

**MINUTES OF THE  
SENATE COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventy-ninth Session  
March 13, 2017**

The Senate Committee on Government Affairs was called to order by Chair David R. Parks at 1:11 p.m. on Monday, March 13, 2017, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator David R. Parks, Chair  
Senator Mark A. Manendo, Vice Chair  
Senator Julia Ratti  
Senator Joseph P. Hardy  
Senator Pete Goicoechea

**STAFF MEMBERS PRESENT:**

Jennifer Ruedy, Policy Analyst  
Heidi Chlarson, Counsel  
Suzanne Efford, Committee Secretary

**OTHERS PRESENT:**

Barbara K. Cegavske, Secretary of State  
Scott Anderson, Chief Deputy, Office of the Secretary of State  
Brian McAnallen, City of Las Vegas  
Robert Nolan, Deputy Fire Chief/Fire Marshal, Las Vegas Fire and Rescue,  
City of Las Vegas  
Kevin McOsker, CBO, P.E., Building and Safety Manager, City of Las Vegas  
Mike Cathcart, Business Operations Manager, City of Henderson  
Shelly Capurro, Focus Property Group; Molasky Group of Companies  
Jonathan Leleu, NAIOP, Northern and Southern Nevada Chapters  
Mark Fine  
Howard Perlman, Perlman Architects  
John Curran, Downtown Project

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Frank Pankratz, President, EHB Companies  
Joshua Hicks, Southern Nevada Home Builders Association  
Jesse Wadhams, Las Vegas Metro Chamber of Commerce  
Danny Thompson, Professional Fire Fighters of Nevada  
Thomas Dunn, Professional Fire Fighters of Nevada  
Ryan Beaman, Clark County Firefighters Local 1908  
Todd Ingalsbee, Professional Fire Fighters of Nevada  
William Stanley, Southern Nevada Building and Construction Trades Council  
John Fudenberg, Clark County  
Greg Cassell, Chief, Fire Department, Clark County  
Peter Krueger, National Electrical Contractors Association  
Rusty McAllister, Nevada State AFL-CIO  
Robert Conway, Iron Workers Local 433  
Bart Chambers, State Fire Marshal, State Fire Marshal Division, Department of  
Public Safety

CHAIR PARKS:

I will open the hearing on Assembly Bill (A.B.) 9.

**ASSEMBLY BILL 9**: Authorizes the Secretary of State to appoint a Deputy of  
Securities. (BDR 18-424)

BARBARA K. CEGAVSKE (Secretary of State):

Assembly Bill 9 is a simple, straightforward bill. It seeks to reclassify the  
position of Securities Administrator, as defined in *Nevada Revised Statutes*  
(NRS) 90.215 and NRS 225.170, by authorizing the Secretary of State to  
appoint a Deputy of Securities.

The Securities Administrator is appointed by the Secretary of State and is an  
unclassified employee of the State. Securities Administrator Diana Foley acts in  
the same advisory capacity as the Deputy of Securities but cannot perform all of  
the duties required of the Secretary of State.

This bill would not change the securities-related duties required by statute. The  
only change would be the position title. The Deputy of Securities would be  
authorized to perform all the duties of the Secretary of State, as do other  
deputies pursuant to NRS 225.060.

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Creation of a Deputy of Securities will allow our Las Vegas office, where this position is located, to have an additional deputy to serve the citizens in southern Nevada and act on behalf of the Secretary of State as directed.

SENATOR HARDY:

You avoided a fiscal note because there is no raise.

SECRETARY OF STATE CEGAVSKE:

There is no fiscal note on this bill.

CHAIR PARKS:

We will close the hearing on A.B. 9 and open the hearing on A.B. 13.

**ASSEMBLY BILL 13**: Revises provisions governing the annual fee for conducting business in Nevada. (BDR 7-3)

SECRETARY OF STATE CEGAVSKE:

Assembly Bill 13 is a straightforward bill that seeks to restore terminology related to a state business license.

SCOTT ANDERSON (Chief Deputy, Office of the Secretary of State):

Senate Bill (S.B.) No. 59 of the 78th Session revised the Silver Flume statutes, Nevada's business portal. One revision that was amended into S.B. No. 59 of the 78th Session was to change the term "state business license" to "state business registration" in NRS 76. It was thought to be an acceptable amendment at the time; however, it turned out not to be so. The change led to more confusion than if the term was left as it was. The state business license is just that. The state business license is the first license required for a person or entity doing business in Nevada or as a Nevada entity.

No change has been made to our forms, processes, Website, online services or otherwise because of S.B. No. 59 of the 78th Session. We still use the term "state business license."

As Secretary Cegavske stated, this is a simple bill that seeks to restore the term of reference to "state business license" in NRS 76.

CHAIR PARKS:

We will close the hearing on A.B. 13 and open the hearing on S.B. 67.

**SENATE BILL 67**: Revises provisions relating to fire safety requirements for multi-story buildings occupied by people. (BDR 42-412)

BRIAN MCANALLEN (City of Las Vegas):

This bill was discussed at many levels of city management and with city council members. We want to do something for the City of Las Vegas that is visionary and iconic, and will change the downtown area and provide affordable housing for downtown and around the medical district.

The University of Nevada, Las Vegas (UNLV) School of Medicine is now in southern Nevada near the University Medical Center (UMC) of Southern Nevada. We want to ensure that the UNLV School of Medicine and UMC, which are a key part of Clark County in providing indigent care, have access to medical office buildings and affordable, residential housing above a first-floor level of retail space. It might be called mixed use, sort of live-work. Someone might live there and work at the medical school or be a student at the medical school. We want to provide those options for our community. In addition, we have a number of blighted areas that need revitalization and redevelopment. These are the intentions of this bill.

This one-page bill appears to be easy and simple. However, it has generated much confusion and many questions. I hope our testimony will answer those questions and address the confusion.

A statute enacted 30 years ago defines a high rise as a building 55 feet tall and taller. It was well-intentioned and appropriate at the time. The *International Fire Code* (IFC) and the *International Building Code* (IBC) defines a high-rise building at 75 feet. Staying with those codes and following those definitions for a high-rise building is appropriate. However, we want to define a mid-rise building as one that is between 55 feet and 75 feet tall. We do not have that in our community. That will change the face of the City. In addition, it will provide affordable housing and options for downtown and throughout the City, which is being asked for in our master plans now.

While we are discussing S.B. 67, the City of Las Vegas has drafted an amendment ([Exhibit C](#)) that would replace what is written in the bill. This would further define and attempt to address some of the concerns that were raised by those opposed to the bill.

It would explain the code adoption process that we would follow as well as the existing process for code adoption. It specifies additional public meetings that would need to be held before the City Council could adopt the code. Some of the opponents are already involved in the code development process. The amendment would further define stakeholder involvement.

ROBERT NOLAN (Deputy Fire Chief/Fire Marshal, Las Vegas Fire and Rescue, City of Las Vegas):

The State Fire Marshal adopts the IFC and the IBC and amends the definition of a high-rise building from 75 feet to 55 feet. Every State Fire Marshal in every code adoption process has done this since the Governor's Commission on Firesafety Codes convened in 1981. The Commission was the result of two horrific fires that occurred on the Las Vegas Strip in 1980.

Because of the Panel, all fire and building departments in Nevada are required to modify their own codes to comply with the State's 55-foot definition of a high-rise building. This was precedent-setting and useful in 1981. It sent a strong message that the City of Las Vegas would have the toughest, most stringent sprinkler laws in the State. Existing and new buildings on the Las Vegas Strip would be built to the highest standards and would be completely safe. While all of that is true, codes, construction techniques, methods and materials have evolved dramatically since 1981. The distinction between 55 feet and 75 feet has been surpassed by the base model codes.

The implementation of the Panel's recommendations contributed to an unintended consequence. It created a de facto moratorium on mid-rise buildings by making the codes overly restrictive. No one foresaw that in 1981.

We are seeking permission in statute to allow municipalities to adopt their own fire and building codes with local regulations that comply with the IFC and the IBC. A county with a population of 700,000 or more would not be tied to the State Fire Marshal's amendment. Through local fire and building code adoption processes, we could define mid-rise building and then revert to the base model code for high-rise provisions as is done in the rest of the Country.

