

REQUIRES TWO-THIRDS MAJORITY VOTE (§§ 4, 5)

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FIRST REPRINT

S.B. 458

SENATE BILL NO. 458—COMMITTEE ON HUMAN
RESOURCES AND FACILITIES

(ON BEHALF OF THE DEPARTMENT OF PUBLIC SAFETY)

MARCH 24, 2003

Referred to Committee on Human Resources and Facilities

SUMMARY—Makes various changes to provisions governing State
Fire Marshal and fire prevention. (BDR 42-515)

FISCAL NOTE: Effect on Local Government: Yes.
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 fire prevention; revising provisions governing interlocal agreements for the delegation of duties by the State Fire Marshal to local governments; revising provisions governing the authority of the State Fire Marshal to regulate the construction, maintenance and safety of buildings, structures and property in certain counties; revising provisions governing the State Board of Fire Services and the Fire Service Standards and Training Committee; providing for the licensure of persons who maintain and install medical gas systems; revising provisions governing information and training provided by the State Fire Marshal; revising provisions governing hazardous materials and the issuance of permits for the storage of hazardous materials; revising provisions governing fire drills at schools; repealing provisions governing registration of qualified interior designers by the State Fire Marshal; authorizing the State Fire Marshal to include administrative and overhead costs in certain fees established by regulation; requiring local fire departments to collect additional fees for certain services and regulatory activities; providing a penalty; and providing other matters properly relating thereto.



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

- 1 **Section 1.** Chapter 477 of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 **1.** *In a county whose population is 100,000 or more or which*
4 *has been converted into a consolidated municipality, the State Fire*
5 *Marshal shall, upon the request of a local government, delegate to*
6 *the local government by interlocal agreement all or a portion of*
7 *his authority or duties set forth in NRS 331.100, 394.170,*
8 *432A.077, 432A.180, 449.150, 449.230, paragraph (c) of*
9 *subsection 1 of NRS 477.030, subsection 5 of NRS 477.030 or*
10 *NRS 477.035 or 477.045. The local government shall maintain*
11 *qualified personnel and programs required by such an interlocal*
12 *agreement in accordance with nationally recognized standards.*
13 **2.** *In a county other than one whose population is 100,000 or*
14 *more or which has been converted into a consolidated*
15 *municipality, the State Fire Marshal shall, upon the request of a*
16 *local government, delegate to the local government by interlocal*
17 *agreement all or a portion of his authority or duties set forth in*
18 *NRS 331.100, 394.170, 432A.077, 432A.180, 449.150, 449.230,*
19 *paragraph (c) or (d) of subsection 1 of NRS 477.030, subsection 5*
20 *or 7 of NRS 477.030 or NRS 477.035 or 477.045, if the personnel*
21 *and programs of the local government are, as determined by the*
22 *State Fire Marshal, equally qualified to perform those functions.*
23 *If a local government fails to maintain the qualified personnel and*
24 *programs in accordance with such an agreement, the State Fire*
25 *Marshal shall revoke the agreement.*
26 **3.** *If an interlocal agreement is entered into pursuant to this*
27 *section by a local government, the local fire department within*
28 *that jurisdiction shall exercise the authority and perform the*
29 *duties of the State Fire Marshal delegated pursuant to the*
30 *interlocal agreement within that jurisdiction.*
31 **Sec. 2.** NRS 477.020 is hereby amended to read as follows:
32 477.020 1. The State Board of Fire Services, consisting of
33 ~~eight~~ **nine** members appointed by the Governor, is hereby created.
34 2. The Governor shall appoint:
35 (a) A licensed architect;
36 (b) A chief of a volunteer fire department;
37 (c) A chief of a full-time, paid fire department;
38 (d) A professional engineer;
39 (e) The State Forester Firewarden;
40 (f) A training officer of a volunteer fire department;
41 (g) A training officer of a partially or fully paid fire department;
42 ~~and~~



1 (h) *A fire prevention officer of a volunteer fire department or a*
2 *partially or fully paid fire department; and*

3 (i) A specialist in hazardous materials,
4 to the Board. No member other than the State Forester Firewarden
5 may serve for more than two consecutive terms.

6 3. The Board shall select a Chairman from among its members
7 to serve for 1 year. The State Fire Marshal shall serve as the
8 Secretary of the Board.

9 4. The Board may meet regularly at least twice each year or on
10 the call of the Chairman, the Secretary or any three members.

11 5. The members of the Board, except the State Forester
12 Firewarden, are entitled to receive a salary of \$60 for each day's
13 attendance at a meeting of the Board.

14 6. The Board shall make recommendations to the State Fire
15 Marshal and to the Legislature concerning necessary legislation in
16 the field of fire fighting and fire protection. When requested to do so
17 by the Director of the Department of Public Safety, the Board shall
18 recommend to him not fewer than three persons for appointment as
19 State Fire Marshal.

