

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 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 boards of county commissioners regarding the reorganization of certain fire protection districts; requiring, under certain circumstances, the board of county commissioners to submit the question of whether to 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 requires a board of county commissioners to provide notice of the
13 board's hearing to consider the reorganization of a fire protection district that was
14 created by the board. Such notice must be published in a newspaper of general
15 circulation once a week for 3 weeks. If a board of county commissioners does not
16 adopt an ordinance reorganizing the fire protection district after the hearing, this



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17 bill requires the board to submit the issue of reorganization to the electors of the
18 fire protection district at the next primary or general election.

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

1 **Section 1.** NRS 474.535 is hereby amended to read as follows:
2 474.535 1. A fire protection district established pursuant to
3 NRS 474.460 to 474.540, inclusive, which has been in existence for
4 at least 10 years, may be reorganized as a fire protection district
5 subject to the provisions of NRS 474.010 to 474.450, inclusive, in
6 the manner provided in this section.

7 2. The reorganization of such a district may be initiated by:
8 (a) A petition signed by at least a majority of the owners of
9 property located within the district; or

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

12 3. If ~~[-after]~~ *reorganization is initiated pursuant to subsection*
13 *2, the board of county commissioners shall:*

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

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

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

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

37 6. *If, upon the canvass of the vote, it appears that a majority*
38 *of all votes cast in the district are in favor of the reorganization of*



1 *the district, the board of county commissioners shall adopt an*
2 *ordinance reorganizing the district.*

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

5 ~~14.1~~ 8. The board shall cause a copy of the ordinance, certified
6 by the clerk of the board of county commissioners, to be filed
7 immediately for record in the office of the county recorder.

8 ~~15.1~~ 9. The reorganization of the district is complete upon the
9 filing of the ordinance pursuant to this section. The district
10 thereafter is subject to the provisions of NRS 474.010 to 474.450,
11 inclusive. Upon the completion of the reorganization of the district,
12 the district shall assume the debts, obligations, liabilities and assets
13 of the former district.

14 ~~16.1~~ 10. The board of county commissioners shall:

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

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

23 **Sec. 2.** This act becomes effective upon passage and approval.

