

SENATE BILL NO. 494—COMMITTEE ON FINANCE

(ON BEHALF OF THE DIVISION OF BUDGET AND PLANNING)

MARCH 28, 2011

Referred to Committee on Government Affairs

SUMMARY—Repeals provisions relating to certain fire districts and establishes wildfire protection programs. (BDR 42-1220)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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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 protection from fire; requiring the State Forester Firewarden to take certain actions to protect wildlands against wildfire; creating the Emergency Fire Suppression Account; prohibiting a county from seeking money from the Emergency Fire Suppression Account, the Disaster Relief Account or the Emergency Account unless the county has entered into an agreement with the Division of Forestry of the State Department of Conservation and Natural Resources to establish a wildfire protection program; authorizing the State Forester Firewarden to restrict certain activities in a participating county; repealing provisions relating to fire protection districts; applying to participating counties certain provisions that previously applied to fire protection districts; transitioning certain fire protection districts into County Fire Protection Districts; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Under existing law, the State Forester Firewarden is responsible for a variety of
- 2 duties relating to the protection of certain lands against fire. (NRS 472.040)
- 3 Additionally, the property owners of lands in watershed areas or that have
- 4 inflammable cover may institute proceedings for the creation of a fire protection
- 5 district. (NRS 473.020)



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Sections 7 and 15 of this bill require the State Forester Firewarden to undertake certain actions relating to the protection of wildlands against wildfire. Section 8 of this bill creates the Emergency Fire Suppression Account under the administration of the State Forester Firewarden for the purpose of suppressing emergency fires. Section 8 also prohibits a county from seeking money from the Emergency Fire Suppression Account, the Disaster Relief Account or the Emergency Account unless the county has entered into an agreement with the Division of Forestry of the State Department of Conservation and Natural Resources to establish a wildfire protection program. Section 9 of this bill authorizes a county to enter into such an agreement and establishes certain requirements for a wildfire protection program.

Section 10 of this bill authorizes the State Forester Firewarden to prohibit or restrict certain activities within a participating county to reduce the risk of fire. Section 11 of this bill makes a person who sets a fire or allows a fire set in a participating county to damage the property of another liable to the owner for the damages caused by the fire in certain circumstances. Section 12 of this bill allows the recovery of the costs of responding to a fire that threatens human life in a participating county from the person responsible for causing the fire. Section 13 of this bill makes it a misdemeanor to burn inflammable material or use certain devices in a participating county without a written permit from the State Forester Firewarden in certain circumstances. Section 14 of this bill requires a landowner in a participating county to remove a fire hazard when directed to do so by the board of county commissioners and authorizes the board to remove the fire hazard and charge the costs to the landowner if the landowner fails to comply.

Sections 19-21 of this bill: (1) repeal provisions which authorize the creation of and which govern certain fire protection districts; and (2) provide for the transition of such districts into fire protection districts established by a board of county commissioners for a county.

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

Section 1. Chapter 472 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Division” means the Division of Forestry of the State Department of Conservation and Natural Resources.*

Sec. 4. *“Emergency fire” means a fire located in a rural area which is or threatens to be beyond the fire control resources of the county responsible for suppression of the fire or, if the fire is located on state lands, the State.*

Sec. 5. *“Participating county” means a county that has entered into a written agreement with the Division to establish a wildfire protection program.*

Sec. 6. *“Wildfire protection program” means a program for the protection of wildlands from wildfire pursuant to the*



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1 *provisions of this chapter and any regulations adopted pursuant*
2 *thereto.*

3 **Sec. 7.** *The State Forester Firewarden shall, to the extent*
4 *allowed by available staffing and funding:*

5 *1. Ensure the protection of privately owned wildlands located*
6 *outside of the boundaries of an incorporated city in a participating*
7 *county and state-owned wildlands against wildfire.*

