

SENATE BILL NO. 499—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE WASHOE COUNTY SCHOOL DISTRICT)

MARCH 26, 2007

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing the approval of certain plans, designs and specifications for school buildings. (BDR 22-443)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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.

AN ACT relating to school facilities; revising provisions governing the approval of certain plans, designs and specifications for, and the inspection of the construction and renovation of, school buildings; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the board of trustees of a school district must, before letting a contract for the construction or renovation of a school building, submit the relevant plans, designs and specifications to the State Public Works Board for the Board's review and approval. Existing law provides exceptions to this requirement if certain standard plans, designs and specifications are used, or if the State Public Works Board enters into an agreement to have such functions performed by the building department of a county or city. (NRS 385.125, 393.110)

Section 4 of this bill provides that, in a county whose population is 400,000 or more (currently Clark County), existing law remains unchanged.

Section 4 provides that, in a county whose population is 30,000 or more but less than 400,000 (currently Washoe, Elko, Douglas, Nye and Lyon Counties, and Carson City), plans, designs and specifications pertaining to the construction or renovation of school buildings must be reviewed by, and the construction or renovation must be inspected by, the county building department or another local building department in the county. If there is no such department, the board of trustees of the school district is required to enter into an agreement with the State Public Works Board, a private entity or a building department in another county to perform the necessary reviews and inspections.

Section 4 provides that, in a county whose population is less than 30,000 (currently Churchill, Humboldt, White Pine, Pershing, Lander, Mineral, Lincoln,



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Storey, Eureka and Esmeralda Counties), plans, designs and specifications pertaining to the construction or renovation of school buildings must be reviewed by, and the construction or renovation must be inspected by, the State Public Works Board. If the Board determines that the building department of the county or another local building department has the expertise to perform such functions, the Board may enter into an agreement with that department to perform the necessary reviews and inspections.

Sections 4 and 5 of this bill clarify that the approval of the State Fire Marshal is not required for plans, designs and specifications of school buildings that are reviewed by a local building department or a private entity and, similarly, an inspection of the construction and renovation of school buildings by the State Fire Marshal is not required if such an inspection is conducted by a local building department or private entity. (NRS 393.110, 477.030)

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

Section 1. NRS 278.580 is hereby amended to read as follows:
278.580 1. Subject to the limitation set forth in NRS 244.368, the governing body of any city or county may adopt a building code, specifying the design, soundness and materials of structures, and may adopt rules, ordinances and regulations for the enforcement of the building code.

2. The governing body may also fix a reasonable schedule of fees for the issuance of building permits. A schedule of fees so fixed does not apply to the State of Nevada ~~[] or the Nevada System of Higher Education , [for any school district.]~~ except that such entities may *enter into a* contract with the governing body to pay such fees for the issuance of building permits, the review of plans and the inspection of construction. Except as it may agree to in such a contract, a governing body is not required to provide for the review of plans or the inspection of construction with respect to a structure of the State of Nevada ~~[] or the Nevada System of Higher Education . [for any school district.]~~

3. Notwithstanding any other provision of law, the State and its political subdivisions shall comply with all zoning regulations adopted pursuant to this chapter, except for the expansion of any activity existing on April 23, 1971.

4. A governing body shall amend its building codes and, if necessary, its zoning ordinances and regulations to permit the use of:

(a) Straw or other materials and technologies which conserve scarce natural resources or resources that are renewable in the construction of a structure; and

(b) Systems which use solar or wind energy to reduce the costs of energy for a structure if such systems and structures are otherwise in compliance with applicable building codes and zoning



ordinances, including those relating to the design, location and soundness of such systems and structures,
➔ to the extent the local climate allows for the use of such materials, technologies, resources and systems.

5. The amendments required by subsection 4 may address, without limitation:

(a) The inclusion of characteristics of land and structures that are most appropriate for the construction and use of systems using solar and wind energy.

(b) The recognition of any impediments to the development of systems using solar and wind energy.

(c) The preparation of design standards for the construction, conversion or rehabilitation of new and existing systems using solar and wind energy.

