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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.

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

**Legislative Counsel’s Digest:**

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



10 (NRS 528.097) **Sections 1-4, 6-8 and 19** of this bill replace the term “reforestation”  
11 with “revegetation.”

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

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

31 Existing law requires the State Forester Firewarden to: (1) adopt and enforce  
32 regulations relating to standards for fire retardant roofing materials to be used in the  
33 construction, alteration, change or repair of buildings located within the boundaries  
34 of fire-hazardous forested areas; and (2) designate the boundaries of such fire-  
35 hazardous forested areas. Existing law additionally requires the State Forester  
36 Firewarden to assess the codes, rules and regulations which are adopted by other  
37 agencies that have specific regulatory authority within the Lake Tahoe Basin and  
38 the Lake Mead Basin and which are not subject to the authority of a state or local  
39 fire agency, for consistency with fire codes, rules and regulations. (NRS 472.040)  
40 **Sections 10 and 18** of this bill transfer these duties to the State Fire Marshal.

41 **Sections 16 and 21** of this bill transfer authority to enforce all regulations  
42 relating to the reduction of brush, dense undergrowth and other vegetation around  
43 and adjacent to a structure that is in a fire-hazardous forested area from the State  
44 Forester Firewarden to the State Fire Marshal. **Sections 9, 17 and 21** of this bill  
45 transfer the authority to enforce provisions of existing law that require fire retardant  
46 roofing material to be used in areas designated as fire-hazardous forested areas  
47 from the State Forester Firewarden to the State Fire Marshal.

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

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

3 *“Native landscape” means any forest, plain, meadow, desert,*  
4 *riparian area, wetland or natural area located in Nevada.*

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

6 528.091 As used in NRS 528.091 to 528.120, inclusive, *and*  
7 *section 1 of this act*, unless the context otherwise requires, the terms  
8 defined in NRS 528.092 to 528.098, inclusive, *and section 1 of this*  
9 *act* have the meanings ascribed to them in those sections.



1       **Sec. 3.** NRS 528.092 is hereby amended to read as follows:  
2       528.092 “Conservation plant materials” means those trees,  
3 shrubs and plants *and the parts of such trees, shrubs and plants*  
4 used for:

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

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

12       **Sec. 4.** NRS 528.097 is hereby amended to read as follows:  
13       528.097 ~~“Reforestation”~~ *“Revegetation”* means planting and  
14 cultivation of conservation plant materials which are indigenous or  
15 adaptable to ~~forests, plains, meadows, deserts~~ *the native*  
16 *landscapes* and urban areas of Nevada.

17       **Sec. 5.** NRS 528.098 is hereby amended to read as follows:  
18       528.098 “Urban forestry” means the science of developing,  
19 caring for or cultivating conservation plant materials in an urban  
20 environment to enhance air *and water* quality, provide shade  
21 protection, stabilize soils, *promote water conservation*, reduce noise  
22 ~~and dust~~ levels, *reduce fire hazards, improve human health,*  
23 *provide wildlife habitats, sustain local economies* and improve  
24 esthetics.

25       **Sec. 6.** NRS 528.100 is hereby amended to read as follows:  
26       528.100 1. In order to aid agriculture, conserve water  
27 resources, renew the timber supply, promote erosion control,  
28 beautify urban areas, *support urban forestry*, educate the public,  
29 improve natural forests, deserts, wildlife habitation, and in other  
30 ways advance the general welfare and bring about benefits resulting  
31 from ~~reforestation~~ *revegetation* and the establishment of  
32 windbreaks, shelterbelts, wood lots, greenbelts, open space, parks  
33 and arboretums on lands in the State of Nevada, the State Forester  
34 Firewarden, subject to the approval of the Director, may act for the  
35 State of Nevada in negotiating for and entering into cooperative  
36 agreements with the United States of America, with the governing  
37 bodies of the counties and other political subdivisions of this state,  
38 and with organizations and natural persons for the purpose of  
39 securing the establishment and development of a nursery site or sites  
40 for the procurement and production, research and display of forest  
41 tree seeds and conservation plant materials.

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

44       3. The Fund for Forest Nurseries is hereby created as an  
45 enterprise fund. All money received for the establishment,



1 development and operation of nurseries must be accounted for in the  
2 Fund. The balance in the Fund may not be transferred to any other  
3 Fund. All claims against the Fund must be paid as other claims  
4 against the State are paid.

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

6 528.105 1. Any state nursery authorized by NRS 528.100  
7 must be operated under management of the State Forester  
8 Firewarden and must propagate stock for uses as provided in this  
9 section.

