

ASSEMBLY BILL NO. 346—ASSEMBLYMEN GRADY
AND OCEGUERA (BY REQUEST)

MARCH 22, 2005

Referred to Committee on Government Affairs

SUMMARY—Authorizes State Fire Marshal to adopt certain regulations relating to use of fire by fire departments in providing training to firemen. (BDR 42-276)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: 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 fire protection; authorizing the State Fire Marshal to adopt certain regulations relating to the use of fire by fire departments in providing training to firemen; authorizing the State Fire Marshal to participate in certain local, state or federal teams or task forces; 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
3 State Fire Marshal shall enforce all laws and adopt regulations
4 relating to:
5 (a) The prevention of fire.
6 (b) The storage and use of:
7 (1) Combustibles, flammables and fireworks; and
8 (2) Explosives in any commercial construction, but not in
9 mining or the control of avalanches,
10 ➤ under those circumstances that are not otherwise regulated by the
11 Division of Industrial Relations of the Department of Business and
12 Industry pursuant to NRS 618.890.
13 (c) The safety, access, means and adequacy of exit in case of fire
14 from mental and penal institutions, facilities for the care of children,



1 foster homes, residential facilities for groups, facilities for
2 intermediate care, nursing homes, hospitals, schools, all buildings,
3 except private residences, which are occupied for sleeping purposes,
4 buildings used for public assembly and all other buildings where
5 large numbers of persons work, live or congregate for any purpose.
6 As used in this paragraph, "public assembly" means a building or a
7 portion of a building used for the gathering together of 50 or more
8 persons for purposes of deliberation, education, instruction, worship,
9 entertainment, amusement or awaiting transportation, or the
10 gathering together of 100 or more persons in establishments for
11 drinking or dining.

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

14 ➔ The regulations of the State Fire Marshal apply throughout the
15 State, but, except with respect to state-owned or state-occupied
16 buildings, his authority to enforce them or conduct investigations
17 under this chapter does not extend to a county whose population is
18 100,000 or more or which has been converted into a consolidated
19 municipality, except in those local jurisdictions in those counties
20 where he is requested to exercise that authority by the chief officer
21 of the organized fire department of that jurisdiction ~~§~~ *or except as*
22 *otherwise provided in a regulation adopted pursuant to paragraph*
23 *(b) of subsection 2.*

24 2. The State Fire Marshal may ~~§set~~:

25 (a) *Set* standards for equipment and appliances pertaining to fire
26 safety or to be used for fire protection within this State, including
27 the threads used on fire hose couplings and hydrant fittings ~~§~~; *and*

28 (b) *Adopt regulations based on nationally recognized*
29 *standards setting forth the requirements for fire departments to*
30 *provide training to firemen using techniques or exercises that*
31 *involve the use of fire or any device that produces or may be used*
32 *to produce fire.*

33 3. The State Fire Marshal shall cooperate with the State
34 Forester Firewarden in the preparation of regulations relating to
35 standards for fire retardant roofing materials pursuant to paragraph
36 (e) of subsection 1 of NRS 472.040.

37 4. The State Fire Marshal shall cooperate with the Division of
38 Child and Family Services of the Department of Human Resources
39 in establishing reasonable minimum standards for overseeing the
40 safety of and directing the means and adequacy of exit in case of fire
41 from family foster homes and group foster homes.

42 5. The State Fire Marshal shall coordinate all activities
43 conducted pursuant to 15 U.S.C. §§ 2201 et seq. and receive and
44 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 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 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, the Attorney General and the Fraud Control Unit established pursuant to NRS 228.412 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. ~~Has~~ Except as otherwise provided in this subsection, in a county other than one whose population is 100,000 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. *The provisions of this subsection do not apply to the authority of the State Fire Marshal to adopt regulations pursuant to paragraph (b) of subsection 2.*



- 1 *11. The State Fire Marshal may, as a public safety officer or*
2 *as a technical expert on issues relating to hazardous materials,*
3 *participate in any local, state or federal team or task force that is*
4 *established to conduct enforcement and interdiction activities*
5 *involving:*
6 *(a) Commercial trucking;*
7 *(b) Environmental crimes;*
8 *(c) Explosives and pyrotechnics;*
9 *(d) Drugs or other controlled substances; or*
10 *(e) Any similar activity specified by the State Fire Marshal.*

