

Amendment No. 16

Senate Amendment to Senate Bill No. 33	(BDR 47-312)
Proposed by: Senate Committee on Natural Resources	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

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.



SENATE BILL NO. 33—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF THE DIVISION OF FORESTRY
OF THE STATE DEPARTMENT OF
CONSERVATION AND NATURAL RESOURCES)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Natural Resources

SUMMARY—Revises certain provisions relating to natural resource management.
(BDR 47-312)

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 natural resource management; replacing the term “reforestation” with “revegetation”; expanding the types of vegetation and areas where vegetation is located that the State Forester Firewarden is responsible for conserving, protecting and enhancing; expanding the application of certain provisions governing forests and watersheds to include rangelands; ~~{transferring}~~ **repealing** the requirement to carry out certain tasks related to fire retardant roofing, fire-hazardous forested areas and ensuring consistency with fire codes, rules and regulations. ; ~~{From the State Forester Firewarden to the State Fire Marshal}~~ and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the State Forester Firewarden to negotiate with and enter into cooperative agreements with certain governmental entities and with organizations and natural persons to establish and develop nurseries in this State for the procurement and production, research and display of forest tree seeds and conservation plant materials. Such nurseries are meant to accomplish a variety of goals, including advancing the general welfare and bringing about benefits that result from reforestation. (NRS 528.100) Existing law provides that reforestation means the planting and cultivation of conservation plant materials which are indigenous to forests, plains, meadows, deserts and urban areas of Nevada. (NRS 528.097) **Sections 1-4, 6-8 and 19** of this bill replace the term “reforestation” with “revegetation.”

Sections 3, 5 and 7 of this bill expand the types of vegetation and areas where vegetation is located that the State Forester Firewarden is responsible for conserving, protecting and enhancing. Existing law requires any state nursery to purchase forest tree seeds and conservation plant materials so that they can be distributed for planting on public or private property for a variety of purposes. (NRS 528.105) **Section 7** of this bill provides that such distribution may occur for certain additional purposes, including soil erosion control, noise abatement, revegetation, greenstrips, reduction of fire hazards, xeriscaping, water conservation and providing wildlife habitats.

Existing law requires the State Forester Firewarden to supervise or coordinate all forestry and watershed work on state-owned and privately owned lands and authorizes the State Forester Firewarden to: (1) appoint paid foresters and firewardens to enforce existing law concerning forest and watershed management or the protection of forests and other lands; and (2) purchase or acquire by donation, supplies, material, equipment and improvements necessary to fire protection and forest and watershed management. (NRS 472.040) **Sections 10-14** of this bill expand the application of the provisions relating to forests and watersheds to include rangelands and remove certain references to "forest" so that certain provisions apply to any lands in this State.

Existing law requires the State Forester Firewarden to: (1) adopt and enforce regulations relating to standards for fire retardant roofing materials to be used in the construction, alteration, change or repair of buildings located within the boundaries of fire-hazardous forested areas; and (2) designate the boundaries of such fire-hazardous forested areas. Existing law additionally requires the State Forester Firewarden to assess the codes, rules and regulations which are adopted by other agencies that have specific regulatory authority within the Lake Tahoe Basin and the Lake Mead Basin and which are not subject to the authority of a state or local fire agency, for consistency with fire codes, rules and regulations. (NRS 472.040) ~~[Sections] Section 10 [and 18] of this bill [transfer] removes the requirement that the State Forester Firewarden carry out these duties, [to the State Fire Marshal, Sections 16 and] Section 18 of this bill requires the State Fire Marshal to cooperate with the State Forester Firewarden concerning certain mitigation activities.~~

Existing law requires the State Fire Marshal to adopt regulations relating to the prevention of fire. (NRS 477.030) The State Fire Marshal has adopted regulations in which the International Wildland-Urban Interface Code is adopted by reference. (NAC 477.281) Existing law provides that the regulations of the State Fire Marshal apply throughout the State, except that any regulations of the State Fire Marshal concerning matters relating to building codes do not apply to a county whose population is 700,000 or more (currently Clark County), if the county adopts a code that is at least as stringent as the International Fire Code and the International Building Code. (NRS 477.030) Section 18 provides that such a code adopted by a county whose population is 700,000 or more must also be at least as stringent as the International Wildland-Urban Interface Code.

