

ASSEMBLY BILL NO. 125—ASSEMBLYWOMAN KIRKPATRICK

FEBRUARY 14, 2013

Referred to Committee on Natural Resources,  
Agriculture, and Mining

SUMMARY—Revises provisions relating to governmental administration. (BDR 26-30)

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 governmental administration; exempting the lease of certain state lands from appraisal and certain procedural requirements; authorizing the discounted lease of state lands and buildings to certain businesses seeking to locate or expand in this State; revising provisions relating to the annual inventory of real property owned by or leased to the State; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes the State Land Registrar to lease state land for certain purposes. (Chapter 321 of NRS) **Section 3** of this bill authorizes the lease of state land to certain businesses seeking to locate or expand in this State for less than fair market value for the first year of the lease. **Section 3** requires the State Land Registrar, the Administrator of the State Public Works Division of the Department of Administration and the Executive Director of the Office of Economic Development to approve such a lease and establish the amount of rent to be received for the state land pursuant to the lease.

With limited exceptions, existing law sets forth certain procedural requirements for the sale or lease of state land, which include: (1) the requirement to obtain two independent appraisals of the land; (2) the requirement that the lease be upon sealed bids followed by oral offers; and (3) the requirement that certain leases be approved by the State Board of Examiners and the Interim Finance Committee. (NRS 321.007, 321.335, 322.007) **Sections 1, 1.5, 2, 4 and 5** of this bill except from these requirements the lease of state land if the lease is for less than 25,000 square feet of land or the lease is approved pursuant to **section 3**.

Existing law requires: (1) each state officer, department, agency, board and commission to maintain an inventory of all real property leased to the State; and (2) the Division of State Lands of the State Department of Conservation and Natural



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Resources, the Department of Transportation and the State Public Works Division to maintain an inventory of all real property owned by the State. (NRS 331.110) **Section 8** of this bill provides that each inventory must be provided to the Administrator on or after April 1 but not later than June 30 of each year. **Section 8** also sets forth certain requirements relating to those inventories. **Section 6** of this bill requires the Administrator of the State Public Works Division to provide the inventory of real property owned by the State to the Executive Director of the Office of Economic Development and authorizes the Administrator to enter into a lease or agreement with certain businesses seeking to locate or expand in this State for the lease of certain state-owned buildings to the business for less than the fair market value during the first year of the lease.

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

**Section 1.** Chapter 321 of NRS is hereby amended by adding thereto a new section to read as follows:

*The State Land Registrar may offer any state land for lease without complying with the provisions of NRS 321.007 or 321.335 if the area of the state land is less than 25,000 square feet.*

**Sec. 1.5.** NRS 321.007 is hereby amended to read as follows:

321.007 1. Except as otherwise provided in subsection 5, NRS 322.063, 322.065 or 322.075, *or section 1 or 3 of this act*, except as otherwise required by federal law, except for land that is sold or leased to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for land that is sold or leased to a state or local governmental entity, except for a lease which is part of a contract entered into pursuant to chapter 333 of NRS and except for land that is sold or leased pursuant to an agreement entered into pursuant to NRS 277.080 to 277.170, inclusive, when offering any land for sale or lease, the State Land Registrar shall:

(a) Except as otherwise provided in this paragraph, obtain two independent appraisals of the land before selling or leasing it. If the Interim Finance Committee grants its approval after discussion of the fair market value of the land, one independent appraisal of the land is sufficient before selling or leasing it. The appraisal or appraisals, as applicable, must have been prepared not more than 6 months before the date on which the land is offered for sale or lease.

(b) Notwithstanding the provisions of chapter 333 of NRS, select the one independent appraiser or two independent appraisers, as applicable, from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the State Land Registrar as to the qualifications of an appraiser is conclusive.



2. The State Land Registrar shall adopt regulations for the procedures for creating or amending a list of appraisers qualified to conduct appraisals of land offered for sale or lease by the State Land Registrar. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the land that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the owner of the land or the owner of an adjoining property.

