

ASSEMBLY BILL NO. 86—COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE COMMITTEE TO CONDUCT
AN INTERIM STUDY CONCERNING WILDFIRES)

PREFILED JANUARY 26, 2021

Referred to Committee on Government Affairs

SUMMARY—Makes various changes relating to the recovery of certain expenses and costs incurred in extinguishing wildfires. (BDR 42-111)

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

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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 wildfires; revising provisions relating to the recovery of expenses incurred by certain governmental entities in extinguishing a fire or meeting an emergency; authorizing counties, cities and certain general improvement districts to bring an action to recover certain expenses related to wildfires; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person, firm, association or agency who willfully or negligently causes a fire or other emergency which threatens human life may, in certain circumstances, be liable for the expenses incurred in extinguishing the fire or meeting the emergency to the federal, state, county or municipal agency which incurred those expenses. (NRS 472.540, 474.550) **Sections 1 and 2** of this bill: (1) revise the circumstances under which a person, firm, association or agency may be liable for such expenses to remove the requirement that the fire or other emergency must have threatened human life for expenses to be recovered; and (2) provide that a person, firm, association or agency may also be liable for the expenses incurred in extinguishing a fire or meeting an emergency by a city agency or general improvement district created to furnish fire protection.

Sections 3-5 of this bill authorize the governing body of a county, city or general improvement district created to furnish fire protection to bring an action against a person, firm, association or agency that is responsible for willfully or



15 negligently causing a wildfire to recover any expenses incurred in extinguishing
16 the wildfire and reasonable attorney's fees and litigation expenses.

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

1 **Section 1.** NRS 472.540 is hereby amended to read as follows:

2 472.540 1. Except as otherwise provided in this section or by
3 specific statute, if the State Forester Firewarden determines that a
4 person, firm, association or agency is responsible for willfully or
5 negligently causing any fire or other emergency , ~~[which threatens~~
6 ~~human life.]~~ the person, firm, association or agency may be charged
7 with the expenses incurred in extinguishing the fire or meeting the
8 emergency, together with the cost of necessary patrol. This charge
9 constitutes a debt of the person, firm, association or agency charged
10 and is collectible by the federal, state, county , *city* or municipal
11 agency , *or general improvement district created pursuant to NRS*
12 *318.1181 for the purpose of furnishing fire protection*, incurring
13 such expenses in the same manner as in the case of an obligation
14 under a contract, express or implied.

15 2. If the State Forester Firewarden determines that the fire or
16 other emergency ~~[which threatens human life]~~ was the result of an
17 unavoidable accident, the State Forester Firewarden shall not charge
18 the person, firm, association or agency that caused the fire or
19 emergency the expenses incurred in extinguishing the fire or
20 meeting the emergency.

21 **Sec. 2.** NRS 474.550 is hereby amended to read as follows:

22 474.550 1. Except as otherwise provided in this section and
23 NRS 527.126, within the boundaries of any fire protection district
24 created pursuant to this chapter, any person, firm, association or
25 agency which willfully or negligently causes a fire or other
26 emergency ~~[which threatens human life]~~ may be charged with the
27 expenses incurred in extinguishing the fire or meeting the
28 emergency and the cost of necessary patrol. Such a charge
29 constitutes a debt which is collectible by the federal, state, county ,
30 *city* or district agency , *or general improvement district created*
31 *pursuant to NRS 318.1181 to furnish fire protection*, incurring the
32 expenses in the same manner as an obligation under a contract,
33 express or implied.

34 2. If it is determined that the fire or other emergency ~~[which~~
35 ~~threatens human life]~~ was the result of an unavoidable accident, the
36 person, firm, association or agency that caused the fire or
37 emergency may not be charged the expenses incurred in
38 extinguishing the fire or meeting the emergency.



1 **Sec. 3.** Chapter 244 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *A board of county commissioners may bring an action in a*
4 *court of competent jurisdiction against any person, firm,*
5 *association or agency that is responsible for willfully or*
6 *negligently causing a wildfire to recover any expenses incurred by*
7 *the county in extinguishing the wildfire and reasonable attorney's*
8 *fees and litigation expenses.*

9 **Sec. 4.** Chapter 268 of NRS is hereby amended by adding
10 thereto a new section to read as follows:

11 *A city council or other governing body of a city may bring an*
12 *action in a court of competent jurisdiction against any person,*
13 *firm, association or agency that is responsible for willfully or*
14 *negligently causing a wildfire to recover any expenses incurred by*
15 *the city in extinguishing the wildfire and reasonable attorney's*
16 *fees and litigation expenses.*

17 **Sec. 5.** NRS 318.1181 is hereby amended to read as follows:

18 318.1181 In the case of a district created wholly or in part for
19 the purpose of furnishing fire protection, the board may:

20 1. Acquire fire protection equipment and acquire, construct or
21 improve fire protection facilities and make improvements necessary
22 and incidental thereto;

23 2. Eliminate fire hazards existing within the district in the
24 manner prescribed in NRS 474.580 for districts created pursuant to
25 chapter 474 of NRS;

26 3. Clear public highways and private lands of dry grass,
27 stubble, bushes, rubbish and other inflammable material which in its
28 judgment constitute a fire hazard;

29 4. Coordinate fire protection activities with the State Forester
30 Firewarden; ~~and~~

31 5. Cooperate with the State Forester Firewarden in formulating
32 a statewide plan for the prevention and control of fires ~~H~~; and

33 6. *Bring an action in any court of competent jurisdiction*
34 *against any person, firm, association or agency that is responsible*
35 *for willfully or negligently causing a wildfire to recover any*
36 *expenses incurred by the district in extinguishing the fire and*
37 *reasonable attorney's fees and litigation expenses.*

