

Amendment No. 875

Assembly Amendment to Assembly Bill No. 519

(BDR 34-1202)

Proposed by: Assembly Committee on Ways and Means

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of A.B. 519 (§§ 2, 8).

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.

MPP/JFD



Date: 6/2/2023

A.B. No. 519—Establishes provisions governing capital projects of school districts.
(BDR 34-1202)



ASSEMBLY BILL NO. 519—COMMITTEE ON WAYS AND MEANS

MAY 22, 2023

Referred to Committee on Ways and Means

SUMMARY—Establishes provisions governing capital projects of school districts. (BDR 34-1202)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget.

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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 capital projects; requiring the board of county commissioners of certain counties to levy a property tax for capital projects of school districts; authorizing the board of county commissioners of certain counties to levy a property tax for capital projects of school districts for which a grant is available from the ~~Account~~ Fund to Assist Rural School Districts in Financing Capital Improvements; exempting that property tax from certain partial abatements; exempting both property taxes from the statutory limitation on the total ad valorem tax levy; creating the ~~Account~~ Fund to Assist Rural School Districts in Financing Capital Improvements; requiring the board of county commissioners of certain counties to establish an oversight panel for school district capital improvement projects; making appropriations to the ~~Account~~ Fund; making an appropriation to the Elko County School District for the construction of a school on the Duck Valley Indian Reservation; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the board of trustees of each school district to establish a fund for capital projects. (NRS 387.328) Existing law also creates the Fund to Assist School Districts in Financing Capital Improvements from which a grant of money may be obtained if certain emergency conditions exist within the school district. (NRS 387.333, 387.3335)

Section 2 of this bill requires the board of county commissioners of a county whose population is 52,500 or more and less than 57,500 (currently Elko County), to levy a tax at a rate of not less than 1 cent and not more than 25 cents on each \$100 of assessed valuation of taxable property within the county. **Section 2** requires any money collected from such a tax to be deposited in the county treasury for credit to the fund for capital projects to be held and expended in the same manner as other money deposited in that fund. **Section 6** of this bill authorizes the school district of a county where such a tax is imposed to pledge the proceeds of the tax, and the portion of the governmental services tax whose allocation to the school district is based on the amount of the property tax levy attributable to its debt service, to the payment of any bonds or other obligations the school district issued for capital projects.

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15 **Section 8** of this bill provides that, if the board of county commissioners of a county which is
16 required to levy such a tax does not adopt an ordinance levying the tax on or before June 30,
17 2024, the tax is levied at a rate of 25 cents on each \$100 of assessed valuation of taxable
18 property within the county.

19 **Section 4** of this bill creates the ~~[Account]~~ **Fund** to Assist Rural School Districts in
20 Financing Capital Improvements and requires the money in the ~~[Account]~~ **Fund** to be used to
21 make grants to school districts in counties whose population is less than 100,000 (currently all
22 counties other than Clark and Washoe Counties) for certain capital projects.

23 **Section 3** of this bill authorizes the board of county commissioners of a county whose
24 population is less than 100,000, other than a board which is required to levy a tax pursuant to
25 **section 2**, to levy a tax on all taxable property in the county for a capital project for which a
26 grant may be obtained from the ~~[Account]~~ **Fund**. **Section 3** requires the board of county
27 commissioners to determine the amount of money required for the capital project, excluding
28 any amount that the board anticipates will be covered by a grant from the ~~[Account]~~ **Fund**,
29 and fix a rate of taxation which will raise that amount. **Section 3** requires the revenue from the
30 tax to be expended for: (1) a capital project for which a grant was made from the ~~[Account]~~
31 **Fund**; or (2) if the amount collected for a fiscal year exceeds the amount of the grant for that
32 year, in the same manner as other money in the fund for capital projects established by the
33 school district. **Section 5.5 of this bill requires the board of county commissioners of a**
34 **county which levies a tax pursuant to section 2 or 3 to establish an oversight panel for**
35 **school district capital improvement projects.**