4. An appraiser shall not perform an appraisal on any land offered for sale or lease by the State Land Registrar if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the land or an adjoining property.

5. If a lease of land is for residential property and the term of the lease is 1 year or less, the State Land Registrar shall obtain an analysis of the market value of similar rental properties prepared by a licensed real estate broker or salesperson when offering such a property for lease.

6. If land is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the land is void if the change takes place within 5 years after the date of the void sale or lease.

**Sec. 2.** NRS 321.335 is hereby amended to read as follows:

321.335 1. Except as otherwise provided in NRS 321.125, 322.063, 322.065 or 322.075, *or section 1 or 3 of this act*, except as otherwise required by federal law, except for land that is sold or leased to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for land that is sold or leased to a state or local governmental entity, except for a lease which is part of a contract entered into pursuant to chapter 333 of NRS and except for an agreement entered into pursuant to the provisions of NRS 277.080 to 277.170, inclusive, or a lease of residential property with a term of 1 year or less, after April 1, 1957, all sales or leases of any lands that the Division is required to hold pursuant to NRS 321.001, including lands subject to contracts of sale that have been forfeited, are governed by the provisions of this section.

2. Whenever the State Land Registrar deems it to be in the best interests of the State of Nevada that any lands owned by the State and not used or set apart for public purposes be sold or leased, the



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1 State Land Registrar may, with the approval of the State Board of  
2 Examiners and the Interim Finance Committee, cause those lands to  
3 be sold or leased upon sealed bids, or oral offer after the opening of  
4 sealed bids for cash or pursuant to a contract of sale or lease, at a  
5 price not less than the highest appraised value for the lands plus the  
6 costs of appraisal and publication of notice of sale or lease.

7 3. Before offering any land for sale or lease, the State Land  
8 Registrar shall comply with the provisions of NRS 321.007.

9 4. After complying with the provisions of NRS 321.007, the  
10 State Land Registrar shall cause a notice of sale or lease to be  
11 published once a week for 4 consecutive weeks in a newspaper of  
12 general circulation published in the county where the land to be sold  
13 or leased is situated, and in such other newspapers as the State Land  
14 Registrar deems appropriate. If there is no newspaper published in  
15 the county where the land to be sold or leased is situated, the notice  
16 must be so published in a newspaper published in this State having a  
17 general circulation in the county where the land is situated.

18 5. The notice must contain:

19 (a) A description of the land to be sold or leased;

20 (b) A statement of the terms of sale or lease;

21 (c) A statement that the land will be sold pursuant to subsection  
22 6; and

23 (d) The place where the sealed bids will be accepted, the first  
24 and last days on which the sealed bids will be accepted, and the time  
25 when and place where the sealed bids will be opened and oral offers  
26 submitted pursuant to subsection 6 will be accepted.

27 6. At the time and place fixed in the notice published pursuant  
28 to subsection 4, all sealed bids which have been received must, in  
29 public session, be opened, examined and declared by the State Land  
30 Registrar. Of the proposals submitted which conform to all terms  
31 and conditions specified in the notice published pursuant to  
32 subsection 4 and which are made by responsible bidders, the bid  
33 which is the highest must be finally accepted, unless a higher oral  
34 offer is accepted or the State Land Registrar rejects all bids and  
35 offers. Before finally accepting any written bid, the State Land  
36 Registrar shall call for oral offers. If, upon the call for oral offers,  
37 any responsible person offers to buy or lease the land upon the terms  
38 and conditions specified in the notice, for a price exceeding by at  
39 least 5 percent the highest written bid, then the highest oral offer  
40 which is made by a responsible person must be finally accepted.

41 7. The State Land Registrar may reject any bid or oral offer to  
42 purchase or lease submitted pursuant to subsection 6, if the State  
43 Land Registrar deems the bid or offer to be:

44 (a) Contrary to the public interest.

45 (b) For a lesser amount than is reasonable for the land involved.



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(c) On lands which it may be more beneficial for the State to reserve.

(d) On lands which are requested by the State of Nevada or any department, agency or institution thereof.

8. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of sale specified in the notice of sale, the State Land Registrar shall convey title by quitclaim or cause a patent to be issued as provided in NRS 321.320 and 321.330.

9. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of lease specified in the notice of lease, the State Land Registrar shall enter into a lease agreement with the person submitting the accepted bid or oral offer pursuant to the terms of lease specified in the notice of lease.

10. The State Land Registrar may require any person requesting that state land be sold pursuant to the provisions of this section to deposit a sufficient amount of money to pay the costs to be incurred by the State Land Registrar in acting upon the application, including the costs of publication and the expenses of appraisal. This deposit must be refunded whenever the person making the deposit is not the successful bidder. The costs of acting upon the application, including the costs of publication and the expenses of appraisal, must be borne by the successful bidder.

11. If land that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the land, the State Land Registrar may offer the land for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the land, the State Land Registrar must, as applicable, obtain a new appraisal or new appraisals of the land pursuant to the provisions of NRS 321.007 before offering the land for sale or lease a second time. If land that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the land, the State Land Registrar may list the land for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the land or an adjoining property.

**Sec. 3.** Chapter 322 of NRS is hereby amended by adding thereto a new section to read as follows:

***1. The Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, as ex officio State Land Registrar, may lease state land pursuant to NRS 322.060 for less than the fair market value of the state land for the***



1 *first year of the lease, including, without limitation, without the*  
2 *payment of rent for the first year of the lease, to a person who*  
3 *intends to locate or expand a business in this State if, except as*  
4 *otherwise provided in subsection 5, the business meets the*  
5 *requirements of subsection 4.*

6 *2. Before state land may be leased pursuant to this section,*  
7 *the following persons must approve the lease and establish the*  
8 *recommended amount of rent to be received for the state land:*

9 *(a) The Administrator of the Division of State Lands, as ex*  
10 *officio State Land Registrar;*

11 *(b) The Administrator of the State Public Works Division of*  
12 *the Department of Administration; and*

13 *(c) The Executive Director of the Office of Economic*  
14 *Development.*

15 *3. Any lease entered into pursuant to this section must be for*  
16 *a term of at least 10 years.*

17 *4. Except as otherwise provided in subsection 5, the lease or*  
18 *agreement may not include a discount to the business for the first*  
19 *year unless:*

20 *(a) The business is consistent with:*

21 *(1) The State Plan for Economic Development developed by*  
22 *the Executive Director of the Office of Economic Development*  
23 *pursuant to subsection 2 of NRS 231.053; and*

24 *(2) Any guidelines adopted by the Executive Director of the*  
25 *Office to implement the State Plan for Economic Development.*

26 *(b) The business is registered pursuant to the laws of this State*  
27 *or the person who intends to locate or expand the business in this*  
28 *State commits to obtain a valid business license and all other*  
29 *permits required by the county, city or town in which the business*  
30 *operates.*

31 *(c) If the business is a new business in a county whose*  
32 *population is 100,000 or more or a city whose population is 60,000*  
33 *or more, the business meets at least two of the following*  
34 *requirements:*

35 *(1) The business will have 75 or more full-time employees*  
36 *on the payroll of the business by the fourth quarter that it is in*  
37 *operation.*

38 *(2) Establishing the business will require the business to*  
39 *make a capital investment of at least \$1,000,000 in this State.*

40 *(3) The average hourly wage that will be paid by the new*  
41 *business to its employees in this State is at least 100 percent of the*  
42 *average statewide hourly wage as established by the Employment*  
43 *Security Division of the Department of Employment, Training and*  
44 *Rehabilitation on July 1 of each fiscal year and:*



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1           (I) The business will provide a health insurance plan for  
2 all employees that includes an option for health insurance  
3 coverage for dependents of the employees; and

4           (II) The cost to the business for the benefits the business  
5 provides to its employees in this State will meet the minimum  
6 requirements for benefits established by the Office by regulation  
7 pursuant to subsection 8 of NRS 360.750.

