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**Agency:** Nevada State Fire Marshal

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**Classification:**    **PROPOSED**   ☒   **ADOPTED BY AGENCY**    **EMERGENCY**

**Brief description of action:** a regulation relating to fire protection: revising the fees for licenses, certificates of compliance and plan reviews, as well as revising definition inspection and providing other matters properly relating thereto.

**Authority citation other than 233B:** 1. NRS 477.030

**Notice date:** October 31, 2022

**Date of Adoption by Agency:** December 5, 2022

**Hearing date:** December 5, 2022

APPROVED REGULATION OF THE  
STATE FIRE MARSHAL

LCB File No. R183-22

Filed December 29, 2022

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

AUTHORITY: §§ 1 and 3-8, NRS 477.030 and 477.031; § 2, NRS 432A.180, 477.030 and 477.031.

A REGULATION relating to the State Fire Marshal; setting forth fees for the issuance of a certificate of compliance by the State Fire Marshal for a child care facility based on zip codes; increasing certain fees for other certificates of compliance; revising certain provisions relating to fees charged by the State Fire Marshal; revising various provisions relating to inspections conducted by the State Fire Marshal; establishing certain requirements for a request for a variance submitted to the State Fire Marshal; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the State Fire Marshal to adopt a schedule of fees for services and regulatory activities performed by the State Fire Marshal Division of the Department of Public Safety which must approximate the cost of those services and activities. (NRS 477.031) Existing law requires that any child care facility or small child care establishment must be inspected annually by the State Fire Marshal to secure compliance with standards for safety from fire and other emergencies. (NRS 432A.180) Existing regulations require that each child care facility must have a current certificate of compliance issued by the State Fire Marshal or other authority having jurisdiction, and the State Fire Marshal will assess an annual fee of \$22 for such a certificate of compliance. (NAC 477.325, 477.562) **Section 2** of this regulation provides instead that the State Fire Marshal will assess fees for the issuance of a certificate of compliance for a child care facility based on the zip code of the child care facility. **Section 7** of this regulation clarifies that each child care facility must: (1) be inspected for compliance with applicable fire and safety regulations by the State Fire Marshal before a license to operate the facility is issued and annually thereafter; and (2) have a certificate of compliance issued by the State Fire Marshal.

Existing law requires, with certain exceptions, the State Fire Marshal to assist in checking plans and specifications for construction. (NRS 477.030) Existing regulations require that all projects requiring review must receive a certificate of compliance before the building or structure is occupied. (NAC 477.740) Existing regulations also provide that: (1) the State Fire Marshal may charge a fee of \$38.50 per hour or fraction thereof for inspection services; and (2) the first inspection will be provided without charge. (NAC 477.325) **Section 3** of this regulation reorganizes certain provisions relating to the fees for an inspection by the State Fire Marshal.

**Section 3** further: (1) provides that the State Fire Marshal will charge a fee of \$46.20 per hour or fraction thereof for inspection services; (2) eliminates the provision that allowed the first inspection to be provided free of charge; and (3) provides that any inspections requiring overnight travel will include charges for lodging and per diem.

Existing regulations define the term “inspection” as the handling and observation of certain fire systems and units. (NAC 477.135) **Section 4** of this regulation revises the definition of “inspection” to mean the examination of: (1) the occupancy of buildings, facilities, dwellings or other structures to determine whether the occupancy complies with the fire and life safety codes and standards; and (2) a project under construction to determine whether the project complies with the plans and specifications for construction and the fire and life safety codes and standards.

Existing regulations provide that the State Fire Marshal may grant a variance from the requirements of the codes and standards adopted by the State Fire Marshal. (NAC 477.287) **Section 5** of this regulation: (1) requires that a request for a variance be prepared and submitted by a licensed professional engineer or registered architect in this State; and (2) establishes a fee for reviewing a request for a variance of \$132 per hour or fraction thereof.

Existing regulations establish a fee of \$22 for witnessing a test for acceptance. (NAC 477.325) **Section 6** of this regulation increases this fee to \$27.

Existing regulations set forth certain fees for the review of plans and specifications by the State Fire Marshal based on the proposed cost of construction or the actual bid for construction. (NAC 477.750) **Section 8** of this regulation increases such fees.

**Section 1.** Chapter 477 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

**Sec. 2.** *The State Fire Marshal will charge a fee for the issuance of a certificate of compliance to a child care facility pursuant to NAC 477.562, which includes the fee for the inspection of the child care facility, on the basis of the zip code of the child care facility. The fee is as follows:*

<u>ZIP CODE</u>	<u>FEE</u>
88901.....	\$280.20
88905.....	180.20
89001.....	294.20
89002.....	180.20
89003.....	294.20



89004.....	180.20
89005.....	237.20
89006.....	237.20
89007.....	294.20
89008.....	294.20
89009.....	180.20
89010.....	294.20
89011.....	180.20
89012.....	180.20
89013.....	294.20
89014.....	180.20
89015.....	180.20
89016.....	180.20
89017.....	294.20
89018.....	237.20
89019.....	180.20
89020.....	237.20
89021.....	294.20
89022.....	294.20
89023.....	237.20
89024.....	237.20
89025.....	237.20
89026.....	180.20

89027.....	294.20
89028.....	294.20
89029.....	294.20
89030.....	180.20
89031.....	180.20
89032.....	180.20
89033.....	180.20
89034.....	294.20
89036.....	180.20
89037.....	294.20
89039.....	237.20
89040.....	237.20
89041.....	237.20
89042.....	294.20
89043.....	294.20
89044.....	180.20
89045.....	294.20
89046.....	237.20
89047.....	294.20
89048.....	237.20
89049.....	294.20
89052.....	180.20
89053.....	180.20

89054.....	180.20
89060.....	237.20
89061.....	180.20
89067.....	294.20
89070.....	237.20
89074.....	180.20
89077.....	180.20
89081.....	180.20
89084.....	180.20
89085.....	180.20
89086.....	180.20
89087.....	180.20
89101.....	180.20
89102.....	180.20
89103.....	180.20
89104.....	180.20
89105.....	180.20
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89126.....	180.20
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89131.....	180.20
89132.....	180.20
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89135.....	180.20
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89169.....	180.20
89170.....	180.20
89173.....	180.20
89177.....	180.20
89178.....	180.20
89179.....	180.20
89180.....	180.20
89183.....	180.20
89185.....	180.20
89191.....	180.20
89193.....	180.20
89195.....	180.20
89199.....	180.20
89301.....	351.20

