

ASSEMBLY BILL NO. 97—ASSEMBLYWOMAN HARDY

PREFILED FEBRUARY 1, 2023

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to government administration. (BDR 22-526)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to government administration; providing, with certain exceptions, that governmental entities shall not prohibit the use of certain refrigerants; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, subject to certain limitations, the governing body of any city or county may adopt a building code. (NRS 278.580-278.586) **Section 1** of this bill provides that the governing body of a city or county or any other governmental entity shall not adopt a building code or take any other action to prohibit or otherwise limit the use of refrigerants that are designated by the United States Environmental Protection Agency as alternatives or substitutes to certain other refrigerants so long as the equipment containing any such alternative or substitute is installed in compliance with certain industry standards. **Section 1** further provides that a governing body of a city, county or other governmental entity may adopt a building code, ordinance or take any other action to prohibit the construction or use of an evaporative cooling mechanism.

Sections 3, 4 and 6 of this bill make conforming changes to the limit of the authority of a county or city to adopt a building code.

Section 7 of this bill provides that any building code or other action that has been adopted by the governing body of a city or county or any other governmental entity that on the effective date of this act conflicts with the provisions of **section 1** is void and unenforceable.

Section 2 of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

Under existing law, the State Public Works Board is required to adopt certain standards for the design and construction of buildings or other projects of this State. (NRS 341.087, 347.091) **Section 5** of this bill provides that the State Public Works Board shall not prohibit or otherwise limit the use of refrigerants that are designated by the United States Environmental Protection Agency as alternatives or substitutes



25 to certain other refrigerants so long as the equipment containing any such
26 alternative or substitute is installed in compliance with industry standards.

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

1 **Section 1.** Chapter 278 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *Except as otherwise provided in subsection 2, the*
4 *governing body of any city or county or any other governmental*
5 *entity shall not adopt a building code or take any other action to*
6 *prohibit or otherwise limit the use of a refrigerant that is*
7 *designated as an acceptable alternative or substitute for a class I*
8 *or class II substance by the United States Environmental*
9 *Protection Agency pursuant to 42 U.S.C. § 7671k so long as the*
10 *equipment containing any such alternative or substitute*
11 *refrigerant is listed and installed in compliance with the most*
12 *recent version of ASHRAE Standard 15, Safety Standard for*
13 *Refrigeration Systems, ASHRAE Standard 34, Designation and*
14 *Safety Classification of Refrigerants and the appropriate listing*
15 *standard, such as UL 60335-2-89 or UL 60335-2-40, as applicable.*

16 2. *The governing body of any city or county or any other*
17 *governmental entity may adopt a building code, ordinance or take*
18 *any other action to prohibit the construction or use of an*
19 *evaporative cooling mechanism or restrict water service to*
20 *properties that utilize such a mechanism.*

21 3. *As used in this section, "evaporative cooling mechanism"*
22 *means any type of cooling technology, device or equipment that*
23 *utilizes the evaporation of water as part of the cooling process.*

24 **Sec. 2.** NRS 278.010 is hereby amended to read as follows:

25 278.010 As used in NRS 278.010 to 278.630, inclusive, *and*
26 *section 1 of this act*, unless the context otherwise requires, the
27 words and terms defined in NRS 278.0103 to 278.0195, inclusive,
28 have the meanings ascribed to them in those sections.

29 **Sec. 3.** NRS 244.3675 is hereby amended to read as follows:

30 244.3675 Subject to the limitations set forth in NRS 244.368,
31 278.02315, 278.580, 278.582, 278.584, 278.5846, 278.586, 444.340
32 to 444.430, inclusive, and 477.030, *and section 1 of this act*, the
33 boards of county commissioners within their respective counties
34 may:

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

38 2. Adopt any building, electrical, housing, plumbing or safety
39 code necessary to carry out the provisions of this section and



1 establish such fees as may be necessary. Except as otherwise
2 provided in NRS 278.580, these fees do not apply to the State of
3 Nevada or the Nevada System of Higher Education.

4 **Sec. 4.** NRS 268.413 is hereby amended to read as follows:

5 268.413 Subject to the limitations contained in NRS 244.368,
6 278.02315, 278.580, 278.582, 278.584, 278.5846, 278.586, 444.340
7 to 444.430, inclusive, and 477.030, *and section 1 of this act*, the
8 city council or other governing body of an incorporated city may:

9 1. Regulate all matters relating to the construction,
10 maintenance and safety of buildings, structures and property within
11 the city.

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

17 **Sec. 5.** Chapter 341 of NRS is hereby amended by adding
18 thereto a new section to read as follows:

19 *The Board shall not prohibit or otherwise limit the use of a*
20 *refrigerant that is designated as an acceptable alternative or*
21 *substitute for a class I or class II substance by the United States*
22 *Environmental Protection Agency pursuant to 42 U.S.C. § 7671k*
23 *so long as the equipment containing any such alternative or*
24 *substitute refrigerant is listed and installed in compliance with the*
25 *most recent version of ASHRAE Standard 15, Safety Standard for*
26 *Refrigeration Systems, ASHRAE Standard 34, Designation and*
27 *Safety Classification of Refrigerants and the appropriate listing*
28 *standard, such as UL 60335-2-89 or UL 60335-2-40, as applicable.*

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

32 Section 2.200 Powers of City Council; Buildings;
33 construction and maintenance regulations; buildings and
34 safety codes. Subject to the limitations which are contained
35 in NRS 278.580, 278.583 and 444.340 to 444.430, inclusive,
36 *and section 1 of this act*, the City Council may:

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

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

43 **Sec. 7.** Any building code or other action that has been
44 adopted by the governing body of a city or county or any other
45 governmental entity before, on or after the effective date of this act



1 that conflicts with the provisions of section 1 of this act is void and
2 unenforceable.

3 **Sec. 8.** This act becomes effective upon passage and approval.