6. A governing body shall amend its building codes to include:

(a) The seismic provisions of the International Building Code published by the International Code Council; and

(b) Standards for the investigation of hazards relating to seismic activity, including, without limitation, potential surface ruptures and liquefaction.

Sec. 2. NRS 244.3675 is hereby amended to read as follows:

244.3675 Subject to the limitations set forth in NRS 244.368, 278.580, 278.582 and 444.340 to 444.430, inclusive, the boards of county commissioners within their respective counties may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the county.

2. Adopt any building, electrical, housing, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, these fees do not apply to the State of Nevada ~~or~~ the Nevada System of Higher Education . ~~for any school district.~~

Sec. 3. NRS 268.413 is hereby amended to read as follows:

268.413 Subject to the limitations contained in NRS 244.368, 278.580, 278.582 and 444.340 to 444.430, inclusive, the city council or other governing body of an incorporated city may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the city.

2. Adopt any building, electrical, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, these fees do not apply to the State of Nevada ~~or~~ the Nevada System of Higher Education . ~~for any school district.~~



Sec. 4. NRS 393.110 is hereby amended to read as follows:

393.110 1. Each school district shall, in the design, construction and alteration of school buildings and facilities, comply with the applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations. The requirements of this subsection are not satisfied if a school district complies solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

2. ~~{Except as otherwise provided in subsection 3:~~

~~—(a) Unless~~ *In a county whose population is 400,000 or more:*

(a) Except as otherwise provided in paragraph (c), unless standard plans, designs and specifications are to be used as provided in NRS 385.125, before letting any contract or contracts for the erection of any new school building, the board of trustees of ~~{a}~~ *the county* school district shall submit *the* plans, designs and specifications ~~{therefor}~~ to, and obtain the written approval of the plans, designs and specifications by, the State Public Works Board. The State Public Works Board shall review the plans, designs and specifications and make any recommendations as expeditiously as practicable. The State Public Works Board is authorized to charge and collect, and the board of trustees *of the county school district* is authorized to pay, a reasonable fee for the payment of any costs incurred by the State Public Works Board in securing the approval of qualified architects or engineers of the plans, designs and specifications submitted by the board of trustees in compliance with the provisions of this paragraph.

(b) ~~{Before}~~ Except as otherwise provided in paragraph (c), before letting any contract or contracts for any addition to or alteration of an existing school building which involves structural systems, or exiting, sanitary or fire protection facilities, the board of trustees of ~~{a}~~ *the county* school district shall submit *the* plans, designs and specifications ~~{therefor}~~ to, and obtain the written approval of the plans, designs and specifications by, the State Public Works Board. The State Public Works Board shall review the plans, designs and specifications and make any recommendations as expeditiously as practicable. The State Public Works Board is authorized to charge and collect, and the board of trustees *of the county school district* is authorized to pay, a reasonable fee for the payment of any costs incurred by the State Public Works Board in securing the approval of qualified architects or engineers of the



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1 plans, designs and specifications submitted by the board of trustees
2 in compliance with the provisions of this paragraph.

3 ~~{→ The State Public Works Board shall verify that all plans, designs~~
4 ~~and specifications that it reviews pursuant to this section comply~~
5 ~~with all applicable requirements of the Americans with Disabilities~~
6 ~~Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations~~
7 ~~adopted pursuant thereto, including, without limitation, the~~
8 ~~Americans with Disabilities Act Accessibility Guidelines for~~
9 ~~Buildings and Facilities set forth in Appendix A of Part 36 of Title~~
10 ~~28 of the Code of Federal Regulations. The requirements of this~~
11 ~~subsection are not satisfied if the plans, designs and specifications~~
12 ~~comply solely with the Uniform Federal Accessibility Standards set~~
13 ~~forth in Appendix A of Part 101 19.6 of Title 41 of the Code of~~
14 ~~Federal Regulations.~~

