

ASSEMBLY BILL NO. 598—COMMITTEE ON WAYS AND MEANS

MARCH 17, 1999

Referred to Concurrent Committees on Government Affairs
and Ways and Means

SUMMARY—Revises provisions regarding public works projects. (BDR 28-1669)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

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

AN ACT relating to public works; requiring the state public works board to certify persons as experts in accessible design; requiring the submission of plans and specifications for public buildings and facilities to the state public works board to ensure compliance with certain federal requirements; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 338.180 is hereby amended to read as follows:
2 338.180 1. The legislature of the State of Nevada declares that:
3 (a) The primary purpose of this section is to provide, subject to the
4 limitations set forth in this section, for the removal and elimination of
5 architectural barriers to the physically handicapped in public buildings and
6 facilities designed after July 1, 1973, in order to encourage and facilitate
7 the employment of the physically handicapped and to make public
8 buildings accessible to and usable by the physically handicapped; and
9 (b) It is the intent of the legislature that insofar as possible all buildings
10 and facilities used by the public be accessible to, and functional for, the
11 physically handicapped, without loss of function, space or facility where
12 the general public is concerned.
13 2. ***The state public works board shall:***
14 ***(a) By regulation, establish the qualifications for certification as an***
15 ***expert in accessible design; and***
16 ***(b) Certify a qualified person as an expert in accessible design.***

1 **3.** All plans and specifications for the construction of public buildings
2 and facilities by the state or by a political subdivision, district, authority,
3 board or public corporation or entity of the state after July 1, 1973, must
4 provide facilities and features for the physically handicapped so that
5 buildings which are normally used by the public are constructed with
6 entrance ramps, toilet facilities, drinking fountains, doors and public
7 telephones accessible to and usable by the physically handicapped. Such
8 *plans and specifications must be submitted before the commencement of*
9 *construction to the state public works board for review by an expert in*
10 *accessible design. Upon receipt of the plans and specifications, the expert*
11 *shall review the plans and specifications to determine whether they*
12 *comply with the applicable requirements of the Fair Housing Act, 42*
13 *U.S.C. §§ 3601 et seq., the Americans with Disabilities Act of 1990, 42*
14 *U.S.C. §§ 12101 et seq. and the Minimum Guidelines and Requirements*
15 *for Accessible Design, 36 C.F.R. §§ 1190.1 et seq. If the plans and*
16 *specifications comply with the federal requirements, the expert shall*
17 *notify the state public works board of that compliance and provide his*
18 *written approval for the project to commence. The expert may physically*
19 *inspect the project during and after construction to ensure actual*
20 *compliance with the Fair Housing Act, the Americans with Disabilities*
21 *Act of 1990 and the Minimum Guidelines and Requirements for*
22 *Accessible Design. The state public works board may impose a*
23 *reasonable fee to cover the costs of the expert in reviewing plans and*
24 *specifications and conducting any necessary physical inspections of a*
25 *project.*

26 **4.** All buildings and facilities must conform with the *applicable*
27 *requirements of the Fair Housing Act, 42 U.S.C. §§ 3601 et seq., the*
28 *Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq. and*
29 *the Minimum [Federal] Guidelines and Requirements for Accessible*
30 *Design, [as issued by the United States Architectural and Transportation*
31 *Barriers Compliance Board in the Federal Register of January 16, 1981.]*
32 *36 C.F.R. §§ 1190.1 et seq.*

33 **Sec. 2.** NRS 385.125 is hereby amended to read as follows:

34 385.125 1. The state board may adopt standard plans, designs and
35 specifications for the construction of school buildings by the boards of
36 trustees of the various school districts. If such plans, designs and
37 specifications are adopted, provision must be made for the production and
38 distribution of such plans, designs and specifications by appropriate rules
39 and regulations. The board of trustees of a school district may use any such
40 plans, designs and specifications if it determines that the plans, designs and
41 specifications are in the best interests of the district.

42 2. Before the adoption of any such standard plans, designs and
43 specifications, the state board shall submit the plans, designs and

1 specifications to the state public works board . ~~[- whose written approval~~
2 ~~thereof must be obtained before any further consideration by the state~~
3 ~~board.]~~ The state public works board shall ~~[ensure that the plans, designs~~
4 ~~and specifications comply with all applicable requirements of the~~
5 ~~Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12101 to 12213,~~
6 ~~inclusive).]~~ *provide a copy of the plans, designs and specifications to an*
7 *expert in accessible design who is certified by the state public works*
8 *board pursuant to NRS 338.180. The expert shall review the plans,*
9 *designs and specifications to determine whether they comply with the*
10 *applicable requirements of the Americans with Disabilities Act of 1990,*
11 *42 U.S.C. §§ 12101 et seq., and the Minimum Guidelines and*
12 *Requirements for Accessible Design, 36 C.F.R. §§ 1190.1 et seq. If the*
13 *plans, designs and specifications comply with the federal requirements,*
14 *the expert shall notify the state public works board of that compliance*
15 *and provide his written approval of the plans, designs and specifications.*
16 *The expert may physically inspect any project which is constructed*
17 *according to the plans, designs and specifications during and after*
18 *construction to ensure actual compliance with the Americans with*
19 *Disabilities Act of 1990 and the Minimum Guidelines and Requirements*
20 *for Accessible Design.*

21 3. The state public works board may charge and collect and the state
22 board may pay a reasonable fee for the costs incurred by the state public
23 works ~~[board in approving]~~ *in securing the approval of an expert in*
24 *accessible design of* the standard plans, designs and specifications
25 submitted.

