

SENATE BILL NO. 392—SENATOR SEGERBLOM

MARCH 18, 2013

Referred to Committee on Education

SUMMARY—Requires reporting by the State Board of Education and school districts concerning gifts and bequests relating to education. (BDR 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; requiring information concerning certain gifts or bequests of money or property to be reported by the State Board of Education and the board of trustees of each school district; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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

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

1 **Section 1.** (Deleted by amendment.)
2 **Sec. 1.3.** NRS 385.095 is hereby amended to read as follows:
3 385.095 Except as otherwise provided in NRS 385.091:



1 1. All gifts of money which the State Board is authorized to
2 accept must be deposited in a special revenue fund in the State
3 Treasury designated as the Education Gift Fund ~~†~~ *and reported*
4 *pursuant to subsection 4.*

5 2. The money available in the Education Gift Fund must be
6 used only for the purpose specified by the donor, within the scope of
7 the State Board's powers and duties, and no expenditure may be
8 made until approved by the Legislature in an authorized expenditure
9 act or by the Interim Finance Committee if the Legislature is not in
10 session.

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

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

20 (a) *The amount of the gift;*

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

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

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

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

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

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

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

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

39 (6) *Any service by the donor on a committee to form a*
40 *charter school created pursuant to NRS 386.520.*

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

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

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



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

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

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

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

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

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

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

26 386.390 *1. Each board of trustees shall have the power to*
27 *accept on behalf of and for the school district any gift or bequest of*
28 *money or property for a purpose deemed by the board of trustees to*
29 *be suitable, and to utilize such money or property for the purpose so*
30 *designated.*

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

35 (a) *The amount of the gift or bequest of money or the fair*
36 *market value of the bequest of property, as applicable;*

37 (b) *Except as otherwise provided in subsection 4, the name of*
38 *the donor of the gift or bequest;*

39 (c) *Any instructions provided by the donor concerning the use*
40 *of the gift or bequest; and*

41 (d) *Information concerning any connection between the donor*
42 *and the board of trustees or any person responsible for the*
43 *administration of the system of public education in this State,*
44 *including, without limitation:*



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

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

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

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

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

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

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

16 4. A donor may remain anonymous for purposes of the
17 report prepared pursuant to subsection 2, unless the donor is
18 required to provide information pursuant to paragraph (d) of
19 subsection 2.

20 5. The board of trustees of a school district may submit a
21 form to each donor that requires the donor to provide the
22 information required for inclusion in the report prepared pursuant
23 to subsection 2. If the board of trustees uses such a form, the
24 board of trustees may rely upon the information provided by
25 the donor on the form for purposes of the report required of the
26 school district pursuant to subsection 2 and the board of trustees is
27 not otherwise required to verify the contents of the information
28 provided by the donor on the form.

29 6. The board of trustees of each school district shall include
30 the report prepared pursuant to subsection 2 on the agenda of the
31 next regular meeting of the board of trustees held pursuant to
32 NRS 386.330 and review all transactions involving a gift or
33 bequest listed on the report that have taken place since the
34 previous meeting of the board of trustees.

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

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

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

43 Sec. 2. (Deleted by amendment.)

44 Sec. 2.5. (Deleted by amendment.)



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

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