20 7. The Board shall advise the State Fire Marshal on matters
21 relating to the training of ~~firemen.~~ *fire service personnel.*

22 **Sec. 3.** NRS 477.030 is hereby amended to read as follows:

23 477.030 1. Except as otherwise provided in this section, the
24 State Fire Marshal shall enforce all laws and adopt regulations
25 relating to:

26 (a) The prevention of fire.

27 (b) The storage and use of:

28 (1) Combustibles, flammables and fireworks; and

29 (2) Explosives in any commercial construction, but not in
30 mining or the control of avalanches,

31 under those circumstances that are not otherwise regulated by the
32 Division of Industrial Relations of the Department of Business and
33 Industry pursuant to NRS 618.890.

34 (c) The safety, access, means and adequacy of exit in case of fire
35 from mental and penal institutions, facilities for the care of children,
36 foster homes, residential facilities for groups, facilities for
37 intermediate care, nursing homes, hospitals, schools, all buildings,
38 except private residences, which are occupied for sleeping purposes,
39 buildings used for public assembly and all other buildings where
40 large numbers of persons work, live or congregate for any purpose.
41 As used in this paragraph, "public assembly" means a building or a
42 portion of a building used for the gathering together of 50 or more
43 persons for purposes of deliberation, education, instruction, worship,
44 entertainment, amusement or awaiting transportation, or the



1 gathering together of 100 or more persons in establishments for
2 drinking or dining.

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

5 ~~{The}~~

6 **2. Except as otherwise provided in subsection 11, the**
7 regulations of the State Fire Marshal apply throughout the State, but,
8 except with respect to state-owned or state-occupied buildings, his
9 authority to enforce them or conduct investigations under this
10 chapter does not extend to a county whose population is 100,000 or
11 more or which has been converted into a consolidated municipality,
12 except in those local jurisdictions in those counties where he is
13 requested to exercise that authority by the chief officer of the
14 organized fire department of that jurisdiction.

15 ~~{2-}~~ **3.** The State Fire Marshal may set standards for equipment
16 and appliances pertaining to fire safety or to be used for fire
17 protection within this state, including the threads used on fire hose
18 couplings and hydrant fittings.

19 ~~{3-}~~ **4.** The State Fire Marshal shall cooperate with the State
20 Forester Firewarden in the preparation of regulations relating to
21 standards for fire retardant roofing materials pursuant to paragraph
22 (e) of subsection 1 of NRS 472.040.

23 ~~{4.-The}~~

24 **5. Except as otherwise provided in this section, the** State Fire
25 Marshal shall cooperate with the Division of Child and Family
26 Services of the Department of Human Resources in establishing
27 reasonable minimum standards for overseeing the safety of and
28 directing the means and adequacy of exit in case of fire from family
29 foster homes and group foster homes.

30 ~~{5-}~~ **If the State Fire Marshal has delegated his duties set forth**
31 **in this subsection through an interlocal agreement with a local**
32 **government pursuant to section 1 of this act, the chief officer of**
33 **the organized fire department to whom the duties have been**
34 **delegated shall cooperate with the Division of Child and Family**
35 **Services in establishing such reasonable minimum standards that**
36 **will apply within the jurisdiction of the local government.**

37 **6.** The State Fire Marshal shall coordinate all activities
38 conducted pursuant to 15 U.S.C. §§ 2201 et seq. and receive and
39 distribute money allocated by the United States pursuant to that act.

40 ~~{6-}~~ **7.** Except as otherwise provided in ~~{subsection 10,}~~ **section**
41 **1 of this act,** the State Fire Marshal shall:

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



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

6 (c) Cooperate with the Commissioner of Insurance, the Attorney
7 General and the Fraud Control Unit established pursuant to NRS
8 228.412 in any investigation of a fraudulent claim under an
9 insurance policy for any fire of a suspicious nature.

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

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

15 ~~[7.]~~ 8. The State Fire Marshal shall put the National Fire
16 Incident Reporting System into effect throughout the State and
17 publish at least annually a summary of data collected under the
18 System.

19 ~~[8.]~~ 9. The State Fire Marshal shall provide assistance and
20 materials to local authorities, upon request, for the establishment of
21 programs for public education and other fire prevention activities.

22 ~~[9.]~~ 10. The State Fire Marshal ~~[shall:]~~ *may:*

- 23 (a) Assist in checking plans and specifications for construction;
- 24 (b) Provide specialized training to local fire departments; and
- 25 (c) Assist local governments in drafting regulations and
26 ordinances,
27 on request or as he deems necessary.