8 *2. Take any actions relating to fire suppression that he or she*
9 *determines to be necessary for the protection of life, property or*
10 *the natural resources of the State.*

11 *3. Adopt regulations to protect the natural resources of the*
12 *State against destruction by wildfire.*

13 *4. Respond to wildfires on any lands as requested pursuant to*
14 *any contract or agreement entered into by the State Forester*
15 *Firewarden.*

16 *5. Provide or enter into an agreement with the Federal*
17 *Government to provide aviation resources, engines, water tenders,*
18 *seasonal firefighters, hand crews, incident management, statewide*
19 *communications and heavy equipment to manage and suppress*
20 *wildfires.*

21 *6. Cooperate with other federal, state or local agencies to*
22 *develop and implement wildfire education and prevention*
23 *programs statewide.*

24 *7. Cooperate with other federal, state or local agencies to*
25 *develop and implement comprehensive projects for the reduction*
26 *of fuels to protect life, property and the natural resources of the*
27 *State and to mitigate the impacts of wildfire.*

28 *8. Provide wildfire training and certification for local fire*
29 *service personnel.*

30 *9. Enter into contracts or agreements and provide grant*
31 *assistance for the comprehensive management of wildfires.*

32 *10. Serve as the Governor's designated representative for the*
33 *Fire Management Assistance Grant Program of the Federal*
34 *Emergency Management Agency and for the mobilization of*
35 *Nevada National Guard resources when needed to assist with*
36 *wildfire management.*

37 **Sec. 8.** *1. The Emergency Fire Suppression Account is*
38 *hereby created as a special account in the State General Fund.*
39 *The State Forester Firewarden shall administer the Account.*

40 *2. The State Forester Firewarden may accept grants, gifts or*
41 *donations for deposit in the Account. Except as otherwise provided*
42 *in subsection 3, money received from:*

43 *(a) A direct legislative appropriation to the Account; and*

44 *(b) A grant, gift or donation to the Account,*



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1 ↪ must be deposited in the Account. The interest and income
2 earned on the money in the Account must, after deducting any
3 applicable charges, be credited to the Account.

4 3. Money in the Account may be used for any purpose
5 relating to the suppression of emergency fires or disbursed to state
6 agencies and local governments for the purpose of suppression of
7 emergency fires.

8 4. A county may not seek funding from the Emergency Fire
9 Suppression Account, the Disaster Relief Account created by NRS
10 353.2735 or the Emergency Account created by NRS 353.263 for
11 activities relating to wildfire management unless the county is a
12 participating county.

13 5. If the State Forester Firewarden determines that the
14 amount of money in the Account may be insufficient to reimburse
15 the full cost of suppressing all emergency fires that may occur
16 during a fiscal year, the State Forester Firewarden may:

17 (a) Delay the payment of any money from the Account until
18 the end of the fiscal year and pay all claims outstanding at that
19 time at a prorated share of each claim's proportionate percentage
20 of the total of all claims outstanding; or

21 (b) Request additional money from the Interim Finance
22 Committee, Disaster Relief Account or any other source of money.

23 Sec. 9. 1. A county may enter into a written agreement with
24 the Division to establish a wildfire protection program.

25 2. A wildfire protection program shall include, but is not
26 limited to, the execution by the county of a plan approved by the
27 State Forester Firewarden that provides for the hiring of seasonal
28 firefighters, the procurement of equipment and the provision of
29 training.

30 3. A participating county may seek funding from the
31 Emergency Fire Suppression Account created pursuant to section
32 8 of this act in a manner set forth in the written agreement.

33 4. The State Forester Firewarden may adopt regulations to
34 carry out the provisions of this section.

35 5. If a county withdraws from a written agreement with the
36 Division to establish a wildfire protection program or is
37 determined by the State Forester Firewarden to have failed to
38 comply with such a written agreement, the county ceases to be a
39 participating county on the date of the withdrawal or
40 determination of failure to comply.

