

Amendment No. 611

Assembly Amendment to Senate Bill No. 392 First Reprint (BDR S-147)

Proposed by: Assembly 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	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

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.

KCR/BJE



Date: 5/16/2013

S.B. No. 392—Directs the Legislative Committee on Education to conduct an interim study concerning gifts and bequests relating to education. (BDR S-147)



SENATE BILL NO. 392—SENATOR SEGERBLOM

MARCH 18, 2013

Referred to Committee on Education

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

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; ~~[directing the Legislative Committee on Education to conduct an interim study.]~~ **requiring information** concerning **certain** gifts or bequests of money or property to **be reported by** the State Board of Education ~~[or]~~ **and** the board of trustees of ~~[a]~~ **each** school district; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[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.]~~ **Under existing law, the State Board of Education is authorized to accept gifts of money for deposit in the Education Gift Fund and the board of trustees of each school district is authorized to accept gifts and bequests of money and property for purposes deemed suitable by the board of trustees. (NRS 385.095, 386.390) This bill requires the State Board and the board of trustees of each school district to prepare reports relating to such gifts and bequests, including information relating to the donors thereof, and to include the reports on the agenda of the next regular meeting of the State Board or board of trustees, as applicable, for review of the transactions involving a gift or bequest that have taken place since the previous meeting. This bill also provides an exemption from the reporting requirement for any gift or bequest: (1) of less than \$100,000, unless the cumulative total by the same donor within a 12-month period is equal to or more than \$100,000; or (2) that is intended for a public broadcasting service.**

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

Section 1. (Deleted by amendment.)

Sec. 1.3. **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 4.

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

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

4. Except as otherwise provided in subsection 5, the State Board shall record each gift of money deposited in the Education Gift Fund pursuant to this section and prepare a report which includes, for each such gift:

(a) The amount of the gift;

(b) Except as otherwise provided in subsection 6, the name of the donor of the gift;

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

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

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

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

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

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

(5) If the donor is a lobbyist as defined in NRS 218H.080, a statement of whether the donor lobbies on issues of interest to the State Board 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 created pursuant to NRS 386.520.

5. This section does not apply to any gift of money:

(a) In an amount less than \$100,000, unless the cumulative total by the same donor within a 12-month period is equal to or more than \$100,000; or

(b) That is intended for a public broadcasting service.

6. A donor may remain anonymous for purposes of the report prepared pursuant to subsection 4, unless the donor is required to provide information pursuant to paragraph (d) of subsection 4.

7. The State Board may submit a form to each donor that requires the donor to provide the information required for inclusion in the report prepared pursuant to subsection 4. If the State Board uses such a form, the State Board may rely upon the information provided by the donor on the form for purposes of the report required of the State Board pursuant to subsection 4 and the State Board is not otherwise required to verify the contents of the information provided by the donor on the form.

8. The State Board shall include the report prepared pursuant to subsection 4 on the agenda of the next regular meeting of the State Board held pursuant to NRS 385.040 and review all transactions involving a gift listed on the report that have taken place since the previous meeting of the State Board.

1 9. On or before February 1 of each year, the State Board shall transmit
2 each report prepared pursuant to subsection 4 in the immediately preceding year:

3 (a) In odd-numbered years, to the Director of the Legislative Counsel
4 Bureau for transmittal to the next regular session of the Legislature; and

5 (b) In even-numbered years, to the Legislative Committee on Education.

6 Sec. 1.7. NRS 386.390 is hereby amended to read as follows:

7 386.390 1. Each board of trustees shall have the power to accept on behalf
8 of and for the school district any gift or bequest of money or property for a purpose
9 deemed by the board of trustees to be suitable, and to utilize such money or
10 property for the purpose so designated.

11 2. Except as otherwise provided in subsection 3, the board of trustees of
12 each school district shall record each gift or bequest accepted pursuant to this
13 section and prepare a report which includes, for each such gift or bequest:

14 (a) The amount of the gift or bequest of money or the fair market value of
15 the bequest of property, as applicable;

16 (b) Except as otherwise provided in subsection 4, the name of the donor of
17 the gift or bequest;

18 (c) Any instructions provided by the donor concerning the use of the gift or
19 bequest; and

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

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

24 (2) Any bid by the donor for a contract with the board of trustees;

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

28 (4) Any service by the donor on a committee to form a charter school
29 created pursuant to NRS 386.520.

30 3. This section does not apply to any gift or bequest:

31 (a) In an amount less than \$100,000, unless the cumulative total by the same
32 donor within a 12-month period is equal to or more than \$100,000; or

33 (b) That is intended for a public broadcasting service.

34 4. A donor may remain anonymous for purposes of the report prepared
35 pursuant to subsection 2, unless the donor is required to provide information
36 pursuant to paragraph (d) of subsection 2.

37 5. The board of trustees of a school district may submit a form to each
38 donor that requires the donor to provide the information required for inclusion in
39 the report prepared pursuant to subsection 2. If the board of trustees uses such a
40 form, the board of trustees may rely upon the information provided by the donor
41 on the form for purposes of the report required of the school district pursuant to
42 subsection 2 and the board of trustees is not otherwise required to verify the
43 contents of the information provided by the donor on the form.

44 6. The board of trustees of each school district shall include the report
45 prepared pursuant to subsection 2 on the agenda of the next regular meeting of
46 the board of trustees held pursuant to NRS 386.330 and review all transactions
47 involving a gift or bequest listed on the report that have taken place since the
48 previous meeting of the board of trustees.

49 7. On or before February 1 of each year, the board of trustees of each
50 school district shall transmit each report prepared pursuant to subsection 2 in the
51 immediately preceding year:

52 (a) In odd-numbered years, to the Director of the Legislative Counsel
53 Bureau for transmittal to the next regular session of the Legislature; and

(b) In even-numbered years, to the Legislative Committee on Education.

Sec. 2. (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.] (Deleted by amendment.)~~

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