

House File 718 - Introduced

HOUSE FILE 718
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HF 444)

A BILL FOR

1 An Act relating to township fire stations by authorizing the
2 use of certain property taxes approved at election for the
3 payment of anticipatory bonds.

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

1 Section 1. Section 359.45, Code 2021, is amended to read as
2 follows:

3 **359.45 Anticipatory bonds.**

4 1. Townships may anticipate the collection of taxes
5 authorized by section 359.43 and for such purposes may direct
6 the county board of supervisors to issue bonds under sections
7 331.441 to 331.449 relating to essential county purpose bonds
8 except that the bonds are payable only from tax levies on
9 property subject to the levy under section 359.43 and the levy
10 under subsection 2, if applicable and authorized at election.

11 2. a. In addition to the payment of the bonds issued
12 pursuant to subsection 1 with taxes collected resulting from
13 the levies under section 359.43, such bonds shall be payable
14 from the tax levy under this subsection if the bonds are issued
15 for the purpose of funding the construction or acquisition,
16 including a lease with purchase option, of a fire station to be
17 used to provide the services under section 359.42, and if the
18 levy is approved at election.

19 b. Upon petition of twenty-five percent of the resident
20 eligible electors, excluding those areas of the township
21 within corporate boundaries of a city, the board of township
22 trustees shall submit to the applicable voters of the township
23 the question of whether to authorize the imposition of the
24 levy under this subsection for the payment of bonds described
25 in paragraph "a". The county commissioner shall conduct the
26 election pursuant to the applicable provisions of chapters 39
27 through 53 and certify the result to the trustees. The ballot
28 shall set out the reason for the tax, the amount needed, and
29 the duration of the proposed tax.

30 c. The proposition is adopted if a majority of those
31 voting on the proposition at the election approves it. If the
32 proposition is approved at election, the township trustees may
33 impose the levy at a rate necessary to pay the bonds described
34 in paragraph "a", but not to exceed thirty-nine and one-fourth
35 cents per one thousand dollars of assessed value, and for

1 a period not to exceed ten years beginning with the fiscal
2 year beginning July 1 following the election at which the
3 proposition was approved. The proposition is not affected by a
4 change in the boundaries of the township.

5 d. (1) Following expiration of the authority to impose
6 the levy under this subsection, authority to reimpose the levy
7 requires approval in accordance with this subsection.

8 (2) Following expiration of the authority to impose the levy
9 under this subsection, the operational cost and maintenance
10 of the fire station shall be paid using funds from the levies
11 authorized under section 359.43.

12 EXPLANATION

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

15 Code section 359.45 authorizes townships to anticipate the
16 collection of taxes authorized by Code section 359.43 (levies
17 for fire protection service and emergency medical service) and
18 for such purposes may direct the county board of supervisors to
19 issue bonds under provisions for essential county purpose bonds
20 payable only from tax levies under Code section 359.43.

21 This bill provides that, in addition to those levies under
22 Code section 359.43, such bonds shall be payable from the tax
23 levy established in the bill if the bonds are issued for the
24 purpose of funding the construction or acquisition, including
25 a lease with purchase option, of a fire station to be used to
26 provide the fire protection and emergency medical services for
27 the township, and if the levy is approved at election.

28 Upon petition of 25 percent of the resident eligible
29 electors, excluding those areas of the township within
30 corporate boundaries of a city, the board of township trustees
31 shall submit to the applicable voters of the township the
32 question of whether to authorize the imposition of the levy
33 under the bill. The ballot is required to set out the reason
34 for the tax, the amount needed, and the duration of the
35 proposed tax. The proposition is adopted if a majority of

1 those voting on the proposition at the election approves it.
2 An approved levy may be imposed at a rate necessary to pay the
3 applicable bonds, but not to exceed 39 and one-fourth cents
4 per \$1,000 of assessed value, and for a period not to exceed
5 10 years. Following expiration of the authority to impose
6 the levy, authority to reimpose the levy requires approval in
7 accordance with the bill.

8 The bill also provides that following expiration of
9 the authority to impose the levy, the operational cost and
10 maintenance of the fire station shall be paid using funds from
11 the levies authorized under Code section 359.43.

12 By operation of law, the changes the bill makes to the
13 township services provisions apply to a county that has, by
14 resolution under Code section 331.385, assumed the exercise
15 of the powers and duties of township trustees relating to
16 fire protection service and emergency medical service for any
17 township located in the unincorporated area of the county.