

SENATE BILL NO. 318—SENATOR KIECKHEFER

MARCH 16, 2015

Referred to Committee on Government Affairs

SUMMARY—Provides for the consolidation of certain fire protection districts in certain counties. (BDR 42-833)

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 consolidation of certain fire protection districts located in a county whose population is less than 700,000 under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the organization of a fire protection district by an ordinance adopted by a board of county commissioners or by the approval of the voters of a proposed fire protection district. (Chapter 474 of NRS) **Section 3** of this bill authorizes a board of county commissioners of a county whose population is less than 700,000 (currently all counties other than Clark County) to consolidate two or more fire protection districts if: (1) each district is contiguous to at least one other district; (2) the territory of each district is located entirely within the county; and (3) the rates of certain taxes relating to fire protection levied by the board of county commissioners within each district are equal at the time of consolidation. **Section 3** provides that a consolidation may be initiated by the filing of a petition with the board of county commissioners by a majority of the owners of property within each such district or the adoption of a resolution by the board proposing the consolidation of the districts. **Section 3** requires the board of county commissioners upon receiving a petition or adopting a resolution to conduct a hearing and further requires the board to adopt an ordinance consolidating the fire protection districts if the board finds that the consolidation of the districts is feasible and in the best interests of the county and the districts. Upon the consolidation of two or more fire protection districts, **section 3** provides that owners of real and personal property located within the consolidated district are entitled to certain partial tax abatements to which the owners were otherwise entitled prior to consolidation.

Existing law requires the treasurer of a fire protection district created by county ordinance to maintain a fire protection operating fund and a district emergency fund. (NRS 474.510) **Section 9** of this bill prohibits the balance of the district



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24 emergency fund for a consolidated fire protection district organized pursuant to
25 **section 3** from exceeding the sum of \$1,500,000.

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

1 **Section 1.** Chapter 474 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

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

6 1. *Efficiency in fire fighting and emergency medical services;*
7 *and*

8 2. *Dedicated ad valorem funding of those services.*

9 **Sec. 3.** 1. *The board of county commissioners of a county*
10 *whose population is less than 700,000 may consolidate two or*
11 *more fire protection districts organized pursuant to NRS 474.460*
12 *if:*

13 (a) *Each district is contiguous to at least one other district*
14 *subject to the consolidation;*

15 (b) *The territory of each district is located entirely within the*
16 *county; and*

17 (c) *The rates of the taxes levied by the board of county*
18 *commissioners pursuant to NRS 474.510 and 474.515,*
19 *respectively, are equal in each district at the time of consolidation.*

20 2. *The consolidation may be initiated by:*

21 (a) *The filing with the board of county commissioners of a*
22 *petition signed by a majority of the owners of property located*
23 *within the fire protection districts proposed for consolidation; or*

24 (b) *The adoption by the board of county commissioners of a*
25 *resolution proposing the consolidation of the fire protection*
26 *districts.*

27 3. *The board of county commissioners shall, after receiving a*
28 *petition filed pursuant to paragraph (a) of subsection 2 or*
29 *adopting a resolution pursuant to paragraph (b) of subsection 2,*
30 *conduct a hearing to determine whether consolidation of the fire*
31 *protection districts is feasible and in the best interests of the*
32 *county and the fire protection districts. If the board of county*
33 *commissioners determines that the consolidation of the fire*
34 *protection districts is feasible and in the best interests of the*
35 *county and the fire protection districts, the board of county*
36 *commissioners shall adopt an ordinance creating a consolidated*
37 *fire protection district that includes all of the area of the fire*
38 *protection districts. The ordinance must include the name and*
39 *identify 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.

6. If two or more fire protection districts are consolidated pursuant to this section, each owner of real or personal property that is located within the consolidated fire protection district and that is subject to taxation pursuant to NRS 474.510 and 474.515 is entitled after the consolidation to any partial abatement of taxes provided by NRS 361.4722, 361.4723 and 361.4724 to which the owner was entitled immediately prior to the date of the consolidation for those taxes levied against the owner's real or personal property pursuant to NRS 474.510 and 474.515.

Sec. 4. NRS 474.460 is hereby amended to read as follows:

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

2. Each such district:

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

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

3. Each such district may:

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

(b) Arbitrate claims; and

(c) Contract and be contracted with.

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

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

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

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



Sec. 5. NRS 474.470 is hereby amended to read as follows:

474.470 The board of fire commissioners shall:

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

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

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

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

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

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

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

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

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

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

8. Construct any necessary structures.

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

10. Eliminate and remove fire hazards from the districts if practicable and possible, whether on private or public premises, and to that end the board of fire commissioners may clear the public highways and private lands of dry grass, stubble, brush, rubbish or other inflammable material in its judgment constituting a fire hazard.

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



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

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

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

Sec. 7. NRS 474.495 is hereby amended to read as follows:

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

1. Provide emergency medical services within the district; and

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

Sec. 8. NRS 474.500 is hereby amended to read as follows:

474.500 1. The board of fire commissioners may appoint a district fire chief who ~~shall have adequate training and experience~~ *is adequately trained and experienced* in fire control. ~~and who~~ *A district fire chief appointed pursuant to this subsection* shall hire such employees as are authorized by the board, ~~[- The district fire chief shall]~~ administer all fire control laws in the territory of the county described by NRS 474.460 *and section 3 of this act* and perform such other duties as may be designated by the board of fire commissioners and the State Forester Firewarden. The district fire chief shall coordinate fire protection activities in the district and shall cooperate with all other existing fire protection agencies and with the State Forester Firewarden for the standardization of equipment and facilities.