41 Sec. 10. 1. The State Forester Firewarden may, after
42 consulting with a participating county, prohibit or restrict the
43 following activities within the boundaries of the participating
44 county when a danger to public safety or natural resources exists
45 because of conditions which create a high risk of fire:



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

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

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

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

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

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

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

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

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

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

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

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

Sec. 11. *Except as otherwise provided in NRS 527.126, within the boundaries of a participating county, any person, firm, association or agency which, personally or through another, willfully, negligently or in violation of the law:*

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

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

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

↳ *is liable to the owner of such property for the damages thereto caused by such fire.*



1 **Sec. 12.** *Within the boundaries of a participating county, any*
2 *person, firm, association or agency responsible for causing any*
3 *fire or other emergency which threatens human life may be*
4 *charged with the expenses incurred in extinguishing the fire or*
5 *meeting the emergency, together with the cost of necessary patrol.*
6 *This charge constitutes a debt of the person, firm, association or*
7 *agency charged and is collectible by the federal, state or county*
8 *agency incurring such expenses in the same manner as in the case*
9 *of an obligation under a contract, express or implied.*

10 **Sec. 13.** *1. Except as otherwise provided in this section and*
11 *NRS 527.126, it is unlawful within the boundaries of a*
12 *participating county for any person, firm, association, corporation*
13 *or agency to burn, or cause to be burned, any brush, grass, logs or*
14 *any other inflammable material, or blast with dynamite, powder or*
15 *other explosive, or set off fireworks, or operate a welding torch,*
16 *tarpot or any other device that may cause a fire in forest, grass or*
17 *brush, either on the land of the person, firm, association,*
18 *corporation or agency or on the land of another, or on public*
19 *land, unless such burning or act is done under a written permit*
20 *from the State Forester Firewarden or the State Forester*
21 *Firewarden's duly authorized agent and in strict accordance with*
22 *the terms of the permit.*

23 2. *Written permission is not necessary:*

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

26 (b) *To burn materials in screened, safe incinerators, or in*
27 *incinerators approved by the State Forester Firewarden or the*
28 *State Forester Firewarden's duly authorized agent, or in small*
29 *heaps or piles, where the fire is set on a public road, corral,*
30 *garden or ploughed field, and at a distance not less than 100 feet*
31 *from any woodland, timber or brush-covered land or field*
32 *containing dry grass or other inflammable material with at least*
33 *one adult person in actual attendance at such fire at all times*
34 *during its burning.*

35 3. *This section does not prevent the issuance of an annual*
36 *permit to any public utility covering its usual and emergency*
37 *operation and maintenance work within the participating county.*

38 4. *This section does not prevent the building of necessary*
39 *controlled small camp and branding fires, but caution must be*
40 *taken to make certain that the fire is extinguished before leaving,*
41 *and, in any case where the fire escapes and does injury to the*
42 *property of another, such escape and injury are prima facie*
43 *evidence of a violation of this section.*



1 5. *The provisions of this section apply only to such portions*
2 *of the participating county as are outside incorporated cities and*
3 *towns.*

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

7 **Sec. 14.** *1. Any owner of lands within a participating*
8 *county shall eliminate and remove a fire hazard on the*
9 *landowner's property when directed to do so by the board.*

10 *2. If the owner does not comply within the time specified by*
11 *the board, the board may eliminate and remove the fire hazard*
12 *and may for this purpose contract with any person for the*
13 *performance of the work.*

14 *3. The cost incurred by the participating county in*
15 *eliminating and removing the fire hazard may be recovered*
16 *directly from the owner of the property or the participating county*
17 *may make the cost a special assessment against the real property.*
18 *The special assessment may be collected at the same time and in*
19 *the same manner as ordinary county taxes are collected, and is*
20 *subject to the same penalties and the same procedure and sale in*
21 *case of delinquency as provided for ordinary county taxes. All*
22 *laws applicable to the collection and enforcement of county taxes*
23 *are applicable to the special assessment.*

