

**House File 2434 - Introduced**

HOUSE FILE 2434  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO HSB 631)

**A BILL FOR**

1 An Act relating to county emergency medical services by  
2 modifying provisions relating to optional taxes for  
3 emergency medical services.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 422D.1, Code 2020, is amended to read as  
2 follows:

3 **422D.1 Authorization — ~~election~~ — imposition and repeal —**  
4 **use of revenues.**

5 1. *a.* Upon adoption of a resolution declaring emergency  
6 medical services to be an essential county service under  
7 subsection 1A, and subject to the limitations of this chapter,  
8 a county board of supervisors may ~~offer for voter approval~~  
9 impose any of the following taxes or a combination of the  
10 following taxes:

11 (1) Local option income surtax.

12 (2) An ad valorem property tax.

13 *b.* Revenues generated from these taxes shall be used for  
14 emergency medical services as provided in [section 422D.6](#).

15 1A. *a.* To be effective, the resolution declaring emergency  
16 medical services to be an essential service shall be considered  
17 and voted on for approval at two meetings of the board prior to  
18 the meeting at which the resolution is to be finally approved  
19 by a majority of the board by recorded vote, as defined in  
20 section 331.101. Notice of the first meeting of the board  
21 at which the resolution is considered and voted on shall be  
22 published not less than sixty days prior to the date of the  
23 meeting in one or more newspapers that meet the requirements  
24 of section 618.14. The requirements for approval of the  
25 resolution or approval of the imposition of a tax under this  
26 chapter shall not be suspended or waived by the board.

27 *b.* Each county for which a resolution has been adopted  
28 under this subsection shall coordinate efforts between  
29 the county emergency management coordinator and the local  
30 emergency medical services agencies to establish a county  
31 emergency medical services system advisory council to assist  
32 in researching and assessing the service needs of the county  
33 and guiding implementation of services in the county within  
34 a council structure and in the manner provided in the most  
35 recently updated Iowa emergency medical services system

1 standards.

2 c. The county emergency medical services system advisory  
3 council established under paragraph "b" shall annually assess  
4 and review the emergency medical services needs of the county  
5 and shall include the results of such review and assessment  
6 in an annual report filed with the board of supervisors. The  
7 annual report shall be publicly available upon filing with the  
8 board of supervisors. The board of supervisors shall receive  
9 public comment regarding the report at one or more meetings  
10 of the board of supervisors. Any meeting of the board of  
11 supervisors at which public comment on the annual report is  
12 heard shall be at least fourteen days following the date the  
13 annual report is filed with the board of supervisors.

14 ~~2. a. The taxes for emergency medical services shall only~~  
15 ~~be imposed after an election at which a majority of those~~  
16 ~~voting on the question of imposing the tax or combination of~~  
17 ~~taxes specified in subsection 1, paragraph "a", subparagraph~~  
18 ~~(1) or (2), vote in favor of the question. However, the A tax~~  
19 ~~or combination of taxes specified in subsection 1 shall not~~  
20 ~~be imposed on property within or on residents of a benefited~~  
21 ~~emergency medical services district under chapter 357F. The~~  
22 ~~question of imposing the tax or combination of the taxes may~~  
23 ~~be submitted at the regular city election, a special election,~~  
24 ~~or the general election. Notice of the question shall be~~  
25 ~~provided by publication at least sixty days before the time of~~  
26 ~~the election and shall identify the tax or combination of taxes~~  
27 ~~and the rate or rates, as applicable. If a majority of those~~  
28 ~~voting on the question approve the imposition of the tax or~~  
29 ~~combination of taxes, the The tax or combination of taxes shall~~  
30 ~~may be imposed as follows:~~

31 (1) A local option income surtax shall may be imposed for  
32 tax years beginning on or after January 1 of the fiscal year in  
33 which the ~~favorable election was held~~ ordinance imposing the  
34 surtax is filed with the director under section 422D.3.

