

LCB File No. R077-06

**PROPOSED REGULATION OF THE
STATE CONTRACTORS' BOARD**

NOTICE OF INTENT TO ACT UPON A REGULATION

**Notice of Workshop and Hearing for the Adoption, Amendment or Repeal of Regulations
of
The State of Nevada Contractors' Board**

The State of Nevada Contractors' Board ("Board") will hold a workshop and public hearing on Thursday, May 11, 2006. The workshop will begin at 10:00 a.m. and will be video-conferenced between the Board's Henderson Office located at 2310 Corporate Circle, Suite 200, Henderson, Nevada 89074 and the Reno Office located at 9670 Gateway Drive, Reno, Nevada 89521. The public hearing will commence immediately following the workshop.

The following information is provided pursuant to the requirements of NRS 233B.060 and 233B.0603:

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

The purpose of the proposed regulation is to amend Chapter 624 of the Nevada Administrative Code concerning qualifications for investigators employed by the Board's Investigations Department.

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 Either the terms or the substance of the regulations to be adopted, amended or repealed or a description of the subjects and issues involved.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 amends certain qualifications for a compliance investigator and adds an additional class of investigator that may be employed by the Board. A copy of the proposed regulation may be obtained by writing to the Board's offices at 9670 Gateway Drive, Reno, Nevada 89521.

3. The estimated economic effect of this proposed regulation on the business which it is to regulate and on the public.

(a) Adverse and beneficial effects.

The adoption of this regulation should have no adverse economic effect on the industry. It should be beneficial to the industry by providing well qualified investigators to enforce the laws and regulations that govern the industry.

(b) Both immediate and long-term effects.

The immediate and long term effect of implementing the change should be beneficial.

- 4. The estimated cost to the Agency for enforcement of the proposed regulation.**
The cost to the agency should be minimal.
- 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.**
The proposed regulation does not overlap or duplicate any regulation of other state or local governmental entities.
- 6. If the regulation is required pursuant to federal law, a citation and description of the federal law.**
Does not apply.
- 7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**
Does not apply.
- 8. Whether proposed regulation establishes a new fee or increases an existing fee.**
The regulation does not establish a fee or increase an existing fee.

Persons wishing to comment upon the proposed action of the Board may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form to the Executive Officer of the Nevada State Contractors' Board, 2310 Corporate Circle, Suite 200, Henderson, Nevada 89074 or in Reno at 9670 Gateway Drive, Suite 100, Reno, Nevada 89521. Written submissions must be received by the Board five days prior to the scheduled hearing. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board may proceed immediately to act upon any written submissions.

A copy of this notice and the regulations to be adopted, amended or repealed 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 notices and the regulation to be adopted will be available at the State Contractors' Board, 2310 Corporate Circle, Suite 200, Henderson, Nevada 89074 and 9670 Gateway Drive, Suite 100, Reno, Nevada 89521. In all counties in which an office of the Board is not maintained, a copy of this notice and the text of the proposed regulation will also be available for public inspection and copying at the main public library during business hours. This notice and the text of the proposed regulation will be 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 Board, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall 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 has been mailed to all persons on the agency's mailing list of administrative regulations and posted at the following locations:

Washoe County Court House
Washoe County Library
Reno City Hall
Las Vegas City Hall
Sawyer State Building
Clark County Library
Offices of the State Contractors' Board in Reno and Henderson

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Explanation: Matter in *italics* is new; matter in brackets ~~[-]~~ is material to be eliminated.

INVESTIGATIONS OFFICE

NAC 624.132 Definitions. (NRS 624.100, 624.112) As used in NAC 624.132 to 624.138, inclusive, unless the context otherwise requires, the words and terms defined in NAC 624.133 and 624.134 have the meanings ascribed to them in those sections.

NAC 624.133 “Compliance investigator” defined. (NRS 624.100, 624.112) “Compliance investigator” means a person employed by the Board in the Compliance Investigations Unit who is authorized to perform duties pursuant to NRS 624.112.

NAC 624.134 “Criminal investigator” defined. (NRS 624.100, 624.112) “Criminal investigator” means a person employed by the Board in the Special Investigations Unit who is authorized to perform duties pursuant to NRS 624.112 and subsection 2 of NRS 624.115.

