

Amendment No. 537

Senate Amendment to Senate Bill No. 250

(BDR 31-749)

Proposed by: Senate Committee on Government Affairs**Amendment Box:** Replaces Amendments Nos. 256 and 527.**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	☐	Lost	☐ _____	Adopted	☐	Lost	☐ _____
Concurred In	☐	Not	☐ _____	Concurred In	☐	Not	☐ _____
Receded	☐	Not	☐ _____	Receded	☐	Not	☐ _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

HAC



Date: 4/26/2011

S.B. No. 250—Makes various changes relating to state financial administration.
(BDR 31-749)



SENATE BILL NO. 250—SENATOR KIECKHEFER

MARCH 17, 2011

Referred to Committee on Government Affairs

SUMMARY—Makes various changes relating to state financial administration.
(BDR 31-749)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to state financial administration; revising provisions governing state budgeting; making various other changes relating to state financial administration; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Chief of the Budget Division of the Department of Administration is required to prepare a proposed budget for the Executive Department of the State Government for each biennium for the Governor's approval and submission to the Legislature. In preparing that proposed budget, the Chief is prohibited from exceeding a limit on total proposed expenditures calculated with a formula involving a base budget that is equal to the total expenditures in the 1975-1977 biennium, which is multiplied by a certain population growth percentage obtained from the United States Department of Commerce and an inflation or deflation percentage based on figures from the United States Department of Labor. (NRS 353.185, 353.213) ***Section 2 of this bill revises that formula by ~~requiring first an estimation of the total proposed expenditures, which utilizes a base equal to the total expenditures from Fiscal Years 2005-2007, and provides for the population growth percentage to be determined using figures from the State Demographer, and for the inflation or deflation percentage to be based on a comparison between the most recent estimate of the Economic Forum of the state and local government consumption expenditures and the gross investment component of the Gross Domestic Product to the same component as calculated in the last quarter of 2006 by the Bureau of Economic Analysis of the United States Department of Commerce,~~ requiring that the base for each biennium be the immediately preceding 60-month rolling average of total expenditure, less any expenditure that has been removed from the State General Fund. This 60-month rolling average will first apply to the Governor's proposed budget developed in 2012, so the 60-month rolling average in 2012 will consider expenditures between 2007 and 2012.*** Section 2 further requires that the actual total proposed expenditures in the Governor's proposed budget be based on a comparison between the estimation of total proposed expenditures, the total legislative appropriations made in the previous biennium and the most recent forecast for revenues in the State General Fund made by the Economic Forum. ***Finally, section 2 provides that if the most recent forecast by the Economic Forum of revenues in the State exceeds the limit upon total proposed expenditures, the Chief must include in the proposed budget: (1) a transfer of 60 percent of such excess amount to the Fund to Stabilize the Operation of the State Government; and (2) the use of 40 percent of such excess amount for only capital expenditures, reducing unfunded liabilities, providing one-time matching funds***

for grants, employee training and education, and acquisition or improvement of technology.

Sections 1 and 4 of this bill require that if the actual revenue of the State during a biennium exceeds the total expenditures from the State General Fund appropriated and authorized by the Legislature for such biennium: (1) 60 percent of such amount must be deposited into the Fund to Stabilize the Operation of the State Government; and (2) 40 percent of such amount may only be used in a future biennium for capital expenditures, reducing unfunded liabilities, providing one-time matching funds for grants, employee training and education, acquisition or improvement of technology, and supplementary appropriations.

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

Section 1. Chapter 353 of NRS is hereby amended by adding thereto a new section to read as follows:

If the total actual revenue of the State during a biennium exceeds the total expenditures from the State General Fund appropriated and authorized by the Legislature for such biennium, 40 percent of the amount of such excess may only be used in a future biennium for the following purposes:

1. Capital expenditures.
2. Reducing unfunded liabilities of the State.
3. Providing one-time matching funds for grants.
4. Employee training and education.
5. Acquisition or improvement of technology.
6. Supplementary appropriations.

