.

8 21 The bill provides for an engineer to prepare a preliminary  
8 22 plat of the district, which after public hearing, shall be  
8 23 approved or disapproved by the board.

8 24 The bill provides for an election within the district to  
8 25 approve or disapprove the levy of a tax of not more than \$1.60  
8 26 and 3/4 cents per \$1,000 of assessed value on all the taxable  
8 27 property within the district.

8 28 The bill provides that the district be governed by a  
8 29 commission composed of a member of the board of supervisors,  
8 30 the sheriff, and the mayor from each city within the district.  
8 31 If the district includes townships located in more than one  
8 32 county, the district shall be governed by a joint commission  
8 33 that includes members of the commissions of each county. The  
8 34 commission is authorized to certify for levy an annual tax as  
8 35 approved at election. The commission is also directed to draw  
9 1 the boundaries of emergency services areas within the district  
9 2 to be assigned to various fire departments and stations  
9 3 throughout the district. The bill provides that the  
9 4 commission appoint a district fire chief who shall serve at  
9 5 the pleasure of the commission and shall be responsible for  
9 6 the coordination of fire protection service and emergency  
9 7 medical service throughout the district.

9 8 The district fire chief shall appoint an assistant fire  
9 9 chief for each existing fire department and station within the  
9 10 district who shall be responsible for delivery of fire  
9 11 protection service and emergency medical service within the  
9 12 areas designated by the commission.

9 13 The bill provides that the district may issue bonds if the  
9 14 indebtedness is authorized by election.

9 15 Finally, the bill provides a transition provision from

9 16 township=funded fire protection and emergency medical services  
9 17 to funding by the newly created district. The bill also  
9 18 provides that any indebtedness incurred by the township  
9 19 trustees for these services shall be assumed by the district  
9 20 and all of the assets of the township which relate to the  
9 21 fire=fighting operation and emergency medical services  
9 22 operation shall be transferred to the district.  
9 23 LSB 2394SV 82  
9 24 eg:sc/es/88