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July 5, 2018

Susan K. Stewart, Deputy Attorney General
Construction Law Counsel
100 N. Carson Street
Carson City, Nevada 89701

Re: LCB File No. R077-18

Dear Ms. Stewart:

A proposed regulation, R077-18, of the Administrator of the State Public Works Division of the Department of Administration, has been examined pursuant to NRS 233B.063 and is returned in revised form.

We invite you to discuss with us any questions which you may have concerning this review. Please make reference to our file number in all further correspondence relating to this regulation.

Sincerely,

A handwritten signature in blue ink that reads "Eileen O'Grady".

Eileen G. O'Grady
Chief Deputy Legislative Counsel

Karly R. O'Krent
Deputy Legislative Counsel

Brenda J. Erdoes
Legislative Counsel

EGO/jlw
Enclosure

**PROPOSED REGULATION OF THE ADMINISTRATOR OF THE
STATE PUBLIC WORKS DIVISION OF THE
DEPARTMENT OF ADMINISTRATION**

LCB File No. R077-18

July 2, 2018

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1-4, NRS 331.070, 331.110 and 341.110; §§5-8, NRS 331.110 and 341.110; §9, NRS 331.070; §§10 and 11, NRS 331.070 and 341.110.

A REGULATION relating to State Government; establishing the procedures to be used by a state officer, department, agency, board or commission that desires to lease office rooms outside state buildings or occupy office rooms in a state building; requiring the approval of the Buildings and Grounds Section of the State Public Works Division of the Department of Administration before certain improvements to or modifications of leased office space are undertaken; requiring the issuance of a special use permit from the Administrator of the Division for certain activities involving the use of state buildings, grounds or property supervised and controlled by the Administrator; establishing certain requirements and restrictions relating to the use or occupancy of state buildings; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law variously requires or authorizes the Administrator of the State Public Works Division of the Department of Administration to lease office space to house state officers, departments, agencies, boards or commissions whenever sufficient space cannot be provided within state buildings. Any such lease agreement must be negotiated, approved and overseen by the Administrator. (NRS 331.110) **Sections 3 and 4** of this regulation adopt definitions applicable to the remaining provisions of this regulation. **Sections 5-8** of this regulation establish the process to be followed by: (1) a state officer, department, agency, board or commission that uses the services of the Administrator to lease space outside of a state building; or (2) an agency that desires to occupy office rooms in any state building. **Section 9** of this regulation requires a person or entity for whom the Administrator has leased office space to obtain the approval of the Buildings and Grounds Section of the Division before undertaking certain improvements to or modifications of the leased space.

Existing law generally vests the Administrator with supervisory authority over state buildings, grounds and properties. (NRS 331.070) **Section 10** of this regulation requires any person or governmental official or entity that desires to hold a special event or conduct a business venture in or upon any state building, grounds or property to apply for and obtain a special use permit from the Administrator. **Section 11** of this regulation establishes requirements concerning temperature, appliances and animals in state buildings.

Section 1. Chapter 331 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this regulation.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Agency” means any state officer, department, agency, board or commission described in subsection 1 of NRS 331.110.*

Sec. 4. *“State building” means any building over which the Administrator has supervision and control pursuant to subsection 1 of NRS 331.070.*

Sec. 5. 1. *An agency that desires to use the services of the Administrator to lease and equip office rooms outside of a state building pursuant to NRS 331.110 must submit to the Buildings and Grounds Section, in writing:*

(a) A request on the form prescribed by the Buildings and Grounds Section, including the information required by section 7 of this regulation;

(b) A spreadsheet on the form prescribed by the Buildings and Grounds Section, including the information required by section 8 of this regulation; and

(c) A statement of:

(1) The requirements of the agency for additional, replacement or new space, including, without limitation, the geographic area in which the agency desires the space to be located, or for the renewal of an existing lease, as applicable; and

(2) The desired term of the lease and, if the desired term is longer than 5 years, an explanation of the need for the longer term.

2. The forms described in paragraphs (a) and (b) of subsection 1 are available on the Internet website of the Division at <http://publicworks.nv.gov>.

3. The Buildings and Grounds Section shall return to the agency any request or spreadsheet that is not completed in accordance with section 7 or 8 of this regulation, as applicable, with directions for correction of the deficiency.

