

SENATE BILL NO. 389—SENATOR JACOBSEN

MARCH 12, 1999

Referred to Committee on Human Resources and Facilities

SUMMARY—Clarifies class of counties in which state fire marshal may enforce certain laws and regulations and investigate certain violations. (BDR 42-1249)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: 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 the state fire marshal; clarifying the class of counties in which the state fire marshal may enforce certain laws and regulations and conduct certain investigations; 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, live
14 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
18 transportation, or the gathering together of 100 or more persons in
19 establishments for drinking or dining.

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

The regulations of the state fire marshal apply throughout the state, but, except with respect to state-owned or state-occupied buildings, his authority to enforce them or conduct investigations under this chapter ~~is limited to those counties whose population is less than 35,000,~~ **does not extend to a county whose population is 100,000 or more or which has been converted into a consolidated municipality,** except in those local jurisdictions in ~~other~~ **those** counties where he is requested to exercise that authority by the chief officer of the organized fire department of that jurisdiction.

2. The state fire marshal may set standards for equipment and appliances pertaining to fire safety or to be used for fire protection within this state, including the threads used on fire hose couplings and hydrant fittings.

3. The state fire marshal shall cooperate with the state forester firewarden in the preparation of regulations relating to standards for fire retardant roofing materials pursuant to paragraph (e) of subsection 1 of NRS 472.040.

4. The state fire marshal shall cooperate with the division of child and family services of the department of human resources in establishing reasonable minimum standards for overseeing the safety of and directing the means and adequacy of exit in case of fire from family foster homes and group foster homes.

5. The state fire marshal shall coordinate all activities conducted pursuant to ~~the Fire Research and Safety Act of 1968,~~ 15 U.S.C. §§ ~~278f and 278g,~~ **2201 et seq.** and receive and distribute money allocated by the United States pursuant to that act.

6. Except as otherwise provided in subsection 10, the state fire marshal shall:

(a) Investigate any fire which occurs in a county **other than one** whose population is ~~less than 35,000,~~ **100,000 or more or which has been converted into a consolidated municipality,** and from which a death results or which is of a suspicious nature.

(b) Investigate any fire which occurs in a county whose population is ~~35,000 or more,~~ **100,000 or more or which has been converted into a consolidated municipality,** and from which a death results or which is of a suspicious nature, if requested to do so by the chief officer of the fire department in whose jurisdiction the fire occurs.

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

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

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

5 7. The state fire marshal shall put the ~~[Uniform]~~ **National** Fire Incident
6 Reporting System into effect throughout the state and publish at least
7 annually a summary of data collected under the system.

8 8. The state fire marshal shall provide assistance and materials to local
9 authorities, upon request, for the establishment of programs for public
10 education and other fire prevention activities.

11 9. The state fire marshal shall:

12 (a) Assist in checking plans and specifications for construction;

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

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

16 10. In a county **other than one** whose population is ~~[less than 35,000,]~~
17 **100,000 or more or which has been converted into a consolidated**
18 **municipality**, the state fire marshal shall, upon request by a local
19 government, delegate to the local government by interlocal agreement all or
20 a portion of his authority or duties if the local government's personnel and
21 programs are, as determined by the state fire marshal, equally qualified to
22 perform those functions. If a local government fails to maintain the
23 qualified personnel and programs in accordance with such an agreement,
24 the state fire marshal shall revoke the agreement.

25 **Sec. 2.** NRS 477.100 is hereby amended to read as follows:

26 477.100 As used in NRS 477.110 to 477.170, inclusive, unless the
27 context otherwise requires, "authority" means:

28 1. The state fire marshal in a county **other than one** whose population
29 is ~~[less than 35,000,]~~ **100,000 or more or which has been converted into a**
30 **consolidated municipality**;

31 2. Unless the county has enacted an ordinance designating the persons
32 who constitute the authority, the chief building official and chief officer of
33 the fire service of the jurisdiction in ~~[any other county,]~~ **a county whose**
34 **population is 100,000 or more or which has been converted into a**
35 **consolidated municipality**, and if they are unable to agree on any question,
36 "authority" includes the county manager or city manager, who shall cast the
37 deciding vote on that question; or

38 3. If the board of county commissioners of a county whose population
39 is ~~[35,000 or more]~~ **100,000 or more or which has been converted into a**
40 **consolidated municipality**, or the governing body of a city in that county,
41 has specified a person or persons to act as the authority, that person or
42 those persons.

- 1 **Sec. 3.** NRS 244.3673 is hereby amended to read as follows:
2 244.3673 The board of county commissioners of any county whose
3 population is ~~{35,000 or more}~~ *100,000 or more or which has been*
4 *converted into a consolidated municipality* may provide by ordinance for
5 the investigation of fires in which a death has occurred or which are of a
6 suspicious origin, and for the enforcement of regulations adopted by the
7 state fire marshal.
8 **Sec. 4.** This act becomes effective upon passage and approval.

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