
SENATE BILL NO. 64—COMMITTEE ON EDUCATION

(ON BEHALF OF THE LIEUTENANT GOVERNOR)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Education

SUMMARY—Revises provisions relating to school districts.
(BDR 34-403)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 1)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; adding certain appointed members to the board of trustees of a county school district; providing that a certain appointed member serves as the president of the board of trustees; requiring the Legislative Auditor to audit school districts; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides that the board of trustees of a county school district
2 consists of five or seven elected members, depending on the number of pupils who
3 are enrolled in the county school district. (NRS 386.120) In addition to those
4 members, **section 1** of this bill requires: (1) the board of county commissioners to
5 appoint one school trustee; and (2) each governing body of an incorporated city
6 whose population is 60,000 or more (currently, the cities of Henderson, Las Vegas,
7 North Las Vegas, Reno and Sparks) to appoint one school trustee to the board of
8 trustees of the county school district in which the city is located. **Section 1**
9 prescribes: (1) the length of the terms of the appointed trustees; and (2) the
10 procedure for filling a vacancy among the appointed membership of the board of
11 trustees of a school district. **Sections 1 and 9** of this bill set forth the qualifications
12 of an appointed school trustee. **Sections 2-8 and 10-14** of this bill make various
13 conforming changes to account for the addition of appointed members to the boards
14 of trustees of school districts.

15 Existing law requires the board of trustees of a county school district to elect a
16 president of the board of trustees. (NRS 386.310) **Section 15** of this bill removes
17 the authority of the board of trustees to elect the president and instead requires the



18 trustee appointed by the board of county commissioners pursuant to **section 1** to
19 serve as the president of the board of trustees.
20 Existing law requires the Legislative Auditor to conduct audits of agencies of
21 the State. (NRS 218G.200) Existing law authorizes the Legislative Auditor to
22 conduct a special audit of a nonstate entity if: (1) that entity receives an
23 appropriation of public money; and (2) the Legislative Commission directs the
24 Legislative Auditor to audit the entity. (NRS 218G.450) **Section 17** of this bill
25 requires the Legislative Auditor or his or her designee to audit each school district
26 at least once every 5 years to ensure that the school district is using appropriated
27 money in accordance with applicable laws and regulations. **Section 18** of this bill
28 requires every trustee, officer, employee and contractor of a school district or
29 school in this State to make available certain information that the Legislative
30 Auditor requires to complete the audit and to assist the Legislative Auditor as
31 needed. **Section 18** also authorizes the Legislative Auditor or his or her designee to
32 request a financial statement from the board of trustees of a school district. **Section**
33 **19** of this bill requires the Legislative Auditor or his or her designee to: (1) provide
34 the board of trustees of the audited school district a copy of the preliminary report
35 of the audit and an opportunity to explain or rebut any findings of the Legislative
36 Auditor or his or her designee; (2) compile a final report of each audit; (3) submit
37 the final report to the board of trustees of the audited school district; and (4)
38 biennially compile the final report of each audit performed during the immediately
39 preceding 2 years into a single report and submit that report to the Governor and
40 Legislature. **Section 20** of this bill makes a conforming change to indicate the
41 proper placement of **sections 17-19** in the Nevada Revised Statutes.

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

1 **Section 1.** Chapter 386 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. The board of county commissioners of the county the*
4 *boundaries of which are conterminous with the boundaries of a*
5 *county school district shall appoint to the board of trustees of the*
6 *county school district one school trustee who resides in the county.*

7 *2. The governing body of each incorporated city whose*
8 *population is 60,000 or more shall appoint to the board of trustees*
9 *of the county school district in which the city is located one school*
10 *trustee who resides in the incorporated city.*

11 *3. As soon as practicable after the decennial census that*
12 *determines the population of an incorporated city has increased*
13 *from less than 60,000 to 60,000 or more, the governing body of the*
14 *incorporated city shall appoint to the board of trustees of the*
15 *county school district in which the city is located one school*
16 *trustee who resides in the incorporated city to an initial term that*
17 *begins on the date of the appointment. Except as otherwise*
18 *provided in subsection 4, if the appointment results in:*

19 *(a) An even number of school trustees appointed pursuant to*
20 *this section, the initial term of the newly appointed school trustee*
21 *expires on the first Monday in January following the next general*



1 *election after the date on which the current term of the school*
2 *trustee appointed pursuant to subsection 1 expires.*

3 *(b) An odd number of school trustees appointed pursuant to*
4 *this section, the initial term of the newly appointed school trustee*
5 *expires on the date on which the current term of the school trustee*
6 *appointed pursuant to subsection 1 expires.*