8           (d) If the business is a new business in a county whose  
9 population is less than 100,000 or a city whose population is less  
10 than 60,000, the business meets at least two of the following  
11 requirements:

12           (1) The business will have 15 or more full-time employees  
13 on the payroll of the business by the fourth quarter that it is in  
14 operation.

15           (2) Establishing the business will require the business to  
16 make a capital investment of at least \$250,000 in this State.

17           (3) The average hourly wage that will be paid by the new  
18 business to its employees in this State is at least 100 percent of the  
19 average statewide hourly wage or the average countywide hourly  
20 wage, whichever is less, as established by the Employment  
21 Security Division of the Department of Employment, Training and  
22 Rehabilitation on July 1 of each fiscal year and:

23           (I) The business will provide a health insurance plan for  
24 all employees that includes an option for health insurance  
25 coverage for dependents of the employees; and

26           (II) The cost to the business for the benefits the business  
27 provides to its employees in this State will meet the minimum  
28 requirements for benefits established by the Office by regulation  
29 pursuant to subsection 8 of NRS 360.750.

30           (e) If the business is an existing business, the business meets at  
31 least two of the following requirements:

32           (1) The business will increase the number of employees on  
33 its payroll by 10 percent more than it employed in the immediately  
34 preceding fiscal year or by six employees, whichever is greater.

35           (2) The business will expand by making a capital  
36 investment in this State in an amount equal to at least 20 percent  
37 of the value of the tangible property possessed by the business in  
38 the immediately preceding fiscal year. The determination of the  
39 value of the tangible property possessed by the business in the  
40 immediately preceding fiscal year must be made by the:

41           (I) County assessor of the county in which the business  
42 will expand, if the business is locally assessed; or

43           (II) The Department of Taxation, if the business is  
44 centrally assessed.



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1       (3) *The average hourly wage that will be paid by the*  
2 *existing business to its new employees in this State is at least the*  
3 *amount of the average hourly wage required to be paid by*  
4 *businesses pursuant to subparagraph (2) of either paragraph (a)*  
5 *or (b) of subsection 2 of NRS 361.0687, whichever is applicable,*  
6 *and:*

7       (I) *The business will provide a health insurance plan for*  
8 *all new employees that includes an option for health insurance*  
9 *coverage for dependents of the employees; and*

10       (II) *The cost to the business for the benefits the business*  
11 *provides to its new employees in this State will meet the minimum*  
12 *requirements for benefits established by the Office by regulation*  
13 *pursuant to subsection 8 of NRS 360.750.*

14       (f) *In lieu of meeting the requirements of paragraph (c), (d) or*  
15 *(e), if the business furthers the development and refinement of*  
16 *intellectual property, a patent or a copyright into a commercial*  
17 *product, the business meets at least two of the following*  
18 *requirements:*

19       (1) *The business will have 10 or more full-time employees*  
20 *on the payroll of the business by the fourth quarter that it is in*  
21 *operation.*

22       (2) *Establishing the business will require the business to*  
23 *make a capital investment of at least \$500,000 in this State.*

24       (3) *The average hourly wage that will be paid by the new*  
25 *business to its employees in this State is at least the amount of the*  
26 *average hourly wage required to be paid by businesses pursuant to*  
27 *subparagraph (2) of either paragraph (a) or (b) of subsection 2 of*  
28 *NRS 361.0687, whichever is applicable, and:*

29       (I) *The business will provide a health insurance plan for*  
30 *all employees that includes an option for health insurance*  
31 *coverage for dependents of the employees; and*

32       (II) *The cost to the business for the benefits the business*  
33 *provides to its employees in this State will meet with minimum*  
34 *requirements established by the Office by regulation pursuant to*  
35 *subsection 8 of NRS 360.750.*

36       5. *The Executive Director of the Office of Economic*  
37 *Development may waive the requirements of subsection 4 for good*  
38 *cause shown if the lease is for state land of less than 25,000*  
39 *square feet.*

40       **Sec. 4.** NRS 322.007 is hereby amended to read as follows:

41       322.007 Any lease of state land, except a lease for residential  
42 purposes , ~~for~~ a lease for farming or grazing ~~or~~ *or a lease*  
43 *authorized pursuant to section 1 or 3 of this act*, whose term  
44 extends or is renewable beyond 1 year must be approved by the  
45 State Board of Examiners and the Interim Finance Committee.



