

ASSEMBLY BILL NO. 163—ASSEMBLYMEN HANSEN, OSCARSON,
WHEELER; DICKMAN, ELLISON AND TITUS

FEBRUARY 13, 2015

JOINT SPONSORS: SENATORS GUSTAVSON;
AND SETTELMAYER

Referred to Committee on Government Affairs

SUMMARY—Provides for the creation of rangeland fire protection associations. (BDR 42-43)

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; providing for the creation of rangeland fire protection associations; authorizing certain boards to approve a petition to create a rangeland fire protection association; providing for the evaluation of such an association by the authorizing board and the State Forester Firewarden; requiring the State Forester Firewarden to adopt regulations and develop recommendations relating to the formation, operation and training of the members of such an association; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 3, 7.5 and 7.7 of this bill authorize a board of county commissioners, board of directors of a county fire protection district or board of fire commissioners of certain other districts to approve a petition submitted by any business entity or cooperative or any two or more persons who own, lease, produce agriculture on or otherwise control or occupy property within the county or district to create a rangeland fire protection association if the petitioners meet certain requirements. **Sections 3, 7.5 and 7.7** additionally provide for the routine evaluation of such an association by the authorizing board in cooperation with the State Forester Firewarden during the term of a cooperative agreement based on certain criteria and requires the State Forester Firewarden to adopt regulations and develop recommendations relating to the formation, operation and training of the members of such an association.



* A B 1 6 3 R 2 *

Existing law authorizes fire protection districts, the State Forester Firewarden and a board of county commissioners to enter into certain cooperative agreements for the purpose of providing fire protection services in this State. (NRS 472.050-472.070) **Sections 4-6, 8 and 9** of this bill authorize fire protection districts, the State Forester Firewarden and a board of county commissioners to enter into such agreements with a rangeland fire protection association.

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, 3 and 3.5 of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the term "rangeland fire protection association" means a nonprofit association formed for the purpose of protecting rangeland from wildfire pursuant to section 3, 7.5 or 7.7 of this act, as applicable.*

Sec. 3. 1. *Except as otherwise provided in sections 7.5 and 7.7 of this act, any business entity or cooperative or any two or more persons who own, lease, produce agriculture on or occupy property within a county in this State may establish a rangeland fire protection association by petitioning the board of county commissioners of the county in which the petitioners reside or in which their property is located for recognition as a rangeland fire protection association.*

2. *A board of county commissioners may approve a petition submitted pursuant to subsection 1 if the petitioners:*

(a) Meet the requirements established by the board relating to the creation, operation and duties of a rangeland fire protection association.

(b) Provide to the board a copy of written notice from the State Forester Firewarden that the proposed rangeland fire protection association meets all the applicable requirements set forth in the regulations adopted by the State Forester Firewarden pursuant to section 3.5 of this act concerning the formation, operation and training of the members of a rangeland fire protection association.

3. *A board of county commissioners, in cooperation with the State Forester Firewarden or his or her designee, shall, before the board enters into a cooperative agreement with a rangeland fire protection association pursuant to NRS 472.060 or 472.070 and annually thereafter during the term of the agreement, evaluate:*

(a) The governance and management structure of the association;

(b) The adequacy of any policy of liability insurance carried by the association;



(c) The condition and maintenance of the vehicles and equipment used by the association in carrying out its duties; and

(d) The training and qualifications of each member of the association in accordance with national standards or other substantially equivalent standards determined by the State Forester Firewarden.

4. A board of county commissioners may delegate the performance of the evaluation required pursuant to subsection 3 to the State Forester Firewarden. The State Forester Firewarden shall report to the board of county commissioners the results of any such delegated evaluation.

5. The board of county commissioners, the State Forester Firewarden and any other agency which is a party to a cooperative agreement entered into with a rangeland fire protection association shall, to the extent practicable, assist the association in procuring funding for the association, carrying out the duties of the association, training the members of the association and providing personal protective equipment for the members of the association.

