

SENATE BILL NO. 304—SENATORS CANNIZZARO, DONDERO LOOP,
SPEARMAN; DONATE, FLORES, OHRENSCHALL AND PAZINA

MARCH 16, 2023

Referred to Committee on Government Affairs

SUMMARY—Revises provisions related to public safety.
(BDR 20-188)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

CONTAINS UNFUNDED MANDATE (§§ 1-16)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 governmental administration; requiring a fire department established by a county, city or town to operate in compliance with certain standards; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a board of county commissioners to create a district for a fire department and authorizes a city council of a city incorporated pursuant to general law to organize, regulate and maintain a fire department. (NRS 244.2961, 266.310) **Sections 1 and 2** of this bill provide that any such fire department must operate in compliance with the current: (1) standards of the National Fire Protection Association; and (2) regulations of the Occupational Safety and Health Administration of the United States Department of Labor.

Existing law requires the town board or board of county commissioners in any unincorporated town to organize, regulate and establish fire companies or fire departments. (NRS 269.250) **Section 3** of this bill requires that such a fire company or fire department operate in compliance with the current: (1) standards of the National Fire Protection Association; and (2) regulations of the Occupational Safety and Health Administration of the United States Department of Labor.

The City Charters of the cities of Caliente, Carlin, Carson City, Elko, Henderson, Las Vegas, Mesquite, North Las Vegas, Wells and Yerington authorize their respective City Councils to organize, regulate and maintain a fire department. (Caliente City Charter § 2.160, Carlin City Charter § 2.170, Carson City Charter § 2.160, Elko City Charter § 2.200, Henderson City Charter § 2.160, Las Vegas City Charter § 2.170, Mesquite City Charter § 2.150, North Las Vegas City Charter § 2.160, Wells City Charter § 2.170, Yerington City Charter § 2.160) **Sections 5-12, 15 and 16** of this bill require that any such fire department operate in compliance



with the current: (1) standards of the National Fire Protection Association; and (2) regulations of the Occupational Safety and Health Administration of the United States Department of Labor.

Sections 4, 13 and 14 of this bill authorize the City Council of Boulder City and the Cities of Reno and Sparks to organize, regulate and maintain a fire department. Any such fire department must operate in compliance with the current: (1) standards of the National Fire Protection Association; and (2) regulations of the Occupational Safety and Health Administration of the United States Department of Labor.

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

Section 1. 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. *Any such fire department must operate in compliance with the current:*

(1) Standards of the National Fire Protection Association; and

(2) Regulations of the Occupational Safety and Health Administration of the United States Department of Labor, including, without limitation, 29 C.F.R. § 1910.134.

(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.



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.

Sec. 2. NRS 266.310 is hereby amended to read as follows:

266.310 The city council may:

1. Organize, regulate and maintain a fire department. *Any such fire department must operate in compliance with the current:*

(a) Standards of the National Fire Protection Association; and

(b) Regulations of the Occupational Safety and Health Administration of the United States Department of Labor, including, without limitation, 29 C.F.R. § 1910.134.

2. Prescribe the duties of the fire chief.

3. Designate arson investigators as peace officers.



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

Sec. 3. NRS 269.250 is hereby amended to read as follows:

269.250 1. The town board or board of county commissioners shall in any unincorporated town in their respective counties:

(a) Provide for the prevention and extinguishment of fires.

(b) Organize, regulate, establish and disband fire companies or fire departments. *Any such fire company or fire department must operate in compliance with the current:*

(1) Standards of the National Fire Protection Association; and

(2) Regulations of the Occupational Safety and Health Administration of the United States Department of Labor, including, without limitation, 29 C.F.R. § 1910.134.

(c) Provide for the payment of fire companies or fire departments, and the appointment and payment of officers thereof.

2. All payments authorized under the provisions of subsection 1 must be made from the separate fund of the town where service is performed or required when the fire company or department operates in the town alone, and if used outside of the town the board of county commissioners may provide for contribution from general county funds if provided for in the county budget.

3. A majority of the town board or board of county commissioners shall name and appoint two-thirds of all such officers and employees, and the minority thereof shall name and appoint one-third.

4. The fire chief and the personnel of the fire department are entitled to receive such compensation as the town board or board of county commissioners prescribes.

5. The town board or board of county commissioners may designate arson investigators as peace officers.

Sec. 4. The Charter of Boulder City is hereby amended by adding thereto a new section to be designated as section 19.5, immediately following section 19, to read as follows:

Section 19.5. Council's power: Fire Department.



The Council by ordinance may organize, regulate and maintain a Fire Department. Any such Fire Department must operate in compliance with the current:

1. Standards of the National Fire Protection Association; and

2. Regulations of the Occupational Safety and Health Administration of the United States Department of Labor, including, without limitation, 29 C.F.R. § 1910.134.