7 *4. If multiple school trustees are appointed to the board of*
8 *trustees of a school district pursuant to subsection 3 to terms that*
9 *begin on the same date, each school trustee who is so appointed*
10 *shall draw lots at the first meeting of the board of trustees after the*
11 *appointment of those school trustees to determine which*
12 *appointees shall be deemed to be odd-numbered school trustees*
13 *and which appointees shall be deemed to be even-numbered*
14 *school trustees for the purposes of subsection 3. The drawing must*
15 *result in, as nearly as possible, half of the appointed school*
16 *trustees being appointed biennially.*

17 *5. If the population of an incorporated city decreases from*
18 *60,000 or more to less than 60,000:*

19 *(a) The terms of the school trustees who have been appointed*
20 *pursuant to this section to the board of trustees of the county*
21 *school district in which the incorporated city is located expire on*
22 *the first Monday in January after the second general election*
23 *following the date of the decennial census by which the decrease*
24 *in population is determined.*

25 *(b) The school trustee appointed by the governing body of the*
26 *incorporated city may serve the remainder of his or her unexpired*
27 *term. If there is a vacancy in the position, the governing body shall*
28 *appoint a new school trustee to serve the remainder of the*
29 *unexpired term, but may not appoint a successor to fill the office*
30 *after the expiration of that term.*

31 *(c) The board of county commissioners of the county the*
32 *boundaries of which are conterminous with the boundaries of a*
33 *county school district and the governing bodies of the remaining*
34 *cities in the county school district whose populations are 75,000 or*
35 *more shall appoint to the board of trustees of the county school*
36 *district the school trustees described in subsections 1 and 2,*
37 *respectively, to terms that begin on the first Monday in January*
38 *following the second general election after the date of the*
39 *decennial census by which the decrease in population is*
40 *determined. A school trustee whose term expires pursuant to*
41 *paragraph (a) may be reappointed if that school trustee meets the*
42 *requirements of subsection 1 or 2, as applicable.*

43 *(d) The school trustees who are appointed pursuant to*
44 *paragraph (c) shall, at the first meeting of the board of trustees*
45 *after the appointment of those trustees, draw lots to determine*



1 *which newly appointed school trustees will serve initial terms of 2*
2 *years and which newly appointed trustees will serve initial terms of*
3 *4 years. The drawing must result in, as nearly as possible, half of*
4 *the appointed school trustees being appointed biennially.*

5 *6. After the initial term, the term of a school trustee*
6 *appointed pursuant to this section is 4 years.*

7 *7. A vacancy occurring among the appointed members of the*
8 *board of trustees of a county school district must be filled in the*
9 *same manner as the original appointment. The appointee serves*
10 *the remainder of the unexpired term and may be reappointed.*

11 *8. As used in this section, "date of the decennial census" has*
12 *the meaning ascribed to "decennial census date" in NRS 0.050.*

13 **Sec. 2.** NRS 386.120 is hereby amended to read as follows:

14 386.120 1. ~~[The]~~ *In addition to the members appointed to*
15 *the board of trustees of a county school district ~~[consists of]~~*
16 *pursuant to section 1 of this act, such board of trustees includes*
17 *five or seven **elected** members as follows:*

18 (a) If 1,000 or more pupils were enrolled during the school year
19 next preceding any general election, the board of trustees ~~[consists~~
20 ~~of]~~ *includes* seven **elected** members. Except in school districts in
21 which more than 25,000 pupils are enrolled, the **elected** members of
22 the board must be elected at large until such time as an alternate
23 manner of election is adopted pursuant to NRS 386.200 or NRS
24 386.205, 386.215 and 386.225.

25 (b) If fewer than 1,000 pupils were enrolled during the school
26 year next preceding any general election, the board of trustees
27 ~~[consists of]~~ *includes* five **elected** members. The **elected** members
28 of the board must be elected as provided in NRS 386.160 until such
29 time as an alternate manner of election is adopted pursuant to NRS
30 386.200 or NRS 386.205, 386.215 and 386.225.

31 (c) If 1,000 or more, but fewer than 1,500 pupils were enrolled
32 during the school year next preceding any general election, the
33 board of trustees ~~[consists of]~~ *includes* seven **elected** members
34 unless the board, on or before December 1 in any year before a
35 general election will be held, adopts a resolution specifying that the
36 board will ~~[consist of]~~ *include* five **elected** members. If the board
37 ~~[consists of]~~ *includes* seven **elected** members, the election of *those*
38 members is governed by paragraph (a). If the board ~~[consists of]~~
39 *includes* five **elected** members, the election of *those* members is
40 governed by paragraph (b).

