

House File 195
County Government
Gallagher, Chairman
Taylor
Merritt

FEB 12 1975

CDUNTY GOVERNMENT, Pass 3/5

House File 195
County Government
West, Chairman
Hutchins
Baker

Reprinted
HOUSE FILE 195

By HUTCHINS and HUSAK

Passed House, Date 3-26-73 (752) Passed Senate, Date _____
Vote: Ayes 93 Nays 3 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

- 1 An Act relating to statewide fire protection.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

1 Section 1. Section three hundred fifty-seven B point one
2 (357B.1), Code 1975, is amended by striking the section and
3 inserting in lieu thereof the following:

4 357B.1 BENEFITED FIRE DISTRICTS CONTINUED. A benefited
5 fire district established under this chapter prior to July
6 1, 1975 shall provide fire protection within its boundaries
7 until it is dissolved as provided in section five (5) of this
8 Act. A benefited fire district shall not be established nor
9 shall the territorial boundaries of an established benefited
10 fire district be enlarged after June 30, 1975.

11 Sec. 2. Section three hundred fifty-seven B point two
12 (357B.2), Code 1975, is amended by striking the section and
13 inserting in lieu thereof the following:

14 357B.2 BOARD OF TRUSTEES. A benefited fire district shall
15 be governed by a board of trustees consisting of three members
16 who shall serve overlapping, three-year terms. Each trustee
17 shall give bond in an amount to be determined by the board
18 of supervisors, the premium for which shall be paid by the
19 district of the trustee. The members of the board of trustees
20 shall be elected at an election called by the board of
21 supervisors. Notice of the election shall be given by
22 publication in two successive issues of a newspaper having
23 general circulation within the district. The notice shall
24 contain the date, time and location of the election. The
25 final publication of the notice of election shall not be less
26 than one week before the date of election. It is not mandatory
27 for the commissioner of elections to conduct the elections
28 held under this chapter, but the elections shall be conducted
29 in accordance with the provisions of chapter forty-nine (49)
30 of the Code when such provisions are not in conflict with
31 this chapter. The election judges shall be appointed by the
32 board of supervisors from among the qualified electors of
33 the district and shall serve without pay. Any vacancy on
34 the board shall be filled by election or by appointment of
35 the board of supervisors for the unexpired term.

1 Sec. 3. Section three hundred fifty-seven B point three
2 (357B.3), Code 1975, is amended by striking the section and
3 inserting in lieu thereof the following:

4 357B.3 POWERS OF THE BOARD OF TRUSTEES. The board of
5 trustees may purchase, own, rent, or maintain fire apparatus
6 or equipment within the state or outside the territorial
7 jurisdiction and boundary limits of this state and provide
8 housing for such apparatus or equipment. The board of trustees
9 may contract with any public or private agency under chapter
10 twenty-eight E (28E) of the Code for the purpose of providing
11 fire protection under this chapter. The board of trustees
12 may levy an annual tax not exceeding forty and one-half cents
13 per thousand dollars of assessed value for the purpose of
14 exercising the powers granted in this section. The board
15 of trustees may purchase material and employ persons to provide
16 for the maintenance and operation of the benefited fire
17 district. The trustees shall be allowed reimbursement for
18 any necessary expenses incurred in the performance of their
19 duties, but they shall not receive any other compensation
20 for their services.

21 Sec. 4. Section three hundred fifty-seven B point four
22 (357B.4), Code 1975, is amended by striking the section and
23 inserting in lieu thereof the following:

24 357B.4 ANTICIPATION OF TAX. The board of trustees of
25 a benefited fire district may anticipate the collection of
26 taxes authorized under section three hundred fifty-seven B
27 point three (357B.3) of the Code and, for the purpose of
28 providing fire protection, may issue bonds payable in not
29 more than ten equal installments at an interest rate not
30 exceeding seven percent per annum. The bonds shall be in
31 such form and payable at such place as specified by resolution
32 of the board of trustees. The provisions of sections twenty-
33 three point twelve (23.12) to twenty-three point sixteen
34 (23.16), inclusive, and chapter four hundred eight (408) of
35 the Code, shall apply to such bonds to the extent applicable.

