

Amendment No. 574

Senate Amendment to Senate Bill No. 338	(BDR 42-34)
Proposed by: Senate Committee on Government Affairs	
Amendment Box: Replaces Amendment No. 439.	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 338 (§§ 1-3, 5-8).

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red-strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

ALA/RRY



Date: 4/21/2019

S.B. No. 338—Makes various changes relating to the regulation of fireworks.
(BDR 42-34)



SENATE BILL NO. 338—SENATORS OHRENSCHALL AND PARKS

MARCH 18, 2019

Referred to Committee on Government Affairs

SUMMARY—Makes various changes relating to the regulation of fireworks.
(BDR 42-34)

FISCAL NOTE: Effect on Local Government: No.
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 fireworks; requiring the State Fire Marshal to adopt certain regulations regarding fireworks; **authorizing the State Fire Marshal to conduct certain actions regarding fireworks;** requiring the regulations and ordinances adopted by certain governmental entities to be at least as restrictive as the regulations adopted by the State Fire Marshal; **providing that such regulations and ordinances concerning the matter of fireworks do not apply to and do not prohibit the manufacture of fireworks for, or the transportation or sale of fireworks to, Indian reservations and Indian colonies;** requiring a person to reimburse the State Fire Marshal **and certain governmental entities** under certain circumstances for the improper storage or use of fireworks; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Fire Marshal to enforce all laws and adopt regulations relating to the storage and use of fireworks. (NRS 477.030) **Section 4** of this bill requires the State Fire Marshal to enforce all laws and adopt regulations relating to ~~[(1) the storage and use of fireworks for the purposes of commercial display; (2) fireworks not used for the purposes of commercial display and not including certain devices; and (3) the types of fireworks that a local government may regulate.]~~ **fireworks, including requiring the State Fire Marshal to require fireworks sold, stored or used in this State to be certified by the American Fireworks Standards Laboratory and to be accompanied by evidence that the fireworks comply with the Standards for Consumer Fireworks that is published by the American Fireworks Standards Laboratory. Further, section 4 requires the State Fire Marshal to adopt regulations to define the term "fireworks." Section 4 additionally authorizes the State Fire Marshal to: (1) set standards for designating which types of fireworks and pyrotechnics are "safe and sane fireworks"; and (2) institute a legal proceeding to enforce certain provisions as they relate to fireworks. Section 4 provides that any regulations of the State Fire Marshal concerning the matter of fireworks and the provisions of section 3 of this bill do not apply to and do not prohibit the manufacture of fireworks for, or the transportation or sale of fireworks to, Indian reservations and Indian colonies.**

Existing law requires the board of directors of a county fire protection district and the board of fire commissioners to adopt and enforce all rules and regulations necessary for the administration and government of the county fire protection district. (NRS 474.160, 474.470) Existing law authorizes a board of county commissioners and a city council to create a district for a fire department and to organize, regulate and maintain a fire department, respectively. (NRS 244.2961, 266.310) Existing law additionally authorizes a board of county commissioners to pass ordinances concerning the sale, use, storage and possession of fireworks. (NRS 244.367) Existing law authorizes the town board or board of county commissioners to regulate the storage of gunpowder and other explosive or combustible materials. (NRS 269.220) **Sections 1, 2 and 5-8** of this bill **: (1) require or authorize these governmental entities to regulate or adopt ordinances concerning the manufacture, sale, use, storage and possession of fireworks so long as such regulations or ordinances are at least as stringent as the regulations concerning fireworks that are adopted by the State Fire Marshal** ~~;~~ **; **(2) require a person who stores or uses fireworks in violation of such regulations or ordinances to reimburse the governmental entity for certain costs resulting from such a violation; and (3) authorize the governmental entity to institute a legal proceeding to enforce sections 1, 2 and 5-8, respectively. Sections 1, 2 and 5-8 provide that any regulations or ordinances and certain other provisions concerning the matter of fireworks do not apply to and do not prohibit the manufacture of fireworks for, or the transportation or sale of fireworks to, Indian reservations and Indian colonies.****

Existing law authorizes the State Fire Marshal or the State Board of Fire Services to issue a written administrative citation to a person who the State Fire Marshal or the State Board of Fire Services has reason to believe has committed a violation of existing law or regulations administered by the State Fire Marshal. (NRS 477.240) **Section 3** of this bill additionally requires a person who stores or uses fireworks in violation of existing law or regulations that are administered by the State Fire Marshal to reimburse the State Fire Marshal and certain agencies of state or local government for certain costs resulting from such a violation. **Section 3** authorizes the State Fire Marshal or certain agencies of state or local government to institute a legal proceeding to enforce **section 3**.

