



# Legislative Links

From the Nevada Association of School Boards

May 13, 2009

The 101<sup>st</sup> day of the Nevada's Seventy-Fifth Legislative Session...

Special thanks to each school board member, superintendent, and district administrator who has taken time to communicate with legislators about the proposals mentioned below. Your help always makes a difference!

**Assembly Bill 429**, often called "THE textbook bill," (1) adds "instructional software" to the list of items that can be used for minimum expenditure required spending of the fenced off \$50 per student and (2) proposes a different formula for calculating the minimum expenditure required. NASB testified in support of this bill when it was heard by the Senate Committee on Finance and lobbied for its passage. On May 2, the Committee acted to recommend "do pass." On May 12, the bill passed the Senate with a unanimous vote.

**Assembly Bill 13** is another textbook bill that provides a "hardship waiver" process for school districts to pursue for relief from the minimum expenditure requirement for the \$50 fenced off appropriation. On May 2, the Senate Committee on Finance held a hearing on this bill. In response to a concern from Senator Raggio, an amendment was submitted. On May 6, the Senate Committee on Finance acted to make an "amend and do pass" recommendation. NASB testified in support of this bill and has lobbied for its passage. As of this date, the bill has not yet passed the Senate.

**Assembly Bill 458** was heard on April 30 by the Assembly Committee on Ways & Means. This bill has been proposed by Speaker Barbara Buckley to establish a "Rainy Day Fund" for education—very much like the Education Stabilization Fund called for in iNVEST '09. This bill also proposes that a portion of the monies collected as "education taxes" that have been reverted in the past to the State General Fund be used instead to fill the "Rainy Day Fund" for education. The bill further generates additional dollars for education by limiting local governments from abating tax revenues when creating local redevelopment areas. There was considerable opposition to this proposal from entities that have redevelopment areas. NASB testified in support of this bill. On May 6, the Assembly Committee on Ways & Means acted to "amend and do pass" the measure. On May 12, the Assembly unanimously passed the bill as amended.

**Assembly Bill 488** as amended proposes to (1) extend the sunset for using the critical shortage strategy to fill such positions and (2) implement a new process for determining whether a position meets the criteria for "critical need." NASB testified in support of this bill and has lobbied for its passage. This important proposal was acted upon by the Assembly Committee on Ways & Means on May 5 with an "amend and do pass" recommendation. NASB testified in support of this bill and has lobbied for its passage. On May 12, AB488 passed the Assembly with a unanimous vote.

**Assembly Concurrent Resolution 2** directs the Legislative Commission to conduct an interim study concerning the governance and oversight of the system of public education. This bill is in contrast to Senate Bill 330 that proposes a number of immediate changes, including re-composition of the State Board of Education, re-organization of the Nevada Department of Education, and an alternative method for selection of the State Superintendent of Public Instruction. During the May 5 hearing on ACR2, Randy Robison testified in support of this bill on behalf of NASS and NASB. On May 12, ACR2 passed out of the Assembly Committee on Elections, Procedures, Ethics, and Constitutional Amendments with the "be adopted" recommendation. SB330 remains before the Senate Committee on Finance.

In order to act on bills in the Second House, committees are holding very long hearings and work sessions. The status of bills changes almost by the moment; for the latest news about bills of interest, please check the legislative website: <http://www.leg.state.nv.us/75th2009/Reports/> In addition, the status of bills and other information concerning the legislative process may be obtained by calling the **NEVADA LEGISLATIVE HOTLINE 1-800-995-9080**.