~~(Section 1.)~~ **Sec. 1.5.** NRS 353.185 is hereby amended to read as follows:
353.185 The powers and duties of the Chief are:

1. To appraise the quantity and quality of services rendered by each agency in the Executive Department of the State Government, and the needs for such services and for any new services.

2. To develop plans for improvements and economies in organization and operation of the Executive Department, and to install such plans as are approved by the respective heads of the various agencies of the Executive Department, or as are directed to be installed by the Governor or the Legislature.

3. To cooperate with the State Public Works Board in developing comprehensive, long-range plans for capital improvements and the means for financing them.

4. To devise and prescribe the forms for reports on the operations of the agencies in the Executive Department to be required periodically from the several agencies in the Executive Department, and to require the several agencies to make such reports.

5. To prepare the executive budget report for the Governor's approval and submission to the Legislature.

6. To prepare a proposed budget for the Executive Department of the State Government for the next 2 fiscal years, which must:

- (a) Present a complete financial plan for the next 2 fiscal years;
- (b) Set forth all proposed expenditures for the administration, operation and maintenance of the departments, institutions and agencies of the Executive Department of the State Government, including those operating on funds designated for specific purposes by the Constitution or otherwise, which must include a separate statement of:

(1) The anticipated expense, including personnel, for the operation and maintenance of each capital improvement to be constructed during the next 2 fiscal years and of each capital improvement constructed on or after July 1, 1999, which is to be used during those fiscal years or a future fiscal year; and

(2) The proposed source of funding for the operation and maintenance of each capital improvement, including personnel, to be constructed during the next 2 fiscal years;

(c) Set forth all charges for interest and debt redemption during the next 2 fiscal years, including, without limitation, the debt service on the note or notes authorized by NRS 349.074 as if the note or notes were issued in the amount necessary to comply with ~~the minimum reserve requirements in~~ NRS 353.213;

(d) Set forth all expenditures for capital projects to be undertaken and executed during the next 2 fiscal years, and which must, to the extent practicable, provide that each capital project which exceeds a cost of \$10,000,000 be scheduled to receive funding for design and planning during one biennium and funding for construction in the subsequent biennium; and

(e) Set forth the anticipated revenues of the State Government, and any other additional means of financing the expenditures proposed for the next 2 fiscal years.

7. To examine and approve work programs and allotments to the several agencies in the Executive Department, and changes therein.

8. To examine and approve statements and reports on the estimated future financial condition and the operations of the agencies in the Executive Department of the State Government and the several budgetary units that have been prepared by those agencies and budgetary units, before the reports are released to the Governor, to the Legislature or for publication.

9. To receive and deal with requests for information as to the budgetary status and operations of the executive agencies of the State Government.

10. To prepare such statements of unit costs and other statistics relating to cost as may be required from time to time, or requested by the Governor or the Legislature.

11. To do and perform such other and further duties relative to the development and submission of an adequate proposed budget for the Executive Department of the State Government of the State of Nevada as the Governor may require.

Sec. 2. NRS 353.213 is hereby amended to read as follows:

353.213 1. ~~For~~ *Except as otherwise provided in this section, in* preparing the proposed budget for the Executive Department of the State Government for each biennium, the Chief shall not exceed the limit upon total proposed expenditures for purposes other than construction and reducing any unfunded accrued liability of the State Retirees' Health and Welfare Benefits Fund created by NRS 287.0436 from the State General Fund ~~calculated~~ *estimated* pursuant to this section. The base for each biennium is the *immediately preceding 60-month rolling average of* total expenditure, for the purposes limited, from the State General Fund appropriated and authorized by the Legislature ~~for the biennium beginning on July 1, 1975, 1995, 2005,~~ *, except that if any expenditure is removed from the State General Fund, the 60-month rolling average must be adjusted to account for such removal.*

2. The limit *upon total proposed expenditures imposed pursuant to subsection 1* for each biennium is *calculated as follows:*

(a) The ~~estimated by multiplying the~~ amount of expenditure constituting the base is multiplied by the percentage of change in population ~~for the current biennium from the population on July 1, 1974,~~ as determined pursuant to

subsection 5, and this product is added to or subtracted from the amount of expenditure constituting the base.

