

THE EIGHTH DAY

CARSON CITY (Monday), February 13, 2023

Senate called to order at 11:16 a.m.

President pro Tempore Spearman presiding.

Roll called.

All present.

Prayer by the Chaplain, Bishop Deborah Hutterer.

Spirit of love, who moves with creation, drawing the threads to color and design, life into life, You knit together this nation. Come, work with us and weave us into one. Though we have frayed the fabric of Your making, tearing away from that You intend, yet to be whole, humanity is aching. Come, work with us and weave us into one.

Great loom of God, where history is woven, You are the frame that holds us to truth. Love is the theme, that pattern You have given. Come, work with us and weave us into one.

Thank You, Lord, for these elected officials who have answered the call to serve the people of Nevada. Give them a good dose of wisdom, charity, justice and hope as they serve faithfully and promote the common good.

AMEN.

Pledge of Allegiance to the Flag.

By previous order of the Senate, the reading of the Journal is dispensed with, and the President pro Tempore and Secretary are authorized to make the necessary corrections and additions.

REPORTS OF COMMITTEE

Madam President pro Tempore:

Your Committee on Finance, to which was referred Senate Bill No. 124, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that the following persons be accepted as accredited press representatives, and that they be allowed the use of appropriate media facilities: KOLO 8: Ashley Grams; KRNV NEWS 4: Benjamin Margiott; NEVADA APPEAL-NEVADA VETERANS JOURNAL: Steven Ranson.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Senators Pazina, Scheible, Spearman, Cannizzaro, Hansen, Daly, Dondero Loop, Flores, Harris, Lange, Neal, Nguyen, Ohrenschall, Seevers Gansert; Assemblymen O'Neill, Yeager and Watts:

Senate Bill No. 132—AN ACT relating to insurance; prohibiting discrimination against a living organ donor in a policy or contract of life insurance, life annuity or health insurance; and providing other matters properly relating thereto.

Senator Pazina moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Senators Daly, Cannizzaro, Spearman, Doñate, Dondero Loop, Flores, Harris, Lange, Neal, Nguyen, Pazina; Assemblymen Yeager, Jauregui, Gorelow, Brittney Miller, Backus, Anderson, Bilbray-Axelrod, Brown-May, Carter, Cohen, Considine, D'Silva, Duran, González, La Rue Hatch, C.H. Miller, Monroe-Moreno, Mosca, Newby, Nguyen, Orentlicher, Peters, Taylor, Thomas, Torres and Watts:

Senate Bill No. 133—AN ACT relating to elections; prohibiting a person from conspiring to create or serve in a false slate of presidential electors; prohibiting the State or a local government from appointing to public office or employing a person convicted of such an offense; providing a penalty; and providing other matters properly relating thereto.

Senator Daly moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Senators Seevers Gansert, Goicoechea, Titus, Buck, Stone, Daly, Harris, Pazina; Assemblymen Kasama, Hibbetts and Koenig:

Senate Bill No. 134—AN ACT relating to health care; prohibiting an insurer from entering into a contract with a provider of vision care that contains certain provisions; and providing other matters properly relating thereto.

Senator Seevers Gansert moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Senators Titus, Krasner, Goicoechea, Buck, Stone, Hansen and Seevers Gansert:

Senate Bill No. 135—AN ACT relating to elections; revising certain deadlines relating to the return of mail ballots by mail; and providing other matters properly relating thereto.

Senator Titus moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Senators Krasner, Goicoechea, Titus, Buck, Hansen, Seevers Gansert and Stone:

Senate Bill No. 136—AN ACT relating to emergency management; requiring a state of emergency or declaration of disaster proclaimed by the Governor to terminate after 30 days, unless the Legislature expressly approves a continuance of the emergency or disaster; prohibiting the Governor from proclaiming the existence of a state of emergency or declaration of disaster due to the same occurrence or threatened occurrence as that of an emergency or disaster which has terminated, unless the Legislature expressly approves the

proclamation; prohibiting the exercise of certain powers by the Governor without the express approval of the Legislative Commission or the Legislature; and providing other matters properly relating thereto.

Senator Krasner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Hammond:

Senate Bill No. 137—AN ACT relating to Medicaid; requiring the State Plan for Medicaid to include coverage for donor breast milk and human milk-based human milk fortifiers for certain infants; and providing other matters properly relating thereto.

