

MEMBERS PRESENT: Chairman Dini
Mr. Craddock
Mr. Jeffrey
Mr. May
Mr. Mello
Mr. Polish
Mr. Nicholas
Mr. Redelsperger

MEMBERS EXCUSED: Vice Chairman Schofield
Mr. DuBois
Mr. Prengaman

GUESTS PRESENT: Mr. Tom Huddleston
Mr. Marty Richard
Mr. Phil Harrington, City of Reno

Chairman Dini called the meeting to order at 8:20 A.M.

Mr. Dini stated that the committee was here to discuss the amendments to A.B. 505.

Mr. Dini stated that we were going to have to make some philosophical decisions in this.

Mr. Dini asked if the committee members all had a copy of the amendments. A copy of the amendments are attached to the Minutes of this Meeting as EXHIBIT A.

Mr. Dini stated that the committee should decide if they wanted to put a moratorium on the cities, counties or local governments for having a stricter ordinance than the State law.

Mr. Craddock stated that he did not have any problem with that to go for a reasonable point in time because this may be the only solution. I think it is almost inevitable.

Mr. Redelsperger stated that you can always have them appeal to the Fire and Safety Board.

Mr. Jeffrey stated that he thought that they were going to have to do something to go beyond the scope of the bill because there are too many things that we don't address here. It was mentioned the other day to use the Fire Safety Board as an appeal process and Paul (May) mentioned that we may have a constitutional problem with that. I don't know whether we do or not, but what do you think of the local entity going to the Fire Safety Board and then the Fire Safety Board making the recommendation to the Commission.

Mr. Redelsperger stated that he did not see any problem with it except time and maybe in the meantime we can get a legal opinion

from counsel on if the Fire Safety Board would have the authority to grant it. If not, they can come to the Commission.

Mr. Nicholas stated that he thought that was a good compromise.

Mr. May stated that there is no nationally recognized fire agency or board or commission or organization?

Mr. Huddleston stated that to his knowledge there isn't. There is just nothing on the national level like that.

Mr. Jeffrey stated that there is a general philosophy in the building code that if the building passes the code when it is built it so passes in code in the change of use. The philosophy of this bill is a lot different than the general philosophy with the building code as far as retrofitting.

Mr. Dini stated that he did not think that we could repeal the Clark County and Douglas County ordinances.

Mr. Craddock stated that even the people that are involved in those ordinances cannot tell us how they will affect other sections. They have indicated that they are already going farther than anything that has ever been demanded of them. I don't think that that's the problem at all getting the people to do what should be done.

Mr. Dini stated that in Douglas County they agreed to the ordinance before they passed the law - Harvey's is already fully sprinklered and Harrah's is going to go and so is Sahara so there is no problem there.

Mr. Craddock stated that some of the problems in Douglas County are in those old fire districts which we set up there years ago in a haphazard fashion and there is not adequate access now. That is one of the things that Douglas is looking at that the Gaming Association and Resort Association has absolutely nothing to do with.

Mr. Dini stated that he did not know what the problem would be in Clark County.

Mr. Craddock stated that part of it is the firewalls that go up the exterior of a couple of the major hotels - the way they are closed off is part of the problem. The glass that goes all the way down to the floor and they want to close off the panel. I don't think that the industry will resist in doing that in the first place. But do we want to address that type of a situation.

Mr. Jeffrey stated that he did not think that there was any way they could cover all of the possibilities. That is the problem.

Mr. Redelsperger asked Mr. Huddleston if there were any states that had a stronger code - Uniform Building Code - than we do

right now - the 1979 one.

Mr. Huddleston stated that there are several different building codes that are used around the country and it depends on what part of the country you are in. This western region uses the Uniform Building Code and it is starting to infiltrate as far back as Minnesota and some of the other midwestern states. To my knowledge there is not anything stronger. The City of New York has had a retrofitting ordinance that they fought through the courts for the about ten years or so. This is probably the first place that I have seen a retroactive ordinance tied directly to the building code, but again that is based on the premise of the codes in the first place.

I sat as Chairman as Vice Chairman of the Uniform Fire Code Committee and on the correlating committee for the Uniform Building Code and it was never our intention as we write that code to exclude writing local ordinance to fit local situations. So as a consequence you end up with a wide variety of application, but most of the time retroactive ordinances are tied to the fire code primarily because the building code - the philosophy is that the building code is used to building a building, number 1, the building inspector goes in and takes care of that building up until it is built. After it is built, that is the last time the building department goes into the building unless there are additions, or remodeling or something that demands their attention. The rest of it from that point on - the maintenance and any related systems are by the fire departments, so I am not aware of any anyplace in the country.

Mr. Jeffrey stated that the building departments - and I know they do in Henderson and I think they do in Las Vegas - in the county, they go in - and basically they go in on a change of business license - they check and see if there are any code violations and require that it be brought up to code, but that is the only other time.

Mr. Redelsperger stated that that was what they tried to do. We had to come up with some criteria to start with and we figured it wouldn't be more stringent than the Uniform Building Code - and maybe we should adopt some legislation to allow them to come in with retrofit bills. If we try to come up with something uniform everybody in the State could understand what their responsibilities were and from that point if we were to come up with something more stringent they can appeal to the Fire Safety Board and get a variance. I have no objection to that.

Mr. Craddock stated that he did not find any problem with that either. That to me is not the proper authority for the final determination - it should go to some State Board - and the Legislative Commission comes to my mind.

Mr. Nicholas stated so in summary we grandfather and go with an

appeal process to allow them to go more stringent than they want to. That sounds fine to me.

Mr. Craddock stated that he did not buy grandfathering anything more stringent.

Mr. Dini stated that if Douglas County has made a deal with the clubs at the Lake then why should we repeal their ordinance.

Mr. Craddock asked why they should not go through the appeals process.

Mr. Dini stated that they are already working at it.

Mr. Craddock stated so was Clark County. And so are Sparks or Reno.

Mr. Nicholas stated that he wondered whether or not a criteria might be has sufficient money already been expended or at least contracted for so that somebody would suffer a loss if there were a change here.

Mr. Craddock stated that people that have construction or are in the process under a more rigorous condition than what we are coming forward with certainly are not going to back up and change. They are not going to take it out.

Mr. Nicholas stated that they might have preferred to go for a lower standard though.

Mr. Craddock stated that they may have originally but if the process is already in operation and partially completed there is nothing that I can find to rationalize where they would back up and take it out and go to a weaker one. If they already have a process - what are they going to do, go the contractor and stop the people from going on. In many instances, I am convinced that people are going to go to a more stringent condition.

Mr. Dini asked how many cities and counties have retrofitting.

Mr. Huddleston stated that he was not absolutely certain but there was probably a total probably somewhere in some process or some form of getting it on there are probably about - a lot of them scattered around the State. There are a lot of them that are holding off to see what you people do before they do anything locally. The City of Las Vegas for example has backed off completely on their retroactive ordinance until they find out what you are going to come out with here and I am sure that is true of several other entities.

Mr. Huddleston stated with regard to active ones, he was only aware of about three - three or four active.

Mr. Dini asked what Washoe County had.

Mr. Craddock stated that we had discussed Boulder City, we discussed Clark County, we discussed Douglas County.

Mr. Huddleston stated that he thought in the instance of Reno that it is probably less restrictive than what is required.

Mr. Phil Harrington, Director of Buildings for the City of Reno stated that they have been required for the past two years a full detection. We give the owner the option of either a full sprinkler system or a full detection system, monitored to a central company to the fire department. We have been doing that for the past few years and you have some significant buildings that are fully detected buildings. Based on the philosophy that we maintain certainly several years ago for the life safety of the people that are in there and also for the early notification to the fire department that there was a smouldering fire getting started.

Mr. Craddock asked if that was on 10,000 square feet.

Mr. Harrington stated that that is based on 10,000 square feet - any existing building.

Mr. Craddock stated that we were talking about Uniform Building Code - 12. So that is distinctly one.

Mr. Harrington stated that that was in addition to the building code law that we had passed back in 1975.

Mr. Dini stated that the committee now had a copy of the amendment to the bills and would go over the amendments.

Mr. Dini stated that State and local entities may not adopt or enforce an ordinance which requires stricter measures than are required for retrofitting.

Mr. Dini stated that was the proposal.

The committee then discussed the next amendment - the ordinance applies to buildings and occupancies covered within this bill only when there is a change of use, business license or occupancy of the building, or the board of building, fire and life safety reviews the ordinance and makes recommendations to the legislative commission, and the legislative commission approves the ordinance.

Mr. Redelsperger asked if the committee thought that it should go to the Fire Safety Board first.

