

ASSEMBLY BILL NO. 91—ASSEMBLYMEN GERHARDT, PARKS,
KIRKPATRICK, ATKINSON, BOBZIEN, DENIS, GOICOECHEA,
HOGAN, HORNE, KIHUEN, KOIVISTO, MANENDO,
OHRENSCHALL, SEGERBLOM AND WOMACK

FEBRUARY 12, 2007

Referred to Committee on Government Affairs

SUMMARY—Makes various changes to provisions governing
explosives. (BDR 42-691)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
Effect on the State: Yes.

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

AN ACT relating to explosives; providing a list of chemicals
designated as explosives; enacting provisions relating to
the labeling of containers used for storing explosives;
establishing requirements concerning the making of
mandatory reports to law enforcement agencies regarding
the distribution of explosives under certain circumstances;
revising the provisions relating to records regarding
transactions and inventories of explosives; revising the
provisions relating to the inspection of facilities used for
explosives; providing a penalty; and providing other
matters properly relating thereto.

Legislative Counsel's Digest:

1 **Section 2** of this bill establishes a definition of the term “explosive” for the
2 purposes of certain provisions relating to explosives and provides a list of
3 chemicals that are included within the definition of the term. **Section 3** of this bill
4 provides that any container used to store an explosive must be properly labeled in
5 accordance with all applicable state and federal laws and regulations. **Section 4** of
6 this bill requires a person to make a report to a local law enforcement agency if he
7 has knowledge of any unusual circumstances involving explosives. **Section 5** of
8 this bill requires persons who conduct certain transactions involving explosives to



9 create and maintain certain written records and inventories concerning those
10 transactions and prohibits such persons from falsifying such records or failing to
11 create or maintain such records. **Section 6** of this bill revises the provisions relating
12 to the storage of explosives to require that the local law enforcement agency be
13 notified of any public hearing involving a conditional use permit and also that the
14 notice include a statement regarding the magazine to be used. (NRS 278.147)
15 **Section 7** of this bill expands existing law allowing for the inspection of facilities
16 where explosives are manufactured, used, processed, handled, moved on-site or
17 stored to allow also for the inspection of facilities where required records relating to
18 explosives are stored. (NRS 459.3819)

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

1 **Section 1.** Chapter 476 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2, 3 and 4 of this act.

3 **Sec. 2.** *As used in this chapter, "explosive" means*
4 *gunpowders, powders used for blasting, all forms of high*
5 *explosives, blasting materials, fuses, other than electric circuit*
6 *breakers, detonators and other detonating agents, smokeless*
7 *powders, other explosive or incendiary devices and any chemical*
8 *compounds, mechanical mixtures or device that contains any*
9 *oxidizing and combustible units, or other ingredients, in such*
10 *proportions, quantities or packing that ignition by fire, friction,*
11 *concussion, percussion or detonation of the compound, mixture or*
12 *device, or any part thereof, may cause an explosion. The term*
13 *includes, without limitation:*

- 14 1. *Acetylides of heavy metals.*
- 15 2. *Acetone.*
- 16 3. *Aluminum containing polymeric propellant.*
- 17 4. *Aluminum ophorite explosive.*
- 18 5. *Aluminum powder.*
- 19 6. *Amatex.*
- 20 7. *Ammonal.*
- 21 8. *Ammonium nitrate explosive mixtures (cap sensitive).*
- 22 9. *Ammonium nitrate explosive mixtures (non-cap sensitive).*
- 23 10. *Ammonium nitrate (common lawn fertilizer).*
- 24 11. *Ammonium perchlorate composite propellant.*
- 25 12. *Ammonium perchlorate explosive mixtures.*
- 26 13. *Ammonium picrate (picrate of ammonia, explosive D).*
- 27 14. *Ammonium salt lattice with isomorphously substituted*
28 *inorganic salts.*
- 29 15. *Ammonium nitrate-fuel oil (ANFO).*
- 30 16. *Aromatic nitro-compound explosive mixtures.*
- 31 17. *Azide explosives.*
- 32 18. *Baranol.*