15 ~~—3.1~~ (c) The State Public Works Board may enter into an
16 agreement with the appropriate building department of a county or
17 city to review plans, designs and specifications of a school district
18 pursuant to ~~{subsection 2.1}~~ *paragraph (a) or (b)*. If the State Public
19 Works Board enters into such an agreement, the board of trustees of
20 the school district shall submit a copy of its plans, designs and
21 specifications for any project to which ~~{subsection 2.1}~~ *paragraph (a)*
22 *or (b)* applies to the building department before commencement of
23 the project for the approval of ~~{the}~~ *that* building department. The
24 building department shall review the plans, designs and
25 specifications and provide responsive comment as expeditiously as
26 practicable . ~~{to}~~ *The approval of the State Fire Marshal is not*
27 *required for any plans, designs and specifications reviewed by a*
28 *building department pursuant to this paragraph. A building*
29 *department that has entered into an agreement pursuant to this*
30 *paragraph is authorized to charge and collect, and the board of*
31 *trustees of the county school district is authorized to pay, a*
32 *reasonable fee for the review conducted pursuant to this*
33 *paragraph.*

34 3. *In a county whose population is 30,000 or more but less*
35 *than 400,000:*

36 (a) *Except as otherwise provided in paragraph (b), unless*
37 *standard plans, designs and specifications are to be used as*
38 *provided in NRS 385.125, before letting any contract or contracts*
39 *for the erection of any new school building or for any addition to*
40 *or alteration of an existing school building, the board of trustees*
41 *of the county school district shall submit the plans, designs and*
42 *specifications to, and obtain written approval of the plans, designs*
43 *and specifications by, the building department of the county or*
44 *another local building department in the county, as applicable,*
45 *and all other local agencies or departments whose approval is*



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1 *necessary for the issuance of the appropriate permit. The approval*
2 *of the State Fire Marshal is not required for any plans, designs*
3 *and specifications reviewed by a building department pursuant to*
4 *this paragraph.*

5 *(b) If there is no county building department or other local*
6 *building department in the county in which the school district is*
7 *located, the board of trustees of the school district shall enter into*
8 *an agreement with the State Public Works Board, a private entity*
9 *or a local building department in another county to obtain the*
10 *required reviews of the plans, designs and specifications and to*
11 *have the required inspections conducted. The approval of the State*
12 *Fire Marshal is not required for any plans, designs and*
13 *specifications reviewed by a private entity or local building*
14 *department pursuant to this paragraph.*

15 *(c) A permit for construction must be issued before the school*
16 *district commences construction.*

17 *(d) The county building department or other local building*
18 *department, the State Public Works Board or the private entity, as*
19 *applicable, shall conduct inspections of all work to determine*
20 *compliance with the approved plans, designs and specifications.*
21 *An inspection of the work by the State Fire Marshal is not*
22 *required if the work is inspected by the private entity or local*
23 *building department.*

24 *(e) A department, agency or entity or the State Public Works*
25 *Board is authorized to charge and collect, and the board of*
26 *trustees of the county school district is authorized to pay, a*
27 *reasonable fee for:*

28 *(1) Review of the plans, designs or specifications as*
29 *required by this subsection; or*

30 *(2) The inspections conducted pursuant to this subsection.*

31 *4. In a county whose population is less than 30,000:*

32 *(a) Except as otherwise provided in paragraph (d), unless*
33 *standard plans, designs and specifications are to be used as*
34 *provided in NRS 385.125, before letting any contract or contracts*
35 *for the erection of any new school building or for any addition to*
36 *or alteration of an existing school building, the board of trustees*
37 *of the county school district shall submit the plans, designs and*
38 *specifications to, and obtain written approval of the plans, designs*
39 *and specifications by, the State Public Works Board and all other*
40 *local agencies or departments whose approval is necessary for the*
41 *issuance of the appropriate permit.*

42 *(b) A permit for construction must be issued before the school*
43 *district commences construction.*

44 *(c) Except as otherwise provided in paragraph (d), the State*
45 *Public Works Board shall conduct inspections of all work to*



determine compliance with the approved plans, designs and specifications.

(d) The State Public Works Board may, if it determines that the building department of the county or another local building department has the necessary expertise, enter into an agreement with the appropriate building department to allow that building department to review the plans, designs and specifications and conduct the inspections required by this subsection. If plans, designs and specifications were reviewed and an inspection was conducted by a building department pursuant to this paragraph, the approval of the plans, designs and specifications by and an inspection by the State Fire Marshal is not required.

