

SENATE BILL NO. 274—SENATOR AMODEI

MARCH 23, 2005

Referred to Committee on Human Resources and Education

SUMMARY—Restricts authority of State Fire Marshal in consolidated municipalities and larger counties. (BDR 42-87)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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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; restricting the authority of the State Fire Marshal in consolidated municipalities and larger counties; 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,
15 foster homes, residential facilities for groups, facilities for
16 intermediate care, nursing homes, hospitals, schools, all buildings,
17 except private residences, which are occupied for sleeping purposes,



1 buildings used for public assembly and all other buildings where
2 large numbers of persons work, live or congregate for any purpose.
3 As used in this paragraph, "public assembly" means a building or a
4 portion of a building used for the gathering together of 50 or more
5 persons for purposes of deliberation, education, instruction, worship,
6 entertainment, amusement or awaiting transportation, or the
7 gathering together of 100 or more persons in establishments for
8 drinking or dining.

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

11 ➤ The regulations of the State Fire Marshal apply throughout the
12 State, ~~but, except with respect to state-owned or state-occupied~~
13 ~~buildings,] except that~~ his authority to enforce them or conduct
14 investigations under this chapter does not extend to a county whose
15 population is 100,000 or more or which has been converted into a
16 consolidated municipality . ~~[-except in those local jurisdictions in~~
17 ~~those counties where he is requested to exercise that authority by the~~
18 ~~chief officer of the organized fire department of that jurisdiction.]~~

19 2. The State Fire Marshal may set standards for equipment and
20 appliances pertaining to fire safety or to be used for fire protection
21 within this State, including the threads used on fire hose couplings
22 and hydrant fittings.

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

27 4. The State Fire Marshal shall cooperate with the Division of
28 Child and Family Services of the Department of Human Resources
29 in establishing reasonable minimum standards for overseeing the
30 safety of and directing the means and adequacy of exit in case of fire
31 from family foster homes and group foster homes.

32 5. The State Fire Marshal shall coordinate all activities
33 conducted pursuant to 15 U.S.C. §§ 2201 et seq. and receive and
34 distribute money allocated by the United States pursuant to that act.

35 6. Except as otherwise provided in subsection 10, the State Fire
36 Marshal shall:

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

41 (b) Investigate any fire which occurs in a county whose
42 population is 100,000 or more or which has been converted into a
43 consolidated municipality, and from which a death results or which
44 is of a suspicious nature, if requested to do so by the chief officer of
45 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) *Upon request:*

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

~~[(b)]~~ (2) Provide specialized training to local fire departments; and

~~[(c)]~~ (3) Assist local governments in drafting regulations and ordinances ~~;~~

~~on request or as he deems necessary.]; and~~

(b) Check for fire department access, fire suppression systems and fire alarm systems in new construction plans for state-owned buildings, except in a county whose population is 100,000 or more or which has been converted into a consolidated municipality.

10. 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.



