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STATE CONTRACTORS BOARD

MINUTES OF THE HEARING BEFORE THE NEVADA STATE CONTRACTORS BOARD HELD NOVEMBER 1, 2012

Executive Officer Margi Grein called the hearing to order at 9:00 A.M. on Thursday, November 1, 2012 at the offices of the State Contractors Board, 2310 Corporate Circle, Henderson, Nevada, and video-conferenced to the Reno office. Exhibits 1 and 2 are the Notices of Intent to Act Upon a Regulation and a copy of the proposed regulations.

BOARD MEMBERS PRESENT

Ms. Margaret Cavin
Mr. Donald Drake

STAFF MEMBERS PRESENT

Ms. Margi Grein, Executive Officer
Ms. Nancy Mathias, Licensing Administrator
Mr. Louis Ling, Board Counsel

Ms. Grein noted a workshop on the proposed regulations was held Thursday, October 11, 2012 and explained the purpose of the workshop is to receive and address comments received by the public on three proposed regulations, Legislative Counsel Bureau file numbers R095-12, R096-12, and R098-12. Ms. Grein noted the two notices for the workshop and hearing were posted in accordance with NRS 233B at the Paseo Verde Library, Sawyer State Building, Clark County Library, the Washoe County Courthouse, Washoe County Library, Reno City Hall, offices of the State Contractors Board in Reno and Henderson, and on the agency's website.

Ms. Grein mentioned for the record that Mr. Modesto Gaxiola for the United Union of Roofers, Waterproofers, and Allied Workers Local #162, Mr. Jack Mallory for the International Union of Painters and Allied Trades, and Mr. Danny Costella for the Ironworkers Local 118 provided testimony at the October 11 workshop. Ms. Grein also noted that written comments were received by Mr. Gaxiola, Mr. Mallory, and Ms. Joanna Jacobs with the Associated General Contractors of Southern Nevada.

Ms. Grein explained the proposed regulation changes to item R095-12 amend the language of classifications A-8, A-19, C-2, C-2g, C-4a, C-15a, C-16, C-36, and C-38a; add four new subclassifications: A-24 (Fountains and Other Water Features), A-25 (Telecommunications Towers), C-14j (Conveyance of Goods), and C-41d (Private Fire Hydrants); and clarifies and streamlines the language making it more consistent with current trade practices, as well as repeals language that is no longer needed or that is already addressed in other sections of the law.

Ms. Grein noted the following written comments were received after the October 11 workshop:

- The United Union of Roofers, Waterproofers, and Allied Workers Local #162 comments sought to add the word "urethane" after rubber on the C-15(d) classification and consolidate all urethane applications into the C-15 license; and

- The Associated General Contractors of Southern Nevada provided comments concerning the effects of a licensee with an A-24 classification performing work under the A-22 classification, as well as how the work of an A-19c contractor would affect licensees holding an A-19 license.

Ms. Grein noted there were members of the public present for comment on proposed regulation R095-12.

Mr. Modesto Gaxiola, Business Manager, representing the Roofers and Water Proofers Union provided comments concerning the origin of polyurethane products and how the product is used today as a protector for various purposes. Mr. Gaxiola indicated his union would like to see urethane coating added to classification C-15, as well as consolidating all urethane installation applications into the C-15 classification.

Mr. Jack Mallory, Director of Government Affairs, representing the International Union of Painters and Allied Trades, agreed with Mr. Gaxiola's comments and added that it is also appropriate to have urethane coatings in subclassifications C-3 and C-16, as these classifications have historically performed this scope of work.

Ms. Janine Meredith, Corporate Secretary, representing Arizona Falls, requested clarification concerning classification of the existing A-22 licensees.

Ms. Grein closed the discussion period for R095-12 and sought comments on R096-12. Ms. Grein noted the proposed regulation amends the language of subclassifications C-3a to remove the term "remodeling" and clarify the scope of work, and subclassification C-3c to include the installation of firestop systems as part of the scope of work.

Ms. Grein added that written comments were received by the International Union of Painters and Allied Trades requesting the addition of the following language to the proposed C-3 classification: *"but does not include the work authorized by a classification C-8 or C-14 license issued by the Board in the specialty of glazing."*

Ms. Grein noted there were members of the public present for comment on proposed regulation R096-12.

Mr. Jack Mallory, Director of Government Affairs, representing the International Union of Painters and Allied Trades, commented that following clarification received at the October 11 workshop, he did not believe the original intent of the proposed changes to NAC was to include glazing systems in the definition of suds. He noted the amendments he provided in written form were to clarify the definition as to not include those materials listed under a C-8 or a C-14 license.

Steve Ross, Executive Director, Southern Nevada Labor Management Cooperative Committee, representing the Painting & Decorating Contractors Association, Finishing Contractors Association, Southern Nevada Glazing Contractors Association, and Western Mall City Contractors on the management and labor side, as well as the District Council 15 International Union Painters & Trades, provided his support to the comments stated by Mr. Mallory.

Mr. Robert Conway, Business Administrator, representing the Ironworkers Local 433, indicated language within classification C-14 is appropriate as proposed.

Mr. Louis Ling, NSCB Counsel, noted that all comments received by the public would be reviewed by the Board and it is his recommendation to hold another public workshop and hearing to further discuss and receive comment on the proposed changes brought forward by the industry on classification C-3.

Mr. Ling also noted that the Board received proposed changes to classification C-8, which is not currently part of any of the Board's three proposed regulations and that the Board will need to determine if they wish to include this language in one of the current proposals or open a new rulemaking file on the matter.

Ms. Margaret Cavin, NSCB Board member, noted it was her preference to withhold moving forward on R095-12 and R096-12 to allow time for additional comments and review of the proposed changes.

Mr. Mallory presented letters from Mr. Terry Mayfield, Executive Director of the Glazing Contractors Association of Southern Nevada dated September 28, 2009 and August 17, 2004, and Ms. Grein of the NSCB dated October 2, 2009 and September 14, 2004.

Ms. Grein closed the discussion period for R096-12 and sought comments on R098-12. Ms. Grein noted the proposed regulation reduces penalties for the late filing of a renewal application, clarifies language concerning motions, and repeals language no longer needed or that is already addressed in other sections of the law.

It was noted that no members of the public were present in either Reno or Henderson to comment on the proposed regulation.

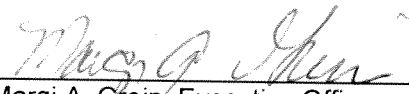
Ms. Grein stated that another workshop for proposed regulations R095-12 and R096-12 would be scheduled for a date yet to be determined and that appropriate notices will be made pursuant to NRS 233B. Ms. Grein also noted proposed regulation R098-12 will be presented to the Board at the November Board Meeting.

The workshop was adjourned at 9:40 A.M.

Respectfully submitted

Jennifer Turner
Reporting Secretary

Approved:



Margi A. Grein, Executive Officer