1 Sec. 5. Section three hundred fifty-seven B point five
2 (357B.5), Code 1975, is amended by striking the section and
3 inserting in lieu thereof the following:

4 357B.5 DISSOLUTION OF DISTRICT. Upon petition of a number
5 of registered voters residing in a district at least equal
6 to thirty-five percent of the property taxpayers in such
7 district, the board of supervisors may dissolve a benefited
8 fire district and dispose of any remaining property, the
9 proceeds of which shall first be applied against any
10 outstanding obligation of the district. Any remaining balance
11 shall be applied as a tax credit for the property owners of
12 the district. The board of supervisors shall continue to
13 levy an annual tax after the dissolution of a district not
14 to exceed forty and one-half cents per thousand dollars of
15 assessed value of the taxable property of the district until
16 all outstanding obligations of the district are paid.

17 Sec. 6. Section three hundred fifty-seven B point six
18 (357B.6), Code 1975, is amended by striking the section and
19 inserting in lieu thereof the following:

20 357B.6 VOLUNTEER FIREMAN--INSURANCE. The board of trustees
21 of a benefited fire district which maintains a volunteer fire
22 department shall purchase insurance for the members of such
23 department to provide death or injury benefits at least equal
24 to the death or injury benefits provided under chapter eighty-
25 five (85) of the Code. Dependents of the volunteer firemen
26 shall be the beneficiaries.

27 Sec. 7. Section three hundred fifty-nine point forty-two
28 (359.42), Code 1975, is amended by striking the section and
29 inserting in lieu thereof the following:

30 359.42 TOWNSHIP FIRE PROTECTION. The trustees of each
31 township in this state shall provide fire protection for the
32 township. The trustees may purchase, own, rent or maintain
33 fire protection apparatus or equipment and provide housing
34 for such equipment. The trustees may contract with any public
35 or private agency under chapter twenty-eight E (28E) of the

1 Code for the purpose of providing fire protection under this
2 section.

3 Sec. 8. Section three hundred fifty-nine point forty-three
4 (359.43), Code 1975, is amended by striking the section and
5 inserting in lieu thereof the following:

6 359.43 TAX LEVY. The township trustees may levy an annual
7 tax not exceeding forty and one-half cents per thousand dollars
8 of assessed value of the taxable property in the township,
9 excluding any property within the corporate limits of a city,
10 for the purpose of exercising the powers granted in sections
11 three hundred fifty-nine point forty-two (359.42) and three
12 hundred fifty-nine point forty-four (359.44) of the Code.
13 However, in any township having a fire protection agreement
14 with a special charter city having a paid fire department,
15 the township trustees may levy an annual tax not exceeding
16 fifty-four cents per thousand dollars of the assessed value
17 of the taxable property for such purpose.

18 Sec. 9. Section three hundred fifty-nine point forty-four
19 (359.44), Code 1975, is amended by striking the section and
20 inserting in lieu thereof the following:

21 359.44. VOLUNTEER FIREMAN--INSURANCE. The trustees of
22 each township which maintains a volunteer fire department
23 shall purchase insurance for the members of such department
24 to provide death or injury benefits at least equal to the
25 death or injury benefits provided under chapter eighty-five
26 (85) of the Code. The dependents of the volunteer firemen
27 shall be the beneficiaries.

28 Sec. 10. Section three hundrd fifty-nine point forty-five
29 (359.45), Code 1975, is amended to read as follows:

30 359.45 ANTICIPATORY BONDS. Townships may anticipate the
31 collection of taxes authorized by ~~sections~~ section 359.43
32 and ~~359.44~~, and for such purposes may issue bonds payable
33 in not more than ten equal annual installments and at a rate
34 of interest not exceeding seven percent per annum and payable
35 at such place and be in such form as the board of trustees

1 shall designate by resolution. Sections 23.12 to 23.16,
2 inclusive, and provisions of law relating to essential
3 corporate purpose bonds of a city, so far as applicable, shall
4 apply to such bonds.

5 Sec. 11. Chapter three hundred sixty-four (364), Code
6 1975, is amended by adding the following new section:

7 NEW SECTION. MUNICIPAL FIRE PROTECTION.

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

26 2. A city maintaining a volunteer fire department shall
27 purchase insurance for the members of such department to
28 provide death or injury benefits at least equal to the death
29 or injury benefits provided under chapter eighty-five (85)
30 of the Code. The dependents of such volunteer firemen shall
31 be the beneficiaries.

