

Senate File 570 - Introduced

SENATE FILE 570
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 352)
(SUCCESSOR TO SF 41)

A BILL FOR

1 An Act relating to emergency management services and emergency
2 medical services and including applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 29C.9, subsections 1, 2, 4, and 7, Code
2 2023, are amended to read as follows:

3 1. The county ~~boards~~ board of supervisors, city councils,
4 school districts, and the sheriff in each county shall
5 cooperate with the department to establish a commission to
6 carry out the provisions of this chapter.

7 2. a. The commission shall be composed of ~~a member~~ the
8 members of the board of supervisors, ~~the sheriff, and the mayor~~
9 from each city located in whole or in part within the county,
10 and the president of the board of directors of each school
11 district for which the school district's administrative office
12 is located in the county. In addition, the sheriff shall be a
13 nonvoting member who serves as the commission's chairperson.

14 b. In any action taken by the commission, the members of
15 the board of supervisors shall constitute one voting unit,
16 the mayors of all cities in the county shall constitute one
17 voting unit, and the presidents of the school district boards
18 of directors shall constitute one voting unit, each unit having
19 a single vote and no action shall be valid except by the vote
20 of not less than two-thirds of the voting units. The majority
21 vote of the members present of each unit shall determine the
22 vote of the unit.

23 c. A commission member may designate an alternate to
24 represent the designated entity. For any activity relating
25 to section 29C.17, subsection 2, 7, or 8, or chapter 24,
26 participation shall only be by a commission member ~~or a~~
27 ~~designated alternate that is an elected official from the same~~
28 ~~designated entity.~~

29 d. Operations of the commission, except for activities
30 relating to chapter 24 or section 29C.17, subsection 2, 7,
31 or 8, or activities delegated under subsection 7, may be
32 undertaken by an executive committee consisting of one member
33 from each of the voting units. Executive committee members are
34 selected by membership of each voting unit. The sheriff shall
35 serve as president of the executive committee, but shall be

1 an advisory, nonvoting member. The executive committee shall
2 have the authority to call a commission meeting at any time and
3 shall call a commission meeting if either the governor issues a
4 proclamation of a state of disaster emergency in the county or
5 the president of the United States declares a major disaster
6 in the county.

7 4. For the purposes of [this chapter](#), a commission is a
8 municipality as defined in [section 670.1](#) and a municipality as
9 defined in section 24.2.

10 7. The commission shall delegate to the emergency
11 management coordinator under section 29C.10 the authority to
12 fulfill the commission duties as described in the department's
13 administrative rules. Each commission shall appoint a
14 local emergency management coordinator who shall meet the
15 qualifications specified in the administrative rules by the
16 director. Additional emergency management personnel may be
17 appointed at the discretion of the commission.

18 Sec. 2. Section 29C.10, subsection 1, Code 2023, is amended
19 to read as follows:

20 1. The commission shall appoint an emergency management
21 coordinator who shall serve at the pleasure of the commission,
22 shall be responsible for the development of the comprehensive
23 emergency plan, shall coordinate emergency planning
24 activities, and shall provide technical assistance to political
25 subdivisions comprising the commission. Appointment or removal
26 of an emergency management coordinator requires a unanimous
27 vote of all commission voting units and each voting unit must
28 approve the appointment or removal by a two-thirds majority.

29 Sec. 3. Section 29C.17, subsections 2, 3, and 6, Code 2023,
30 are amended to read as follows:

31 2. For purposes consistent with [this chapter](#), the local
32 emergency management agency's approved budget shall be funded
33 exclusively by one ~~or any combination~~ of the following options,
34 as determined by the commission:

35 a. A countywide special levy ~~pursuant to section 331.424,~~

1 ~~subsection 1~~ certified and levied by the commission at a rate
2 not to exceed thirty-five cents per one thousand dollars of
3 assessed value of taxable property to be used for the support
4 of the local emergency management agency, except for special
5 or unique services and operations, and a countywide additional
6 levy certified and levied by the commission at a rate not to
7 exceed one dollar per one thousand dollars of assessed value of
8 taxable property to be used only for special or unique services
9 and operations approved by the commission. *“Special or unique*
10 *services and operations”* means any of the following:

11 (1) Joint emergency response communications services
12 through an agreement entered into under chapter 28E, as
13 authorized in section 29C.9, subsection 6.