89310.....	294.20
89311.....	237.20
89314.....	351.20
89315.....	351.20
89316.....	237.20
89317.....	237.20
89318.....	351.20
89319.....	351.20
89402.....	180.20
89403.....	180.20
89404.....	351.20
89405.....	294.20
89406.....	294.20
89407.....	237.20
89408.....	237.20
89409.....	237.20
89410.....	180.20
89411.....	180.20
89412.....	294.20
89413.....	180.20
89414.....	237.20
89415.....	294.20
89418.....	294.20

89419.....	351.20
89420.....	237.20
89421.....	351.20
89422.....	294.20
89423.....	180.20
89424.....	237.20
89425.....	351.20
89426.....	351.20
89427.....	237.20
89428.....	180.20
89429.....	237.20
89430.....	237.20
89431.....	237.20
89432.....	237.20
89433.....	237.20
89434.....	237.20
89435.....	237.20
89436.....	237.20
89437.....	180.20
89438.....	237.20
89439.....	237.20
89440.....	180.20
89441.....	237.20



89442.....	237.20
89444.....	237.20
89445.....	351.20
89446.....	294.20
89447.....	237.20
89448.....	180.20
89449.....	180.20
89450.....	180.20
89451.....	180.20
89452.....	180.20
89460.....	180.20
89496.....	237.20
89501.....	237.20
89502.....	180.20
89503.....	237.20
89504.....	237.20
89505.....	237.20
89506.....	237.20
89507.....	237.20
89508.....	237.20
89509.....	180.20
89510.....	237.20
89511.....	180.20

89512.....	237.20
89513.....	237.20
89515.....	237.20
89519.....	180.20
89520.....	237.20
89521.....	180.20
89523.....	237.20
89533.....	237.20
89555.....	237.20
89557.....	237.20
89570.....	237.20
89595.....	237.20
89599.....	237.20
89701.....	180.20
89702.....	180.20
89703.....	180.20
89704.....	180.20
89705.....	180.20
89706.....	180.20
89711.....	180.20
89712.....	180.20
89713.....	180.20
89714.....	180.20

89721.....	180.20
89801.....	237.20
89802.....	237.20
89803.....	237.20
89815.....	237.20
89820.....	237.20
89821.....	180.20
89822.....	180.20
89823.....	294.20
89824.....	180.20
89825.....	351.20
89826.....	351.20
89828.....	237.20
89830.....	351.20
89831.....	294.20
89832.....	294.20
89833.....	237.20
89834.....	237.20
89835.....	294.20
89883.....	351.20

*Sec. 3. 1. Except as otherwise provided in this section and section 2 of this regulation, the State Fire Marshall will charge a fee of \$46.20 per hour in relation to any inspection required to obtain a certificate of compliance pursuant to NAC 477.740.*



2. *Except as otherwise provided in section 2 of this regulation, in addition to the fee required pursuant to subsection 1, the State Fire Marshal will charge the following, if applicable, in relation to any inspection required to obtain a certificate of compliance pursuant to NAC 477.740:*

(a) *If an inspection requires overnight travel by the State Fire Marshal, lodging and per diem expenses.*

(b) *If an inspection occurs at a time other than the normal business hours of the State Fire Marshal, an hourly cost sufficient to cover the salaries and administrative expenses of the State Fire Marshal.*

(c) *For a subsequent inspection at the same address, the actual cost of travel, salaries and administrative expenses.*

Sec. 4. NAC 477.135 is hereby amended to read as follows:

477.135 ~~1.1.~~ “Inspection” means the ~~handling and observation~~ examination of ~~a fixed hood system, portable fire extinguisher unit, fire sprinkler system, alarm system or special hazard suppression system~~ :

1. *The occupancy of any building, facility, dwelling or other structure and the uses or processes associated with such occupancy to determine whether the occupancy complies with the fire and life safety codes and standards; or*

2. *Projects for construction to check for damage to the system or unit which could preclude it functioning as designed.*

~~2.~~ *The term does not include actual maintenance.* *determine whether the project complies with the plans and specifications for construction and the fire and life safety codes and standards.*

Sec. 5. NAC 477.287 is hereby amended to read as follows:

477.287 1. The State Fire Marshal may address, by variance, any requirement of the codes or standards adopted by him or her. The variance must provide an alternate means and method for satisfying the requirement that is being addressed by the variance. The State Fire Marshal will evaluate the alternate means and method used to ensure that the means and method are at least equivalent with regard to quality, strength, effectiveness, fire resistance, durability and safety as the applicable provisions of NAC and the codes and standards adopted by the State Fire Marshal.

2. *A request for a variance from a requirement of a code or standard adopted by the State Fire Marshal must:*

- (a) Be prepared and submitted by a person who is licensed as a professional engineer pursuant to chapter 625 of NRS or registered as an architect pursuant to chapter 623 of NRS;*
- (b) Bear the wet stamp and signature of the person who submitted the plans; and*
- (c) Include not less than two copies of the request for the variance along with the fee required pursuant to subsection 3.*

3. *For the review of a request for a variance submitted pursuant to this section, the State Fire Marshal will charge a fee of \$132 per hour or fraction thereof.*

Sec. 6. NAC 477.325 is hereby amended to read as follows:

477.325 1. Except as otherwise provided in this chapter, the schedule of fees for:

(a) A license to install or maintain portable fire extinguishers and fixed systems and a blaster's certificate of registration is as follows:

- (1) Type A for full service of portable fire extinguishers .....\$528
- (2) Type B for portable fire extinguishers without hydrostatic service .....429

(3) Type B-C or B-D for Type B with hydrostatic service (C is low pressure, D is high pressure hydro).....	450
(4) Type E for fixed fire extinguishing systems:	
(I) E-1 for pre-engineered systems .....	165
(II) E-2 for all other engineered systems .....	165
(III) Both E-1 and E-2 .....	330
(5) Type F for fire alarm .....	528
(6) Type G for automatic sprinkler systems, except those covered by N.F.P.A. Standards 13D and 13R, 2016 editions.....	528
(7) Type G-U for all underground private fire service mains and their appurtenances.....	297
(8) Type G-U for private hydrant repair, installation and maintenance .....	297
(9) Type G-U for the testing of backflow devices .....	297
(10) Type H for hood and duct cleaning .....	528
(11) Type I for standpipe systems .....	528
(12) Type J for systems classified pursuant to N.F.P.A. Standards 13D and 13R, 2016 editions .....	528
(13) A new blaster's certificate of registration.....	66
(14) Annual renewal of a blaster's certificate .....	66
(15) Type MG license to install medical gas systems .....	297
(16) Type EWD (Early Warning Device) license to sell or install heat detectors .....	132
(b) A new certificate of registration (each class) .....	85



(c) Renewal of a certificate of registration.....	40
(d) Issuance of a duplicate license or certificate .....	14
(e) Change of information on a certificate or license.....	14
(f) An annual license for the sale at retail of all types of fire extinguishers .....	31
(g) Retaking an examination or any part of an examination.....	25
(h) A certificate of registration and license for codes and regulations in interior design.....	120
(i) Renewal of a certificate of registration and license for codes and regulations in interior design .....	56

2. The fees for a license do not apply to this State or its political subdivisions. The fees for certificates of registration apply in all cases. A certificate of registration operates as a license for a person to perform a specific job for a company licensed pursuant to this chapter and chapter 477 of NRS.