Section 21 of this bill [transfer] repeals the State Forester Firewarden's authority to enforce all regulations relating to the reduction of brush, dense undergrowth and other vegetation around and adjacent to a structure that is in a fire-hazardous forested area. [from the State Forester Firewarden to the State Fire Marshal. Sections 9, 17 and] Section 21 of this bill [transfer the] repeals the State Forester Firewarden's authority to enforce provisions of existing law that require fire retardant roofing material to be used in areas designated as fire-hazardous forested areas. [from the State Forester Firewarden to the State Fire Marshal.] Section 9 of this bill makes a conforming change by removing a reference to the repealed provision.

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

Section 1. Chapter 528 of NRS is hereby amended by adding thereto a new section to read as follows:

"Native landscape" means any forest, plain, meadow, desert, riparian area, wetland or natural area located in Nevada.

Sec. 2. NRS 528.091 is hereby amended to read as follows:

528.091 As used in NRS 528.091 to 528.120, inclusive, *and section 1 of this act*, unless the context otherwise requires, the terms defined in NRS 528.092 to 528.098, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.

1 **Sec. 3.** NRS 528.092 is hereby amended to read as follows:

2 528.092 “Conservation plant materials” means those trees, shrubs and plants
3 *and the parts of such trees, shrubs and plants* used for:

4 1. Well-established conservation purposes such as *xeriscaping*, windbreaks,
5 wood lots, soil erosion control, wildlife habitation, ~~reforestation,~~ *revegetation*,
6 noise abatement, *water conservation* and fire control; or

7 2. Beautification purposes for parks, recreation areas, *public rights-of-ways*,
8 *areas that are commonly owned*, greenbelts, schools and public buildings.

9 **Sec. 4.** NRS 528.097 is hereby amended to read as follows:

10 528.097 ~~“Reforestation”~~ *“Revegetation”* means planting and cultivation of
11 conservation plant materials which are indigenous or adaptable to ~~forests, plains,~~
12 ~~meadows, deserts~~ *the native landscapes* and urban areas of Nevada.

13 **Sec. 5.** NRS 528.098 is hereby amended to read as follows:

14 528.098 “Urban forestry” means the science of developing, caring for or
15 cultivating conservation plant materials in an urban environment to enhance air *and*
16 *water* quality, provide shade protection, stabilize soils, *promote water*
17 *conservation*, reduce noise ~~and dust~~ levels, *reduce fire hazards, improve human*
18 *health, provide wildlife habitats, sustain local economies* and improve esthetics.

19 **Sec. 6.** NRS 528.100 is hereby amended to read as follows:

20 528.100 1. In order to aid agriculture, conserve water resources, renew the
21 timber supply, promote erosion control, beautify urban areas, *support urban*
22 *forestry*, educate the public, improve natural forests, deserts, wildlife habitation,
23 and in other ways advance the general welfare and bring about benefits resulting
24 from ~~reforestation~~ *revegetation* and the establishment of windbreaks, shelterbelts,
25 wood lots, greenbelts, open space, parks and arboretums on lands in the State of
26 Nevada, the State Forester Firewarden, subject to the approval of the Director, may
27 act for the State of Nevada in negotiating for and entering into cooperative
28 agreements with the United States of America, with the governing bodies of the
29 counties and other political subdivisions of this state, and with organizations and
30 natural persons for the purpose of securing the establishment and development of a
31 nursery site or sites for the procurement and production, research and display of
32 forest tree seeds and conservation plant materials.

33 2. The State Forester Firewarden may receive contributions of money from
34 cooperators under the cooperative agreement.

35 3. The Fund for Forest Nurseries is hereby created as an enterprise fund. All
36 money received for the establishment, development and operation of nurseries must
37 be accounted for in the Fund. The balance in the Fund may not be transferred to any
38 other Fund. All claims against the Fund must be paid as other claims against the
39 State are paid.

