

Senate Bill No. 5—Committee of the Whole

CHAPTER.....

AN ACT relating to education; contingently reducing the amount previously appropriated for textbooks, instructional supplies and instructional hardware; revising provisions governing the required expenditures for textbooks, instructional supplies and instructional hardware by school districts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provided \$95,991,427 from the basic support guarantees per pupil for expenditure by the school districts for textbooks, instructional supplies and instructional hardware pursuant to the minimum expenditure requirements set forth in NRS 387.206. (Chapter 343, Statutes of Nevada 2007, p. 1560) **Section 3** of this bill contingently reduces the dollar amount for those expenditures to \$47,995,714.

Section 4 of this bill contingently appropriates money from the State General Fund to the Department of Education for expenditure by the school districts for textbooks, instructional supplies and instructional hardware. Such an appropriation must be made if the Interim Finance Committee determines after December 1, 2008, based upon projections developed by the Fiscal Analysis Division, that the estimate of the unappropriated balance of the State General Fund projected for June 30, 2009, exceeds 5 percent of the State General Fund operating appropriations. In developing its projections, the Fiscal Analysis Division shall use the State General Fund revenue projections by the Economic Forum on or before December 1, 2008, and all other relevant information known to the Fiscal Analysis Division. The amount of the contingent appropriation is equal to the amount of the excess as determined by the Interim Finance Committee, not to exceed \$47,995,713. Such an appropriation must not be made if the excess is not equal to or more than \$1,000,000. If the appropriation is made and a school district does not meet its minimum expenditure requirements for Fiscal Year 2008-2009, the school district may carry that balance forward for Fiscal Year 2009-2010 for use in accordance with the minimum expenditure requirements prescribed in NRS 387.206.

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

Section 1. Section 2 of chapter 343, Statutes of Nevada 2007, at page 1553, is hereby amended to read as follows:

Sec. 2. ~~{1.}~~ The basic support guarantee for school districts for operating purposes for the 2008-2009 Fiscal Year is an estimated weighted average of ~~{ \$5,323 }~~ **\$5,213** per pupil.

~~{2. On or before April 1, 2008, the Executive Director of the Department of Taxation shall provide to the Superintendent of Public Instruction the certified total of the amount of ad valorem taxes to be received by each school~~



~~district for Fiscal Year 2008-2009 pursuant to the levy imposed under subsection 1 of NRS 387.195 and credited to the county's school district fund pursuant to subsection 4 of NRS 387.195.~~

~~3. Pursuant to NRS 362.115, on or before March 15 of each year, the Department of Taxation shall provide an estimate of the net proceeds of minerals based upon the statements required of mine operators.~~

~~4. For purposes of establishing the basic support guarantee, the estimated basic support guarantees per pupil for each school district for the 2008-2009 Fiscal Year for operating purposes are:} For each respective school district, the basic support guarantee per pupil for the 2008-2009 Fiscal Year is:~~

School District	{Basic Estimated		
	Support Basic		
	Guarantee Estimated Support		
	Before Ad Valorem Guarantee		
	Adjustment	Adjustment	as Adjusted}
Basic Support Guarantee			
School District	Guarantee		
Carson City	\$6,220	{ \$5,500 }	\$876 \$6,376}
Churchill	\$6,296	{ \$5,704 }	\$768 \$6,472}
Clark	\$4,958	{ \$3,653 }	\$1,398 \$5,051}
Douglas	\$5,324	{ \$3,397 }	\$2,063 \$5,460}
Elko	\$7,002	{ \$6,549 }	\$612 \$7,161}
Esmeralda	\$15,332	{ \$11,288 }	\$4,446 \$15,734}
Eureka	\$5,205	{ (\$6,248) }	\$16,781 \$10,533}
Humboldt	\$6,529	{ \$5,803 }	\$1,025 \$6,828}
Lander	\$6,390	{ \$4,465 }	\$1,844 \$6,309}
Lincoln	\$10,056	{ \$9,357 }	\$944 \$10,301}
Lyon	\$6,598	{ \$5,991 }	\$795 \$6,786}
Mineral	\$8,892	{ \$8,328 }	\$752 \$9,080}
Nye	\$6,611	{ \$5,794 }	\$1,123 \$6,917}
Pershing	\$8,519	{ \$7,484 }	\$1,337 \$8,821}
Storey	\$6,736	{ \$2,147 }	\$5,110 \$7,257}
Washoe	\$5,323	{ \$4,208 }	\$1,214 \$5,422}
White Pine	\$7,238	{ \$6,743 }	\$1,089 \$7,832}

~~5. The ad valorem adjustment may be made only to take into account the difference in the ad valorem taxes to be received and the estimated enrollment of the school district~~



~~between the amount estimated as of March 1, 2007, and the amount estimated as of March 1, 2008, for the 2008-2009 Fiscal Year. Estimates of net proceeds of minerals received from the Department of Taxation on or before March 15 pursuant to subsection 3 must be taken into consideration in determining the adjustment.~~

