

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON HUMAN RESOURCES AND FACILITIES

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
February 23, 1981

The Senate Committee on Human Resources and Facilities was called to order by Chairman Joe Neal at 9:05 a.m., Monday, February 23, 1981, in Room 323 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Joe Neal, Chairman
Senator James N. Kosinski, Vice Chairman
Senator Richard E. Blakemore
Senator Wilbur Faiss
Senator Virgil M. Getto
Senator James H. Bilbray

STAFF MEMBERS PRESENT:

Connie S. Richards, Committee Secretary

SENATE BILL NUMBER 165

Mr. Lody Smith, State Forester Firewarden, State of Nevada explained that Senate Bill No. 165 is basically "clean-up" legislation pertaining to the firewarden's duties. He said that the language on lines 5 and 6 is necessary because the firewarden is often called to emergencies that threaten human life other than fires i.e. accident washdown, aircraft and railroad emergencies, and rescues.

Senator Kosinski asked Mr. Smith who would respond to the emergencies if the firewarden did not.

Mr. Smith said that the state forester firewarden is the only emergency agency in many areas and thus the only agency to respond although he does have cooperation agreements with other fire departments.

Mr. Smith presented statistical information regarding the state forester firewarden calls and answers to calls for the past several years. This information is Exhibit C.

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Senator Getto asked Mr. Smith how many miles are in his fire protection district.

Mr. Smith said that his fire protection district consists of all of Elko County except for the cities, all of Storey County, all of Eureka County, portions of Carson City, Douglas County, and Washoe County, and a portion of Mt. Charleston in Clark County.

Senator Kosinski asked what percentage of funds are contributed by Elko County for the services received there.

Mr. Smith said that Elko County pays for a little over 25 percent of the total operating budget in Elko County; the state and federal governments provide the rest.

Mr. Smith said that Section 4 is being added because the governor currently has the power to put restrictions on areas that are flammable during the summer. He said that he would like to be able to place these restrictions on certain areas before the fire conditions become extreme. (See Exhibit D).

- Senator Kosinski asked Mr. Smith if he was suggesting removal of the governor's power to place the restrictions on certain areas.

Mr. Smith said that this was not his intent, adding that the governor would retain all power for complete closure of an area, while the forester can only place restrictions on areas.

Mr. Smith explained that Section 5 provides that the state firewarden be notified when any territory within the state firewarden's fire protection district is to be excluded from that district. He added that the reason for this notification is so that the firewarden need not respond if the area is not to be in his district and so that the people whose land may be involved may be advised as to how and where to get any fire protection that may be needed.

Senator Getto asked Mr. Smith if he currently has the power to protect the lives of livestock when in danger by a fire.

Mr. Smith said that he does have the power to release live-

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stock from an area if it is threated by fire.

Senator Getto asked if the state forester firewarden has the power to protect against danger of flood.

Mr. Smith said that flood is considered an emergency that may threaten human life and therefore falls under the state forester firewarden's jurisdiction.

The Chairman asked Mr. Smith whether Subsection 2 of Section 7 is to be deleted entirely.

Mr. Smith said that it is to be deleted entirely.

Senator Kosinski suggested that the bill drafter be asked what his intent was on removing the section.

Senator Kosinski asked Mr. Smith whether the purpose of the state firewarden's duties should be expanded under NRS 472.040 if it is to correspond with the changes proposed under Senate Bill No. 165.

Mr. Smith agreed with Senator Kosinski that NRS 472.040 should also be changed. He also noted that on page 5, line 2, "475.240" should be "475.230" as there is not statute by the number 475.240.

Mr. Jack Pine, State Budget Office said that currently, if the state forest division is required to control a large fire, they often run out of money from their fire suppression account and must turn to the emergency fund where, upon the approval of the board of examiners, \$50,000 may be obtained. He said that by moving it into the statutory contingency fund, it allows for a larger dollar amount from which to draw.

Senator Kosinski asked Mr. Pine whether he felt that the language in Section 1 should be limited to the suppression fund.

Mr. Pine said that he did not feel that that would be necessary.

Senator Kosinski said that if it should not, under the current language, overtime salaries for the fighting

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of fires could be taken from the personnel or equipment fund.

Mr. Pine said that they wouldn't do that.

Senator Kosinski said that the language as it is worded does permit that; he asked if it should be changed.

Mr. Pine said that salaries are paid out of the regular salary account, and could not be paid out of the suppression account only.

Senator Kosinski suggested that the language be worded to express exactly what is intended by the forest division.

Mr. Dan Fitzpatrick, Representative, Clark County agreed that the language in Section 1 of the bill is too broad. He said that the money should be specifically set for each expenditure.

The Chairman said that the division should be able to appropriate funds in any way that is seen fit to cover expenses incurred through fighting fires and saving lives.

Mr. Smith said that NRS 473.050 outlines funding programs, explaining how budgeting must be made and where monies must come from.

Mr. Fitzpatrick said that the language in Section 4 is too broad and should be specifically related to public danger as it relates to fire.

Mr. Fitzpatrick said that the language under Section 5, Subsection 2 is too ambiguous. He wondered if the "majority of the owners" refers to the majority of the land owners, majority of the valuation of the land, or actual numbers.

The Chairman asked Mr. Smith, Mr. Fitzpatrick and Senator Bilbray to discuss the questions that arose during the meeting, to determine the proper language that should be used in the bill to address those questions.

