

Members Present:

Chairman Hayes
Vice Chairman Stewart
Mr. Banner
Mr. Brady
Mr. Coulter
Mr. Fielding
Mr. Horn
Mr. Malone
Mr. Polish
Mr. Prengaman
Mr. Sena

Guests Present: (see attached list)

Tom Huddleston, State Fire Marshal
Assemblyman Lloyd Mann
Stan Warren, Nevada Bell
John Holmes, Nevada Bell
Sam Mamet, Clark County
Charles Zobell, City of Las Vegas
Les Groth, Nevada Fire Chiefs & Nevada Firemen
Virgil Anderson, AAA
Robert F. Guinn, Nevada Motor Transport Association
Daryl E. Capurro, Nevada Motor Transport Association
Marsha Hudgins, City of Las Vegas
Heber Hardy, Chairman, Public Service Commission
Andy Grose, Research Director, Legislative Council Bureau

Chairman Hayes called the meeting to order at 8:05 a.m. She then introduced Assemblyman Lloyd Mann who overviewed bills before the Committee as follows:

ASSEMBLY BILL NO. 19

Extends prohibition of parking near a fire hydrant to 20 feet in places where angle parking of vehicles is permitted.

ASSEMBLY BILL NO. 21

Authorizes fire departments to investigate causes of fires.

Prepared statements to which Mr. Mann refers are attached to these minutes as Appendices A and B.

Mr. Mann noted that the basis of introduction of A.B. 19 stemmed from the problem created from obtaining clearance to fire hydrants for large fire trucks at the scene of a fire where angle parking is permitted. In response to Chairman Hayes' inquiry, he stated that he felt the fiscal impact statewide which would result from passage of this measure will be less than \$2,000.00 per county and that presently salaried local employees could be charged with revamping parking spaces in community areas containing fire hydrants.

Mr. Mann then read from the attached statement on A.B. 21, which he explained would empower fire departments with the right to investigate fires within their own jurisdictions by State statute rather than by implication.

Tom Huddleston, State Fire Marshal, concurred with Mr. Mann's statements on both bills. He emphasized, in re A.B. 19, the need for access to fire hydrants in angle parking situations being extended in order to utilize soft suction lines on fire trucks at their present length. Regarding A.B. 21, Mr. Huddleston noted that traditionally fire departments have had the right to investigate fires by local authority which denotes firemen as peace officers.

In response to Chairman Hayes' question, Mr. Huddleston answered that volunteer fire department investigations are usually referred to the State Fire Marshal, i.e., his office, for investigation, thus eliminating the necessity for volunteer firemen to act as investigators in those communities.

In response to Mr. Sena's inquiry, Mr. Huddleston said that jurisdiction for fire investigation was locally limited, but that communities could refer to other jurisdictions for courtesy assistance in investigation of fires, as needed.

Mr. Brady asked whether extending the length of the soft service lines five (5) additional feet was sufficient extension to solve the problem; Mr. Huddleston replied that a five-foot extension would, in fact, increase linear access to a total of forty (40) feet from the fire hydrant.

Mr. Sam Mamet, representing Clark County, then stated that Clark County had initiated preparation of drafts of A.B. 19 and A.B. 21 to the State Legislature, even though they parallel county ordinances, desiring that a State statute rather than a county ordinance govern the matters. Mr. Stewart confirmed the reasoning by stating that since many arson cases become court matters, the statute would give legal provision for investigation of fires in court referred instances.

Next, Charles Zobell, representing the City of Las Vegas, appeared before the Committee and stated that he had reviewed both bills with the Las Vegas Fire Chief. Two recommendations for changes in the bills were made by Mr. Zobell as a results of his meeting, he said:

1. Change line 3 of A. B. 21, from "may" to "shall".
2. To A. B. 21, add a statement to require that the results of a fire investigation be forwarded to the Fire Chief, who, in turn, shall forward that information to the National Fire Service for inclusion in system statistics.

Mr. Brady inquired as to whether change No. 1 above would require more personnel, i.e., if investigation become mandatory for each fire, and Chairman Hayes expressed concern that volunteer fire departments might not have personnel to comply with mandatory investigation. Mr. Zobell indicated that although the City of Las Vegas presently investigates every fire, volunteer fire departments might indeed have difficulty complying with mandatory investigation requirements.

Les Groth, retired Fire Chief of Carson City, spoke next to the Committee as a representative of the Nevada Fire Chiefs' Association. He noted that A. B. 19, with the exception of increasing the distance from a fire hydrant could cause problems in loss of downtown parking area for small communities, resulting in revenue loss. He said he felt local ordinances could produce the required effect in cities where the extension of parking area is deemed necessary, rather than to blanket the State with a statute. Referring next to A. B. 21, he stated he felt that the word "may" should be changed to "shall" on line 3 of that bill to prevent the possibility of liability against a fire department which might not investigate a particular fire.

In response to Mr. Brady's inquiry, Sam Mamet answered that the footage increase indicated in A.B. 19 as proposed referred to the size of the trucks now used, and since the law presently states the 15-foot space requirement, the larger trucks need an additional 5-foot distance for hookup to hydrants. Chairman Hayes next suggested the Committee might advocate enabling legislation so that county and city ordinances could effect distance changes at the local level as opposed to changing the basic law in effect.

