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## **Week 8- Feb 28<sup>th</sup>-March 4<sup>th</sup> Jason Barrick & IFA Board Iowa Firefighters Association**

### **Other News from the Hill**

This week was focused on two things. Signing the tax bill **HF 2317** and getting **HF 2416** through the process and signed by the Governor. The Governor gave the Republican response after the President's speech on Tuesday night where she touted her sweeping tax reform bill. Then the legislature quickly passed **HF 2416** the Trans Gender bill that does not allow trans gender girls play high school or college sports. This was timely as she signed this bill during the state Girl's State Basketball tournament week.

The second funnel is March 18<sup>th</sup>. A bill has to have passed one chamber and passed the sub and full committee in the other chamber to keep alive.

The legislature will now begin to work on the state budget.

### **Bills of Interest To IFA**

New action is listed in **RED**

#### **HF 392-HF 2129 FISCAL NOTE-to Ways & Means FUNNEL PROOF**

**SF 330-SF 2141 passed full TRANSPORTATION committee**

**NO ACTION THIS WEEK**

**ELECTRONIC DEVICE USE:** A Meyer (C), Forbes, Thorup

This bill revises the law concerning the use of cell phones while driving. HF 2129 expands the definition of prohibited electronic devices, while carving out exceptions for hands-free and voice-activated modes. There are also exceptions for public safety employees, healthcare employees, and other employees, as long as they're performing their official duties.

**SF 2099/SF 2267 EMERGENCY RESPONSE DISTRICTS:** Driscoll, Chair, Guth, Quirnbach-  
LOCAL GOVERNMENT

Passed Sub

Passed Full Local Gov committee unanimously- Will now go to the floor

**ACTION ITEM: ASK SENATE LEADER JACK WHITVER AND TO BRING THIS TO THE FLOOR FOR DEBATE- We had a few communities last year that shut down their fire departments and we have a few more this year. This bill would help them keep in service.**

Subcommittee met on Feb 2<sup>nd</sup>. President Barrick attended, other board members and firefighter supporters called in to comment. The sub passed unanimously and it now goes to the full committee. There are TWO communities that could implement this legislation right now. The town of Lincoln and Gilman/Ferguson are considering



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closing their fire departments. Hopefully this bill will help them reconsider this as another option to remain viable in their communities.

Current law creates a pilot project authorizing a county to establish an emergency response district within the county. A commission composed of a member of the county board of supervisors, the county sheriff, and the mayor from each city within the district is responsible for governing the district and no member may appoint a designee to serve on the commission. Current law allows certain boards of supervisors to call for the creation of an emergency response district and notify the state fire marshal's office if a motion to form a district has been adopted. Upon the approval of a district, an appointed civil engineer or the county engineer is required to submit a preliminary plat exhibiting certain details of the district and a subsequent report. Current law also requires the district fire chief to appoint an assistant fire chief for each existing fire department and station within the district who shall be responsible for delivery of fire protection service and emergency medical service within the areas designated by the commission.

The bill repeals the pilot program and authorizes a governmental entity, as defined in the bill, to establish an emergency response district. The bill amends the definition of "commission" to mean a member or designee of each governmental entity participating in the emergency response district. The bill requires each governmental entity intending to participate in an emergency response district to issue a notice of intent to hold a public hearing concerning the establishment of a proposed district and provide certain information with such notice. The bill requires a hearing concerning the establishment of a proposed district to occur no less than 30 days and no more than 90 days after the notice is issued. The bill amends the process for changing district boundaries to require the approval of the commission and each governmental entity that is a member of the emergency response district. The bill requires incorporation documents of an emergency response district to include provisions for dissolution, the withdrawal of an individual member, and the dispensing of property in either event. The bill repeals provisions relating to the engineer's responsibilities and the appointment of assistant fire chiefs.

