

Brian Sandoval
Governor



James M. Wright
Director

Peter J. Mulvihill, P.E.
State Fire Marshal

State Fire Marshal Division

Stewart Facility
107 Jacobsen Way
Carson City, NV 89711
(775) 684-7501 • Fax (775) 684-7518

**NOTICE OF PUBLIC HEARING & AGENDA
of the
Nevada State Fire Marshal for the Amendment of Regulations
LCB File No. R077-15
Thursday, December 17, 2015
9:00 am**

The State Fire Marshal Division of the Nevada Department of Public Safety, will conduct a Public Hearing on Thursday, December 17, 2015, beginning at 9:00 am at the State Public Works offices located at 515 East Musser Street, Suite 102, Carson City, Nevada with video-conferencing to the State Public Works offices located at 1830 East Sahara, Suite 204, Las Vegas, Nevada.

1. Call to Order/Introductions of those in attendance.
2. Public Comment.
3. Review and Intent to Act on the Proposed Regulation of the State Fire Marshal, LCB File No. R077-15, dated September 29, 2015, for changes to Nevada Administrative Code chapter 477 to remove requirements for a written, notarized application for licensing and certificates of registration for the fire protection industry and elimination of a requirement for an application for an original license for expired licenses. Public comment regarding these changes is welcome and will be accepted. (For discussion and possible action)
4. Public Comment.
5. Adjournment. (For possible action)

Public comments will be taken at the beginning and end of the meeting. Public comment may be limited to three minute per person. No action may be taken upon a matter raised during public comment until the matter has been specifically included on an agenda as an item upon which action may be taken.

For supporting materials, please contact the Custodian of Records Gwen Barrett, Nevada State Fire Marshal Division, 107 Jacobsen Way, Carson City, NV 89711, or by calling (775) 684-7525. A reasonable fee for copying may be charged.

This Public Hearing Agenda has been sent to all persons on the Nevada State Fire Marshal Division mailing list for administrative regulations and posted on the Nevada State Fire Marshal Division's official website: <http://fire.nv.gov/Boards/Boards/> and <http://notice.nv.gov> and at the following sites:

Nevada State Fire Marshal Division offices
Nevada State Public Works Board
Nevada State Board of Professional Engineers and Land Surveyors
Nevada Board of Architecture
Reno Fire Department
Sparks Fire Department
Carson City Fire Department
Clark County Fire Department
Las Vegas Fire/Rescue
Henderson Fire Department
North Las Vegas Fire Department

Carson City Library
900 North Roop Street
Carson City, Nevada 89701-3101

Churchill County Library
553 South Main Street
Fallon, Nevada 89406-3306

Las Vegas-Clark County Library District Headquarters
833 Las Vegas Boulevard
Las Vegas, Nevada 89101-2062

Douglas County Public Library
1625 Library Lane
Minden, Nevada 89423-0337

Elko County Library
720 Court Street
Elko, Nevada 89801-3397

Esmeralda County Library
Corner of Crook & 4th Street
P.O. Box 430
Goldfield, Nevada 89013-0430

Eureka County Library
10190 Monroe Street
Eureka, Nevada 89316

Carson City, Elko and Las Vegas, NV
Carson City, NV
Reno, NV
Las Vegas, NV
Reno, NV
Sparks, NV
Carson City, NV
Las Vegas, NV
Las Vegas, NV
Henderson, NV
North Las Vegas, NV

Lincoln County Library
63 Main Street
Pioche, Nevada 89043

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

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

Pershing County Library
1125 Central Avenue
Lovelock, Nevada 89419

Storey County Public Library (CLOSED,
instead, send to the Storey County Clerk's
Office, see below)

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

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

Humboldt County Library
85 East 5th Street
Winnemucca, Nevada 89445-3095

Battle Mountain Branch Library (Lander County)
625 South Broad Street
Battle Mountain, Nevada 89820

Washoe County Library System
301 South Center Street
Reno, Nevada 89501-2102

White Pine County Library
950 Campton Street
Ely, Nevada 89301

**PROPOSED REGULATION OF THE
STATE FIRE MARSHAL**

LCB File No. R077-15

NOTICE OF INTENT TO ACT UPON A REGULATION

**Notice of Public Hearing
for the Amendment of Regulations of the
State Fire Marshal**

The State Fire Marshal will hold public hearings at the following locations on Thursday, December 17, 2015, at 9:00 am:

**PUBLIC HEARING
CARSON CITY**

State Public Works Division
555 East Musser Street, Suite 102
Carson City, NV

**PUBLIC HEARING
LAS VEGAS**

State Public Works Division
1830 East Sahara, Suite 204
Las Vegas, NV

Video conferencing will be provided to all location sites above.

