

**House File 683 - Introduced**

HOUSE FILE 683

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 248)

**A BILL FOR**

1 An Act relating to the establishment of emergency response  
2 districts and fire departments.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 357J.1, Code 2021, 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, overlap, and fragmentation of the functions and  
16 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 2021, is amended to read as  
21 follows:

22 **357J.2 Definitions.**

23 As used in **this chapter**, unless the context otherwise  
24 requires:

25 1. ~~"Board"~~ means the board of supervisors of a county.

26 2. ~~1.~~ "Commission" means a governing body composed of a  
27 member of the board of supervisors, the sheriff, and the mayor  
28 from each city within the district. A member of the commission  
29 shall not appoint a designee to serve on the commission in the  
30 member's capacity or designee of each governmental entity that  
31 is a member of the emergency response district.

32 3. ~~2.~~ "District" means an emergency response ~~district~~ area.

33 3. "Governmental entity" means a county, city, or township.

34 Sec. 3. Section 357J.3, Code 2021, is amended by striking  
35 the section and inserting in lieu thereof the following:

1     **357J.3 Notification of public hearing.**

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

8     2. Notice required under subsection 1 shall include all of  
9 the following information:

10    *a.* A statement explaining the need for fire protection  
11 service or emergency medical service.

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

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

14    *d.* The proposed personnel, equipment, and facilities to  
15 provide the fire protection services or emergency medical  
16 services.

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

18     Sec. 4. Section 357J.4, Code 2021, is amended to read as  
19 follows:

20     **357J.4 District — boundary changes.**

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

23     2. *a.* The boundary lines of a district shall not be changed  
24 after the district is established except as provided in this  
25 subsection.

26     ~~*a.*~~ *b.* The boundary lines of a district shall be changed and  
27 shall become effective immediately upon approval of ~~all of the~~  
28 ~~following:~~

29     ~~(1)~~ (1) The the commission and each governmental entity  
30 currently participating in the emergency response district.

31     ~~(2)~~ (2) The board of township trustees of the area proposed to  
32 be included or excluded from the district.

33     ~~(3)~~ (3) The district fire chief.

34     ~~(4)~~ (4) The assistant fire chief who is responsible for delivery  
35 of fire protection service and emergency medical service

~~1 within the area proposed to be excluded from the district, if  
2 applicable.~~

~~3 (5) The fire chief of a fire department in the area proposed  
4 to be included in the district, if applicable.~~

~~5 b. The boundary lines of a district shall be changed to  
6 exclude a city or the unincorporated areas of a township if the  
7 commission receives a written request from the governing body  
8 of the city or the board of township trustees, as applicable,  
9 requesting exclusion from the district. However, a boundary  
10 change under this paragraph shall become effective no earlier  
11 than eighteen months following receipt of the written request.~~

12 **Sec. 5. NEW SECTION. 357J.19 Dissolution of district.**

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

17 **Sec. 6. Section 364.16, Code 2021, is amended to read as**  
18 **follows:**

19 **364.16 Municipal fire protection.**

20 1. Each city shall provide for the protection of life and  
21 property against fire and may establish, house, equip, staff,  
22 uniform, and maintain a fire department. A city may establish  
23 fire limits and may, consistent with code standards promulgated  
24 by nationally recognized fire prevention agencies, regulate the  
25 storage, handling, use, and transportation of all flammables,  
26 combustibles, and explosives within the corporate limits and  
27 inspect for and abate fire hazards.

28 2. A city may provide conditions upon which the fire  
29 department will answer calls outside the corporate limits or  
30 the territorial jurisdiction and boundary limits of this state.  
31 A city has the same governmental immunity outside its corporate  
32 limits when providing fire protection as when operating within  
33 the corporate limits. Fire fighters operating equipment on  
34 calls outside the corporate limits are entitled to the benefits  
35 of [chapter 410](#) or [411](#) when otherwise qualified.



1 bill requires each governmental entity intending to participate  
2 in an emergency response district to issue a notice of intent  
3 to hold a public hearing concerning the establishment of  
4 a proposed district and provide certain information with  
5 such notice. The bill requires a hearing concerning the  
6 establishment of a proposed district to occur no less than 30  
7 days and no more than 90 days after the notice is issued. The  
8 bill amends the process for changing district boundaries to  
9 require the approval of the commission and each governmental  
10 entity that is a member of the emergency response district.  
11 The bill requires incorporation documents of an emergency  
12 response district to include provisions for dissolution, the  
13 withdrawal of an individual member, and the dispensing of  
14 property in either event. The bill repeals provisions relating  
15 to the engineer's responsibilities and the appointment of  
16 assistant fire chiefs.

17 The bill requires a city in which an institution of higher  
18 education governed by the state board of regents is located  
19 to establish, house, equip, staff, uniform, and maintain a  
20 full-time, professional fire department that is separate from  
21 the city's police department.