

ASSEMBLY BILL NO. 219—ASSEMBLYMEN CEGAVSKE,
HETTRICK, PERKINS AND DINI

FEBRUARY 11, 1999

JOINT SPONSORS: SENATORS RAGGIO, RAWSON, PORTER, TITUS,
JAMES, AMODEI, CARE, O'DONNELL AND WASHINGTON

Referred to Committee on Ways and Means

SUMMARY—Revises provisions regarding authorized expenditures and budgets of school districts. (BDR 34-66)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: 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 public schools; requiring school districts to spend a minimum amount of money each year on certain items for public schools; revising provisions regarding authorized expenditures and budgets of school districts; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 387 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2, 3 and 4 of this act.
3 **Sec. 2. 1.** *Except as otherwise provided in this section, in each*
4 *school year a school district shall spend for textbooks, library books and*
5 *supplies and materials relating to instruction, including, without*
6 *limitation, software for computers, an amount of money, expressed as an*
7 *amount per pupil, that is at least equal to the average of the total amount*
8 *of money that was expended per year by the school district for those items*
9 *in the immediately preceding 3 years.*
10 **2.** *Except as otherwise provided in this section, in each school year a*
11 *school district shall spend for the purchase of equipment relating to*
12 *instruction, including, without limitation, equipment for*
13 *telecommunications and for the purchase of equipment relating to the*

1 *transportation of pupils, an amount of money, expressed as an amount*
2 *per pupil, that is at least equal to the average of the total amount of*
3 *money that was expended per year by the school district for those items in*
4 *the immediately preceding 3 years.*

5 3. *Except as otherwise provided in this section, in each school year a*
6 *school district shall spend for the maintenance and repair of equipment,*
7 *vehicles, and buildings and facilities an amount of money, expressed as*
8 *an amount per pupil, that is at least equal to the average of the total*
9 *amount of money that was expended per year by the school district for*
10 *those items in the immediately preceding 3 years.*

11 4. *A school district may satisfy the expenditures required by*
12 *subsections 1, 2 and 3 if the school district spends an aggregate amount*
13 *of money for all the items identified in those subsections that is at least*
14 *equal to the average of the total amount of money expended by the*
15 *school district per year for all those items in the immediately preceding 3*
16 *years.*

17 5. *A school district is not required to satisfy the expenditures*
18 *required by this section for a school year in which:*

19 (a) *The total number of pupils who are enrolled in public schools*
20 *within the school district has declined from the immediately preceding*
21 *school year; or*

22 (b) *The total revenue available in the general fund of the school*
23 *district has declined from the immediately preceding school year.*

24 **Sec. 3.** *If the ending balance of the general fund of a school district*
25 *has declined for 3 consecutive years, the school district shall submit to*
26 *the committee on local government finance created pursuant to NRS*
27 *266.0165 a written explanation of the cause of the decline.*

28 **Sec. 4.** 1. *Except as otherwise provided in this section, the total*
29 *expenditures of a school district in a fiscal year must not exceed the total*
30 *revenue that is estimated to be collected in the general fund during the*
31 *fiscal year, excluding the opening balance in the fund, as set forth in the*
32 *final budget or the amended final budget of the school district.*

33 2. *Except as otherwise provided in this subsection and subsection 3,*
34 *the board of trustees of a school district shall not use money that is*
35 *available in the opening balance of the general fund of the school district*
36 *to pay for expenditures that occur on an annual or ongoing basis. The*
37 *board of trustees of a school district may use money that is available in*
38 *the opening balance of the general fund to pay for designated leases and*
39 *to pay legal obligations to retire debt.*

40 3. *If the department of taxation has determined that a condition of*
41 *financial emergency exists in a school district, the board of trustees of*

1 *that school district may use money that is available in the opening*
2 *balance of its general fund to pay for expenses that occur on an annual*
3 *or ongoing basis or to meet other contractual obligations.*

4 *4. If the opening balance of the general fund of a school district*
5 *exceeds 10 percent of budgeted expenditures, the amount of money in*
6 *excess of 10 percent may be expended for the purchase of goods that by*
7 *their nature create no recurring financial obligation, other than*
8 *recurring expenses for maintenance of equipment.*

9 **Sec. 5.** NRS 387.205 is hereby amended to read as follows:

10 387.205 1. ~~{Money}~~ *Subject to the limitations set forth in section 2*
11 *of this act, money* on deposit in the county school district fund or in a
12 separate account, if the board of trustees of a school district has elected to
13 establish such an account pursuant to the provisions of NRS 354.603, must
14 be used for:

15 (a) Maintenance and operation of the public schools controlled by the
16 county school district.