There are concerns that this bill would lessen the impact of what was intended in 1981. That could not be further from the truth. We are not trying to remove sprinkler systems or sprinkler requirements, particularly those imposed in 1981 on existing buildings. Any building built before 1981 would still be subject to

the provisions of NRS 477.150. My role is to assure the public, through my experience and my professionalism, that we intend to surpass those ideals. We want to create a mid-rise regulation on a local level that would adequately address firefighters' concerns for occupant and building safety.

Building safety would not be compromised in any way. Through the deployment of modern fire-prevention methods, public education, fire engineering and community risk reduction and by working with professionals in the design industry, we could develop mid-rise building requirements that were not envisioned in 1981. That would address the concerns of emergency responders.

We are asking this now because of the timing of the next code adoption cycle. The 2018 code will be coming out this fall. It is our desire to take that code through the standard local adoption process and develop our amendments. We need permission through statute to be able to adopt codes that are specific to mid-rise buildings.

This would benefit development and complement our downtown infill issues. In addition, it would complement projects proposed in Summerlin that will form a buffer between high-rise and low-rise housing.

Nevada's 55-foot high-rise amendments and retroactive sprinkler systems were adopted statewide after a horrific event that claimed the lives of 85 people. We should never forget this, nor should we forget the valiant firefighting that occurred that November morning. Nevertheless, we should remember that smoke spreading throughout the building killed people on the casino floor and 80 people on floors 16 through 26. It was not the construction type or the height of the building but the lack of fire sprinklers. Unprotected penetrations that should have been caught during construction inspections and faulty smoke dampers that did not operate contributed to the deaths of those people.

Our proposal is to regulate mid-rise buildings. We can address firefighter concerns for safety with built-in amenities from the IFC such as standpipes, external access to buildings from multiple points, access to the roof, fire control rooms and annunciator panels.

We will be able to mitigate these concerns through multiple means, including development agreements, policy and code adoptions, the development of a mid-rise definition and regulation through our local process. All the while, we

shall remember those who lost their lives in November 1980 and ensure that we never forget the lessons that we learned so painfully.

SENATOR RATTI:

What is the difference in floors between 55 feet and 75 feet?

CHIEF NOLAN:

The difference is approximately two floors.

SENATOR RATTI:

You can build a three-story building now, but with this bill you would be able to build a five-story building. Is that accurate?

CHIEF NOLAN:

That is accurate. Two stories of parking with four additional stories are over the 55-foot limit.

KEVIN MCOSKER, CBO, P.E. (Building and Safety Manager, City of Las Vegas):

I have 24 years of code experience working for building departments. *Nevada Revised Statutes* 477.150, placed into statute in 1981, was based on the 1979 Uniform Building Code.

You heard Chief Nolan speak about the sprinkler issue. In 1979, fire sprinklers were not required in high-rise buildings. The concept is foreign to us today but was the standard of practice in 1979. Chapter 477.150 of NRS fixed that, but the challenge is that it has no sunset clause. It was right for the time. It needs to be updated now.

The 2012 IBC and its companion documents have gone through 11 code development cycles. We have increased occupant safety through these 11 code development cycles. The code has gotten substantially thicker and larger. We have increased life safety for occupants. The intent of the building codes includes firefighter and emergency responder safety.

The lessons learned from the MGM fire and the 911 event are included in the building and fire codes to provide additional safety. The codes have kept up with current technologies and capabilities that did not exist in 1979.

I would like to point out the high-rise provisions of the 2012 IBC that are different from that in 1979. In the 2012 IBC, almost every occupancy type was added. We require sprinklers throughout high-rise buildings, standpipe systems, unique fire alarm zoning, a secondary water supply from two mains, separation of exits, luminous egress markings, emergency responder radio coverage, smoke-removal systems, emergency power, structural integrity issues, bond strength of steel, fire-proofing and special inspections for penetrations and fire-stopping. All these things were added in the 11 code cycles since 1979.

We want to revise the language in NRS 477.150 to sunset the old high-rise provisions of 55 feet, including the 55-foot rule. We want to follow the base model code. It has gone through a number of cycles. It is significantly safer than what the Blue Ribbon Panel expected in 1981. Additionally, we are willing to go back and develop a mid-rise package for those buildings that are 55 feet to 75 feet in height.

Let me be clear, NRS 477 and S.B. 67 will still not affect existing buildings. New buildings comply with the new code; old buildings comply with NRS 477.150. Senate Bill 67 may not be right for every jurisdiction. We want language that allows entities to make the right decisions for their jurisdictions.

Building and fire officials can choose to stay with the 55-foot requirement. The beauty of this proposal, as amended, is that if a jurisdiction does not define a mid-rise building and does not have specific requirements, it cannot use the revised language and would default back to 55 feet. If a jurisdiction does nothing then it will have to comply with the 55-foot rule. We are not trying to make laws, rules or codes for other jurisdictions. We want to take it back to southern Nevada and fix it.

I would like to tell you a little bit about the International Code Council (ICC) code development process. I was a committee member during the 2015 code development hearings. National building and fire codes, which almost every state adopts, are published every 3 years. The ICC uses an open and transparent process. Amendments are posted online. Voting and webcasts of their hearings are online. Government and industry experts are involved in the development of the codes and vote on the code changes. The experts involved, just like Chief Nolan and I, have multiple years of experience.



When adopting codes in southern Nevada, we review the national codes and have an open code adoption process. The Southern Nevada Building Officials (SNBO) tries to adopt the same codes, at the same time, with the same amendments. That is not always easy. The code adoption and amendment process is open to anyone who is interested. Government and industry can vote on local code changes.

After the technical committee completes the changes, the steering committee reviews them and recommends approval or disapproval to the building officials. They must follow specific amendment criteria outlined by the building officials. The codes cannot be less restrictive than the model codes or State law. The building officials approve the amendments, and they are taken to public hearings through the SNBO process. Any concerns that industry or others may have can be discussed.

Each jurisdiction presents the code and the amendments to its city council or commission for approval. The city council or county commission has open meetings and then counsel finally approves the codes. It is an open procedure that is much more inclusive than the legislative process.

The opposition to S.B. 67 does not trust the code adoption process in southern Nevada. I have been involved with every code adoption of the IBC since 2000. A good, fair process is being developed in southern Nevada.

Chief Nolan spoke about the de facto moratorium on mid-rise construction. To prove that point, I would like to provide some statistics from the City of Las Vegas on its building permits from 2005 to the present. One would expect that as heights increase, the amount of construction would decrease respectively. However, we found a flat spot in mid-rise construction.

While 86 percent of our buildings are less than 55 feet tall, 2.5 percent of buildings fall between 55 feet and 75 feet in height and are required to meet the high-rise provisions; 11 percent of the permits are for buildings over 75 feet in height. There is a flat spot in development. People do not build this type of structure. Our modification would identify a new class of buildings that would provide firefighter and occupant safety based on the unique needs of each jurisdiction or of southern Nevada.

One of the things you hear frequently is that Clark County and southern Nevada have the most stringent building codes in the Country. This is true. We adopt the IBC and IFC that is trusted throughout the Country. The modification of the 55-foot rule is just one trigger in a code that has thousands and thousands of provisions.

Senate Bill 67 does not affect a single specific technical provision within the IBC or IFC. As amended, S.B. 67 will establish a process to provide a higher level of protection for mid-rise construction not found in the model codes if a jurisdiction elects to use it. Building and fire codes are most effective when there is rigorous enforcement through plan examinations and inspections by building department personnel and by fire department and prevention personnel. This occurs in southern Nevada.

SENATOR MANENDO:

You mentioned that people are not building those types of buildings. Why is that?

MR. MCOSKER:

Most of the time, the 55-foot rule has additional safety features that are not found in the rest of the Country until the 75-foot height is reached. They are just not going to that class of building. It is probably a matter of economics when those additional features are required at the 55-foot height.

SENATOR MANENDO:

You also mentioned something about added protections. What kinds of protections would those be?

MR. MCOSKER:

Are you referring to the mid-rise section?

SENATOR MANENDO:

Yes, I am.

CHIEF NOLAN:

Our intent is to include all of the firefighter amenities found in the IFC which include the fire control room, standpipes, full control valves and some other technical items. We have added extra gurney-sized elevators instead of just the

minimum; stairwells that go to the roof, and standpipes in each stairwell instead of one in the middle of the building.

We would make sure that there is a fire control room with an annunciator panel so firefighters can determine the source of the alarm. Those things are normally triggered at 75 feet but are very important to firefighters at lower levels, such as 55 feet or even lower.