#### **SF 333 EMERGENCY RESPONDER BILL :**

**PASSED SUBCOMMITTEE**

**THIS BILL NEEDS TO PASS THE FULL PUBLIC SAFETY COMMITTEE**

**OPERATION IN EMERGENCY SITUATIONS.** This bill allows the driver of an authorized emergency vehicle to exercise the privileges set forth in Code section 321.231 when in pursuit of a perpetrator of a misdemeanor, in addition to the circumstances allowed under current law. Under such circumstances, the bill allows the driver of an authorized emergency vehicle to drive the vehicle on the shoulder or median of a highway, to disregard laws or regulations governing turning the



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vehicle in specified directions, and to disregard laws or regulations governing overtaking or passing other motorists. The bill also allows the drivers of official fire department vehicles, police vehicles, rescue vehicles, ambulances, emergency medical services vehicles, emergency management vehicles, and peace officers riding a police bicycle to proceed past a red or stop signal or stop sign, but only after slowing down to or maintaining a speed deemed necessary for safe operation by the driver based on information known to the driver at the time, and to exceed the maximum speed limits so long as the driver does not recklessly endanger life or property.

Under current law, authorized emergency vehicles are permitted to operate in this manner only when such vehicles are making use of an audible or visual signaling device, except a vehicle operated by a peace officer is not required to use an audible or visual signaling device if the officer is pursuing a suspected violator of a speed limit. The bill instead requires the use of an audible warning or visual signaling device, and provides that a peace officer is not required to use an audible warning or visual signaling device if the officer reasonably believes based on the facts and circumstances at the time that a suspected violator's knowledge of the officer's proximity may cause the suspected violator to destroy evidence of a suspected felony or aggravated misdemeanor, evade apprehension, or endanger the public or the officer. However, the bill permits such action only if the action occurs over the shortest distance necessary and does not recklessly endanger persons or property.

The bill provides that the driver of an authorized emergency vehicle transporting a patient to a hospital is not required to use an audible warning or visual signaling device while exceeding a speed limit if a certified emergency medical care provider reasonably believes the patient's condition warrants rapid transport.

The bill further provides that a peace officer operating an authorized emergency vehicle may execute a pursuit intervention technique, as defined in the bill, if such execution is reasonable under the circumstances based on the information perceived by the officer at the time, and the officer has completed a training course approved by the Iowa law enforcement academy that instructs participants in the proper execution of pursuit intervention techniques.

By operation of law, a violation of these provisions of the bill is punishable by a scheduled fine of \$135.

**PARADES AND EVENTS.** The bill allows the driver of an authorized emergency vehicle to operate the vehicle as part of an official governmental event for the purposes of the safety and security of an elected official, candidate for public office, or the public, or as part of a parade or other public service event if the parade or event is approved by the state or a municipality at least one day prior to the date on which the parade or event will occur. In addition, the bill allows an authorized emergency vehicle to operate in a parade or event while displaying the vehicle's lighting devices.



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**IMMUNITY FROM LIABILITY.** The bill provides that a certified fire fighter, emergency medical care provider, peace officer, reserve peace officer, or emergency management agency employee who has completed certain training, or an associated entity, shall not be liable for any consequence of injury or loss arising from the operation of an authorized emergency vehicle in response to an emergency call or to an incident dangerous to the public unless the vehicle is operated with reckless disregard for the safety of persons or property. This provision of the bill only applies when, in response to an emergency call or to an incident dangerous to the public unless the vehicle is operated with reckless disregard for the safety of persons or property. This provision of the bill only applies when, in response to an emergency call or to an incident dangerous to the public, the authorized emergency vehicle is making use of a siren or flashing blue and red lights.

The bill specifies that the driver of an authorized emergency vehicle shall not be liable for any injury or loss arising from the operation of the vehicle unless reckless disregard for the safety of persons or property is proven by a preponderance of the evidence. If a person brings a tort claim against the driver of an authorized emergency vehicle, a municipality, or the state for any injury or loss arising from the operation of the authorized emergency vehicle, the bill requires a court to determine, on motion by any party or on its own motion, whether the person has presented sufficient, admissible evidence to support prima facie finding of recklessness before the matter proceeds to trial.

