

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY

NRS 233B.066

LCB FILE R048-24

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 477

1. **A clear and concise explanation of the need for the adopted regulation.**
 - A. Periodic updating of the editions of codes and standards as required by NRS 477.030(1) to allow for new technologies, techniques and materials in construction.
 - B. Periodic, comprehensive review and updating, in accordance with NRS 233B.050(1)(e), to the State Fire Marshal Division's regulation in NAC Chapter 477 to comply with existing statute and industry practices, remove outdated requirements and correct spelling and other language issues found during the review. The adopted regulation establishes certain requirements relating to the inspection of a fire damper, smoke damper or combination fire and smoke damper, smoke control system, Type 1 exhaust system and associated ventilation systems. This amendment also revises requirements for submitting certain data for the National Fire Incident Reporting System.
2. **A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. mail and email to persons who were known to have an interest in the subject matter as well as any persons who had specifically requested such notice. These documents were also made available at the website of the State Fire Marshal Division, www.fire.nv.us, mailed to all County libraries in Nevada and posted at the following locations: (see Exhibit "A" attached for posting locations) Other interested parties may obtain a copy of the summary by either visiting the state fire marshal website to download the summary or request a copy of the summary directly to the State Fire Marshal.

A workshop was held in conjunction with a meeting to provide advice on the subject matter established pursuant to NAC 477 on December 5, 2023 and the minutes of that meeting, attached hereto as Exhibit "B", contain a summary of the discussion

held regarding the proposed amendments. There were no proposed amendments. Thereafter, on or about June 17, 2024, the State Fire Marshal Division issued a Notice of Intent to Act Upon a Regulation

3. The number of persons who:

- (a) Attended the Workshop on December 5, 2023 – 15**
- (b) Attended the Notice of Public Hearing on July 31, 2024 - 11**
- (c) Testified at the Workshop on December 5, 2023 – 0**
- (d) Testified at the Notice of Public Hearing on July 31, 2024 - 0**
- (e) Submitted to the Agency written comments:** No written comments were submitted.

A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3, as provided to the Agency is attached as Exhibit "C".

4. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses in the same manner as they were solicited from the public. The summary may be obtained as instructed in the response to question #1.

5. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The regulation was adopted on July 31, 2024 by the State Fire Marshal without change. There was no change to the regulation as industry was in favor of the requirements relating to the inspection of a fire damper, smoke damper or combination fire and smoke damper, smoke control system, Type 1 exhaust system and associated ventilation systems. Also, there was no opposition to the change in reporting requirements to the National Fire Incident Reporting System.

6. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) Both adverse and beneficial effects; and**
- (b) Both immediate and long-term effects.**

(a) Both adverse and beneficial effects

There are no expected adverse or beneficial effects on business.

(b) Both immediate and long-term effects

There are no known immediate or long-term effects on business.

7. **The estimated cost to the Agency for enforcement of the adopted regulation.**
There is no additional cost to the Agency for enforcement of this adopted regulation.
8. **A description of any regulations of other State or Government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a Federal regulation, the name of the regulating Federal agency.**
There are no other State or Government agency regulations that the proposed regulation duplicates.
9. **If the regulation includes provisions that are more stringent than a Federal regulation which regulates the same activity, a summary of such provisions.**
There are no Federal regulations that apply.
10. **If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**
This regulation does not provide a new fee or increase in an existing fee.

NEVADA COUNTY PUBLIC LIBRARIES

Carson City Library, 900 N Roop Street, Carson City, NV 89701

Churchill County Library, 553 S Main Street, Fallon, NV 89406

Las Vegas-Clark County Library District Headquarters, 7060 W Windmill, Las Vegas, NV 89113

Douglas County Public Library, 1625 Library Lane, Minden, NV 89423

Elko County Library, 720 Court Street, Elko, NV 89801

Esmeralda County Library, Corner of Crook & 4th Street, P.O. Box 430, Goldfield, NV 89013

Eureka County Library, 10190 Monroe Street, Eureka, NV 89316

Humboldt County Library, 85 E 5th Street, Winnemucca, NV 89445

Battle Mountain Branch Library (Lander County), 625 S Broad Street, Battle Mountain, NV 89820

