

ASSEMBLY BILL NO. 451—COMMITTEE ON NATURAL RESOURCES, AGRICULTURE,
AND MINING

(ON BEHALF OF COMMISSION ON WORKPLACE SAFETY)

MARCH 10, 1999

Referred to Committee on Commerce and Labor

SUMMARY—Provides for inspections by various state and local agencies of certain regulated facilities where certain explosives are manufactured, used, processed, handled, moved on site or stored. (BDR 40-777)

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 explosives; providing for inspections by various state and local agencies of certain regulated facilities where certain explosives are manufactured, used, processed, handled, moved on site or stored; 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 459 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
3 ***1. The division shall enter into cooperative agreements with state and***
4 ***local agencies to provide inspections of regulated facilities where***
5 ***explosives are manufactured, or where an explosive is used, processed,***
6 ***handled, moved on site or stored in relation to its manufacture. The***
7 ***division shall schedule the inspections in such a manner as to provide an***
8 ***opportunity for participation by:***
9 ***(a) A representative of the fire-fighting agency that exercises***
10 ***jurisdiction over the regulated facility;***

1 (b) A representative of the law enforcement agency that exercises
2 jurisdiction over the regulated facility; and

3 (c) Representatives of the division and any other state agency
4 responsible for minimizing risks to persons and property posed by such
5 regulated facilities.

6 2. The owner or operator of such a regulated facility shall make the
7 facility available for the inspections required by this section at such times
8 as are designated by the division.

9 3. Any inspection of a regulated facility conducted pursuant to this
10 section is in addition to, and not in lieu of, any other inspection of the
11 facility required or authorized by state statute or local ordinance.

12 4. Notwithstanding any provision of this section to the contrary, the
13 provisions of this section do not apply to the mining industry.

14 5. Except as otherwise provided in subsection 6, as used in this
15 section, "explosive" means gunpowders, powders used for blasting, all
16 forms of high explosives, blasting materials, fuses other than electric
17 circuit breakers, detonators and other detonating agents, smokeless
18 powders, other explosive or incendiary devices and any chemical
19 compound, mechanical mixture or device that contains any oxidizing and
20 combustible units, or other ingredients, in such proportions, quantities or
21 packing that ignition by fire, friction, concussion, percussion, or
22 detonation of the compound, mixture or device or any part thereof may
23 cause an explosion.

24 6. For the purposes of this section, an explosive does not include:

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

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

30 (1) In an antique firearm, as that term is defined in 18 U.S.C. §
31 921(a)(16), as that section existed on January 1, 1999; or

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

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

40 **Sec. 2.** NRS 459.3802 is hereby amended to read as follows:

41 459.3802 As used in NRS 459.380 to 459.3874, inclusive, **and section**
42 **1 of this act**, unless the context otherwise requires, the words and terms

- 1 defined in NRS 459.3804 to 459.3812, inclusive, have the meanings
- 2 ascribed to them in those sections.
- 3 **Sec. 3.** This act becomes effective upon passage and approval.

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