3. The State Fire Marshal will refund the fee for a license, less an administrative fee of \$38.50, if a written request for a refund, stating that the licensee has not, after being licensed, engaged in any of the activities for which the license is issued, is received by the State Fire Marshal within 30 days after the date of the issuance of the license.

4. The following fees are established for the administrative and regulatory services of the State Fire Marshal Division:

(a) All copy service will be at the rate of 50 cents for each page.

(b) Fees for investigative services are as follows:

(1) For expert testimony rendered by the Division in a civil proceeding, the fee of \$110 for each hour of testimony or research will be charged.

(2) The actual costs for an investigation must be paid by the person investigated if the person is found guilty.

(3) Investigative and hearing costs must be paid by the person investigated, if the hearing officer finds in favor of the State Fire Marshal.

(c) ~~The fee for the issuance of a license or certificate of compliance is \$22. The State Fire Marshal will issue a certificate of compliance:~~

~~—(1) Annually for a licensed facility; or~~

~~—(2) For a facility which is not licensed, annually after an inspection and the removal of deficiencies, if any.~~

~~—(d) The State Fire Marshal may charge a fee for any other inspection services. The rate for this fee is \$38.50 per hour or any fraction thereof. The first inspection may be conducted at no charge. A fee for subsequent reinspections will be charged for the actual cost of travel, salaries and administrative expenses in addition to the inspection fee.~~

~~—(e)~~ The State Fire Marshal may charge a fee for the following services based on an hourly cost sufficient to cover the salaries and administrative expenses for:

(1) ~~Inspections outside of normal business hours.~~

~~—(2)~~ Requests for an immediate review of plans to expedite a project. The State Fire Marshal will calculate the hourly costs based on the average amount the State Fire Marshal pays for the position of employment which is applicable to the service being provided, including, without limitation, inspectors and plan checkers.

~~—(3)~~ (2) Additional reviews of plans or specifications required by changes, additions or alterations to the plans or specifications.

~~[(4)]~~ (3) Reviews of requests to use alternate materials, designs, methods of construction or equipment.

~~[(d)]~~ (d) The fee for witnessing any test for acceptance is ~~[\$22]~~ \$27 for each test requiring a separate fee for certification.

~~[(e)]~~ (e) A fee may be charged for the costs associated with providing training programs. The State Fire Marshal may waive this fee if a reasonable justification for doing so is provided.

~~[(f)]~~ (f) Instructional supplies and materials will be supplied at the approximate cost of providing them.

~~[(g)]~~ (g) Fees for instructors are \$55.30 per hour, or as set by contract for specific classes, plus per diem and travel expenses.

~~[(h)]~~ (h) Any additional costs for service will be added, as well as an administrative fee of 5.5 percent of the total cost of each program.

~~[(i)]~~ (i) Costs of certification are based upon hours of training, but will not exceed \$50. Fees will be charged for any certification other than:

- (1) Initial firefighter certification I and II for a member of a volunteer fire department; or
- (2) Certification for hazardous materials awareness and operations for all first responders for a governmental agency.

~~[(j)]~~ (j) Additional fees equal to those charged for initial testing will be charged for retesting those who fail.

~~[(k)]~~ (k) The State Fire Marshal will not collect fees pursuant to this section from a person if a third party, such as the employer of the person, pays that fee.

~~[(l)]~~ (l) Any service provided by the State Fire Marshal Division may be billed at the rate of \$38.50 per hour or the actual cost of providing the service, whichever is greater.



~~(e)~~ (m) Any service performed by a special deputy on behalf of the State Fire Marshal may be billed, pursuant to an interagency agreement, at the rate of \$38.50 per hour, the actual cost of providing the service or any other rate specified by this chapter. The State Fire Marshal may allow such fees or any part thereof to be collected and used by the agency supporting the special deputy.

~~(p)~~ (n) Approval for equipment or materials which are not on a list published by a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation will be issued annually for a fee of \$610 per product, \$38.50 per hour of research and actual expenses incurred in evaluating the product. If a product or material is not approved, there will be charged a fee of \$38.50 per hour of research and actual expenses incurred in evaluating the product, except that the minimum fee is \$184. Approval of a product lapses if the:

- (1) Product is modified;
- (2) Name of the product or person manufacturing the product is changed;
- (3) Ownership of the company is changed;
- (4) Use of the product is changed; or
- (5) Annual fee is not paid.

~~(q)~~ (o) Requests for statistical information received before the publication of the annual report will be supplied as available. The administrative cost to receive such statistical information will be calculated and assessed in accordance with this section.

5. The State Fire Marshal may establish a fee for supplying copies of the annual report to persons and agencies other than fire, legislative and state agencies. The fee will be limited to the actual cost of the publication and distribution of the report, plus an administrative fee of \$38.50.

6. The State Fire Marshal may refund all or part of any fee if he or she deems it appropriate. To be eligible for a training refund, a registrant must give not less than 72 hours' notice before removing his or her name from the registration list. The State Fire Marshal may require the registrant to provide written documentation of the notice.

7. For a plan review, the State Fire Marshal will collect a fee in accordance with section 109 of the *International Building Code*, 2018 edition.

**Sec. 7.** NAC 477.562 is hereby amended to read as follows:

477.562 1. The following requirements apply to child care facilities that require inspection and a certificate of compliance to be issued by the ~~{authority having jurisdiction:}~~ *State Fire Marshal:*

(a) Plans for the construction of new facilities or the remodeling of existing facilities, including, without limitation, plans to construct or remodel fire systems, must be submitted to the authority having jurisdiction for approval before the construction or remodeling begins.

(b) Each facility must be inspected for compliance with applicable fire and safety regulations by the ~~{authority having jurisdiction:}~~ *State Fire Marshal* before a license to operate the facility is issued. The facility must be inspected annually thereafter and have a current certificate of compliance issued by the ~~{authority having jurisdiction:}~~ *State Fire Marshal.*

(c) Smoke alarms, or if they are part of a fire alarm system, smoke detectors, approved by the State Fire Marshal must be installed pursuant to the manufacturer's instructions. In newly constructed buildings, smoke alarms or smoke detectors, as applicable, must receive their primary power from the building's wiring, with provision made for the detection of smoke during a power failure. If a smoke alarm or smoke detector powered by a battery is currently installed and it fails, the smoke alarm or smoke detector must be replaced by a smoke alarm or

smoke detector which receives its primary power from the wiring of the building and has a battery as a backup source of power.