**FUNERAL PROCESSIONS.** The bill authorizes a driver of an authorized emergency vehicle to operate the vehicle as part of a funeral procession, and a peace officer may provide traffic control upon request or when necessary for the safety of all persons.

The bill allows an authorized emergency vehicle operating in a funeral procession to display the vehicle's lighting devices.

**SIRENS AND AIR HORNS.** The bill allows an authorized emergency medical services program, fire department, or law enforcement agency to equip one or more vehicles with an air horn or low-frequency siren. The bill requires certain vehicles purchased, delivered, or refurbished on or after July 1, 2021, to be equipped with a 200-watt electric or electronic siren capable of emitting at least two distinct siren tones, and one or more compatible siren speakers.

The bill prohibits an authorized emergency vehicle's siren, whistle, air horn, or bell from being used except when the vehicle is operated in response to an emergency call or to an incident dangerous to the public, in a parade or designated public service event, for a demonstration, for maintenance, or in the immediate pursuit of an actual or suspected violator of the law. The bill requires the driver of the vehicle to sound the siren, whistle, air horn, or bell when the driver reasonably believes necessary to warn pedestrians and other drivers of the approach of the vehicle.



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By operation of law, a violation of this provision is punishable by a scheduled fine of \$45. DESIGNATION AS AUTHORIZED EMERGENCY VEHICLE. The bill includes in the list of vehicles authorized to be designated as authorized emergency vehicles those vehicles owned by a certified chief or certified fire officer of a volunteer fire department, a fire department comprised of a combination of volunteer and paid members, or a nonprofit corporation that delivers emergency services; and vehicles owned by a chief, medical director, or certified medical provider of an authorized emergency medical service. The bill requires the completion of certain training and proof of financial liability coverage or risk pool coverage to obtain the designation.

The bill prohibits a public or private entity from requiring an employee or volunteer to apply for or maintain a certificate of designation for an authorized emergency vehicle, and from requiring a person to operate or use an authorized emergency vehicle.

EFFECTIVE DATE AND APPLICABILITY. The bill takes effect upon enactment, and Code section 321.231B (limiting liability for certain authorized emergency vehicle operators), as enacted in the bill, applies to causes of action accrued on or after the effective date of the bill.

#### **HF 750 LENGTH OF SERVICE AWARD**

IN HOUSE APPROPRIATIONS COMMITTEE-MOHR, Chair **FUNNEL PROOF PLEASE ASK YOUR REPRESENTATIVE AND REP. GARY MOHR (Appropriations chair) and LEADERS, REP. PAT GRASSLEY AND REP. MATT WINDSCHITL FOR SUPPORT OF THIS BILL. It needs to pass the Approps committee and the House floor and then sent to the Senate.**

This bill authorizes a municipality, defined as a city, county, township, benefited fire district, or agency authorized by law to provide emergency response services, to establish a length of service award program as described in section 457(e)(11) of the Internal Revenue Code for volunteer fire fighters, volunteer emergency medical care providers, and reserve peace officers. The bill provides that the governing body of a municipality that establishes a program shall, in consultation with the chief or other person in command of the fire department and police department serving the municipality, as applicable, adopt guidelines providing for eligibility requirements for participation by volunteer fire fighters, volunteer emergency medical care providers, and reserve peace officers, minimum vesting requirements, distribution requirements, and such other guidelines as deemed necessary to operate the program.

The bill also establishes a length of service award program grant fund under the control of the Iowa Department of Management. Moneys in the fund are appropriated to municipalities that have established a length of service award program to provide contributions to the program on behalf of participants. The bill requires the adoption of rules establishing a grant application process that shall provide for up to a dollar-for-dollar funding match from a municipality that has established a length of service award program.