10 2. The State Forester Firewarden may:

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

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

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

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

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

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

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

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

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

41 63.460 1. A facility may establish forestry camps for the  
42 purposes of:

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



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

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

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

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

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

9 (1) Building firebreaks and fire trails;

10 (2) Fire suppression;

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

12 and

13 (4) Forestation and ~~[reforestation]~~ *revegetation* of public  
14 lands.

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

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

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

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

24 341.100 1. The Administrator and the Deputy Administrator  
25 of the Public Works - Compliance and Code Enforcement Section  
26 serve at the pleasure of the Director of the Department.

27 2. The Administrator shall appoint:

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

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

32 ↪ Each deputy administrator appointed pursuant to this subsection  
33 serves at the pleasure of the Administrator.

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

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

42 5. The Administrator and each deputy administrator are in the  
43 unclassified service of the State. Except as otherwise provided in  
44 NRS 284.143, the Administrator and each deputy administrator shall  
45 devote his or her entire time and attention to the business of the



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

3 6. The Administrator must:

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

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

11 7. The Deputy Administrator of the:

12 (a) Public Works - Professional Services Section must be a  
13 licensed professional engineer pursuant to the provisions of chapter  
14 625 of NRS or an architect registered pursuant to the provisions of  
15 chapter 623 of NRS.

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

20 8. The Administrator shall:

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

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

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

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

27 (e) Select architects, engineers and contractors.

28 (f) Accept completed projects.

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

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

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

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



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

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

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

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

12 (b) Consult with an agency or official that is considering  
13 adoption of a regulation described in NRS 446.942, 449.345,  
14 455C.115, 461.173 ~~[, 472.105]~~ or 477.0325 and provide  
15 recommendations regarding how the regulation, as it applies to  
16 buildings and structures on property of this State or held in trust for  
17 any division of the State Government, may be made consistent with  
18 other regulations which apply to such buildings or structures.

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

20 472.040 1. The State Forester Firewarden shall:

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

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

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

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

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

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

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



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

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

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

15 ~~(k)~~ *this State.*

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

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

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

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

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

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

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

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





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

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

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

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

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

22 472.043 1. It is the purpose of this section to provide for the  
23 maintenance of ~~{forest and}~~ vegetative cover *in forests*, on ~~{forest}~~  
24 *rangelands* and *on* watershed land, to conserve water and soil , *to*  
25 *mitigate wildfires* and to prevent destructive floods.

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

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

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

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

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

43 (b) The denuded area is of a size, and the topography and soil  
44 characteristics are of such a nature, that soil loss and floods will



1 have a significant effect upon watershed values and the public  
2 welfare.

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

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

7 4. The State Forester Firewarden, or any agents of the State  
8 Forester Firewarden, with the approval of the Director of the State  
9 Department of Conservation and Natural Resources, may enter into  
10 cooperative agreements with federal agencies, counties, county fire  
11 protection districts, cities and private landowners for the purposes  
12 set forth in this section.

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

14 472.050 1. The State Forester Firewarden, with the approval  
15 of the Director of the State Department of Conservation and Natural  
16 Resources, may represent the State of Nevada in negotiating and  
17 entering into agreements with the Federal Government for the  
18 purpose of securing cooperation in forest , *rangeland and*  
19 *watershed land* management and the protection of ~~the forest and~~  
20 ~~watershed~~ *such* areas of Nevada from fire, and enter into such other  
21 agreements with boards of county commissioners, municipalities,  
22 rangeland fire protection associations and other organizations and  
23 individuals in the State of Nevada owning lands therein, as are  
24 necessary in carrying out the terms of the federal agreements or that  
25 will otherwise promote and encourage ~~forest~~ *vegetation*  
26 management and the protection from fire of ~~forest or other~~ lands  
27 having an inflammable cover.

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

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

34 472.060 Any fire protection district and board or boards of  
35 county commissioners of the State of Nevada may:

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

42 2. Appropriate and expend funds for the payment of wages and  
43 expenses incurred in fire prevention and fire suppression, for the  
44 purchase, construction and maintenance of forest *and rangeland*  
45 protection improvements and equipment and for paying other



1 expenses incidental to the protection of ~~[forest and other]~~ lands from  
2 fire, including any portion of the office and travel expense of the  
3 Division of Forestry of the State Department of Conservation and  
4 Natural Resources incurred in carrying out the provisions of any  
5 cooperative agreements with the State of Nevada.

