

SENATE BILL NO. 146—COMMITTEE ON GOVERNMENT AFFAIRS
(ON BEHALF OF THE NEVADA ASSOCIATION OF COUNTIES)

FEBRUARY 18, 2003

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing purchasing contracts of local governments. (BDR 27-321)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to governmental purchasing; exempting from the requirements of competitive bidding an agreement between a local government and a vendor of supplies, materials or equipment that has entered into an agreement with the General Services Administration or another governmental agency located within or outside this state and commercial advertising within a recreational facility operated by a county fair and recreation board; authorizing a local government to join or use contracts of another state or its subdivisions; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 332.015 is hereby amended to read as follows:
2 332.015 For the purpose of this chapter, unless the context
3 otherwise requires, “local government” means:
4 1. Every political subdivision or other entity which has the
5 right to levy or receive money from ad valorem taxes or other taxes
6 or from any mandatory assessments, including counties, cities,
7 towns, school districts and other districts organized pursuant to
8 chapters 244, 309, 318, 379, 450, 473, 474, 539, 541, 543 and 555
9 of NRS.



* S B 1 4 6 R 1 *

1 2. The Las Vegas Valley Water District created pursuant to the
2 provisions of chapter 167, Statutes of Nevada 1947, as amended.

3 3. County fair and recreation boards and convention authorities
4 created pursuant to the provisions of NRS 244A.597 to ~~[244A.667,]~~
5 *244A.655*, inclusive.

6 4. District boards of health created pursuant to the provisions
7 of NRS 439.370 to 439.410, inclusive.

8 5. The Nevada Rural Housing Authority.

9 **Sec. 2.** NRS 332.115 is hereby amended to read as follows:

10 332.115 1. Contracts which by their nature are not adapted to
11 award by competitive bidding, including contracts for:

12 (a) Items which may only be contracted from a sole source;

13 (b) Professional services;

14 (c) Additions to and repairs and maintenance of equipment
15 which may be more efficiently added to, repaired or maintained by a
16 certain person;

17 (d) Equipment which, by reason of the training of the personnel
18 or of an inventory of replacement parts maintained by the local
19 government is compatible with existing equipment;

20 (e) Perishable goods;

21 (f) Insurance;

22 (g) Hardware and associated peripheral equipment and devices
23 for computers;

24 (h) Software for computers;

25 (i) Books, library materials and subscriptions;

26 (j) Motor vehicle fuel purchased by a local law enforcement
27 agency for use in an undercover investigation;

28 (k) Motor vehicle fuel for use in a vehicle operated by a local
29 law enforcement agency or local fire department if such fuel is not
30 available within the vehicle's assigned service area from a fueling
31 station owned by the State of Nevada or a local government;

32 (l) Purchases made with money in a store fund for prisoners in a
33 jail or local detention facility for the provision and maintenance of a
34 canteen for the prisoners;

35 (m) Supplies, materials or equipment that are available ~~[from~~
36 ~~contracts]~~ *pursuant to an agreement with a vendor that has*
37 *entered into an agreement* with the General Services
38 Administration or another governmental agency ~~[in the regular~~
39 ~~course of its business;]~~ *located within or outside this state;*

40 (n) Items for resale through a retail outlet operated in this state
41 by a local government or the State of Nevada; ~~[and]~~

42 (o) *Commercial advertising within a recreational facility*
43 *operated by a county fair and recreation board; and*



1 (p) Goods or services purchased from organizations or
2 agencies whose primary purpose is the training and employment of
3 handicapped persons,
4 are not subject to the requirements of this chapter for competitive
5 bidding as determined by the governing body or its authorized
6 representative.

7 2. The purchase of equipment for use by a local law
8 enforcement agency in the course of an undercover investigation is
9 not subject to the requirements of this chapter for competitive
10 bidding if:

11 (a) The equipment is an electronic or mechanical device which
12 by design is intended to monitor and document in a clandestine
13 manner suspected criminal activity; or

14 (b) Purchasing the equipment pursuant to such requirements
15 would limit or compromise the use of such equipment by an agency
16 authorized to conduct such investigations.

17 3. The governing body of a hospital required to comply with
18 the provisions of this chapter, or its authorized representative, may
19 purchase goods commonly used by the hospital, under a contract
20 awarded pursuant to NRS 332.065, without additional competitive
21 bidding even if at the time the contract was awarded:

22 (a) The vendor supplying such goods to the person awarded the
23 contract was not identified as a supplier to be used by the person
24 awarded the contract; or

25 (b) The vendor was identified as a supplier but was not
26 identified as the supplier of such goods.

27 The governing body of the hospital shall make available for public
28 inspection each such contract and records related to those purchases.

29 4. This section does not prohibit a governing body or its
30 authorized representative from advertising for or requesting bids.

31 **Sec. 3.** NRS 332.195 is hereby amended to read as follows:

32 332.195 1. A governing body or its authorized representative
33 ~~{and the State of Nevada}~~ may join or use the contracts of other
34 local governments *located* within *or outside* this state with the
35 authorization of the contracting vendor. The originally contracting
36 local government is not liable for the obligations of the local
37 government which joins or uses the contract.

38 2. A governing body or its authorized representative may join
39 or use the contracts of the State of Nevada *or another state* with the
40 authorization of the contracting vendor. The State of Nevada *or*
41 *other state* is not liable for the obligations of the local government
42 which joins or uses the contract.

