

ASSEMBLY BILL NO. 302—ASSEMBLYMEN KIRNER,
HICKEY; HANSEN, LIVERMORE AND WHEELER

MARCH 15, 2013

JOINT SPONSOR: SENATOR GUSTAVSON

Referred to Committee on Government Affairs

SUMMARY—Provides for the merger of certain fire protection districts in certain counties. (BDR 42-270)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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; providing for the merger of certain fire protection districts in certain counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides for the organization of a fire protection district by an
2 ordinance adopted by a board of county commissioners or by the approval of the
3 voters of a proposed fire protection district. (Chapter 474 of NRS) **Section 3** of this
4 bill requires the board of county commissioners in a county whose population is
5 less than 700,000 to consider an ordinance consolidating two or more contiguous
6 fire protection districts located entirely within that county if the board of county
7 commissioners: (1) is presented with a petition signed by a majority of the owners
8 of property within the districts; or (2) together with the governing body of each
9 district, approves a resolution proposing the consolidation of the districts. **Section 4**
10 of this bill specifies that a consolidated fire protection district is subject to certain
11 provisions relating to collective bargaining. **Section 4** also specifies that those
12 provisions do not apply to a consolidated fire protection district that contains fire
13 protection districts which executed an interlocal agreement to consolidate their
14 administration and operation before July 1, 2013. **Section 10** of this bill allows the
15 district emergency fund for a consolidated fire protection district to maintain a
16 balance of up to \$1,500,000.



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 the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *It is the public policy of the State of Nevada and the purpose of sections 2, 3 and 4 of this act, in a county whose population is less than 700,000, to promote:*

1. Efficiency in fire-fighting and emergency medical services; and

2. Dedicated ad valorem funding of those services.

Sec. 3. 1. *Two or more fire protection districts organized pursuant to NRS 474.460 which are contiguous to each other and which are located entirely within a county whose population is less than 700,000 may merge to form a consolidated fire protection district.*

2. The consolidation may be initiated by:

(a) A petition signed by a majority of the owners of property located within the fire protection districts that requests the consolidation of the fire protection districts; or

(b) A resolution proposing the consolidation of the fire protection districts that is approved by the board of county commissioners and by the governing body of each fire protection district.

3. If the board of county commissioners determines, after notice and a hearing, that the consolidation of the fire protection districts is feasible and in the best interests of the county and the fire protection districts, the board of county commissioners shall adopt an ordinance creating a consolidated fire protection district that includes all or any part of the area of the fire protection districts. The ordinance must include the name and the boundaries of the consolidated fire protection district.

4. The board of county commissioners shall cause a copy of any ordinance adopted pursuant to subsection 3 to be recorded in the office of the county recorder of the county in which the consolidated fire protection district is located.

5. All debts, obligations, liabilities, revenues, expenditures and assets of the former fire protection districts must be assumed or taken over by the consolidated fire protection district.

Sec. 4. 1. *A consolidated fire protection district organized pursuant to section 3 of this act and its employees are subject to the provisions of chapter 288 of NRS relating to collective bargaining, whether conducted with the consolidated fire protection district or another governmental entity serving as the*



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1 *local government employer pursuant to an interlocal agreement,*
2 *except that:*

3 *(a) The provisions of paragraph (l) of subsection 2 of NRS*
4 *288.150 do not apply;*

5 *(b) The provisions of NRS 288.215 relating to the submission*
6 *of written statements containing final offers in arbitration do not*
7 *apply, and the arbitrator must render his or her decision without*
8 *considering those statements; and*

9 *(c) Before consolidation, the bargaining units of the former*
10 *fire protection districts and the local government employer shall*
11 *negotiate the employee benefits that will apply upon consolidation.*

12 *2. A bargaining unit that existed in a former fire protection*
13 *district must continue to be the bargaining unit for its covered*
14 *employees in the consolidated fire protection district until a new*
15 *bargaining unit is created.*

