

SENATE BILL NO. 261—SENATOR HARDY

MARCH 17, 2011

JOINT SPONSOR: ASSEMBLYMAN HARDY

Referred to Committee on Government Affairs

SUMMARY—Makes various changes relating to the reorganization or combination and reorganization of certain fire protection districts. (BDR 42-836)

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 protection districts; setting forth the notice requirements for certain hearings held by certain boards of county commissioners regarding the reorganization or combination and reorganization of certain fire protection districts; requiring, under certain circumstances, certain boards of county commissioners to submit the question of whether to reorganize or combine and reorganize certain fire protection districts to the electors of the districts; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, a fire protection district may be formed by: (1) an
2 affirmative vote by the electors of the territory included in a proposed district; or
3 (2) an ordinance adopted by the board of county commissioners of the county in
4 which the fire protection district is located. (NRS 474.010-474.120, 474.460) The
5 powers and duties of a fire protection district created by election differ from the
6 powers and duties of a fire protection district created by a board of county
7 commissioners. (NRS 474.160-474.450, 474.460-474.540) Under certain
8 circumstances, a board of county commissioners may reorganize a fire protection
9 district that was created by the board. Upon reorganization, the fire protection
10 district has the same powers and duties as a fire protection district originally created
11 by election. (NRS 474.535)

12 This bill provides, in a county whose population is 700,000 or more (currently
13 Clark County), for the reorganization of a fire protection district that has been in
14 existence for at least 2 years or the combination and reorganization of two or more



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15 fire protection districts that have been in existence for at least 2 years. For such a
16 reorganization or combination and reorganization, the board of county
17 commissioners must provide notice of the board's hearing to consider the
18 reorganization or combination and reorganization. Such notice must be published in
19 a newspaper of general circulation once a week for 3 weeks. If a board of county
20 commissioners does not adopt an ordinance reorganizing the fire protection district
21 or combining and reorganizing the fire protection districts after the hearing, this bill
22 requires the board to submit the issue of reorganization or combination and
23 reorganization to the electors of the fire protection district or districts at the next
24 primary or general election.

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

1 **Section 1.** Chapter 474 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. In a county whose population is 700,000 or more:*

4 *(a) A fire protection district established pursuant to NRS*
5 *474.460 to 474.540, inclusive, which has been in existence for at*
6 *least 2 years may be reorganized as a fire protection district*
7 *subject to the provisions of NRS 474.010 to 474.450, inclusive, in*
8 *the manner provided in this section; and*

9 *(b) Two or more fire protection districts established pursuant*
10 *to NRS 474.460 to 474.540, inclusive, which have been in*
11 *existence for at least 2 years may combine and be reorganized as*
12 *one fire protection district subject to the provisions of NRS*
13 *474.010 to 474.450, inclusive, in the manner provided in this*
14 *section.*

15 *2. The reorganization of a district or the combination and*
16 *reorganization of districts may be initiated by:*

17 *(a) A petition signed by at least a majority of the owners of*
18 *property located within the district or districts; or*

19 *(b) A resolution of the board of county commissioners of the*
20 *county in which the district or districts are located.*

21 *3. If reorganization or combination and reorganization is*
22 *initiated pursuant to subsection 2, the board of county*
23 *commissioners shall:*

24 *(a) Fix a time and place for a hearing on the matter; and*

25 *(b) Direct the clerk of the board of county commissioners to*
26 *publish the notice of the proposed reorganization or proposed*
27 *combination and reorganization, and of the time and place fixed*
28 *for the hearing. The board shall designate that publication must*
29 *be once a week for at least 3 weeks in a newspaper of general*
30 *circulation published in the county and circulated in the district or*
31 *districts, or if there is no newspaper so published and circulated,*



1 in a newspaper of general circulation circulated in the district or
2 districts.

3 4. After notice and a hearing, the board of county
4 commissioners may adopt an ordinance reorganizing the district
5 or combining and reorganizing the districts, as applicable.