32 Sec. 12. Sections three hundred fifty-seven B point seven
33 (357B.7), three hundred fifty-seven B point eight (357B.8),
34 three hundred fifty-seven B point nine (357B.9), three hundred
35 fifty-seven B point ten (357B.10), three hundred fifty-seven

1 B point eleven (357B.11), three hundred fifty-seven B point
2 twelve (357B.12), three hundred fifty-seven B point thirteen
3 (357B.13), three hundred fifty-seven B point fourteen
4 (357B.14), three hundred fifty-seven B point fifteen (357B.15),
5 three hundred fifty-seven B point sixteen (357B.16) and three
6 hundred fifty-seven B point seventeen (357B.17), Code 1975,
7 are repealed.

8 EXPLANATION

9 This bill prohibits the establishment of new benefited
10 fire districts, but it allows the continued operation of
11 existing benefited fire districts until voluntarily dissolved.

12 The bill also requires each city and township to provide
13 fire protection within their respective jurisdictions. A
14 city, township or benefited fire district may provide its
15 own fire protection or contract with any other public or
16 private agency to provide such protection for them.

17 The bill also requires benefited fire districts, cities
18 and townships maintaining volunteer fire departments to provide
19 insurance against injury or death of the members of the
20 department at least equal to the injury or death benefits
21 provided under workmen's compensation.

FISCAL NOTE
HOUSE FILE 195

Date Prepared March 13, 1975

Requested by Representative Hutchins
Prepared in regard to H.F. 195, An Act relating to statewide
fire protection. Following is the fiscal effect in dollars of
the legislative proposal as required by Joint Rule 16:

No estimate available. The information on which to base
an accurate estimate is not available.

Source: State Fire Marshal

FILED
MARCH 26, 1975

GERRY D. RANKIN
Legislative Fiscal Director

FISCAL NOTE

LSB 508
tj/cw/4

Senate Amendment to House File 195

H-3780

- 1 Amend House File 195, as amended and passed by
- 2 the House, and reprinted, as follows:
- 3 1. Page 3, line 23, by inserting after the word
- 4 "township" the words ", exclusive of any part of
- 5 the township within a benefited fire district".
- 6 2. Page 4, line 11, by inserting after the word
- 7 "property" the words "within a benefited fire
- 8 district or".
- 9 3. Page 5, line 32, by inserting after the word
- 10 "township" the words "as an employer of volunteer
- 11 firemen only".

H-3780 FILED, RECEIVED FROM THE SENATE
MAY 7, 1975

Have concurred 5/15 (1780)

S-3574

- 1 Amend House File 195, as amended and passed by
- 2 the House, and reprinted, as follows:
- 3 1. Page 3, line 23, by inserting after the word
- 4 "township" the words ", exclusive of any part of
- 5 the township within a benefited fire district".
- 6 2. Page 4, line 11, by inserting after the word
- 7 "property" the words "within a benefited fire
- 8 district or".
- 9 3. Page 5, line 32, by inserting after the word
- 10 "township" the words "as an employer of volunteer
- 11 firemen only".

S-3574 FILED - *Adopted 5/2* BY COMMITTEE ON COUNTY GOVERNMENT
APRIL 21, 1975 (*1187*) CHARLES P. MILLER, CHAIRMAN

H-3327

- 1 Amend House File 195 as follows:
 2 1. Page 3, by striking lines 17 through 26.
 3 2. Page 4, line 10, by striking the word "sections"
 4 and inserting in lieu thereof the word "section".
 5 3. Page 4, lines 11 and 12, by striking the words
 6 "and three hundred fifty-nine point forty-four
 7 (359.44)".
 8 4. Page 4, by striking lines 18 through 27.
 9 5. Page 5, line 8, by striking the number "1."
 10 6. Page 5, by striking lines 26 through 31.
 11 7. Page 5, by inserting after line 31 the
 12 following:
 13 "Sec. ____ . Section eighty-five point sixty-one
 14 (85.61), subsections one (1) and eight (8), Code 1975,
 15 are amended to read as follows:
 16 1. "Employer" includes and applies to any person,
 17 firm, association, or corporation, state, county,
 18 municipal corporation, school corporation, area
 19 education agency, township, benefited fire district
 20 and the legal representatives of a deceased employer.
 21 8. The term "volunteer firemen" shall mean any
 22 active member of an organized volunteer fire department
 23 in this state and any other person performing services
 24 as a volunteer fireman for a municipality, township
 25 or benefited fire district at the request of the chief
 26 or other person in command of the fire department
 27 of such municipality, township or benefited fire
 28 district, or of any other officer of such municipality,
 29 township or benefited fire district having authority
 30 to demand such service, and who is not a full-time
 31 member of a paid fire department. A person performing
 32 such services shall not be classified as a casual
 33 employee."
 34 8. Page 5, line 32, by inserting after the word
 35 "Sections" the words "three hundred fifty-seven B
 36 point six (357B.6),".
 37 9. Page 6, line 6, by inserting before the word
 38 "Code" the words "three hundred fifty-nine point
 39 forty-four (359.44),".
 40 10. By renumbering sections to conform to this
 amendment.

