

Amendment No. 435

Senate Amendment to Senate Bill No. 217

(BDR 35-925)

Proposed by: Senate Committee on Transportation**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 underlining* is newly added transitory language.

DLJ/WLK



Date: 4/18/2013

S.B. No. 217—Revises provisions relating to the manner of performing work on roads in smaller counties. (BDR 35-925)



SENATE BILL NO. 217—SENATOR MANENDO (BY REQUEST)

MARCH 7, 2013

Referred to Committee on Transportation

SUMMARY—Revises provisions relating to the manner of performing work on roads in smaller counties. (BDR 35-925)

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 county roads; revising provisions relating to the manner of performing work for the construction and repair of roads and bridges in smaller counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties), the county commissioners of the county make up the board of county highway commissioners. (NRS 403.010) With exceptions for emergencies and instances in which a county performs its own work with day labor and county equipment, if the construction of any superstructure related to a county road may require the expenditure of \$500 or more, the board of county highway commissioners is required to advertise for bids and let contracts pursuant to certain competitive bidding provisions imposed on local government. (NRS 332.039, 403.490) **Section 1** of this bill ~~creates a bifurcated system under which - (1)~~ **provides that** if the probable cost of road work does not exceed ~~(\$25,000)~~ **\$100,000**, a county may advertise for bids and let contracts pursuant to chapter 332 **or 338** of NRS or ~~may~~ perform its own work with **county employees or day labor and using county equipment** ~~and (2) if~~ **and (2) if** the probable cost of the work exceeds ~~(\$25,000)~~ **\$100,000**, a county is required to advertise for bids and let contracts pursuant to chapter **332 or 338** of NRS **except that, in a county whose population is less than 45,000 (currently Churchill, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Mineral, Nye, Pershing, Storey and White Pine Counties), the board of county highway commissioners may instead determine, at a hearing and with the provision of certain notice requirements, to perform the work with county employees or day labor and using county equipment if the estimated cost of the project is more than \$100,000 but less than \$250,000.** **Section 2** of this bill makes a parallel, conforming change with respect to the construction and repair of bridges.

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

Section 1. NRS 403.490 is hereby amended to read as follows:
403.490 1. To perform any work or construct any superstructure under this chapter wherein an expenditure of ~~(\$500)~~ **\$100,000** or more may be necessary, the

board of county highway commissioners shall cause definite plans of such work or superstructure to be made, estimates of the amount of work to be done and the probable cost thereof, together with a copy of the specifications thereof.

2. ~~Upon~~ ~~if the probable cost of the work does not exceed \$25,000,~~ Except as otherwise provided in subsection 3, upon receipt of the plans, estimates and specifications, ~~for a project for which the estimated cost is \$100,000 or more,~~ the board of county highway commissioners shall advertise for bids and let contracts in the manner prescribed by chapter 332 or 338 of NRS, ~~as applicable.~~

~~3. After submission of bids, the board of county highway commissioners may reject any and all bids and advertise anew, or the board may order the work done by day's work under the supervision of the county road supervisor.~~

~~3. Except as otherwise provided in subsection 4, if the probable cost of the work exceeds \$25,000, upon receipt of the plans, estimates and specifications, the board of county highway commissioners shall advertise for bids and let contracts in the manner prescribed by chapter 338 of NRS.~~ In a county whose population is less than 45,000, if the estimated cost of a project is \$100,000 or more but less than \$250,000, the board of county highway commissioners may hold a hearing to determine, by majority vote of the board, if the project can be performed by county employees or through the employment of day labor under the supervision of the board and by the use of its own machinery, tools and other equipment without advertising for bids and letting contracts pursuant to subsection 2. Notice for such a hearing must be provided not less than 15 days before the date of the hearing and must be published pursuant to the provisions of NRS 238.010 to 238.080, inclusive. The board shall provide, in the notice and at least 15 days before the hearing at the office of the board and at the place of the hearing, the following information, without limitation:

(a) A list of:

(1) All county employees, if any, including supervisors, who will perform the work, including, without limitation, the classification of each employee and an estimate of the direct and indirect costs of the labor;

(2) The number of day laborers, if any, that will be employed to perform the work; and

(3) All machinery, tools and other equipment of the county to be used on the project.

(b) An estimate of:

(1) The direct and indirect costs of the labor of the county employees who will perform the work, if any;

(2) The direct and indirect costs of the labor of any day laborers who will be employed to perform the work;

(3) The cost of any administrative support that will be required for the performance of the work;

(4) The total cost of the project, including, without limitation, the fair market value or, if available, the actual cost of all materials, supplies, equipment and labor necessary for the project; and

(5) The amount of savings to be realized by having county employees or day laborers perform the work.

4. In cases of emergency the board of county highway commissioners may let contracts for repairs in the manner prescribed by chapter 332 of NRS.

5. Nothing in this section shall prevent any county from opening, building, improving or repairing any public road or highway in the county ~~by the~~ through the work of county employees or the employment of day labor, under the supervision of the board of county highway commissioners and by the use of its own machinery, tools and other equipment, without letting contracts to the lowest

1 responsible bidder, ~~irrespective of~~ if the probable cost of the work ~~it~~ does not
2 exceed ~~\$25,000,~~ \$100,000.

3 **Sec. 2.** NRS 403.600 is hereby amended to read as follows:

4 403.600 1. No bridge shall be constructed or repaired except on the order of
5 the board of county commissioners, or unless a petition is filed as provided in NRS
6 403.610.

7 2. In entering into a contract for the construction or repair of a bridge, the
8 board of county commissioners shall comply with ~~chapter 332 of~~ NRS ~~it~~
9 403.610.

10 **Sec. 3.** This act becomes effective on July 1, 2013.