

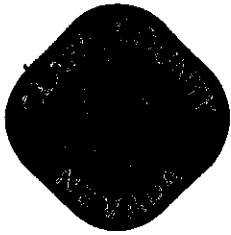
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Department of Development Services Building Division

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May 6, 2003

Mark Manendo, Chairman Assembly Government Affairs

SB 458 TESTIMONY

Recently, the first reprint of S. B. 458 was passed by the Senate and is now before the Assembly Government Affairs Committee for consideration. This bill clarifies the relationship between the State Fire Marshal and local fire and building departments by resolving the contradiction between Nevada Revised Statutes (NRS) 244 & 278, and 477 & Nevada Administrative Code (NAC) 477.

NRS sections 244.3675 and 278.580 authorize counties to adopt building codes regulating the design, construction, maintenance and safety of buildings, structures, and property within the county. However, NRS 477.030 somewhat confuses this authority by requiring counties to enforce the Fire Marshal codes and regulations regarding the "safety, access, means and adequacy of exit in case of fire..." Then, this section limits fire marshal authority by exempting counties with population above 50,000 from its regulations, stating "The regulations of the State Fire Marshal apply throughout the state, but, ...his authority to enforce them or conduct investigations under this chapter does not extend to a county whose population is 50,000 or more or which has been converted into a consolidated municipality, except in those local jurisdictions in those counties where he is requested to exercise that authority by the chief officer of the organized fire department of that jurisdiction."

Adding fuel to this confusion, and effectively reversing the above exception, the NAC section 477.281 attempts to supersede and subordinate the NRS chapters 244 and 278 to 477 by requiring where there is a conflict between NAC Chapter 477 and any code, ordinance or regulation by a local authority, the more stringent requirement providing the greatest safety from fire and for life to the public applies." (Underlining added) This NAC section has been interpreted as placing the state fire marshal as the arbitrator of which construction codes local jurisdictions may adopt.

Unfortunately, this interpretation has the effect of denying larger jurisdictions the benefit of their professional fire, life safety, and construction expertise from adopting and enforcing the most current construction codes that best protect the public in their specific environments.

Construction code development and enforcement is a specialized profession that requires years of education, training, and experience. Currently, the Clark County Building Division employs one hundred-forty inspectors certified in all the construction trades, thirty certified plans examiners, fifteen professional engineers, and two professional fire-protection engineers. In total, our staff holds over four hundred national and international certifications. We are recognized internationally as experts on hotel/casino and amusement ride code development and enforcement. Delegations from New York City, Los Angeles, and other major jurisdictions have visited and studied our operations in order to benchmark to our performance. In addition to writing and publishing professional books, articles written by members of our staff have been published in national and international professional publications. We have worked hard to attain the professional knowledge, skills, and abilities to develop and enforce the construction codes best suited to protect our citizens and visitors, especially in the highly specialized field of hotel/casino construction.

To remedy this confusion, SB 458, 1st Reprint restores the authority granted to jurisdictions vis-a-vis NRS 244 and 278 by allowing larger jurisdictions to use their expertise and develop and enforce the construction codes that best protects their citizens and visitors.

This amendment enjoys wide support from the Associated General Contractors, Southern Nevada Homebuilders Association, Contractors, developers, International Code Council, construction trade unions, Clark County fire chief as well as local building officials.

Please do not hesitate to contact me if I can answer any questions or provide any assistance regarding this bill.

Sincerely

Ronald Lynn
Building Official

RLL:lkc

cc: Wendell Williams, Vice-Chair, Assembly Government Affairs
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