H-3327 FILED - *Adopted 3/25 (732)*
 MARCH 25, 1975

BY SCHROEDER of Pottawattamie
 HUTCHINS of Guthrie
 CONNORS of Polk
 DANKER of Pottawattamie
 MILLER of Buchanan
 JUNKER of Woodbury
 DRAKE of Muscatine
 EVANS of Grundy
 HUSAK of Tama

H-3336

1 Amend House File 195 as follows:
2 1. Page 4, line 4, by inserting after the date
3 "1975," the words "as amended by Senate File ninety
4 (90) as enacted by the Sixty-sixth General Assembly,
5 1975 Session, section one (1),".
6 2. Page 4, line 17, by inserting after the word
7 "purpose" the following: "and in any township which
8 has a common boundary with a city having a population
9 of two hundred thousand or more, the township trustees
10 may levy an annual tax not exceeding sixty-seven and
11 one-half cents per thousand dollars of assessed value
12 of taxable property for fire protection purposes".

H-3336 FILED, ADOPTED (752)
MARCH 26, 1975

BY HUTCHINS of Guthrie
SCHROEDER of Pottawattamie

House File 195

H-3343

1 Amend House File 195 as follows:
2 1. Page 5, before line 32, insert the following:
3 "Sec. ____ . NEW SECTION. USE OF FEDERAL REVENUE
4 SHARING FUNDS. The board of supervisors may appropri-
5 ate federal revenue sharing funds to aid in providing
6 fire protection services and equipment jointly with
7 any other public agency of this state to residents of
8 such county. The board of supervisors may use
9 federal revenue sharing funds for providing other
10 services and equipment for use of the residents of
11 the county. The use of federal revenue sharing funds
12 shall be consistent with federal law and rules
13 promulgated pursuant to such law."

H-3343 FILED, ADOPTED (752)
MARCH 26, 1975

BY SCHROEDER of Pottawattamie
HUTCHINS of Guthrie
MONROE of Des Moines
NORLAND of Worth
PERKINS of Greene
WYCKOFF of Benton

Sen. County Gov. 4/4, Pass per 3574 4/18

HOUSE FILE 195

By HUTCHINS and HUSAK
(As Amended and Passed by the House)

Passed House, Date 5-15-75 (1780) Passed Senate, Date 5-2-75 (1188)

Vote: Ayes 88 Nays 0 Vote: Ayes 38 Nays 5

Approved 6-3-75
Motion to reconsider filed 5/2 (1188) w.d. 5/5 (1224)

A BILL FOR

1 An Act relating to statewide fire protection.

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

- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

*Denotes House Amendment
**Denotes lines stricken

1 Section 1. Section three hundred fifty-seven B point one
2 (357B.1), Code 1975, is amended by striking the section and
3 inserting in lieu thereof the following:

4 357B.1 BENEFITED FIRE DISTRICTS CONTINUED. A benefited
5 fire district established under this chapter prior to July
6 1, 1975 shall provide fire protection within its boundaries
7 until it is dissolved as provided in section five (5) of this
8 Act. A benefited fire district shall not be established nor
9 shall the territorial boundaries of an established benefited
10 fire district be enlarged after June 30, 1975.