16 *3. The provisions of this section do not apply to a*
17 *consolidated fire protection district that contains two fire*
18 *protection districts which, pursuant to an interlocal agreement,*
19 *consolidated their administrations and operations before*
20 *July 1, 2013, and subsequently consolidated pursuant to section 3*
21 *of this act.*

22 **Sec. 5.** NRS 474.460 is hereby amended to read as follows:

23 474.460 1. All territory in each county or consolidated
24 municipality not included in any other fire protection district, except
25 incorporated areas other than consolidated municipalities, may be
26 organized by ordinance by the board of county commissioners of the
27 county in which that territory lies into as many fire protection
28 districts as necessary to provide for the prevention and
29 extinguishment of fires in the county, until such time as that
30 territory may be included in another fire protection district formed
31 in accordance with the provisions of chapter 473 of NRS or NRS
32 474.010 to 474.450, inclusive **H**, *or sections 2, 3 and 4 of this act.*

33 2. Each such district:

34 (a) Is a political subdivision of the State; and

35 (b) Has perpetual existence unless dissolved as provided in this
36 chapter.

37 3. Each such district may:

38 (a) Sue and be sued, and be a party to suits, actions and
39 proceedings;

40 (b) Arbitrate claims; and

41 (c) Contract and be contracted with.

42 4. The board of county commissioners organizing each such
43 district is ex officio the governing body of each such district. The
44 governing body must be known as the board of fire commissioners.



1 5. The chair of the board of county commissioners is ex officio
2 the chair of each such district.

3 6. The county clerk is ex officio the clerk of each such district.

4 7. Unless the board of fire commissioners employs a treasurer,
5 the county treasurer is ex officio the treasurer of each such district.

6 **Sec. 6.** NRS 474.470 is hereby amended to read as follows:

7 474.470 The board of fire commissioners shall:

8 1. Manage and conduct the business and affairs of districts
9 organized pursuant to the provisions of NRS 474.460 ~~H~~ *or section*
10 *3 of this act.*

11 2. Adopt and enforce all rules and regulations necessary for the
12 administration and government of the districts and for the furnishing
13 of fire protection thereto, which may include regulations relating to
14 emergency medical services and fire prevention. The regulations
15 may include provisions that are designed to protect life and property
16 from:

17 (a) The hazards of fire and explosion resulting from the storage,
18 handling and use of hazardous substances, materials and devices;
19 and

20 (b) Hazardous conditions relating to the use or occupancy of any
21 premises.

22 ➤ Any regulation concerning hazardous substances, materials or
23 devices adopted pursuant to this section must be consistent with any
24 plan or ordinance concerning those substances, materials or devices
25 that is required by the Federal Government and has been adopted by
26 the board of county commissioners.

27 3. Organize, regulate, establish and disband fire companies,
28 departments or volunteer fire departments for the districts.

29 4. Provide for the payment of salaries to the personnel of those
30 fire companies or fire departments.

31 5. Provide for payment from the proper fund of all the debts
32 and just claims against the districts.

33 6. Employ agents and employees for the districts sufficient to
34 maintain and operate the property acquired for the purposes of the
35 districts.

36 7. Acquire real or personal property necessary for the purposes
37 of the districts and dispose of the property if no longer needed.

38 8. Construct any necessary structures.

39 9. Acquire, hold and possess, by donation or purchase, any
40 land or other property necessary for the purpose of the districts.

41 10. Eliminate and remove fire hazards from the districts if
42 practicable and possible, whether on private or public premises, and
43 to that end the board of fire commissioners may clear the public
44 highways and private lands of dry grass, stubble, brush, rubbish or



1 other inflammable material in its judgment constituting a fire
2 hazard.