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## **HF 718 TOWNSHIP FIRE STATIONS-FUNNEL PROOF**

IN WAYS & MEANS: Lee Hein, Chair

**PLEASE ASK YOUR REPRESENTATIVE AND REP. LEE HEIN TO MOVE THIS BILL FORWARD IN THE WAYS AND MEANS COMMITTEE.**

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

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

Upon petition of 25 percent of the resident eligible electors, excluding those areas of the township within corporate boundaries of a city, the board of township trustees shall submit to the applicable voters of the township the question of whether to authorize the imposition of the levy under the bill. The ballot is required to set out the reason for the tax, the amount needed, and the duration of the proposed tax. The proposition is adopted if a majority of those voting on the proposition at the election approves it. An approved levy may be imposed at a rate necessary to pay the applicable bonds, but not to exceed 39 and one-fourth cents per \$1,000 of assessed value, and for a period not to exceed 10 years. Following expiration of the authority to impose the levy, authority to reimpose the levy requires approval in accordance with the bill.

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

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

**Senate File 551**-An act relating to firefighters and emergency medical services responding to emergency situations in certain vehicles. Sponsor: Sen Dickey

Subcommittee: Bossman, Kressig, Worthan

PASSED FULL TRANSPORTATION COMMITTEE W/AMENDMENT

**THE BILL NEEDS TO BE DEBATED ON THE HOUSE FLOOR**

Senate File 551H-8040 Amend Page1, after line 31 by inserting: Section321.423,subsection, paragraph a, subparagraph(2),Code 2022,is amended to read as follows(2) A vehicle authorized by the chief of the fire department if the vehicle is owned by a member of the fire department, the request for authorization is made by the member on forms provided



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by the department, and necessity for authorization is demonstrated in the request, and the member has received emergency vehicle operations training.

Page1,line33,by striking<2021>and inserting<2022>

Page2,line7,by striking <2021>and inserting<2022>

Title page, line 2,by striking<responding to emergency situations in and inserting<operating

By renumbering as necessary.

**SF2144/SF 2346 Flashing lights:** Bill sponsor: Senator Shipley.

PASSED Sub committee

PASSED FULL COMMITTEE

**NO ACTION THIS WEEK, NEEDS TO BE DEBATED ON FLOOR**

A person shall not operate a motor vehicle equipped with a flashing light if the flashing light is prohibited on or in the motor vehicle under this section or another provision of this chapter. A violation of this subsection shall be considered a moving violation. A vehicle shall not be equipped with flashing red and blue lights unless it is an emergency vehicle or a private vehicle with a certificate of designation pursuant to section 321.451. A violation of this subsection is a moving violation.

There are situations, especially with law enforcement where old police vehicles are being sold with old light bars still on them. Current law prohibits them to use the lights, this bill makes it unlawful to even have them on a vehicle that is not an emergency vehicle. There have been cases where people are impersonating an officer using those lights.

**SF 2227/SF 2277-Use of Funds** Klimesh, Quirmbach, Williams/Local Gov.

PASSED SUB & FULL COMMITTEE

**READY FOR FLOOR DEBATE**

**AMENDMENT FILED:**

**S-5016**

**Amend Senate File 2277 as follows:**

1. Page 2, line 11, after <city.> by inserting <However, if a city uses moneys from its general fund to cover costs to repair or replace damaged police, fire, or emergency medical services equipment or vehicles, the city may deposit into its general fund an amount of moneys received from the payment, award, judgment, or insurance settlement that is equal to the amount used from the general fund; the city shall deposit any remaining amount received from the payment, award, judgment, or insurance settlement into the relevant fund for police, fire, or other emergency services.>



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The bill provides that if a city has established an additional fund for police, fire, or other emergency services and has received a payment, award, judgment, or insurance settlement for damaged police, fire, or emergency medical services equipment or vehicles, the city shall deposit the moneys into the relevant fund rather than into the general fund of the city. Additionally, if a city has established an additional fund for police, fire, or other emergency services, moneys remaining in the fund at the end of the fiscal year may be deposited into a reserve savings account. Moneys in a reserve savings account shall be used for the purpose of maintaining or acquiring major equipment including vehicles.

