

CHAPTER.....

AN ACT relating to insurance; making various changes to the provisions governing the investigation and prosecution of insurance fraud; providing that an insurer and certain other organizations and persons shall be deemed to be victims in cases involving insurance fraud for purposes of restitution; requiring the establishment of a fraud control unit for insurance within the office of the attorney general; defining the duties of the fraud control unit; and providing other matters properly relating thereto.

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

Section 1. Chapter 679B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6.5, inclusive, of this act.

Sec. 2. *As used in NRS 679B.153 to 679B.158, inclusive, and sections 2 to 6.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Fraud control unit" means the fraud control unit for insurance established by the attorney general pursuant to section 27 of this act.*

Sec. 4. *"Insurance fraud" has the meaning ascribed to it in section 14 of this act.*

Sec. 5. *Nothing in section 27 of this act limits or diminishes the exclusive jurisdiction of the commissioner otherwise granted by statute to investigate or take administrative or civil action:*

1. For any violation of this Title by any person or entity who is or has been licensed by the commissioner pursuant to this Title;

2. Against any person or entity who is or has been engaged in the business of insurance without a license as required by this Title, including, without limitation, the unauthorized transaction of insurance in violation of chapter 685B of NRS; or

3. Against any person or entity as the commissioner deems appropriate.

Sec. 6. (Deleted by amendment.)

Sec. 6.5 *1. All records and other information related to an investigation conducted by the attorney general and the fraud control unit for the prosecution of insurance fraud are confidential unless:*

(a) The attorney general releases, in such manner as he deems appropriate, all or any part of the records or information for public inspection after determining that the release of the records or information:

(1) Will not harm the investigation or the person who is being investigated; or

(2) Serves the interests of a policyholder, the shareholders of the insurer or the public; or

(b) A court orders the release of the records or information after determining that the production of the records or information will not damage any investigation being conducted by the fraud control unit.

2. *The attorney general may classify as confidential specific records and other information if the records or other information was obtained from a governmental agency or other source upon the express condition that the contents would remain confidential.*

3. *All information and documents in the possession of the attorney general and the fraud control unit that are related to cases or matters under investigation are confidential for the duration of the investigation and may not be made public unless the attorney general finds the existence of an imminent threat of harm to the safety or welfare of the policyholder, shareholders or the public and determines that the interests of the policyholder, shareholders or the public will be served by publication thereof, in which event he may make a record public or publish all or any part of the record in any manner he deems appropriate.*

Sec. 7. NRS 679B.155 is hereby amended to read as follows:

679B.155 To investigate ~~fraudulent claims for benefits from a policy of insurance,~~ *violations of the provisions of this Title, or to assist the attorney general or other local, state or federal investigative and law enforcement agencies in investigating an act of insurance fraud,* the commissioner may:

1. Designate employees of the division as investigators to carry out the provisions of NRS 679B.153 to 679B.158, inclusive ~~1~~, *and sections 2 to 6.5, inclusive, of this act.*

2. Conduct investigations into such activities occurring outside this state, if necessary. To conduct these investigations, the commissioner or his investigators may:

- (a) Travel outside this state;
- (b) Cooperate with appropriate agencies or persons outside this state; or
- (c) Designate those agencies to conduct investigations for the commissioner.

3. Assist officials of investigative or law enforcement agencies of any other state or the Federal Government who are investigating fraudulent claims and who request assistance from the commissioner.

Sec. 8. NRS 679B.156 is hereby amended to read as follows:

679B.156 1. Every person in charge of an investigative or law enforcement agency within this state shall ~~cooperate~~ :

(a) *Cooperate* with the commissioner ~~or~~ *and* his investigators ~~and shall furnish the commissioner, upon his~~, *and the attorney general and the members of the fraud control unit; and*

(b) *Upon request, furnish the commissioner or attorney general, as appropriate,* with any information necessary for ~~this~~ *the* investigation of ~~fraudulent claims,~~ *insurance fraud.*

