

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 the
3 approval of the board, may appoint a deputy for professional services and a
4 deputy for administrative, fiscal and constructional services. In addition,
5 the manager may appoint such other technical and clerical assistants as may
6 be necessary to carry into effect the provisions of this chapter.
7 2. The manager and his deputies are in the unclassified service of the
8 state. Except as otherwise provided in NRS 284.143, the manager and each
9 deputy shall devote his entire time and attention to the business of his office
10 and shall not pursue any other business or occupation or hold any other
11 office of profit.
12 3. The manager and his deputy for professional services must each be a
13 licensed professional engineer pursuant to the provisions of chapter 625 of
14 NRS or an architect registered pursuant to the provisions of chapter 623 of
15 NRS. The deputy manager for administrative, fiscal and constructional

1 services must have a comprehensive knowledge of principles of
2 administration and a working knowledge of principles of engineering or
3 architecture as determined by the board.

4 4. The manager shall:

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

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

7 (c) Represent the board before the legislature.

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

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

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

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

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

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

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

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

32 341.145 The board:

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

40 2. Shall determine whether any rebates are available from a public
41 utility for installing devices in any state building which are designed to
42 decrease the use of energy in the building. If such a rebate is available, the
43 board shall apply for the rebate.

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

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

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

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

9 5. May reject any or all bids.

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

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

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

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

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

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

22 477.030 1. Except as otherwise provided in this section, the state fire
23 marshal shall enforce all laws and adopt regulations relating to:

24 (a) The prevention of fire.

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

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

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

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

42 The regulations of the state fire marshal apply throughout the state, but,
43 except with respect to state-owned or state-occupied buildings, his

1 authority to enforce them or conduct investigations under this chapter is
2 limited to those counties whose population is less than 35,000, except in
3 those local jurisdictions in other counties where he is requested to exercise
4 that authority by the chief officer of the organized fire department of that
5 jurisdiction.

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

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

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

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

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

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

28 (b) Investigate any fire which occurs in a county whose population is
29 35,000 or more, and from which a death results or which is of a suspicious
30 nature, if requested to do so by the chief officer of the fire department in
31 whose jurisdiction the fire occurs.

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

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

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

39 7. The state fire marshal shall put the ~~Uniform~~ **National** Fire Incident
40 Reporting System into effect throughout the state and publish at least
41 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 ~~of~~ *of a*
6 *building for which the state public works board has final authority for*
7 *approval pursuant to NRS 341.145 if such assistance is authorized*
8 *pursuant to an interlocal agreement between the state fire marshal and*
9 *the state public works board.*

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

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

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