

Senate File 55 - Introduced

SENATE FILE 55

BY RAGAN and KINNEY

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 331.385, subsection 2, Code 2019, is
2 amended to read as follows:

3 2. The board of supervisors shall publish notice of the
4 proposed resolution, and of a public hearing to be held on the
5 proposed resolution, in a newspaper of general circulation
6 in the county at least ten days but no more than twenty days
7 before the date of the public hearing. If, after notice and
8 hearing, the resolution is adopted, the board of supervisors
9 shall assume the exercise of the powers and duties of township
10 trustees relating to fire protection service and emergency
11 medical service as set forth in sections 359.42 ~~through,~~
12 359.43, and 359.45.

13 Sec. 2. Section 359.42, Code 2019, is amended to read as
14 follows:

15 **359.42 Township fire protection service, emergency warning
16 system, and emergency medical service.**

17 Except as otherwise provided in [section 331.385](#), the
18 trustees of each township shall provide fire protection service
19 for the township, exclusive of any part of the township within
20 a benefited fire district and may provide emergency medical
21 service. However, except as otherwise provided in section
22 331.385, the trustees of a township shall provide emergency
23 medical service for the township if required to do so by a
24 proposition approved under section 359.44. The trustees may
25 purchase, own, rent, or maintain fire protection service or
26 emergency medical service apparatus or equipment or both
27 kinds of apparatus or equipment and provide housing for the
28 equipment. The trustees of a township which is located within
29 a county having a population of three hundred thousand or
30 more may also establish and maintain an emergency warning
31 system within the township. The trustees may contract with a
32 public or private agency under [chapter 28E](#) for the purpose of
33 providing any service or system required or authorized under
34 this section.

35 Sec. 3. NEW SECTION. **359.44 Emergency medical service —**

1 motion or petition — election.

2 1. *a.* Unless the county is providing emergency medical
3 service to a township pursuant to section 331.385, the board
4 of township trustees may on its own motion, and upon receipt
5 of a valid petition shall, direct the county commissioner of
6 elections to submit to the registered voters of the township,
7 excluding those areas of the township within corporate
8 boundaries of a city, the proposition of requiring the township
9 to provide emergency medical service to those areas of the
10 township outside the corporate limits of a city and outside
11 those areas being provided emergency medical service under
12 chapter 357F or 357J for a period of time stated in the
13 proposition not to exceed ten years but not less than four
14 years.

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

24 *c.* The election shall be held at the next general election
25 following adoption of the board's motion or receipt of the
26 valid petition. However, a petition authorized by this section
27 shall be filed not later than eighty-two days before the date
28 of the general election if the proposition is to be voted upon
29 at the general election. If a valid petition is filed after
30 that date, the proposition shall be voted on at the general
31 election following the next general election.

32 *d.* A petition shall be examined before it is accepted for
33 filing. If it appears valid on its face, it shall be accepted
34 for filing. If it lacks the required number of signatures, it
35 shall be returned to the petitioners.

1 e. Petitions which have been accepted for filing are valid
2 unless written objections are filed. Objections must be
3 filed with the county auditor within five working days after
4 the petition was filed. The objection process in section
5 44.7 shall be followed for objections filed pursuant to this
6 section.

7 2. The question shall be submitted to the voters in
8 substantially the following form:

9 Shall the township of, in
10 County, Iowa, be required to provide emergency medical
11 service to those areas of township outside the
12 corporate limits of a city and outside the areas receiving
13 emergency medical service from another political subdivision
14 of this state and provide such service through imposition of
15 a property tax in those areas of the township outside the
16 corporate limits of a city?

17 3. The proposition is adopted if a majority of those
18 voting on the proposition at the election approves it. If the
19 proposition is approved at election, the township trustees
20 shall provide emergency medical service to all areas of the
21 township outside the corporate limits of a city and those areas
22 not otherwise receiving such service under chapter 357F or 357J
23 using methods and funding authorized in sections 359.42 and
24 359.43 for the period of time approved at election, beginning
25 with the fiscal year beginning July 1 following the general
26 election at which the proposition was approved.

27 4. The proposition is not affected by a change in the
28 boundaries of the township.

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

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 not to exceed 10 years
22 but not less than four 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.

9 An extension of the period of time for requiring the township
10 to provide emergency medical service or the rescission of
11 the requirement to provide emergency medical service may be
12 completed using the same procedure as is required for initial
13 approval.