

MAR 7 2005
WAYS & MEANS CALENDAR

HOUSE FILE 607
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 198)

Passed House, Date 3-14-05 Passed Senate, Date 4-18-05
Vote: Ayes 98 Nays 0 Vote: Ayes 48 Nays 0
Approved 4/28/07

A BILL FOR

1 An Act relating to emergency services provided to residents of
2 certain townships and including effective date and retroactive
3 applicability date provisions.

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

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HF 607

1 Section 1. Section 331.385, subsection 5, Code 2005, is
2 amended by striking the subsection and inserting in lieu
3 thereof the following:

4 5. a. Notwithstanding subsection 1, if as of July 1,
5 2006, a township has in force an agreement entered into
6 pursuant to chapter 28E for a city or another township to
7 provide fire protection service or fire protection service and
8 emergency medical service for the township, or if a township
9 is otherwise contracting with a city or another township for
10 provision to the township of fire protection service or fire
11 protection service and emergency medical service, the county
12 board of supervisors shall, for the fiscal year beginning July
13 1, 2007, and subsequent fiscal years, negotiate for and enter
14 into an agreement pursuant to chapter 28E providing for
15 continued fire protection service, or fire protection service
16 and emergency medical service, to the township, and shall
17 certify taxes for levy in the township, pursuant to section
18 331.424C, in amounts sufficient to meet the financial
19 obligations pertaining to the agreement.

20 b. This subsection applies to a county with a population
21 in excess of three hundred thousand. This subsection does not
22 prohibit a county with a population in excess of three hundred
23 thousand from also assuming the powers and duties of township
24 trustees in accordance with the provisions of subsections 1
25 through 4, for those townships in the county that are not
26 subject to paragraph "a".

27 Sec. 2. Section 331.424C, Code 2005, is amended to read as
28 follows:

29 331.424C EMERGENCY SERVICES FUND.

30 A county that is providing fire protection service or
31 emergency medical service to a township pursuant to section
32 331.385 shall establish an emergency services fund and may
33 certify taxes for levy in the township not to exceed ~~sixty-and~~
34 ~~three-fourths-cents-per-one-thousand-dollars-of-the-assessed~~
35 ~~value-of-taxable-property-located-in-the-township~~ the amounts

1 authorized in section 359.43. The county has the authority to
2 use a portion of the taxes levied and deposited in the fund
3 for the purpose of accumulating moneys to carry out the
4 purposes of section 359.43, subsection 4.

5 Sec. 3. EFFECTIVE DATE. This Act, being deemed of
6 immediate importance, takes effect upon enactment.

7 Sec. 4. RETROACTIVE APPLICABILITY. The section of this
8 Act that strikes section 331.385, subsection 5, Code 2005,
9 applies retroactively to January 1, 2005, and section 331.385,
10 subsection 5, Code 2005, is void and of no effect with regard
11 to township fire protection service or emergency medical
12 service agreements or contracts entered into on or after that
13 date.

14 EXPLANATION

15 This bill relates to the provision of emergency services by
16 certain townships and certain counties.

17 Under current law, if a township located in a county of
18 over 300,000 population has in place, as of July 1, 2004, an
19 agreement or contract to receive emergency services from a
20 city or another township, the agreement or contract shall stay
21 in force and the county board of supervisors shall certify a
22 property tax levy to be imposed in the township sufficient to
23 meet the financial obligations of the township under the
24 agreement or contract. Current law further provides that, for
25 fiscal years beginning on or after July 1, 2007, the board of
26 supervisors shall negotiate agreements or contracts for
27 continued emergency services for those townships and shall
28 certify the property tax levy to be imposed in those
29 townships.

30 The bill provides that if a township located in a county of
31 over 300,000 population has in place, as of July 1, 2006, an
32 agreement to receive emergency services from a city or another
33 township, the board of supervisors, for fiscal years beginning
34 on or after July 1, 2007, shall be responsible for negotiating
35 and entering into agreements for continued emergency services

1 for those townships and shall certify the property tax levy to
2 be imposed in those townships.

3 The bill applies the levy rate limitations for emergency
4 services, which apply to townships located in a county with a
5 population over 300,000, to counties with a population over
6 300,000 if the county is providing the emergency services in
7 lieu of the township or if the county is required to levy
8 property taxes to meet the obligations of certain emergency
9 services agreements in effect in the townships. The bill also
10 applies the levy rate limitations for emergency services that
11 apply to townships that have entered into emergency services
12 agreements with special charter cities that have a paid fire
13 department to counties that are providing the emergency
14 services and the county enters into an agreement for emergency
15 services to be provided to a township by such a city.

16 The bill takes effect upon enactment. The portion of
17 current Code section 331.385, which relates to Code chapter
18 28E agreements with townships for the provision of emergency
19 services, is made inapplicable to any such agreements
20 retroactive to January 1, 2005.

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HOUSE FILE 607

AN ACT

RELATING TO EMERGENCY SERVICES PROVIDED TO RESIDENTS OF
CERTAIN TOWNSHIPS AND INCLUDING EFFECTIVE DATE AND
RETROACTIVE APPLICABILITY DATE PROVISIONS.

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

Section 1. Section 331.385, subsection 5, Code 2005, is amended by striking the subsection and inserting in lieu thereof the following:

5. a. Notwithstanding subsection 1, if as of July 1, 2006, a township has in force an agreement entered into pursuant to chapter 28E for a city or another township to provide fire protection service or fire protection service and emergency medical service for the township, or if a township is otherwise contracting with a city or another township for provision to the township of fire protection service or fire protection service and emergency medical service, the county

board of supervisors shall, for the fiscal year beginning July 1, 2007, and subsequent fiscal years, negotiate for and enter into an agreement pursuant to chapter 28E providing for continued fire protection service, or fire protection service and emergency medical service, to the township, and shall certify taxes for levy in the township, pursuant to section 331.424C, in amounts sufficient to meet the financial obligations pertaining to the agreement.

b. This subsection applies to a county with a population in excess of three hundred thousand. This subsection does not prohibit a county with a population in excess of three hundred thousand from also assuming the powers and duties of township trustees in accordance with the provisions of subsections 1 through 4, for those townships in the county that are not subject to paragraph "a".

Sec. 2. Section 331.424C, Code 2005, 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 amounts authorized in section 359.43. 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. 3. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 4. RETROACTIVE APPLICABILITY. The section of this Act that strikes section 331.385, subsection 5, Code 2005, applies retroactively to January 1, 2005, and section 331.385, subsection 5, Code 2005, is void and of no effect with regard to township fire protection service or emergency medical

service agreements or contracts entered into on or after that date.

CHRISTOPHER C. RANTS
Speaker of the House

JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 607, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved 4/28/05, 2005

THOMAS J. VILSACK
Governor