

ASSEMBLY BILL NO. 112—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF COMMISSION ON WORKPLACE SAFETY)

FEBRUARY 4, 1999

Referred to Committee on Commerce and Labor

SUMMARY—Requires establishment of standards and procedures for certain places of employment where explosives are manufactured. (BDR 53-780)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for omitted material~~ is material to be omitted.

AN ACT relating to occupational safety; requiring the division of industrial relations of the department of business and industry to establish standards and procedures for places of employment where explosives are manufactured; providing exceptions; requiring annual certification of such places of employment and of persons training employees at those places of employment; requiring the disclosure of confidential information of the division to law enforcement agencies under certain circumstances; authorizing the legal counsel of the division to prosecute certain criminal violations of laws relating to labor and industrial relations; providing administrative penalties; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 618 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 to 5, inclusive, of this act.
3 **Sec. 2. 1. *The division shall adopt regulations establishing***
4 ***standards and procedures for places of employment where explosives are***
5 ***manufactured, or where an explosive is used, processed, handled, moved***
6 ***on site or stored in relation to its manufacture, including, without***
7 ***limitation, regulations requiring the:***
8 ***(a) Establishment and implementation of safety plans and procedures;***
9 ***(b) Establishment of safety zones at or around such places of***
10 ***employment;***
11 ***(c) Annual certification of such places of employment;***

1 (d) Annual certification of trainers, production managers, supervisors
2 and other persons designated by an employer to provide an annual
3 training and testing program for employees; and

4 (e) Establishment and implementation of programs for the annual
5 training and testing of employees who are engaged in the manufacture of
6 an explosive, or the use, processing, handling, on-site movement or
7 storage of an explosive that is related to its manufacture, that will be
8 conducted by a trainer, production manager, supervisor or any other
9 person certified pursuant to paragraph (d).

10 2. If the standards and procedures adopted pursuant to this section
11 conflict with any ordinances of a local governing body regulating
12 explosives, the more stringent standard applies.

13 3. Except as otherwise provided in subsection 2, compliance with an
14 ordinance of a local governing body regulating explosives does not
15 excuse any person from complying with the standards and procedures
16 adopted by the division pursuant to this section.

17 4. Each employer engaged in the manufacture of explosives shall
18 provide to each of his employees, who in the course of their employment
19 are directly involved in the manufacture of explosives, or the handling of
20 an explosive or any hazardous component thereof, an annual training
21 and testing program that has been approved by the division in
22 accordance with subsection 1. The annual training must be conducted by
23 a trainer, production manager, supervisor or other person certified by the
24 division to provide such training. An employer shall not allow an
25 employee to engage in employment that requires the employee to be
26 directly involved in the manufacture of explosives, or the handling of an
27 explosive or any hazardous component thereof, until the employee has
28 completed the applicable training and testing program required pursuant
29 to this subsection. Any violation of this subsection by an employer
30 constitutes a serious violation which is subject to the provisions of NRS
31 618.645.

32 5. Notwithstanding any provision of this section to the contrary, the
33 provisions of this section do not apply to the mining industry.

34 6. Except as otherwise provided in subsection 7, as used in this
35 section, "explosive" means gunpowders, powders used for blasting, all
36 forms of high explosives, blasting materials, fuses other than electric
37 circuit breakers, detonators and other detonating agents, smokeless
38 powders, other explosive or incendiary devices and any chemical
39 compound, mechanical mixture or device that contains any oxidizing and
40 combustible units, or other ingredients, in such proportions, quantities or
41 packing that ignition by fire, friction, concussion, percussion, or
42 detonation of the compound, mixture or device or any part thereof may
43 cause an explosion.

