

Amendment No. 828

Assembly Amendment to Senate Bill No. 94 First Reprint (BDR 42-444)

Proposed by: Assembly Committee on Government Affairs**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold dashed underlining* is newly added transitory language.

MSM



Date: 5/18/2009

S.B. No. 94—Imposes various requirements relating to fire protection in the areas of the Lake Tahoe Basin and the Lake Mead Basin that are located in this State. (BDR 42-444)



SENATE BILL NO. 94—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE GOVERNOR)

PREFILED DECEMBER 15, 2008

Referred to Committee on Government Affairs

SUMMARY—Imposes various requirements relating to fire protection in the areas of the Lake Tahoe Basin and the Lake Mead Basin that are located in this State. (BDR 42-444)

FISCAL NOTE: Effect on Local Government: No.
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 fire protection; imposing various requirements relating to fire protection in the areas of the Lake Tahoe Basin and the Lake Mead Basin that are located in this State; requiring the State Forester Firewarden and State Fire Marshal to cooperate in the enforcement of certain laws and regulations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law charges the State Forester Firewarden with overseeing various fire protection activities for the State. (Chapter 472 of NRS) Existing law also provides for the creation of various types of fire protection districts. (Chapters 318, 473 and 474 of NRS) Existing law sets forth the duties of the State Forester Firewarden. (NRS 472.040) **Section 2** of this bill expands those duties to include cooperating with the State Fire Marshal in enforcing laws and adopting regulations, assessing codes, rules and regulations of certain agencies to ensure they are consistent with other fire codes, rules and regulations and ensuring that any adopted regulations are consistent with those of fire protection districts created pursuant to chapter 318, 473 or 474 of NRS. Existing law requires the State Fire Marshal to cooperate with the State Forester Firewarden to prepare certain regulations. (NRS 477.030) **Section 4** of this bill expands that requirement to include regulations relating to the mitigation of the fire hazard risk posed by vegetation in the Lake Tahoe Basin and the Lake Mead Basin. **Section 5** of this bill requires the State Forester Firewarden to review and evaluate the laws and regulations of this State to: (1) ensure that such fire protection districts have adequate statutory and regulatory authority to carry out the regulations adopted pursuant to this bill and to carry out necessary fire safety and fire prevention activities; and (2) ensure that there are adequate mechanisms to increase the funding of the fire prevention districts, if necessary, to enforce the regulations and that adequate funding exists to carry out their responsibilities. The State Forester Firewarden is required to submit a report of its review and evaluation and any recommendations for legislation to the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System, and to the Director of the Legislative Counsel Bureau by January 1, 2011, for ~~submission~~ transmittal to the 2011 Legislature.

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

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 2.** NRS 472.040 is hereby amended to read as follows:

3 472.040 1. The State Forester Firewarden shall:

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

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

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

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

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

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

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

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

28 (i) *Cooperate with the State Fire Marshal in the enforcement of all laws and*
29 *the adoption of regulations relating to the prevention of fire through the*
30 *management of vegetation in counties located within or partially within the Lake*
31 *Tahoe Basin and the Lake Mead Basin.*

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

36 (k) *Ensure that any adopted regulations are consistent with those of fire*
37 *protection districts created pursuant to chapter 318, 473 or 474 of NRS.*

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

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

44 (b) Appoint suitable citizen-wardens. Citizen-wardens serve voluntarily except
45 that they may receive compensation when an emergency is declared by the State
46 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, patrolmen, 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.

Sec. 3. 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 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 ~~the provisions of Appendix II A of the Uniform Fire Code of the International Conference of Building Officials in the form most recently adopted by that conference before July 1, 1985, regarding the clearance~~ *all regulations relating to the reduction* of brush, dense undergrowth and other vegetation around and adjacent to a structure to reduce the exposure of the structure to fire and radiant heat and increase the ability of firefighters to protect the structure.

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

Sec. 4. NRS 477.030 is hereby amended to read as follows:

477.030 1. Except as otherwise provided in this section, the State Fire Marshal shall enforce all laws and adopt regulations relating to:

(a) The prevention of fire.

(b) The storage and use of:

(1) Combustibles, flammables and fireworks; and

(2) Explosives in any commercial construction, but not in mining or the control of avalanches,

➤ under those circumstances that are not otherwise regulated by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.890.

