
ASSEMBLY BILL NO. 605—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF BUDGET DIVISION)

MARCH 18, 1999

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to state public works board. (BDR 28-1578)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to public works; revising the duties of the manager of the state public works board; authorizing the manager of the board to charge fees for certain services; authorizing the manager of the board to delegate certain powers; clarifying that the board is the final authority to review certain plans and conduct certain inspections with regard to construction on certain 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 341.100 is hereby amended to read as follows:
2 341.100 1. The board may appoint a manager. The manager, with
3 the approval of the board, may appoint a deputy for professional services
4 and a deputy for administrative, fiscal and constructional services. In
5 addition, the manager may appoint such other technical and clerical
6 assistants as may be necessary to carry into effect the provisions of this
7 chapter.
8 2. The manager and his deputies are in the unclassified service of the
9 state. Except as otherwise provided in NRS 284.143, the manager and each
10 deputy shall devote his entire time and attention to the business of his
11 office and shall not pursue any other business or occupation or hold any
12 other office of profit.
13 3. The manager and his deputy for professional services must each be
14 a licensed professional engineer pursuant to the provisions of chapter 625
15 of NRS or an architect registered pursuant to the provisions of chapter 623

1 of NRS. The deputy manager for administrative, fiscal and constructional
2 services must have a comprehensive knowledge of principles of
3 administration and a working knowledge of principles of engineering or
4 architecture as determined by the board.

5 4. The manager shall:

6 (a) Serve as the secretary of the board.

7 (b) Manage the daily affairs of the board.

8 (c) Represent the board before the legislature.

9 (d) Prepare and submit to the board, for its approval, the recommended
10 priority for proposed capital improvement projects and provide the board
11 with an estimate of the cost of each project.

12 (e) Make recommendations to the board for the selection of architects,
13 engineers and contractors.

14 (f) Make recommendations to the board concerning the acceptance of
15 completed projects.

16 (g) Advise the board and the legislature, or the interim finance
17 committee if the legislature is not in session, on a monthly basis of the
18 progress of all public works projects which are a part of the approved
19 capital improvement program.

20 **5. The manager is ex officio the state building officer and, when**
21 **acting in that capacity, shall:**

22 **(a) Review and approve the architecture, plans, designs, types of**
23 **construction and major repairs of; and**

24 **(b) Supervise and inspect such construction and repairs of,**
25 **buildings constructed on state property or for which money has been**
26 **appropriated by the legislature, except buildings excluded pursuant to**
27 **subsection 1 of NRS 341.141. Except as otherwise provided in subsection**
28 **6 of NRS 341.145, the state building officer may charge a reasonable fee**
29 **for services performed pursuant to this subsection. The state building**
30 **officer may delegate the powers conferred pursuant to this subsection to**
31 **a political subdivision of this state.**

32 **Sec. 2.** NRS 341.145 is hereby amended to read as follows:

33 341.145 The board:

34 1. After consulting with the interim finance committee, has final
35 authority for approval as to the architecture , ~~{of all buildings,}~~ plans,
36 designs, types of construction, **and major repairs of buildings constructed**
37 **on state property or for which money has been appropriated by the**
38 **legislature, except buildings excluded pursuant to subsection 1 of NRS**
39 **341.141, and for approval of** designs of landscaping ~~for~~ **for property upon**
40 **which such buildings are located.**

41 2. Shall determine whether any rebates are available from a public
42 utility for installing devices in any state building which are designed to

1 decrease the use of energy in the building. If such a rebate is available, the
2 board shall apply for the rebate.

3 3. Shall solicit bids for and let all contracts for new construction or
4 major repairs.

5 4. May negotiate with the lowest responsible bidder on any contract to
6 obtain a revised bid if:

7 (a) The bid is less than the appropriation made by the legislature for that
8 building project; and

9 (b) The bid does not exceed the relevant budget item for that building
10 project as established by the board by more than 10 percent.

11 5. May reject any or all bids.

12 6. After the contract is let, shall supervise and inspect construction and
13 major repairs. The cost of supervision and inspection must be financed
14 from the capital construction program approved by the legislature.

15 7. May authorize change orders, before or during construction:

16 (a) In any amount, where the change represents a reduction in the
17 awarded contract price.

18 (b) Not to exceed in the aggregate 10 percent of the total awarded
19 contract price, where the change represents an increase in that price.

20 8. Has final authority to accept each building as completed or to
21 require necessary alterations to conform to the contract, and to file the
22 notice of completion.