6. The provisions of this section do not require a person to be a member of a rangeland fire protection association in order to protect his or her property from a rangeland fire.

Sec. 3.5. 1. The State Forester Firewarden shall adopt regulations governing a rangeland fire protection association established pursuant to section 3 of this act setting forth:

(a) The requirements for the formation of such a rangeland fire protection association, including the governance and management structure of an association;

(b) The scope of the operations which may be conducted by such an association;

(c) The training requirements for the members of such an association;

(d) The amount of liability insurance that must be carried by such an association; and

(e) Any financial requirements for the formation and operation of such an association.

2. The State Forester Firewarden shall develop recommendations concerning the formation, operation and training of the members of a rangeland fire protection association established pursuant to section 7.5 or 7.7 of this act. Such recommendations must address the topics set forth in subsection 1.

Sec. 4. NRS 472.050 is hereby amended to read as follows:

472.050 1. The State Forester Firewarden, with the approval of the Director of the State Department of Conservation and Natural Resources, may represent the State of Nevada in negotiating and



entering into agreements with the Federal Government for the purpose of securing cooperation in forest management and the protection of the forest and watershed areas of Nevada from fire, and enter into such other agreements with boards of county commissioners, municipalities, *rangeland fire protection associations and other* organizations and individuals in the State of Nevada owning lands therein, as are necessary in carrying out the terms of the federal agreements or that will otherwise promote and encourage forest management and the protection from fire of forest or other lands having an inflammable cover.

2. Any federal money allotted to the State of Nevada under the terms of the federal agreements and such other money as may be received by the State for the management and protection of forests and watershed areas therein shall be deposited in the Division of Forestry Account in the State General Fund.

Sec. 5. NRS 472.060 is hereby amended to read as follows:

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

1. Enter into cooperative agreements with the State Forester Firewarden subject to the approval of the Director of the State Department of Conservation and Natural Resources, acting for the State, and with other counties, *rangeland fire protection associations and other* organizations and individuals, to prevent and suppress outdoor fires.

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

Sec. 6. NRS 472.070 is hereby amended to read as follows:

472.070 The State Forester Firewarden with the approval of the Director of the State Department of Conservation and Natural Resources, fire protection districts, and the boards of county commissioners, separately or collectively, may enter into agreements with the United States Forest Service, United States Bureau of Land Management, ~~land~~ other fire protection agencies ~~and~~ *and rangeland fire protection associations* to provide for placing any or all portions of the fire protection work under the direction of the agency *or association* concerned, under such terms as the contracting parties deem equitable, and may place any or all funds appropriated or otherwise secured for forest protection in the cooperative work fund of the respective agency *or rangeland fire*



protection association for disbursement by that agency *or association* for the purposes stated in the agreements and otherwise in conformity with the terms thereof.

Sec. 7. Chapter 474 of NRS is hereby amended by adding thereto the provisions set forth as sections 7.2, 7.5 and 7.7 of this act.

Sec. 7.2. *As used in this chapter, unless the context otherwise requires, the term “rangeland fire protection association” has the meaning ascribed to it in section 2 of this act.*

Sec. 7.5. 1. *Any business entity or cooperative or any two or more persons who own, lease, produce agriculture on or otherwise control or occupy property within a county fire protection district organized pursuant to NRS 474.010 to 474.450, inclusive, may establish a rangeland fire protection association by petitioning the board of directors of the county fire protection district in which the petitioners reside or in which their property is located for recognition as a rangeland fire protection association.*

2. *The board of directors of a county fire protection district may approve a petition submitted pursuant to subsection 1 if the petitioners:*

(a) Meet the requirements established by the board relating to the creation, operation and duties of a rangeland fire protection association.

