

Amendment No. 476

Assembly Amendment to Assembly Bill No. 529

(BDR 42-375)

Proposed by: Assembly Committee on Government Affairs**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold*** is newly added transitory language.

HAC/MSM



Date: 4/18/2007

A.B. No. 529—Clarifies the applicability of regulations of the State Fire Marshal concerning building codes. (BDR 42-375)



ASSEMBLY BILL NO. 529—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE NEVADA ASSOCIATION OF COUNTIES)

MARCH 26, 2007

Referred to Committee on Government Affairs

SUMMARY—Clarifies the applicability of regulations of the State Fire Marshal concerning building codes. (BDR 42-375)

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 the State Fire Marshal; clarifying that, with certain exceptions, regulations adopted by the State Fire Marshal concerning building codes do not apply in certain larger counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Fire Marshal is required to enforce all laws and adopt regulations relating, in pertinent part, to the safety, access, means and adequacy of exit in case of fire from certain buildings used by the public. (NRS 477.030) In accordance with this duty, the State Fire Marshal has adopted by reference in regulation the *International Building Code*, 2003 edition, Volumes 1 and 2, with certain changes. (NAC 477.281, 477.283) Although the regulations adopted by the State Fire Marshal apply throughout the State, the State Fire Marshal is only authorized under existing law to enforce those regulations: (1) with respect to buildings owned or occupied by the State; and (2) in counties whose population is less than 100,000 other than consolidated municipalities (currently counties other than Clark and Washoe Counties and Carson City). In counties whose population is 100,000 or more (currently Clark and Washoe Counties and Carson City), the local jurisdictions in those counties are required to enforce the regulations of the State Fire Marshal except if a local jurisdiction in such a county requests the State Fire Marshal to perform such enforcement. (NRS 477.030) Existing law also authorizes the governing body of a city or county to adopt building codes and authorizes boards of county commissioners to regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the county. (NRS 244.3675, 268.413, 278.580)

This bill makes the regulations adopted by the State Fire Marshal concerning building codes inapplicable in a county whose population is 400,000 or more (currently Clark County) **if that county has adopted a ~~(building code)~~ code at least as stringent as the edition of the *International Fire Code* most recently published**, except with respect to buildings owned or occupied by the State and public schools and except in a local jurisdiction in such a county in which the State Fire Marshal is requested to enforce those regulations by the chief executive officer of the jurisdiction.

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

Section 1. 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~~ Except as otherwise provided in subsection 12, the regulations of the State Fire Marshal apply throughout the State, but ~~he~~ 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 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

(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.

1 5. The State Fire Marshal shall coordinate all activities conducted pursuant to
2 15 U.S.C. §§ 2201 et seq. and receive and distribute money allocated by the United
3 States pursuant to that act.

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

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

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

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

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

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

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

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

25 9. The State Fire Marshal shall:

26 (a) ~~Assist~~ *Except as otherwise provided in subsection 12, assist* in checking
27 plans and specifications for construction;

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

29 (c) Assist local governments in drafting regulations and ordinances,
30 ➤ on request or as he deems necessary.

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

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

46 (a) Commercial trucking;

47 (b) Environmental crimes;

48 (c) Explosives and pyrotechnics;

49 (d) Drugs or other controlled substances; or

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

51 12. *Any regulations of the State Fire Marshal concerning matters relating*
52 *to building codes, including, without limitation, matters relating to the*
53 *construction, maintenance or safety of buildings, structures and property in this*

1 *State, do not apply in a county whose population is 400,000 or more that has*
2 *adopted a ~~(building code)~~ code at least as stringent as the edition of the*
3 *International Fire Code most recently published, except with respect to state-*
4 *owned or state-occupied buildings or public schools in such a county and except*
5 *in those local jurisdictions in such a county in which the State Fire Marshal is*
6 *requested to exercise that authority by the chief executive officer of that*
7 *jurisdiction. As used in this subsection, "public school" has the meaning ascribed*
8 *to it in NRS 385.007.*

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

10 244.3675 Subject to the limitations set forth in NRS 244.368, 278.580,
11 278.582, ~~(and)~~ 444.340 to 444.430, inclusive, *and 477.030*, the boards of county
12 commissioners within their respective counties may:

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

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

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

20 268.413 Subject to the limitations contained in NRS 244.368, 278.580,
21 278.582, ~~(and)~~ 444.340 to 444.430, inclusive, *and 477.030*, the city council or
22 other governing body of an incorporated city may:

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

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

29 **Sec. 4.** This act becomes effective on July 1, 2007.