2. The commissioner *and the attorney general* shall:

(a) Assist any official of an investigative or *a* law enforcement agency of this state, any other state or the Federal Government who requests assistance in investigating ~~fraudulent claims against an insurer,~~ *any act of insurance fraud;* and

(b) Furnish to those officials any information, not otherwise confidential, concerning his investigation or his report on ~~fraudulent claims,~~ *insurance fraud.*

Sec. 9. NRS 679B.157 is hereby amended to read as follows:

679B.157 ~~Any person, governmental entity,~~ insurer, employee or representative of an insurer, official of an investigative or law enforcement agency, employee of the division, ~~the~~ commissioner, ~~the attorney general or a member of the fraud control unit~~ is not subject to a criminal penalty or subject to civil liability for libel, slander or any similar cause of action in tort if he, without malice, discloses information on a fraudulent claim or suspicious fire.

Secs. 10-12. (Deleted by amendment.)

Sec. 13. Chapter 686A of NRS is hereby amended by adding thereto the provisions set forth as sections 14 to 17, inclusive, of this act.

Sec. 14. *"Insurance fraud" means knowingly and willfully:*

1. *Presenting or causing to be presented any statement to an insurer, a reinsurer, a producer, a broker or any agent thereof, if the person who presents or causes the presentation of the statement knows that the statement conceals or omits facts, or contains false or misleading information concerning any fact material to an application for the issuance of a policy of insurance pursuant to this Title.*

2. *Presenting or causing to be presented any statement as a part of, or in support of, a claim for payment or other benefits under a policy of insurance issued pursuant to this Title, if the person who presents or causes the presentation of the statement knows that the statement conceals or omits facts, or contains false or misleading information concerning any fact material to that claim.*

3. *Assisting, abetting, soliciting or conspiring with another person to present or cause to be presented any statement to an insurer, a reinsurer, a producer, a broker or any agent thereof, if the person who assists, abets, solicits or conspires knows that the statement conceals or omits facts, or contains false or misleading information concerning any fact material to an application for the issuance of a policy of insurance pursuant to this Title or a claim for payment or other benefits under such a policy.*

4. *Acting or failing to act with the intent of defrauding or deceiving an insurer, a reinsurer, a producer, a broker or any agent thereof, to obtain a policy of insurance pursuant to this Title or any proceeds or other benefits under such a policy.*

5. *As a practitioner, an insurer or any agent thereof, acting to assist, conspire with or urge another person to commit any act or omission specified in this section through deceit, misrepresentation or other fraudulent means.*

6. *Accepting any proceeds or other benefits under a policy of insurance issued pursuant to this Title, if the person who accepts the proceeds or other benefits knows that the proceeds or other benefits are derived from any act or omission specified in this section.*

7. *Employing a person to procure clients, patients or other persons who obtain services or benefits under a policy of insurance issued pursuant to this Title for the purpose of engaging in any act or omission specified in this section, except that such insurance fraud does not include contact or communication by an insurer or his agent or representative with a client, patient or other person if the contact or*

communication is made for a lawful purpose, including, without limitation, communication by an insurer with a holder of a policy of insurance issued by the insurer or with a claimant concerning the settlement of any claims against the policy.

8. Participating in, aiding, abetting, conspiring to commit, soliciting another person to commit, or permitting an employee or agent to commit any act or omission specified in this section.

Sec. 15. *“Investigative or law enforcement agency” includes:*

- 1. The state fire marshal;*
- 2. The chief or other officer of the fire department in whose jurisdiction a fire has occurred;*
- 3. The district attorney of the county where any fraudulent activity has occurred or where a fraudulent claim has been made; and*
- 4. Any other officer of an agency in this state who has the authority to investigate the fraudulent activity or claim.*

Sec. 16. *“Practitioner” means:*

- 1. A physician, dentist, nurse, dispensing optician, optometrist, physical therapist, podiatric physician, psychologist, chiropractor, doctor of Oriental medicine in any form, director or technician of a medical laboratory, pharmacist or other provider of health services who is authorized to engage in his occupation by the laws of this state or another state; and*
- 2. An attorney admitted to practice law in this state or any other state.*