(b) Provide to the board a copy of written notice from the State Forester Firewarden that the proposed rangeland fire protection association complies with the recommendations developed by the State Forester Firewarden pursuant to section 3.5 of this act concerning the formation, operation and training of the members of a rangeland fire protection association.

3. *The board of directors of a county fire protection district, in cooperation with the State Forester Firewarden or his or her designee, shall, before the board enters into a cooperative agreement with a rangeland fire protection association pursuant to NRS 472.060 or 472.070 and annually thereafter during the term of the agreement, evaluate:*

(a) The governance and management structure of the association;

(b) The adequacy of any policy of liability insurance carried by the association;

(c) The condition and maintenance of the vehicles and equipment used by the association in carrying out its duties; and

(d) The training and qualifications of each member of the association in accordance with national standards or other substantially equivalent standards determined by the county fire protection district.



4. The board of directors of a county fire protection district may delegate the performance of the evaluation required pursuant to subsection 3 to the State Forester Firewarden. The State Forester Firewarden shall report to the board of directors of the county fire protection district the results of any such delegated evaluation.

5. The board of directors of a county fire protection district, the State Forester Firewarden and any other agency which is a party to a cooperative agreement entered into with a rangeland fire protection association shall, to the extent practicable, assist the association in procuring funding for the association, carrying out the duties of the association, training the members of the association and providing personal protective equipment for the members of the association.

6. The provisions of this section do not require a person to be a member of a rangeland fire protection association in order to protect his or her property from a rangeland fire.

Sec. 7.7. 1. Any business entity or cooperative or any two or more persons who own, lease, produce agriculture on or otherwise control or occupy property within a district organized pursuant to NRS 474.460 may establish a rangeland fire protection association by petitioning the board of fire commissioners of the district in which the petitioners reside or in which their property is located for recognition as a rangeland fire protection association.

2. The board of fire commissioners of the district may approve a petition submitted pursuant to subsection 1 if the petitioners:

(a) Meet the requirements established by the board relating to the creation, operation and duties of a rangeland fire protection association.

(b) Provide to the board a copy of written notice from the State Forester Firewarden that the proposed rangeland fire protection association complies with the recommendations developed by the State Forester Firewarden pursuant to section 3.5 of this act concerning the formation, operation and training of the members of a rangeland fire protection association.

3. The board of fire commissioners of a district organized pursuant to NRS 474.460, in cooperation with the State Forester Firewarden or his or her designee, shall, before the board enters into a cooperative agreement with a rangeland fire protection association pursuant to NRS 472.060 or 472.070 and annually thereafter during the term of the agreement, evaluate:

(a) The governance and management structure of the association;



(b) *The adequacy of any policy of liability insurance carried by the association;*

(c) *The condition and maintenance of the vehicles and equipment used by the association in carrying out its duties; and*

(d) *The training and qualifications of each member of the association in accordance with national standards or other substantially equivalent standards determined by the district.*

4. *The board of fire commissioners of a district organized pursuant to NRS 474.460 may delegate the performance of the evaluation required pursuant to subsection 3 to the State Forester Firewarden. The State Forester Firewarden shall report to the board of fire commissioners the results of any such delegated evaluation.*

5. *The board of fire commissioners of a district organized pursuant to NRS 474.460, the State Forester Firewarden and any other agency which is a party to a cooperative agreement entered into with a rangeland fire protection association shall, to the extent practicable, assist the association in procuring funding for the association, carrying out the duties of the association, training the members of the association and providing personal protective equipment for the members of the association.*

6. *The provisions of this section do not require a person to be a member of a rangeland fire protection association in order to protect his or her property from a rangeland fire.*

Sec. 8. NRS 474.163 is hereby amended to read as follows:

474.163 1. The board of directors of a county fire protection district may appoint a district fire chief who shall have adequate training and experience in fire control and who shall hire such employees as are authorized by the board. The district fire chief shall administer all fire control laws in the district and perform such other duties as may be designated by the board of directors. The district fire chief shall coordinate fire protection activities in the district and shall cooperate with all other fire protection agencies ~~and~~ *and rangeland fire protection associations.*

2. In lieu of or in addition to the provisions of subsection 1, the board of directors may:

(a) Provide fire protection to the county fire protection district by entering into agreements with other agencies *or rangeland fire protection associations* as provided by NRS 277.180 and 472.060 to 472.090, inclusive, for the furnishing of such protection to the district; or

(b) Support volunteer fire departments within the county fire protection district for the furnishing of such protection to the district.