28 ~~[10.—In a county other than one whose population is 100,000 or
29 more or which has been converted into a consolidated municipality,
30 the State Fire Marshal shall, upon request by a local government,
31 delegate to the local government by interlocal agreement all or a
32 portion of his authority or duties if the local government’s personnel
33 and programs are, as determined by the State Fire Marshal, equally
34 qualified to perform those functions. If a local government fails to
35 maintain the qualified personnel and programs in accordance with
36 such an agreement, the State Fire Marshal shall revoke the
37 agreement.]~~

38 *11. The regulations of the State Fire Marshal concerning*
39 *matters relating to building codes, including, without limitation,*
40 *matters relating to the construction, maintenance and safety of*
41 *buildings, structures and property, do not apply in a county whose*
42 *population is 100,000 or more or which has been converted into a*
43 *consolidated municipality, except with respect to state-owned or*
44 *state-occupied buildings, or in those local jurisdictions, including,*
45 *without limitation, school districts, in such a county where he is*



1 *requested to apply or enforce the regulations by the governing*
2 *body of that jurisdiction.*

3 *12. If a local fire department provides a service or performs a*
4 *regulatory activity in accordance with an interlocal agreement*
5 *pursuant to section 1 of this act, or if a local fire department*
6 *located in a jurisdiction exempted from the authority of the State*
7 *Fire Marshal provides a service or performs a regulatory activity*
8 *which would have otherwise been provided or performed by the*
9 *State Fire Marshal, the governing body of the jurisdiction in*
10 *which the local fire department is located shall adopt and enforce*
11 *regulations relating to the service or regulatory activity that*
12 *require a standard of safety that meets or exceeds the standard of*
13 *safety established by the State Fire Marshal for the service or*
14 *regulatory activity. The governing body shall provide a copy of all*
15 *regulations adopted pursuant to this subsection to the State Fire*
16 *Marshal.*

17 **Sec. 4.** NRS 477.031 is hereby amended to read as follows:
18 477.031 *1.* The State Fire Marshal shall by regulation adopt a
19 schedule of fees for the services and regulatory activities performed
20 by the State Fire Marshal Division pursuant to the provisions of this
21 chapter. The fees must:

22 ~~1.~~ (a) Approximate the cost of those services and activities ~~1.~~
23 ~~2.~~, including administrative and overhead costs.

24 (b) Be deposited with the State Treasurer for credit to the
25 appropriate account of the State Fire Marshal Division.

26 ~~3.~~ (c) Be used *only* to carry out the provisions of this chapter.

27 *2. If a local fire department provides a service or performs a*
28 *regulatory activity in accordance with an interlocal agreement*
29 *pursuant to section 1 of this act, or if a local fire department*
30 *located in a jurisdiction exempted from the authority of the State*
31 *Fire Marshal provides a service or performs a regulatory activity*
32 *which would have otherwise been provided or performed by the*
33 *State Fire Marshal, and the State Fire Marshal has adopted a fee*
34 *for that service or regulatory activity pursuant to this section, the*
35 *local fire department shall collect from each person to whom the*
36 *service is provided or for which the regulatory activity is*
37 *performed an amount equal to the fee which would have been*
38 *collected by the State Fire Marshal if the State Fire Marshal*
39 *provided the service or performed the regulatory activity. All fees*
40 *collected by a local fire department pursuant to this subsection*
41 *must be deposited with the treasurer of the county in which the*
42 *local fire department is located. A county treasurer shall remit all*
43 *such fees he receives to the State Treasurer quarterly for credit to*
44 *the appropriate account of the State Fire Marshal Division. Such*
45 *fees are in addition to any fees otherwise assessed by the local*



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1 *government in which the local fire department is located and a*
2 *local government may consolidate the payment of the additional*
3 *fees required by this subsection with any other fees that the person*
4 *may be required to pay the local government.*

5 **Sec. 5.** NRS 477.033 is hereby amended to read as follows:
6 477.033 1. A license, issued by the State Fire Marshal, is
7 required for:

8 (a) Maintenance, installation or sale of fire extinguishers, fire
9 alarm systems or fire sprinkler systems.

10 (b) Use of explosives in any commercial construction, but not in
11 mining or the control of avalanches.

12 (c) Commercial fireworks displays.

13 *(d) Maintenance and installation of medical gas systems.*

14 2. Applications for licenses must be made on a form prescribed
15 by the State Fire Marshal.

16 3. The State Fire Marshal may conduct inspections,
17 examinations or hearings before the issuance of licenses.

18 4. The State Fire Marshal may charge a reasonable fee, to be
19 fixed by regulation, for the inspection and issuance of licenses. *The*
20 *fee may include an amount to cover administrative and overhead*
21 *costs.*

22 5. If any person is denied a license by the State Fire Marshal,
23 he is entitled to a hearing, upon request, before a hearing officer.

24 **Sec. 6.** NRS 477.035 is hereby amended to read as follows:

25 477.035 1. ~~The~~ *Except as otherwise provided in this*
26 *section, the* State Fire Marshal shall:

27 (a) Inspect or cause to be inspected annually, all state buildings
28 and order such fire-extinguishing and safety appliances as he deems
29 necessary for the protection of the property against fire.

30 (b) Order the removal of combustibles and rubbish from the
31 property, or order such changes in the entrances or exits of
32 the buildings as will promote the safety of the occupants, or order
33 the provision of such fire escapes as he may deem necessary.

34 (c) Provide inspection forms and maintain records of inspections
35 of state-owned or state-occupied buildings.

