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PUBLIC WORKS DIVISION

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October 30, 2024

PROPOSED REGULATION OF THE
DEPARTMENT OF ADMINISTRATION
STATE PUBLIC WORKS DIVISION
NAC 341

Small Business Impact Statement

Pursuant to NRS 233B.0608(1), the State Public Works Division is required to make a determination whether its proposed regulations will: (a) impose a direct and significant economic burden upon small business, and (b) directly restrict the formation, operation, or expansion of small business. NRS 233B.0383 defines a small business as any business that employs 150 or fewer employees.

The State Public Works Division has considered the two factors in NRS 233B.0608(1) and acknowledges the following:

1. Pursuant to NRS 341.100 (9)(a), the Division's Deputy Administrator - Compliance and Code Enforcement serves as the building official for construction of buildings or structures on State property. The proposed regulation adopts the 2024 buildings codes and makes other minor revisions. The proposed regulations also make a minor correction in the amount of fees charged for building permits.
2. Pursuant to NRS 341.100 (8)(e), the Division's Administrator is responsible for selecting architects and other consultants. Currently, NAC 341.136 requires the creation of a committee to select architects/engineers (exceptions apply) if the cost of services is \$250,000 or more. This process is lengthy and costly for the architect/engineer and the Division's staff. The proposed regulation raises the monetary threshold from \$250,000 to \$1,000,000 resulting in a more efficient and effective use of both staff and private sector resources.
3. Pursuant to NRS 341.091, the Division is required to adopt standards and performance guidelines related to the efficient use of water and energy. Currently, NAC 341.301 – NAC 341.371 requires the incorporation of 'green building' design measures in certain larger projects. "Green building" is an imprecise term, not widely recognized in the construction and design industry. The proposed regulation changes 'green building' design measures to 'high performance' building design measures resulting in a more precise and objective measurement

tool, recognized in the construction industry. The proposed regulation also sets a more realistic payback period. The result is more cost-effective state-owned buildings.

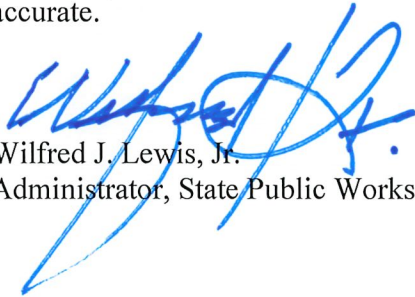
SPWD made a concerted effort to determine any economic burden. The Division maintains a list of all contractors that are qualified bidders with the Division as well as affected and interested contractors, unions, municipalities and trade organizations. A Small Business Impact Questionnaire was sent to all interested parties, along with access to the Proposed Regulations for NAC 341.

The Questionnaire asked if the proposed regulations in NAC 341 would have an adverse economic effect on your business; and if the proposed regulations would have an indirect adverse effect? No business responded. A copy of the questionnaires can be obtained by calling the State Public Works Division at (775) 684-4141 or by writing the State Public Works Division, 680 W. Nye Lane, Suite 103, Carson City, NV 89703, or by emailing SPWD at sjennings@admin.nv.gov

The proposed regulation will not impose a direct and significant economic burden upon small businesses and will not directly restrict the formation, operation, or expansion of small businesses.

Therefore, as the State Public Works Division Administrator I hereby certify:

That the State Public Work Division made a concerted effort to determine the effect of these regulations on small businesses and that the information contained in this statement was properly prepared and accurate.

A handwritten signature in blue ink, appearing to read 'Wilfred J. Lewis, Jr.', is written over the typed name and title.

Wilfred J. Lewis, Jr.
Administrator, State Public Works Division