

ASSEMBLY BILL NO. 607—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF SOUTHERN NEVADA
FIRE CHIEFS' ASSOCIATION)

MARCH 18, 1999

Referred to Committee on Government Affairs

SUMMARY—Makes various changes regarding duties of state fire marshal. (BDR 42-1491)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

~

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

AN ACT relating to the state fire marshal; transferring certain duties of the state fire marshal to local fire protection authorities in certain circumstances; revising certain obsolete references; and providing other matters properly relating thereto.

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

1 **Section 1.** NRS 477.030 is hereby amended to read as follows:
2 477.030 1. Except as otherwise provided in this section, the state fire
3 marshal shall enforce all laws and adopt regulations relating to:
4 (a) The prevention of fire.
5 (b) The storage and use of combustibles, flammables and fireworks.
6 (c) The storage and use of explosives in any commercial construction,
7 but not in mining or the control of avalanches.
8 (d) The safety, access, means and adequacy of exit in case of fire from
9 mental and penal institutions, facilities for the care of children, foster
10 homes, residential facilities for groups, facilities for intermediate care,
11 nursing homes, hospitals, schools, all buildings, except private residences,
12 which are occupied for sleeping purposes, buildings used for public
13 assembly and all other buildings where large numbers of persons work,
14 live or congregate for any purpose. As used in this paragraph, "public
15 assembly" means a building or a portion of a building used for the
16 gathering together of 50 or more persons for purposes of deliberation,
17 education, instruction, worship, entertainment, amusement or awaiting

1 transportation, or the gathering together of 100 or more persons in
2 establishments for drinking or dining.

3 (e) The suppression and punishment of arson and fraudulent claims or
4 practices in connection with fire losses.

5 **2.** The regulations of the state fire marshal apply throughout the state,
6 but ~~but [, except with respect to state-owned or state-occupied buildings, his~~
7 ~~authority to enforce them or conduct investigations under]~~ **the authority of**
8 **the state fire marshal to:**

9 **(a) Enforce those regulations;**

10 **(b) Check and review plans, designs and specifications for**
11 **construction; and**

12 **(c) Conduct inspections and investigations pursuant to** this chapter ,
13 is limited to those counties whose population is less than 35,000, except in
14 those local jurisdictions in other counties where he is requested to exercise
15 that authority by the chief officer of the organized fire department of that
16 jurisdiction.

17 ~~[2.]~~ **3.** The state fire marshal may set standards for equipment and
18 appliances pertaining to fire safety or to be used for fire protection within
19 this state, including the threads used on fire hose couplings and hydrant
20 fittings.

21 ~~[3.]~~ **4.** The state fire marshal shall cooperate with the state forester
22 firewarden in the preparation of regulations relating to standards for fire
23 retardant roofing materials pursuant to paragraph (e) of subsection 1 of
24 NRS 472.040.

25 ~~[4.]~~ **5.** The state fire marshal shall cooperate with the division of child
26 and family services of the department of human resources in establishing
27 reasonable minimum standards for overseeing the safety of and directing
28 the means and adequacy of exit in case of fire from family foster homes
29 and group foster homes.

30 ~~[5.]~~ **6.** The state fire marshal shall coordinate all activities conducted
31 pursuant to the ~~[Fire Research and Safety Act of 1968,]~~ **Federal Fire**
32 **Prevention and Control Act of 1974**, 15 U.S.C. §§ 278f ~~[and 278g,]~~,
33 **1511, 2201 to 2219, inclusive, 2222 to 2228, inclusive, and 42 U.S.C. §**
34 **290a**, and receive and distribute money allocated by the United States
35 pursuant to that act.

36 ~~[6.]~~ **7.** Except as otherwise provided in subsection ~~[10,]~~ **11**, the state
37 fire marshal shall:

38 (a) Investigate any fire which occurs in a county whose population is
39 less than 35,000, and from which a death results or which is of a suspicious
40 nature.

41 (b) Investigate any fire which occurs in a county whose population is
42 35,000 or more, and from which a death results or which is of a suspicious

1 nature, if requested to do so by the chief officer of the fire department in
2 whose jurisdiction the fire occurs.

3 (c) Cooperate with the commissioner of insurance in any investigation
4 of a fraudulent claim under an insurance policy for any fire of a suspicious
5 nature.

6 (d) Cooperate with any local fire department in the investigation of any
7 report received pursuant to NRS 629.045.

8 (e) Provide specialized training in investigating the causes of fires if
9 requested to do so by the chief officer of an organized fire department.

10 ~~{7-}~~ 8. The state fire marshal shall put the ~~{Uniform}~~ **National** Fire
11 Incident Reporting System into effect throughout the state and publish at
12 least annually a summary of data collected under the system.

13 ~~{8-}~~ 9. The state fire marshal shall provide assistance and materials to
14 local authorities, upon request, for the establishment of programs for
15 public education and other fire prevention activities.

