

CHAPTER.....

AN ACT relating to local financial administration; revising provisions governing local government finance to comply with current generally accepted accounting and auditing standards; providing a procedure for the augmentation of budgets of local governments; requiring the department of taxation to create certain forms; requiring the state treasurer to withhold distributions from the local government tax distribution account from local governments under certain circumstances; requiring the use of alternative population totals for calculating distributions from the local government tax distribution account under certain circumstances; and providing other matters properly relating thereto.

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

Section 1. Chapter 354 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive of this act.

Sec. 2. *“Fiduciary fund” means a fund used to report assets held in a trustee or agency capacity for others and therefore cannot be used to support the programs of the local government.*

Sec. 3. *“Proprietary fund” means an internal service fund or enterprise fund.*

Sec. 4. 1. *The committee on local government finance, consisting of 11 members, is hereby created.*

2. The following associations shall each appoint three members to serve on the committee:

- (a) Nevada League of Cities;*
- (b) Nevada Association of County Commissioners; and*
- (c) Nevada School Trustees Association.*

3. The Nevada state board of accountancy shall appoint two members to serve on the committee.

4. Each appointment must be for a term of 3 years.

5. All vacancies must be filled as soon as practicable by the appointing authority of the person who vacated the seat.

6. If any of the associations listed in subsection 2 cease to exist, the appointments required by subsection 2 must be made by the association’s successor in interest or, if there is no successor in interest, one each by the other appointing authorities.

Sec. 5. 1. *If anticipated resources actually available during a budget period exceed those estimated, a local government may augment a budget in the following manner:*

(a) If it is desired to augment the appropriations of a fund to which ad valorem taxes are allocated as a source of revenue, the governing body shall, by majority vote of all members of the governing body, adopt a resolution reciting the appropriations to be augmented, and the nature of the unanticipated resources intended to be used for the augmentation. Before the adoption of the resolution, the governing body shall publish notice of its intention to act thereon in a newspaper of general circulation in the county for at least one publication. No vote may be taken upon the resolution until 3 days after the publication of the notice.

(b) If it is desired to augment the budget of any fund other than a fund described in paragraph (a) or an enterprise or internal service fund, the governing body shall adopt, by majority vote of all members of the governing body, a resolution providing therefor at a regular meeting of the body.

2. A budget augmentation becomes effective upon delivery to the department of taxation of an executed copy of the resolution providing therefor.

3. Nothing in NRS 354.470 to 354.626, inclusive, and sections 2 to 5, inclusive, of this act, precludes the amendment of a budget by increasing the total appropriation for any fiscal year to include a grant-in-aid, gift or bequest to a local unit of government which is required to be used for a specific purpose as a condition of the grant. Acceptance of such a grant and agreement to the terms imposed by the granting agency or person constitutes an appropriation to the purpose specified.

4. A local government need not file an augmented budget for an enterprise or internal service fund with the department of taxation but shall include the budget augmentation in the next quarterly report.

5. Budget appropriations may be transferred between functions, funds or contingency accounts in the following manner, if such a transfer does not increase the total appropriation for any fiscal year and is not in conflict with other statutory provisions:

(a) The person designated to administer the budget for a local government may transfer appropriations within any function.

(b) The person designated to administer the budget may transfer appropriations between functions or programs within a fund, if:

(1) The governing body is advised of the action at the next regular meeting; and

(2) The action is recorded in the official minutes of the meeting.

(c) Upon recommendation of the person designated to administer the budget, the governing body may authorize the transfer of appropriations between funds or from the contingency account, if:

(1) The governing body announces the transfer of appropriations at a regularly scheduled meeting and sets forth the exact amounts to be transferred and the accounts, functions, programs and funds affected;

(2) The governing body sets forth its reasons for the transfer; and

(3) The action is recorded in the official minutes of the meeting.

6. In any year in which the legislature by law increases or decreases the revenues of a local government, and that increase or decrease was not included or anticipated in the local government's final budget as adopted pursuant to NRS 354.598, the governing body of any such local government may, within 30 days of adjournment of the legislative session, file an amended budget with the department of taxation increasing or decreasing its anticipated revenues and expenditures from that contained in its final budget to the extent of the actual increase or decrease of revenues resulting from the legislative action.

7. In any year in which the legislature enacts a law requiring an increase or decrease in expenditures of a local government, which was not anticipated or included in its final budget as adopted pursuant to NRS 354.598, the governing body of any such local government may,

within 30 days of adjournment of the legislative session, file an amended budget with the department of taxation providing for an increase or decrease in expenditures from that contained in its final budget to the extent of the actual amount made necessary by the legislative action.

8. An amended budget, as approved by the department of taxation, is the budget of the local government for the current fiscal year.

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

Sec. 6. *1. The purpose of NRS 354.655 to 354.725 is to provide specific methods for the treatment of delinquent documents, technical financial assistance and severe financial emergency.*

2. To accomplish the purpose set forth in subsection 1, the provisions of NRS 354.655 to 354.725, inclusive, must be broadly and liberally construed.

Sec. 7. NRS 354.470 is hereby amended to read as follows:

354.470 NRS 354.470 to 354.626, inclusive, *and sections 2 to 5, inclusive, of this act*, may be cited as the Local Government Budget *and Finance* Act.

Sec. 8. NRS 354.472 is hereby amended to read as follows:

354.472 1. The purposes of NRS 354.470 to 354.626, inclusive, are:

(a) To establish standard methods and procedures for the preparation, presentation, adoption ~~+, administration and appraisal~~ *and administration* of budgets of all local governments.

(b) To enable local governments to make financial plans for programs of both current and capital expenditures and to formulate fiscal policies to accomplish these programs.

(c) To provide for estimation and determination of revenues, expenditures and tax levies.

(d) To provide for the control of revenues, expenditures and expenses in order to promote prudence and efficiency in the expenditure of public money.

(e) ~~[To enable local governments to borrow money to meet emergency expenditures or expenses.~~

~~—(f)—~~ To provide specific methods enabling the public, taxpayers and investors to be apprised of the financial preparations, plans, policies and administration of all local governments.

2. For the accomplishment of these purposes the provisions of NRS 354.470 to 354.626, inclusive, must be broadly and liberally construed.

Sec. 9. NRS 354.475 is hereby amended to read as follows:

354.475 1. All special districts subject to the provisions of the Local Government Budget *and Finance* Act with annual total expenditures of less than ~~[\$100,000]~~ *\$200,000* may petition the department of taxation for exemption from the requirements of the Local Government Budget *and Finance* Act for the filing of certain budget documents and audit reports. Such districts may further petition to ~~return to~~ *use* a cash ~~method~~ *basis* of accounting. The minimum required of such districts is the filing with the department of taxation of an annual budget on or before April 15 of each

year and the filing of quarterly reports in accordance with NRS 354.602. Such petitions must be received by the department of taxation *on or* before ~~{December 31}~~ *April 15* to be effective for the succeeding fiscal year or, in a case of an annual audit exemption, to be effective for the current fiscal year. A board of county commissioners may request the department of taxation to audit the financial records of such an exempt district.

2. Such districts are exempt from all publication requirements of the Local Government Budget *and Finance* Act, except that the department of taxation by regulation shall require an annual publication of a notice of budget adoption and filing. The department of taxation shall adopt regulations pursuant to NRS 354.594 which are necessary to carry out the purposes of this section.

3. The revenue recorded in accounts that are kept on a cash basis must consist of cash items.

4. As used in this section, “cash basis” means the system of accounting under which revenues are recorded only when received and expenditures or expenses are recorded only when paid.

Sec. 10. NRS 354.476 is hereby amended to read as follows:

354.476 As used in NRS 354.470 to 354.626, inclusive, ~~and~~ sections 2 to 5, inclusive, of *Senate Bill No. 203 of this session and sections 2 to 5, inclusive, of* this act, unless the context otherwise requires, the words and terms defined in NRS ~~{354.478 to 354.580,}~~ *354.479 to 354.578*, inclusive, and sections 2 and 3 of *Senate Bill No. 203 of this session and sections 2 and 3 of* this act, have the meanings ascribed to them in those sections.

Sec. 11. NRS 354.486 is hereby amended to read as follows:

354.486 “Audit” means the examination and analysis of *financial statements*, accounting procedures and other evidence made in conformity with generally accepted auditing standards *in the United States* for one or more of the following purposes:

1. Determining the propriety ~~{, legality}~~ and mathematical accuracy of *material* financial transactions;

2. Ascertaining whether ~~{all}~~ financial transactions have been *properly* recorded;

3. Ascertaining whether the financial statements prepared from the accounting records fairly present *in all material respects* the financial position and the results of financial operations ~~{of the constituent and balanced account groups}~~ *and cash flows* of the governmental unit in accordance with generally accepted accounting principles *in the United States* and on a basis which is consistent with that of the preceding year;

4. ~~{Determining whether}~~ *Evaluating internal accounting controls over financial reporting of* the handling of the public money ~~{is adequately protected by internal accounting controls;}~~ *and public property;*

5. Determining whether the fiscal controls established by law and administrative regulations are being properly applied;

6. Determining whether there is any evidence that fraud or dishonesty has occurred in the handling of funds or property;

7. Determining whether the acquisition, *depreciation* and disposition of property and equipment are accounted for in accordance with generally accepted accounting principles ~~{}~~ *in the United States*; and

8. Determining whether the removal of the uncollectible accounts receivable from the records of a governmental unit is done in accordance with the procedure established by law and administrative regulations.

Sec. 12. NRS 354.506 is hereby amended to read as follows:

354.506 “Contingency account” means an account showing ~~assets or other resources which have~~ *money that has* been appropriated to provide for unforeseen expenditures or anticipated expenditures of an uncertain amount.

Sec. 13. NRS 354.510 is hereby amended to read as follows:

354.510 “Debt service fund” means a fund to account for the accumulation of resources for and the payment of principal or interest on any general long-term debt ~~or~~ *or medium-term obligation*.

Sec. 14. NRS 354.518 is hereby amended to read as follows:

354.518 ~~“Estimated”~~ *“Anticipated”* revenue” means the amount of revenue ~~estimated~~ *anticipated* to be collected or accrued during a given period.

Sec. 15. NRS 354.520 is hereby amended to read as follows:

354.520 1. “Expenditure” means:

(a) If ~~accounts~~ *the accounting records* are kept on the ~~accrual basis or the~~ modified accrual basis, the cost of goods delivered or services rendered, whether paid or unpaid . ~~any provision for retirement of debt which is not reported as a liability of the fund from which the debt is retired, and any capital outlays.~~ *Expenditures are recognized in the accounting period in which the fund liability is incurred, if measurable, except for unmatured interest on general long-term liabilities which should be recognized when due.*

(b) If accounts are kept on the cash basis, only cash disbursements for the purposes listed in paragraph (a).