1 7. For the purposes of this section, an explosive does not include:

2 (a) Ammunition for small arms, or any component thereof;

3 (b) Black powder commercially manufactured in quantities that do
4 not exceed 50 pounds, percussion caps, safety and pyrotechnic fuses,
5 quills, quick and slow matches, and friction primers that are intended to
6 be used solely for sporting, recreation or cultural purposes:

7 (1) In an antique firearm, as that term is defined in 18 U.S.C. §
8 921(a)(16), as that section existed on January 1, 1999; or

9 (2) In an antique device which is exempted from the definition of
10 "destructive device" pursuant to 18 U.S.C. § 921(a)(4), as that section
11 existed on January 1, 1999; or

12 (c) Any explosive that is manufactured under the regulation of a
13 military department of the United States, or that is distributed to, or
14 possessed or stored by, the military or naval service or any other agency
15 of the United States, or an arsenal, a navy yard, a depot or any other
16 establishment owned by or operated on behalf of the United States.

17 **Sec. 3. 1.** An applicant for the issuance or renewal of certification
18 as a trainer, production manager, supervisor or other person designated
19 by an employer to provide annual training and testing programs to
20 employees pursuant to section 2 of this act shall submit with his
21 application the statement prescribed by the welfare division of the
22 department of human resources pursuant to NRS 425.520. The statement
23 must be completed and signed by the applicant.

24 2. The division shall include the statement required pursuant to
25 subsection 1 in:

26 (a) The application or any other forms that must be submitted for the
27 issuance or renewal of the certification; or

28 (b) A separate form prescribed by the division.

29 3. Certification as a trainer, production manager, supervisor or other
30 person designated by an employer to provide annual training and testing
31 programs to employees pursuant to section 2 of this act may not be issued
32 or renewed pursuant to section 2 of this act if the applicant:

33 (a) Fails to submit the statement required pursuant to subsection 1; or

34 (b) Indicates on the statement submitted pursuant to subsection 1 that
35 he is subject to a court order for the support of a child and is not in
36 compliance with the order or a plan approved by the district attorney or
37 other public agency enforcing the order for the repayment of the amount
38 owed pursuant to the order.

39 4. If an applicant indicates on the statement submitted pursuant to
40 subsection 1 that he is subject to a court order for the support of a child
41 and is not in compliance with the order or a plan approved by the district
42 attorney or other public agency enforcing the order for the repayment of
43 the amount owed pursuant to the order, the person to whom the

1 *application was submitted shall advise the applicant to contact the district*
2 *attorney or other public agency enforcing the order to determine the*
3 *actions that the applicant may take to satisfy the arrearage.*

4 **Sec. 4.** *An application for the issuance of certification as a trainer,*
5 *production manager, supervisor or other person designated by an*
6 *employer to provide annual training and testing programs to employees*
7 *pursuant to section 2 of this act must include the social security number*
8 *of the applicant.*

9 **Sec. 5. 1.** *If the division receives a copy of a court order issued*
10 *pursuant to NRS 425.540 that provides for the suspension of all*
11 *professional, occupational and recreational licenses, certificates and*
12 *permits issued to a person who has been certified as a trainer, production*
13 *manager, supervisor or other person designated by an employer to*
14 *provide annual training and testing programs to employees pursuant to*
15 *section 2 of this act, the division shall deem the certification issued to*
16 *that person to be suspended at the end of the 30th day after the date on*
17 *which the court order was issued unless the division receives a letter*
18 *issued by the district attorney or other public agency pursuant to NRS*
19 *425.550 to the person who has been issued the certification stating that*
20 *the person has complied with the subpoena or warrant or has satisfied*
21 *the arrearage pursuant to NRS 425.560.*

22 **2.** *The division shall reinstate the certification of a trainer,*
23 *production manager, supervisor or other person designated by an*
24 *employer to provide annual training and testing programs to employees*
25 *pursuant to section 2 of this act that has been suspended by a district*
26 *court pursuant to NRS 425.540 if the division receives a letter issued by*
27 *the district attorney or other public agency pursuant to NRS 425.550 to*
28 *the person whose certification was suspended stating that the person*
29 *whose certification was suspended has complied with the subpoena or*
30 *warrant or has satisfied the arrearage pursuant to NRS 425.560.*