35 (2) An ad valorem property tax shall may be imposed for the

1 fiscal year in which the ~~election was held~~ resolution under  
2 subsection 1A is adopted.

3     *b.* Before a county imposes an income surtax as specified  
4 in subsection 1, paragraph "a", subparagraph (1), a benefited  
5 emergency medical services district in the county shall be  
6 dissolved, and the county shall be liable for the outstanding  
7 obligations of the benefited district. If the benefited  
8 district extends into more than one county, the county imposing  
9 the income surtax shall be liable for only that portion of the  
10 obligations relating to the portion of the benefited district  
11 in the county.

12     3. Revenues received by the county from the taxes imposed  
13 under this chapter shall be deposited into the emergency  
14 medical services trust fund created pursuant to section 422D.6  
15 and shall be used as provided in that section.

16     4. ~~Any tax or combination of taxes imposed shall be for a~~  
17 ~~maximum period of five years.~~ Discontinuance of the authority  
18 to impose a tax under this chapter shall be by petition and  
19 election. Upon receipt of a valid petition as provided in  
20 section 331.306, the board of supervisors shall direct the  
21 county commissioner of elections to submit to the voters of the  
22 county the question of whether to discontinue the authority  
23 to impose one or more of the taxes under this chapter. If a  
24 majority of those voting on the question of discontinuance of  
25 the board's authority to impose the tax favors discontinuance,  
26 the board shall not impose the property tax for any fiscal  
27 year beginning after the election approving the discontinuance  
28 and shall not impose the income surtax for any tax year  
29 beginning after the election approving the discontinuance  
30 unless imposition is subsequently again authorized at election.  
31 Following discontinuance of the authority to impose the taxes  
32 under this chapter, authority to reimpose the taxes requires  
33 approval in accordance with this section.

34     Sec. 2. Section 422D.3, subsection 1, Code 2020, is amended  
35 to read as follows:

1 1. A local income surtax shall be imposed January 1 of  
2 the fiscal year in which the ~~favorable election was held~~  
3 ordinance imposing the surtax is filed with the director under  
4 subsection 3 for tax years beginning on or after January 1, and  
5 is repealed as provided in section 422D.1, subsection 4, ~~as of~~  
6 ~~December 31 for tax years beginning after December 31.~~

7 Sec. 3. Section 422D.5, Code 2020, is amended to read as  
8 follows:

9 **422D.5 Property tax levy.**

10 A county may levy an emergency medical services tax at  
11 the rate set by the board of supervisors ~~and approved at the~~  
12 ~~election as provided in section 422D.1~~, on all taxable property  
13 in the county for fiscal years beginning with the fiscal year  
14 in which the ~~favorable election was held~~ resolution under  
15 subsection 1A is adopted. ~~The reason for imposing the tax~~  
16 ~~and the amount needed shall be set out on the ballot.~~ The  
17 rate shall be set so as to raise only the amount needed. The  
18 authority to impose the levy is repealed for subsequent fiscal  
19 years may be discontinued as provided in section 422D.1,  
20 subsection 4.

21 Sec. 4. Section 422D.6, Code 2020, is amended to read as  
22 follows:

23 **422D.6 Emergency medical services trust fund.**

24 1. A county authorized to impose a tax under this chapter  
25 shall establish an emergency medical services trust fund  
26 into which revenues received from the taxes imposed shall be  
27 deposited. Moneys in the trust fund shall be used for any  
28 operational cost of providing emergency medical services. In  
29 addition, moneys in the fund may be used for the purpose of  
30 matching federal or state funds for education and training  
31 related to emergency medical services. Moneys remaining in the  
32 fund following discontinuance of the authority to impose the  
33 taxes as provided in section 422D.1, subsection 4, shall remain  
34 in the fund and may be expended for the purposes specified in  
35 this section.