2. Encumbrances are not considered expenditures.

Sec. 16. NRS 354.523 is hereby amended to read as follows:

354.523 “Expense” means any charge incurred, *under the accrual basis*, whether paid or unpaid, for operation, maintenance or interest or any other charge which is presumed to provide benefit in the current fiscal period.

Sec. 17. NRS 354.524 is hereby amended to read as follows:

354.524 “Final budget” means the budget ~~that~~ *which* has been adopted by a local governing body or adopted by default as defined by NRS 354.470 to 354.626, inclusive, and ~~approved~~ *which has been determined* by the department of taxation ~~for the ensuing fiscal year.~~ *to be in compliance with applicable statutes and regulations.*

Sec. 18. NRS 354.528 is hereby amended to read as follows:

354.528 ~~“Fixed”~~ *“Capital”* assets” means assets of a long-term character which are intended to continue to be held or used such as land, buildings, machinery, furniture and other equipment.

Sec. 19. NRS 354.529 is hereby amended to read as follows:

354.529 “Function” means a group of related activities aimed at accomplishing a major service or regulatory program for which a governmental unit is responsible, ~~such as~~ *including, without limitation*, general government, public safety, public works, health, welfare, culture and recreation, conservation of natural resources, urban redevelopment and

housing, economic development and assistance, ~~for~~ economic opportunity ~~and activities relating to the judiciary.~~

Sec. 20. NRS 354.533 is hereby amended to read as follows:

354.533 “Fund balance” means the excess of assets over liabilities ~~and reserves~~ in a governmental fund.

Sec. 21. NRS 354.5335 is hereby amended to read as follows:

354.5335 ~~“Fund for capital projects”~~ **“Capital projects fund”** means a fund created to account for ~~all~~ resources used for the acquisition or construction of designated ~~fixed~~ **capital** assets by a governmental unit except those financed by proprietary or trust funds.

Sec. 22. NRS 354.535 is hereby amended to read as follows:

354.535 “General long-term debt” means debt which is legally payable from general revenues and is backed by the full faith and credit of a governmental unit. The term includes ~~debt represented by local government securities~~ **obligations issued by a local government** pursuant to chapter 350 of NRS and ~~debt created for medium term obligations pursuant to NRS 350.085 to 350.095, inclusive.~~ **other long-term liabilities, including, without limitation, accrued compensated absences and claims for workers’ compensation.**

Sec. 23. NRS 354.562 is hereby amended to read as follows:

354.562 ~~“Revenue”~~ means the gross ~~increase in ownership equity during a designated period.~~

~~2. If the accounts are kept on an accrual basis, this term designates:~~

~~—(a) Additions to assets which do not increase any liability or represent the recovery of an expenditure or contributions of fund capital in proprietary funds; and~~

~~—(b) The cancellation of liabilities without a corresponding increase in other liabilities or a decrease in assets.~~

~~3. If the accounts are kept on the modified accrual basis, the additions must be measurable and available to finance expenditures of the fiscal period.~~ **receipts and receivables of a local government derived from taxes and all other sources except from appropriations and allotments.**

Sec. 24. NRS 354.570 is hereby amended to read as follows:

354.570 “Special revenue fund” means a fund used to account for specific revenue sources, other than ~~special assessments, expendable trusts, or~~ sources for major capital projects, which are restricted by law to expenditure for specified purposes.

Sec. 25. NRS 354.5945 is hereby amended to read as follows:

354.5945 1. ~~On~~ **Except as otherwise provided in subsection 6, on** or before July 1 of each year, each local government shall prepare, on a form prescribed by the department of taxation for use by local governments, a capital improvement plan for the ensuing 5 fiscal years.

2. Each local government must submit a copy of the capital improvement plan of the local government to the:

(a) Department of taxation; and

(b) Debt management commission of the county in which the local government is located.

3. Each local government must file a copy of the capital improvement plan of the local government for public record and inspection by the public in the offices of:

- (a) The clerk or secretary of the governing body; and
- (b) The county clerk.

4. The total amount of the expenditures contained in the capital improvement plan of the local government for the next ensuing fiscal year must equal the total amount of expenditures for capital outlay set forth in the final budget of the local government for each fund listed in that budget.

5. The capital improvement plan must reconcile the capital outlay in each fund in the final budget for the first year of the capital improvement plan to the final budget in the next ensuing fiscal year. The reconciliation must identify the minimum level of expenditure for items classified as capital assets in the final budget and the minimum level of expenditure for items classified as capital projects in the capital improvement plan. The reconciliation of capital outlay items in the capital improvement plan must be presented on forms created and distributed by the department of taxation.

6. Local governments that are exempt from the requirements of the Local Government Budget and Finance Act pursuant to NRS 354.475 are not required to file a capital improvement plan.

Sec. 26. NRS 354.596 is hereby amended to read as follows:

354.596 1. ~~{On or before April 15 of each year, the}~~ *The* officer charged by law shall prepare, or the governing body shall cause to be prepared, on appropriate forms prescribed by the department of taxation for the use of local governments, a tentative budget for the ensuing fiscal year. The tentative budget ~~{and a copy of the local government's report of its proposed expenditures}~~ for the following fiscal year must be submitted to the county auditor and filed for public record and inspection in the office of:

- (a) The clerk or secretary of the governing body; and
- (b) The county clerk.

~~{The report must be written in the same detail as its chart of accounts. The total amount of the expenditures contained in this report equal the total amount of expenditures contained in its tentative budget for each department and fund listed in that budget.}~~

2. On or before April 15, a copy of the tentative budget must be submitted:

- (a) To the department of taxation; and*
- (b) In the case of school districts, to the department of education.*

3. At the time of filing the tentative budget, the governing body shall give notice of the time and place of a public hearing on the tentative budget and shall cause a notice of the hearing to be published once in a newspaper of general circulation within the area of the local government not more than 14 nor less than 7 days before the date set for the hearing. The notice of public hearing must state:

- (a) The time and place of the public hearing.
- (b) That a tentative budget has been prepared in such detail and on appropriate forms as prescribed by the department of taxation.
- (c) The places where copies of the tentative budget are on file and available for public inspection.

~~{3-}~~ 4. Budget hearings must be held:

- (a) For county budgets, on the third Monday in May;

- (b) For cities, on the third Tuesday in May;
 - (c) For school districts, on the third Wednesday in May; and
 - (d) For all other local governments, on the third Thursday in May,
- except that the board of county commissioners may consolidate the hearing on all local government budgets administered by the board of county commissioners with the county budget hearing.

~~{4. — On or before April 15, a copy of the tentative budget and notice of public hearing must be submitted:~~

~~— (a) To the department of taxation; and~~

~~— (b) In the case of school districts, to the state department of education.}~~

5. The department of taxation shall examine the submitted documents for compliance with law and with appropriate regulations and shall submit to the governing body at least 3 days before the public hearing a written certificate of compliance or a written notice of lack of compliance. The written notice must indicate the manner in which the submitted documents fail to comply with law or appropriate regulations.

6. Whenever the governing body receives from the department of taxation a notice of lack of compliance, the governing body shall forthwith proceed to amend the tentative budget to effect compliance with the law and with the appropriate regulation.

~~{7. — If any change which results in an increase in the amount of revenue required from property taxes is made in a tentative budget after it has been submitted to the county auditor pursuant to subsection 1, the amended tentative budget must be submitted to the county auditor at least 30 days before it may be adopted as the final budget.}~~

Sec. 27. NRS 354.598 is hereby amended to read as follows:

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

2. At the public hearing, the governing body shall indicate changes, if any, to be made in the tentative budget, and shall adopt a final budget by the favorable votes of a majority of all members of the governing body. Except as otherwise provided in this subsection, the final budget must be adopted on or before June 1 of each year. The final budgets of school districts must be adopted on or before June 8 of each year and must be accompanied by copies of the written report and written procedure prepared pursuant to subsection 3 of NRS 385.351. Should the governing body fail to adopt a final budget that complies with the requirements of law and the regulations of the department of taxation on or before the required date, the budget adopted and ~~{approved}~~ *used for certification of the combined ad valorem tax rate* by the department of taxation for the current year, adjusted as to content and rate in such a manner as the department of taxation may consider necessary, automatically becomes the budget for the ensuing fiscal year. When a budget has been so adopted by default, the governing body may not reconsider the budget without the express approval of the department of taxation. If the default budget creates a combined ad valorem tax rate in excess of the limit imposed by NRS

361.453, the Nevada tax commission shall adjust the budget as provided in NRS 361.4547 or 361.455.

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

4. Upon the adoption of the final budget or the amendment of the budget in accordance with ~~NRS 354.606,~~ *section 5 of this act*, the several amounts stated in it as proposed expenditures are appropriated for the purposes indicated in the budget.

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

6. ~~On or before January 1 of each school year, each school district shall adopt an amendment to its final budget after the count of pupils is completed pursuant to subsection 1 of NRS 387.1233. The amendment must reflect any adjustments necessary as a result of the completed count of pupils. If a local government makes a change in its final budget which increases the combined ad valorem tax rate, the local government shall submit the amended final budget to the county auditor within 15 days after making the change.~~

Sec. 28. NRS 354.59801 is hereby amended to read as follows:

354.59801 Each local government shall file in the office of the clerk or secretary of its governing body, for public record and inspection:

1. A copy of its final budget; *and*

2. A copy of its final plan for capital improvements prepared pursuant to NRS 354.5945 and, if applicable, NRS 350.0035. ~~;~~ *and*

~~3. A report of its proposed expenditures for the following fiscal year, written in the same detail as its chart of accounts. The total amount of these expenditures must equal the total amount of expenditures contained in its final budget for each department and fund listed in that budget.~~

Sec. 29. NRS 354.59811 is hereby amended to read as follows:

354.59811 1. Except as otherwise provided in NRS 354.59813, 354.59815, 354.5982, 354.5987, ~~354.59871,~~ 354.705, 354.723, 450.425, 450.760, 540A.265 and 543.600, and section 4 of ~~this act,~~ *Senate Bill No. 203 of this session*, for each fiscal year beginning on or after July 1, 1989, the maximum amount of money that a local government, except a school district, a district to provide a telephone number for emergencies, or a redevelopment agency, may receive from taxes ad valorem, other than those attributable to the net proceeds of minerals or those levied for the payment of bonded indebtedness and interest thereon incurred as general long-term debt of the issuer, or for the payment of obligations issued to pay the cost of a water project pursuant to NRS 349.950, or for the payment of obligations under a capital lease executed before April 30, 1981, must be calculated as follows:

(a) The rate must be set so that when applied to the current fiscal year's assessed valuation of all property which was on the preceding fiscal year's assessment roll, together with the assessed valuation of property on the central assessment roll which was allocated to the local government, but excluding any assessed valuation attributable to the net proceeds of minerals, assessed valuation attributable to a redevelopment area and assessed valuation of a fire protection district attributable to real property which is transferred from private ownership to public ownership for the purpose of conservation, it will produce 106 percent of the maximum revenue allowable from taxes ad valorem for the preceding fiscal year, except that the rate so determined must not be less than the rate allowed for the previous fiscal year, except for any decrease attributable to the imposition of a tax pursuant to NRS 354.59813 in the previous year.