Sec. 8.5. NRS 474.470 is hereby amended to read as follows:

474.470 The board of fire commissioners shall:

1. Manage and conduct the business and affairs of districts organized pursuant to the provisions of NRS 474.460.

2. Adopt and enforce all rules and regulations necessary for the administration and government of the districts and for the furnishing of fire protection thereto, which may include regulations relating to emergency medical services and fire prevention. The regulations may include provisions that are designed to protect life and property from:

(a) The hazards of fire and explosion resulting from the storage, handling and use of hazardous substances, materials and devices; and

(b) Hazardous conditions relating to the use or occupancy of any premises.

↳ Any regulation concerning hazardous substances, materials or devices adopted pursuant to this section must be consistent with any plan or ordinance concerning those substances, materials or devices that is required by the Federal Government and has been adopted by the board of county commissioners.

3. Organize, regulate, establish and disband fire companies, departments or volunteer fire departments for the districts.

4. Provide for the payment of salaries to the personnel of those fire companies or fire departments.

5. Provide for payment from the proper fund of all the debts and just claims against the districts.

6. Employ agents and employees for the districts sufficient to maintain and operate the property acquired for the purposes of the districts.

7. Acquire real or personal property necessary for the purposes of the districts and dispose of the property if no longer needed.

8. Construct any necessary structures.

9. Acquire, hold and possess, by donation or purchase, any land or other property necessary for the purpose of the districts.

10. Eliminate and remove fire hazards from the districts if practicable and possible, whether on private or public premises, and to that end the board of fire commissioners may clear the public highways and private lands of dry grass, stubble, brush, rubbish or other inflammable material in its judgment constituting a fire hazard.

11. Perform all other acts necessary, proper and convenient to accomplish the purposes of NRS 474.460 to 474.540, inclusive **H**, *and section 7.7 of this act.*



Sec. 9. NRS 474.500 is hereby amended to read as follows:

474.500 1. The board of fire commissioners may appoint a district fire chief who shall have adequate training and experience in fire control and who shall hire such employees as are authorized by the board. The district fire chief shall administer all fire control laws in the territory of the county described by NRS 474.460 and perform such other duties as may be designated by the board of fire commissioners and the State Forester Firewarden. The district fire chief shall coordinate fire protection activities in the district and shall cooperate with all other existing fire protection agencies **and rangeland fire protection associations** and with the State Forester Firewarden for the standardization of equipment and facilities.

2. In lieu of or in addition to the provisions of subsection 1, the board of fire commissioners may:

(a) Provide the fire protection required by NRS 474.460 to 474.540, inclusive, **and section 7.7 of this act** to the districts by entering into agreements with other agencies **or rangeland fire protection associations** as provided by NRS 472.060 to 472.090, inclusive, and 277.180, for the furnishing of such protection to the districts; or

(b) Support volunteer fire departments within districts organized under the provisions of NRS 474.460 to 474.540, inclusive, **and section 7.7 of this act** for the furnishing of such protection to the districts.

Sec. 10. This act becomes effective:

1. Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. For all other purposes, on the earlier of:

(a) January 1, 2016; or

(b) The date on which the State Forester Firewarden adopts a temporary regulation, an emergency regulation or a permanent regulation pursuant to chapter 233B of NRS and section 3.5 of this act concerning the formation, operation and training of the members of a rangeland fire protection association.