1 2. A county may enter into **chapter 28E** agreements ~~with other~~  
2 ~~counties~~ in order to ensure adequate coverage of the county's  
3 service area.

4 ~~3. Costs which are eligible for emergency medical services~~  
5 ~~trust fund expenditures include, but are not limited to:~~

6 ~~a. Defibrillators.~~

7 ~~b. Nondisposable essential ambulance equipment, as defined~~  
8 ~~by rule by the Iowa department of public health.~~

9 ~~c. Communications pagers, radios, and base repeaters.~~

10 ~~d. Training in the use of emergency medical services~~  
11 ~~equipment.~~

12 ~~e. Vehicles including, but not limited to, ambulances,~~  
13 ~~fire apparatus, boats, rescue/first response vehicles, and~~  
14 ~~snowmobiles.~~

15 ~~f. Automotive parts.~~

16 ~~g. Buildings.~~

17 ~~h. Land.~~

18 Sec. 5. IMPLEMENTATION. This Act shall not affect the  
19 imposition and collection of taxes under chapter 422D in effect  
20 on July 1, 2020, and such taxes shall continue to be imposed  
21 and administered until the period of authority to impose such  
22 taxes in effect immediately prior to July 1, 2020, expires.

23 EXPLANATION

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

26 Code chapter 422D authorizes counties to impose a property  
27 tax levy, an income surtax, or a combination of both taxes  
28 within the county, excluding those areas within a benefited  
29 emergency medical services district under Code chapter 357F,  
30 to be used for emergency medical services, if the taxes are  
31 approved at election.

32 This bill strikes the requirement for an election to  
33 authorize the imposition of the property tax or income surtax  
34 and, instead, establishes a requirement for counties, prior to  
35 receiving authority to impose the property tax levy and income

1 surtax, to adopt a resolution declaring emergency medical  
2 services to be an essential service within the county. The  
3 bill establishes the procedural requirement for adoption of the  
4 resolution and provides that the requirements for approval of  
5 the resolution or approval of the imposition of a tax shall not  
6 be suspended or waived by the board. In addition, each county  
7 for which such a resolution has been adopted shall coordinate  
8 efforts between the county emergency management coordinator and  
9 the local emergency medical services agencies to establish a  
10 county emergency medical services system advisory council to  
11 assist in researching and assessing the service needs of the  
12 county and guiding implementation of services in the county  
13 within a council structure and in the manner provided in the  
14 most recently updated Iowa emergency medical services system  
15 standards. The bill establishes annual emergency medical  
16 service assessment and reporting requirements for each county  
17 emergency medical services system advisory council.

18 Code chapter 422D currently provides that imposition of the  
19 taxes or combination of taxes is for a maximum period of five  
20 years. The bill removes the five-year limitation and provides  
21 that discontinuance of the county's authority to impose the  
22 taxes is required to be by petition of eligible electors and  
23 election. The bill also specifies that a county may not impose  
24 the taxes for any fiscal year or tax year, as applicable,  
25 beginning after the election approving the discontinuance of  
26 authority unless subsequently again approved for imposition.  
27 Following discontinuance of authority, authority to reimpose  
28 the taxes requires approval in accordance with Code section  
29 422D.1, as amended in the bill.

30 The bill also strikes the limitation that counties, when  
31 entering into Code chapter 28E agreements to ensure adequate  
32 coverage of the county's service area, may only enter into such  
33 agreements with other counties.

34 The bill also modifies provisions governing the permissible  
35 uses of tax revenues deposited into the county emergency

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1 medical services trust fund by striking language enumerating  
2 some eligible expenditures and instead specifies that moneys  
3 in the trust fund shall be used for any operational cost of  
4 providing emergency medical services.

5 The bill does not affect the imposition and collection  
6 of taxes under Code chapter 422D in effect on July 1, 2020,  
7 and such taxes shall continue to be imposed and administered  
8 until the period of authority to impose such taxes in effect  
9 immediately prior to July 1, 2020, expires.