(b) This rate must then be applied to the total assessed valuation, excluding the assessed valuation attributable to the net proceeds of minerals and the assessed valuation of a fire protection district attributable to real property which is transferred from private ownership to public ownership for the purpose of conservation but including new real property, possessory interests and mobile homes, for the current fiscal year to determine the allowed revenue from taxes ad valorem for the local government.

2. As used in this section, "general long-term debt" does not include debt created for medium-term obligations pursuant to NRS 350.085 to 350.095, inclusive.

Sec. 30. NRS 354.59817 is hereby amended to read as follows:

354.59817 1. In addition to the allowed revenue from taxes ad valorem determined pursuant to NRS 354.59811, upon the approval of a majority of the registered voters of a county voting upon the question, the board of county commissioners may levy a tax ad valorem on all taxable property in the county at a rate not to exceed 15 cents per \$100 of the assessed valuation of the county. A tax must not be levied pursuant to this section for more than 10 years.

2. The board of county commissioners shall direct the county treasurer to distribute quarterly the proceeds of any tax levied pursuant to the provisions of this section among the county and the cities and towns within that county in the proportion that the supplemental city-county relief tax distribution factor of each of those local governments for the 1990-1991 fiscal year bears to the sum of the supplemental city-county relief tax distribution factors of all ~~to~~ the local governments in the county for the 1990-1991 fiscal year.

3. The board of county commissioners shall not reduce the rate of any tax levied pursuant to the provisions of this section without the approval of each of the local governments that receives a portion of the tax, except that, if a local government declines to receive its portion of the tax in a particular year the levy may be reduced by the amount that local government would have received.

4. The governing body of each local government that receives a portion of the revenue from the tax levied pursuant to this section shall establish a separate ~~fund for~~ capital projects *fund* for the purposes set forth in this section. All interest and income earned on the money in the

fund must also be deposited in the fund. The money in the fund may only be used for:

- (a) The purchase of capital assets including land, improvements to land and major items of equipment;
- (b) The construction or replacement of public works; and
- (c) The renovation of existing governmental facilities, not including normal recurring maintenance.

The money in the fund must not be used to finance the issuance or the repayment of bonds or other obligations, including medium-term obligations.

5. Money may be retained in the fund for not more than 10 years to allow the funding of projects without the issuance of bonds or other obligations. For the purpose of determining the length of time a deposit of money has been retained in the fund, all money withdrawn from the fund shall be deemed to be taken on a first-in, first-out basis. No money in the fund at the end of the fiscal year may revert to any other fund, nor may the money be a surplus for any other purpose than those specified in this section.

6. The annual budget and audit report of each local government must specifically identify this fund and must indicate in detail the projects that have been funded with money from the fund. Any planned accumulation of the money in the fund must also be specifically identified.

7. The projects on which money raised pursuant to this section will be expended must be approved by the voters in the question submitted pursuant to subsection 1 or in a separate question submitted on the ballot at a primary, general or special election.

Sec. 31. NRS 354.5987 is hereby amended to read as follows:

354.5987 1. For the purposes of NRS 354.59811, the allowed revenue from taxes ad valorem of any local government ~~is:~~

~~—(a) Which comes into being on or after July 1, 1989, whether newly created, consolidated, or both; or~~

~~—(b) Which was in existence before July 1, 1989, but did not receive revenue from taxes ad valorem, except any levied for debt service, for the fiscal year ending June 30, 1989,;~~

must be ~~initially~~ established by the Nevada tax commission ~~for the first fiscal year it is in existence.~~

2. Except as otherwise provided in subsections 3 and ~~4~~ 5, if the local government for which the allowed revenue from taxes ad valorem is to be established performs a function previously performed by another local government, the total revenue allowed to all local governments for performance of substantially the same function in substantially the same geographical area must not be increased. To achieve this result, the Nevada tax commission shall request the committee on local government finance to prepare a statement of the prior cost of performing the function for each predecessor local government. Within 60 days after receipt of such a request, the committee on local government finance shall prepare a statement pursuant to the request and transmit it to the Nevada tax commission. The Nevada tax commission may accept, reject or amend the statement of the committee on local government finance. The decision of the Nevada tax commission is final. Upon making a final determination of

the prior cost of performing the function for each predecessor local government, the Nevada tax commission shall:

(a) Determine the percentage that the prior cost of performing the function for each predecessor local government is of the allowed revenue from taxes ad valorem of that local government; and

(b) Apply the percentage determined pursuant to paragraph (a) to the allowed revenue from taxes ad valorem and subtract that amount from the allowed revenue from taxes ad valorem of the predecessor local government.

The allowed revenue from taxes ad valorem attributable to the new local government for the cost of performing the function must equal the total of the amounts subtracted for the prior cost of performing the function from the allowed revenue from taxes ad valorem of all ~~to~~ the predecessor local governments.

3. If the local government for which the allowed revenue from taxes ad valorem is to be established is an unincorporated town which provides a service not previously provided by another local government, and the board of county commissioners has included the unincorporated town in a resolution adopted pursuant to the provisions of NRS 269.5755, the Nevada tax commission shall, if the unincorporated town does not receive revenue from taxes ad valorem, establish the allowed revenue of the town from taxes ad valorem at an amount which is in the same ratio to the assessed valuation of the town as the combined allowed revenues from taxes ad valorem are to the combined assessed valuations of the other unincorporated towns included in the common levy.

4. ~~{The allowed revenue from taxes ad valorem of an unincorporated town which provides a service not previously provided by another local government must be:~~

~~—(a) Reduced by 75 percent for the first fiscal year following the fiscal year in which the allowed revenue from taxes ad valorem is established pursuant to subsection 3;~~

~~—(b) Reduced by 50 percent for the second fiscal year following the fiscal year in which the allowed revenue from taxes ad valorem is established pursuant to subsection 3; and~~

~~—(c) Reduced by 25 percent for the third fiscal year following the fiscal year in which the allowed revenue from taxes ad valorem is established pursuant to subsection 3.~~

~~5. In any other case, except~~ *Except* as otherwise provided in subsection ~~{6.}~~ 5, the allowed revenue from taxes ad valorem of all local governments in the county, determined pursuant to NRS 354.59811, must not be increased, but the total allowed revenue from taxes ad valorem must be reallocated among the local governments consistent with subsection 2 to accommodate the amount established for the new local government pursuant to subsection 1.

~~{6.}~~ 5. In establishing the allowed revenue from taxes ad valorem of a county, city or town pursuant to this section, the Nevada tax commission shall allow a tax rate for operating expenses of at least 15 cents per \$100 of assessed valuation in addition to the tax rate allowed for any identified and restricted purposes and for debt service.

~~{7.}~~ 6. As used in this section:

(a) “Predecessor local government” means a local government which previously performed all or part of a function to be performed by the local government for which the allowed revenue from taxes ad valorem is being established pursuant to subsection 1.

(b) “Prior cost of performing the function” means the amount expended by a local government to perform a function which is now to be performed by another local government. The amount must be determined on the basis of the most recent fiscal year for which reliable information is available.

Sec. 32. NRS 354.599 is hereby amended to read as follows:

354.599 ~~1.1~~ If the legislature directs one or more local governments to:

~~1.1~~ **1.** Establish a program or provide a service; or

~~1.2~~ **2.** Increase a program or service already established which requires additional funding,

and the expense required to be paid by each local government to establish, provide or increase the program or service is \$5,000 or more, a specified source for the additional revenue to pay the expense must be authorized by a specific statute. The additional revenue may only be used to pay expenses directly related to the program or service. If a local government has money from any other source available to pay such expenses, that money must be applied to the expenses before any money from the revenue source specified by statute.

~~2. In any year in which the legislature by law increases or decreases the revenues of a local government, and that increase or decrease was not included or anticipated in the local government’s final budget as adopted pursuant to NRS 354.598, the governing body of any such local government may, before August 15 of the budget year, file an amended budget with the department of taxation increasing or decreasing its anticipated revenues and expenditures from that contained in its final budget to the extent of the actual increase or decrease of revenues resulting from the legislative action.~~

~~3. In any year in which the legislature enacts a law requiring an increase or decrease in expenditures of a local government, which was not anticipated or included in its final budget as adopted pursuant to NRS 354.598, the governing body of any such local government may, before August 15 of the budget year, file an amended budget with the department of taxation providing for an increase or decrease in expenditures from that contained in its final budget to the extent of the actual amount made necessary by the legislative action.~~

~~4. The amended budget, as approved by the department of taxation, is the budget of the local government for the current fiscal year.~~

Sec. 33. NRS 354.600 is hereby amended to read as follows:

354.600 Each budget must include:

1. Detailed estimates of ~~budget resources~~ *revenues, balances in other funds and other sources of financing* for the budget year classified by funds and sources in a manner and on forms prescribed by the department of taxation.

2. Detailed estimates of expenditures *and other uses of money* for the budget year classified in a manner and on forms prescribed by the department of taxation.

~~{3. A separate statement of the anticipated expense, including personnel, for the operation and maintenance of each capital improvement to be constructed during the budget year and of each capital improvement constructed on or after July 1, 1998, which is to be used during that or a future budget year.~~

~~4. A separate statement of the proposed source of funding for the operation and maintenance of each capital improvement, including personnel, to be constructed during that budget year.}~~

Sec. 34. NRS 354.603 is hereby amended to read as follows:

354.603 1. The board of trustees of any county school district, the board of hospital trustees of any county hospital or the board of trustees of any consolidated library district or district library may establish and administer separate accounts in:

(a) A bank whose deposits are insured by the Federal Deposit Insurance Corporation;

(b) A credit union whose deposits are insured by the National Credit Union Share Insurance Fund or by a private insurer approved pursuant to NRS 678.755; or

(c) A savings and loan association whose deposits if made by the state, a local government or an agency of either, are insured by the Federal Deposit Insurance Corporation, or the legal successor of the Federal Deposit Insurance Corporation, for money deposited by the county treasurer which is by law to be administered and expended by those boards.

2. The county treasurer shall transfer the money to a separate account pursuant to subsection 1 when the following conditions are met:

(a) The board of trustees of the county school district, the board of hospital trustees of the county hospital or the board of trustees of the consolidated library district or district library adopts a resolution declaring an intention to establish and administer a separate account in accordance with the provisions of this section.