6 5. If the board of county commissioners does not adopt an
7 ordinance pursuant to subsection 4, the board shall submit the
8 question of whether the district shall be reorganized or whether
9 the districts shall be combined and reorganized, as applicable, to
10 the electors of the district or districts at the next primary or
11 general election. Notice of the election must be published once a
12 week for at least 3 weeks before the election in a newspaper of
13 general circulation published in the county and circulated in the
14 district or districts or, if there is no newspaper so published and
15 circulated, in a newspaper of general circulation circulated in the
16 district or districts.

17 6. If, upon the canvass of the vote, it appears that a majority
18 of all votes cast in the district or districts are in favor of the
19 reorganization of the district or the combination and
20 reorganization of the districts, as applicable, the board of county
21 commissioners shall adopt an ordinance reorganizing the district
22 or combining and reorganizing the districts, as applicable.

23 7. The ordinance adopted pursuant to subsection 4 or 6, as
24 applicable, must include the name and boundaries of the
25 reorganized district.

26 8. The board shall cause a copy of the ordinance, certified by
27 the clerk of the board of county commissioners, to be filed
28 immediately for record in the office of the county recorder.

29 9. The reorganization of the district or the combination and
30 reorganization of the districts is complete upon the filing of the
31 ordinance pursuant to this section. The reorganized district
32 thereafter is subject to the provisions of NRS 474.010 to 474.450,
33 inclusive. Upon the completion of the reorganization of the district
34 or the combination and reorganization of the districts, the
35 reorganized district shall assume the debts, obligations, liabilities
36 and assets of the former district or districts.

37 10. The board of county commissioners shall:

38 (a) Make an order dividing the reorganized district into
39 election precincts, or providing for the election of directors at
40 large, in the manner provided in NRS 474.070.

41 (b) Appoint the initial members of the board of directors of the
42 reorganized district to terms established in the manner provided in
43 NRS 474.130. Each director must be a resident of the precinct, if
44 any, for which the director is appointed and serves until a
45 successor is elected and qualified.



1 **Sec. 2.** NRS 474.535 is hereby amended to read as follows:
2 474.535 1. ~~[A]~~ *In a county whose population is less than*
3 *700,000, a* fire protection district established pursuant to NRS
4 474.460 to 474.540, inclusive, *and section 1 of this act*, which has
5 been in existence for at least 10 years, may be reorganized as a fire
6 protection district subject to the provisions of NRS 474.010 to
7 474.450, inclusive, in the manner provided in this section.
8 2. The reorganization of such a district may be initiated by:
9 (a) A petition signed by at least a majority of the owners of
10 property located within the district; or
11 (b) A resolution of the board of county commissioners of the
12 county in which the district is located.
13 3. If, after notice and a hearing, the board of county
14 commissioners determines that the reorganization of the district is in
15 the best interests of the county and the district, it shall adopt an
16 ordinance reorganizing the district. The ordinance must include the
17 name and boundaries of the district.
18 4. The board shall cause a copy of the ordinance, certified by
19 the clerk of the board of county commissioners, to be filed
20 immediately for record in the office of the county recorder.
21 5. The reorganization of the district is complete upon the filing
22 of the ordinance pursuant to this section. The district thereafter is
23 subject to the provisions of NRS 474.010 to 474.450, inclusive.
24 Upon the completion of the reorganization of the district, the district
25 shall assume the debts, obligations, liabilities and assets of the
26 former district.
27 6. The board of county commissioners shall:
28 (a) Make an order dividing the district into election precincts, or
29 providing for the election of directors at large, in the manner
30 provided in NRS 474.070.
31 (b) Appoint the initial members of the board of directors of the
32 district to terms established in the manner provided in NRS 474.130.
33 Each director must be a resident of the precinct, if any, for which the
34 director is appointed, and serves until a successor is elected and
35 qualified.
36 **Sec. 3.** This act becomes effective upon passage and approval.

