
ASSEMBLY BILL NO. 34—COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE DIVISION OF FORESTRY)

PREFILED DECEMBER 20, 2014

Referred to Committee on Government Affairs

SUMMARY—Repeals provisions governing certain fire protection districts and fire safety. (BDR 42-369)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

CONTAINS UNFUNDED MANDATE (§ 12)
(REQUESTED BY AFFECTED LOCAL GOVERNMENT)

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to fire safety; repealing provisions governing certain fire protection districts; reenacting certain of those provisions relating to fire safety; authorizing the State Land Registrar to transfer title to certain real property owned by the State of Nevada to certain local fire protection districts and counties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides for the creation of certain fire protection districts by
2 petition to the State Forester Firewarden. (Chapter 473 of NRS) The functions of
3 those districts are currently being transferred to other local government entities.
4 Accordingly, **section 15** of this bill repeals the provisions of chapter 473 of NRS.
5 Certain provisions of that chapter relating to fire safety are reenacted in chapter 472
6 of NRS by **sections 2-5** of this bill. **Sections 6-10** of this bill make conforming
7 changes.

8 Existing law authorizes the State Land Registrar to transfer any interest in land
9 owned by the State of Nevada. (NRS 321.003) **Sections 11-13** of this bill authorize
10 the State Land Registrar to transfer title to certain real property owned by the State,
11 with certain restrictions, to certain local fire protection districts and counties as the
12 result of the dissolution of the fire protection districts created pursuant to chapter
13 473 of NRS.



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

1 **Section 1.** Chapter 472 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 5, inclusive, of this
3 act.

4 **Sec. 2. 1.** *The State Forester Firewarden may prohibit or*
5 *restrict the following activities on any lands within the jurisdiction*
6 *of the State Forester Firewarden when a danger to public safety or*
7 *natural resources exists because of conditions which create a high*
8 *risk of fire:*

9 (a) *The operation in an area of timber, brush or grass of a*
10 *motor vehicle or other item of equipment powered by a motor:*

11 (1) *If the motor does not have a spark arrestor as required*
12 *by law; or*

13 (2) *If the operator does not have in his or her possession an*
14 *ax, shovel and at least 1 gallon of water;*

15 (b) *The operation in an area of timber, brush or grass of a*
16 *motor vehicle off an existing paved, gravel or dirt road;*

17 (c) *The smoking of tobacco or other substances in any place*
18 *other than a motor vehicle or an area cleared of flammable*
19 *vegetation;*

20 (d) *Setting an open fire in any place other than in a fireplace*
21 *located in an established picnic area or campground; or*

22 (e) *Other activities, if specified in regulations adopted by the*
23 *State Forester Firewarden and the prohibition or restriction is*
24 *related to reducing a high risk of fire,*

25 ↪ *but these prohibitions and restrictions do not apply in*
26 *established campgrounds or picnic areas, beaches or places of*
27 *habitation or to travel on state or federal highways.*

28 2. *The State Forester Firewarden shall make a public*
29 *announcement and post signs in any area where the State Forester*
30 *Firewarden has prohibited or restricted any activities.*

31 3. *The State Forester Firewarden shall, upon finding that a*
32 *danger to public safety or to natural resources no longer exists,*
33 *make known to the public the end of any prohibition or restriction*
34 *in that area.*

35 4. *The provisions of this section apply only to specified*
36 *prohibitions or restrictions and do not confer upon the State*
37 *Forester Firewarden the power to prohibit access to land.*

38 5. *Any person violating any of the provisions of this section is*
39 *guilty of a misdemeanor.*

40 **Sec. 3.** *Except as otherwise provided in NRS 527.126, any*
41 *person, firm, association or agency which, personally or through*
42 *another, willfully, negligently or in violation of the law:*



1 1. Sets fire to the property, whether privately or publicly
2 owned, of another;

3 2. Allows fire to be set to the property, whether privately or
4 publicly owned, of another; or

5 3. Allows a fire kindled or attended by the person, firm,
6 association or agency to escape to the property, whether privately
7 or publicly owned, of another,

8 ↳ is liable to the owner of the property for the damages caused by
9 the fire.