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1     **Sec. 5.** NRS 322.060 is hereby amended to read as follows:

2     322.060 Subject to the provisions of NRS 321.335, leases or  
3 easements authorized pursuant to the provisions of NRS 322.050,  
4 and not made for the purpose of extracting oil, coal or gas or the  
5 utilization of geothermal resources from the lands leased, must be:

6     1. For such areas as may be required to accomplish the purpose  
7 for which the land is leased or the easement granted.

8     2. Except as otherwise provided in NRS 322.063, 322.065 and  
9 322.067, *and section 3 of this act*, for such term and consideration  
10 as the Administrator of the Division of State Lands of the State  
11 Department of Conservation and Natural Resources, as ex officio  
12 State Land Registrar, may determine reasonable based upon the fair  
13 market value of the land.

14     3. Executed upon a form to be prepared by the Attorney  
15 General. The form must contain all of the covenants and agreements  
16 usual or necessary to such leases or easements.

17     **Sec. 6.** Chapter 331 of NRS is hereby amended by adding  
18 thereto a new section to read as follows:

19     *1. Based upon the inventories submitted pursuant to*  
20 *subsection 3 of NRS 331.110 and any other information available*  
21 *to him or her, the Administrator shall provide a list of all real*  
22 *property owned by the State to the Executive Director of the Office*  
23 *of Economic Development.*

24     *2. The Administrator may enter into agreements to lease*  
25 *state-owned buildings which are not being actively used or for*  
26 *which no future use is reasonably anticipated to businesses*  
27 *seeking to locate or expand in this State.*

28     *3. Any lease or agreement into which the Administrator*  
29 *enters pursuant to subsection 2:*

30     *(a) Must be for a term of at least 5 years;*

31     *(b) Must be approved by the Executive Director of the Office*  
32 *of Economic Development; and*

33     *(c) Subject to the provisions of subsection 4, may be for less*  
34 *than fair market value for the first year of the lease, including,*  
35 *without limitation, an offer to lease the state-owned building*  
36 *without the payment of rent for the first year of the lease.*

37     *4. The lease or agreement may not include a discount to the*  
38 *business for the first year unless:*

39     *(a) The business is consistent with:*

40     *(1) The State Plan for Economic Development developed by*  
41 *the Executive Director of the Office of Economic Development*  
42 *pursuant to subsection 2 of NRS 231.053; and*

43     *(2) Any guidelines adopted by the Executive Director of the*  
44 *Office to implement the State Plan for Economic Development.*



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1       (b) *The business is registered pursuant to the laws of this State*  
2 *or the person who intends to locate or expand the business in this*  
3 *State commits to obtain a valid business license and all other*  
4 *permits required by the county, city or town in which the business*  
5 *operates.*

6       (c) *If the business is a new business in a county whose*  
7 *population is 100,000 or more or a city whose population is 60,000*  
8 *or more, the business meets at least two of the following*  
9 *requirements:*

10       (1) *The business will have 75 or more full-time employees*  
11 *on the payroll of the business by the fourth quarter that it is in*  
12 *operation.*

13       (2) *Establishing the business will require the business to*  
14 *make a capital investment of at least \$1,000,000 in this State.*

15       (3) *The average hourly wage that will be paid by the new*  
16 *business to its employees in this State is at least 100 percent of the*  
17 *average statewide hourly wage as established by the Employment*  
18 *Security Division of the Department of Employment, Training and*  
19 *Rehabilitation on July 1 of each fiscal year and:*

20       (I) *The business will provide a health insurance plan for*  
21 *all employees that includes an option for health insurance*  
22 *coverage for dependents of the employees; and*

