

Amendment No. 113

Senate Amendment to Senate Bill No. 289

(BDR 42-471)

Proposed by: Senate Committee on Human Resources and Education**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold* is newly added transitory language.

TL/TMC



Date: 4/5/2007

S.B. No. 289—Revises provisions relating to fire protection districts.

(BDR 42-471)



SENATE BILL NO. 289—COMMITTEE ON
HUMAN RESOURCES AND EDUCATION

(ON BEHALF OF THE NEVADA ASSOCIATION OF COUNTIES)

MARCH 15, 2007

Referred to Committee on Human Resources and Education

SUMMARY—Revises provisions relating to fire protection districts.
(BDR 42-471)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; revising provisions that authorize a fire protection district receiving federal aid to annex territory which is contiguous to the district; revising provisions that authorize certain county fire protection districts to annex territory located in a fire protection district receiving federal aid; authorizing the consolidation of certain contiguous fire protection districts located in a county; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the creation of fire protection districts. (Chapters 473 and 474 of NRS) A fire protection district established pursuant to chapter 473 of NRS may annex territory which is contiguous to the district only upon a petition signed by a majority of the property owners within the territory and approval by the State Forester Firewarden. (NRS 473.035)

Section 1 of this bill provides an additional procedure for the annexation of new territory in a fire protection district established pursuant to chapter 473 of NRS. **Section 1** authorizes the board of county commissioners of the county in which the district is organized to propose the annexation of new territory by the adoption of a resolution and approval by the State Forester Firewarden.

Section 3 of this bill authorizes a fire protection district established pursuant to chapter 474 of NRS to annex all or part of a fire protection district organized under the provisions of chapter 473 of NRS. The proposed annexation may be initiated by a petition of the majority of the owners within the area proposed for annexation or by a resolution of the board of county commissioners of the county in which the district proposing the annexation is located. The State Forester Firewarden must approve the annexation.

Section 4 of this bill authorizes the consolidation of ~~two or more~~ ***all or any part of the area of certain*** contiguous fire protection districts located in the same county. The proposed consolidation may be initiated by a petition of a majority of the owners of the property located within the districts proposed for consolidation or by a resolution of the board of county commissioners of the county in which the districts proposed for consolidation are located.

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

Section 1. NRS 473.035 is hereby amended to read as follows:

473.035 1. New territory may be included in any fire protection district organized under this chapter in the manner provided in subsections 2 to ~~5~~, inclusive.

~~2. Upon receiving a written petition containing a~~ 7, inclusive. Any new territory which is proposed to be included in a fire protection district must be contiguous to the district.

2. The inclusion of new territory in a fire protection district organized under this chapter may be initiated by:

(a) A petition signed by a majority of the owners of the property located within the territory proposed to be included in the district; or

(b) A resolution of the board of county commissioners of the county in which the district is located that includes a description of the territory proposed to be included in the district.

3. The petition must include:

(a) A description of the territory proposed to be included ~~{(which territory must be contiguous to the district), which petition must contain a}~~ in the fire protection district; and

(b) A statement advising the signers that their property will be subject to the levy of a tax for the support of the fire protection district . ~~1, and be signed by not less than a majority of the property owners within the territory,}~~

4. Upon receipt of the petition or resolution, the State Forester Firewarden shall determine the feasibility of including that territory in the fire protection district and shall notify the board of directors of the district of his decision.

~~3-}~~ 5. The board of directors, upon receipt of a notice in writing from the State Forester Firewarden of the decision to include territory in the fire protection district, shall prepare a resolution:

(a) Describing the territory to be included; and

(b) Stating the purpose for its inclusion.

~~4-}~~ 6. Upon the adoption of the resolution , the board of directors shall forthwith notify the State Forester Firewarden of the resolution. The territory is included in the fire protection district from the date of the resolution.

~~5-}~~ 7. Upon the inclusion of any contiguous territory in a fire protection district , the State Forester Firewarden shall adopt regulations for the organization of the territory to meet the terms and requirements for federal aid.

Sec. 2. Chapter 474 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. 1. A county fire protection district organized pursuant to this chapter may annex all or any part of a fire protection district organized pursuant to chapter 473 of NRS.

2. The annexation may be initiated by:

(a) A petition signed by a majority of the owners of the property located within the area proposed to be annexed; or

(b) A resolution of the board of county commissioners of the county in which the district organized pursuant to this chapter is located.

3. If, after notice and a hearing, the board of county commissioners determines that the proposed annexation is feasible and in the best interests of the county and the district, the board of county commissioners shall adopt and

submit to the State Forester Firewarden a petition requesting annexation of the proposed area.

4. Upon receipt of the petition, the State Forester Firewarden shall determine whether the annexation is feasible and shall notify the board of county commissioners, in writing, of his decision.

5. Upon receipt of a notice from the State Forester Firewarden that the annexation is approved, the board of county commissioners shall adopt an ordinance which must include the name and boundaries of the district.

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

7. The annexation of the proposed area of the district is complete upon the filing of the ordinance pursuant to this section.

Sec. 4. 1. Two or more contiguous fire protection districts located within a county and organized pursuant to ~~this chapter~~ NRS 474.460 may be consolidated into a fire protection district consisting of all or any part of the ~~total~~ area of those fire protection districts.

2. The consolidation may be initiated by:

(a) A petition signed by a majority of the owners of property located within the districts proposed to be consolidated; or

(b) A resolution of the board of county commissioners of the county in which the districts are located if the resolution is approved by the governing bodies of the fire protection districts proposed to be consolidated.

3. If, after notice and a hearing, the board of county commissioners determines that the proposed consolidation is feasible and in the best interests of the county and the districts proposed to be consolidated, the board of county commissioners shall adopt an ordinance consolidating the districts. The ordinance must include the name and boundaries of the consolidated district.

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

5. All debts, obligations, liabilities and assets of the former districts must be assumed by the consolidated district.

Sec. 5. NRS 474.325 is hereby amended to read as follows:

474.325 The boundaries of any county fire protection district formed under NRS 474.010 to 474.450, inclusive, may be altered and new territory annexed thereto, incorporated and included therein, and made a part thereof in the manner provided in :

1. NRS 474.335 to 474.395, inclusive ~~H~~; or

2. **Section 3 of this act.**

Sec. 6. The amendatory provisions of this act do not apply to modify, directly or indirectly, any taxes levied or revenues pledged in such a manner as to impair adversely any outstanding obligations of a fire protection district, including, without limitation, bonds, medium-term financing, letters of credit and any other financial obligation, until all such obligations have been discharged in full or provision for their payment and redemption has been fully made.

Sec. 7. This act becomes effective on July 1, 2007.