

SENATE BILL NO. 42—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE STATE PUBLIC WORKS BOARD)

PREFILED DECEMBER 5, 2008

Referred to Committee on Government Affairs

SUMMARY—Transfers final authority over the acceptance of certain public buildings and structures from the State Public Works Board to the deputy manager for compliance and code enforcement. (BDR 28-326)

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 the State Public Works Board; transferring final authority over the acceptance of certain public buildings and structures from the Board to the deputy manager for compliance and code enforcement; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Under existing law, the deputy manager for compliance and code enforcement
- 2 appointed by the State Public Works Board serves as the building official for all
- 3 public buildings and structures. (NRS 341.100) Existing law also provides that the
- 4 Board has final authority to accept certain public buildings and structures as
- 5 completed or to require alterations thereto. (NRS 341.145)
- 6 This bill transfers the final authority over the acceptance of certain public
- 7 buildings and structures from the Board to the deputy manager for compliance and
- 8 code enforcement.

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

- 1 **Section 1.** NRS 341.100 is hereby amended to read as follows:
- 2 341.100 1. The Board shall appoint a Manager and a deputy
- 3 manager for compliance and code enforcement, each of whom must
- 4 be approved by the Governor. The Manager and the deputy manager



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1 for compliance and code enforcement serve at the pleasure of the
2 Board and the Governor.

3 2. The Manager, with the approval of the Board, shall appoint:

4 (a) A deputy manager for professional services; and

5 (b) A deputy manager for administrative, fiscal and
6 constructional services.

7 ➔ Each deputy manager appointed pursuant to this subsection
8 serves at the pleasure of the Manager.

9 3. The Manager may appoint such other technical and clerical
10 assistants as may be necessary to carry into effect the provisions of
11 this chapter.

12 4. The Manager and each deputy manager are in the
13 unclassified service of the State. Except as otherwise provided in
14 NRS 284.143, the Manager and each deputy manager shall devote
15 his entire time and attention to the business of his office and shall
16 not pursue any other business or occupation or hold any other office
17 of profit.

18 5. The Manager and the deputy manager for professional
19 services must each be a licensed professional engineer pursuant to
20 the provisions of chapter 625 of NRS or an architect registered
21 pursuant to the provisions of chapter 623 of NRS.

22 6. The deputy manager for administrative, fiscal and
23 constructional services must have a comprehensive knowledge of
24 the principles of administration and a working knowledge of the
25 principles of engineering or architecture as determined by the
26 Board.

27 7. The deputy manager for compliance and code enforcement
28 must have a comprehensive knowledge of building codes and a
29 working knowledge of the principles of engineering or architecture
30 as determined by the Board.

31 8. The Manager shall:

32 (a) Serve as the Secretary of the Board.

33 (b) Manage the daily affairs of the Board.

34 (c) Represent the Board before the Legislature.

35 (d) Prepare and submit to the Board, for its approval, the
36 recommended priority for proposed capital improvement projects
37 and provide the Board with an estimate of the cost of each project.

38 (e) Make recommendations to the Board for the selection of
39 architects, engineers and contractors.

40 (f) Make recommendations to the Board concerning the
41 acceptance of completed projects. *The Board shall transmit to the*
42 *deputy manager for compliance and code enforcement any such*
43 *recommendations which are relevant to the duties of that deputy*
44 *manager as set forth in subsection 9.*



(g) Submit in writing to the Board, the Governor and the Interim Finance Committee a monthly report regarding all public works projects which are a part of the approved capital improvement program. For each such project, the monthly report must include, without limitation, a detailed description of the progress of the project which highlights any specific events, circumstances or factors that may result in:

(1) Changes in the scope of the design or construction of the project or any substantial component of the project which increase or decrease the total square footage or cost of the project by 10 percent or more;

(2) Increased or unexpected costs in the design or construction of the project or any substantial component of the project which materially affect the project;

(3) Delays in the completion of the design or construction of the project or any substantial component of the project; or

(4) Any other problems which may adversely affect the design or construction of the project or any substantial component of the project.