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

(a) Provide the fire protection required by NRS 474.460 to 474.540, inclusive, *and sections 2 and 3 of this act* to the districts by entering into agreements with other agencies as provided by NRS 472.060 to 472.090, inclusive, and 277.180, for the furnishing of such protection to the districts; or



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

Sec. 9. NRS 474.510 is hereby amended to read as follows:

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

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

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

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

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

6. For the purposes of NRS 474.460 to 474.540, inclusive, *and sections 2 and 3 of this act*, the treasurer of the district shall keep two separate funds for each district, one to be known as the district fire protection operating fund and one to be known as the district emergency fund. The money collected to defray the expenses of any district organized pursuant to NRS 474.460 *or section 3 of this act* must be deposited in the district fire protection operating fund, and the money collected to meet unforeseen emergencies must be deposited in the district emergency fund. The district emergency fund must be used solely for emergencies and must not be used for regular operating expenses. The money deposited in the district emergency fund must not exceed the sum of \$1,000,000 *or \$1,500,000 for a district organized pursuant to NRS 474.460 or \$1,500,000 for a*



district organized pursuant to section 3 of this act. Any interest earned on the money in the district emergency fund that causes the balance in that fund to exceed \$1,000,000 *or \$1,500,000, as applicable,* must be credited to the district fire protection operating fund.

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

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

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

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

Sec. 10. NRS 474.511 is hereby amended to read as follows:

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

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

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

3. Fire engines and other vehicles.

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

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

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

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

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

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

Sec. 11. NRS 474.5115 is hereby amended to read as follows:

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

Sec. 12. NRS 474.512 is hereby amended to read as follows:

474.512 For the purpose of defraying the cost of the acquisition of any properties authorized by NRS 474.511, the board of fire commissioners, on the behalf and in the name of any district organized pursuant to NRS 474.460 *or section 3 of this act,* may,



1 by resolution, at any time or from time to time, borrow money,
2 otherwise become obligated, and evidence or reevidence such
3 obligations by the issuance of bonds and other municipal
4 securities payable from general (ad valorem) taxes and constituting
5 general obligations of the district, as provided in the Local
6 Government Securities Law, subject to the limitations therein and in
7 NRS 474.514.

8 **Sec. 13.** NRS 474.514 is hereby amended to read as follows:

9 474.514 No indebtedness, as defined in NRS 350.586,
10 including outstanding indebtedness, shall be incurred by any district
11 organized pursuant to NRS 474.460 *or section 3 of this act* in an
12 aggregate principal amount exceeding 5 percent of the total last
13 assessed valuation of taxable property (excluding motor vehicles
14 and cattle) situated within the district.

15 **Sec. 14.** NRS 474.517 is hereby amended to read as follows:

16 474.517 All accounts, bills and demands against a district
17 organized pursuant to NRS 474.460 *or section 3 of this act* must be
18 audited, allowed and paid by the board of fire commissioners by
19 warrants drawn on the county treasurer or the treasurer of the
20 district. The county treasurer or, if authorized by the board of county
21 commissioners and the board of fire commissioners, the treasurer of
22 the district shall pay them in the order in which they are presented.

23 **Sec. 15.** NRS 474.520 is hereby amended to read as follows:

24 474.520 Upon dissolution of any fire protection district
25 organized under NRS 474.010 to 474.450, inclusive, as provided by
26 NRS 474.410 to 474.450, inclusive, the territory formerly included
27 in such district shall be subject to the provisions of NRS 474.460 to
28 474.540, inclusive *H , and sections 2 and 3 of this act*. The
29 property of such dissolved fire protection district shall be retained
30 by the board of county commissioners for use for fire protection
31 purposes in the territory of the dissolved district.

32 **Sec. 16.** NRS 474.535 is hereby amended to read as follows:

33 474.535 1. A fire protection district established pursuant to
34 NRS 474.460 to 474.540, inclusive, *and sections 2 and 3 of this*
35 *act*, which has been in existence for at least 10 years, may be
36 reorganized as a fire protection district subject to the provisions of
37 NRS 474.010 to 474.450, inclusive, in the manner provided in this
38 section.

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

40 (a) A petition signed by at least a majority of the owners of
41 property 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, after notice and a hearing, the board of county
45 commissioners determines that the reorganization of the district is in



1 the best interests of the county and the district, it shall adopt an
2 ordinance reorganizing the district. The ordinance must include the
3 name and boundaries of the district.

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

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

13 6. The board of county commissioners shall:

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

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

22 **Sec. 17.** NRS 474.537 is hereby amended to read as follows:

23 474.537 1. A fire protection district organized pursuant to
24 NRS 474.460 *or section 3 of this act* may reorganize as a district
25 created wholly or in part for the purpose of furnishing fire protection
26 facilities pursuant to chapter 318 of NRS.

27 2. The reorganization may be initiated by:

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

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

32 3. If the board of county commissioners determines, after
33 notice and hearing, that the reorganization is feasible and in the best
34 interests of the county and the district, the board of county
35 commissioners shall adopt an ordinance reorganizing the district
36 pursuant to chapter 318 of NRS.

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

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

40 474.540 The activities of each district organized in accordance
41 with NRS 474.460 *or section 3 of this act* shall be separate and
42 apart from county activities and any other political subdivision in
43 this State.



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

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

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

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

(b) Resolution of the board of county commissioners of the county in which the districts are located, which resolution must also be approved by the governing bodies of the fire protection districts whose boundaries are proposed to be 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 adjustment of boundaries is feasible and in the best interests of the county and the districts whose boundaries are proposed to be adjusted, the board of county commissioners shall adopt an ordinance adjusting the boundaries of those districts. The ordinance must include the name and boundaries of 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 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, 2015.