**SF 2361-This bill deals with changes to the building codes.**

**SUB-COMMITTEE ASSIGNED:**

**PASSED SUBCOMMITTEE THERE WILL MOST LIKELY BE AMENDMENTS**

**Sen Brown, Sen Jochum and Sen R. Smith**

**YOU SHOULD CONTACT THESE SUBCOMMITTEE MEMBERS IF YOU HAVE CONCERNS-  
PLEASE COPY US AT:Pedersonconsulting@gmail.com**

For our purposes Division 1 and Division 10 will affect inspection process and the International Fire Code.

This bill relates to various matters under the purview of the state. The bill is organized into 10 divisions.

**DIVISION I — COUNTY AND CITY ZONING AND INSPECTIONS.** This division of the bill prohibits a county or city from enforcing a zoning ordinance if four-fifths of the lots in the land area covered by the ordinance do not conform with the ordinance. The bill also prohibits a county or city from requiring an inspection of a manufactured home that has been inspected according to requirements of the U.S. department of housing and urban development and constructed in conformance with specified federal manufactured home construction and safety standards.

**DIVISION X — STATE BUILDING CODE.** This division of the bill relates to the state building code. The bill adopts certain provisions of the national electrical code, **international fire code**, international residential code, international energy conservation code, international existing building code, uniform plumbing code, and international mechanical code with amendments, including certain amendments currently found in the Iowa administrative code. **The bill also prohibits local jurisdictions from adopting local building codes.** The bill allows a person to comply with a subsequent version of a national code that serves as the basis of a state code in lieu of a state code. The bill makes conforming changes.

**House Study Bill 634/HF 2323 – Opioid Fund for First Responders**

**Passed sub and full committee**

**Ready for floor debate**

This bill creates an opioid antagonist medication fund for first responders.

The bill provides that an opioid antagonist medication fund (fund) for first responders is created within the state treasury under the control of the department





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of public health (department). The fund shall consist of moneys appropriated to or deposited in the fund and may include available federal or state moneys, as well as any available opioid lawsuit settlement moneys. Funds may be transferred between other state agencies and the fund as appropriate. Moneys in the fund are appropriated to the department for the purchase, maintenance, and replacement of opioid antagonist medication to be administered by first responders to persons experiencing an opioid-related overdose. Moneys in the fund may be designated for the purchase, maintenance, and replacement of opioid antagonist medication. **State and local law enforcement agencies and fire departments may make application to the fund for the procurement of opioid antagonist medications.**

The bill provides that moneys in the fund that remain unencumbered or unobligated at the close of a fiscal year shall not revert but shall remain available for expenditure, and interest or earnings on moneys in the fund shall be credited to the fund.

The bill provides that the department shall submit a report to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and to the legislative services agency on or before December 31 of each year which shall contain a list of all expenditures from the fund made in the previous fiscal year, the amount of moneys in the fund carried over from the previous fiscal year and how the department plans to use those moneys including any expenditures in the current fiscal year, the amount of moneys in the fund the department intends to carry over from the current fiscal year to the next fiscal year and how the department plans to use those moneys, and a list of all the sources of moneys deposited into the fund in the previous fiscal year.

\*We have an ask into the Justice Approps Committee to move our training dollars back to level funding from 2008 when it dropped from 1M to \$825,500.

**ASK YOUR REPRESENTATIVE AND REP. GARY WORTHAN FOR SUPPORT OF THIS RETURN TO THE LEVEL FUNDING FROM 2008.**

If you are interested in ANY of this legislation, we encourage you to contact **your** legislator and other key sponsors of the legislation to show your support for the legislation. If they do not hear from members from across the state, legislators will not think it is important. Find your legislators here:

<https://www.legis.iowa.gov/legislators/find>

**TO EMAIL ANY LEGISLATOR IT IS: [Firstname.Lastname@legis.iowa.gov](mailto:Firstname.Lastname@legis.iowa.gov)**

Let us know if you have any further questions or concerns.  
John & Cyndi Pederson 515-229-4748