

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 less than 400,000 (currently counties other than Clark County), 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 person certified by the International Code Council or its successor, or a building department in another county 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



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reviewed by a local building department or a private person certified by the International Code Council or its successor and, similarly, an inspection of the construction and renovation of school buildings by the State Fire Marshal is not required if the inspection is conducted by such a local building department or private person. However, in conducting reviews pursuant to **section 4**, the State Public Works Board, building department or private person, as applicable, is required to verify that the plans, designs and specifications comply with the applicable requirements of the relevant codes adopted by this State, including the applicable requirements of any relevant codes and regulations adopted by the State Fire Marshal. (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,



1 ↳ to the extent the local climate allows for the use of such
2 materials, technologies, resources and systems.

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

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

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

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

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

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

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

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

20 244.3675 Subject to the limitations set forth in NRS 244.368,
21 278.580, 278.582 and 444.340 to 444.430, inclusive, the boards of
22 county commissioners within their respective counties may:

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

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

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

33 268.413 Subject to the limitations contained in NRS 244.368,
34 278.580, 278.582 and 444.340 to 444.430, inclusive, the city council
35 or other governing body of an incorporated city may:

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

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



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

2 393.110 1. Each school district shall, in the design,
3 construction and alteration of school buildings and facilities ,
4 comply with the applicable requirements of the Americans with
5 Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the
6 regulations adopted pursuant thereto, including, without limitation,
7 the Americans with Disabilities Act Accessibility Guidelines for
8 Buildings and Facilities set forth in Appendix A of Part 36 of Title
9 28 of the Code of Federal Regulations. The requirements of this
10 subsection are not satisfied if a school district complies solely with
11 the Uniform Federal Accessibility Standards set forth in Appendix
12 A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

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

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

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

31 (b) ~~{Before}~~ *Except as otherwise provided in paragraph (c),*
32 *before* letting any contract or contracts for any addition to or
33 alteration of an existing school building which involves structural
34 systems, or exiting, sanitary or fire protection facilities, the board of
35 trustees of ~~{a}~~ *the county* school district shall submit *the* plans,
36 designs and specifications ~~{therefor}~~ to, and obtain the written
37 approval of the plans, designs and specifications by, the State Public
38 Works Board. The State Public Works Board shall review the plans,
39 designs and specifications and make any recommendations as
40 expeditiously as practicable. The State Public Works Board is
41 authorized to charge and collect, and the board of trustees *of the*
42 *county school district* is authorized to pay, a reasonable fee for the
43 payment of any costs incurred by the State Public Works Board in
44 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 less than 400,000:*

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



1 of the State Fire Marshal is not required for any plans, designs
2 and specifications reviewed by a building department pursuant to
3 this paragraph.

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

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

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

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

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

29 (2) The inspections conducted pursuant to this subsection.

30 4. In conducting reviews pursuant to this section, the State
31 Public Works Board, building department or private certificate
32 holder, as applicable, shall verify that the plans, designs and
33 specifications comply with ~~FAH~~:

34 (a) The applicable requirements of the relevant codes adopted
35 by this State, including, without limitation, the applicable
36 requirements of any relevant codes and regulations adopted by the
37 State Fire Marshal;

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

40 (c) All applicable requirements of the Americans with
41 Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., inclusive, and
42 the regulations adopted pursuant thereto, including, without
43 limitation, the Americans with Disabilities Act Accessibility
44 Guidelines for Buildings and Facilities set forth in Appendix A of
45 Part 36 of Title 28 of the Code of Federal Regulations. ~~The~~



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~~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.]~~ **5.** 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 any public money be paid for erecting, adding to or altering any school building in contravention of this section.

6. As used in this section, "private certificate holder" means a person who, as applicable, holds a valid certification issued by the International Code Council or its successor:

(a) To review plans, designs and specifications for the erection of, addition to or alteration of a school building;

(b) To inspect work to ensure that the erection of, addition to or alteration of a school building is carried out in conformance with the relevant plans, designs and specifications; or

(c) To perform the activities described in paragraphs (a) and (b).

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



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1 persons for purposes of deliberation, education, instruction, worship,
2 entertainment, amusement or awaiting transportation, or the
3 gathering together of 100 or more persons in establishments for
4 drinking or dining.

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

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

18 2. The State Fire Marshal may:

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

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

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

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

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

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

42 (a) Investigate any fire which occurs in a county other than one
43 whose population is 100,000 or more or which has been converted
44 into a consolidated municipality, and from which a death results or
45 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, 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:



- 1 (a) Commercial trucking;
- 2 (b) Environmental crimes;
- 3 (c) Explosives and pyrotechnics;
- 4 (d) Drugs or other controlled substances; or
- 5 (e) Any similar activity specified by the State Fire Marshal.
- 6 **Sec. 6.** This act becomes effective upon passage and approval.