(d) The State Fire Marshal will calculate the maximum number of occupants permitted in:

(1) A child care center based on an occupancy classification of I-4 or E.

(2) A child care facility based on an occupancy classification of I-4 for children less than 2 1/2 years of age and R-4 for children 2 1/2 years of age or older.

(3) A child care institution based on an occupancy classification of I-4 or E.

(4) A family home based on an occupancy classification of R-3.

(5) A group home based on an occupancy classification of I-4 for children less than 2 1/2 years of age and R-4 for children 2 1/2 years of age or older.

(e) Smoking is prohibited in any area designated as an "E" occupancy area unless the area has specifically been designated as a smoking area by the authority having jurisdiction. Where smoking is allowed, ashtrays must be provided.

(f) All stairs must be free of obstacles and stored combustible materials. Handrails with turn-ins must be provided if there are two or more steps in any stairway.

(g) Bathroom and closet doors must open from the inside without the need for a key or any special knowledge or effort and must be able to be immediately opened from the outside with the use of an appropriate device hung or placed above or near the door.

(h) Basements in R-3 occupancies used for child care must have at least two unobstructed exits which lead directly to the outside, one of which must open directly at ground level.

(i) Portable fire extinguishers must have a minimum rating of 2A-10BC and must be mounted pursuant to the requirements of:



(1) N.F.P.A. Standard 10, 2018 edition, and the requirements of the International Fire Code, 2018 edition; or

(2) The authority having jurisdiction.

(j) Heaters, fireplaces or other similar devices in rooms used for child care must be protected from contact with children by a sturdy, noncombustible partition, wire screen or protective metal guard. No portable heating devices are allowed.

(k) All heating equipment and hot water heaters must be:

(1) Enclosed in a manner which prevents children from coming into contact with them;  
and

(2) Secured as required by the codes and standards adopted by the State Fire Marshal.

(l) Child-resistant covers must be installed on all electrical outlets accessible to children.

(m) Wastebaskets, garbage cans and other containers used to store garbage, waste, rubbish and other combustible materials must be constructed of noncombustible materials and have a tight-fitting lid of the same material. Wastebaskets or other trash containers placed in the designated smoking areas must be constructed of noncombustible materials with a tight-fitting lid of the same material.

(n) No more than 10 gallons of flammable liquid may be stored in any area designated as an “E” area. This flammable liquid must be stored in an approved metal container and out of the reach of children.

(o) Rooms in which equipment is used or where flammable liquids, combustible dust or similar hazardous materials are handled must be separated from other portions of the building by a material which has a rating of at least 1-hour fire barrier and must conform to the requirements of the *International Building Code*, 2018 edition.

2. As used in this section:

- (a) "Child care center" has the meaning ascribed to it in NAC 432A.050.
- (b) "Child care facility" has the meaning ascribed to it in NAC 432A.060.
- (c) "Child care institution" has the meaning ascribed to it in NAC 432A.070.
- (d) "Family home" has the meaning ascribed to it in NAC 432A.100.
- (e) "Group home" has the meaning ascribed to it in NAC 432A.110.

**Sec. 8.** NAC 477.750 is hereby amended to read as follows:

477.750 1. Any plans and specifications submitted to the State Fire Marshal for review must be accompanied by the appropriate fee based upon the proposed cost of construction or if a bid is accepted, the actual bid, according to the following:

Valuation	Fee	Valuation	Fee
\$1-4,000 .....	<del>173.15</del> 87.78	13,001-14,000 .....	<del>142.23</del> 170.68
4,001-5,000 .....	<del>78.98</del> 94.78	14,001-15,000 .....	<del>149.27</del> 179.12
5,001-6,000 .....	<del>86.02</del> 103.22	15,001-16,000 .....	<del>156.20</del> 187.44
6,001-7,000 .....	<del>93.06</del> 111.67	16,001-17,000 .....	<del>163.24</del> 195.89
7,001-8,000 .....	<del>100.10</del> 120.12	17,001-18,000 .....	<del>170.28</del> 204.34
8,001-9,000 .....	<del>107.14</del> 128.57	18,001-19,000 .....	<del>176.22</del> 211.46
9,001-10,000 .....	<del>114.13</del> 136.96	19,001-20,000 .....	<del>184.36</del> 221.23
10,001-11,000 .....	<del>121.11</del> 145.33	20,001-21,000 .....	<del>191.40</del> 229.68
11,001-12,000 .....	<del>128.15</del> 153.78	21,001-22,000 .....	<del>198.44</del> 238.13
12,001-13,000 .....	<del>135.19</del> 162.23	22,001-23,000 .....	<del>205.37</del> 246.44

Valuation	Fee	Valuation	Fee
23,001-24,000 .....	<del>{212.41}</del> 254.89	44,001-45,000 .....	<del>{320.10}</del> 384.12
24,001-25,000 .....	<del>{219.45}</del> 263.34	45,001-46,000 .....	<del>{325.16}</del> 390.19
25,001-26,000 .....	<del>{224.51}</del> 269.41	46,001-47,000 .....	<del>{330.22}</del> 396.26
26,001-27,000 .....	<del>{229.57}</del> 275.48	47,001-48,000 .....	<del>{335.17}</del> 402.20
27,001-28,000 .....	<del>{234.52}</del> 281.42	48,001-49,000 .....	<del>{340.23}</del> 404.28
28,001-29,000 .....	<del>{239.58}</del> 287.50	49,001-50,000 .....	<del>{345.29}</del> 414.35
29,001-30,000 .....	<del>{243.98}</del> 292.78	50,001-51,000 .....	<del>{348.81}</del> 418.57
30,001-31,000 .....	<del>{249.70}</del> 299.64	51,001-52,000 .....	<del>{352.33}</del> 422.80
31,001-32,000 .....	<del>{254.65}</del> 305.58	52,001-53,000 .....	<del>{355.85}</del> 427.02
32,001-33,000 .....	<del>{259.71}</del> 311.65	53,001-54,000 .....	<del>{359.37}</del> 431.24
33,001-34,000 .....	<del>{264.77}</del> 317.72	54,001-55,000 .....	<del>{362.78}</del> 435.34
34,001-35,000 .....	<del>{269.83}</del> 323.80	55,001-56,000 .....	<del>{366.30}</del> 439.56
35,001-36,000 .....	<del>{274.78}</del> 329.74	56,001-57,000 .....	<del>{369.82}</del> 443.78
36,001-37,000 .....	<del>{279.84}</del> 335.81	57,001-58,000 .....	<del>{373.34}</del> 448.01
37,001-38,000 .....	<del>{284.90}</del> 341.88	58,001-59,000 .....	<del>{376.86}</del> 452.23
38,001-39,000 .....	<del>{289.96}</del> 347.95	59,001-60,000 .....	<del>{380.38}</del> 456.46
39,001-40,000 .....	<del>{294.91}</del> 353.89	60,001-61,000 .....	<del>{383.90}</del> 460.68
40,001-41,000 .....	<del>{299.97}</del> 359.96	61,001-62,000 .....	<del>{387.42}</del> 464.90
41,001-42,000 .....	<del>{305.03}</del> 366.04	62,001-63,000 .....	<del>{390.94}</del> 469.13
42,001-43,000 .....	<del>{310.09}</del> 372.11	63,001-64,000 .....	<del>{394.46}</del> 473.35
43,001-44,000 .....	<del>{315.04}</del> 378.05	64,001-65,000 .....	<del>{397.98}</del> 477.58



