

Amendment No. 601

Assembly Amendment to Assembly Bill No. 59 (BDR 27-299)

Proposed by: Assembly Committee on Government Affairs

Amendment Box: Replaces Amendment No. 61.

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

EGO/BJE



Date: 4/16/2015

A.B. No. 59—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)



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]~~ **Revises** the authority ~~{and expands the jurisdiction}~~ of the Administrator of the State Public Works Division of the Department of Administration regarding leases for **certain** 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}~~ **revising the authority of** the Administrator of the State Public Works Division of the Department of Administration ~~{}~~ **with respect to the leasing of certain office rooms**; requiring the Administrator to consider regulations adopted by the State Public Works Division when entering into **such** 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 **of the State Public Works Division of the Department of Administration** the authority to lease office space to house state officers, departments, agencies, ~~{board}~~ **boards** or commissions whenever sufficient space cannot be provided within state buildings. (NRS 331.110) ~~{Section 2 of this}~~ **This bill {changes the permissive language granting this authority to mandatory language. In addition, section 2} makes it mandatory for the Administrator to lease and equip office rooms outside of state buildings for the use of state officers, departments, agencies, boards and commissions whenever sufficient space cannot be provided within state buildings except state officers and employees of boards that are exempt from the provisions of chapter 353 of NRS. This bill authorizes those exempt boards to request the Administrator to lease office rooms for them. This bill also** requires the Administrator, when considering entering into a lease for office rooms, to take into consideration the ~~{buildings and grounds}~~ regulations ~~{adopted by}~~ **governing** the ~~{State Public Works Division}~~ **duties of the**

Buildings and Grounds Section of the Division, as well as the reasonableness of the applicable agreement and the availability of sufficient space within state buildings.

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

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

Section 1. ~~NRS 331.070 is hereby amended to read as follows:~~

~~331.070 1. The Administrator shall have supervision over and control of all state buildings, grounds and properties not otherwise provided for by law. [except for any buildings, grounds or other properties owned or leased by boards that are exempt from the provisions of chapter 353 of NRS pursuant to NRS 353.005.]~~

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

~~3. All officers, departments, boards, commissions and agencies shall make requisition upon the Administrator for any repairs or improvements necessary in buildings or parts thereof over which the Administrator has supervision and control that are owned by or leased to the State and occupied by such officers, departments, boards, commissions or agencies.] (Deleted by amendment.)~~

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

331.110 1. Except as otherwise provided by law, the Administrator ~~may~~ *shall* :

(a) Except as otherwise provided in paragraph (b), shall lease and equip office rooms outside of state buildings for the use of state officers, departments, agencies, boards and commissions whenever sufficient space cannot be provided within state buildings. A state officer, department, agency, board or commission to which this paragraph applies may only lease and equip office rooms outside of state buildings pursuant to this paragraph.

(b) May lease and equip office rooms outside of state buildings for the use of state officers and employees of boards that are exempt from the provisions of chapter 353 of NRS pursuant to NRS 353.005, upon the request of such a board.

2. The Administrator 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.

~~3.~~ 3. Notwithstanding any other provision of law, before the Administrator enters into any lease for office rooms for any state officer, department, agency, board or commission ~~it~~ pursuant to subsection 1, the Administrator 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 ,as applicable, in buildings that are owned by or leased to the State ~~it~~ ; and

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

~~4.~~ 4. 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.

~~4-4~~ 5. Except as otherwise provided in subsection ~~6-4~~ 7, 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.

~~15-4~~ 6. Before submitting the inventory to the Administrator pursuant to subsection ~~12-4~~ 4, 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.

~~16-4~~ 7. If the Chief of the Budget Division deems information regarding property to be confidential pursuant to subsection ~~15-4~~ 6, 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 that the information is confidential and that the information must not be posted on an Internet website maintained by the State pursuant to subsection ~~14-4~~ 5.

~~17-4~~ 8. An owner of a building who enters into a contract with a state agency for occupancy in the building:

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

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

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

~~18-4~~ 9. As used in this section, "program" means the program established pursuant to NRS 701.218.

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

~~331.120 1. Except as otherwise provided in NRS 331.130 and 331.135, the Administrator shall assign the rooms in the Capitol Building, and rooms elsewhere~~

1 used by the State, and shall determine the occupancy thereof in such manner as the
2 public service may require.

3 ~~2. The executive and administrative officers, departments, boards,~~
4 ~~commissions and agencies of the State must be provided with suitable quarters~~
5 ~~which must, so far as is expedient, be in Carson City. [As used in this subsection,~~
6 ~~"boards" does not include boards that are exempt from the provisions of chapter~~
7 ~~252 of NRS pursuant to NRS 252.005.]~~

8 ~~3. The Administrator shall provide suitable office space for the use of the~~
9 ~~Governor Elect and expend money for incidental expenses connected therewith.~~
10 ~~The provisions of this subsection do not apply if the incumbent Governor is elected~~
11 ~~to succeed himself or herself.~~

12 ~~4. The Administrator may provide suitable space in the Capitol Building for~~
13 ~~the permanent use of accredited members of the press and for the installation of~~
14 ~~communication equipment.] (Deleted by amendment.)~~

15 Sec. 4. This act becomes effective upon passage and approval.