

JAN 23 2001  
LOCAL GOVERNMENT

HOUSE FILE 79  
BY TEIG, KLEMME, and ARNOLD

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act limiting the liability of rural water districts and  
2 associations in connection with the provision of water for  
3 fire protection.

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

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HF-79

1 Section 1. Section 357A.23, Code 2001, is amended to read  
2 as follows:

3 357A.23 CITY SEWER AND WATER FRANCHISE AUTHORIZED.

4 Notwithstanding section 364.2, subsection 4, paragraph "a",  
5 for the purposes of obtaining or qualifying for federal  
6 funding, a city may grant a franchise to a rural water  
7 district incorporated under this chapter or chapter 504A, for  
8 a term of not more than forty years. In addition to the  
9 franchises listed in section 364.2, subsection 4, paragraph  
10 "a", a city may grant a franchise to a rural water district  
11 incorporated under this chapter or chapter 504A, to erect,  
12 maintain, and operate plants and systems for sewer services.  
13 A rural water district or rural water association incorporated  
14 under this chapter or chapter 504A, which only provides water  
15 service to cities, benefited fire districts, or townships,  
16 through agreements, including emergency agreements, wholesale  
17 or bulk supply agreements, or franchise agreements, pursuant  
18 to a purchase or donation, shall not be liable for any claim,  
19 including a claim against the district or association for  
20 failure to provide or maintain fire hydrants or an adequate  
21 supply of water or water pressure for fighting fires, based  
22 upon or arising out of an act or omission in connection with  
23 the use of the water for fire protection purposes. All  
24 provisions of section 364.2 shall otherwise apply to a  
25 franchise granted to a rural water district.

26 EXPLANATION

27 This bill provides that a rural water district or rural  
28 water association which is incorporated and organized pursuant  
29 to Code chapter 357A or 504A is immune from liability for any  
30 claim based on or arising out of an act or omission in  
31 connection with the provision of water for fire protection by  
32 a city, township, or benefited fire district, whether the  
33 water is provided pursuant to a franchise or otherwise.

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