(b) The amount calculated pursuant to paragraph (a) is multiplied ~~(2006, then multiplying the product)~~ by the percentage of inflation or deflation ~~for~~ as determined pursuant to subsection 6, and this product is added to or subtracted from the amount calculated pursuant to paragraph (a).

~~(c) Subject to the limitations of this paragraph:~~

~~(1) If the amount resulting from the calculations pursuant to paragraphs (a) and (b) represents a net increase over the base biennium, the Chief may increase the proposed expenditure accordingly.~~

~~(2) If the amount represents a net decrease, the Chief shall decrease the proposed expenditure accordingly.~~

~~(3) If the amount is the same as in the base biennium, that amount is the limit of permissible proposed expenditure.~~

~~3. The Commencing with the proposed budget for the period that begins on July 1, 2011, and ends on June 30, 2013, the proposed budget for each fiscal year of the biennium must provide for a reserve of :~~

(a) Not less than 5 percent or more than 10 percent of the total of all proposed appropriations from the State General Fund for the operation of all departments, institutions and agencies of the State Government and authorized expenditures from the State General Fund for the regulation of gaming for that fiscal year; and

(b) Commencing with the proposed budget for the period that begins on July 1, 2011, and ends on June 30, 2013, 1 percent of the total anticipated revenue for each of the 2 fiscal years of the biennium for which the budget is proposed, as projected by the Economic Forum for each of those fiscal years pursuant to paragraph (d) ~~(e)~~ of subsection 1 of NRS 353.228 and as adjusted by any changes or adjustments to state revenue that are recommended in the proposed budget for those fiscal years.

4. In preparing the proposed budget for the upcoming biennium, the Chief shall compare the limit upon total proposed expenditures estimated pursuant to subsection 2 with the most recent forecast by the Economic Forum of revenues in the State General Fund pursuant to NRS 353.228 and the total expenditures, for the purposes limited in subsection 1, from the State General Fund appropriated and authorized by the Legislature for the current biennium as follows:

(a) If the most recent forecast by the Economic Forum of revenues in the State General Fund is greater than the limit upon total proposed expenditures estimated pursuant to subsection 2, then the amount of the proposed budget cannot exceed the limit upon total proposed expenditures estimated pursuant to subsection 2.

(b) If the most recent forecast by the Economic Forum of revenues in the State General Fund is less than the limit upon total proposed expenditures estimated pursuant to subsection 2 and:

(1) Greater than the total expenditures, for the purposes limited in subsection 1, from the State General Fund appropriated and authorized by the Legislature for the current biennium, then the amount of the proposed budget cannot exceed the most recent forecast by the Economic Forum of revenues in the State General Fund; or

(2) Less than the total expenditures, for the purposes limited in subsection 1, from the State General Fund appropriated and authorized by the Legislature for the current biennium, then the amount of the proposed budget cannot exceed the smaller of:

(I) The total expenditures, for the purposes limited in subsection 1, from the State General Fund appropriated and authorized by the Legislature for the current biennium; or

(II) The most recent forecast by the Economic Forum of revenues in the State General Fund plus the amount available for appropriation from the Fund to Stabilize the Operation of the State Government created by NRS 353.288.

5. ~~{The revised estimate} percentage of change in~~ For purposes of paragraph (a) of subsection 2, the population for the State issued by the United States Department of Commerce as of July 1, 1974, must be used and the as of July 1 preceding the biennium for which the budget is being prepared must be compared to the population as of July 1 preceding the current biennium. Based on such comparison, the Governor shall certify the percentage of increase or decrease in population. ~~For each succeeding biennium. The~~