For the safety of the occupants, we want to include a voice evacuation alarm system, not just manual pulls, horns and strobes. The ability to give instructions such as shelter in place or other instructions, depending on the emergency, is specific to high-rise buildings. We would not take that out. There would be an on-site backup power supply, a fire pump and a reservoir which is mandatory if the pressure demands require it.

Not using the prescriptive term "high rise" will make a difference for developers. Instead of just two construction types, Type IA and Type IB, they will be able to use nine different construction types based on height, allowable area and occupancy as specified in chapter 5, General Building Heights and Areas of the IBC.

MR. MCOSKER:

There are five types of construction with subsections A and B in chapter 6, Types of Construction, of the IBC. Developers would be able to use all types of construction for these buildings. Right now in the high-rise provisions, they are restricted to Type I buildings only.

SENATOR MANENDO:

Senator Ratti asked how many floors is that, and you said it would be two levels of parking garages. Are those parking garages underground or above ground? If they are underground, could you then build higher which is what you want to do anyway? Do you start measuring at ground level?

MR. MCOSKER:

The example that Chief Nolan was talking about was two stories of parking garage above grade with residential or mixed use above that. Similar to the high-rise provisions, special provisions are required for underground buildings that are 30 feet below grade. They could go below grade. However, the rule of 55 feet is measured from the highest-occupied floor to the lowest level

accessible to fire vehicles. It is not as simple as measuring from the ground to the top of the building.

SENATOR RATTI:

Your intent is to replicate everything that is in the law for a 55-foot building regarding fire safety. The safety features currently in a building 55 feet or higher would be in a building in your adoption process of the IBC and IFC moving forward. Is it your intent to keep all of the fire safety features?

CHIEF NOLAN:

Yes, it is our intent to keep all of the fire safety features.

SENATOR RATTI:

The only piece that you want to open up is the different construction types.

CHIEF NOLAN:

The IBC is an entire system of requirements that work synergistically together. The developer cannot just pick the code he wants. He would pick the code that works with the height, the area and the fire protection that is built in. We are circumventing that right now. We are not giving them that option.

SENATOR RATTI:

Because of our more stringent NRS, they have two construction types. Would they have multiple construction types if we bump this up to 75 feet?

CHIEF NOLAN:

If we went to the base model code, the definition of a 75-foot high-rise building would give them all the options available up to 75 feet.

SENATOR RATTI:

Is it possible to amend S.B. 67 in such a way that the IFC standards are maintained but the IBC standards could be more flexible?

CHIEF NOLAN:

In my practical experience, it is difficult and cumbersome to write regulations into statute. I would avoid doing that because it is just like the statute we have now. It will become obsolete as the code develops, and we would have to come before the Legislature to have a bill draft request every three years. We could be

off track by ten years. That is why we want to adopt by reference and not specific regulatory requirements.

SENATOR RATTI:

Does either the IBC or the IFC recognize a mid-rise category? Does that construct exist?

CHIEF NOLAN:

No, we would add low-rise and mid-rise buildings. Only high-rise building is defined in the IFC and the IBC.

MR. MCANALLEN:

I will address Senator Ratti's question regarding the process issues of accepting the IFC piece and then modifying the IBC piece. We have all been struggling to address this issue and the issue raised by many of the bill's opponents.

The firefighters have an amendment that would probably write a model code similar to that worked on by Chief Nolan with other jurisdictions. It specifies many requirements that we want to see in a code for 55 feet to 75 feet. The challenge is being locked into that regulatory aspect in statute. We are asking for the ability, through this amendment and the bill, to enable Clark County to go through its current process to develop the code collectively. We would like to have those kinds of discussions with southern Nevada building officials, our sister cities in Clark County, and other fire and building officials.

SENATOR RATTI:

Could it work the other way? Could you go through the building code process in the southern Nevada area and come back to the 2019 Session with the changes you are requesting with more consensus?

MR. MCANALLEN:

That is an interesting question. We have been wrestling with that also. The challenge we are facing is to jump-start development in redevelopment areas and to build up and help UNLV's medical school and UMC.

The concern is that throughout the process, we may lose one and a half or two years to get to that point. We want to begin the process of adopting the 2012 code and modifying it based on the 2018 code, which should come out this fall. The pieces that come out of the 2018 code could be included in what

we are doing on the 2012 code. We could then move forward with the public hearings and counsel interactions in our code adoption process.

We had a one-year time limit in our original bill. We wanted to take the pressure off to mandate that to make sure the opponents were comfortable and engaged in the process.

We would like to see this done in a year. We are concerned about waiting until the 2019 Session because that would set us back another few years. We may miss opportunities to help promote what we would like to see in the Las Vegas Medical District and in downtown Las Vegas.

MR. MCOSKER:

If we wait until the next Legislative Session, we would be behind the curve because the next building code comes out in 2021. We do not want to burden industry with a number of code adoptions through our process because we would be waiting again until the 2021 code is published. There could be an even longer delay than previously mentioned.

MIKE CATHCART (Business Operations Manager, City of Henderson):

We support S.B. 67 and the amendment offered by the City of Las Vegas. This legislation would not compromise safety in buildings between 55 feet and 75 feet in height. This size of the building could be an important component in the revitalization of the downtown area which is also a redevelopment area.

Under the amendment, we would work closely with all stakeholders to create ordinance changes.

SHELLY CAPURRO (Focus Property Group; Molasky Group of Companies):

The Focus Property Group and the Molasky Group of Companies are development companies that have built thousands of apartments and homes in southern Nevada. They have been in Nevada for several decades. Both companies support S.B. 67 because this enabling legislation would provide a framework for the City of Las Vegas to develop its own specific mid-rise codes in the 55 feet to 75 feet height range.

Much of downtown Las Vegas is comprised of relatively small urban lots. In order for many of these lots to become feasible for development, higher densities are required. Senate Bill 67 would facilitate mid-rise construction more

effectively for multifamily housing. It would add to the tax base, provide additional permanent jobs, and reduce vehicle trips on the freeways by offering quality housing within the urban environment. This increases the quality of life and housing opportunities for many in southern Nevada. Greater densities could also provide a more affordable rental market.

We urge you to support this bill. It would provide more mid-rise buildings and more jobs and growth in southern Nevada.

JONATHAN LELEU (NAIOP, Northern and Southern Nevada Chapters):

This bill has a population cap that will affect southern Nevada only. We support S.B. 67 as amended. This bill will address the mid-rise development flat spot in the market.

As was testified to by the sponsor of the bill, it will promote economic development as well as development of outlying properties within the downtown core. In addition, it will help the Las Vegas Medical District.

MARK FINE:

I am a resident of southern Nevada. I have been a developer here for 43 years. We have developed many projects, some of which would fall within this legislation.

On a recent trip to southern California with many dignitaries from the City of Las Vegas, we went to a development called Playa Vista to get ideas on what could be done for urban redevelopment to reinvigorate downtown.

The City of Las Vegas had been successful in taking the initial steps to launch the redevelopment of downtown. However, residential and mid-rise commercial development has not gone as fast as it should. We are trying to find some product types.

At Playa Vista, the developer was able to build structures taller than 55 feet by putting parking underground. The current code does not allow parking under a 55-foot-tall residential building without compromising the density of the project which would compromise its economic feasibility.

The dignitaries from the City of Las Vegas realized that the national codes allowed a parking option to build to a higher level. The fire equipment they have

could service a higher level, which would be 75 feet. This would give downtown an incredible amount of impetus to develop residential construction by being more efficient with the land, which is a difficult resource to find in the downtown area. Building outside of downtown with parking underneath the structure is an option that does not compromise density and gives many quality-of-life options that do not exist because of the provisions in the codes.

I favor doing this as long as it falls within the national codes and complies with national health and safety. This will be a step forward by offering a more diversified product and helping to support the redevelopment of downtown Las Vegas.

HOWARD PERLMAN (Perlman Architects):

I have been in southern Nevada since the early 1990s. I am not a code consultant, and I cannot speak to the technicalities. A large part of our clientele has been apartment, multifamily and condominium developers. Over the years, we have designed tens of thousands of apartment and condominium units in southern Nevada for various national and local builders.

I have seen development change through the years. In the early days, two-story garden walk-ups became three-story garden walk-ups. We went straight to high-rise buildings when the market collapsed on all of us. Out-of-state developers have caused a resurgence. The first things they want to build are high-density apartments that are podium-type apartments where the parking is underneath the building, or garden-wrap apartments, meaning wood-frame apartments surrounding a concrete parking structure. This changes densities from roughly 20 to 25 units per acre to 40, 45 and even 60 units per acre.