40 **Sec. 7.** NRS 528.105 is hereby amended to read as follows:

41 528.105 1. Any state nursery authorized by NRS 528.100 must be operated
42 under management of the State Forester Firewarden and must propagate stock for
43 uses as provided in this section.

44 2. The State Forester Firewarden may:

45 (a) Purchase nursery stock, seed and other conservation plant materials.

46 (b) Engage in seed, tree and plant development research.

47 (c) Demonstrate methods of conservation plant material planting, propagation
48 and landscaping to public or private organizations or individuals.

49 (d) Distribute conservation plant materials for planting on public property for
50 the purposes of soil erosion control, windbreaks, noise abatement, ~~reforestation,~~
51 *revegetation*, greenbelts, *greenstrips, reduction of fire hazards, xeriscaping*,
52 watershed protection, *providing* wildlife ~~protection~~ *habitats, improving human*
53 *health, sustaining local economies* and beautification.

(e) Distribute conservation plant materials for planting on private property for the purposes of production of forest or wood-lot products, ~~reforestation,~~ *soil erosion control*, windbreaks, ~~wood-lots, shelterbelts,~~ *noise abatement, revegetation*, greenbelts, *greenstrips, reduction of fire hazards, xeriscaping, water conservation* and *providing* wildlife habitat.

(f) Charge and collect for all plant materials distributed under paragraphs (d) and (e) in accordance with a fee schedule developed by the State Forester Firewarden and approved by the Director.

3. Conservation plant materials distributed by the State Forester Firewarden under the provisions of paragraph (e) of subsection 2 must be used only for the purposes therein set forth. The State Forester Firewarden may set by regulation the criteria for eligibility for distribution of plants under paragraph (e) of subsection 2.

4. Any person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 8. NRS 63.460 is hereby amended to read as follows:

63.460 1. A facility may establish forestry camps for the purposes of:

(a) Securing a satisfactory classification and segregation of children according to their capacities, interests and responsiveness to control and responsibility;

(b) Reducing the necessity of extending existing grounds and housing facilities; and

(c) Providing adequate opportunity for reform and encouragement of self-discipline.

2. Children committed to forestry camps may be required:

(a) To labor on the buildings and grounds of the forestry camp.

(b) To perform fire prevention work, including, but not limited to:

(1) Building firebreaks and fire trails;

(2) Fire suppression;

(3) Making forest roads for fire prevention or fire fighting; and

(4) Forestation and ~~reforestation~~ *revegetation* of public lands.

(c) To perform other projects prescribed by the superintendent of the facility.

3. For the purposes of carrying out the provisions of this section, the superintendent of a facility may enter into contracts with the Federal Government, state officials and various state agencies and departments.

4. As used in this section, "revegetation" has the meaning ascribed to it in NRS 528.097.

Sec. 9. NRS 341.100 is hereby amended to read as follows:

341.100 1. The Administrator and the Deputy Administrator of the Public Works - Compliance and Code Enforcement Section serve at the pleasure of the Director of the Department.

2. The Administrator shall appoint:

(a) A Deputy Administrator of the Public Works - Professional Services Section; and

(b) A Deputy Administrator of the Buildings and Grounds Section.

➤ Each deputy administrator appointed pursuant to this subsection serves at the pleasure of the Administrator.

3. The Administrator shall recommend and the Director shall appoint a Deputy Administrator of the Public Works - Compliance and Code Enforcement Section. The Deputy Administrator appointed pursuant to this subsection has the final authority in the interpretation and enforcement of any applicable building codes.

4. The Administrator may appoint such other technical and clerical assistants as may be necessary to carry into effect the provisions of this chapter.

5. The Administrator and each deputy administrator are in the unclassified service of the State. Except as otherwise provided in NRS 284.143, the Administrator and each deputy administrator shall devote his or her entire time and attention to the business of the office and shall not pursue any other business or occupation or hold any other office of profit.