36 2. If the agency in charge of any state property fails to comply
37 with the order of the State Fire Marshal for any structural change
38 within 30 days after the receipt of such order, the *State* Fire Marshal
39 shall report such failure to the State Public Works Board. The State
40 Public Works Board shall thereupon take necessary steps to correct
41 the situation as ordered.

42 3. The State Fire Marshal may ~~contract with~~ , *through an*
43 *interlocal agreement pursuant to section 1 of this act, delegate to*
44 local authorities *the responsibilities* for the inspection of state-
45 owned or state-occupied buildings ~~as~~ *described in subsection 1.*



1 **Sec. 7.** NRS 477.037 is hereby amended to read as follows:
2 477.037 The State Fire Marshal:

3 1. Shall establish and maintain a library of publications, films,
4 *training programs, training aids*, fire report data and other
5 materials for the benefit of the fire service of the State and the
6 general public.

7 2. *Shall maintain and update at least annually, a library*
8 *catalog.*

9 3. Shall incorporate into the materials in the library, where
10 feasible and appropriate, a discussion of the issues relating to
11 controlled fires.

12 ~~3.~~ 4. *May provide, when feasible and appropriate, Internet-*
13 *based training and distance education.*

14 5. May charge a reasonable fee for the use of the materials in
15 the library.

16 **Sec. 8.** NRS 477.039 is hereby amended to read as follows:
17 477.039 1. The State Fire Marshal shall:

18 (a) Furnish and administer programs for the training of
19 ~~firemen;~~ *fire service personnel;*

20 (b) Describe the programs that are available for *the* training of
21 ~~firemen~~ *fire service personnel* and notify fire departments of the
22 availability of these programs;

23 (c) Administer a program to certify ~~firemen;~~ *fire service*
24 *personnel*, whenever requested to do so ~~by a fire service agency,~~
25 for successful completion of a training program;

26 (d) ~~Develop~~ *Certify training programs for fire service*
27 *agencies pursuant to which fire service personnel may be certified*
28 *for the successful completion of a training program;*

29 (e) *Provide and administer* a program to train instructors;

30 ~~(e)~~ (f) *Furnish, and administer the use of, in-house and*
31 *adjunct fire service instructors for the training of fire service*
32 *personnel;*

33 (g) Assist other agencies and organizations to prepare and
34 administer training programs;

35 ~~(f)~~ and

36 (h) Carry out the provisions of ~~paragraphs (a) to (e), inclusive,~~
37 *this subsection* in accordance with recommendations submitted to
38 him by the Fire Service Standards and Training Committee and the
39 regulations adopted by the Committee. ~~and~~

40 ~~(g) Establish a regional hazardous materials training facility and~~
41 ~~furnish training programs concerning hazardous materials for~~
42 ~~emergency personnel, agencies and other persons.~~

43 2. *The State Fire Marshal shall establish and administer a*
44 *training program on hazardous materials to train fire service*
45 *personnel, emergency response personnel, fire service and*



1 *emergency response agencies, and other persons to respond to*
2 *spills of hazardous materials and related fires in accordance with*
3 *the requirements set forth in 29 C.F.R. § 1910.120.*

4 3. The State Fire Marshal may enter into agreements for the
5 procurement of necessary services or property, may accept gifts,
6 grants, services or property for the training programs and may
7 charge fees for training programs, materials or services provided.

8 4. *The State Fire Marshal may provide, or cause to be*
9 *provided, mobile training facilities for the use of fire service*
10 *agencies upon their request.*

11 5. *The State Fire Marshal may participate in the*
12 *establishment and administration of regional training facilities for*
13 *the use of fire service agencies.*

14 **Sec. 9.** NRS 477.045 is hereby amended to read as follows:

15 477.045 1. ~~[The State Fire Marshal shall establish a statewide~~
16 ~~training program for response to spills of hazardous materials and~~
17 ~~related fires.]~~ The State Fire Marshal shall require persons who store
18 hazardous materials to obtain a permit to do so.

19 2. *Except as otherwise provided in this section:*

20 (a) *A permit for the storage of hazardous materials must be*
21 *obtained from the State Fire Marshal; and*

22 (b) *The State Fire Marshal is responsible for any inspections*
23 *and review of plans relating to the storage of hazardous materials.*

24 3. *In counties with a population of 100,000 or more or which*
25 *have been converted into a consolidated municipality, if the State*
26 *Fire Marshal has delegated to a local government his duties*
27 *relating to the storage of hazardous materials in an interlocal*
28 *agreement pursuant to section 1 of this act, the local fire*
29 *department:*

30 (a) *Shall issue permits for the storage of hazardous materials;*
31 *and*

32 (b) *Is responsible for any inspections and review of plans*
33 *relating to the storage of hazardous materials.*

34 4. The State Fire Marshal *or, if applicable, the local fire*
35 *department* shall collect a surcharge of \$60 for each such permit
36 issued in the State. The surcharge is in addition to any other fee
37 charged for the issuance of such a permit.