(b) The board of trustees of the county school district, the board of hospital trustees of the county hospital or the board of trustees of the consolidated library district or district library sends a certificate to the county treasurer, the county auditor, the board of county commissioners and, in the case of the board of trustees of the county school district, to the department of education, attested by the secretary of the board, declaring the intention of the board to establish and administer a separate account in accordance with the provisions of this section.

(c) The board of hospital trustees of the county hospital or the board of trustees of the consolidated library district or district library submits monthly reports, listing all transactions involving the separate account, to the county treasurer, the county auditor and the board of county commissioners. The reports must be certified by the secretary of the board. In addition, the board shall give a full account and record of all money in such an account upon request of the board of county commissioners.

3. The separate account of the board of trustees of the county school district established under the provisions of this section must be composed of:

(a) The county school district fund; and

- (b) The county school district building and sites fund.
- 4. The separate account established by the board of county hospital trustees is designated the county hospital fund.
- 5. The separate account of the board of trustees of the consolidated library district or district library established under the provisions of this section must be composed of:
 - (a) The fund for the consolidated library or district library, as appropriate; and
 - (b) The ~~fund for~~ capital projects *fund* of the consolidated library or district library, as appropriate.
- 6. No expenditures from an account may be made in excess of the balance of the account.
- 7. Such an account must support all expenditures properly related to the purpose of the fund, excluding direct payments of principal and interest on general obligation bonds, and including, but not limited to, debt service, capital projects, capital outlay and operating expenses.
- 8. The board of county commissioners, if it determines that there is clear evidence of misuse or mismanagement of money in any separate account, may order the closing of the account and the return of the money to the county treasury to be administered in accordance with existing provisions of law. The board of trustees of the county school district, the board of hospital trustees of the county hospital or the board of trustees of the consolidated library district or district library is entitled to a hearing before the board of county commissioners.

Sec. 35. NRS 354.604 is hereby amended to read as follows:

354.604 Each local government shall maintain, according to its own needs:

- 1. The following kinds of governmental funds:
 - (a) General fund;
 - (b) Special revenue fund;
 - (c) ~~Fund for capital projects; and~~ *Capital projects fund;*
 - (d) Debt service fund ~~[-]; and~~
 - (e) *Permanent fund.*
- 2. The following kinds of proprietary funds:
 - (a) Enterprise fund; and
 - (b) Internal service fund.
- 3. ~~Trust and agency funds.~~
- ~~4.~~ The following kinds of ~~account groups:~~
 - ~~(a) General fixed assets; and~~
 - ~~(b) General long term debt.~~ *fiduciary funds:*
 - (a) *Pension and other employee benefits funds;*
 - (b) *Investment trust funds;*
 - (c) *Private-purpose trust funds; and*
 - (d) *Agency funds.*

Sec. 36. NRS 354.608 is hereby amended to read as follows:

354.608 A contingency account may be established in any governmental fund. The maximum amount which may be appropriated for such a contingency account is 3 percent of the money otherwise appropriated to the fund, exclusive of any amounts to be transferred to other funds. No expenditure may be made directly from such a contingency

account, except as a transfer to the appropriate account, and then only in accordance with the procedure established in ~~NRS 354.606.~~ *section 5 of this act.*

Sec. 37. NRS 354.6105 is hereby amended to read as follows:

354.6105 1. A local government ~~[in a county whose population is 100,000 or more shall]~~ *may* establish a fund for the extraordinary maintenance, repair or improvement of capital projects. ~~[The local government shall establish within that fund a separate account for each capital project it undertakes, except a capital project for the:~~

~~—(a) Construction of public roads;~~

~~—(b) Control of floods; or~~

~~—(c) Transmission or treatment of water, waste water or sewerage.~~

~~The local government shall allocate an amount equal to one half of 1 percent of the total amount of the bonds sold for each capital project and deposit that amount in the separate account established for that capital project. The proceeds from the sale of those bonds or any other money of the local government may be used to carry out the provisions of this subsection.]~~

2. Any interest and income earned on the money in ~~[an account within]~~ the fund in excess of any amount which is reserved for rebate payments to the Federal Government pursuant to 26 U.S.C. § 148, as amended, or is otherwise required to be applied in a specific manner by the Internal Revenue Code of 1986, as amended, must be credited to ~~[that account.]~~ *the fund.*

3. The money in ~~[each account within]~~ the fund may be used only for the extraordinary maintenance, repair or improvement of the capital ~~[project or a facility which replaces that capital project.]~~ *projects or facilities which replace capital projects of the local government that made the deposits into the fund.* The money in ~~[each account within]~~ the fund at the end of the fiscal year may not revert to any other fund or be a surplus for any purpose other than the purpose specified in this subsection. ~~[If the local government sells any capital project for which an account within the fund was established, any balance remaining in that account must be used to reduce the debt of the local government.]~~

~~4. The annual budget and audit report of the local government prepared pursuant to NRS 354.624 must specifically identify:~~

~~—(a) Each fund and every account within that fund established pursuant to this section and indicate in detail any extraordinary maintenance, repairs or improvements of the capital project that have been paid for with money from the fund; and~~

~~—(b) Any planned accumulation of money in each fund and every account within the fund.~~

~~The audit report must include a statement by the auditor whether the local government has complied with the provisions of this subsection.]~~

Sec. 38. NRS 354.6115 is hereby amended to read as follows:

354.6115 1. The governing body of a local government may, by resolution, establish a fund to stabilize the operation of the local government and mitigate the effects of natural disasters.

2. The money in the fund must be used only:

(a) If the total actual revenue of the local government falls short of the total anticipated revenue in the general fund for the fiscal year in which the local government uses that money; or

(b) To pay expenses incurred by the local government to mitigate the effects of a natural disaster.

The money in the fund at the end of the fiscal year may not revert to any other fund or be a surplus for any purpose other than a purpose specified in this subsection.

3. The money in the fund may not be used to pay expenses incurred to mitigate the effects of a natural disaster until the governing body of the local government issues a formal declaration that a natural disaster exists. The governing body shall not make such a declaration unless a natural disaster is occurring or has occurred. Upon the issuance of such a declaration, the money in the fund may be used for the payment of the following expenses incurred by the local government as a result of the natural disaster:

(a) The repair or replacement of roads, streets, bridges, water control facilities, public buildings, public utilities, recreational facilities and parks owned by the local government and damaged by the natural disaster;

(b) Any emergency measures undertaken to save lives, protect public health and safety or protect property within the jurisdiction of the local government;

(c) The removal of debris from publicly or privately owned land and waterways within the jurisdiction of the local government that was undertaken because of the natural disaster;

(d) Expenses incurred by the local government for any overtime worked by an employee of the local government because of the natural disaster or any other extraordinary expenses incurred by the local government because of the natural disaster; and

(e) The payment of any grant match the local government must provide to obtain a grant from a federal disaster assistance agency for an eligible project to repair damage caused by the natural disaster within the jurisdiction of the local government.

4. The balance in the fund must not exceed 10 percent of the expenditures from the general fund for the previous fiscal year, excluding any federal funds expended by the local government.

5. The annual budget and audit report of the local government prepared pursuant to NRS 354.624 must specifically identify the fund .
~~{and:~~

~~—(a) Indicate in detail the manner in which money in the fund was expended during the previous fiscal year;~~

~~—(b) Specify the amount of money, if any, that will be deposited in the fund for the next fiscal year; and~~

~~—(c) Identify any planned accumulation of the money in the fund.]~~

6. The audit report *prepared for the fund* must include a statement by the auditor whether the local government has complied with the provisions of this ~~{subsection.~~

~~—6.]~~ *section.*

7. Any transfer of money from a fund established pursuant to this section must be completed within 90 days after the end of the fiscal year in which the natural disaster for which the fund was established occurs.

8. As used in this section:

(a) “Grant match” has the meaning ascribed to it in NRS 353.2725.

(b) “Natural disaster” means a fire, flood, earthquake, drought or any other occurrence that:

(1) Results in widespread or severe damage to property or injury to or the death of persons within the jurisdiction of the local government; and

(2) As determined by the governing body of the local government, requires immediate action to protect the health, safety and welfare of persons residing within the jurisdiction of the local government.

Sec. 39. NRS 354.6116 is hereby amended to read as follows:

354.6116 A local government, except a school district, that receives revenue from taxes ad valorem from a lessee or user of property which is taxable pursuant to NRS 361.157 or 361.159 shall deposit the revenue in or transfer the revenue to one or more of the funds established by the local government pursuant to NRS ~~354.611~~ 354.6113 or 354.6115 and use that revenue only for the purposes authorized by those sections if the revenue was received in:

1. A fiscal year after the fiscal year the taxes were owed; or

2. The fiscal year the taxes are owed and the taxes were excluded from the estimate of revenue from taxes ad valorem for the local government pursuant to NRS 354.597.

Sec. 40. NRS 354.6117 is hereby amended to read as follows:

354.6117 1. Except as otherwise provided in subsection 2, the total amount of money which may be transferred in a fiscal year from the general fund of a local government to the funds established pursuant to NRS ~~354.611~~ 354.6113 and 354.6115 must not exceed 10 percent of the total amount of the budgeted expenditures of the general fund, plus any money transferred from the general fund, other than the money transferred to those funds, for that fiscal year.

2. Any money that a local government, pursuant to NRS 354.6116, deposits in or transfers to one or more of the funds established by the local government pursuant to NRS ~~354.611~~ 354.6113 or 354.6115:

(a) Is not subject to the limitation on the amount of money that a local government may transfer to those funds pursuant to subsection 1.

(b) Must not be included in the determination of the total amount of money transferred to those funds for the purposes of the limitation set forth in subsection 1.

Sec. 41. NRS 354.612 is hereby amended to read as follows:

354.612 1. A local government ~~may~~ *shall* establish by resolution one or more ~~internal service~~ funds. The resolution establishing the fund must set forth in detail:

(a) The object or purpose of the fund;

(b) The resources to be used to establish the fund;

(c) The source or sources from which the fund will be replenished; ~~and~~

(d) The method for controlling expenses and *establishing* revenues of the *fund; and*

(e) The method by which a determination will be made as to whether the balance, reserve or retained earnings of the fund are reasonable and necessary to carry out the purpose of the fund.

2. *Financial statements and other schedules required for funds must be prepared in accordance with generally accepted accounting principles.*

3. *Upon adoption of a resolution establishing a fund, a local government shall provide an executed copy of the resolution to the department of taxation.*

4. In establishing ~~{an internal service}~~ *a proprietary* fund, a local government shall, besides furnishing working capital for the fund, provide that one of its financial objectives is to recover the complete costs of operation of the activity being financed, including overhead, without producing any significant amount of profit in the long run.

