

Amendment No. 890

Senate Amendment to Assembly Bill No. 228 First Reprint (BDR S-582)

Proposed by: Senate Committee on Legislative Operations and Elections

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will ADD an unfunded mandate not requested by the affected local government to A.B. 228 (§ 2).

ASSEMBLY ACTION		Initial and Date		SENATE ACTION		Initial and Date			
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

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: 6/4/2011

A.B. No. 228—Directs the Legislative Commission to conduct an interim study on contracts for public works. (BDR S-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—Directs the ~~{Legislative}~~ Commission to Study Governmental Purchasing to conduct ~~{an interim}~~ a study on contracts for public works. (BDR S-582)

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

CONTAINS UNFUNDED MANDATE (§ 2)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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; directing the ~~{Legislative}~~ Commission to Study Governmental Purchasing to conduct ~~{an interim}~~ a 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:

1 Under existing law, a public body is required to include certain provisions in a contract
2 for a public work. (NRS 338.150, 338.153, 338.155) This bill directs the ~~{Legislative}~~
3 Commission to Study Governmental Purchasing to conduct ~~{an interim}~~ a study of the
4 feasibility of the use of a standard form construction contract for each contract for a state or
5 local public work.

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

1 **Section 1.** (Deleted by amendment.)
2 **Sec. 2.** 1. The ~~{Legislative}~~ Commission to Study Governmental
3 Purchasing created pursuant to NRS 332.215 shall ~~{appoint a committee to}~~
4 conduct ~~{an interim}~~ a study concerning the feasibility of using standard form
5 construction contracts for public works by state and local governments.
6 2. ~~{The committee appointed by the Legislative Commission pursuant to~~
7 ~~subsection 1 must be composed of six Legislators as follows:~~
8 ~~{a} Three members appointed by the Majority Leader of the Senate, at least one~~
9 ~~of whom must be appointed from the membership of the Senate Standing~~

1 ~~Committee on Government Affairs during the immediately preceding session of the~~
2 ~~Legislature; and~~

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

7 ~~3.]~~ The study must include, without limitation:

8 (a) A review of:

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

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

11 (b) Construction contract clauses recommended for inclusion; and

12 (c) Any other matters which the ~~[Legislative]~~ Commission deems relevant to
13 the consideration of the issues.

14 ~~[4.]~~ 3. In conducting the study, the ~~[committee]~~ Commission shall consider
15 the recommendations and testimony from experts in construction and public works
16 contracts, including, without limitation:

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

19 (b) ~~[The Commission to Study Governmental Purchasing created by NRS~~
20 ~~332.215;~~

21 ~~(c)]~~ Representatives of management and labor organizations;

22 ~~[(d)]~~ (c) The State Public Works Board; and

23 ~~[(e)]~~ (d) Local government public works officials.

24 ~~[5. The Legislative]~~

25 4. On or before January 15, 2013, the Commission shall submit a report of
26 the results of the study and any recommendations for legislation to the Director of
27 the Legislative Counsel Bureau for transmittal to the 77th Session of the
28 Nevada Legislature.

29 Sec. 2.5. The provisions of NRS 354.599 do not apply to any additional
30 expenses of a local government that are related to the provisions of this act.

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