41 2. Before the adoption of a resolution pursuant to paragraph (c)
42 of subsection 1, the board of trustees shall post conspicuously, in
43 three different places in the school district, a notice containing in
44 full the text of the resolution with the date upon which the board of
45 trustees of the school district is to meet to act upon the resolution.



1 Posting of the notice must be made not less than 10 days before the
2 date fixed in the resolution for action thereon.

3 3. If a board of trustees adopts a resolution pursuant to
4 paragraph (c) of subsection 1, it must transmit a copy of the
5 resolution to the Superintendent of Public Instruction on or before
6 December 15 of the year before the general election will be held.

7 **Sec. 3.** NRS 386.165 is hereby amended to read as follows:

8 386.165 1. In each county school district in which more than
9 75,000 pupils are enrolled, the board of trustees shall establish seven
10 election districts for *elected* school trustees. The *election* districts
11 must be:

12 (a) As nearly equal in population as practicable; and

13 (b) Composed of contiguous territory.

14 2. In each county school district in which more than 25,000
15 pupils but not more than 75,000 pupils are enrolled, the board of
16 trustees shall establish seven election districts for *elected* school
17 trustees, as follows:

18 (a) Five districts which are as nearly equal in population as
19 practicable, each of which includes approximately one-fifth of the
20 population of the county; and

21 (b) Two districts which are as nearly equal in population as
22 practicable, each of which includes approximately one-half of the
23 population of the county.

24 ↪ The districts must be composed of contiguous territory.

25 3. Each trustee of a school district to which this section applies
26 must reside in the election district which the trustee represents and
27 be elected by the voters of that election district.

28 4. In each school district in which more than 25,000 pupils are
29 enrolled, the term of ~~[a]~~ *an elected* school trustee is 4 years. Three
30 trustees must be elected at the general election of 1982 and four
31 trustees must be elected at the general election of 1984.

32 **Sec. 4.** NRS 386.180 is hereby amended to read as follows:

33 386.180 1. If the certificate of the Superintendent of Public
34 Instruction filed with the county clerk states that the pupil
35 enrollment during the preceding school year in a county school
36 district other than Clark or Washoe was less than 1,000, or was
37 1,000 or more but less than 1,500 in a district in which the board of
38 trustees has adopted a resolution in accordance with NRS 386.120
39 specifying that the board will ~~[consist of]~~ *include* five *elected*
40 members, and the board of trustees of the district ~~[is composed of]~~
41 *includes* seven members *who are* elected at large based upon a
42 previous pupil enrollment of 1,000 or more, then two of the offices
43 of *elected* trustee may not be filled at the next succeeding general
44 election.



1 2. Thereafter, while continued pupil enrollment in the county
2 school district is less than 1,000, or is 1,000 or more but less than
3 1,500 in a district in which the board of trustees has adopted a
4 resolution in accordance with NRS 386.120 specifying that the
5 board will ~~consist of~~ **include** five **elected** members, the offices of
6 **elected** school trustees must be filled as provided by law for school
7 districts having pupil enrollments of less than 1,000.

8 **Sec. 5.** NRS 386.190 is hereby amended to read as follows:

9 386.190 1. If the certificate of the Superintendent of Public
10 Instruction filed with the county clerk states that the pupil
11 enrollment during the preceding school year in a county school
12 district was 1,000 or more, and the board of trustees of the district
13 ~~is composed of~~ **includes** five members elected as provided in NRS
14 386.160, then at the next succeeding general election one additional
15 trustee who resides at the county seat must be elected for a term of 4
16 years, and one additional trustee who resides in the county but not at
17 the county seat must be elected for a term of 2 years.

18 2. Thereafter, while continued pupil enrollment in the county
19 school district is 1,000 or more, the offices of **elected** school trustees
20 must be filled as provided by law for school districts having pupil
21 enrollments of that size.

22 3. The provisions of subsections 1 and 2 do not apply in a
23 school district in which the pupil enrollment during the preceding
24 school year was 1,000 or more but less than 1,500, and in which the
25 board of trustees of the school district has adopted a resolution
26 specifying that the board will ~~consist of~~ **include** five **elected**
27 members.

28 **Sec. 6.** NRS 386.200 is hereby amended to read as follows:

29 386.200 1. In addition to the manner of election provided in
30 NRS 386.205, 386.215 and 386.225, the **elected** trustees of a county
31 school district may be elected from school trustee election areas in
32 the alternate manner provided in this section.

