

House File 2043 - Introduced

HOUSE FILE 2043

BY HEARTSILL

A BILL FOR

1 An Act relating to the establishment, maintenance, and funding
2 of emergency warning systems by townships and certain
3 counties.

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

1 Section 1. Section 331.385, Code 2014, is amended to read
2 as follows:

3 **331.385 Powers and duties relating to emergency services.**

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

9 2. The board of supervisors shall publish notice of the
10 proposed resolution, and of a public hearing to be held on the
11 proposed resolution, in a newspaper of general circulation
12 in the county at least ten days but no more than twenty days
13 before the date of the public hearing. If, after notice and
14 hearing, the resolution is adopted, the board of supervisors
15 shall assume the exercise of the powers and duties of township
16 trustees relating to fire protection service, emergency warning
17 systems, and emergency medical service as set forth in sections
18 359.42 through 359.45.

19 3. All of the real and personal township property used to
20 provide fire protection service, emergency warning systems, or
21 emergency medical service shall be transferred to the county.
22 The county shall assume all of the outstanding obligations of
23 the township relating to fire protection service, emergency
24 warning systems, 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 resolution.

28 4. Fire protection service, emergency warning systems, and
29 emergency medical service shall be paid from the emergency
30 services fund of the county authorized in section 331.424C.

31 5. a. Notwithstanding subsection 1, if as of July 1,
32 2006, a township has in force an agreement entered into
33 pursuant to chapter 28E for a city or another township to
34 provide fire protection service or fire protection service,
35 emergency warning systems, and emergency medical service for

1 the township, or if a township is otherwise contracting with
2 a city or another township for provision to the township of
3 fire protection service or fire protection service, emergency
4 warning systems, and emergency medical service, the county
5 board of supervisors shall, for the fiscal year beginning
6 July 1, 2007, and subsequent fiscal years, negotiate for and
7 enter into an agreement pursuant to chapter 28E providing for
8 continued fire protection service, or fire protection service,
9 emergency warning systems, and emergency medical service, to
10 the township, and shall certify taxes for levy in the township,
11 pursuant to section 331.424C, in amounts sufficient to meet the
12 financial obligations pertaining to the agreement.

13 *b.* This subsection applies to a county with a population
14 in excess of three hundred thousand. This subsection does not
15 prohibit a county with a population in excess of three hundred
16 thousand from also assuming the powers and duties of township
17 trustees in accordance with the provisions of subsections 1
18 through 4, for those townships in the county that are not
19 subject to paragraph "a".

20 Sec. 2. Section 331.424C, Code 2014, is amended to read as
21 follows:

22 **331.424C Emergency services fund.**

23 1. A county that is providing fire protection service,
24 emergency warning systems, or emergency medical service to
25 a township pursuant to section 331.385 shall establish an
26 emergency services fund and may certify taxes for levy in
27 the township not to exceed the amounts authorized in section
28 359.43. The county has the authority to use a portion of
29 the taxes levied and deposited in the fund for the purpose
30 of accumulating moneys to carry out the purposes of section
31 359.43, subsection 4.

32 2. Expenditures related to emergency warning systems shall
33 be limited to procuring equipment and services in accordance
34 with the comprehensive emergency plan adopted pursuant to
35 section 29C.9, subsection 8, by the local emergency management

1 commission having jurisdiction within the county.

2 Sec. 3. Section 359.42, Code 2014, is amended to read as
3 follows:

4 **359.42 Township fire protection service, emergency warning
5 system, and emergency medical service.**

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

20 2. Expenditures related to emergency warning systems shall
21 be limited to procuring equipment and services in accordance
22 with the comprehensive emergency plan adopted pursuant to
23 section 29C.9, subsection 8, by the local emergency management
24 commission having jurisdiction within the township.

25 EXPLANATION

26 The inclusion of this explanation does not constitute agreement with
27 the explanation's substance by the members of the general assembly.

28 This bill allows the trustees of any township to establish
29 and maintain an emergency warning system within the township.
30 Current law limits the establishment and maintenance of such
31 systems to the trustees of townships located in counties with a
32 population of 300,000 or more.

33 The bill also allows a county, by resolution, to assume the
34 powers and duties of township trustees relating to emergency
35 warning systems for any township located in the unincorporated

1 area of the county in the same manner that counties are
2 currently authorized to assume township duties relating to fire
3 protection and emergency medical service.

4 The bill requires that county and township expenditures
5 related to emergency warning systems be limited to procuring
6 equipment and services in accordance with the comprehensive
7 emergency plan adopted by the local emergency management
8 commission that has jurisdiction over the county or township.

9 The bill makes additional corresponding changes.