~~{3. Financial statements and other schedules required for internal service funds must be prepared in accordance with generally accepted accounting principles.}~~

5. *Each enterprise fund established must account for all charges properly related to the purpose of the fund, including, without limitation, debt service, capital outlay and operating expenses. No transfer of equity that may be made available to other funds or functions may be declared in an enterprise fund until after all proper obligations have been charged against the fund.*

Sec. 42. NRS 354.620 is hereby amended to read as follows:

354.620 Any unencumbered balance on ~~{a}~~ *an accrual or* modified accrual basis or any unexpended balance on a cash basis remaining to the credit of any appropriation shall lapse at the end of the fiscal year and shall revert to the available balance of the fund from which appropriated.

Sec. 43. NRS 354.624 is hereby amended to read as follows:

354.624 1. Each local government shall provide for an annual audit of all of its ~~{~~:

~~—(a) Funds;~~

~~—(b) Account groups; and~~

~~—(c) Separate accounts established pursuant to NRS 354.603.}~~ *financial statements.*

A local government may provide for more frequent audits as it deems necessary. Except as otherwise provided in subsection 2, each annual audit must be concluded and the report of the audit submitted to the governing body as provided in subsection ~~{5}~~ *6* not later than 5 months after the close of the fiscal year for which the audit is conducted. An extension of this time may be granted by the department of taxation to any local government that submits an application for an extension to the department. If the local government fails to provide for an audit in accordance with the provisions of this section, the department of taxation shall cause the audit to be made at the expense of the local government. All audits must be conducted by a *certified* public accountant ~~{who is certified or registered}~~ or by a partnership or professional corporation that is registered pursuant to chapter 628 of NRS.

2. The annual audit of a school district must:

(a) Be concluded and the report submitted to the board of trustees as provided in subsection ~~FS~~ 6 not later than 4 months after the close of the fiscal year for which the audit is conducted.

(b) If the school district has more than 150,000 pupils enrolled, include an audit of the expenditure by the school district of ~~all~~ public money used:

(1) To design, construct or purchase new buildings for schools or related facilities;

(2) To enlarge, remodel or renovate existing buildings for schools or related facilities; and

(3) To acquire sites for building schools or related facilities, or other real property for purposes related to schools.

3. The governing body may, without requiring competitive bids, designate the auditor or firm annually. The auditor or firm must be designated *and notification of the auditor or firm designated must be sent to the department of taxation* not later than 3 months before the close of the fiscal year for which the audit is to be made.

4. Each annual audit must cover the business of the local government during the full fiscal year. It must be a financial audit conducted in accordance with generally accepted auditing standards ~~including~~ *comment in the United States, including, findings* on compliance with statutes and regulations ~~recommendations for improvements and any other comments deemed pertinent by the auditor, including his~~ *and an* expression of opinion on the financial statements. The department of taxation shall prescribe the form of the financial statements, and the chart of accounts must be as nearly as possible the same as the chart that is used in the preparation and publication of the annual budget. The report of the audit must include:

(a) A schedule of all fees imposed by the local government which were subject to the provisions of NRS 354.5989; *and*

(b) A comparison of the operations of the local government with the approved budget, including a statement from the auditor that indicates whether the governing body has taken action ~~by adoption as recommended, by adoption with modifications or by rejection on any deficiencies in operations and recommendations for improvements which were noted or made in previous reports;~~ *on the audit report for the prior year.*

5. Each local government shall provide to its auditor:

(a) A statement ~~from the auditor that indicates~~ *indicating* whether each of the following funds established by the local government is being used expressly for the purposes for which it was created, in the form required by NRS 354.6241:

(1) An enterprise fund.

(2) An internal service fund.

(3) A ~~trust or agency~~ *fiduciary* fund.

(4) A self-insurance fund.

(5) A fund whose balance is required by law to be:

(I) Used only for a specific purpose other than the payment of compensation to a bargaining unit, as defined in NRS 288.028; or

(II) Carried forward to the succeeding fiscal year in any designated amount; and

~~14(d)~~ (b) A list and description of any property conveyed to a nonprofit organization pursuant to NRS 244.287 or 268.058.

~~15. The recommendations and the summary of the narrative comments.~~

6. *The opinion and findings of the auditor* contained in the report of the audit must be ~~read in full~~ *presented* at a meeting of the governing body held not more than 30 days after the report is submitted to it. Immediately thereafter, the entire report, together with ~~any related letter to the governing body~~ *the management letter* required by generally accepted auditing standards *in the United States* or by regulations adopted pursuant to NRS 354.594, must be filed as a public record with:

- (a) The clerk or secretary of the governing body;
- (b) The county clerk;
- (c) The department of taxation; and
- (d) In the case of a school district, the department of education.

~~16-1~~ 7. *If an auditor finds evidence of fraud or dishonesty in the financial statements of a local government, the auditor shall report such evidence to the appropriate level of management in the local government.*

8. The governing body shall act upon the recommendations of the report of the audit within 3 months after receipt of the report, unless prompter action is required concerning violations of law or regulation, by setting forth in its minutes its intention to adopt the recommendations, to adopt them with modifications or to reject them for reasons shown in the minutes.

Sec. 44. NRS 354.6241 is hereby amended to read as follows:

354.6241 1. The statement required by paragraph ~~14(e)~~ (a) of subsection ~~14~~ 5 of NRS 354.624 must indicate for each fund set forth in that paragraph:

- (a) Whether the fund is being used in accordance with the provisions of this chapter.
- (b) Whether the fund is being administered in accordance with generally accepted accounting procedures.
- (c) Whether the reserve in the fund is limited to an amount that is reasonable and necessary to carry out the purposes of the fund.
- (d) The sources of revenues available for the fund during the fiscal year, including transfers from any other funds.
- (e) The statutory and regulatory requirements applicable to the fund.
- (f) The balance and retained earnings of the fund.

2. Except as otherwise provided in NRS 354.59891, to the extent that the reserve in any fund set forth in paragraph ~~14(e)~~ (a) of subsection ~~14~~ 5 of NRS 354.624 exceeds the amount that is reasonable and necessary to carry out the purposes for which the fund was created, the reserve may be expended by the local government pursuant to the provisions of chapter 288 of NRS.

Sec. 45. NRS 354.626 is hereby amended to read as follows:

354.626 1. No governing body or member thereof, officer, office, department or agency may, during any fiscal year, expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money, in excess of the amounts

appropriated for that function, other than bond repayments, medium-term obligation repayments, and any other long-term contract expressly authorized by law. Any officer or employee of a local government who willfully violates NRS 354.470 to 354.626, inclusive, is guilty of a misdemeanor, and upon conviction thereof ceases to hold his office or employment. Prosecution for any violation of this section may be conducted by the attorney general, or, in the case of incorporated cities, school districts or special districts, by the district attorney.

2. Without limiting the generality of the exceptions contained in subsection 1, the provisions of this section specifically do not apply to:

(a) Purchase of ~~comprehensive general liability policies~~ *coverage and professional services directly related to a program* of insurance which require an audit at the end of the term thereof.

(b) Long-term cooperative agreements as authorized by chapter 277 of NRS.

(c) Long-term contracts in connection with planning and zoning as authorized by NRS 278.010 to 278.630, inclusive.

(d) Long-term contracts for the purchase of utility service such as, but not limited to, heat, light, sewerage, power, water and telephone service.

(e) Contracts between a local government and an employee covering professional services to be performed within 24 months following the date of such contract or contracts entered into between local government employers and employee organizations.

(f) Contracts between a local government and any person for the construction or completion of public works, money for which has been or will be provided by the proceeds of a sale of bonds or medium-term obligations and that are entered into by the local government after:

(1) Any election required for the approval of the bonds has been held;

(2) Any approvals by any other governmental entity required to be obtained before the bonds or medium-term obligations can be issued have been obtained; and

(3) The ordinance or resolution that specifies each of the terms of the bonds or medium-term obligations, except those terms that are set forth in paragraphs (a) to (e), inclusive, of subsection 2 of NRS 350.165, has been adopted.

Neither the fund balance of a governmental fund nor the equity balance in any proprietary fund may be used unless appropriated in a manner provided by law.

(g) Contracts which are entered into by a local government and delivered to any person solely for the purpose of acquiring supplies, *services*, and equipment necessarily ordered in the current fiscal year for use in an ensuing fiscal year, and which, under the method of accounting adopted by the local government, will be charged against an appropriation of a subsequent fiscal year. Purchase orders evidencing such contracts are public records available for inspection by any person on demand.

(h) Long-term contracts for the furnishing of television or FM radio broadcast translator signals as authorized by NRS 269.127.

(i) The receipt and proper expenditure of money received pursuant to a grant awarded by an agency of the Federal Government.

(j) The incurrence of obligations beyond the current fiscal year under a lease or contract for installment purchase which contains a provision that the obligation incurred thereby is extinguished by the failure of the governing body to appropriate money for the ensuing fiscal year for the payment of the amounts then due.

Sec. 46. NRS 354.655 is hereby amended to read as follows:

354.655 As used in NRS 354.655 to 354.725, inclusive, unless the context requires otherwise:

1. “Committee” means the committee on local government finance.
2. “Department” means the department of taxation.
3. “Executive director” means the executive director of the department of taxation.
4. “Local government” means any local government subject to the provisions of the Local Government Budget *and Finance* Act.
5. The words and terms defined in the Local Government Budget *and Finance* Act have the meanings ascribed to them in that act.

Sec. 47. NRS 354.665 is hereby amended to read as follows:

354.665 1. If a local government does not file a statement, report or other document as required by the provisions of NRS 350.0035, 354.602, 354.6025, 354.624, 354.6245 or 387.303 within 15 days after the day on which it was due, the executive director shall notify the governing body of the local government in writing that the report is delinquent. The notification must be noted in the minutes of the first meeting of the governing body following transmittal of the notification.

2. If the required report is not received by the department within 45 days after the day on which the report was due, the executive director shall notify the governing body that the presence of a representative of the governing body is required at the next practicable scheduled meeting of the ~~[Nevada tax commission]~~ *committee* to explain the reason that the report has not been filed. The notice must be transmitted to the governing body at least 5 days before the date on which the meeting will be held.

3. If an explanation satisfactory to the ~~[Nevada tax commission]~~ *committee* is not provided at the meeting as requested in the notice and an arrangement is not made for the submission of the report, the ~~[commission]~~ *committee* may instruct the executive director to request that the state treasurer withhold from the local government the next distribution ~~{of the supplemental city county relief tax}~~ *from the local government tax distribution account* if the local government is otherwise entitled to receive such a distribution or of the Local School Support Tax if the local government is a school district. Upon receipt of such a request, the state treasurer shall withhold the payment and all future payments until he is notified by the executive director that the report has been received by the department.