33 2. Within 30 days before May 1 of any year in which a general
34 election is to be held in the State, 10 percent or more of the
35 registered voters of a county school district in which 25,000 or
36 fewer pupils are enrolled may file a written petition with the board
37 of county commissioners of the county praying for the creation of
38 school trustee election areas within the county school district in the
39 manner provided in this section. The petition must specify with
40 particularity the school trustee election areas proposed to be created,
41 the number of trustees to be elected from each area, and the manner
42 of their nomination and election. The number of school trustee
43 election areas proposed must not exceed the number of trustees
44 authorized by law **to be elected** for the particular county school
45 district. The description of the proposed school trustee election areas



1 need not be given by metes and bounds or by legal subdivisions, but
2 must be sufficient to enable a person to ascertain what territory is
3 proposed to be included within a particular school trustee election
4 area. The signatures to the petition need not all be appended to one
5 paper, but each signer must add to his or her name his or her place
6 of residence, giving the street and number whenever practicable.
7 One of the signers of each paper shall swear or affirm, before a
8 person competent to administer oaths, that each signature to the
9 paper appended is the genuine signature of the person whose name it
10 purports to be.

11 3. Immediately after the receipt of the petition, the board of
12 county commissioners shall fix a date for a public hearing to be held
13 during the month of May, and shall give notice thereof by
14 publication at least once in a newspaper published in the county, or
15 if no such newspaper is published therein then in a newspaper
16 published in the State of Nevada and having a general circulation in
17 the county. The costs of publication of the notice is a proper charge
18 against the county school district fund.

19 4. If, as a result of the public hearing, the board of county
20 commissioners finds that the creation of school trustee election areas
21 within the county school district is desirable, the board of county
22 commissioners shall, by resolution regularly adopted before June 1,
23 divide the county school district into the number of school trustee
24 election areas specified in the petition, designate them by number
25 and define their boundaries. The territory comprising each school
26 trustee election area must be contiguous. The resolution must further
27 set forth the number of trustees to be elected from each school
28 trustee election area and the manner of their nomination and
29 election.

30 5. Before June 1 and immediately following the adoption of the
31 resolution creating school trustee election areas within a county
32 school district, the clerk of the board of county commissioners shall
33 transmit a certified copy of the resolution to the Superintendent of
34 Public Instruction.

35 6. Upon the creation of school trustee election areas within a
36 county school district the terms of office of all *elected* trustees then
37 in office expire on the 1st Monday of January thereafter next
38 following a general election. At the general election held following
39 the creation of school trustee election areas within a county school
40 district, school trustees *who are elected* to represent the odd-
41 numbered school trustee election areas must be elected for terms of
42 4 years and school trustees *who are elected* to represent the even-
43 numbered school trustee election areas must be elected for terms of
44 2 years. Thereafter, at each general election, the offices of *elected*



1 school trustees must be filled for terms of 4 years in the order in
2 which the terms of office expire.

3 7. A candidate for the office of *elected* trustee of a county
4 school district in which school trustee election areas have been
5 created must be a qualified elector and a resident of the school
6 trustee election area which he or she seeks to represent.

7 8. The board of county commissioners may by resolution
8 change the boundaries of school trustee election areas or the manner
9 of nomination or election of school trustees after:

10 (a) Holding a public hearing of which notice must be given as
11 provided in subsection 3; and

12 (b) Receiving, at the hearing or by resolution, the consent of the
13 board of trustees of the school district.

14 9. If the Superintendent of Public Instruction certifies to the
15 county clerk that the enrollment of pupils during the preceding
16 school year in a county school district was less than 1,000, or was
17 1,000 or more but less than 1,500 in a district in which the board of
18 trustees has adopted a resolution in accordance with NRS 386.120
19 specifying that the board will ~~consist of~~ *include* five *elected*
20 members, and the board of trustees of the county school district ~~is~~
21 ~~composed of~~ *currently includes* seven elected members based upon
22 a previous enrollment of 1,000 or more, the board of county
23 commissioners shall alter the school trustee election areas or change
24 the number of trustees to be elected from the areas, or the manner of
25 their nomination and election, as may be necessary to provide for
26 reduction of the *elected* membership of the board of trustees of the
27 county school board from seven to five members, and only five
28 school trustees may thereafter be nominated and elected at the
29 forthcoming elections.

