

ASSEMBLY BILL NO. 285—ASSEMBLYMAN DALY

MARCH 15, 2013

Referred to Committee on Government Affairs

SUMMARY—Makes various changes relating to certain writs. (BDR 27-278)

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 writs; requiring the performance of certain contracts to be stayed upon petition for certain writs; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides for the issuance of a writ of mandamus to compel the
2 performance of an act which is a lawful duty resulting from an office, trust or
3 station or to compel the admission of a party to the use and enjoyment of a right or
4 office to which the party is entitled. (NRS 34.160) Existing law also provides for
5 the issuance of a writ of prohibition to arrest the proceedings of any tribunal,
6 corporation, board or person exercising judicial functions when such proceedings
7 are without or in excess of proper jurisdiction. (NRS 34.320)
8 This bill: (1) authorizes any person who is a taxpayer in this State to petition a
9 court of competent jurisdiction for a writ of mandamus or prohibition for a
10 violation of certain statutory requirements relating to various actions and the
11 awarding of a contract concerning public works; and (2) requires the performance
12 of any contract relating to the underlying subject of the writ to be stayed until such
13 time as the court renders a decision on the writ.

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

1 **Section 1.** Chapter 332 of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 *1. Any person who is a taxpayer in this State may petition a*
4 *court of competent jurisdiction for a writ of mandamus or*
5 *prohibition to compel the performance of an act or to arrest any*



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1 *proceeding for a violation of any requirement concerning bids or*
2 *the awarding of a contract as provided in this chapter.*

3 *2. If a petition for a writ is made pursuant to subsection 1, the*
4 *performance of any contract relating to the underlying subject of*
5 *the writ must be stayed until such time as the court renders a*
6 *decision.*

7 **Sec. 2.** Chapter 333 of NRS is hereby amended by adding
8 thereto a new section to read as follows:

9 *1. Any person who is a taxpayer in this State may petition a*
10 *court of competent jurisdiction for a writ of mandamus or*
11 *prohibition to compel the performance of an act or to arrest any*
12 *proceeding for a violation of any requirement concerning bids,*
13 *proposals, quotations or the awarding of a contract as provided in*
14 *this chapter.*

15 *2. If a petition for a writ is made pursuant to subsection 1, the*
16 *performance of any contract relating to the underlying subject of*
17 *the writ must be stayed until such time as the court renders a*
18 *decision.*

19 **Sec. 3.** Chapter 333A of NRS is hereby amended by adding
20 thereto a new section to read as follows:

21 *1. Any person who is a taxpayer in this State may petition a*
22 *court of competent jurisdiction for a writ of mandamus or*
23 *prohibition to compel the performance of an act or to arrest any*
24 *proceeding for a violation of any requirement concerning*
25 *qualifications or the entering into of a contract as provided in this*
26 *chapter.*

27 *2. If a petition for a writ is made pursuant to subsection 1, the*
28 *performance of any contract relating to the underlying subject of*
29 *the writ must be stayed until such time as the court renders a*
30 *decision.*

31 **Sec. 4.** Chapter 338 of NRS is hereby amended by adding
32 thereto a new section to read as follows:

33 *1. Any person who is a taxpayer in this State may petition a*
34 *court of competent jurisdiction for a writ of mandamus or*
35 *prohibition to compel the performance of an act or to arrest any*
36 *proceeding for a violation of any requirement concerning bids or*
37 *the awarding of a contract as provided in this chapter.*

38 *2. If a petition for a writ is made pursuant to subsection 1, the*
39 *performance of any contract relating to the underlying subject of*
40 *the writ must be stayed until such time as the court renders a*
41 *decision.*

42 **Sec. 5.** Chapter 341 of NRS is hereby amended by adding
43 thereto a new section to read as follows:

44 *1. Any person who is a taxpayer in this State may petition a*
45 *court of competent jurisdiction for a writ of mandamus or*



1 *prohibition to compel the performance of an act or to arrest any*
2 *proceeding for a violation of any requirement concerning bids or*
3 *the awarding of a contract as provided in this chapter.*

4 *2. If a petition for a writ is made pursuant to subsection 1, the*
5 *performance of any contract relating to the underlying subject of*
6 *the writ must be stayed until such time as the court renders a*
7 *decision.*

8 **Sec. 6.** Chapter 408 of NRS is hereby amended by adding
9 thereto a new section to read as follows:

10 *1. Any person who is a taxpayer in this State may petition a*
11 *court of competent jurisdiction for a writ of mandamus or*
12 *prohibition to compel the performance of an act or to arrest any*
13 *proceeding for a violation of any requirement concerning bids or*
14 *the awarding of a contract as provided in this chapter.*

15 *2. If a petition for a writ is made pursuant to subsection 1, the*
16 *performance of any contract relating to the underlying subject of*
17 *the writ must be stayed until such time as the court renders a*
18 *decision.*

19 **Sec. 7.** Chapter 624 of NRS is hereby amended by adding
20 thereto a new section to read as follows:

21 *1. Any person who is a taxpayer in this State may petition a*
22 *court of competent jurisdiction for a writ of mandamus or*
23 *prohibition to compel the performance of an act or to arrest any*
24 *proceeding for a violation of any requirement as provided in this*
25 *chapter.*

26 *2. If a petition for a writ is made pursuant to subsection 1, the*
27 *performance of any contract concerning a public work and*
28 *relating to the underlying subject of the writ must be stayed until*
29 *such time as the court renders a decision.*

30 **Sec. 8.** This act becomes effective on July 1, 2013.

