

**Amendment No. CA50**

First Conference Committee Amendment to Senate Bill No. 426 Second Reprint (BDR 28-1032)

**Proposed by:** First Conference Committee

**Amendment Box:**

**Resolves Conflicts with:** N/A

**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: No

Amend section 1, page 2, by deleting lines 3 through 11 and inserting:

*“The provisions of this section and NRS 338.013 to 338.090, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds \$100,000 even if the construction work does not qualify as a public work, as defined in subsection 15 of NRS 338.010.”.*

Amend the bill as a whole by deleting sec. 2 and adding:

“**Sec. 2.** (Deleted by amendment.)”.

Amend the bill as a whole by renumbering sec. 28 as sec. 32 and adding new sections designated sections 28 through 31, following sec. 27, to read as follows:

“**Sec. 28.** NRS 353.540 is hereby amended to read as follows:

353.540 “State agency” means an agency, bureau, board, commission, department, division or any other unit of the government of this State that is required to submit information to the Chief pursuant to subsection 1 or 6 of NRS 353.210 . ~~It except for the University and Community College~~

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EGO

Date: 6/6/2005

S.B. No. 426—Revises provisions relating to certain public contracts.



~~System of Nevada.]~~ *“State agency” does not include the Nevada System of Higher Education unless it is anticipated that payments under the agreement will be made with state appropriations.*

**Sec. 29.** NRS 353.590 is hereby amended to read as follows:

353.590 If an agreement pursuant to NRS 353.500 to 353.630, inclusive, involves the construction , *alteration, repair or remodeling* of an improvement ~~[, the]~~ :

*1. The construction , alteration, repair or remodeling of the improvement* may be conducted as specified in the agreement without complying with the provisions of:

~~[1.]~~ *(a)* Any law requiring competitive bidding; or

~~[2.]~~ *(b)* Chapter 341 of NRS.

*2. The provisions of NRS 338.013 to 338.090, inclusive, and section 1 of this act, apply to the construction, alteration, repair or remodeling of the improvement.*

**Sec. 30.** 1. During Fiscal Year 2005-2006 and Fiscal Year 2006-2007, the Nevada System of Higher Education may not enter into more than three agreements pursuant to NRS 353.500 to 353.630, inclusive, as amended by this act, with respect to which it is anticipated that payments under the agreement will be made with state appropriations.

2. The Nevada System of Higher Education shall include with a proposed agreement submitted for approval pursuant to NRS 353.550 an analysis of the fiscal impact of the proposed agreement, including, without limitation, the sources of funding for the ongoing costs relating to the agreement and a method to obtain appropriations to pay for the agreement.

**Sec. 31.** 1. An advisory group is hereby created to conduct an interim study concerning lease-purchase and installment-purchase agreements by public entities. The advisory group must consist of:

(a) One representative from each of the following fields, appointed by the Legislative

Commission:

- (1) Public purchasing;
- (2) Labor;
- (3) Public works;
- (4) Construction project management;
- (5) State governmental financing; and
- (6) Local governmental financing.

(b) One Assemblyman who has knowledge in one or more of the fields described in subparagraphs (1) to (6), inclusive, of paragraph (a), appointed by the Speaker of the Assembly.

(c) One Senator who has knowledge in one or more of the fields described in subparagraphs (1) to (6), inclusive, of paragraph (a), appointed by the Majority Leader of the Senate.

2. The study must include, without limitation:

- (a) A review of existing laws relating to lease-purchase and installment-purchase agreements;
- (b) An evaluation of the applicability of existing laws relating to public works and public purchasing to existing laws relating to lease-purchase and installment-purchase agreements; and
- (c) Consideration of changes to existing provisions of law relating to lease-purchase and installment-purchase agreements to better serve the needs of the State and local governments and to promote and protect the interests of Nevada's workforce.

3. In conducting the study required pursuant to this section, the advisory group shall consult with the Commission to Study Governmental Purchasing, the Committee on Local Government

Finance, the Office of the State Treasurer, the State Public Works Board and experts in the fields of contracting, labor and purchasing.

4. The advisory group shall submit a report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau not later than September 1, 2006, for transmission to the 74th Session of the Nevada Legislature.”.

Amend sec. 28, page 23, by deleting lines 40 through 42 and inserting:

“**Sec. 32.** 1. This act becomes effective on July 1, 2005.

2. Section 28 of this act expires by limitation on June 30, 2007.

3. Sections 5 and 6 of this act expire by limitation on May 1, 2013.”.

Amend the title of the bill to read as follows:

“AN ACT relating to public financial administration; revising the provisions regarding the payment of prevailing wages on projects of the Nevada System of Higher Education; providing that certain documents furnished to a public body may be transmitted and stored electronically; requiring that annual energy savings resulting from energy retrofit projects meet or exceed the total annual contract payments; revising the provisions governing performance contracts for operating cost-savings measures in buildings occupied by state agencies; authorizing the issuance of refunding obligations relating to such performance contracts; authorizing the Nevada System of Higher Education for a temporary period to enter into installment-purchase and lease-purchase agreements under certain circumstances; clarifying the applicability of the provisions concerning prevailing wages to installment-purchase and lease-purchase agreements that involve improvements; creating an advisory group to conduct an interim study concerning

installment-purchase and lease-purchase agreements; and providing other matters properly relating thereto.”.