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

Section 1. NRS 474.160 is hereby amended to read as follows:

474.160 1. The board of directors shall:

~~(1)~~ (a) Manage and conduct the business and affairs of the county fire protection district.

~~(2)~~ (b) Adopt and enforce all rules and regulations necessary for the administration and government of the district and for the furnishing of fire protection thereto, which may include regulations relating to fire prevention. The regulations may include provisions that are designed to protect life and property from:

~~(a)~~ (1) The hazards of fire and explosion resulting from the storage, handling and use of hazardous substances, materials and devices; and

~~(b)~~ (2) Hazardous conditions relating to the use or occupancy of any premises.

Any regulation concerning hazardous substances, materials or devices adopted pursuant to this ~~section~~ paragraph must be consistent with any plan or ordinance concerning those substances, materials or devices that is required by the Federal Government and has been adopted by the board of county commissioners. *Any regulation prohibiting, restricting, suppressing or otherwise regulating the manufacture, sale, use, storage or possession of fireworks, and any penalties for the violation thereof, must be at least as stringent as the regulations that are adopted by the State Fire Marshal pursuant to chapter 477 of NRS.*

~~(c)~~ (c) Organize, regulate, establish and disband fire companies, departments or volunteer fire departments for the district.

~~(d)~~ (d) Make and execute in the name of the district all necessary contracts.

~~(e)~~ (e) Adopt a seal for the district to be used in the attestation of proper documents.

~~(f)~~ (f) Provide for the payment from the proper fund of the salaries of employees of the district and all the debts and just claims against the district.

~~(g)~~ (g) Employ agents and employees for the district sufficient to maintain and operate the property acquired for the purposes of the district.

~~(h)~~ (h) Acquire real or personal property necessary for the purposes of the district and dispose of that property when no longer needed.

~~(i)~~ (i) Construct any necessary structures.

~~(j)~~ (j) Acquire, hold and possess, either by donation or purchase, in the name and on behalf of the district any land or other property necessary for the purpose of the district.

~~(k)~~ (k) Eliminate and remove fire hazards within the district if practicable and possible, whether on private or public premises, and to that end the board may clear the public highways and private lands of dry grass, stubble, brush, rubbish or other inflammable material in its judgment constituting a fire hazard.

~~(l)~~ (l) Perform all other acts necessary, proper and convenient to accomplish the purposes of NRS 474.010 to 474.450, inclusive.

2. A person who sells, stores or uses fireworks, including fireworks for the purposes of commercial display, in violation of a regulation adopted pursuant to paragraph (b) of subsection 1 shall reimburse the district for the direct and indirect costs incurred by the district to:

(a) Investigate any such violation;

(b) Suppress a fire resulting from the storage or use of such fireworks; and

(c) Confiscate and dispose of such fireworks stored or used in violation of the provisions of a regulation adopted pursuant to paragraph (b) of subsection 1.

3. The district may institute a legal proceeding to enforce the provisions of a regulation adopted pursuant to paragraph (b) of subsection 1 that relates to fireworks or the provisions of subsection 2.

4. Any regulations adopted pursuant to this section and any provisions of this section concerning matters relating to fireworks do not apply to and do not prohibit the manufacture of fireworks for, or the transportation or sale of fireworks to, Indian reservations and Indian colonies.

5. As used in this section:

(a) "Direct and indirect costs" includes, without limitation, costs for:

(1) Labor;

(2) Equipment and materials;

(3) Supervision of employees;

(4) Supplies;

(5) Tools;

(6) Transportation;

(7) General and administrative expenses;

(8) Allocable benefits for employees;

(9) Amounts owed by the district pursuant to a mutual aid agreement, interlocal agreement, interstate compact or other agreement to provide fire-fighting support, investigation, enforcement or aid; and

(10) Any other related expenses.

(b) "Fireworks" has the meaning ascribed to it by regulations adopted by the State Fire Marshal pursuant to NRS 477.030.