After further discussion regarding testimony which had been presented, Mr. Stewart suggested requesting the Clark County District Attorney's opinion as to whether the County does have authority to determine its own regulations on parking in these instances regarding fire trucks.

Mr. Stewart next asked Mr. Huddleston if all fire departments

submit reports on fire investigations to his office. Mr. Huddleston said reports are submitted annually, and that for specific cases, this reporting system poses no problem. He also noted that he has applied for an LEAA grant to develop a comprehensive data bank and explained that the grant request would, if approved, provide personnel additions to cover data interfacing from statistics compiled.

ASSEMBLY BILL NO. 69

Provides for enforcement of subpoenas of public service commission.

ASSEMBLY BILL NO. 73

Provides that procedures for obtaining suspension or stay of order are exclusive.

First appearing before the Committee regarding A.B. 69 and A.B. 73 was Andy Grose, Research Director, Legislative Council Bureau, who addressed the bills as follows:

A.B. 69 - Mr. Grose noted that the suggested changes in this bill were made so that expenses for members of the Public Service Commission required to testify in certain matters would be paid as are those of persons representing public utilities. The bill language also spells out the enforcement manner which district courts should use in responses.

A.B. 73 - Mr. Grose stated that suggested language in this bill was a procedural, not a policy change, so regardless of which section of the Statutes a judge uses for reference, i.e., 233B or 706.711, the charge to the judge is the same. Mr. Stewart stated that his understanding of the process is that subpoenas are issued by the commission; if not answered, the court may issue an order to appear; if no response, sanctions are taken. He added that he felt sanctions should be able to be taken immediately.

Heber Hardy, Chairman of the Public Service Commission, stated that usually witnesses appear without issuance of subpoenas; however, the commission does need recourse in case of refusal to appear.

There being no further discussion, the Committee agreed to take action on the four (4) bills reviewed in the meeting.

A.B. 19 - The Committee tabled action on this bill pending receipt from the Clark County District Attorney of his opinion on whether the County has authority to determine parking regulations regarding distances vehicles must be angle-parked from fire hydrants.

A.B. 21 - Motion to approve made by Mr. Coulter, seconded by Mr. Stewart. Committee voted unanimously to pass.

A.B. 69 - Upon motion to approve by Mr. Horn, seconded by Mr. Brady, the Committee voted unanimously to pass.

A.B. 73 - Mr. Malone moved, seconded by Mr. Prengaman, in favor of passage. The Committee voted unanimously to pass.

After a five-minute recess, the Committee was reconvened by Chairman Hayes. She presented three groups of bill drafts for committee consideration: 1) Bills from the 59th Session which had been introduced as a package, which she noted Committee members might wish to review and sign; 2) bills from the District Attorneys Association which Committee members might wish to consider for introduction; and 3) bills to be individually considered by Committee members for introduction or objection.

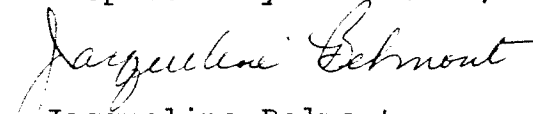
Motion: Mr. Sena moved introduction of 1) and 2) above, to which motion the Committee gave unanimous approval.

Chairman Hayes then stated the Thursday, January 25, 1979 meeting time was changed from 8:00 a.m. to 9:00 p.m. and instructed the secretary to make proper notification.

Chairman Hayes invited Committee members to view a video film entitled, "Scared Straight" at 10:00 a.m. this date in Room 213 and said today's viewing would replace the plan to view the film on Friday, February 2, 1979.

There being no further business to come before the Committee, Chairman Hayes adjourned the meeting at 9:00 a.m.

Respectfully submitted,


Jacqueline Belmont
Secretary

Assembly Committee on Judiciary
January 24, 1979
Appendix to Minutes

AB 19

Why Needed: The Fire Department has experienced that the existing 15 foot clearing around fire hydrants is not always sufficient to maneuver the rather long fire trucks near the hydrants. In areas where horizontal or diagonal parking is permitted the mandated accessibility area needs to be enlarged.

Fiscal Impact: None

Prior Legislation: None

Assembly Committee on Judiciary
January 24, 1979
Appendix to Minutes

AB 21

Why Needed: Despite the fact that arson investigators for the Fire Departments are specifically made peace officers, and despite the fact that there is generally recognized a duty in the Fire Departments to carry out all necessary fire prevention and enforcement procedures to enforce the fire codes established by law, some confusion has still arisen regarding the specific authority of Fire Departments to initiate and carry out specific investigations into origins and causes of fires. At present there is no single state statute giving Fire Departments such investigative authority. The lack of such authority presents difficulties when arson cases reach the courts.

Fiscal Impact: None

Prior Legislation: None

1979 ASSEMBLY JUDICIARY COMMITTEE

	Present	Excused	Unexcused	
Mrs. Hayes, Chairman	✓			
Mr. Stewart, Vice Chairman	✓			
Mr. Banner	✓			
Mr. Brady	✓			
Mr. Coulter	✓			
Mr. Fielding	✓			
Mr. Horn	✓			
Mr. Malone	✓			
Mr. Polish	✓			
Mr. Prengaman	✓			
Mr. Sena	✓			
	Ayes	Nays	Not Voting	Absent

DATE 1/24/79