11 Sec. 2. Section three hundred fifty-seven B point two
12 (357B.2), Code 1975, is amended by striking the section and
13 inserting in lieu thereof the following:

14 357B.2 BOARD OF TRUSTEES. A benefited fire district shall
15 be governed by a board of trustees consisting of three members
16 who shall serve overlapping, three-year terms. Each trustee
17 shall give bond in an amount to be determined by the board
18 of supervisors, the premium for which shall be paid by the
19 district of the trustee. The members of the board of trustees
20 shall be elected at an election called by the board of
21 supervisors. Notice of the election shall be given by
22 publication in two successive issues of a newspaper having
23 general circulation within the district. The notice shall
24 contain the date, time and location of the election. The
25 final publication of the notice of election shall not be less
26 than one week before the date of election. It is not mandatory
27 for the commissioner of elections to conduct the elections
28 held under this chapter, but the elections shall be conducted
29 in accordance with the provisions of chapter forty-nine (49)
30 of the Code when such provisions are not in conflict with
31 this chapter. The election judges shall be appointed by the
32 board of supervisors from among the qualified electors of
33 the district and shall serve without pay. Any vacancy on
34 the board shall be filled by election or by appointment of
35 the board of supervisors for the unexpired term.

1 Sec. 3. Section three hundred fifty-seven B point three
2 (357B.3), Code 1975, is amended by striking the section and
3 inserting in lieu thereof the following:

4 357B.3 POWERS OF THE BOARD OF TRUSTEES. The board of
5 trustees may purchase, own, rent, or maintain fire apparatus
6 or equipment within the state or outside the territorial
7 jurisdiction and boundary limits of this state and provide
8 housing for such apparatus or equipment. The board of trustees
9 may contract with any public or private agency under chapter
10 twenty-eight E (28E) of the Code for the purpose of providing
11 fire protection under this chapter. The board of trustees
12 may levy an annual tax not exceeding forty and one-half cents
13 per thousand dollars of assessed value for the purpose of
14 exercising the powers granted in this section. The board
15 of trustees may purchase material and employ persons to provide
16 for the maintenance and operation of the benefited fire
17 district. The trustees shall be allowed reimbursement for
18 any necessary expenses incurred in the performance of their
19 duties, but they shall not receive any other compensation
20 for their services.

21 Sec. 4. Section three hundred fifty-seven B point four
22 (357B.4), Code 1975, is amended by striking the section and
23 inserting in lieu thereof the following:

24 357B.4 ANTICIPATION OF TAX. The board of trustees of
25 a benefited fire district may anticipate the collection of
26 taxes authorized under section three hundred fifty-seven B
27 point three (357B.3) of the Code and, for the purpose of
28 providing fire protection, may issue bonds payable in not
29 more than ten equal installments at an interest rate not
30 exceeding seven percent per annum. The bonds shall be in
31 such form and payable at such place as specified by resolution
32 of the board of trustees. The provisions of sections twenty-
33 three point twelve (23.12) to twenty-three point sixteen
34 (23.16), inclusive, and chapter four hundred eight (408) of
35 the Code, shall apply to such bonds to the extent applicable.

1 Sec. 5. Section three hundred fifty-seven B point five
2 (357B.5), Code 1975, is amended by striking the section and
3 inserting in lieu thereof the following:

4 357B.5 DISSOLUTION OF DISTRICT. Upon petition of a number
5 of registered voters residing in a district at least equal
6 to thirty-five percent of the property taxpayers in such
7 district, the board of supervisors may dissolve a benefited
8 fire district and dispose of any remaining property, the
9 proceeds of which shall first be applied against any
10 outstanding obligation of the district. Any remaining balance
11 shall be applied as a tax credit for the property owners of
12 the district. The board of supervisors shall continue to
13 levy an annual tax after the dissolution of a district not
14 to exceed forty and one-half cents per thousand dollars of
15 assessed value of the taxable property of the district until
16 all outstanding obligations of the district are paid.

** 17

* 18 Sec. 6. Section three hundred fifty-nine point forty-two
19 (359.42), Code 1975, is amended by striking the section and
20 inserting in lieu thereof the following:

21 359.42 TOWNSHIP FIRE PROTECTION. The trustees of each
22 township in this state shall provide fire protection for the
23 township. The trustees may purchase, own, rent or maintain
24 fire protection apparatus or equipment and provide housing
25 for such equipment. The trustees may contract with any public
26 or private agency under chapter twenty-eight E (28E) of the

27
28
29
30
31
32
33
34
35

1 Code for the purpose of providing fire protection under this
2 section.

* 3 Sec. 7. Section three hundred fifty-nine point forty-three
* 4 (359.43), Code 1975, as amended by Senate File ninety
* 5 (90) as enacted by the Sixty-sixth General Assembly,
* 6 1975 Session, section one (1), is amended by striking the
7 section and inserting in lieu thereof the following:

8 359.43 TAX LEVY. The township trustees may levy an annual
9 tax not exceeding forty and one-half cents per thousand dollars
10 of assessed value of the taxable property in the township,
11 excluding any property within the corporate limits of a city,
* 12 for the purpose of exercising the powers granted in section
* 13 three hundred fifty-nine point forty-two (359.42) of the Code.
14 However, in any township having a fire protection agreement
15 with a special charter city having a paid fire department,
16 the township trustees may levy an annual tax not exceeding
17 fifty-four cents per thousand dollars of the assessed value
* 18 of the taxable property for such purpose and in any town-
* 19 ship which has a common boundary with a city having a
* 20 population of two hundred thousand or more, the township
* 21 trustees may levy an annual tax not exceeding sixty-seven
* 22 and one-half cents per thousand dollars of assessed value
* 23 of taxable property for fire protection purposes.

** 24

* 25 Sec. 8. Section three hundred fifty-nine point forty-five
26 (359.45), Code 1975, is amended to read as follows:

27 359.45 ANTICIPATORY BONDS. Townships may anticipate the
28 collection of taxes authorized by ~~sections~~ section 359.43
29 ~~and-359.44~~, and for such purposes may issue bonds payable
30 in not more than ten equal annual installments and at a rate
31 of interest not exceeding seven percent per annum and payable
32 at such place and be in such form as the board of trustees

33
34
35

1 shall designate by resolution. Sections 23.12 to 23.16,
2 inclusive, and provisions of law relating to essential
3 corporate purpose bonds of a city, so far as applicable, shall
4 apply to such bonds.

* 5 Sec. 9. Chapter three hundred sixty-four (364), Code
6 1975, is amended by adding the following new section:

7 NEW SECTION. MUNICIPAL FIRE PROTECTION.

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

* 26 Sec. 10. Section eighty-five point sixty-one (85.61),
* 27 subsections one (1) and eight (8), Code 1975, are amended
* 28 to read as follows:

* 29 1. "Employer" includes and applies to any person, firm,
* 30 association, or corporation, state, county, municipal
* 31 corporation, school corporation, area education agency,
* 32 township, benefited fire district and the legal representatives
* 33 of a deceased employer.

* 34 8. The term "volunteer firemen" shall mean any active
* 35 member of an organized volunteer fire department in this

*36 state and any other person performing services as a volunteer
*37 fireman for a municipality, township or benefited fire district
*38 at the request of the chief or other person in command of
*39 the fire department of such municipality, township or
*40 benefited fire district, or of any other officer of such
*41 municipality, township or benefited fire district having
*42 authority to demand such service, and who is not a full-
*43 time member of a paid fire department. A person performing
*44 such services shall not be classified as a casual employee.

*45 Sec. 11. NEW SECTION. USE OF FEDERAL REVENUE SHARING FUNDS.

*46 The board of supervisors may appropriate federal revenue
*47 sharing funds to aid in providing fire protection services
*48 and equipment jointly with any other public agency of this
*49 state to residents of such county. The board of supervisors
*50 may use federal revenue sharing funds for providing other
*51 services and equipment for use of the residents of the county.
*52 The use of federal revenue sharing funds shall be consistent
*53 with federal law and rules promulgated pursuant to such law.

*54 Sec. 12. Sections three hundred fifty-seven B point
*55 six (357B.6), three hundred fifty-seven B point seven
56 (357B.7), three hundred fifty-seven B point eight (357B.8),
57 three hundred fifty-seven B point nine (357B.9), three hundred
58 fifty-seven B point ten (357B.10), three hundred fifty-seven

1 B point eleven (357B.11), three hundred fifty-seven B point
2 twelve (357B.12), three hundred fifty-seven B point thirteen
3 (357B.13), three hundred fifty-seven B point fourteen
4 (357B.14), three hundred fifty-seven B point fifteen (357B.15),
5 three hundred fifty-seven B point sixteen (357B.16) and three
6 hundred fifty-seven B point seventeen (357B.17), three
hundred fifty-nine point forty-four (359.44), Code 1975,
7 are repealed.

8 EXPLANATION

9 This bill prohibits the establishment of new benefited
10 fire districts, but it allows the continued operation of
11 existing benefited fire districts until voluntarily dissolved.

12 The bill also requires each city and township to provide
13 fire protection within their respective jurisdictions. A
14 city, township or benefited fire district may provide its
15 own fire protection or contract with any other public or
16 private agency to provide such protection for them.

