

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

**LCB FILE NO. R072-24I**

**The following document is the initial draft regulation proposed  
by the agency submitted on 04/02/2024**

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DRAFT PROPOSED REVISIONS TO  
NEVADA ADMINISTRATIVE CODE CHAPTER 341

Deletions noted in ~~red bold italics strikethrough~~.  
Additions are noted in *blue bold italics*.

Section 1.

ADMINISTRATION

**NAC 341.045 Adoption by reference of minimum standards for design of state buildings; use of structural standards for geographic location.**

1. The Board hereby adopts by reference the following publications and establishes the standards contained therein as minimum standards for the design of state buildings, other than those excepted in NRS 341.141:

(a) The ~~2018~~ *2024 International Building Code* published by the International Code Council with the following exceptions:

(1) References to the *International Plumbing Code* are replaced with references to the *Uniform Plumbing Code*;

(2) References to the *International Electrical Code* are replaced with references to the *National Electrical Code*;

(3) References to the *International Mechanical Code* are replaced with references to the *Uniform Mechanical Code*;

(4) Section 105.1.1 is revised to read as follows:

“1. In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the building official is authorized to issue an annual permit upon application therefor to any state agency regularly employing one or more qualified tradespersons in the building or structure or on the premises owned or operated by the applicant for the permit.

2. In lieu of any individual permits that would otherwise be required, the building official is authorized to issue an annual permit upon application therefor to any state agency regularly employing one or more qualified tradespersons and one or more qualified design professionals in the building or structure or on the premises owned or operated by the applicant for the permit. The permit may authorize its holder to:

(a) Perform light construction, including, without limitation, a remodel or alteration, to an already approved building or structure; or

(b) Construct a building or structure with a gross area of 1,000 square feet or less for which the building official has already checked the plans and which is to be constructed at a site other than the site shown in the plans or at a location on the site other than the location shown in the plans.

3. An annual permit issued pursuant to this section to perform light construction to an already approved building or structure does not authorize the holder of the permit to perform any construction that:

- (a) Changes the occupancy classification of the building or structure;
  - (b) Increases the occupant load of the building or structure;
  - (c) Modifies a structural element of the building or structure;
  - (d) Changes an egress path in or from the building or structure;
  - (e) Modifies a fire-rated assembly within the building or structure unless the modification is limited to the installation of a listed through penetration for piping or conduit; or
  - (f) Modifies a fire alarm system or fire sprinkler system within the building or structure.
4. As used in this section:
- (a) “Journeyman” means a person who:
    - (1) Has successfully completed a program of apprenticeship in a building or construction trade that has been approved by the State Apprenticeship Council or an equivalent program accepted by the State Contractors’ Board; or
    - (2) Holds a journeyman’s card in a building or construction trade issued by a labor organization.
  - (b) “Qualified design professional” means a person who holds:
    - (1) A professional license or certificate issued pursuant to chapter 623, 623A or 625 of NRS that is appropriate for the work to be performed; or
    - (2) A license issued pursuant to chapter 624 of NRS in a classification or subclassification that is appropriate for the work to be performed.
  - (c) “Qualified tradesperson” means:
    - (1) A journeyman in the relevant field of work;
    - (2) A person who holds a certificate issued by the International Code Council as an inspector in the relevant field of work and who has at least 2 years of work experience in that field;
    - (3) A person who holds a license issued pursuant to chapter 624 of NRS in a classification or subclassification that is appropriate for the work to be performed; or
    - (4) An employee of the State or an agency thereof acting within the scope of his or her employment.”
- (5) To section 105.3, add:
- “(8) The permit application must be accompanied by a nonrefundable deposit of 1% of the total project valuation, including materials, labor and equipment.”
- (6) In section 202, replace the phrase “more than 75 feet” with “more than 55 feet”;
- (7) To section 403.4.4, add: “Loudspeakers or horns for a fire alarm must achieve at least 80 decibels of sound in all areas within the protected property”;
- (8) To section 403.4.6, add the following provisions:
- “(1) All fire equipment and equipment for the safety of life, including, without limitation, a fire alarm system, smoke management system, status indicator and controls for an air-handling system and an indicator of the status of an emergency generator, contained within the fire command center must be tested as frequently as required by the codes and standards adopted by the State Fire Marshal pursuant to NAC 477.281, but in any case, not less than annually. The test must be performed by a person who holds a license or certification recognized by the authority having jurisdiction as appropriate for the performance of the test. Systems and equipment within the fire command center must be tested in accordance with the procedures set forth in the codes and standards adopted by the State Fire Marshal pursuant to NAC 477.281 and any special procedures prescribed by the designer or manufacturer of the system or equipment. All fire equipment and equipment for the safety of life, after having been tested, must be restored to service and tagged by the person who performed the test. The tag must conform to requirements for recording the maintenance of a fire alarm system set forth in NAC 477.370. If the person performing the test is unable to restore the equipment to service or determines that the equipment is disabled or in an impaired condition, he or she shall promptly notify the appropriate local fire department and the State Fire Marshal. A log of the tests required by this section must be maintained on the premises and available for inspection by the appropriate local fire department.

