

ASSEMBLY BILL NO. 278—ASSEMBLYMEN SEGERBLOM,  
CONKLIN; AND KIRKPATRICK

MARCH 15, 2011

Referred to Committee on Government Affairs

SUMMARY—Provides for the consolidation of fire departments in certain counties. (BDR 22-530)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted-material] is material to be omitted.

AN ACT relating to fire departments; authorizing in certain counties the consolidation of county and city fire departments into county-wide metropolitan fire departments; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 This bill authorizes the fire departments of the cities and counties in this State  
2 to merge into county-wide metropolitan fire departments.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Title 22 of NRS is hereby amended by adding  
2 thereto a new chapter to consist of the provisions set forth as  
3 sections 2 to 49, inclusive, of this act.

4 **Sec. 2. 1. *The Legislature finds:***

5 *(a) That there is substantial duplication of functions, human*  
6 *resources and expenses between the city and county fire*  
7 *departments in this State.*

8 *(b) That merger of city and county fire departments would*  
9 *increase the efficiency of such agencies by increasing*  
10 *communication facilities, lowering purchasing costs and*  
11 *coordinating fire department efforts throughout metropolitan*  
12 *areas.*



\* A B 2 7 8 \*

1       2. *It is the purpose of this chapter to provide the means*  
2 *whereby the respective fire departments of the cities and counties*  
3 *in this State may merge into county-wide metropolitan fire*  
4 *departments.*

5       **Sec. 3.** *The powers of the various participating political*  
6 *subdivisions and the provisions of this chapter shall be construed*  
7 *liberally to effect the merger of the fire departments of such*  
8 *political subdivisions without administrative difficulty, it being the*  
9 *intention of the Legislature that the formation of departments be*  
10 *effected in an orderly manner.*

11       **Sec. 4.** *As used in this chapter, unless the context otherwise*  
12 *requires, the words and terms defined in sections 5 to 13,*  
13 *inclusive, of this act have the meanings ascribed to them in those*  
14 *sections.*

15       **Sec. 5.** *“Board” means a civil service board appointed by the*  
16 *committee.*

17       **Sec. 6.** *“City” means an incorporated city in this State.*

18       **Sec. 7.** *“Committee” means a metropolitan fire committee on*  
19 *fiscal affairs.*

20       **Sec. 8.** *“Department” means a metropolitan fire department*  
21 *created under the provisions of this chapter.*

22       **Sec. 9.** *“Department fund” means any fund created in a*  
23 *county treasury under the provisions of section 30 of this act.*

24       **Sec. 10.** *“Political subdivision” means a county in this State*  
25 *or an incorporated city or town within such county.*

26       **Sec. 11.** *“Rural program of fire personnel” means a fire-*  
27 *fighting program which provides fire protection to a rural area as*  
28 *defined by a metropolitan fire department, approved by the*  
29 *governing body of each participating political subdivision before*  
30 *January 1 preceding the commencement of each fiscal year.*

31       **Sec. 12.** *“Taxing district” means a district created pursuant*  
32 *to section 35 of this act.*

33       **Sec. 13.** *“Uniformed function in the field” means those*  
34 *operating units within the department whose primary*  
35 *responsibilities are to protect the public safety, respond in the first*  
36 *instance to fire and emergency medical calls for service and*  
37 *enforce any fire codes.*

38       **Sec. 14.** *No county whose population is 100,000 or more may*  
39 *merge its fire department with the fire department of any of the*  
40 *cities in that county to create a single fire department for*  
41 *the participating political subdivisions except pursuant to the*  
42 *provisions of this chapter.*

43       **Sec. 15.** *1. The board of county commissioners of any*  
44 *county and the governing body of any city or cities located in the*  
45 *county may merge their respective fire departments into one*



1 *metropolitan fire department. To do so, the board of county*  
2 *commissioners of the participating county and the governing body*  
3 *of each participating city must each adopt an ordinance providing*  
4 *for the merger. Except with respect to an ordinance providing for*  
5 *the reorganization of an existing department pursuant to the*  
6 *provisions of this chapter, any ordinance providing a merger must*  
7 *be adopted and become effective on or before November 30 in the*  
8 *year preceding the commencement of the fiscal year in which the*  
9 *merger is to occur.*

10 2. *If the act or charter under which a participating city is*  
11 *organized provides for the appointment of a fire chief and his or*  
12 *her duties of fire emergency oversight, and the governing body of*  
13 *the city adopts an ordinance for the merger authorized by this*  
14 *section:*

15 (a) *The charter provisions for appointment of a fire chief shall*  
16 *be deemed superseded as long as the ordinance providing for a*  
17 *merger of the fire department of the participating city remains in*  
18 *effect.*

19 (b) *The duties of a fire department vested in the fire*  
20 *departments designated in the merger devolve upon the*  
21 *metropolitan fire department.*

22 3. *Any nonparticipating city may, by adopting an ordinance*  
23 *providing for a merger, merge its fire department into an existing*  
24 *metropolitan fire department with the unanimous consent of the*  
25 *committee and subject to such rules and regulations as the*  
26 *committee may adopt which are consistent with the provisions of*  
27 *this chapter.*

28 **Sec. 16.** *Upon merger:*

29 1. *The fire departments of each participating political*  
30 *subdivision, which are designated in the merger, shall be deemed*  
31 *superseded as long as the ordinance providing for the merger*  
32 *remains in effect.*

33 2. *The resulting department shall operate under the*  
34 *provisions of this chapter.*

35 **Sec. 17.** 1. *The chief fire department officer must be*  
36 *selected by election of the residents of the county in which the*  
37 *metropolitan fire department is established.*

