
ASSEMBLY BILL NO. 535—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF WASHOE COUNTY)

MARCH 29, 2005

Referred to Committee on Government Affairs

SUMMARY—Authorizes county fire protection district, under certain circumstances, to annex all or part of fire protection district receiving federal aid. (BDR 42-456)

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; authorizing a county fire protection district, under certain circumstances, to annex all or part of a fire protection district receiving federal aid; and providing other matters properly relating thereto.

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 to 12, inclusive, of this
3 act.
4 **Sec. 2.** *As used in sections 2 to 12, inclusive, of this act,*
5 *unless the context otherwise requires, the words and terms defined*
6 *in sections 3 to 6, inclusive, of this act have the meanings ascribed*
7 *to them in those sections.*
8 **Sec. 3.** *“Annexing district” means a county fire protection*
9 *district organized pursuant to this chapter that transmits a*
10 *resolution to the State Forester Firewarden pursuant to subsection*
11 *1 of section 7 of this act in which the district proposes to annex all*
12 *or a designated portion of a fire protection district organized as*
13 *provided in chapter 473 of NRS.*



1 **Sec. 4.** *“Ceding district” means a fire protection district*
2 *organized as provided in chapter 473 of NRS, all or a designated*
3 *portion of which is proposed to be annexed by an annexing*
4 *district.*

5 **Sec. 5.** *“District board of directors” means the board of*
6 *directors of a fire protection district organized as provided in*
7 *chapter 473 of NRS.*

8 **Sec. 6.** *“Governing board” means:*

9 1. *In the case of a county fire protection district organized*
10 *pursuant to NRS 474.010 to 474.450, inclusive, the board of*
11 *directors of the district.*

12 2. *In the case of a county fire protection district organized*
13 *pursuant to NRS 474.460 to 474.540, inclusive, the board of fire*
14 *commissioners of the district.*

15 **Sec. 7.** 1. *The governing board of a county fire protection*
16 *district organized pursuant to this chapter may adopt and transmit*
17 *to the State Forester Firewarden a resolution stating the intent of*
18 *the district to annex all or a designated portion of a fire protection*
19 *district organized in the manner provided in chapter 473 of NRS.*

20 2. *Upon receipt of a resolution pursuant to subsection 1, the*
21 *State Forester Firewarden shall determine whether the dissolution*
22 *of the ceding district or the exclusion of a designated portion of*
23 *the ceding district is feasible and would promote the best interests*
24 *of the public.*

25 3. *If the State Forester Firewarden determines pursuant to*
26 *subsection 2 that the dissolution or exclusion is not feasible or*
27 *would not promote the best interests of the public, or both:*

28 (a) *The State Forester Firewarden shall disapprove the*
29 *resolution, rendering his decision in writing and setting forth the*
30 *reasons therefor, and cause notice of his decision to be given to:*

31 (1) *The governing board of the annexing district; and*

32 (2) *The district board of directors of the ceding district; and*

33 (b) *The governing board of the annexing district shall take no*
34 *further action regarding the proposed annexation.*

35 4. *If the State Forester Firewarden determines pursuant to*
36 *subsection 2 that the dissolution or exclusion is feasible and would*
37 *promote the best interests of the public, the State Forester*
38 *Firewarden shall approve the resolution, rendering his decision in*
39 *writing and setting forth the reasons therefor, and cause notice of*
40 *his decision to be given to:*

41 (a) *The governing board of the annexing district; and*

42 (b) *The district board of directors of the ceding district.*

43 **Sec. 8.** 1. *After receiving notice in writing from the State*
44 *Forester Firewarden pursuant to subsection 4 of section 7 of this*
45 *act, the governing board of the annexing district shall hold a*



1 *public hearing at which parties in interest and other persons have*
2 *an opportunity to be heard.*

3 2. *The governing board shall cause notice of the time and*
4 *place of the hearing to be, at least 10 days before the hearing:*

5 (a) *Published in an official newspaper, or a newspaper of*
6 *general circulation, in the county or region; and*