Senator Hammond moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Senators Krasner, Pazina, Stone, Titus; Assemblymen Gray, Backus, Bilbray-Axelrod, McArthur and Peters:

Senate Bill No. 138—AN ACT relating to crimes; revising the penalty for facilitating sex trafficking under certain circumstances; and providing other matters properly relating thereto.

Senator Krasner moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Hammond:

Senate Bill No. 139—AN ACT relating to financial services; exempting certain persons from provisions governing the licensure and regulation of persons who make deferred deposit loans, high-interest loans and title loans and other persons engaged in the business of lending; setting forth certain legislative declarations; and providing other matters properly relating thereto.

Senator Hammond moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 124.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1.

SUMMARY—Revises provisions relating to the tax upon the net proceeds of minerals and royalties of mining operations. (BDR 32-908)

AN ACT relating to taxation; revising the manner by which a portion of the revenue generated by the tax upon the net proceeds of minerals and royalties of mining operations is distributed to the State Education Fund; clarifying the treatment of the proceeds of such a tax within a county school district fund; clarifying the status of the money contained in such a fund on a certain date;

providing for the early expiration of certain requirements regarding the imposition and advance payment of a portion of the tax upon the net proceeds of minerals and royalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes a tax upon the net proceeds of minerals extracted in this State and mineral royalties. (NRS 362.100-362.240) A portion of the revenue generated by the tax upon the net proceeds of minerals and mineral royalties is appropriated to the county in which the mining operation is located for apportionment by the county treasurer to each local government or other local taxing entity in that county in an amount equal to the property tax rate for local purposes in that jurisdiction multiplied by the net proceeds extracted from and royalties paid by extractive operations in that jurisdiction, plus a pro rata share of any penalties and interest collected by the Department of Taxation for any late payment of the tax. (NRS 362.170) Existing law requires the portion of the revenue apportioned by the county treasurer to a county school district for any purpose other than capital projects or debt service for the county school district to be paid by the county treasurer to the State Treasurer for deposit in the State Education Fund. The county treasurer is authorized to retain a commission of 5 percent from this amount. (NRS 362.170) Section 1 of this bill removes the appropriation to the county, and apportionment by the county treasurer of, the portion of the revenue that would otherwise be apportioned to a county school district for any purpose other than capital projects or debt service for the county school district. Instead, section 1 requires the Department to deposit this revenue directly in the State Education Fund, which also has the effect of removing the retention by the county treasurer of a commission of 5 percent of the revenue and requiring the entire amount to be deposited in the State Education Fund. Section 2 of this bill makes a conforming change to reflect that this revenue will be transferred to the State Education Fund by the Department.

Existing law requires, with certain exceptions, that each county school district annually transfer from the county school district fund to the Education Stabilization Account in the State Education Fund any amount by which the budgeted ending fund balance of the county school district fund exceeds 16.6 percent of the total budgeted expenditures for the fund. (NRS 387.1213) Section 2.3 of this bill clarifies that certain proceeds of the tax upon the net proceeds of minerals and mineral royalties that are received by a county school district are excluded from the budgeted ending fund balance of a county school district fund for the purpose of the transfer to the Education Stabilization Account required by existing law and, thus, are not subject to such a transfer.

If a county school district maintained an ending fund balance in its county school district fund which exceeded 16.6 percent of the total budgeted expenditures for the fund on June 30, 2020, existing law allows the county school district to maintain an ending fund balance which does not exceed that higher amount, rather than 16.6 percent, before being required to transfer

money to the Education Stabilization Account. (Section 77 of chapter 624, Statutes of Nevada 2019, at page 4252) Section 5.5 of this bill repeals that provision, and section 2.3 instead provides that any money which was deposited in a county school district fund on or before June 30, 2020, is excluded from the budgeted ending fund balance of a county school district fund for the purpose of the transfer to the Education Stabilization Account required by existing law and, thus, is not subject to such a transfer. Section 1.5 of this bill makes a conforming change to remove a reference to the repealed provision.

Existing law provides that the portion of the revenue generated by the tax upon the net proceeds of minerals and mineral royalties which is appropriated to a county school district pursuant to the Pupil-Centered Funding Plan is deemed to be the first money appropriated to the county school district pursuant to the Plan. (NRS 387.1214) Section 2.5 of this bill clarifies that such money is also deemed to be the first money spent by a county school district from the county school district fund each fiscal year. Section 4.5 of this bill provides that sections 2.3 and 2.5 do not apply to or affect the obligation of any entity to repay any amount of money to which the entity was not entitled.