4. The information required by this section must be submitted by the agency to the Buildings and Grounds Section:

(a) Not less than 90 days before the estimated date on which the agency desires the lease to begin or be renewed, as applicable, if, as determined by the agency in consultation with the Buildings and Grounds Section, the needs of the agency would require the owner of the space to make no improvements or only minimal improvements to make the space suitable for use by the agency.

(b) Not less than 270 days before the estimated date on which the agency desires the lease to begin or be renewed, as applicable, if, as determined by the agency in consultation with the Buildings and Grounds Section, the needs of the agency would require the owner of the space to make more than minimal improvements to make the space suitable for use by the agency.

Sec. 6. 1. An agency that desires to occupy office rooms in any state building must submit to the Buildings and Grounds Section, in writing:

(a) A request on the form prescribed by the Buildings and Grounds Section, including the information required by section 7 of this regulation; and

(b) A spreadsheet on the form prescribed by the Buildings and Grounds Section, including the information required by section 8 of this regulation.

2. The forms described in paragraphs (a) and (b) of subsection 1 are available on the Internet website of the Division at <http://publicworks.nv.gov>.

3. The Buildings and Grounds Section shall return to the agency any request or spreadsheet that is not completed in accordance with section 7 or 8 of this regulation, as applicable, with directions for correction of the deficiency.

Sec. 7. A request submitted by an agency pursuant to section 5 or 6 of this regulation must include:

1. The names, postal and electronic mail addresses and telephone numbers of the agency, the budget analyst of the agency at the Office of Finance and the person designated by the agency to serve as the contact person with the Buildings and Grounds Section for purposes of the space that is the subject of the request;

2. Information about the budget of the agency, including, without limitation, the budget account number and the amount allocated in the budget for all necessary expenditures for the space, including, without limitation, the cost of rent and the cost of moving; and

3. A certification, signed by the executive head of the agency, attesting that:

(a) The approved budget of the agency includes an amount allocated for all necessary expenditures for the space; and

(b) The executive head is authorized to submit the request on behalf of the agency.

Sec. 8. A spreadsheet submitted by an agency pursuant to section 5 or 6 of this regulation must include the following information relating to the space:

- 1. The number of natural persons who will occupy the space;*
- 2. The average number of natural persons who will attend a meeting in a conference room in the space;*
- 3. The amount of space required for photocopiers, facsimile machines, computer servers and other equipment;*
- 4. Any required reception area;*
- 5. The requirements of the agency for shared space and secured space; and*
- 6. Any other special requirements of the agency relating to the agency's performance of its functions.*

Sec. 9. After the Administrator has leased office rooms for an agency outside of a state building pursuant to NRS 331.110, the agency shall give written notice to and obtain the approval of the Buildings and Grounds Section before undertaking any improvement to or modification of the leased space, including, without limitation, any:

- 1. Change or modification covered in the provisions of the International Building Code or any other code published by the International Code Council;*
- 2. Change or modification covered in any adopted standards of the Division;*
- 3. Structural or architectural change;*

4. *Modification of the electrical, life safety or heating, ventilation and air conditioning system of the leased space;*

5. *Change relating to ingress into or egress from the leased space; and*

6. *Change relating to the access to or use of the leased space by persons with disabilities.*

Sec. 10. *Before any person or governmental official or entity may hold a special event or conduct a business venture in or upon any state building, grounds or other property over which the Administrator has supervision and control pursuant to subsection 1 of NRS 331.070, the person or governmental official or entity must apply for and obtain from the Administrator a special use permit authorizing that use.*

Sec. 11. *In any state building:*

1. *The thermostat for any temperature control system in any area occupied by natural persons must be set at 75 degrees Fahrenheit for heating and 74 degrees Fahrenheit for cooling.*

2. *Except as otherwise provided in this subsection, electric space heaters and refrigerators are prohibited. If a central break room is provided, it may be equipped with a refrigerator. Upon written request, the Buildings and Grounds Section may grant an exemption from the prohibitions of this subsection for any person having special health needs.*

3. *Except for dogs used by law enforcement officers in the performance of their duties and as otherwise provided by law for service animals and service animals in training, animals are prohibited.*

4. *As used in this section:*

(a) *“Service animal” has the meaning ascribed to it in NRS 426.097.*

(b) "Service animal in training" has the meaning ascribed to it in NRS 426.099.