31 **Sec. 6.** NRS 618.341 is hereby amended to read as follows:

32 618.341 1. Except as otherwise provided in this section, the public
33 may inspect all records of the division which contain information
34 regarding:

35 (a) An oral or written complaint filed by an employee or a representative
36 of employees alleging the existence of an imminent danger or a violation of
37 a safety or health standard that threatens physical harm;

38 (b) The manner in which the division acted on any such complaint;

39 (c) Any citation issued by the division to an employer and the reason for
40 its issuance; and

41 (d) Any penalty imposed by the division on an employer and the reason
42 therefor.

2. The division shall, upon oral or written request and payment of any applicable charges, provide to any person a copy of any record of the division which is open to public inspection pursuant to subsection 1. The first six pages reproduced pursuant to each such request must be provided without charge. The charge for each additional page copied must not exceed the cost of reproduction.

3. ~~{The}~~ *Except as otherwise provided in subsection 4, the* division shall keep confidential:

(a) The name of any employee who filed any complaint against an employer or who made any statement to the division concerning an employer; and

(b) Any information which is part of a current investigation by the division, but the fact that an investigation is being conducted is public information.

~~{For the purposes of}~~ *As used in* this subsection, "current investigation" means any investigation conducted before the issuance of a citation or notice of violation or, if no citation or notice of violation is issued, an investigation which is not closed.

4. *The division shall, upon the receipt of a written request from a law enforcement agency, disclose otherwise confidential information to that law enforcement agency for the limited purpose of pursuing a criminal investigation.*

Sec. 7. NRS 618.365 is hereby amended to read as follows:

618.365 1. This chapter does not supersede or in any manner affect the Nevada Industrial Insurance Act ~~{H}~~ *or* the Nevada Occupational Diseases Act or enlarge, diminish or affect in any other manner the common law or statutory rights, duties or liabilities of employers and employees under the laws of this state with respect to injuries, occupational or other, diseases or death of employees arising out of or in the course of employment.

2. Statements, reports and information obtained or received by the division in connection with an investigation under, or the administration or enforcement of, the provisions of this chapter must not be admitted as evidence in any civil action other than an action for enforcement, variance hearing or review under this chapter.

3. Any report of investigation or inspection or any information concerning trade secrets or secret industrial processes obtained under this chapter must not be disclosed or open to public inspection, except ~~{as}~~ :
(a) *As* such information may be disclosed to other officers or employees concerned with carrying out this chapter ~~{or when}~~ ;

(b) *When* relevant in any court proceeding under this chapter ~~{H}~~ ; *or*

(c) *As otherwise provided in NRS 618.341.*

4. The division, the courts, and where applicable, the review board may issue such orders as may be appropriate to protect the confidentiality of trade secrets.

Sec. 7.5. NRS 232.660 is hereby amended to read as follows:

232.660 1. The administrator may:

(a) Appoint one or more legal counsel to provide services for the division. If appointed, they are in the unclassified service of the state.

(b) Provide for contract services to be rendered by such other legal counsel as are needed for assistance in administering the laws relating to labor and industrial relations.

2. Each of the legal counsel must be an attorney admitted to practice law in Nevada.

3. In the prosecution of all claims and actions referred to him, a legal counsel has the same power as that vested in the district attorneys of the several counties to ~~enforce~~ :

(a) *Enforce* the laws relating to labor and industrial relations ~~[-except that a legal counsel does not have the authority to prosecute] ; and~~

(b) *Prosecute* for criminal violations of such laws.

Sec. 8. NRS 244.2961 is hereby amended to read as follows:

244.2961 1. The board of county commissioners may by ordinance create a district for a fire department. The board of county commissioners is ex officio the governing body of any district created pursuant to this section and may:

(a) Organize, regulate and maintain the fire department.