36 **Section 5** of this bill requires the board of trustees of a school district in a county which
37 levies a tax pursuant to **section 3** and authorizes the board of trustees of a school district in a
38 county which levies a tax pursuant to **section 2** during a fiscal year to apply to the Director of
39 the Office of Finance in the Office of the Governor for a grant of money from the ~~[Account]~~
40 **Fund**. **Section 5** requires the Director of the Office of Finance to make a grant of money from
41 the ~~[Account]~~ **Fund** in an amount which is equal to: (1) the total amount of tax assessed
42 pursuant to **section 3** by the county for the capital project during the immediately preceding
43 fiscal year; or (2) the amount of the proceeds of the tax imposed pursuant to **section 2** for the
44 immediately preceding fiscal year which the board of trustees of the school district has
45 certified will be dedicated to the capital project.

46 **Existing law, in general, limits the total amount of property taxes which may be**
47 **imposed to \$3.64 on each \$100 of assessed valuation. (NRS 361.453) Sections 2 and 3**
48 **exempt the rates for the property taxes in those sections from this limitation. Section 7 of**
49 **this bill makes a conforming change to indicate these exemptions from the limitation.**

50 **Existing law provides a partial abatement of the property taxes levied on property**
51 **for which an assessed valuation has previously been established, a remainder parcel of**
52 **real property, certain single-family residences and certain residential rental dwellings.**
53 **(NRS 361.4722, 361.4723, 361.4724) With certain exceptions, existing law exempts new**
54 **or increased property taxes from those partial abatements if a legislative act that became**
55 **effective after April 6, 2005, imposed a duty on a taxing entity to levy the tax or increase**
56 **the rate of the tax. (NRS 361.4726) Section 7.5 of this bill exempts the new property tax**
57 **authorized to be levied by section 3 from those partial tax abatements.**

58 **Section 9** of this bill makes appropriations from the State General Fund to the ~~[Account]~~
59 **Fund** for grants to school districts in counties whose population is less than 100,000
60 (currently all counties other than Clark and Washoe Counties), including grants for capital
61 projects for schools located on qualified tribal land. **Section 10** of this bill makes an
62 appropriation to the Elko County School District for the construction of a school on the Duck
63 Valley Indian Reservation.

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

1 **Section 1.** Chapter 387 of NRS is hereby amended by adding thereto the
2 provisions set forth as sections 2 to ~~5.4~~ 5.5, inclusive, of this act.

3 **Sec. 2. 1.** *The board of county commissioners of a county whose*
4 *population is 52,500 or more and less than 57,500 shall, in addition to any taxes*
5 *levied in accordance with NRS 387.195, levy a tax at a rate of not less than 1 cent*
6 *and not more than 25 cents on each \$100 of assessed valuation of taxable*
7 *property within the county for capital projects of a school district, including,*
8 *without limitation, capital projects for schools located on qualified tribal land.*

9 2. *Any money collected pursuant to this section must be deposited in the*
10 *county treasury for credit to the fund for capital projects established pursuant to*
11 *NRS 387.328, to be held and expended in the same manner as other money*
12 *deposited in that fund.*

13 3. *The rate of any tax levied pursuant to subsection 1 must not be included*
14 *in the total ad valorem tax levy for the purposes of the application of the*
15 *limitation in NRS 361.453.*

16 4. *As used in this section, "qualified tribal land" means any real property:*

17 (a) *For which legal title is vested in, or held in trust for the benefit of, an*
18 *Indian tribe or an individual Native American, and which is subject to*
19 *restrictions against alienation pursuant to federal law; and*