6. For purposes of paragraph (b) of subsection 2, the Consumer Price Index published by the United States Department of Labor for July 1 preceding each the biennium must be used in determining, for which the budget is being prepared must be compared to the Consumer Price Index published by the United States Department of Labor for July 1 preceding the current biennium to determine the ~~to be used in the calculations made pursuant to subsection 2 is the ratio of the forecast of the population of the State made on July 1 of the second fiscal year of the upcoming biennium by the demographer employed pursuant to NRS 360.283 to the population of the State on July 1, 2006. The~~ percentage of inflation or deflation ~~to be used in the calculations made pursuant to subsection 2 is the ratio of the most recent estimate provided by the Economic Forum pursuant to NRS 353.228 of the state and local government consumption expenditures and gross investment component of the Gross Domestic Product of the United States for the September to December quarter of the second fiscal year of the upcoming biennium to the value of the state and local government consumption expenditures and gross investment component of the Gross Domestic Product of the United States for the September 2006 to December 2006 quarter as specified by the Bureau of Economic Analysis of the United States Department of Commerce.~~

~~{5.} {6.} 7.~~ 7. The Chief may exceed the limit to the extent necessary to meet situations in which there is a threat to life or property.

~~{6.} {7.} 8.~~ 8. If the most recent forecast by the Economic Forum of revenues in the State exceeds the limit upon total proposed expenditures estimated pursuant to subsection 2, the proposed budget must include:

(a) A transfer of 60 percent of such excess amount to the Fund to Stabilize the Operation of the State Government; and

(b) The use of 40 percent of such excess amount for only the following purposes:

- (1) Capital expenditures.
- (2) Reducing unfunded liabilities of the State.
- (3) Providing one-time matching funds for grants.
- (4) Employee training and education.
- (5) Acquisition or improvement of technology.

9. As used in this section, "unfunded accrued liability" means a liability with an actuarially determined value which exceeds the value of the assets in the fund from which payments are made to discharge the liability.

Sec. 3. ~~{NRS 353.228 is hereby amended to read as follows:~~

~~353.228 — 1. The Economic Forum impaneled pursuant to NRS 353.226 shall~~

~~(a) Make such projections for economic indicators as it deems necessary to ensure that an accurate estimate is produced pursuant to [paragraph (b)] paragraphs (b) and (c);~~

~~(b) Provide an accurate estimate of the revenue that will be collected by the State for general, unrestricted uses, and not for special purposes, during the biennium that begins on July 1 of the year following the date on which the Economic Forum was empaneled;~~

~~(c) Provide an accurate estimate of the state and local government consumption expenditures and gross investment component of the Gross Domestic Product of the United States as required pursuant to NRS 353.213, based on information from the Legislative Counsel Bureau, the Budget Division of the Department of Administration and other sources as provided in subsection 4;~~

~~(d) Request such technical assistance as the Economic Forum deems necessary from the Technical Advisory Committee created by NRS 353.229;~~

~~[(d)] (c) On or before December 1 of the year in which the Economic Forum was empaneled, prepare a written report of its projections of economic indicators and estimate of future state revenue required by paragraphs (a), [and] (b) and (e) and present the report to the Governor and the Legislature; and~~

~~[(e)] (f) On or before May 1 of the year following the year in which the Economic Forum was empaneled, prepare a written report confirming or revising the projections of economic indicators and estimate of future state revenue contained in the report prepared pursuant to paragraph [(d)] (c) and present the report to the Governor and the Legislature.~~

~~2. The Economic Forum may make preliminary projections of economic indicators and estimates of future state revenue at any time. Any such projections and estimates must be made available to the various agencies of the State through the Chief.~~

~~3. The Economic Forum may request information directly from any state agency. A state agency that receives a reasonable request for information from the Economic Forum shall comply with the request as soon as is reasonably practicable after receiving the request.~~

~~4. To carry out its duties pursuant to this section, the Economic Forum may consider any information received from the Technical Advisory Committee and any other information received from independent sources.~~

~~5. Copies of the projections and estimates made pursuant to this section must be made available to the public by the Director of the Legislative Counsel Bureau for the cost of reproducing the material. (Deleted by amendment.)~~