Existing law requires a person extracting any mineral in this State to file a statement which shows the estimated gross yield and estimated net proceeds from each operation for the current calendar year and an estimate of all royalties that will be paid during the current calendar year. (NRS 362.115) Existing law temporarily requires advance payment of the portion of the tax that is distributed to the State General Fund, based upon the estimated net proceeds and royalties for the current calendar year. (NRS 362.115) This advance payment requirement expires on June 30, 2023. (Chapter 4, Statutes of Nevada 2020, 31st Special Session, at page 32) Section 4 of this bill advances the date on which the advance payment requirement expires to June 30, 2022. Section 3 of this bill revises provisions governing certain duties of the Department relating to the expiration of the advance payment requirement to provide for the carrying out of those duties in Fiscal Year 2022-2023, rather than Fiscal Year 2023-2024.

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

Section 1. NRS 362.170 is hereby amended to read as follows:

362.170 1. There is hereby appropriated to each county the total of the amounts obtained by multiplying, for each extractive operation situated within the county, the net proceeds of that operation and any royalties paid by that operation, by the combined rate of tax ad valorem, excluding any rate levied by the State of Nevada ~~{}~~ *and any rate levied for a county school district for any purpose other than capital projects or debt service for the county school district*, for property at that site, plus a pro rata share of any penalties and interest collected by the Department for the late payment of taxes distributed to the county. The Department shall report to the State Controller on or before May 25 of each year the amount appropriated to each county, as calculated for

each operation from the final statement made in February of that year for the preceding calendar year. The State Controller shall distribute all money due to a county on or before May 30 of each year.

2. The county treasurer shall apportion to each local government or other local entity an amount calculated by:

(a) Determining the total of the amounts obtained by multiplying, for each extractive operation situated within its jurisdiction, the net proceeds of that operation and any royalty payments paid by that operation, by the rate levied on behalf of that local government or other local entity ~~{+}~~, *excluding any rate levied for a county school district for any purpose other than capital projects or debt service for the county school district;*

(b) Adding to the amount determined pursuant to paragraph (a) a pro rata share of any penalties and interest collected by the Department for the late payment of taxes distributed to that local government or local entity; and

(c) Subtracting from the amount determined pursuant to paragraph (b) a commission of 5 percent, of which 3 percent must be deposited in the county general fund and 2 percent must be accounted for separately in the account for the acquisition and improvement of technology in the office of the county assessor created pursuant to NRS 250.085.

3. The amounts apportioned pursuant to subsection 2, including, without limitation, the amount retained by the county and excluding the percentage commission, must be applied to the uses for which each levy was authorized in the same proportion as the rate of each levy bears to the total rate.

4. ~~{Any amount apportioned pursuant to subsection 2}~~ *The Department shall deposit to the credit of the State Education Fund the total of the amounts obtained by multiplying, for each extractive operation situated within a county, the net proceeds of that operation and any royalties paid by that operation, by the combined rate of tax ad valorem levied in that county for ~~{+}~~ the county school district for any purpose other than capital projects or debt service for the county school district ~~{must be paid over to the State Treasurer to be}~~, plus a pro rata share of any penalties and interest collected by the Department for the late payment of taxes deposited to the credit of the State Education Fund.*

5. The Department shall report to the State Controller on or before May 25 of each year the amount received as tax upon the net proceeds of geothermal resources which equals the product of those net proceeds multiplied by the rate of tax levied ad valorem by the State of Nevada.

Sec. 1.5. NRS 354.6241 is hereby amended to read as follows:

354.6241 1. The statement required by paragraph (a) of subsection 5 of NRS 354.624 must indicate for each fund set forth in that paragraph:

(a) Whether the fund is being used in accordance with the provisions of this chapter.

(b) Whether the fund is being administered in accordance with generally accepted accounting procedures.

(c) Whether the reserve in the fund is limited to an amount that is reasonable and necessary to carry out the purposes of the fund.

(d) The sources of revenues available for the fund during the fiscal year, including transfers from any other funds.

(e) The statutory and regulatory requirements applicable to the fund.

(f) The balance and retained earnings of the fund.

2. Except as otherwise provided in subsections 3 and 4 and NRS 354.59891 and 354.613, to the extent that the reserve in any fund set forth in paragraph (a) of subsection 5 of NRS 354.624 exceeds the amount that is reasonable and necessary to carry out the purposes for which the fund was created, the reserve may be expended by the local government pursuant to the provisions of chapter 288 of NRS.

