

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 governmental entities to comply with certain federal requirements in the design, construction and alteration of public buildings and facilities; requiring the state public works board and local building departments to verify that public buildings and facilities conform with the federal requirements; revising provisions governing the development and review of plans for the construction and alteration of school buildings; 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. All plans and specifications for the construction of public buildings
14 and facilities ***owned*** by the ~~[state]~~ ***State of Nevada*** or by a political
15 subdivision ~~[, district, authority, board or public corporation or entity of the~~

1 ~~state]~~ *thereof must*, after July 1, 1973, ~~[must]~~ provide facilities and features
2 for the physically handicapped so that buildings which are normally used
3 by the public are constructed with entrance ramps, toilet facilities, drinking
4 fountains, doors and public telephones accessible to and usable by the
5 physically handicapped. ~~[Such]~~ *In addition, all plans and specifications*
6 *for the construction or alteration of public buildings and facilities owned*
7 *by the State of Nevada or a political subdivision thereof must comply*
8 *with the applicable requirements of the:*

9 (a) *Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et*
10 *seq., and the regulations adopted pursuant thereto, including, without*
11 *limitation, the Americans with Disabilities Act Accessibility Guidelines*
12 *for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28*
13 *of the Code of Federal Regulations;*

14 (b) *Minimum Guidelines and Requirements for Accessible Design, 36*
15 *C.F.R. §§ 1190.1 et seq.; and*

16 (c) *Fair Housing Act, 42 U.S.C. § 3604, and the regulations adopted*
17 *pursuant thereto.*

18 *The requirements of paragraph (a) of this subsection are not satisfied if*
19 *the plans and specifications comply solely with the Uniform Federal*
20 *Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title*
21 *41 of the Code of Federal Regulations.*

22 3. *The State of Nevada and each political subdivision thereof shall,*
23 *in the design, construction and alteration of public buildings and*
24 *facilities comply with the applicable requirements of the:*

25 (a) *Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et*
26 *seq., and the regulations adopted pursuant thereto, including, without*
27 *limitation, the Americans with Disabilities Act Accessibility Guidelines*
28 *for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28*
29 *of the Code of Federal Regulations;*

30 (b) *Minimum Guidelines and Requirements for Accessible Design, 36*
31 *C.F.R. §§ 1190.1 et seq.; and*

32 (c) *Fair Housing Act, 42 U.S.C. § 3604, and the regulations adopted*
33 *pursuant thereto.*

34 *The requirements of paragraph (a) of this subsection are not satisfied if*
35 *the State of Nevada or a political subdivision thereof complies solely with*
36 *the Uniform Federal Accessibility Standards set forth in Appendix A of*
37 *Part 101-19.6 of Title 41 of the Code of Federal Regulations.*

38 4. *The state public works board shall verify that all public buildings*
39 *and facilities* ~~[must]~~ *owned by the State of Nevada conform with the*
40 ~~[Minimum Federal Guidelines and Requirements for Accessible Design, as~~
41 ~~issued by the United States Architectural and Transportation Barriers~~
42 ~~Compliance Board in the Federal Register of January 16, 1981.]~~

43 *requirements of this section. Each political subdivision shall verify that*

1 *all public buildings and facilities owned by the political subdivision*
2 *conform with the requirements of this section.*

3 **Sec. 2.** NRS 278.610 is hereby amended to read as follows:

4 278.610 1. ~~{Except as otherwise provided in subsection 3, after}~~
5 *After* the establishment of the position of building inspector and the filling
6 of the position as provided in NRS 278.570, it is unlawful to erect,
7 construct, reconstruct, alter or change the use of any building or other
8 structure within the territory covered by the building code or zoning
9 regulations without obtaining a building permit from the building inspector.

10 2. The building inspector shall not issue any permit unless the plans of
11 and for the proposed erection, construction, reconstruction, alteration or
12 use fully ~~{conform}~~ :

13 (a) *Conform* to all building code and zoning regulations then in effect.

14 (b) *If applicable, comply with the provisions of NRS 393.110.*

15 3. ~~{The provisions of subsection 1 do not apply to a school district to~~
16 ~~which the state public works board has delegated its powers and duties~~
17 ~~under NRS 393.110.~~

18 ~~—4.~~ A building inspector shall not issue a building permit to a person
19 acting for another unless the applicant proves to the satisfaction of the
20 building inspector that he is licensed as a contractor for that work pursuant
21 to the provisions of NRS 624.230 to 624.320, inclusive.

22 **Sec. 3.** NRS 385.125 is hereby amended to read as follows:

23 385.125 1. The state board may adopt standard plans, designs and
24 specifications for the construction of school buildings by the boards of
25 trustees of the various school districts. If such plans, designs and
26 specifications are adopted, provision must be made for the production and
27 distribution of such plans, designs and specifications by appropriate rules
28 and regulations. The board of trustees of a school district may use any such
29 plans, designs and specifications if it determines that the plans, designs and
30 specifications are in the best interests of the district.

31 2. Before the adoption of any such standard plans, designs and
32 specifications, the state board shall submit the plans, designs and
33 specifications to the state public works board, whose written approval
34 thereof must be obtained before any further consideration by the state
35 board. The state public works board shall ~~{ensure}~~ *verify* that the plans,
36 designs and specifications comply with all applicable requirements of the
37 Americans with Disabilities Act of 1990 , ~~{42 U.S.C. §§ 12101 to~~
38 ~~12213, inclusive).~~ *et seq., and the regulations adopted pursuant thereto,*
39 *including, without limitation, the Americans with Disabilities Act*
40 *Accessibility Guidelines for Buildings and Facilities set forth in*
41 *Appendix A of Part 36 of Title 28 of the Code of Federal Regulations.*
42 *The requirements of this subsection are not satisfied if the plans, designs*
43 *and specifications comply solely with the Uniform Federal Accessibility*

1 *Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the*
2 *Code of Federal Regulations.*

3 3. The state public works board may charge and collect and the state
4 board may pay a reasonable fee for the costs incurred by the state public
5 works board in approving the standard plans, designs and specifications
6 submitted.

