

Amendment No. 487

Assembly Amendment to Assembly Bill No. 41	(BDR 28-240)
<b>Proposed by:</b> Assembly Committee on Government Affairs	
<b>Amends:</b> Summary: No 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.

EMR/HAC



Date: 4/21/2017

A.B. No. 41—Makes changes relating to the qualifications for and classifications of various positions in State Government. (BDR 28-240)





ASSEMBLY BILL NO. 41—COMMITTEE  
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

PREFILED NOVEMBER 16, 2016

Referred to Committee on Government Affairs

SUMMARY—Makes changes relating to the qualifications for and classifications of various positions in State Government. (BDR 28-240)

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; revising qualifications for certain members of the State Public Works Board; revising qualifications for administrators of ~~various~~ **certain** divisions of State Government; providing that the State Library, Archives and Public Records Administrator is in the unclassified service of the State; authorizing the Chief Medical Officer to maintain a clinical practice ~~for~~ **under certain circumstances**; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, certain members appointed to the State Public Works Board must be licensed in this State as a general building contractor or general engineering contractor. **Section 1** of this bill provides that such members may also be appointed if they were licensed in the past.

~~Existing law provides that the Administrator of the State Public Works Division of the Department of Administration must have a master's degree or doctoral degree in certain subjects. Section 2 of this bill removes this requirement and provides that the Administrator must instead be a licensed professional engineer or a registered architect.~~

Existing law requires the Administrator of the Division of Internal Audits of the Office of Finance to be a certified public accountant licensed in this State or a public accountant qualified under existing law. The Administrator must also have at least 5 years of certain professional experience. (NRS 353A.041) **Section 3** of this bill provides that in order to qualify for the position, the Administrator may instead be a certified internal auditor or government auditing professional or have a master's degree in business administration, accounting, finance or a closely related field. **Section 3** also requires the Administrator to have at least 6 years of certain professional experience.

**Section 4** of this bill provides that the State Library, Archives and Public Records Administrator is in the unclassified service rather than the classified service of the State.

Existing law ~~establishes the qualifications for~~ **requires** the ~~Administrator~~ **Administrator** of the Division of Health Care Financing and Policy, ~~the Division of Welfare and Supportive Services, the Aging and Disability Services Division, the Division of Child and Family Services and the Division of Public and Behavioral Health~~ of the Department of

Health and Human Services ~~to have a degree in public administration, business administration or a similar field of study.~~ (NRS 422.2354 ) ~~422A.155, 427A.060, 432.012, 433.244) Sections 5, 9~~ of this bill ~~revise these provisions so that the Administrators of all of these Divisions have the same qualifications.~~ **instead, requires the Director of the Department to give preference to a person who has a degree in these fields.**

Existing law prohibits the Chief Medical Officer from engaging in any other business or occupation. (NRS 439.110) **Section 10** of this bill removes this restriction and authorizes the Chief Medical Officer **with the approval of the Director**, to maintain a clinical practice.

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

**Section 1.** NRS 341.020 is hereby amended to read as follows:

341.020 1. The State Public Works Board is hereby created.

2. The Board consists of the Director of the Department and six members appointed as follows:

(a) The Governor shall appoint:

(1) One member who has education or experience, or both, regarding the principles of engineering or architecture;

(2) One member who is licensed to practice law in this State and who has experience in the practice of construction law; and

(3) Two members who are **or have been** licensed in this State as a general building contractor or general engineering contractor pursuant to chapter 624 of NRS.

(b) The Majority Leader of the Senate shall appoint one member who is **or has been** licensed in this State as a general building contractor or general engineering contractor pursuant to chapter 624 of NRS.

(c) The Speaker of the Assembly shall appoint one member who is **or has been** licensed in this State as a general building contractor or general engineering contractor pursuant to chapter 624 of NRS.

3. Each member of the Board who is appointed serves at the pleasure of the appointing authority.

4. A vacancy on the Board in an appointed position must be filled by the appointing authority in the same manner as the original appointment.