Mr. Dini stated that that was what it was called, the Board of Fire, Safety and Life Safety.

Mr. Jeffrey stated that he felt we should cut that back to Fire

Safety Board.

Mr. Dini brought up the question of grandfathering in Douglas and Clark with their existing ordinances.

Mr. Redelsperger stated that Clark just passed one the other day. What was it? Does anybody have any idea? Any comments on it?

Mr. Huddleston stated that it runs pretty close to the Governor's Commission on Fire Safety Codes with a couple of exceptions. They have allowed some outs there for the local industry if they want to go in and try to get a variance on a local level - they have made provisions for the local board there to consider variance. Essentially there is not a great deal of difference - it is more stringent in a couple of areas and probably deals with a couple of things outside of what this bill deals with. I guess the question I wanted to ask is if you do something like that what are you going to do with the areas that have an ordinance less stringent than what you are proposing if you choose to grandfather it.

Mr. Jeffrey stated that if it is less stringent, then he thought that they have to come up with these provisions.

Mr. Craddock stated that he felt that Tom (Huddleston) had already covered it. Apparently Tom is aware of four places where they are at least working on this type of an operation and we are not.

Mr. Dini stated that he did not want to abolish the Douglas County ordinance because they were already going with that and we don't want them to get messed up. That has been in place for months.

Mr. Jeffrey stated that they said the other day that they had been working on it for two years and that they had reached agreement with everybody that is concerned, but I kind of agree with Phil (Harrington).

Mr. Craddock stated that this comes back to the problems with compliance.

Mr. Jeffrey stated that it is one thing for an industry that is under the gun to say that they agree with everything that is done, but then it is something else sometimes to make them comply afterward - we have seen that. We see it in the building area all the time, everybody agrees that things need to be done, but getting them to do it is sometimes a different story.

Mr. Nicholas stated that he just had one loose end on the Douglas County thing. Mr. Nicholas asked Mr. Huddleston as far as Caesar's is concerned, that is new enough so that they don't have the problem of retrofit. Am I correct on that?

Mr. Huddleston stated that he was not sure if Mr. Nicholas was correct but that he did not have enough personal knowledge of that individual building to be able to tell you. It was common practice when these buildings were built, even recently. If they were over 75 feet tall we have had a law on the books since 1978 that required them to be sprinkled throughout. I am not certain off the top of my head whether that fell under that criteria or not. If it is not then there is a chance that they may have some addition there.

Mr. Nicholas stated that in 1978 all they had was steel up - just as an aside.

Mr. Huddleston stated that if the permit had been issued prior to the adoption of the regulation, then it would not have been affected by the regulations - because I make no retroactive provisions.

Mr. Nicholas stated then we don't know.

Mr. Huddleston stated that they did not know but he assumed that they had worked it out in some manner. It is common practice to sprinkle the first couple of floors - the casino area and the larger assembly areas - say on the mezzanine or second floor level and then stop the sprinklering from that point on and just go with detectors or something of that nature. So they may very well have a situation like that.

Mr. Dini stated that he thought that the Sahara and Harrah's are the two that are not sprinklered. Harvey's is completely sprinklered in their remodeling program they have done the whole thing on their own. The Holiday Inns have drafted the ordinance themselves and the Sahara is the last one.

Mr. Dini stated that a fellow from the fire board came down to see him and stated that they don't want to see it change and I don't blame them - they have worked very hard on it.

Mr. Craddock stated that he can appreciate that but in the meantime I don't want to get someone else caught in the mousetrap and I would certainly be most reluctant to permit Douglas County to set the standards for the rest of the State when we have nationally proven methods to work from. That is my problem.

Mr. May asked Mr. Huddleston asked what general areas are the more stringent ones as opposed to this legislation - and also less stringent. What is more stringent in the way of requirements that we do not require.

Mr. Huddleston stated that he was not sure that he could put that together for Mr. May totally. Several have based their retroactivity or retro-application of sprinklers, for example on a lower square footage or a lower height figure than what you have in the bill.

2158

In other words, they may have chosen to cut off at 45 feet or even 35 feet or less in some instances. There are several areas that have more restrictive cut off points on height or square footage of the buildings for retrofitting. There are some areas where they have gone outside of the things that were addressed within the Governor's Commission on Fire Safety Codes and gotten into what Mr. Craddock was talking about earlier spando protection or eyebrow protection stop fire levels and some of the other things that have not been addressed in this report, so up until this point, even when I wrote my regulations, I specify in the regulations that if there is any type of conflict between what I adopt on the State level and what is adopted on the local level that the more stringent that applies to the greatest life safety shall apply, so they have never had a restriction like this in the past. Whatever we adopt has been a minimum and must be enforced as a minimum and then if they had a particular situation or something within their specific area or a firefighting capability was not adequate in their opinion, then if they wanted to do something more stringent to offset that ability then they did so by adopting more stringent laws.

Mr. May stated that he would guess that we are trying to set up basic standards. I think the only concern that I would have is that some local entity might require more stringency. I think if you can say if they adopt more stringent requirements as long as it doesn't conflict or doesn't require undoing what they have begun to do with the State law. You mentioned eyebrow and I haven't the slightest idea what that is - I assume it is some kind of a minimum -

Mr. Huddleston stated that it comes out on a horizontal plane from the building and it is there to stop fire from lapping out one lower story window and into the one above. You use a panel.

Mr. May stated that there were some add ons that local governments could require at their option in addition to what you require.

Mr. Huddleston stated that there is really two sides to this thing. There always has been. It is very difficult in a lot of instances for the local fire department to provide the equipment or manpower necessary to fight a fire in some of these buildings and particularly when you get into a smaller bedroom type situation like you've got at Lake Tahoe, at Stateline. On the other hand, the industry has got a real problem because there is nothing to prohibit somebody from coming back every two or three years and adopting a retroactive ordinance, and require them to spend a great deal more money. So there really are two valid sides. I think the potential of some type of review if you chose to go with some overriding limit here, there has got to be some relief available to that local department to try to get something on that is more stringent if they've got a particular situation that warrants it. It is one thing to talk about Las Vegas and an MGM type situation where they've got roughly 500 or 600 firefighters available in the valley and even after that was exhausted we ended up bringing units from as far away as San

Bernardino in there to try to control those fires. It is something entirely different to get into a high rise fire here in Carson City where Chief Cease has got a total of 57 people available including all of his volunteers, or at Stateline where you've got 65 people available in the entire area. So there has got to be enough flexibility or at least some vehicle there to allow some relief if you are going to put a cap on what we adopt. That is my opinion.

Mr. Craddock stated that we have other outlying communities in the State other than the Tahoe basin - the Mount Charleston area and of course several others, but Mount Charleston immediately comes to mind as to what could happen when you talk about the availability of firefighting equipment and the access roads and this type thing. There are considerable parallels to the Tahoe basin and the Charleston area at certain times of the year and I am sure that other sections of the State have the same situation, so this is where I have difficulties. It just doesn't seem to me like something we can pass over lightly.

Mr. Redelsperger asked Mr. Huddleston what his opinion is on it. According to this fire safety board and the way it is made up, do you think that they would be qualified to handle the variances on those local changes.

Mr. Huddleston stated that he would think so just by virtue of the makeup of the board. To a large extent you have given representation from both areas that you are likely to have the greatest number of variances in. I guess that the biggest problem that the local fire department has with that is this whole thing of big brother telling you what you can and can't do on the local level and obviously when I was with the City of Las Vegas I felt a great of that myself.

Mr. Redelsperger stated that this was the first time he had gone this route and we've got to -

Mr. Huddleston stated yes he thought there was qualification there and to make up what you've given them you've got most of the discipline that at least that were involved in code enforcement with the architect, engineer, building officials, fire officials and what have you.

Mr. Redelsperger stated that this does not become effective until July.

Mr. Huddleston stated that it is effective on passage and approval.

Mr. Jeffrey stated that one of the problems that we had the other day in talking with Boulder City is that they've had an ordinance in effect for some time and other areas may also. I think if we would use this bill as a minimum, what we've already agreed on, and if we grandfathered the local ordinances in as of January 1st, and then made all of them from that time on go through the appeal process, I think that in the case of an area like Douglas County

where they have worked out their differences I don't see where they would have any problems, because if the industry agreed with them, and they would be the ones primarily to object and I think that the dual process would be pretty simple.

Mr. Craddock questioned if Mr. Jeffrey meant January 1, 1981.

Mr. Jeffrey answered affirmatively.