30 10. If the Superintendent of Public Instruction certifies to the
31 county clerk that the enrollment of pupils during the preceding
32 school year in a county school district was 1,000 or more, and the
33 board of trustees of the county school district ~~is composed of~~
34 *includes* five elected members, the board of county commissioners
35 shall alter the school trustee election areas or change the number of
36 trustees to be elected from the areas, or the manner of their
37 nomination and election, as may be necessary to provide for
38 increasing the *elected* membership of the board of trustees of the
39 county school district from five to seven members, and two
40 additional school trustees must thereafter be nominated and elected
41 at the forthcoming elections.

42 11. The provisions of subsection 10 do not apply in a school
43 district in which the pupil enrollment during the preceding school
44 year was 1,000 or more but less than 1,500, and in which the board



1 of trustees of the school district has adopted a resolution specifying
2 that the board will ~~consist of~~ *include* five *elected* members.

3 **Sec. 7.** NRS 386.205 is hereby amended to read as follows:

4 386.205 1. In any county school district in which not more
5 than 25,000 pupils are enrolled, the board of trustees may adopt a
6 resolution dividing the geographical area of the school district into a
7 number of election districts identical to the number of *elected*
8 trustees.

9 2. The election districts must:

10 (a) Be single-member districts.

11 (b) Be formed with reference to assembly districts as far as is
12 practicable.

13 (c) Have nearly equal populations as far as is practicable.

14 3. This section does not authorize any change in the number of
15 members of the board of trustees.

16 4. If a board of trustees adopts a resolution pursuant to this
17 section, the *elected* members of the board continue to hold office
18 until the next following general election.

19 5. As used in this section, unless the context otherwise
20 requires, "assembly district" means any district created pursuant to
21 the provisions of chapter 218B of NRS for the election of members
22 of the Assembly.

23 **Sec. 8.** NRS 386.225 is hereby amended to read as follows:

24 386.225 1. Election districts created pursuant to NRS
25 386.205 may be constructed so that the:

26 (a) Voters in each election district elect a trustee to represent
27 them; or

28 (b) Trustees are elected by all of the voters in the county school
29 district.

30 ↪ In either case, each *elected* trustee must be a resident of the
31 election district which he or she represents throughout his or her
32 term of office.

33 2. The board of trustees shall adopt a resolution, after a public
34 hearing on the matter, determining whether each *elected* trustee will
35 be elected solely by the voters in the election district of the trustee
36 or all of the voters in the county school district.

37 **Sec. 9.** NRS 386.240 is hereby amended to read as follows:

38 386.240 ~~FA~~ *In addition to any other qualifications prescribed*
39 *by this chapter, an appointee or a* candidate for *election to* the
40 office of trustee of a school district shall:

41 1. Be a qualified elector.

42 2. Have the qualifications of residence within the county
43 school district required for the office *to which he or she is*
44 *appointed or* for which he or she seeks election ~~FA~~, *as applicable.*



1 **Sec. 10.** NRS 386.250 is hereby amended to read as follows:
2 386.250 A candidate for *election to* the office of trustee of a
3 county school district must:

4 1. Be nominated in the manner provided by the primary
5 election laws of this State; and

6 2. File a declaration of candidacy, as defined in NRS 293.0455,
7 with the county clerk of the county whose boundaries are
8 conterminous with the boundaries of the county school district.

9 **Sec. 11.** NRS 386.260 is hereby amended to read as follows:

10 386.260 1. Trustees, *other than trustees appointed pursuant*
11 *to section 1 of this act*, shall be elected as provided in the election
12 laws of this state.

13 2. After the close of any election, and in accordance with law,
14 the board of county commissioners shall make abstracts of the votes
15 cast for trustees and shall order the county clerk to issue election
16 certificates to the candidates elected.

17 3. Immediately, the county clerk shall transmit a copy of each
18 election certificate to the Superintendent of Public Instruction.

19 **Sec. 12.** NRS 386.270 is hereby amended to read as follows:

20 386.270 Except as otherwise provided in NRS 386.275:

21 1. Any vacancy occurring ~~in~~ *among the elected members of*
22 a board of trustees must be filled by appointment by the remaining
23 members of the board at a public meeting held after notice of the
24 meeting is published at least once each week for 2 weeks in a
25 newspaper qualified pursuant to the provisions of chapter 238 of
26 NRS. The appointee shall serve until the next general election, at
27 which time his or her successor must be elected for the balance of
28 the unexpired term.

29 2. Any person appointed to fill a vacancy *pursuant to this*
30 *section* must have the qualifications provided in NRS 386.240.