10 **Sec. 4.** Any person, firm, association or agency responsible
11 for causing any fire or other emergency which threatens human
12 life may be charged with the expenses incurred in extinguishing
13 the fire or meeting the emergency, together with the cost of
14 necessary patrol. This charge constitutes a debt of the person,
15 firm, association or agency charged and is collectible by the
16 federal, state or county agency incurring such expenses in the
17 same manner as in the case of an obligation under a contract,
18 express or implied.

19 **Sec. 5.** 1. Except as otherwise provided in this section and
20 NRS 527.126, it is unlawful for any person, firm, association,
21 corporation or agency to burn, or cause to be burned, any brush,
22 grass, logs or any other inflammable material, or blast with
23 dynamite, powder or other explosive, or set off fireworks, or
24 operate a welding torch, tarpot or any other device that may cause
25 a fire in forest, grass or brush, either on the land of the person,
26 firm, association, corporation or agency or on the land of another,
27 or on public land, unless the burning or act is done under a
28 written permit from the State Forester Firewarden or the State
29 Forester Firewarden's duly authorized agent and in strict
30 accordance with the terms of the permit.

31 2. Written permission is not necessary:

32 (a) At any time during the year when the State Forester
33 Firewarden determines that no fire hazard exists.

34 (b) To burn materials in screened, safe incinerators, or in
35 incinerators approved by the local governmental jurisdiction, the
36 State Forester Firewarden or the State Forester Firewarden's duly
37 authorized agent, or in small heaps or piles, where the fire is set
38 on a public road, corrals, gardens or ploughed fields, and at a
39 distance not less than 100 feet from any woodland, timber or
40 brush-covered land or field containing dry grass or other
41 inflammable material with at least one adult person in actual
42 attendance at the fire at all times during its burning.

43 3. This section does not prevent the issuance of an annual
44 permit to any public utility covering its usual and emergency
45 operation and maintenance work.



1 4. *This section does not prevent the building of necessary*
2 *controlled small camp and branding fires if caution is taken to*
3 *make certain that the fire is extinguished before leaving. In any*
4 *case where the fire escapes and does injury to the property of*
5 *another, the escape and injury are prima facie evidence of a*
6 *violation of this section.*

7 5. *The provisions of this section apply only to areas of land*
8 *that are outside of incorporated cities and towns.*

9 6. *Any person, firm, association, corporation or agency*
10 *violating any of the provisions of this section is guilty of a*
11 *misdemeanor.*

12 **Sec. 6.** NRS 472.040 is hereby amended to read as follows:

13 472.040 1. The State Forester Firewarden shall:

14 (a) Supervise or coordinate all forestry and watershed work on
15 state-owned and privately owned lands, including fire control, in
16 Nevada, working with federal agencies, private associations,
17 counties, towns, cities or private persons.

18 (b) Administer all fire control laws and all forestry laws in
19 Nevada outside of townsite boundaries, and perform any other
20 duties designated by the Director of the State Department of
21 Conservation and Natural Resources or by state law.

22 (c) Assist and encourage county or local fire protection districts
23 to create legally constituted fire protection districts where they are
24 needed and offer guidance and advice in their operation.

25 (d) Designate the boundaries of each area of the State where the
26 construction of buildings on forested lands creates such a fire hazard
27 as to require the regulation of roofing materials.

28 (e) Adopt and enforce regulations relating to standards for fire
29 retardant roofing materials to be used in the construction, alteration,
30 change or repair of buildings located within the boundaries of fire
31 hazardous forested areas.

32 (f) Purchase communication equipment which can use the
33 microwave channels of the state communications system and store
34 this equipment in regional locations for use in emergencies.

35 (g) Administer money appropriated and grants awarded for fire
36 prevention, fire control and the education of firefighters and award
37 grants of money for those purposes to fire departments and
38 educational institutions in this State.

39 (h) Determine the amount of wages that must be paid to
40 offenders who participate in conservation camps and who perform
41 work relating to fire fighting and other work projects of
42 conservation camps.

43 (i) Cooperate with the State Fire Marshal in the enforcement of
44 all laws and the adoption of regulations relating to the prevention of
45 fire through the management of vegetation in counties located



1 within or partially within the Lake Tahoe Basin and the Lake Mead
2 Basin.

3 (j) Assess the codes, rules and regulations which are adopted by
4 other agencies that have specific regulatory authority within the
5 Lake Tahoe Basin and the Lake Mead Basin, and which are not
6 subject to the authority of a state or local fire agency, for
7 consistency with fire codes, rules and regulations.