- 1 19. *Baratol.*
- 2 20. *BEAF (1,2-bis (2, 2-difluoro-2-nitroacetoxyethane)).*
- 3 21. *Black powder.*
- 4 22. *Black powder based explosive mixtures.*
- 5 23. *Blasting agents (nitro-carbo-nitrates, including non-cap*
- 6 *sensitive slurry and water gel explosives).*
- 7 24. *Blasting caps.*
- 8 25. *Blasting gelatin.*
- 9 26. *Blasting powder.*
- 10 27. *BTEN bis (trinitroethyl) nitramine.*
- 11 28. *BTNEC bis (trinitroethyl) carbonate.*
- 12 29. *BTTN 1,2,4 butanetrio1 trinitrate.*
- 13 30. *Bulk salutes.*
- 14 31. *Butyl tetryl.*
- 15 32. *Calcium nitrate explosive mixtures.*
- 16 33. *Cellulose hexanitrate explosive mixture.*
- 17 34. *Chlorate explosive mixtures (composition A and*
- 18 *variations, composition B and variations, composition C and*
- 19 *variations).*
- 20 35. *Copper acetylide.*
- 21 36. *Cyanuric triazide.*
- 22 37. *Cyclonite (RDX).*
- 23 38. *Cyclotetramethylenetetranitramine (HMX).*
- 24 39. *Cyclotol.*
- 25 40. *Cyclotrimethylenetrinitramine (RDX).*
- 26 41. *DATB (diaminotrinitrobenzene).*
- 27 42. *DDNP (diazodinitrophenol).*
- 28 43. *Detonating cord.*
- 29 44. *Detonators.*
- 30 45. *Dimethylol dimethyl methane dinitrate composition.*
- 31 46. *Dinitroethyleneurea.*
- 32 47. *Dinitroglycerine (glycerol dinitrate).*
- 33 48. *Dinitrophenol.*
- 34 49. *Dinitrophenolates.*
- 35 50. *Dinitrophenyl hydrazine.*
- 36 51. *Dinitroresorcinol.*
- 37 52. *Dinitrotoluene-sodium nitrate explosive mixtures.*
- 38 53. *DIPAM (dipicramide: diaminohexanitrobiphenyl).*
- 39 54. *Dipicryl sulfone.*
- 40 55. *Dipicrylamine.*
- 41 56. *Display fireworks.*
- 42 57. *DNPA (2,2-dinitropropyl acrylate).*
- 43 58. *DNPD (dinitropentano nitrile).*
- 44 59. *EDDN (ethylene diamine dinitrate).*
- 45 60. *EDNA (ethylenedinitramine).*



- 1 61. *Ednatol.*
- 2 62. *EDNP (ethyl 4,4-dinitropentanoate).*
- 3 63. *EGDN (ethylene glycol dinitrate).*
- 4 64. *Erythritol tetranitrate explosives.*
- 5 65. *Esters of nitro-substituted alcohols.*
- 6 66. *Ethyl-teteryl.*
- 7 67. *Explosive conitrates.*
- 8 68. *Explosive gelatins.*
- 9 69. *Explosive liquids.*
- 10 70. *Explosive mixtures containing oxygen-releasing*
- 11 *inorganic salts and hydrocarbons.*
- 12 71. *Explosive mixtures containing oxygen-releasing*
- 13 *inorganic salts and nitro bodies.*
- 14 72. *Explosive mixtures containing oxygen-releasing*
- 15 *inorganic salts and water insoluble fuels.*
- 16 73. *Explosive mixtures containing oxygen-releasing*
- 17 *inorganic salts and water soluble fuels.*
- 18 74. *Explosive mixtures containing sensitized nitromethane.*
- 19 75. *Explosive mixtures containing tetranitromethane*
- 20 *(nitroform).*
- 21 76. *Explosive nitro compounds of aromatic hydrocarbons.*
- 22 77. *Explosive organic nitrate mixtures.*
- 23 78. *Explosive powders.*
- 24 79. *Flash powder.*
- 25 80. *Fulminate of mercury.*
- 26 81. *Fulminate of silver.*
- 27 82. *Fulminating gold.*
- 28 83. *Fulminating mercury.*
- 29 84. *Fulminating platinum.*
- 30 85. *Fulminating silver.*
- 31 86. *Gelatinized nitrocellulose.*
- 32 87. *Gem-dinitro aliphatic explosive mixtures.*
- 33 88. *Guanyl nitrosamino guanyl tetrazene.*
- 34 89. *Guanyl nitrosamino guanylidene hydrazine.*
- 35 90. *Guncotton.*
- 36 91. *Heavy metal azides.*
- 37 92. *Hexanite hexanitrodiphenylamine.*
- 38 93. *Hexanitrostilbene.*
- 39 94. *Hexogen (RDX).*
- 40 95. *Hexogene or octogene and a nitrated N-methylaniline.*
- 41 96. *Hexolites.*
- 42 97. *HMTD (hexamethylenetriperoxidediamine).*
- 43 98. *HMX (cyclo-1,3,5,7-tetramethylene 2,4,6,8-tetranitramine,*
- 44 *octogen).*