Mr. Jeffrey stated that way in places like Boulder City or North Las Vegas or Henderson or whoever had an ordinance at that time and had been working with it and they have had those requirements, it is nothing new and anything that they wanted to adopt after that time, they would still have to go to the appeal process.

Mr. Craddock stated that perhaps we should go to January 1, 1980.

Mr. Craddock stated that he was talking about backing up beyond the catastrophic event that brought the whole thing to a head.

Mr. Jeffrey questioned whether there had been any ordinances adopted since the MGM fire? I am not aware of any.

Mr. Redelsperger stated that what they were saying though is that if they are less they will have to be brought up - they are not grandfathered in any lower.

Mr. Huddleston stated that he thought that the Douglas County ordinance was not actually adopted until after the MGM.

Mr. Dini stated that it was adopted four weeks ago. The final meeting was four weeks ago.

Mr. Jeffrey stated that they still would have to go through the appeals process, but I don't see where that should be a real problem.

Mr. Redelsperger stated that he didn't either.

Mr. Craddock stated that this would take care of the little problem that Reno has. I am thinking in terms of the emotions that are involved.

Mr. Jeffrey stated that we should then go back to July of 1980. I don't know when these ordinances may have been adopted. I assume that the entities that have the retroactive ordinance have been in effect for some time, certainly before July of 1980.

Mr. Huddleston stated that Douglas County is the only one that I am aware of that has adopted anything since -

Mr. Dini stated that he thought January 1, 1981 is the best date.

Mr. Redelsperger stated that he did not really have any problem with that.

2161

Mr. Craddock stated that he was considering the emotional display.

Mr. Jeffrey stated that he did not think that anybody has reacted at this point. I think that those ordinances were just adopted.

Mr. Dini stated that what will happen, for instance, with Reno that does not meet the minimum of this bill, is that they will have to come to the fire safety board, right, and either get a waiver or else have to meet these minimums.

Mr. Huddleston stated that the way we have it reading now it says to show substantial compliance with the intent and certainly that could go either way.

Mr. Dini asked Marty Richard of the City of Reno what he thought about that and if he could live with it.

Mr. Richard stated if it would be looked at in that light where the fire safety board would be able to give credit to those places that have installed systems like we have been talking about, I think that that would be something that we could work out.

Mr. Jeffrey stated that that would have to be their decision. It would not be on the ordinance level - it would be on a case by case basis as I understand it.

Mr. Redelsperger stated that it sounds good.

Mr. Craddock stated that he was still having a little bit of difficulty in the area of where changes have occurred.

Mr. Huddleston stated that a lot of those are in a holding pattern. The City of Las Vegas is a good example. They've got a retroactive ordinance - they are not pushing it because they are waiting to see what happens here. Elko has looked at a potential retroactive ordinance but they are not pushing it until they see what happens here.

Mr. Jeffrey stated that what Tom (Huddleston) said was that there were probably three or four that had an ordinance that is probably more strict than this, and not that they have done it in the last few months.

Mr. Huddleston stated that that was right and that is why when you said four I was only counting the three, because with the City of Reno I do not consider to be more.

Mr. Craddock asked what the problem would be then in going back some time prior to the MGM catastrophe.

Mr. Redelsperger stated that he did not think it would be necessary.

Mr. Craddock stated that we did not know and that's the point.

Mr. Craddock stated that he felt strongly and that in this whole thing we should divorce emotionalism as much as possible from it.

Mr. Craddock stated that Mr. Roy Parrish sat here and told us that we had had not one loss of life in the last 22 year history of the City of Las Vegas until this thing occurred. I think we should recognize that -

Mr. Jeffrey stated that he did not have any problem with going back to July. Mr. Jeffrey asked Mr. Huddleston if he was aware of any ordinances that have been adopted after July.

Mr. Huddleston stated that he was not really cognizant enough to be able to give you an intelligent answer at this point. We can find out. I am sure that you are aware that Clark County just did one last Tuesday, and then obviously Douglas County some where in the last month or so formally got it on the books. I am not aware of anything else before that.

Mr. Craddock stated that he would not just keep arguing the point but that he would be happy with July 1st, 1980 instead of January, 1981.

Mr. Jeffrey stated that he did not have any problem with that.

Mr. Dini stated that we are talking about getting an amendment made so we can get a redraft - I personally prefer January 1, 1981.

Mr. May stated that he did too and he so moved.

Mr. Nicholas seconded the move by Mr. May.

Mr. Dini stated that the motion by Mr. May was for January 1, 1981.

The motion carried unanimously.

Mr. Dini then asked the committee to discuss the proposal of the appeals to the Fire Safety Board and the Legislative Commission.

The committee agreed.

Mr. Dini stated that in Section 2 there was some discussion about authority. I think there are a lot of good arguments that could be made that the fire chiefs after the building has been built should be the authority on that.

Mr. Craddock referred to retrofitting, core drilling and structural beams. He stated that the bottoms of some of those structural beams should be tested because we could have a collapse of a structure if the proper review was not put into it. I am not saying that if the fire people have the authority they would pull off something like this, but I am certainly not saying that they wouldn't either.

Mr. Craddock stated that he had seen some structural engineers make some pretty good blunders down through the years.

Mr. Craddock further stated that he could live with local control. I think that the building department is the one who has historically handled you might say first line, but I can live with local control if they can convince their local people that the fire department should have final say in retrofitting as a package. I guess I could live with that. Some of the things that we are getting into may very well prove more complicated than the original construction.

Mr. Jeffrey stated that most of the things that we are talking about on the local level have taken place in construction too. As far as the ongoing inspection, there is no question that that should be done by the fire department. If we go to Section 3, and talk about emergency lighting approved by the authority, that is going to be done either before, during the construction, self closing doors approved by the authority, those are going to be installed during the construction period and there is still the out that if local authorities disagree with the building official maybe they have the authority to name whoever they want to.

Mr. Redelsperger asked what was wrong with a joint authority where if they had an impasse if they could go to the local subdivision, if it is the City of Las Vegas, the City Council, and if it is the county, they can go to the County Commissioners, and try to resolve the dispute.

Mr. Jeffrey stated that you get into a problem area. The thing that I don't like about that is I think you ought to go to one authority and that person is there on a day by day basis rather than have to wait to go to a commission meeting to decide the dispute between two different type authorities.

Mr. Huddleston stated he would like to try one more time to point out that there are similar disciplines involved here, but there are two totally different philosophies. The vast majority of the building inspectors come out of the building trades themselves, and that is great - it is very necessary and certainly you need that type of expertise. You also need the structural calculation that is available through the building department and a number of other areas. But there is a different philosophy and the biggest argument and the biggest philosophy we have had back and forth between building and fire departments down through the years, has been the fact that the building department generally is not exposed until after the fact to the fire fighting situation and does not realize what the potentials are. I dare say the vast majority of the people that I work with on a day to day basis unless they are active in the fire service do not realize what the potential devastation of a large scale fire is until they have a chance to get through a few of them. And so we end up with one group looking at one thing and one group looking at another. Even on the 2164

code writing level itself, when we write those codes, we maintain a correlating committee between the two, specifically for that purpose because there are two different things involved here. I am not saying give total control of this to the fire department although inherently it has been, what I am saying is that I think there needs to be a concensus. If there is enough difference of opinion between the fire and building departments, if they are going to run into the type of hang-ups that you are talking about Mr. Jeffrey on a regular basis, then obviously there are some basic problems there to start with that need to be ironed out. If on the other hand it is an occasional thing that arises in the enforcement of these things, and they have to go to the City Manager or someone to arbitrate the dispute, I see nothing wrong with that. But I do think that you need the input because the discipline is there on both sides. There is good intelligent input to be had on both sides and I think it is a much better effort overall jointly than it is singularly.

Up until about six or seven years ago the building departments had total control and as the fire record continues to get worse and worse and worse the fire departments became more active and people like myself several years ago started to get involved in writing the building code along with the building officials and we have made a lot of changes and they, the building officials themselves, have recognized in a lot of instances that what we are talking about, sprinkler systems and that sort of thing, really belong with the fire departments and they have in fact voted for the ICBO Board of Directors at their last meeting to pull that stuff out of the building code and stick it over under the fire code for the fire departments to do in the first place.

They did the same thing with just about everything else that we are talking about where it deals specifically with fire and life safety as opposed to building integrity or building safety and again this bill deals totally and completely with fire and life safety and does not deal with the building, property protection or property safety. That is a periferal spill over in some instances. Obviously if you sprinkle a building throughout you are affording some building protection, but the primary premise is still fire and life safety and I will stop on that point.