38 2. *Upon merger, the fire chiefs of the participating political*  
39 *subdivisions, the deputy fire chiefs of the participating political*  
40 *subdivisions and the assistant fire chiefs of the participating*  
41 *political subdivisions are entitled to obtain employment with the*  
42 *department in positions which their leadership abilities warrant.*

43 **Sec. 18.** 1. *Employees of the respective fire departments of*  
44 *the participating political subdivisions, who are so employed at the*  
45 *time of the merger, may obtain employment with the department*



1 *and shall hold positions of rank and grade comparable to their*  
2 *positions before the merger.*

3 *2. Such employees, sworn or civilian, are entitled to suffer no*  
4 *loss or gain in pay or benefits until a successor collective*  
5 *bargaining agreement is negotiated with the new employer.*

6 *3. Sick leave, longevity and vacation time accrued to such*  
7 *employees in the service of their respective fire departments shall*  
8 *be credited to them as employees of the department. All rights and*  
9 *accruals of such employees as members of the Public Employees'*  
10 *Retirement System pursuant to the Public Employees' Retirement*  
11 *Act must remain in force and must be automatically transferred*  
12 *from the respective fire departments to the department.*

13 *4. The duties and responsibilities of such employees must not*  
14 *be diminished by reason of the merger, but their area and*  
15 *divisions of assignment may be changed at the discretion of the*  
16 *fire chief of the department or his or her designated administrative*  
17 *representative.*

18 **Sec. 19.** *1. If a participating political subdivision in a*  
19 *department that consists of three or more participating political*  
20 *subdivisions wishes to withdraw from the department, the*  
21 *participating political subdivision must submit the question of*  
22 *whether the political subdivision should withdraw from the*  
23 *department to the registered voters of the political subdivision at a*  
24 *general election held pursuant to NRS 293.12755. The*  
25 *participating political subdivision shall give notice of its intent to*  
26 *withdraw to the other participating political subdivisions at least 6*  
27 *months before that general election. If a majority of the voters*  
28 *approve the question, the effective date of the withdrawal is the*  
29 *commencement of the fiscal year immediately following the*  
30 *general election at which the question of withdrawal is approved.*  
31 *The ordinance that had been adopted by the withdrawing political*  
32 *subdivision providing for the merger is void on the effective date*  
33 *of the withdrawal.*

34 *2. If a department consists of:*

35 *(a) Two participating political subdivisions and one of the*  
36 *participating political subdivisions determines that it wishes to*  
37 *withdraw; or*

38 *(b) Three or more participating political subdivisions and all*  
39 *or all except one of the participating political subdivisions*  
40 *determine that they wish to withdraw,*

41 *↳ the participating political subdivisions must each submit the*  
42 *question of whether the department should be dissolved to the*  
43 *registered voters within their jurisdiction at the next general*  
44 *election held pursuant to NRS 293.12755. If a majority of the total*  
45 *votes cast on the question are in favor of the dissolution of the*



1 department, the effective date of the dissolution is the  
2 commencement of the fiscal year immediately following the  
3 general election at which the question of dissolution is approved.  
4 The ordinances that had been adopted by the participating  
5 political subdivisions providing for the merger are void on the  
6 effective date of the dissolution.

7 **Sec. 20.** 1. Upon the withdrawal of a participating political  
8 subdivision from a department, the committee, in cooperation with  
9 the withdrawing political subdivision, shall determine the  
10 employees of the department who must be transferred to the fire  
11 department of the withdrawing political subdivision.

12 2. Such employees must hold positions of rank and grade  
13 comparable to their positions with the department before their  
14 transfer to the withdrawing political subdivision and are entitled to  
15 suffer no loss in pay, pension, fringe benefits or other job benefits  
16 by reason of the transfer.

17 3. Sick leave, longevity and vacation time accrued to such  
18 employees in the service of the department must be credited to  
19 them as employees of the fire department of the withdrawing  
20 political subdivision. All rights and accruals of such employees as  
21 members of the Public Employees' Retirement System pursuant to  
22 the Public Employees' Retirement Act remain in force and must  
23 be automatically transferred from the department to the fire  
24 department of the withdrawing political subdivision.

25 4. The duties and responsibilities of such employees must not  
26 be diminished by reason of their transfer to the withdrawing  
27 political subdivision, but their area and division of assignment  
28 may be changed at the discretion of the fire chief of the fire  
29 department of the withdrawing political subdivision.

30 **Sec. 21.** 1. Upon the dissolution of a department, an  
31 employee of the department may, at the discretion of the employee,  
32 obtain employment with the political subdivision in the boundaries  
33 of which the employee had performed the majority of his or her  
34 duties for the department during the fiscal year immediately  
35 preceding the dissolution.

36 2. Such employees must hold positions of rank and grade  
37 comparable to their positions before the dissolution and are  
38 entitled to suffer no loss in pay, pension, fringe benefits or other  
39 job benefits by reason of the dissolution.