23 **Sec. 3.** NRS 477.030 is hereby amended to read as follows:

24 477.030 1. Except as otherwise provided in this section, the state fire
25 marshal shall enforce all laws and adopt regulations relating to:

26 (a) The prevention of fire.

27 (b) The storage and use of combustibles, flammables and fireworks.

28 (c) The storage and use of explosives in any commercial construction,
29 but not in mining or the control of avalanches.

30 (d) The safety, access, means and adequacy of exit in case of fire from
31 mental and penal institutions, facilities for the care of children, foster
32 homes, residential facilities for groups, facilities for intermediate care,
33 nursing homes, hospitals, schools, all buildings, except private residences,
34 which are occupied for sleeping purposes, buildings used for public
35 assembly and all other buildings where large numbers of persons work,
36 live or congregate for any purpose. As used in this paragraph, "public
37 assembly" means a building or a portion of a building used for the
38 gathering together of 50 or more persons for purposes of deliberation,
39 education, instruction, worship, entertainment, amusement or awaiting
40 transportation, or the gathering together of 100 or more persons in
41 establishments for drinking or dining.

42 (e) The suppression and punishment of arson and fraudulent claims or
43 practices in connection with fire losses.

1 The regulations of the state fire marshal apply throughout the state, but,
2 except with respect to state-owned or state-occupied buildings, his
3 authority to enforce them or conduct investigations under this chapter is
4 limited to those counties whose population is less than 35,000, except in
5 those local jurisdictions in other counties where he is requested to exercise
6 that authority by the chief officer of the organized fire department of that
7 jurisdiction.

8 2. The state fire marshal may set standards for equipment and
9 appliances pertaining to fire safety or to be used for fire protection within
10 this state, including the threads used on fire hose couplings and hydrant
11 fittings.

12 3. The state fire marshal shall cooperate with the state forester
13 firewarden in the preparation of regulations relating to standards for fire
14 retardant roofing materials pursuant to paragraph (e) of subsection 1 of
15 NRS 472.040.

16 4. The state fire marshal shall cooperate with the division of child and
17 family services of the department of human resources in establishing
18 reasonable minimum standards for overseeing the safety of and directing
19 the means and adequacy of exit in case of fire from family foster homes
20 and group foster homes.

21 5. The state fire marshal shall coordinate all activities conducted
22 pursuant to ~~{the Fire Research and Safety Act of 1968,}~~ 15 U.S.C. §§ ~~{278f~~
23 ~~and 278g,}~~ **2201 et seq.**, and receive and distribute money allocated by the
24 United States pursuant to ~~{that act.}~~ **those provisions.**

25 6. Except as otherwise provided in subsection 10, the state fire marshal
26 shall:

27 (a) Investigate any fire which occurs in a county whose population is
28 less than 35,000, and from which a death results or which is of a suspicious
29 nature.

30 (b) Investigate any fire which occurs in a county whose population is
31 35,000 or more, and from which a death results or which is of a suspicious
32 nature, if requested to do so by the chief officer of the fire department in
33 whose jurisdiction the fire occurs.

34 (c) Cooperate with the commissioner of insurance in any investigation
35 of a fraudulent claim under an insurance policy for any fire of a suspicious
36 nature.

37 (d) Cooperate with any local fire department in the investigation of any
38 report received pursuant to NRS 629.045.

39 (e) Provide specialized training in investigating the causes of fires if
40 requested to do so by the chief officer of an organized fire department.

41 7. The state fire marshal shall put the ~~{Uniform}~~ **National** Fire Incident
42 Reporting System into effect throughout the state and publish at least
43 annually a summary of data collected under the system.

1 8. The state fire marshal shall provide assistance and materials to local
2 authorities, upon request, for the establishment of programs for public
3 education and other fire prevention activities.

4 9. The state fire marshal shall:

5 (a) Assist in checking plans and specifications for construction ~~and~~,
6 *except for plans and specifications for the construction of a building for*
7 *which the state public works board has final authority for approval*
8 *pursuant to NRS 341.145;*

9 (b) Provide specialized training to local fire departments; and

10 (c) Assist local governments in drafting regulations and ordinances,
11 on request or as he deems necessary.

12 10. In a county whose population is less than 35,000, the state fire
13 marshal shall, upon request by a local government, delegate to the local
14 government by interlocal agreement all or a portion of his authority or
15 duties if the local government's personnel and programs are, as determined
16 by the state fire marshal, equally qualified to perform those functions. If a
17 local government fails to maintain the qualified personnel and programs in
18 accordance with such an agreement, the state fire marshal shall revoke the
19 agreement.