

**House File 693 - Introduced**

HOUSE FILE 693  
BY COMMITTEE ON LOCAL  
GOVERNMENT

(SUCCESSOR TO HF 466)

**A BILL FOR**

1 An Act establishing processes for voter approval of a  
2 proposition to require a township to provide emergency  
3 medical service and for voter approval of a higher  
4 additional annual property tax levy rate for the provision  
5 of township services.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 359.42, Code 2019, 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 may provide emergency medical  
9 service. However, except as otherwise provided in section  
10 331.385, the trustees of a township shall provide emergency  
11 medical service for the township if required to do so by a  
12 proposition approved under section 359.44. The trustees may  
13 purchase, own, rent, or maintain fire protection service or  
14 emergency medical service apparatus or equipment or both  
15 kinds of apparatus or equipment and provide housing for the  
16 equipment. The trustees of a township which is located within  
17 a county having a population of three hundred thousand or  
18 more may also establish and maintain an emergency warning  
19 system within the township. The trustees may contract with a  
20 public or private agency under [chapter 28E](#) for the purpose of  
21 providing any service or system required or authorized under  
22 this section.

23 Sec. 2. Section 359.43, subsection 2, Code 2019, is amended  
24 to read as follows:

25 2. a. If the levy authorized under [subsection 1](#) is  
26 insufficient to provide the services authorized or required  
27 under [section 359.42](#), the township trustees may levy an  
28 additional annual tax not exceeding twenty and one-fourth cents  
29 per thousand dollars of assessed value of the taxable property  
30 in the township, excluding any property within the corporate  
31 limits of a city, to provide the services.

32 b. (1) The additional annual tax authorized under paragraph  
33 "a" may be imposed at a rate not exceeding forty and one-fourth  
34 cents per thousand dollars of assessed value if the trustees of  
35 the township are providing emergency medical service for the

1 township and if the authority to impose the higher additional  
2 annual tax rate is approved at election.

3 (2) (a) The board of township trustees may on its own  
4 motion, and upon receipt of a valid petition shall, direct the  
5 county commissioner of elections to submit to the registered  
6 voters of the township in the areas where the additional  
7 annual tax is imposed, the proposition of levying the higher  
8 additional annual tax rate for a period of time stated in the  
9 proposition.

10 (b) A valid petition shall be signed by eligible electors of  
11 the township residing outside the corporate limits of a city  
12 equal in number to at least twenty-five percent of the number  
13 of votes cast in the township outside the corporate limits  
14 of a city for the office of president of the United States  
15 or governor at the preceding general election. The petition  
16 shall include the signatures of the petitioners, a statement  
17 of their place of residence, and the date on which they signed  
18 the petition.

19 (c) The election shall be held at the next general election  
20 following adoption of the board's motion or receipt of the  
21 valid petition and may be included on the same ballot as a  
22 proposition submitted to the voters under section 359.44.  
23 However, a petition authorized by this section shall be filed  
24 not later than eighty-two days before the date of the general  
25 election if the proposition is to be voted upon at the general  
26 election. If a valid petition is filed after that date, the  
27 proposition shall be voted on at the general election following  
28 the next general election.

29 (d) A petition shall be examined before it is accepted for  
30 filing. If it appears valid on its face, it shall be accepted  
31 for filing. If it lacks the required number of signatures, it  
32 shall be returned to the petitioners.

33 (e) Petitions which have been accepted for filing are  
34 valid unless written objections are filed. Objections must be  
35 filed with the county auditor within five working days after

1 the petition was filed. The objection process in section  
2 44.7 shall be followed for objections filed pursuant to this  
3 section.

4 c. The proposition is adopted if a majority of those  
5 voting on the proposition at the election approves it. If the  
6 proposition is approved at election, the township trustees may  
7 impose the additional annual tax authorized under paragraph "a"  
8 at a rate not exceeding forty and one-fourth cents per thousand  
9 dollars for the period of time approved at election, beginning  
10 with the fiscal year beginning July 1 following the general  
11 election at which the proposition was approved.

12 d. The proposition is not affected by a change in the  
13 boundaries of the township.

14 e. An extension of the period of time for the authorization  
15 to impose the higher additional annual tax rate or rescission  
16 of the authorization to impose the higher additional annual tax  
17 rate may be completed using the same procedure as is required  
18 for initial approval. However, the authorization to impose the  
19 higher additional annual tax rate may also be rescinded under  
20 section 359.44, subsection 7.

21 **Sec. 3. 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 but not less than four years.

35 b. A valid petition shall be signed by eligible electors of

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

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

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

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

27 2. The question shall be submitted to the voters in  
28 substantially the following form:  
29 Shall the township of ....., in .....  
30 County, Iowa, be required to provide emergency medical  
31 service to those areas of ..... township outside the  
32 corporate limits of a city and outside the areas receiving  
33 emergency medical service from another political subdivision  
34 of this state and provide such service through imposition of  
35 a property tax in those areas of the township outside the

1 corporate limits of a city?

2 3. The proposition to impose a higher additional annual tax  
3 pursuant to section 359.43, subsection 2, shall be included on  
4 the ballot and submitted to the voters at the same election as  
5 the proposition to require the township to provide emergency  
6 medical service under this section.

7 4. The proposition is adopted if a majority of those  
8 voting on the proposition at the election approves it. If the  
9 proposition is approved at election, the township trustees  
10 shall provide emergency medical service to all areas of the  
11 township outside the corporate limits of a city and those areas  
12 not otherwise receiving such service under chapter 357F or 357J  
13 using methods and funding authorized in sections 359.42 and  
14 359.43 for the period of time approved at election, beginning  
15 with the fiscal year beginning July 1 following the general  
16 election at which the proposition was approved.