Senator Kosinski asked that the committee also consider the amendment to 472.040 to broaden the language scope

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of the duties of the state forester firewarden to include
the emergency responses.


There being no further business, the meeting adjourned at
10:20 a.m.

Respectfully Submitted:



Connie S. Richards, Committee Secretary

APPROVED BY:



Senator Joe Neal, Chairman

DATE: 3-9-81

SENATE AGENDA

COMMITTEE MEETINGS

EXHIBIT A

Committee on Human Resources and Facilities , Room 323 .

Day Monday , Date February 23 , Time 9:00 a.m.

S. B. No. 165--Grants state forester firewarden authority to prohibit, restrict or limit certain activities in fire protection district.

1979 1978 / 1979
Yearly Totals

EXHIBIT C

	1978 YEAR	ACRES YEAR	1979 YEAR	ACRES YEAR
WILDLAND				
LIGHTNING	23	107.85	25	585.25
CAMPFIRE	13	3.36	21	24.25
SMOKING			7	1067.95
DEBRIS	19	122.05	22	90.60
INCENDIARY	12	2.0	6	5531.00
EQUIPMENT USE	6	1001.1	17	182.80
RAILROAD	33	25.85	38	1016.90
CHILDREN	10	2	19	11.55
STRUCTURAL	1		1	1.50
MISCELLANEOUS	31	17.35	63	10.55
TOTAL	148	1281.56	219	8522.35
SIZE A	106	3.31	144	13.80
SIZE B	34	55.25	61	116.55
SIZE C	6	223.0	8	312.00
SIZE D			1	170.00
SIZE E	2	1000	3	1450.00
SIZE F			1	1060.00
SIZE G			1	5500.00
TOTAL	148	1281.56	219	8522.35

	1978 YEAR	1979 YEAR
NON-WILDLAND		
STRUCTURAL	39	62
VEHICLE	48	70
RAILROAD	3	5
AIRCRAFT	3	0
OTHER	20	14
TOTAL	113	151
INCIDENTS	562	558
FIRST AID	168	138
ASSISTS	353	219
TOTAL ACTIONS	1176	1147
DAMAGES		
NON-WILDLAND	739,814	940,301
DAMAGES		
WILDLAND	215,062	2959,678
TOTAL	954,876	3899,979

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1979/1980
Yearly Totals

EXHIBIT C

	1979 YEAR	ACRES YEAR	1980 YEAR	ACRES MONTH	ACRES YEAR
WILDLAND					
LIGHTNING	25	585.25	43		815.55
CAMPFIRE	21	24.25	21		201.60
SMOKING	7	1067.95	18		289.15
DEBRIS	22	90.60	14		94.20
INCENDIARY	6	5531.00	15		1077.90
EQUIPMENT USE	17	182.80	32		3576.93
RAILROAD	38	1016.90	25		89.05
CHILDREN	19	11.55	26		120.75
STRUCTURAL	1	1.50	0		0
MISCELLANEOUS	63	10.55	15		4.35
TOTAL	219	8522.35	209		6269.48
SIZE A	144	13.80	105		9.45
SIZE B	61	116.55	75		100.33
SIZE C	8	312.00	18		666.70
SIZE D	1	170.00	5		881.00
SIZE E	3	1350.00	5		2559.00
SIZE F	1	1060.00	1		2053.00
SIZE G	1	5500.00	0		0
TOTAL	219	8522.35	209		6269.48

	1979 YEAR	1980 YEAR
NON-WILDLAND		
STRUCTURAL	62	58
VEHICLE	70	53
RAILROAD	5	1
AIRCRAFT	0	1
OTHER	14	18
TOTAL	151	131
INCIDENTS	558	575
FIRST AID	138	240
ASSISTS	219	255
TOTAL ACTIONS	1147	1170
DAMAGES		
NON-WILDLAND	940,301	1127,330
DAMAGES		
WILDLAND	2959,678	1316,190
TOTAL	3,899,979	2,443,520

NRS. 475-210

STATE OF NEVADA
Executive Chamber
Carson City, Nevada

A PROCLAMATION BY THE GOVERNOR:

WHEREAS, there now exists a serious fire hazard on forest and watershed areas in the Sierra Nevada foothills and the Lake Tahoe Basin, including portions of Washoe and Douglas Counties and Carson City, more particularly described as that area which lies between the California State Line on the West and U.S. Highway 395 and the State Route 88 on the East and all of Storey County.

WHEREAS, the State Forester Firewarden has expressed concern and requested appropriate action:

NOW, THEREFORE, I Robert List, by the power vested in me as Governor of the State of Nevada, do hereby proclaim that the following acts are prohibited upon these lands:

1. Operating motor vehicles or equipment in wildland areas without a spark arrester in accordance with State Law.
2. Operating vehicles off of existing hard surface, gravel or dirt roads in wildland areas.
3. Operating vehicles or equipment traveling on or using wildland areas without having at least an axe, shovel and one gallon of water.
4. Smoking in other than vehicles, established campgrounds, cleared areas or areas of habitation.
5. Setting of open fires in other than established campgrounds or picnic areas.
6. Travel by other than authorized personnel on roads or lands which have been posted as closed by a responsible fire agency.

PROVIDED, HOWEVER, that these prohibitions shall not apply to designated camps or beaches, places of improved habitation and while traveling on numbered State and Federal highways.

This order is effective July 24, 1980, and will remain in effect until rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City, this 24 day of July, in the year of our Lord, one thousand nine hundred and eighty.

By the Governor

Secretary of State