- (2) The fire command center must be housed in a room separated from the building in which it is located by noncombustible construction rated at a minimum of 2 hours. The room used for that command center must be provided an exterior door.”;
- (9) To section 403.5.3, at the end of the last sentence, add “or the activation of any fire alarm system or a power failure”;
- (10) Section 907.5.2.3 is revised by adding the following exceptions:
- “(4) Electrical rooms and mechanical rooms that are not normally occupied and are less than 400 square feet.
  - (5) Janitor closets.
  - (6) Storage rooms that are less than 400 square feet.
  - (7) Individual work areas or offices and private toilets serving individual work areas or offices.
  - (8)”;
- (11) In section 1010.1.9.12, exception 3 is revised to read as follows: “In stairways serving buildings other than high-rise buildings, doors are permitted to be locked on the side opposite the egress side, provided that the doors can be opened from the egress side. Except for exit discharge doors, the doors must be automatically unlocked upon the activation of a fire alarm system or fire sprinkler alarm and for a power failure.”
- ➔ This code may be obtained from the International Code Council, at <http://www.iccsafe.org/>, at a price of \$**144.00** for members and \$ **192.00** for nonmembers.
- (b) The ~~2018~~ **2024** *International Existing Building Code* published by the International Code Council with the following exceptions:
- (1) References to the *International Plumbing Code* are replaced with references to the *Uniform Plumbing Code*;
  - (2) References to the *International Electrical Code* are replaced with references to the *National Electrical Code*; and
  - (3) References to the *International Mechanical Code* are replaced with references to the *Uniform Mechanical Code*.
- ➔ This code may be obtained from the International Code Council, at <http://www.iccsafe.org/>, at a price of \$**77.50** for members and \$**103.00** for nonmembers.
- (c) The ~~2018~~ **2024** *International Residential Code for One- and Two-Family Dwellings* published by the International Code Council with the following exceptions:
- (1) References to the *International Plumbing Code* are replaced with references to the *Uniform Plumbing Code*;
  - (2) References to the *International Electrical Code* are replaced with references to the *National Electrical Code*; and
  - (3) References to the *International Mechanical Code* are replaced with references to the *Uniform Mechanical Code*.
- ➔ This code may be obtained from the International Code Council, at <http://www.iccsafe.org/>, at a price of \$ **140.00** for members and \$ **180.00** for nonmembers.
- (d) The ~~2017~~ **2023** *National Electrical Code* published by the National Fire Protection Association. This code may be obtained from the National Fire Protection Association, at <http://www.nfpa.org/>, at a price of \$**251.00** for members and \$**279.00** for nonmembers.
- (e) The ~~2018~~ **2024** *Uniform Plumbing Code* published by the International Association of Plumbing and Mechanical Officials, except, in section 412.0, “Table 4-1, Minimum Plumbing Facilities,” specifying a minimum number of required fixtures, is replaced by “Table 2902.1, Minimum Number of Required Plumbing Fixtures” of the ~~2018~~ **2024** *International Building Code*. The ~~2018~~ **2024** *Uniform Plumbing Code* may be obtained from the International Association of Plumbing and Mechanical Officials, at <http://www.iapmo.org/2024/UPC> , *free of charge*.
- (f) The ~~2018~~ **2024** *Uniform Mechanical Code* published by the International Association of Plumbing and Mechanical Officials. This code may be obtained from the International Association of Plumbing and Mechanical Officials, at <http://www.iapmo.org/2024/UMC> , *free of charge*.

(g) The *Americans with Disabilities Act* published by the United States Department of Justice. This publication may be obtained from the Disability Rights Section, United States Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530, or at the Internet address <http://www.ada.gov>, free of charge.

(h) The ~~2018~~ **2024** *International Energy Conservation Code* published by the International Code Council. This code may be obtained from the International Code Council, *at* <http://www.iccsafe.org/>, at a price of \$~~49.00~~ for members and \$ ~~65.25~~ for nonmembers.