3 11. Perform all other acts necessary, proper and convenient to
4 accomplish the purposes of NRS 474.460 to 474.540, inclusive **H**,
5 *and sections 2, 3 and 4 of this act.*

6 **Sec. 7.** NRS 474.480 is hereby amended to read as follows:

7 474.480 1. The board of fire commissioners shall plan for the
8 prevention and extinguishment of fires in the territory of the county
9 described by NRS 474.460, *and section 3 of this act*, in cooperation
10 with the State Forester Firewarden to coordinate the fire protection
11 activities of the districts with the fire protection provided by the
12 Division of Forestry of the State Department of Conservation and
13 Natural Resources and by federal agencies, in order that the State
14 Forester Firewarden may establish a statewide plan for the
15 prevention and control of large fires, mutual aid among the districts,
16 training of personnel, supply, finance and other purposes to promote
17 fire protection on a statewide basis.

18 2. Through inspection, the State Forester Firewarden may
19 recommend standardization of fire protection equipment and
20 facilities of the districts to facilitate mutual aid among the districts.

21 **Sec. 8.** NRS 474.495 is hereby amended to read as follows:

22 474.495 The board of fire commissioners of a district
23 organized pursuant to NRS 474.460 *or section 3 of this act* may:

24 1. Provide emergency medical services within the district; and

25 2. Purchase, acquire by donation or otherwise, lease, operate
26 and maintain ambulances if necessary, and may take out liability
27 and other insurance therefor. The board of fire commissioners may
28 employ trained personnel to operate those vehicles.

29 **Sec. 9.** NRS 474.500 is hereby amended to read as follows:

30 474.500 1. The board of fire commissioners may appoint a
31 district fire chief who shall have adequate training and experience in
32 fire control and who shall hire such employees as are authorized by
33 the board. The district fire chief shall administer all fire control laws
34 in the territory of the county described by NRS 474.460 *and section*
35 *3 of this act* and perform such other duties as may be designated by
36 the board of fire commissioners and the State Forester Firewarden.
37 The district fire chief shall coordinate fire protection activities in the
38 district and shall cooperate with all other existing fire protection
39 agencies and with the State Forester Firewarden for the
40 standardization of equipment and facilities.

41 2. In lieu of or in addition to the provisions of subsection 1, the
42 board of fire commissioners may:

43 (a) Provide the fire protection required by NRS 474.460 to
44 474.540, inclusive, *and sections 2, 3 and 4 of this act* to the districts
45 by entering into agreements with other agencies as provided by



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1 NRS 472.060 to 472.090, inclusive, and 277.180, for the furnishing
2 of such protection to the districts; or

3 (b) Support volunteer fire departments within districts organized
4 under the provisions of NRS 474.460 to 474.540, inclusive, *and*
5 *sections 2, 3 and 4 of this act* for the furnishing of such protection
6 to the districts.

7 **Sec. 10.** NRS 474.510 is hereby amended to read as follows:

8 474.510 1. The board of fire commissioners shall prepare an
9 annual budget in accordance with the provisions of NRS 354.470 to
10 354.626, inclusive, for each district organized in accordance with
11 NRS 474.460 ~~or~~ *or section 3 of this act.*

12 2. Each budget must be based on estimates of the amount of
13 money which will be needed to defray the expenses of the district
14 and to meet unforeseen emergencies and the amount of a fire
15 protection tax sufficient, together with the revenue which will result
16 from application of the rate to the net proceeds of minerals, to raise
17 such sums.

18 3. At the time of making the levy of county taxes for the year,
19 the board of county commissioners shall levy the tax provided by
20 subsection 2, upon all property, both real and personal, subject to
21 taxation within the boundaries of the district. Any tax levied on
22 interstate or intercounty telephone lines, power lines and other
23 public utility lines as authorized in this section must be based upon
24 valuations established by the Nevada Tax Commission pursuant to
25 the provisions of NRS 361.315 to 361.330, inclusive.

26 4. The amount of tax to be collected for the purposes of this
27 section must not exceed, in any 1 year, 1 percent of the value of the
28 property described in subsection 3 and any net proceeds of minerals
29 derived from within the boundaries of the district.