(c) The safety, access, means and adequacy of exit in case of fire from mental and penal institutions, facilities for the care of children, foster homes, residential

1 facilities for groups, facilities for intermediate care, nursing homes, hospitals,
2 schools, all buildings, except private residences, which are occupied for sleeping
3 purposes, buildings used for public assembly and all other buildings where large
4 numbers of persons work, live or congregate for any purpose. As used in this
5 paragraph, "public assembly" means a building or a portion of a building used for
6 the gathering together of 50 or more persons for purposes of deliberation,
7 education, instruction, worship, entertainment, amusement or awaiting
8 transportation, or the gathering together of 100 or more persons in establishments
9 for drinking or dining.

10 (d) The suppression and punishment of arson and fraudulent claims or
11 practices in connection with fire losses.

12 ➤ Except as otherwise provided in subsection 12, the regulations of the State Fire
13 Marshal apply throughout the State, but except with respect to state-owned or state-
14 occupied buildings, his authority to enforce them or conduct investigations under
15 this chapter does not extend to a school district except as otherwise provided in
16 NRS 393.110, or a county whose population is 100,000 or more or which has been
17 converted into a consolidated municipality, except in those local jurisdictions in
18 those counties where he is requested to exercise that authority by the chief officer
19 of the organized fire department of that jurisdiction or except as otherwise provided
20 in a regulation adopted pursuant to paragraph (b) of subsection 2.

21 2. The State Fire Marshal may:

22 (a) Set standards for equipment and appliances pertaining to fire safety or to be
23 used for fire protection within this State, including the threads used on fire hose
24 couplings and hydrant fittings; and

25 (b) Adopt regulations based on nationally recognized standards setting forth
26 the requirements for fire departments to provide training to firefighters using
27 techniques or exercises that involve the use of fire or any device that produces or
28 may be used to produce fire.

29 3. The State Fire Marshal shall cooperate with the State Forester Firewarden
30 in the preparation of regulations relating to standards for fire retardant roofing
31 materials pursuant to paragraph (e) of subsection 1 of NRS 472.040 ~~and~~ *and the*
32 *mitigation of the risk of a fire hazard from vegetation in counties within or*
33 *partially within the Lake Tahoe Basin and the Lake Mead Basin.*

34 4. The State Fire Marshal shall cooperate with the Division of Child and
35 Family Services of the Department of Health and Human Services in establishing
36 reasonable minimum standards for overseeing the safety of and directing the means
37 and adequacy of exit in case of fire from family foster homes and group foster
38 homes.

39 5. The State Fire Marshal shall coordinate all activities conducted pursuant to
40 15 U.S.C. §§ 2201 et seq. and receive and distribute money allocated by the United
41 States pursuant to that act.

42 6. Except as otherwise provided in subsection 10, the State Fire Marshal shall:

43 (a) Investigate any fire which occurs in a county other than one whose
44 population is 100,000 or more or which has been converted into a consolidated
45 municipality, and from which a death results or which is of a suspicious nature.

46 (b) Investigate any fire which occurs in a county whose population is 100,000
47 or more or which has been converted into a consolidated municipality, and from
48 which a death results or which is of a suspicious nature, if requested to do so by the
49 chief officer of the fire department in whose jurisdiction the fire occurs.

50 (c) Cooperate with the Commissioner of Insurance, the Attorney General and
51 the Fraud Control Unit established pursuant to NRS 228.412 in any investigation of
52 a fraudulent claim under an insurance policy for any fire of a suspicious nature.

1 (d) Cooperate with any local fire department in the investigation of any report
2 received pursuant to NRS 629.045.

3 (e) Provide specialized training in investigating the causes of fires if requested
4 to do so by the chief officer of an organized fire department.

5 7. The State Fire Marshal shall put the National Fire Incident Reporting
6 System into effect throughout the State and publish at least annually a summary of
7 data collected under the System.

8 8. The State Fire Marshal shall provide assistance and materials to local
9 authorities, upon request, for the establishment of programs for public education
10 and other fire prevention activities.