(i) The “Guidelines for Evaluating Potential Surface Fault Rupture/Land Subsidence Hazards in Nevada” and the “Guidelines for Evaluating Liquefaction Hazards in Nevada” published by the Nevada Earthquake Safety Council. These guidelines may be obtained from the Nevada Earthquake Safety Council, c/o Nevada Bureau of Mines and Geology, University of Nevada, Reno, Mail Stop 178, Reno, Nevada 89557-0178, or at the Internet address <http://www.nbmng.unr.edu/nesc/>, free of charge.

(j) ANSI/ASHRAE Standard 90.1-~~2016~~ **2022**, *Energy Standard for Buildings Except Low-Rise Residential Buildings*, published by the American Society of Heating, Refrigerating and Air-Conditioning Engineers. This standard may be obtained from the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc., *at* <http://www.ashrae.org/>, at a price of \$ ~~198.00~~ .

*(k) References to 2017 A117.1 accessibility standard in 2024 IBC Chapter 35 be replaced with 2009 A117.1 accessibility standard.*

2. In addition to the standards contained in the ~~2018~~ **2024** *International Building Code* adopted pursuant to subsection 1, all buildings and structures of the State and any parts thereof must be designed using the structural standards for seismic zones, basic wind speed, wind exposure, frost line and the live loads and snow loads for roofs adopted by the political subdivision in which the building or structure is being constructed, unless those structural standards are less stringent than the standards adopted by reference pursuant to subsection 1. In the absence of such structural standards adopted by the political subdivision, the Deputy Administrator of the Public Works - Compliance and Code Enforcement Section may use structural standards that the Deputy Administrator of the Public Works - Compliance and Code Enforcement Section determines are appropriate for the geographic location at which the building or structure is being constructed.

## **Section 2.**

### **NAC 341.136 Selection of professional consultant for project: Procedure for selection with assistance of committees. (NRS 341.070, 341.100, 341.110, 341.161, 341.166)**

1. The Administrator shall appoint a committee to:

(a) Review applications received by the Division for retention by the Division in a position on a project of the Division as an architect, engineer, construction manager or other professional consultant who will assist in a project with an estimated cost for those services of over ~~\$250,000~~ **\$1,000,000**; and

(b) Create a list of not more than five applicants for each position of architect, engineer, construction manager or other professional consultant who will assist in a project with an estimated cost for those services of over ~~\$250,000~~ **\$1,000,000**; that the Administrator wishes to retain.

2. The committee appointed pursuant to subsection 1 must consist of two members who are employed by the Division and one member who is employed by the agency for which the project is to be designed or constructed.

3. After a committee appointed pursuant to subsection 1 creates a list of applicants, the Administrator shall appoint another committee to interview the applicants included on the list and to recommend to the Administrator an applicant for selection. The committee appointed pursuant to this subsection must:

(a) Consist of three members who are employed by the Division and two members who are employed by the agency for which the project is to be designed or constructed.

(b) Not consist of any members of the committee appointed pursuant to subsection 1.

4. The committees appointed pursuant to subsections 1 and 3 shall consider the Division's experience with the architect, engineer, construction manager or other professional consultant on previous projects of the Division when creating a list of applicants and making a recommendation to the Division.

5. After reviewing the findings of the committees appointed pursuant to subsections 1 and 3, the Administrator shall make a final selection.

**Section 3.**

**NAC 341.171 Imposition and submission of fees for certain projects. (NRS 341.070, 341.085, 341.087, 341.091, 341.110)**

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 Division for review and approval must be accompanied by the following permit fees:

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

Total 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 <del>\$50,000</del> <b>\$25,000</b> 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 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 Division may charge a fee for the following services on an hourly basis at a rate equal to the hourly cost of the Division for:

- (a) Inspections outside of normal business hours.
- (b) Reinspections.
- (c) Inspections for which no fee is specifically indicated.

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

(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.

↳ The Division shall calculate its hourly costs based on the average amount the 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 Division shall maintain the hourly costs on file at the Division's offices in Carson City and Las Vegas and shall post them on the Division's Internet website at <http://www.publicworks.nv.gov>.

3. The Deputy Administrator of the Public Works - Compliance and Code Enforcement Section shall determine, based on the actual costs to the Division, the amount of the fee that must accompany:

(a) The plans and specifications for a project which will be:

(1) Completed in phases or on an expedited schedule or which has unique or unusual requirements;

or

(2) Checked by a third-party contractor.

(b) An application for an annual permit pursuant to section 105.1.1 of the ~~2018-2024~~ *International Building Code*, as adopted by reference in NAC 341.045.