(h) Have final authority to approve the architecture of all buildings, plans, designs, types of construction, major repairs and designs of landscaping.

9. The deputy manager for compliance and code enforcement ~~shall~~ :

(a) Shall serve as the building official for all buildings and structures on property of the State or held in trust for any division of the State Government ~~and~~ ; and

(b) In his capacity as the building official has, without limitation, final authority to accept each building or structure, or any portion thereof, on property of the State or held in trust for any division of the State Government as completed or to require necessary alterations to conform to the contract or to codes adopted by the Board, and to file the notice of completion and certificate of occupancy for the building or structure.

Sec. 2. NRS 341.145 is hereby amended to read as follows:
341.145 The Board:

1. Shall determine whether any rebates are available from a public utility for installing devices in any state building which are designed to decrease the use of energy in the building. If such a rebate is available, the Board shall apply for the rebate.

2. Shall solicit bids for and let all contracts for new construction or major repairs.

3. May negotiate with the lowest responsible and responsive bidder on any contract to obtain a revised bid if:



(a) The bid is less than the appropriation made by the Legislature for that building project; and

(b) The bid does not exceed the relevant budget item for that building project as established by the Board by more than 10 percent.

4. May reject any or all bids.

5. After the contract is let, shall supervise and inspect construction and major repairs. The cost of supervision and inspection must be financed from the capital construction program approved by the Legislature.

6. Shall obtain prior approval from the Interim Finance Committee before authorizing any change in the scope of the design or construction of a project as that project was authorized by the Legislature ~~H~~ if the change increases or decreases the total square footage or cost of the project by 10 percent or more.

7. Except for changes that require prior approval pursuant to subsection 6, may authorize change orders, before or during construction:

(a) In any amount, where the change represents a reduction in the total awarded contract price.

(b) Except as otherwise provided in paragraph (c), not to exceed in the aggregate 15 percent of the total awarded contract price, where the change represents an increase in that price.

(c) In any amount, where the total awarded contract price is less than \$50,000 and the change represents an increase not exceeding the amount of the total awarded contract price.

(d) In any amount, where additional money was authorized or appropriated by the Legislature and issuing a new contract would not be in the best interests of the State.

8. Shall specify in any contract with a design professional the period within which the design professional must prepare and submit to the Board a change order that has been authorized by the design professional. As used in this subsection, "design professional" means a person with a professional license or certificate issued pursuant to chapter 623, 623A or 625 of NRS.

~~[9. Has final authority to accept each building or structure, or any portion thereof, on property of the State or held in trust for any division of the State Government as completed or to require necessary alterations to conform to the contract or to codes adopted by the Board, and to file the notice of completion and certificate of occupancy for the building or structure.]~~

Sec. 3. NRS 341.153 is hereby amended to read as follows:

341.153 1. The Legislature hereby finds as facts:

(a) That the construction of public buildings is a specialized field requiring for its successful accomplishment a high degree of



1 skill and experience not ordinarily acquired by public officers and
2 employees whose primary duty lies in some other field.

3 (b) That this construction involves the expenditure of large
4 amounts of public money which, whatever their particular
5 constitutional, statutory or governmental source, involve a public
6 trust.

7 (c) That the application by state agencies of conflicting
8 standards of performance results in wasteful delays and increased
9 costs in the performance of public works.

10 2. The Legislature therefore declares it to be the policy of this
11 State that all construction of buildings upon property of the State or
12 held in trust for any division of the State Government be supervised
13 by **H** and , *except as otherwise provided in subsection 9 of NRS*
14 *341.100*, final authority for its completion and acceptance vested in,
15 the Board as provided in NRS 341.141 to 341.148, inclusive.

16 **Sec. 4.** This act becomes effective upon passage and approval.

