

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 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 ~~to be omitted~~ 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 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*
14 *transportation of pupils, an amount of money, expressed as an amount*

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

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

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.** (Deleted by amendment.)

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

30 387.205 1. ~~Money~~ *Subject to the limitations set forth in section 2*
31 *of this act, money* on deposit in the county school district fund or in a
32 separate account, if the board of trustees of a school district has elected to
33 establish such an account pursuant to the provisions of NRS 354.603, must
34 be used for:

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

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

38 (c) Rent of schoolhouses.

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

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

42 (f) Programs of nutrition, if such expenditures do not curtail the
43 established school program or make it necessary to shorten the school term,

1 and each pupil furnished lunch whose parent or guardian is financially able
2 so to do pays at least the actual cost of the lunch.

3 (g) Membership fees, dues and contributions to an interscholastic
4 activities association.

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

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

12 (a) Purchase of sites for school facilities.

13 (b) Purchase of buildings for school use.

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

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

16 354.598 1. At the time and place advertised for public hearing, or at
17 any time and place to which the public hearing is from time to time
18 adjourned, the governing body shall hold a public hearing on the tentative
19 budget, at which time interested persons must be given an opportunity to be
20 heard.

21 2. At the public hearing, the governing body shall indicate changes, if
22 any, to be made in the tentative budget, and shall adopt a final budget by
23 the favorable votes of a majority of all members of the governing body.
24 Except as otherwise provided in this subsection, the final budget must be
25 adopted on or before June 1 of each year. The final budgets of school
26 districts must be adopted on or before June 8 of each year and must be
27 accompanied by copies of the written report and written procedure
28 prepared pursuant to subsection 3 of NRS 385.351. Should the governing
29 body fail to adopt a final budget that complies with the requirements of law
30 and the regulations of the department of taxation on or before the required
31 date, the budget adopted and approved by the department of taxation for
32 the current year, adjusted as to content and rate in such a manner as the
33 department of taxation may consider necessary, automatically becomes the
34 budget for the ensuing fiscal year. When a budget has been so adopted by
35 default, the governing body may not reconsider the budget without the
36 express approval of the department of taxation. If the default budget creates
37 a combined ad valorem tax rate in excess of the limit imposed by NRS
38 361.453, the Nevada tax commission shall adjust the budget as provided in
39 NRS 361.4547 or 361.455.

40 3. The final budget must be certified by a majority of all members of
41 the governing body and a copy of it, together with an affidavit of proof of
42 publication of the notice of the public hearing, must be transmitted to the
43 Nevada tax commission. If a tentative budget is adopted by default as

1 provided in subsection 2, the clerk of the governing body shall certify the
2 budget and transmit to the Nevada tax commission a copy of the budget,
3 together with an affidavit of proof of the notice of the public hearing, if that
4 notice was published. Certified copies of the final budget must be
5 distributed as determined by the department of taxation.

6 4. Upon the adoption of the final budget or the amendment of the
7 budget in accordance with NRS 354.606, the several amounts stated in it as
8 proposed expenditures are appropriated for the purposes indicated in the
9 budget.

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

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

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