

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 MEETING

Public Workshop Agenda October 9, 2015 9:30 am

The Department of Public Safety, State Fire Marshal Division, will conduct a Public Workshop meeting on October 9, 2015 beginning at 9:30 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 of a proposed agency draft of changes to Nevada Administrative Code sections 477.310, 477.611, 477-620, 477.624, 477.633 and 477.635 to remove requirements for a written, notarized application for licensing and certificates of registration for the fire protection industry. The workshop will develop a proposed draft of amendments to chapter 477 of the Nevada Administrative Code. 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 minutes 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 Workshop Meeting 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, 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

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

Lincoln County Library
63 Main Street
Pioche, Nevada 89043

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

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

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

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

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

Pershing County Library
1125 Central Avenue
Lovelock, Nevada 89419

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

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

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

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

Eureka County Library
10190 Monroe Street
Eureka, Nevada 89316

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

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

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

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

White Pine County Library
950 Campton Street
Ely, Nevada 89301

**PROPOSED REGULATION OF THE
STATE FIRE MARSHAL**

LCB File No. R076-15

NOTICE OF INTENT TO ACT UPON A REGULATION

**Notice of Public Workshop to Solicit Comments
for the Amendment of Regulations of the State Fire Marshal**

The State Fire Marshal, located at 107 Jacobsen Way, Carson City, NV 89711, (775) 684-7501, is proposing the amendment of regulations pertaining to chapter 477 of Nevada Administrative Code. A workshop has been set for 9:30 am, on October 9, 2015, at the offices of the State Public Works Division at 555 East Musser Street, Suite 102, Carson City, Nevada. The workshop will also be video-conferenced to the State Public Works Division offices located at 1830 East Sahara, Suite 204, Las Vegas, Nevada. The purpose of the workshop is to solicit comments from interested persons on the following general topic that may be addressed in the proposed regulation:

R076-15 A regulation relating to the application and renewal of licenses and certificate of registrations for companies and persons in the fire protection industry regulated by the State Fire Marshal. 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 and reduce the cost on the applicant to obtain a notary seal on documents. A conflicting requirement for expired licenses will also be removed from existing regulations.

A copy of all materials relating to the proposal may be obtained at the workshop, downloaded from the State Fire Marshal's website at fire.nv.gov, or by contacting the Nevada State Fire Marshal Division at 107 Jacobsen Way, Carson City, NV 89711, (775) 684-7501. A reasonable fee for copying may be charged.

This Notice of Workshop to Solicit Comments on Proposed Regulation has been sent to all persons on the agency's mailing list for administrative regulations and posted 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
City of Elko Fire Department	Elko, NV
Clark County Fire Department	Las Vegas, NV

Henderson Fire Department
Las Vegas Fire/Rescue
North Las Vegas Fire Department

Henderson, NV
Las Vegas, NV
North Las Vegas, NV

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Carson City, Nevada 89701-3101

Lincoln County Library
63 Main Street
Pioche, Nevada 89043

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

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

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

Mineral County Public Library
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North Hawthorne, Nevada 89415

Douglas County Public Library
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Minden, Nevada 89423-0337

Pershing County Library
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Lovelock, Nevada 89419

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10190 Monroe Street
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Reno, Nevada 89501-2102

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625 South Broad Street
Battle Mountain, Nevada 89820

White Pine County Library
950 Campton Street
Ely, Nevada 89301

**PROPOSED REGULATION OF THE
STATE FIRE MARSHAL**

LCB File No. R076-15

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.

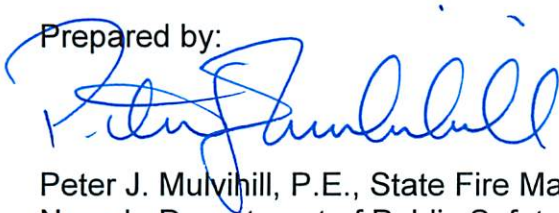
The State Fire Marshal has considered the two factors in NRS 233B.0608(1) and also acknowledges the following:

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. R076-15

Summary of changes proposed to NAC Chapter 477:

Sections 1 through 6 are amendments to existing sections that remove the requirement for a notarized application to enable the State Fire Marshal Division to move to an optional on-line application and renewal process versus the current paper application and renewal process.

Section 1 has also been revised to remove a conflicting requirement for expired company licenses.

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

NAC 477.310 Expiration and renewal; change of information; initial fees; late charges.
(NRS 477.030)

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~~ *revised* license or certificate of registration will be issued upon notification and payment of the prescribed fee.
7. 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.
8. 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:

NAC 477.611 Application for license; categories, classifications and fees. (NRS 477.030, 477.033) 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:

NAC 477.620 Magicians: Certificate required; qualifications; fee; authorized acts; expiration and renewal. (NRS 477.030, 477.031)

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:

NAC 477.624 Pyrotechnic operators: Certificate required; qualifications; fee; expiration and renewal. (NRS 477.030, 477.031)

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 ~~fa-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:

NAC 477.633 Flame effects operator: Certificate required; qualifications; fee; expiration and renewal. (NRS 477.030, 477.031)

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 ~~fa-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:

NAC 477.635 Flame effects operator or flame effects assistant: Requirements for renewal of certification. (NRS 477.030, 477.031) 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