40 3. Sick leave, longevity and vacation time accrued to such  
41 employees in the service of the department must be credited to  
42 them as employees of the fire department of the political  
43 subdivisions participating in the department at the time of the  
44 dissolution. All rights and accruals of such employees as members  
45 of the Public Employees' Retirement System pursuant to the



1 *Public Employees' Retirement Act remain in force and must be*  
2 *automatically transferred from the department to such fire*  
3 *departments.*

4 *4. The duties and responsibilities of such employees must not*  
5 *be diminished by reason of the dissolution, but their area and*  
6 *division of assignment may be changed at the discretion of the fire*  
7 *chief of the fire department of the political subdivisions to which*  
8 *the employees are transferred upon dissolution.*

9 **Sec. 22.** *1. Any contract, franchise or other agreement into*  
10 *which a department enters after the merger for goods or services is*  
11 *subject to rescission by either party if one or more of the*  
12 *participating subdivisions withdraw from the department or the*  
13 *department is dissolved.*

14 *2. A valid claim against a department arising from fire*  
15 *fighting or emergency medical services is not diminished or*  
16 *altered by reason of the dissolution of the department. The*  
17 *participating subdivisions at the time of the dissolution are liable*  
18 *for any claims resulting from any pending action or proceeding*  
19 *which involves any debt, demand, liability or obligation or which*  
20 *has been brought by or against the department after the merger,*  
21 *irrespective of the nature of such matter in litigation.*

22 **Sec. 23.** *1. The committee consists of two representatives*  
23 *from each participating political subdivision.*

24 *2. Representatives of the participating political subdivisions*  
25 *are not entitled to receive any additional compensation or be*  
26 *reimbursed by the department for any expenses incurred while*  
27 *-serving on the committee.*

28 *3. Each representative of a participating political subdivision*  
29 *must be a member of its governing body and serves at the pleasure*  
30 *of the governing body making the appointment.*

31 *4. The members of the committee shall, by majority vote,*  
32 *select an additional member of the committee from the general*  
33 *public from a list consisting of three persons nominated by each*  
34 *participating political subdivision and three persons nominated by*  
35 *the fire chief. That person:*

36 *(a) Must reside in the area served by the department.*

37 *(b) Shall serve until August 1 next succeeding and until a*  
38 *successor is selected.*

39 *(c) May succeed himself or herself.*

40 *(d) Is entitled to receive as compensation \$40 for each day of*  
41 *service.*

42 *(e) Is entitled to reimbursement for necessary travel and per*  
43 *diem expenses in the manner provided by the committee for the*  
44 *reimbursement of officers and employees of the department.*

45 *(f) Shall serve for not more than four 1-year terms.*



1       5. *If the members of the committee fail to agree on the*  
2 *additional member to be selected pursuant to subsection 4 within*  
3 *30 days after their initial meeting following the merger or by*  
4 *August 1 of any year thereafter, the additional member of the*  
5 *committee must be appointed by the Governor without regard to*  
6 *the lists submitted. The person so appointed must reside in the*  
7 *area served by the department.*

8       6. *At its first meeting and in August of each year thereafter,*  
9 *the committee shall select one of its members to act as chair.*

10      **Sec. 24.** 1. *A majority of the committee is a quorum for the*  
11 *transaction of business if it includes at least one representative*  
12 *from each participating political subdivision.*

13      2. *Except as otherwise provided in this chapter, when a vote*  
14 *of the committee is required to transact business, the vote is a*  
15 *majority of the quorum present and voting on the matter in*  
16 *question.*

17      **Sec. 25.** *Members of the committee may administer all oaths*  
18 *and affirmations necessary in discharging the duties of their*  
19 *office.*

20      **Sec. 26.** *The committee shall employ a clerk and may employ*  
21 *other clerical personnel necessary to the discharge of its duties.*  
22 *The clerk is secretary for the committee.*

23      **Sec. 27.** 1. *The committee shall meet at least once each*  
24 *quarter on a regularly scheduled day and may meet more often*  
25 *upon the call of the chair, either on the chair's own motion or at*  
26 *the request of any two members of the committee.*

27      2. *The clerk of the committee shall give written notice of each*  
28 *special meeting to each member of the committee at least 1 day*  
29 *before the meeting or by mailing the notice to each member's*  
30 *place of residence in the county at least 3 days before the meeting.*

31      3. *The notice must specify the time, place and purpose of the*  
32 *meeting. If all of the members of the committee who did not*  
33 *receive notice are present at the special meeting, lack of notice*  
34 *does not invalidate the proceedings.*

35      **Sec. 28.** 1. *The committee shall:*

36      (a) *Direct the department to prepare and shall approve an*  
37 *annual operating budget for the department.*

38      (b) *Submit the budget to the governing bodies of the*  
39 *participating political subdivisions before May 1 for funding for*  
40 *the following fiscal year.*

41      (c) *Direct the department to prepare and shall adopt the*  
42 *funding apportionment plan provided for in section 29 of this act*  
43 *and submit the plan before February 1 to the governing bodies of*  
44 *the participating political subdivisions for approval. The*  
45 *governing bodies shall approve or reject the plan before March 1.*



1        2. *If any of the governing bodies fails to approve the*  
2 *apportionment plan, the plan or any disputed element thereof must*  
3 *be submitted to an arbitration panel for resolution. The governing*  
4 *body of each participating political subdivision shall name one*  
5 *arbitrator to the panel, who must reside within this State. If this*  
6 *results in an even number of arbitrators, the arbitrators so named*  
7 *shall, by majority vote, select an additional arbitrator, who must*  
8 *reside within this State and who shall serve as chair of the panel.*  
9 *The department shall provide such advice and technical and*  
10 *clerical assistance as is requested by the panel. The panel must*  
11 *make its decision and submit it to the participating political*  
12 *subdivisions before April 1. When submitted, the decision is final*  
13 *and binding upon the participating political subdivisions. Except*  
14 *as otherwise provided in this section, the provisions of NRS 38.206*  
15 *to 38.248, inclusive, apply.*

16        **Sec. 29.** *1. The funding apportionment plan must exclude*  
17 *the cost of:*

18        (a) *A rural program of fire personnel, where applicable; and*

19        (b) *Any program of contract services which is totally funded by*  
20 *the contracting agency or entity.*

21        ↪ *The costs described in paragraph (a) are a proper charge*  
22 *against the county.*

