

## LEGISLATIVE BILL 375

Approved by the Governor March 31, 1975

Introduced by Hasebroock, 18

AN ACT to amend sections 35-508 and 35-509, Reissue Revised Statutes of Nebraska, 1943, relating to rural and suburban fire protection districts; to clarify the authority of such districts to levy a tax for debt repayment as prescribed; and to repeal the original sections, and also section 35-510, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. 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 program for the district; (2) to make an annual estimate of the probable expense for carrying out such program; (3) to annually certify such estimate to the proper county clerk in the manner provided by section 35-509; (4) to manage and conduct the business affairs of the district; (5) to make and execute contracts in the name of and on behalf of the district; (6) to 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 purchase or lease such firefighting equipment, supplies, and other real or personal property as shall be necessary and proper to carry out the general fire protection program of the district; (8) to incur indebtedness on behalf of the district; ~~within the limits prescribed by section 35-540;~~ (9) to authorize the issuance of evidences of the indebtedness permitted under subdivision (8) hereof and pledge any real or personal property owned or acquired by the district as security for the same; (10) to organize, establish, equip, maintain, and supervise a volunteer fire department or company to serve the district; (11) to authorize the execution of a contract with the Game and Parks Commission for fire protection of property of the commission located in the district; (12) to levy a tax of not to exceed three mills on the dollar in any one year upon the assessed value of all taxable property within such district for a term of not to exceed ten years, 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, and to purchase firefighting equipment or apparatus and including 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 adopt and enforce fire codes and establish penalties at annual meetings; Provided, the code must be available prior to annual meetings and notice shall so provide; and (14) generally to perform all acts necessary to fully carry out the purposes of this act.

Sec. 2. 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 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, who shall levy a tax not to exceed one mill on the dollar upon the assessed 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 two mills by a majority vote of the eligible voters present at the annual district meeting, and not to exceed three mills on the dollar upon the assessed 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) of section 35-508. Said 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 case 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. 3. That original sections 35-508 and 35-509, Reissue Revised Statutes of Nebraska, 1943, and also section 35-510, Reissue Revised Statutes of Nebraska, 1943, are repealed.