Sec. 48. NRS 354.685 is hereby amended to read as follows:

354.685 1. If the department finds that one or more of the following conditions exist in any local government, after giving consideration to the severity of the condition, it may determine that one or more hearings should be conducted to determine the extent of the problem and to determine whether a recommendation of severe financial emergency should be made to the Nevada tax commission:

- (a) Required financial reports have not been filed or are consistently late.
- (b) The audit report reflects the unlawful expenditure of money in excess of the amount appropriated in violation of the provisions of NRS 354.626.
- (c) The audit report shows funds with deficit fund balances.
- (d) The local government has incurred debt beyond its ability to repay.
- (e) The local government has not corrected violations of statutes or regulations adopted pursuant thereto as noted in the audit report.
- (f) The local government has serious internal control problems noted in the audit report which have not been corrected.
- (g) The local government has a record of being late in its payments for services and supplies.
- (h) The local government has had insufficient cash to meet required payroll payments in a timely manner.
- (i) The local government has borrowed money or entered into long-term lease arrangements without following the provisions of NRS or regulations adopted pursuant thereto.
- (j) The governing body of the local government has failed to correct problems after it has been notified of such problems by the department.
- (k) The local government has not separately accounted for its individual funds as required by chapter 354 of NRS.
- (l) The local government has invested its money in financial instruments in violation of the provisions of chapter 355 of NRS.
- (m) The local government is in violation of any covenant in connection with any debt issued by the local government.
- (n) The local government has not made bond and lease payments in accordance with the approved payment schedule.
- (o) The local government has failed to control its assets such that large defalcations have occurred which have impaired the financial condition of the local government.
- (p) The local government has recognized sizeable losses as a result of the imprudent investment of money.
- (q) The local government has allowed its accounting system and recording of transactions to deteriorate to such an extent that it is not possible to measure accurately the results of operations or to ascertain the financial position of the local government without a reconstruction of transactions.
- (r) The local government has consistently issued checks not covered by adequate deposits.
- (s) The local government has loaned and borrowed money between funds without following the proper procedures.
- (t) The local government has expended money in violation of the provisions governing the expenditure of that money.
- (u) Money restricted for any specific use has been expended in violation of the terms and provisions relating to the receipt and expenditure of that money.
- (v) Money has been withheld in accordance with the provisions of NRS 354.665.

(w) If the local government is a school district, a loan has been made from the state permanent school fund to the school district pursuant to NRS 387.526.

(x) An employer in the county that accounts for more than 15 percent of the employment in the county has closed or significantly reduced operations.

(y) The local government has experienced a cumulative decline of 10 percent in population or assessed valuation for the past 2 years.

(z) The ending balance in the general fund of the local government has declined for the past 2 years.

(aa) The local government has failed to pay, in a timely manner, contributions to the public employees' retirement system, workers' compensation or payroll taxes or fails to pay, at any time, a payment required pursuant to the Federal Insurance Contributions Act.

2. If the department determines that a condition listed in subsection 1 exists, the department shall:

(a) Notify the local government about the determination;

(b) Request from the local government any information that the department deems to be appropriate to determine the extent of the condition; and

(c) Require the local government to formulate a plan of corrective action to mitigate the possible financial emergency.

3. Within 45 days after receiving notification pursuant to subsection 2, a local government shall submit to the committee any information requested by the department and a plan of corrective action.

4. The committee shall:

(a) Review a plan of corrective action submitted by a local government;

(b) Provide observations and recommendations for the local government; and

(c) If the committee deems necessary, periodically review the status of the financial operations of the local government.

5. The department shall report the observations and recommendations of the committee to the Nevada tax commission.

6. In addition to any notice otherwise required, the department shall give notice of any hearing held pursuant to subsection 1 to the governing body of each local government whose jurisdiction overlaps with the jurisdiction of the local government whose financial condition will be considered at least 10 days before the date on which the hearing will be held.

~~13-1~~ *7. If the department, following the hearing or hearings, determines that a recommendation of severe financial emergency should be made to the Nevada tax commission, it shall make such a recommendation as soon as practicable. Upon receipt of such a recommendation, the Nevada tax commission shall hold a hearing at which the department, the local government whose financial condition will be considered and each local government whose jurisdiction overlaps with the jurisdiction of the local government whose financial condition will be considered are afforded an opportunity to be heard. If, after the hearing, the Nevada tax commission determines that a severe financial emergency exists, it shall require by*

order that the department take over the management of the local government as soon as practicable.

8. As used in this section, "Federal Insurance Contributions Act" means subchapter A of chapter 9 of the Internal Revenue Code of 1939 and subchapters A and B of chapter 21 of the Internal Revenue Code of 1954, as such codes have been and may from time to time be amended.

Sec. 49. NRS 354.695 is hereby amended to read as follows:

354.695 1. As soon as practicable after taking over the management of a local government, the department shall, with the approval of the committee:

(a) Establish and implement a management policy and a financing plan for the local government;

(b) Provide for the appointment of a financial manager for the local government who is qualified to manage the fiscal affairs of the local government;

(c) Provide for the appointment of any other persons necessary to enable the local government to provide the basic services for which it was created in the most economical and efficient manner possible;

(d) Establish an accounting system and separate accounts in a bank or credit union, if necessary, to receive and expend all money and assets of the local government;

(e) Impose such hiring restrictions as deemed necessary after considering the recommendations of the financial manager;

(f) Negotiate and approve all contracts entered into by or on behalf of the local government before execution and enter into such contracts on behalf of the local government as the department deems necessary;

(g) Negotiate and approve all collective bargaining contracts to be entered into by the local government, except issues submitted to a factfinder whose findings and recommendations are final and binding pursuant to the provisions of the Local Government Employee-Management Relations Act;

(h) Approve all expenditures of money from any fund or account and all transfers of money from one fund to another;

(i) Employ such technicians as are necessary for the improvement of the financial condition of the local government;

(j) Meet with the creditors of the local government and formulate a debt liquidation program;

(k) Approve the issuance of bonds or other forms of indebtedness by the local government;

(l) Discharge any of the outstanding debts and obligations of the local government; and

(m) Take any other actions necessary to ensure that the local government provides the basic services for which it was created in the most economical and efficient manner possible.

2. The department may provide for reimbursement from the local government for the expenses ~~of~~ *the department* incurs in managing the local government. If such reimbursement is not possible, the department may request an allocation by the interim finance committee from the contingency fund pursuant to NRS 353.266, 353.268 and 353.269.

3. The governing body of a local government which is being managed by the department pursuant to this section may make recommendations to the department or the financial manager concerning the management of the local government.

4. Each state agency, board, department, commission, committee or other entity of the state shall provide such technical assistance concerning the management of the local government as is requested by the department.

5. The department may delegate any of the powers and duties imposed by this section to the financial manager appointed pursuant to paragraph (b) of subsection 1.

6. Except as otherwise provided in NRS 354.723 and 450.760, once the department has taken over the management of a local government pursuant to the provisions of subsection 1, that management may only be terminated pursuant to NRS 354.725.

Sec. 50. NRS 354.705 is hereby amended to read as follows:

354.705 1. As soon as practicable after the department takes over the management of a local government, the executive director shall:

(a) Determine the total amount of expenditures necessary to allow the local government to perform the basic functions for which it was created;

(b) Determine the amount of revenue reasonably expected to be available to the local government; and

(c) Consider any alternative sources of revenue available to the local government.

2. If the executive director determines that the available revenue is not sufficient to provide for the payment of required debt service and operating expenses, he may submit his findings to the committee who shall review the determinations made by the executive director. If the committee determines that additional revenue is needed, it shall prepare a recommendation to the Nevada tax commission as to which one or more of the following additional taxes or charges should be imposed by the local government:

(a) The levy of a property tax up to a rate which when combined with all other overlapping rates levied in the state does not exceed \$4.50 on each \$100 of assessed valuation.

(b) An additional tax on transient lodging at a rate not to exceed 1 percent of the gross receipts from the rental of transient lodging within the boundaries of the local government upon all persons in the business of providing lodging. Any such tax must be collected and administered in the same manner as all other taxes on transient lodging are collected by or for the local government.

(c) Additional service charges appropriate to the local government.

(d) If the local government is a county or has boundaries that are conterminous with the boundaries of the county:

(1) An additional tax on the gross receipts from the sale or use of tangible personal property not to exceed one quarter of 1 percent throughout the county. The ordinance imposing any such tax must include provisions in substance which comply with the requirements of subsections 2 to 5, inclusive, of NRS 377A.030.

(2) An additional governmental services tax of not more than 1 cent on each \$1 of valuation of the vehicle for the privilege of operating upon

the public streets, roads and highways of the county on each vehicle based in the county except those vehicles exempt from the governmental services tax imposed pursuant to chapter 371 of NRS or a vehicle subject to NRS 706.011 to 706.861, inclusive, which is engaged in interstate or intercounty operations. As used in this subparagraph, “based” has the meaning ascribed to it in NRS 482.011.

3. Upon receipt of the plan from the committee, *a panel consisting of three members of the Nevada tax commission appointed by the Nevada tax commission and three members of the committee appointed by the committee* shall hold a public hearing at a location within the boundaries of the local government in which the severe financial emergency exists after giving public notice of the hearing at least 10 days before the date on which the hearing will be held. In addition to the public notice, the ~~[Nevada tax commission]~~ *panel* shall give notice to the governing body of each local government whose jurisdiction overlaps with the jurisdiction of the local government in which the severe financial emergency exists.

4. After the public hearing ~~is~~ *conducted pursuant to subsection 3*, the Nevada tax commission may adopt the plan as submitted or adopt a revised plan. Any plan adopted pursuant to this section must include the duration for which any new or increased taxes or charges may be collected which must not exceed 5 years.

5. Upon adoption of the plan by the Nevada tax commission, the local government in which the severe financial emergency exists shall impose or cause to be imposed the additional taxes and charges included in the plan for the duration stated in the plan or until the severe financial emergency has been determined by the Nevada tax commission to have ceased to exist.

6. The allowed revenue from taxes ad valorem determined pursuant to NRS 354.59811 does not apply to any additional property tax levied pursuant to this section.

7. *If a plan fails to satisfy the expenses of the local government to the extent expected, the committee shall report such failure to:*

(a) The county for consideration of absorption of services; or

(b) If the local government is a county, to the next regular session of the legislature.

Sec. 51. NRS 4.035 is hereby amended to read as follows:

4.035 1. The court administrator shall, at the direction of the chief justice of the supreme court, arrange for the giving of instruction, at the National Judicial College in Reno, Nevada, or elsewhere:

(a) In court procedure, recordkeeping and the elements of substantive law appropriate to a justice’s court, to each justice of the peace who is first elected or appointed to office after July 1, 1971, and to other justices of the peace who so desire and who can be accommodated, between each general election and January 1 next following.

(b) In statutory amendments and other developments in the law appropriate to a justice’s court, to all justices of the peace at least once each year.

2. Each county shall pay to the supreme court the county’s pro rata share of the costs of that instruction as budgeted for pursuant to the Local Government Budget *and Finance* Act.