23        2. *The funding apportionment plan must apportion the*  
24 *anticipated costs of operating and maintaining the department,*  
25 *and capital costs, after deducting all anticipated revenue internally*  
26 *generated by the department, among the participating political*  
27 *subdivisions according to the formula developed by the department*  
28 *pursuant to this section.*

29        3. *Except as otherwise provided in subsection 1, an additional*  
30 *tax ad valorem that is levied pursuant to the approval of the voters*  
31 *must be levied at a uniform rate in the unincorporated area of the*  
32 *county and in each participating city.*

33        4. *In developing the formula, the department must divide its*  
34 *budget into the following functional areas:*

35        (a) *Activities which are the responsibility of any one of the*  
36 *participating political subdivisions.*

37        (b) *Contract services which are performed solely for another*  
38 *agency or entity.*

39        (c) *Administrative or supporting activities.*

40        (d) *The remaining activities, services or programs, which must*  
41 *be allocated to those functional areas which are to be jointly*  
42 *funded by the participating political subdivisions.*

43        ↪ *Contract services which are performed solely for another*  
44 *agency or entity must each be identified as a separate functional*  
45 *area.*





1       5. The department must identify the bureaus, sections,  
2 divisions and groups that are assigned to each functional area.  
3 Each functional area must be a separate accounting unit within  
4 the budget of the department for the purpose of apportioning the  
5 cost among the participating political subdivisions.

6       6. The costs of the activities of administration or support  
7 must be allocated to the other functional area to which they apply  
8 in the ratio that the cost of each functional area bears to the  
9 combined costs of the other functional areas.

10       7. The costs of each functional area which is to be jointly  
11 funded, including the administrative and support costs allocated in  
12 accordance with subsection 5, must be apportioned among the  
13 participating political subdivisions on a percentage basis  
14 according to the comparative cumulative, unweighted percentage  
15 relationship among the participating political subdivisions of the  
16 permanent population of the participating political subdivisions,  
17 as determined annually by the Governor, and the total number of  
18 calls for service which were dispatched by the department in each  
19 participating political subdivision, excluding:

20       (a) Calls for service with respect to fire fighting and  
21 emergency medical services;

22       (b) Calls for service originating in those areas which were  
23 served by a rural program of fire personnel; and

24       (c) Calls for service originating from a program of contract  
25 services which is totally funded by the contracting agency or  
26 entity.

27       8. For the purpose of subsection 7, the population  
28 attributable to a county does not include the population of the  
29 cities within that county or the population of those areas within  
30 that county which are served by a rural program of fire personnel.

31       9. The department shall maintain all of the statistics  
32 necessary to effectuate the funding apportionment plan and shall  
33 maintain accurate records in support of the determination  
34 required in order to comply with this section.

35       10. If, in the initial year of the merger, the statistics necessary  
36 to determine the funding apportionment plan for the remainder of  
37 that year are incomplete, the department shall prepare a funding  
38 apportionment plan for the remainder of that year based upon the  
39 most accurate statistics available, and apply it as closely as  
40 possible in the manner prescribed in this section. The fact that a  
41 budget, a funding apportionment plan and a rural program of fire  
42 personnel are not prepared and submitted when due does not  
43 invalidate any of them.



1       **Sec. 30. 1.** *Upon merger, the county auditor or county*  
2 *comptroller of a county which has a department shall:*

3       (a) *Create in the county treasury one or more funds and*  
4 *accounts within those funds, pursuant to the provisions of NRS*  
5 *354.470 to 354.626, inclusive, as the department may request, for*  
6 *the exclusive use of the department.*

7       (b) *Receive all money from the county, participating cities and*  
8 *any other source on behalf of the department and deposit the*  
9 *money in the appropriate department fund.*

10       (c) *Receive all money collected by the department for any*  
11 *purpose, except criminal and civil fines, and deposit the money in*  
12 *the appropriate department fund.*

13       (d) *Issue warrants against a department fund in the manner*  
14 *provided in this chapter.*

15       (e) *Credit any interest earned on money held in a department*  
16 *fund to any such fund designated by the department.*

17       (f) *Retain in each department fund any balances remaining at*  
18 *the end of each fiscal year.*

19       2. *Within 30 days after the effective date of the withdrawal of*  
20 *a participating political subdivision from the department, the*  
21 *county auditor or county comptroller shall issue a warrant to pay*  
22 *to the withdrawing political subdivision any money held in a*  
23 *department fund that is attributable to the withdrawing political*  
24 *subdivision based on the proportion that the total budgetary*  
25 *contribution of the withdrawing political subdivision to the*  
26 *department bears to the total budgetary contributions of all*  
27 *the participating political subdivisions to the department since the*  
28 *time of the merger.*

29       3. *Within 30 days after the effective date of the dissolution of*  
30 *the department, the county auditor or county comptroller shall*  
31 *disburse any money held in a department fund to the participating*  
32 *political subdivisions at the time of the dissolution based on the*  
33 *proportion that the total budgetary contribution of each*  
34 *participating political subdivision to the department bears to the*  
35 *total budgetary contributions of all the participating political*  
36 *subdivisions to the department since the time of the merger.*

37       **Sec. 31.** *The committee may examine and audit the accounts*  
38 *of all officers responsible for the care, management, collection or*  
39 *disbursement of any money belonging to the department or*  
40 *appropriated by law or otherwise, for its use and benefit.*

41       **Sec. 32.** *The committee shall examine, settle and allow all*  
42 *accounts legally chargeable against the department.*

43       **Sec. 33. 1.** *Every demand against a department, except a*  
44 *demand for the fire chief's salary, a contested claim or demand, or*  
45 *a demand required by the committee to be submitted to it, after the*



1 demand is approved and signed by the fire chief or a designee of  
2 the fire chief, must be listed on a cumulative voucher sheet and  
3 audited by the county auditor or comptroller.

