

ASSEMBLY BILL NO. 390—ASSEMBLYMAN PAUL ANDERSON

MARCH 17, 2015

Referred to Committee on Government Affairs

SUMMARY—Designates the Division of Enterprise Information Technology Services of the Department of Administration as a charter agency. (BDR 19-767)

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 Government; designating the Division of Enterprise Information Technology Services of the Department of Administration as a charter agency subject to the provisions of Assembly Bill No. 104 of the 78th Session of the Nevada Legislature; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Assembly Bill No. 104 of this session: (1) authorizes the Governor to designate any department within the Executive Department of the State Government as a charter agency; (2) provides that all employees of a department designated as a charter agency become employees in the unclassified service of the State; (3) requires the Governor and the director of a charter agency to enter into an annual performance agreement which sets forth measurable organizational and individual goals for the director in key operational areas of the charter agency; (4) requires the Governor to remove the director of a charter agency for misconduct relating to the operation of the charter agency or for failure to achieve the performance goals set forth in the performance agreement; (5) authorizes the payment of annual bonuses to the director and employees of a charter agency based on performance; (6) provides a limitation on annual appropriations to a charter agency and authorizes a charter agency to retain for its use certain unobligated balances remaining at the end of each fiscal year; (7) exempts a charter agency from certain provisions governing state buildings, state purchasing and public works; (8) authorizes a charter agency to propose a waiver or suspension of an administrative rule or regulation and provides that no such waiver or suspension may become effective unless approved by the Legislative Commission; (9) requires a charter agency to report annually to the Legislature or the Legislative Commission concerning the expenditures and actions of the charter agency; and (10) requires the Governor to report to the Legislature concerning the operation and effectiveness of Assembly



Bill No. 104. The provisions of Assembly Bill No. 104 expire by limitation on June 30, 2021.

This bill designates the Division of Enterprise Information Technology Services of the Department of Administration as a charter agency subject to the provisions of Assembly Bill No. 104. This bill becomes effective if and only if Assembly Bill No. 104 is enacted and becomes effective, and the provisions of this bill likewise expire by limitation on June 30, 2021.

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

Section 1. Chapter 242 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division is hereby designated a charter agency, effective July 1, 2016, subject to the provisions of sections 1 to 6, inclusive, of Assembly Bill No. 104 of the 78th Session of the Nevada Legislature.

2. For the purposes of sections 1 to 6, inclusive, of Assembly Bill No. 104 of the 78th Session of the Nevada Legislature:

(a) The Division shall be deemed to be a department that is designated as a charter agency; and

(b) The Administrator shall be deemed to be the Director of the designated charter agency.

Sec. 2. NRS 242.090 is hereby amended to read as follows:

242.090 1. The Director of the Department shall appoint the Administrator . ~~in the unclassified service of the State.~~

2. The Administrator:

(a) Serves at the pleasure of, and is responsible to, the Director of the Department.

(b) Shall not engage in any other gainful employment or occupation.

Sec. 3. NRS 242.101 is hereby amended to read as follows:

242.101 1. The Administrator shall:

(a) Appoint the heads of the Enterprise Application Services Unit and the Communication and Computing Unit of the Division ; ~~in the unclassified service of the State;~~

(b) Appoint the Chief of the Office of Information Security ; ~~who is in the classified service of the State;~~

(c) Administer the provisions of this chapter and other provisions of law relating to the duties of the Division; and

(d) Carry out other duties and exercise other powers specified by law.

2. The Administrator may form committees to establish standards and determine criteria for evaluation of policies relating to informational services.



Sec. 4. NRS 284.140 is hereby amended to read as follows:

284.140 The unclassified service of the State consists of the following state officers or employees in the Executive Department of the State Government who receive annual salaries for their services:

1. Members of boards and commissions, and heads of departments, agencies and institutions required by law to be appointed.

2. Except as otherwise provided in NRS 223.085, 223.570 and 223.600, all persons required by law to be appointed by the Governor or heads of departments or agencies appointed by the Governor or by boards.

3. All employees other than clerical in the Office of the Attorney General and the State Public Defender required by law to be appointed by the Attorney General or the State Public Defender.

4. Except as otherwise provided by the Board of Regents of the University of Nevada pursuant to NRS 396.251, officers and members of the teaching staff and the staffs of the Agricultural Extension Department and Experiment Station of the Nevada System of Higher Education, or any other state institution of learning, and student employees of these institutions. Custodial, clerical or maintenance employees of these institutions are in the classified service. The Board of Regents of the University of Nevada shall assist the Administrator in carrying out the provisions of this chapter applicable to the Nevada System of Higher Education.

5. *All employees of the Division of Enterprise Information Technology of the Department of Administration.*

6. All other officers and employees authorized by law to be employed in the unclassified service.

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

Sec. 6. 1. This section and sections 1 and 5 of this act become effective on July 1, 2015, if, and only if, Assembly Bill No. 104 of this session is enacted by the Legislature and becomes effective.

2. Sections 2, 3 and 4 of this act become effective on July 1, 2016.

3. This act expires by limitation on June 30, 2021.