- 1 **99. Hydrazinium nitrate/hydrazine/aluminum explosive**
- 2 **system.**
- 3 **100. Hydrazoic acid.**
- 4 **101. Hydrochloric acid.**
- 5 **102. Hydrogen peroxide.**
- 6 **103. Ignitor cord.**
- 7 **104. Igniters.**
- 8 **105. Initiating tube systems.**
- 9 **106. KDNBF (potassium dinitrobenzo-furoxane).**
- 10 **107. Lead azide.**
- 11 **108. Lead mannite.**
- 12 **109. Lead mononitroresorcinate.**
- 13 **110. Lead picrate.**
- 14 **111. Lead salts (explosive).**
- 15 **112. Lead styphnate (staphynate of lead, lead**
- 16 **trinitroresorcinate).**
- 17 **113. Liquid nitrated polyol and trimethylolethane.**
- 18 **114. Liquid oxygen explosives.**
- 19 **115. Magnesium ophorite explosives.**
- 20 **116. Mannitol hexanitrate.**
- 21 **117. MDNP (methyl 4,4-dinitropentanoate).**
- 22 **118. MEAN (monoethanolamine nitrate).**
- 23 **119. Mercuric fulminate.**
- 24 **120. Mercury oxalate.**
- 25 **121. Mercury tartrate.**
- 26 **122. Metriol trinitrate.**
- 27 **123. Minol-2 (40 percent TNT, 40 percent ammonia nitrate,**
- 28 **20 percent aluminum).**
- 29 **124. Mononitrotoluene-nitroglycerin.**
- 30 **125. Monopropellants.**
- 31 **126. NIBTN (nitroisobutametriol trinitrate).**
- 32 **127. Nitrate explosive mixtures.**
- 33 **128. Nitrate sensitized with gelled nitroparaffin.**
- 34 **129. Nitrated carbohydrate explosive.**
- 35 **130. Nitrated glucoside explosive.**
- 36 **131. Nitrated polyhydric alcohol explosives.**
- 37 **132. Nitric acid.**
- 38 **133. Nitric acid and a nitro aromatic compound explosive.**
- 39 **134. Nitric acid and carboxylic fuel explosive.**
- 40 **135. Nitric acid explosive mixtures.**
- 41 **136. Nitric aromatic explosive mixtures.**
- 42 **137. Nitro compounds of furane explosive mixtures.**
- 43 **138. Nitrocellulose explosive.**
- 44 **139. Nitrogelatin explosive.**
- 45 **140. Nitrogen trichloride.**



