

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend _____ Bill No. _____, Page _____, Section _____, Line _____,

by inserting after all of said line the following:

"Section 1. 1. Notwithstanding any provision of law to the contrary, any city of the fourth classification with more than five thousand but fewer than five thousand five hundred inhabitants and located in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, may file with the fire protection district's board of directors a notice of intention of detachment stating the city's intent that the area located within the city and the fire protection district, or a portion of such area, is to be excluded and taken from the district. The filing of a notice of intention of detachment must be authorized by ordinance. Such notice of intention of detachment shall describe the subject area to be excluded from the fire protection district in the form of a legal description and map.

2. After filing the notice of intention of detachment with the fire protection district, the city shall conduct a public hearing on the notice of intention of detachment and give notice by publication in a newspaper of general circulation qualified to publish legal matters in the county where the subject area is located, at least once a week for three consecutive weeks prior to the hearing, with the last notice being not more than twenty

1 days and not less than ten days before the hearing. The hearing
2 may be continued to another date without further notice other
3 than a motion to be entered upon the minutes fixing the date,
4 time, and place of the subsequent hearing. At the public
5 hearing, the city shall present its reasons why it desires to
6 detach the subject area from the fire protection district and its
7 plan to provide or cause to be provided fire protection and
8 ambulance services to the subject area.

9 3. Following the public hearing, the governing body of the
10 city may by ordinance, which shall not become effective except by
11 the favorable vote of at least two-thirds of all the members of
12 the governing body of the city, approve the detachment of the
13 subject area from the fire protection district.

14 4. Upon duly enacting such detachment ordinance, the city
15 shall cause the same to be filed with the county assessor and the
16 clerk of the county wherein the city is located, and one copy to
17 be filed with the election authority, if different from the clerk
18 of the county which has jurisdiction over the area being
19 detached.

20 5. Upon the effective date of the ordinance, which may be
21 up to one year from the date of its passage and approval, the
22 fire protection district shall no longer provide or cause to be
23 provided fire protection and ambulance services to the subject
24 area and shall no longer levy and collect any tax upon the
25 property included within the detached area, provided that all
26 real property excluded from a fire protection district shall
27 thereafter be subject to the levy of taxes for the payment of any
28 indebtedness of the fire protection district outstanding as of
29 the ordinance's effective date; provided further, however, that

1 after any real property shall have been excluded from a fire
2 protection district, as herein provided, any buildings and
3 improvements thereafter erected or constructed on said excluded
4 real property, and all machinery and equipment thereafter
5 installed or placed therein or thereon, and all tangible personal
6 property not in the fire protection district at the time of the
7 exclusion of the subject area from the fire protection district
8 which shall thereafter be situated on or used in connection with
9 subject area, shall not be subject to any taxes levied by the
10 fire protection district. Furthermore:

11 (1) On or before January first of the second calendar year
12 occurring after the date on which the property was detached from
13 the fire protection district, the city shall pay to the fire
14 protection district a fee equal to the amount of revenue which
15 would have been generated during the previous calendar year by
16 the fire protection district ad valorem tax on the property in
17 the area detached which was formerly a part of the fire
18 protection district;

19 (2) On or before January first of the third calendar year
20 occurring after the date on which the property was detached from
21 the fire protection district, the city shall pay to the fire
22 protection district a fee equal to four-fifths of the amount of
23 revenue which would have been generated during the previous
24 calendar year by the fire protection district ad valorem tax on
25 the property in the area detached which was formerly a part of
26 the fire protection district;

27 (3) On or before January first of the fourth calendar year
28 occurring after the date on which the property was detached from
29 the fire protection district, the city shall pay to the fire

1 protection district a fee equal to three-fifths of the amount of
2 revenue which would have been generated during the previous
3 calendar year by the fire protection district ad valorem tax on
4 the property in the area detached which was formerly a part of
5 the fire protection district;

6 (4) On or before January first of the fifth calendar year
7 occurring after the date on which the property was detached from
8 the fire protection district, the city shall pay to the fire
9 protection district a fee equal to two-fifths of the amount of
10 revenue which would have been generated during the previous
11 calendar year by the fire protection district ad valorem tax on
12 the property in the area detached which was formerly a part of
13 the fire protection district; and

14 (5) On or before January first of the sixth calendar year
15 occurring after the date on which the property was detached from
16 the fire protection district, the city shall pay to the fire
17 protection district a fee equal to one-fifths of the amount of
18 revenue which would have been generated during the previous
19 calendar year by the fire protection district ad valorem tax on
20 the property in the area detached which was formerly a part of
21 the fire protection district.

22 6. The provisions of this section shall not apply in any
23 county in which a boundary commission has been established
24 pursuant to section 72.400."; and

25 Further amend the title and enacting clause accordingly.