

Amendment No. 847

Assembly Amendment to Senate Bill No. 289 First Reprint (BDR 42-471)

Proposed by: Assembly Committee on Government Affairs**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

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.

MSM



Date: 5/24/2007

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~~ **authorizing a fire protection** ~~districts to annex territory located in~~ **district receiving federal aid to reorganize as a county** fire protection district ; ~~receiving federal aid~~ authorizing the ~~consolidation~~ **adjustment of the boundaries** 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~~ **organized as provided in chapter 473 of NRS** ~~to reorganize as an existing or new fire protection district that is subject to the provisions of: (1) NRS 474.010 to 474.450, inclusive; or (2) NRS 474.460 to 474.540, inclusive.~~ The proposed ~~annexation~~ **reorganization** may be initiated by a petition of ~~the~~ a majority of the owners within the ~~area~~ **district** proposed for ~~annexation~~ **reorganization** or by a resolution of the board of county commissioners of the county in which the district ~~proposing the annexation~~ **proposed for reorganization** is located. The State Forester Firewarden must approve the ~~annexation~~ **reorganization**.

Section 4 of this bill authorizes the ~~consolidation of all or any part of the area of~~ **adjustment of boundaries as between** certain contiguous fire protection districts located in the same county. The proposed ~~consolidation may be initiated~~ **adjustment of boundaries must be approved by** : (1) a ~~petition of a~~ majority of the **directly affected** owners of ~~the~~ property ~~located within the districts proposed for consolidation or by a~~ ; and (2) resolution of the board of county commissioners of the county in which the districts **whose boundaries are proposed** ~~for consolidation~~ **to be adjusted** 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 . ~~[-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]~~ **as provided in chapter 473 of NRS** ~~[-]~~ **may, in the manner provided in this**

section, be reorganized as an existing or new fire protection district subject to the provisions of:

(a) NRS 474.010 to 474.450, inclusive; or

(b) NRS 474.460 to 474.540, inclusive.

2. The ~~annexation~~ reorganization of such a district may be initiated by:

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

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

3. If, after notice and a hearing, the board of county commissioners determines that the proposed ~~annexation is feasible and~~ reorganization is in the best interests of the county and the district, the board ~~of county commissioners shall adopt and submit to~~ shall notify the State Forester Firewarden ~~to petition requesting annexation of the proposed area.~~

~~4. Upon receipt of the petition, the~~ of that determination.

4. The State Forester Firewarden shall determine whether the ~~annexation~~ reorganization is feasible and shall notify the board of county commissioners, in writing, of his decision. If the State Forester Firewarden determines that the reorganization is feasible, he shall further notify the board of county commissioners, in writing, that the petition or resolution, as applicable, proposing the reorganization of the district is approved.

5. Upon receipt of a notice in writing from the State Forester Firewarden that the ~~annexation~~ petition or resolution proposing the reorganization is approved, the board of county commissioners shall adopt an ordinance ~~which must include the name and boundaries of~~ reorganizing the district ~~as an existing or new fire protection district subject to the provisions of:~~

(a) NRS 474.010 to 474.450, inclusive; or

(b) NRS 474.460 to 474.540, inclusive.

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.] All debts, obligations, liabilities and assets of a fire protection district organized as provided in chapter 473 of NRS that is reorganized pursuant to this section must be assumed or taken over by the fire protection district into which that district is reorganized.~~

8. A district reorganized pursuant to this section as an existing or new fire protection district subject to the provisions of:

(a) NRS 474.010 to 474.450, inclusive, has all of the powers granted by those sections and shall be deemed to have been formed under the provisions of those sections.

(b) NRS 474.460 to 474.540, inclusive, has all of the powers granted by those sections and shall be deemed to have been organized in accordance with NRS 474.460.

Sec. 4. 1. ~~[Two]~~ The boundaries of two or more contiguous fire protection districts located within a county and organized pursuant to NRS 474.010 or 474.460 may be ~~consolidated into a fire protection district consisting of~~ adjusted in the manner provided in this section so that all or any part of the area of ~~those~~ one such fire protection ~~districts~~ district is excluded from that district and added to the area of another such fire protection district.

2. The ~~consolidation may~~ adjustment of the boundaries of fire protection districts pursuant to this section must be ~~initiated~~ approved by:

(a) ~~A petition signed by a~~ majority of the owners of property located within the portions of those districts directly affected by the proposed ~~to be consolidated, or~~ adjustment of boundaries; and

(b) ~~A resolution~~ Resolution of the board of county commissioners of the county in which the districts are located ~~if the~~, which resolution ~~is~~ must also be approved by the governing bodies of the fire protection districts whose boundaries are proposed to be ~~consolidated,~~ adjusted.

➤ For the purposes of this subsection, an owner of property located within a fire protection district is "directly affected" by a proposed adjustment of boundaries if the adjustment will cause that property, or other property immediately adjacent to that property, to be excluded from the district in which it is currently located and added to a district other than that in which it is currently located.

3. If, after notice and a hearing, the board of county commissioners determines that the proposed ~~consolidation~~ adjustment of boundaries is feasible and in the best interests of the county and the districts whose boundaries are proposed to be ~~consolidated,~~ adjusted, the board of county commissioners shall adopt an ordinance ~~consolidating~~ adjusting the boundaries of those districts. The ordinance must include the name and boundaries of ~~the consolidated district,~~ each district that will result from the adjustment.

4. For the purposes of subsection 3, a board of county commissioners shall not determine that a proposed adjustment of boundaries is feasible and in the best interests of the county and the districts whose boundaries are proposed to be adjusted unless the board concludes, after conducting a reasonable investigation, that:

(a) The total assessed valuation of taxable property in the districts whose boundaries are proposed to be adjusted is substantially equivalent; and

(b) The total ad valorem tax levied within the districts whose boundaries are proposed to be adjusted is substantially equivalent.

5. The board of county commissioners shall cause a copy of ~~the~~ any ordinance ~~to be adopted pursuant to subsection 3 to be certified by the clerk of the board of county commissioners, to be~~ and filed immediately for record in the office of the county recorder.

~~5. All~~

6. If an adjustment of boundaries pursuant to this section causes:

(a) Part of the area of one fire protection district to be excluded from that district and added to the area of another fire protection district, the districts may, but are not required to, enter into such an agreement as they determine equitable to address the apportionment of debts, obligations, liabilities and assets.

(b) All of the area of one fire protection district to be excluded from that district and added to the area of another fire protection district, the debts, obligations, liabilities and assets of the ~~former districts~~ district from which the area is excluded must be assumed by the ~~consolidated~~ district ~~to which the area is added.~~

Sec. 5. ~~NRS 474.225 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 [.]; or~~

~~2. Section 3 of this act. (Deleted by amendment.)~~

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,

- 1 without limitation, bonds, medium-term financing, letters of credit and any other
- 2 financial obligation, until all such obligations have been discharged in full or
- 3 provision for their payment and redemption has been fully made.
- 4 **Sec. 7.** This act becomes effective on July 1, 2007.