

ASSEMBLY BILL NO. 72—COMMITTEE ON  
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE STATE PUBLIC WORKS DIVISION  
OF THE DEPARTMENT OF ADMINISTRATION)

PREFILED NOVEMBER 17, 2016

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to the *Uniform Plumbing Code*. (BDR 40-237)

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 sanitation; revising provisions relating to the *Uniform Plumbing Code*; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, cities and counties are authorized to adopt various codes for the construction, maintenance and safety of buildings, structures and property in their jurisdictions, subject to certain limitations. (NRS 244.3675, 268.413, Las Vegas City Charter § 2.200) One of those limitations in existing law is the requirement that any construction, alteration or change in use of a building or structure in this State comply with the *Uniform Plumbing Code* of the International Association of Plumbing and Mechanical Officials, unless the Chair of the State Public Works Board of the State Public Works Division of the Department of Administration or his or her designee disapproves for use in this State an amendment to the *Uniform Plumbing Code* adopted by the International Association of Plumbing and Mechanical Officials. (NRS 444.350) Existing law also requires the State Public Works Board to review the proposed adoption of the *Uniform Plumbing Code* by a city or county. (NRS 444.420; NAC 341.127) Under existing law, a city or county is authorized to adopt such modifications to the *Uniform Plumbing Code* as are deemed reasonably necessary because of its geographic, topographic or climatic conditions. However, the State Public Works Board is required under existing law to review and advise a city or county as to whether any modification to the *Uniform Plumbing Code* proposed by the city or county is warranted by the geographic, topographic or climatic conditions. (NRS 444.350, 444.420; NAC 341.127)

**Section 2** of this bill transfers the duty to review and approve or disapprove amendments to the *Uniform Plumbing Code* adopted by the International



\* A B 7 2 \*

Association of Plumbing and Mechanical Officials from the Chair of the State Public Works Board to the governing body of a city or county for use in that jurisdiction. **Sections 2 and 7** of this bill remove the requirements that: (1) a city or county submit a proposed modification to the *Uniform Plumbing Code* to the State Public Works Board before adoption; and (2) the Board review proposed adoptions and modifications of the *Uniform Plumbing Code* by cities and counties. **Section 7** of this bill also eliminates the requirement in existing law that the governing body of a city or county mail a copy of a proposed regulation relating to the *Uniform Plumbing Code* or its enforcement to the State Public Works Board for the Board's recommendation on the proposed regulation. **Sections 1 and 3-6** of this bill make conforming changes.

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

**Section 1.** NRS 444.340 is hereby amended to read as follows:  
444.340 The policy of the State of Nevada with respect to the uniformity of plumbing codes throughout the State is:

1. That uniformity is a matter of statewide interest and concern, affecting health and environmental conditions, housing costs and efficiency in private housing construction.

2. That ~~by allowing~~ local governments ~~to~~ *may* waive and modify provisions of the Uniform Plumbing Code, adopted by the International Association of Plumbing and Mechanical Officials, ~~based on~~ *to allow for* differences ~~in~~ *based on* geographic, *topographic* and climatic conditions. ~~only upon submission of such proposed waivers and modifications to the State Public Works Board, excessive waivers and modifications would be deterred.~~

**Sec. 2.** NRS 444.350 is hereby amended to read as follows:

444.350 1. ~~Any~~ *Except as otherwise provided in this section, any* construction, alteration or change in the use of a building or other structure in this State must be in compliance with the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials in the form most recently adopted by that Association. ~~unless the State Public Works Board posts a notice of disapproval of any amendment to the Code pursuant to subsection 5.~~

2. Any city or county may adopt ~~such modifications as are deemed~~ *a modification to the Uniform Plumbing Code if it finds that the modification is* reasonably necessary because of its geographic, topographic or climatic conditions. ~~Any city or county desiring to make changes to the Uniform Plumbing Code must, before its adoption, submit the Code with the proposed amendments to the State Public Works Board.~~

3. No city or county may allow the use of any solder or flux that contains more than 0.2 percent lead or allow the use of any pipe



1 or pipe fitting that contains more than 8 percent lead in the  
2 installation or repair of a public water system or any residence or  
3 facility connected to a public water system. As used in this  
4 subsection, "public water system" has the meaning ascribed to it in  
5 NRS 445A.840.

6 4. A facility used by members of the public whose construction  
7 or renovation begins on or after January 1, 1994, must provide on its  
8 premises a sufficient number of water closets and urinals to comply  
9 with the minimum standards set forth in the Uniform Plumbing  
10 Code. As used in this subsection, "facility used by members of the  
11 public" means any motion picture house, theater, concert hall,  
12 community hall, sports arena, stadium, ski resort or other permanent  
13 place of exhibition or entertaining to which members of the public  
14 are invited or which is intended for public use. The term does not  
15 include:

- 16 (a) A hotel as defined in NRS 447.010.
- 17 (b) A food establishment as defined in NRS 446.020.
- 18 (c) A children's camp as defined in NRS 444.220.
- 19 (d) A historic structure as defined in NRS 244A.6825.
- 20 (e) A public or private school.
- 21 (f) A convention hall.