3. For any local government other than a school district, for the purposes of chapter 288 of NRS, a budgeted ending fund balance of not more than 16.67 percent of the total budgeted expenditures, less capital outlay, for a general fund:

(a) Is not subject to negotiations with an employee organization; and

(b) Must not be considered by a fact finder or arbitrator in determining the financial ability of the local government to pay compensation or monetary benefits.

4. For a school district, for the purposes of chapter 288 of NRS:

(a) A budgeted ending fund balance of not more than 12 percent of the total budgeted expenditures for a county school district fund:

(1) Is not subject to negotiations with an employee organization; and

(2) Must not be considered by a fact finder or arbitrator in determining the financial ability of the local government to pay compensation or monetary benefits; and

(b) Any portion of a budgeted ending fund balance which exceeds 16.6 percent of the total budgeted expenditures for a county school district fund:

(1) Is not subject to negotiations with an employee organization;

(2) Must not be considered by a fact finder or arbitrator in determining the financial ability of the local government to pay compensation or monetary benefits; and

(3) ~~Except as otherwise provided in section 77 of chapter 624, Statutes of Nevada 2019, at page 4252, must~~ Must be transferred to the Education Stabilization Account pursuant to NRS 387.1213.

Sec. 2. NRS 387.1212 is hereby amended to read as follows:

387.1212 1. The State Education Fund is hereby created as a special revenue fund to be administered by the Superintendent of Public Instruction for the purpose of supporting the operation of the public schools in this State. The interest and income earned on the money in the Fund, excluding the direct legislative appropriation from the State General Fund required by subsection 3, must, after deducting any applicable charges, be credited to the Fund.

2. Money which must be deposited for credit to the State Education Fund includes, without limitation:

- (a) All money derived from interest on the State Permanent School Fund, as provided in NRS 387.030;
- (b) The proceeds of the tax imposed pursuant to NRS 244.33561 and any applicable penalty or interest, less any amount retained by the county treasurer for the actual cost of collecting and administering the tax;
- (c) The proceeds of the tax imposed pursuant to subsection 1 of NRS 387.195;
- (d) The money identified in subsection 8 of NRS 120A.610;
- (e) The portion of the money in each special account created pursuant to subsection 1 of NRS 179.1187 which is identified in paragraph (d) of subsection 2 of NRS 179.1187;
- (f) The money identified in paragraph (d) of subsection 6 of NRS 278C.250;
- (g) The money identified in subsection 1 of NRS 328.450;
- (h) The money identified in subsection 1 of NRS 328.460;
- (i) The money identified in paragraph (a) of subsection 2 of NRS 360.850;
- (j) The money identified in paragraph (a) of subsection 2 of NRS 360.855;
- (k) The money required to be ~~paid over to the State Treasurer for deposit~~ *deposited* to the credit of the State Education Fund pursuant to subsection 4 of NRS 362.170;
- (l) The portion of the proceeds of the tax imposed pursuant to subsection 1 of NRS 372A.290 identified in paragraph (b) of subsection 4 of NRS 372A.290;
- (m) The proceeds of the tax imposed pursuant to subsection 3 of NRS 372A.290;
- (n) The proceeds of the fees, taxes, interest and penalties imposed pursuant to chapter 374 of NRS, as transferred pursuant to subsection 3 of NRS 374.785;
- (o) The money identified in subsection 5 of NRS 445B.640;
- (p) The money identified in paragraph (b) of subsection 4 of NRS 678B.390;
- (q) The portion of the proceeds of the excise tax imposed pursuant to subsection 1 of NRS 463.385 identified in paragraph (c) of subsection 5 of NRS 463.385;
- (r) The money required to be distributed to the State Education Fund pursuant to subsection 3 of NRS 482.181;
- (s) The portion of the proceeds of the fee imposed pursuant to NRS 488.075 identified in subsection 2 of NRS 488.075;
- (t) The portion of the net profits of the grantee of a franchise, right or privilege identified in NRS 709.110;
- (u) The portion of the net profits of the grantee of a franchise identified in NRS 709.230;
- (v) The portion of the net profits of the grantee of a franchise identified in NRS 709.270; and
- (w) The direct legislative appropriation from the State General Fund required by subsection 3.

3. In addition to money from any other source provided by law, support for the State Education Fund must be provided by direct legislative appropriation from the State General Fund in an amount determined by the Legislature to be sufficient to fund the operation of the public schools in this State for kindergarten through grade 12 for the next ensuing biennium for the population reasonably estimated for that biennium. Money in the State Education Fund does not revert to the State General Fund at the end of a fiscal year, and the balance in the State Education Fund must be carried forward to the next fiscal year.