(b) Appoint and prescribe the duties of the fire chief.

(c) Designate arson investigators as peace officers.

(d) Regulate or prohibit the storage of any explosive, combustible or inflammable material in or transported through the county, and prescribe the distance from any residential or commercial area where it may be kept.

Any ordinance adopted pursuant to this paragraph that regulates places of employment where explosives are stored must be at least as stringent as the standards and procedures adopted by the division of industrial relations of the department of business and industry pursuant to section 2 of this act.

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

(f) Include the budget of the district in the budget of the county.

(g) Hold meetings of the governing body of the district in conjunction with the meetings of the board of county commissioners without posting additional notices of the meetings within the district.

2. The other officers and employees of the county shall perform duties for the district that correspond to the duties they perform for the county.

3. All persons employed to perform the functions of the fire department are employees of the county for all purposes.

Sec. 9. NRS 266.310 is hereby amended to read as follows:

266.310 The city council may:

1. Organize, regulate and maintain a fire department.

2. Prescribe the duties of the fire chief.

3. Designate arson investigators as peace officers.

4. Regulate or prohibit the storage of any explosive, combustible or inflammable material in or transported through the city, and prescribe the distance from any residential or commercial area where it may be kept. *Any ordinance adopted pursuant to this subsection that regulates places of employment where explosives are stored must be at least as stringent as the standards and procedures adopted by the division of industrial relations of the department of business and industry pursuant to section 2 of this act.*

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

Sec. 10. NRS 269.220 is hereby amended to read as follows:

269.220 In addition to the powers and jurisdiction conferred by other laws, the town board or board of county commissioners ~~{shall have the power and duty to}~~ *may* regulate the storage of gunpowder and other explosive or combustible materials. *Any ordinance adopted pursuant to this section that regulates places of employment where explosives are stored must be at least as stringent as the standards and procedures adopted by the division of industrial relations of the department of business and industry pursuant to section 2 of this act.*

Sec. 11. NRS 477.030 is hereby amended to read as follows:

477.030 1. Except as otherwise provided in this section, the state fire marshal shall enforce all laws and adopt regulations relating to:

(a) The prevention of fire.

(b) The storage and use of ~~{combustibles,}~~ :

(1) Combustibles, flammables and fireworks ~~{~~
~~—(c) The storage and use of explosives}~~ ; and

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

~~—(d)}~~ ,

under those circumstances that are not otherwise regulated by the division of industrial relations of the department of business and industry pursuant to section 2 of this act.

(c) The safety, access, means and adequacy of exit in case of fire from mental and penal institutions, facilities for the care of children, foster homes, residential facilities for groups, facilities for intermediate care, nursing homes, hospitals, schools, all buildings, except private residences,

1 which are occupied for sleeping purposes, buildings used for public
2 assembly and all other buildings where large numbers of persons work, live
3 or congregate for any purpose. As used in this paragraph, "public
4 assembly" means a building or a portion of a building used for the
5 gathering together of 50 or more persons for purposes of deliberation,
6 education, instruction, worship, entertainment, amusement or awaiting
7 transportation, or the gathering together of 100 or more persons in
8 establishments for drinking or dining.

9 ~~(e)~~ (d) The suppression and punishment of arson and fraudulent claims
10 or practices in connection with fire losses.

11 The regulations of the state fire marshal apply throughout the state, but,
12 except with respect to state-owned or state-occupied buildings, his
13 authority to enforce them or conduct investigations under this chapter is
14 limited to those counties whose population is less than 35,000, except in
15 those local jurisdictions in other counties where he is requested to exercise
16 that authority by the chief officer of the organized fire department of that
17 jurisdiction.

18 2. The state fire marshal may set standards for equipment and
19 appliances pertaining to fire safety or to be used for fire protection within
20 this state, including the threads used on fire hose couplings and hydrant
21 fittings.