Sec. 4. NRS 353.288 is hereby amended to read as follows:

353.288 1. The Fund to Stabilize the Operation of the State Government is hereby created as a special revenue fund. Except as otherwise provided in subsections 3 and 4, each year after the close of the previous fiscal year and before the issuance of the State Controller's annual report, the State Controller shall transfer from the State General Fund to the Fund to Stabilize the Operation of the State Government:

(a) Forty percent of the unrestricted balance of the State General Fund, as of the close of the previous fiscal year, which remains after subtracting an amount equal to 7 percent of all appropriations made from the State General Fund during that previous fiscal year for the operation of all departments, institutions and agencies of State Government and for the funding of schools; ~~and~~

(b) Commencing with the fiscal year that begins on July 1, 2011, 1 percent of the total anticipated revenue for the fiscal year in which the transfer will be made, as projected by the Economic Forum for that fiscal year pursuant to paragraph (c)

~~##~~ of subsection 1 of NRS 353.228 and as adjusted by any legislation enacted by the Legislature that affects state revenue for that fiscal year ~~##~~; and

(c) Subject to the limitations set forth in paragraphs (a) and (b), if the total actual revenue of the State during a biennium exceeds the total expenditures from the State General Fund appropriated and authorized by the Legislature for such biennium, an amount equal to 60 percent of the amount of such excess.

2. Money transferred pursuant to subsection 1 to the Fund to Stabilize the Operation of the State Government is a continuing appropriation solely for the purpose of authorizing the expenditure of the transferred money for the purposes set forth in this section.

3. The balance in the Fund to Stabilize the Operation of the State Government, excluding the aggregate balance in the Disaster Relief Account and the Emergency Assistance Subaccount, must not exceed 20 percent of the total of all appropriations from the State General Fund for the operation of all departments, institutions and agencies of the State Government and for the funding of schools and authorized expenditures from the State General Fund for the regulation of gaming for the fiscal year in which that revenue will be transferred to the Fund to Stabilize the Operation of the State Government.

4. Except as otherwise provided in this subsection and NRS 353.2735, beginning with the fiscal year that begins on July 1, 2003, the State Controller shall, at the end of each quarter of a fiscal year, transfer from the State General Fund to the Disaster Relief Account created pursuant to NRS 353.2735 an amount equal to not more than 10 percent of the aggregate balance in the Fund to Stabilize the Operation of the State Government during the previous quarter, excluding the aggregate balance in the Disaster Relief Account and the Emergency Assistance Subaccount created pursuant to NRS 414.135. The State Controller shall not transfer more than \$500,000 for any quarter pursuant to this subsection.

5. The Chief of the Budget Division of the Department of Administration may submit a request to the State Board of Examiners to transfer money from the Fund to Stabilize the Operation of the State Government to the State General Fund:

(a) If the total actual revenue of the State falls short by 5 percent or more of the total anticipated revenue for the biennium in which the transfer will be made, as determined by the Legislature, or the Interim Finance Committee if the Legislature is not in session; or

(b) If the Legislature, or the Interim Finance Committee if the Legislature is not in session, and the Governor declare that a fiscal emergency exists.

6. The State Board of Examiners shall consider a request made pursuant to subsection 5 and shall, if it finds that a transfer should be made, recommend the amount of the transfer to the Interim Finance Committee for its independent evaluation and action. The Interim Finance Committee is not bound to follow the recommendation of the State Board of Examiners.

7. If the Interim Finance Committee finds that a transfer recommended by the State Board of Examiners should and may lawfully be made, the Committee shall by resolution establish the amount and direct the State Controller to transfer that amount to the State General Fund. The State Controller shall thereupon make the transfer.

8. In addition to the manner of allocation authorized pursuant to subsections 5, 6 and 7, the money in the Fund to Stabilize the Operation of the State Government may be allocated directly by the Legislature to be used for any other purpose.

Sec. 5. 1. This act becomes effective on July 1, 2011.

2. Section ~~##~~ 1.5 of this act expires by limitation on June 30, 2013.