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

7 472.070 The State Forester Firewarden with the approval of the  
8 Director of the State Department of Conservation and Natural  
9 Resources, fire protection districts, and the boards of county  
10 commissioners, separately or collectively, may enter into  
11 agreements with the United States Forest Service, United States  
12 Bureau of Land Management, other fire protection agencies and  
13 rangeland fire protection associations to provide for placing any or  
14 all portions of the fire protection work under the direction of the  
15 agency or association concerned, under such terms as the  
16 contracting parties deem equitable, and may place any or all funds  
17 appropriated or otherwise secured for forest *and rangeland*  
18 protection in the cooperative work fund of the respective agency or  
19 rangeland fire protection association for disbursement by that  
20 agency or association for the purposes stated in the agreements and  
21 otherwise in conformity with the terms thereof.

22 **Sec. 15.** Chapter 477 of NRS is hereby amended by adding  
23 thereto the provisions set forth as sections 16 and 17 of this act.

24 **Sec. 16. 1.** *The State Fire Marshal may, in an area*  
25 *designated pursuant to paragraph (a) of subsection 5 of NRS*  
26 *477.030, including, without limitation, any land within the 1/2-*  
27 *mile radius surrounding such an area, enforce all regulations*  
28 *relating to the reduction of brush, dense undergrowth and other*  
29 *vegetation around and adjacent to a structure to reduce the*  
30 *exposure of the structure to fire and radiant heat and increase the*  
31 *ability of firefighters to protect the structure.*

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

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

44 *2. The State Fire Marshal shall notify the governing body of*  
45 *each city or county in which a building code is in effect as soon as*



1 *standards for fire retardant roofing materials have been*  
2 *established pursuant to paragraph (b) of subsection 5 of NRS*  
3 *477.030. The governing body is responsible for the enforcement of*  
4 *the provisions of subsection 1 within the areas over which it*  
5 *exercises jurisdiction. No building permit may be issued for*  
6 *construction within the jurisdiction of any such governing body in*  
7 *violation of subsection 1.*

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

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

13 **Sec. 18.** NRS 477.030 is hereby amended to read as follows:

14 477.030 1. Except as otherwise provided in this section, the  
15 State Fire Marshal shall enforce all laws and adopt regulations  
16 relating to:

17 (a) The prevention of fire.

18 (b) The storage and use of:

19 (1) Combustibles, flammables and fireworks; and

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

22 ↪ under those circumstances that are not otherwise regulated by the  
23 Division of Industrial Relations of the Department of Business and  
24 Industry pursuant to NRS 618.890.

25 (c) The safety, access, means and adequacy of exit in case of fire  
26 from mental and penal institutions, facilities for the care of children,  
27 foster homes, residential facilities for groups, facilities for  
28 intermediate care, nursing homes, hospitals, schools, all buildings,  
29 except private residences, which are occupied for sleeping purposes,  
30 buildings used for public assembly and all other buildings where  
31 large numbers of persons work, live or congregate for any purpose.  
32 As used in this paragraph, "public assembly" means a building or a  
33 portion of a building used for the gathering together of 50 or more  
34 persons for purposes of deliberation, education, instruction, worship,  
35 entertainment, amusement or awaiting transportation, or the  
36 gathering together of 100 or more persons in establishments for  
37 drinking or dining.

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

40 (e) The maintenance and testing of:

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

43 (2) Smoke control systems.

44 ↪ Except as otherwise provided in subsection ~~12~~ 14, the  
45 regulations of the State Fire Marshal apply throughout the State, but



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

11 2. The State Fire Marshal may:

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

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

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

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

32 5. *The State Fire Marshal shall:*

33 (a) *Designate the boundaries of each area of the State where*  
34 *the construction of buildings on forested lands creates such a fire*  
35 *hazard as to require the regulation of roofing materials; and*

36 (b) *Adopt and enforce regulations relating to standards for fire*  
37 *retardant roofing materials to be used in the construction,*  
38 *alteration, change or repair of buildings located within the*  
39 *boundaries of fire-hazardous forested areas.*

40 6. The State Fire Marshal shall cooperate with the Division of  
41 Child and Family Services of the Department of Health and Human  
42 Services in establishing reasonable minimum standards for  
43 overseeing the safety of and directing the means and adequacy of  
44 exit in case of fire from foster homes.



1 ~~15.1~~ 7. The State Fire Marshal shall coordinate all activities  
2 conducted pursuant to 15 U.S.C. §§ 2201 et seq. and receive and  
3 distribute money allocated by the United States pursuant to that act.

4 ~~16.1~~ 8. Except as otherwise provided in subsection ~~10.1~~ 12, the  
5 State Fire Marshal shall:

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

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

15 (c) Cooperate with the Commissioner of Insurance, the Attorney  
16 General and the Fraud Control Unit established pursuant to NRS  
17 228.412 in any investigation of a fraudulent claim under an  
18 insurance policy for any fire of a suspicious nature.