4. Money in the Fund must be paid out on claims as other claims against the State are paid.

Sec. 2.3. NRS 387.1213 is hereby amended to read as follows:

387.1213 1. The Education Stabilization Account is hereby created in the State Education Fund. Except as otherwise provided in subsections 3, ~~and 4,~~ and 5, each year after the close of the previous fiscal year and before the issuance of the State Controller's annual report, each county school district shall transfer from the county school district fund to the Education Stabilization Account any amount by which the budgeted ending fund balance of the county school district fund exceeds 16.6 percent of the total budgeted expenditures for the fund. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

2. Money transferred pursuant to subsection 1 to the Education Stabilization Account is a continuing appropriation solely for the purpose of authorizing the expenditure of the transferred money for the purposes set forth in this section.

3. The balance in the Educational Stabilization Account must not exceed 15 percent of the total of all appropriations and authorizations from the State Education Fund, excluding the Education Stabilization Account, for the immediately preceding fiscal year. Any money transferred to the Education Stabilization Account which exceeds this amount must instead be transferred to the State Education Fund.

4. If the Interim Finance Committee finds that:

(a) Upon submission of a request from the Department, the actual enrollment growth for a fiscal year exceeds the projected enrollment growth by an amount that the Interim Finance Committee determines would make a transfer of money to the State Education Fund necessary to fund the excess enrollment; or

(b) The collection of revenue in any fiscal year will result in the State Education Fund receiving 97 percent or less of the money authorized for expenditure from the State Education Fund,

→ the Committee shall by resolution establish an amount of money to transfer from the Education Stabilization Account to the State Education Fund and direct the State Controller to transfer that amount to the State Education Fund. The State Controller shall thereupon make the transfer.

5. When determining the budgeted ending fund balance for the purposes of subsection 1, each county school district shall exclude:

(a) Any money deposited in the county school district fund on or before June 30, 2020;

(b) Any money apportioned to the county school district for capital projects or debt service pursuant to subsection 2 of NRS 362.170 and deposited in the county school district fund when authorized by law; and

(c) Any money transferred to the county school district and authorized for expenditure as a continuing appropriation pursuant to paragraph (b) of subsection 6 of NRS 387.1214.

6. The balance remaining in the State Education Fund, excluding the balance remaining in the Education Stabilization Account, that has not been committed for expenditure on or before June 30 of an odd-numbered fiscal year must be transferred to the Education Stabilization Account to the extent that such a transfer would not cause the balance in the Education Stabilization Account to exceed the limit established in subsection 3.

Sec. 2.5. NRS 387.1214 is hereby amended to read as follows:

387.1214 1. After a direct legislative appropriation is made to the State Education Fund from the State General Fund pursuant to NRS 387.1212, the Legislature shall determine the statewide base per pupil funding amount for each fiscal year of the biennium, which is the amount of money expressed on a per pupil basis for the projected enrollment of the public schools in this State, determined to be sufficient by the Legislature to fund the costs of all public schools in this State to operate and provide general education to all pupils for any purpose for which specific funding is not appropriated pursuant to paragraph (a), (b) or (e) of subsection 2 or NRS 387.122. It is the intent of the Legislature that the statewide base per pupil funding amount for any fiscal year, to the extent practicable, be not less than the statewide base per pupil funding amount for the immediately preceding fiscal year, adjusted by inflation, unless the amount of money contained in the State Education Fund, excluding the Education Stabilization Account, decreases from the preceding fiscal year. If the amount of money contained in the State Education Fund, excluding the Education Stabilization Account, decreases from the preceding fiscal year, it is the intent of the Legislature that a proportional reduction be made in both the statewide base per pupil funding amount and the weighted funding appropriated pursuant to paragraph (e) of subsection 2.

2. After a direct legislative appropriation is made to the State Education Fund from the State General Fund pursuant to NRS 387.1212, the money in the State Education Fund, excluding any amount of money in the Education Stabilization Account, must be appropriated as established by law for each fiscal year of the biennium for the following purposes:

(a) To each school district, an amount of money determined to be sufficient by the Legislature, when combined with any other resources available for this purpose, to provide food services and transportation for pupils and any other similar service that the Legislature deems appropriate.

(b) To each school district, charter school or university school for profoundly gifted pupils, an amount of money determined to be sufficient by the Legislature, when combined with any other resources available for this purpose, to provide local funding to support pupils with disabilities.

(c) To each school district, an amount of money determined to be sufficient by the Legislature, when combined with any other resources available for this purpose, to provide adjusted base per pupil funding for each pupil estimated to be enrolled in the school district.