The purpose of the hearing is to receive comments from all interested persons regarding the adoption of proposed amendments to regulations (LCB File No. R077-15), that pertains to Chapter 477 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and the purpose of the proposed regulation or amendment.

To streamline the contractor licensing and personnel certificate of registration application and renewal process by removing an unnecessary requirement.

2. Either the terms or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved.

The proposed regulation will remove the remaining requirements for a written, notarized application allowing the State Fire Marshal Division to migrate to a future on-line application and renewal system at a future date and to reduce the cost on the applicant to obtain a notary seal on documents. A conflicting requirement for expired company licenses will also be removed from existing regulations.

The approved text of the proposed regulation as prepared by the Legislative Counsel is attached to this notice. It can also be downloaded from the Division's website at <http://fire.nv.gov> or from the Legislature's Law Library website at <http://leg.state.nv.us/register/2015Register/R077-15P.pdf>.

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:
 - a. Both adverse and beneficial effects; and
 - b. Both immediate and long-term effects.

Adverse effect: No adverse effects are anticipated as no new requirements or restrictions are proposed by the regulation.

Beneficial effect: Removal of the requirement to submit written, notarized application forms will save the new applicant and renewing license or certificate holder time and costs to obtain a notary seal.

Immediate effect: The revised application and renewal process will become effective immediately upon approval of this regulation.

Long-term effect: An application process that utilizes a streamlined business process.

4. The estimated cost to the agency for enforcement of the proposed regulation.

There are no known additional enforcement costs to the Division.

5. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

There is no known overlap or duplication related to this regulation.

6. If the regulation is required pursuant to federal law, a citation and description of the federal law.

Not required by federal law.

7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

There are no federal standards that apply in this circumstance.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

This regulation does not establish a fee. No existing fees are increased or decreased.

Persons wishing to comment upon the proposed action of the State Fire Marshal may appear at the scheduled public workshops and/or may address their comments, data, views, or arguments in written form to:

Gwen Barrett, Executive Administrative Assistant
gbarrett@dps.state.nv.us
Nevada State Fire Marshal Division
107 Jacobsen Way
Carson City, NV 89711

Written comments, data, views, or arguments must be received by the State Fire Marshal Division by **1pm on Wednesday, December 16, 2015**, in order to be considered. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the State Fire Marshal may proceed immediately to act upon any written submissions.

Members of the public who are disabled and may require accommodations or assistance at the meeting are requested to notify Gwen Barrett at the Nevada State Fire Marshal Division in writing or by calling 775-684-7525 no later than five working days prior to the meeting.

A copy of this notice and the regulation to be amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended will be available at the following offices of the State Fire Marshal, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours:

Nevada State Fire Marshal Division offices are located at:

107 Jacobsen Way
Carson City, Nevada

3920 East Idaho Street
Elko, Nevada

215 East Bonanza Road
Las Vegas, Nevada

and at the Nevada State Fire Marshal's website: <http://fire.nv.gov>

This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published

monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice and regulation has been faxed, emailed or delivered for posting at the following locations:

Nevada State Fire Marshal Division offices	Carson City, Elko and Las Vegas, NV
Nevada State Public Works Board	Carson City, NV
Nevada State Board of Professional Engineers and Land Surveyors	Reno, NV
Nevada Board of Architecture	Las Vegas, NV
Reno Fire Department	Reno, NV
Sparks Fire Department	Sparks, NV
Carson City Fire Department	Carson City, NV
Clark County Fire Department	Las Vegas, NV
Las Vegas Fire/Rescue	Las Vegas, NV
Henderson Fire Department	Henderson, NV
North Las Vegas Fire Department	North Las Vegas, NV
Carson City Library	Lincoln County Library
900 North Roop Street	63 Main Street
Carson City, Nevada 89701-3101	Pioche, Nevada 89043
Churchill County Library	Lyon County Library System
553 South Main Street	20 Nevin Way
Fallon, Nevada 89406-3306	Yerington, Nevada 89447-2399
Las Vegas-Clark County Library District Headquarters	Mineral County Public Library
833 Las Vegas Boulevard	P.O. Box 1390
Las Vegas, Nevada 89101-2062	North Hawthorne, Nevada 89415
Douglas County Public Library	Pershing County Library
1625 Library Lane	1125 Central Avenue
Minden, Nevada 89423-0337	Lovelock, Nevada 89419
Elko County Library	Storey County Public Library (CLOSED,
720 Court Street	instead, send to the Storey County
Clerk's	
Elko, Nevada 89801-3397	Office, see below)
Esmeralda County Library	Storey County Treasurer and Clerk's
Office	
Corner of Crook & 4th Street	
P.O. Box 430	Drawer D
Goldfield, Nevada 89013-0430	Virginia City, Nevada 89440

Eureka County Library
10190 Monroe Street
Eureka, Nevada 89316

Humboldt County Library
85 East 5th Street
Winnemucca, Nevada 89445-3095

Battle Mountain Branch Library (Lander County)
625 South Broad Street
Battle Mountain, Nevada 89820

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

Washoe County Library System
301 South Center Street
Reno, Nevada 89501-2102

White Pine County Library
950 Campton Street
Ely, Nevada 89301

**PROPOSED REGULATION OF THE
STATE FIRE MARSHAL**

LCB File No. R077-15

Small Business Impact Statement

Pursuant to NRS 233B.0608(1), the State Fire Marshal is required to make a determination whether its proposed regulations will: (a) impose a direct and significant economic burden upon small business, and (b) directly restrict the formation, operation, or expansion of small business. NRS 233B.0382 defines a small business to be any business that employs 150 or fewer employees.

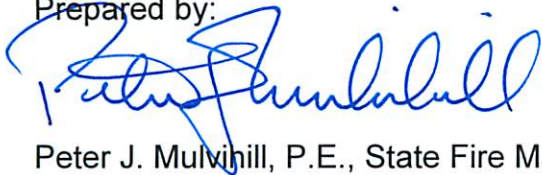
The State Fire Marshal has considered the two factors in NRS 233B.0608(1) and also acknowledges the following:

1. The State Fire Marshal is statutorily directed by NRS 477.033 to issue a license for companies and individuals involved in various fire protection industry activities.
2. The proposed amendment removes a requirement that imposes a cost of up to \$5.00 for a notary seal on each new application or renewal from companies and individuals.
3. No fees are created, increased or decreased by these regulations.

Therefore, the State Fire Marshal makes the following finding:

1. The proposed regulation will not impose a direct and significant economic burden upon small business and will not directly restrict the formation, operation, or expansion of small business.

Prepared by:



Peter J. Mulvihill, P.E., State Fire Marshal
Nevada Department of Public Safety
State Fire Marshal Division
107 Jacobsen Way
Carson City, NV 89711

PROPOSED REGULATION OF THE

STATE FIRE MARSHAL

LCB File No. R077-15

September 29, 2015

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

AUTHORITY: §1, NRS 477.030; §2, NRS 477.030 and 477.033; §§3-6, NRS 477.030 and 477.031.

A REGULATION relating to fire protection; revising the requirements for certificates of registration and licenses issued by the State Fire Marshal; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing regulations provide that a person who is licensed by the State Fire Marshal must apply for an original license if the person's license has expired and the person desires to continue in the business for which the expired license was issued. (NAC 477.310) Existing regulations also provide that if a fee is not paid by a licensee by the time the fee is due, a late charge will be assessed. (NAC 477.310, 477.641) **Section 1** of this regulation eliminates the requirement of an application for an original license for expired licenses but retains the provision providing for the assessment of a late fee.

