

A.B. 100

ASSEMBLY BILL No. 100—COMMITTEE
ON GOVERNMENT AFFAIRS

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

FEBRUARY 8, 2021

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to wildfires.
(BDR 42-109)

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

EXPLANATION —Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to wildfires; authorizing the State Forester Firewarden to enter into a cooperative agreement with federal, state and local agencies to create a fire board of directors; revising the duties of the State Forester Firewarden; creating the Wildland Fire Protection Program; authorizing the Commissioner of Insurance to create an insurance incentive program related to wildfires; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law sets forth various powers and duties of the State Forester
- 2 Firewarden related to forest and watershed management and the protection of
- 3 forests and other lands from fire. (NRS 472.040) Existing law further authorizes the
- 4 State Forester Firewarden, under certain circumstances, to enter into: (1)
- 5 cooperative agreements with the Federal Government for the purpose of securing
- 6 cooperation in forest management and the protection of the forest and watershed
- 7 areas of Nevada from fire; and (2) certain other agreements that will otherwise
- 8 promote and encourage forest management and the protection from fire of forest or
- 9 other lands having an inflammable cover. (NRS 472.050)
- 10 **Section 2** of this bill authorizes the State Forester Firewarden to enter into a
- 11 cooperative agreement with federal, state and local agencies for the purpose of
- 12 creating a fire board of directors to ensure that agencies in this State work
- 13 collaboratively to, without limitation: (1) determine and plan for best practices for
- 14 wildfire suppression tactics and needs; (2) facilitate communication among the
- 15 agencies when a wildfire occurs; and (3) develop policies that ensure a safe and
- 16 effective response to a wildfire.



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Section 4 of this bill requires the State Forester Firewarden to work collaboratively with and provide technical assistance to federal, state and local agencies and property owners to: (1) identify and mitigate the risks of wildfire to life, property and ecosystems; (2) restore and maintain landscape resiliency; (3) create and maintain fire-adapted communities and ignition-resistant communities; and (4) improve and support safe and effective responses to wildfires.

Existing law authorizes any fire protection district and boards of county commissioners to enter into cooperative agreements with the State Forester Firewarden, other counties, rangeland fire protection associations and other organizations and individuals to prevent and suppress outdoor fires. (NRS 472.060) **Section 3** of this bill creates the Wildland Fire Protection Program in the Division of Forestry of the State Department of Conservation and Natural Resources and authorizes the State Forester Firewarden to enter into cooperative agreements with fire protection districts and boards of county commissioners to participate in the Wildland Fire Protection Program.

Existing law authorizes, under certain circumstances, the State Forester Firewarden to provide meals to employees of the Division who are involved in emergency fire fighting. (NRS 472.110) **Section 5** of this bill authorizes, under certain circumstances, the State Forester Firewarden to also provide meals to employees of the Division who are involved in critical natural resource projects.

Existing law authorizes the State Forester Firewarden to prohibit or restrict certain activities on any lands within the jurisdiction of the State Forester Firewarden when a danger to public safety or natural resources exists because of conditions which create a high risk of fire. (NRS 472.510) **Section 6** of this bill requires the State Forester Firewarden to cooperate and collaborate with the relevant federal, state and local agencies in prohibiting or restricting such activities.

Sections 7 and 8 of this bill make conforming changes to indicate the placement of sections 2 and 3 in the Nevada Revised Statutes.

Section 9 of this bill authorizes the Commissioner of Insurance to create a program for insurers to provide incentives to promote and encourage property owners to take measures to mitigate the risk of property loss or damage caused by wildfire. If the Commissioner creates such a program, the Commissioner is required to consult with the State Forester Firewarden in determining the mitigation measures that will be included in the program.

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 and 3 of this act.

Sec. 2. *The State Forester Firewarden, with the approval of the Director of the State Department of Conservation and Natural Resources, may enter into a cooperative agreement with federal, state and local agencies for the purpose of creating a fire board of directors to ensure, without limitation, that agencies in this State work collaboratively to:*

1. Determine and plan for best practices for wildfire suppression tactics and needs;

2. Facilitate communication among the agencies when a wildfire occurs; and



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1 3. *Develop policies that ensure a safe and effective response*
2 *to a wildfire.*

3 **Sec. 3. 1. The Wildland Fire Protection Program is hereby**
4 *created in the Division of Forestry of the State Department of*
5 *Conservation and Natural Resources to provide wildfire protection*
6 *and resources throughout this State.*

7 2. *The State Forester Firewarden, with the approval of the*
8 *Director of the State Department of Conservation and Natural*
9 *Resources, may enter into cooperative agreements with any fire*
10 *protection district or board of county commissioners to participate*
11 *in the Wildland Fire Protection Program.*

12 3. *The Wildland Fire Protection Program may provide fire*
13 *protection districts and boards of county commissioners who enter*
14 *into the agreement to participate in the Wildland Fire Protection*
15 *Program with resources for wildfire protection, firefighting and*
16 *recovery, including, without limitation, technical assistance and*
17 *labor, when available, to reduce the risk of wildfires in high to*
18 *extreme wildfire risk areas and to reduce the cost of suppressing*
19 *wildfires.*

20 **Sec. 4. NRS 472.040 is hereby amended to read as follows:**

21 472.040 1. The State Forester Firewarden shall:

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

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

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

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

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

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

43 (g) Administer money appropriated and grants awarded for fire
44 prevention, fire control and the education of firefighters and award



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1 grants of money for those purposes to fire departments and
2 educational institutions in this State.