Mr. Jeffrey stated that he did not care who the authority is, whether it is the fire department or the building department. I think there ought to be in the end one person that you go to on the staff level who is going to be there every day to take care of the disputes. As far as where the authority lies, it makes very little difference to me which department is which.

Mr. Dini stated that the proposed amendment in here is not consistent because it says the State Fire Marshal is the authority in counties of less than 100,000 population which is 15 counties and then the building official in Washoe and the building official in Clark. We are not consistent in the

definition we put in here. So if it is a fire problem, if the fire marshal is going to be the authority Statewide for the small counties, why isn't the fire service being considered in the two large counties.

Mr. Nicholas stated that was a good question.

Mr. Dini stated that this authority only deals in the regulation of this bill. If the fire marshal would tell them they had to sprinkle the hotel, they cannot get approval for that job until they go through the building department head.

Mr. Huddleston stated that it depends upon the level of the expertise in the building department. Quite frequently we will end up doing the certificate of occupancy and signing off the finals on it, it just depends. We try to work with the local building department.

Mr. Dini stated that a lot of the small counties do not even have a building department.

Mr. Huddleston stated that he has seen it where the City Manager is also the building inspector.

Mr. Craddock stated that with his limited knowledge of the State he could only see one potential problem with counties smaller than Washoe and Clark. I had the misfortune to be on top of a building when it collapsed one time and it is not a good feeling. Those kind of things do cause fire people to think, I know that. If we can get the people together, iron out the problems and go to the City Manager and whatever, I am not hung up on it. I don't want to see the building collapse around somebody's ears because they don't know what they are doing.

Mr. Dini stated that he thought that we were all on the same wave length on that.

Mr. Craddock stated that he did not care where the authority rests, but I don't want to see that possibility overlooked.

Mr. Jeffrey stated that as far as major counties are concerned, or any place that has a competent building department, those things having to do with the actual construction are going to be handled through the permit process anyway. I am not really too concerned about that. I am more concerned about the variance aspect and who the final authority is in that regard and see to it that we don't get hung up in a process that is going to take somebody forever if they have to make a decision and get with it and go and build.

Mr. Craddock stated that when we get into the process of retrofitting you and I know that there are going to be a lot of architectural figures involved -

2166

Mr. Jeffrey stated that it doesn't matter who the authority is. You are still going to have that kind of a problem and you would still have it no matter who has the authority to grant a variance. They are still going to be taking care of the building department because if you get into the structure that is going to be taken care of through the permit process anyway. Those building inspectors are going to have to be there, no matter who has the authority to grant a variance.

Mr. May stated that as he reads this it is the building official in cities within counties of 100,000 or more unless otherwise defined by local ordinance so if our recommendation is not acceptable they by ordinance may appoint somebody else or a combination of people perhaps.

Mr. Jeffrey stated that he thought that we ought to maintain that language no matter who the authority is and I think we ought to add the words "or resolution" after "ordinance" because I don't think it is necessary to define the authority by ordinance specifically - I think you can do it by resolution and if you have to that would be faster.

Mr. May stated that he thought that was exactly right but I was just simply making the recommendation indicating that the building official, as a possibility, and they would have a choice to establish any other person or combination of persons. Mr. May questioned the first-rate hotel in Goldfield.

Mr. Huddleston stated that they could not afford to put a lot of stuff we already had on the books. We have a provision and have had a provision in our regulation for a while for the restoration of this sort that was an action similar to what you are talking about where we would allow the local entity to petition us by resolution that they had agreed with the project and then I have a five member advisory board. We would go out and do a survey and present what we thought was necessary - the advisory board would then make that decision on what could be done to bring that building up to take care of the life safety aspects without causing it to come all the way up to code.

Mr. May stated that he guessed that even public buildings are affected by this. Mr. May asked if there was any provision for vacant buildings or for unusual cases such as those? Even Yerington has a couple of vacant stores down there.

Mr. Huddleston stated that the vast majority of the buildings that you are talking about in those outlying areas though would be small enough that they would not fall under the requirements of this law. As such, they would still be subject to the article on my regulation on historic architectural buildings and therefore do have an out by virtue of that.

Mr. Jeffrey stated that there would still be the possibility and it

may not be a good possibility, but it may still be a possibility of a variance report.

Mr. Dini referred to the Storey County Courthouse.

Mr. Huddleston stated that he could not tell the committee off of my head because you have square footage figures in here and I don't have a survey.

Mr. Redelsperger stated that basically the only ones that have to be sprinklered are 5,000 feet or more.

Mr. Huddleston stated that you had two qualifiers there.

Mr. Redelsperger stated then there was 55 feet which is 5 stories and that is not five stories.

Mr. Huddleston stated that he found it hard to believe that they would have a public assembly area within that building that hit 5,000 square feet, but they may. It has to be 5,000 public assembly within a 12,000 square foot building, so they would have to meet with both criteria before they would be subject to it.

Mr. Dini asked what we were going to do about the designation of authority.

He asked if they wanted to try it or do you want to make the - Mr. Dini further stated that a policy decision has to be made. The fire chief has the authority with the provision that the building official has to be involved in it or the building department with the concurrence of the fire departments -

Mr. Huddleston stated that the only thing that he wanted the committee to consider was the fact that relative to what Mr. Jeffrey was talking about earlier, the fire and building department have exactly that type of situation now on all the new construction and it would seem to me that the new construction would be a much greater problem as far as philosophy is concerned then retroactive application where you've already got the application laid out for you in the law. I don't see the instances taking place of what you are talking about now on any kind of regular basis in new construction and obviously you have split authority there because it requires both fire and building department approvals in those two counties prior to approval or certificate of occupancy being issued on new construction. There doesn't seem to be and I am not aware of any great delays that have been generated in getting an answer out of any of the entities where you had some kind of conflict between fire and building departments of that nature.

Ultimately there is always the International Conference of Building Officials or Western Fire Chiefs that write those two codes that you can go to and get an interpretation. I still think there has to be some kind of - and it really doesn't matter who you want to

primary authority as long as you stick something in there that requires concurrence from the two.

Mr. Redelsperger asked how Mr. Huddleston would feel about the language regarding the concurrence of the Fire Marshal.

Mr. Huddleston stated certainly.

Mr. Jeffrey stated that the fire marshal does not come into Clark County today.

Mr. Huddleston stated not with his authority. He is talking about the local fire marshal.

Mr. Dini stated "building official and fire official for the unincorporated portion of the county" and asked Mr. Huddleston if that would do it.

Mr. Redelsperger asked if we had a dispute, what do we do.

Mr. Dini stated that the County Commissioners were the boss in those two areas.

Mr. Jeffrey stated that rather than the county commission, he would rather see the county manager or city manager because he answers directly to the commission.

Mr. Huddleston stated that he is normally the arbitrator anyway.

Mr. Dini stated that the fire officials want to incorporate a portion of the same with the cities.

Mr. Dini asked how they do it now on new buildings. Who resolves the conflict between the building department and the fire department now?

Mr. Jeffrey stated that he has never seen that kind of a problem personally so I don't know.

Mr. Craddock stated that the only exposure that we have had that I remember is the confrontation that Roy Parrish had referring to the construction of the MGM.

Mr. Jeffrey stated that he was aware of a couple of other conflicts but that he did not know how they were settled.

Mr. Craddock stated he did not either.

Mr. Huddleston stated that when he was with the City of Las Vegas it probably happened on the average of about four or five times a month.

Mr. Phil Harrington stated that he was the director for the building and safety for the City of Reno, testified. He stated that he had

also heard about the disagreements in Clark County between the fire and building departments and I hate to see this kind of a tempo generated in a bill such as this because what we are doing is we are taking the past problems of Clark County and we are saying that that is the same problems that we have in the rest of the State of Nevada and I can't subscribe to that, especially in the City of Reno. You have one building code and that is the Uniform Building Code. You have a Uniform Fire Code that is a maintenance code. The building official is the sole person that is responsible by law to interpret the Uniform Building Code. He is also by authority of the Uniform Building Code, the sole person that issues a certificate of occupancy by administrative process. I know for a fact that the building departments work hand in hand today, I don't know about 1973 or 1972 when the MGM was build, but today those four building departments work hand in hand with the fire department. A set of plans is submitted to those four building departments and they are processed and reviewed through all approving agencies including the local fire marshal's office and we do not have to my knowledge the problems that we had in the early 1970's - a confrontation between building officials and fire officials. I do know what Tom is talking about but I don't subscribe to that today. I don't know if that is going to help you make a decision but you have one building code and that's the Uniform Building Code and the building official is the overall authority for that and he works hand in hand with the fire marshal and the fire chief.