38 ~~[2.]~~ 5. The revenue derived by the State Fire Marshal pursuant
39 to this section must be deposited with the State Treasurer for credit
40 to the Contingency Account for Hazardous Materials. *For any*
41 *surcharges collected by a local fire department, the county*
42 *treasurer of the county in which the local fire department is*
43 *located shall remit those surcharges quarterly to the State*
44 *Controller for deposit in the Contingency Account for Hazardous*
45 *Materials.*



1 **Sec. 10.** NRS 477.075 is hereby amended to read as follows:
2 477.075 1. The Fire Service Standards and Training
3 Committee, consisting of seven voting members and one nonvoting
4 member, is hereby created.
5 2. The Committee consists of the Chairman of the State Board
6 of Fire Services, who is an ex officio member of the Committee, one
7 member appointed by the State Fire Marshal, and six members
8 appointed by the Governor as follows:
9 (a) Two chief officers or persons of equivalent rank, or two
10 persons designated by the chief of the department, of a full-time,
11 paid fire department who have experience in fire service training;
12 (b) Two chief officers or persons of equivalent rank, or two
13 persons designated by the chief of the department, of a volunteer
14 fire department who have experience in fire service training; and
15 (c) Two chief officers or persons of equivalent rank, or two
16 persons designated by the chief of the department, of a combination
17 paid and volunteer fire department who have experience in fire
18 service training.
19 3. The six members appointed by the Governor must be from
20 the following counties:
21 (a) One member from Clark County;
22 (b) One member from Washoe County; and
23 (c) Four members from other counties, except that a majority of
24 the voting members on the Committee must not be from one county.
25 4. The Governor shall make the appointments from
26 recommendations submitted by:
27 (a) The Nevada Fire Chiefs Association, Inc.;
28 (b) The Nevada State ~~{Firemen's}~~ *Firefighters'* Association;
29 (c) The Professional Fire Fighters of Nevada;
30 (d) The Southern Nevada Fire ~~{Marshal's}~~ *Prevention*
31 Association;
32 (e) The Southern Nevada Fire Chiefs' Association;
33 (f) The Northern Nevada Fire Marshal's Association; and
34 (g) ~~{Representatives of fire departments of Washoe County.}~~
35 *The Northern Nevada Fire Chiefs' Association.*
36 5. For the initial terms of the members of the Committee, each
37 entity listed in subsection 4 shall submit three recommendations to
38 the Governor. After the initial terms, each entity shall submit two
39 recommendations to the Governor.
40 6. The member appointed by the State Fire Marshal shall serve
41 as Secretary to the Committee and is a nonvoting member of the
42 Committee.
43 7. The members of the Committee shall select a Chairman
44 from among their membership.



1 8. After the initial terms, the term of each appointed member of
2 the Committee is 2 years.

3 9. A vacancy in the Committee must be filled for the remainder
4 of the unexpired term in the same manner as the original
5 appointment.

6 10. Each member of the Committee is entitled to receive from
7 the State Fire Marshal Division of the Department of Public Safety
8 the per diem allowance and travel expenses provided for state
9 officers and employees generally for each day or portion of a day
10 during which he attends a meeting of the Committee or is otherwise
11 engaged in the work of the Committee.

12 11. The State Fire Marshal Division shall provide the
13 Committee with administrative support.

14 **Sec. 10.3.** NRS 477.110 is hereby amended to read as follows:

15 477.110 After May 15, 1981, the governing body of a local
16 government may not adopt an ordinance requiring changes to
17 existing structures to enhance the safety of occupants from fire if the
18 ordinance is:

19 1. Less stringent than this chapter; or

20 2. ~~More~~ *Except as otherwise provided in this subsection,*
21 *more* stringent than this chapter unless the governing body has
22 sought and obtained approval of the ordinance from the State Board
23 of Examiners. *The provisions of this subsection do not apply in a*
24 *county whose population is 100,000 or more or which has been*
25 *converted into a consolidated municipality.*

26 **Sec. 10.7.** NRS 244.3673 is hereby amended to read as
27 follows:

28 244.3673 The board of county commissioners of any county
29 whose population is 100,000 or more or which has been converted
30 into a consolidated municipality may provide by ordinance for the
31 investigation of fires in which a death has occurred or which are of a
32 suspicious origin, and for the enforcement of *any* regulations
33 adopted by the State Fire Marshal ~~[-]~~ *which apply to the county.*

34 **Sec. 11.** NRS 331.100 is hereby amended to read as follows:

35 331.100 The Chief has the following specific powers and
36 duties:

37 1. To keep all buildings, rooms, basements, floors, windows,
38 furniture and appurtenances clean, orderly and presentable as
39 befitting public property.

40 2. To keep all yards and grounds clean and presentable, with
41 proper attention to landscaping and horticulture.

