

Amendment No. 42

Assembly Amendment to Assembly Bill No. 20 (BDR 31-287)

Proposed by: Assembly Committee on Government Affairs

Amends: Summary: No Title: No 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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

EGO/BJE



Date: 4/19/2015

A.B. No. 20—Revises provisions relating to the budget of the Executive Department of State Government. (BDR 31-287)



ASSEMBLY BILL NO. 20—COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

PREFILED DECEMBER 20, 2014

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to the budget of the Executive Department of State Government. (BDR 31-287)

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 the procedure for the revision of the budget of the Executive Department of the State Government; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under the State Budget Act, a department, institution or other agency of the Executive Department of the State Government, with certain exceptions, is authorized, as a result of changed conditions, to request a revision to a work program within its budget. Such a revision is required to be approved or disapproved by the Governor or the Chief of the Budget Division of the Department of Administration. In addition, if the amount of the requested revision exceeds a specified monetary threshold and increases or decreases the expenditure level approved by the Legislature for any of the allotments within the work program by a specified percentage or amount, the revision also requires the additional approval ~~by~~ of the Interim Finance Committee, unless the Governor approves the revision as necessary because of a qualifying emergency situation or for the protection of life or property. (NRS 353.220) ~~Further, under existing law, the acceptance of a gift or grant of property or services by a state agency, with certain exceptions, from any source requires approval by the Interim Finance Committee unless: (1) the gift or grant is included in an act of the Legislature authorizing expenditures of nonappropriated money; (2) the gift or grant is below a specified monetary threshold depending on the source, does not involve the hiring of new employees and has been approved by the Governor or the Chief of the Budget Division; or (3) the gift or grant is approved by the Governor as necessary because of a qualifying emergency situation or for the protection of life or property. (NRS 353.225).~~

This bill removes the requirement for additional approval by the Governor, in certain emergency circumstances, or the Interim Finance Committee ~~for~~ of work program changes which result from: (1) acceptance by a state agency of a gift or nongovernmental grant which does not exceed \$20,000 or a governmental grant ~~approved by the Governor or Interim Finance Committee in the manner required by statute,~~ which does not exceed \$150,000; or (2) carrying forward money from one fiscal year to the next without a change in purpose.

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

Section 1. NRS 353.220 is hereby amended to read as follows:

353.220 1. The head of any department, institution or agency of the Executive Department of the State Government, whenever he or she deems it necessary because of changed conditions, may request the revision of the work program of his or her department, institution or agency at any time during the fiscal year, and submit the revised program to the Governor through the Chief with a request for revision of the allotments for the remainder of that fiscal year.

2. Every request for revision must be submitted to the Chief on the form and with supporting information as the Chief prescribes.

3. Before encumbering any appropriated or authorized money, every request for revision must be approved or disapproved in writing by the Governor or the Chief, if the Governor has by written instrument delegated this authority to the Chief.

4. ~~Whenever~~ *Except as otherwise provided in subsection 8, whenever* a request for the revision of a work program of a department, institution or agency in an amount more than \$30,000 would, when considered with all other changes in allotments for that work program made pursuant to *subsections 1, 2 and 3 and NRS 353.215*, ~~and subsections 1, 2 and 3 of this section,~~ increase or decrease by 10 percent or \$75,000, whichever is less, the expenditure level approved by the Legislature for any of the allotments within the work program, the request must be approved as provided in subsection 5 before any appropriated or authorized money may be encumbered for the revision.

5. If a request for the revision of a work program requires additional approval as provided in subsection 4 and:

(a) Is necessary because of an emergency as defined in NRS 353.263 or for the protection of life or property, the Governor shall take reasonable and proper action to approve it and shall report the action, and his or her reasons for determining that immediate action was necessary, to the Interim Finance Committee at its first meeting after the action is taken. Action by the Governor pursuant to this paragraph constitutes approval of the revision, and other provisions of this chapter requiring approval before encumbering money for the revision do not apply.

(b) The Governor determines that the revision is necessary and requires expeditious action, he or she may certify that the request requires expeditious action by the Interim Finance Committee. Whenever the Governor so certifies, the Interim Finance Committee has 15 days after the request is submitted to its Secretary within which to consider the revision. Any request for revision which is not considered within the 15-day period shall be deemed approved.

(c) Does not qualify pursuant to paragraph (a) or (b), it must be submitted to the Interim Finance Committee. The Interim Finance Committee has 45 days after the request is submitted to its Secretary within which to consider the revision. Any request which is not considered within the 45-day period shall be deemed approved.

6. The Secretary shall place each request submitted pursuant to paragraph (b) or (c) of subsection 5 on the agenda of the next meeting of the Interim Finance Committee.

7. In acting upon a proposed revision of a work program, the Interim Finance Committee shall consider, among other things:

(a) The need for the proposed revision; and

(b) The intent of the Legislature in approving the budget for the present biennium and originally enacting the statutes which the work program is designed to effectuate.

8. The provisions of subsection 4 do not apply to any request for the revision of a work program which is required;

(a) As a result of the acceptance of a gift or grant of property or services ~~for which acceptance is authorized or approved~~ pursuant to subsection 5 of NRS 353.335; or

(b) To carry forward to a fiscal year, without a change in purpose, the unexpended balance of any money authorized for expenditure in the immediately preceding fiscal year.

Sec. 2. This act becomes effective upon passage and approval.