Mr. Dini asked if under the local code does the local fire marshal or the local fire chief have to sign it off?

Mr. Harrington stated that administratively not according to the building code. Administratively that is done in all four of those jurisdictions that I mentioned.

Mr. Jeffrey moved that the committee call it a dual authority with the provision that any dispute between the two be settled by the County Manager or his designee and add the words "or resolution" after the last sentence.

The motion was seconded by Mr. Craddock. The motion carried unanimously.

Mr. Dini stated that Section 3 was all right.

The committee next discussed Section 4.

Mr. Jeffrey stated that there was a question the other day about a conflict and we will probably have to get an opinion.

Mr. Dini asked why they went to a hotel or motel of three stories or more.

Mr. Jeffrey stated that that was the provision in the 1979 Code.

Mr. Polish stated that it was "jumpable".

Mr. Redelsperger stated that they just followed the Uniform Building Code.

Mr. Dini asked if there was anything on Section 4?

He asked about Section 5.

Mr. Huddleston stated that he guessed the problem he had here was simply technical. Under 1, under Section 5 it says: equip each room primarily used for sleeping in a motel or hotel - Mr. Huddleston stated that it had been changed. He further stated that the only thing he did not want to do is restrict those smoke detectors strictly to the bedroom and apartment or multi-room units because that is not the proper placement for them but I don't see any problem. It says in a dwelling unit or apartment building.

Mr. Dini then asked about Section 6.

The committee then discussed the 55 foot requirement. Mr. Redelsperger stated that it would be actually where it would be occupied, 55 feet to the floor of that particular level. It would be 55 feet above the fire truck.

Mr. Huddleston stated that that was also consistent with building code language.

Mr. Huddleston stated that for example when he wrote his regulation - 75 feet - I said 75 foot above grade at the highest point and I have had to eat that several times now because of mechanical penthouse or elevator penthouse or something that was never intended for human occupancy any way so I think it is probably well this way with the amendment.

Mr. Dini then asked about Section 7.

Mr. Dini stated that we would leave "church" and "theater".

Mr. Jeffrey stated that that was a note that he had made that he thought the committee ought to discuss to include churches and fraternal organizations or not.

Mr. Redelsperger stated that maybe we could leave them out and put theaters in.

Mr. Craddock stated that they had an opportunity to escape the whole thing anyway by putting in additional exit doors and using this type of a thing and that would comply with the human life safety factor we are looking for. I don't have any problem with leaving them in.

Mr. Huddleston stated that the consideration that was given by the Governor's Commission on Fire Safety Codes when we arrived at this which exempted theaters and churches was based on the fact that the level of activity involved - there is no cooking except in areas that are controlled by the Code - there is no smoking for the most part in churches or theaters - they do have bolted down fixed seating with the exits and aisles laid out that facilitates exiting. And probably the biggest overall premise was that based on our experience and frequency of fire in those two area with human lives involved and the life lost record of those two categories, we felt like they could be exempted.

Mr. Craddock stated that it is not any better than the resort area in Las Vegas for the last twenty years.

Mr. Huddleston stated that he would take exception to that.

Mr. Craddock stated that they had not lost anybody.

Mr. Huddleston stated that he knew what Chief Parrish testified to. We've lost a number of people. We've lost them in ones and twos and threes in those areas.

Mr. Craddock asked why he would not be truthful.

Mr. Huddleston stated that he did not think it is a matter of being truthful, I think he is thinking of large scale losses similar to the MGM, and it is true, we had an outstanding record that was far below the national average, but we lost the manager of the Holiday Inn down there within the last year and a half when he went into an individual room to look for life or to try to stop the fire and ended up dying in the room, so that is one that I know of, specifically.

Mr. Redelsperger stated that if they leave churches and fraternal organizations out and put theaters in they can always apply for a variance.

Mr. Jeffrey stated that the argument to put theaters in that came out and I don't know whether you were present at that meeting, was that they do have draperies and all that kind of thing and the concern was over the obscurity of the lighting, etc. and I don't know that there was a specific case cited, but the concern was that due to smoke inhalation the exits may be blocked by people that have been overcome by smoke.

Mr. Huddleston stated that the only other input I would give you along that line is that the code requires for an auditorium type situation that you be able to exit 1/3 of the approved occupancy load from one side, 1/3 from the other side and 50% from the opposite end, so that you actually have an over-exiting for the number of occupancies within an auditorium type situation. In

other words a theater type situation or something of that nature.

Mr. Dini asked how this affected gynasiums?

Mr. Huddleston stated it is going to depend. Again if they have the fixed seating then they would be excluded. If they have a situation where they can come up and sit any type of seating they want to, then you no longer have the guarantee of aisles or even total occupancy load at that point so you have lost some of that advantage you get with the fixed seating.

Mr. Dini asked how you define fixed seating, the bleachers?

Mr. Huddleston stated something that is bolted down.

Mr. Huddleston stated that the roll out type bleachers could not be defined as fixed seating simply because you have no assurance they are going to be rolled out. They may very well decide to form some other type of seating pattern in the event that you've got in place bleachers with assigned seats, then I see no problem. ICBO looks at it from two points of view. If you've got a room that has both fixed seating and loose seating you obviously assign a number that is associated with the fixed seating and then do the square footage formula to figure out the balance of the occupancy level.

Mr. Craddock stated that he had talked with several people along those lines and they are obviously going to take a strong exception to this as far as a gynasium is concerned.

Mr. Huddleston stated that they were fairly adamant on the Senate side under 214 to exclude it.

Mr. Dini asked if they are excluded in 214.

Mr. Huddleston stated that in 214 they specifically excluded non-profit organizations, fraternal organizations, schools and churches and their associated buildings.

Mr. Dini stated that he did not think that theaters ought to be exempted.

Mr. Redelsperger stated that we could put theaters in and exempt the others. I wouldn't have any objection to that.

Mr. Dini asked if that met with the approval of the committee.

Mr. Dini stated that that was what the committee would do as there was no opposition from the committee on this point.

Mr. Jeffrey asked about the schools that have been built in recent years - their access and egress is questionable to me, especially the new ones that have been built in Clark County - I think they are probably sprinkled anyway and I hope they would

be. Mr. Jeffrey stated with the old type school where the exit is outside the classroom, I don't see any problem with those at all, but Valley High School is a good example - they have a roof area of about five acres and I don't think the exits are placed so that people could get out. I wouldn't want to see that.

Mr. Jeffrey stated that he thought they were probably sprinkled any way.

Mr. Craddock stated that since the school people have not based an objection they will certainly be aware of it if they wish an exclusion.

Mr. Jeffrey asked if the idea was to exclude schools or not.

Mr. Dini stated that his idea was to exclude churches and it associated buildings, any and all fraternal organizations or gynasiums or schools or other non-profit organizations.

Mr. Huddleston stated that that was what the Senate did with 214.

Mr. Redelsperger stated that we would leave theaters in.

Mr. Huddleston stated that the cut off for the code was 12,000 for display purposes.

Mr. Dini asked if this met with the approval of the committee.

Mr. Huddleston stated that he was not in disagreement with it at all.

Mr. Dini stated that the next amendment was under (b) - if it is certified for occupancy by more than 300 persons shall not use any interior finishes composed of combustible fire board which has been bracketed out -

Mr. Craddock stated that the fiber board may very well be combustible but the fiber board did not get to the source of the problem it is just a matter of terminology and the compliance with the 1979 edition of the building code.

Mr. Jeffrey stated then the philosophy with full sprinklerization and there may still be disagreement with it, but generally it is agreed that if they were fully sprinkled that the kind of a situation at the MGM couldn't spread.

Mr. Craddock stated that we have a lot of petrochemical materials that would be extremely expensive to remove and if we protect the area with full sprinklerization then the material could in fact stay.

Mr. Dini asked if the committee would go to Section 9 of the bill. He stated we are appointing 11 members to the board.

Mr. Craddock stated that there is still some room for discussion on that.

Mr. Jeffrey stated that in the subcommittee we did have four fire people outside plus the fire marshal. It was their recommendation that we reduce that to three.

Mr. Jeffrey stated that with the geographic problem we have in the State we should leave it at three.

Mr. Huddleston stated that he thought so to get the proper representation.

Mr. Redelsperger stated that it is going to be a busy board.

Mr. Dini asked if there was a budget worked out on this.

Mr. Huddleston stated that he had a fiscal impact note that I put on the bill originally. With the changes that you have advocated here and the makeup of the board and exempting of salary to those employed by an entity leaves that fiscal impact note fairly in the ballpark - it is not exact, but I figured originally on a nine member board with at least eight of them having to travel that you have broken this down more geographically than that original board proposal by specifying building officials and fire officials in the two metropolitan areas, so I figured I think I ended up with about six maximum traveling and it worked out to about the same.

