

SENATE BILL NO. 499—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE WASHOE COUNTY SCHOOL DISTRICT)

MARCH 26, 2007

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing the approval of certain plans, designs and specifications for school buildings. (BDR 22-443)

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; revising provisions governing the approval of certain plans, designs and specifications for, and the inspection of the construction and renovation of, school buildings; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, the board of trustees of a school district must, before letting a contract for the construction or renovation of a school building, submit the relevant plans, designs and specifications to the State Public Works Board for the Board’s review and approval. Existing law provides exceptions to this requirement if certain standard plans, designs and specifications are used, or if the State Public Works Board enters into an agreement to have such functions performed by the building department of a county or city. (NRS 385.125, 393.110)

Section 4 of this bill provides that, in a county whose population is 400,000 or more (currently Clark County), existing law remains unchanged.

Section 4 provides that, in a county whose population is 30,000 or more but less than 400,000 (currently Washoe, Elko, Douglas, Nye and Lyon Counties, and Carson City), plans, designs and specifications pertaining to the construction or renovation of school buildings must be reviewed by, and the construction or renovation must be inspected by, the county building department or another local building department in the county. If there is no such department, the board of trustees of the school district is required to enter into an agreement with a private entity or a building department in another county to perform the necessary reviews and inspections.

Section 4 provides that, in a county whose population is less than 30,000 (currently Churchill, Humboldt, White Pine, Pershing, Lander, Mineral, Lincoln,



Storey, Eureka and Esmeralda Counties), plans, designs and specifications pertaining to the construction or renovation of school buildings must be reviewed by, and the construction or renovation must be inspected by, the State Public Works Board. If the Board determines that the building department of the county or another local building department has the expertise to perform such functions, the Board may enter into an agreement with that department to perform the necessary reviews and inspections.

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

Section 1. NRS 278.580 is hereby amended to read as follows:

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

2. The governing body may also fix a reasonable schedule of fees for the issuance of building permits. A schedule of fees so fixed does not apply to the State of Nevada ~~[] or~~ the Nevada System of Higher Education , ~~[for any school district.]~~ except that such entities may *enter into a* contract with the governing body to pay such fees for the issuance of building permits, the review of plans and the inspection of construction. Except as it may agree to in such a contract, a governing body is not required to provide for the review of plans or the inspection of construction with respect to a structure of the State of Nevada ~~[] or~~ the Nevada System of Higher Education . ~~[for any school district.]~~

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

4. A governing body shall amend its building codes and, if necessary, its zoning ordinances and regulations to permit the use of:

(a) Straw or other materials and technologies which conserve scarce natural resources or resources that are renewable in the construction of a structure; and

(b) Systems which use solar or wind energy to reduce the costs of energy for a structure if such systems and structures are otherwise in compliance with applicable building codes and zoning ordinances, including those relating to the design, location and soundness of such systems and structures,

↳ to the extent the local climate allows for the use of such materials, technologies, resources and systems.



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5. The amendments required by subsection 4 may address, without limitation:

(a) The inclusion of characteristics of land and structures that are most appropriate for the construction and use of systems using solar and wind energy.

(b) The recognition of any impediments to the development of systems using solar and wind energy.

(c) The preparation of design standards for the construction, conversion or rehabilitation of new and existing systems using solar and wind energy.

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

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

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

Sec. 2. 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.

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 Nevada System of Higher Education . ~~for any school district.~~

Sec. 3. 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. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the city.

2. Adopt any building, electrical, 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 Nevada System of Higher Education . ~~for any school district.~~

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

393.110 1. Each school district shall, in the design, construction and alteration of school buildings and facilities , comply with the applicable requirements of the Americans with



1 Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the
2 regulations adopted pursuant thereto, including, without limitation,
3 the Americans with Disabilities Act Accessibility Guidelines for
4 Buildings and Facilities set forth in Appendix A of Part 36 of Title
5 28 of the Code of Federal Regulations. The requirements of this
6 subsection are not satisfied if a school district complies solely with
7 the Uniform Federal Accessibility Standards set forth in Appendix
8 A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

9 2. ~~{Except as otherwise provided in subsection 3:~~

10 ~~—(a) Unless~~ *In a county whose population is 400,000 or more:*

11 (a) *Except as otherwise provided in paragraph (c), unless*
12 standard plans, designs and specifications are to be used as provided
13 in NRS 385.125, before letting any contract or contracts for the
14 erection of any new school building, the board of trustees of ~~{a}~~ *the*
15 *county* school district shall submit *the* plans, designs and
16 specifications ~~{therefor}~~ to, and obtain the written approval of the
17 plans, designs and specifications by, the State Public Works Board.
18 The State Public Works Board shall review the plans, designs and
19 specifications and make any recommendations as expeditiously as
20 practicable. The State Public Works Board is authorized to charge
21 and collect, and the board of trustees *of the county school district* is
22 authorized to pay, a reasonable fee for the payment of any costs
23 incurred by the State Public Works Board in securing the approval
24 of qualified architects or engineers of the plans, designs and
25 specifications submitted by the board of trustees in compliance with
26 the provisions of this paragraph.

27 (b) ~~{Before}~~ *Except as otherwise provided in paragraph (c),*
28 *before* letting any contract or contracts for any addition to or
29 alteration of an existing school building which involves structural
30 systems, or exiting, sanitary or fire protection facilities, the board of
31 trustees of ~~{a}~~ *the county* school district shall submit *the* plans,
32 designs and specifications ~~{therefor}~~ to, and obtain the written
33 approval of the plans, designs and specifications by, the State Public
34 Works Board. The State Public Works Board shall review the plans,
35 designs and specifications and make any recommendations as
36 expeditiously as practicable. The State Public Works Board is
37 authorized to charge and collect, and the board of trustees *of the*
38 *county school district* is authorized to pay, a reasonable fee for the
39 payment of any costs incurred by the State Public Works Board in
40 securing the approval of qualified architects or engineers of the
41 plans, designs and specifications submitted by the board of trustees
42 in compliance with the provisions of this paragraph.

