

ASSEMBLY BILL NO. 459—COMMITTEE ON EDUCATION

(ON BEHALF OF THE LEGISLATIVE COMMITTEE
ON EDUCATION)

MARCH 25, 2013

Referred to Committee on Education

SUMMARY—Revises provisions relating to school property.
(BDR 34-203)

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 school property; authorizing the board of trustees of a school district to donate surplus personal property of the school district to another school district; revising provisions relating to the duties of oversight panels for school facilities; revising provisions governing the submission of a biennial report to the Legislature with written recommendations for financing the costs of construction of school facilities by oversight panels for school facilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the board of trustees of a school district to donate surplus personal property of the school district to any charter school that is located within the school district without regard to certain notice, bidding, auction or other requirements relating to the disposal of personal property of a local government. (NRS 332.185) **Section 2** of this bill authorizes a board of trustees of a school district likewise to donate surplus personal property to other school districts in this State without regard to the notice, bidding, auction or other requirements relating to the disposal of personal property of a local government. **Section 1** of this bill authorizes a board of trustees of a school district to accept a donation of surplus personal property of another school district.

Existing law requires the board of trustees of a school district in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to establish an oversight panel for school facilities. (NRS 393.092) Such an oversight panel is required to submit biennially to the Legislature written recommendations



for financing school construction costs. In a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties), the board of trustees of the school district is required to submit biennially to the Legislature written recommendations for financing school construction costs. (NRS 393.097) Existing law also authorizes a school district to issue general obligation bonds, after obtaining the approval of the county's debt management commission, if the issuance of the bonds is not expected to result in an increase in the existing property tax levy and the electors have approved a question that authorizes the issuance of bonds for 10 years after the date of approval. (NRS 350.020) In addition to the approval of the debt management commission, in a county whose population is 100,000 or more, the school district must obtain the approval of the oversight panel for school facilities. (NRS 350.020, 393.097) **Section 6** of this bill provides that an oversight panel for school facilities is required to submit a biennial report to the Legislature with recommendations for financing school construction costs only if the oversight panel has approved the issuance of such general obligation bonds. The report must be submitted biennially during the period in which those bonds are outstanding.

Section 4 of this bill revises the circumstances under which an oversight panel for school facilities is required to hold meetings.

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

Section 1. NRS 386.390 is hereby amended to read as follows:
386.390 Each board of trustees shall have the power to accept
on behalf of and for the school district ~~any~~ :

*1. Any gift or bequest of money or property for a purpose
deemed by the board of trustees to be suitable, and to utilize such
money or property for the purpose so designated ~~+~~ ; and*

*2. Any donation of surplus personal property of another
school district made pursuant to subsection 2 of NRS 332.185.*

Sec. 2. NRS 332.185 is hereby amended to read as follows:

332.185 1. Except as otherwise provided in subsection 2 and
NRS 244.1505 and 334.070, all sales of personal property of the
local government must be made, as nearly as possible, under the
same conditions and limitations as required by this chapter in
the purchase of personal property. The governing body or its
authorized representative may dispose of personal property of the
local government by any manner, including, without limitation, at
public auction, if the governing body or its authorized representative
determines that the property is no longer required for public use and
deems such action desirable and in the best interests of the local
government.

2. The board of trustees of a school district may donate surplus
personal property of the school district to *any other school district
in this State or to* a charter school that is located within the school
district without regard to:

(a) The provisions of this chapter; or



- 1 (b) Any statute, regulation, ordinance or resolution that requires:
2 (1) The posting of notice or public advertising.
3 (2) The inviting or receiving of competitive bids.
4 (3) The selling or leasing of personal property by contract or
5 at a public auction.

6 3. The provisions of this chapter do not apply to the purchase,
7 sale, lease or transfer of real property by the governing body.

8 **Sec. 3.** (Deleted by amendment.)

9 **Sec. 4.** NRS 393.092 is hereby amended to read as follows:

10 393.092 1. The board of trustees of a school district in a
11 county whose population is 100,000 or more shall establish an
12 oversight panel for school facilities, consisting of 11 members
13 selected as follows:

14 (a) Six members who are elected representatives of local
15 government, to be determined as follows:

16 (1) One member of the board of county commissioners
17 appointed by a majority vote of the board of county commissioners;

18 (2) One member of the governing body of each incorporated
19 city in the county, each of whom is appointed by a majority vote of
20 the governing body of which he or she is a member; and

21 (3) If the membership determined pursuant to subparagraphs
22 (1) and (2) is less than six, one additional member of the board of
23 county commissioners appointed by a majority vote of the board of
24 county commissioners and, if applicable, additional members of the
25 governing bodies of incorporated cities in the county, each of whom
26 must be appointed by a majority vote of the governing body of
27 which he or she is a member, until six members have been
28 appointed. If the membership determined pursuant to this paragraph
29 would result in an unequal number of representatives among the
30 incorporated cities, the membership of the incorporated cities on the
31 oversight panel must be rotated and the board of county
32 commissioners shall draw lots to determine which city or cities will
33 be first represented, which next, and so on.

34 (b) Five members appointed by the board of trustees of the
35 county school district to be determined as follows:

36 (1) One member who has experience in structural or civil
37 engineering;

38 (2) One member who has experience in matters relating to
39 the construction of public works projects;

40 (3) One member who has experience in the financing or
41 estimation of the cost of construction projects;

42 (4) One member who is a representative of the gaming
43 industry; and

44 (5) One member who is a representative of the general public
45 who has an interest in education.



2. After the initial terms, the term of each member of the oversight panel is 2 years. Members of the oversight panel are eligible for reappointment.

3. The oversight panel for school facilities may meet at the call of the chair of the oversight panel, but is not required to hold meetings except for the purposes of carrying out its duties pursuant to subsection 4 of NRS 350.020 and NRS 393.097 and, if applicable, for the purposes of carrying out expanded duties pursuant to NRS 393.096, or unless directed by the board of trustees of the school district.

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 393.097 is hereby amended to read as follows:

393.097 1. ~~On~~ *If an oversight panel for school facilities established pursuant to NRS 393.092 approves a request by the board of trustees of the school district for the issuance of general obligation bonds pursuant to subsection 4 of NRS 350.020, the oversight panel shall, on* or before July 1 of each even-numbered year ~~;~~ ~~each oversight panel for school facilities established in a county whose population is 100,000 or more pursuant to NRS 393.092;~~ *during the period in which those bonds are outstanding,* and each board of trustees of a school district in a county whose population is less than 100,000 shall *, on or before July 1 of each even-numbered year,* submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature written recommendations for financing the costs of new construction, design, maintenance and repair of school facilities.

2. In a county whose population is 100,000 or more, the oversight panel for school facilities shall review and approve or disapprove a request by the board of trustees of the school district for the issuance of general obligation bonds pursuant to subsection 4 of NRS 350.020.

Sec. 7. (Deleted by amendment.)

Sec. 8. This act becomes effective on July 1, 2013.