1 **Sec. 2.** NRS 474.470 is hereby amended to read as follows:

2 474.470 1. The board of fire commissioners shall:

3 ~~1.1~~ (a) Manage and conduct the business and affairs of districts organized
4 pursuant to the provisions of NRS 474.460 or 474.533.

5 ~~1.2~~ (b) Adopt and enforce all rules and regulations necessary for the
6 administration and government of the districts and for the furnishing of fire
7 protection thereto, which may include regulations relating to emergency medical
8 services and fire prevention. The regulations may include provisions that are
9 designed to protect life and property from:

10 ~~1.3~~ (1) The hazards of fire and explosion resulting from the storage, handling
11 and use of hazardous substances, materials and devices; and

12 ~~1.4~~ (2) Hazardous conditions relating to the use or occupancy of any
13 premises.

14 ➤ Any regulation concerning hazardous substances, materials or devices adopted
15 pursuant to this ~~section~~ paragraph must be consistent with any plan or ordinance
16 concerning those substances, materials or devices that is required by the Federal
17 Government and has been adopted by the board of county commissioners. *Any*
18 *regulation prohibiting, restricting, suppressing or otherwise regulating the*
19 *manufacture, sale, use, storage or possession of fireworks, and any penalties for*
20 *the violation thereof, must be at least as stringent as regulations that are adopted*
21 *by the State Fire Marshal pursuant to chapter 477 of NRS.*

22 ~~1.5~~ (c) Organize, regulate, establish and disband fire companies, departments
23 or volunteer fire departments for the districts.

24 ~~1.6~~ (d) Provide for the payment of salaries to the personnel of those fire
25 companies or fire departments.

26 ~~1.7~~ (e) Provide for payment from the proper fund of all the debts and just
27 claims against the districts.

28 ~~1.8~~ (f) Employ agents and employees for the districts sufficient to maintain
29 and operate the property acquired for the purposes of the districts.

30 ~~1.9~~ (g) Acquire real or personal property necessary for the purposes of the
31 districts and dispose of the property if no longer needed.

32 ~~1.10~~ (h) Construct any necessary structures.

33 ~~1.11~~ (i) Acquire, hold and possess, by donation or purchase, any land or other
34 property necessary for the purpose of the districts.

35 ~~1.12~~ (j) Eliminate and remove fire hazards from the districts if practicable and
36 possible, whether on private or public premises, and to that end the board of fire
37 commissioners may clear the public highways and private lands of dry grass,
38 stubble, brush, rubbish or other inflammable material in its judgment constituting a
39 fire hazard.

40 ~~1.13~~ (k) Perform all other acts necessary, proper and convenient to
41 accomplish the purposes of NRS 474.460 to 474.540, inclusive.

42 2. A person who sells, stores or uses fireworks, including fireworks for the
43 purposes of commercial display, in violation of a regulation adopted pursuant to
44 paragraph (b) of subsection 1 shall reimburse the district for the direct and
45 indirect costs incurred by the district to:

46 (a) Investigate any such violation;

47 (b) Suppress a fire resulting from the sale, storage or use of such fireworks;
48 and

49 (c) Confiscate and dispose of such fireworks sold, stored or used in violation
50 of the provisions of a regulation adopted pursuant to paragraph (b) of subsection
51 1.

1 3. The district may institute a legal proceeding to enforce the provisions of a
2 regulation adopted pursuant to paragraph (b) of subsection 1 that relates to
3 fireworks or the provisions of subsection 2.

4 4. Any regulations adopted pursuant to this section and any provisions of
5 this section concerning matters relating to fireworks do not apply to and do not
6 prohibit the manufacture of fireworks for, or the transportation or sale of
7 fireworks to, Indian reservations and Indian colonies.

8 5. As used in this section:

9 (a) "Direct and indirect costs" includes, without limitation, costs for:

10 (1) Labor;

11 (2) Equipment and materials;

12 (3) Supervision of employees;

13 (4) Supplies;

14 (5) Tools;

15 (6) Transportation;

16 (7) General and administrative expenses;

17 (8) Allocable benefits for employees;

18 (9) Amounts owed by the district pursuant to a mutual aid agreement,
19 interlocal agreement, interstate compact or other agreement to provide fire-
20 fighting support, investigation, enforcement or aid; and

21 (10) Any other related expenses.

22 (b) "Fireworks" has the meaning ascribed to it by regulations adopted by the
23 State Fire Marshal pursuant to NRS 477.030.

