

Amendment No. 944

Assembly Amendment to Senate Bill No. 439

(BDR 42-1203)

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

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 underlining* is newly added transitory language.

HAC/WLK



Date: 6/5/2011

S.B. No. 439—Makes various changes relating to fire protection. (BDR 42-1203)



SENATE BILL NO. 439—COMMITTEE ON FINANCE

(ON BEHALF OF THE DIVISION OF BUDGET AND PLANNING)

MARCH 28, 2011

Referred to Committee on Government Affairs

SUMMARY—Makes various changes relating to fire protection. (BDR 42-1203)

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

~

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

AN ACT relating to fire protection; amending the membership and duties of the State Board of Fire Services; eliminating the Fire Service Standards and Training Committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the membership and duties of the State Board of Fire Services and the Fire Service Standards and Training Committee. (NRS 477.020, 477.070-477.090) **Section 11** of this bill eliminates the Fire Service Standards and Training Committee. **Section 3** of this bill revises the membership and duties of the State Board of Fire Services.

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

Section 1. Chapter 477 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *As used in NRS 477.080, 477.085 and 477.090 and sections 2 and 3 of this act, unless the context otherwise requires, "Board" means the State Board of Fire Services created pursuant to section 3 of this act.*

Sec. 3. *1. The State Board of Fire Services is hereby created. The Board consists of:*

(a) The State Fire Marshal, who is a nonvoting member;
(b) The State Forester Firewarden, who is a voting member; and
(c) The following ~~eight~~ nine voting members appointed by the Governor as follows:

(1) A licensed architect;
(2) A chief, deputy chief, assistant chief or division chief of a volunteer fire department or a partially paid fire department;
(3) A chief, deputy chief, assistant chief or division chief of a full-time, paid fire department;

(4) A professional engineer;
(5) A chief officer, person of equivalent rank or any other person who is experienced in fire service training and represents a volunteer or partially paid fire department or fire district;

(6) A chief officer, person of equivalent rank or any other person who is experienced in fire service training and represents a fully paid fire department or fire district;

(7) A fire marshal, fire protection engineer or any other person who is experienced in developing or enforcing any code related to fire prevention; ~~and~~

(8) A firefighter who does not otherwise meet the requirements of subparagraphs (1) to (7), inclusive; and

(9) A member of the general public who has an interest in public safety and is not an employee or a volunteer of a fire department or fire district.

2. The members described in paragraph (c) of subsection 1:

(a) Must be selected by the Governor based on nominations received from fire chiefs;

(b) Shall serve for a term of 4 years; and

(c) Serve at the pleasure of the Governor.

3. Of the members described in paragraph (c) of subsection 1:

(a) At least one member must be from Clark County;

(b) At least one member must be from Washoe County; and

(c) A majority of such members must not be from one county.

4. No member other than the State Fire Marshal and the State Forester Firewarden may serve for more than two consecutive terms.

5. A vacancy in the Board must be filled for the remainder of the unexpired term in the same manner as the original appointment.

6. The Board shall select a Chair from among its members to serve for 1 year. The State Fire Marshal shall serve as the Secretary of the Board.

7. The Board shall meet at least twice each year and on the call of the Chair, the Secretary or any three members.

8. The members of the Board are entitled to receive from the State Fire Marshal Division of the Department of Public Safety the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which the member attends a meeting of the Board.

9. The State Fire Marshal Division shall provide the Board with administrative support.

Sec. 4. NRS 477.039 is hereby amended to read as follows:

477.039 1. The State Fire Marshal shall:

(a) Furnish and administer programs for the training of firefighters;

(b) Describe the programs that are available for training of firefighters and notify fire departments of the availability of these programs;

(c) Administer a program to certify firefighters, whenever requested to do so, for successful completion of a training program;

(d) Develop a program to train instructors;

(e) Assist other agencies and organizations to prepare and administer training programs;

(f) Carry out the provisions of paragraphs (a) to (e), inclusive, in accordance with recommendations submitted to the State ~~Fire Marshal by the Fire Service Standards and Training Committee~~ **Board of Fire Services** and the regulations adopted by the ~~Committee~~ **Board**; and

(g) Establish a regional hazardous materials training facility and furnish training programs concerning hazardous materials for emergency personnel, agencies and other persons.

2. The State Fire Marshal may enter into agreements for the procurement of necessary services or property, may accept gifts, grants, services or property for the training programs and may charge fees for training programs, materials or services provided.

Sec. 5. NRS 477.080 is hereby amended to read as follows:

477.080 The ~~{Committee}~~ **Board** shall:

1. ~~{Meet at the call of the Chair at least four times each year.}~~

~~—2—~~ 2. Encourage the training and education of fire service personnel to improve the system of public safety in the State.