14 (2) Equipment of a countywide hazardous materials team.

15 (3) Equipment for a countywide community emergency response
16 team.

17 (4) Equipment for a countywide search, rescue, and recovery
18 team.

19 (5) Equipment for a countywide incident management support
20 team.

21 b. One or more of the following options:

22 (1) Per capita allocation funded from city and county
23 general funds or by a combination of city and county special
24 levies which may be apportioned among the member jurisdictions.

25 ~~e.~~ (2) An allocation computed as each jurisdiction's
26 relative share of the total assessed valuation within the
27 county.

28 ~~d.~~ (3) A voluntary share allocation.

29 ~~e.~~ (4) Other funding sources allowed by law, excluding a
30 countywide levy.

31 3. A If a local emergency management agency is funded
32 under subsection 2, paragraph “b”, a political subdivision may
33 appropriate additional funds for the purpose of supporting
34 commission expenses relating to special or unique matters
35 extending beyond the resources of the agency.

1 6. Subject to [chapter 24](#), the commission shall adopt,
2 certify, and provide a budget, on or before February 28 of
3 each year, to the funding entities determined pursuant to
4 subsection 2. The form of the budget shall be as prescribed
5 by the department of management. Any portion of a tax levied
6 by a county or city to support the local emergency management
7 agency shall be identified separately on tax statements issued
8 by the county treasurer. A tax levied by the commission under
9 subsection 2, paragraph "a", shall be identified separately on
10 tax statements issued by the county treasurer.

11 Sec. 4. Section 29C.17, Code 2023, is amended by adding the
12 following new subsections:

13 NEW SUBSECTION. 7. If a commission is meeting the
14 financial obligations for implementation of its local emergency
15 management program and operation of the local emergency
16 management agency, the commission may reserve an amount
17 of unobligated and unencumbered funds, excluding amounts
18 reserved or obligated under the capital improvement plan under
19 subsection 8, for operations expenditure obligations in a
20 future fiscal year, not to exceed an amount equal to thirty
21 percent of the local emergency management agency's approved
22 budget for the fiscal year. In addition, the commission
23 may reserve an amount not to exceed five percent of the
24 annual capital improvement budget for operations expenditure
25 obligations in a future fiscal year.

26 NEW SUBSECTION. 8. Each commission shall, as part of the
27 local emergency management agency's budgeting process, adopt
28 a capital improvement plan that identifies large expenditures
29 or capital improvement projects and the funding sources
30 and financing of such projects for at least the subsequent
31 five fiscal years. Amounts reserved or obligated under a
32 capital improvement plan are not subject to the reserve amount
33 limitation under subsection 7. The local emergency management
34 agency's annual budgeting process shall include evaluation
35 of the activities undertaken and the progress made under the

1 capital improvement plan.

2 Sec. 5. Section 331.424, subsection 1, paragraph a,
3 subparagraph (9), Code 2023, is amended to read as follows:

4 (9) The maintenance and operation of a local emergency
5 management agency established pursuant to chapter 29C, unless
6 the agency is funded under section 29C.17, subsection 2,
7 paragraph "a".

8 Sec. 6. Section 384.12, subsection 21, Code 2023, is amended
9 to read as follows:

10 21. A tax for the ~~support~~ maintenance and operation of
11 a local emergency management ~~commission~~ agency established
12 pursuant to chapter 29C, unless the agency is funded under
13 section 29C.17, subsection 2, paragraph "a".

14 Sec. 7. Section 422D.6, subsection 3, Code 2023, is amended
15 by adding the following new paragraph:

16 NEW PARAGRAPH. *i.* Salaries and benefits of emergency
17 medical care providers, as defined in section 147A.1.

18 Sec. 8. APPLICABILITY. This Act applies to budgets for
19 property taxes due and payable in fiscal years beginning on or
20 after July 1, 2024.