24 **Sec. 3.** Chapter 477 of NRS is hereby amended by adding thereto a new
25 section to read as follows:

26 1. A person who sells, stores or uses fireworks, including fireworks for the
27 purposes of commercial display, in violation of the provisions of this chapter or
28 the regulations adopted pursuant thereto shall reimburse the State Fire Marshal
29 and any agency of the state or local government for the direct and indirect costs
30 incurred by the State Fire Marshal or agency to:

31 (a) Investigate any such violation;

32 (b) Suppress a fire resulting from the sale, storage or use of such fireworks;
33 and

34 (c) Confiscate and dispose of such fireworks sold, stored or ~~possessed~~ used
35 in violation of the provisions of this chapter or the regulations adopted pursuant
36 thereto.

37 2. The State Fire Marshal or any agency of the state or local government
38 that incurred costs from a violation described in subsection 1 may institute a legal
39 proceeding to enforce the provisions of subsection 1.

40 3. As used in this section:

41 (a) "Direct and indirect costs" includes, without limitation, costs for:

42 (1) Labor;

43 (2) Equipment and materials;

44 (3) Supervision of employees;

45 (4) Supplies;

46 (5) Tools;

47 (6) Transportation;

48 (7) General and administrative expenses;

49 (8) Allocable benefits for employees;

50 (9) Amounts owed by the State Fire Marshal or any agency of the state or
51 local government pursuant to a mutual aid agreement, interlocal agreement,
52 interstate compact or other agreement to provide fire-fighting support,
53 investigation, enforcement or aid; and

(10) Any other related expenses.

(b) "Fireworks" has the meaning ascribed to it by regulations adopted by the State Fire Marshal pursuant to NRS 477.030.

Sec. 4. 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,)]~~ Fireworks for the purposes of commercial display, combustibles and 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.

~~(e) Fireworks not used for the purposes of commercial display. The State Fire Marshal shall not adopt any regulations pursuant to this paragraph that regulate:~~

~~(1) A device which contains:~~

~~(I) No magnesium; and~~

~~(II) Less than 100 grams of pyrotechnic composition;~~

~~(2) A match;~~

~~(3) An emergency signal flare;~~

~~(4) A cap or other noisemaker;~~

~~(5) A model rocket; or~~

~~(6) A smoke emitting device that is used for the protection of a vehicle.~~

~~(f) The types of fireworks that a local government may regulate. The types of fireworks that the State Fire Marshal may authorize a local government to regulate must:~~

~~(1) Comply with paragraph (e); and~~

~~(2) Be listed in section 3.1 of Standard 87-1, "Standard for Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics," 2001 edition, adopted by the American Pyrotechnics Association, except the State Fire Marshal shall not authorize the types of fireworks listed in sections 3.1.2 and 3.1.3 of Standard 87-1,], including, without limitation, fireworks used for the purposes of commercial display, consumer fireworks and safe and sane fireworks. The State Fire Marshal shall:~~

(1) Require fireworks sold, stored or used in this State to be certified by the American Fireworks Standards Laboratory and to be accompanied by evidence that the fireworks comply with the most recent edition of the Standards

for Consumer Fireworks that is published by the American Fireworks Standards Laboratory; and

(2) Adopt regulations to define the term “fireworks” for purposes of this paragraph and NRS 244.2961, 244.367, 266.310, 269.220, 474.160 and 474.470 and sections 3 and 7.5 of this act.

➤ Except as otherwise provided in subsection 12, the regulations of the State Fire Marshal apply throughout the State, but except with respect to state-owned or state-occupied buildings, the State Fire Marshal’s authority to enforce them or conduct investigations under this chapter does not extend to a school district except as otherwise provided in NRS 393.110, or a county whose population is 100,000 or more or which has been converted into a consolidated municipality, except in those local jurisdictions in those counties where the State Fire Marshal is requested to exercise that authority by the chief officer of the organized fire department of that jurisdiction or except as otherwise provided in a regulation adopted pursuant to paragraph (b) of subsection 2.

2. The State Fire Marshal may:

(a) 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. ~~(-and)~~

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

(c) Set standards for designating which types of fireworks and pyrotechnics are safe and sane fireworks. If the State Fire Marshal sets such standards, the State Fire Marshal may provide that the devices discussed under standards 101, 102, 103A, 104, 105, 106, 107, 111, 112, 114 and 115 of the Standards for Consumer Fireworks, 2019 edition, that is published by the American Fireworks Standards Laboratory are “safe and sane fireworks.”