26 **Sec. 3.** NRS 393.110 is hereby amended to read as follows:

27 393.110 1. Except as otherwise provided in subsection 2:

28 (a) Unless standard plans, designs and specifications are to be used as
29 provided in NRS 385.125, before letting any contract or contracts for the
30 erection of any new school building, the board of trustees of a school
31 district shall submit plans, designs and specifications therefor to ~~[and~~
32 ~~obtain the written approval of the plans, designs and specifications by]~~ the
33 state public works board. *The state public works board shall provide a*
34 *copy of the plans, designs and specifications to an expert in accessible*
35 *design who is certified by the state public works board pursuant to NRS*
36 *338.180. The expert shall review the plans, designs and specifications to*
37 *determine whether they comply with the applicable requirements of the*
38 *Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq. and*
39 *the Minimum Guidelines and Requirements for Accessible Design, 36*
40 *C.F.R. §§ 1190.1 et seq. If the plans, designs and specifications comply*
41 *with the federal requirements, the expert shall notify the state public*
42 *works board of that compliance and provide his written approval for the*
43 *project to commence. The expert may physically inspect the project*

1 *during and after construction to ensure actual compliance with the*
2 *Americans with Disabilities Act of 1990 and the Minimum Guidelines*
3 *and Requirements for Accessible Design.* The state public works board is
4 authorized to charge and collect, and the board of trustees is authorized to
5 pay, a reasonable fee for the payment of any costs incurred by the state
6 public works board in securing the approval of *an expert in accessible*
7 *design and* qualified architects or engineers of the plans, designs and
8 specifications submitted by the board of trustees in compliance with the
9 provisions of this paragraph.

10 (b) Before letting any contract or contracts for any addition to or
11 alteration of an existing school building which involves structural systems,
12 or exiting, sanitary or fire protection facilities, the board of trustees of a
13 school district shall submit plans, designs and specifications therefor to
14 ~~and obtain the written approval of the plans, designs and specifications by~~
15 the state public works board. *The state public works board shall provide a*
16 *copy of the plans, designs and specifications to an expert in accessible*
17 *design who is certified by the state public works board pursuant to NRS*
18 *338.180. The expert shall review the plans, designs and specifications to*
19 *determine whether they comply with the applicable requirements of the*
20 *Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq. and*
21 *the Minimum Guidelines and Requirements for Accessible Design, 36*
22 *C.F.R. §§ 1190.1 et seq. If the plans, designs and specifications comply*
23 *with the federal requirements, the expert shall notify the state public*
24 *works board of that compliance and provide his written approval for the*
25 *project to commence. The expert may physically inspect the project*
26 *during and after construction to ensure actual compliance with the*
27 *Americans with Disabilities Act of 1990 and the Minimum Guidelines*
28 *and Requirements for Accessible Design.* The state public works board is
29 authorized to charge and collect, and the board of trustees is authorized to
30 pay, a reasonable fee for the payment of any costs incurred by the state
31 public works board in securing the approval of *an expert in accessible*
32 *design and* qualified architects or engineers of the plans, designs and
33 specifications submitted by the board of trustees in compliance with the
34 provisions of this paragraph.

35 ~~{The state public works board shall ensure that all plans, designs and~~
36 ~~specifications that it reviews pursuant to this section comply with all~~
37 ~~applicable requirements of the Americans with Disabilities Act of 1990 (42~~
38 ~~U.S.C. §§ 12101 to 12213, inclusive).}~~

39 2. Upon the request of a board of trustees of a school district, or its
40 designated representative, the state public works board may waive the
41 requirements specified in subsection 1 and delegate its powers and duties
42 thereunder to the district.

- 1 3. If the state public works board waives the requirements of
2 subsection 1 and delegates its powers and duties thereunder to a school
3 district, the school district shall submit a copy of its final plans, designs and
4 specifications for any project to which that section applies to the building
5 and planning department of the appropriate city or county before
6 completion of the project.
- 7 4. No contract for any of the purposes specified in subsection 1 made
8 by a board of trustees of a school district contrary to the provisions of this
9 section is valid, nor ~~shall~~ *may* any public money be paid for erecting,
10 adding to or altering any school building in contravention of this section.

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