22 3. The state fire marshal shall cooperate with the state forester
23 firewarden in the preparation of regulations relating to standards for fire
24 retardant roofing materials pursuant to paragraph (e) of subsection 1 of
25 NRS 472.040.

26 4. The state fire marshal shall cooperate with the division of child and
27 family services of the department of human resources in establishing
28 reasonable minimum standards for overseeing the safety of and directing
29 the means and adequacy of exit in case of fire from family foster homes and
30 group foster homes.

31 5. The state fire marshal shall coordinate all activities conducted
32 pursuant to the Fire Research and Safety Act of 1968, 15 U.S.C. §§ 278f
33 and 278g, and receive and distribute money allocated by the United States
34 pursuant to that act.

35 6. Except as otherwise provided in subsection 10, the state fire marshal
36 shall:

37 (a) Investigate any fire which occurs in a county whose population is
38 less than 35,000, and from which a death results or which is of a suspicious
39 nature.

40 (b) Investigate any fire which occurs in a county whose population is
41 35,000 or more, and from which a death results or which is of a suspicious
42 nature, if requested to do so by the chief officer of the fire department in
43 whose jurisdiction the fire occurs.

1 (c) Cooperate with the commissioner of insurance in any investigation
2 of a fraudulent claim under an insurance policy for any fire of a suspicious
3 nature.

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

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

8 7. The state fire marshal shall put the Uniform Fire Incident Reporting
9 System into effect throughout the state and publish at least annually a
10 summary of data collected under the system.

11 8. The state fire marshal shall provide assistance and materials to local
12 authorities, upon request, for the establishment of programs for public
13 education and other fire prevention activities.

14 9. The state fire marshal shall:

15 (a) Assist in checking plans and specifications for construction;

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

17 (c) Assist local governments in drafting regulations and ordinances,
18 on request or as he deems necessary.

19 10. In a county whose population is less than 35,000, the state fire
20 marshal shall, upon request by a local government, delegate to the local
21 government by interlocal agreement all or a portion of his authority or
22 duties if the local government's personnel and programs are, as determined
23 by the state fire marshal, equally qualified to perform those functions. If a
24 local government fails to maintain the qualified personnel and programs in
25 accordance with such an agreement, the state fire marshal shall revoke the
26 agreement.

27 **Sec. 12.** (Deleted by amendment.)

28 **Sec. 13.** Section 2.160 of the charter of the City of Caliente, being
29 chapter 31, Statutes of Nevada 1971, at page 60, is hereby amended to read
30 as follows:

31 **Sec. 2.160** Powers of city council: Fire protection; regulation
32 of explosives, inflammable materials; fire codes and regulations.
33 The city council may:

34 1. Organize, regulate and maintain a fire department.

35 2. Provide for the appointment of a fire chief and prescribe his
36 duties.

37 3. Regulate or prohibit the storage of any explosive,
38 combustible or inflammable material in or transported through the
39 city, and prescribe the distance from any residential or commercial
40 area where it may be kept. *Any ordinance adopted pursuant to this*
41 *subsection that regulates places of employment where explosives*
42 *are stored must be at least as stringent as the standards and*

procedures adopted by the division of industrial relations of the department of business and industry pursuant to section 2 of this act.

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

Sec. 14. Section 2.170 of the charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, at page 608, is hereby amended to read as follows:

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

1. Organize, regulate and maintain a fire department.
2. Provide for the appointment of a fire chief and prescribe his duties.

