

Amendment No. 453

Senate Amendment to Senate Bill No. 392

(BDR 34-147)

Proposed by: Senate Committee on Education**Amends:** Summary: Yes Title: Yes 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.

KRO/MSN



Date: 4/19/2013

S.B. No. 392—Requires reporting of certain gifts and bequests relating to education. (BDR 34-147)



SENATE BILL NO. 392—SENATOR SEGERBLOM

MARCH 18, 2013

Referred to Committee on Education

SUMMARY—~~[Requires reporting of certain]~~ **Directs the Legislative Committee on Education to conduct an interim study concerning gifts and bequests relating to education. (BDR ~~34-147~~) S-147**

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 education; ~~[requiring certain gifts and bequests of money or property to be reported by the State Board of Education or the board of trustees of a school district.]~~ **directing the Legislative Committee on Education to conduct an interim study concerning gifts or bequests of money or property to the State Board of Education or the board of trustees of a school district;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, the State Board of Education and the board of trustees of each school district are authorized to accept gifts and bequests of money and property for certain purposes. (NRS 385.095, 386.290) This bill requires the State Board and each board of trustees to prepare reports relating to such gifts and bequests and the donors thereof and include the reports on the agenda of the next regular meeting of the State Board or board of trustees, as applicable.] This bill directs the Legislative Committee on Education to conduct an interim study concerning gifts or bequests of money or property to the State Board of Education or the board of trustees of a school district. This bill also requires the Committee to submit a copy of the final written report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Nevada Legislature.~~

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

Section 1. ~~[NRS 385.095 is hereby amended to read as follows:~~

~~385.095 Except as otherwise provided in NRS 385.091:~~

~~1. All gifts of money which the State Board is authorized to accept must be deposited in a special revenue fund in the State Treasury designated as the Education Gift Fund [.] and reported pursuant to subsection 1.~~

~~2. The money available in the Education Gift Fund must be used only for the purpose specified by the donor, within the scope of the State Board's powers and~~

1 duties, and no expenditure may be made until approved by the Legislature in an
2 authorized expenditure act or by the Interim Finance Committee if the Legislature
3 is not in session.

4 ~~3. If all or part of the money accepted by the State Board from a donor is not~~
5 ~~expended before the end of any fiscal year, the remaining balance of the amount~~
6 ~~donated must remain in the Education Gift Fund until needed for the purpose~~
7 ~~specified by the donor.~~

8 ~~4. The State Board shall record each gift of money deposited in the~~
9 ~~Education Gift Fund pursuant to this section and prepare a report which~~
10 ~~includes, for each such gift:~~

11 ~~(a) The amount of the gift;~~

12 ~~(b) The name of the donor of the gift;~~

13 ~~(c) Any instructions provided by the donor concerning the use of the gift;~~
14 ~~and~~

15 ~~(d) Information concerning any connection between the donor and the State~~
16 ~~Board or the administration of the system of public education in this State,~~
17 ~~including, without limitation:~~

18 ~~(1) Any contract between the donor and the State Board;~~

19 ~~(2) Any contract between the donor and the State Public Charter School~~
20 ~~Authority;~~

21 ~~(3) Any bid by the donor for a contract with the State Board;~~

22 ~~(4) Any bid by the donor for a contract with the State Public Charter~~
23 ~~School Authority;~~

24 ~~(5) If the donor is a lobbyist as defined in NRS 218H.080, a statement of~~
25 ~~whether the donor lobbies on issues of interest to the State Board or relating to~~
26 ~~the system of public education in this State; and~~

27 ~~(6) Any service by the donor on a committee to form a charter school~~
28 ~~pursuant to NRS 386.520.~~

29 ~~5. The State Board shall include the report prepared pursuant to subsection~~
30 ~~4 on the agenda of the next regular meeting of the State Board held pursuant to~~
31 ~~NRS 385.040 and review all gift transactions listed on the report that have taken~~
32 ~~place since the previous meeting of the State Board. j (Deleted by amendment.)~~

33 **Sec. 2.** ~~[NRS 386.390 is hereby amended to read as follows:~~

34 ~~386.390 1. Each board of trustees shall have the power to accept on behalf~~
35 ~~of and for the school district any gift or bequest of money or property for a purpose~~
36 ~~deemed by the board of trustees to be suitable, and to utilize such money or~~
37 ~~property for the purpose so designated.~~

38 ~~2. The board of trustees shall record each gift or bequest accepted pursuant~~
39 ~~to this section and prepare a report which includes, for each such gift or bequest:~~

40 ~~(a) The amount of the gift or bequest of money or the fair market value of~~
41 ~~the bequest of property, as applicable;~~

42 ~~(b) The name of the donor of the gift or bequest;~~

43 ~~(c) Any instructions provided by the donor concerning the use of the gift or~~
44 ~~bequest; and~~

45 ~~(d) Information concerning any connection between the donor and the board~~
46 ~~of trustees or any person responsible for the administration of the system of~~
47 ~~public education in this State, including, without limitation:~~

48 ~~(1) Any contract between the donor and the board of trustees;~~

49 ~~(2) Any contract between the donor and the State Public Charter School~~
50 ~~Authority;~~

51 ~~(3) Any bid by the donor for a contract with the board of trustees;~~

52 ~~(4) Any bid by the donor for a contract with the State Public Charter~~
53 ~~School Authority;~~

~~(5) If the donor is a lobbyist as defined in NRS 219H.080, a statement of whether the donor lobbies on issues of interest to the board of trustees or relating to the system of public education in this State; and~~

~~(6) Any service by the donor on a committee to form a charter school pursuant to NRS 386.520.~~

~~3. The board of trustees shall include the report prepared pursuant to subsection 2 on the agenda of the next regular meeting of the board of trustees held pursuant to NRS 386.330 and review all transactions involving a gift or bequest listed on the report that have taken place since the previous meeting of the board of trustees. (Deleted by amendment.)~~

Sec. 2.5. 1. The Legislative Committee on Education shall conduct a study concerning gifts or bequests of money or property to the State Board of Education or the board of trustees of a school district. The study must include, without limitation, a review of:

(a) The transparency of the process of making gifts and bequests of money and property;

(b) The feasibility and advisability of imposing disclosure requirements for gifts or bequests of money or property;

(c) The feasibility and advisability of restricting the ability of the State Board or the board of trustees of a school district to accept certain kinds of gifts or bequests of money or property;

(d) The feasibility and advisability of limiting the conditions donors may place on gifts or bequests of money or property, including, without limitation, directions concerning the manner in which a gift or bequest is to be used;

(e) The feasibility and advisability of imposing limitations on the purposes for which a gift or bequest of money or property may be used; and

(f) Any other issues relating to gifts or bequests of money or property the Committee deems to be relevant.

2. The Committee shall recommend such action as may be necessary as a result of its findings.

3. On or before February 1, 2015, the Committee shall prepare a final written report of the results of the study and submit a copy of the report and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Nevada Legislature.

Sec. 3. This act becomes effective on July 1, 2013.