Valuation	Fee	Valuation	Fee
65,001-66,000 .....	<del>[401.50]</del> 481.80	86,001-87,000 .....	<del>[482.24]</del> 578.69
66,001-67,000 .....	<del>[404.91]</del> 485.89	87,001-88,000 .....	<del>[485.76]</del> 582.91
67,001-68,000 .....	<del>[408.43]</del> 490.12	88,001-89,000 .....	<del>[489.28]</del> 587.14
68,001-69,000 .....	<del>[411.95]</del> 494.34	89,001-90,000 .....	<del>[492.80]</del> 591.36
69,001-70,000 .....	<del>[415.47]</del> 498.56	90,001-91,000 .....	<del>[496.21]</del> 595.45
70,001-71,000 .....	<del>[422.51]</del> 507.01	91,001-92,000 .....	<del>[499.73]</del> 599.68
71,001-72,000 .....	<del>[426.03]</del> 511.24	92,001-93,000 .....	<del>[503.25]</del> 603.90
72,001-73,000 .....	<del>[429.55]</del> 515.46	93,001-94,000 .....	<del>[506.77]</del> 608.12
73,001-74,000 .....	<del>[433.07]</del> 519.68	94,001-95,000 .....	<del>[510.29]</del> 612.35
74,001-75,000 .....	<del>[436.59]</del> 523.91	95,001-96,000 .....	<del>[513.81]</del> 616.57
75,001-76,000 .....	<del>[440.11]</del> 528.13	96,001-97,000 .....	<del>[517.33]</del> 620.80
76,001-77,000 .....	<del>[443.63]</del> 532.36	97,001-98,000 .....	<del>[520.85]</del> 625.02
77,001-78,000 .....	<del>[447.15]</del> 536.58	98,001-99,000 .....	<del>[524.37]</del> 629.24
78,001-79,000 .....	<del>[450.56]</del> 540.67	99,001-100,000 .....	<del>[527.89]</del> 633.47
79,001-80,000 .....	<del>[457.60]</del> 549.12		
80,001-81,000 .....	<del>[461.12]</del> 553.34		
81,001-82,000 .....	<del>[466.84]</del> 560.21		
82,001-83,000 .....	<del>[468.16]</del> 561.79		
83,001-84,000 .....	<del>[471.68]</del> 566.02		
84,001-85,000 .....	<del>[475.20]</del> 570.24		
85,001-86,000 .....	<del>[478.72]</del> 574.46		

2. If the proposed cost or bid is more than \$100,000 but less than \$500,000, the fee is ~~1531.41~~ \$633.47 for the first \$100,000 plus ~~2.69~~ \$3.22 for each additional \$1,000 or fraction thereof of the proposed cost or bid.

3. If the proposed cost or bid is \$500,000 or more but less than \$1,000,000, the fee is ~~1,609.41~~ \$1,931 for the first \$500,000 plus ~~2.37~~ \$2.84 for each additional \$1,000 or fraction thereof of the proposed cost or bid.

4. If the proposed cost or bid is \$1,000,000 or more, the fee is ~~2,780.91~~ \$3,337.10 for the first \$1,000,000 plus \$1.65 for each additional \$1,000 or fraction thereof of the proposed cost or bid.

5. If a conference is required for any given project, a fee will be charged at the rate of ~~55~~ \$66 per hour or any fraction thereof, for each person from the State Fire Marshal's Office required to attend the conference.

6. If an agreement is reached by a local government and the State Fire Marshal whereby the process for review of the plans is delegated to the local authority, the local authority may use the schedule of fees set forth in this section or a schedule of fees which has been approved by the local authority.

7. If a review of plans by a local government waives or grants a variance of a minimum standard established by the State Fire Marshal or otherwise requires review by the State Fire Marshal, the local government shall require the plans to be submitted to the State Fire Marshal for review. The State Fire Marshal will charge the person on whose behalf the plans are submitted a fee of ~~55~~ \$66 per hour for each person who participates in the review. The State

Fire Marshal will notify the local government of his or her approval or disapproval of the plans upon completion of his or her review.



# LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY

NRS 233B.066

LCB FILE R183-22

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 348A.

**1. A clear and concise explanation of the need for the adopted regulation.**

This regulation is necessary to update the regulations to periodically update the editions of codes and standards as required by NRS 477.030(1) to allow for new technologies, techniques and materials in construction; periodic, comprehensive review and updating, in accordance with NRS 233B.050(1)(e), to the State Fire Marshal Division's regulation in NAC Chapter 477 to comply with existing statute and industry practices, remove outdated requirements and correct spelling and other language issues found during the review; increasing fees for numerous services provided by the State Fire Marshal Division.