**Sec. 2.** ~~NRS 341.100 is hereby amended to read as follows:~~

~~341.100 1. The Administrator and the Deputy Administrator of the Public Works Compliance and Code Enforcement Section serve at the pleasure of the Director of the Department.~~

~~2. The Administrator shall appoint:~~

~~(a) A Deputy Administrator of the Public Works Professional Services Section; and~~

~~(b) A Deputy Administrator of the Buildings and Grounds Section.~~

~~Each deputy administrator appointed pursuant to this subsection serves at the pleasure of the Administrator.~~

~~3. The Administrator shall recommend and the Director shall appoint a Deputy Administrator of the Public Works Compliance and Code Enforcement Section. The Deputy Administrator appointed pursuant to this subsection has the final authority in the interpretation and enforcement of any applicable building codes.~~

~~4. The Administrator may appoint such other technical and clerical assistants as may be necessary to carry into effect the provisions of this chapter.~~

~~5. The Administrator and each deputy administrator are in the unclassified service of the State. Except as otherwise provided in NRS 284.143, the Administrator and each deputy administrator shall devote his or her entire time and attention to the business of the office and shall not pursue any other business or occupation or hold any other office of profit.~~

~~6. The Administrator must have a master's degree or doctoral degree in civil or environmental engineering, architecture, public administration or a related field and must have experience in management, public administration or public policy. If the Administrator is not a licensed professional engineer pursuant to the provisions of chapter 625 of NRS or an architect registered pursuant to the provisions of chapter 623 of NRS, and the Deputy Administrator of the Public Works Professional Services Section must each be a licensed professional engineer pursuant to the provisions of chapter 625 of NRS or an architect registered pursuant to the provisions of chapter 623 of NRS.~~

~~7. The Deputy Administrator of the Public Works Compliance and Code Enforcement Section must have a comprehensive knowledge of building codes and a working knowledge of the principles of engineering or architecture as determined by the Administrator.~~

~~8. The Administrator shall:~~

~~(a) Serve as the Secretary of the Board;~~

~~(b) Manage the daily affairs of the Division;~~

~~(c) Represent the Board and the Division before the Legislature;~~

~~(d) Prepare and submit to the Board, for its approval, the recommended priority for proposed capital improvement projects and provide the Board with an estimate of the cost of each project;~~

~~(e) Select architects, engineers and contractors;~~

~~(f) Accept completed projects;~~

~~(g) Submit in writing to the Director of the Department, the Governor and the Interim Finance Committee a monthly report regarding all public works projects which are a part of the approved capital improvement program. For each such project, the monthly report must include, without limitation, a detailed description of the progress of the project which highlights any specific events, circumstances or factors that may result in:~~

~~(1) Changes in the scope of the design or construction of the project or any substantial component of the project which increase or decrease the total square footage or cost of the project by 10 percent or more;~~

~~(2) Increased or unexpected costs in the design or construction of the project or any substantial component of the project which materially affect the project;~~

~~(3) Delays in the completion of the design or construction of the project or any substantial component of the project; or~~

~~(4) Any other problems which may adversely affect the design or construction of the project or any substantial component of the project.~~

~~(h) Have final authority to approve the architecture of all buildings, plans, designs, types of construction, major repairs and designs of landscaping.~~

~~9. The Deputy Administrator of the Public Works Compliance and Code Enforcement Section shall:~~

~~(a) Serve as the building official for all buildings and structures on property of the State or held in trust for any division of the State Government; and~~

~~(b) Consult with an agency or official that is considering adoption of a regulation described in NRS 446.942, 449.345, 455C.115, 461.173, 472.105 or 477.0325 and provide recommendations regarding how the regulation, as it applies to buildings and structures on property of this State or held in trust for any division~~

~~of the State Government, may be made consistent with other regulations which apply to such buildings or structures.~~ **(Deleted by amendment.)**

**Sec. 3.** NRS 353A.041 is hereby amended to read as follows:

353A.041 1. The Administrator must:

(a) Be a certified public accountant licensed by this state or a public accountant qualified pursuant to chapter 628 of NRS to practice public accounting in this state; ~~and~~

(b) *Be a certified internal auditor or government auditing professional; or*

(c) Have *a master's degree in business administration, accounting, finance or a closely related field.*

**2. The Administrator must have** at least ~~15~~ 6 years of progressively responsible experience in professional auditing and performing internal audits or postaudits. The experience must include, without limitation, the performance of audits of governmental entities or of private business organizations, whether or not organized for profit.

~~12~~ **3.** The Administrator may employ, within the limits of legislative appropriations, such staff as is necessary to the performance of his or her duties.

**Sec. 4.** NRS 378.010 is hereby amended to read as follows:

378.010 The State Library, Archives and Public Records Administrator:

1. Is appointed by, responsible to, and serves at the pleasure of the Director.

2. Must be appointed on the basis of merit.

3. Is in the ~~classified~~ *unclassified* service ~~except for the purposes of removal~~ *of the State.*

**Sec. 5.** NRS 422.2354 is hereby amended to read as follows:

422.2354 The Administrator must:

1. Be appointed ~~selected~~ on the basis of his or her ~~education~~ education, training, experience and ~~and demonstrated abilities and~~ interest in the financing of programs for public health, including, without limitation, the financing of Medicaid.