4 2. The county auditor or comptroller shall satisfy himself or  
5 herself whether the money demanded is legally due and remains  
6 unpaid, and whether its payment from the treasury is authorized  
7 by law, and out of what fund.

8 3. The county auditor or comptroller and the county treasurer  
9 must sign the cumulative voucher sheets and the warrants. The  
10 county treasurer shall send a signed copy of the cumulative  
11 voucher sheets to the committee.

12 4. A majority of the members of the committee must approve  
13 a contested claim or a demand required to be submitted to the  
14 committee before such a demand is paid from a department fund.  
15 A contested demand must be paid as provided in section 34 of this  
16 act.

17 **Sec. 34.** 1. If the county auditor or comptroller refuses to  
18 allow the payment of any demand, the demand must be presented  
19 to the committee with the refusal of the county auditor or  
20 comptroller endorsed thereupon and his or her reasons for the  
21 refusal.

22 2. If the committee, by a unanimous vote of all its members,  
23 orders the issuance of a warrant in such a case, the county auditor  
24 or comptroller shall immediately issue the warrant upon service  
25 upon him or her of a copy of the committee's order on which the  
26 secretary of the committee has certified that all its members voted  
27 for its passage. Otherwise, the demand must be declared rejected,  
28 and no warrant may thereupon issue.

29 3. If the county auditor or comptroller allows such a demand  
30 in part, a warrant may be issued only for that part unless the  
31 committee allows a greater sum by a unanimous vote of its  
32 members.

33 4. No warrant may be drawn by the county auditor or  
34 comptroller on a department fund, unless there is sufficient money  
35 in the fund to pay the warrant. Any warrant drawn contrary to the  
36 provisions of this subsection is void.

37 **Sec. 35.** 1. In each county in which a metropolitan fire  
38 department is established, there is hereby created a taxing district  
39 consisting of:

40 (a) The area within the boundaries of each incorporated city  
41 which participates in the department; and

42 (b) The area of the county outside the boundaries of any  
43 incorporated city.

44 2. A taxing district must not be used for any purpose not  
45 specifically authorized by the provisions of this chapter.



1       3. *The boundary of the taxing district must not be altered or*  
2 *abolished as a result of the withdrawal of a participating political*  
3 *subdivision from the department or the dissolution of the*  
4 *department in such a manner as to impair any outstanding bonds*  
5 *or other obligations that are payable from or secured by a pledge*  
6 *of a tax imposed in the taxing district until those bonds or other*  
7 *obligations have been discharged in full.*

8       **Sec. 36.** *1. The committee may, with the consent of the*  
9 *governing body of each participating political subdivision, borrow*  
10 *money from time to time as general obligations to construct*  
11 *buildings or improve property used by the department. For this*  
12 *purpose, the committee is a "governing body" within the meaning*  
13 *of NRS 350.524.*

14       2. *If general obligations are issued pursuant to this section,*  
15 *the committee shall determine the amount required in each fiscal*  
16 *year to pay the interest and required installments of principal, and*  
17 *report this amount to the Nevada Tax Commission as the budgets*  
18 *of local governments are reported, for the levy of the requisite tax*  
19 *on all taxable property within the taxing district.*

20       3. *For the purposes of any debt limitation of a participating*  
21 *political subdivision, obligations issued pursuant to this section*  
22 *shall be deemed to be the respective general obligations of each*  
23 *participating political subdivision in the same proportion as the*  
24 *percentage of the department's expenses paid by the participating*  
25 *political subdivision pursuant to the formula in effect at the time*  
26 *the obligations are issued.*

27       4. *If a participating political subdivision withdraws from the*  
28 *department, the withdrawing political subdivision becomes liable*  
29 *for the proportion of the indebtedness for the general obligations*  
30 *issued pursuant to this section that is attributable to the*  
31 *withdrawing political subdivision based on the percentage of the*  
32 *department's expenses paid by the withdrawing political*  
33 *subdivision pursuant to the formula in effect at the time the*  
34 *general obligations were issued.*

35       5. *Each participating political subdivision at the time of the*  
36 *dissolution becomes liable for the proportion of the indebtedness*  
37 *for the general obligations issued pursuant to this section that is*  
38 *attributable to each participating political subdivision based on the*  
39 *percentage of the department's expenses paid by each*  
40 *participating political subdivision pursuant to the formula in effect*  
41 *at the time the general obligations were issued.*

42       **Sec. 37.** *1. The committee may, with the consent of the*  
43 *governing body of each participating political subdivision and the*  
44 *debt management commission in the participating county, propose*  
45 *to the registered voters of the taxing district, at a county general*



1 *election, the question of whether an additional ad valorem tax*  
2 *should be levied on all taxable property within the taxing district*  
3 *for the support of the department for the purpose of employing*  
4 *additional firefighters.*

5 *2. The question submitted to the voters must include*  
6 *information regarding:*

7 *(a) The initial ad valorem tax rate and the method for*  
8 *determining the ad valorem tax rate for each fiscal year; and*

9 *(b) The rate of the proposed additional property tax stated in*  
10 *dollars and cents per \$100 assessed valuation, the purpose of the*  
11 *proposed additional property tax, the duration of the proposed*  
12 *additional property tax and an estimate established by the*  
13 *committee of the increase in the amount of property taxes that an*  
14 *owner of a new home with a fair market value of \$100,000 will pay*  
15 *per year as a result of the passage of the question.*

16 *3. For the purposes of NRS 350.011 to 350.0165, inclusive, a*  
17 *committee shall be deemed a municipality or a governing body of*  
18 *a municipality.*