8 (k) Ensure that any adopted regulations are consistent with those
9 of fire protection districts created pursuant to chapter 318 ~~[, 473]~~ or
10 474 of NRS.

11 (l) Upon the request of the State Engineer, review a plan
12 submitted with an application for the issuance of a temporary permit
13 pursuant to NRS 533.436.

14 2. The State Forester Firewarden in carrying out the provisions
15 of this chapter may:

16 (a) Appoint paid foresters and firewardens to enforce the
17 provisions of the laws of this State respecting forest and watershed
18 management or the protection of forests and other lands from fire,
19 subject to the approval of the board of county commissioners of
20 each county concerned.

21 (b) Appoint suitable citizen-wardens. Citizen-wardens serve
22 voluntarily except that they may receive compensation when an
23 emergency is declared by the State Forester Firewarden.

24 (c) Appoint, upon the recommendation of the appropriate federal
25 officials, resident officers of the United States Forest Service and
26 the United States Bureau of Land Management as voluntary
27 firewardens. Voluntary firewardens are not entitled to compensation
28 for their services.

29 (d) Appoint certain paid foresters or firewardens to be arson
30 investigators.

31 (e) Employ, with the consent of the Director of the State
32 Department of Conservation and Natural Resources, clerical
33 assistance, county and district coordinators, patrol officers,
34 firefighters, and other employees as needed, and expend such sums
35 as may be necessarily incurred for this purpose.

36 (f) Purchase, or acquire by donation, supplies, material,
37 equipment and improvements necessary to fire protection and forest
38 and watershed management.

39 (g) With the approval of the Director of the State Department of
40 Conservation and Natural Resources and the State Board of
41 Examiners, purchase or accept the donation of real property to be
42 used for lookout sites and for other administrative, experimental or
43 demonstration purposes. No real property may be purchased or
44 accepted unless an examination of the title shows the property to be
45 free from encumbrances, with title vested in the grantor. The title to



1 the real property must be examined and approved by the Attorney
2 General.

3 (h) Expend any money appropriated by the State to the Division
4 of Forestry of the State Department of Conservation and Natural
5 Resources for paying expenses incurred in fighting fires or in
6 emergencies which threaten human life.

7 3. The State Forester Firewarden, in carrying out the powers
8 and duties granted in this section, is subject to administrative
9 supervision by the Director of the State Department of Conservation
10 and Natural Resources.

11 **Sec. 7.** NRS 472.041 is hereby amended to read as follows:

12 472.041 1. The State Forester Firewarden may ~~f~~:

13 ~~—(a) In a district formed pursuant to NRS 473.034; and~~

14 ~~—(b) In~~, *in* an area designated pursuant to paragraph (d) of
15 subsection 1 of NRS 472.040, including, without limitation, any
16 land within the 1/2-mile radius surrounding such an area,

17 ~~f~~ enforce all regulations relating to the reduction of brush, dense
18 undergrowth and other vegetation around and adjacent to a structure
19 to reduce the exposure of the structure to fire and radiant heat and
20 increase the ability of firefighters to protect the structure.

21 2. The enforcement of these provisions must permit the
22 planting of grass, trees, ornamental shrubbery or other plants used to
23 stabilize the soil and prevent erosion so long as the plants do not
24 form a means of rapidly transmitting fire from native growth to any
25 structure.

26 **Sec. 8.** NRS 474.460 is hereby amended to read as follows:

27 474.460 1. All territory in each county or consolidated
28 municipality not included in any other fire protection district, except
29 incorporated areas other than consolidated municipalities, may be
30 organized by ordinance by the board of county commissioners of the
31 county in which that territory lies into as many fire protection
32 districts as necessary to provide for the prevention and
33 extinguishment of fires in the county, until such time as that
34 territory may be included in another fire protection district formed
35 in accordance with the provisions of ~~chapter 473 of NRS or~~ NRS
36 474.010 to 474.450, inclusive.

37 2. Each such district:

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

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

41 3. Each such district may:

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

44 (b) Arbitrate claims; and

45 (c) Contract and be contracted with.