(d) Enforce the provisions of this chapter, NRS 244.2961, 244.367, 266.310, 269.220, 474.160 and 474.470 and section 7.5 of this act as they relate to fireworks.

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 and the mitigation of the risk of a fire hazard from vegetation in counties within or partially within the Lake Tahoe Basin and the Lake Mead Basin.

4. The State Fire Marshal shall cooperate with the Division of Child and Family Services of the Department of Health and Human Services in establishing reasonable minimum standards for overseeing the safety of and directing the means and adequacy of exit in case of fire from 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 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.

1 (c) Cooperate with the Commissioner of Insurance, the Attorney General and
2 the Fraud Control Unit established pursuant to NRS 228.412 in any investigation of
3 a fraudulent claim under an insurance policy for any fire of a suspicious nature.

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

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

8 7. The State Fire Marshal shall put the National Fire Incident Reporting
9 System into effect throughout the State and publish at least annually a summary of
10 data collected under the System.

11 8. The State Fire Marshal shall provide assistance and materials to local
12 authorities, upon request, for the establishment of programs for public education
13 and other fire prevention activities.

14 9. The State Fire Marshal shall:

15 (a) Except as otherwise provided in subsection 12 and NRS 393.110, assist in
16 checking plans and specifications for construction;

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

18 (c) Assist local governments in drafting regulations and ordinances,

19 on request or as the State Fire Marshal deems necessary.

20 10. Except as otherwise provided in this subsection, in a county other than
21 one whose population is 100,000 or more or which has been converted into a
22 consolidated municipality, the State Fire Marshal shall, upon request by a local
23 government, delegate to the local government by interlocal agreement all or a
24 portion of the State Fire Marshal's authority or duties if the local government's
25 personnel and programs are, as determined by the State Fire Marshal, equally
26 qualified to perform those functions. If a local government fails to maintain the
27 qualified personnel and programs in accordance with such an agreement, the State
28 Fire Marshal shall revoke the agreement. The provisions of this subsection do not
29 apply to the authority of the State Fire Marshal to adopt regulations pursuant to
30 paragraph (b) of subsection 2.

31 11. The State Fire Marshal may, as a public safety officer or as a technical
32 expert on issues relating to hazardous materials, participate in any local, state or
33 federal team or task force that is established to conduct enforcement and
34 interdiction activities involving:

35 (a) Commercial trucking;

36 (b) Environmental crimes;

37 (c) Explosives and pyrotechnics;

38 (d) Drugs or other controlled substances; or

39 (e) Any similar activity specified by the State Fire Marshal.

40 12. Except as otherwise provided in this subsection, any regulations of the
41 State Fire Marshal concerning matters relating to building codes, including, without
42 limitation, matters relating to the construction, maintenance or safety of buildings,
43 structures and property in this State:

44 (a) Do not apply in a county whose population is 700,000 or more which has
45 adopted a code at least as stringent as the International Fire Code and the
46 International Building Code, published by the International Code Council. To
47 maintain the exemption from the applicability of the regulations of the State Fire
48 Marshal pursuant to this subsection, the code of the county must be at least as
49 stringent as the most recently published edition of the International Fire Code and
50 the International Building Code within 1 year after publication of such an edition.

51 (b) Apply in a county described in paragraph (a) with respect to state-owned or
52 state-occupied buildings or public schools in the county and in those local
53 jurisdictions in the county in which the State Fire Marshal is requested to exercise

that authority by the chief executive officer of that jurisdiction. As used in this paragraph, "public school" has the meaning ascribed to it in NRS 385.007.

13. Any regulations of the State Fire Marshal concerning matters relating to fireworks and the provisions of section 3 of this act do not apply to and do not prohibit the manufacture of fireworks for, or the transportation or sale of fireworks to, Indian reservations and Indian colonies.

14. As used in this section, ~~["pyrotechnic composition" means a combination of chemical elements or chemical compounds capable of burning independently of the oxygen in the atmosphere.]~~ "safe and sane fireworks" are fireworks that are not dangerous.

Sec. 5. NRS 244.2961 is hereby amended to read as follows:

244.2961 1. The board of county commissioners may by ordinance create a district for a fire department. The board of county commissioners is ex officio the governing body of any district created pursuant to this section and may:

(a) Organize, regulate and maintain the fire department.