6. The Administrator must:

(a) Have a master's degree or doctoral degree in civil or environmental engineering, architecture, public administration or a related field and experience in management, public administration or public policy; or

(b) Be a licensed professional engineer pursuant to the provisions of chapter 625 of NRS or an architect registered pursuant to the provisions of chapter 623 of NRS.

7. The Deputy Administrator of the:

(a) Public Works - Professional Services Section must be a licensed professional engineer pursuant to the provisions of chapter 625 of NRS or an architect registered pursuant to the provisions of chapter 623 of NRS.

(b) Public Works - Compliance and Code Enforcement Section must have a comprehensive knowledge of building codes and a working knowledge of the principles of engineering or architecture as determined by the Administrator.

8. The Administrator shall:

(a) Serve as the Secretary of the Board.

(b) Manage the daily affairs of the Division.

(c) Represent the Board and the Division before the Legislature.

(d) Prepare and submit to the Board, for its approval, the recommended priority for proposed capital improvement projects and provide the Board with an estimate of the cost of each project.

(e) Select architects, engineers and contractors.

(f) Accept completed projects.

(g) Submit in writing to the Director of the Department, the Governor and the Interim Finance Committee a monthly report regarding all public works projects which are a part of the approved capital improvement program. For each such project, the monthly report must include, without limitation, a detailed description of the progress of the project which highlights any specific events, circumstances or factors that may result in:

(1) Changes in the scope of the design or construction of the project or any substantial component of the project which increase or decrease the total square footage or cost of the project by 10 percent or more;

(2) Increased or unexpected costs in the design or construction of the project or any substantial component of the project which materially affect the project;

(3) Delays in the completion of the design or construction of the project or any substantial component of the project; or

(4) Any other problems which may adversely affect the design or construction of the project or any substantial component of the project.

(h) Have final authority to approve the architecture of all buildings, plans, designs, types of construction, major repairs and designs of landscaping.

9. The Deputy Administrator of the Public Works - Compliance and Code Enforcement Section shall:

(a) Serve as the building official for all buildings and structures on property of the State or held in trust for any division of the State Government; and

(b) Consult with an agency or official that is considering adoption of a regulation described in NRS 446.942, 449.345, 455C.115, 461.173 ~~472.105~~ or 477.0325 and provide recommendations regarding how the regulation, as it applies

to buildings and structures on property of this State or held in trust for any division of the State Government, may be made consistent with other regulations which apply to such buildings or structures.

Sec. 10. NRS 472.040 is hereby amended to read as follows:

472.040 1. The State Forester Firewarden shall:

(a) Supervise or coordinate all forestry , *rangeland* and watershed work on state-owned and privately owned lands, including fire control, in Nevada, working with federal agencies, private associations, counties, towns, cities or private persons.

(b) Administer all fire control laws and all forestry laws in Nevada outside of townsite boundaries, and perform any other duties designated by the Director of the State Department of Conservation and Natural Resources or by state law.

(c) Assist and encourage county or local fire protection districts to create legally constituted fire protection districts where they are needed and offer guidance and advice in their operation.

~~(d) [Designate the boundaries of each area of the State where the construction of buildings on forested lands creates such a fire hazard as to require the regulation of roofing materials.~~

~~—(e) Adopt and enforce regulations relating to standards for fire retardant roofing materials to be used in the construction, alteration, change or repair of buildings located within the boundaries of fire hazardous forested areas.~~

~~—(f) Purchase communication equipment which can use the microwave channels of the state communications system and store this equipment in regional locations for use in emergencies.~~

~~[(g)] (e)~~ Administer money appropriated and grants awarded for fire prevention, fire control and the education of firefighters and award grants of money for those purposes to fire departments and educational institutions in this State.

~~[(h)] (f)~~ Determine the amount of wages that must be paid to offenders who participate in conservation camps and who perform work relating to fire fighting and other work projects of conservation camps.