42 3. ~~Under the supervision of the State Fire Marshal, to~~ *To*
43 *make arrangements for the installation and maintenance of water*
44 *sprinkler systems, fire extinguishers, fire hoses and fire hydrants,*
45 *and to take other fire prevention and suppression measures,*



1 necessary and feasible, that may reduce the fire hazards in all
2 buildings under his control ~~and~~ *under the supervision of:*

- 3 *(a) The State Fire Marshal; or*
4 *(b) The local fire department in any county with a population*
5 *of 100,000 or more or which has been converted into a*
6 *consolidated municipality if the State Fire Marshal has delegated*
7 *those duties to the local government through an interlocal*
8 *agreement pursuant to section 1 of this act.*

9 4. To make arrangements and provision for the maintenance of
10 the state's water system supplying the state-owned buildings at
11 Carson City, with particular emphasis upon the care and
12 maintenance of water reservoirs, in order that a proper and adequate
13 supply of water be available to meet any emergency.

14 5. To make arrangements for the installation and maintenance
15 of water meters designed to measure accurately the quantity of
16 water obtained from sources not owned by the State.

17 6. To make arrangements for the installation and maintenance
18 of a lawn sprinkling system on the grounds adjoining the Capitol
19 Building at Carson City, or on any other state-owned grounds where
20 such installation is practical or necessary.

21 7. To investigate the feasibility, and economies resultant
22 therefrom, if any, of the installation of a central power meter, to
23 measure electrical energy used by the state buildings in the vicinity
24 of and including the Capitol Building at Carson City, assuming the
25 buildings were served with power as one unit.

26 8. To purchase, use and maintain such supplies and equipment
27 as are necessary for the care, maintenance and preservation of the
28 buildings and grounds under his supervision and control.

29 9. Subject to the provisions of chapter 426 of NRS regarding
30 the operation of vending stands in or on public buildings and
31 properties by blind persons, to install or remove vending machines
32 and vending stands in the buildings under his supervision and
33 control, and to have control of and be responsible for their
34 operation.

35 10. To cooperate with the State Arts Council and the State
36 Public Works Board to plan the potential purchase and placement of
37 works of art inside or on the grounds surrounding a state building.

38 **Sec. 12.** NRS 392.450 is hereby amended to read as follows:

39 392.450 1. The board of trustees of each school district and
40 the governing body of each charter school shall provide drills for the
41 pupils in the schools in the school district or the charter schools at
42 least once each month during the school year to instruct those pupils
43 in the appropriate procedures to be followed in the event of a fire or
44 other emergency, except a crisis governed by NRS 392.600 to
45 392.656, inclusive. Not more than three of those drills may include



1 instruction in the appropriate procedures to be followed in the event
2 of a chemical explosion, related emergencies and other natural
3 disasters.

4 2. In all cities or towns which have regularly organized, paid
5 fire departments or voluntary fire departments, the drills required by
6 subsection 1 must be conducted under the supervision of the:

7 (a) Person designated for this purpose by the board of trustees of
8 the school district or the governing body of a charter school; and

9 (b) Chief of the fire department of the city or town ~~§~~, *as*
10 *deemed necessary.*

11 3. A diagram of the approved escape route and any other
12 information related to the drills required by subsection 1 which is
13 approved by the chief of the fire department or, if there is no fire
14 department, the State Fire Marshal must be kept posted in every
15 classroom of every public school by the principal or teacher in
16 charge thereof.

17 4. The principal, teacher or other person in charge of each
18 school building shall cause the provisions of this section to be
19 enforced.

20 5. Any violation of the provisions of this section is a
21 misdemeanor.

22 **Sec. 13.** NRS 394.170 is hereby amended to read as follows:

23 394.170 1. The authorities in charge of every private school
24 within this state shall provide drills for the pupils in the schools at
25 least ~~twice~~ *once* in each month during the school year to instruct
26 those pupils in the appropriate procedures to be followed in the
27 event of a fire or other emergency, except a crisis governed by NRS
28 394.168 to 394.1699, inclusive. Not more than three of those drills
29 may include instruction in the appropriate procedures to be followed
30 in the event of a chemical explosion, related emergencies and other
31 natural disasters.

32 2. In all cities or towns which have regularly organized, paid
33 fire departments or voluntary fire departments, the drills required by
34 subsection 1 must be conducted under the supervision of the chief of
35 the fire department of the city or town.

36 3. ~~The~~ *Except as otherwise provided in this section, the* State
37 Fire Marshal shall prescribe general regulations governing the drills
38 required by subsection 1 and shall, with the cooperation of the
39 Superintendent of Public Instruction, arrange for the supervision of
40 drills in schools where the drills are not supervised pursuant to
41 subsection 2. *The local fire department in any county with a*
42 *population of 100,000 or more or which has been converted into a*
43 *consolidated municipality shall prescribe the regulations and*
44 *arrange for the supervision of drills in schools as required by this*
45 *subsection if the State Fire Marshal has delegated those duties to*



1 *the local government through an interlocal agreement pursuant to*
2 *section 1 of this act.*

3 4. A copy of this section must be kept posted in every
4 classroom of every private school by the principal or teacher in
5 charge thereof.

6 5. The principal, teacher or other person in charge of each
7 school building shall cause the provisions of this section to be
8 enforced.