3. Regulate or prohibit the storage of any explosive, combustible or inflammable material in or transported through the city, and prescribe the distance from any residential or commercial area where it may be kept. *Any ordinance adopted pursuant to this subsection that regulates places of employment where explosives are stored must be at least as stringent as the standards and procedures adopted by the division of industrial relations of the department of business and industry pursuant to section 2 of this act.*

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

Sec. 15. Section 2.165 of the charter of Carson City, being chapter 118, Statutes of Nevada 1985, at page 474, is hereby amended to read as follows:

Sec. 2.165 Power of board: Regulation of hazardous material. The board may regulate or prohibit the storage within or transportation through Carson City of any explosive, combustible, toxic or other hazardous material. *Any ordinance adopted pursuant to this section that regulates places of employment where explosives are stored must be at least as stringent as the standards and procedures adopted by the division of industrial relations of the department of business and industry pursuant to section 2 of this act.*

Sec. 16. Section 2.200 of the charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, at page 481, is hereby amended to read as follows:

Sec. 2.200 Powers of board of supervisors: Fire protection; regulation of explosives, inflammable materials; fire codes and regulations. The board of supervisors may:

1. Organize, regulate and maintain a fire department.
2. Provide for the appointment of a fire chief and prescribe his duties.
3. Regulate or prohibit the storage of any explosive, combustible or inflammable material in or transported through the city, and prescribe the distance from any residential or commercial area where it may be kept. *Any ordinance adopted pursuant to this subsection that regulates places of employment where explosives are stored must be at least as stringent as the standards and procedures adopted by the division of industrial relations of the department of business and industry pursuant to section 2 of this act.*
4. Establish, by ordinance, a fire code and other regulations necessary to carry out the purposes of this section, and to provide for the prevention, suppression and extinguishment of fires and conditions hazardous to life and property from fire, explosion or combustion, and to provide for the enforcement of all such codes and regulations by imposing adequate penalties for violations thereof.

Sec. 17. Section 2.170 of the charter of the City of Gabbs, being chapter 265, Statutes of Nevada 1971, at page 391, is hereby amended to read as follows:

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

1. Organize, regulate and maintain a fire department.
2. Provide for the appointment of a fire chief and prescribe his duties.
3. Regulate or prohibit the storage of any explosive, combustible or inflammable material in or transported through the city, and prescribe the distance from any residential or commercial area where it may be kept. *Any ordinance adopted pursuant to this subsection that regulates places of employment where explosives are stored must be at least as stringent as the standards and procedures adopted by the division of industrial relations of the department of business and industry pursuant to section 2 of this act.*
4. Establish, by ordinance, a fire code and other regulations necessary to carry out the purposes of this section.

1 **Sec. 18.** Section 2.160 of the charter of the City of Henderson, being
2 chapter 266, Statutes of Nevada 1971, at page 407, is hereby amended to
3 read as follows:

4 **Sec. 2.160** Powers of city council: Fire protection; regulation
5 of explosives, inflammable materials; fire codes and regulations.

6 The city council may:

7 1. Organize, regulate and maintain a fire department.
8 2. Regulate or prohibit the storage of any explosive,
9 combustible or inflammable material in or transported through the
10 city, and prescribe the distance from any residential or commercial
11 area where it may be kept. *Any ordinance adopted pursuant to this*
12 *subsection that regulates places of employment where explosives*
13 *are stored must be at least as stringent as the standards and*
14 *procedures adopted by the division of industrial relations of the*
15 *department of business and industry pursuant to section 2 of this*
16 *act.*

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

19 **Sec. 19.** Section 2.170 of the charter of the City of Las Vegas, being
20 chapter 517, Statutes of Nevada 1983, at page 1399, is hereby amended to
21 read as follows:

22 **Sec. 2.170** Powers of city council: Fire protection; regulation
23 of explosives, inflammable materials; fire codes and regulations.