20 (b) *Over which an Indian tribe exercises governmental power.*

21 **Sec. 3. 1.** *Except for a board of county commissioners which is required*
22 *to levy a tax pursuant to section 2 of this act, the board of county commissioners*
23 *of a county whose population is less than 100,000, may, in addition to any taxes*
24 *levied in accordance with NRS 387.195, levy a tax at a rate established by the*
25 *board of county commissioners on all taxable property in the county for a capital*
26 *project of the school district for which a grant may be obtained from the*
27 ~~*Account*~~ *Fund to Assist Rural School Districts in Financing Capital*
28 ~~*Improvements created pursuant to*~~ *by* *section 4 of this act. The board of county*
29 *commissioners shall determine the amount of money necessary, when combined*
30 *with money anticipated to be received as a grant from the* ~~*Account*~~ *Fund*, *to pay*
31 *the costs of the proposed capital project or the principal and interest on bonds or*
32 *other obligations issued for one or more purposes set forth in subsection 5 of*
33 *section 4 of this act, and shall fix a rate which, when levied upon every dollar of*
34 *assessed valuation of taxable property in the district, will raise that amount.*

35 2. *Any money collected pursuant to this section must be deposited in the*
36 *county treasury for credit to the fund for capital projects established pursuant to*
37 *NRS 387.328, to be expended:*

38 (a) *For a capital project of a school district for which a grant to the school*
39 *district was made from the* ~~*Account*~~ *Fund to Assist Rural School Districts in*
40 *Financing Capital Improvements pursuant to section 5 of this act; or*

41 (b) *With respect to any money collected in excess of the amount of the grant*
42 *made from the* ~~*Account*~~ *Fund to Assist Rural School Districts in Financing*
43 *Capital Improvements for the fiscal year pursuant to section 5 of this act, in the*
44 *same manner as other money deposited in* ~~*that*~~ *the fund* ~~*for*~~ *for capital projects.*

45 3. *The proceeds of the tax collected pursuant to this section may be pledged*
46 *to the payment of principal and interest on bonds or other obligations issued for*
47 *one or more of the purposes set forth in subsection 5 of section 4 of this act. The*
48 *proceeds of such taxes so pledged may be treated as pledged revenues for the*
49 *purposes of subsection 3 of NRS 350.020, and the board of trustees of the school*

1 district may issue bonds for those purposes in accordance with the provisions of
2 chapter 350 of NRS.

3 4. The rate of any tax levied pursuant to subsection 1 must not be included
4 in the total ad valorem tax levy for the purposes of the application of the
5 limitation in NRS 361.453.

6 **Sec. 4.** 1. The ~~[Account]~~ Fund to Assist Rural School Districts in
7 Financing Capital Improvements is hereby created in the State Treasury, to be
8 administered by the Director of the Office of Finance. All money received and
9 held by the State Treasurer for the purpose of the ~~[Account]~~ Fund must be
10 deposited in the ~~[Account]~~ Fund.

11 2. The Director of the Office of Finance may accept gifts and grants from
12 any source for deposit in the ~~[Account]~~ Fund.

13 3. The money in the ~~[Account]~~ Fund must be invested as the money in other
14 state funds is invested. All interest and income earned on the money in the
15 ~~[Account]~~ Fund must be credited to the ~~[Account]~~ Fund.

16 4. Claims against the ~~[Account]~~ Fund must be paid as other claims against
17 the State are paid.

18 5. Money in the ~~[Account]~~ Fund must be used to make grants to school
19 districts in counties whose population is less than 100,000, for the following
20 purposes:

21 (a) Construction, design or purchase of new buildings for schools, including,
22 but not limited to, teacherages, dormitories, dining halls, gymnasiums and
23 stadiums.

24 (b) Enlarging, remodeling or repairing existing buildings or grounds for
25 schools, including, but not limited to, teacherages, dormitories, dining halls,
26 gymnasiums and stadiums.

27 (c) Acquiring sites for building schools, or additional real property for
28 necessary purposes related to schools, including, but not limited to, playgrounds,
29 athletic fields and sites for stadiums.