(d) To each charter school or university school for profoundly gifted pupils, an amount of money determined to be sufficient by the Legislature, when combined with any other resources available for this purpose, to provide:

(1) The statewide base per pupil funding amount for each pupil estimated to be enrolled full-time in a program of distance education provided by the charter school or university school for profoundly gifted pupils; and

(2) Adjusted base per pupil funding for each pupil estimated to be enrolled in the charter school or university school for profoundly gifted pupils other than a pupil identified in subparagraph (1).

(e) To each school district, charter school or university school for profoundly gifted pupils, an amount of money determined to be sufficient by the Legislature, when combined with any other resources available for this purpose, to provide additional weighted funding for each pupil estimated to be enrolled in the school district, charter school or university school for profoundly gifted pupils who is:

(1) An English learner;

(2) An at-risk pupil; or

(3) A gifted and talented pupil.

3. The adjusted base per pupil funding appropriated pursuant to paragraph (c) of subsection 2 for each school district must be determined by applying the cost adjustment factor established pursuant to NRS 387.1215 which applies to the school district and the attendance area adjustment established pursuant to NRS 387.1218 which applies to each applicable area of the school district to the statewide base per pupil funding amount.

4. The adjusted base per pupil funding appropriated pursuant to subparagraph (2) of paragraph (d) of subsection 2 for each charter school or university school for profoundly gifted pupils must be determined by applying the cost adjustment factor established pursuant to NRS 387.1215 which applies to the charter school or university school and, if applicable, the attendance area adjustment established pursuant to NRS 387.1218 to the statewide base per pupil funding amount.

5. The weighted funding appropriated pursuant to paragraph (e) of subsection 2 must be established separately for each category of pupils identified in that paragraph and expressed as a multiplier to be applied to the statewide base per pupil funding amount determined pursuant to subsection 1. A pupil who belongs to more than one category of pupils or for whom a school district, charter school or university school for profoundly gifted pupils is

eligible to receive the statewide multiplier pursuant to NRS 387.122 must receive only the weighted funding for the single category to which the pupil belongs which has the largest multiplier or the statewide multiplier, whichever is larger. It is the intent of the Legislature that, to the extent practicable:

(a) The multiplier for each category of pupils for any fiscal year be not less than the multiplier for the immediately preceding fiscal year unless:

(1) The amount of money contained in the State Education Fund, excluding the Education Stabilization Account, decreases from the preceding fiscal year, in which event it is the intent of the Legislature that a proportional reduction be made in both the statewide base per pupil funding amount and the weighted funding appropriated pursuant to paragraph (e) of subsection 2; or

(2) The amount of money contained in the State Education Fund, excluding the Education Stabilization Account, increases from the preceding fiscal year but in an amount which, after funding the appropriations required by paragraphs (a) to (d), inclusive, of subsection 2, is insufficient to fund the multiplier for each category of pupils, in which event it is the intent of the Legislature that the remaining money in the State Education Fund be used to provide a multiplier for each category of pupils which is as close as practicable to the multiplier for the preceding fiscal year;

(b) The recommendations of the Commission for the multiplier for each category of pupils be considered and the multiplier for one category of pupils may be changed by an amount that is not proportional to the change in the multiplier for one or more other categories of pupils if the Legislature determines that a disproportionate need to serve the pupils in the affected category exists; and

(c) If the multipliers for all categories of pupils in a fiscal year are increased from the multipliers in the immediately preceding fiscal year, a proportional increase is considered for the statewide base per pupil funding amount.

6. For any money identified in subsection 4 of NRS 362.170 which is deposited to the credit of the State Education Fund:

(a) The amount of such money for the county from which the money was collected that does not exceed the total amount of money appropriated pursuant to subsection 2 to the county school district is deemed to be the first money appropriated pursuant to subsection 2 for that county school district ~~and~~ and the first money spent by that county school district from the county school district fund during the applicable fiscal year.

(b) The amount of such money for the county from which the money was collected which exceeds the total amount of money appropriated pursuant to subsection 2 to the county school district must be transferred to the county school district and is hereby authorized for expenditure as a continuing appropriation for the purpose of mitigating the adverse effects of the cyclical nature of the industry of extracting and processing minerals on the ability of the county school district to offer its pupils a reasonably equal educational opportunity.

7. The weighted funding appropriated pursuant to paragraph (e) of subsection 2:

(a) May not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district or the governing body of a charter school and the school district or governing body or to settle any negotiations; and

(b) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.

