

SENATE BILL NO. 142—SENATORS JONES, ATKINSON, SEGERBLOM, HAMMOND, SPEARMAN; DENIS, FORD, HARDY, HUTCHISON, KIECKHEFER, KIHUEN, MANENDO, PARKS, SETTELMAYER AND WOODHOUSE

FEBRUARY 18, 2013

JOINT SPONSORS: ASSEMBLYMEN ELLIOT ANDERSON, BOBZIEN, AIZLEY; DALY, ELLISON, FIORE, HARDY, KIRKPATRICK AND OHRENSCHALL

Referred to Committee on Government Affairs

SUMMARY—Makes various changes to provisions governing local government contracting. (BDR 27-676)

FISCAL NOTE: Effect on Local Government: No.
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 local governments; revising provisions governing contracting by school districts; revising provisions governing performance contracts for operating cost-savings measures; requiring the Office of Energy to provide local governments with information, educational resources and support relating to such performance contracts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes local governments, including school districts, to enter into performance contracts for the purchase and installation of operating cost-savings measures to reduce costs related to energy, water and the disposal of waste, and related labor costs. (NRS 332.300-332.440) **Section 2** of this bill provides that before the board of trustees of a school district advertises for, requests or solicits bids or proposals for certain contracts, the board of trustees shall determine if the work to be performed pursuant to the contract will include an operating cost-savings measure and qualifies to be performed pursuant to a performance contract. **Section 2** also requires the board of trustees to prepare a report setting forth its determinations and make the report available to the public. **Section 2** further requires the report to include, without limitation, the reasons why the work to be



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performed includes or does not include an operating cost-savings measure and, if the board of trustees determines not to award a performance contract for the work, the reasons for that determination.

Section 3 of this bill requires the Office of Energy to: (1) provide local governments with information, educational resources and support relating to operating cost-savings measures and performance contracts; and (2) include on the Internet website maintained by the Office, if any, information and educational resources relating to operating cost-savings measures and performance contracts.

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

Section 1. Chapter 332 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *Before the board of trustees of a school district advertises for, requests or solicits bids or proposals for a contract relating to work to be performed on a building, the board of trustees shall:*

(a) Determine if the work to be performed pursuant to the contract:

(1) Will include an operating cost-savings measure; and

(2) Qualifies to be performed pursuant to a performance contract;

(b) Prepare a report setting forth the determinations required pursuant to paragraph (a); and

(c) Make the report available to the public, including, without limitation, by posting the report on the Internet website, if any, maintained by the school district.

2. The report prepared pursuant to paragraph (b) of subsection 1 must include, without limitation:

(a) The reasons why the work to be performed pursuant to the contract includes or does not include an operating cost-savings measure; and

(b) If the board of trustees determines not to award a performance contract for the work, the reasons for that determination.

Sec. 3. The Office of Energy shall:

1. Provide to local governments information, educational resources and support relating to operating cost-savings measures and performance contracts.

2. Include on the Internet website maintained by the Office, if any, information and educational resources relating to operating cost-savings measures and performance contracts.

Sec. 4. NRS 332.300 is hereby amended to read as follows:

332.300 As used in NRS 332.300 to 332.440, inclusive, ***and sections 2 and 3 of this act,*** unless the context otherwise requires,



- 1 the words and terms defined in NRS 332.310 to 332.350, inclusive,
- 2 have the meanings ascribed to them in those sections.
- 3 **Sec. 5.** This act becomes effective on July 1, 2013.