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

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

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

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

9 **Sec. 9.** NRS 332.015 is hereby amended to read as follows:

10 332.015 For the purpose of this chapter, unless the context
11 otherwise requires, "local government" means:

12 1. Every political subdivision or other entity which has the
13 right to levy or receive money from ad valorem taxes or other taxes
14 or from any mandatory assessments, including counties, cities,
15 towns, school districts and other districts organized pursuant to
16 chapters 244, 309, 318, 379, 450, ~~473,~~ 474, 539, 541, 543 and 555
17 of NRS.

18 2. The Las Vegas Valley Water District created pursuant to the
19 provisions of chapter 167, Statutes of Nevada 1947, as amended.

20 3. County fair and recreation boards and convention authorities
21 created pursuant to the provisions of NRS 244A.597 to 244A.655,
22 inclusive.

23 4. District boards of health created pursuant to the provisions
24 of NRS 439.362 or 439.370.

25 5. The Nevada Rural Housing Authority.

26 **Sec. 10.** NRS 354.760 is hereby amended to read as follows:

27 354.760 1. All invoices or other notices issued by a local
28 government to collect an account receivable must state that if the
29 debtor wishes to pay by check or other negotiable instrument, such
30 negotiable instrument must name as payee:

31 (a) The local government; or

32 (b) The title of the governmental official charged by law with
33 the collection of such accounts.

34 ➤ In no event may the invoice or other notice state that a check or
35 other negotiable instrument may name a natural person as payee.

36 2. Notwithstanding the provisions of subsection 1, a local
37 government may deposit into the appropriate account a check or
38 other negotiable instrument which it determines is intended as
39 payment for an account receivable.

40 3. As used in this section, "local government" means every
41 political subdivision or other entity which has the right to levy or
42 receive money from ad valorem taxes or other taxes or from any
43 mandatory assessments, including, without limitation, counties,
44 cities, towns, boards, authorities, school districts and other districts



1 organized pursuant to chapters 244, 244A, 309, 318, 379, 439, 450,
2 ~~[473,]~~ 474, 539, 541, 543 and 555 of NRS.

3 **Sec. 11.** The State Land Registrar may transfer to:

4 1. The Elko County Fire Protection District, without
5 consideration, all the interest of the State of Nevada in the real
6 property described in subsection 1 of section 13 of this act. If the
7 real property is transferred pursuant to this subsection, the Elko
8 County Fire Protection District shall pay the costs relating to the
9 transfer of the real property.

10 2. The Truckee Meadows Fire Protection District, without
11 consideration, all the interest of the State of Nevada in the real
12 property described in subsection 2 of section 13 of this act. If the
13 real property is transferred pursuant to this subsection, the Truckee
14 Meadows Fire Protection District shall pay the costs relating to the
15 transfer of the real property.

16 3. Clark County, without consideration, all the interest of the
17 State of Nevada in the real property described in subsection 3 of
18 section 13 of this act. If the real property is transferred pursuant to
19 this subsection, Clark County shall pay the costs relating to the
20 transfer of the real property.

21 4. The Storey County Fire Protection District, without
22 consideration, all the interest of the State of Nevada in the real
23 property described in subsection 4 of section 13 of this act. If the
24 real property is transferred pursuant to this subsection, the Storey
25 County Fire Protection District shall pay the costs relating to the
26 transfer of the real property.

27 **Sec. 12.** If real property is transferred pursuant to section 11 of
28 this act, the deed from the State of Nevada to the fire protection
29 district or county, as applicable, must, subject to any easement,
30 condition or other encumbrance of record:

31 1. Include restrictions:

32 (a) Requiring that the use of the property be for the provision of
33 services for fire protection and related public safety services; and

34 (b) Prohibiting the fire protection district or county receiving the
35 real property or any successor in title from transferring the property
36 without the consent of the State of Nevada.

37 2. Provide for the reversion of title to the property to the
38 State of Nevada upon the breach of any restriction specified in
39 subsection 1.