30 5. If levied, the tax must be entered upon the assessment roll
31 and collected in the same manner as state and county taxes. Taxes
32 may be paid in four approximately equal installments at the times
33 specified in NRS 361.483, and the same penalties as specified in
34 NRS 361.483 must be added for failure to pay the taxes.

35 6. For the purposes of NRS 474.460 to 474.540, inclusive, *and*
36 *sections 2, 3 and 4 of this act*, the treasurer of the district shall keep
37 two separate funds for each district, one to be known as the district
38 fire protection operating fund and one to be known as the district
39 emergency fund. The money collected to defray the expenses of any
40 district organized pursuant to NRS 474.460 *or section 3 of this act*
41 must be deposited in the district fire protection operating fund, and
42 the money collected to meet unforeseen emergencies must be
43 deposited in the district emergency fund. The district emergency
44 fund must be used solely for emergencies and must not be used for
45 regular operating expenses. The money deposited in the district



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1 emergency fund must not exceed the sum of \$1,000,000 ~~H~~ *for a*
2 *district organized pursuant to NRS 474.460 or \$1,500,000 for a*
3 *district organized pursuant to section 3 of this act.* Any interest
4 earned on the money in the district emergency fund that causes the
5 balance in that fund to exceed \$1,000,000 *or \$1,500,000, as*
6 *applicable*, must be credited to the district fire protection operating
7 fund.

8 7. For the purposes of subsection 6, an emergency includes,
9 without limitation, any event that:

10 (a) Causes widespread or severe damage to property or injury to
11 or the death of persons within the district;

12 (b) As determined by the district fire chief, requires immediate
13 action to protect the health, safety and welfare of persons who reside
14 within the district; and

15 (c) Requires the district to provide money to obtain a matching
16 grant from an agency of the Federal Government to repair damage
17 caused by a natural disaster that occurred within the district.

18 **Sec. 11.** NRS 474.511 is hereby amended to read as follows:

19 474.511 Any district organized pursuant to NRS 474.460, *or*
20 *section 3 of this act*, acting by and through the board of fire
21 commissioners, by resolution may at any time or from time to time
22 acquire:

23 1. A system of waterworks, hydrants and supplies of water.

24 2. Telegraphic signals for fire and telephone, telegraph, radio
25 and television service.

26 3. Fire engines and other vehicles.

27 4. Hooks, ladders, chutes, buckets, gauges, meters, hoses,
28 pumps, fire extinguishers, fans and artificial lights.

29 5. Respirators, rescue equipment, medical supplies and
30 equipment, other apparatus for fire fighting and protection from fire,
31 and other appurtenances.

32 6. Fixtures, structures, stations, other buildings and sites
33 therefor.

34 7. Land, interests in land, and improvements thereon for
35 firebreaks and other protection from fire.

36 8. Appurtenances and incidentals necessary, useful or desirable
37 for any such facilities, including all types of property therefor.

38 9. Any combination of the properties provided in this section.

39 **Sec. 12.** NRS 474.5115 is hereby amended to read as follows:

40 474.5115 The title to all property which may have been
41 acquired for a district organized pursuant to NRS 474.460 *or section*
42 *3 of this act* must be vested in the district.

43 **Sec. 13.** NRS 474.512 is hereby amended to read as follows:

44 474.512 For the purpose of defraying the cost of the
45 acquisition of any properties authorized by NRS 474.511, the board



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1 of fire commissioners, on the behalf and in the name of any district
2 organized pursuant to NRS 474.460, *or section 3 of this act*, may,
3 by resolution, at any time or from time to time, borrow money,
4 otherwise become obligated, and evidence or reevidence such
5 obligations by the issuance of bonds and other municipal securities
6 payable from general (ad valorem) taxes and constituting general
7 obligations of the district, as provided in the Local Government
8 Securities Law, subject to the limitations therein and in
9 NRS 474.514.

