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S.B. 11

SENATE BILL NO. 11—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE CITY OF LAS VEGAS)

PREFILED NOVEMBER 14, 2018

Referred to Committee on Government Affairs

SUMMARY—Revises the requirements to qualify for and maintain an exemption from certain regulations concerning building codes. (BDR 42-460)

FISCAL NOTE: Effect on Local Government: No.
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 local governments; exempting certain cities from certain regulations of the State Fire Marshal relating to building codes; extending the deadline to adopt certain building and fire code standards as required to maintain an exemption from certain regulations of the State Fire Marshal; and other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, a county whose population is 700,000 or more (currently
2 Clark County) qualifies for an exemption from certain building code regulations put
3 in place by the State Fire Marshal if the county adopts and maintains building codes
4 that are at least as stringent as the most recent editions of the *International Fire*
5 *Code* and *International Building Code* as published by the International Code
6 Council. (NRS 477.030) This bill: (1) expands the exemption to include cities
7 within counties whose population is 700,000 or more; and (2) extends the deadline
8 to implement the standards required to maintain the exemption from 1 year to 3
9 years.

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

1 **Section 1.** NRS 477.030 is hereby amended to read as follows:
2 477.030 1. Except as otherwise provided in this section, the
3 State Fire Marshal shall enforce all laws and adopt regulations
4 relating to:



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(a) The prevention of fire.

(b) The storage and use of:

(1) Combustibles, flammables and fireworks; and

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

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

(c) The safety, access, means and adequacy of exit in case of fire from mental and penal institutions, facilities for the care of children, foster homes, residential facilities for groups, facilities for intermediate care, nursing homes, hospitals, schools, all buildings, except private residences, which are occupied for sleeping purposes, buildings used for public assembly and all other buildings where large numbers of persons work, live or congregate for any purpose. As used in this paragraph, "public assembly" means a building or a portion of a building used for the gathering together of 50 or more persons for purposes of deliberation, education, instruction, worship, entertainment, amusement or awaiting transportation, or the gathering together of 100 or more persons in establishments for drinking or dining.

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

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

2. The State Fire Marshal may:

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

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



3. The State Fire Marshal shall cooperate with the State Forester Firewarden in the preparation of regulations relating to standards for fire retardant roofing materials pursuant to paragraph (e) of subsection 1 of NRS 472.040 and the mitigation of the risk of a fire hazard from vegetation in counties within or partially within the Lake Tahoe Basin and the Lake Mead Basin.

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

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

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

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

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

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

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

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

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

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

9. The State Fire Marshal shall:

(a) Except as otherwise provided in subsection 12 and NRS 393.110, assist in checking plans and specifications for construction;

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



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

↳ on request or as the State Fire Marshal deems necessary.

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

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

- (a) Commercial trucking;
- (b) Environmental crimes;
- (c) Explosives and pyrotechnics;
- (d) Drugs or other controlled substances; or
- (e) Any similar activity specified by the State Fire Marshal.

12. Except as otherwise provided in this subsection, any regulations of the State Fire Marshal concerning matters relating to building codes, including, without limitation, matters relating to the construction, maintenance or safety of buildings, structures and property in this State:

(a) Do not apply in a county whose population is 700,000 or more *or a city within such a county* which has adopted a code at least as stringent as the International Fire Code and the International Building Code, published by the International Code Council. To maintain the exemption from the applicability of the regulations of the State Fire Marshal pursuant to this subsection, the code of the county *or city, as applicable*, must *, except as otherwise provided in this paragraph*, be at least as stringent as the most recently published edition of the International Fire Code and the International Building Code within ~~1-year~~ *3 years* after publication of such an edition. *If the International Code Council publishes a subsequent edition of the International Fire Code or International Building Code within the 3-year time period, before the 3-year*



1 *deadline expires, to maintain the exemption the county or city, as*
2 *applicable, must:*

3 (1) *Have adopted a code at least as stringent as the former*
4 *edition within 3 years after publication of the former edition; and*

5 (2) *Have adopted a code at least as stringent as the*
6 *subsequent edition within 3 years after publication of the*
7 *subsequent edition.*

8 (b) Apply in a county *or city* described in paragraph (a) with
9 respect to state-owned or state-occupied buildings or public schools
10 in the county and in those local jurisdictions in the county in which
11 the State Fire Marshal is requested to exercise that authority by the
12 chief executive officer of that jurisdiction. As used in this
13 paragraph, "public school" has the meaning ascribed to it in
14 NRS 385.007.

15 **Sec. 2.** Notwithstanding the amendatory provisions of section
16 1 of this bill, a county that qualified for an exemption from the
17 regulations of the State Fire Marshal concerning matters relating to
18 building codes, including, without limitation, matters relating to the
19 construction, maintenance or safety of buildings, structures and
20 property in this State pursuant to NRS 477.030 before October 1,
21 2019, maintains the exemption if the county has adopted a code at
22 least as stringent as the most recently published edition of the
23 *International Fire Code* and the *International Building Code* within
24 3 years after publication of that edition.