~~2. Be a graduate in public administration, business administration or a similar area of study from an accredited college or university.~~

~~3. and human services.~~ In appointing the Administrator, the Director shall, to the extent practicable, give preference to a person who has a degree in a field of public administration, business administration or a related field.

**2.** Have not less than 3 years of demonstrated successful experience in the financing of health care or other ~~administration of a~~ public ~~agency, with responsibility for the general direction of~~ programs ~~of the public agency~~ and not less than 1 year of experience relating to Medicaid, ~~determination of policies for the implementation of programs of the public agency,~~ or any equivalent combination of training and experience.

~~4~~ **3.** Possess qualities of leadership ~~in the fields of health care and the financing of health care.~~

**Sec. 6.** ~~NRS 422A.155~~ is hereby amended to read as follows:

~~422A.155 [1.] The Administrator must:~~

~~[(a)] 1. Be selected on the basis of his or her education, training, experience, capacity and interest in public welfare; demonstrated abilities and interest in health and human services.~~

~~[(b)] 2. Have not less than 3 years of demonstrated successful experience in the administration of a public agency, with responsibility for the general direction of programs of the public agency and determination of policies for the implementation of programs of the public agency, or any equivalent combination of training and experience.~~

~~[(c)] 3. Possess qualities of leadership.~~

~~[2. In appointing the Administrator, the Director shall, to the extent practicable, give preference to a person who has a degree in a field of social science, public administration, business administration or a related field.] (Deleted by amendment.)~~

Sec. 7. ~~NRS 427A.060 is hereby amended to read as follows:~~

~~427A.060 The Administrator [shall be appointed] must:~~

~~1. Be selected on the basis of his or her education, training, experience, [and] demonstrated abilities and [of his or her] interest in [the problems of the aged and aging and persons with disabilities.] health and human services.~~

~~2. Have not less than 3 years of demonstrated successful experience in the administration of a public agency, with responsibility for the general direction of programs of the public agency and determination of policies for the implementation of programs of the public agency, or any equivalent combination of training and experience.~~

~~3. Possess qualities of leadership.] (Deleted by amendment.)~~

Sec. 8. ~~NRS 432.012 is hereby amended to read as follows:~~

~~432.012 The Administrator must [be appointed]:~~

~~1. Be selected on the basis of his or her education, training, experience, demonstrated abilities and interest in [the provision of services to children and families and related programs.] health and human services.~~

~~2. Have not less than 3 years of demonstrated successful experience in the administration of a public agency, with responsibility for the general direction of programs of the public agency and determination of policies for the implementation of programs of the public agency, or any equivalent combination of training and experience.~~

~~3. Possess qualities of leadership.] (Deleted by amendment.)~~

Sec. 9. ~~NRS 433.244 is hereby amended to read as follows:~~

~~433.244 1. The Administrator must [be]:~~

~~1. Be selected on the basis of his or her education, training, experience, [leadership qualities,] demonstrated abilities and interest in [the field of behavioral health or public] health.] and human services.~~

~~2. [The Administrator is in the unclassified service of the State.] Have not less than 3 years of demonstrated successful experience in the administration of a public agency, with responsibility for the general direction of programs of the public agency and determination of policies for the implementation of programs of the public agency, or any equivalent combination of training and experience.~~

~~3. Possess qualities of leadership.] (Deleted by amendment.)~~

Sec. 10. NRS 439.110 is hereby amended to read as follows:

439.110 1. Except as otherwise provided in ~~subsection 2~~ **this section** and NRS 284.143, the Chief Medical Officer shall devote his or her full time to the official duties of the Chief Medical Officer ~~and shall not engage in any other business or occupation.~~

2. Notwithstanding the provisions of NRS 281.127, the Chief Medical Officer may cooperate with the Nevada System of Higher Education in the preparation and teaching of preservice professional workers in public health and in a program providing additional professional preparation for behavioral health workers and public health workers employed by the State of Nevada.

~~3. **That** With the approval of the Director, the Chief Medical Officer may maintain a clinical practice that is not established through the University of Nevada in order to retain expertise and remain current in his or her specialized field.~~

Sec. 11. This act becomes effective on July 1, 2017.