Lincoln County Library, 63 Main Street, P.O. Box 330, Pioche, NV 89043

Lyon County Library System, 20 Nevin Way, Yerington, NV 89447-2399

Mineral County Public Library, P.O. Box 1390, Hawthorne, NV 89415

Pershing County Library, P.O. Box 781, Lovelock, NV 89419

Storey County Treasurer and Clerk's Office, Drawer D, Virginia City, NV 89440

Tonopah Public Library (Nye County), P.O. Box 449, Tonopah, NV 89049

Washoe County Library System, 301 South Center Street, Reno, NV 89501

White Pine County Library, 950 Campton Street, Ely, NV 89301

Name	Email
Admin Distribution	admin@centralfirenv.org
Brett North	bnorth@whitepinecountynv.gov
Brian O'Connell	boconnell@dps.state.nv.us
Carla DiBlasi - Windmill Library	carla.dibiasi@thelibrarydistrict.org
Carson City Library	posting@carsoncitylibrary.org
Chris McCubbins	cmcubbins@cityofsparks.us
Churchill Co Fire - Alex Halfner	ahalfner@fallonfire.org
Clark County Fire - Chris Due	chris.due@clarkcountynv.gov
Clark County Fire Trng Ctr- Yvette Burton	yvette.burton@clarkcountynv.gov
Dale Way	dway@tmfpd.us
Eric Howes	howese@wccld.org
Henderson Fire - Kirk Estes	kirk.estes@cityofhenderson.com
Henderson Fire Dept - Katie Steklasa	katie.steklasa@cityofhenderson.com
Holly Megee	hmegee@eastforkfire.org
James Johnston - Elko Fire Dept	jjohnston@elkocitynv.gov
Jeanette Martin	jmartin@cityofsparks.us
Jeremy Loncar	jloncar@storeycounty.org
Kinzie Compston - Elko Fire	kcompston@elkocitynv.gov
Kris Rowlett	krowlett@tahoefire.com
Lailani Quenga	lquenga@nsbaidrd.nv.gov
Nevada State Library & Archives	nsapostings@admin.nv.gov
NV State Board of Architecture	nsbaidrd@nsbaidrd.nv.gov
NV State Board of Prof Engineers & Land Surveyors	mblaney@boe.state.nv.us
Pahrump Community Library	assistdir@pahrumplibrary.org
Patrick Stork	firechief@cityofelynv.gov
R Resnick	rresnick@mesquite.nv.gov
Rick Rozier-LVF&R	rrozier@lasvegasmv.gov
Sandy Francis	sfrancis@tmfpd.us
Sarah Dill	sdill@elkocountynv.net
Shelby Price - Carson Fire	SPrice@carson.org
Stad Loncar	sloncar@centralfirenv.org
Stephanie Turner	s.turner@dps.state.nv.us
Tray Palmer	palmer@reno.gov

Exhibit A

MINUTES

Nevada State Fire Marshal Division

December 5, 2023

9:30 a.m.

Location:

Nevada State Fire Marshal Division

107 Jacobsen Way, Area 51, Carson City, NV 89711

Present:

Chief Mike Dzyak, State Fire Marshal Division
Lt. Joe Rodriguez, State Fire Marshal Division
Bureau Chief Albert Ruiz, State Fire Marshal Division
Connie Etchison, State Fire Marshal Division
Nicole Hoekstra, State Fire Marshal Division
Brandilyn Baxter, (SERC) State Fire Marshal Division
Jennafer Jenkins, State Fire Marshal Division
Becky Kling, State Fire Marshal Division
Jamie Ellison, State Fire Marshal Division
Dale Way, Truckee Meadows Fire Protection District
Brittany Lemon, Truckee Meadows Fire Protection District
Nathan Hastings, DAG, State of Nevada (via teams)
Jesselyn De Luna, DAG, State of Nevada (via teams)
Dan Musgrove, VP, S360 (via teams)

1. **CALL TO ORDER (Non-Action Item).** The meeting was called to order at 9:33 a.m. by Lt. Joe Rodriguez. Lt. Rodriguez stated that item #4 of the agenda was being pulled as an Impact Statement had not been prepared.
2. **PUBLIC COMMENT (Non-Action Item).** There were no public comments.
3. **Public input will be taken on potential changes for NAC 477.905 National Fire Incident Reporting System requirements, Sections 1-2 and Sections 5 and 7. (For Discussion Only)** Nicole Hoekstra stated that the intent of the potential changes as reflected (see exhibit "A" attached) was to clean up the verbiage. Chief Dzyak stated that he supported the potential changes.
4. **Public input will be taken on potential new code sections for NAC 477.300 Section 15. An act relating to fire-resistant material applicators; to provide for training, registration, and certification; to provide definitions; to provide for violations; to provide for fines; to provide for enforcement. (For Discussion Only).** Lt. Joe Rodriguez stated that this item was being pulled from the Agenda and Dan Musgrove stated that he will be looking forward to future discussion pertaining to this matter.

Exhibit B

5. **Public input will be taken on potential new code sections for NAC 477.781. Maintenance of all airflows per air balance schedule. (For Discussion Only).** Albert Ruiz stated that the intent of the potential changes as reflected (see exhibit "A" attached). There was no public input.

6. **Public input will be taken on potential new code sections for NAC 477.351. Maintenance of Fire Life Safety Dampers. (For Discussion Only).** Albert Ruiz stated that the intent of the potential changes as reflected (see exhibit "A" attached). There was no public input.

7. **Public input will be taken on potential new code sections for NAC 477.352. Maintenance of Smoke Control Systems. (For Discussion Only).** Albert Ruiz stated that the intent of the potential changes as reflected (see exhibit "A" attached). There was no public input.

