

Amendment No. 125

Assembly Amendment to Assembly Bill No. 48

(BDR 28-405)

Proposed by: Assembly Committee on Government Affairs**Amends:** Summary: No Title: Yes 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.

DLJ/MSM



Date: 4/1/2009

A.B. No. 48—Allows a public body to resolve disputes in a contract for a public work by way of processes other than arbitration. (BDR 28-405)



ASSEMBLY BILL NO. 48—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE CITY OF LAS VEGAS)

PREFILED DECEMBER 6, 2008

Referred to Committee on Government Affairs

SUMMARY—Allows a public body to resolve disputes in a contract for a public work by way of processes other than arbitration. (BDR 28-405)

FISCAL NOTE: Effect on Local Government: No.
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 public works; allowing a public body to resolve a dispute arising between the public body and the contractor engaged on a public work by way of ~~processes other than arbitration;~~ **methods of alternate dispute resolution;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a contract for a public work must include a provision that requires arbitration of a dispute between the public body and the contractor engaged on the public work. (NRS 338.150) This bill ~~makes the inclusion of such a~~ **revises the requirement of** ~~that~~ **provision** ~~discretionary, thus allowing~~ **to allow** the public body and the contractor to resolve a dispute relating to the contract for the public work by way of ~~processes other than arbitration;~~ **methods of alternate dispute resolution.**

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

Section 1. NRS 338.150 is hereby amended to read as follows:

338.150 1. ~~Except as otherwise provided in subsection 3, any~~ A public body charged with the drafting of specifications for a public work **shall** ~~may~~ include in the specifications a clause requiring ~~arbitration of~~ **the use of a method of alternate dispute resolution before initiation of a judicial action if** a dispute arising between the public body and the contractor engaged on a public work ~~if the dispute~~ cannot otherwise be settled.

2. ~~Any dispute requiring arbitration must be handled in accordance with the construction industry's rules for arbitration as administered by the American Arbitration Association or the Nevada Arbitration Association.~~

~~3.] The provisions of subsection 1 do not require the Department of Transportation to include such a clause in any contract entered into by the Department.~~

~~4. This section does not prohibit the use of] If a clause requiring arbitration of a dispute arising between a public body and a contractor is included in the specifications for a public work as allowed pursuant to subsection 1, the public body and the contractor are not prohibited from using alternate dispute resolution methods before arbitration.]~~

Sec. 2. This act becomes effective upon passage and approval.