

Amendment No. 126

Assembly Amendment to Assembly Bill No. 40

(BDR 34-322)

Proposed by: Assembly Committee on Government Affairs**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) **blue bold italics** is new language in the original bill; (2) **green bold italic underlining** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) ~~orange double underlining~~ is deleted language in the original bill that is proposed to be retained in this amendment; and (6) **green bold dashed underlining** is newly added transitory language.

CLP/KCR



Date: 4/13/2009

A.B. No. 40—Revises provisions governing the review and approval of plans for the construction or alteration of school buildings. (BDR 34-322)



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:

This bill removes the requirement that a school district in a county whose population is 400,000 or more (currently Clark County) submit plans, designs and specifications **for new school buildings and facilities and for additions and alterations** to the State Public Works Board and requires such a school district to **obtain the review and approval of the county building department or other appropriate local building department in the county in the same manner as all other counties; establish a building department for the school district.**

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

Section 1. 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 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 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 ~~each~~ county ~~if~~ **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~~

1 letting any contract or contracts for the erection of any new school building, the
2 board of trustees of the county school district shall submit the plans, designs and
3 specifications to, and obtain the written approval of the plans, designs and
4 specifications by, the State Public Works Board. The State Public Works Board
5 shall review the plans, designs and specifications and make any recommendations
6 as expeditiously as practicable. The State Public Works Board is authorized to
7 charge and collect, and the board of trustees of the county school district is
8 authorized to pay, a reasonable fee for the payment of any costs incurred by the
9 State Public Works Board in securing the approval of qualified architects or
10 engineers of the plans, designs and specifications submitted by the board of trustees
11 in compliance with the provisions of this paragraph. The board of trustees of the
12 school district shall establish a building department for the school district.

13 (b) Except as otherwise provided in paragraph (c), before letting any contract
14 or contracts for any addition to or alteration of an existing school building which
15 involves structural systems, or exiting, sanitary or fire protection facilities, the
16 board of trustees of the county school district shall submit the plans, designs and
17 specifications to, and obtain the written approval of the plans, designs and
18 specifications by, the State Public Works Board. The State Public Works Board
19 shall review the plans, designs and specifications and make any recommendations
20 as expeditiously as practicable. The State Public Works Board is authorized to
21 charge 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 incurred by the
23 State Public Works Board in securing the approval of qualified architects or
24 engineers of the plans, designs and specifications submitted by the board of trustees
25 in compliance with the provisions of this paragraph. Except as otherwise provided
26 in NRS 477.030, the board of trustees of the school district shall regulate all
27 matters relating to the construction, maintenance and safety of buildings,
28 facilities, structures and property of the school district.

29 (c) The State Public Works Board may enter into an agreement with the
30 appropriate building department of a county or city to review plans, designs and
31 specifications of a school district pursuant to paragraph (a) or (b). If the State
32 Public Works Board enters into such an agreement, the board of trustees of the
33 school district shall submit a copy of its plans, designs and specifications for any
34 project to which paragraph (a) or (b) applies to the building department before
35 commencement of the project for the approval of that building department. The
36 building department shall review the plans, designs and specifications and provide
37 responsive comment as expeditiously as practicable. The approval of the State Fire
38 Marshal is not required for any plans, designs and specifications reviewed by a
39 building department pursuant to this paragraph. A building department that has
40 entered into an agreement pursuant to this paragraph is authorized to charge and
41 collect, and the board of trustees of the county school district is authorized to pay, a
42 reasonable fee for the review conducted pursuant to this paragraph. Except as
43 otherwise provided in NRS 477.030, the board of trustees of the school district
44 shall adopt any building, electrical or safety codes as necessary to carry out the
45 provisions of this subsection.

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

50 (e) The building department established by the board of trustees shall, in
51 accordance with subsection 4, conduct a review of plans, designs and
52 specifications for the erection of new school buildings and for the addition to or
53 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 and 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, designs and specifications reviewed by a building department pursuant to this paragraph.

(b) If there is no county building department or other *appropriate* 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 the State Public Works Board, a private certificate holder or a local building department in another county to obtain the required reviews of the plans, designs and specifications and to have the required inspections conducted. The approval of the State Fire Marshal is not required for any plans, designs and specifications reviewed by a private certificate holder or ~~local~~ building department pursuant to this paragraph.

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

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

(e) A department, agency, private certificate holder or 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:

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

(2) The inspections conducted pursuant to this subsection.

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

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

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

(c) 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 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.

1 5. ~~4.~~ No contract for any of the purposes specified in this section made by a
2 board of trustees of a school district contrary to the provisions of this section is
3 valid, nor shall any public money be paid for erecting, adding to or altering any
4 school building in contravention of this section.

5 6. ~~5.~~ As used in this section, "private certificate holder" means a person
6 who, as applicable, holds a valid certification issued by the International Code
7 Council or its successor:

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

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

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

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

15 278.585 ~~4.~~ Except as otherwise provided in NRS 393.110, all persons and
16 political subdivisions shall comply with the appropriate city or county building
17 code.