9 6. *A diagram of the approved escape route and any other*
10 *information related to the drills required by subsection 1 which is*
11 *approved by the chief of the fire department or, if there is no fire*
12 *department, the State Fire Marshal must be kept posted in every*
13 *classroom of every private school by the principal or teacher in*
14 *charge thereof.*

15 7. Any violation of the provisions of this section is a
16 misdemeanor.

17 **Sec. 14.** NRS 432A.077 is hereby amended to read as follows:

18 432A.077 1. The Board shall adopt:

19 (a) Licensing standards for child care facilities.

20 (b) ~~Has~~ *Except as otherwise provided in this section, in*
21 *consultation with the State Fire Marshal, plans and requirements to*
22 *ensure that each child care facility and its staff is prepared to*
23 *respond to emergencies, including, without limitation:*

24 (1) The conducting of fire drills on a monthly basis;

25 (2) The adoption of plans to respond to natural disasters and
26 emergencies other than those involving fire; and

27 (3) The adoption of plans to provide for evacuation of child
28 care facilities in an emergency.

29 (c) Such other regulations as it deems necessary or convenient to
30 carry out the provisions of this chapter.

31 2. The Board shall require that the practices and policies of
32 each child care facility provide adequately for the protection of the
33 health and safety and the physical, moral and mental well-being of
34 each child accommodated in the facility.

35 3. If the Board finds that the practices and policies of a child
36 care facility are substantially equivalent to those required by the
37 Board in its regulations, it may waive compliance with a particular
38 standard or other regulation by that facility.

39 4. *The Board shall adopt the plans and requirements*
40 *described in paragraph (b) of subsection 1 in consultation with the*
41 *local fire department in any county with a population of 100,000*
42 *or more or which has been converted into a consolidated*
43 *municipality if the State Fire Marshal has delegated those duties*
44 *to the local government through an interlocal agreement pursuant*
45 *to section 1 of this act.*



1 **Sec. 15.** NRS 432A.180 is hereby amended to read as follows:
2 432A.180 1. Any authorized member or employee of the
3 Bureau may enter and inspect any building or premises of a child
4 care facility or the area of operation of an outdoor youth program at
5 any time to secure compliance with or prevent a violation of any
6 provision of this chapter.

7 2. ~~The~~ *Except as otherwise provided in this section, the* State
8 Fire Marshal or his ~~designate~~ *designee* shall, at least annually:

9 (a) Enter and inspect every building or premises of a child care
10 facility, on behalf of the Bureau; and

11 (b) Observe and make recommendations regarding the drills
12 conducted pursuant to NRS 432A.077,
13 to secure compliance with standards for safety from fire and other
14 emergencies.

15 3. *The local fire department in any county with a population*
16 *of 100,000 or more or which has been converted into a*
17 *consolidated municipality shall conduct the inspections and make*
18 *the recommendations required by subsection 2 if the State Fire*
19 *Marshal has delegated those duties to the local government*
20 *through an interlocal agreement pursuant to section 1 of this act.*

21 4. The State Health Officer or his designate shall enter and
22 inspect at least annually ~~[-]~~ every building or premises of a child
23 care facility and area of operation of an outdoor youth program, on
24 behalf of the Bureau, to secure compliance with standards for health
25 and sanitation.

26 **Sec. 16.** NRS 449.150 is hereby amended to read as follows:

27 449.150 The Health Division may:

28 1. Upon receipt of an application for a license, conduct an
29 investigation into the premises, facilities, qualifications of
30 personnel, methods of operation, policies and purposes of any
31 person proposing to engage in the operation of a medical facility or
32 a facility for the dependent. The facility is subject to inspection and
33 approval as to standards for safety from fire, on behalf of the Health
34 Division, by ~~the~~ :

35 (a) *The State Fire Marshal [-]; or*

36 (b) *The local fire department in any county with a population*
37 *of 100,000 or more or which has been converted into a*
38 *consolidated municipality if the State Fire Marshal has delegated*
39 *those duties to the local government through an interlocal*
40 *agreement pursuant to section 1 of this act.*

41 2. Upon receipt of a complaint against a medical facility or
42 facility for the dependent, except for a complaint concerning the
43 cost of services, conduct an investigation into the premises,
44 facilities, qualifications of personnel, methods of operation, policies,
45 procedures and records of that facility or any other medical facility



1 or facility for the dependent which may have information pertinent
2 to the complaint.

3 3. Employ such professional, technical and clerical assistance
4 as it deems necessary to carry out the provisions of NRS 449.001 to
5 449.245, inclusive.

6 **Sec. 17.** NRS 449.230 is hereby amended to read as follows:

7 449.230 1. Any authorized member or employee of the
8 Health Division may enter and inspect any building or premises at
9 any time to secure compliance with or prevent a violation of any
10 provision of NRS 449.001 to 449.245, inclusive. For the purposes of
11 this subsection, "building or premises" does not include a mobile
12 unit that is operated by a medical facility which is accredited by the
13 Joint Commission on Accreditation of Healthcare Organizations or
14 the American Osteopathic Association.