24 *4. As used in this section, "board" means the board of county*
25 *commissioners of a participating county.*

26 **Sec. 15.** NRS 472.040 is hereby amended to read as follows:

27 472.040 1. The State Forester Firewarden shall:

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

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

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

39 (d) Designate the boundaries of each area of the State where the
40 construction of buildings on ~~forested lands~~ *wildlands* creates such
41 a fire hazard as to require the regulation of ~~roofing~~ *construction*
42 materials. *A designation made by the State Forester Firewarden*
43 *pursuant to this paragraph must be consistent with the community*
44 *wildfire protection plan in effect for the area, including, without*



1 *limitation, the fire hazard rating areas of extreme or high hazard*
2 *in the plan, if any.*

3 (e) ~~[Adopt]~~ *In cooperation with the State Fire Marshal, adopt*
4 and enforce regulations relating to standards for fire retardant
5 ~~[roofing]~~ *building* materials to be used in the construction,
6 alteration, change or repair of buildings located within the
7 boundaries of fire hazardous ~~[forested]~~ areas ~~[.]~~ *as identified in the*
8 *community wildfire protection plan in effect for the area.*

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

12 (g) Administer money appropriated and grants awarded for fire
13 prevention, fire control and the education of firefighters and award
14 grants of money for those purposes to fire departments and
15 educational institutions in this State.

16 (h) Determine the amount of wages that must be paid to
17 offenders who participate in conservation camps and who perform
18 work relating to fire fighting and other work projects of
19 conservation camps.

20 (i) Cooperate with the State Fire Marshal in the enforcement of
21 all laws and the adoption of regulations relating to the prevention of
22 fire through the management of vegetation in counties located
23 within or partially within the Lake Tahoe Basin and the Lake Mead
24 Basin.

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

30 (k) Ensure that any adopted regulations are consistent with those
31 of fire protection districts created pursuant to chapter 318 ~~[,473]~~ or
32 474 of NRS.

33 *(l) Direct the comprehensive management of wildfires on all*
34 *state lands, including prevention, preparedness, suppression and*
35 *rehabilitation.*

36 *(m) Enter into contracts or agreements with counties relating*
37 *to wildfire management.*

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

40 (a) Appoint paid foresters and firewardens to enforce the
41 provisions of the laws of this State respecting forest and watershed
42 management or the protection of forests and other lands from fire,
43 subject to the approval of the board of county commissioners of
44 each county concerned.



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

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

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

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

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

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

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

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

4. As used in this section, "community wildfire protection plan" has the meaning ascribed to it in 16 U.S.C. § 6511.

Sec. 16. NRS 472.041 is hereby amended to read as follows:

472.041 1. The State Forester Firewarden may ~~[-~~

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

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

~~[-]~~ enforce all regulations relating to the reduction of brush, dense undergrowth and other vegetation around and adjacent to a structure



1 to reduce the exposure of the structure to fire and radiant heat and
2 increase the ability of firefighters to protect the structure.

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

8 **Sec. 17.** NRS 472.060 is hereby amended to read as follows:

9 472.060 Any fire protection district and board or boards of
10 county commissioners of the State of Nevada may:

11 1. Enter into cooperative agreements with the State Forester
12 Firewarden subject to the approval of the Director of the State
13 Department of Conservation and Natural Resources, acting for the
14 State, and with other counties, organizations and individuals, to
15 prevent and suppress outdoor fires.

16 2. Appropriate and expend funds for the payment of wages and
17 expenses incurred in fire prevention and fire suppression; for the
18 purchase, construction and maintenance of forest protection
19 improvements and equipment; and for paying other expenses
20 incidental to the protection of forest and other lands from fire,
21 including any portion of the office and travel expense of the
22 Division ~~[of Forestry]~~ incurred in carrying out the provisions of any
23 cooperative agreements with the State of Nevada.