23       (II) *The cost to the business for the benefits the business*  
24 *provides to its employees in this State will meet the minimum*  
25 *requirements for benefits established by the Office by regulation*  
26 *pursuant to subsection 8 of NRS 360.750.*

27       (d) *If the business is a new business in a county whose*  
28 *population is less than 100,000 or a city whose population is less*  
29 *than 60,000, the business meets at least two of the following*  
30 *requirements:*

31       (1) *The business will have 15 or more full-time employees*  
32 *on the payroll of the business by the fourth quarter that it is in*  
33 *operation.*

34       (2) *Establishing the business will require the business to*  
35 *make a capital investment of at least \$250,000 in this State.*

36       (3) *The average hourly wage that will be paid by the new*  
37 *business to its employees in this State is at least 100 percent of the*  
38 *average statewide hourly wage or the average countywide hourly*  
39 *wage, whichever is less, as established by the Employment*  
40 *Security Division of the Department of Employment, Training and*  
41 *Rehabilitation on July 1 of each fiscal year and:*

42       (I) *The business will provide a health insurance plan for*  
43 *all employees that includes an option for health insurance*  
44 *coverage for dependents of the employees; and*



1           (ii) The cost to the business for the benefits the business  
2 provides to its employees in this State will meet the minimum  
3 requirements for benefits established by the Office by regulation  
4 pursuant to subsection 8 of NRS 360.750.

5           (e) If the business is an existing business, the business meets at  
6 least two of the following requirements:

7           (1) The business will increase the number of employees on  
8 its payroll by 10 percent more than it employed in the immediately  
9 preceding fiscal year or by six employees, whichever is greater.

10           (2) The business will expand by making a capital  
11 investment in this State in an amount equal to at least 20 percent  
12 of the value of the tangible property possessed by the business in  
13 the immediately preceding fiscal year. The determination of the  
14 value of the tangible property possessed by the business in the  
15 immediately preceding fiscal year must be made by the:

16           (I) County assessor of the county in which the business  
17 will expand, if the business is locally assessed; or

18           (II) The Department of Taxation, if the business is  
19 centrally assessed.

20           (3) The average hourly wage that will be paid by the  
21 existing business to its new employees in this State is at least the  
22 amount of the average hourly wage required to be paid by  
23 businesses pursuant to subparagraph (2) of either paragraph (a)  
24 or (b) of subsection 2 of NRS 361.0687, whichever is applicable,  
25 and:

26           (I) The business will provide a health insurance plan for  
27 all new employees that includes an option for health insurance  
28 coverage for dependents of the employees; and

29           (II) The cost to the business for the benefits the business  
30 provides to its new employees in this State will meet the minimum  
31 requirements for benefits established by the Office by regulation  
32 pursuant to subsection 8 of NRS 360.750.

33           (f) In lieu of meeting the requirements of paragraph (c), (d) or  
34 (e), if the business furthers the development and refinement of  
35 intellectual property, a patent or a copyright into a commercial  
36 product, the business meets at least two of the following  
37 requirements:

38           (1) The business will have 10 or more full-time employees  
39 on the payroll of the business by the fourth quarter that it is in  
40 operation.

41           (2) Establishing the business will require the business to  
42 make a capital investment of at least \$500,000 in this State.

43           (3) The average hourly wage that will be paid by the new  
44 business to its employees in this State is at least the amount of the  
45 average hourly wage required to be paid by businesses pursuant to



1 *subparagraph (2) of either paragraph (a) or (b) of subsection 2 of*  
2 *NRS 361.0687, whichever is applicable, and:*

3 *(I) The business will provide a health insurance plan for*  
4 *all employees that includes an option for health insurance*  
5 *coverage for dependents of the employees; and*

6 *(II) The cost to the business for the benefits the business*  
7 *provides to its employees in this State will meet with minimum*  
8 *requirements established by the Office by regulation pursuant to*  
9 *subsection 8 of NRS 360.750.*

10 **Sec. 7.** NRS 331.090 is hereby amended to read as follows:

11 331.090 The Administrator may accept rent money from  
12 various departments and agencies *and from nongovernmental*  
13 *entities or businesses* that are occupying space in the various state-  
14 owned buildings. The rent money must be deposited in the  
15 Buildings and Grounds Operating Fund in the State Treasury.

