

## LEGISLATIVE BILL 583

Approved by the Governor April 26, 1971

Introduced by Orval A. Keyes, 3rd District

AN ACT relating to fire protection; to provide additional powers with respect thereto to cities of the first and second classes, villages, and fire protection districts; to amend section 19-709, Reissue Revised Statutes of Nebraska, 1943, and section 35-508, Revised Statutes Supplement, 1969; and to repeal the original sections.

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

Section 1. That section 19-709, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-709. The mayor and city council of any city of the first or second class or the chairman and members of the board of trustees of any village shall have power to purchase or appropriate private property or school lands for the use of the city or village for streets, alleys, avenues, parks, parkways, boulevards, sanitary sewers, storm water sewers, public squares, public auditoriums, public fire stations, training facilities for firemen, market places, public heating plants, power plants, gas works, electric light plants, wells, or waterworks, including mains, pipe lines, and settling basins therefor, and to acquire outlets and the use of streams for sewage disposal. When necessary for the proper construction of any of the works above provided, the right of appropriation shall extend such distance as may be necessary from the corporate limits of the city or village. Such power shall also include the right to appropriate for any of the above purposes any plant or works already constructed, or any part thereof, whether the same lies wholly within the city or village or part within and part without the city or village or beyond the corporate limits of such city or village, including all real estate, buildings, machinery, pipes, mains, hydrants, basins, reservoirs, and all appurtenances reasonably necessary thereto and a part thereof, or connected with such works or plants, and all franchises to own and operate the same, if any. The procedure to condemn property shall be exercised in the manner set forth in sections 76-704 to 76-724, except as to property specifically excluded by section 76-703 and as to which sections 19-701 to 19-707 are applicable.

Sec. 2. That section 35-508, Revised Statutes Supplement, 1969, 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 purchase or lease such firefighting equipment, supplies, and other real or personal property within or without the district as shall be necessary and proper to carry out the general fire protection program of the district; (7) to incur indebtedness on behalf of the district within the limits prescribed by section 35-510; (8) to authorize the issuance of evidences of the indebtedness permitted under subdivision (7) hereof and pledge any real or personal property owned or acquired by the district as security for the same; (9) to organize, establish, equip, maintain, and supervise a volunteer fire department or company to serve the district; (10) 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; (11) 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; and (12) generally to perform all acts necessary to fully carry out the purposes of this act.

Sec. 3. That original sections 19-709, Reissue Revised Statutes of Nebraska, 1943, and 35-508, Revised Statutes Supplement, 1969, are repealed.