

SENATE BILL NO. 292—SENATOR AMODEI

MARCH 24, 2005

Referred to Committee on Human Resources and Education

SUMMARY—Revises provisions relating to construction or renovation of public school buildings. (BDR 34-818)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

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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 school facilities; authorizing certain larger school districts to establish building departments; authorizing such a building department to adopt its own building codes; transferring the duty from the State Public Works Board to the county or other local building department for reviewing plans, designs and specifications and for conducting inspections relating to the construction and renovation of school buildings of certain school districts; removing the exemption for school districts from the requirement to pay fees for the issuance of building permits; and providing other matters properly relating thereto.

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

Section 1. Chapter 393 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of a school district located in a county whose population is 400,000 or more may establish a building department for the school district.

2. If the board of trustees of such a school district establishes a building department:

(a) The board of trustees shall:



1 (1) *Regulate all matters relating to the construction,*
2 *maintenance and safety of buildings, facilities, structures and*
3 *property of the school district.*

4 (2) *Adopt any building, electrical, plumbing or safety code*
5 *as necessary to carry out the provisions of this section.*

6 (b) *The provisions of NRS 278.585 do not apply to the school*
7 *district in its regulation of the buildings, facilities, structures and*
8 *property of the school district.*

9 **Sec. 2.** NRS 393.110 is hereby amended to read as follows:

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

21 2. Except as otherwise provided in ~~{subsection 3:~~
22 ~~—(a) Unless~~ *this section, unless* standard plans, designs and
23 specifications are to be used as provided in NRS 385.125, *the board*
24 *of trustees of a school district that is located in a county whose*
25 *population is less than 100,000 shall*, before letting any contract or
26 contracts for the erection of any new school building, ~~{the board of~~
27 ~~trustees of a school district shall}~~ *or for any addition to or*
28 *alteration of an existing school building which involves structural*
29 *systems, or exiting, sanitary or fire protection facilities*, submit *the*
30 plans, designs and specifications ~~{therefor}~~ to, and obtain the written
31 approval of the plans, designs and specifications by, the State Public
32 Works Board. The State Public Works Board *or its designee* shall
33 review the plans, designs and specifications and make any
34 recommendations as expeditiously as practicable. *The State Public*
35 *Works Board or its designee, acting as the building official, shall*
36 *conduct inspections of all work to determine compliance with the*
37 *approved plans, designs and specifications.* The State Public Works
38 Board is authorized to charge and collect, and the board of trustees
39 is authorized to pay, a reasonable fee for the payment of any costs
40 incurred by the State Public Works Board in securing the approval
41 of ~~{qualified architects or engineers of}~~ the plans, designs and
42 specifications submitted by the board of trustees in compliance with
43 the provisions of this ~~{paragraph:~~

44 ~~—(b) Before letting any contract or contracts for any addition to or~~
45 ~~alteration of an existing school building which involves structural~~



~~systems, or exiting, sanitary or fire protection facilities, the board of trustees of a school district shall submit plans, designs and specifications therefor to, and obtain the written approval of the plans, designs and specifications by, the State Public Works Board. The State Public Works Board shall review the plans, designs and specifications and make any recommendations as expeditiously as practicable. The State Public Works Board is authorized to charge and collect, and the board of trustees is authorized to pay, a reasonable fee for the payment of any costs incurred by the State Public Works Board in securing the approval of qualified architects or engineers of the plans, designs and specifications submitted by the board of trustees in compliance with the provisions of this paragraph.~~

~~The~~ subsection and for conducting the inspections required by this subsection.

3. Except as otherwise provided in this section, unless standard plans, designs and specifications are to be used as provided in NRS 385.125, the board of trustees of a school district that is located in a county whose population is 100,000 or more or which has been converted into a consolidated municipality shall, before letting any contract or contracts for the erection of any new school building, or for any addition to or alteration of an existing school building which involves structural systems, or exiting, sanitary or fire protection facilities, submit the plans, designs and specifications to, and obtain the written approval of the plans, designs and specifications by, the building department of the county or other local building department, as applicable, and all other local agencies or departments whose approval is necessary for the issuance of a permit. A permit for construction must be issued before the school district commences construction. The building department shall conduct inspections of all work to determine compliance with the approved plans, designs and specifications. If the building department does not have a sufficient number of staff who are available to conduct the inspections, the building department may enter into an agreement with the board of trustees of the school district for the conduct of the inspections required by this subsection by the school district. If such an agreement is made, the building department shall ensure proper oversight of the inspections and verify that qualified persons are conducting the inspections. The building department may charge and collect a reasonable fee from the board of trustees of the school district for the payment of any costs incurred by the building department in reviewing the plans, designs and specifications and for conducting the inspections required by this subsection.



1 4. *The State Public Works Board may enter into an*
2 *agreement with the appropriate building department of a county*
3 *or incorporated municipality to review plans, designs and*
4 *specifications of a school district and to conduct inspections*
5 *required pursuant to subsection 2. If the State Public Works*
6 *Board enters into such an agreement:*

7 (a) *The standards for review set forth in subsection 5 apply to*
8 *the review conducted by the building department.*

9 (b) *The building department may charge and collect a*
10 *reasonable fee from the board of trustees of the school district for*
11 *the payment of any costs incurred by the building department in*
12 *reviewing the plans, designs and specifications and for conducting*
13 *inspections.*

14 (c) *If the building department does not have a sufficient*
15 *number of staff to conduct the inspections to determine*
16 *compliance with the approved plans, designs and specifications,*
17 *the building department may enter into an agreement with the*
18 *board of trustees of the school district to conduct the inspections*
19 *as set forth in subsection 3.*