19 **Sec. 38.** *If the voters of the taxing district approve the levy of*  
20 *an additional ad valorem tax pursuant to section 37 of this act:*

21 *1. The board of county commissioners of the county in which*  
22 *the taxing district is located shall impose the tax annually at the*  
23 *rate approved by the voters;*

24 *2. A county officer charged with the duty of collecting ad*  
25 *valorem taxes shall collect the tax in the same form and manner,*  
26 *and with the same interest and penalties, as other ad valorem taxes*  
27 *are collected, and shall pay all revenue generated by the tax,*  
28 *including all interest and penalties, to the department upon*  
29 *collection; and*

30 *3. The committee shall authorize the department to use the*  
31 *proceeds only for the purpose of employing additional firefighters*  
32 *and the incurrence of related costs.*

33 **Sec. 39.** *1. Upon the adoption of a resolution pursuant to*  
34 *NRS 350.087, the committee may issue a medium-term obligation*  
35 *to purchase capital equipment or enter into a lease-purchase*  
36 *agreement for capital equipment.*

37 *2. The committee is not required to comply with the*  
38 *provisions of NRS 350.089 if it enters a lease-purchase agreement*  
39 *for capital equipment.*

40 *3. If a participating political subdivision withdraws from the*  
41 *department, the withdrawing political subdivision becomes liable*  
42 *for the proportion of the indebtedness for the medium-term*  
43 *obligations issued pursuant to this section that is attributable to*  
44 *the withdrawing political subdivision based on the percentage of*  
45 *the department's expenses paid by the withdrawing political*



1 *subdivision pursuant to the formula in effect at the time the*  
2 *medium-term obligations were issued.*

3 *4. Each participating political subdivision at the time of the*  
4 *dissolution becomes liable for the proportion of the indebtedness*  
5 *for the medium-term obligations issued pursuant to this section*  
6 *that is attributable to each participating political subdivision based*  
7 *on the percentage of the department's expenses paid by each*  
8 *participating political subdivision pursuant to the formula in effect*  
9 *at the time the medium-term obligations were issued.*

10 **Sec. 40.** *The county auditor or comptroller of a county which*  
11 *has a department shall comply with the provisions of NRS*  
12 *616B.224 on behalf of the department.*

13 **Sec. 41.** *1. Upon the formation of a department, every*  
14 *power and duty conferred or imposed by law upon a county fire*  
15 *chief which relates to fire fighting and emergency medical*  
16 *services, and upon a fire chief of a fire department of any*  
17 *participating city, devolves automatically upon the department.*  
18 *After the formation of a department, contracts to furnish fire*  
19 *fighting or emergency medical services must be made with the*  
20 *department and not with a participating political subdivision.*

21 *2. The department may, upon the approval of the committee*  
22 *and in compliance with chapter 332 of NRS, enter into contracts*  
23 *to purchase goods and services necessary to operate and maintain*  
24 *the department.*

25 *3. The department may sue or be sued in its own name with*  
26 *respect to any contract it is permitted by law to enter.*

27 *4. The department is responsible for the defense of any claim*  
28 *and for any judgment arising out of any act or omission to act on*  
29 *the part of the committee, the fire chief, or any officer, employee*  
30 *or agent of the department, for which a political subdivision of the*  
31 *State may be held responsible pursuant to NRS 41.0305 to 41.039,*  
32 *inclusive. The department may sue or be sued with regard to these*  
33 *matters.*

34 *5. The department may:*

35 *(a) Insure itself against any liability arising under*  
36 *subsection 4.*

37 *(b) Insure the members of the committee, the fire chief, and*  
38 *any of its officers, employees and agents against tort liability*  
39 *resulting from an act or an omission to act in the scope of their*  
40 *duties or employment.*

41 *(c) Insure against the expense of defending a claim against*  
42 *itself, the committee, the fire chief or any of its officers, employees*  
43 *or agents whether or not liability exists on the claim.*

44 **Sec. 42.** *1. The committee may establish, by contract or*  
45 *otherwise, and administer a disability pension plan or disability*



1 *insurance program for the benefit of any firefighter of the*  
2 *department who is disabled, to any degree, by an injury arising out*  
3 *of and in the course of his or her employment. The cost of the plan*  
4 *or program may be charged, in whole or in part, against the*  
5 *annual operating budget for the department.*

6 *2. The committee may adopt rules, policies and procedures*  
7 *necessary to establish and administer the plan or program*  
8 *specified in subsection 1.*

9 *3. If the committee elects to consider implementation of a*  
10 *plan or program specified in subsection 1, or to change the*  
11 *benefits provided by an existing plan or program, the persons*  
12 *affected by the proposed plan or program, or proposed change,*  
13 *may negotiate with:*

14 *(a) The committee or two or more persons designated by the*  
15 *committee; and*

16 *(b) The fire chief or a person designated by the fire chief,*  
17 *↪ concerning the nature and extent of the plan, program or*  
18 *change. Chapter 288 of NRS applies to negotiations for this*  
19 *purpose.*

20 *4. The plan or program authorized by this section must be*  
21 *supplemental or in addition to and not in conflict with the*  
22 *coverage, compensation, benefits or procedure established by or*  
23 *adopted pursuant to chapters 616A to 616D, inclusive, or chapter*  
24 *617 of NRS.*

25 *5. The benefits provided for in this section are supplemental*  
26 *to other benefits an employee is entitled to receive on account of*  
27 *the same disability. In no event may the benefits provided for in*  
28 *this section, when added to benefits provided for or purchased by*  
29 *the expenditure of public money, exceed the maximum amount of*  
30 *benefits an employee is entitled to receive if the employee has been*  
31 *a member of the department for 10 years or more.*