7 (b) *Mailed to each person who owns property within the*
8 *territory proposed to be annexed.* 3. *Any person who owns*
9 *property within the territory proposed to be annexed may, on or*
10 *before the date of the hearing, protest the annexation in writing.*

11 4. *After holding the hearing described in subsection 1, the*
12 *governing board of the annexing district shall determine whether:*

13 (a) *Written protest has been made by the owners of a majority*
14 *of separate parcels of property within the territory proposed to be*
15 *annexed; and*

16 (b) *In consideration of such factors as the governing board*
17 *deems pertinent, the proposed annexation remains desirable,*
18 *economically sound and feasible.*

19 5. *If the governing board of the annexing district determines*
20 *pursuant to subsection 4 that written protest has been made by the*
21 *owners of a majority of separate parcels of property within the*
22 *territory proposed to be annexed, or that the proposed annexation*
23 *is no longer desirable, economically sound and feasible, the*
24 *governing board:*

25 (a) *Shall rescind the resolution it transmitted to the State*
26 *Forester Firewarden pursuant to subsection 1 of section 7 of this*
27 *act; and*

28 (b) *Shall take no further action regarding the proposed*
29 *annexation.*

30 6. *If the governing board of the annexing district determines*
31 *pursuant to subsection 4 that written protest has not been made by*
32 *the owners of a majority of separate parcels of property within the*
33 *territory proposed to be annexed, and that the proposed*
34 *annexation remains desirable, economically sound and feasible,*
35 *the governing board shall:*

36 (a) *Ratify the resolution it transmitted to the State Forester*
37 *Firewarden pursuant to subsection 1; and*

38 (b) *Transmit the resolution so ratified to the district board of*
39 *directors of the ceding district.*

40 **Sec. 9. 1.** *Upon receipt of the ratified resolution from the*
41 *governing board of the annexing district pursuant to subsection 6*
42 *of section 8 of this act, the district board of directors of the ceding*
43 *district shall prepare a resolution that:*

44 (a) *Describes the territory of the district or the applicable*
45 *portion thereof;*



1 (b) Dissolves the district or excludes the applicable portion
2 thereof; and

3 (c) Annexes the territory of the dissolved district, or the
4 territory excluded from the district, to the annexing district.

5 2. Upon adoption of the resolution prepared pursuant to
6 subsection 1, the district board of directors of the ceding district
7 shall, as soon as practicable:

8 (a) Notify the State Forester Firewarden of the resolution; and

9 (b) Dissolve the ceding district or exclude the designated
10 portion.

11 3. Upon dissolution or exclusion, the dissolved district or
12 excluded portion is subject to, as applicable:

13 (a) The provisions of NRS 474.010 to 474.450, inclusive, if the
14 annexing district was organized pursuant to those sections; or

15 (b) The provisions of NRS 474.460 to 474.540, inclusive, if the
16 annexing district was organized pursuant to those sections.

17 **Sec. 10.** The State Forester Firewarden shall adopt
18 regulations for forest, watershed and brush fire control in the
19 territory of the dissolved district or excluded portion to meet the
20 terms and requirements for federal aid as defined in NRS 473.010,
21 and shall continue to administer this function, directly or
22 indirectly, as he may consider in the best interest of the State.

23 **Sec. 11.** The property and facilities of the dissolved district or
24 excluded portion become the property of the county or the
25 annexing district in which the territory lies in a manner
26 determined by the State Forester Firewarden to comply with state
27 and federal laws and regulations.

28 **Sec. 12.** The provisions of NRS 474.440 apply to any
29 outstanding or bonded indebtedness of the ceding district at the
30 time of its dissolution or the exclusion of territory.

31 **Sec. 13.** NRS 474.325 is hereby amended to read as follows:

32 474.325 The boundaries of any county fire protection district
33 formed under NRS 474.010 to 474.450, inclusive, may be altered
34 and new territory annexed thereto, incorporated and included
35 therein, and made a part thereof in the manner provided in :

36 1. NRS 474.335 to 474.395, inclusive ~~;~~; or

37 2. Sections 2 to 12, inclusive, of this act.

38 **Sec. 14.** This act becomes effective upon passage and
39 approval.