17 5. The proposition is not affected by a change in the  
18 boundaries of the township.

19 6. An extension of the period of time for requiring the  
20 township to provide emergency medical service under this  
21 section or the rescission of the requirement to provide  
22 emergency medical service may be completed using the same  
23 procedure as is required for initial approval.

24 7. In lieu of the procedure under subsection 6, the  
25 requirement for providing emergency medical service under this  
26 section may be rescinded by resolution of the board of township  
27 trustees, upon a finding that the emergency medical service  
28 being provided has not been beneficial or is unnecessary.  
29 If the requirement for providing emergency medical service  
30 is rescinded under this subsection and the township ceases  
31 to provide emergency medical service, the authorization for  
32 imposition of a higher additional annual tax rate under section  
33 359.43, subsection 2, paragraph "b", is terminated.

34

EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1           the explanation's substance by the members of the general assembly.

2       Current law authorizes but does not require the board of  
3 township trustees to provide emergency medical service for  
4 the township and to fund such service through imposition of  
5 a property tax levy. This bill establishes a process for  
6 voter approval of a proposition to require a board of township  
7 trustees to provide emergency medical service to specified  
8 areas of the township.

9       The bill provides that unless the county is providing  
10 emergency medical service to a township pursuant to Code  
11 section 331.385, the board of township trustees may on its own  
12 motion, and upon receipt of a valid petition shall, direct the  
13 county commissioner of elections to submit to the registered  
14 voters of the township, excluding those areas of the township  
15 within corporate boundaries of a city, the proposition of  
16 requiring the township to provide emergency medical service to  
17 those areas of the township outside the corporate limits of a  
18 city and outside those areas being provided emergency medical  
19 service under Code chapter 357F (benefited emergency medical  
20 services district) or 357J (emergency response district) for a  
21 period of time stated in the proposition but not less than four  
22 years.

23       A valid petition must be signed by eligible electors of  
24 the township residing outside the corporate limits of a city  
25 equal in number to at least 25 percent of the number of votes  
26 cast in the township outside the corporate limits of a city  
27 for the office of president of the United States or governor  
28 at the preceding general election. The election to vote on  
29 the proposition is required to be held at the next general  
30 election following adoption of the board's motion or receipt of  
31 the valid petition, subject to a filing deadline specified in  
32 the bill. The bill also specifies the process for filing and  
33 hearing objections to the petition and the form of the question  
34 that appears on the ballot.

35       A proposition is adopted if a majority of those voting on the

1 proposition at the election approves it. If the proposition  
2 is approved at election, the township trustees are required  
3 to provide emergency medical service to those specified areas  
4 of the township using methods and funding authorized in Code  
5 sections 359.42 and 359.43 for the period of time approved  
6 at election, beginning with the fiscal year beginning July 1  
7 following the general election at which the proposition was  
8 approved. The bill also requires that the proposition to  
9 impose a higher additional annual tax pursuant to Code section  
10 359.43(2), as amended in the bill, shall be included on the  
11 ballot and submitted to the voters at the same election as  
12 the proposition to require the township to provide emergency  
13 medical service.

14 An extension of the period of time for requiring the township  
15 to provide emergency medical service or the rescission of the  
16 requirement to provide emergency medical service under the bill  
17 may be completed using the same procedure as is required for  
18 initial approval. In lieu of such process required for initial  
19 approval, the requirement for providing emergency medical  
20 service may be rescinded by resolution of the board of township  
21 trustees, upon a finding that the emergency medical service  
22 being provided has not been beneficial or is unnecessary. If  
23 the requirement for providing emergency medical service is  
24 rescinded by resolution of the board and the township ceases  
25 to provide emergency medical service, the authorization  
26 for imposition of a higher additional annual tax rate is  
27 terminated.

28 Current Code section 359.43 authorizes township trustees  
29 to levy an annual tax not exceeding 40.5 cents per \$1,000  
30 of assessed value of the taxable property in the township,  
31 excluding property within a benefited fire district or within  
32 the corporate limits of a city, for the purpose of providing  
33 fire protection service and emergency medical service for the  
34 township. If the 40.5-cent levy is insufficient to provide the  
35 services authorized or required, the township trustees may levy

1 an additional annual tax not exceeding 20.25 cents per \$1,000  
2 of assessed value.

3 The bill authorizes the township trustees to impose the  
4 additional annual tax at a rate not exceeding the 40.25 cents  
5 per \$1,000 of assessed value if the trustees of the township  
6 are providing emergency medical service for the township and  
7 if the authority to impose the higher additional annual tax  
8 rate is approved at election. The board of township trustees  
9 may on its own motion, and upon receipt of a valid petition  
10 shall, direct the county commissioner of elections to submit to  
11 the registered voters of the township in the areas where the  
12 additional annual tax is imposed, the proposition of levying  
13 the higher additional annual tax rate for a period of time  
14 stated in the proposition. The election is required to be held  
15 at the next general election following adoption of the board's  
16 motion or receipt of the valid petition and may be included  
17 on the same ballot as a proposition requiring the township to  
18 provide emergency medical service under Code section 359.44, as  
19 enacted in the bill. The proposition is adopted if a majority  
20 of those voting on the proposition at the election approves it.  
21 An extension of the period of time for the authorization to  
22 impose the higher additional annual tax rate or rescission of  
23 the authorization to impose the higher additional annual tax  
24 rate may be completed using the same procedure as is required  
25 for initial approval. However, the authorization to impose  
26 a higher additional annual tax rate may also be rescinded by  
27 resolution of the board of township trustees.

28 By operation of law, the bill applies to a county that has,  
29 by resolution under Code section 331.385, assumed the exercise  
30 of the powers and duties of township trustees relating to  
31 fire protection service and emergency medical service for any  
32 township located in the unincorporated area of the county.