17 The bill also requires benefited fire districts, cities
18 and townships maintaining volunteer fire departments to provide
19 insurance against injury or death of the members of the
20 department at least equal to the injury or death benefits
21 provided under workmen's compensation.

22
23
24
25
26
27
28
29
30
31
32
33
34
35

HOUSE FILE 195

AN ACT

RELATING TO STATEWIDE FIRE PROTECTION.

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

Section 1. Section three hundred fifty-seven B point one (357B.1), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

357B.1 BENEFITED FIRE DISTRICTS CONTINUED. A benefited fire district established under this chapter prior to July 1, 1975 shall provide fire protection within its boundaries until it is dissolved as provided in section five (5) of this Act. A benefited fire district shall not be established nor shall the territorial boundaries of an established benefited fire district be enlarged after June 30, 1975.

Sec. 2. Section three hundred fifty-seven B point two (357B.2), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

357B.2 BOARD OF TRUSTEES. A benefited fire district shall be governed by a board of trustees consisting of three members who shall serve overlapping, three-year terms. Each trustee shall give bond in an amount to be determined by the board of supervisors, the premium for which shall be paid by the district of the trustee. The members of the board of trustees shall be elected at an election called by the board of supervisors. Notice of the election shall be given by publication in two successive issues of a newspaper having general circulation within the district. The notice shall contain the date, time and location of the election. The final publication of the notice of election shall not be less than one week before the date of election. It is not mandatory for the commissioner of elections to conduct the elections held under this chapter, but the elections shall be conducted in accordance with the provisions of chapter forty-nine (49) of the Code when such provisions are not in conflict with

this chapter. The election judges shall be appointed by the board of supervisors from among the qualified electors of the district and shall serve without pay. Any vacancy on the board shall be filled by election or by appointment of the board of supervisors for the unexpired term.

Sec. 3. Section three hundred fifty-seven B point three (357B.3), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

357B.3 POWERS OF THE BOARD OF TRUSTEES. The board of trustees may purchase, own, rent, or maintain fire apparatus or equipment within the state or outside the territorial jurisdiction and boundary limits of this state and provide housing for such apparatus or equipment. The board of trustees may contract with any public or private agency under chapter twenty-eight E (28E) of the Code for the purpose of providing fire protection under this chapter. The board of trustees may levy an annual tax not exceeding forty and one-half cents per thousand dollars of assessed value for the purpose of exercising the powers granted in this section. The board of trustees may purchase material and employ persons to provide for the maintenance and operation of the benefited fire district. The trustees shall be allowed reimbursement for any necessary expenses incurred in the performance of their duties, but they shall not receive any other compensation for their services.

Sec. 4. Section three hundred fifty-seven B point four (357B.4), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

357B.4 ANTICIPATION OF TAX. The board of trustees of a benefited fire district may anticipate the collection of taxes authorized under section three hundred fifty-seven B point three (357B.3) of the Code and, for the purpose of providing fire protection, may issue bonds payable in not more than ten equal installments at an interest rate not exceeding seven percent per annum. The bonds shall be in such form and payable at such place as specified by resolution of the board of trustees. The provisions of sections twenty-

three point twelve (23.12) to twenty-three point sixteen (23.16), inclusive, and chapter four hundred eight (408) of the Code, shall apply to such bonds to the extent applicable.

Sec. 5. Section three hundred fifty-seven B point five (357E.5), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

357B.5 DISSOLUTION OF DISTRICT. Upon petition of a number of registered voters residing in a district at least equal to thirty-five percent of the property taxpayers in such 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. The board of supervisors shall continue to levy an annual tax after the dissolution of a district not to exceed forty and one-half cents per thousand dollars of assessed value of the taxable property of the district until all outstanding obligations of the district are paid.

Sec. 6. Section three hundred fifty-nine point forty-two (359.42), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

359.42 TOWNSHIP FIRE PROTECTION. The trustees of each township in this state shall provide fire protection for the township, exclusive of any part of the township within a benefited fire district. The trustees may purchase, own, rent or maintain fire protection apparatus or equipment and provide housing for such equipment. The trustees may contract with any public or private agency under chapter twenty-eight E (28E) of the Code for the purpose of providing fire protection under this section.