3. The supreme court shall deposit with the state treasurer, for credit to the appropriate account of the supreme court, all money received pursuant to subsection 2.

Sec. 52. NRS 5.025 is hereby amended to read as follows:

5.025 1. The court administrator shall, at the direction of the chief justice of the supreme court, arrange for the giving of instruction, at the National Judicial College in Reno, Nevada, or elsewhere:

(a) In court procedure, recordkeeping and the elements of substantive law appropriate to a municipal court, to each municipal judge who is first elected or appointed to office after July 1, 1971, and to other such judges who so desire and who can be accommodated, between each election designated for the election of such judges and the date of entering office.

(b) In statutory amendments and other developments in the law appropriate to a municipal court, to all such judges at convenient intervals.

2. Each city shall pay to the supreme court the city's pro rata share of the costs of such instruction as budgeted for pursuant to the Local Government Budget *and Finance* Act.

3. The supreme court shall deposit with the state treasurer, for credit to the appropriate account of the supreme court, all money received pursuant to subsection 2.

Sec. 53. NRS 41.075 is hereby amended to read as follows:

41.075 No cause of action may be brought against the committee on local government finance created pursuant to ~~NRS 266.0165,~~ *section 4 of this act*, or any of its members, which is based upon:

1. Any act or omission in the execution of, or otherwise in conjunction with, the execution of NRS 354.655 to 354.725, inclusive, or any policy or plan adopted pursuant thereto, whether or not such statute, policy or plan is valid, if the statute, policy or plan has not been declared invalid by a court of competent jurisdiction; or

2. The exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of the committee on local government finance or member thereof, whether or not the discretion involved is abused.

Sec. 54. NRS 218.53881 is hereby amended to read as follows:

218.53881 1. There is hereby established a legislative committee to study the distribution among local governments of revenue from state and local taxes consisting of:

(a) Two members appointed by the majority leader of the senate from the membership of the senate standing committee on government affairs during the immediately preceding session of the legislature;

(b) Two members appointed by the majority leader of the senate from the membership of the senate standing committee on taxation during the immediately preceding session of the legislature;

(c) Two members appointed by the speaker of the assembly from the membership of the assembly standing committee on government affairs during the immediately preceding session of the legislature; and

(d) Two members appointed by the speaker of the assembly from the membership of the assembly standing committee on taxation during the immediately preceding session of the legislature.

2. The committee shall consult with an advisory committee consisting of the executive director of the department of taxation and 10 members who are representative of various geographical areas of the state and are appointed for terms of 2 years commencing on July 1 of each odd-numbered year as follows:

(a) One member of the committee on local government finance created pursuant to ~~NRS 266.0165~~ *section 4 of this act* appointed by the Nevada League of Cities;

(b) One member of the committee on local government finance created pursuant to ~~NRS 266.0165~~ *section 4 of this act* appointed by the Nevada Association of Counties;

(c) One member of the committee on local government finance created pursuant to ~~NRS 266.0165~~ *section 4 of this act* appointed by the Nevada School Trustees Association;

(d) Three members involved in the government of a county appointed by the Nevada Association of Counties;

(e) Three members involved in the government of an incorporated city appointed by the Nevada League of Cities; and

(f) One member who is a member of a board of trustees for a general improvement district appointed by the legislative commission.

The members of the advisory committee are nonvoting members of the committee. When meeting as the advisory committee, the members shall comply with the provisions of chapter 241 of NRS.

3. The legislative members of the committee shall elect a chairman from one house of the legislature and a vice chairman from the other house. Each chairman and vice chairman holds office for a term of 2 years commencing on July 1 of each odd-numbered year.

4. Any member of the committee who is not a candidate for reelection or who is defeated for reelection continues to serve until the next session of the legislature convenes.

5. Vacancies on the committee must be filled in the same manner as original appointments.

6. The committee shall report annually to the legislative commission concerning its activities and any recommendations.

Sec. 55. NRS 244A.615 is hereby amended to read as follows:

244A.615 As provided by law, the county fair and recreation board shall comply with the provisions of the Local Government Budget *and Finance Act*.

Sec. 56. NRS 271.536 is hereby amended to read as follows:

271.536 In lieu of issuing bonds or interim securities to defray the cost of an improvement to be constructed by way of a special improvement district, the governing body may advance money to cover that cost from:

1. The general fund of the municipality, if the cost of the improvement does not exceed \$300,000; or

2. ~~{An internal service}~~ *A proprietary* fund, if the municipality has established ~~{an internal service}~~ *a proprietary* fund for that purpose pursuant to NRS 354.612.

Sec. 57. NRS 278.806 is hereby amended to read as follows:

278.806 1. The agency shall establish and maintain an office within the state. The agency may rent property and equipment. Every plan,

ordinance and other record of the agency which is of such nature as to constitute a public record under the law of the State of Nevada shall be open to inspection and copying during regular office hours.

2. The agency shall be deemed to be a local government for the purposes of the Local Government Budget *and Finance* Act.

Sec. 57.5 NRS 360.690 is hereby amended to read as follows:

360.690 1. Except as otherwise provided in NRS 360.730, the executive director shall estimate monthly the amount each local government, special district and enterprise district will receive from the account pursuant to the provisions of this section.

2. The executive director shall establish a base monthly allocation for each local government, special district and enterprise district by dividing the amount determined pursuant to NRS 360.680 for each local government, special district and enterprise district by 12 and the state treasurer shall, except as otherwise provided in subsections 3, 4 and 5, remit monthly that amount to each local government, special district and enterprise district.

3. If, after making the allocation to each enterprise district for the month, the executive director determines there is not sufficient money available in the county's subaccount in the account to allocate to each local government and special district the base monthly allocation determined pursuant to subsection 2, he shall prorate the money in the county's subaccount and allocate to each local government and special district an amount equal to the percentage of the amount that the local government or special district received from the total amount which was distributed to all local governments and special districts within the county for the fiscal year immediately preceding the year in which the allocation is made. The state treasurer shall remit that amount to the local government or special district.

4. Except as otherwise provided in subsection 5, if the executive director determines that there is money remaining in the county's subaccount in the account after the base monthly allocation determined pursuant to subsection 2 has been allocated to each local government, special district and enterprise district, he shall immediately determine and allocate each:

(a) Local government's share of the remaining money by:

(1) Multiplying one-twelfth of the amount allocated pursuant to NRS 360.680 by one plus the sum of the:

(I) Percentage change in the population of the local government for the fiscal year immediately preceding the year in which the allocation is made, as certified by the governor pursuant to NRS 360.285 except as otherwise provided in subsection 6; and

(II) Average percentage of change in the assessed valuation of the taxable property in the local government, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the year in which the allocation is made, as projected by the department pursuant to NRS 361.390, and the 4 fiscal years immediately preceding the year in which the allocation is made; and

(2) Using the figure calculated pursuant to subparagraph (1) to calculate and allocate to each local government an amount equal to the

proportion that the figure calculated pursuant to subparagraph (1) bears to the total amount of the figures calculated pursuant to subparagraph (1) of this paragraph and subparagraph (1) of paragraph (b), respectively, for the local governments and special districts located in the same county multiplied by the total amount available in the subaccount; and

(b) Special district's share of the remaining money by:

(1) Multiplying one-twelfth of the amount allocated pursuant to NRS 360.680 by one plus the average change in the assessed valuation of the taxable property in the special district, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the 5 fiscal years immediately preceding the year in which the allocation is made; and

(2) Using the figure calculated pursuant to subparagraph (1) to calculate and allocate to each special district an amount equal to the proportion that the figure calculated pursuant to subparagraph (1) bears to the total amount of the figures calculated pursuant to subparagraph (1) of this paragraph and subparagraph (1) of paragraph (a), respectively, for the local governments and special districts located in the same county multiplied by the total amount available in the subaccount.

The state treasurer shall remit the amount allocated to each local government or special district pursuant to this subsection.

5. The executive director shall not allocate any amount to a local government or special district pursuant to subsection 4, unless the amount distributed and allocated to each of the local governments and special districts in the county in each preceding month of the fiscal year in which the allocation is to be made was at least equal to the base monthly allocation determined pursuant to subsection 2. If the amounts distributed to the local governments and special districts in the county for the preceding months of the fiscal year in which the allocation is to be made were less than the base monthly allocation determined pursuant to subsection 2 and the executive director determines there is money remaining in the county's subaccount in the account after the distribution for the month has been made, he shall:

(a) Determine the amount by which the base monthly allocations determined pursuant to subsection 2 for each local government and special district in the county for the preceding months of the fiscal year in which the allocation is to be made exceeds the amounts actually received by the local governments and special districts in the county for the same period; and

(b) Compare the amount determined pursuant to paragraph (a) to the amount of money remaining in the county's subaccount in the account to determine which amount is greater.

If the executive director determines that the amount determined pursuant to paragraph (a) is greater, he shall allocate the money remaining in the county's subaccount in the account pursuant to the provisions of subsection 3. If the executive director determines that the amount of money remaining in the county's subaccount in the account is greater, he shall first allocate the money necessary for each local government and special district to receive the base monthly allocation determined pursuant to subsection 2 and the state treasurer shall remit that money so allocated. The executive

director shall allocate any additional money in the county's subaccount in the account pursuant to the provisions of subsection 4.

6. The percentage change calculated pursuant to paragraph (a) of subsection 4 must:

(a) ~~HH~~ *Except as otherwise provided in paragraph (c), if* the Bureau of the Census of the United States Department of Commerce issues population totals that conflict with the totals certified by the governor pursuant to NRS 360.285, be an estimate of the change in population for the calendar year, based upon the population totals issued by the Bureau of the Census.

(b) If a new method of determining population is established pursuant to NRS 360.283, be adjusted in a manner that will result in the percentage change being based on population determined pursuant to the new method for both the fiscal year in which the allocation is made and the fiscal year immediately preceding the year in which the allocation is made.

(c) If a local government files a formal appeal with the Bureau of the Census of the United States Department of Commerce concerning the population total of the local government issued by the Bureau of the Census, be calculated using the population total certified by the governor pursuant to NRS 360.285 until the appeal is resolved. If additional money is allocated to the local government because the population total certified by the governor is greater than the population total issued by the Bureau of the Census, the state treasurer shall deposit that additional money in a separate interest-bearing account. Upon resolution of the appeal, if the population total finally determined pursuant to the appeal is:

(1) Equal to or less than the population total initially issued by the Bureau of the Census, the state treasurer shall transfer the total amount in the separate interest-bearing account, including interest but excluding any administrative fees, to the local government tax distribution account for allocation among the local governments in the county pursuant to subsection 4.

(2) Greater than the population total initially issued by the Bureau of the Census, the executive director shall calculate the amount that would have been allocated to the local government pursuant to subsection 4 if the population total finally determined pursuant to the appeal had been used and the state treasurer shall remit to the local government an amount equal to the difference between the amount actually distributed and the amount calculated pursuant to this subparagraph or the total amount in the separate interest-bearing account, including interest but excluding any administrative fees, whichever is less.