#### Section 4.

### INCORPORATION OF ~~HIGH-PERFORMANCE BUILDING DESIGN MEASURES GREEN BUILDING DESIGN MEASURES~~ IN PROJECTS FOR THE CONSTRUCTION OR REMODELING OF LARGER STATE BUILDINGS

**NAC 341.301 Definitions.** (NRS 341.091, 341.110) As used in NAC 341.301 to 341.376, inclusive, unless the context otherwise requires, the words and terms defined in NAC 341.306 to 341.341, inclusive, have the meanings ascribed to them in those sections.

**NAC 341.306 "Design consultant" defined.** (NRS 341.091, 341.110) "Design consultant" means a natural person, partnership, corporation, limited-liability company or other business organization or association that engages in the practice of architecture pursuant to chapter 623 of NRS and that has entered into an agreement with the Division to provide design services for a project.

**NAC 341.311 "Design services" defined.** (NRS 341.091, 341.110) "Design services" includes, without limitation:

1. Preliminary planning;
2. Designing;
3. Estimating of costs; and
4. Preparation of detailed plans and specifications.

**NAC 341.316 "~~Green building design measure~~" "High Performance Building Design Measures" defined.** (NRS 341.091, 341.110) "~~Green building design measure~~" *High Performance Design Measures* means a design feature, material, site location, construction technique, principle, practice, device or other natural process or technological system that is designed or intended to contribute to the efficient use of energy or water in a project. The term includes the *consideration of a renewable energy source, where cost effective over the life of the Project.* ~~use of a source of renewable energy.~~

**NAC 341.321 "Project" defined.** (NRS 341.091, 341.110) "Project" means a capital improvement project of the State for the construction or remodeling of a building with a gross floor area greater than 20,000 square feet.

**NAC 341.326 "Project manager" defined.** (NRS 341.070, 341.091, 341.110) "Project manager" means a person who holds a certificate of registration to engage in the practice of architecture pursuant

to chapter 623 of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS and who is employed by the Division to provide design services for a project.

**NAC 341.331 “Remodeling” defined.** (NRS 341.091, 341.110) “Remodeling” includes, without limitation, the construction of an addition to, or the renovation or retrofit of, an existing building.

**NAC 341.336 “Renewable energy” defined.** (NRS 341.091, 341.110) “Renewable energy” has the meaning ascribed to it in NRS 341.091.

~~**NAC 341.341 “Simple payback period” defined.** (NRS 341.091, 341.110) “Simple payback period” means the time required for the cumulative dollar value of savings in energy or water that are attributable to a green building design measure to equal the initial cost of the measure excluding the time value of money.~~

**NAC 341.346 Review by Administrator of preliminary plans, designs and detailed plans and specifications of project to ensure achievement of certain efficiencies in use of energy and water; application to remodeling projects.** (NRS 341.070, 341.085, 341.087, 341.091, 341.100, 341.110)

1. The Administrator shall review the preliminary plans, designs and detailed plans and specifications of a project to ensure that the project will achieve:

(a) Efficiency in the use of energy that meets or exceeds the standards for the efficient use of energy established by:

(1) ANSI/ASHRAE Standard 90.1-~~2016~~-2022, *Energy Standard for Buildings Except Low-Rise Residential Buildings*, as adopted by reference pursuant to NAC 341.045; and

(2) The United States Environmental Protection Agency pursuant to the Energy Star Program; and

(b) Efficiency in the use of water for plumbing fixtures and landscape irrigation that is at least 10 percent more efficient than the standards for the efficient use of water established by the United States Environmental Protection Agency pursuant to the Energy Policy Act of 1992, Public Law 102-486.

2. If the project is the remodeling of a building, the requirements of subsection 1 apply only to the use of energy or water in the remodeled portion of the building.

**NAC 341.351 Contents of report concerning measures to accompany preliminary plans of project.** (NRS 341.070, 341.091, 341.110)

1. The preliminary plans of a project submitted to the Administrator by a design consultant or project manager must be accompanied by a report that identifies each ~~green-building high performance building design measure~~ that could reasonably be incorporated into the design of the project to ensure that the project will achieve the efficiencies in the use of energy and water set forth in NAC 341.346. For each such measure, the report must include, without limitation:

(a) A brief description of how the ~~green-building design measure high performance building design measures are~~ intended to contribute to the efficient use of energy or water in the project.

(b) The estimated dollar value of the savings in energy or water that are attributable to the ~~green-high performance building design measure~~ during its estimated useful life. The estimates must be supported by appropriate documentation.