**2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. mail and email to persons who were known to have an interest in the subject matter as well as any persons who had specifically requested such notice. These documents were also made available at the website of the State Fire Marshal Division, [www.fire.nv.us](http://www.fire.nv.us), mailed to all County libraries in Nevada and posted at the following locations: (see Exhibit "A" attached for posting locations)

A workshop was held in conjunction with a meeting to provide advise on the subject matter established pursuant to NAC 477 on July 20, 2022 and the minutes of that meeting, attached hereto as Exhibit "B", contain a summary of the discussion held regarding the proposed amendments. Thereafter, on or about October 31, 2022, the State Fire Marshal Division issued a Notice of Intent to Act Upon a Regulation which incorporated in the proposed amendments the suggestions of the parties attending the July 20, 2022 workshop. A Notice of Public Hearing for the Adoption of Amendments to the Regulations of the State Fire Marshal Division was held on

December 5, 2022 and the State Fire Marshal Division would like to include the following change and adopt the Regulation with the change:

**For Section 4. NAC 477.135, the definition for inspection initially provided would better read:**

1. Formal examination of an occupancy and the associated uses or processes to determine its compliance with fire and life safety codes and standards
  2. Pursuant to a construction permit issued by the State Fire Marshal, an examination of a construction project to verify compliance with approved plans in addition to compliance with fire and life safety codes and standards.
3. **The number of persons who:**
- (a) **Attended the Workshop on July 20, 2022 – 7**
  - (b) **Attended the Notice of Public Hearing on December 5, 2022 - 5**
  - (c) **Testified at the Workshop on July 20, 2022 – 0**
  - (d) **Testified at the Notice of Public Hearing on December 5, 2022 - 0**
  - (e) **Submitted to the Agency written comments: No written comments were submitted.**
- A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3, as provided to the Agency is attached as Exhibit "C".**
4. **A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**
- Comments were solicited from affected businesses in the same manner as they were solicited from the public. The summary may be obtained as instructed in the response to question #1.
5. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**
- The regulation was adopted on December 5, 2022 by the State Fire Marshal with the change as indicated in question #2.
6. **The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**
- (a) **Both adverse and beneficial effects; and**
  - (b) **Both immediate and long-term effects.**
- (a) Both adverse and beneficial effects

There are no expected adverse or beneficial effects on business.

**(b) Both immediate and long-term effects**

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

**7. The estimated cost to the Agency for enforcement of the adopted regulation.**

There is no additional cost to the Agency for enforcement of this adopted regulation.

**8. A description of any regulations of other State or Government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a Federal regulation, the name of the regulating Federal agency.**

There are no other State or Government agency regulations that the proposed regulation duplicates.

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

There are no Federal regulations that apply.

**10. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

This regulation does provide a new fee or increase in an existing fee. \$1,468,804.23 is the total annual amount the agency expects to collect with the fee increase. The money will be used for divisional operations and overhead.



This Adoption 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 Board of Architecture Interior Design and Residential Design, 2080 E Flamingo Road, Suite 120, Las Vegas, NV
- Board of Professional Engineers and Land Surveyors, 1755 East Plumb Lane, Reno, NV
- Carson City Fire Department, 777 South Stewart Street, Carson City, NV
- Carson City Public Library, 901 North Roop Street, Carson City, NV
- Central Lyon County Fire Department, 231 Corral Drive, Dayton, NV
- Churchill Fire Department, 20 N. Carson Street, Fallon, NV
- Clark County Fire Department, 575 East Flamingo Road, Las Vegas, NV
- Clark County Fire Department Training Center, 4425 West Tropicana Avenue, Las Vegas, NV
- Department of Public Safety, 858 Wright Way, Carson City, NV
- East Fork Fire Protection District, 1694 County Road, Minden, NV
- Elko County Fire Protection District, 155 South 9th Street, Elko, NV
- City of Elko Fire Department, 911 West Idaho Street, Elko, NV
- Ely Fire Department, 1780 Great Basin Blvd., Ely, NV
- Henderson Fire Department, 240 Water Street, Henderson, NV
- Las Vegas Fire and Rescue, 633 N. Mojave Road., Las Vegas, NV
- Lyon County Public Library, 20 Nevlin Way, Yerington, NV
- Nevada State Library, 100 South Stewart Street, Carson City, NV
- Pahrump Public Library, 701 E Street, Pahrump, NV
- Reno Fire Department, 1 East First Street, Reno, NV
- Sparks Fire Department, 1805 Victorian Avenue, Sparks, NV
- State Fire Marshal Division, 107 Jacobsen Way, Carson City, NV
- Esmeralda County Library, Corner of Crook & 4th Street, PO Box 430, Goldfield, NV 89013-0430
- Pershing County Library, 1125 Central Avenue, PO Box 781, Lovelock, NV 89419
- Humboldt County Library, 85 E. 6th Street, Winnemucca, NV 89445
- Lincoln County Library, 63 Main Street, PO Box 330, Pioche, NV 89043-0330
- Mineral County Library, 1st and A Street, PO Box 1390 Hawthorne, NV 89415
- Storey County Treasurer and Clerk's Office, Drawer D, Virginia City, NV 89440
- Lander County Library, 625 South Broad Street, PO Box 141, Battle Mountain, NV 89820
- Eureka Public Library, 80 Monroe Street, Eureka, NV 89316
- Churchill County Library, 553 South Main Street, Fallon, NV 89406-3306
- Las Vegas-Clark County Library District Headquarters, 833 Las Vegas Boulevard North, Las Vegas, NV 89101-2062
- Douglas County Public Library, 1625 Library Lane, Minden, NV 89423-0337
- Elko County Library, 720 Court Street, Elko, NV 89801-3397
- Lyon County Library, 63 Main Street, Pioche, NV 89043
- Tonopah Public Library, PO Box 449, Tonopah, NV 89049
- White Pine County Library, 950 Campton Street, Ely, NV 89301

Pursuant to NRS 241.020(2)(c), a copy of supporting materials for the meeting may be obtained by contacting Connie Etchison, Executive Administrative Assistant, State Fire Marshal Division, at 775-684-7625, 107 Jacobsen Way, Carson City, NV 89711

Exhibit "A"

## **MINUTES**

### **Nevada State Fire Marshal Public Workshop**

**July 20, 2022**

#### **Locations:**

**State Fire Marshal Division: 107 Jacobsen Way, Carson City, Nevada**

#### **And teleconference:**

**Teleconference to 775-687-0999, Participants Code 47525#**

#### **Present:**

**Joe Rodriguez – Lieutenant, Nevada State Fire Marshal Division  
Al Ruiz - Bureau Chief of Fire Protection and Engineering, Nevada State Fire Marshal Division  
Mike Dzyak - Chief, Nevada State Fire Marshal Division  
Connie Etchison - Nevada State Fire Marshal Division  
Nicole Hoekstra - Nevada State Fire Marshall Division  
Dale Way - Deputy Fire Chief, Truckee Meadows Fire Protection Dist.  
Nathan Hastings - Attorney General's Office**

- 1. CALL TO ORDER (Non-Action Item.)**  
The meeting was called to order at 9:03 a.m.
- 2. PUBLIC COMMENT (Non-Action Item.)**  
There were no public comments.
- 3. The purpose of the workshop is to solicit comments from the interested persons on the following general topics that may be addressed in the proposed regulations:**

**Proposed changes to regulations (NAC477) may include but not limited to fireworks transactions, fee increases including fees for Certificates of Compliance, Plans Examination and Inspections. Proposed changes may include replacing or updating words in the text, clarifying language, simplifying categories and other possible suggestions to include document retention of fireworks sales.**

**Joe Rodriguez stated the purpose of this workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations. We're looking at making a few changes to NAC 477. This may include but not limited to fireworks transactions, fee increases to include Certificates of Compliance, Plans Examination and Inspections. Proposed changes may include replacing and updating words in a text, clarifying language, and simplifying categories and other possible suggestions to include document**

*Exhibit "B"*

retention of fireworks. So I'd like to start with looking at the plans increase or increase in fees.