Many of the developers from California want to build five-story wood-frame projects. They cannot do that here because of our codes. The IBC allows five stories, but the IFC classifies those structures as high-rise buildings. It becomes economically unfeasible. Some of our local builders have projects that are four stories. They struggle economically at five stories.

Speaking as an architect and planner, aside from the technicalities and the codes, if it is in the IBC, it is safe to build. If the code allows five-story buildings and the fire department is able to fight any fires that might occur, we should not restrict local development to something less than that.



I like density. Density gives us walkability. Walkability is what people want, not only downtown but also in the suburbs. Density is a good thing.

JOHN CURRAN (Downtown Project):

Downtown Project has been among the most active developers in the City of Las Vegas and in the State for five years. From the beginning, our goal has been to boost residential density in downtown Las Vegas. We recognize all the benefits that come with increased density, such as walkability, increased economic development and safety among others.

The price of land is high in downtown Las Vegas. Adoption of this bill, as amended, would allow more projects to pencil in and spur development, creating growth and more jobs in southern Nevada.

A mid-rise apartment is under construction at Ninth and Fremont Streets in partnership with the Wolff Company. The passage of this bill as amended would allow two more stories to that project and increase density in downtown Las Vegas.

The adoption of these changes has allowed greater growth in many other Western states without problems. Nevada would be wise to follow suit.

FRANK PANKRATZ (President, EHB Companies):

While we do some building activities downtown, I am here to address the importance of this for Nevada. We should not be handtying ourselves. There are plenty of regulations to deal with as it is. We should not be putting ourselves at an economic disadvantage. This bill offers an opportunity that could be afforded by virtue of the significant provisions that are in code.

We built One Queensridge Place and Tivoli Village, among others, and the core areas of Queensridge, Alta and Rampart. We would like to continue to develop, build and have the opportunity for density. We would like to take advantage of the opportunity that this bill would afford.

JOSHUA HICKS (Southern Nevada Home Builders Association):

The Southern Nevada Home Builders Association supports S.B. 67 with the City of Las Vegas's proposed amendment. However, we were concerned about unintended consequences of how that might apply to new home construction.

The amendment actually takes care of that. There is a different set of rules for fire sprinklers in new home construction.

JESSE WADHAMS (Las Vegas Metro Chamber of Commerce):

This bill will help foster mid-rise construction throughout southern Nevada. We support it, and we will continue to work with the stakeholders as it moves forward.

DANNY THOMPSON (Professional Fire Fighters of Nevada):

We would like to show you a short video from NBC Nightly News about the MGM Grand Hotel and Casino fire in Las Vegas on November 21, 1980, <<http://news.accessvegas.com/2016/12/07/video/video-nbc-nightly-news-nov-21-1980-mgm-grand-fire>>.

In 1979, I decided I was going to run for the Legislature. I was the president of the steel workers union in Henderson at the time. I saw the smoke from our union hall in Henderson. Subsequently, I was elected in 1980 and came to the Legislature for my first Session in 1981. That was the year we adopted the strictest fire codes in the Country.

An electrical short in a delicatessen adjacent to the casino caused the fire in the MGM Grand Hotel. A building inspector gave the MGM a waiver for sprinklers in the casino because the delicatessen was supposed to be open 24 hours a day. It was thought that if someone was there, that person would see the fire, catch it and it would not get out of control. The fire flashed across the casino. There were patrons burned alive sitting at slot machines. My uncle was a box man at a craps table on the casino floor. He was the last person to make it out before the front doors blew out.

In those days, our State's budget was controlled by gaming and tourism. We had to tell them that every one of the hotels had to be retrofitted. There were no term limits and no time limits. If a bill took six months, it took six months. The Legislature decided when to stop. The whole thing about sine die brought on a completely new meaning. Some wanted to leave and some did not. That retrofitting issue was vetted the entire Session. However, that fire was not the cause for the change in the law. There was opposition to retrofitting all of these buildings.

Ninety days after the MGM fire, there was a second fire at the Las Vegas Hilton. A person who was an employee and had smoked marijuana dipped in PCP intentionally set that fire in an elevator lobby on one of the upper floors. He literally set the curtains on fire and it took off. There were no sprinklers anywhere near that fire. Twenty-two floors on the outside were affected. Eight people died and approximately 300 were injured. When that fire happened, even the industry said that something had to be done because its livelihood and the livelihood of the State were at risk.

As a piece of history about the MGM fire, John Pappageorge was the commander on that fire. That was well vetted here. It was not an automatic reaction. What we have today was given to us by the Legislature, the fire departments and the investigators. It is an admittedly tough system because it was meant to be. If you look above your head today, you are going to see a fire sprinkler. The reason there is a sprinkler over your head is that we required it.

We are opposed to making this change because of that fire. The MGM was built to the old codes. The fire got out of hand and killed 85 people.

THOMAS DUNN (Professional Fire Fighters of Nevada):

I am an 18-year firefighter and urban search and rescue technician for the City of Reno Fire Department. I am assigned to an engine company that provides fire and EMS response to the University of Nevada, Reno. I also provide service to the hotel casino core in downtown Reno.

Former Governor Robert List established the Governor's Commission on Firesafety Codes in 1981 after the MGM Grand Hotel fire. Kenny Guinn chaired it. It received statewide support from Clark County, Washoe County and the State Fire Marshal Division.

Tragically, 90 days after the MGM Grand fire the Las Vegas Hilton fire occurred. Local government may bring up the point that changes in fire code should be a local government or Dillon's Rule issue. That point loses some of its merit considering the MGM Grand and Las Vegas Hilton fires.

Former State Fire Marshal, Peter Mulvihill, is quoted in a vegasseven.com article <<http://lasvegassun.com/news/2000/nov/18/mgm-grand-fire-altered-safety-standards/>> as saying,

The building department overruled the fire department in the construction of the property and allowed the main casino, which was a very large portion of the property, to be unsprinklered. The fire chief at the time had wanted everything fully sprinklered.

This is the reason why the current code was written in State statute as a minimum requirement instead of a local ordinance. This is not just a local issue. This is a statewide issue.

In the hearings on S.B. No. 214 of the 61st Session and A.B. No. 505 of the 61st Session, an amendment was made to address fire service concerns about the height of high-rise buildings. The code was changed to 55 feet high from 75 feet high. The concern was for the ability of aerial ladders to reach higher floors of buildings due to features such as awnings, lower structures or setbacks in the front of higher floors and landscaping limiting access. These concerns are still valid today.

As stated in the same [vegasseven.com](http://vegasseven.com) article, new codes were enacted in 1981, and the Nevada State Fire Marshall at the time, Tom Huddleston, told UPI, "No matter how unpopular it is, it's still something that has to be accomplished. We don't want to lose people."

The Professional Fire Fighters of Nevada (PFFN) has concerns with S.B. 67 and how long it will be before other cities, counties or developers want to enact the same provisions. We also have questions about why the City of Las Vegas did not reach out to other stakeholders to gain consensus on this issue prior to the 2017 Session.

A 2016 National Fire Protection Association (NFPA) report titled "High-Rise Building Fires" indicated that from 2009 to 2013, there were 14,500 fires in high-rise buildings with annual averages of 40 civilian fatalities, 520 civilian injuries and \$154 million in property damage. Apartments and multifamily housing were 62 percent of all high-rise fires; hotels and motels were 4 percent; dormitories were 4 percent; and facilities that take care of the sick were 2 percent.

Most high-rise fires begin on floors no higher than the sixth story. These are the percentages of all fires that are sixth floor and below: apartment fires at

56 percent, hotels and motels at 62 percent, dormitories at 49 percent, office buildings at 56 percent and care-of-the-sick facilities at 74 percent.

There is a transfer of risk involved from the builder or the developer to the occupant and the fire service as the occupancy goes higher and density increases. The National Institute of Standards and Technology "Report on High-Rise Fireground Field Experiments, Fire Fighter Safety and Deployment Study" published in April 2013, measured 38 fireground tasks that have been identified to be completed on high-rise fires and states, "Sprinkler systems are designed to control fires, not suppress them and manpower is still required to control sprinklers, extinguish fires, search for and rescue occupants that need assistance." The same tasks may need to be performed based on building height, occupancy and density within the change in the Nevada fire code.