Sec. 5. Section 2.160 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as amended by chapter 391, Statutes of Nevada 1999, at page 1860, is hereby amended to read as follows:

Sec. 2.160 Powers of City Council: Fire protection; regulation of explosives, inflammable materials; fire codes and regulations. The City Council may:

1. Organize, regulate and maintain a Fire Department. *Any such Fire Department must operate in compliance with the current:*

(a) Standards of the National Fire Protection Association; and

(b) Regulations of the Occupational Safety and Health Administration of the United States Department of Labor, including, without limitation, 29 C.F.R. § 1910.134.

2. Provide for the appointment of a Fire Chief and prescribe his or her duties.

3. 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.

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

Sec. 6. Section 2.170 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, as amended by chapter 391, Statutes of Nevada 1999, at page 1860, is hereby amended to read as follows:

Sec. 2.170 Powers of Board of Council Members: Fire protection; regulation of explosives, inflammable materials; fire codes and regulations. The Board of Council Members may:



1 1. Organize, regulate and maintain a Fire Department.
2 *Any such Fire Department must operate in compliance with*
3 *the current:*

4 (a) *Standards of the National Fire Protection*
5 *Association; and*

6 (b) *Regulations of the Occupational Safety and Health*
7 *Administration of the United States Department of Labor,*
8 *including, without limitation, 29 C.F.R. § 1910.134.*

9 2. Provide for the appointment of a Fire Chief and
10 prescribe his or her duties.

11 3. Regulate or prohibit the storage of any explosive,
12 combustible or inflammable material in or transported
13 through the City, and prescribe the distance from any
14 residential or commercial area where it may be kept. Any
15 ordinance adopted pursuant to this subsection that regulates
16 places of employment where explosives are stored must be at
17 least as stringent as the standards and procedures adopted by
18 the Division of Industrial Relations of the Department of
19 Business and Industry pursuant to NRS 618.890.

20 4. Establish, by ordinance, a fire code and other
21 regulations necessary to carry out the purposes of this section.

22 **Sec. 7.** Section 2.160 of the Charter of Carson City, being
23 chapter 213, Statutes of Nevada 1969, as amended by chapter 118,
24 Statutes of Nevada 1985, at page 475, is hereby amended to read as
25 follows:

26 Sec. 2.160 Power of Board: Fire protection; fire codes
27 and regulations. The Board may:

28 1. Organize, regulate, maintain and disband a Fire
29 Department. *Any such Fire Department must operate in*
30 *compliance with the current:*

31 (a) *Standards of the National Fire Protection*
32 *Association; and*

33 (b) *Regulations of the Occupational Safety and Health*
34 *Administration of the United States Department of Labor,*
35 *including, without limitation, 29 C.F.R. § 1910.134.*

36 2. Establish, by ordinance, a fire code and other
37 regulations necessary to carry out the purposes of this section.

38 **Sec. 8.** Section 2.200 of the Charter of the City of Elko, being
39 chapter 276, Statutes of Nevada 1971, as last amended by chapter
40 51, Statutes of Nevada 2001, at page 455, is hereby amended to read
41 as follows:

42 Sec. 2.200 Powers of City Council: Fire protection;
43 regulation of explosives, inflammable materials; fire codes
44 and regulations. The City Council may:



1. Organize, regulate and maintain a Fire Department.
Any such Fire Department must operate in compliance with the current:

(a) *Standards of the National Fire Protection Association; and*

(b) *Regulations of the Occupational Safety and Health Administration of the United States Department of Labor, including, without limitation, 29 C.F.R. § 1910.134.*

2. Provide for the appointment of a Fire Chief and prescribe his or her duties.

3. 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.

4. Establish, by ordinance, a fire code and other regulations necessary to carry out the purposes of this section, and to provide for the prevention, suppression and extinguishment of fires and conditions hazardous to life and property from fire, explosion or combustion, and to provide for the enforcement of all such codes and regulations by imposing adequate penalties for violations thereof.

Sec. 9. Section 2.160 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by chapter 391, Statutes of Nevada 1999, at page 1862, is hereby amended to read as follows:

Sec. 2.160 Powers of City Council: Fire protection; regulation of explosives, inflammable materials; fire codes and regulations. The City Council may:

1. Organize, regulate and maintain a Fire Department.
Any such Fire Department must operate in compliance with the current:

(a) *Standards of the National Fire Protection Association; and*

(b) *Regulations of the Occupational Safety and Health Administration of the United States Department of Labor, including, without limitation, 29 C.F.R. § 1910.134.*

2. 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.

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

Sec. 10. Section 2.170 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 391, Statutes of Nevada 1999, at page 1862, is hereby amended to read as follows:

Sec. 2.170 Powers of City Council: Fire protection; regulation of explosives, inflammable materials; fire codes and regulations. The City Council may:

1. Organize, regulate and maintain a Fire Department.
Any such Fire Department must operate in compliance with the current:

(a) Standards of the National Fire Protection Association; and

(b) Regulations of the Occupational Safety and Health Administration of the United States Department of Labor, including, without limitation, 29 C.F.R. § 1910.134.

2. Regulate or prohibit the storage in or the transportation through the City of any explosive, combustible or inflammable material and prescribe the location within the City where those materials 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.

3. Establish by ordinance a fire code and other regulations which are necessary to provide for the prevention of and protection against fires and to carry out the purposes of this section.