(c) A life cycle cost analysis of the ~~green-building design measure high performance building design measures~~. The life cycle cost analysis must be performed in a manner prescribed by the Administrator and include, without limitation, the calculation of the simple payback ~~over a 25-year service life period.~~ ~~of the green-building design measure.~~

2. The report must include a study evaluating the feasibility of including a source of renewable energy in the project.

**NAC 341.356 Determination of measures to be incorporated into project.** (NRS 341.091, 341.100, 341.110) The Administrator shall review the preliminary plans of a project and the



accompanying report submitted pursuant to NAC 341.351 and determine the *high performance building design measures* ~~green-building design measures~~ that must be incorporated into the design of the project to ensure that the project will achieve the efficiencies in the use of energy and water set forth in NAC 341.346. In reaching this determination, the Administrator shall consider, in addition to the information provided by the design consultant or project manager pursuant to NAC 341.351:

1. The initial cost of the *high-performance building design measures* ~~green-building design measure~~ in relation to the budget for the project set forth in the State's capital improvement program.
2. The simple payback period of the *high-performance building design measures* ~~green-building design measure~~. The simple payback period must not be longer than 25 years, unless the Administrator determines that the use of a longer period is in the best interests of the State.
3. Any other information that the Administrator considers to be relevant to the determination.

**NAC 341.361 Incorporation of measures into design of project; preparation of summary report on incorporated measures. (NRS 341.070, 341.091, 341.110)**

1. The design consultant or project manager of a project shall incorporate into the design of a project each *high performance building design measures* ~~green-building design measure~~ that the Administrator has determined must be incorporated into the design pursuant to NAC 341.356.
2. The design of a project submitted to the Administrator by a design consultant or project manager must be accompanied by a summary report that identifies each *high performance building design measures* ~~green-building design measure~~ that has been incorporated into the design of the project and includes the information concerning the ~~green~~ *high performance* building design measure required pursuant to NAC 341.351.

**NAC 341.366 Retention or employment of persons to review design of project. (NRS 341.070, 341.091, 341.100, 341.110)**

1. Before approving the design of a project submitted by a design consultant or project manager, the Administrator shall retain or employ a person with competence and expertise equal to that of the design consultant or project manager to conduct a review of the design.
2. A person who conducts the review of the design of a project pursuant to subsection 1 shall:
  - (a) Express his or her professional opinion regarding whether the design of the project ensure that the project will achieve the efficiencies in the use of energy and water set forth in NAC 341.346.
  - (b) Submit his or her opinion directly to the Administrator.

**NAC 341.371 Confirmation that project will achieve certain efficiencies in use of energy and water required before approval of final payment for preparation of detailed plans and specifications of project. (NRS 341.070, 341.091, 341.100, 341.110)** Before approving the final payment to a design consultant for the preparation of the detailed plans and specifications of a project, the Administrator shall confirm that the detailed plans and specifications of the project ensure that the project will achieve the efficiencies in the use of energy and water set forth in NAC 341.346.

~~— NAC 341.376 Duties of contractor awarded contract for project: Recycling; submission of waste management plan and report. (NRS 341.070, 341.091, 341.110)~~

~~— 1. A contractor who is awarded a contract for the construction of a project shall:~~

~~— (a) Recycle or cause to be recycled not less than 50 percent by weight or volume of the total amount of solid waste generated by the construction of the project, including, without limitation, any associated demolition.~~

~~— (b) Submit to the Administrator a waste management plan for complying with the requirements of paragraph (a). The waste management plan must be in a form prescribed by the Administrator and include, without limitation, provisions concerning the storage, collection, recycling and disposal of all solid waste generated by the construction of the project, including, without limitation, any associated demolition.~~

~~—(c) Submit to the Administrator with each progress bill or retainage bill a waste management report documenting the contractor’s adherence to the waste management plan and measuring the contractor’s progress toward compliance with the requirements of paragraph (a).~~

~~—2. The provisions of subsection 1 must be included in:~~

~~—(a) The plans and specifications of the project submitted by a design consultant or project manager to the Administrator for approval;~~

~~—(b) The plans and specifications of a project approved by the Administrator and made available to bidders on the contract for the project pursuant to NRS 338.1385; and~~

~~—(c) The contract between the Division and the contractor for the project.~~

~~—3. As used in this section:~~

~~—(a) “Progress bill” has the meaning ascribed to it in NRS 338.415.~~

~~—(b) “Retainage bill” has the meaning ascribed to it in NRS 338.430.~~