Mr. Dini stated that it was about 10,000 a year.

Mr. Jeffrey stated that his philosophy was when he told Fred was that this was going to have to go to Ways and Means anyway.

Mr. Dini asked if anything was wrong with Section 10?

Mr. Redelsperger stated the name.

Mr. Huddleston stated that the committee should try to bear in mind that the Governor's Commission on Fire Safety Codes met a total of eight times and we started in December and ran through February and there were a great many things that we felt were important that we simply did not physically have time to address or look at. At the present time there is no vehicle within state government for looking at new products or assimilating new technology and that was one of the things that that board was advocating from the standing board, was that they have the availability to look and consider state of the art as it came along and also that they have some potential for looking into some of these areas or even following through in some of these areas that we simply weren't able to address within the time limitations that the commission had

placed on them by the Governor. They are going to be a very busy board, there is no doubt about that and it is going to be very difficult for them but I think that there is a potential. The metropolitan areas are extremely well organized and very professional. We don't really have a problem in those areas with some of these items like evaluate the adequacy of practice to enforcement of codes and that sort of thing. The problem is primarily in the rural areas and I have a great problem with it there. I have a case pending now where I lost five people in a hotel casino fire over in the Eastern part of the State and we are going to file criminal charges against the builder and the operator of that facility for the loss of those lives because the code was not adhered to, but the City is going to end up with a great deal of criminal liability also, because they did not follow their own procedure, their own ordinance, they didn't follow anything. In the final analysis I think it would be beneficial - I don't know how many times I have ended up in these smaller areas with the City Commissioner or the County Commissioner or what have you asking me well Tom how can we keep this from happening again. Because they don't have the expertise available.

I think if nothing else that there is potential that this board could afford them at least some guidelines for things like pre-trial conference plan checks, check off type things that they could offer to these local people to at least give them some guidelines and I would hate to see them completely devoid of that ability. Obviously the prime thrust of that board is going to have to be to hear and resolve these other problems or look at the problems in this retrofitting aspect, but I hat to see all the rest of it lost also.

Mr. Redelsperger asked if this could not be handled through the State Fire Marshal's office now?

Mr. Huddleston stated that he had a five member advisory board that is appointed by the Governor. They function for me primarily as an advisory board, not as a policy board number 1, and number 2, their primary function is in regulation of industry and hearing the complaints or industry arbitrations that come up when we take action against a local industry that we regulate, such as the fire alarm sprinkler extinguisher industry or something of that nature. They really are not empowered by law or have not gotten into any of these other areas to this point and obviously there is some potential of expanding the advisory board responsibilities to look at these areas but they are charged with recommending to the legislature changes in the law - they have never done that.

Mr. Jeffrey stated that the way he felt about this was that he would not have any problem with amending the advisory board or either that or do away with the advisory board and use this board but I really don't see any need for two boards.

Mr. Huddleston stated that he did not disagree with that and he

2176

thought that this board properly should be sunsetted at this point. You have given us two sessions. If there is some demonstrated need for a continuation of that board you have given us an avenue to accomplish that and I think there is a better chance of this thing going at all if we do have that board sunsetted because we don't want to create another level of bureaucracy - that really wasn't the intention.

Mr. Craddock stated to Mr. Huddleston that he had been pretty agreeable all day - I still feel that the State Fire Marshal's office and the responsibility that rests within the two metropolitan entities have the responsibility to do exactly what we are doing here and it should be on an ongoing basis and it should continue far beyond the life of this board. I think that the proper place for it is in your office and you have big broad shoulders and you should take that responsibility on.

Mr. Huddleston stated that he did not have any problem with that. I haven't had the personnel to do it. With adequate staffing and certainly we can take on any project and do it.

Mr. Craddock stated that this is a responsibility that properly belongs on an ongoing basis and not with a sunset board.

Mr. Huddleston stated that he would agree with that one too.

Mr. Redelsperger stated that subsection 2 covers a lot of the new technology and stuff you were talking about.

Mr. Jeffrey asked how the advisory board was made up.

Mr. Huddleston stated an architect, an engineer, state forester fire warden, fire chief from a metropolitan area and a fire chief from less than a metropolitan area. In other words, a county less than 100,000. They are advocating under S.B. 74 to take State fire service training out from the University and move that over and that would expand the board by two more members and include a training officer from urban and a training officer from a rural department - primarily fire related.

Mr. Craddock stated that some of the things that we are requiring on this new board will in effect relieve you of some of the responsibilities that you would have picked up in your ongoing capacity.

Mr. Huddleston stated to some extent that is offset by the mandates I have gotten from the governor under new code adoption and that will impact that to some extent.

Mr. Huddleston stated that Mr. Craddock's remarks are well taken. It probably should be under some kind of ongoing effort.

Mr. Jeffrey stated that he would prefer to see if there were some ongoing duties that should be considered and he agreed that they

should be considered. Mr. Jeffrey stated that one thing that Fred added to that section was to review local ordinances which require stricter measures. Mr. Jeffrey read the section to the committee.

Mr. Redelsperger asked about the language that we had put in earlier.

Mr. Jeffrey stated that now we are talking about the authority issue was having the disputes in the sections that have to do with the local authority. This one gives the fire safety board the authority to review the ordinances that may be adopted and make a recommendation.

Mr. Jeffrey stated that that was really the end of the changes.

Mr. Jeffrey referred to the questions at the end of Fred Weldon's exhibit - EXHIBIT A.

Mr. Jeffrey stated that some of the questions had to do with the enforcement of the code itself and how it is handled now.

Mr. Huddleston stated that he would be glad to go through the questions and try to answer the ones that he thought he could address.

The committee took a 5 minute recess.

Mr. Dini called the meeting back to order. He stated that the committee was working on Section 11.

Mr. Dini stated that there was a \$200.00 fee for a variance.

He asked if there were any comments on that.

He then stated that Section 12 has to come out and Section 13 had to come out.

With regard to Section 14, there is a modification. It is just a clarification on the authority there.

Mr. Huddleston stated that Section 15 was the terms of the members.

Mr. Dini stated that there was a new section for appropriation and sunset law.

Mr. Craddock stated that some comment should be made as to the predicament that we will be placing the local fire chiefs in with regard to the inspections that are required.

Mr. Huddleston stated that that was advocated in A.B. 507 and I think that was jerked. I don't know what happened to it.

Mr. Huddleston stated that 507 spoke specifically to spending caps and gave some relief to them when they adversely affected the local entities ability to provide enforcement. 2178

Mr. Dini referred to Section 10.

Mr. Jeffrey stated that they had brought that up in the subcommittee and it was felt that they had the authority to spend the money that they needed.

Mr. Huddleston stated that it was a matter of priorities with them.

Mr. Jeffrey stated that he had asked the question because he wanted to know whether it was necessary to put a section in here that would exempt these things. In Clark County they will have ten people just to survey the buildings and we don't want to make them hire ten people if they are not going to be able to pay.

Mr. Redelsperger stated that he thought that that was in 411. If the State mandated projects that are over the cap.

Mr. Craddock stated that he just thought that that should be recognized.

Mr. Dini asked the committee to go back to Section 10 on page 6.

Mr. Dini stated that this ties in with the first amendment that they had.

Mr. Dini asked the committee if they should amend and re-refer back to committee.

Mr. Jeffrey asked if the committee could go through the questions and see if we can resolve any questions.

Mr. Jeffrey was referring to the questions at the end of EXHBIIT A.

Mr. Jeffrey stated that we have taken care of the problem of who has the authority.

Mr. Jeffrey then referred to a violation and as to whether it would be a civil or criminal violation.

Mr. Huddleston stated that it was primarily a misdemeanor at the present time under 477 for noncompliance with anything that is contained within 477 with each and every day constituting a - I should say a 24 hour period - constituting a separate offense.

Mr. Huddleston stated that if ultimately there was failure to comply and some attributable life loss or injury or what have you then it could very well become criminal negligence at that point but for the purposes of the law itself, I think it would fall under a misdemeanor.

Mr. Jeffrey stated that we would be covered as far as the enforcement is concerned.

Mr. Huddleston stated yes.

2179

Mr. Jeffrey stated that he assumed then that the answer to question (c) that the answer would be yes as far as levying fines.

Mr. Huddleston stated that if there is a question of compliance at that point it would be a matter of the enforcement authority then following their normal legal remedy for compliance up to and including court citation and going on to court to gain that compliance.