Sections 2-6 of this regulation remove the requirement to submit a notarized application to obtain certain licenses and certificates of registration issued by the State Fire Marshal. Specifically: (1) **section 2** revises the requirements for a license for producing commercial displays of fireworks; (2) **section 3** revises the requirements for a certificate of registration as a magician; (3) **section 4** revises the requirements for a certificate of registration as a pyrotechnic operator; (4) **section 5** revises the requirements for a certificate of registration as a flame effects operator; and (5) **section 6** revises the requirements for the renewal of a certificate of registration as a flame effects operator or flame effects assistant.

Section 1. NAC 477.310 is hereby amended to read as follows:

477.310 1. Except as otherwise provided in this chapter and chapter 477 of NRS, all original licenses and certificates of registration expire on December 31 of the year in which they are issued.

2. Application for renewal must be made annually. The application must be ~~notarized and~~ accompanied by the appropriate fee. Renewals are valid from January 1 through December 31.

3. If an application and the appropriate fee for renewal of a license or certificate of registration is not received by the State Fire Marshal on or before the date specified for renewal, then the firm or registrant holding the license or certificate of registration shall cease to perform those services authorized by the license or certificate of registration.

4. If a certificate of registration has expired and the registrant desires to continue to perform the acts requiring a certificate of registration, the registrant must apply to the State Fire Marshal for an original certificate of registration and pay the full fee for certification. The State Fire Marshal may require the applicant to be retested.

5. ~~If a license has expired and the licensee desires to continue in the business for which the expired license was issued, the licensee must apply to the State Fire Marshal for an original license.~~

~~—6.~~ Any change of information on the license or certificate of registration must be reported to the State Fire Marshal in writing within 7 days after the change. A new license or certificate of registration will be issued upon notification and payment of the prescribed fee.

~~17.~~ 6. Initial fees for a new license must be paid in full unless the fees are paid in the final quarter of the licensing year. Initial fees which are paid in the final quarter will be reduced by 50 percent.

~~18.~~ 7. If a fee for a licensed firm is not paid by the time it is due, a late charge of 12 percent per month will be assessed as an administrative fee for processing. The charge will be assessed beginning at the end of the first business day after the fee is due. A licensed firm may not engage in any work authorized by this chapter or chapter 477 of NRS until the fee is paid.

Sec. 2. NAC 477.611 is hereby amended to read as follows:

477.611 An applicant for a license for producing commercial displays of fireworks must:

1. Make a written application on the forms provided.
2. Indicate on the application which category of license and classification the applicant

desires to obtain and pay the appropriate inspection and issuance fee, as follows:

General category:

Indoor stage.....	\$110
Natural gas	110
Outdoor aerial.....	110
Propane.....	110
Solid fuels	110
Special effects	110
Show specific	110

Limited event license (exempt).....no fee

License category:

Permanent (pulling permits to install system).....	\$110
Temporary (self-contained effects for not more than 30 days).....	110
Special effects	110

3. Furnish the State Fire Marshal Division with the required certificate of insurance.

4. ~~{Sign a notarized}~~ *Submit an* application as follows:

(a) If the applicant is a sole proprietorship, by the proprietor.

(b) If the applicant is a partnership, by each partner.

(c) If the applicant is a corporation, by an officer.

5. Cooperate with the State Fire Marshal in the investigation of the applicant's application.

Sec. 3. NAC 477.620 is hereby amended to read as follows:

477.620 1. Before a person may act as a magician, the person must obtain a certificate of registration as a magician from the State Fire Marshal. To receive a certificate of registration as a magician, a person must:

(a) Be a natural person who is at least 21 years of age;

(b) Make ~~{a written notarized}~~ *an* application for such a certificate of registration to the State Fire Marshal on a form provided by the State Fire Marshal; and

(c) Pay an initial fee of \$27.50.

2. A holder of a certificate of registration as a magician may handle and discharge flash paper, flash cotton, flash string, and solid and powder smoke composition that is either in solid or powdered form. The areas made hazardous by these devices must be within the immediate reach of the magician to whom the certificate of registration is issued, not to exceed a distance of 12 feet.

