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**CLARK COUNTY BUILDING DIVISION'S
PROPOSED AMENDMENT TO S.B. 371**

PROPOSED AMENDMENT

Delete item 5 of Section 23.

Sec. 23. NRS 278.577 is hereby amended to read as follows:

13-29 278.577 1. Except as otherwise provided in subsection 2, in a
13-30 county whose population is 100,000 or more, or in any city
located

13-31 within such a county, if the city or county provides for the
13-32 inspection of structures and the enforcement of building codes
13-33 pursuant to NRS 278.570, 278.573 and 278.575, the city or
county

13-34 shall:

13-35 (a) Prepare a list of national and international organizations
13-36 which certify persons who inspect a structure or a portion of a
13-37 structure and which are approved by the city or county, as
13-38 appropriate, for certifying persons pursuant to this subsection;

13-39 (b) Require a person who fills the position of building official,
13-40 reviews plans or inspects a structure or building or a portion of a
13-41 structure or building pursuant to NRS 278.570 or 278.575 to be
13-42 certified by an organization included on the list prepared
pursuant to

13-43 paragraph (a);

13-44 (c) Establish requirements for continuing education for a
person

13-45 who is required to be certified pursuant to this subsection; and

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ASSEMBLY JUDICIARY

D1-5

DATE: 5/15/02 ROOM: 3138 EXHIBIT D

SUBMITTED BY: Ron Lynn

14-1 (d) Prohibit a person who is not certified or does not fulfill the
14-2 requirements for continuing education pursuant to this
subsubsection

14-3 from filling the position of building official, reviewing plans or
14-4 inspecting a structure or building or a portion of a structure or
14-5 building pursuant to NRS 278.570 or 278.575.

14-6 2. A city or county specified in subsection 1 may authorize an
14-7 employee of the city or county to perform duties for which
14-8 certification is required pursuant to that subsection if those
duties

14-9 are performed under the supervision of a person who is certified
by

14-10 an organization that is included on the list prepared by the city
or

14-11 county pursuant to paragraph (a) of that subsection. The city or

14-12 county may authorize an employee to perform duties pursuant
to

14-13 this subsection for not more than 1 year.

14-14 3. The requirements for continuing education established
14-15 pursuant to paragraph (c) of subsection 1 must:

14-16 (a) Include the completion of at least 45 hours of continuing
14-17 education every 3 years; and

14-18 (b) Specify the manner in which a person may complete those
14-19 hours.

14-20 4. In a county whose population is less than 100,000, or in
any

14-21 city located within such a county, if the city or county provides
for

14-22 the inspection of structures and the enforcement of building
codes

14-23 pursuant to NRS 278.570, 278.573 and 278.575, the city or
county

14-24 shall, by resolution, establish the requirements for certifying and
for

14-25 continuing education for a person who, on a full-time basis, fills
14-26 the

14-26 position of building official, reviews plans or inspects a
14-27 structure or

14-27 building or a portion of a structure or building pursuant to NRS
14-28 278.570 or 278.575.

14-29 ~~[5. In addition to the requirements for continuing education~~
14-30 ~~established pursuant to this section, each city or county that~~
14-31 ~~provides for the inspection of structures and the enforcement~~
14-32 ~~of~~

14-32 ~~building codes pursuant to NRS 278.570, 278.573 and 278.575~~
14-33 ~~shall, by resolution, require each person who:~~

14-34 ~~(a) Fills the position of building official, reviews plans or~~
14-35 ~~inspects a structure or building or a portion of a structure or~~
14-36 ~~building pursuant to NRS 278.570 or 278.575; and~~

14-37 ~~(b) Is required to attend a course of continuing education~~
14-38 ~~pursuant to this section,~~

14-39 ~~to complete a course of instruction in constructional defects~~
14-40 ~~approved by the State Contractors' Board. The resolution~~
14-41 ~~must~~

14-41 ~~require the person to complete the course annually and must~~
14-42 ~~include the requirements for submission of proof of~~
14-43 ~~attendance at~~

14-43 ~~the course. As used in this subsection, "constructional defect"~~
14-44 ~~has~~

14-44 ~~the meaning ascribed to it in section 5 of this act.]~~

JUSTIFICATION

The additional continuing education requirements imposed by Section 23, item 5 are redundant, unnecessary, expensive, and outside the scope of work of inspectors and plans examiners.

Redundant

The continuing education requirements in SB 371 are in addition to the continuing education requirements inspectors and plans examiners must complete to maintain their professional licenses, certifications, as well as comply with the 45 hours of triennial continuing education already mandated by NRS 278.577

Requiring additional education will not appreciably enhance the knowledge, skills, or abilities of inspectors and plans examiners beyond that level already attained by the current continuing education requirements.

Unnecessary

The education and training inspectors and plans examiners currently receive in construction practices, technology, and materials, includes and surpasses the knowledge imparted in a specialized construction defects class.

Expensive

To comply with current professional and NRS continuing education standards and mandates, the Building Division of the Clark County Department of Development Services budgeted over \$150,000 for fiscal year 2003/03! This is in addition to the expense of in-house training staff. Moreover, each additional hour of training costs the department approximately \$8,500 in wages, in addition to the cost of tuition and materials as well as the cost of lost productivity and the associated cost to contractors and developers.

Scope of Work

Inspecting structures for construction defects is above and beyond building departments' responsibility of inspecting minimal life-safety standards and into the contractors' and developers' responsibility for maintaining quality control of workmanship and materials. There are several reasons for this.

First, developers and contractors are paying for the construction work. The law mandates through building codes that all construction meet minimal life-safety standards, but once that threshold is met, developers and contractors are free to determine the quality of workmanship they will accept and pay for. Some developers and contractors set high

quality standards and invest the time and money to achieve those standards. Other developers and contractors settle on minimal life safety standards and pay less.

Also, many aspects of construction such as laying tile and carpeting do not impact life-safety and are not regulated by construction codes. New codes would need to be developed and enforced.

Second, if local jurisdictions were mandated to enforce quality control, how would they determine the acceptable level of quality workmanship and materials? Currently, like automobiles, the market decides. If customers want Rolls-Royce quality, they pay more. If they'll accept less quality, they pay less. Like vehicles, though all types of structures meet minimal life-safety standards, they still vary in quality and price. If Nevada moves to a government control of quality above life-safety standards, what criteria can be used to determine and empirically measure quality? Beyond life-safety, all other standards of quality would be arbitrary and perhaps capricious.

Third, if local jurisdictions are mandated to determine and enforce minimal quality standards beyond life-safety, inspectors will be required to radically increase the time spent on inspections. This in turn will require jurisdictions to hire more inspectors, purchase more vehicles, hire more support staff, build larger offices, and substantially raise fees. Which of course results in higher construction costs and sales prices to the consumer

Fourth, if local jurisdictions are mandated to determine and enforce minimal quality standards beyond life-safety, they will be the target of all the expensive and seemingly endless litigation despite the fact that they neither designed, built, nor sold the structures. Legal responsibility will shift from the developers and contractors to local governments.