32 **Sec. 43.** *The fire chief of the department may adopt such*  
33 *policies, procedures, rules and regulations for the administration*  
34 *of the department and the employees of the department as the fire*  
35 *chief deems appropriate without obtaining the approval of the*  
36 *board or the committee. Such policies, procedures, rules and*  
37 *regulations must not conflict with the regulations prepared by the*  
38 *board and adopted by the committee pursuant to subsection 4 of*  
39 *section 44 of this act.*

40 **Sec. 44.** *1. Each department shall have a system of civil*  
41 *service, applicable to and governing all employees of the*  
42 *department except elected officers and such other positions as*  
43 *designated by the committee.*

44 *2. The system of civil service must be governed by a board*  
45 *composed of five civil service trustees appointed by the committee.*



1 *Upon creation of the board, the committee shall appoint one*  
2 *trustee for a term of 2 years, two trustees for terms of 3 years and*  
3 *two trustees for terms of 4 years. Thereafter the terms of all*  
4 *trustees are 4 years.*

5 *3. The members of the board may administer any oath or*  
6 *affirmation necessary in discharging its duties. The board may*  
7 *issue subpoenas in the discharge of its duties in the same manner*  
8 *as a subpoena is issued in a civil action.*

9 *4. The board shall prepare regulations governing the system*  
10 *of civil service to be adopted by the committee. The regulations*  
11 *must provide for:*

12 *(a) Examination of potential employees;*

13 *(b) Recruitment and placement procedures;*

14 *(c) Classification of positions; and*

15 *(d) Procedures for promotion, disciplinary actions and*  
16 *removal of employees.*

17 *5. Copies of the regulations of the system of civil service must*  
18 *be distributed to all employees of the department.*

19 *6. The fire chief shall designate a personnel officer to*  
20 *administer the personnel functions of the department according to*  
21 *the policies and regulations of the board.*

22 *7. In any hearing or other proceeding conducted by the*  
23 *board, an employee of the department may represent himself or*  
24 *herself or be represented by any person of the employee's own*  
25 *choosing.*

26 **Sec. 45. 1.** *A department is a local government employer*  
27 *for the purpose of the Local Government Employee-Management*  
28 *Relations Act and a public employer for the purpose of the Public*  
29 *Employees' Retirement Act.*

30 *2. In negotiations arising under the provisions of chapter 288*  
31 *of NRS:*

32 *(a) The committee or two or more persons designated by the*  
33 *committee; and*

34 *(b) The fire chief or a person designated by the fire chief,*  
35 *↪ shall represent the department.*

36 **Sec. 46. 1.** *All bonds, contracts, franchises and agreements*  
37 *to which the participating political subdivisions are parties and*  
38 *which relate to fire fighting or emergency medical services shall*  
39 *inure to the benefit of the department as the successor and*  
40 *assignee of such political subdivisions in matters relating to such*  
41 *services.*

42 *2. No valid claims against the various participating political*  
43 *subdivisions arising from fire fighting or emergency medical*  
44 *services may be diminished or altered by reason of a merger under*  
45 *this chapter.*





1       3. *Merger of the respective fire departments does not affect*  
2 *any pending action or proceeding which involves any debt,*  
3 *demand, liability or obligation or which has been brought by or*  
4 *against any participating political subdivision before the merger,*  
5 *irrespective of the nature of such matter in litigation.*

6       **Sec. 47.** 1. *Upon merger, the title to and possession of all*  
7 *personal property which is:*

8       (a) *Owned or held by, or in trust for, any of the participating*  
9 *political subdivisions, or by their officers or agencies in trust for*  
10 *public use; and*

11       (b) *Exclusively devoted at the time of the merger to the*  
12 *purposes of fire fighting or emergency medical services,*  
13 *↪ is vested in and transferred to the department.*

14       2. *Property which is required to be transferred under the*  
15 *provisions of this section must be inventoried and appraised before*  
16 *the transfer in a manner which satisfies the accounting*  
17 *requirements of each participating political subdivision, in order*  
18 *that values may be determined as of the date of transfer.*

19       3. *The department shall hold title to all personal property it*  
20 *acquires after the time of the merger.*

21       4. *To acquire personal property, the department may, upon*  
22 *the approval of the committee and by the unanimous vote of the*  
23 *members of the governing body of each participating political*  
24 *subdivision, issue negotiable notes in the amount of the purchase*  
25 *price thereof, which:*

26       (a) *Mature not later than 5 years after the date of issuance;*  
27 *and*

28       (b) *Bear interest at a rate not to exceed 12 percent per annum.*

29       5. *Each participating political subdivision shall provide in its*  
30 *annual budget for the payment of the principal and interest on the*  
31 *negotiable notes according to the funding apportionment plan*  
32 *established pursuant to section 29 of this act for the fiscal year in*  
33 *which the negotiable notes were issued.*

34       6. *If the withdrawal of a participating political subdivision*  
35 *from the department is approved pursuant to section 19 of this act,*  
36 *any personal property held by, for the use and benefit of, or in*  
37 *trust for the department must be immediately inventoried and*  
38 *appraised. The withdrawing political subdivision is entitled to*  
39 *receive, on the effective date of the withdrawal, its share of the*  
40 *value of the personal property, in cash or in kind, or both, or in*  
41 *such other manner as determined by the committee, based upon*  
42 *the average of:*

43       (a) *The proportion that its total contribution of personal*  
44 *property to the department bears to the total contributions of*



1 *personal property of all participating political subdivisions since*  
2 *the time of the merger; and*