20 (d) *A permit for construction must be issued before the school*
21 *district commences construction.*

22 5. *In conducting reviews pursuant to subsection 2, 3 or 4, as*
23 *applicable, the State Public Works Board and a building*
24 *department of a county or other local building department shall*
25 *verify that all plans, designs and specifications that [it reviews] are*
26 *reviewed pursuant to this section comply with the applicable*
27 *requirements of the codes adopted by this State and the applicable*
28 *local government as well as* all applicable requirements of the
29 Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et
30 seq., and the regulations adopted pursuant thereto, including,
31 without limitation, the Americans with Disabilities Act Accessibility
32 Guidelines for Buildings and Facilities set forth in Appendix A of
33 Part 36 of Title 28 of the Code of Federal Regulations. The
34 requirements of this subsection are not satisfied if the plans, designs
35 and specifications comply solely with the Uniform Federal
36 Accessibility Standards set forth in Appendix A of Part 101-19.6 of
37 Title 41 of the Code of Federal Regulations.

38 ~~[3. The State Public Works Board may enter into an agreement~~
39 ~~with the appropriate building department of a county or city to~~
40 ~~review plans, designs and specifications of a school district pursuant~~
41 ~~to subsection 2. If the State Public Works Board enters into such an~~
42 ~~agreement, the board of trustees of the school district shall submit a~~
43 ~~copy of its plans, designs and specifications for any project to which~~
44 ~~subsection 2 applies to the building department before~~
45 ~~commencement of the project for the approval of the building~~



~~department. The building department shall review the plans, designs and specifications and provide responsive comment as expeditiously as practicable to verify that the plans, designs and specifications comply with all applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., inclusive, and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations. The building department may charge and collect a reasonable fee from the board of trustees of the school district for the payment of any costs incurred by the building department in reviewing the plans, designs and specifications. A permit for construction must not be issued without the approval of the building department pursuant to this subsection. The requirements of this subsection are not satisfied if the plans, designs and specifications comply solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.~~

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

7. The provisions of this section do not apply to a school district that has established a building department pursuant to section 1 of this act.

Sec. 3. NRS 244.3675 is hereby amended to read as follows:

244.3675 Subject to the limitations set forth in NRS 244.368, 278.580, 278.582 and 444.340 to 444.430, inclusive, the boards of county commissioners within their respective counties may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the county ~~[-]~~, *except for the construction, maintenance and safety of buildings, structures and property of a school district that has established a building department pursuant to section 1 of this act.*

2. Adopt any building, electrical, housing, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, these fees do not apply to the State of Nevada ~~[-]~~ *or* the University and Community College System of Nevada. ~~[or any school district.]~~

Sec. 4. NRS 268.413 is hereby amended to read as follows:

268.413 Subject to the limitations contained in NRS 244.368, 278.580, 278.582 and 444.340 to 444.430, inclusive, the city council or other governing body of an incorporated city may:



1 1. Regulate all matters relating to the construction,
2 maintenance and safety of buildings, structures and property within
3 the city ~~{ }~~, *except for the construction, maintenance and safety of*
4 *buildings, structures and property of a school district that has*
5 *established a building department pursuant to section 1 of this act.*

6 2. Adopt any building, electrical, plumbing or safety code
7 necessary to carry out the provisions of this section and establish
8 such fees as may be necessary. Except as otherwise provided in
9 NRS 278.580, these fees do not apply to the State of Nevada ~~{ }~~ *or*
10 the University and Community College System of Nevada . ~~{or any~~
11 ~~school district.}~~

12 **Sec. 5.** NRS 278.580 is hereby amended to read as follows:

13 278.580 1. Subject to the limitation set forth in NRS 244.368,
14 the governing body of any city or county may adopt a building code,
15 specifying the design, soundness and materials of structures, and
16 may adopt rules, ordinances and regulations for the enforcement of
17 the building code.

18 2. The governing body may also fix a reasonable schedule of
19 fees for the issuance of building permits. A schedule of fees so fixed
20 does not apply to the State of Nevada ~~{ }~~ *or* the University and
21 Community College System of Nevada , ~~{or any school district.}~~
22 except that such entities may contract with the governing body to
23 pay such fees for the issuance of building permits, the review of
24 plans and the inspection of construction. Except as it may agree to in
25 such a contract, a governing body is not required to provide for the
26 review of plans or the inspection of construction with respect to a
27 structure of the State of Nevada ~~{ }~~ *or* the University and
28 Community College System of Nevada . ~~{or any school district.}~~

29 3. Notwithstanding any other provision of law, the State and its
30 political subdivisions shall comply with all zoning regulations
31 adopted pursuant to this chapter, except for the expansion of any
32 activity existing on April 23, 1971.

33 4. A governing body shall amend its building codes to permit
34 the use of straw or other materials and technologies which conserve
35 scarce natural resources or resources that are renewable in the
36 construction of a structure and the use of solar energy for the
37 heating of a structure, to the extent the local climate allows.

38 5. A governing body shall amend its building codes to include:

39 (a) The seismic provisions of the International Building Code
40 published by the International Code Council; and

41 (b) Standards for the investigation of hazards relating to seismic
42 activity, including, without limitation, potential surface ruptures and
43 liquefaction.



- 1 **Sec. 6.** NRS 278.585 is hereby amended to read as follows:
2 278.585 ~~[AHH]~~ *Except as otherwise provided in section 1 of*
3 *this act, all* persons and political subdivisions shall comply with the
4 appropriate city or county building code.
5 **Sec. 7.** This act becomes effective on July 1, 2005.