30 **Sec. 5.** 1. Following any fiscal year in which a county levies a tax
31 imposed pursuant to section 3 of this act, the board of trustees of the school
32 district in the county shall apply to the Director of the Office of Finance for a
33 grant of money from the ~~[Account]~~ Fund created pursuant to section 4 of this act
34 on a form provided by the Director.

35 2. Following any fiscal year in which a county levies a tax imposed
36 pursuant to section 2 of this act, the board of trustees of the school district in the
37 county may apply to the Director of the Office of Finance for a grant of money
38 from the ~~[Account]~~ Fund created pursuant to section 4 of this act on a form
39 provided by the Director.

40 3. The application for a grant of money from the ~~[Account]~~ Fund submitted
41 pursuant to this section must be accompanied by:

42 (a) A description of the capital project for which the grant is requested,
43 which must be a capital project described by subsection 5 of section 4 of this act;
44 and

45 (b) Either:

46 (1) Documentation of the amount of the tax assessed pursuant to section
47 3 of this act for the capital project for which the grant is requested in the
48 immediately preceding fiscal year; or

49 (2) A statement by the board of trustees of the school district in a county
50 which has levied a tax imposed pursuant to section 2 of this act certifying the
51 amount of the proceeds of the tax imposed pursuant to section 2 of this act for the
52 immediately preceding fiscal year which will be dedicated to the capital project.

1 4. To the extent that money is available for that purpose in the ~~Account~~
2 Fund and if the Director of the Office of Finance determines that the capital
3 project for which the grant is requested is a project for which a grant may be
4 made from the ~~Account~~ Fund, the Director shall make a grant of money from
5 the ~~Account~~ Fund to a school district that submits an application pursuant to
6 subsection 1 or 2 in an amount that is equal to:

7 (a) The total amount of tax assessed by the county for the capital project
8 pursuant to section 3 of this act in the immediately preceding fiscal year; or

9 (b) If the school district is located in a county which levies a tax imposed
10 pursuant to section 2 of this act, the amount of the proceeds of the tax imposed
11 pursuant to section 2 of this act for the immediately preceding fiscal year which
12 the board of trustees of the school district has certified will be dedicated to the
13 capital project.

14 5. The Director of the Office of Finance shall adopt regulations that
15 prescribe the annual deadline for submission of an application to the Director by
16 a school district pursuant to this section.

17 Sec. 5.5. 1. The board of county commissioners of a county whose
18 population is less than 100,000 and which levies a tax pursuant to section 2 or 3
19 of this act shall establish an oversight panel for school district capital
20 improvement projects, consisting of five members selected as follows:

21 (a) One member who is the chair of the board of county commissioners of
22 the county, or his or her designee, who shall serve as the chair of the oversight
23 panel;

24 (b) One member who is a member of the board of trustees of the school
25 district in the county, appointed by the president of the board of trustees of the
26 school district;

27 (c) One member who is a member of a federally recognized Indian tribe or
28 nation located in whole or in part within the boundaries of the county, appointed
29 by the executive head of the federally recognized Indian tribe or nation;

30 (d) One member who is a resident of the county and has experience in the
31 building of school facilities, appointed by the president of the board of trustees of
32 the school district in the county; and

33 (e) One member who is a resident of the county and has experience in the
34 financing of public works projects, appointed by the chair of the board of county
35 commissioners of the county.

36 2. After the initial terms, the term of each member of the oversight panel is
37 2 years. Members of the oversight panel are eligible for reappointment.

38 3. The oversight panel shall meet at least once each calendar quarter.

39 4. The oversight panel shall:

40 (a) Review all credits to and debits from the fund for capital projects
41 established pursuant to NRS 387.328;

42 (b) Recommend future uses of the money raised by the county from levying a
43 tax imposed pursuant to section 2 or 3 of this act;

44 (c) Review the amount of any appropriation, grant, gift or donation received
45 by the county for the construction of school facilities located on qualified tribal
46 land; and

47 (d) Make a recommendation for the date of termination of a tax levied
48 pursuant to section 2 or 3 of this act if the date of termination of the tax is not
49 otherwise fixed.