Sec. 7. Section three hundred fifty-nine point forty-three (359.43), Code 1975, as amended by Senate File ninety (90) as enacted by the Sixty-sixth General Assembly, 1975 Session, section one (1), is amended by striking the section and inserting in lieu thereof the following:

359.43 TAX LEVY. The township trustees may levy an annual

tax not exceeding forty and one-half cents per thousand dollars of assessed value of the taxable property in the township, excluding any property within a benefited fire district or within the corporate limits of a city, for the purpose of exercising the powers granted in section three hundred fifty-nine point forty-two (359.42) of the Code. However, in any township having a fire protection agreement with a special charter city having a paid fire department, the township trustees may levy an annual tax not exceeding fifty-four cents per thousand dollars of the assessed value of the taxable property for such purpose and in any township which has a common boundary with a city having a population of two hundred thousand or more, the township trustees may levy an annual tax not exceeding sixty-seven and one-half cents per thousand dollars of assessed value of taxable property for fire protection purposes.

Sec. 8. Section three hundred fifty-nine point forty-five (359.45), Code 1975, is amended to read as follows:

359.45 ANTICIPATORY BONDS. Townships may anticipate the collection of taxes authorized by ~~sections~~ section 359.43 and-359-44, and for such purposes may issue bonds payable in not more than ten equal annual installments and at a rate of interest not exceeding seven percent per annum and payable at such place and be in such form as the board of trustees shall designate by resolution. Sections 23.12 to 23.16, inclusive, and provisions of law relating to essential corporate purpose bonds of a city, so far as applicable, shall apply to such bonds.

Sec. 9. Chapter three hundred sixty-four (364), Code 1975, is amended by adding the following new section:

NEW SECTION. MUNICIPAL FIRE PROTECTION. Each city shall provide for the protection of life and property against fire and may establish, house, equip, staff, uniform and maintain a fire department. A city may establish fire limits and may, consistent with code standards promulgated by nationally recognized fire prevention agencies regulate the storage, handling, use, and transportation of all inflammables,

combustibles, and explosives within the corporate limits and inspect for and abate fire hazards. A city may provide conditions upon which the fire department will answer calls outside the corporate limits or the territorial jurisdiction and boundary limits of this state. A city shall have the same governmental immunity outside its corporate limits when providing fire protection as when operating within the corporate limits. Firemen operating equipment on calls outside the corporate limits shall be entitled to the benefits of chapter four hundred ten (410) or four hundred eleven (411) of the Code when otherwise qualified.

Sec. 10. Section eighty-five point sixty-one (85.61), subsections one (1) and eight (8), Code 1975, are amended to read as follows:

1. "Employer" includes and applies to any person, firm, association, or corporation, state, county, municipal corporation, school corporation, area education agency, township as an employer of volunteer firemen only, benefited fire district and the legal representatives of a deceased employer.

8. The term "volunteer firemen" shall mean any active member of an organized volunteer fire department in this state and any other person performing services as a volunteer fireman for a municipality, township or benefited fire district at the request of the chief or other person in command of the fire department of such municipality, township or benefited fire district, or of any other officer of such municipality, township or benefited fire district having authority to demand such service, and who is not a full-time member of a paid fire department. A person performing such services shall not be classified as a casual employee.

Sec. 11. NEW SECTION. USE OF FEDERAL REVENUE SHARING FUNDS. The board of supervisors may appropriate federal revenue sharing funds to aid in providing fire protection services and equipment jointly with any other public agency of this state to residents of such county. The board of supervisors may use federal revenue sharing funds for providing

other services and equipment for use of the residents of the county. The use of federal revenue sharing funds shall be consistent with federal law and rules promulgated pursuant to such law.

Sec. 12. Sections three hundred fifty-seven B point six (357B.6), three hundred fifty-seven B point seven (357B.7), three hundred fifty-seven B point eight (357B.8), three hundred fifty-seven B point nine (357B.9), three hundred fifty-seven B point ten (357B.10), three hundred fifty-seven B point eleven (357B.11), three hundred fifty-seven B point twelve (357B.12), three hundred fifty-seven B point thirteen (357B.13), three hundred fifty-seven B point fourteen (357B.14), three hundred fifty-seven B point fifteen (357B.15), three hundred fifty-seven B point sixteen (357B.16), three hundred fifty-seven B point seventeen (357B.17), and three hundred fifty-nine point forty-four (359.44), Code 1975, are repealed.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 195, Sixty-sixth General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved 6/3, 1975

ROBERT D. RAY
Governor