21

EXPLANATION

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

24 Under Code section 29C.17, a local emergency management
25 agency's approved budget is funded by one or any combination
26 of several funding options, as determined by the local
27 emergency management commission, including a countywide
28 special levy pursuant to Code section 331.424(1) under the
29 county's supplemental property tax levy authority in an amount
30 sufficient to pay for the maintenance and operation of the
31 local emergency management agency. This bill authorizes the
32 local emergency management commission to certify and levy the
33 countywide special levy for the support of the agency at a rate
34 not to exceed \$0.35 per \$1,000 of assessed value and limits
35 the county's authority to certify such a levy if the agency is

1 being funded with the countywide levy under the bill. The bill
2 also limits a city's authority to levy a tax under Code section
3 384.12(21) to support an emergency management agency if the
4 agency is being funded through the countywide levy under the
5 bill.

6 The bill also authorizes the local emergency management
7 commission to certify and levy a countywide additional levy
8 not to exceed \$1.00 per \$1,000 of assessed value for special
9 or unique services and operations, as defined in the bill,
10 approved by the commission. The bill also specifies that the
11 local emergency management commission is a municipality for
12 purposes of Code chapter 24 (local budgets).

13 Code section 29C.9 establishes the composition of each local
14 emergency management commission to be a member of the board
15 of supervisors, the sheriff, and the mayor from each city
16 within the county. The bill modifies the composition of each
17 commission to be the members of the board of supervisors, the
18 mayor from each city located in whole or in part within the
19 county, and the president of the board of directors of each
20 school district for which the school district's administrative
21 office is located in the county. The bill also specifies that
22 the sheriff shall be a nonvoting member who serves as the
23 commission's chairperson.

24 The bill specifies that in any action taken by the
25 commission, the members of the board of supervisors shall
26 constitute one voting unit, the mayors of all cities in the
27 county shall constitute one voting unit, and the presidents
28 of the school district boards of directors shall constitute
29 one voting unit. Each voting unit shall have a single vote
30 and no action shall be valid except by the vote of not less
31 than two-thirds of the voting units. The majority vote of the
32 members present of each unit determines the vote of the unit.

33 The bill also provides that operations of the commission,
34 except for certain budgeting activities, may be undertaken by
35 an executive committee consisting of one member from each of

1 the voting units. Executive committee members are selected
2 by membership of each voting unit. The sheriff serves as
3 president of the executive committee, but is an advisory,
4 nonvoting member. Under the bill, the executive committee
5 shall have the authority to call a commission meeting at any
6 time and is required to call a commission meeting if either the
7 governor issues a proclamation of a state of disaster emergency
8 in the county or the president of the United States declares a
9 major disaster in the county.

10 Code chapter 422D authorizes counties to impose a property
11 tax levy, an income surtax, or a combination of both taxes
12 within the county, excluding those areas within a benefited
13 emergency medical services district under Code chapter 357F, to
14 be used for specified emergency medical services costs, if the
15 taxes are approved at election.

16 The bill adds salaries and benefits of emergency medical
17 care providers, as defined in Code section 147A.1, to the
18 eligible expenditures from the county emergency medical
19 services trust fund under Code section 422D.6.

20 The bill also provides that if a commission is meeting
21 the financial obligations for implementation of its local
22 emergency management program and operation of the local
23 emergency management agency, the commission may reserve an
24 amount of unobligated and unencumbered funds, excluding amounts
25 reserved or obligated under the capital improvement plan,
26 as required under the bill, for expenditure obligations in
27 a future fiscal year, not to exceed an amount equal to 30
28 percent of the local emergency management agency's approved
29 budget for the applicable fiscal year. In addition, the
30 bill allows the commission to reserve an amount not to
31 exceed 5 percent of the annual capital improvement budget for
32 operations expenditure obligations in a future fiscal year.
33 As part of the local emergency management agency's budgeting
34 process, the bill requires the commission to adopt a capital
35 improvement plan that identifies large expenditures or capital

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1 improvement projects and the funding sources and financing
2 of such projects. The local emergency management agency's
3 annual budgeting process must also include evaluation of the
4 activities undertaken and the progress made under the capital
5 improvement plan.

6 The bill applies to budgets for property taxes due and
7 payable in fiscal years beginning on or after July 1, 2024.