24 **Sec. 18.** NRS 472.110 is hereby amended to read as follows:

25 472.110 The State Forester Firewarden may provide meals to
26 employees of the Division ~~[of Forestry of the State Department of
27 Conservation and Natural Resources]~~ who are involved in
28 emergency fire fighting if the State Forester Firewarden determines
29 that it is impractical for the employees to eat at home because of
30 their duties in that emergency.

31 **Sec. 19.** NRS 473.010, 473.020, 473.030, 473.031, 473.032,
32 473.033, 473.034, 473.035, 473.0355, 473.036, 473.040, 473.050,
33 473.060, 473.065, 473.070, 473.080, 473.090, 473.100 and 474.530
34 are hereby repealed.

35 **Sec. 20.** 1. Except as otherwise provided in subsection 3, the
36 board of county commissioners of each county which contains a fire
37 protection district that:

38 (a) Was established by the board of county commissioners
39 pursuant to chapter 473 of NRS; and

40 (b) Consists entirely of territory within the boundaries of the
41 county,

42 ➡ shall, before January 1, 2012, and in accordance with the
43 provisions of this section, dissolve the fire protection district which
44 was established pursuant to chapter 473 of NRS and replace that fire



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1 protection district with a fire protection district established pursuant
2 to the provisions of NRS 474.460 to 474.540, inclusive.

3 2. Except as otherwise provided in subsection 3, to dissolve the
4 fire protection district which was established pursuant to chapter
5 473 of NRS and replace that fire protection district with a fire
6 protection district established pursuant to the provisions of NRS
7 474.460 to 474.540, inclusive, as required by subsection 1, the
8 board of county commissioners of the county shall:

9 (a) By ordinance establish and organize a fire protection district
10 pursuant to the provisions of NRS 474.460 to 474.540, inclusive,
11 which, at the time of its establishment, must include all of and only
12 the territory of the fire protection district which was established
13 pursuant to chapter 473 of NRS;

14 (b) Transfer the property and facilities of the fire protection
15 district which was established pursuant to chapter 473 of NRS from
16 that fire protection district to the county in a manner approved in
17 advance by the State Forester Firewarden as complying with state
18 and federal laws and regulations;

19 (c) Acting as the board of directors of the fire protection district
20 which was established pursuant to chapter 473 of NRS, prepare and
21 adopt a resolution describing the territory of that fire protection
22 district and dissolving that fire protection district; and

23 (d) Transmit the resolution described in paragraph (c) to the
24 State Forester Firewarden.

25 3. If at the time of the dissolution of the fire protection district
26 which was established pursuant to chapter 473 of NRS there is:

27 (a) Any outstanding or bonded indebtedness of the fire
28 protection district, then taxes for the payment of such bonds or other
29 indebtedness must be levied and collected the same as if the fire
30 protection district had not been dissolved; or

31 (b) Any contract to which the fire protection district is a party
32 and regarding which it is not practicable to complete or terminate
33 the contract before January 1, 2012, then the board of county
34 commissioners, acting as the board of directors of the fire protection
35 district, must continue performance of the contract on behalf of the
36 fire protection district until the earliest practicable date on which the
37 contract can be completed or terminated,

38 ➤ but for all other purposes the fire protection district shall be
39 deemed dissolved from the time of the adoption of the resolution
40 described in paragraph (c) of subsection 2.

41 **Sec. 21.** 1. Except as otherwise provided in subsection 3, the
42 board of county commissioners of each county which contains a
43 portion of a fire protection district that:

44 (a) Was established in part by the board of county
45 commissioners pursuant to chapter 473 of NRS; and



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(b) Consists in part of territory within the boundaries of the county, shall, before January 1, 2012, in consultation with any other board of county commissioners which is a part of the board of directors of the fire protection district and in accordance with the provisions of this section, dissolve the fire protection district which was established pursuant to chapter 473 of NRS and replace the portion of that fire protection district which was within the boundaries of the county with a fire protection district established pursuant to the provisions of NRS 474.460 to 474.540, inclusive.