The type of construction materials being used in the buildings are a concern also. Some sprinkler systems may not be designed to take into account all of the stuff that is in a high-rise residential fire. Residents have much stuff. They have TVs, couches, carpet, synthetics, computers, etc. All of that stuff provides a fire source for toxic black smoke and serves as carriers of fire. Lighter-weight construction materials may not stand up to fire or suppression operations as well as heavier construction materials do.

In the 2016 edition of the NFPA 1710 code, Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments, a new high-rise response section has been added. It states that the initial full-alarm assignment to a fire in a building with the highest floor greater than 75 feet above the lowest level of fire department vehicle access must provide a minimum of 42 members. That number increases to 43 if the building is equipped with a fire pump. If occupancies present hazards greater than those found in section 5.2.4 of the NFPA 1710 code, additional resources shall be deployed at the initial alarm. This provides for a minimum level of manpower for public and firefighter safety. The same number of personnel may be needed based on the building height, occupancy and density with the change in the Nevada fire code.

The Federal Emergency Management Agency (FEMA) Incident Command for Highrise Operations course states that the number of personnel on scene is critical, not the number of apparatus. It is generally agreed to among high-rise departments that a minimum of 50 personnel are needed.

As a comparison to the MGM and Las Vegas Hilton fires, the Mizpah Hotel fire in Reno in 2007 had 12 fatalities, 31 injuries with 2 critical, and 70 people were rescued from the building. Sixteen pieces of apparatus and 72 personnel were involved in rescue and fire suppression operations. The closest fire station to the Mizpah Hotel was less than 100 yards away. The first two companies arriving on the scene began placing ground ladders to begin rescue operations of people hanging out of the windows.

In order to ensure that an informed decision is made on this bill, we have provided a number of documents: FEMA Mizpah Fire Report ([Exhibit D](#)); Governor's Commission on Fire Safety Codes ([Exhibit E](#)); Fire Sprinkler Facts ([Exhibit F](#)); History of Fire and Fire Codes ([Exhibit G](#)); NFPA Las Vegas Hilton Fire Report ([Exhibit H](#)); NFPA Las Vegas MGM Grand Fire Report ([Exhibit I](#)); Occupational Safety and Health Administration Fire Service Features ([Exhibit J](#)); Senate Committee on Human Resources and Facilities, February 25, 1981, Committee Minutes ([Exhibit K](#)).

The Clark County Fire Department released findings on the fire at the MGM Grand Hotel, and a November 19, 2015, article titled "How the MGM Fire Changed the Casino and Hotel Industry for Good" is at [vegasseven.com](http://vegasseven.com).

SENATOR HARDY:

Did you correlate the injuries and fatalities in fires under six floors with those that occurred above six floors?

MR. DUNN:

We did not provide a copy of the NFPA high-rise report. That report was given to the Legislative Council Bureau for review.

SENATOR HARDY:

Did you correlate the injuries on six floors and above with those on five floors and below?

MR. DUNN:

That report contains the correlation for floors 1 through 6 and 7 through 100.

SENATOR HARDY:

The percentage of fires is tied to those numbers.

MR. DUNN:  
That is correct.

RYAN BEAMAN (Clark County Firefighters Local 1908):

I am an engineer for the Clark County Fire Department and a second-generation firefighter. My father spent 36 years in the Clark County Fire Department. His fire station was directly across the street from the MGM. He was one of the fire members rescuing people from that fire.

As a kid, I remember hearing stories and talking about the rescue efforts and what took place at the MGM fire. As Danny Thompson said earlier, much of that was due to smoke inhalation and rescuing people from the other floors.

In reviewing this bill, doing more research on it and going back to those stories, I looked at the legislation as it was introduced in February 1981. The Legislature introduced it and stated that to save lives and the tourist industry, Nevada has an obligation to tourists who are drawn into the area because of the gaming industry. It is important to have safe buildings in which people can relax and play.

As I was reading the legislation, I was looking at the tower at the MGM. I spent the majority of my career on the Las Vegas Strip. It was vital in making sure that tourists and Nevada's economy were taken care of. Since that legislation was enacted, not a single fire-related death has occurred in a high-rise structure in Las Vegas.

The Legislature changed the definition of a high-rise from 75 feet in height to 55 feet in height. Much of the success of Clark County is founded in this requirement as set forth in NRS 477. Clark County is recognized as having some of the most stringent fire codes in the Country.

We have had some big fires in hotels over the last few years, one being at the Monte Carlo Resort and Casino. However, because of our stringent fire codes, we were able to contain that fire to the outside of the building. In addition, we had the Cosmopolitan of Las Vegas fire recently. That fire was contained due to our strict fire codes also. That business was back open within 24 hours. There were no fatalities.

Many things you do not see in the news are the fires or the smoke that is contained because of our strict code enforcement. However, as firefighters we do see that because we respond to those calls. The law that the Legislature passed in 1981 set a clear minimum standard that is more concise in terms of options and limitations.

One thing I noticed in S.B. 67 was that it appears to create a conflict between NRS 477.110 and NRS 477.150. *Nevada Revised Statutes* 477.110 specifically states that a local jurisdiction cannot adopt a retrofit requirement that is less stringent than those in NRS 477. Senate Bill 67 seems to allow a jurisdiction to violate NRS 477.110. This would permit a significant reduction in the life-safety protection for firefighters and the public.

Over the last few weeks, we worked willingly with the parties and will continue to do so as the bill proceeds through the Committee.

TODD INGALSBEE (Professional Fire Fighters of Nevada):

I am a working fire captain, and I respond to these types of calls. Even with today's safety requirements, there is still a high risk posed to the people who live in these buildings and the men and women who respond to these emergencies.

I understand the importance of economic growth. I want development in the entire State to continue, but not at the expense or the safety of millions of residents and guests, or the thousands of men and women who make up the PFFN who are sworn to protect them and this great State.

We met with the City of Las Vegas on several occasions. Our goal was to define low-rise and mid-rise buildings and the minimum safety requirements for those buildings so everyone could be comfortable. During our last meeting, the deputy chief from the City of Las Vegas provided an example code he helped develop and adopt in California. We took that code and were under the impression that they were willing to work with us on it. The deputy chief did a good job. We presented it as one of the amendments ([Exhibit L](#)) you will see today. That gives some leeway but still provides safety requirements that the millions of people who come here, the residents and the PFFN deserve.

It has also been said that the statute is outdated. We disagree. The statute was established after 1981. It provides minimum safety requirements in the



construction of these buildings. Those are still required today to ensure we do not have another incident as in 1980. The statute has done what it was intended to do and continues to do today. It provides safety in those buildings.

If this bill were to pass as currently written, it would reduce the safety in these buildings. In high-rise buildings, automatic fire sprinklers are required throughout; in the new code, we would still have that. Class 1 standpipes are required in both the old and new codes. However, this is where the changes begin. Emergency systems with voice evacuations are required throughout the building. A person does not have to be coherent to pull the fire alarm. In the new IBC, a person would have to set off the fire alarm manually. Only construction Types IA or IB are allowed. They want to increase the construction types. In addition, they talked about putting wood on top of parking structures. We all know that wood burns faster than the current required materials. Reducing safety requirements in those buildings produces a higher risk.

The new IBC would only require smoke-proof exit enclosures. Automatic fire pumps are required now. If the new IBC is adopted, there are no mandatory fire pumps. Water connections on two separate mains are required. If we adopt the IBC, there would only be one connection. There would only be one place for the fire engine to hook up to pump water through the sprinkler system.

We have a fire pump room. If we adopted the new IBC, there would be no fire pump room. We also have a fire command center. A fire command center tells the firefighters what the incident is, whether it is smoke or water flow and its location. If we adopted IBC, those other construction types would not have a fire control room.

If we adopt the new IBC, we would have battery backup power to operate the exit signs only and no emergency generator to supply the building. If we adopt the IBC, there would be power only to egress pathways and alarm systems. All of the power in the building would be off. The building would be dark.

Here is the most important one. We require a smoke removal system which contains the smoke to the floor of origin. It protects the floors above and below the floor of origin. If we adopt the IBC, there is no mandatory floor smoke removal system.

During the 2006 Mizpah Hotel fire, 12 people died. Almost all of those deaths were due to smoke inhalation. There was no mandatory smoke removal system in that building.

SENATOR HARDY:

Do the proposals we are hearing now include smoke protection? I am talking about the MGM Grand and Mizpah fires. How does that relate to five stories?

