

House File 2454 - Introduced

HOUSE FILE 2454
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HF 2215)

(COMPANION TO SF 2060 BY
SHIPLEY)

A BILL FOR

1 An Act establishing a process for voter approval of a
2 proposition to require a township to provide emergency
3 medical service.

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

1 Section 1. Section 359.42, Code 2018, is amended to read as
2 follows:

3 **359.42 Township fire protection service, emergency warning
4 system, and emergency medical service.**

5 Except as otherwise provided in [section 331.385](#), the
6 trustees of each township shall provide fire protection service
7 for the township, exclusive of any part of the township within
8 a benefited fire district and, unless required to provide
9 emergency medical service by proposition approved under section
10 359.44, may provide emergency medical service. The trustees
11 may purchase, own, rent, or maintain fire protection service
12 or emergency medical service apparatus or equipment or both
13 kinds of apparatus or equipment and provide housing for the
14 equipment. The trustees of a township which is located within
15 a county having a population of three hundred thousand or
16 more may also establish and maintain an emergency warning
17 system within the township. The trustees may contract with a
18 public or private agency under [chapter 28E](#) for the purpose of
19 providing any service or system required or authorized under
20 this section.

21 **Sec. 2. NEW SECTION. 359.44 Emergency medical service —
22 motion or petition — election.**

23 1. a. Unless the county is providing emergency medical
24 service to a township pursuant to section 331.385, the board
25 of township trustees may on its own motion, and upon receipt
26 of a valid petition shall, direct the county commissioner of
27 elections to submit to the registered voters of the township,
28 excluding those areas of the township within corporate
29 boundaries of a city, the proposition of requiring the township
30 to provide emergency medical service to those areas of the
31 township outside the corporate limits of a city and outside
32 those areas being provided emergency medical service under
33 chapter 357F or 357J for a period of time stated in the
34 proposition not to exceed ten years but not less than four
35 years.

1 *b.* A valid petition shall be signed by eligible electors of
2 the township residing outside the corporate limits of a city
3 equal in number to at least twenty-five percent of the number
4 of votes cast in the township outside the corporate limits
5 of a city for the office of president of the United States
6 or governor at the preceding general election. The petition
7 shall include the signatures of the petitioners, a statement
8 of their place of residence, and the date on which they signed
9 the petition.

10 *c.* The election shall be held at the next general election
11 following adoption of the board's motion or receipt of the
12 valid petition. However, a petition authorized by this section
13 shall be filed not later than eighty-two days before the date
14 of the general election if the proposition is to be voted upon
15 at the general election. If a valid petition is filed after
16 that date, the proposition shall be voted on at the general
17 election following the next general election.

18 *d.* A petition shall be examined before it is accepted for
19 filing. If it appears valid on its face, it shall be accepted
20 for filing. If it lacks the required number of signatures, it
21 shall be returned to the petitioners.

22 *e.* Petitions which have been accepted for filing are valid
23 unless written objections are filed. Objections must be
24 filed with the county auditor within five working days after
25 the petition was filed. The objection process in section
26 44.7 shall be followed for objections filed pursuant to this
27 section.

28 2. The question shall be submitted to the voters in
29 substantially the following form:

30 Shall the township of, in
31 County, Iowa, be required to provide emergency medical
32 service to those areas of township outside the
33 corporate limits of a city and outside the areas receiving
34 emergency medical service from another political subdivision
35 of this state and provide such service through imposition of

1 a property tax in those areas of the township outside the
2 corporate limits of a city?

3 3. The proposition is adopted if a majority of those
4 voting on the proposition at the election approves it. If the
5 proposition is approved at election, the township trustees
6 shall provide emergency medical service to all areas of the
7 township outside the corporate limits of a city and those areas
8 not otherwise receiving such service under chapter 357F or 357J
9 using methods and funding authorized in sections 359.42 and
10 359.43 for the period of time approved at election, beginning
11 with the fiscal year beginning July 1 following the general
12 election at which the proposition was approved.

13 4. The proposition is not affected by a change in the
14 boundaries of the township.

15 5. An extension of the period of time for requiring the
16 township to provide emergency medical service under this
17 section may be completed using the same procedure as is
18 required for initial approval.

19 EXPLANATION

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

22 Current law authorizes but does not require the board of
23 township trustees to provide emergency medical service for
24 the township and to fund such service through imposition of
25 a property tax levy. This bill establishes a process for
26 voter approval of a proposition to require a board of township
27 trustees to provide emergency medical service to specified
28 areas of the township.

29 The bill provides that unless the county is providing
30 emergency medical service to a township pursuant to Code
31 section 331.385, the board of township trustees may on its own
32 motion, and upon receipt of a valid petition shall, direct the
33 county commissioner of elections to submit to the registered
34 voters of the township, excluding those areas of the township
35 within corporate boundaries of a city, the proposition of

1 requiring the township to provide emergency medical service to
2 those areas of the township outside the corporate limits of a
3 city and outside those areas being provided emergency medical
4 service under Code chapter 357F (benefited emergency medical
5 services district) or 357J (emergency response district) for a
6 period of time stated in the proposition not to exceed 10 years
7 but not less than four years.

8 A valid petition must be signed by eligible electors of
9 the township residing outside the corporate limits of a city
10 equal in number to at least 25 percent of the number of votes
11 cast in the township outside the corporate limits of a city
12 for the office of president of the United States or governor
13 at the preceding general election. The election to vote on
14 the proposition is required to be held at the next general
15 election following adoption of the board's motion or receipt of
16 the valid petition, subject to a filing deadline specified in
17 the bill. The bill also specifies the process for filing and
18 hearing objections to the petition and the form of the question
19 that appears on the ballot.

20 A proposition is adopted if a majority of those voting on the
21 proposition at the election approves it. If the proposition
22 is approved at election, the township trustees are required
23 to provide emergency medical service to those specified areas
24 of the township using methods and funding authorized in Code
25 sections 359.42 and 359.43 for the period of time approved
26 at election, beginning with the fiscal year beginning July 1
27 following the general election at which the proposition was
28 approved.

29 An extension of the period of time for requiring the township
30 to provide emergency medical service under this Code section
31 may be completed using the same procedure as is required for
32 initial approval.