Sec. 17. *1. A court may, in addition to imposing the penalties set forth in NRS 193.130, order a person who is convicted of, or who pleads guilty or nolo contendere to, insurance fraud to pay:*

- (a) Court costs; and*
- (b) The cost of the investigation and prosecution of the insurance fraud for which the person was convicted or to which the person pleaded guilty or nolo contendere.*

2. Any money received by the attorney general pursuant to paragraph (b) of subsection 1 must be accounted for separately and used to pay the expenses of the fraud control unit for insurance established pursuant to section 27 of this act, and is hereby authorized for expenditure for that purpose. The money in the account does not revert to the state general fund at the end of any fiscal year and must be carried forward to the next fiscal year.

3. An insurer or other organization, or any other person, subject to the jurisdiction of the commissioner pursuant to this Title shall be deemed to be a victim for the purposes of restitution in a case that involves insurance fraud or that is related to a claim of insurance fraud.

Sec. 18. NRS 686A.281 is hereby amended to read as follows:

686A.281 As used in NRS 686A.281 to 686A.295, inclusive, *and sections 14 to 17, inclusive, of this act*, unless the context otherwise requires, the ~~term “investigative or law enforcement agency” includes:~~

- ~~1. The state fire marshal;~~
- ~~2. The district attorney of the county where any fraudulent activity has occurred or a fraudulent claim has been made;~~

~~3. The chief or other officer of the fire department where a fire occurred; and~~

~~4. Any other agency in this state who has the authority to investigate the fraudulent claims or activities.~~ *words and terms defined in sections 14, 15 and 16 of this act have the meanings ascribed to them in those sections.*

Sec. 19. NRS 686A.283 is hereby amended to read as follows:

686A.283 1. Any person, *governmental entity*, insurer or authorized representative of an insurer ~~who believes, or has reason to believe, that a fraudulent claim for benefits under a policy of insurance has been made, or is about to be made~~ shall report any information concerning ~~that claim~~ *insurance fraud* to the commissioner *and attorney general* on a form prescribed by the commissioner ~~and attorney general~~.

2. The commissioner *and attorney general* shall ~~each~~ *each independently*:

(a) Review each report of ~~a fraudulent claim~~ *insurance fraud*; and

(b) Determine whether an investigation should be made of the facts in the report.

3. During ~~this investigation~~ *their respective investigations*, the commissioner *and attorney general* shall *independently* determine whether there is probable cause to believe that ~~there was deceit, fraud or an intentional misrepresentation of a material fact in the claim.~~

~~4. If the commissioner determines that the provisions of NRS 686A.010 to 686A.310, inclusive, have been violated he shall report his findings to the district attorney of the county where the violation occurred.~~ *insurance fraud has occurred.*

4. A district attorney of any county where fraudulent activity has occurred or is occurring or where a fraudulent claim that would constitute insurance fraud has been made may, with the permission of the attorney general or at the request of the attorney general, institute proceedings in the name of the State of Nevada.

Sec. 20. NRS 686A.285 is hereby amended to read as follows:

686A.285 1. If an insurer ~~believes~~ *has a reasonable suspicion* that a loss to an insured may have been caused by other than an accidental or a natural occurrence, the insurer shall notify the commissioner *and attorney general* in writing of the insurer's reasons for ~~so believing~~ *the suspicion*.

2. Any insurer making such a report shall provide the commissioner *and attorney general* with any information the insurer obtained during its investigation of the claim.

3. If the loss referred to in subsection 1 is believed to be caused by fire, the insurer shall also so notify an investigative or law enforcement agency.

Sec. 21. NRS 686A.287 is hereby amended to read as follows:

686A.287 1. Every insurer shall provide information ~~on a fraudulent claim~~ *concerning insurance fraud* to the *attorney general, the commissioner, any investigative or law enforcement agency or any agency of the Federal Government*, if the insurer receives a request in writing for that information.

