

LCB File No. R221-03

**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 Tuesday, December 30, 2003. The workshop will begin at 2:00 p.m. and the hearing will commence immediately following the workshop. The workshop and hearing 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 purpose of the workshop and hearing is to receive comments from all interested persons regarding the adoption, amendment or repeal of regulations that pertain to Chapter 624 of the Nevada Administrative Code.

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 to provide a classification for Construction Managers.
- 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 Either the terms or the substance of the regulations to be adopted, amended or repealed or a description of the subjects and issues involved.**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 adds a new license classification for construction management services. 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.**
There should be minimal economic impact on the industry.
 - (b) Both immediate and long-term effects.**
Minimal.
- 4. The estimated cost to the Agency for enforcement of the proposed regulation.**
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.

Does not apply.

Persons wishing to comment upon the proposed action of the Board may appear at the scheduled public workshop and 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 on or before Monday, December 22, 2003. 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

Dated: November 26, 2003

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

AUTHORITY: NRS 624.020, 624.100, 624.220, 624.215

Section 1. Chapter 624 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 4 inclusive, of this regulation.

Sec. 2. As used in sections 2 to 4 inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this regulation have the meanings ascribed to them in those sections.

Sec. 3. The Board will grant to qualified applicants a license in Construction Management. The board designates such license as a classification F. A person who holds a classification F license may perform construction management services for a fee. The scope includes the supervision of all or any part of the work described in NRS 624.215, and includes the management or direct or indirect supervision of any work performed.

Sec. 4. 1. Construction manager includes, but is not limited to, a person or entity who:

- (a) Supervises, manages, or coordinates the means, methods, and techniques of the work;*
- (b) Schedules or coordinates the performance of the work;*
- (c) Supervises labor;*
- (d) Enters into trade contracts; or*
- (e) Directs the work.*

2. A construction manager shall not self-perform the work of a general building, general engineering, or specialty contractor unless the construction manager holds a license in the classification of the work for which the construction manager is engaged.