Al Ruiz stated one of the aspects of this proposed change is an increase to inspection fees and plan review fees and also cleaning up some of the verbiage as to when we do inspections and re-inspections and when we charge and how we charge for these inspections and re-inspections, and also charging for plan resubmittals. NAC 477.287 talks about variance submittals and we're changing this just to include verbiage that the submittals must be submitted by professional design engineer, stamped with their credentials. And we're also including a base fee of 132 per hour or a fraction thereof, and this is for variance request.

Nathan Hastings stated my sense of the way that a workshop like this has to go is that if you had like a certain amount of the public here that going through and giving a general explanation for each one to inform the public's ability to make comments or ask questions or give feedback would be prudent and appropriate. But there's no requirement that like in a workshop like this that you have to put in any of that like on the records, so to speak. There's no record that you have to make and keep. Yes, you have to keep minutes of this meeting, a record of the meeting. But there is no legal requirement to go through and state everything out on the record like of a description of all the changes you're going to make. So from an efficiency standpoint, my suggestion for this meeting would be-again, if you had, I don't know, ten people here or something, certainly you would tell the people we're going to have questions, people online and starting like this and going through, I think, would be a good thing to do. I think basically it's not necessary unless, Chief, if you have specifics and Joe you are here, that you've got the write-up of what the changes are, you could look through it and ask questions about any that you have questions about or make comments on any that you have comments about as a member of the public, so to speak. But otherwise, I don't think you need to go through them all.

Al Ruiz stated in general, what we're attempting to do with fees is to increase fees across the board for inspections and plan review by 20 percent. It's been 20-plus years that we have had a change in fees, so basically what we're trying to do is catch up to what should be appropriate, and it's mostly cost of service for these services and not for profits. So we're just increasing 20 percent because it's been so long that we've done so, and we're past due for that.

Mike Dzyak stated we also have gone to 100 percent fee based as a division. So we can no longer afford to do things that cost us money. We have no general funds to fall back on. Everything we do has to be charged appropriately, which is a big reason for this.

Joe Rodriguez stated I think one other big change that should be noted is fireworks sales. One of the biggest things is maintaining documentation for a minimum of 3 years, and that is in compliance with our IFC, more specifically, for the 603, which states that consumer fireworks records will be maintained for a



minimum of 3 years, and in the matter of interest to public safety, we're looking at the minimum age to purchase fireworks is 18 years of age. There is no state NAC or law that covers that and that's just a matter of public safety.

Nathan Hastings stated when you do any public meeting, in the open law meeting, you have to, as a matter of complying with the statute, have a period of public comment at the beginning of the meeting and a period of comment at the end of the meeting. But you don't have to be in one of those at times of public comment for someone to comment in a workshop on the regulations or ask questions about them. That's this middle part-that's the substance of the meeting that you're in now.

Dale Way asked a question on the age requirement. I support how that's going to or what impact you believe that might have in Southern Nevada with the safe and sane sales. Because right now, the guidelines for Southern Nevada, I believe, when we did that years ago, set the minimum at like 16 because it obviously then you have at least usually some form of identification, but I fully support 18.

Joe Rodriguez stated there is no state law. A lot of this stuff has been put on the counties. So Nye County might say hey, do you know where to buy fireworks in this county [inaudible 00:07:31] age, make it 21, whatever the county ordinance might be. But for statewide, there's no minimum. So there's nothing that really governs like Lander County. I'm not saying they are, but if there is no age.

Mike Dzyak stated in addition to that, it's specific to the 1.3G Division, 1.4G Division, 1.4S, and I don't know where the safe and sane stuff falls under that. I don't have a lot of experience with it, but the reason we went with 18 is that's a consenting adult and basically as a standard, and there has to be something. I mean, just because Clark County says it's 16 to purchase safe and sane, we have all these counties out here that need some kind of regulation because there isn't any when they're buying those higher-grade fireworks in Pahrump or Battle Mountain, and that's really the target of the age determination.

Nathan Hastings stated just to be comprehensive and make sure that we're careful and conservative, just looking here in the chapter of the NAC where this- so this 667, it looks like it's going to be a new section? The authorizing chapter that's cited everywhere and the authorizing NRS chapter that's cited for the authority to make regs is 030. So let me just say that, that's the duties, powers of the Fire Marshal.

Mike Dzyak stated and if you read that chapter, that's where it will say that fire marshal adopts regulations and enforces them in the following areas. If you read it, it'll go right to fireworks as being one of those.

Nathan Hastings asked where it says explosives and pyrotechnics?

Mike Dzyak stated actually, it says "fireworks", specific. The word "fireworks" is used in the, in NRS 477.030. I think it's Section B.

Nathan Hastings stated adopt regulations relating to the storage and use of-I'm looking at it. The read would be and the trigger would be-when it says "the storage and use of combustibles, flammables, and fireworks", therefore fireworks use implies the purchase as well as use. When we're saying I can regulate use, that includes I can put an age number on the time of purchase.

Mike Dzyak stated I believe it does. If you used a different word, it would exclude other aspects of it and again, my interpretation of the intent was to be able to regulate fireworks and the sales of fireworks as they pertain to the public.

Nathan Hastings states there's two ways that you can approach a workshop and the rule-making process. from a practical standpoint in terms of the submission to LCB. If I recall, you guys are doing it the way where you are doing the initial workshop right upfront very first before anything is submitted to LCB. You can also submit your draft to LCB, have them work it once, put things in the language and format they want, send it back to you and then do the workshop? The only-not problem, but logistical consideration when you do it this way is you will have the workshop, you will solicit and potentially obtain any public comment, decide whether you want to incorporate it. Again, this isn't at the adoption hearing stage. You don't even have to say anything about on the record. You do or don't incorporate any concepts from the public comment, and then your draft has to go to LCB. Once it comes back from them-I'm going to have to look at this again-whether you have to do another workshop at that stage before the adoption hearing or if LCB doesn't change significantly, so you put this draft before the public now in this workshop. It'll come back from LCB with certain changes, depending on whether those are just format kind of stuff or whether there's anything substantive. We'll look at this and we'll talk about it, whether you can move right to adoption stage or we have to do another workshop.