4. Suspend or revoke the license of any business for its failure to comply with any regulation which is adopted pursuant to this section.

Sec. 11. Section 2.150 of the Charter of the City of Mesquite, being chapter 325, Statutes of Nevada 2017, at page 1872, is hereby amended to read as follows:

Sec. 2.150 Powers of City Council: Fire protection; regulation of explosives, inflammable materials; fire codes and regulations. The City Council may:



1 1. Organize, regulate and maintain a fire department.
2 *Any such fire department must operate in compliance with*
3 *the current:*

4 (a) *Standards of the National Fire Protection*
5 *Association; and*

6 (b) *Regulations of the Occupational Safety and Health*
7 *Administration of the United States Department of Labor,*
8 *including, without limitation, 29 C.F.R. § 1910.134.*

9 2. Regulate or prohibit the storage of any explosive,
10 combustible or inflammable material in or transported
11 through the City, and prescribe the distance from any
12 residential or commercial area where it may be kept. Any
13 ordinance adopted pursuant to this subsection that regulates
14 places of employment where explosives are stored must be at
15 least as stringent as the standards and procedures adopted by
16 the Division of Industrial Relations of the Department of
17 Business and Industry pursuant to NRS 618.890.

18 3. Establish, by ordinance, a fire code and other
19 regulations necessary to carry out the purposes of this section.

20 **Sec. 12.** Section 2.160 of the Charter of the City of North Las
21 Vegas, being chapter 573, Statutes of Nevada 1971, as amended by
22 chapter 391, Statutes of Nevada 1999, at page 1863, is hereby
23 amended to read as follows:

24 Sec. 2.160 Powers of City Council: Fire protection;
25 regulation of explosives, flammable materials; fire codes and
26 regulations. The City Council may:

27 1. Organize, regulate and maintain a Fire Department.
28 *Any such Fire Department must operate in compliance with*
29 *the current:*

30 (a) *Standards of the National Fire Protection*
31 *Association; and*

32 (b) *Regulations of the Occupational Safety and Health*
33 *Administration of the United States Department of Labor,*
34 *including, without limitation, 29 C.F.R. § 1910.134.*

35 2. Regulate or prohibit the storage of any explosive,
36 combustible or flammable material in or transported through
37 the City, and prescribe the distance from any residential or
38 commercial area where it may be kept. Any ordinance
39 adopted pursuant to this subsection that regulates places of
40 employment where explosives are stored must be at least as
41 stringent as the standards and procedures adopted by the
42 Division of Industrial Relations of the Department of
43 Business and Industry pursuant to NRS 618.890.

44 3. Establish, by ordinance, a fire code and other
45 regulations necessary to carry out the purposes of this section.



Sec. 13. The Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1962, is hereby amended by adding thereto a new section to be designated as section 2.160, immediately following section 2.150, to read as follows:

Sec. 2.160 Powers of City Council: Fire Department. The City Council may organize, regulate and maintain a Fire Department. Any such Fire Department must operate in compliance with the current:

1. Standards of the National Fire Protection Association; and

2. Regulations of the Occupational Safety and Health Administration of the United States Department of Labor, including, without limitation, 29 C.F.R. § 1910.134.

Sec. 14. The Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, at page 724, is hereby amended by adding thereto a new section to be designated as section 2.130, immediately following section 2.125, to read as follows:

Sec. 2.130 Powers of City Council: Fire Department. The City Council may organize, regulate and maintain a Fire Department. Any such Fire Department must operate in compliance with the current:

1. Standards of the National Fire Protection Association; and

2. Regulations of the Occupational Safety and Health Administration of the United States Department of Labor, including, without limitation, 29 C.F.R. § 1910.134.

Sec. 15. Section 2.170 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, as amended by chapter 391, Statutes of Nevada 1999, at page 1863, is hereby amended to read as follows:

Sec. 2.170 Powers of Board of Council Members: Fire protection; regulation of explosives, inflammable materials; fire codes and regulations. The Board of Council Members may:

1. Organize, regulate and maintain a Fire Department. Any such Fire Department must operate in compliance with the current:

(a) Standards of the National Fire Protection Association; and

(b) Regulations of the Occupational Safety and Health Administration of the United States Department of Labor, including, without limitation, 29 C.F.R. § 1910.134.

2. Provide for the appointment of a Fire Chief and prescribe his or her duties.



3. 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.

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

Sec. 16. Section 2.160 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as amended by chapter 391, Statutes of Nevada 1999, at page 1863, is hereby amended to read as follows:

Sec. 2.160 Powers of City Council: Fire protection; regulation of explosives, inflammable materials; fire codes and regulations. The City Council may:

1. Organize, regulate and maintain a Fire Department.
Any such Fire Department must operate in compliance with the current:

(a) Standards of the National Fire Protection Association; and

(b) Regulations of the Occupational Safety and Health Administration of the United States Department of Labor, including, without limitation, 29 C.F.R. § 1910.134.

2. Provide for the appointment of a Fire Chief and prescribe his or her duties.

3. 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.

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

Sec. 17. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