(e) The State Public Works Board or a local building department is authorized to charge and collect, and the board of trustees of the county school district is authorized to pay, a reasonable fee for:

(1) The review of the plans, designs or specifications as required by this subsection; or

(2) The inspections conducted pursuant to this subsection.

5. In conducting reviews pursuant to this section, the State Public Works Board, building department or private entity, as applicable, shall verify that the plans, designs and specifications comply with ~~fall~~:

(a) The applicable requirements of the relevant codes adopted by this State;

(b) The applicable requirements of the relevant codes adopted by the local authority having jurisdiction; and

(c) All applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., inclusive, and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations. ~~{The building department may charge and collect a reasonable fee from the board of trustees of the school district for the payment of any costs incurred by the building department in reviewing the plans, designs and specifications. A permit for construction must not be issued without the approval of the building department pursuant to this subsection.}~~ The requirements of this subsection are not satisfied if the plans, designs and specifications comply solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

~~{4.}~~ 6. No contract for any of the purposes specified in ~~{subsection 4}~~ this section made by a board of trustees of a school district contrary to the provisions of this section is valid, nor shall



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any public money be paid for erecting, adding to or altering any school building in contravention of this section.

Sec. 5. 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:

(1) Combustibles, flammables and fireworks; and

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

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

(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, 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. As used in this paragraph, "public assembly" means a building or a portion of a building used for the gathering together of 50 or more persons for purposes of deliberation, education, instruction, worship, entertainment, amusement or awaiting transportation, or the gathering together of 100 or more persons in establishments for drinking or dining.

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

➤ The regulations of the State Fire Marshal apply throughout the State, but, except with respect to state-owned or state-occupied buildings, his authority to enforce them or conduct investigations under this chapter does not extend to *a school district in a county whose population is 30,000 or more except as otherwise provided in NRS 393.110, or* a county whose population is 100,000 or more or which has been converted into a consolidated municipality, except in those local jurisdictions in those counties where he is requested to exercise that authority by the chief officer of the organized fire department of that jurisdiction or except as otherwise provided in a regulation adopted pursuant to paragraph (b) of subsection 2.

2. The State Fire Marshal may:

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



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

3. The State Fire Marshal shall cooperate with the State Forester Firewarden in the preparation of regulations relating to standards for fire retardant roofing materials pursuant to paragraph (e) of subsection 1 of NRS 472.040.

4. The State Fire Marshal shall cooperate with the Division of Child and Family Services of the Department of Health and Human Services in establishing reasonable minimum standards for overseeing the safety of and directing the means and adequacy of exit in case of fire from family foster homes and group foster homes.

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

6. Except as otherwise provided in subsection 10, the State Fire Marshal shall:

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

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

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

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

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

7. The State Fire Marshal shall put the National Fire Incident Reporting System into effect throughout the State and publish at least annually a summary of data collected under the System.

8. The State Fire Marshal shall provide assistance and materials to local authorities, upon request, for the establishment of programs for public education and other fire prevention activities.

9. The State Fire Marshal shall:



(a) ~~Assist~~ *Except as otherwise provided in NRS 393.110, assist* in checking plans and specifications for construction;

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

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

↳ on request or as he deems necessary.

10. Except as otherwise provided in this subsection ~~and~~ *and NRS 393.110*, in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, the State Fire Marshal shall, upon request by a local government, delegate to the local government by interlocal agreement all or a portion of his authority or duties if the local government's personnel and programs are, as determined by the State Fire Marshal, equally qualified to perform those functions. If a local government fails to maintain the qualified personnel and programs in accordance with such an agreement, the State Fire Marshal shall revoke the agreement. The provisions of this subsection do not apply to the authority of the State Fire Marshal to adopt regulations pursuant to paragraph (b) of subsection 2.

11. The State Fire Marshal may, as a public safety officer or as a technical expert on issues relating to hazardous materials, participate in any local, state or federal team or task force that is established to conduct enforcement and interdiction activities involving:

(a) Commercial trucking;

(b) Environmental crimes;

(c) Explosives and pyrotechnics;

(d) Drugs or other controlled substances; or

(e) Any similar activity specified by the State Fire Marshal.

Sec. 6. This act becomes effective upon passage and approval.