~~[(i)] (g)~~ Cooperate with the State Fire Marshal in the enforcement of all laws and the adoption of regulations relating to the prevention of fire through the management of vegetation in ~~[counties located within or partially within the Lake Tahoe Basin and the Lake Mead Basin.~~

~~—(j) Assess the codes, rules and regulations which are adopted by other agencies that have specific regulatory authority within the Lake Tahoe Basin and the Lake Mead Basin, and which are not subject to the authority of a state or local fire agency, for consistency with fire codes, rules and regulations.~~

~~—(k) this State.~~

~~(h)~~ Ensure that any adopted regulations are consistent with those of fire protection districts created pursuant to chapter 318 or 474 of NRS.

~~[(i)] (i)~~ Upon the request of the State Engineer, review a plan submitted with an application for the issuance of a temporary permit pursuant to NRS 533.436.

2. The State Forester Firewarden in carrying out the provisions of this chapter may:

(a) Appoint paid foresters and firewardens to enforce the provisions of the laws of this State respecting forest , *rangeland* and watershed management or the protection of ~~[forests and other]~~ lands from fire, subject to the approval of the board of county commissioners of each county concerned.

(b) Appoint suitable citizen-wardens. Citizen-wardens serve voluntarily except that they may receive compensation when an emergency is declared by the State Forester Firewarden.

(c) Appoint, upon the recommendation of the appropriate federal officials, resident officers of the United States Forest Service and the United States Bureau of Land Management as voluntary firewardens. Voluntary firewardens are not entitled to compensation for their services.

(d) Appoint certain paid foresters or firewardens to be arson investigators.

(e) Employ, with the consent of the Director of the State Department of Conservation and Natural Resources, clerical assistance, county and district coordinators, patrol officers, firefighters, and other employees as needed, and expend such sums as may be necessarily incurred for this purpose.

(f) Purchase, or acquire by donation, supplies, material, equipment and improvements necessary to fire protection and forest , *rangeland* and watershed management.

(g) With the approval of the Director of the State Department of Conservation and Natural Resources and the State Board of Examiners, purchase or accept the donation of real property to be used for lookout sites and for other administrative, experimental or demonstration purposes. No real property may be purchased or accepted unless an examination of the title shows the property to be free from encumbrances, with title vested in the grantor. The title to the real property must be examined and approved by the Attorney General.

(h) Expend any money appropriated by the State to the Division of Forestry of the State Department of Conservation and Natural Resources for paying expenses incurred in fighting fires or in emergencies which threaten human life.

3. The State Forester Firewarden, in carrying out the powers and duties granted in this section, is subject to administrative supervision by the Director of the State Department of Conservation and Natural Resources.

Sec. 11. NRS 472.043 is hereby amended to read as follows:

472.043 1. It is the purpose of this section to provide for the maintenance of ~~forest and~~ vegetative cover *in forests*, on ~~forest~~ *rangelands* and *on* watershed land, to conserve water and soil , *to mitigate wildfires* and to prevent destructive floods.

2. The State Forester Firewarden, with the approval of the Director of the State Department of Conservation and Natural Resources, may:

(a) Enter into contracts with any state or federal public agency, municipal corporation, or any person, firm or private corporation to establish and preserve ~~forest and~~ vegetative cover *in forests*, on ~~forest~~ *rangelands* or *on* watershed lands.

(b) Conduct surveys and studies, formulate plans and perform all acts incidental to the establishment and maintenance of ~~forest and~~ vegetative cover *in forests*, on ~~forest~~ *rangelands* and *on* watershed lands, including any work necessary to accomplish such purposes.

3. In entering into contracts the State Forester Firewarden shall give priority to, but not be limited to, situations where:

(a) The natural vegetative cover has been destroyed or denuded to the extent that precipitation may create floods and serious soil depletion and erosion.

(b) The denuded area is of a size, and the topography and soil characteristics are of such a nature, that soil loss and floods will have a significant effect upon watershed values and the public welfare.

(c) The vegetative cover will not be restored by natural means in time effectively to prevent undue erosion and flood runoff.

(d) The natural succession of vegetation may be detrimental to the public welfare.

4. The State Forester Firewarden, or any agents of the State Forester Firewarden, with the approval of the Director of the State Department of

Conservation and Natural Resources, may enter into cooperative agreements with federal agencies, counties, county fire protection districts, cities and private landowners for the purposes set forth in this section.