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

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

24 ~~17.1~~ 9. The State Fire Marshal shall put the National Fire  
25 Incident Reporting System into effect throughout the State and  
26 publish at least annually a summary of data collected under the  
27 System.

28 ~~18.1~~ 10. The State Fire Marshal shall provide assistance and  
29 materials to local authorities, upon request, for the establishment of  
30 programs for public education and other fire prevention activities.

31 ~~19.1~~ 11. The State Fire Marshal shall:

32 (a) Except as otherwise provided in subsection ~~11.2~~ 14 and NRS  
33 393.110, assist in checking plans and specifications for construction;

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

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

37 ↪ on request or as the State Fire Marshal deems necessary.

38 ~~10.1~~ 12. Except as otherwise provided in this subsection, in a  
39 county other than one whose population is 100,000 or more or  
40 which has been converted into a consolidated municipality, the State  
41 Fire Marshal shall, upon request by a local government, delegate to  
42 the local government by interlocal agreement all or a portion of the  
43 State Fire Marshal's authority or duties if the local government's  
44 personnel and programs are, as determined by the State Fire  
45 Marshal, equally qualified to perform those functions. If a local



1 government fails to maintain the qualified personnel and programs  
2 in accordance with such an agreement, the State Fire Marshal shall  
3 revoke the agreement. The provisions of this subsection do not  
4 apply to the authority of the State Fire Marshal to adopt regulations  
5 pursuant to paragraph (b) of subsection 2.

6 ~~[H1-]~~ 13. The State Fire Marshal may, as a public safety officer  
7 or as a technical expert on issues relating to hazardous materials,  
8 participate in any local, state or federal team or task force that is  
9 established to conduct enforcement and interdiction activities  
10 involving:

- 11 (a) Commercial trucking;
- 12 (b) Environmental crimes;
- 13 (c) Explosives and pyrotechnics;
- 14 (d) Drugs or other controlled substances; or
- 15 (e) Any similar activity specified by the State Fire Marshal.

16 ~~[H2-]~~ 14. Except as otherwise provided in this subsection, any  
17 regulations of the State Fire Marshal concerning matters relating to  
18 building codes, including, without limitation, matters relating to the  
19 construction, maintenance or safety of buildings, structures and  
20 property in this State:

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

30 (b) Apply in a county described in paragraph (a) with respect to  
31 state-owned or state-occupied buildings or public schools in the  
32 county and in those local jurisdictions in the county in which the  
33 State Fire Marshal is requested to exercise that authority by the chief  
34 executive officer of that jurisdiction. As used in this paragraph,  
35 "public school" has the meaning ascribed to it in NRS 385.007.

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

37 548.430 The regulations to be adopted by the Commission  
38 under the provisions of NRS 548.410 to 548.435, inclusive, may  
39 include:

40 1. Provisions requiring the carrying out of necessary  
41 engineering operations, including the construction of terraces,  
42 terrace outlets, check dikes, dams, ponds, ditches and other  
43 necessary structures.

44 2. Provisions requiring observance of particular methods of  
45 cultivation, including contour cultivating, contour furrowing, lister



1 furrowing, sowing, planting, strip cropping, seeding, and planting of  
2 lands to water-conserving and erosion-preventing plants, trees and  
3 grasses, forestation, and ~~reforestation.~~ *revegetation.*

4 3. Specifications of cropping programs and tillage practices to  
5 be observed.

6 4. Provisions requiring the retirement from cultivation of  
7 highly erosive areas or of areas on which erosion may not be  
8 adequately controlled if cultivation is carried on.

9 5. Provisions for such other means, measures, operations, and  
10 programs as may assist conservation of renewable natural resources  
11 and prevent or control soil erosion and sedimentation in the  
12 conservation district, having due regard to the legislative findings  
13 set forth in NRS 548.095 to 548.113, inclusive.

14 *6. As used in this section, "revegetation" has the meaning*  
15 *ascribed to it in NRS 528.097.*

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

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

31 3. Any action taken by an officer or agency whose name has  
32 been changed or whose responsibilities have been transferred  
33 pursuant to the provisions of this act to another officer or agency  
34 remains in effect as if taken by the officer or agency to which the  
35 responsibility for the enforcement of such actions has been  
36 transferred.

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

39 **Sec. 22.** This act becomes effective upon passage and  
40 approval.





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**TEXT OF REPEALED SECTIONS**

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**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.

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