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FIRST REPRINT

A.B. 56

ASSEMBLY BILL NO. 56—COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE STATE PUBLIC WORKS DIVISION
OF THE DEPARTMENT OF ADMINISTRATION)

PREFILED NOVEMBER 19, 2018

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing the administration of state public works. (BDR 28-185)

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 public works; requiring the State Public Works Board of the State Public Works Division of the Department of Administration to submit biennially to the Governor and the Legislature its recommendations for projects for deferred maintenance; revising provisions governing the delegation by the Administrator of the Division of certain authority to a state agency relating to public works; revising the circumstances under which the Division is required to furnish engineering and architectural services to a state agency; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law requires the State Public Works Board of the State Public Works
- 2 Division of the Department of Administration to submit to the Governor and to the
- 3 Legislature before October 1 of each even-numbered year its recommendations for
- 4 projects for capital improvements in the next biennium. (NRS 341.083) **Section 2**
- 5 of this bill requires the Board to also submit to the Governor and to the Legislature
- 6 its recommendations for projects for deferred maintenance in the next biennium by
- 7 that same deadline.
- 8 Under existing law, the Administrator of the Division is authorized to delegate
- 9 certain authority of the Division relating to projects of construction, repair or
- 10 reconstruction of the State, known as public works, to a requesting state agency
- 11 relating to its own public work. (NRS 341.119) **Section 3** of this bill requires the
- 12 Administrator to delegate such authority to a requesting state agency relating to its



13 own public work if the agency demonstrates to the Administrator that it has
14 sufficient experience in various aspects of designing and managing the construction
15 of a public work. If the Administrator denies an agency's request for the delegation
16 of such authority, **section 3** authorizes the state agency to file a written appeal with
17 the State Public Works Board for a hearing on the request. **Section 1** of this bill
18 makes a conforming change.

19 Existing law exempts the Division from the requirement of providing
20 engineering and architectural services to certain state agencies for certain types of
21 buildings and improvements. (NRS 341.141) **Section 4** of this bill also exempts the
22 Division from the requirement of providing engineering and architectural services
23 for nonstructural remodeling or repair of buildings and remodeling or repair of
24 improvements of the Nevada National Guard estimated to cost less than \$250,000.
25 In addition, **section 4** changes the exemption in existing law for buildings of the
26 State Department of Conservation and Natural Resources in state parks or of the
27 Department of Wildlife from nonresidential buildings with less than 1,000 square
28 feet in floor area to buildings with less than 3,000 square feet in floor area.

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

1 **Section 1.** NRS 341.070 is hereby amended to read as follows:

2 341.070 The Board shall:

3 1. Adopt such rules for the regulation of its proceedings and
4 the transaction of its business as it deems proper.

5 2. Meet as necessary to conduct the business of the Board for
6 the following purposes:

7 (a) Submitting reports and making recommendations as required
8 pursuant to NRS 341.083;

9 (b) Adopting regulations; and

10 (c) Presiding over appeals taken on the following matters:

11 (1) *Delegation of authority by the Administrator to a state*
12 *agency pursuant to NRS 341.119;*

13 (2) The qualification of contractors; and

14 ~~(2)~~ (3) Disputes regarding contracts.

15 **Sec. 2.** NRS 341.083 is hereby amended to read as follows:

16 341.083 1. The Board shall submit reports and make
17 recommendations relative to its findings to the Governor and to the
18 Legislature. The Board shall particularly recommend to the
19 Governor and to the Legislature the priority of construction of any
20 buildings or other construction work now authorized or that may
21 hereafter be authorized or proposed.

22 2. The Board shall submit before October 1 of each even-
23 numbered year its recommendations for ~~projects~~:

24 (a) *Projects* for capital improvements in the next biennium. The
25 recommendations must, to the extent practicable, provide that each
26 project which exceeds a cost of \$10,000,000 be scheduled to receive



1 funding for design and planning during one biennium and funding
2 for construction in the subsequent biennium.

