

Amendment No. 895

Senate Amendment to Assembly Bill No. 404 First Reprint
(BDR 27-381)

Proposed by: Senate Committee on Government Affairs

Amends: Summary: No Title: Yes 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.

RBL



Date: 6/4/2011

A.B. No. 404—Revises provisions regarding properties leased for use by the State.
(BDR 27-381)



ASSEMBLY BILL NO. 404—ASSEMBLYMAN OCEGUERA

MARCH 21, 2011

Referred to Committee on Government Affairs

SUMMARY—Revises provisions regarding properties leased for use by the State.
(BDR 27-381)

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 state buildings; requiring the Chief of the Buildings and Grounds Division of the Department of Administration to negotiate and approve any agreements to lease office rooms for use by certain state entities; requiring certain state entities to provide the Chief with an inventory of all real property used by the entity; requiring the Chief to post on an Internet website certain information regarding **certain** real property owned or leased by the State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Chief of the Buildings and Grounds Division of the Department of Administration is authorized to lease and equip office rooms outside of state buildings for the use of certain state officers and employees whenever sufficient space cannot be provided within state buildings. (NRS 331.110) **Section 1** of this bill requires that any agreement to lease office rooms for state officers, departments, agencies, commissions or boards must be negotiated, approved and overseen by the Chief. **Section 1** also requires state officers, departments, agencies, commissions and boards to provide the Chief with an inventory of all real property leased to the State that is used by the state officer, department, agency, commission or board. **Section 1** further requires the Chief to post, on an Internet website, a list of ~~all~~ real property that is leased or owned by the State, including a brief description of the property, its use and the terms of the agreement under which the property is leased by the State ~~to~~ **, except that the information must not be posted if the Chief of the Budget Division of the Department of Administration deems the information to be confidential. Such information may be deemed confidential if the state officer or public entity that uses the property requests that the information be kept confidential to maintain public safety. If the information is deemed confidential, the Chief of the Budget Division is required to inform the Chief of the Buildings and Grounds Division.** Sections 2, 3 and 4 of this bill extend the requirements of **section 1** to properties leased for use by the Gaming Control Board, the Department of Public Safety and the Department of Motor Vehicles, which are currently exempted from certain requirements relating to the lease or purchase of property. (NRS 463.100, 480.160, 481.055)

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

Section 1. NRS 331.110 is hereby amended to read as follows:

331.110 1. Except as otherwise provided ~~in subsection 2,~~ by law, the Chief of the Buildings and Grounds Division may lease and equip office rooms outside of state buildings for the use of state officers, ~~and employees,~~ departments, agencies, boards and commissions whenever sufficient space ~~for the officers and employees~~ cannot be provided within state buildings. The Chief of the Buildings and Grounds Division shall negotiate, approve and oversee any agreement to lease office rooms pursuant to this section, but no such lease may extend beyond the term of 1 year unless it is reviewed and approved by a majority of the members of the State Board of Examiners. The Attorney General shall approve each lease entered into pursuant to this subsection as to form and compliance with law.

2. Notwithstanding any other provision of law, before the Chief of the Buildings and Grounds Division enters into any lease for office rooms for any state officer, department, agency, board or commission, the Chief of the Buildings and Grounds Division shall consider, without limitation:

(a) The reasonableness of the terms of the agreement, including, without limitation, the cost; and

(b) The availability of space for use by the state officer, department, agency, board or commission in buildings that are owned by or leased to the State.

3. Each state officer, department, agency, board and commission shall maintain and provide to the Chief of the Buildings and Grounds Division an inventory of all real property leased to the State that is occupied by or otherwise used by the state officer, department, agency, board and commission. The Division of State Lands, Department of Transportation and State Public Works Board shall maintain and provide to the Chief of the Buildings and Grounds Division an inventory of all real property owned by the State.

4. ~~The~~ Except as otherwise provided in subsection 6, the Chief of the Buildings and Grounds Division shall post on an Internet website maintained by the State a list of all real property owned or leased by the State. Each such listing shall include, without limitation, a brief description of:

(a) The location, size and current use of the real property; and

(b) The terms of the lease, including, without limitation, the cost to the State.

~~[2. The provisions of subsection 1 do not apply to state officers and employees of boards that are exempt from the provisions of chapter 353 of NRS pursuant to NRS 353.005.]~~

5. Before submitting the inventory to the Chief of the Buildings and Grounds Division pursuant to subsection 3, a state officer, department, agency, board, commission, the Division of State Lands, Department of Transportation or State Public Works Board that uses the property may request the Chief of the Budget Division of the Department of Administration to deem information regarding the property confidential for the purpose of maintaining public safety.

6. If the Chief of the Budget Division deems information regarding property to be confidential pursuant to subsection 5, the information concerning the property must be kept confidential and is not a public book or record within the meaning of NRS 239.010. The Chief of the Budget Division must inform the Chief of the Buildings and Grounds Division that the information is confidential and that the information must not be posted on an Internet website maintained by the State pursuant to subsection 4.

1 **Sec. 2.** NRS 463.100 is hereby amended to read as follows:

2 463.100 1. The Board shall keep its main office at Carson City, Nevada, in
3 conjunction with the Commission in rooms provided by the Buildings and Grounds
4 Division of the Department of Administration.

5 2. The Board may, in its discretion, maintain a branch office in Las Vegas,
6 Nevada, or at any other place in this State as the Chair of the Board deems
7 necessary for the efficient operation of the Board. ~~{The Chair of the Board may~~
8 ~~enter into such leases or other agreements as may be necessary to establish a branch~~
9 ~~office.}~~ *Any leases or agreements entered into pursuant to this subsection must be*
10 *executed in accordance with the provisions of NRS 331.110.*

11 **Sec. 3.** NRS 480.160 is hereby amended to read as follows:

12 480.160 1. The Department shall keep its main office at Carson City,
13 Nevada, in rooms provided by the Buildings and Grounds Division of the
14 Department of Administration.

15 2. The Department may maintain such branch offices throughout the State as
16 the Director deems necessary for the efficient operation of the Department and the
17 various divisions thereof. ~~{The Director may enter into such leases or other~~
18 ~~agreements as may be necessary to establish such branch offices.}~~ *Any leases or*
19 *agreements entered into pursuant to this subsection must be executed in*
20 *accordance with the provisions of NRS 331.110.*

21 **Sec. 4.** NRS 481.055 is hereby amended to read as follows:

22 481.055 1. The Department shall keep its main office at Carson City,
23 Nevada, in rooms provided by the Buildings and Grounds Division of the
24 Department of Administration.

25 2. The Department may maintain such branch offices throughout the State as
26 the Director may deem necessary to the efficient operation of the Department and
27 the various divisions thereof. ~~{The Director is authorized, on behalf of the~~
28 ~~Department, to enter into such leases or other agreements as may be necessary to~~
29 ~~the establishment of such branch offices.}~~ *Any leases or agreements entered into*
30 *pursuant to this subsection must be executed in accordance with the provisions of*
31 *NRS 331.110.*

32 **Sec. 5.** This act becomes effective on July 1, 2011.