43 **Sec. 4.** NRS 244A.599 is hereby amended to read as follows:

44 244A.599 1. Whenever the board of county commissioners
45 of any county or the Board of Supervisors of Carson City desires the



1 powers granted in NRS 244A.597 to ~~244A.667,~~ 244A.655,
2 inclusive, to be exercised, it shall, by resolution, determine that the
3 interest of the county and the public interest, necessity or
4 desirability require the exercise of those powers and the creation of
5 a county fair and recreation board therefor, pursuant to the
6 provisions of NRS 244A.597 to ~~244A.667,~~ 244A.655, inclusive.
7 After approval of the resolution, the county or city clerk shall:
8 (a) Cause a copy of the resolution to be published promptly once
9 in a newspaper published in and of general circulation in the county
10 or city; and
11 (b) In the case of a county, cause a certified copy of the
12 resolution to be mailed by registered or certified mail to the mayor
13 or other chief executive officer of each incorporated city within the
14 county.
15 2. In counties whose population is 100,000 or more, the county
16 fair and recreation board must be selected as provided in NRS
17 244A.601 or 244A.603.
18 3. In counties whose population is less than 100,000, and in
19 which there are more than two incorporated cities, each incorporated
20 city, except an incorporated city which is the county seat, must be
21 represented by one member and any incorporated city which is the
22 county seat must be represented by four members. Within 30 days
23 after the day of publication of the resolution or the day on which the
24 last of the copies of the resolution was mailed, whichever day is
25 later, the mayor or other chief executive officer shall, with the
26 approval of the legislative body of the city, appoint a member or
27 members of the city council or board of trustees to serve on the
28 board for the remainder of his or their terms of office. The clerk or
29 secretary of the city shall promptly certify the appointment by
30 registered or certified mail to the county clerk.
31 4. In counties whose population is less than 100,000, and in
32 which there are only two incorporated cities, each incorporated city
33 must be represented by one member who must be appointed and
34 certified as provided in subsection 3, and the board of county
35 commissioners shall appoint four representatives as follows:
36 (a) Two members to represent the hotel or motel operators in the
37 county.
38 (b) One member to represent the other commercial interests in
39 the county.
40 (c) One member to represent the county at large.
41 5. In counties whose population is less than 100,000, and in
42 which there are fewer than two incorporated cities, any incorporated
43 city which is the county seat must be represented by one member,
44 who must be appointed and certified as provided in subsection 3,



1 and the board of county commissioners shall appoint three
2 representatives as follows:

- 3 (a) One member to represent the motel operators in the county.
- 4 (b) One member to represent the hotel operators in the county.
- 5 (c) One member to represent the other commercial interests in
6 the county.

7 6. In all counties whose population is less than 100,000, one
8 member of the board of county commissioners must be appointed by
9 the county commissioners to serve on the board for the remainder of
10 his term of office.

11 7. In all counties whose population is less than 100,000, and in
12 which there is no incorporated city, the board of county
13 commissioners shall appoint one member to represent the county at
14 large.

15 8. In Carson City, the Board of Supervisors shall appoint five
16 representatives to the fair and recreation board established as
17 provided in subsection 1 as follows:

- 18 (a) Two members to represent the hotel and motel operators in
19 the city.
- 20 (b) One member to represent the other commercial interests in
21 the city.
- 22 (c) One member who is a member of the Board of Supervisors.
- 23 (d) One member to represent the city at large.

24 9. Members who are not elected officials shall serve for 2-year
25 terms.

26 10. The terms of all elected officials are coterminous with their
27 terms of office. Any such member may succeed himself.

28 **Sec. 5.** NRS 244A.629 is hereby amended to read as follows:

29 244A.629 1. In addition to the powers conferred upon a
30 county fair and recreation board by other provisions of NRS
31 244A.597 to ~~244A.667,~~ 244A.655, inclusive, a board, for the
32 county, is empowered to borrow money or accept contributions,
33 grants or other financial assistance from the Federal Government or
34 any agency or instrumentality thereof, corporate or otherwise, for or
35 in aid of any recreational facility within its area of operation, and to
36 comply with such conditions, trust indentures, leases or agreements
37 as may be necessary, convenient or desirable.

38 2. The purpose and intent of NRS 244A.597 to ~~244A.667,~~
39 244A.655, inclusive, is to authorize every county to do any and all
40 things necessary, convenient or desirable to secure the financial aid
41 or cooperation of the Federal Government in the undertaking,
42 acquisition, construction, maintenance or operation of any
43 recreational facility of the county.

44 **Sec. 6.** NRS 244A.657, 244A.659, 244A.661, 244A.663,
45 244A.665 and 244A.667 are hereby repealed.



1 **Sec. 7.** This act becomes effective on July 1, 2003.

LEADLINES OF REPEALED SECTIONS

244A.657 Use of recreational facility and rental or lease of space in facility for commercial advertising authorized.

244A.659 Procedure for rental or lease of space in facility.

244A.661 Resolution of intent to lease: Contents.

244A.663 Resolution of intent to lease: Notice.

244A.665 Opening and examination of sealed proposals; acceptance or rejection of proposals.

244A.667 Oral bids; final acceptance or rejection of bid; execution of lease.

Ⓢ



* S B 1 4 6 R 1 *