Sec. 3. Section 8 of chapter 4, Statutes of Nevada 2020, 31st Special Session, at page 30, is hereby amended to read as follows:

Sec. 8. 1. When preparing its certificate of the tax due from a taxpayer pursuant to NRS 362.130 during the calendar year ~~{2024,}~~ 2023, the Department of Taxation shall reduce the amount of the tax due from the taxpayer by the amount of:

(a) Any estimated payments of the tax made by or on behalf of the taxpayer during the calendar year ~~{2023}~~ 2022 pursuant to NRS 362.115, as that section read on January 1, ~~{2023,}~~ 2022; and

(b) Any unused credit to which the taxpayer may be entitled as a result of any previous overpayment of the tax.

2. Notwithstanding any other provision of law, for the calendar year ~~{2023,}~~ 2022, each person extracting any mineral in this State may file with the Department a quarterly report stating an estimate for the year and the actual quarterly amounts of production, gross yield and net proceeds as of March 31, June 30, September 30 and December 31 of that year, and pay any additional amount of the portion of the tax due pursuant to paragraph (a) of subsection 1 of NRS 362.115, as that section read on January 1, ~~{2023,}~~ 2022. The additional estimated tax liability must be calculated by determining the difference between the revised estimates of net proceeds based on the recent production figures as indicated by the quarterly reports and the original estimate supplied pursuant to paragraph (a) of subsection 1 of NRS 362.115, as that section read on January 1, ~~{2023,}~~ 2022. If the person chooses to submit such reports, the reports must be submitted on a form prescribed by the Department not later than the last day of the month following the end of the calendar quarter and payment must be made within 30 days after filing any quarterly report that indicates an additional estimated tax liability.

3. Notwithstanding any other provision of law, for calendar year ~~{2023,}~~ 2022, if the amount paid pursuant to paragraph (a) of subsection 1 of NRS 362.115, as that section read on January 1, ~~{2023,}~~ 2022, is less than 90 percent of the amount certified pursuant to NRS 362.130 as the net proceeds of any minerals extracted and royalties paid during calendar year ~~{2023}~~ 2022 multiplied by a rate equal to the rate as determined pursuant to NRS 362.140 minus the combined rate of tax ad valorem for the county in which the operation

is located, including any rate levied by the State of Nevada, the certificate prepared by the Department pursuant to this section must include a penalty of 10 percent of the amount by which that portion of the tax was underpaid unless:

(a) The amount paid pursuant to paragraph (a) of subsection 1 of NRS 362.115, as that section read on January 1, ~~{2023,}~~ 2022, in calendar year ~~{2023}~~ 2022 is equal to or greater than the liability of the operation for the calendar year ~~{2022}~~ 2021 for the portion of the tax that is equal to the net proceeds of any minerals extracted and royalties paid during that calendar year multiplied by a rate equal to the rate as determined pursuant to NRS 362.140 minus the combined rate of tax ad valorem for the county in which the operation is located, including any rate levied by the State of Nevada; or

(b) The person files quarterly reports pursuant to subsection 2 in a timely manner and the total of all payments exceeds 90 percent of the amount certified as the net proceeds of any minerals extracted and royalties paid during the calendar year ~~{2023}~~ 2022 multiplied by a rate equal to the rate as determined pursuant to NRS 362.140 minus the combined rate of tax ad valorem for the county in which the operation is located, including any rate levied by the State of Nevada.

Sec. 4. Section 12 of chapter 4, Statutes of Nevada 2020, 31st Special Session, at page 32, is hereby amended to read as follows:

Sec. 12. 1. This section and sections 2 and 5.5 to 11, inclusive, of this act become effective upon passage and approval.

2. Sections 5.5 and 6 of this act expire by limitation on June 30, 2021.

3. Section 3 of this act becomes effective on July 1, 2021.

4. Sections 2 and 3 of this act expire by limitation on June 30, ~~{2023,}~~ 2022.

Sec. 4.5. The amendatory provisions of sections 2.3 and 2.5 of this act:

1. Are a legislative pronouncement of already existing law and are intended to clarify rather than change such existing law; and

2. Do not apply to or otherwise affect the obligation of any entity to repay to the State Education Fund any amount of money to which the entity was not entitled, including, without limitation, money which was received as an overpayment or in any other way paid to an entity in error from the State Education Fund.

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

Sec. 5.5. Section 77 of chapter 624, Statutes of Nevada 2019, at page 4252, is hereby repealed.