Mr. Jeffrey asked Mr. Huddleston if he saw any change in that.

Mr. Huddleston replied that he didn't.

Mr. Jeffrey asked who would be able to initiate a complaint against a building or owner for not complying with this law.

Mr. Huddleston stated that that would be the enforcement authority at that point. He normally gives a written notice of the violation or what needs to be done and gives a specified time period in which that has to take place. Failing compliance within that time period he will usually give an extended time period of a shorter period with notification that there will be court action if it is not complied with and then starts his court action on the third inspection if it has not been complied with at that point.

Mr. Jeffrey asked Mr. Huddleston if he thought there needed to be any changes.

Mr. Huddleston stated that he did not see any.

Mr. Jeffrey then read question E on EXHIBIT A.

He stated that he assumed that all changes should be taken out of 477.

Mr. Huddleston stated yes.

Mr. Jeffrey then stated that under Section 11, would the board have to act on the request within 30 days or only grant a hearing within 30 days.

Mr. Redelsperger stated that he thought that we ought to grant it within 30 days.

Mr. Dini stated that he thought that you should have a hearing within 30 days and then have a hearing within 30 days - that is sixty days.

Mr. Huddleston stated that we have specified a meeting at least once a month under this and I in my fiscal impact note have accounted for twenty meetings the first year of that board because I figure there would be a lot of action.



Mr. Craddock stated that that was a point that we never discussed to my knowledge was the open meeting law.

Mr. Jeffrey stated that that was something that he thought that every body would comply with automatically.

Mr. Huddleston stated we comply - it is under 233 (b).

Mr. Craddock stated that he thought that we should go back and get that bill and take a look at it.

Mr. Jeffrey stated that he agreed with Mr. Craddock but that it is just not going to happen.

Mr. Jeffrey stated that he thought that most everybody that is involved in this process will be all right on this any way because they know the law.

Mr. Huddleston stated that as he understood it under this it would be my responsibility to see that that open meeting law was complied with just as it is for my advisory board now.

Mr. Craddock stated that of course they could have an emergency meeting which would escape the open meeting law any how.

Mr. Craddock stated that that could occur but that he could not imagine the circumstance under which it would.

Mr. Jeffrey stated that he could not either.

Mr. Huddleston stated that he really did not anticipate that being a problem.

Mr. Redelsperger asked if we should put in the 30 days notice and a decision within 30 days.

Mr. Jeffrey referred to the ordinance problem.

Mr. Dini asked if there was anything else.

Mr. Dini asked if the committee wanted to go with A.B. 505 or to amend it into S.B. 214?

Mr. Dini stated that this was a policy decision.

Mr. Nicholas what would be involved in integrating this into the other, other than the simple name exchange.

Mr. Jeffrey stated that that was really all because as far as I am concerned we could go with S.B. 214 and substitute A.B. 505 for it.

Mr. Jeffrey stated that he did not think it was a technical problem.

Mr. Jeffrey stated that he did not know how Senator Neal felt about it. I think he is concerned that we are watering the bill down - I don't feel that way at all - I think A.B. 505 is a much better bill than S.B. 214 is, as far as life safety over all is concerned.

Mr. Redelsperger stated we added a lot more and his is basically sprinklers.

Mr. Craddock stated that there was no question which was the better concept as far as life safety is concerned.

Mr. Jeffrey stated let's amend it into S.B. 214.

Mr. Dini stated that a motion has been made by Mr. Jeffrey to amend A.B. 505 as proposed into S.B. 214. Mr. Craddock seconded the motion.

Mr. Nicholas stated he would kind of like to discuss it, but he had to figure out how he wanted to discuss it.

Mr. Nicholas stated that he thought that certainly the proponents of S.B. 214 should be included in the victory of A.B. 515. The question in my mind is which is the easier way to do it. Mr. Craddock, Mr. Jeffrey and Mr. Dini stated that it doesn't make any difference.

Mr. Nicholas stated that he had no real argument.

Mr. Dini stated that we could just take A.B. 505 and get it back to committee and then we can always put it in there.

Mr. Redelsperger stated that they should do it that way.

Mr. Nicholas stated he would like to bring up one point and he really did not have any feeling about this one. Most of the people who have testified on this particular situation in our committee testified to A.B. 505 essentially and stipulated 505 appeared to be the better directional to them rather than S.B. 214.

Mr. Dini stated that perhaps the committee should get A.B. 505 amended and re-referred back to committee.

Mr. Redelsperger moved to have A.B. 505 amended and re-referred back to committee.

The motion was seconded by Mr. Jeffrey.

The motion carried unanimously.

This ended the work session on A.B. 505.

Date: May 8, 1981

Page: 32

Mr. Dini indicated that he needed a motion to suspend the rules of the committee for the remainder of the session.

Mr. Craddock moved for the suspension of the rules of the committee for the remainder of the session which was seconded by Mr. Jeffrey. The motion carried unanimously. Mr. Dini stated that the committee would be operating under the emergency provisions of the committee.

The motion carried unanimously.

There being no further business to come before the meeting, the meeting adjourned.

Respectfully submitted,



Barbara Gomez
Assembly Attache

2183

May 5, 1981

MEMORANDUM - REVISED

TO: Chairman and Members of the Assembly Committee on Government Affairs

FROM: Assemblyman Jack Jeffrey

SUBJECT: Revised Compilation of Amendments to A.B. 505

Following is a revised compilation of the proposed amendments to A.B. 505:

GENERAL

or enforce Make the provisions of the bill apply only to existing buildings (retrofitting). State that local entities may not adopt an ordinance which requires stricter measures than are required in this bill for retrofitting of the types of buildings and occupancies covered within this bill, unless:

- (1) The ordinance applies to buildings and occupancies covered within this bill only when there is a change of use, ~~for a change of~~ *business license or* occupancy of the building, or
- (2) *the* legislative commission approves the ordinance.

(Through existing law, new buildings are and would continue to be subject to the code adopted by the state fire marshal and applicable local ordinances.)

SECTION 1

No changes.

The board of building, fire and life safety, make the ordinance and makes recommendations to the legislative commission, and

Enter make the fire code in the urban counties the "authority", or provide that the building official must obtain comments from the chief officer of the appropriate fire department or departments before giving approvals as authorized in this bill, and the building official may delegate the responsibility for undertaking the surveys required by section 14 to the chief officer of the appropriate fire department.

SECTION 2

Page 1 lines 3-5 Amend section 2 to read as follows:

SEC. 2. "Authority" means:

1. The state fire marshal in counties having a population of less than 100,000;
2. The building official, for the unincorporated portion of the county, in counties of 100,000 or more, unless otherwise defined by local ordinance; and
3. The building official in cities within counties of 100,000 or more, unless otherwise defined by local ordinance.

SECTION 3

Page 1 lines 6-18 Amend section 3 as follows:

SEC. 3. The owner or operator of any building, except a [private residence] single-family detached dwelling, shall:

1. Equip every exit corridor and other means of exit with emergency lighting to permit the safe evacuation of the building, as approved by the authority.
2. Equip every door to an exit corridor which serves 30 or more occupants with a device, approved by the authority, which closes the door.
3. Immediately provide adequate facilities for exit.
4. If the building has three stories or more, enclose every open stairway or vertical shaft with:
 - (a) Construction whose resistance to fire has been approved by the authority; or
 - (b) Alternate means approved by the authority which afford equivalent protection to life and property from fire.

SECTION 4

Page 1 lines 19-23 Amend section 4 as follows:

SEC. 4. The owner or operator of every hotel or motel of three stories or more which contains 20 or more guest rooms, apartment building or condominium of three stories or more with 15 or more [apartments] dwelling units or any office building of three stories or more shall equip the building with fire alarms in compliance with paragraph 2 of section 1202B of the 1979 edition of the Uniform Building Code.

SECTION 5

Page 2 lines 1-13 Amend section 5 as follows:

SEC. 5. The owner or operator of every hotel or motel which contains at least six guest rooms, or apartment building or condominium with at least three [apartments] dwelling units, shall:

1. Equip each room primarily used for sleeping in a motel or hotel and each dwelling unit in an apartment building or condominium with a smoke-detector whose placement is approved by the authority.

2. Seal any opening used to supply air from a corridor to a guest room or to an apartment unless:

(a) The corridor contains smoke-detectors as required by regulation of the state fire marshal;

(b) Activation of any two detectors causes the supply of air to cease and seals the opening between the room and the corridor; and

(c) He obtains the approval of the authority to supply air in this manner.