10 **Sec. 14.** NRS 474.514 is hereby amended to read as follows:
11 474.514 No indebtedness, as defined in NRS 350.586,
12 including outstanding indebtedness, shall be incurred by any district
13 organized pursuant to NRS 474.460 *or section 3 of this act* in an
14 aggregate principal amount exceeding 5 percent of the total last
15 assessed valuation of taxable property (excluding motor vehicles
16 and cattle) situated within the district.

17 **Sec. 15.** NRS 474.517 is hereby amended to read as follows:
18 474.517 All accounts, bills and demands against a district
19 organized pursuant to NRS 474.460 *or section 3 of this act* must be
20 audited, allowed and paid by the board of fire commissioners by
21 warrants drawn on the county treasurer or the treasurer of the
22 district. The county treasurer or, if authorized by the board of county
23 commissioners and the board of fire commissioners, the treasurer of
24 the district shall pay them in the order in which they are presented.

25 **Sec. 16.** NRS 474.520 is hereby amended to read as follows:
26 474.520 Upon dissolution of any fire protection district
27 organized under NRS 474.010 to 474.450, inclusive, as provided by
28 NRS 474.410 to 474.450, inclusive, the territory formerly included
29 in such district shall be subject to the provisions of NRS 474.460 to
30 474.540, inclusive *H*, *and sections 2, 3 and 4 of this act*. The
31 property of such dissolved fire protection district shall be retained
32 by the board of county commissioners for use for fire protection
33 purposes in the territory of the dissolved district.

34 **Sec. 17.** NRS 474.537 is hereby amended to read as follows:
35 474.537 1. A fire protection district organized pursuant to
36 NRS 474.460 *or section 3 of this act* may reorganize as a district
37 created wholly or in part for the purpose of furnishing fire protection
38 facilities pursuant to chapter 318 of NRS.

39 2. The reorganization may be initiated by:
40 (a) A petition signed by a majority of the owners of property
41 located within the district; or

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

44 3. If the board of county commissioners determines, after
45 notice and hearing, that the reorganization is feasible and in the best



1 interests of the county and the district, the board of county
2 commissioners shall adopt an ordinance reorganizing the district
3 pursuant to chapter 318 of NRS.

4 4. All debts, obligations, liabilities and assets of the former
5 district must be assumed or taken over by the reorganized district.

6 **Sec. 18.** NRS 474.540 is hereby amended to read as follows:

7 474.540 The activities of each district organized in accordance
8 with NRS 474.460 *or section 3 of this act* shall be separate and
9 apart from county activities and any other political subdivision in
10 this State.

11 **Sec. 19.** NRS 474.565 is hereby amended to read as follows:

12 474.565 1. The boundaries of two or more contiguous fire
13 protection districts located within a county and organized pursuant
14 to NRS 474.010 to 474.450, inclusive, or 474.460 *or section 3 of*
15 *this act* may be adjusted in the manner provided in this section so
16 that all or any part of the area of one such fire protection district is
17 excluded from that district and added to the area of another such fire
18 protection district.

19 2. The adjustment of the boundaries of fire protection districts
20 pursuant to this section must be approved by:

21 (a) A majority of the owners of property located within the
22 portions of those districts directly affected by the proposed
23 adjustment of boundaries; and

24 (b) Resolution of the board of county commissioners of the
25 county in which the districts are located, which resolution must also
26 be approved by the governing bodies of the fire protection districts
27 whose boundaries are proposed to be adjusted.

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

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

41 4. For the purposes of subsection 3, a board of county
42 commissioners shall not determine that a proposed adjustment of
43 boundaries is feasible and in the best interests of the county and the
44 districts whose boundaries are proposed to be adjusted unless the
45 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 any ordinance adopted pursuant to subsection 3 to be certified by the clerk of the board and filed immediately for record in the office of the county recorder.

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 district from which the area is excluded must be assumed by the district to which the area is added.

Sec. 20. 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 obligations, until all such obligations have been discharged in full or provisions for their payment and redemption have been fully made.

Sec. 21. This act becomes effective on July 1, 2013.

