

LCB File No. R011-05

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

(This proposed regulation was previously proposed as T004-04)

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, August 23, 2005. 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 concerning issuance of conditional licenses and assessment of fees associated with conditional licensure.

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 Either the terms or the substance of the regulations to be adopted, amended or repealed or a description of the subjects and issues involved.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 clarifies the language concerning conditional licenses and adds a provision to assess certain costs associated with conditional licensure to the licensee. 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 be beneficial to the industry since it will allow the Board to assess certain costs to the licensee whose conditional licensure requires additional expenditure by the Board.

(b) Both immediate and long-term effects.

The immediate and long term effect of implementing the change will be minimal since it clarifies the language of conditional licensure and provides for the assessment of costs to the licensee.

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

There will be minimal cost to the agency.

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, however, it allows the Board to assess costs associated with conditional licensure to the licensee.

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 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 omitted.

NAC 624.603 Issuance of conditional license. (NRS 624.100, 624.240, 624.250)

1. The Board may issue a conditional license *or conditionally renew an existing license* ~~{to an applicant who does not satisfy the requirements for the issuance or renewal of a license in a classification set forth in NAC 624.140 to 624.580, inclusive.}~~ if ~~{:}~~ the Board determines that *establishing special conditions of licensure* ~~{the issuance of a conditional license to the applicant}~~ is in the best interest of the public.

~~{(a) T} {; and}~~

~~{(b) The applicant submits a written agreement to comply with each stated condition and limitation.}~~

~~{2. The Board shall include on the conditional license a statement of each condition and limitation it determines is appropriate under the particular circumstances.}~~

~~{3}~~2. A conditional license issued pursuant to this section is automatically suspended if the licensee fails to comply with any condition or limitation stated on the license.

3. *If the Board places conditions on a license that require the Board to monitor the activities of the licensee, review monthly financial reports; review contracts or other associated reports, the Board may recover costs associated with the additional reporting requirements by assessing those costs to the licensee.*