MR. INGALSBEE:

Certain safety provisions are required depending on the height of the building. I was trying to give you a picture of what would be removed by accepting the bill as it is written.

SENATOR HARDY:

Is the Mizpah five stories or more?

MR. INGALSBEE:

The Mizpah is four stories.

SENATOR HARDY:

Are the alarm systems and the smoke-handling systems included in the proposal?

MR. INGALSBEE:

Yes, there would be minimal requirements. Whatever we require now would continue to be required in any new structures. If the 2012 IBC were adopted, they would no longer be required.

SENATOR GOICOECHEA:

This only extends to 75 feet which would be above 7 floors. Nothing that is higher than 7 floors would change.

MR. INGALSBEE:

That is correct.

SENATOR GOICOECHEA:

This would affect floors five and six. What is the difference in cost? It seems to be the construction materials involved. No one wants to talk about the

difference in the dollars that are involved. What is the square foot difference? Different construction materials are used at 55 feet versus 75 feet.

MR. INGALSBEE:

We are not 100 percent sure. The only thing I have been able to find is that it is usually about 1 percent to 2 percent of the total building cost.

SENATOR GOICOECHEA:

Then it is not cost-driven either. I want to determine what is driving this if there is only a 1 percent or 2 percent difference in cost for a 60-foot building under the existing law.

MR. INGALSBEE:

Obviously, the builders would be able to give you a better idea.

WILLIAM STANLEY (Southern Nevada Building and Construction Trades Council):

Unlike many of the people in this room, I had the displeasure of being present at the MGM fire on that day in 1980. I was also there the day after the fire at the Las Vegas Hilton. I am an elevator constructor by trade. The people called in these situations are the elevator constructors. Many of my friends, as I was that day, were assisting the firefighters at the MGM. We were trying to get the elevators working so they could be used for egress from the building.

That fire was so hot it burned the lead babbitt out of the cables. All of the elevators in the building had plunged to the basement. There was no way to use them for egress from that building. A similar situation occurred at the Las Vegas Hilton.

There was an expansion project occurring on the front side of the Las Vegas Hilton, the Las Vegas Boulevard side, at the time of the fire. Construction workers ran to the fire to help people trying to get out of that building, including friends of mine who were overcome by smoke in the stairwells. My friend and mentor John Wiles, an elevator constructor, was hoisted by helicopter to the top of the building to help firefighters in the rescue attempt. It was horrific.

When I read the 1981 legislative history, more was discussed then than has been discussed today. One of the things they talked about at the 55-foot mark was how high a firefighter or others involved in a rescue attempt could access a

building safely with their turnout gear, oxygen and all of their apparatus and carry people out of a building.

A similar statute, NRS 618 and the *Nevada Administrative Code* 618, places a similar 55-foot barrier to egress. When we are constructing a building, the 55-foot egress is the height at which an alternative means of egress is used to remove those who may be injured from that building safely. It has been determined that carrying someone over an egress height of 55 feet is unrealistic and may lead to further complications with whatever the injury or accident might have been.

A group of individuals, the first of whom was Kenny Guinn, chaired the Governor's Commission on Firesafety Codes. Not just Nevadans but people from across the spectrum and from outside the State brought much expertise to the Committee.

There were two subcommittees in 1981. The Senate put a subcommittee together to study the issue. The Assembly put a similar subcommittee together to study the issue. The two subcommittees merged S.B. No. 214 of the 61st Session and A.B. No. 505 of the 61st Session into one bill. Senator Joseph M. Neal, Jr. introduced S.B. No. 214 of the 61st Session, which was for sprinkler systems. In the Assembly, A.B. No. 505 of the 61st Session went further than that. They discussed how to handle life-safety systems and smoke migration.

New regulations for elevators and their response were included in the merged bill. I served on those code committees. What happened here in 1981 has changed the code for elevators, not just in the State but the entire world. We were the cutting edge of that technology. We required it to be put on all of our elevators. Because of that, elevators in this Country are safer. I am concerned when we change this type of law because there is a synchronization that occurs across codes.

When you pass a code, such as the IBC, it affects the American Society of Mechanical Engineers, A17.1 Safety Code for Elevators and Escalators. There has to be a consensus on how that is done. Code committees regularly go through that process.

Is there a code today for mid-rise buildings? The answer is no. We are expecting the City of Las Vegas to create a code from scratch. A better methodology exists. You can simply petition the International Building Code for those changes. They are peer-reviewed. They are voted on and they are reviewed again. You do not have to be a member of the code committee to weigh in on the changes being discussed. That is how codes in this Country evolve and how they are enacted. After the process is complete, people get together from the different codes to make sure that the synchronization works across the whole code.

The City of Las Vegas does not have that expertise. I am very concerned that the City decided to bring this bill to you today. As a member of the Division of Industrial Relations Elevator Advisory Committee within the Department of Business and Industry, I have checked with other members and no one on that Committee was consulted about what this may mean to the form of egress that is required as part of the life-safety system. I find that disturbing. No one reached out during the past year when developing their own words. No one with any knowledge or expertise was consulted.

Who is thinking this up? Where is it coming from? Is this being driven purely for financial reasons? Are we going to put life-safety aside so someone can make a buck? They did not bother to call anyone to the table who has the knowledge to develop something that matters. I do not have much confidence moving forward, given their recent track history, that they are willing to reach out and work with others.

Based on all of that, the men and women of the Southern Nevada Building and Construction Trades Council are opposed to this bill until someone can bring something to the table that shows they are concerned about what life-safety looks like. We are opposed to them creating a mid-rise code on their own.

SENATOR GOICOECHEA:

Is there a difference between the code for 55 feet and code for 75 feet or above? Is the code the same or is it more stringent between 55 and 75 feet?

MR. STANLEY:

My understanding of the International Building Code is that it describes different types of construction. It allows a certain square footage depending on the type of construction.

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SENATOR GOICOECHEA:

Those over 75 feet then all abide by the same code.

MR. STANLEY:

I did not find that 75-foot mark in the code. I found floors or square footage.

SENATOR HARDY:

Are you suggesting that we look at the regulatory process of somewhere else to tie the statute to in order to be able to change our code?

MR. STANLEY:

We adopt codes, as in NRS 455C, by reference. We do not create the code in Nevada. We adopt codes by reference in the statute.

If they want the base code, then there is a code. The IBC is adopted by most of the jurisdictions in Nevada. They are saying they want the base code, but they also want the authority to create a mid-rise code that does not exist. Either you want the base code or you do not want the base code. You cannot have it both ways. If the base code is good, then let us deal with the base code. If the base code is not good and you want to create a mid-rise code from thin air, that causes me concern.

SENATOR HARDY:

I guess that I am confused because other places have this mid-level category. They have five floors or six floors. Is that not true?

MR. STANLEY:

I spent some time reviewing the IBC for Type IB construction. My understanding is that would be high-rise construction. I did not find a reference to feet. I found a reference to floors and square footage.

SENATOR RATTI:

We need to get the facts straight. My understanding was that in IBC and IFC, 75 feet is the standard. It is true that most jurisdictions adopt those codes; however, through NRS we have made them more stringent by using 55 feet to trigger those building code restrictions whatever they are. They could be safety, building materials, elevators or a number of other things.

The reason there is not a mid-range section in building codes anywhere is because everywhere else, in theory, you can do it at 75 feet. We have made it more stringent here. I am not saying whether that is right or wrong. I am just saying we have made it more stringent at 55 feet, thus creating a need for looking at something between the 55- to 75-foot ranges.

Is that accurate?

MR. STANLEY:

If they want the base code, then the base code would give them what you have described, which is anything below or above 75 feet. I do not see that delineated in the code. There is no need to create a mid-rise code because it would be contained in the IBC.

SENATOR RATTI:

With all due respect, the need is because in Nevada we have made it more stringent at 55 feet. No jurisdiction is allowed to adopt just the IBC because NRS forces at least one amendment to the IBC which is the trigger to 55 feet.

I am not arguing the merits. I just want to make sure that we are factually accurate.

MR. STANLEY:

The City of Las Vegas is asking to do away with the 55-foot requirement that is in statute. If you do away with that and then you want the base code, the base code covers all those construction types. They are asking for something additional, which is to create a separate code that the IBC addresses today. They want to create an additional mid-rise code. That is what concerns us.

JOHN FUDENBERG (Clark County):

We oppose S.B. 67 and the amendment as written by the City of Las Vegas. We have been working with the City of Las Vegas, and we will continue to work with them to find a compromise. We agree with the City's concept and we agree with economic development, but we need to make sure that the concept does not turn into something that reduces public safety throughout Clark County.