On **May 11**, the presentation on iNVEST '09 was made to the Senate Committee on Health & Education. Special thanks to Sharla Hales [NASB Immediate Past President, Storey] who represented NASB and Paul Dugan [NASS President, Washoe] for making this presentation together. The meeting was attended by school board members Carolyn Edwards [NASB Legislative Chairwoman, Clark], Norm Scoggin [NASB Past President, Carson City], and Cathylee James [Storey]. A number of superintendents and other administrators attended the hearing in Carson City. Committee Chairwoman Valerie Wiener [Clark] commented that she was impressed by the number of supporters in attendance for the presentation. Although this presentation was made late in this Session, because iNVEST '09 contains policy initiatives that are significant in the present as well as for the future, it was important to take advantage of this opportunity to share iNVEST with members of this Committee.

Several school board members have asked for clarification about the legislative process and specifically information in response to this question: **What happens if a bill is amended in the Second House?** The information below comes from the legislative website.

### **Action in the Second House**

#### **First Reading**

Bill is read for the first time and referred to committee.

#### **Committee**

Procedures and possible actions are identical to those in the first house.

#### **Second Reading before the Full House**

If passed by committee, the bill is read a second time and placed on the daily file (agenda) for debate and vote.

#### **Floor Debate and Vote by the Full House**

The procedure is identical to that in the first house. If the second house passes a bill without amendment, it is sent to the Governor. Resolutions that are passed are sent to the Secretary of State. If the second house amends a measure, it is returned to the house of origin for consideration of the amendments.

### **Resolution of Differences (if necessary)**

#### **Consideration of Amendments**

The house of origin decides whether to accept the second house's amendments. If it accepts the amendments, the bill goes to the Governor. If the amendments are rejected, the bill is returned to the second house for a decision whether to withdraw the proposed changes. If the second house does not recede, the bill is referred to a conference committee that includes members of both houses.

#### **Conference**

The conference committee attempts to reconcile the differences and presents its recommendation in the form of a conference report. If both houses accept the report, the bill goes to the Governor. If either house rejects the report, a second (and final) conference committee is appointed. The bill dies if the members of the second conference committee fail to agree.

### **Role of the Governor**

Questions have also arisen about the issue of the Governor's potential VETO of legislative bills and the timeline for the veto process. As a matter of information, Article IV, Section 35, of the Nevada Constitution is provided below for clarification about the issue of bills presented to the Governor and his potential veto.

Sec: 35. **Bills to be presented to governor; approval; disapproval and reconsideration by legislature; failure of governor to return bill.** Every bill which may have passed the Legislature, shall, before it becomes a law be presented to the Governor. If he approve it, he shall sign it, but if not he shall return it with his objections, to the House in which it originated, which House shall cause such objections to be entered upon its journal, and proceed to reconsider it; If after such reconsideration it again pass both Houses by yeas and nays, by a vote of two thirds of the members elected to each House it shall become a law notwithstanding the Governor's objections. If any bill shall not be returned within five days after it shall have been presented to him (Sunday excepted) exclusive of the day on which he received it, the same shall be a law, in like manner as if he had signed it, unless the Legislature by its final adjournment, prevent such return, in which case it shall be a law, unless the Governor within ten days next after the adjournment (Sundays excepted) shall file such bill with his objections thereto, in the office of the Secretary of State, who shall lay the same before the Legislature at its next Session, in like manner as if it had been returned by the Governor, and if the same shall receive the vote of two-thirds of the members elected to each branch of the Legislature, upon a vote taken by yeas and nays to be entered upon the journals of each house, it shall become a law.

A vetoed bill returns to the house of origin for a possible vote on overriding the veto. An override requires a two-thirds majority of both Houses. If the Governor vetoes a bill after session ends, it returns to the next legislative session.

In addition to continuing discussions about potential new taxes, several upcoming deadlines will impact legislative work:

**May 15**—Committee Passage (Second House)—Bills that are not exempt must pass out of the committee of their consideration in the Second House.

**May 22**—Second House Passage—Bills that are not exempt must be passed in the Second House.

**May 27**—Exempt Bills from Committee—Bills that are exempt must pass out of the committee of their consideration.

**NOTE: To voice an opinion on any bill, constituents may dial toll free from anywhere in the state 1-800-992-0973.**