“Combination Investigator” defined. *(NRS 624.100, 624.112) Combination investigator means a person employed by the Board who is authorized to perform the duties of a compliance investigator and a criminal investigator pursuant to NRS 624.112 and 624.115.*

NAC 624.135 Compliance investigator: Qualifications. (NRS 624.100, 624.112) Each person who is employed by the Board as a compliance investigator must have:

~~[-]~~ (a) A valid certificate in construction skills issued by ~~[-the International Conference of Building Officials or]~~ *a nationally recognized organization* ~~[-that adopts building codes which have been adopted by the State of Nevada or a local government in this state and];~~

~~[-2. One of the following:]~~

~~[-a]~~ (b) *A high school diploma and four years of progressively responsible experience performing field investigation work;*

(c) A high school diploma and have at least 4 years of experience in the construction industry as a contractor, journeyman, foreman or supervising employee, or the equivalent thereof, as determined by the Board;

(d) A bachelor’s degree from an accredited college or university with a major in pre-engineering, construction inspection or construction technology, or a related area of study as determined by the Board, and have at least 2 years of experience in the construction industry, or the equivalent thereof, as determined by the Board; or

(e) Any sufficient combination of education and experience as determined by the Board.

NAC 624.136 Criminal investigator: Qualifications. (NRS 624.100, 624.112) Each person who is employed by the Board as a criminal investigator must:

~~[1.]~~ Hold valid certification as a peace officer by the Peace Officers' Standards and Training Commission pursuant to chapter 289 of NRS; and

2. Have one of the following:

(a) A high school diploma and have at least 5 years of experience in law enforcement or criminal investigations, or equivalent experience, as determined by the Board;

(b) A bachelor's degree from an accredited college or university with a major in criminal justice, law enforcement, or a related area of study as determined by the Board, and have at least 4 years of experience in law enforcement or criminal investigations, or equivalent experience, as determined by the Board; or

(c) Any sufficient combination of education and experience as determined by the Board.

NAC 624.137 Additional qualifications of investigators. (NRS 624.100, 624.112) In addition to the qualifications set forth in NAC 624.135 and 624.136, each compliance investigator and each criminal investigator who is employed by the Board must:

1. Be at least 21 years of age;

2. Be a citizen of the United States or lawfully entitled to remain and work in the United States;

3. Possess a Nevada driver's license and be insurable as a driver under a motor vehicle liability policy obtained by the Board;

4. Demonstrate knowledge of the provisions of this chapter, chapter 624 of NRS and the building codes adopted for use in this State;

5. Be of good moral character;

6. Not have been convicted of or pleaded nolo contendere to a felony or a crime involving moral turpitude or the illegal use or possession of a dangerous weapon or drug;

7. Not have a license issued by the Board on active status;

8. Pass the Construction Management Survey Examination not later than 1 year after he begins employment with the Board;

9. Complete annually at least 16 hours of training relating to law enforcement or construction;

10. Comply with the code of ethical standards as prescribed in NRS 281.481; and

11. Submit to the Board a complete set of his fingerprints and written permission authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

REVISER'S NOTE.

The regulation of the State Contractors' Board filed with the Secretary of State on November 20, 2001, the source of this section, became effective on that date and contains the following provision not included in NAC:

"2. The provisions of subsection 8 of section 7 of this regulation ~~[NAC 624.137]~~ notwithstanding, each employee of the State Contractors' Board who holds the position of a compliance investigator or a criminal investigator on November 1, 2001, must pass the Construction Management Survey Examination not later than December 31, 2001."

NAC 624.138 Unprofessional conduct. (NRS 624.100, 624.112)

1. An investigator who is employed by the Board shall not engage in any unprofessional conduct.

2. For the purposes of this section, unprofessional conduct includes, without limitation:

- (a) The failure to investigate or issue a notice to correct a violation that, if not corrected, would constitute a hazard to the public health or safety;
- (b) The failure to investigate properly an alleged violation of the provisions of chapter 624 of NRS;
- (c) The failure to report a conflict of interest when conducting an investigation;
- (d) The personal use of information obtained during an investigation or knowingly disclosing such information to a person who is not authorized to receive the information;
- (e) The misrepresentation of a material fact related to the performance of his duties as an investigator; and
- (f) The commission of any negligent or unlawful act in the performance of his duties as an investigator.