11 9. The State Fire Marshal shall:

12 (a) Except as otherwise provided in subsection 12 and NRS 393.110, assist in
13 checking plans and specifications for construction;

14 (b) Provide specialized training to local fire departments; and

15 (c) Assist local governments in drafting regulations and ordinances,
16 on request or as he deems necessary.

17 10. Except as otherwise provided in this subsection, in a county other than
18 one whose population is 100,000 or more or which has been converted into a
19 consolidated municipality, the State Fire Marshal shall, upon request by a local
20 government, delegate to the local government by interlocal agreement all or a
21 portion of his authority or duties if the local government's personnel and programs
22 are, as determined by the State Fire Marshal, equally qualified to perform those
23 functions. If a local government fails to maintain the qualified personnel and
24 programs in accordance with such an agreement, the State Fire Marshal shall
25 revoke the agreement. The provisions of this subsection do not apply to the
26 authority of the State Fire Marshal to adopt regulations pursuant to paragraph (b) of
27 subsection 2.

28 11. The State Fire Marshal may, as a public safety officer or as a technical
29 expert on issues relating to hazardous materials, participate in any local, state or
30 federal team or task force that is established to conduct enforcement and
31 interdiction activities involving:

32 (a) Commercial trucking;

33 (b) Environmental crimes;

34 (c) Explosives and pyrotechnics;

35 (d) Drugs or other controlled substances; or

36 (e) Any similar activity specified by the State Fire Marshal.

37 12. Except as otherwise provided in this subsection, any regulations of the
38 State Fire Marshal concerning matters relating to building codes, including, without
39 limitation, matters relating to the construction, maintenance or safety of buildings,
40 structures and property in this State:

41 (a) Do not apply in a county whose population is 400,000 or more which has
42 adopted a code at least as stringent as the International Fire Code and the
43 International Building Code, published by the International Code Council. To
44 maintain the exemption from the applicability of the regulations of the State Fire
45 Marshal pursuant to this subsection, the code of the county must be at least as
46 stringent as the most recently published edition of the International Fire Code and
47 the International Building Code within 1 year after publication of such an edition.

48 (b) Apply in a county described in paragraph (a) with respect to state-owned or
49 state-occupied buildings or public schools in the county and in those local
50 jurisdictions in the county in which the State Fire Marshal is requested to exercise
51 that authority by the chief executive officer of that jurisdiction. As used in this
52 paragraph, "public school" has the meaning ascribed to it in NRS 385.007.

1 **Sec. 5.** 1. The State Forester Firewarden shall review and evaluate the laws
2 and regulations of this State to ensure that adequate statutory and regulatory
3 authority exists for each fire protection district, located in whole or in part in the
4 areas of the Lake Tahoe Basin and the Lake Mead Basin in this State, that is created
5 pursuant to chapter 318, 473 or 474 of NRS to carry out the regulations adopted
6 pursuant to paragraphs (i), (j) and (k) of subsection 1 of NRS 472.040 and to carry
7 out any necessary fire safety and fire prevention activities. The review and
8 evaluation must also include a determination of whether such fire protection
9 districts have adequate funding to carry out their responsibilities and whether one or
10 more statutory mechanisms exist to increase the funding, if necessary, to ensure the
11 enforcement of the regulations adopted pursuant to paragraphs (i), (j) and (k) of
12 subsection 1 of NRS 472.040.

13 2. On or before January 1, 2011, the State Forester Firewarden shall submit a
14 report which includes a summary of the review and evaluation conducted pursuant
15 to subsection 1 and any recommendations for legislation to the Committee and to
16 the Director of the Legislative Counsel Bureau for transmittal to the Legislature.
17 The Director shall cause the report to be made available to each Senator and
18 Assemblyman of the 2011 Legislature.

19 3. As used in this section, "Committee" means the Legislative Committee
20 for the Review and Oversight of the Tahoe Regional Planning Agency and the
21 Marlette Lake Water System created by NRS 218.53871.

22 **Sec. 6.** The State Forester Firewarden shall adopt the regulations required
23 pursuant to paragraphs (i), (j) and (k) of subsection 1 of NRS 472.040 and complete
24 the review and evaluation of the laws and regulations of this State required pursuant
25 to section 5 of this act not later than July 1, 2010.