15 2. ~~[The]~~ *Except as otherwise provided in this section, the* State
16 Fire Marshal or his designee shall, upon receiving a request from the
17 Health Division or a written complaint concerning compliance with
18 the plans and requirements to respond to an emergency adopted
19 pursuant to subsection 7 of NRS 449.037:

- 20 (a) Enter and inspect a residential facility for groups; and
21 (b) Make recommendations regarding the adoption of plans and
22 requirements pursuant to subsection 7 of NRS 449.037,
23 to ensure the safety of the residents of the facility in an emergency.

24 3. *The local fire department in any county with a population*
25 *of 100,000 or more or which has been converted into a*
26 *consolidated municipality shall conduct the inspections and make*
27 *the recommendations required by subsection 2 if the State Fire*
28 *Marshal has delegated those duties to the local government*
29 *through an interlocal agreement pursuant to section 1 of this act.*

30 4. The State Health Officer or his designee shall enter and
31 inspect at least annually each building or the premises of a
32 residential facility for groups to ensure compliance with standards
33 for health and sanitation.

34 ~~[4.]~~ 5. An authorized member or employee of the Health
35 Division shall enter and inspect any building or premises operated
36 by a residential facility for groups within 72 hours after the Health
37 Division is notified that a residential facility for groups is operating
38 without a license.

39 **Sec. 18.** NRS 459.735 is hereby amended to read as follows:

40 459.735 1. The Contingency Account for Hazardous
41 Materials is hereby created in the State General Fund.

42 2. The Commission shall administer the Contingency Account
43 for Hazardous Materials, and the money in the Account may be
44 expended only for:



- 1 (a) Carrying out the provisions of NRS 459.735 to 459.773,
2 inclusive;
- 3 (b) Carrying out the provisions of 42 U.S.C. §§ 11001 et seq.
4 and 49 U.S.C. §§ 5101 et seq.;
- 5 (c) Maintaining and supporting the operations of the
6 Commission and local emergency planning committees;
- 7 (d) Training and equipping state and local personnel to respond
8 to accidents and incidents involving hazardous materials; and
- 9 (e) The operation of training programs and a training center for
10 handling emergencies relating to hazardous materials and related
11 fires pursuant to NRS ~~477.045~~ 477.039.
- 12 3. All money received by this state pursuant to 42 U.S.C. §§
13 11001 et seq. or 49 U.S.C. §§ 5101 et seq. must be deposited with
14 the State Treasurer to the credit of the Contingency Account for
15 Hazardous Materials. In addition, all money received by the
16 Commission from any source must be deposited with the State
17 Treasurer to the credit of the Contingency Account for Hazardous
18 Materials. The State Controller shall transfer from the Contingency
19 Account to the Operating Account of the State Fire Marshal such
20 money collected pursuant to chapter 477 of NRS as is authorized for
21 expenditure in the budget of the State Fire Marshal for use pursuant
22 to paragraph (e) of subsection 2.
- 23 4. Upon the presentation of budgets in the manner required by
24 law, money to support the operation of the Commission pursuant to
25 this chapter, other than its provision of grants, must be provided by
26 direct legislative appropriation from the State Highway Fund or
27 other legislative authorization to the Contingency Account for
28 Hazardous Materials.
- 29 5. The interest and income earned on the money in the
30 Contingency Account for Hazardous Materials, after deducting any
31 applicable charges, must be credited to the Account.
- 32 6. All claims against the Contingency Account for Hazardous
33 Materials must be paid as other claims against the State are paid.
- 34 **Sec. 19.** NRS 477.032 and 477.047 are hereby repealed.
- 35 **Sec. 20.** This act becomes effective on July 1, 2003.

TEXT OF REPEALED SECTIONS

477.032 Regulations concerning registration of qualified interior designers who provide interior materials and furnishings regulated by building code; contents of regulations; eligibility.



1. The State Fire Marshal shall, by regulation, provide for the registration of qualified interior designers who provide interior materials and furnishings regulated by a building code.

2. The regulations must set forth:

(a) The qualifications necessary for the issuance of a certificate of registration pursuant to this section, including, without limitation, the submission of evidence of the successful completion of a course of study approved by the State Fire Marshal regarding applicable building codes and other related information.

(b) The criteria for approving instructors and courses of study regarding applicable building codes and other related information.

(c) Any continuing education necessary for the renewal of a certificate of registration issued pursuant to this section.

3. A person licensed or registered by the State Board of Architecture, Interior Design and Residential Design pursuant to chapter 623 of NRS is not eligible for the issuance of a certificate of registration pursuant to this section.

477.047 Hazardous materials: Establishment of mobile training team to train volunteer firemen to respond to incidents.

1. The State Fire Marshal shall establish a mobile training team to train volunteer firemen to respond to incidents involving hazardous materials.

2. The State Fire Marshal shall have the goal of providing to all volunteer firemen training in compliance with the requirements for the first responder operations level set forth in 29 C.F.R. § 1910.120.

3. As used in this section, "hazardous material" has the meaning ascribed to it in NRS 459.7024.