2. The information requested from an insurer may include:

(a) Information about the policy of insurance on the property which was demolished or destroyed, including information from the application for insurance;

(b) Information on previous claims made by the insured;

(c) Records of the premiums paid for the policy of insurance; and

(d) Information concerning the insurer's investigation of the claim, including statements of any person, information submitted as proof of the loss or any other relevant information on the claim.

Sec. 22. NRS 686A.289 is hereby amended to read as follows:

686A.289 1. Any insurer giving information to *the attorney general*, the commissioner or any investigative or law enforcement agency concerning an *act or omission* alleged ~~fraudulent claim~~ *to be insurance fraud* is entitled to receive, upon completion of the investigation or prosecution of the ~~claim,~~ *insurance fraud*, whichever occurs later, any relevant information concerning the ~~claim,~~ *fraudulent activity*.

2. The *attorney general, the* commissioner or any investigative or law enforcement agency receiving information from another person, agency or insurer shall:

(a) Keep the information confidential and not release the information except pursuant to subsection 1;

(b) Provide information concerning its investigation of the ~~claim,~~ *insurance fraud* to the insurer reporting the ~~claim,~~ *fraudulent activity* upon the completion of its investigation or a criminal prosecution, whichever occurs later; and

(c) Provide any documents necessary or allow its employees or agents to testify in any action by or against the insurer if the insurer or its insured furnished the information for the investigation or a criminal prosecution.

Sec. 23. NRS 686A.291 is hereby amended to read as follows:

686A.291 ~~1. A person commits insurance fraud if he knowingly and willfully:~~

~~—(a) Presents or causes to be presented any statement to an insurer, a reinsurer, a producer, a broker or any agent thereof, known by him to contain false, incomplete or misleading information concerning any fact material to an application for the issuance of a policy of insurance pursuant to this Title.~~

~~—(b) Presents or causes to be presented any statement as a part of, or in support of, a claim for payment or other benefits under a policy of insurance issued pursuant to this Title, known by him to contain false, incomplete or misleading information concerning any fact material to that claim.~~

~~—(c) Assists, abets, solicits or conspires with another person to present or cause to be presented any statement to an insurer, reinsurer, producer, broker or any agent thereof, known by him to contain false, incomplete or misleading information concerning any fact material to an application for the issuance of a policy of insurance pursuant to this Title or a claim for payment or other benefits under such a policy.~~

~~—(d) Acts or fails to act with the intent of defrauding or deceiving an insurer, a reinsurer, a producer, a broker or any agent thereof, in order to obtain a policy of insurance pursuant to this Title or any proceeds or other benefits under such a policy.~~

~~—(e) As a practitioner, an insurer or any agent thereof, acts to assist, conspire with or urge another person to violate any provision of this section through deceit, misrepresentation or other fraudulent means.~~

~~—(f) Accepts any proceeds or other benefits under a policy of insurance issued pursuant to this Title known by him to be derived from any act or omission which violates any provision of this section.~~

~~—(g) Employs a person to procure clients, patients or other persons who obtain services or benefits under a policy of insurance issued pursuant to this Title for the purpose of engaging in any activity prohibited by this section. This paragraph does not prohibit contact or communication by an insurer or his agent or representative with a client, patient or other person if the contact or communication is made for a lawful purpose, including, without limitation, communication by an insurer with a holder of a policy of insurance issued by the insurer or with a claimant concerning the settlement of any claims against the policy.~~

~~—2. A person commits insurance fraud if he knowingly and willfully participates in, aids, abets, conspires to commit, solicits another person to commit, or permits an employee or agent to commit an act of insurance fraud prohibited by subsection 1.~~

~~—3.]~~ A person who commits insurance fraud is guilty of a category D felony and shall be punished as provided in NRS 193.130.

