

Amendment No. 409

Assembly Amendment to Assembly Bill No. 228

(BDR 28-582)

Proposed by: Assembly Committee on Government Affairs**Amends:** Summary: Yes 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 underlining*** is newly added transitory language.

SRT/HAC



Date: 4/19/2011

A.B. No. 228—Revises provisions governing contracts for public works.
(BDR 28-582)



ASSEMBLY BILL NO. 228--ASSEMBLYMEN HICKEY, HANSEN; GOEDHART,
GOICOECHEA, GRADY, HAMBRICK, HARDY, KIRNER, MCARTHUR,
SEGERBLOM, SHERWOOD, SMITH AND STEWART

MARCH 2, 2011

Referred to Committee on Government Affairs

SUMMARY--~~{Revises provisions governing}~~ **Directs the Legislative Commission to conduct an interim study on** contracts for public works. (BDR ~~{28-582}~~ **S-582**)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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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; ~~{requiring a public body to use a standard form construction contract that is endorsed by national associations representing industry professionals for a public work;}~~ **directing the Legislative Commission to conduct an interim study of the feasibility of standard form contracts for public works at the state and local levels;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a public body is required to include certain provisions in a contract for a public work. (NRS 338.150, 338.153, 338.155) This bill ~~{requires a public body}~~ **directs the Legislative Commission to conduct an interim study of the feasibility of the use of a standard form construction contract {which has been endorsed by national associations representing industry professionals}** for each contract for a **state or local** public work.

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

Section 1. ~~{Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~—A contract for a public work must be a standard form construction contract which includes terms, conditions and agreements endorsed by at least one national association that primarily represents the interests of public owners and at least one national association that primarily represents the interests of private contractors, provided that:~~

~~1. A public body shall make any modifications necessary to conform with the laws and regulations of this State;~~

~~2. A public body may make any reasonably necessary modifications for project specific considerations; and~~

~~3. The terms, conditions and agreements of a contract between a subcontractor and a contractor must be consistent with the terms, conditions and agreements of the contract for a public work entered into between the contractor and a public body pursuant to this section.~~ (Deleted by amendment.)

Sec. 2. 1. The Legislative Commission shall appoint a committee to conduct an interim study concerning the feasibility of using standard form construction contracts for public works by state and local governments.

2. The committee appointed by the Legislative Commission pursuant to subsection 1 must be composed of six Legislators as follows:

(a) Three members appointed by the Majority Leader of the Senate, at least one of whom must be appointed from the membership of the Senate Standing Committee on Government Affairs during the immediately preceding session of the Legislature; and

(b) Three members appointed by the Speaker of the Assembly, at least one of whom must be appointed from the membership of the Assembly Standing Committee on Government Affairs during the immediately preceding session of the Legislature.

3. The study must include, without limitation:

(a) A review of:

(1) The laws of this State governing public works; and

(2) The use of standardized contracts in other states and localities;

(b) Construction contract clauses recommended for inclusion; and

(c) Any other matters which the Legislative Commission deems relevant to the consideration of the issues.

4. In conducting the study, the committee shall consider the recommendations and testimony from experts in construction and public works contracts, including, without limitation:

(a) National associations primarily representing the interests of public owners or private contractors;

(b) The Commission to Study Governmental Purchasing created by NRS 332.215;

(c) Representatives of management and labor organizations;

(d) The State Public Works Board; and

(e) Local government public works officials.

5. The Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 77th Session of the Nevada Legislature.

Sec. 3. This act becomes effective on July 1, 2011.