SECTION 6

Page 2 lines 14-39 Amend section 6 as follows:

SEC. 6. The owner or operator of every hotel, motel, condominium, office and apartment building where human occupancy is permitted on floors more than 55 feet above the lowest level of ground accessible to vehicles of a fire department shall:

1. Equip each exit corridor of the building with fire sprinklers as required by regulations of the state fire marshal;

2. Equip each room with at least one fire sprinkler above each door opening into an exit corridor of the building;

3. Equip every elevator so as to permit it to be recalled automatically, in compliance with section A 17.1 of the 1978 edition of the American National Standards Institute and section 211.3 of the 1981 amendments to that edition, to the first floor or, if necessary, to any other floor of the building not affected by fire;

4. Post the number of each floor in every stairwell and in every lobby adjacent to an elevator;

5. Equip the heating, ventilating and air-conditioning system with an automatic device to shut it off as prescribed in section 1009 of the 1979 edition of the Uniform Mechanical Code, and with an additional smoke-detector as required by the 1978 edition of National Fire Protection Association Standard 90A; and

6. In each room primarily used for sleeping:

(a) Post in a prominent location an explanation of the route to use for evacuation of the building; and

(b) Install a paging alarm system which conforms to the regulations of the state fire marshal, to permit vocal warning and instructions to the occupants.

SECTION 7

Page 2 line 40 - Page 3 line 6 Amend section 7 as follows:

SEC. 7. 1. The owner or operator of every building or portion of a building used for public assembly [, except a church or a theater with fixed seating]:

(a) Which has [more than 5,000 square feet of floor area, including any gaming areas and showrooms] a room or rooms totaling more than 5,000 square feet in floor area used for public assembly; within a building of 12,000 square feet or more, shall install automatic sprinklers for protection from fire as required by regulation of the state fire marshal, except in those areas where the authority waives this requirement. The authority may waive this requirement for any space which is separated from this area by construction whose resistance to fire has been approved by the authority.

(b) Which is certified for occupancy by more than 300 persons shall [not use any interior finishes composed of combustible fiber board]:

(A.) Use interior finishes which comply with chapter 42 of the 1979 edition of the Uniform Building Code relative to flame spread rating; or

(B.) Install automatic sprinklers for protection from fire as required by regulation of the state fire marshal, except in those areas where the authority waives this requirement. The authority may waive this requirement for any space which is separated from this area by construction whose resistance to fire has been approved by the authority.

2. For the purposes of this section, a building or a portion of a building is used for public assembly if 50 or more persons assemble there for any purpose other than in the normal course of their employment.

SECTION 8

No changes.

SECTION 9

Page 3 lines 13-32 Amend section 9 as follows:

SEC. 9. 1. The board of building, fire and life safety, consisting of ~~[nine]~~ eleven members appointed by the governor, is hereby created.

2. The governor shall appoint:

(a) A licensed architect;

(b) ~~[Two fire marshals of full-time, paid fire departments;~~

(c) Two fire chiefs of full-time, paid fire departments; Three representatives of local fire departments, with at least one being from a fire department in a county having a population of less than 100,000;

~~[d] (c) A professional engineer;~~

~~[e] (d) Two representatives of gaming and lodging enterprises;~~

~~[and] (e) The state fire marshal[.];~~

(f) A building official of a local government within each county having a population of 100,000 or more; and

(g) A licensed general contractor,
to be board. [No member other than the state fire marshal may serve for more than two consecutive terms.]

3. In addition to being a member of the board, the state fire marshal shall serve as the secretary for the board.

~~[3.]~~ 4. The board shall select a chairman from among its members to serve for 1 year.

~~[4.]~~ 5. The board shall meet approximately once each month or at least eight times a year or on the call of the chairman, the state fire marshal or [any three members] a majority of the members.

~~[5.]~~ 6. The members of the board, except [the state fire marshal] those who are paid by a public entity, are entitled to receive a salary of [\$40] \$80 for each day's attendance at a meeting of the board or a subcommittee of the board, and all members are entitled to the per diem allowances and travel expenses provided by law. All such compensation is to be paid from the budget of the state fire marshal division.

Each of the representatives must be a fire chief or fire marshal of his department.

SECTION 10

Page 3 line 33 - Page 4 line 2 Amend section 10 as follows:

SEC. 10. The board of building, fire and life safety shall ~~X~~:
1. ~~X~~ Consider the necessity of requiring various features in existing buildings to promote fire prevention, fire protection and safety of human life.

2. Evaluate technological developments, new architectural designs and laws relating to fire prevention, protection and safety and advise the state fire marshal of the results of its evaluation.

3. Develop a method to evaluate the adequacy of practices relating to the enforcement of fire codes, including without limitation, conferences before a building is designed, review of architectural plans, inspections of construction sites, other regular inspections and any other practices relating to the enforcement of fire codes by all authorities within the state.

4. Identify any unfulfilled needs for additional personnel, equipment or other resources and for statutory changes and develop and distribute guidelines for use by the authorities.

5. Develop programs in fire protection, fire prevention and life safety for use by schools, the public and all persons employed in buildings subject to sections 3 to 7, inclusive, of this act.

6. ~~X~~ Hear ~~and~~ and decide requests for variances from and requests to undertake alternate methods for achieving substantial compliance with the provisions of sections 3 to 7, inclusive, of this act; and

2. 

SECTION 11

Add a provision that the board shall collect a fee of \$200 for each request for a variance which is filed. The state fire marshal should collect the fees and deposit them with the state treasurer for credit to the general fund.

SECTION 12

Delete section 12 entirely.

Review local ordinances which require stricter measures than are required in this bill for retrofitting of the types of buildings and occupancies covered within this bill, unless the ordinances apply to buildings and occupancies covered within this bill only when there is a change of use, business license, or occupancy of the building, and make recommendations to the legislative commission concerning whether or not the legislative commission should approve the ordinances.

SECTION 13

Delete section 13 entirely.

SECTION 14

Page 4 lines 25-44 Amend section 14 as follows:

SEC. 14. 1. Each authority [responsible for enforcement under subsection 1 of NRS 447.030] shall, within 12 months after the effective date of this act, complete a survey of each building within its jurisdiction subject to the provisions of sections 3 to 7, inclusive, of this act.

2. When the authority completes its survey of a building, it shall immediately furnish a copy of the survey to the owner or operator of the building.

3. The owner or operator shall:

(a) Furnish to the authority within 6 months after receiving the copy of the survey his plans to effect the corrections identified by the survey as necessary for compliance with sections 3 to 7, inclusive, of this act.

(b) Make all of those corrections within 36 months after the effective date of this act.

4. The board of building, fire and life safety may waive the times prescribed in this section for:

(a) Completion of surveys by a responsible authority; and
(b) Submission of plans or completion of work, or both, by an owner or operator, if the applicant for the waiver demonstrates an appropriate effort and a genuine inability to comply within the time prescribed.

SECTION 15

Delete section 15 entirely.

SECTION 16

No changes.

NEW SECTIONS

- I. Provide that the board of building, fire and life safety will cease to exist on July 1, 1985.

- II. There is hereby appropriated from the state general fund to the state fire marshal division of the state department of commerce the sum of \$164,648 for the fiscal year beginning July 1, 1981, and \$140,627 for the fiscal year beginning July 1, 1982, for the purposes of paying salary, per diem and travel expenses of the board of building, fire and life safety and for performing the duties given to the state fire marshal in this bill. The unencumbered balances of the appropriations for the fiscal years beginning July 1, 1981, and July 1, 1982, may not be committed for expenditure after June 30, 1982, and June 30, 1983, respectively, and revert to the state general fund as soon as all payments of money committed have been made.

QUESTIONS

- I. A legal opinion or interpretation is needed on the following points and any related matters:
 - A. Who has authority for enforcement of A.B. 505?
 - B. Would a violation be a civil or criminal violation?
 - C. Would an administratively levied fine be allowable under this law, or would a court action be necessary to force compliance?
 - D. Who would have the authority to initiate a court action for a building owner or operator not complying with this law or a directive/decision from one of the entities which may make such directives/decisions?
 - E. Does placement of this new language in chapter 477 of NRS versus placement in some other chapter have any effect on the answers to the previous questions?
- II. Under section 11, would the board have to act on the request within 30 days or only grant a hearing within 30 days?

DISCUSSION

- I. Should the restriction on local government ordinances outlined in the "general" section (page 1) only apply to the types of measures covered in this bill?

Explanation: The currently proposed language under the "general" section would not allow a local government to require retrofitting of measures (like number of exits) which are not addressed in the bill. Should the restriction on local government ordinances apply to retrofitting of these "non-related" types of measures?