7. On or before February 15 of each year, the executive director shall provide to each local government, special district and enterprise district a preliminary estimate of the revenue it will receive from the account for that fiscal year.

8. On or before March 15 of each year, the executive director shall:

(a) Make an estimate of the receipts from each tax included in the account on an accrual basis for the next fiscal year in accordance with

generally accepted accounting principles, including an estimate for each county of the receipts from each tax included in the account; and

(b) Provide to each local government, special district and enterprise district an estimate of the amount that local government, special district or enterprise district would receive based upon the estimate made pursuant to paragraph (a) and calculated pursuant to the provisions of this section.

9. A local government, special district or enterprise district may use the estimate provided by the executive director pursuant to subsection 8 in the preparation of its budget.

Sec. 58. NRS 360.750 is hereby amended to read as follows:

360.750 1. A person who intends to locate or expand a business in this state may apply to the commission on economic development for a partial abatement of one or more of the taxes imposed on the new or expanded business pursuant to chapter 361, 364A or 374 of NRS.

2. The commission on economic development shall approve an application for a partial abatement if the commission makes the following determinations:

(a) The business is consistent with:

(1) The state plan for industrial development and diversification that is developed by the commission pursuant to NRS 231.067; and

(2) Any guidelines adopted pursuant to the state plan.

(b) The applicant has executed an agreement with the commission which states that the business will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 5, continue in operation in this state for a period specified by the commission, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection. The agreement must bind the successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this state or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county or city whose population is 50,000 or more, the business meets at least two of the following requirements:

(1) The business will have 75 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least \$1,000,000 in this state.

(3) The average hourly wage that will be paid by the new business to its employees in this state is at least 100 percent of the average statewide hourly wage as established by the employment security division of the department of employment, training and rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this state will meet the minimum requirements for benefits established by the commission by regulation pursuant to subsection 9.

(e) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county or city whose population is less than 50,000, the business meets at least two of the following requirements:

(1) The business will have 25 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least \$250,000 in this state.

(3) The average hourly wage that will be paid by the new business to its employees in this state is at least 100 percent of the average statewide hourly wage as established by the employment security division of the department of employment, training and rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this state will meet the minimum requirements for benefits established by the commission by regulation pursuant to subsection 9.

(f) If the business is an existing business, the business meets at least two of the following requirements:

(1) The business will increase the number of employees on its payroll by 10 percent more than it employed in the immediately preceding fiscal year or by six employees, whichever is greater.

(2) The business will expand by making a capital investment in this state in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the immediately preceding fiscal year. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:

(I) County assessor of the county in which the business will expand, if the business is locally assessed; or

(II) Department, if the business is centrally assessed.

(3) The average hourly wage that will be paid by the existing business to its new employees in this state is at least 100 percent of the average statewide hourly wage as established by the employment security division of the department of employment, training and rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all new employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its new employees in this state will meet the minimum requirements for benefits established by the commission by regulation pursuant to subsection 9.

3. Notwithstanding the provisions of subsection 2, the commission on economic development may:

(a) Approve an application for a partial abatement by a business that does not meet the requirements set forth in paragraph (d), (e) or (f) of subsection 2;

(b) Make the requirements set forth in paragraph (d), (e) or (f) of subsection 2 more stringent; or

(c) Add additional requirements that a business must meet to qualify for a partial abatement, if the commission determines that such action is necessary.

4. If a person submits an application to the commission on economic development pursuant to subsection 1, the commission shall provide notice to the governing body of the county and the city or town, if any, in which the person intends to locate or expand a business. The notice required pursuant to this subsection must set forth the date, time and location of the hearing at which the commission will consider the application.

5. If the commission on economic development approves an application for a partial abatement, the commission shall immediately forward a certificate of eligibility for the abatement to:

(a) The department;

(b) The Nevada tax commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer.

6. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the executive director of the commission on economic development, furnish the executive director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

7. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,

the business shall repay to the department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada tax commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

8. A county treasurer:

(a) Shall deposit any money that he receives pursuant to subsection 7 in one or more of the funds established by a local government of the county pursuant to NRS ~~354.611,~~ 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS ~~354.611,~~ 354.6113 and 354.6115.

9. The commission on economic development:

(a) Shall adopt regulations relating to:

(1) The minimum level of benefits that a business must provide to its employees if the business is going to use benefits paid to employees as a basis to qualify for a partial abatement; and

(2) The notice that must be provided pursuant to subsection 4.

(b) May adopt such other regulations as the commission on economic development determines to be necessary to carry out the provisions of this section.

10. The Nevada tax commission:

(a) Shall adopt regulations regarding:

(1) The capital investment that a new business must make to meet the requirement set forth in paragraph (d) or (e) of subsection 2; and

(2) Any security that a business is required to post to qualify for a partial abatement pursuant to this section.

(b) May adopt such other regulations as the Nevada tax commission determines to be necessary to carry out the provisions of this section.

11. An applicant for an abatement who is aggrieved by a final decision of the commission on economic development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 59. NRS 374A.020 is hereby amended to read as follows:

374A.020 1. The collection of the tax imposed by NRS 374A.010 must be commenced on the first day of the first calendar quarter that begins at least 30 days after the last condition in subsection 1 of NRS 374A.010 is met.

2. The tax must be administered, collected and distributed in the manner set forth in chapter 374 of NRS.

3. The board of trustees of the school district shall transfer the proceeds of the tax imposed by NRS 374A.010 from the county school district fund to the fund described in NRS ~~354.611~~ *which 354.6105, if the fund* has been established by the board of trustees. ~~The~~ *Any* money deposited in the fund described in NRS ~~354.611~~ *354.6105* pursuant to this subsection must be accounted for separately in that fund and must only be expended by the board of trustees for the cost of the extraordinary maintenance, extraordinary repair and extraordinary improvement of school facilities within the county.

Sec. 60. NRS 387.3045 is hereby amended to read as follows:

387.3045 If the ending balance of the general fund of a school district has declined for 3 consecutive years, the school district shall submit to the committee on local government finance created pursuant to ~~NRS 266.0165~~ *section 4 of this act* a written explanation of the cause of the decline.

Sec. 61. NRS 555.215 is hereby amended to read as follows:

555.215 1. Upon the preparation and approval of a budget in the manner required by the Local Government Budget *and Finance* Act, the board of county commissioners of each county having lands situated in the district shall, by resolution, levy an assessment upon all real property in the county which is in the weed control district.

2. Every assessment so levied is a lien against the property assessed.

3. Amounts collected in counties other than the county having the larger or largest proportion of the area of the district must be paid over to the board of county commissioners of that county for the use of the district.

4. The county commissioners of that county may obtain medium-term obligations pursuant to NRS 350.085 to 350.095, inclusive, of an amount of money not to exceed the total amount of the assessment, to pay the expenses of controlling the weeds in the weed control district. The loans may be made only after the assessments are levied.

Sec. 62. NRS 555.560 is hereby amended to read as follows:

555.560 1. Upon the preparation and approval of a budget in the manner required by the Local Government Budget *and Finance* Act, the board of county commissioners shall, by resolution, levy an assessment upon all real property in the rodent control district.

2. Every assessment so levied shall be a lien against the property assessed.

3. The county commissioners may obtain short-term loans of an amount of money not to exceed the total amount of such assessment, for the purpose of paying the expenses of controlling the rodents in a rodent control district. Such loans may be made only after such assessments are levied.

Sec. 63. Section 12 of chapter 227, Statutes of Nevada 1975, as amended by chapter 351, Statutes of Nevada 1997, at page 1280, is hereby amended to read as follows:

Sec. 12. 1. The provisions of the Local Government Budget *and Finance* Act, NRS 354.470 to 354.626, inclusive, as now and hereafter amended, apply to the Authority as a local government, and the Authority shall, for purposes of that application, be deemed a district other than a school district.

2. The provisions of NRS 350.085 to 350.095, inclusive, apply to the Authority.

Sec. 64. Section 2.060 of chapter 470, Statutes of Nevada 1975, at page 730 is hereby amended to read as follows:

Sec. 2.060 Powers of city council: Ordinances, resolutions and orders.

1. The city council may make and pass all ordinances, resolutions and orders not repugnant to the Constitution of the United States or the State of Nevada, or to the provisions of Nevada Revised Statutes or of this charter, necessary for the municipal government and the management of the affairs of the city, and for the execution of all the powers vested in the city.

2. When power is conferred upon the city council to do and perform something, and the manner of exercising such power is not specifically provided for, the city council may provide by ordinance the manner and details necessary for the full exercise of such power.

3. The city council may enforce ordinances by providing penalties not to exceed those established by the legislature for misdemeanors.

4. The city council shall have such powers, not in conflict with the express or implied provisions of this charter, as are conferred upon the governing bodies of cities by Nevada Revised Statutes.

5. The city council shall annually adopt a budget pursuant to the Local Government Budget *and Finance* Act.

Sec. 65. Section 9 of chapter 474, Statutes of Nevada 1977, at page 970, as last amended by chapter 121, Statutes of Nevada 1991, at page 205, is hereby amended to read as follows:

Sec. 9 1. Except as otherwise provided in subsection 2, the board shall comply with the provisions of the Local Government Purchasing Act and the Local Government Budget *and Finance* Act.

2. Except as otherwise provided in section 10.2 of this act, any concession agreement entered into by the authority in conformity with the provisions of that section need not conform to the requirements of the Local Government Purchasing Act.

Sec. 66. Section 8 of chapter 844, Statutes of Nevada 1989, at page 2026 is hereby amended to read as follows:

Sec. 8. The board shall comply with the provisions of the Nevada Ethics in Government Law, NRS 241.020, the Local Government Purchasing Act and the Local Government Budget *and Finance* Act.

Sec. 67. Section 19 of chapter 572, Statutes of Nevada 1997, at page 2803 is hereby amended to read as follows:

Sec. 19. The provisions of ~~subsection 1 of~~ NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 68. NRS 266.0165, 354.478, 354.480, 354.481, 354.488, 354.514, 354.522, 354.540, 354.542, 354.551, 354.558, 354.564, 354.566, 354.576, 354.580, 354.588, 354.595, 354.5984, 354.59871, 354.59872, 354.606, 354.610, 354.6107, 354.611, 354.6145, 354.615, 354.621 and 354.622 are hereby repealed.

Sec. 69. 1. This section and sections 1 to 9, inclusive, 11 to 28, inclusive, 30 to 43, inclusive, 45 to 49, inclusive, and 51 to 68, inclusive, of this act become effective on July 1, 2001.

2. Sections 10, 29, 44 and 50 of this act become effective at 12:01 a.m. on July 1, 2001.