~~—6. Upon receipt of the certified total of ad valorem taxes to be received by each school district for Fiscal Year 2008-2009 pursuant to subsection 2, the Superintendent of Public Instruction shall recalculate the ad valorem adjustment and the tentative basic support guarantee for operating purposes for each school district for the 2008-2009 Fiscal Year based on the certified total of ad valorem taxes provided by the Executive Director of the Department of Taxation pursuant to subsection 2. The final basic support guarantee for each school district for the 2008-2009 Fiscal Year is the amount, which is recalculated for the 2008-2009 Fiscal Year pursuant to this section, taking into consideration estimates of net proceeds of minerals received from the Department of Taxation on or before March 15, 2008. The basic support guarantee recalculated pursuant to this section must be calculated before May 31, 2008.]~~

Sec. 2. Section 4 of chapter 343, Statutes of Nevada 2007, at page 1555, is hereby amended to read as follows:

Sec. 4. 1. There is hereby appropriated from the State General Fund to the State Distributive School Account created by NRS 387.030:

For the 2007-2008 Fiscal Year\$1,041,362,589

For the 2008-2009 Fiscal Year ~~[\$1,090,795,262]~~ **\$1,042,799,549**

2. The money appropriated by subsection 1 must be:

(a) Expended in accordance with NRS 353.150 to 353.245, inclusive, concerning the allotment, transfer, work program and budget; and

(b) Work-programmed for the 2 separate Fiscal Years 2007-2008 and 2008-2009, as required by NRS 353.215. Work programs may be revised with the approval of the Governor upon the recommendation of the Chief of the Budget Division of the Department of Administration.

3. Transfers to and allotments from must be allowed and made in accordance with NRS 353.215 to 353.225, inclusive, after separate consideration of the merits of each request.

4. The sums appropriated by subsection 1 are available for either fiscal year and may be transferred from one fiscal



year to the other with the approval of the Governor upon the recommendation of the Chief of the Budget Division.

5. Any remaining balance of the appropriation made by subsection 1 for the 2007-2008 Fiscal Year must be transferred and added to the money appropriated for the 2008-2009 Fiscal Year and may be expended as that money is expended.

6. Any remaining balance of the appropriation made by subsection 1 for the 2008-2009 Fiscal Year, including any money added thereto pursuant to the provisions of subsections 3 and 5, must not be committed for expenditure after June 30, 2009, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 3. Section 15 of chapter 343, Statutes of Nevada 2007, at page 1560, is hereby amended to read as follows:

Sec. 15. Of the amounts included in the basic support guarantee amounts enumerated in sections 1 and 2 of this act, or from any other sources of money that may be available to a school district, \$90,941,645 for Fiscal Year 2007-2008 and ~~\$95,991,427~~ **\$47,995,714** for Fiscal Year 2008-2009 must be expended for the purchase of textbooks, instructional supplies and instructional hardware as prescribed in NRS 387.206.

Sec. 4. 1. At the first meeting of the Interim Finance Committee after December 1, 2008, the Interim Finance Committee shall, based upon the projections developed by the Fiscal Analysis Division of the Legislative Counsel Bureau, estimate the unappropriated balance of the State General Fund projected for June 30, 2009. In making its projections, the Fiscal Analysis Division shall use the State General Fund revenue projections set forth in the report required by the Economic Forum pursuant to NRS 353.228 on or before December 1, 2008, and all other relevant information known to the Fiscal Analysis Division. Except as otherwise provided in subsection 2, if the Interim Finance Committee determines that the projected unappropriated balance of the State General Fund projected for June 30, 2009, exceeds 5 percent of the State General Fund operating appropriations, the amount of the excess is hereby contingently appropriated from the State General Fund to the Department of Education for expenditure by the school districts, charter schools and university schools for profoundly gifted pupils for textbooks, instructional supplies and instructional hardware. In no event shall the amount of money contingently appropriated exceed \$47,995,713.



2. If the amount of the excess determined pursuant to subsection 1 is not equal to or more than \$1,000,000, the amount of the excess shall not be contingently appropriated.

3. Except as otherwise provided in this subsection, if an appropriation is made pursuant to subsection 1, the Superintendent of Public Instruction shall, not later than 30 days after the determination of the Interim Finance Committee pursuant to subsection 1, distribute the money to the school districts, charter schools and university schools for profoundly gifted pupils in proportion to the amount by which each school district's basic support guarantee was reduced by section 1 of this act.

4. If an appropriation is made pursuant to this section, the amount of money that must be expended for the 2008-2009 Fiscal Year by the school districts, charter schools and university schools for profoundly gifted pupils for textbooks, instructional supplies and instructional hardware pursuant to section 3 of this act must be increased by the amount of the appropriation made pursuant to this section.

5. Notwithstanding the provisions of NRS 387.206 to the contrary, after an appropriation is made pursuant to this section, if the Department of Education determines that a school district, charter school or university school for profoundly gifted pupils has not expended the minimum amount of money otherwise required pursuant to NRS 387.206, no reduction shall be made from the basic support allocation otherwise payable to that school district, charter school or university school for profoundly gifted pupils, but rather that unexpended funding must be carried forward to Fiscal Year 2009-2010 to be expended for textbooks, instructional supplies and instructional hardware. For Fiscal Year 2009-2010, the amount of money that must be expended for textbooks, instructional supplies and instructional hardware as prescribed pursuant to NRS 387.206 must be increased by any such funding carried forward.

Sec. 5. The Legislature hereby finds and declares that state funding for K-12 public education remains sufficient for Fiscal Year 2008-2009 notwithstanding the contingent reduction set forth in this act.

Sec. 6. This act becomes effective on July 1, 2008.