16 ~~{9-}~~ 10. The state fire marshal shall:

17 (a) ~~{Assist}~~ **Except as otherwise provided in subsection 2, assist** in
18 checking plans and specifications for construction;

19 (b) Provide specialized training to local fire departments; and

20 (c) Assist local governments in drafting regulations and ordinances,
21 on request or as he deems necessary.

22 ~~{10-}~~ 11. In a county whose population is less than 35,000, the state
23 fire marshal shall, upon request by a local government, delegate to the
24 local government by interlocal agreement all or a portion of his authority
25 or duties if the local government's personnel and programs are, as
26 determined by the state fire marshal, equally qualified to perform those
27 functions. If a local government fails to maintain the qualified personnel
28 and programs in accordance with such an agreement, the state fire marshal
29 shall revoke the agreement.

30 **Sec. 2.** NRS 477.035 is hereby amended to read as follows:

31 477.035 1. ~~{The}~~ **Except as otherwise provided in subsection 2 of**
32 **NRS 477.030, the** state fire marshal shall:

33 (a) Inspect or cause to be inspected annually, all state buildings and
34 order such fire-extinguishing and safety appliances as he deems necessary
35 for the protection of the property against fire.

36 (b) Order the removal of combustibles and rubbish from the property,
37 or order such changes in the entrances or exits of the buildings as will
38 promote the safety of the occupants, or order the provision of such fire
39 escapes as he may deem necessary.

40 (c) Provide inspection forms and maintain records of inspections of
41 state-owned or state-occupied buildings.

42 2. If the agency in charge of any state property fails to comply with the
43 order of the state fire marshal for any structural change within 30 days

1 after the receipt of such order, the fire marshal shall report such failure to
2 the state public works board. The state public works board shall thereupon
3 take necessary steps to correct the situation as ordered.

4 3. The state fire marshal may contract with local authorities for the
5 inspection of state-owned or state-occupied buildings.

6 **Sec. 3.** NRS 393.110 is hereby amended to read as follows:

7 393.110 1. Except as otherwise provided in subsection 2:

8 (a) Unless standard plans, designs and specifications are to be used as
9 provided in NRS 385.125, before letting any contract or contracts for the
10 erection of any new school building, the board of trustees of a school
11 district shall submit plans, designs and specifications therefor to and obtain
12 the written approval of the plans, designs and specifications by the state
13 public works board. The state public works board is authorized to charge
14 and collect, and the board of trustees is authorized to pay, a reasonable fee
15 for the payment of any costs incurred by the state public works board in
16 securing the approval of qualified architects or engineers of the plans,
17 designs and specifications submitted by the board of trustees in compliance
18 with the provisions of this paragraph.

19 (b) Before letting any contract or contracts for any addition to or
20 alteration of an existing school building which involves structural systems,
21 or exiting, sanitary or fire protection facilities, the board of trustees of a
22 school district shall submit plans, designs and specifications therefor to and
23 obtain the written approval of the plans, designs and specifications by the
24 state public works board. The state public works board is authorized to
25 charge and collect, and the board of trustees is authorized to pay, a
26 reasonable fee for the payment of any costs incurred by the state public
27 works board in securing the approval of qualified architects or engineers of
28 the plans, designs and specifications submitted by the board of trustees in
29 compliance with the provisions of this paragraph.

30 The state public works board shall ensure that all plans, designs and
31 specifications that it reviews pursuant to this section comply with all
32 applicable requirements of the Americans with Disabilities Act of 1990 ,
33 ~~42 U.S.C. §§ 12101 to 12213, inclusive .~~

34 2. Upon the request of a board of trustees of a school district, or its
35 designated representative, the state public works board may waive the
36 requirements specified in subsection 1 and delegate its powers and duties
37 thereunder to the district.

38 3. If the state public works board waives the requirements of
39 subsection 1 and delegates its powers and duties thereunder to a school
40 district, the school district shall submit a copy of its final plans, designs
41 and specifications for any project to which that section applies to the
42 building and planning department of the appropriate city or county before
43 completion of the project.

1 4. No contract for any of the purposes specified in subsection 1 made
2 by a board of trustees of a school district contrary to the provisions of this
3 section is valid, nor shall any public money be paid for erecting, adding to
4 or altering any school building in contravention of this section.

5 *5. If the state public works board or a school district, as appropriate,*
6 *enters into a cooperative agreement with a governmental entity for the*
7 *review of designs, plans and specifications with respect to issues of safety*
8 *from fire, such an agreement must be made:*

9 *(a) In a county whose population is less than 35,000, with the state*
10 *fire marshal.*

11 *(b) In a county whose population is 35,000 or more, with the chief*
12 *officer of the organized fire department for the appropriate jurisdiction,*
13 *unless the chief officer has requested the state fire marshal to exercise*
14 *such authority pursuant to subsection 2 of NRS 477.030.*

15 **Sec. 4.** This act becomes effective on July 1, 1999.