~~{3—}~~ 2. Adopt regulations establishing minimum standards for the approval of training and certification programs submitted by a fire department ~~{or other fire service training agency or organization of the State—}~~, **fire district or any political subdivision or agency of the State or Federal Government** pursuant to NRS 477.090. The regulations must provide minimum standards for the training and certification, including the renewal and revocation of certification, of ~~{fire service}~~ **emergency response** personnel who serve in positions for which the ~~{Committee}~~ **Board** determines minimum standards of training and certification are necessary.

~~{4—}~~ 3. Provide information and make recommendations to the State Fire Marshal ~~{and the State Board of Fire Services}~~ concerning the training of fire service personnel.

~~{5— Approve the budget for the operation of the Committee.}~~

4. **Make recommendations to the State Fire Marshal and to the Legislature concerning necessary legislation in the fields of fire fighting and fire protection.**

5. **When requested to do so by the Director of the Department of Public Safety, recommend to the Director not fewer than three persons for appointment as State Fire Marshal.**

6. **Hear appeals of orders, decisions or determinations made by the State Fire Marshal pursuant to his or her statutory authority.**

Sec. 6. NRS 477.085 is hereby amended to read as follows:

477.085 The ~~{Committee}~~ **Board** may:

1. Adopt regulations which:

(a) It determines are necessary for the operation of the ~~{Committee—}~~ **Board.**

(b) Require that training programs which are approved by the ~~{Committee}~~ **Board** and require special facilities be conducted at facilities approved by the ~~{Committee—}~~ **Board.**

2. Recommend to the Legislature any appropriate legislation concerning the training of fire service personnel.

Sec. 7. NRS 477.090 is hereby amended to read as follows:

477.090 1. A fire department ~~{or other fire service training agency or organization of the State—}~~, **fire district or any political subdivision or agency of the State or Federal Government** may submit to the Chair of the ~~{Committee}~~ **Board** a proposed training and certification program for any of the ~~{fire service personnel}~~ **emergency response members** who serve in positions for which the ~~{Committee}~~ **Board** has adopted regulations pursuant to NRS 477.080. The proposed program must be submitted not less than 30 days before the next scheduled meeting of the ~~{Committee—}~~ **Board.**

2. At that meeting, the ~~{Committee}~~ **Board** shall evaluate the proposed program and determine whether it meets the standards for training and certification prescribed in the regulations adopted by the ~~{Committee}~~ **Board** pursuant to NRS 477.080.

3. A proposed training and certification program submitted pursuant to this section must include:

1 (a) A description of the ~~fire-service personnel~~ *emergency response* positions
2 which will be covered by the program;

3 (b) A description of the training which the program will provide;

4 (c) A procedure for the renewal of certification; and

5 (d) A procedure for the revocation of certification.

6 4. If a training and certification program is approved by the ~~Committee,~~
7 *Board*, the program constitutes the standard for state certification of ~~fire-service~~
8 *emergency response* personnel.

9 **Sec. 8.** Notwithstanding any provision of law to the contrary, the term of
10 office of any person currently serving on the State Board of Fire Services ends on
11 June 30, 2011.

12 **Sec. 9.** 1. Any administrative regulations adopted by an officer, agency or
13 other entity whose name has been changed or whose responsibilities have been
14 transferred pursuant to the provisions of this act to another officer, agency or other
15 entity remain in force until amended by the officer, agency or other entity to which
16 the responsibility for the adoption of the regulations has been transferred.

17 2. Any contracts or other agreements entered into by an officer, agency or
18 other entity whose name has been changed or whose responsibilities have been
19 transferred pursuant to the provisions of this act to another officer, agency or other
20 entity are binding upon the officer, agency or other entity to which the
21 responsibility for the administration of the provisions of the contract or other
22 agreement has been transferred. Such contracts and other agreements may be
23 enforced by the officer, agency or other entity to which the responsibility for the
24 enforcement of the provisions of the contract or other agreement has been
25 transferred.

26 3. Any action taken by an officer, agency or other entity whose name has
27 been changed or whose responsibilities have been transferred pursuant to the
28 provisions of this act to another officer, agency or other entity remains in effect as
29 if taken by the officer, agency or other entity to which the responsibility for the
30 enforcement of such actions has been transferred.

31 **Sec. 10.** The Legislative Counsel shall:

32 1. In preparing the reprint and supplements to the Nevada Revised Statutes,
33 appropriately change any references to an officer, agency or other entity whose
34 name is changed or whose responsibilities have been transferred pursuant to the
35 provisions of this act to refer to the appropriate officer, agency or other entity. If
36 any internal reference is made to a section repealed by this act, the Legislative
37 Counsel shall delete the reference and replace it by reference to the superseding
38 section, if any.