16 **Sec. 8.** NRS 331.110 is hereby amended to read as follows:

17 331.110 1. Except as otherwise provided by law, the  
18 Administrator may lease and equip office rooms outside of state  
19 buildings for the use of state officers, departments, agencies, boards  
20 and commissions whenever sufficient space cannot be provided  
21 within state buildings. The Administrator shall negotiate, approve  
22 and oversee any agreement to lease office rooms pursuant to this  
23 section, but no such lease may extend beyond the term of 1 year  
24 unless it is reviewed and approved by a majority of the members of  
25 the State Board of Examiners. The Attorney General shall approve  
26 each lease entered into pursuant to this subsection as to form and  
27 compliance with law.

28 2. Notwithstanding any other provision of law, before the  
29 Administrator enters into any lease for office rooms for any state  
30 officer, department, agency, board or commission, the Administrator  
31 shall consider, without limitation:

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

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

37 3. Each state officer, department, agency, board and  
38 commission shall maintain and *, on or after April 1 but not later*  
39 *than June 30 of each year,* provide to the Administrator an  
40 inventory of all real property leased to the State that is occupied by  
41 or otherwise used by the state officer, department, agency, board  
42 and commission. The Division of State Lands, Department of  
43 Transportation and State Public Works Division of the Department  
44 of Administration shall maintain and *, on or after April 1 but not*  
45 *later than June 30 of each year,* provide to the Administrator an



1 inventory of all real property owned by the State. *Each inventory*  
2 *must identify:*

3 (a) *Real property that is being actively used by a state officer,*  
4 *department, agency, board or commission.*

5 (b) *Real property that is not being actively used by a state*  
6 *officer, department, agency, board or commission.*

7 (c) *Real property that is not being used by a state officer,*  
8 *department, agency, board or commission but which is reasonably*  
9 *anticipated to be actively used by a state officer, department,*  
10 *agency, board or commission in the future.*

11 (d) *Real property that is being actively used as a park or*  
12 *wildlife area.*

13 4. Except as otherwise provided in subsection 6, the  
14 Administrator shall post on an Internet website maintained by the  
15 State a list of all real property owned or leased by the State. Each  
16 such listing shall include, without limitation, a brief description of:

17 (a) The location, size and current use of the real property ~~H~~,  
18 *including, without limitation, whether the real property is actively*  
19 *used;* and

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

22 5. Before submitting the inventory to the Administrator  
23 pursuant to subsection 3, a state officer, department, agency, board,  
24 commission, the Division of State Lands, Department of  
25 Transportation or State Public Works Division of the Department of  
26 Administration that uses the property may request the Chief of the  
27 Budget Division of the Department of Administration to deem  
28 information regarding the property confidential for the purpose of  
29 maintaining public safety.

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

38 7. An owner of a building who enters into a contract with a  
39 state agency for occupancy in the building:

40 (a) If the contract is entered into before May 28, 2009, may  
41 comply with the program; and

42 (b) If the contract is entered into on or after May 28, 2009, shall,  
43 to the extent practicable as determined by the Administrator, comply  
44 with the program.



\* A B 1 2 5 R 1 \*

1    ➤ If an owner chooses not to comply with the program pursuant to  
2    paragraph (a), a state or local agency shall not, after May 28, 2009,  
3    enter into a contract for occupancy of a building owned by the  
4    owner, except that the Administrator may authorize a state or local  
5    agency to enter into a contract for the occupancy of a building  
6    owned by an owner who does not comply with the program if the  
7    Administrator determines that it is impracticable for the owner to  
8    comply with the program.  
9    8. As used in this section, “program” means the program  
10   established pursuant to NRS 701.218.  
11   **Sec. 9.** This act becomes effective on July 1, 2013.