Sec. 6. 1. This act becomes effective upon passage and approval.

2. The amendatory provisions of sections 1.5, 2.3, 2.5, 4.5 and 5.5 of this act apply retroactively from and after June 30, 2020.

3. The amendatory provisions of sections 3 and 4 of this act apply retroactively from and after June 30, 2022.

TEXT OF REPEALED SECTION

Section 77 of chapter 624, Statutes of Nevada 2019:

Sec. 77. Notwithstanding the provisions of subsection 1 of section 3 of this act, if the ending fund balance of a county school district fund exceeds 16.6 percent of the total budgeted expenditures for the fund for the fiscal year which ends on June 30, 2020, the county school district may maintain an ending fund balance for its county school district fund in the succeeding fiscal year which does not exceed the ending fund balance for the fiscal year which ends on June 30, 2020, and any amount by which the ending fund balance exceeds that amount must be transferred to the Education Stabilization Account created by section 3 of this act. Until the ending fund balance of such a county school district fund reaches 16.6 percent or less of the total budgeted expenditures for the fund, the ending fund balance for such a county school district fund in each subsequent fiscal year may not exceed the ending fund balance for the county school district fund in the immediately preceding fiscal year, and any amount by which the ending funding balance exceeds that amount must be transferred to the Education Stabilization Account created by section 3 of this act.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Senate Amendment No. 1 amends Senate Bill No. 124, as introduced, by adding a new section 2.3 to amend NRS 387.1213 by adding a new section 5. This section clarifies that when determining a county school district's budgeted ending fund balance, any money in the school district fund on or before June 30, 2020, any money apportioned to the school district for capital projects or debt services, and any money considered to be a continuing appropriation pursuant to NRS 387.1214 is to be excluded from the ending fund balance calculation.

A new section 2.5 is added to amend NRS 387.1214. This section defines that any money received by a county school district derived from the tax upon the net proceeds of minerals and mineral royalties is deemed to be the first money spent by a county school district from the district's fund for the applicable fiscal year.

A new section 4.5 is added to clarify that the amendatory provisions of new sections 2.3 and 2.5 of the bill are clarifications of existing law. They do not affect the obligation of any entity to repay to the State Education Fund any amount of money received as an overpayment or otherwise received in error from the Fund.

A new section 5.5 is added to repeal existing language of section 77 of chapter 624, Statutes of Nevada 2019, page 4252 (Senate Bill 543 of the 80th Session).

Finally, section 6 is amended to make the amendatory provisions of new sections 1.5, 2.3, 2.5, 4.5 and 5.5 of the bill apply retroactively from and after June 30, 2020. Additionally, section 6 makes the amendatory language of sections 3 and 4 apply retroactively from and after June 30, 2022.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 32.

Bill read third time.

Remarks by Senator Stone.

Senate Bill No. 32 relates to the transportation of persons in custody. Senate Bill No. 32 a person, or an employee of such person, who engages in transporting individuals for the purpose of a temporary transfer of custody pursuant to the Agreement on Detainers or extraction pursuant to the Uniform Criminal Extradition Act from provisions governing private investigators and other related professions.

Roll call on Senate Bill No. 32:

YEAS—21.

NAYS—None.

Senate Bill No. 32 having received a constitutional majority, Madam President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

REMARKS FROM THE FLOOR

Senator Stone requested that his remarks be entered in the Journal.

Lieutenant Governor Anthony is the acting governor until Governor Lombardo returns from Phoenix where this morning he unveiled the Las Vegas Super Bowl logo. This will be a tremendous economic stimulus to Nevada.

The Lieutenant Governor serves as Chairman of the Commission on Tourism. He has some prepared remarks I will read for him.

"As Chairman of the Nevada Commission on Tourism, I'm honored to assist our State's efforts to promote travel to and within Nevada. Nevada's economy relies heavily on a thriving tourism industry and the tax revenues generated from travel and tourism help support essential services for our residents. So, today on Tourism Day, I want to thank those who work so hard to make Nevada a top destination."

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Pazina, the privilege of the floor of the Senate Chamber for this day was extended to Director Brenda Scolari.

On request of Senator Stone, the privilege of the floor of the Senate Chamber for this day was extended to Lieutenant Governor Anthony.

Senator Cannizzaro moved that the Senate adjourn until Tuesday, February 14, 2023, at 11:00 a.m.

Motion carried.

Senate adjourned at 11:39 a.m.

Approved:

STAVROS ANTHONY
President of the Senate

Attest: BRENDAN BUCY

Secretary of the Senate