

**ADOPTED REGULATION OF THE
STATE PUBLIC WORKS BOARD**

LCB File No. R104-11

Effective May 30, 2012

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

AUTHORITY: §1, NRS 341.070, 341.110 and 393.110.

A REGULATION relating to public works; revising provisions relating to the imposition of fees for certain projects; and providing other matters properly relating thereto.

Section 1. NAC 341.171 is hereby amended to read as follows:

341.171 1. Except as otherwise provided in subsection 3, any plans and specifications for a project that is not part of the approved program for capital improvement which are submitted to the ~~Board~~ *Division* for review and approval must be accompanied by the following *permit* fees:

(a) A basic fee for inspection services based on the proposed ~~cost of construction~~ *total valuation* of the project, *including materials, labor and equipment*, in accordance with the following schedule:

Total ~~Construction Cost~~ *Valuation* Fee

\$1 to \$500\$23.50

\$501 to \$2,000\$23.50 for the first \$500 plus \$3.05 for each additional
\$100 or fraction thereof, to and including \$2,000.

\$2,001 to \$25,000	\$69.25 for the first \$2,000 plus \$14 for each additional \$1,000 or fraction thereof, to and including \$25,000.
\$25,001 to \$50,000	\$391.25 for the first \$50,000 plus \$10.10 for each additional \$1,000 or fraction thereof, to and including \$50,000.
\$50,001 to \$100,000	\$643.75 for the first \$50,000 plus \$7 for each additional \$1,000 or fraction thereof, to and including \$100,000.
\$100,001 to \$500,000	\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000 or fraction thereof, to and including \$500,000.
\$500,001 to \$1,000,000	\$3,233.75 for the first \$500,000 plus \$4.75 for each \$1,000 or fraction thereof, to and including \$1,000,000.
\$1,000,001 and up.....	\$5,608.75 for the first \$1,000,000 plus \$3.15 for each \$1,000 or fraction thereof.

(b) Except as otherwise provided in this paragraph, an additional fee for inspection services for each mechanical, electrical and plumbing system of the project in an amount equal to 15 percent of the basic fee for inspection services for each such system. If an application involves only one such system, no additional fee for inspection services is due pursuant to this paragraph.

(c) A fee for the review of the plans and specifications for the project in an amount equal to ~~65~~ 70 percent of the total amount of the basic fee for inspection services calculated pursuant to

paragraph (a) and any additional fees for inspection services calculated pursuant to paragraph (b).

2. In addition to the fees calculated for a project pursuant to subsection 1, the ~~Board~~ ~~(a) May~~ *Division may* charge a fee for the following services on an hourly basis at a rate equal to the hourly cost of the ~~Board~~ *Division* for:

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

~~(2)~~ (b) Reinspections.

~~(3)~~ (c) Inspections for which no fee is specifically indicated.

~~(4)~~ (d) Additional reviews of plans or specifications required by changes, additions or alterations to the plans or specifications.

~~(5)~~ (e) Reviews of requests to use alternate materials, designs, methods of construction or equipment.

(f) *Investigations of work performed without benefit of or before obtaining a permit.*

~~(b) Will charge a fee for the use of outside consultants by the Board for inspections of the project in an amount equal to the actual cost to the Board for the outside consultants plus the hourly cost of the Board for obtaining the services of, and overseeing the work of, the outside consultants.]~~

↪ The ~~Board~~ *Division* will calculate its hourly costs based on the average amount the ~~Board~~ *Division* pays for the position of employment which is applicable to the service being provided, including, without limitation, inspectors, project managers and plan checkers. The hourly costs of the ~~Board~~ *Division* will be maintained on file at the ~~Board's~~ *Division's* offices in Carson City and Las Vegas and will be posted on the ~~Board's~~ *Division's* website at <http://www.spwb.state.nv.us/>.

3. The Deputy ~~[Manager]~~ *Administrator* for Compliance and Code Enforcement shall determine, based on the actual costs to the ~~[Board,]~~ *Division*, the amount of the fee that must accompany:

(a) The plans and specifications for a project which will be completed in phases or on an expedited schedule or which has unique or unusual requirements.

(b) An application for an annual permit pursuant to section 105.1.1 of the ~~[2006]~~ 2012 *International Building Code*, as adopted by reference in NAC 341.045.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R104-11**

The State Public Works Board adopted regulations assigned LCB File No. R104-11, which pertain to chapter 341 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

1. 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.

State Public Works Board solicited public comment through notices posted at State Public Works Board in Carson City and Las Vegas, the Blasdel Building, Nevada State Library, Archives in Carson City and at the Nevada County Public Libraries and mailings to our contact database.

<u>Date of Notice</u>	<u>Workshop/ Hearing</u>	<u>Date of Workshop</u>
11/28/11	Workshop	12/15/11
1/10/12	Hearing	2/10/12

Many oral and nine written comments were received at the workshop and hearings. A copy of the audio taped comments or the record of the proceedings may be obtained by calling State Public Works Division at (775) 684-4141 or by writing to the State Public Works Division, 515 East Musser, Room 102, Carson City, NV 89701, or by e-mailing the SPWD at hfatzer@admin.nv.gov

2. The number of persons who:

	12/15/11	2/10/12
(a) Attended each hearing:	32	15
(b) Testified at each hearing:	0	0
(c) Submitted written comments:	0	0

3. A description of how comment was solicited from businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from the affected and interested contractor, unions and municipalities, by notices posted at State Public Works Board offices in Carson City and Las Vegas, Nevada State Library, and at the main public libraries in all the counties.

A copy of the audio taped comments or the record of the proceedings may be obtained by calling State Public Works Division at (775) 684-4141 or by writing to the State Public Works Division, 515 East Musser, Room 102, Carson City, NV 89701, or by e-mailing the SPWD at hfatzer@admin.nv.gov

- 4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

Not applicable. Regulation was adopted with changes.

- 5. The estimated economic effect of the regulation on the business 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

Adverse - No adverse affects.

Beneficial – Clarifies the manner in which the State Public Works Division calculates the fees it charges State agencies for plan check and inspection fees. The new regulation also increases the charged agencies for plan check and specifications from 65% to 70% of the total amount of the basic fee for inspection services.

(b) Both immediate and long-term effects.

Clarifies the manner in which the State Public Works Division calculates the fees it charges State agencies for plan check and inspection fees. The new regulation also increases the charged agencies for plan check and specifications from 65% to 70% of the total amount of the basic fee for inspection services.

- 6. The estimated cost to the agency for enforcement of the adopted regulation:**

SPWB does not estimate any cost to enforce the amendments

- 7. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

None .

- 8. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

Federal Law does not require the proposed regulation.

- 9. 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.**

SPWD cannot estimate the annual amount that it will collect as the amount depends on how many agencies requests permits for construction projects. However, the increase in the fee will be used to cover actual costs incurred by staff performing these services.

10. Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use in determining the impact of the regulation on a small business?

Small business impact questionnaires were distributed to everyone in the qualification data base plus contractor's associations, other State Agencies and the proper postings.