

**CHAPTER 1146**

## FIRE PROTECTION AND EMERGENCY MEDICAL SERVICE

H.F. 2560

**AN ACT** relating to fire protection service by requiring certain counties to negotiate emergency services agreements for townships, relating to dissolution of benefited fire districts, and including effective and applicability date provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 331.385, subsections 2 and 3, Code 2003, are amended to read as follows:

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

3. ~~If, after notice and hearing, the resolution is adopted, the board of supervisors shall assume the exercise of the powers and duties of township trustees relating to fire protection service and emergency medical service as set forth in sections 359.42 through 359.45.~~ All of the real and personal township property used to provide fire protection service or emergency medical service shall be transferred to the county. The county shall assume all of the outstanding obligations of the township relating to fire protection service or emergency medical service. If the township provides fire protection outside of the county's boundaries, the county shall continue to provide fire protection to this area for at least ninety days after adoption of the resolution.

Sec. 2. Section 331.385, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 5. a. Notwithstanding subsection 1, in a county having a population in excess of three hundred thousand, if as of July 1, 2004, a township has in force an agreement pursuant to chapter 28E for a city or another township to provide fire protection service or fire protection service and emergency medical services, or if a township is otherwise contracting with a city or another township for fire protection service or fire protection service and emergency medical services, the agreement or contract shall remain in force for the fiscal years beginning July 1, 2005, and July 1, 2006, and it shall be the duty of the county board of supervisors to levy, pursuant to section 331.424C, for those two fiscal years an amount sufficient to meet the obligations of the township as it pertains to that agreement or contract.

b. The board of supervisors of a county described in paragraph "a" shall negotiate agreements pursuant to chapter 28E for continued fire protection service, or fire protection service and emergency medical services, for the fiscal year beginning July 1, 2007, and subsequent fiscal years, on behalf of those townships described in paragraph "a", and shall continue to certify taxes for levy in the township, pursuant to section 331.424C, in amounts sufficient to meet the financial obligations pertaining to those agreements.

c. This subsection does not apply to a chapter 28E agreement entered into by three or more townships if such agreement provides for the creation of one fire department to provide fire protection services jointly to the townships that are parties to the agreement.

Sec. 3. Section 331.424C, Code Supplement 2003, is amended to read as follows:

331.424C EMERGENCY SERVICES FUND.

A county that is providing fire protection service or emergency medical service to a township pursuant to section 331.385 shall establish an emergency services fund and may certify taxes for levy in the township not to exceed sixty and three-fourths cents per one thousand dollars

of the assessed value of taxable property located in the township. The county has the authority to use a portion of the taxes levied and deposited in the fund for the purpose of accumulating moneys to carry out the purposes of section 359.43, subsection 4.

Sec. 4. Section 357B.5, subsection 1, Code 2003, is amended to read as follows:

1. Upon petition of a number of registered voters residing in a district at least equal to thirty-five percent of the property taxpayers in the district, the board of supervisors may dissolve a benefited fire district and dispose of any remaining property, the proceeds of which shall first be applied against any outstanding obligation of the district. Any remaining balance shall be applied as a tax credit for the property owners of the district. However, except as provided in subsection 2, if all or a part of a district is annexed, the board of supervisors may transfer the remaining property and balance to the city which annexed the territory. The board of supervisors shall continue to levy an annual tax during the time the district is being dissolved and after the dissolution of a district, not to exceed ~~forty and one-half~~ sixty and three-fourths cents per thousand dollars of assessed value of the taxable property of the district, until all outstanding obligations of the district are paid. Except as otherwise provided in subsection 2, the board of supervisors shall negotiate agreements necessary to provide continued fire protection to the benefited fire district area during the time the district is being dissolved and after dissolution, and shall continue to levy an annual tax to fund such agreements, until such time as the township trustees of the township where the benefited fire district is located begin to provide fire protection service as required by section 359.42.

Sec. 5. Section 359.42, Code 2003, is amended to read as follows:

359.42 TOWNSHIP FIRE PROTECTION SERVICE, EMERGENCY WARNING SYSTEM, AND EMERGENCY MEDICAL SERVICE.

The ~~Except as otherwise provided in section 331.385, the~~ trustees of each township shall provide fire protection service for the township, exclusive of any part of the township within a benefited fire district and may provide emergency medical service. The trustees may purchase, own, rent, or maintain fire protection service or emergency medical service apparatus or equipment or both kinds of apparatus or equipment and provide housing for the equipment. The trustees of a township which is located within a county having a population of three hundred thousand or more may also establish and maintain an emergency warning system within the township. The trustees may contract with a public or private agency under chapter 28E for the purpose of providing any service or system required or authorized under this section.

Sec. 6. EFFECTIVE AND APPLICABILITY DATES. Section 4 of this Act, being deemed of immediate importance, takes effect upon enactment and applies to fiscal years beginning on or after July 1, 2004.

Approved May 6, 2004