- 1 141. Nitrogen tri-iodide.
- 2 142. Nitroglycerine (NG, RNG, nitro, glyceryl trinitrate,
- 3 trinitroglycerine).
- 4 143. Nitroglycide.
- 5 144. Nitroglycol (ethylene glycol, dinitrate, EGDN).
- 6 145. Nitroguanidine explosives.
- 7 146. Nitronium perchlorate propellant mixtures.
- 8 147. Nitroparaffins explosive grade and ammonium nitrate
- 9 mixtures.
- 10 148. Nitrostarch.
- 11 149. Nitro-substituted carboxylic acids.
- 12 150. Octogen (HMX).
- 13 151. Octol (75 percent HMX, 25 percent TNT).
- 14 152. Organic amine nitrates.
- 15 153. Organic nitramines.
- 16 154. PBX (plastic bonded explosives).
- 17 155. Pellet powder.
- 18 156. Penthrinite composition.
- 19 157. Pentolite.
- 20 158. Perchlorate explosive mixtures.
- 21 159. Peroxide-based explosive mixtures.
- 22 160. PETN (nitropentaerythrite, pentaerythrite tetranitrate,
- 23 pentaerythritol tetranitrate).
- 24 161. Picramic acid and its salts.
- 25 162. Picramide.
- 26 163. Picrate acid.
- 27 164. Picrate explosives.
- 28 165. Picrate of potassium explosive mixtures.
- 29 166. Picratol.
- 30 167. Picric acid (manufactured as an explosive).
- 31 168. Picryl chloride.
- 32 169. Picryl fluoride.
- 33 170. PLX (95 percent nitromethane, 5 percent
- 34 ethylenediamine).
- 35 171. Polynitro aliphatic compounds.
- 36 172. Polyolpolynitrate-nitrocellulose explosive gels.
- 37 173. Potassium chlorate and lead sulfocyanate explosive.
- 38 174. Potassium nitrate explosive mixtures.
- 39 175. Potassium nitroaminotetrazole.
- 40 176. Pyrotechnic compositions.
- 41 177. PYX (2,6-bis (picrylamino)-3,5-dinitropyridine).
- 42 178. RDX (cyclonite, hexogen, T4) (Cyclo-1,3,5,-trimethylene-
- 43 2,4,6,-trinitramine, hexahydro-1,3,5-trinitro-S-triazine).
- 44 179. Safety fuse.
- 45 180. Salts of organic amino sulfonic acid explosive mixture.



- 1 181. Salutes (bulk).
- 2 182. Silver acetylide.
- 3 183. Silver azide.
- 4 184. Silver fulminate.
- 5 185. Silver oxalate explosive mixtures.
- 6 186. Silver styphnate.
- 7 187. Silver tartrate explosive mixtures.
- 8 188. Silver tetrazene.
- 9 189. Slurried explosive mixtures of water, inorganic oxidizing
- 10 salt, gelling agent, fuel and sensitizer (cap sensitive).
- 11 190. Smokeless powder.
- 12 191. Sodatol.
- 13 192. Sodium amatol.
- 14 193. Sodium azide explosive mixture.
- 15 194. Sodium dinitro-ortho-cresolate.
- 16 195. Sodium nitrate explosive mixtures.
- 17 196. Sodium nitrate-potassium nitrate explosive mixture.
- 18 197. Sodium picramate.
- 19 198. Special fireworks.
- 20 199. Squibs.
- 21 200. Sulfuric acid.
- 22 201. Styphnic acid explosives.
- 23 202. Tacot (tetranitro-2,3,5,6-dibenzo-1,3a,4,6a
- 24 tazapentalene).
- 25 203. TATB (triaminotrinitrobenzene).
- 26 204. TATP (triacetonetriperoxide).
- 27 205. TEGDN (triethylene glycol dinitrate).
- 28 206. Tetranitrocarbazole.
- 29 207. Tetrazene (tetracene, tetrazine, 1(5-tetrazolyl)-4-guanyl
- 30 tetrazene hydrate).
- 31 208. Tetryl (2,4,6 tetranitro-N-methylaniline).
- 32 209. Tetrytol.
- 33 210. Thickened inorganic oxidizer salt slurried explosive
- 34 mixture.
- 35 211. TMETN (trimethylolethane trinitrate).
- 36 212. TNEF (trinitroethyl formal).
- 37 213. TNEOC (trinitroethylorthocarbonate).
- 38 214. TNEOF (trinitroethylorthoformate).
- 39 215. TNT (trinitrotoluene, trotyl, trilitite, triton).
- 40 216. Torpex.
- 41 217. Trimethylol ethyl methane trinitrate composition.
- 42 218. Trimethylolthane trinitrate-nitrocellulose.
- 43 219. Trimonite.
- 44 220. Trinitroanisole.
- 45 221. Trinitrobenzene.



