

LEGISLATIVE BILL 918

Approved by the Governor March 2, 1990

Introduced by Hannibal, 4; Abboud, 12; Hartnett, 45;
Chizek, 31; Lynch, 13; Beyer, 3;
Pirsch, 10; Goodrich, 20; Nelson, 35;
Ashford, 6; Hall, 7

AN ACT relating to rural and suburban fire protection districts; to amend sections 35-502, 35-508, and 35-509, Reissue Revised Statutes of Nebraska, 1943; to change numbering of certain subdivisions; to permit rural and suburban fire protection districts to compensate employees; to provide for rescue policies and programs; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 35-502, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

35-502. In order to provide for the protection of lives and property in rural and suburban areas against loss or damage by fire, more than fifty percent of the freeholders residing in the following are hereby authorized and empowered to initiate the formation of rural or suburban fire protection districts under the conditions specified in this section:

(1)(a) Any in any territory in the State of Nebraska, equivalent in area to one township or more, situated outside the corporate limits of any city or village; or

(2) in an (b) Any area of less than one township which is surrounded by rural or suburban fire protection districts; or

(3) in an (2) Any area situated in the State of Nebraska outside the corporate limits of any city or village in which there are at least two hundred homes and which has an actual valuation of at least two million eight hundred sixty thousand dollars. 7 are hereby authorized and empowered to initiate the formation of rural or suburban fire protection districts under the conditions specified herein. Such districts shall be organized in the manner provided by sections 35-501 to 35-517, and 77-1603. If the district is so

organized in an area set forth in subdivision (1) of this section it shall be a rural fire protection district and references in such sections to rural fire protection districts shall refer to such a district. If the district is so organized in an area set forth in subdivision (2) of this section, it shall be a suburban fire protection district and references in such sections to a suburban fire protection district shall refer to such a district. Unless the context ~~shall indicate~~ indicates otherwise, the word district, when used in such sections, shall refer to either a rural or suburban fire protection district, as the case may be.

Any rural fire protection district which has been duly organized under ~~the provisions of this chapter, and which shall have~~ Chapter 35, which has within its boundaries at least two hundred homes, and which has an actual valuation of at least two million eight hundred sixty thousand dollars is hereby authorized and empowered to convert to a suburban fire protection district in the manner provided by section 35-519.

Sec. 2. That section 35-508, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

35-508. The board of directors shall have the following general powers:

- (1) To determine ~~upon~~ a general fire protection and rescue program for the district;
- (2) ~~To be~~ make an annual estimate of the probable expense for carrying out such program;
- (3) ~~To be~~ annually certify such estimate to the ~~proper~~ county clerk in the manner provided by section 35-509;
- (4) ~~To be~~ manage and conduct the business affairs of the district;
- (5) ~~To be~~ make and execute contracts in the name of and on behalf of the district;
- (6) ~~To be~~ buy real estate when needed for the district and to sell real estate of the district when the district has no further use for it;
- (7) ~~To be~~ purchase or lease such firefighting and rescue equipment, supplies, and other real or personal property as ~~shall be~~ necessary and proper to carry out the general fire protection and rescue program of the district;
- (8) ~~To be~~ incur indebtedness on behalf of the district;
- (9) ~~To be~~ authorize the issuance of evidences of the indebtedness permitted under subdivision (8)

hereof of this section and to pledge any real or personal property owned or acquired by the district as security for the same;

(10) To ~~to~~ organize, establish, equip, maintain, and supervise a paid, volunteer, or combination paid and volunteer fire department or company to serve the district;

(11) To employ and compensate such personnel as necessary to carry out the general fire protection and rescue program of the district;

(12) ~~To~~ to authorize the execution of a contract with the Game and Parks Commission or a public power district for fire protection of property of the commission or public power district located in or adjacent to the rural or suburban fire protection district;

~~(12) to~~ (13) To levy a tax ~~of~~ not to exceed ten and one-half cents on each one hundred dollars in any one year upon the actual value of all taxable property within such district, in addition to the amount of tax which may be annually levied to defray the general and incidental expenses of such district, for the purpose of establishing a sinking fund for the construction, purchase, improvement, extension, original equipment, or repair, not including maintenance, of district buildings to house equipment or personal belongings of a fire department, for the purchase of firefighting and rescue equipment or apparatus, for the acquisition of any land incidental to the foregoing, or for payment of principal and interest on any evidence of indebtedness issued pursuant to subdivisions (8) and (9) of this section;

~~(13) to~~ (14) To adopt and enforce fire codes and establish penalties at annual meetings, except that the code must be available prior to annual meetings and notice shall so provide; and

~~(14) generally~~ (15) Generally to perform all acts necessary to fully carry out the purposes of sections 35-501 to 35-517, and 77-1603-

Sec. 3. That section 35-509, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

35-509. (1) The board of directors shall have the power and duty to determine upon a general fire protection and rescue policy for the district and shall annually fix the amount of money for the proposed budget statement as may be deemed sufficient and necessary in carrying out such contemplated program for the ensuing fiscal year, including the amount of principal and

interest upon the indebtedness of the district for the ensuing year. After the adoption of the budget statement, the president and secretary of the district shall certify the amount of tax to be levied which the district requires for the adopted budget statement for the ensuing year, to the proper county clerk or county clerks, on or before June 30 of each year. Such clerk or clerks shall levy a tax not to exceed three and one-half cents on each one hundred dollars upon the actual value of all the taxable property in such district, except intangible property, when the district is a rural fire protection district, which levy may be increased to not to exceed seven cents by a majority vote of the eligible voters present at the annual district meeting, and not to exceed ten and one-half cents on each one hundred dollars upon the actual value of all the taxable property in such district, except intangible property, when the district is a suburban fire protection district, for the maintenance of the fire protection district for the fiscal year as provided by law, plus such levy as is authorized to be made under subdivision ~~(12)~~ (13) of section 35-508. ~~Said~~ The tax shall be ~~(a)~~ collected as other taxes are collected in the county, ~~(b)~~ deposited with the county treasurer, and ~~(c)~~ placed to the credit of the rural or suburban fire protection district, as the ease may be, so authorizing the same to be paid to the secretary-treasurer of such district, as is provided for by subsection (3) of this section, or to be remitted to the county treasurer of the county in which the greater portion of the district is located, as is provided for by subsection (2) of this section.

(2) All such taxes, collected or received for the district by the treasurer of any other county than the one in which the greater portion of the district is located, shall be remitted by him to the treasurer of the county in which the greater portion of the district is located at least quarterly. All such taxes collected or received shall be placed to the credit of such district in the treasury of the county in which the greater portion of the district is located.

(3) It shall be the duty of the secretary-treasurer of the district to apply for and receive from the county treasurer of the county where collected or from the county treasurer of the county in which the greater portion of the district is located, if such district is located in more than one county, all money to the credit of the rural or suburban fire protection district or collected for the same by such

county treasurer, upon an order of the treasurer countersigned by the president of such district. The money shall be paid out upon warrants drawn upon the secretary-treasurer by authority of the board of directors of the district, bearing the signature of the secretary-treasurer and the countersignature of the president of the rural or suburban fire protection district.

(4) In no case shall the amount of tax levy exceed the amount of funds to be received from taxation according to the adopted budget statement of the district.

Sec. 4. That original sections 35-502, 35-508, and 35-509, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.