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PUBLIC WORKS BOARD

March 5, 2003

Senator Raymond Rawson, Chairman  
Senate Committee on Human Resources and Facilities  
Nevada State Legislature  
Capitol Complex, Carson City, Nevada

Subject: Testimony on SB 118, State Fire Marshal Provisions

Dear Mr. Chairman and Members of the Committee:

I am writing you in regards to SB 118. As Manager of the State Public Works Board (SPWB), I am not for or against the intent of this bill, but I have concerns over how it will be implemented and therefore, I am against its passage until specific issues have been addressed.

Under this proposed SB 118, state-owned property or state-occupied property is still under the jurisdiction of the State Fire Marshal. Currently, the State Fire Marshal adopts, by regulation (NAC 477.281), the minimum codes that are to be utilized across the State of Nevada. Those codes are the 1997 Editions of the Uniform Fire Code, the Uniform Fire Code Standards, the Uniform Building Code, the Uniform Building Code Standards, the Uniform Mechanical Code and the National Fire Codes and Standards. NAC 477.280(3) currently allows for local governments to adopt amendments that contain "more stringent" provisions.

My understanding of the proposed Section 11 is that it excludes a county "whose population is 100,000 or more or which has been converted into a consolidated municipality", and **those cities within that county**, from being subject to those minimum codes that are adopted by the State of Nevada. Those jurisdictions include Clark County, North Las Vegas, Las Vegas, Henderson, Boulder City, Mesquite, Carson City, Washoe County, Reno and Sparks.

My first question is whether that is the intent and is that good public policy? Should it be the policy of the State to set minimum code requirements in order to have uniformity across the State of Nevada?

Currently, and this issue directly relates to the SPWB, the State Fire Marshal performs non-structural life-safety plan reviews on school district projects for the SPWB. They receive their authority for this review from the SPWB, who has plan review authority only, **not inspection authority**, from NRS 393.110. Pursuant to this NRS, the SPWB performs structural, mechanical, electrical, plumbing and ADA plan reviews on all school district projects.

The State Fire Marshal currently performs inspection services of school district projects as part of its duties to enforce its provisions under NRS 477.030(1)c. The authority for these inspection services comes from the section which states that the State Fire Marshall is responsible for **"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, which are occupied for sleeping purposes, buildings used for public assembly and all other buildings where large numbers of persons work, live or congregate for any purpose."**

Therefore, my second question is whether the proposed Section 11 excludes the State Fire Marshal from performing construction inspection services on new school buildings, and additions or alterations of existing school buildings?

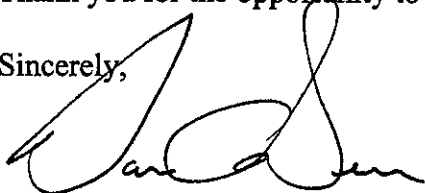
The reason for my concern is that since the SPWB has delegated the non-structural life-safety review of school district projects to the State Fire Marshal and the inspection of the non-structural life-safety provisions, under this bill the inspection services are going to be performed by personnel from another jurisdiction, i.e. the local Fire Department, this will create, I guarantee, conflicts and delays that will adversely effect the school districts in time and money.

Another concern and I believe you will hear testimony today regarding it, is that school districts, which build prototype plans, want to deal with one jurisdiction's requirements. As an example, the Clark County School District builds many prototype plans and it has six separate jurisdictions within its district.

Because of the concerns and questions that I have outlined here today, I believe that further work needs to be done on how this type of change can be implemented. Therefore, I am recommending that a comprehensive study be made over the next biennium, bringing all parties together, to work out how the State Fire Marshal can pass authority over to the locals and not adversely affect the school districts and clarify the SPWB's role in all of these matters.

Thank you for the opportunity to comment on this matter and I am available for questions.

Sincerely,



Daniel K. O'Brien, P.E.  
Manager

Cc: Perry Comeaux, Director, Department of Administration  
Governor's Office  
SPWB Board Members  
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