222. *Trinitrobenzoic acid.*

223. *Trinitrocresol.*

224. *Trinitro-meta-cresol.*

225. *Trinitronaphthalene.*

226. *Trinitrophenetol.*

227. *Trinitrophenol.*

228. *Trinitroresorcinol.*

229. *Tritonal.*

230. *Water-bearing explosives having salts of oxidizing acids and nitrogen bases, sulfates, or sulfamates (cap sensitive).*

231. *Water-in-oil emulsion explosive compositions.*

232. *Xanthamones hydrophilic colloid explosive mixture.*

Sec. 3. *Any container used to store an explosive must be marked in accordance with all applicable state and federal laws and regulations.*

Sec. 4. *Any person who has knowledge of an unusual sale, purchase, theft or loss of any explosive shall, within 24 hours after the discovery, report the sale, purchase, theft or loss to the local law enforcement agency. The report must contain, when possible:*

1. The name, birth date and address of the persons involved.

2. The amount and type of explosive involved.

3. Any other information the person making the report believes to be useful.

Sec. 5. *NRS 476.010 is hereby amended to read as follows:*

476.010 1. Except in the due course of trade, it is unlawful for any dealer in dynamite, nitroglycerine, gunpowder or *any* other ~~[high]~~ explosive to ~~[dispose of, transfer or sell]~~ *distribute* to any person, in any unusual manner, an excessive amount of such commodities.

2. ~~[A record shall be kept by all dealers in such commodities of all such sales of the same made by them, showing the purpose for which the same is to be used and to whom sold.]~~

~~—3.— No such sale of such commodities shall be made to any person except upon a signed order delivered to the merchant dealing in the same, stating the purpose and use to which the same is to be put.~~

~~—4.—~~ *It is unlawful for any person to manufacture, import, purchase or distribute any explosive without creating and maintaining a written record that includes all the following information:*

(a) The name of the persons involved in the transaction.

(b) The signature of the persons involved in the transaction.

(c) The social security numbers of the persons involved in the transaction.



(d) The taxpayer identification numbers of the persons involved in the transaction.

(e) The residential addresses of the persons involved in the transaction.

(f) The date of the transaction.

(g) A statement of intended use.

(h) If a person involved in a transaction is a business entity, the written record must include the following information with respect to the business entity:

(1) The name of the business entity.

(2) The principal and local addresses of the business entity.

(3) The name, place of birth and residential address of the agent authorized to act for the business entity.

3. It is unlawful for any person to knowingly and intentionally:

(a) Make any false or misleading entry in a written record required pursuant to subsection 2; or

(b) Fail to make an entry in a written record required pursuant to subsection 2.

4. Any person who keeps any explosive for any purpose shall establish and update, on at least a daily basis, a true and accurate inventory of the explosives on hand.

5. Any person ~~violating~~ who violates the provisions of this section ~~shall be~~ is guilty of a gross misdemeanor.

6. As used in this section:

(a) "Distribute" means to sell, issue, give, transfer or otherwise dispose of an explosive.

(b) "Person" means any of the following:

(1) A natural person.

(2) Any form of business or social organization and any other nongovernmental legal entity, including, without limitation, a corporation, partnership, association, trust or unincorporated organization.

(3) A government, a political subdivision of a government or an agency or instrumentality of a government or a political subdivision of a government.

Sec. 6. NRS 278.147 is hereby amended to read as follows:

278.147 1. No person may commence operation in this State of a facility where an explosive, a highly hazardous substance designated pursuant to NRS 459.3816 if present in a quantity equal to or greater than the amount designated pursuant to NRS 459.3816, or a hazardous substance listed in the regulations adopted pursuant to NRS 459.3833 will be used, manufactured, processed, transferred or stored without first obtaining a conditional use permit therefor from the governing body of the city or county in which the facility is



1 to be located. Each governing body shall establish by local
2 ordinance, in accordance with the provisions of this section, the
3 procedures for obtaining such a permit.