Sec. 12. NRS 472.050 is hereby amended to read as follows:

472.050 1. The State Forester Firewarden, with the approval of the Director of the State Department of Conservation and Natural Resources, may represent the State of Nevada in negotiating and entering into agreements with the Federal Government for the purpose of securing cooperation in forest , *rangeland and watershed land* management and the protection of ~~the forest and watershed~~ such areas of Nevada from fire, and enter into such other agreements with boards of county commissioners, municipalities, rangeland fire protection associations and other organizations and individuals in the State of Nevada owning lands therein, as are necessary in carrying out the terms of the federal agreements or that will otherwise promote and encourage ~~forest~~ *vegetation* management and the protection from fire of ~~forest or other~~ lands having an inflammable cover.

2. Any federal money allotted to the State of Nevada under the terms of the federal agreements and such other money as may be received by the State for the management and protection of forests , *rangelands* and watershed areas therein shall be deposited in the Division of Forestry Account in the State General Fund.

Sec. 13. NRS 472.060 is hereby amended to read as follows:

472.060 Any fire protection district and board or boards of county commissioners of the State of Nevada may:

1. Enter into cooperative agreements with the State Forester Firewarden subject to the approval of the Director of the State Department of Conservation and Natural Resources, acting for the State, and with other counties, rangeland fire protection associations and other organizations and individuals, to prevent and suppress outdoor fires.

2. Appropriate and expend funds for the payment of wages and expenses incurred in fire prevention and fire suppression, for the purchase, construction and maintenance of forest *and rangeland* protection improvements and equipment and for paying other expenses incidental to the protection of ~~forest and other~~ lands from fire, including any portion of the office and travel expense of the Division of Forestry of the State Department of Conservation and Natural Resources incurred in carrying out the provisions of any cooperative agreements with the State of Nevada.

Sec. 14. NRS 472.070 is hereby amended to read as follows:

472.070 The State Forester Firewarden with the approval of the Director of the State Department of Conservation and Natural Resources, fire protection districts, and the boards of county commissioners, separately or collectively, may enter into agreements with the United States Forest Service, United States Bureau of Land Management, other fire protection agencies and rangeland fire protection associations to provide for placing any or all portions of the fire protection work under the direction of the agency or association concerned, under such terms as the contracting parties deem equitable, and may place any or all funds appropriated or otherwise secured for forest *and rangeland* protection in the cooperative work fund of the respective agency or rangeland fire protection association for disbursement by that agency or association for the purposes stated in the agreements and otherwise in conformity with the terms thereof.

Sec. 15. ~~[Chapter 477 of NRS is hereby amended by adding thereto the provisions set forth as sections 16 and 17 of this act.]~~ *(Deleted by amendment.)*

Sec. 16. ~~[1. The State Fire Marshal may, in an area designated pursuant to paragraph (a) of subsection 5 of NRS 477.030, including, without limitation, any land within the 1/2 mile radius surrounding such an area, enforce all~~

~~regulations relating to the reduction of brush, dense undergrowth and other vegetation around and adjacent to a structure to reduce the exposure of the structure to fire and radiant heat and increase the ability of firefighters to protect the structure.~~

~~2. The enforcement of these provisions must permit the planting of grass, trees, ornamental shrubbery or other plants used to stabilize the soil and prevent erosion so long as the plants do not form a means of rapidly transmitting fire from native growth to any structure. (Deleted by amendment.)~~

Sec. 17. ~~[1. A residential or commercial building must not be constructed, altered, changed or repaired in any area designated by the State Fire Marshal as fire hazardous if the construction uses roofing materials other than fire retardant roofing materials meeting the standards set by the State Fire Marshal pursuant to paragraph (b) of subsection 5 of NRS 477.030.~~

~~2. The State Fire Marshal shall notify the governing body of each city or county in which a building code is in effect as soon as standards for fire retardant roofing materials have been established pursuant to paragraph (b) of subsection 5 of NRS 477.030. The governing body is responsible for the enforcement of the provisions of subsection 1 within the areas over which it exercises jurisdiction. No building permit may be issued for construction within the jurisdiction of any such governing body in violation of subsection 1.~~

~~3. The State Fire Marshal is responsible for the enforcement of the provisions of subsection 1 in all areas of the State in which there is no building code in effect.~~

~~4. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor. (Deleted by amendment.)~~

Sec. 18. 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.