GREG CASSELL (Chief, Clark County Fire Department):

We oppose this bill as written and the amendment because we see the potential for the reduction of fire- and life-safety systems. That is unacceptable.

Since the implementation of legislation 35 years ago, we have not had a death in a building above 55 feet in this State. That has made us a leader across the Country and across the world in fire safety. Due to social media and how quickly news spreads, any death in a fire above 55 feet would be potentially devastating to an economy based on tourism such as ours.

As for the mid-rise concept, we did not hear of this until late last week. I did not see it until Friday night. That was the first time I had a chance to review something that was being worked on for over a year. All we had was one brief conversation about the thought of doing this. We were not good with that. We did not sit down to talk about the concept. We did not have those conversations.

We are open to further conversation with the City of Las Vegas on this topic. We would like to have one code and one voice. We do not want Clark County to have one thing on the books; the City of Las Vegas to have another thing on the books; and the City of North Las Vegas to have yet another thing on the books. That is not good for responders or for the public.

SENATOR HARDY:

Because you have not heard of this, you probably do not have statistics on deaths between 55 feet and 75 feet.

CHIEF CASSELL:

We do not have any statistics on that.

PETER KRUEGER (National Electrical Contractors Association):

The National Electrical Contractors Association is the industry group and contractors who install, service and provide maintenance for all types of life- and fire-safety equipment discussed this afternoon.

We understand that this bill has a population cap. Having a State law that is applicable on terms other than population is good for the industry, for life safety, for our visitors. It just makes sense to have one standard that



firefighters and fire-safety personnel can transfer, move around with and depend on to know their responsibilities when it comes to fire safety.

Another concern is that this potentially sets up a conflict between developer and developer dollars and the life-safety, fire-safety community when it comes to what is best for an area. It should not be dollars. It should only be the safety and health of the occupants of that building.

For those reasons, we are opposed to this legislation.

RUSTY McALLISTER (Nevada State AFL-CIO):

The AFL-CIO has many members from the fire service and the building industry who are interested in this. The AFL-CIO does not stand in the way of growth and development. However, we have concerns that this is at the expense of safety for both the firefighters and the public.

ROBERT CONWAY (Iron Workers Local 433):

I have been a member of the Iron Workers Local 433 for over 37 years. I was at the MGM on the day of the fire. My little brother and I were apprentices halfway through the program when this fire broke out. We just happened to come out of the trailers that were stationed parallel to the Strip. We were walking toward the front entrance, saw many people running out of the building, and wondered what was happening. People continued to run out of the front of the building and soon after a fireball exploded through the front doors. As the fireball came through the front doors, the valet booth exploded. The fireball went from floor to ceiling and from edge to edge of the porte cochere. As it got to the end of the porte cochere, 98 percent of the fire was gone.

It just so happened that the fire hose was located where we filled the water jugs every day. It was easy for us to get to the fire hose. We were the first two people on a fire hose and in the front doors of that building. We did not go very far in because once we got inside, 98 percent of the fire was gone. The fireball consumed 95 percent of the combustible materials inside.

After we squirted water here and there, we dropped the hose and went around to the north side of the building. People were breaking out glass, tying sheets together and trying to climb down from three, four, six, eight, ten floors up. There were three or four swing stage scaffolds and several spiders hanging from the roof. People trying to escape the fire used these.

By the time the fire trucks arrived, we had been fighting the fire for a little while. We worked our way around to the north side of the building and climbed up onto the north side porte cochere, which is right across from the stage door. The point of getting on top of the porte cochere was to lower down several bodies that had landed on top of it. As people climbed down the sheets they had tied together, when they got to the second or third sheet, the sheets would come apart because they did not know how to tie knots. That is when people would fall on top of the porte cochere. We got almost everyone off the porte cochere. We tried to convince others who were still breaking glass not to climb down.

We climbed down from the porte cochere, and my brother grabbed a hook ladder from one of the fire trucks and with another ironworker climbed 26 floors on the exterior of the building, balcony to balcony. I went in the fire exit doors and into the stairwell to help get people out. I would get up a couple stringers, someone would fall into my arms, and I would try to get them outside.

Something that has not been mentioned is everything that has been stricken, such as a sprinkler at the exit corridor, elevator equipment with an automatic recall and—the biggest one for me—the HVAC system with an automatic shutoff device that blocks the smoke.

The biggest problem I had that day was in the stairwells and hallways because of the smoke. The systems that are in place make the City one of the safest in the Country. As I look at the list, more things are stricken. Those of us in the building trades do nothing but build. Arguing against building something is hard to do. However, we are not willing to build something at the expense of life safety.

Our brothers and sisters in the fire department have been left out of the conversation. Our brothers and sisters with the elevator constructors have been left out of the conversation. Clark County mentioned that it was contacted only last week about this bill. It is clear that some people are trying to circumvent our vetting system. As Senator Goicoechea pointed out, a 1 percent or 2 percent cost increase does not seem enough to justify what is going on.

I gave you an overview of what happened that day. The biggest problem was with the HVAC blocking off the smoke or exhausting it. The hallways and the stairwells turned into giant chimneys.

Everyone says that 85 people died that day. Almost 90 percent of the people who died in the fire died from smoke inhalation in the hallways and the stairwells. Seventy-five people out of the 85 died from smoke inhalation.

BART CHAMBERS (State Fire Marshal, State Fire Marshal Division, Department of Public Safety):

We are neutral on this bill. However, we have some concerns. Senate Bill 67, based upon what we have seen so far, attempts to lessen certain restrictions for high-rise buildings by changing the definition of high rise from 55 feet to 75-feet tall. I was contacted by phone only last week. I had not seen the current revisions.

We have heard about NRS 477. However, the definitions lie in *Nevada Administrative Code* 477. We currently follow the 2012 IFC. The only alteration to that was changing the definition of a high rise from 75 feet to 55 feet tall. I hope that answers some of the questions asked earlier.

We know about the MGM fire, the Hilton fire, the significant loss of life and the damage. One thing that was not touched upon is it would have cost approximately \$192,000 to retrofit that area with sprinklers versus the potential loss of tourism revenue due to that catastrophic event. That information was in the FEMA report.

State Fire Marshal regulations should be intensely scrutinized before any changes are made. The bill's sponsors had very little communication with the State Fire Marshal prior to today's meeting. I was contacted by phone by the City of Las Vegas Fire Department on Wednesday to discuss this. I asked for a copy of the S.B. 67.

One of our concerns is not working with the stakeholders. We heard the same concern from those opposed to the bill. It would be beneficial for the concerned parties to get together to review this to determine what can be done for the citizens of Nevada.

The 2015 IFC and IBC are leaning toward more restrictive fire suppression systems for high-rise structures. We will consider these changes. However, to maintain the current fire safety standards in Nevada, we will adopt the definition of a high rise at 55 feet, not 75 feet.

We are also concerned about changing the law for less than 2 percent of the population who might benefit from redevelopment. It is needed for growth, but it is still a concern.

Chapter 477.110 of NRS states that a local jurisdiction cannot adopt a retrofit requirement that is less stringent than those in NRS 477. This bill would violate that statute.

Clark County grew exponentially over the last 30 years with these requirements and codes in place. The idea that these codes restrict growth is without merit. The current code was adopted by the Legislature 36 years ago. These statutes were in place during the time of the most significant growth seen in this State. The City of Las Vegas was one of the fastest growing cities in 2006 even with this current code.

The purpose of NRS 477 was to prevent a jurisdiction from adopting a less-stringent code. We do not want a less-stringent code. This is for the safety of our residents. We have lived in the shadows of these fires at the MGM and the Hilton. We do not want to live in another shadow, such as what we saw in California with the Ghost Ship fire in December 2016.

In some instances, the low-rise, mid-rise and high-rise codes implementation mirrors California fire codes. Answers to questions regarding the low-rise and mid-rise implementation can be found in the California fire codes.

SENATOR MANENDO:

Did the former State Fire Marshal have a position on S.B. 67?

MR. CHAMBERS:

He did have a position. He was contacted prior to leaving office. He denied the request for the bill due to the change in statute. It was a brief discussion.

SENATOR RATTI:

In the testimony from the City of Las Vegas, they stated that they want to keep the IFC provisions for health and safety in place but are interested in changing some of the IBC provisions that would allow for different forms of construction. That might make something like this pencil.

