

ASSEMBLY BILL NO. 59—COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE STATE PUBLIC WORKS DIVISION)

PREFILED DECEMBER 20, 2014

Referred to Committee on Government Affairs

SUMMARY—Clarifies the authority and expands the jurisdiction of the Administrator of the State Public Works Division of the Department of Administration regarding leases for office rooms for state agencies, boards and commissions. (BDR 27-299)

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 the Department of Administration; expanding the jurisdiction of the Administrator of the State Public Works Division of the Department of Administration; requiring the Administrator to consider regulations adopted by the State Public Works Division when entering into real property leases; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the jurisdiction of the Administrator of the State Public Works Division of the Department of Administration over all state buildings, grounds and property owned or leased by this State, except for buildings and grounds owned or leased by certain state-established boards. (NRS 331.070) **Section 1** of this bill eliminates the exception for state-established boards and provides the Administrator with jurisdiction over all buildings, grounds and property owned or leased by this State without exception.

Existing law also grants the Administrator the authority to lease office space to house state officers, departments, agencies, board or commissions whenever sufficient space cannot be provided within state buildings. (NRS 331.110) **Section 2** of this bill changes the permissive language granting this authority to mandatory language. In addition, **section 2** requires the Administrator, when considering entering into a lease for office rooms, to take into consideration the buildings and grounds regulations adopted by the State Public Works Division.



15 **Section 3** of this bill makes a conforming revision to maintain consistency with
16 the change to existing law in section 2.

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

1 **Section 1.** NRS 331.070 is hereby amended to read as follows:
2 331.070 1. The Administrator shall have supervision over
3 and control of all state buildings, grounds and properties not
4 otherwise provided for by law . ~~{except for any buildings, grounds~~

5 ~~or other properties owned or leased by boards that are exempt from~~
6 ~~the provisions of chapter 353 of NRS pursuant to NRS 353.005.}~~

7 2. The Administrator shall direct the making of all repairs
8 and improvements on the buildings, grounds and properties over
9 which the Administrator has supervision and control pursuant to
10 subsection 1.

11 3. All officers, departments, boards, commissions and agencies
12 shall make requisition upon the Administrator for any repairs or
13 improvements necessary in buildings or parts thereof over which the
14 Administrator has supervision and control that are owned by or
15 leased to the State and occupied by such officers, departments,
16 boards, commissions or agencies.

17 **Sec. 2.** NRS 331.110 is hereby amended to read as follows:

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

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

33 (a) The reasonableness of the terms of the agreement, including,
34 without limitation, the cost; ~~{and}~~

35 (b) The availability of space for use by the state officer,
36 department, agency, board or commission in buildings that are
37 owned by or leased to the State ~~{ }~~ ; *and*

38 (c) *Any regulations adopted pursuant to or in accordance with*
39 *NRS 341.110.*



3. Each state officer, department, agency, board and commission shall maintain and, on or after April 1 but not later than June 30 of each year, provide to the Administrator 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 **of the State Department of Conservation and Natural Resources**, Department of Transportation and State Public Works Division of the Department of Administration shall maintain and, on or after April 1 but not later than June 30 of each year, provide to the Administrator an inventory of all real property owned by the State. Each inventory must identify:

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

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

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

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

4. Except as otherwise provided in subsection 6, the Administrator 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, including, without limitation, whether the real property is actively used; and

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

5. Before submitting the inventory to the Administrator pursuant to subsection 3, a state officer, department, agency, board, commission, the Division of State Lands **of the State Department of Conservation and Natural Resources**, Department of Transportation or State Public Works Division of the Department of Administration 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 Administrator



1 that the information is confidential and that the information must not
2 be posted on an Internet website maintained by the State pursuant to
3 subsection 4.

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

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

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

11 ➤ If an owner chooses not to comply with the program pursuant to
12 paragraph (a), a state or local agency shall not, after May 28, 2009,
13 enter into a contract for occupancy of a building owned by the
14 owner, except that the Administrator may authorize a state or local
15 agency to enter into a contract for the occupancy of a building
16 owned by an owner who does not comply with the program if the
17 Administrator determines that it is impracticable for the owner to
18 comply with the program.

19 8. As used in this section, "program" means the program
20 established pursuant to NRS 701.218.

21 **Sec. 3.** NRS 331.120 is hereby amended to read as follows:

22 331.120 1. Except as otherwise provided in NRS 331.130
23 and 331.135, the Administrator shall assign the rooms in the Capitol
24 Building, and rooms elsewhere used by the State, and shall
25 determine the occupancy thereof in such manner as the public
26 service may require.

27 2. The executive and administrative officers, departments,
28 boards, commissions and agencies of the State must be provided
29 with suitable quarters which must, so far as is expedient, be in
30 Carson City. ~~[As used in this subsection, "boards" does not include~~
31 ~~boards that are exempt from the provisions of chapter 353 of NRS~~
32 ~~pursuant to NRS 353.005.]~~

33 3. The Administrator shall provide suitable office space for the
34 use of the Governor-Elect and expend money for incidental
35 expenses connected therewith. The provisions of this subsection do
36 not apply if the incumbent Governor is elected to succeed himself or
37 herself.

38 4. The Administrator may provide suitable space in the Capitol
39 Building for the permanent use of accredited members of the press
40 and for the installation of communication equipment.

41 **Sec. 4.** This act becomes effective upon passage and approval.

