

## Amendment No. 342

Senate Amendment to Senate Bill No. 261

(BDR 42-836)

**Proposed by:** Senate Committee on Government Affairs**Amends:** Summary: Yes 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 underlining* is newly added transitory language.

SJA/HAC



Date: 4/18/2011

S.B. No. 261—Makes various changes relating to the reorganization of certain fire protection districts. (BDR 42-836)



## 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.

~

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, ~~the board~~ 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:**

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

This bill ~~requires a~~ provides, in a county whose population is 700,000 or more (currently Clark County), for the reorganization of a fire protection district that has been in existence for at least 2 years or the combination and reorganization of two or more fire protection districts that have been in existence for at least 2 years. For such a reorganization or combination and reorganization, the board of county commissioners ~~to~~ must provide notice of the board's hearing to consider the reorganization ~~for a fire protection district that was created by the board,~~ or combination and reorganization. Such notice must be published in a newspaper of general circulation once a week for 3 weeks. If a board of county commissioners does not adopt an ordinance reorganizing the fire protection district or combining and reorganizing the fire protection districts after the hearing, this bill requires

the board to submit the issue of reorganization or combination and reorganization to the electors of the fire protection district or districts at the next primary or general election.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8. The board 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.

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

10. The board of county commissioners shall:

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

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

~~[Section 1.]~~ Sec. 2. NRS 474.535 is hereby amended to read as follows:

474.535 1. ~~[A.]~~ In a county whose population is less than 700,000, a fire protection district established pursuant to NRS 474.460 to 474.540, inclusive, and section 1 of this act, which has been in existence for at least 10 years, may be reorganized as a fire protection district subject to the provisions of NRS 474.010 to 474.450, inclusive, in the manner provided in this section.

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

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

(b) A resolution of the board of county commissioners of the county in which the district is located.

3. ~~If ,after reorganization is initiated pursuant to subsection 2, the board of county commissioners shall~~

~~—(a) Fix a time and place for a hearing on the matter; and~~

~~—(b) Direct the clerk of the board of county commissioners to publish the notice of the proposed reorganization, and of the time and place fixed for the hearing. The board shall designate that publication must be once a week for at least 3 weeks in a newspaper of general circulation published in the county and circulated in the district, or if there is no newspaper so published and circulated, then in a newspaper of general circulation circulated in the district.~~

~~4. After notice and a hearing, the board of county commissioners determines that the reorganization of the district is in the best interests of the county and the district, it shall [may]~~ adopt an ordinance reorganizing the district.

~~5. If the board of county commissioners does not adopt an ordinance pursuant to subsection 4 that reorganizes the district, the board shall submit the question of whether the district shall be reorganized to the electors of the district at the next primary or general election. Notice of the election must be published once a week for at least 3 weeks before the election in a newspaper of general circulation published in the county and circulated in the district, or if there is no newspaper so published and circulated, then in a newspaper of general circulation circulated in the district.~~

~~6. If, upon the canvass of the vote, it appears that a majority of all votes cast in the district are in favor of the reorganization of the district, the board of county commissioners shall adopt an ordinance reorganizing the district.~~

~~7.] The ordinance [adopted pursuant to subsection 4 or 6, as applicable,]~~ must include the name and boundaries of the district.

4. ~~[8.]~~ The board 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. ~~[9.]~~ The reorganization of the district is complete upon the filing of the ordinance pursuant to this section. The district thereafter is subject to the provisions of NRS 474.010 to 474.450, inclusive. Upon the completion of the reorganization of the district, the district shall assume the debts, obligations, liabilities and assets of the former district.

6. ~~[10.]~~ The board of county commissioners shall:

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

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

~~[Sec. 2.]~~ **Sec. 3.** This act becomes effective upon passage and approval.