31 **Sec. 13.** NRS 386.275 is hereby amended to read as follows:

32 386.275 1. If a vacancy occurs, or will occur, in a board of
33 trustees because a member of the board has entered, or is entering,
34 into active military service, the board of trustees may appoint a
35 person to serve as a temporary replacement for that member. Such a
36 temporary appointment must be made in the manner, and subject to
37 the requirements, otherwise prescribed in NRS 386.270 ~~and~~ *and*
38 *section 1 of this act, as applicable*, except that the member of the
39 board of trustees who has entered, or is entering, into active military
40 service may participate in the process to appoint his or her
41 temporary replacement.

42 2. If a person is temporarily appointed to serve on a board of
43 trustees pursuant to this section:

44 (a) The person fully assumes the duties, rights and
45 responsibilities of a member of the board of trustees, and is entitled



1 to the compensation, allowances and expenses otherwise payable to
2 a member, for the duration of his or her appointment.

3 (b) The member of a board of trustees who is temporarily
4 replaced shall be deemed to be on leave without pay from the board
5 of trustees for the duration of the appointment of his or her
6 temporary replacement.

7 3. A person appointed to serve on the board of trustees
8 pursuant to this section serves:

9 (a) Until the member of the board of trustees being temporarily
10 replaced returns from active military service; or

11 (b) For the remainder of the unexpired term of that member,
12 ↪ whichever occurs first.

13 **Sec. 14.** NRS 386.300 is hereby amended to read as follows:

14 386.300 Each trustee shall:

15 1. Enter upon the duties of office on the 1st Monday in January
16 next following the election *or appointment* of the trustee.

17 2. Hold office until his or her successor is elected *or appointed*
18 and qualified.

19 3. Take and subscribe to the official oath.

20 4. File with the Superintendent of Public Instruction a copy of
21 his or her official oath together with a statement showing the term
22 for which the trustee has been elected or appointed.

23 **Sec. 15.** NRS 386.310 is hereby amended to read as follows:

24 386.310 1. The board of trustees shall meet and organize by:

25 (a) ~~Electing one of its members as president.~~

26 ~~—(b)~~ Electing one of its members as clerk, or by selecting some
27 other qualified person as clerk.

28 ~~[(e)]~~ (b) Electing additional officers as may be deemed
29 necessary.

30 ~~[(d)]~~ (c) Fixing the term of office for each of its officers ~~[(c)]~~
31 *other than president.*

32 2. *The member appointed to the board of trustees by the*
33 *board of county commissioners pursuant to subsection 1 of section*
34 *1 of this act serves as the president of the board of trustees.*

35 3. A record of the organization of the board of trustees must be
36 entered in the minutes, together with the amount of salary to be paid
37 to the clerk.

38 ~~[(3)]~~ 4. Immediately after the organization of the board of
39 trustees, the clerk shall file the names of the president, the clerk and
40 the members of the board of trustees with the Department and the
41 county auditor of the county whose boundaries are coterminous
42 with the boundaries of the county school district.



1 **Sec. 16.** Chapter 218G of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 17, 18 and 19 of this act.

3 **Sec. 17.** *The Legislative Auditor or the designee of the*
4 *Legislative Auditor shall perform an audit of all accounts, funds*
5 *and other records of each school district of the State at least once*
6 *every 5 years to determine:*

7 1. *Whether funds appropriated from the State Education*
8 *Fund are being used according to applicable laws and*
9 *regulations;*

10 2. *Whether the financial statements of the audited school*
11 *district comply with generally accepted principles of accounting;*

12 3. *The honesty and integrity of fiscal affairs, the accuracy*
13 *and reliability of information and reports and the effectiveness of*
14 *the system of management controls of the audited school district;*
15 *and*

16 4. *Whether control by management and the system of*
17 *information provide an adequate and efficient system of records*
18 *and accounting.*

19 **Sec. 18.** 1. *Except as provided in subsection 4, upon the*
20 *request of the Legislative Auditor or the designee of the Legislative*
21 *Auditor, every trustee, officer, employee and contractor of a school*
22 *district or public school of the State shall:*

23 (a) *Make available to the Legislative Auditor or the designee*
24 *all books, accounts, claims, reports, vouchers or other records of*
25 *information, confidential or otherwise, necessary, irrespective of*
26 *the form or location of the information, in performing an audit;*
27 *and*

28 (b) *Allow the Legislative Auditor or designee to:*

29 (1) *Enter any facility or school of the school district and*
30 *any area within the facility or school with or without prior notice;*
31 *and*

32 (2) *Interview administrators, teachers, other staff members*
33 *and pupils of the school or school district.*

34 2. *Every trustee, officer, employee and contractor of a school*
35 *district or school in this State shall aid and assist the Legislative*
36 *Auditor or the designee of the Legislative Auditor at such times as*
37 *are required in the inspection, examination and audit of any*
38 *books, accounts, claims, reports, vouchers or other records in the*
39 *possession of the school district or school.*