(b) Appoint and prescribe the duties of the fire chief.

(c) Designate arson investigators as peace officers.

(d) Regulate or prohibit the storage of any explosive, combustible or inflammable material in or transported through the county, and prescribe the distance from any residential or commercial area where it may be kept. Any ordinance adopted pursuant to this paragraph that regulates places of employment where explosives are stored must be at least as stringent as the standards and procedures adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.890.

(e) Establish, by ordinance, a fire code and other regulations necessary to carry out the purposes of this section.

(f) Include the budget of the district in the budget of the county.

(g) Hold meetings of the governing body of the district in conjunction with the meetings of the board of county commissioners without posting additional notices of the meetings within the district.

(h) Adopt ordinances prohibiting, restricting, suppressing or otherwise regulating the manufacture, sale, use, storage or possession of fireworks, and providing penalties for the violation thereof, if the ordinances are at least as stringent as the regulations that are adopted by the State Fire Marshal pursuant to chapter 477 of NRS.

2. Except as otherwise provided in subsection 6, if the fire department transports sick or injured persons to a medical facility, the board of county commissioners shall adopt an ordinance:

(a) Requiring the fire department to defray the expenses of furnishing such transportation by imposing and collecting fees; and

(b) Establishing a schedule of such fees.

3. The board of county commissioners of a county whose population is 700,000 or more shall, when adopting an ordinance pursuant to subsection 2:

(a) Limit the number of transports of sick or injured persons to a medical facility that may be made by the fire department to not more than 1,000 such transports per year, except that the fire department may, exclusive of the limit, make any such emergency transport that is necessary for the health or life of a sick or injured person when other ambulance services are not available; and

(b) Require the fire department and all other ambulance services operating in the county to report to the board:

(1) The total number of transports of sick or injured persons to a medical facility that are made each month; and

(2) For each transport reported pursuant to subparagraph (1):

(I) The fees charged to transport the person to a medical facility;
(II) Whether the person had health insurance at the time of the transport; and

(III) The name of the medical facility where the fire department or ambulance service transported the person to or from.

4. The other officers and employees of the county shall perform duties for the district that correspond to the duties they perform for the county.

5. All persons employed to perform the functions of the fire department are employees of the county for all purposes.

6. The provisions of subsection 2 do not apply to any county for which a nonprofit corporation has been granted an exclusive franchise for ambulance service in that county.

7. A person who sells, stores or uses fireworks, including fireworks for the purposes of commercial display, in violation of an ordinance adopted pursuant to paragraph (h) of subsection 1 shall reimburse the county for the direct and indirect costs incurred by the county to:

(a) Investigate any such violation;

(b) Suppress a fire resulting from the sale, storage or use of such fireworks; and

(c) Confiscate and dispose of such fireworks sold, stored or used in violation of the provisions of an ordinance adopted pursuant to paragraph (h) of subsection 1.

8. The county may institute a legal proceeding to enforce the provisions of an ordinance adopted pursuant to paragraph (h) of subsection 1 or the provisions of subsection 7.

9. Any ordinances adopted pursuant to this section and any provisions of this section concerning matters relating to fireworks do not apply to and do not prohibit the manufacture of fireworks for, or the transportation or sale of fireworks to, Indian reservations and Indian colonies.

10. As used in this section:

(a) "Direct and indirect costs" includes, without limitation, costs for:

(1) Labor;

(2) Equipment and materials;

(3) Supervision of employees;

(4) Supplies;

(5) Tools;

(6) Transportation;

(7) General and administrative expenses;

(8) Allocable benefits for employees;

(9) Amounts owed by the county pursuant to a mutual aid agreement, interlocal agreement, interstate compact or other agreement to provide fire-fighting support, investigation, enforcement or aid; and

(10) Any other related expenses.

(b) "Fireworks" has the meaning ascribed to it by regulations adopted by the State Fire Marshal pursuant to NRS 477.030.