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

7 (i) Cooperate with the State Fire Marshal in the enforcement of
8 all laws and the adoption of regulations relating to the prevention of
9 fire through the management of vegetation in counties located
10 within or partially within the Lake Tahoe Basin and the Lake Mead
11 Basin.

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

17 (k) Ensure that any adopted regulations are consistent with those
18 of fire protection districts created pursuant to chapter 318 or 474 of
19 NRS.

20 (l) Upon the request of the State Engineer, review a plan
21 submitted with an application for the issuance of a temporary permit
22 pursuant to NRS 533.436.

23 *(m) Work collaboratively with and provide technical assistance*
24 *to federal, state and local agencies and property owners to:*

25 *(1) Identify and mitigate the risks of wildfire to life,*
26 *property and ecosystems;*

27 *(2) Restore and maintain landscape resiliency;*

28 *(3) Create and maintain fire-adapted communities and*
29 *ignition-resistant communities; and*

30 *(4) Improve and support safe and effective responses to*
31 *wildfire.*

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

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

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

42 (c) Appoint, upon the recommendation of the appropriate federal
43 officials, resident officers of the United States Forest Service and
44 the United States Bureau of Land Management as voluntary



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1 firewardens. Voluntary firewardens are not entitled to compensation
2 for their services.

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

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

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

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

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

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

30 **Sec. 5.** NRS 472.110 is hereby amended to read as follows:

31 472.110 The State Forester Firewarden may provide meals to
32 employees of the Division of Forestry of the State Department of
33 Conservation and Natural Resources who are involved in emergency
34 fire fighting *or critical natural resource projects* if the State
35 Forester Firewarden determines that it is impractical for the
36 employees to eat at home because of their duties in that emergency
37 *or on that assignment.*

38 **Sec. 6.** NRS 472.510 is hereby amended to read as follows:

39 472.510 1. The State Forester Firewarden may prohibit or
40 restrict the following activities on any lands within the jurisdiction
41 of the State Forester Firewarden when a danger to public safety or
42 natural resources exists because of conditions which create a high
43 risk of fire:

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



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

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

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

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

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

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

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

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

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

25 4. *The State Forester Firewarden shall cooperate and*
26 *collaborate with the relevant federal, state and local agencies in*
27 *prohibiting or restricting activities pursuant to this section.*

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

31 ~~{S-}~~ 6. Any person violating any of the provisions of ~~{this~~
32 ~~section}~~ *subsection 1* is guilty of a misdemeanor.

33 Sec. 7. NRS 474.167 is hereby amended to read as follows:

34 474.167 The board of directors of a county fire protection
35 district shall cooperate with the State Forester Firewarden and other
36 agencies as provided in NRS 472.040 to 472.090, inclusive, *and*
37 *sections 2 and 3 of this act* to prevent and suppress fires in wild
38 lands, and may contribute suitable amounts of money from the sums
39 raised as provided in NRS 474.200 for that purpose to cooperating
40 agencies, or may receive contributions from other agencies to be
41 spent for that purpose.

42 Sec. 8. NRS 474.490 is hereby amended to read as follows:

43 474.490 The board of fire commissioners shall cooperate with
44 the State Forester Firewarden and other agencies as provided in
45 NRS 472.040 to 472.090, inclusive, *and sections 2 and 3 of this act*



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1 to prevent and suppress fires in wild lands, and may contribute
2 suitable amounts of money from the sums raised as provided in
3 NRS 474.510 for that purpose to cooperating agencies, or may
4 receive contributions from other agencies to be spent for that
5 purpose.

6 Sec. 9. Chapter 679B of NRS is hereby amended by adding
7 thereto a new section to read as follows:

8 *1. The Commissioner may create a program for insurers to*
9 *provide incentives to promote and encourage property owners to*
10 *take measures to mitigate the risk of property loss or damage*
11 *caused by wildfire.*

12 *2. If the Commissioner creates a program pursuant to*
13 *subsection 1, the Commissioner must consult with the State*
14 *Forester Firewarden in determining the mitigation measures that*
15 *that will be included in the program.*

16 Sec. 10. This act becomes effective on July 1, 2021.

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