40 **Sec. 13.** 1. The real property that may be transferred to the
41 Elko County Fire Protection District pursuant to subsection 1 of
42 section 11 of this act contains approximately 1.25 acres and is
43 commonly known as the Independence Valley Volunteer Fire
44 Station. Such real property may be described as follows:



1 The north half (N 1/2) of the northeast quarter (NE 1/4) of the
2 southeast quarter (SE 1/4) of the northeast quarter (NE 1/4) of
3 the southwest quarter (SW 1/4) of section 3, Township 39
4 North, Range 52 East, M.D.B. & M.
5

6 2. The real property that may be transferred to the Truckee
7 Meadows Fire Protection District pursuant to subsection 2 of section
8 11 of this act contains approximately 1.875 acres and is commonly
9 known as the Mount Rose Fire Station. Such real property may be
10 described as follows:
11

12 The west half (W 1/2) of the southwest quarter (SW 1/4) of
13 the southeast quarter (SE 1/4) of the southeast quarter
14 (SE 1/4) of the southeast quarter (SE 1/4) and the west half
15 (W 1/2) of the east half (E 1/2) of the southwest quarter (SW
16 1/4) of the southeast quarter (SE 1/4) of the southeast quarter
17 (SE 1/4) of the southeast quarter (SE 1/4) of section 26,
18 Township 18 North, Range 19 East, M.D.B. & M.
19

20 3. The real property that may be transferred to Clark County
21 pursuant to subsection 3 of section 11 of this act contains
22 approximately 0.25 acres and is commonly known as the Mount
23 Charleston Fire Station. Such real property may be described as
24 follows:
25

26 That portion of the northwest quarter (NW 1/4) of the
27 northeast quarter (NE 1/4) of section 36, Township 19 South,
28 Range 56 East, M.D.B. & M., as described in Grant, Bargain
29 and Sale Deeds recorded on January 12, 1962, as Document
30 Number 272260 in Book 337 and on August 20, 1962, as
31 Document Number 307631 in Book 381 in the Recorder's
32 Office of Clark County, Nevada.
33

34 4. The real property that may be transferred to the Storey
35 County Fire Protection District pursuant to subsection 4 of section
36 11 of this act contains approximately 1 acre and is commonly
37 known as the Virginia City Highlands Fire Station Site. Such
38 property may be described as follows:
39

40 That portion of the southeast quarter (SE 1/4) of the
41 northwest quarter (NW 1/4) of section 8, Township 17 North,
42 Range 21 East, M.D.B. & M., as described in the Grant,
43 Bargain and Sale Deed recorded on November 20, 1979, as
44 Document Number 45784 in Book 20 at page 179 in the
45 Recorder's Office of Storey County, Nevada.



1 **Sec. 14.** The provisions of NRS 354.599 do not apply to any
2 additional expenses of a local government that are related to the
3 provisions of this act.

4 **Sec. 15.** NRS 473.010, 473.020, 473.030, 473.031, 473.032,
5 473.033, 473.034, 473.035, 473.0355, 473.036, 473.040, 473.050,
6 473.060, 473.065, 473.070, 473.080, 473.090, 473.100, 474.530 and
7 474.555 are hereby repealed.

8 **Sec. 16.** This act becomes effective on July 1, 2015.

LEADLINES OF REPEALED SECTIONS

473.010 “Federal aid” defined.

473.020 Institution of proceedings for formation of fire protection district: Petition by property owners.

473.030 Resolution of board of county commissioners: Adoption; contents.

473.031 Notice of proposed formation of district: Contents; publication.

473.032 Hearing; written objections; exclusion of land not benefited.

473.033 Inclusion of lands adjacent to proposed district; owner’s application.

473.034 Determination; order of formation; regulations for organization of area.

473.035 Alteration of boundaries by inclusion of territory: Procedure; regulations.

473.0355 Alteration of boundaries by exclusion of territory: Procedure.

473.036 Effect of change in district’s boundaries.

473.040 Board of directors: Composition.

473.050 Preparation of budgets; levy, collection, deposit and use of taxes.

473.060 Authorization to issue negotiable bonds; purpose; limitation on amount.

473.065 Activities within district which may be prohibited or restricted by State Forester Firewarden; public announcement and posting of prohibited or restricted activities; applicability; penalty.

473.070 Liability for damage by fire within district.

473.080 Collection of expenses for extinguishing fires or meeting other emergencies within district.



473.090 Unlawful burning, blasting or use of fireworks, welding torch or other devices in district; permits; exceptions; penalty.

473.100 Elimination of fire hazards.

474.530 Dissolution of district organized pursuant to chapter 473 of NRS or exclusion of portions.

474.555 Reorganization of district organized pursuant to chapter 473 of NRS.