Sec. 6. NRS 244.367 is hereby amended to read as follows:

244.367 1. The board of county commissioners ~~{shall have power and jurisdiction}~~ *may adopt* in their respective counties ~~{to pass}~~ ordinances prohibiting, restricting, suppressing or otherwise regulating the *manufacture*, sale, use, storage and possession of fireworks, and providing penalties for the violation thereof ~~{,}~~ *, if the ordinances are at least as stringent as the regulations that are adopted by the State Fire Marshal pursuant to chapter 477 of NRS.*

2. An ordinance ~~passed~~ adopted pursuant to subsection 1 must provide that any license or permit that may be required for the sale of fireworks must be issued by the licensing authority for:

(a) The county, if the fireworks are sold within the unincorporated areas of the county; or

(b) A city located within the county, if the fireworks are sold within the jurisdiction of that city.

3. A person who sells, stores or uses fireworks, including fireworks for the purposes of commercial display, in violation of an ordinance adopted pursuant to subsection 1 shall reimburse the county for the direct and indirect costs incurred by the county to:

(a) Investigate any such violation;

(b) Suppress a fire resulting from the sale, storage or use of such fireworks; and

(c) Confiscate and dispose of such fireworks sold, stored or used in violation of the provisions of an ordinance adopted pursuant to subsection 1.

4. The county may institute a legal proceeding to enforce the provisions of an ordinance adopted pursuant to subsection 1 or the provisions of subsection 3.

5. Any ordinances adopted pursuant to this section and any provisions of this section concerning matters relating to fireworks do not apply to and do not prohibit the manufacture of fireworks for, or the transportation or sale of fireworks to, Indian reservations and Indian colonies.

6. As used in this section:

(a) "Direct and indirect costs" includes, without limitation, costs for:

(1) Labor;

(2) Equipment and materials;

(3) Supervision of employees;

(4) Supplies;

(5) Tools;

(6) Transportation;

(7) General and administrative expenses;

(8) Allocable benefits for employees;

(9) Amounts owed by the county pursuant to a mutual aid agreement, interlocal agreement, interstate compact or other agreement to provide fire-fighting support, investigation, enforcement or aid; and

(10) Any other related expenses.

(b) "Fireworks" has the meaning ascribed to it by regulations adopted by the State Fire Marshal pursuant to NRS 477.030.

Sec. 7. NRS 266.310 is hereby amended to read as follows:

266.310 1. The city council may:

~~(1)~~ (a) Organize, regulate and maintain a fire department.

~~(2)~~ (b) Prescribe the duties of the fire chief.

~~(3)~~ (c) Designate arson investigators as peace officers.

~~(4)~~ (d) Regulate or prohibit the storage of any explosive, combustible or inflammable material in or transported through the city, and prescribe the distance from any residential or commercial area where it may be kept. Any ordinance adopted pursuant to this subsection that regulates places of employment where explosives are stored must be at least as stringent as the standards and procedures adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.890.

~~(5)~~ (e) Establish, by ordinance, a fire code and other regulations necessary to carry out the purposes of this section.

~~16.7~~ (f) Adopt ordinances prohibiting, restricting, suppressing or otherwise regulating the manufacture, sale, use, storage or possession of fireworks, and providing penalties for the violation thereof, if the ordinances are at least as stringent as the regulations that are adopted by the State Fire Marshal pursuant to chapter 477 of NRS.

2. A person who sells, stores or uses fireworks, including fireworks for the purposes of commercial display, in violation of an ordinance adopted pursuant to paragraph (f) of subsection 1 shall reimburse the city for the direct and indirect costs incurred by the city to:

(a) Investigate any such violation;

(b) Suppress a fire resulting from the sale, storage or use of such fireworks; and

(c) Confiscate and dispose of such fireworks sold, stored or used in violation of the provisions of an ordinance adopted pursuant to paragraph (f) of subsection 1.

3. The city may institute a legal proceeding to enforce the provisions of an ordinance adopted pursuant to paragraph (f) of subsection 1 or the provisions of subsection 2.

4. Any ordinances adopted pursuant to this section and any provisions of this section concerning matters relating to fireworks do not apply to and do not prohibit the manufacture of fireworks for, or the transportation or sale of fireworks to, Indian reservations and Indian colonies.

5. As used in this section:

(a) "Direct and indirect costs" includes, without limitation, costs for:

(1) Labor;

(2) Equipment and materials;

(3) Supervision of employees;

(4) Supplies;

(5) Tools;

(6) Transportation;

(7) General and administrative expenses;

(8) Allocable benefits for employees;

(9) Amounts owed by the city pursuant to a mutual aid agreement, interlocal agreement, interstate compact or other agreement to provide fire-fighting support, investigation, enforcement or aid; and

(10) Any other related expenses.