(e) The maintenance and testing of:

(1) Fire dampers, smoke dampers and combination fire and smoke dampers; and

(2) Smoke control systems.

1 ✧ Except as otherwise provided in subsection 12, ~~14~~ the regulations of the State
2 Fire Marshal apply throughout the State, but except with respect to state-owned or
3 state-occupied buildings, the State Fire Marshal's authority to enforce them or
4 conduct investigations under this chapter does not extend to a school district except
5 as otherwise provided in NRS 393.110, or a county whose population is 100,000 or
6 more or which has been converted into a consolidated municipality, except in those
7 local jurisdictions in those counties where the State Fire Marshal is requested to
8 exercise that authority by the chief officer of the organized fire department of that
9 jurisdiction or except as otherwise provided in a regulation adopted pursuant to
10 paragraph (b) of subsection 2.

11 2. The State Fire Marshal may:

12 (a) Set standards for equipment and appliances pertaining to fire safety or to be
13 used for fire protection within this State, including the threads used on fire hose
14 couplings and hydrant fittings; and

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

19 3. The State Fire Marshal shall cooperate with the State Forester Firewarden
20 in ~~[the preparation of regulations relating to standards for fire retardant roofing~~
21 ~~materials pursuant to paragraph (e) of subsection 1 of NRS 472.040 and]~~ the
22 mitigation of the risk of a fire hazard from vegetation in ~~[counties within or~~
23 ~~partially within the Lake Tahoe Basin and the Lake Mead Basin.]~~ *this State*
24 *pursuant to paragraph (g) of subsection 1 of NRS 472.040.*

25 4. ~~[The State Fire Marshal shall assess the codes, rules and regulations~~
26 ~~which are adopted by other agencies that have specific regulatory authority~~
27 ~~within this State, and which are not subject to the authority of a state or local fire~~
28 ~~agency, for consistency with fire codes, rules and regulations.~~

29 ~~5. The State Fire Marshal shall:~~

30 ~~(a) Designate the boundaries of each area of the State where the~~
31 ~~construction of buildings on forested lands creates such a fire hazard as to~~
32 ~~require the regulation of roofing materials; and~~

33 ~~(b) Adopt and enforce regulations relating to standards for fire retardant~~
34 ~~roofing materials to be used in the construction, alteration, change or repair of~~
35 ~~buildings located within the boundaries of fire hazardous forested areas.~~

36 ~~6.~~ The State Fire Marshal shall cooperate with the Division of Child and
37 Family Services of the Department of Health and Human Services in establishing
38 reasonable minimum standards for overseeing the safety of and directing the means
39 and adequacy of exit in case of fire from foster homes.

40 ~~5.~~ ~~7.~~ The State Fire Marshal shall coordinate all activities conducted
41 pursuant to 15 U.S.C. §§ 2201 et seq. and receive and distribute money allocated by
42 the United States pursuant to that act.

43 ~~6.~~ ~~8.~~ Except as otherwise provided in subsection 10, ~~12~~ the State Fire
44 Marshal shall:

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

48 (b) Investigate any fire which occurs in a county whose population is 100,000
49 or more or which has been converted into a consolidated municipality, and from
50 which a death results or which is of a suspicious nature, if requested to do so by the
51 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. ~~10.1~~ 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. ~~10.2~~ 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. ~~11.1~~ The State Fire Marshal shall:

(a) Except as otherwise provided in subsection 12 ~~11.2~~ and NRS 393.110, 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 the State Fire Marshal deems necessary.

10. ~~12.1~~ 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 the State Fire Marshal's 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.