7 **Sec. 4.** NRS 393.110 is hereby amended to read as follows:

8 393.110 1. *Each school district shall, in the design, construction*
9 *and alteration of school buildings and facilities comply with the*
10 *applicable requirements of the Americans with Disabilities Act of 1990,*
11 *42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto,*
12 *including, without limitation, the Americans with Disabilities Act*
13 *Accessibility Guidelines for Buildings and Facilities set forth in*
14 *Appendix A of Part 36 of Title 28 of the Code of Federal Regulations.*
15 *The requirements of this subsection are not satisfied if a school district*
16 *complies solely with the Uniform Federal Accessibility Standards set*
17 *forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal*
18 *Regulations.*

19 2. Except as otherwise provided in subsection ~~2~~ 3:

20 (a) Unless standard plans, designs and specifications are to be used as
21 provided in NRS 385.125, before letting any contract or contracts for the
22 erection of any new school building, the board of trustees of a school
23 district shall submit plans, designs and specifications therefor to and obtain
24 the written approval of the plans, designs and specifications by the state
25 public works board. *The state public works board shall review the plans,*
26 *designs and specifications and make any recommendations as*
27 *expeditiously as practicable.* The state public works board is authorized to
28 charge and collect, and the board of trustees is authorized to pay, a
29 reasonable fee for the payment of any costs incurred by the state public
30 works board in securing the approval of qualified architects or engineers of
31 the plans, designs and specifications submitted by the board of trustees in
32 compliance with the provisions of this paragraph.

33 (b) Before letting any contract or contracts for any addition to or
34 alteration of an existing school building which involves structural systems,
35 or exiting, sanitary or fire protection facilities, the board of trustees of a
36 school district shall submit plans, designs and specifications therefor to and
37 obtain the written approval of the plans, designs and specifications by the
38 state public works board. *The state public works board shall review the*
39 *plans, designs and specifications and make any recommendations as*
40 *expeditiously as practicable.* The state public works board is authorized to
41 charge and collect, and the board of trustees is authorized to pay, a
42 reasonable fee for the payment of any costs incurred by the state public
43 works board in securing the approval of qualified architects or engineers of

1 the plans, designs and specifications submitted by the board of trustees in
2 compliance with the provisions of this paragraph.

3 The state public works board shall ~~ensure~~ **verify** that all plans, designs
4 and specifications that it reviews pursuant to this section comply with all
5 applicable requirements of the Americans with Disabilities Act of 1990 , {
6 ~~42 U.S.C. §§ 12101 to 12213, inclusive~~).

7 ~~2. Upon the request of a board of trustees of a school district, or its~~
8 ~~designated representative, the~~ **et seq., and the regulations adopted**
9 **pursuant thereto, including, without limitation, the Americans with**
10 **Disabilities Act Accessibility Guidelines for Buildings and Facilities set**
11 **forth in Appendix A of Part 36 of Title 28 of the Code of Federal**
12 **Regulations. The requirements of this subsection are not satisfied if the**
13 **plans, designs and specifications comply solely with the Uniform Federal**
14 **Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title**
15 **41 of the Code of Federal Regulations.**

16 **3. The** state public works board may ~~waive the requirements specified~~
17 ~~in subsection 1 and delegate its powers and duties thereunder to the district.~~

18 ~~3.~~ **enter into an agreement with the appropriate building department**
19 **of a county or city to review plans, designs and specifications of a school**
20 **district pursuant to subsection 2. If the state public works board** ~~waives~~
21 ~~the requirements of subsection 1 and delegates its powers and duties~~
22 ~~thereunder to a school district,~~ **enters into such an agreement, the board**
23 **of trustees of the** school district shall submit a copy of its ~~final~~ plans,
24 designs and specifications for any project to which ~~that section~~ **subsection**
25 **2** applies to the building ~~and planning department of the appropriate city~~
26 ~~or county before completion~~ **department before commencement** of the
27 project ~~for the approval of the building department. The building~~
28 **department shall review the plans, designs and specifications and provide**
29 **responsive comment as expeditiously as practicable to verify that the**
30 **plans, designs and specifications comply with all applicable requirements**
31 **of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et**
32 **seq., inclusive, and the regulations adopted pursuant thereto, including,**
33 **without limitation, the Americans with Disabilities Act Accessibility**
34 **Guidelines for Buildings and Facilities set forth in Appendix A of Part 36**
35 **of Title 28 of the Code of Federal Regulations. The building department**
36 **may charge and collect a reasonable fee from the board of trustees of the**
37 **school district for the payment of any costs incurred by the building**
38 **department in reviewing the plans, designs and specifications. A permit**
39 **for construction must not be issued without the approval of the building**
40 **department pursuant to this subsection. The requirements of this**
41 **subsection are not satisfied if the plans, designs and specifications**
42 **comply solely with the Uniform Federal Accessibility Standards set forth**

1 *in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal*
2 *Regulations.*

3 4. No contract for any of the purposes specified in subsection 1 made
4 by a board of trustees of a school district contrary to the provisions of this
5 section is valid, nor shall any public money be paid for erecting, adding to
6 or altering any school building in contravention of this section.

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