3 *(b) The proportion that its total budgetary contribution to the*  
4 *department bears to the total budgetary contributions of all*  
5 *participating political subdivisions since the time of the merger.*

6 *7. If the dissolution of the department is approved pursuant*  
7 *to section 19 of this act, any personal property held by, for the use*  
8 *and benefit of, or in trust for the department must be immediately*  
9 *inventoried and appraised. Each participating political subdivision*  
10 *at the time of the dissolution is entitled to receive, on the effective*  
11 *date of the dissolution, its share of the value of the personal*  
12 *property, in cash or in kind, or both, based upon the average of:*

13 *(a) The proportion that its total contribution of personal*  
14 *property to the department bears to the total contributions of*  
15 *personal property of all participating political subdivisions to the*  
16 *department since the effective date of the merger; and*

17 *(b) The proportion that its total budgetary contribution to the*  
18 *department bears to the total budgetary contributions of all*  
19 *participating political subdivisions to the department since the*  
20 *effective date of the merger.*

21 *8. Upon the effective date of the withdrawal from the*  
22 *department, a withdrawing political subdivision becomes obligated*  
23 *for the payment of its share of the unpaid balance of any*  
24 *negotiable note issued by the department pursuant to subsection 4,*  
25 *determined in accordance with the funding apportionment plan*  
26 *established pursuant to section 29 of this act for the fiscal year in*  
27 *which the negotiable note was issued. The department becomes*  
28 *obligated for the payment of the remainder of the unpaid balance.*

29 *9. Upon the effective date of the dissolution of the*  
30 *department, each participating political subdivision at the time of*  
31 *the dissolution becomes obligated for the payment of its share of*  
32 *the unpaid balance of any negotiable note issued by the*  
33 *department pursuant to subsection 4 in the proportion that its total*  
34 *budgetary contribution to the department during the fiscal year or*  
35 *years in which the personal property was acquired bears to the*  
36 *total budgetary contributions of all participating political*  
37 *subdivisions to the department during that period.*

38 **Sec. 48.** *1. Upon merger, the department may possess all*  
39 *real property owned or held by any of the participating political*  
40 *subdivisions for the purposes of fire fighting or emergency*  
41 *medical services at the time of adoption of the ordinance providing*  
42 *for the merger.*

43 *2. Upon a showing of good cause and a majority vote of the*  
44 *committee, the political subdivision which holds title to property:*



1 (a) Owned or held for the purposes of fire fighting or  
2 emergency medical services at the time of adoption of the  
3 ordinance providing for the merger; or

4 (b) Acquired for the use and benefit of or in trust for the  
5 department after the merger,

6 may repossess the property for public use if the department no  
7 longer needs it for the purposes of fire fighting or emergency  
8 medical services.

9 3. The maintenance costs for any real property held for the  
10 use and benefit of or in trust for a department must be paid by the  
11 department.

12 4. The department may, upon the approval of the committee,  
13 lease or rent real property for the purposes of fire fighting or  
14 emergency medical services.

15 5. If the withdrawal of a participating political subdivision  
16 from the department is approved pursuant to section 19 of this act:

17 (a) The right to possess any real property, the possession of  
18 which passed to the department by operation of this section and  
19 the title to which remains in the withdrawing political subdivision,  
20 reverts to the withdrawing political subdivision upon the effective  
21 date of the withdrawal.

22 (b) Real property which was acquired for the use and benefit  
23 of or in trust for the department after the merger must  
24 immediately be inventoried and appraised. The withdrawing  
25 political subdivision is entitled to receive, on the effective date of  
26 the withdrawal, its share of the value of each parcel of real  
27 property, with improvements thereon, in cash or in kind, or both,  
28 or in such other manner as determined by the committee, in the  
29 proportion that its total budgetary contribution to the department  
30 during the fiscal year or years in which the parcel was acquired  
31 and improved bears to the total budgetary contributions of all  
32 participating political subdivisions during that time.

33 6. If the dissolution of the department is approved pursuant  
34 to section 19 of this act:

35 (a) The right to possess any real property, the possession of  
36 which was passed to the department by operation of this section  
37 and the title to which remains in a participating political  
38 subdivision, reverts to that political subdivision on the effective  
39 date of the dissolution.

40 (b) Real property that was acquired for the use and benefit of  
41 or in trust for the department after the effective date of the merger  
42 must immediately be inventoried and appraised. Each  
43 participating political subdivision at the time of the dissolution is  
44 entitled to receive, on the effective date of the dissolution, its share  
45 of the value of each such parcel of real property and any



1 *improvements on that property, in cash or in kind, or both, in the*  
2 *proportion that its total budgetary contribution to the department*  
3 *during the fiscal year or years in which the parcel was acquired*  
4 *and improved bears to the total budgetary contributions of all*  
5 *participating political subdivisions to the department during that*  
6 *period.*

7 **Sec. 49.** *A department shall, within 7 days after receipt of a*  
8 *written request of a person who claims to have sustained damages*  
9 *as a result of fire fighting or emergency medical services, or his or*  
10 *her legal representative or insurer, and upon receipt of a*  
11 *reasonable fee to cover the cost of reproduction, provide the*  
12 *person or his or her legal representative or insurer, as applicable,*  
13 *with a copy of the incident report and all statements by witnesses*  
14 *and photographs in the possession or under the control of the*  
15 *department that concern the incident, unless:*

16 *1. The materials are privileged or confidential pursuant to a*  
17 *specific statute; or*

18 *2. The incident involved:*

19 *(a) The death or substantial bodily harm of a person;*

20 *(b) Failure to stop at the scene of an accident; or*

21 *(c) The commission of a felony.*

22 **Sec. 50.** This act becomes effective on July 1, 2011.