3 *(b) Projects for deferred maintenance in the next biennium.*

4 **Sec. 3.** NRS 341.119 is hereby amended to read as follows:

5 341.119 1. Except as otherwise provided in ~~[this]~~ subsection
6 ~~[]~~ 2, upon the request of the head of a state agency, the
7 Administrator ~~[may]~~ *shall* delegate to that agency any of the
8 authority granted the Division pursuant to NRS 341.141 to 341.148,
9 inclusive ~~[]~~, *if the Administrator determines, based on written*
10 *evidence submitted by the agency, that the agency has sufficient*
11 *experience to design and manage the construction of the public*
12 *work, including, without limitation, experience in:*

13 *(a) Planning, designing and estimating the costs of a public*
14 *work;*

15 *(b) Preparing detailed plans and specifications for a public*
16 *work;*

17 *(c) Complying with the provisions of chapter 338 of NRS,*
18 *including, without limitation, provisions relating to bidding,*
19 *awarding contracts and payment of prevailing wages;*

20 *(d) Drafting construction contract documents;*

21 *(e) Developing a schedule for the construction of a public*
22 *work, including, without limitation, the design, bidding and*
23 *construction phases; and*

24 *(f) Selecting a consultant to assist with a public work.*

25 2. The Administrator shall not delegate the powers described in
26 subsection 2 of NRS 341.145.

27 ~~[2.]~~ 3. *If the Administrator denies the request of an agency*
28 *for the delegation of authority pursuant to subsection 1, the*
29 *agency may file a written appeal with the Board. The Board shall*
30 *set the matter for a hearing within 20 days after receipt of the*
31 *appeal. The hearing must be held not later than 45 days after*
32 *receipt of the appeal.*

33 4. This section does not limit any of the authority of the
34 Legislature when the Legislature is in regular or special session or
35 the Interim Finance Committee when the Legislature is not in
36 regular or special session to consult with the Division concerning a
37 construction project or to approve the advance planning of a project.

38 **Sec. 4.** NRS 341.141 is hereby amended to read as follows:

39 341.141 1. The Division shall furnish engineering and
40 architectural services to the Nevada System of Higher Education
41 and all other state departments, boards or commissions charged with
42 the construction of any building *or improvement* constructed on
43 state property or for which the money is appropriated by the
44 Legislature ~~[]~~ *or the remodel or repair of such a building or*
45 *improvement,* except:



1 (a) Buildings used in maintaining highways;
 2 (b) ~~Improvements, other than nonresidential buildings~~ *The*
 3 *remodel or repair of buildings of the Nevada National Guard*
 4 *which:*

5 (1) *Do not affect the safety or change the structural*
 6 *elements of the building; and*

7 (2) *Are estimated to cost less than \$250,000;*

8 (c) *The remodel or repair of improvements of the Nevada*
 9 *National Guard which are estimated to cost less than \$250,000;*

10 (d) Buildings with ~~more~~ less than ~~1,000~~ 3,000 square feet in
 11 floor area ~~of~~ *of or improvements* made ~~by~~ *by:*

12 (1) ~~In state parks by the~~ *The* State Department of
 13 Conservation and Natural Resources ~~in state parks;~~ or

14 (2) ~~By the~~ *The* Department of Wildlife;

15 ~~(e)~~ (e) Buildings of the Nevada System of Higher Education:

16 (1) That are exempted pursuant to subsection 1 of NRS
 17 341.1407; or

18 (2) To which subsection 1 of NRS 341.1407 applies if the
 19 Administrator has delegated his or her authority in accordance with
 20 NRS 341.119; and

21 ~~(d)~~ (f) Buildings on property controlled by other state
 22 agencies if the Administrator has delegated his or her authority in
 23 accordance with NRS 341.119.

24 ➤ The Board of Regents of the University of Nevada and all other
 25 state departments, boards or commissions shall use those services.

26 2. The services must consist of:

27 (a) Preliminary planning;

28 (b) Designing;

29 (c) Estimating of costs; and

30 (d) Preparation of detailed plans and specifications.

31 **Sec. 5.** The provisions of subsection 1 of NRS 218D.380 do
 32 not apply to any provision of this act which adds or revises a
 33 requirement to submit a report to the Legislature.

34 **Sec. 6.** This act becomes effective on July 1, 2019.