Coming from local government, I am more familiar with the building code process that occurs in a region where multiple jurisdictions get together with stakeholder groups, have good conversations about what should be in or out of any given update, reach consensus and bring it back to their governing bodies. Is there any such a process at the State level where the 55 feet makes sense in life and safety, but there might be some flexibility in some of the building codes? The reason that I am asking is that we have a crisis in affordable housing. In addition, we have a crisis in many of our communities with sprawl. Are there ways that we can remove barriers in order to allow for greater density of development in the urban core to address affordable housing and sprawl without sacrificing life and safety? Is there a process that could have happened that would have gotten you to a place where you would be more comfortable?

MR. CHAMBERS:

We should have come to the table to have this discussion to identify what can be done long before last week. We are all stakeholders.

CHAIR PARKS:

Obviously, this bill is not ready to go to a vote.

MR. MCOsker:

Senator Ratti was correct in her statement about how the building codes work between 55 feet and 75 feet.

We are not trying to make our own less-restrictive mid-rise provisions. The statute does not allow us to adopt a code that is less stringent than what the State Fire Marshal requires. We are proposing a mid-rise construction level code that is beyond what the code minimums require. Everywhere else in the Country, developers are required to follow specific triggers for elevator recall, smoke-proof enclosures, smoke removal, HVAC cutoff systems and sprinklers when buildings are lower than 75 feet. All of those things are well vetted in the national code.

One person spoke about the vetting process in the ICC. In theory, we have mid-rise provisions in the code already. However, they are not found in one place. Because of the controversy with the 55-foot rule and the MGM fire, we are willing to work with the stakeholders on a mid-rise package that exceeds the current minimum code requirements.

Sprinklers are required in these buildings. The bill's opponents gave pivotal testimony about the MGM fire. During my first week on the job at the Clark County Building Department, I learned about the MGM fire. I was given the NFPA report. I know about the MGM fire even though I was not an active firefighter. Sprinklers are a most important requirement in the code. A structure cannot be built without fire sprinklers. Building inspectors always require sprinklers in a building.

The other high-rise fires mentioned were in the Monte Carlo and the Cosmopolitan. Those structures fit the high-rise definition in the 1979 code and in the 2012 code. In addition, they are high rises in S.B. 67 as amended. None of those buildings are affected by these requirements.

Sprinklers are required everywhere. No one in the business would allow sprinklers to be taken out. The NFPA report on the MGM fire states, "If sprinklers had been provided in the area of The Deli and its serving station, the potential for fire developing beyond the incipient stage and becoming life threatening would have been considerably reduced." We require sprinklers. This is not going to go away with anything we are proposing. We are going to go beyond the code minimums. We have to follow the minimum requirements.

CHIEF NOLAN:

I want to reassure the Committee that we are not trying to remove any type of retroactive sprinkler requirement that was put into place in 1981. This would be for new construction only going forward. It was never our intention to create a new code for a class of buildings. We will make a new definition, but we will capture all of the existing requirements in the IBC and the IFC. The height provisions are already there. We would not be trying to make our own code.

Seventy-five-foot high-rise buildings have a voice evacuation alarm system triggered by any initiating device such as heat detectors, smoke detectors, sprinkler heads and manual pull stations. That initiates a prerecorded voice message accompanied by strobes. In buildings below 75 feet, as required by the IFC and IBC, the alarm system is triggered automatically by sprinkler system operation, manual pulls and smoke alarms where required. However, that is not the full menu of smoke alarm requirements. The big difference is that there is no prerecorded message. There is no microphone to override the announcement. It is just horns and strobes, but it is a triggered, automatic system and it has

manual pulls. I wrote that as part of a comparison at one time, and it has been misquoted.

Sprinkler protection for the commodities that might be stored in a residence was also mentioned. When a sprinkler system is required, it has to be an occupancy design that is accepted by the "NFPA 13, Standard for the Installation of Sprinkler Systems." The proper density design, whether in a high rise, a low rise or a public assembly would protect the associated commodity. It takes into account sprinkler system designs for apartment buildings or residential systems. In a residential situation, the sprinklers throw water in a pattern that is higher up on the walls. A proper design would be dictated.

SENATOR GOICOECHEA:

In all fairness to both sides, it looks like you are deleting section 1, subsection 1, paragraphs (a) through (g) of S.B. 67. Those things would go away or at least be diminished. That is probably what brought most of the focus to the bill. Then when we look at the amendment, as you tried to fix it, it got more confusing. I hope that there is some middle ground here.

MR. MCANALLEN:

We are committed to include all of those fire suppression systems and elements for fire protection in the IFC code as we develop a mid-rise package and determine how to address the IBC issues. That is the direction we want to go and with what we have been struggling.

It is hard to refute an hour and a half worth of emotion, fear, anger and trust issues. We attempted to address this in the amendment. We have not gotten it right yet; however, we will commit to continuing to meet with opposition, supporters and those in the neutral position. Our goal is to determine how we can solve many of the problems discussed today and get to a place where we need to go.

We have heard much about past fires and horrific incidents that affected all of us at one time or another. We do not want to see that again. The City of Las Vegas is not going to build structures that will jeopardize the fire and life safety of not only the people occupying those buildings but of our firefighters who are our employees.

SENATOR MANENDO:

There was an article about a week ago that states that the shortage of affordable housing in Las Vegas is the worst in the Country. That is not just in the City of Las Vegas. It probably refers to all of Clark County. That is something of which we all have to be cognizant. No one on this Committee wants to jeopardize life and safety. I am hoping everyone can work together and find a way to compromise.

For full disclosure, my brother-in-law was there on the day of the MGM fire. He works as a stagehand and continues to do that. He is a member of the IATSE union. His father was actually president of the union. This is always a personal issue, and we need to keep talking about what we need to do.

Why is there a population cap on the bill?

MR. MCANALLEN:

Many of the northern rural jurisdictions follow the State Fire Marshal code to implement their codes. They do not have building safety officials and full-time fire marshals. Many of those people wear multiple hats. They do not have people who adopt codes or amendments that are specific to that community.

In southern Nevada, we have the SNBO. The chair happens to be Kevin McOskey. That group reviews the codes, makes recommendations and decides what is appropriate for our community. That is where we want to get with this. It will enable us to do this in Clark County in order to work with all of our stakeholders. Our amendment attempted to do that. Clearly, not everyone understood that. That is why we have a population cap. It will give permission to be able to do this in Clark County.



We do not want to disrupt anything that works for the rest of the State. Some are fearful that down the road they could run into a bill similar to this. However, that could happen in any legislative year regardless of this bill. We will work as a community to build a code for mid-rise construction that is all-inclusive rather than coming up with one and putting it in front of you right now. If we can get there, that is what we want to do. That is why we are asking for your support.

MR. MCOSKER:

Just a point of clarification, I am not the chair of SNBO. I am the chair of the SNBO Steering Committee.

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CHAIR PARKS:

Having no further business to come before the Senate Committee on Government Affairs, we are adjourned at 3:32 p.m.

RESPECTFULLY SUBMITTED:

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Suzanne Efford,  
Committee Secretary

APPROVED BY:

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Senator David R. Parks, Chair

DATE: \_\_\_\_\_

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit / # of pages</b>		<b>Witness / Entity</b>	<b>Description</b>
	A	1		Agenda
	B	7		Attendance Roster
S.B. 67	C	1	Brian McAnallen / City of Las Vegas	Proposed Amendment
S.B. 67	D	56	Thomas Dunn / PFFN	FEMA Mizpah Fire Report
S.B. 67	E	385	Thomas Dunn / PFFN	Governor's Commission on Fire Safety Codes
S.B. 67	F	8	Thomas Dunn / PFFN	Fire Sprinkler Facts
S.B. 67	G	110	Thomas Dunn / PFFN	History of Fire and Fire Codes
S.B. 67	H	30	Thomas Dunn / PFFN	NFPA Las Vegas Hilton Fire Report
S.B. 67	I	80	Thomas Dunn / PFFN	NFPA Las Vegas MGM Grand Fire Report
S.B. 67	J	127	Thomas Dunn / PFFN	OSHA Fire Service Features
S.B. 67	K	9	Thomas Dunn / PFFN	Minutes of the Meeting of the Senate Committee on Human Resources and Facilities, February 25, 1981
S.B. 67	L	7	Todd Ingalsbee / PFFN	Proposed Amendment