22 5. The ~~{Chair of the State Public Works Board or the Chair's~~  
23 ~~designee}~~ *governing body of a city or county* shall review each  
24 amendment to the Uniform Plumbing Code and ~~{approve or~~  
25 ~~disapprove or}~~ *adopt* the amendment for use in ~~{Nevada. If the Chair~~  
26 ~~does not post a notice of disapproval within 30 days after an~~  
27 ~~amendment is published, the amendment shall be deemed approved~~  
28 ~~for this State.}~~ *its jurisdiction unless it determines that the*  
29 *amendment is not appropriate for use in its jurisdiction.*

30 6. As used in this section, unless the context otherwise  
31 requires, "convention hall" means a facility which incorporates both  
32 space for exhibitions and a substantial number of smaller spaces for  
33 meetings, and which is primarily for use by trade shows, public  
34 shows, conventions or related activities.

35 **Sec. 3.** NRS 232.320 is hereby amended to read as follows:

36 232.320 1. The Director:

37 (a) Shall appoint, with the consent of the Governor,  
38 administrators of the divisions of the Department, who are  
39 respectively designated as follows:

40 (1) The Administrator of the Aging and Disability Services  
41 Division;

42 (2) The Administrator of the Division of Welfare and  
43 Supportive Services;

44 (3) The Administrator of the Division of Child and Family  
45 Services;



(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, 422.580, 432.010 to 432.133, inclusive, 432B.621 to 432B.626, inclusive, 444.002 to ~~444.430,~~ 444.350, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding



1 detailed information relating to their budgets and payrolls, which the  
2 Director deems necessary for the performance of the duties imposed  
3 upon him or her pursuant to this section.

4 (f) Has such other powers and duties as are provided by law.

5 2. Notwithstanding any other provision of law, the Director, or  
6 the Director's designee, is responsible for appointing and removing  
7 subordinate officers and employees of the Department, other than  
8 the State Public Defender of the Office of State Public Defender  
9 who is appointed pursuant to NRS 180.010.

10 **Sec. 4.** NRS 244.3675 is hereby amended to read as follows:

11 244.3675 Subject to the limitations set forth in NRS 244.368,  
12 278.02315, 278.580, 278.582, 278.586, 444.340 ~~to 444.430,~~  
13 ~~inclusive,~~ , 444.350 and 477.030, the boards of county  
14 commissioners within their respective counties may:

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

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

23 **Sec. 5.** NRS 268.413 is hereby amended to read as follows:

24 268.413 Subject to the limitations contained in NRS 244.368,  
25 278.02315, 278.580, 278.582, 278.586, 444.340 ~~to 444.430,~~  
26 ~~inclusive,~~ , 444.350 and 477.030, the city council or other  
27 governing body of an incorporated city may:

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

31 2. Adopt any building, electrical, plumbing or safety code  
32 necessary to carry out the provisions of this section and establish  
33 such fees as may be necessary. Except as otherwise provided in  
34 NRS 278.580, those fees do not apply to the State of Nevada or the  
35 Nevada System of Higher Education.

36 **Sec. 6.** Section 2.200 of the Charter of the City of Las Vegas,  
37 being chapter 517, Statutes of Nevada 1983, at page 1400, is hereby  
38 amended to read as follows:

39 Sec. 2.200 Powers of City Council: Buildings;  
40 construction and maintenance regulations; building and safety  
41 codes. Subject to the limitations which are contained in  
42 NRS 278.580, 278.583 , ~~and~~ 444.340 ~~to 444.430,~~  
43 ~~inclusive,~~ and 444.350, the City Council may:



1           1. Regulate all matters which relate to the construction,  
2 maintenance and safety of buildings, structures and property  
3 within the City.

4           2. Adopt any building, electrical, plumbing, mechanical  
5 or safety code which is necessary to carry out the provisions  
6 of this section and establish such fees as may be necessary.

7 **Sec. 7.** NRS 444.420 and 444.430 are hereby repealed.

8 **Sec. 8.** This act becomes effective:

9           1. Upon passage and approval for the purpose of adopting any  
10 regulations and performing any other preparatory administrative  
11 tasks that are necessary to carry out the provisions of this act; and

12           2. On July 1, 2017, for all other purposes.

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### TEXT OF REPEALED SECTIONS

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**444.420 Duties of State Public Works Board.** The State Public Works Board shall:

1. Review all proposed adoptions of the Uniform Plumbing Code by any city or county and any proposed changes to the Uniform Plumbing Code, and advise such city or county on whether or not such change is deemed warranted by geographic, topographic or climatic conditions.

2. Submit a copy of the Uniform Plumbing Code adopted by any city or county to the Division.

**444.430 Power of local government to adopt regulations; procedure.**

1. The governing body of any city or county shall, 60 days prior to the adoption of any regulation for the enforcement of the Uniform Plumbing Code or any other regulations pursuant thereto, deliver by certified or registered mail, a copy of the proposed regulation to the State Public Works Board for the Board's recommendation on the proposed regulation.

2. The governing body of the city or county may, 60 days after the State Public Works Board receives the copy of the proposed regulation, adopt the regulation with or without the approval of the State Public Works Board.