50 Sec. 6. NRS 387.328 is hereby amended to read as follows:

51 387.328 1. The board of trustees of each school district shall establish a
52 fund for capital projects for the purposes set forth in subsection 1 of NRS 387.335.

1 The money in the fund for capital projects may be transferred to the debt service
2 fund to pay the cost of the school district's debt service.

3 2. The board of trustees may accumulate money in the fund for capital
4 projects for a period not to exceed 20 years.

5 3. That portion of the governmental services tax whose allocation to the
6 school district pursuant to NRS 482.181 is based on the amount of the property tax
7 levy attributable to its debt service must be deposited in the county treasury to the
8 credit of the fund established under subsection 1 or the school district's debt service
9 fund.

10 4. No money in the fund for capital projects at the end of the fiscal year may
11 revert to the county school district fund, nor may the money be a surplus for any
12 other purpose than those specified in subsection 1.

13 5. The proceeds of the taxes deposited in the fund for capital projects pursuant
14 to NRS 244.3354, 268.0962, 375.070, 377C.110 and 387.3288 *and section 2 of this*
15 *act* and, in a county whose population is 100,000 or more but less than 700,000, the
16 portion of the governmental services tax whose allocation to the school district
17 pursuant to NRS 482.181 is based on the amount of the property tax levy
18 attributable to its debt service may be pledged to the payment of the principal and
19 interest on bonds or other obligations issued for one or more of the purposes set
20 forth in NRS 387.335. The proceeds of such taxes so pledged may be treated as
21 pledged revenues for the purposes of subsection 3 of NRS 350.020, and the board
22 of trustees of a school district may issue bonds for those purposes in accordance
23 with the provisions of chapter 350 of NRS.

24 **Sec. 7.** NRS 361.453 is hereby amended to read as follows:

25 361.453 1. Except as otherwise provided in this section and NRS 354.705,
26 354.723, 387.3288 and 450.760, *and sections 2 and 3 of this act*, the total ad
27 valorem tax levy for all public purposes must not exceed \$3.64 on each \$100 of
28 assessed valuation, or a lesser or greater amount fixed by the State Board of
29 Examiners if the State Board of Examiners is directed by law to fix a lesser or
30 greater amount for that fiscal year.

31 2. Any levy imposed by the Legislature for the repayment of bonded
32 indebtedness or the operating expenses of the State of Nevada and any levy
33 imposed by the board of county commissioners pursuant to NRS 387.195 that is in
34 excess of 50 cents on each \$100 of assessed valuation of taxable property within the
35 county must not be included in calculating the limitation set forth in subsection 1 on
36 the total ad valorem tax levied within the boundaries of the county, city or
37 unincorporated town, if, in a county whose population is less than 45,000, or in a
38 city or unincorporated town located within that county:

39 (a) The combined tax rate certified by the Nevada Tax Commission was at
40 least \$3.50 on each \$100 of assessed valuation on June 25, 1998;

41 (b) The governing body of that county, city or unincorporated town proposes to
42 its registered voters an additional levy ad valorem above the total ad valorem tax
43 levy for all public purposes set forth in subsection 1;

44 (c) The proposal specifies the amount of money to be derived, the purpose for
45 which it is to be expended and the duration of the levy; and

46 (d) The proposal is approved by a majority of the voters voting on the question
47 at a general election or a special election called for that purpose.

48 3. The duration of the additional levy ad valorem levied pursuant to
49 subsection 2 must not exceed 5 years. The governing body of the county, city or
50 unincorporated town may discontinue the levy before it expires and may not
51 thereafter reimpose it in whole or in part without following the procedure required
52 for its original imposition set forth in subsection 2.