~~{4. For the purposes of this section, “practitioner” means:~~

~~—(a) A physician, dentist, nurse, dispensing optician, optometrist, physical therapist, podiatric physician, psychologist, chiropractor, doctor of Oriental medicine in any form, director or technician of a medical laboratory, pharmacist or other provider of health services who is authorized to engage in his occupation by the laws of this state or another state; and~~

~~—(b) An attorney admitted to practice law in this state or any other state.]~~

Sec. 24. NRS 686A.295 is hereby amended to read as follows:

686A.295 If a person who is licensed or registered under the laws of the State of Nevada to engage in a business or profession is convicted of or pleads guilty to engaging in an act of insurance fraud, ~~prohibited by NRS 686A.291,~~ the commissioner and the attorney general shall forward to each agency by which the convicted person is licensed or registered a copy of the conviction or plea and all supporting evidence of the act of insurance fraud. An agency that receives information from the commissioner and attorney general pursuant to this section shall, not later than 1 year after the date on which it receives the information, submit a report which sets forth the action taken by the agency against the convicted person, including, but not limited to, the revocation or suspension of the license or any other disciplinary action, to the director of the legislative counsel bureau for transmittal to the legislature.

Sec. 25. NRS 686A.315 is hereby amended to read as follows:

686A.315 1. If a hospital submits to an insurer the form commonly referred to as the “UB-82,” the form must contain or be accompanied by a statement in substantially the following form:

Any person who misrepresents or falsifies essential information requested on this form may, upon conviction, be subject to a fine and imprisonment under state or federal law, or both.

2. If a person who is licensed to practice one of the health professions regulated by Title 54 of NRS submits to an insurer the form commonly referred to as the “HCFA-1500” for a patient who is not covered by any governmental program which offers insurance coverage for health care, the form must be accompanied by a statement in substantially the following form:

Any person who knowingly files a statement of claim containing any misrepresentation or any false, incomplete or misleading information may be guilty of a criminal act punishable under state or federal law, or both, and may be subject to civil penalties.

3. The failure to provide any of the statements required by this section is not a defense in a prosecution for ~~la violation of~~ *insurance fraud pursuant to* NRS 686A.291.

Sec. 26. NRS 207.360 is hereby amended to read as follows:

207.360 “Crime related to racketeering” means the commission of, attempt to commit or conspiracy to commit any of the following crimes:

1. Murder;
2. Manslaughter;
3. Mayhem;
4. Battery which is punished as a felony;
5. Kidnapping;
6. Sexual assault;
7. Arson;
8. Robbery;
9. Taking property from another under circumstances not amounting to robbery;
10. Extortion;
11. Statutory sexual seduction;
12. Extortionate collection of debt in violation of NRS 205.322;
13. Forgery;
14. Any violation of NRS 199.280 which is punished as a felony;
15. Burglary;
16. Grand larceny;
17. Bribery or asking for or receiving a bribe in violation of chapter 197 or 199 of NRS which is punished as a felony;
18. Battery with intent to commit a crime in violation of NRS 200.400;
19. Assault with a deadly weapon;
20. Any violation of NRS 453.232, 453.316 to 453.3395, inclusive, or 453.375 to 453.401, inclusive;
21. Receiving or transferring a stolen vehicle;
22. Any violation of NRS 202.260, 202.275 or 202.350 which is punished as a felony;
23. Any violation of subsection 2 or 3 of NRS 463.360 or chapter 465 of NRS;

24. Receiving, possessing or withholding stolen goods valued at \$250 or more;
25. Embezzlement of money or property valued at \$250 or more;
26. Obtaining possession of money or property valued at \$250 or more, or obtaining a signature by means of false pretenses;
27. Perjury or subornation of perjury;
28. Offering false evidence;
29. Any violation of NRS 201.300 or 201.360;
30. Any violation of NRS 90.570, 91.230 ~~H~~ or 686A.290 , or *insurance fraud pursuant to NRS 686A.291*; or
31. Any violation of NRS 205.506, 205.920 or 205.930.

Sec. 27. Chapter 228 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The attorney general has primary jurisdiction to conduct criminal investigations into and may bring a criminal prosecution for any act alleged to be insurance fraud.

