

LEGISLATIVE BILL 907

Approved by the Governor April 20, 1978

Introduced by Carsten, 2

AN ACT relating to fire companies and firemen; to provide for the merger of a fire department and a rural fire protection district as prescribed. Be it enacted by the people of the State of Nebraska,

Section 1. Any fire department of any village or city of the second class may be merged with a rural fire protection district pursuant to this act.

Sec. 2. The proceedings for the merger referred to in section 1 of this act may be initiated by the presentation to the county clerk of a petition signed by sixty per cent or more of the electors who are owners of any interest in real or personal property assessed for taxation in the territory to be merged and who are residing within the boundaries of such territory stating the desires and purposes of such petitioners. The petition shall contain a description of the boundaries of the territory proposed to be merged and it shall be accompanied by a map or plat and a deposit for publications costs.

Sec. 3. The county clerk shall examine the tax schedules in the office of the county assessor and determine and certify whether or not such petition complies with the requirements of section 2 of this act and that the persons signing the petition appear to reside within the boundaries described by such petition. Thereafter, the county clerk shall forward such petition, map or plat, and certificate to the board of directors of the district and the village board affected by such merger.

Sec. 4. Within thirty days after receiving the petition, map or plat, and certificate of the county clerk, in accordance with section 3 of this act, the board of directors and village board shall transmit the petition, map or plat, and certificate to the proper county board, accompanied by a report in writing approving or disapproving the proposal contained in the petition, or approving such proposal in part and disapproving it in part. If the proposed district shall be situated within two or more counties, the county clerk of the county wherein the largest number of petitioners shall have signed shall confer with the clerk or clerks

of the other county or counties concerned and shall obtain a certificate as to the adequacy of the petitions pertaining to such county or counties, and thereafter he or she shall designate a time and place for a hearing before a joint meeting of the county boards of all counties in which the proposed district is to be situated and shall give notice of such hearing by publication in the manner prescribed by section 35-504, Reissue Revised Statutes of Nebraska, 1943. At the time and place so fixed, the county board or boards shall meet and all persons residing in or owning taxable property within the proposed district shall have an opportunity to be heard respecting the merger or the location of the boundaries of the district. Thereupon the county board or boards shall determine whether the proposed district is suited to the general fire protection policy of the county, or each of such counties, as a whole, determine the boundaries of the proposed district, whether as suggested in the petition or otherwise, and make a written order of such determination which shall describe the boundaries of the district and be filed in the office of the county clerk or clerks of each county in which such district is situated.

Sec. 5. If the report of the board of directors and the village board, required under section 4 of this act, disapproves the proposal, the petition shall be rejected. If the report is favorable to such proposal, either in whole or in part, the county board shall promptly designate a time and place for a hearing upon the petition and shall give notice of the hearing in the manner prescribed by section 35-504, Reissue Revised Statutes of Nebraska, 1943. At such hearing, any person owning taxable property or residing within the boundaries of the existing district or the territory to be merged shall have the opportunity to be heard respecting the proposed merger.

Sec. 6. (1) The county board shall, at or shortly after the hearing referred to in section 5 of this act, determine whether such territory should be merged and shall fix the boundaries of the territory to be merged. The determination of the county board shall be set forth in a written order which shall describe the boundaries determined upon and shall be filed in the office of the county clerk.

(2) The county clerk shall then fix a time and place for a public meeting of all electors who are owners of any interest in real or personal property assessed for taxation in the district and who are residing within the boundaries. A board of directors shall be elected as provided in section 35-506, Reissue Revised Statutes of

LB907

Nebraska, 1943, and shall have the powers as provided in section 35-508, Revised Statutes Supplement, 1976.

Sec. 7. Each village volunteer or rural fire protection district merged pursuant to this act shall be subject to the provisions of sections 35-508 and 35-509, Revised Statutes Supplement, 1976, and sections 35-511 and 35-512, Reissue Revised Statutes of Nebraska, 1943. Such merged district shall operate under the same mill levy limit as a rural fire protection district.