1 4. A special election may be held pursuant to subsection 2 only if the
2 governing body of the county, city or unincorporated town determines, by a
3 unanimous vote, that an emergency exists. The determination made by the
4 governing body is conclusive unless it is shown that the governing body acted with
5 fraud or a gross abuse of discretion. An action to challenge the determination made
6 by the governing body must be commenced within 15 days after the governing
7 body's determination is final. As used in this subsection, "emergency" means any
8 unexpected occurrence or combination of occurrences which requires immediate
9 action by the governing body of the county, city or unincorporated town to prevent
10 or mitigate a substantial financial loss to the county, city or unincorporated town or
11 to enable the governing body to provide an essential service to the residents of the
12 county, city or unincorporated town.

13 **Sec. 7.5. NRS 361.4726 is hereby amended to read as follows:**

14 361.4726 1. Except as otherwise provided by specific statute, if any
15 legislative act which becomes effective after April 6, 2005, imposes a duty on a
16 taxing entity to levy a new ad valorem tax or to increase the rate of an existing ad
17 valorem tax, the amount of the new tax or increase in the rate of the existing tax is
18 exempt from each partial abatement from taxation provided pursuant to NRS
19 361.4722, 361.4723 and 361.4724.

20 2. The amount of any tax imposed pursuant to NRS 354.705 and 387.3288
21 **and section 3 of this act** is exempt from each partial abatement from taxation
22 provided pursuant to NRS 361.4722, 361.4723 and 361.4724.

23 3. For the purposes of this section, "taxing entity" does not include the State.

24 **Sec. 8.** If the board of county commissioners of a county whose population is
25 52,500 or more and less than 57,500, has not adopted an ordinance levying the tax
26 pursuant to section 2 of this act on or before June 30, 2024, a tax shall be levied
27 pursuant to section 2 of this act at a rate of 25 cents on each \$100 of assessed
28 valuation of taxable property within the county. The tax shall be collected and
29 administered in the same manner as though the board of county commissioners had
30 adopted an ordinance levying the tax pursuant to section 2 of this act at that rate.

31 **Sec. 9.** 1. There is hereby appropriated from the State General Fund to the
32 ~~Account~~ **Fund** to Assist Rural School Districts in Financing Capital
33 Improvements created by section 4 of this act the sum of \$25,000,000, for grants to
34 school districts, and the sum of \$25,000,000, for grants to school districts for
35 capital projects for schools located on qualified tribal land.

36 2. As used in this section, "qualified tribal land" means any real property:

37 (a) For which legal title is vested in, or held in trust for the benefit of, an Indian
38 tribe or an individual Native American, and which is subject to restrictions against
39 alienation pursuant to federal law; and

40 (b) Over which an Indian tribe exercises governmental power.

41 **Sec. 10.** 1. There is hereby appropriated from the State General Fund to the
42 Elko County School District the sum of \$64,500,000 for the construction of a
43 school on the Duck Valley Indian Reservation to replace the Owyhee Combined
44 School.

45 2. All money appropriated by subsection 1 must be used only for the purposes
46 specified in subsection 1 and no portion of the money may be set aside, distributed
47 or otherwise committed or used for any other purpose, including, without
48 limitation, any costs related to other buildings or facilities.

49 3. Any remaining balance of the appropriation made by subsection 1 must not
50 be committed for expenditure after June 30, 2028, by the entity to which the
51 appropriation is made or any entity to which money from the appropriation is
52 granted or otherwise transferred in any manner, and any portion of the appropriated
53 money remaining must not be spent for any purpose after September 15, 2028, by

1 either the entity to which the money was appropriated or the entity to which the
2 money was subsequently granted or transferred, and must be reverted to the State
3 General Fund on or before September 15, 2028.

4 **Sec. 11.** Notwithstanding the provisions of NRS 218D.430 and 218D.435, a
5 committee may vote on this act before the expiration of the period prescribed for
6 the return of a fiscal note in NRS 218D.475. This section applies retroactively from
7 and after May 21, 2023.

8 **Sec. 12.** This act becomes effective on July 1, 2023.