11. ~~13.1~~ The State Fire Marshal may, as a public safety officer or as a technical expert on issues relating to hazardous materials, participate in any local, state or federal team or task force that is established to conduct enforcement and interdiction activities involving:

(a) Commercial trucking;

(b) Environmental crimes;

(c) Explosives and pyrotechnics;

(d) Drugs or other controlled substances; or

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

12. ~~14.1~~ Except as otherwise provided in this subsection, any regulations of the State Fire Marshal concerning matters relating to building codes, including, without limitation, matters relating to the construction, maintenance or safety of buildings, structures and property in this State:

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

(b) Apply in a county described in paragraph (a) with respect to state-owned or state-occupied buildings or public schools in the county and in those local 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.

Sec. 19. NRS 548.430 is hereby amended to read as follows:

548.430 1. The regulations to be adopted by the Commission under the provisions of NRS 548.410 to 548.435, inclusive, may include:

~~111~~ (a) Provisions requiring the carrying out of necessary engineering operations, including the construction of terraces, terrace outlets, check dikes, dams, ponds, ditches and other necessary structures.

~~112~~ (b) Provisions requiring observance of particular methods of cultivation, including contour cultivating, contour furrowing, lister furrowing, sowing, planting, strip cropping, seeding, and planting of lands to water-conserving and erosion-preventing plants, trees and grasses, forestation, and ~~reforestation.~~ **revegetation.**

~~113~~ (c) Specifications of cropping programs and tillage practices to be observed.

~~114~~ (d) Provisions requiring the retirement from cultivation of highly erosive areas or of areas on which erosion may not be adequately controlled if cultivation is carried on.

~~115~~ (e) Provisions for such other means, measures, operations, and programs as may assist conservation of renewable natural resources and prevent or control soil erosion and sedimentation in the conservation district, having due regard to the legislative findings set forth in NRS 548.095 to 548.113, inclusive.

~~116~~ 2. *As used in this section, "revegetation" has the meaning ascribed to it in NRS 528.097.*

Sec. 20. ~~1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.~~

~~2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.~~

~~3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.~~
(Deleted by amendment.)

Sec. 21. NRS 472.041, 472.100 and 472.105 are hereby repealed.

Sec. 22. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

472.041 Enforcement of regulations relating to reduction of vegetation around structures.

1. The State Forester Firewarden may, in an area designated pursuant to paragraph (d) of subsection 1 of NRS 472.040, including, without limitation, any land within the 1/2-mile radius surrounding such an area, enforce all regulations relating to the reduction of brush, dense undergrowth and other vegetation around and adjacent to a structure to reduce the exposure of the structure to fire and radiant heat and increase the ability of firefighters to protect the structure.

2. The enforcement of these provisions must permit the planting of grass, trees, ornamental shrubbery or other plants used to stabilize the soil and prevent erosion so long as the plants do not form a means of rapidly transmitting fire from native growth to any structure.

472.100 Fire retardant roofing material to be used in areas designated as fire hazardous; notice of standards; enforcement; penalty.

1. A residential or commercial building must not be constructed, altered, changed or repaired in any area designated by the State Forester Firewarden as fire hazardous if the construction uses roofing materials other than fire retardant roofing materials meeting the standards set by the State Forester Firewarden pursuant to NRS 472.040.

2. The State Forester Firewarden shall notify the governing body of each city or county in which a building code is in effect as soon as standards for fire retardant roofing materials have been established pursuant to paragraph (e) of subsection 1 of NRS 472.040. The governing body is responsible for the enforcement of the provisions of subsection 1 of this section within the areas over which it exercises jurisdiction. No building permit may be issued for construction within the jurisdiction of any such governing body in violation of subsection 1 of this section.

3. The State Forester Firewarden is responsible for the enforcement of the provisions of subsection 1 in all areas of the State in which there is no building code in effect.

4. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.

472.105 Required consultation before adoption of regulations concerning buildings or structures. Before the State Forester Firewarden may adopt any regulation concerning the construction, maintenance, operation or safety of a building, structure or other property in this State, the State Forester Firewarden shall consult with the Deputy Administrator of the Public Works - Compliance and Code Enforcement Section for the purposes of subsection 9 of NRS 341.100.