

**Senate Study Bill 1091 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
LOCAL GOVERNMENT BILL BY  
CHAIRPERSON GREEN)

**A BILL FOR**

1 An Act relating to certain emergency services provided by a  
2 city.

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

1 Section 1. Section 362.5, subsection 3, paragraph a, Code  
2 2023, is amended to read as follows:

3 a. The payment of lawful compensation of a city officer,  
4 volunteer fire fighter as defined in section 85.61, emergency  
5 medical care provider as defined in section 147A.1, or employee  
6 holding more than one city office or position, the holding of  
7 which is not incompatible with another public office or is  
8 not prohibited by law. This section shall not be construed  
9 to prohibit nominal stipends, compensation, incentives, or  
10 benefits for volunteer fire fighters or emergency medical care  
11 providers.

12 Sec. 2. Section 372.13, subsection 10, Code 2023, is amended  
13 to read as follows:

14 10. A council member, during the term for which that member  
15 is elected, is not precluded from holding the office of chief  
16 of the volunteer fire department or from serving the volunteer  
17 fire department in any other position or capacity. A person  
18 holding the office of chief of such a volunteer fire department  
19 at the time of the person's election to the city council may  
20 continue to hold the office of chief of the fire department  
21 during the city council term for which that person was elected,  
22 or may serve as chief of the volunteer fire department upon  
23 a majority vote of the council. A council member who is a  
24 candidate for the position of chief of the volunteer fire  
25 department or an appointed officer position shall abstain  
26 from voting upon the council member's own appointment to the  
27 position.

28 Sec. 3. Section 384.3, Code 2023, is amended to read as  
29 follows:

30 **384.3 General fund.**

31 1. All moneys received for city government purposes from  
32 taxes and other sources must be credited to the general fund  
33 of the city, except that moneys received for the purposes of  
34 the debt service fund, the trust and agency funds, the capital  
35 improvements reserve fund, the emergency fund, and other

1 funds established by state law must be deposited as otherwise  
2 required or authorized by state law. All moneys received by  
3 a city from the federal government must be reported to the  
4 department of management, who shall transmit a copy to the  
5 legislative services agency.

6 2. a. A city may establish an additional fund or a reserve  
7 savings account to pay costs associated with the acquisition,  
8 possession, and maintenance of major equipment for police,  
9 fire, rescue, or emergency medical services. Moneys in a fund  
10 or account established under this paragraph may remain in the  
11 fund or account at the end of each fiscal year.

12 b. If a city has established an additional fund or a reserve  
13 savings account under paragraph "a" and has received a payment,  
14 award, judgment, or insurance settlement for damaged police,  
15 fire, rescue, or emergency medical services equipment or  
16 vehicles, the city shall deposit the moneys into the relevant  
17 fund or account rather than into the general fund of the city.  
18 However, if a city uses moneys from its general fund to cover  
19 costs to repair or replace damaged police, fire, rescue, or  
20 emergency medical services equipment or vehicles, the city  
21 may deposit into its general fund an amount received from the  
22 payment, award, judgment, or insurance settlement that is equal  
23 to the amount used from the general fund. The city shall  
24 deposit any remaining amount received from the payment, award,  
25 judgment, or insurance settlement into the relevant fund or  
26 account established under paragraph "a".

27 c. If a city has established an additional fund under  
28 paragraph "a", moneys remaining in the fund at the end of the  
29 fiscal year may be deposited into a reserve savings account.  
30 Moneys in a reserve savings account shall be used for the  
31 purpose of maintaining or acquiring major equipment including  
32 vehicles.

33 EXPLANATION

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

1 This bill relates to certain emergency services provided by  
2 a city.

3 Current law generally voids a contract entered into by a city  
4 officer or employee if the officer or employee has an interest,  
5 direct or indirect, in the contract or job of work or material  
6 or the profits thereof or services to be furnished or performed  
7 for the officer's or employee's city. The bill provides that  
8 this provision does not prohibit the lawful compensation,  
9 including nominal stipends, incentives, and benefits, for a  
10 volunteer fire fighter or emergency medical care provider  
11 holding one or more city offices or positions if holding the  
12 office or position is not incompatible with another public  
13 office or is not prohibited by law.

14 Current law allows a city council member, during the term  
15 for which the member is elected, to serve as the chief of a  
16 volunteer fire department or serve a volunteer fire department  
17 in any other capacity. A person holding the office of chief of  
18 such a volunteer fire department at the time of the person's  
19 election to the city council may continue to hold the office of  
20 chief of the volunteer fire department during the city council  
21 term for which that person was elected. The bill allows a  
22 city council member to serve as chief of the volunteer fire  
23 department upon a majority vote of the council.

24 The bill provides that a city may establish a fund or  
25 reserve savings account to pay for major equipment for police,  
26 fire, rescue, or emergency medical services. If a city has  
27 established such a fund or account and has received a payment,  
28 award, judgment, or insurance settlement for damaged police,  
29 fire, rescue, or emergency medical services equipment or  
30 vehicles, the city shall deposit the moneys into the relevant  
31 fund or account rather than into the general fund of the city.  
32 However, if a city uses moneys from its general fund to cover  
33 costs to repair or replace such equipment or vehicles, the  
34 city may deposit into its general fund an amount received from  
35 the payment, award, judgment, or insurance settlement that is

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1 equal to the amount used from the general fund. The city shall  
2 deposit any remaining amount received into the relevant fund or  
3 account. Moneys remaining in the fund at the end of the fiscal  
4 year may be deposited into a reserve savings account. Moneys  
5 in a reserve savings account shall be used for the purpose of  
6 maintaining or acquiring major equipment including vehicles.