4 2. An application for a conditional use permit must be filed
5 with the planning commission of the city, county or region in which
6 the facility is to be located. The planning commission shall, within
7 90 days after the filing of an application, hold a public hearing to
8 consider the application. The planning commission shall, at least 30
9 days before the date of the hearing, cause notice of the time, date,
10 place and purpose of the hearing to be:

11 (a) Sent by mail or, if requested by a party to whom notice must
12 be provided pursuant to this paragraph, by electronic means if
13 receipt of such an electronic notice can be verified, to:

14 (1) The applicant;

15 (2) Each owner or tenant of real property located within
16 1,000 feet of the property in question;

17 (3) The owner, as listed on the county assessor's records, of
18 each of the 30 separately owned parcels nearest the property in
19 question, to the extent this notice does not duplicate the notice given
20 pursuant to subparagraph (2);

21 (4) If a mobile home park or multiple-unit residence is
22 located within 1,000 feet of the property in question, each tenant of
23 that mobile home park or multiple-unit residence;

24 (5) Any advisory board that has been established for the
25 affected area by the governing body;

26 (6) The Administrator of the Division of Environmental
27 Protection of the State Department of Conservation and Natural
28 Resources;

29 (7) The State Fire Marshal; ~~and~~

30 (8) *The local law enforcement agency in whose jurisdiction*
31 *the facility is to be located; and*

32 (9) The Administrator of the Division of Industrial Relations
33 of the Department of Business and Industry; and

34 (b) Published in a newspaper of general circulation within the
35 city or county in which the property in question is located.

36 3. The notice required by subsection 2 must:

37 (a) Be written in language that is easy to understand; ~~and~~

38 (b) Include a physical description or map of the property in
39 question and a description of all explosives, and all substances
40 described in subsection 1, that will be located at the facility ~~and~~; *and*

41 *(c) Include a statement that contains all the following*
42 *information:*

43 *(1) The type of magazine to be used.*

44 *(2) The location and distance of the magazine from the*
45 *person's place of business.*



(3) *The distance of the magazine from the next nearest magazine.*

(4) *A description of the significant terrain features and physical features within the proximity of the magazine that may be damaged if the magazine explodes.*

(5) *The materials used to construct the magazine.*

(6) *The dimensions and capacity of the magazine.*

(7) *The name of the owner of the magazine.*

(8) *The names and telephone numbers, that must be updated annually, of the persons who are authorized to open the magazine for inspection by law enforcement officers.*

(9) *Any special conditions pertaining to the magazine.*

4. In considering the application, the planning commission shall:

(a) Consult with:

(1) Local emergency planning committees;

(2) The Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources;

(3) The State Fire Marshal;

(4) The Administrator of the Division of Industrial Relations of the Department of Business and Industry; ~~and~~

(5) *The local law enforcement agency in whose jurisdiction the facility is to be located; and*

(6) The governing body of any other city or county that may be affected by the operation of the facility; and

(b) Consider fully the effect the facility will have on the health and safety of the residents of the city, county or region.

5. The planning commission shall, within a reasonable time after the public hearing, submit to the governing body its recommendations for any actions to be taken on the application. If the planning commission recommends that a conditional use permit be granted to the applicant, the planning commission shall include in its recommendations such terms and conditions for the operation of the facility as it deems necessary for the protection of the health and safety of the residents of the city, county or region.

6. The governing body shall, within 30 days after the receipt of the recommendations of the planning commission, hold a public hearing to consider the application. The governing body shall:

(a) Cause notice of the hearing to be given in the manner prescribed by subsection 2; and

(b) Grant or deny the conditional use permit within 30 days after the public hearing.



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

8. As used in this section ~~["explosive"]~~:

(a) ***"Explosive"*** means a material subject to regulation as an explosive pursuant to NRS 459.3816.

(b) ***"Magazine" means any building, structure or device used for temporary or permanent storage of explosives.***

Sec. 7. NRS 459.3819 is hereby amended to read as follows:

459.3819 1. The Division shall enter into cooperative agreements with state and local agencies to provide inspections of facilities where explosives are manufactured, ~~for~~ where an explosive is used, processed, handled, moved on-site or stored in relation to its manufacture ~~or~~ ***or where records made pursuant to NRS 476.010 are stored.*** The Division shall schedule the inspections in such a manner as to provide an opportunity for participation by:

(a) A representative of the fire-fighting agency that exercises jurisdiction over the facility;

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

(c) Representatives of the Division and any other state agency responsible for minimizing risks to persons and property posed by such facilities.

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

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

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

Sec. 8. This act becomes effective upon passage and approval.