8. **PUBLIC COMMENT (Non-Action Item).** Chief Dzyak thanked Dan Mosgrove for his patience and has his commitment to discuss the fire-resistant material applicators in the future. Dan Mosgrove thanked Chief Dzyak. Nathan Hastings pointed out that Jesselyn V De Luna will be transitioning to be point of contact (as DAG) for the division in the future. Lt. Rodriguez thanked Nathan Hastings for his representation of our Division.

9. **ADJOURNMENT (Discussion/For Possible Action).** Lt. Joe Rodriguez adjourned the meeting at 9:44 a.m.

NEVADA STATE FIRE MARSHAL DIVISION PUBLIC WORKSHOP - DECEMBER 5, 2023

107 JACOBSEN WAY, CARSON CITY, NV AND VIA TEAMS

Signature Attesting Attendance

Telephone Number & E-Mail

Company

Title

Name

1		Mike Dzyak	Chief-State Fire Marshal	State Fire Marshal Div.	775-684-7525 mdzyak@dps.state.nv.us
2		Connie Etchison	Executive Asst.	State Fire Marshal Div.	775-684-7525 cetchison@dps.state.nv.us
3		Joe Rodriguez	Lieutenant	State Fire Marshal Div.	775-684-7541 j.rodriguez@dps.state.nv.us
4		Albert Ruiz	Bureau Chief	State Fire Marshal Div.	775-684-7532 albert.ruiz@dps.state.nv.us
5		Nicole Hoekstra	Bureau Chief	State Fire Marshal Div.	775-684-7526 nrhoekstra@dps.state.nv.us
6		Becky Kling	Program Officer	State Fire Marshal	775-684-7530 F.Kling@dps.state.nv.us
7		Jamie Ellison	Administrative Assst	State Fire Marshal	775-684-7530 jellison@dps.state.nv.us
8		Brandilyn Burt	State Admin. ^{MAS}	SERC	775-684-7516 B.Burt@dps.state.nv.us
9		Jennifer Johnson	Fiscal Svs. Chief	SFMA	Jennifer.Johnson@dps.state.nv.us
10		Brittany Lemon	Fire Captain	TMFPD	blimon@tmfpd.us 775-326-4079
11		Dale Way	Deputy Fire Chief	TMFPD	dway@tmfpd.us 775-326-6005
12		see above			

NEVADA STATE FIRE MARSHAL DIVISION PUBLIC WORKSHOP - DECEMBER 5, 2023

107 JACOBSEN WAY, CARSON CITY, NV AND VIA TEAMS

NEVADA STATE FIRE MARSHAL DIVISION PUBLIC WORKSHOP - DECEMBER 5, 2023

107 JACOBSEN WAY, CARSON CITY, NV AND VIA TEAMS

Signature Attending Attendance Name Title Company Telephone Number & E-Mail

13	via Teams	Nathan Hastings	DAG	State of Nevada	775-684-4606 nhastings@ag.nv.gov
14	via Teams	Dan Musgrove	VP	S360	702-860-9900 danm@strategies360.com
15	via Teams	Jesselyn De Luna	DAG	State of Nevada	702-486-8040 jdeluna@ag.nv.gov
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NEVADA STATE FIRE MARSHAL DIVISION - ADOPTION HEARING - JULY 31, 2024

107 JACOBSEN WAY, CARSON CITY, NV AND VIA TEAMS

Signature Attesting Attendance	Name	Title	Company	Telephone Number & E-Mail
	Mike Dzyak	Chief-State Fire Marshal	State Fire Marshal Div.	775-684-7525 mdzyak@dps.state.nv.us
	Connie Etchison	Executive Asst.	State Fire Marshal Div.	775-684-7525 cetchison@dps.state.nv.us
	Joe Rodriguez	Lieutenant	State Fire Marshal Div.	775-684-7541 j.rodriguez@dps.state.nv.us
	Albert Ruiz	Bureau Chief	State Fire Marshal Div.	775-684-7532 albert.ruiz@dps.state.nv.us
	Nicole Hoekstra	Bureau Chief	State Fire Marshal Div.	775-684-7526 nrhoekstra@dps.state.nv.us
	Dennis Pinkerton	Bureau Chief	State Fire Marshal Div.	775-684-7520 dpinkerton@dps.state.nv.us
	Josselyn Seluna Daig		State of NV	702-486-8040 jdaig@ag.nv.gov
	Rich McKnight	Training Bureau SFM		775-684-7522 richard.mcknight@dps.state.nv.us
	Sheri Busingeaman	Deputy Director	DPS	775-684-4536 sbusingeaman@dps.state.nv.us
	Britton Winton	Fire Captain	TMFPD	winton@tmfpd.us 775-326-6079
	Dale Wray	Dep. Fire Chief	TN FPD	d.wray@tmfpd.us 775-326-6005