Mike Dzyak stated we'll do what we need to do.

Nathan Hastings stated the reason I bring it up, though, is in the context of when things get submitted to LCB, they don't just do like a language thing. Their staff people and staff attorneys do an authority thing too where they say if they-they will look at it and look at any of the proposed provisions, look at the authorizing statute and say whether they have any concerns about does this fit in the scope of the authorizing statute. So I'm comfortable with it. Lots of times something like an age limit, you often will see that more in statute than in regulation.

Mike Dzyak stated if that's the direction that they ask me to take, then that's what we'll take and we'll go forward, move forward with the, with the other portions of it. I understand we have to create a separate chapter. My goal is not to become the all-powerful fireworks monitor but to get some common-sense things onto the

books. And if LCB feels that that's not clear [inaudible 00:14:25] NRS 477.030, then we'll do it another way.

Nathan Hastings stated I just wanted to [inaudible 00:14:29] There could be some discussion on that.

Dale Way stated just kind of background. I brought it up just because, like I said, I know that what goes on down there. I fully support 18 because that's what I really wanted, even for the safe and sane booths at that time, and group wise, that didn't pan out. So I think that's definitely appropriate and I guess I was kind of saying that too because it goes back to 030, that language, that one of the things is this is not that time but one of the things I support fully is that Clark County shouldn't be allowed to make its own regulations. I think the state fire marshal needs to set the minimum for the state as had previously been done, and ICC (International Code Council) has been making a bigger push for this nationwide where some cities are not as resilient as they could be because there is no state minimum with codes, whether it be building and fire, and since you set the minimum codes there, I think that's just another area that we need to kind of pay attention to at some point.

Mike Dzyak stated I have had calls from the political aspect-the political player in Clark County that handles most of their BDRs and their session thing. And they are very supportive of this and she was going to call in and I guess something happened. But they're very supportive of this. They're looking for help down there, something to point out, so that's why I felt comfortable across the board. None of this was knee-jerk. The fees, we reached out to our biggest people, the fire service when we put out the public comment. I've announced it at the Board of Fire Services, at the Nevada fire chiefs meetings. I've said this was our intention all along. Let's just get some baseline, establish a firework hard deck, if you will.

Nathan Hastings stated another quick follow-up question on the same subject. The industry on like the retail side for the booths like the safe and sane, if a certain percentage of their bread and butter or whatever is in kids, teenagers making purchases, they presumably are going to have a take on this. But there's no one here at the workshop. But it seems to me that in addition to the chance that like LCB might have a take on the statutory authority aspect of it, if industry retail for the fireworks is going to take issue, my thought is that it's better to make sure you know where they're at and what they think, not policy wise but legally. Not that you ask them, hey, do you think that this, do you think that this works, but you ask them their take because they will tell you if they don't like it and they don't like it enough that they're going to make a stink about it, I think that you're better knowing that before you pass the regurgitation than once you go to enforce it and then it's litigation, because in litigation, the take would be the conversation we're having about like does LCB think if it's in the statute. Whether LCB does or not, any entity that has standing to make a claim, they will put forth whether they think it does in a court. There's nobody here from industry



or that's on the phone, but have you had conversations? Do you know whether there's a chance that they're going to balk at that?

Mike Dzyak stated I haven't had conversations with them. I assume they're going to balk at this. I assume that they're going to have issue with any type of regulations placed on them. I can base that on last session when Senator Oren Shaw's [ph] bill went through and they basically want no regulation. They want everybody to leave them alone and, and I understand it, and I don't think anything in here [inaudible 00:19:23] I honestly-we don't deal in safe and sane. The state law says fireworks are illegal unless the county or city body adopts those regulations. So to me, I have to live with what goes on in the counties that adopt those. I guess it could. They have the opportunity, we put the public comment on. If they want to argue for 16 and we feel that's appropriate, then that's what we'll do. But I have to base it on something. You have to start somewhere, in my opinion, and that was say hey, what is an adult? Can an adult buy fireworks? Because we do have a firework law land problem in Nevada. We have a lot of fire started by fireworks. I'm supposed to be the one that establishes rules and regulations to try to mitigate that as best we can and if you have juveniles with fireworks, purchasing fireworks, I don't feel like that was the way we should go. But I anticipate they will argue again.

Nathan Hastings stated so just to be clear, like you are a statutorily authorized policy maker, so I'm not questioning that.

Mike Dzyak stated no, I understand.

Nathan Hastings stated I'm just saying hey, this is an important conversation to have ahead to be proactive and cognizant of what are the chances, and so independent of a workshop, independent of the actual statutory components of the rule-making process that you have to follow and all that, I just think that it would be prudent to think of the best way politically to maybe have there be some like conversations and just get a sense of what the vibe what the vibe is.

Mike Dzyak stated I am 100 percent shocked that there is no one representing the fireworks industry. I was fully prepared. If Clark County knew about the workshop, there was no reason to believe that the fireworks lobby didn't know about the workshop. And I figured this is where we would have those discussions. So this kind of changes things and I'll have Lieutenant Rodriguez reach out to them and just say hey, you guys know this is going and we can get a feel for that. But like I said, I think it's just common sense. And Dale brought up the good point that the 16 down there, I didn't know that. We don't deal in safe and sane. We only deal in the larger fireworks because there's Clark County and-I don't even think Washoe County adopted the safe and sane. It's just Clark County. So they kind of opened that box and now they're-my feeling is like they need some help. They need a hard deck, and I'm trying to give that to them and help them as well.

Mike Dzyak asked if there was more public comment.

Joe Rodriguez stated that was still item number 3. We're exchanging the fees and fireworks possible adoptions for this work program and the final agenda item would be final public comment.

**4. PUBLIC COMMENT (Non-Action Item.)**

There were no public comments.

**5. ADJOURNMENT (Discussion/For Possible Action.)**

The meeting was adjourned.

## NEVADA STATE FIRE MARSHAL WORKSHOP ON JULY 20, 2022

107 Jacobsen Way, Classroom C, Carson City, NV 89711

[illegible]

Continuation of information for sign-in of visitors for NSFM Workshop on July 20, 2022

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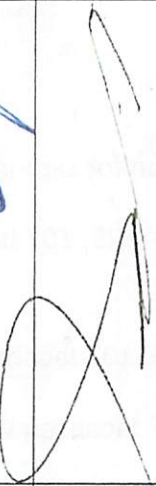



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State Fire Marshal Division - Adoption Hearing, December 5, 2022 @ 9:30am

107 Jacobsen Way, Classroom C, Carson City, NV 89711

Signature Attesting Attendance	Print Name	Print Company & Title/Address	Email Address/Telephone Number
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