17 (b) Payment of premiums for Nevada industrial insurance.

18 (c) Rent of schoolhouses.

19 (d) Construction, furnishing or rental of teacherages, when approved by
20 the superintendent of public instruction.

21 (e) Transportation of pupils, including the purchase of new buses.

22 (f) Programs of nutrition, if such expenditures do not curtail the
23 established school program or make it necessary to shorten the school
24 term, and each pupil furnished lunch whose parent or guardian is
25 financially able so to do pays at least the actual cost of the lunch.

26 (g) Membership fees, dues and contributions to an interscholastic
27 activities association.

28 (h) Repayment of a loan made from the state permanent school fund
29 pursuant to NRS 387.526.

30 2. ~~{Money}~~ *Subject to the limitations set forth in section 2 of this act,*
31 *money* on deposit in the county school district fund, or in a separate
32 account, if the board of trustees of a school district has elected to establish
33 such an account pursuant to the provisions of NRS 354.603, when
34 available, may be used for:

35 (a) Purchase of sites for school facilities.

36 (b) Purchase of buildings for school use.

37 (c) Repair and construction of buildings for school use.

38 **Sec. 6.** NRS 354.598 is hereby amended to read as follows:

39 354.598 1. At the time and place advertised for public hearing, or at
40 any time and place to which the public hearing is from time to time
41 adjourned, the governing body shall hold a public hearing on the tentative
42 budget, at which time interested persons must be given an opportunity to
43 be

heard.

1 2. At the public hearing, the governing body shall indicate changes, if
2 any, to be made in the tentative budget, and shall adopt a final budget by
3 the favorable votes of a majority of all members of the governing body.
4 Except as otherwise provided in this subsection, the final budget must be
5 adopted on or before June 1 of each year. The final budgets of school
6 districts must be adopted on or before June 8 of each year and must be
7 accompanied by copies of the written report and written procedure
8 prepared pursuant to subsection 3 of NRS 385.351. Should the governing
9 body fail to adopt a final budget that complies with the requirements of law
10 and the regulations of the department of taxation on or before the required
11 date, the budget adopted and approved by the department of taxation for
12 the current year, adjusted as to content and rate in such a manner as the
13 department of taxation may consider necessary, automatically becomes the
14 budget for the ensuing fiscal year. When a budget has been so adopted by
15 default, the governing body may not reconsider the budget without the
16 express approval of the department of taxation. If the default budget
17 creates a combined ad valorem tax rate in excess of the limit imposed by
18 NRS 361.453, the Nevada tax commission shall adjust the budget as
19 provided in NRS 361.4547 or 361.455.

20 3. The final budget must be certified by a majority of all members of
21 the governing body and a copy of it, together with an affidavit of proof of
22 publication of the notice of the public hearing, must be transmitted to the
23 Nevada tax commission. If a tentative budget is adopted by default as
24 provided in subsection 2, the clerk of the governing body shall certify the
25 budget and transmit to the Nevada tax commission a copy of the budget,
26 together with an affidavit of proof of the notice of the public hearing, if
27 that notice was published. Certified copies of the final budget must be
28 distributed as determined by the department of taxation.

29 4. Upon the adoption of the final budget or the amendment of the
30 budget in accordance with NRS 354.606, the several amounts stated in it as
31 proposed expenditures are appropriated for the purposes indicated in the
32 budget.

33 5. No governing body may adopt any budget which appropriates for
34 any fund any amount in excess of the budget resources of that fund.

35 6. *On or before January 1 of each school year, each school district*
36 *shall adopt an amendment to its final budget after the count of pupils is*
37 *completed pursuant to subsection 1 of NRS 387.1233. The amendment*
38 *must reflect any adjustments necessary as a result of the completed count*
39 *of pupils.*

40 Sec. 7. This act becomes effective on July 1, 1999.