2. The attorney general shall establish within his office a fraud control unit for insurance. The fraud control unit must consist of such persons as are necessary to carry out the duties set forth in this section, NRS 679B.153 to 679B.158, inclusive, and sections 2 to 6.5, inclusive, of this act, and NRS 686A.281 to 686A.291, inclusive, and sections 14 to 17, inclusive, of this act, including, without limitation, attorneys and investigators.

3. The attorney general, acting through the fraud control unit:

(a) Is the single state agency responsible for the criminal prosecution of insurance fraud;

(b) Shall cooperate with the commissioner of insurance, insurers, and investigators and prosecutors of other states and the Federal Government in coordinating state and federal criminal investigations and criminal prosecutions involving insurance fraud;

(c) Shall protect the privacy of insurers and insured persons who are eligible to receive benefits pursuant to the provisions of Title 57 of NRS and shall establish procedures to prevent the misuse of information obtained in carrying out this section; and

(d) May, upon written request, inspect the records of any insurer, the commissioner of insurance and the division of insurance of the department of business and industry to conduct a criminal investigation into any act alleged to be insurance fraud.

4. To investigate any act alleged to be insurance fraud, the attorney general and members of the fraud control unit may conduct investigations into any activity related thereto occurring outside of this state, if necessary. To conduct these investigations, the attorney general and members of the fraud control unit may:

(a) Travel outside of this state;

(b) Cooperate with appropriate agencies or persons outside of this state; and

(c) Designate those agencies or persons to conduct investigations for the attorney general.

5. When acting pursuant to this section, the attorney general may commence his investigation and file a criminal action without leave of

court, and he has exclusive charge of the conduct of the prosecution. The attorney general may conduct preliminary hearings or grand juries for the purposes of filing an information or indictment.

6. The attorney general shall report the name of each person who has been convicted of insurance fraud to the commissioner of insurance.

7. The provisions of this section must not be construed to limit or diminish the jurisdiction of the commissioner of insurance to regulate persons transacting insurance in this state.

8. As used in this section, "insurance fraud" has the meaning ascribed to it in section 14 of this act.

Sec. 28. NRS 477.030 is hereby amended to read as follows:

477.030 1. Except as otherwise provided in this section, the state fire marshal shall enforce all laws and adopt regulations relating to:

(a) The prevention of fire.

(b) The storage and use of:

(1) Combustibles, flammables and fireworks; and

(2) Explosives in any commercial construction, but not in mining or the control of avalanches,

under those circumstances that are not otherwise regulated by the division of industrial relations of the department of business and industry pursuant to NRS 618.890.

(c) The safety, access, means and adequacy of exit in case of fire from mental and penal institutions, facilities for the care of children, foster homes, residential facilities for groups, facilities for intermediate care, nursing homes, hospitals, schools, all buildings, except private residences, which are occupied for sleeping purposes, buildings used for public assembly and all other buildings where large numbers of persons work, live or congregate for any purpose. As used in this paragraph, "public assembly" means a building or a portion of a building used for the gathering together of 50 or more persons for purposes of deliberation, education, instruction, worship, entertainment, amusement or awaiting transportation, or the gathering together of 100 or more persons in establishments for drinking or dining.

(d) 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 does not extend to a county whose population is 50,000 or more or which has been converted into a consolidated municipality, except in those local jurisdictions in 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 15 U.S.C. §§ 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 50,000 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 50,000 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, *the attorney general and the fraud control unit established pursuant to section 27 of this act* in any investigation of a fraudulent claim under an insurance policy for any fire of a suspicious nature.

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

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

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

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

9. The state fire marshal shall:

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

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

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

10. In a county other than one whose population is 50,000 or more or which has been converted into a consolidated municipality, the state fire marshal shall, upon request by a local government, delegate to the local government by interlocal agreement all or a portion of his authority or duties if the local government's personnel and programs are, as determined by the state fire marshal, equally qualified to perform those functions. If a local government fails to maintain the qualified personnel and programs in accordance with such an agreement, the state fire marshal shall revoke the agreement.

Sec. 29. This act becomes effective upon passage and approval.