40 3. *Upon the request of the Legislative Auditor or the designee*
41 *of the Legislative Auditor, the board of trustees of a school district*
42 *shall submit to the Legislative Auditor or the designee of the*
43 *Legislative Auditor the appropriate financial statement prepared*
44 *pursuant to generally accepted accounting principles for the*
45 *period designated by the Legislative Auditor.*



1 4. *This section does not authorize the Legislative Auditor or*
2 *the designee of the Legislative Auditor to have access to any*
3 *books, accounts, claims, reports, vouchers or other records or*
4 *information of any business or activity which NRS 665.130 and*
5 *668.085 require to be kept confidential.*

6 **Sec. 19. 1.** *The Legislative Auditor or the designee of the*
7 *Legislative Auditor shall furnish a copy of a preliminary report of*
8 *an audit conducted pursuant to section 17 of this act to the board*
9 *of trustees of the audited school district and discuss the report with*
10 *the board of trustees of the school district. The board of trustees of*
11 *the audited school district may submit to the Legislative Auditor,*
12 *within 10 days after the discussion, a written statement of*
13 *explanation or rebuttal concerning any of the findings, and the*
14 *Legislative Auditor shall include in a final report the explanation*
15 *or rebuttal to any of the findings.*

16 2. *The Legislative Auditor or the designee of the Legislative*
17 *Auditor shall compile a final report of each audit conducted*
18 *pursuant to section 17 of this act and submit the final report to the*
19 *board of trustees of the audited school district.*

20 3. *On or before June 1 of every even-numbered year, the*
21 *Legislative Auditor or the designee of the Legislative Auditor*
22 *shall:*

23 (a) *Compile a report consisting of the final reports of each*
24 *audit conducted pursuant to section 17 of this act during the*
25 *immediately preceding 2 years; and*

26 (b) *Submit the report to the Governor and the Director of the*
27 *Legislative Counsel Bureau for transmittal to the Audit*
28 *Subcommittee, the Joint Interim Standing Committee on*
29 *Education, the Legislative Bureau of Educational Accountability*
30 *and Program Evaluation and the next regular session of the*
31 *Legislature.*

32 **Sec. 20.** NRS 239C.210 is hereby amended to read as follows:

33 239C.210 1. A document, record or other item of information
34 described in subsection 2 that is prepared and maintained for the
35 purpose of preventing or responding to an act of terrorism is
36 confidential, not subject to subpoena or discovery, not subject to
37 inspection by the general public and may only be inspected by or
38 released to:

39 (a) Public safety and public health personnel; and

40 (b) Except as otherwise provided in this subsection, the
41 Legislative Auditor conducting a postaudit pursuant to NRS
42 218G.010 to 218G.555, inclusive, *and sections 17, 18 and 19 of*
43 *this act,*

44 ↪ if the Governor determines, by executive order, that the
45 disclosure or release of the document, record or other item of



1 information would thereby create a substantial likelihood of
2 compromising, jeopardizing or otherwise threatening the public
3 health, safety or welfare. Any information that is inspected by or
4 released to the Legislative Auditor pursuant to this subsection is not
5 subject to the exception from confidentiality set forth in NRS
6 218G.130. The Legislative Auditor may confirm that vulnerability
7 assessments have been submitted to or are in the possession of a
8 state agency that is the subject of a postaudit, but the assessments
9 must not be inspected by or released to the Legislative Auditor. An
10 employee of the Audit Division of the Legislative Counsel Bureau
11 who is conducting a postaudit that includes access to documents or
12 information subject to the provisions of this section must be
13 properly cleared through federal criteria or state or local background
14 investigation and instructed, trained or certified, as applicable,
15 regarding the security sensitivity of the documents or information.

16 2. The types of documents, records or other items of
17 information subject to executive order pursuant to subsection 1 are
18 as follows:

19 (a) Assessments, plans or records that evaluate or reveal the
20 susceptibility of fire stations, police stations and other law
21 enforcement stations to acts of terrorism or other related
22 emergencies.

23 (b) Drawings, maps, plans or records that reveal the critical
24 infrastructure of primary buildings, facilities and other structures
25 used for storing, transporting or transmitting water or electricity,
26 natural gas or other forms of energy, fiber optic cables, microwave
27 towers or other vertical assets used for the transmission or receipt of
28 data or communications used by response agencies and public safety
29 and public health personnel.