2. Except as otherwise provided in subsection 3, to dissolve the fire protection district which was established pursuant to chapter 473 of NRS and replace the portion of that fire protection district which was within the boundaries of the county with a fire protection district established pursuant to the provisions of NRS 474.460 to 474.540, inclusive, as required by subsection 1, the board of county commissioners of the county shall:

(a) By ordinance establish and organize a fire protection district pursuant to the provisions of NRS 474.460 to 474.540, inclusive, which, at the time of its establishment, must include all of and only the territory which was within both:

(1) The fire protection district which was established pursuant to chapter 473 of NRS; and

(2) The county;

(b) Transfer a portion, as determined pursuant to subsection 4, of the property and facilities of the fire protection district which was established pursuant to chapter 473 of NRS from that fire protection district to the county in a manner approved in advance by the State Forester Firewarden as complying with state and federal laws and regulations;

(c) Acting as part of the board of directors of the fire protection district which was established pursuant to chapter 473 of NRS, participate in the preparation and adoption of a resolution describing the territory of that fire protection district and dissolving that fire protection district; and

(d) Transmit the resolution described in paragraph (c) to the State Forester Firewarden.

3. If at the time of the dissolution of the fire protection district which was established pursuant to chapter 473 of NRS there is:

(a) Any outstanding or bonded indebtedness of the fire protection district, then taxes for the payment of such bonds or other indebtedness must be levied and collected the same as if the fire protection district had not been dissolved; or

(b) Any contract to which the fire protection district is a party and regarding which it is not practicable to complete or terminate



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1 the contract before January 1, 2012, then the board of county
2 commissioners, acting as part of the board of directors of the fire
3 protection district, must continue performance of the contract on
4 behalf of the fire protection district until the earliest practicable date
5 on which the contract can be completed or terminated,

6 ➤ but for all other purposes the fire protection district shall be
7 deemed dissolved from the time of the adoption of the resolution
8 described in paragraph (c) of subsection 2.

9 4. For the purposes of paragraph (b) of subsection 2, the
10 portion of the property and facilities of a fire protection district
11 which a board of county commissioners of a county may transfer
12 from the fire protection district to the county is equal to the ratio of
13 the total assessed valuation of all the taxable property of the county
14 which is within the fire protection district to the total assessed
15 valuation of all the taxable property which is within the fire
16 protection district.

17 **Sec. 22.** The State Forester Firewarden shall, on or before
18 December 31, 2011, adopt the regulations required pursuant to
19 section 9 of this act.

20 **Sec. 23.** The Legislative Counsel shall, in preparing:

21 1. The reprint and supplement to the Nevada Revised Statutes
22 with respect to any section which is not amended by this act or
23 adopted or amended by another act, appropriately change any
24 references to an officer, agency or other entity whose name is
25 changed or whose duties are transferred pursuant to the provisions
26 of this act to refer to the appropriate officer, agency or other entity.
27 If any internal reference is made to a section repealed by this act, the
28 Legislative Counsel shall delete the reference and replace it by
29 reference to the superseding section, if any.

30 2. Supplements to the Nevada Administrative Code,
31 appropriately change any references to an officer, agency or other
32 entity whose name is changed or whose duties are transferred
33 pursuant to the provisions of this act to refer to the appropriate
34 officer, agency or other entity.

35 **Sec. 24.** This act becomes effective:

36 1. Upon passage and approval for the purposes of:

37 (a) Adopting regulations;

38 (b) Performing any other preparatory administrative tasks that
39 are necessary to carry out the provisions of this act; and

40 (c) Entering into agreements described in section 9 of this act to
41 establish wildfire protection programs, which must be effective not
42 earlier than January 1, 2012; and

43 2. On January 1, 2012, for all other purposes.



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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.