24 The city council may:

25 1. Organize, regulate and maintain a fire department.
26 2. Regulate or prohibit the storage in or the transportation
27 through the city of any explosive, combustible or inflammable
28 material and prescribe the location within the city where those
29 materials may be kept. *Any ordinance adopted pursuant to this*
30 *subsection that regulates places of employment where explosives*
31 *are stored must be at least as stringent as the standards and*
32 *procedures adopted by the division of industrial relations of the*
33 *department of business and industry pursuant to section 2 of this*
34 *act.*

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

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

1 **Sec. 20.** Section 2.160 of the charter of the City of North Las Vegas,
2 being chapter 573, Statutes of Nevada 1971, at page 1216, is hereby
3 amended to read as follows:

4 **Sec. 2.160** Powers of city council: Fire protection; regulation
5 of explosives, flammable materials; fire codes and regulations.
6 The city council may:

7 1. Organize, regulate and maintain a fire department.
8 2. Regulate or prohibit the storage of any explosive,
9 combustible or flammable material in or transported through the
10 city, and prescribe the distance from any residential or commercial
11 area where it may be kept. *Any ordinance adopted pursuant to this*
12 *subsection that regulates places of employment where explosives*
13 *are stored must be at least as stringent as the standards and*
14 *procedures adopted by the division of industrial relations of the*
15 *department of business and industry pursuant to section 2 of this*
16 *act.*

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

19 **Sec. 21.** Section 2.170 of the charter of the City of Wells, being
20 chapter 275, Statutes of Nevada 1971, at page 463, is hereby amended to
21 read as follows:

22 **Sec. 2.170** Powers of board of councilmen: Fire protection;
23 regulation of explosives, inflammable materials; fire codes and
24 regulations. The board of councilmen may:

25 1. Organize, regulate and maintain a fire department.
26 2. Provide for the appointment of a fire chief and prescribe his
27 duties.
28 3. Regulate or prohibit the storage of any explosive,
29 combustible or inflammable material in or transported through the
30 city, and prescribe the distance from any residential or commercial
31 area where it may be kept. *Any ordinance adopted pursuant to this*
32 *subsection that regulates places of employment where explosives*
33 *are stored must be at least as stringent as the standards and*
34 *procedures adopted by the division of industrial relations of the*
35 *department of business and industry pursuant to section 2 of this*
36 *act.*

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

1 **Sec. 22.** Section 2.160 of the charter of the City of Yerington, being
2 chapter 465, Statutes of Nevada 1971, at page 906, is hereby amended to
3 read as follows:

4 **Sec. 2.160** Powers of city council: Fire protection; regulation
5 of explosives, inflammable materials; fire codes and regulations.
6 The city council may:

7 1. Organize, regulate and maintain a fire department.
8 2. Provide for the appointment of a fire chief and prescribe his
9 duties.

10 3. Regulate or prohibit the storage of any explosive,
11 combustible or inflammable material in or transported through the
12 city, and prescribe the distance from any residential or commercial
13 area where it may be kept. *Any ordinance adopted pursuant to this*
14 *subsection that regulates places of employment where explosives*
15 *are stored must be at least as stringent as the standards and*
16 *procedures adopted by the division of industrial relations of the*
17 *department of business and industry pursuant to section 2 of this*
18 *act.*

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

21 **Sec. 23.** Sections 3, 4 and 5 of this act expire by limitation on the date
22 on which the provisions of 42 U.S.C. § 666 requiring each state to establish
23 procedures under which the state has authority to withhold or suspend, or to
24 restrict the use of professional, occupational and recreational licenses of
25 persons who:

26 1. Have failed to comply with a subpoena or warrant relating to a
27 proceeding to determine the paternity of a child or to establish or enforce
28 an obligation for the support of a child; or

29 2. Are in arrears in the payment for the support of one or more
30 children,
31 are repealed by the Congress of the United States.

32 **Sec. 24.** The division of industrial relations of the department of
33 business and industry shall adopt the regulations required by section 2 of
34 this act on or before February 1, 2000.

35 **Sec. 25.** 1. This section and sections 6, 7 and 7.5 of this act become
36 effective upon passage and approval.

37 2. Sections 1 to 5, inclusive, and 8 to 24, inclusive, of this act become
38 effective upon passage and approval for the purpose of the adoption of
39 regulations by the division of industrial relations of the department of
40 business and industry pursuant to section 2 of this act and on February 1,
41 2000, for all other purposes.