30 (c) Documents, records or other items of information which may
31 reveal the details of a specific emergency response plan or other
32 tactical operations by a response agency and any training relating to
33 such emergency response plans or tactical operations.

34 (d) Handbooks, manuals or other forms of information detailing
35 procedures to be followed by response agencies in the event of an
36 act of terrorism or other related emergency.

37 (e) Documents, records or other items of information that reveal
38 information pertaining to specialized equipment used for covert,
39 emergency or tactical operations of a response agency, other than
40 records relating to expenditures for such equipment.

41 (f) Documents, records or other items of information regarding
42 critical telecommunications facilities and the infrastructure and
43 security of radio frequencies for transmissions used by response
44 agencies, including, without limitation:



1 (1) Access codes, passwords or programs used to ensure the
2 security of radio frequencies for transmissions used by response
3 agencies;

4 (2) Procedures and processes used to ensure the security of
5 radio frequencies for transmissions used by response agencies; and

6 (3) Plans used to re-establish security and service with
7 respect to radio frequencies for transmissions used by response
8 agencies after security has been breached or service has been
9 interrupted.

10 (g) Vulnerability assessments and emergency response plans of
11 utilities, public entities and private businesses in this State. As used
12 in this paragraph, "public entities" means departments, agencies or
13 instrumentalities of the State, any of its political subdivisions or
14 tribal governments. The term includes general improvement
15 districts.

16 3. If a person knowingly and unlawfully discloses a document,
17 record or other item of information subject to an executive order
18 issued pursuant to subsection 1 or assists, solicits or conspires with
19 another person to disclose such a document, record or other item of
20 information, the person is guilty of:

21 (a) A gross misdemeanor; or

22 (b) A category C felony and shall be punished as provided in
23 NRS 193.130 if the person acted with the intent to:

24 (1) Commit, cause, aid, further or conceal, or attempt to
25 commit, cause, aid, further or conceal, any unlawful act involving
26 terrorism or sabotage; or

27 (2) Assist, solicit or conspire with another person to commit,
28 cause, aid, further or conceal any unlawful act involving terrorism
29 or sabotage.

30 4. The Governor shall review the documents, records and other
31 items of information determined by executive order pursuant to
32 subsection 1 to be confidential every 10 years to assess the
33 continued need for the documents, records and other items of
34 information to remain confidential.

35 5. As used in this section, "public safety and public health
36 personnel" includes:

37 (a) State, county, city and tribal emergency managers;

38 (b) Members and staff of terrorism early warning centers or
39 fusion intelligence centers in this State;

40 (c) Employees of fire-fighting or law enforcement agencies, if
41 the head of the agency has designated the employee as having an
42 operational need to know of information that is prepared or
43 maintained for the purpose of preventing or responding to an act of
44 terrorism; and



1 (d) Employees of a public health agency, if the agency is one
2 that would respond to a disaster and if the head of the agency has
3 designated the employee as having an operational need to know of
4 information that is prepared or maintained for the purpose of
5 preventing or responding to an act of terrorism. As used in this
6 paragraph, "disaster" has the meaning ascribed to it in
7 NRS 414.0335.

8 **Sec. 21.** 1. As soon as practicable after January 1, 2024, the
9 board of county commissioners of each county and the governing
10 body of each city whose population is 60,000 or more shall appoint
11 the school trustees described in subsections 1 and 2, respectively, of
12 section 1 of this act.

13 2. The school trustees who are appointed to a board of trustees
14 of a county school district pursuant to subsection 1 shall, at the first
15 meeting of the board of trustees after the appointment of those
16 school trustees, draw lots to determine which newly appointed
17 trustees will serve terms that expire on January 6, 2025, and which
18 newly appointed school trustees will serve terms that expire on
19 January 4, 2027. The drawing must result in, as nearly as possible,
20 half of the newly appointed school trustees serving terms that expire
21 on each of those dates.

22 **Sec. 22.** The provisions of subsection 1 of NRS 218D.380 do
23 not apply to any provision of this act which adds or revises a
24 requirement to submit a report to the Legislature.

25 **Sec. 23.** The provisions of NRS 354.599 do not apply to any
26 additional expenses of a local government that are related to the
27 provisions of this act.

28 **Sec. 24.** 1. This section and sections 22 and 23 of this act
29 become effective upon passage and approval.

30 2. Sections 1 to 21, inclusive, of this act become effective:

31 (a) Upon passage and approval for the purpose of adopting any
32 regulations and performing any other preparatory administrative
33 tasks that are necessary to carry out the provisions of this act; and

34 (b) On January 1, 2024, for all other purposes.

