

Amendment No. 545

Assembly Amendment to Senate Bill No. 33 First Reprint	(BDR 47-312)
Proposed by: Assembly Committee on Natural Resources	
Amends: Summary: No Title: No 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.

NAS/HAC



Date: 5/14/2021

S.B. No. 33—Revises certain provisions relating to natural resource management.
(BDR 47-312)



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; 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; 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) **Section 10** of this bill removes the requirement that the State Forester Firewarden carry out these duties. **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 within 1 year of the time such international codes are published by the International Code Council. (NRS 477.030) **Section 18** provides that such a code adopted by a county whose population is 700,000 or more must : **(1) also be at least as stringent as the International Wildland-Urban Interface Code ; and (2) be adopted within 2 years of the time such international codes are published by the International Code Council.**

Section 21 of this bill 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. **Section 21** of this bill 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. **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.

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

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

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

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

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

528.097 ~~["Reforestation"]~~ *"Revegetation"* means planting and cultivation of conservation plant materials which are indigenous or adaptable to ~~forests, plains, meadows, deserts,~~ *the native landscapes* and urban areas of Nevada.

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

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

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

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

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

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

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

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

2. The State Forester Firewarden may:

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

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

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

(d) Distribute conservation plant materials for planting on public property for the purposes of soil erosion control, windbreaks, noise abatement, ~~reforestation,~~ *revegetation*, greenbelts, *greenstrips, reduction of fire hazards, xeriscaping*, watershed protection, *providing* wildlife ~~protection,~~ *habitats, improving human 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*,

1 *revegetation*, greenbelts , *greenstrips*, *reduction of fire hazards*, *xeriscaping*,
2 *water conservation* and *providing* wildlife habitat.

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

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

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

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

13 63.460 1. A facility may establish forestry camps for the purposes of:

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

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

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

20 2. Children committed to forestry camps may be required:

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

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

23 (1) Building firebreaks and fire trails;

24 (2) Fire suppression;

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

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

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

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

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

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

34 341.100 1. The Administrator and the Deputy Administrator of the Public
35 Works - Compliance and Code Enforcement Section serve at the pleasure of the
36 Director of the Department.

37 2. The Administrator shall appoint:

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

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

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

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

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

50 5. The Administrator and each deputy administrator are in the unclassified
51 service of the State. Except as otherwise provided in NRS 284.143, the
52 Administrator and each deputy administrator shall devote his or her entire time and

1 attention to the business of the office and shall not pursue any other business or
2 occupation or hold any other office of profit.

3 6. The Administrator must:

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

7 (b) Be a licensed professional engineer pursuant to the provisions of chapter
8 625 of NRS or an architect registered pursuant to the provisions of chapter 623 of
9 NRS.

10 7. The Deputy Administrator of the:

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

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

17 8. The Administrator shall:

18 (a) Serve as the Secretary of the Board.

19 (b) Manage the daily affairs of the Division.

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

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

24 (e) Select architects, engineers and contractors.

25 (f) Accept completed projects.

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

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

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

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

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

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

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

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

48 (b) Consult with an agency or official that is considering adoption of a
49 regulation described in NRS 446.942, 449.345, 455C.115, 461.173 ~~[-, 472.105]~~ or
50 477.0325 and provide recommendations regarding how the regulation, as it applies
51 to buildings and structures on property of this State or held in trust for any division
52 of the State Government, may be made consistent with other regulations which
53 apply to such buildings or structures.

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

2 472.040 1. The State Forester Firewarden shall:

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

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

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

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

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

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

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

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

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

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

36 ~~—(k) this State.~~

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

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

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

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

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

50 (c) Appoint, upon the recommendation of the appropriate federal officials,
51 resident officers of the United States Forest Service and the United States Bureau of
52 Land Management as voluntary firewardens. Voluntary firewardens are not entitled
53 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. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (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.

➤ 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.

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;~~ *this State pursuant to paragraph (g) of subsection 1 of NRS 472.040.*

4. The State Fire Marshal shall cooperate with the Division of Child and Family Services of the Department of 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.

1 5. The State Fire Marshal shall coordinate all activities conducted pursuant to
2 15 U.S.C. §§ 2201 et seq. and receive and distribute money allocated by the United
3 States pursuant to that act.

4 6. Except as otherwise provided in subsection 10, the State Fire Marshal shall:
5 (a) Investigate any fire which occurs in a county other than one whose
6 population is 100,000 or more or which has been converted into a consolidated
7 municipality, and from which a death results or which is of a suspicious nature.

8 (b) Investigate any fire which occurs in a county whose population is 100,000
9 or more or which has been converted into a consolidated municipality, and from
10 which a death results or which is of a suspicious nature, if requested to do so by the
11 chief officer of the fire department in whose jurisdiction the fire occurs.

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

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

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

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

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

25 9. The State Fire Marshal shall:

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

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

29 (c) Assist local governments in drafting regulations and ordinances,
30 ➤ on request or as the State Fire Marshal deems necessary.

31 10. Except as otherwise provided in this subsection, in a county other than
32 one whose population is 100,000 or more or which has been converted into a
33 consolidated municipality, the State Fire Marshal shall, upon request by a local
34 government, delegate to the local government by interlocal agreement all or a
35 portion of the State Fire Marshal's authority or duties if the local government's
36 personnel and programs are, as determined by the State Fire Marshal, equally
37 qualified to perform those functions. If a local government fails to maintain the
38 qualified personnel and programs in accordance with such an agreement, the State
39 Fire Marshal shall revoke the agreement. The provisions of this subsection do not
40 apply to the authority of the State Fire Marshal to adopt regulations pursuant to
41 paragraph (b) of subsection 2.

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

46 (a) Commercial trucking;

47 (b) Environmental crimes;

48 (c) Explosives and pyrotechnics;

49 (d) Drugs or other controlled substances; or

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

51 12. Except as otherwise provided in this subsection, any regulations of the
52 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 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 the International Wildland-Urban Interface Code~~ within ~~1-year~~ 2 years 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:

~~1-1~~ (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.

~~2-2~~ (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.

~~3-3~~ (c) Specifications of cropping programs and tillage practices to be observed.

~~4-4~~ (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.

~~5-5~~ (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.

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

Sec. 20. (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.