

House File 2319 - Introduced

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BY THORUP

A BILL FOR

1 An Act relating to the creation and administration of emergency
2 response districts.

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

1 Section 1. Section 357J.1, Code 2020, is amended to read as
2 follows:

3 357J.1 Authorization and purpose.

4 1. ~~This chapter~~ authorizes a ~~pilot project for which a~~
5 ~~county of the state may establish an~~ the establishment of
6 emergency response ~~district~~ districts.

7 2. The purpose of ~~this chapter~~ is to ~~provide a county within~~
8 ~~the state an opportunity to participate in a pilot project~~
9 ~~having a new governance structure to facilitate the delivery~~
10 ~~and funding of fire protection service and emergency medical~~
11 ~~service to residents of the county.~~ do all of the following:

12 a. Serve a public use and promote the health, safety,
13 prosperity, security, and general welfare of the citizens
14 of emergency response districts by preventing or reducing
15 duplication, overlapping, and fragmentation of the functions
16 and facilities of special districts.

17 b. Better serve the citizens of the state through
18 consolidation.

19 c. Reduce costs and increase efficiency of operation.

20 Sec. 2. Section 357J.2, Code 2020, is amended by adding the
21 following new subsections:

22 NEW SUBSECTION. 1A. *"Board of trustees"* means the board
23 of trustees of a township.

24 NEW SUBSECTION. 2A. *"Council"* means a city council of a
25 city.

26 NEW SUBSECTION. 4. *"Governmental entity"* means a county,
27 city, or township.

28 Sec. 3. Section 357J.2, subsections 2 and 3, Code 2020, are
29 amended to read as follows:

30 2. *"Commission"* means a governing body composed of a member
31 ~~of the board of supervisors, the sheriff, and the mayor from~~
32 ~~each city within the district. A member of the commission~~
33 ~~shall not appoint a designee to serve on the commission in the~~
34 ~~member's capacity or designee of each governmental entity that~~
35 is a member of the emergency response district.

1 3. "*District*" means an emergency response ~~district~~ area.

2 Sec. 4. Section 357J.3, Code 2020, is amended by striking
3 the section and inserting in lieu thereof the following:

4 **357J.3 Notification of public hearing.**

5 1. Each governmental entity intending to participate in
6 an emergency response district shall issue a notice of intent
7 to hold a public hearing concerning the establishment of a
8 proposed district. The hearing shall not be held until at
9 least thirty days after the notice is issued but not more than
10 ninety days after the notice is issued.

11 2. Notice required under subsection 1 shall include all of
12 the following information:

13 *a.* A statement explaining the need for fire protection
14 service or emergency medical service.

15 *b.* The geographic boundaries of the district.

16 *c.* The approximate number of families in the district.

17 *d.* The proposed personnel, equipment, and facilities to
18 provide the fire protection services or emergency medical
19 services.

20 *e.* The date, time, and location of the public hearing.

21 Sec. 5. Section 357J.4, Code 2020, is amended to read as
22 follows:

23 **357J.4 District — boundary changes.**

24 1. The boundary lines of a district may include any
25 incorporated or unincorporated areas ~~within a county~~.

26 2. *a.* The boundary lines of a district shall not be changed
27 after the district is established except as provided in this
28 subsection.

29 ~~*a.*~~ *b.* The boundary lines of a district shall be changed and
30 shall become effective immediately upon approval of ~~all of the~~
31 ~~following:~~

32 ~~(1)~~ The the commission and each governmental entity
33 currently participating in the emergency response district.

34 ~~(2)~~ ~~The board of township trustees of the area proposed to~~
35 ~~be included or excluded from the district.~~

1 ~~(3) The district fire chief.~~

2 ~~(4) The assistant fire chief who is responsible for delivery~~
3 ~~of fire protection service and emergency medical service~~
4 ~~within the area proposed to be excluded from the district, if~~
5 ~~applicable.~~

6 ~~(5) The fire chief of a fire department in the area proposed~~
7 ~~to be included in the district, if applicable.~~

8 ~~b. The boundary lines of a district shall be changed to~~
9 ~~exclude a city or the unincorporated areas of a township if the~~
10 ~~commission receives a written request from the governing body~~
11 ~~of the city or the board of township trustees, as applicable,~~
12 ~~requesting exclusion from the district. However, a boundary~~
13 ~~change under this paragraph shall become effective no earlier~~
14 ~~than eighteen months following receipt of the written request.~~

15 **Sec. 6. NEW SECTION. 357J.19 Dissolution of district.**

16 Incorporation documents of an emergency response district
17 shall include provisions for dissolution, the withdrawal of an
18 individual participant in the emergency response district, and
19 the dispensing of property in the case of either event.

20 **Sec. 7. REPEAL.** Sections 357J.5, 357J.6, 357J.7, 357J.8,
21 357J.9, and 357J.14, Code 2020, are repealed.

22 **EXPLANATION**

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

25 This bill relates to the creation and administration of
26 emergency response districts.

27 Current law creates a pilot project authorizing a county to
28 establish an emergency response district within the county.

29 A commission composed of a member of the county board of
30 supervisors, the county sheriff, and the mayor from each
31 city within the district is responsible for governing the
32 district and no member may appoint a designee to serve on the
33 commission. Current law allows certain boards of supervisors
34 to call for the creation of an emergency response district
35 and notify the state fire marshal's office if a motion to

1 form a district has been adopted. Upon the approval of a
2 district, an appointed civil engineer or the county engineer
3 is required to submit a preliminary plat exhibiting certain
4 details of the district and a subsequent report. Current law
5 also requires the district fire chief to appoint an assistant
6 fire chief for each existing fire department and station within
7 the district who shall be responsible for delivery of fire
8 protection service and emergency medical service within the
9 areas designated by the commission.

10 The bill repeals the pilot program and authorizes a
11 governmental entity, as defined in the bill, to establish an
12 emergency response district. The bill amends the definition of
13 "commission" to mean a member or designee of each governmental
14 entity participating in the emergency response district. The
15 bill requires each governmental entity intending to participate
16 in an emergency response district to issue a notice of intent
17 to hold a public hearing concerning the establishment of
18 a proposed district and provide certain information with
19 such notice. The bill requires a hearing concerning the
20 establishment of a proposed district to occur no less than 30
21 days and no more than 90 days after the notice is issued. The
22 bill amends the process for changing district boundaries to
23 require the approval of the commission and each governmental
24 entity that is a member of the emergency response district.
25 The bill requires incorporation documents of an emergency
26 response district to include provisions for dissolution, the
27 withdrawal of an individual member, and the dispensing of
28 property in either event. The bill repeals provisions relating
29 to the engineer's responsibilities and the appointment of
30 assistant fire chiefs.