3. A certificate of registration is valid on May 1 or the date on which it is issued, whichever is later. If the holder of a certificate of registration does not submit the renewal application and pay the renewal fee on or before April 30 of the following year, the certificate of registration expires and the person must apply to the State Fire Marshal for an original certificate of registration.

Sec. 4. NAC 477.624 is hereby amended to read as follows:

477.624 1. Before a person may act as a pyrotechnic operator, the person must obtain a certificate of registration as a pyrotechnic operator from the State Fire Marshal. To receive a certificate of registration as a pyrotechnic operator, an applicant must:

- (a) Be a natural person who is at least 21 years of age;
- (b) Make ~~a written notarized~~ *an* application for such a certificate of registration to the State Fire Marshal on a form provided by the State Fire Marshal and pay a fee of \$55;
- (c) Hold a certificate of registration as an assistant pyrotechnic operator issued by the State Fire Marshal, or be licensed or certified in good standing as a pyrotechnic operator by another state, as approved by the State Fire Marshal;
- (d) If the applicant holds a certificate of registration as an assistant pyrotechnic operator, pass, with a score of at least 75 percent, a final examination that covers the design, construction, storage and use of fireworks; and
- (e) Submit to the State Fire Marshal:
 - (1) A log which demonstrates that the applicant has worked on at least 15 different shows during the 3 years immediately preceding the date on which he or she applies for the certificate of registration as a pyrotechnic operator;
 - (2) Letters of endorsement from two persons who hold certificates of registration as a pyrotechnic operator issued by the State Fire Marshal; and
 - (3) A letter from the company which employs the applicant stating that the applicant has worked for the company for at least 90 days or is licensed or certified as a pyrotechnic operator in good standing by another state recognized by the State Fire Marshal.

2. A certificate of registration is valid on May 1 or the date on which it is issued, whichever is later. If the holder of a certificate of registration does not submit the renewal application and pay the renewal fee on or before April 30 of the following year, the certificate of registration expires and the person must apply to the State Fire Marshal for an original certificate of registration.

Sec. 5. NAC 477.633 is hereby amended to read as follows:

477.633 1. Before a person may act as a flame effects operator to provide flame effects before an audience, the person must obtain a certificate of registration as a flame effects operator from the State Fire Marshal.

2. An applicant for a certificate of registration as a flame effects operator must:

- (a) Be a natural person who is at least 21 years of age;
- (b) Make ~~a written-notarized~~ *an* application for such a certificate of registration to the State Fire Marshal on a form provided by the State Fire Marshal, including the applicable fee;
- (c) Indicate on the application the classification for which the applicant is applying, such as natural gas, propane or solids, and include the appropriate fee for that category;
- (d) Hold a certificate of registration as a flame effects assistant issued by the State Fire Marshal or be licensed or certified in good standing as a flame effects operator by another state recognized by the State Fire Marshal; and
- (e) Submit to the State Fire Marshal a certificate of completion or other such documentation that demonstrates that the applicant has successfully completed a course approved by the State Fire Marshal that pertains to the classification of certification, such as natural gas, propane or solids, sought by the applicant.

3. A certificate of registration is valid on May 1 or the date on which it is issued, whichever is later. If the holder of a certificate of registration does not submit the renewal application and pay the renewal fee on or before April 30 of the following year, the certificate of registration expires and the person must apply to the State Fire Marshal for an original certificate of registration.

Sec. 6. NAC 477.635 is hereby amended to read as follows:

477.635 A certificate of registration as a flame effects operator or flame effects assistant must be renewed annually. An applicant for the renewal of a certificate of registration as a flame effects operator or flame effects assistant, as appropriate, must submit to the State Fire Marshal:

1. ~~{A written notarized}~~ *An* application for the renewal of the certificate of registration and the applicable fee; and
2. A log which indicates the number of events or performances which the applicant had during the previous 12 months, including, without limitation, events or performances located outside Nevada. To get a certificate of registration renewed, the applicant must, for each classification sought to be renewed, have logged the following number of events or performances during the previous 12 months:

Events using propane	At least two performances
Events using natural gas.....	At least two performances
Events using solid fuel	At least one performance