43 ~~{→ The State Public Works Board shall verify that all plans, designs~~
44 ~~and specifications that it reviews pursuant to this section comply~~
45 ~~with all applicable requirements of the Americans with Disabilities~~



~~Act of 1990, 42 U.S.C. §§ 12101 et seq., 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 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.~~

~~—3.]~~ (c) The State Public Works Board may enter into an agreement with the appropriate building department of a county or city to review plans, designs and specifications of a school district pursuant to ~~{subsection 2.}~~ *paragraph (a) or (b)*. If the State Public Works Board enters into such an agreement, the board of trustees of the school district shall submit a copy of its plans, designs and specifications for any project to which ~~{subsection 2.}~~ *paragraph (a) or (b)* applies to the building department before commencement of the project for the approval of ~~{the}~~ *that* building department. The building department shall review the plans, designs and specifications and provide responsive comment as expeditiously as practicable . ~~{to}~~ *Such a building department is authorized to charge and collect, and the board of trustees of the county school district is authorized to pay, a reasonable fee for the review conducted pursuant to this paragraph.*

3. In a county whose population is 30,000 or more but less than 400,000:

(a) Except as otherwise provided in paragraph (b), unless standard plans, designs and specifications are to be used as provided in NRS 385.125, 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, the board of trustees of the county school district shall submit the plans, designs and specifications to, and obtain written approval of the plans, designs and specifications by, the building department of the county or another local building department in the county, as applicable, and all other local agencies or departments whose approval is necessary for the issuance of the appropriate permit.

(b) If there is no county building department or other local building department in the county in which the school district is located, the board of trustees of the school district shall enter into an agreement with a private entity or with a local governmental building department in another county to obtain the required reviews of the plans, designs and specifications and to have the required inspections conducted.



1 (c) A permit for construction must be issued before the school
2 district commences construction.

3 (d) The county building department, other local building
4 department or private entity, as applicable, shall conduct
5 inspections of all work to determine compliance with the approved
6 plans, designs and specifications.

7 (e) A department, agency or entity is authorized to charge and
8 collect, and the board of trustees of the county school district is
9 authorized to pay, a reasonable fee for:

10 (1) Review of the plans, designs or specifications as
11 required by this subsection; or

12 (2) The inspections conducted pursuant to this subsection.

13 4. In a county whose population is less than 30,000:

14 (a) Except as otherwise provided in paragraph (d), unless
15 standard plans, designs and specifications are to be used as
16 provided in NRS 385.125, before letting any contract or contracts
17 for the erection of any new school building or for any addition to
18 or alteration of an existing school building, the board of trustees
19 of the county school district shall submit the plans, designs and
20 specifications to, and obtain written approval of the plans, designs
21 and specifications by, the State Public Works Board and all other
22 local agencies or departments whose approval is necessary for the
23 issuance of the appropriate permit.

24 (b) A permit for construction must be issued before the school
25 district commences construction.

26 (c) Except as otherwise provided in paragraph (d), the State
27 Public Works Board shall conduct inspections of all work to
28 determine compliance with the approved plans, designs and
29 specifications.

30 (d) The State Public Works Board may, if it determines that
31 the building department of the county or another local building
32 department has the necessary expertise, enter into an agreement
33 with the appropriate building department to allow that building
34 department to review the plans, designs and specifications and
35 conduct the inspections required by this subsection.

36 (e) The State Public Works Board or a local building
37 department is authorized to charge and collect, and the board of
38 trustees of the county school district is authorized to pay, a
39 reasonable fee for:

40 (1) The review of the plans, designs or specifications as
41 required by this subsection; or

42 (2) The inspections conducted pursuant to this subsection.

43 5. In conducting reviews pursuant to this section, the State
44 Public Works Board, building department or private entity, as



1 *applicable, shall* verify that the plans, designs and specifications
2 comply with ~~that~~ :

3 (a) *The applicable requirements of the relevant codes adopted*
4 *by this State;*

5 (b) *The applicable requirements of the relevant codes adopted*
6 *by the local authority having jurisdiction; and*

7 (c) *All* applicable requirements of the Americans with
8 Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., inclusive, and
9 the regulations adopted pursuant thereto, including, without
10 limitation, the Americans with Disabilities Act Accessibility
11 Guidelines for Buildings and Facilities set forth in Appendix A of
12 Part 36 of Title 28 of the Code of Federal Regulations. ~~[The~~
13 ~~building department may charge and collect a reasonable fee from~~
14 ~~the board of trustees of the school district for the payment of any~~
15 ~~costs incurred by the building department in reviewing the plans,~~
16 ~~designs and specifications. A permit for construction must not be~~
17 ~~issued without the approval of the building department pursuant to~~
18 ~~this subsection.]~~ The requirements of this subsection are not
19 satisfied if the plans, designs and specifications comply solely with
20 the Uniform Federal Accessibility Standards set forth in Appendix
21 A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

22 ~~[4.]~~ 6. No contract for any of the purposes specified in
23 ~~[subsection 1]~~ *this section* made by a board of trustees of a school
24 district contrary to the provisions of this section is valid, nor shall
25 any public money be paid for erecting, adding to or altering any
26 school building in contravention of this section.

27 **Sec. 5.** This act becomes effective upon passage and approval.

