

Cities
Slater, Chairperson
Briles
C. Miller

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FILED MAR 8 1977

SENATE FILE 193

By GALLAGHER

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

- 1 An Act relating to fire protection by cities and townships.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3

SENATE FILE 193 FISCAL NOTE

Date Prepared: March 23, 1977
Requested by: Senator Gallagher
Prepared in regard to Senate File 193, An Act relating to fire protection by cities and townships.

S.F. 193

Following is the fiscal effect in dollars of the legislative proposal as required by Joint Rule 16.

S.F. 193 removes the requirements that cities and townships must provide fire protection within their respective jurisdictions. If a township discontinues providing fire protection after July 1, 1978, its fire protection property must be disposed of if it is not useful for other township purposes and the proceeds from the disposition of such property shall be used to pay any outstanding obligations of the township relating to fire protection. Any remaining balance is to be returned to township taxpayers as a credit against property tax liabilities. An annual tax must be levied by the township until all obligations relating to fire protection are paid.

It is doubtful that this bill would increase costs because it is simply removing the requirement that cities and townships provide fire protection and making it optional. It is not possible to estimate what cost savings might accrue as there is no way of knowing how many cities or townships would decide not to provide this protection.

Source: State Association of Counties

FILED
MARCH 24, 1977

GERRY RANKIN
Legislative Fiscal Director

1 Section 1. Section three hundred fifty-nine point forty-
2 two (359.42), Code 1977, is amended to read as follows:

3 359.42 TOWNSHIP FIRE PROTECTION. The trustees of each
4 township in this state ~~shall~~ may provide fire protection for
5 the township, exclusive of any part of the township within
6 a benefited fire district. The trustees may purchase, own,
7 rent or maintain fire protection apparatus or equipment and
8 provide housing for such equipment. The trustees may contract
9 with any public or private agency under chapter 28E for the
10 purpose of providing fire protection under this section.

11 Sec. 2. Section three hundred sixty-four point sixteen
12 (364.16), Code 1977, is amended to read as follows:

13 364.16 MUNICIPAL FIRE PROTECTION. Each city ~~shall~~ may
14 provide for the protection of life and property against fire
15 and may establish, house, equip, staff, uniform and maintain
16 a fire department. A city may establish fire limits and may,
17 consistent with code standards promulgated by nationally
18 recognized fire prevention agencies regulate the storage,
19 handling, use, and transportation of all inflammables,
20 combustibles, and explosives within the corporate limits and
21 inspect for and abate fire hazards. A city may provide
22 conditions upon which the fire department will answer calls
23 outside the corporate limits or the territorial jurisdiction
24 and boundary limits of this state. A city shall have the
25 same governmental immunity outside its corporate limits when
26 providing fire protection as when operating within the
27 corporate limits. Firemen operating equipment on calls outside
28 the corporate limits shall be entitled to the benefits of
29 chapter 410 or 411 when otherwise qualified.

30 Sec. 3. Chapter three hundred fifty-nine (359), Code 1977,
31 is amended by adding the following new section:

32 NEW SECTION. DISCONTINUANCE OF FIRE PROTECTION. Any
33 township discontinuing fire protection within its jurisdic-
34 tion after July 1, 1978, shall dispose of any property relating
35 to such fire protection and not otherwise useful for another

1 township purpose, the proceeds of which shall be applied first
2 against any outstanding obligations of the township relating
3 to fire protection. Any remaining balance shall be applied
4 as a tax credit for the property owners of the township,
5 excluding any part of the township included in a benefited
6 fire district. The board of trustees of a township shall
7 continue to certify an annual tax not exceeding the tax levy
8 provided in section three hundred fifty-nine point forty-three
9 (359.43) of the Code, until all of its outstanding obligations
10 relating to fire protection are paid.

11 Sec. 4. This Act is effective July 1, 1978.

12 EXPLANATION

13 This bill removes the requirements that cities and townships
14 must provide fire protection within their respective jurisdic-
15 tions. If a township discontinues providing fire protection
16 after July 1, 1978, its fire protection property must be dis-
17 posed of if it is not useful for other township purposes and
18 the proceeds from the disposition of such property shall be
19 used to pay any outstanding obligations of the township
20 relating to fire protection. Any remaining balance is to
21 be returned to township taxpayers as a credit against property
22 tax liabilities. An annual tax must be levied by the township
23 until all obligations relating to fire protection are paid.

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