

ASSEMBLY BILL NO. 40—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE STATE PUBLIC WORKS BOARD)

PREFILED DECEMBER 5, 2008

Referred to Committee on GOVERNMENT AFFAIRS

SUMMARY—Revises provisions governing the review and approval of plans for the construction or alteration of school buildings. (BDR 34-322)

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 review and approval of plans for the construction or alteration of school buildings in certain school districts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 This bill removes the requirement that a school district in a county whose
- 2 population is 400,000 or more (currently Clark County) submit plans, designs and
- 3 specifications for new school buildings and facilities and for additions and
- 4 alterations to the State Public Works Board and requires such a school district to
- 5 establish a building department for the school district.

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

- 1 **Section 1.** NRS 393.110 is hereby amended to read as follows:
- 2 393.110 1. Each school district shall, in the design,
- 3 construction and alteration of school buildings and facilities, comply
- 4 with the applicable requirements of the Americans with Disabilities
- 5 Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations
- 6 adopted pursuant thereto, including, without limitation, the
- 7 Americans with Disabilities Act Accessibility Guidelines for
- 8 Buildings and Facilities set forth in Appendix A of Part 36 of Title
- 9 28 of the Code of Federal Regulations. The requirements of this



subsubsection are not satisfied if a school district complies 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.

2. In a county whose population is 400,000 or more:

(a) ~~[Except as otherwise provided in paragraph (c), 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, the board of trustees of the county school district shall submit the plans, designs and specifications 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 of the county school district 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 board of trustees of the school district shall establish a building department for the school district.*

(b) ~~[Except as otherwise provided in paragraph (c), before letting any contract or contracts for any addition to or alteration of an existing school building which involves structural systems, or exiting, sanitary or fire protection facilities, the board of trustees of the county school district shall submit the plans, designs and specifications 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 of the county school district 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.]~~ *Except as otherwise provided in NRS 477.030, the board of trustees of the school district shall regulate all matters relating to the construction, maintenance and safety of buildings, facilities, structures and property of the school district.*

(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~~



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~~to 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 paragraph (a) or (b) applies to the building department before commencement of the project for the approval of that building department. The building department shall review the plans, designs and specifications and provide responsive comment as expeditiously as practicable. The approval of the State Fire Marshal is not required for any plans, designs and specifications reviewed by a building department pursuant to this paragraph. A building department that has entered into an agreement pursuant to this paragraph 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.]~~
Except as otherwise provided in NRS 477.030, the board of trustees of the school district shall adopt any building, electrical or safety codes as necessary to carry out the provisions of this subsection.

(d) The board of trustees of the school district shall ensure that the building department established by the board of trustees reviews the plans, designs and specifications for the erection of new school buildings and for the addition to or alteration of existing school buildings and facilities.

(e) The building department established by the board of trustees shall, in accordance with subsection 4, conduct a review of plans, designs and specifications for the erection of new school buildings and for the addition to or alteration of existing school buildings and facilities.

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

3. In a county whose population is 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~~ *other appropriate* 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. The approval of the State Fire Marshal is not required for any plans,



1 designs and specifications reviewed by a building department
2 pursuant to this paragraph.

3 (b) If there is no county building department or other
4 **appropriate** local building department in the county in which the
5 school district is located, the board of trustees of the school district
6 shall enter into an agreement with the State Public Works Board, a
7 private certificate holder or a local building department in another
8 county to obtain the required reviews of the plans, designs and
9 specifications and to have the required inspections conducted. The
10 approval of the State Fire Marshal is not required for any plans,
11 designs and specifications reviewed by a private certificate holder or
12 ~~local~~ building department pursuant to this paragraph.

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

15 (d) The county building department or other **appropriate** local
16 building department, the State Public Works Board or the private
17 certificate holder, as applicable, shall conduct inspections of all
18 work to determine compliance with the approved plans, designs and
19 specifications. An inspection of the work by the State Fire Marshal
20 is not required if the work is inspected by the private certificate
21 holder or ~~local~~ building department.

22 (e) A department, agency, private certificate holder or the State
23 Public Works Board is authorized to charge and collect, and the
24 board of trustees of the county school district is authorized to pay, a
25 reasonable fee for:

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

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

29 4. In conducting reviews pursuant to this section, the State
30 Public Works Board, building department or private certificate
31 holder, as applicable, shall verify that the plans, designs and
32 specifications comply with:

33 (a) The applicable requirements of the relevant codes adopted by
34 this State, including, without limitation, the applicable requirements
35 of any relevant codes and regulations adopted by the State Fire
36 Marshal;

37 (b) The applicable requirements of the relevant codes adopted
38 by the local authority having jurisdiction; and

39 (c) All applicable requirements of the Americans with
40 Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., ~~inclusive,~~
41 and the regulations adopted pursuant thereto, including, without
42 limitation, the Americans with Disabilities Act Accessibility
43 Guidelines for Buildings and Facilities set forth in Appendix A of
44 Part 36 of Title 28 of the Code of Federal Regulations. The
45 requirements of this subsection are not satisfied if the plans, designs



1 and specifications comply solely with the Uniform Federal
2 Accessibility Standards set forth in Appendix A of Part 101-19.6 of
3 Title 41 of the Code of Federal Regulations.

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

9 6. As used in this section, "private certificate holder" means a
10 person who, as applicable, holds a valid certification issued by the
11 International Code Council or its successor:

12 (a) To review plans, designs and specifications for the erection
13 of, addition to or alteration of a school building;

14 (b) To inspect work to ensure that the erection of, addition to or
15 alteration of a school building is carried out in conformance with the
16 relevant plans, designs and specifications; or

17 (c) To perform the activities described in paragraphs (a) and (b).

18 **Sec. 2.** NRS 278.585 is hereby amended to read as follows:

19 278.585 ~~[A]~~ *Except as otherwise provided in NRS 393.110,*
20 *all* persons and political subdivisions shall comply with the
21 appropriate city or county building code.