39 2. In preparing supplements to the Nevada Administrative Code,
40 appropriately change any references to an officer, agency or other entity whose
41 name is changed or whose responsibilities are transferred pursuant to the provisions
42 of this act to refer to the appropriate officer, agency or other entity.

43 **Sec. 11.** NRS 477.020, 477.070 and 477.075 are hereby repealed.

44 **Sec. 12.** 1. This section and section 8 of this act become effective upon
45 passage and approval.

46 2. Sections 1 to 7, inclusive, 9, 10 and 11 of this act become effective on July
47 1, 2011.

TEXT OF REPEALED SECTIONS

477.020 State Board of Fire Services: Creation; members; qualifications of members; terms of members; meetings; compensation of members; duties.

1. The State Board of Fire Services, consisting of eight members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

- (a) A licensed architect;
- (b) A chief of a volunteer fire department;
- (c) A chief of a full-time, paid fire department;
- (d) A professional engineer;
- (e) The State Forester Firewarden;
- (f) A training officer of a volunteer fire department;
- (g) A training officer of a partially or fully paid fire department; and
- (h) A specialist in hazardous materials,

to the Board. No member other than the State Forester Firewarden may serve for more than two consecutive terms.

3. The Board shall select a Chair from among its members to serve for 1 year. The State Fire Marshal shall serve as the Secretary of the Board.

4. The Board may meet regularly at least twice each year or on the call of the Chair, the Secretary or any three members.

5. The members of the Board, except the State Forester Firewarden, are entitled to receive a salary of \$60 for each day's attendance at a meeting of the Board.

6. The Board shall make recommendations to the State Fire Marshal and to the Legislature concerning necessary legislation in the field of fire fighting and fire protection. When requested to do so by the Director of the Department of Public Safety, the Board shall recommend to the Director not fewer than three persons for appointment as State Fire Marshal.

7. The Board shall advise the State Fire Marshal on matters relating to the training of firefighters.

477.070 "Committee" defined. As used in NRS 477.070 to 477.090, inclusive, unless the context otherwise requires, "Committee" means the Fire Service Standards and Training Committee.

477.075 Creation; composition; appointment, terms and compensation of members; officers; vacancies; administrative support.

1. The Fire Service Standards and Training Committee, consisting of seven voting members and one nonvoting member, is hereby created.

2. The Committee consists of the Chair of the State Board of Fire Services, who is an ex officio member of the Committee, one member appointed by the State Fire Marshal, and six members appointed by the Governor as follows:

(a) Two chief officers or persons of equivalent rank, or two persons designated by the chief of the department, of a full-time, paid fire department who have experience in fire service training;

(b) Two chief officers or persons of equivalent rank, or two persons designated by the chief of the department, of a volunteer fire department who have experience in fire service training; and

(c) Two chief officers or persons of equivalent rank, or two persons designated by the chief of the department, of a combination paid and volunteer fire department who have experience in fire service training.

3. The six members appointed by the Governor must be from the following counties:

- (a) One member from Clark County;
- (b) One member from Washoe County; and
- (c) Four members from other counties, except that a majority of the voting members on the Committee must not be from one county.

4. The Governor shall make the appointments from recommendations submitted by:

- (a) The Nevada Fire Chiefs Association, Inc.;
- (b) The Nevada State Firemen's Association;
- (c) The Professional Fire Fighters of Nevada;
- (d) The Southern Nevada Fire Marshal's Association;
- (e) The Southern Nevada Fire Chiefs' Association;
- (f) The Northern Nevada Fire Marshal's Association; and
- (g) Representatives of fire departments of Washoe County.

5. For the initial terms of the members of the Committee, each entity listed in subsection 4 shall submit three recommendations to the Governor. After the initial terms, each entity shall submit two recommendations to the Governor.

6. The member appointed by the State Fire Marshal shall serve as Secretary to the Committee and is a nonvoting member of the Committee.

7. The members of the Committee shall select a Chair from among their membership.

8. After the initial terms, the term of each appointed member of the Committee is 2 years.

9. A vacancy in the Committee must be filled for the remainder of the unexpired term in the same manner as the original appointment.

10. Each member of the Committee is entitled to receive from the State Fire Marshal Division of the Department of Public Safety the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which the member attends a meeting of the Committee or is otherwise engaged in the work of the Committee.

11. The State Fire Marshal Division shall provide the Committee with administrative support.