(b) "Fireworks" has the meaning ascribed to it by regulations adopted by the State Fire Marshal pursuant to NRS 477.030.

Sec. 7.5. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of an incorporated city may adopt ordinances prohibiting, restricting, suppressing or otherwise regulating the manufacture, sale, use, storage or possession of fireworks, and providing penalties for the violation thereof, if the ordinances are at least as stringent as the regulations that are adopted by the State Fire Marshal pursuant to chapter 477 of NRS.

2. A person who sells, stores or uses fireworks, including fireworks for the purposes of commercial display, in violation of an ordinance adopted pursuant to subsection 1 shall reimburse the city for the direct and indirect costs incurred by the city to:

(a) Investigate any such violation;

(b) Suppress a fire resulting from the sale, storage or use of such fireworks; and

(c) Confiscate and dispose of such fireworks sold, stored or used in violation of the provisions of an ordinance adopted pursuant to subsection 1.

3. The city may institute a legal proceeding to enforce the provisions of this section.

4. Any ordinances adopted pursuant to this section and any provisions of this section concerning matters relating to fireworks do not apply to and do not prohibit the manufacture of fireworks for, or the transportation or sale of fireworks to, Indian reservations and Indian colonies.

5. As used in this section:

(a) "Direct and indirect costs" includes, without limitation, costs for:

(1) Labor;

(2) Equipment and materials;

(3) Supervision of employees;

(4) Supplies;

(5) Tools;

(6) Transportation;

(7) General and administrative expenses;

(8) Allocable benefits for employees;

(9) Amounts owed by the city pursuant to a mutual aid agreement, interlocal agreement, interstate compact or other agreement to provide fire-fighting support, investigation, enforcement or aid; and

(10) Any other related expenses.

(b) "Fireworks" has the meaning ascribed to it by regulations adopted by the State Fire Marshal pursuant to NRS 477.030.

Sec. 8. NRS 269.220 is hereby amended to read as follows:

269.220 **1.** In addition to the powers and jurisdiction conferred by other laws, the town board or board of county commissioners may regulate ~~the~~:

(a) The storage of gunpowder and other explosive or combustible materials ~~;~~
; and

(b) The manufacture, sale, use, storage and possession of fireworks, and provide penalties for the violation thereof, if such regulations are at least as stringent as the regulations that are adopted by the State Fire Marshal pursuant to chapter 477 of NRS.

2. Any ordinance adopted pursuant to this section that regulates places of employment where explosives are stored must be at least as stringent as the standards and procedures adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.890.

3. A person who sells, stores or uses fireworks, including fireworks for the purposes of commercial display, in violation of an ordinance adopted pursuant to paragraph (b) of subsection 1 shall reimburse the town or county for the direct and indirect costs incurred by the town or county to:

(a) Investigate any such violation;

(b) Suppress a fire resulting from the sale, storage or use of such fireworks; and

(c) Confiscate and dispose of such fireworks sold, stored or used in violation of the provisions of an ordinance adopted pursuant to paragraph (b) of subsection 1.

4. The town or county may institute a legal proceeding to enforce the provisions of paragraph (b) of subsection 1 or the provisions of subsection 3.

5. Any ordinances adopted pursuant to this section and any provisions of this section concerning matters relating to fireworks do not apply to and do not prohibit the manufacture of fireworks for, or the transportation or sale of fireworks to, Indian reservations and Indian colonies.

6. As used in this section:

(a) "Direct and indirect costs" includes, without limitation, costs for:

(1) Labor;

(2) Equipment and materials;

(3) Supervision of employees;

(4) Supplies;

(5) Tools;

(6) Transportation;

(7) General and administrative expenses;

(8) Allocable benefits for employees;

(9) Amounts owed by the town or city pursuant to a mutual aid agreement, interlocal agreement, interstate compact or other agreement to provide fire-fighting support, investigation, enforcement or aid; and

(10) Any other related expenses.

(b) "Fireworks" has the meaning ascribed to it by regulations adopted by the State Fire Marshal pursuant to NRS 477.030.

Sec. 9. 1. This section and section 4 of this act become effective upon passage and approval.

2. Sections 1, 2, 3 and 5 to 8, inclusive, of this act become effective on October 1, 2019.