

## SAVE OUR SCHOOLS WITH ADDITIONAL FUNDING

Explanation: Language in *italics* is new.

THE PEOPLE OF THE STATE OF NEVADA DO ENACT AS FOLLOWS:

**Section 1.** Article 11 of the Constitution of the State of Nevada is hereby amended by adding thereto a new section, designated Section 3A, to read as follows:

**Sec. 3A. 1.** *The People of the State of Nevada find and declare that the school districts and charter schools of this state need more money to enable them to attract and retain qualified employees and to provide the school children of this state with the education they need to become productive and responsible adults. The purpose of this section is to provide a means of increasing the total amount of money provided to Nevada school districts and charter schools.*

*2. To increase the amount of money available for the support and maintenance of the public schools as provided in this section, the Nevada Gaming Commission shall charge and collect from each gaming licensee a monthly license fee, at the rate of 3 percent, upon all the gross revenue of the licensee which exceeds \$1,000,000 per calendar month, as adjusted in accordance with subsection 3 of this section. The fee provided by this section is in addition to any other license fee imposed upon a gaming licensee pursuant to statute and charged on the basis of revenue. The fee provided by this section must be charged on the basis of gross revenue received on or after December 1, 2010. The Commission shall begin to collect the fee on or before March 1, 2011, and monthly thereafter.*

*3. Effective as of July 1, 2011, the amount of gross revenue specified in subsection 2 of this section must be adjusted to reflect any change in the Consumer Price Index for 2010, and the fee provided by this section must be charged and collected according to the adjusted amount of gross revenue. Effective as of July 1, 2012, and each year thereafter, the adjusted amount of gross revenue must again be adjusted to reflect any change in the Consumer Price Index for the preceding calendar year, and the fee must be charged and collected accordingly.*

*4. The Commission shall pay over to the State Treasurer all the proceeds of the license fee as the proceeds are collected. The Commission may retain from the proceeds an amount sufficient to reimburse the Commission for the cost of administering and collecting the fee. The State Treasurer shall deposit the proceeds of the fee to the credit of the State Supplemental School Support Fund, which is hereby created in the state treasury as a special revenue fund. Any interest or other income earned on the money in the Fund must be credited to the Fund.*

*5. For each fiscal year beginning on or after July 1, 2011, the Legislature shall authorize the Superintendent of Public Instruction to transfer from the State Supplemental School Support Fund all the proceeds of the license fee provided by this section, and distribute the proceeds in accordance with this subsection. Commencing on February 1, 2012, and thereafter on or before February 1, May 1, August 1 and November 1 of each year, the Superintendent of Public Instruction shall transfer from the State Supplemental School Support Fund all the proceeds of the fee and distribute the proceeds proportionally among the school districts and charter schools of this state for the purposes specified in subsection 6 of this section. The proportionate amount of money distributed to each school district or charter school must be determined by dividing the number of students enrolled in the school district or charter school by the number of students enrolled in all the school districts and charter schools of the state. For the purposes of this subsection, the enrollment in each school district and the number of students who reside in the district and are enrolled in a charter school must be determined as of the last day of the first school month of the school district for the school year, or as of such other date as the Legislature establishes by statute. This determination governs the distribution of money pursuant to this subsection until the next annual determination of enrollment is made. The Superintendent may retain from the proceeds of the fee an amount sufficient to reimburse the Superintendent for the cost of administering the provisions of this section.*

*6. The money received by a school district or charter school from the State Supplemental School Support Fund pursuant to this section:*

*(a) Is supplemental to the money appropriated or allocated to the school district or charter school from any other source.*

*(b) Must be used by the school district or charter school so that in each fiscal year:*

*(1) Not less than 40 percent is used to add instructional days to the school year, reduce overcrowding in schools and classrooms, provide additional training to teachers and other instructional employees, provide tutoring programs for students, prevent dropouts or otherwise improve the achievement of students;*

(2) Not less than 40 percent is used to pay the salaries and benefits of employees, other than administrative employees, of the school district or charter school; and

(3) Any remaining money is used to provide incentive pay for employees, other than administrative employees, of the school district or charter school, and to pay or reimburse such employees for employment-related expenses incurred by them.

7. On or before November 10, 2012, and each year thereafter, the board of trustees of each school district and the governing body of each charter school shall prepare a report to the Superintendent of Public Instruction, in the form prescribed by the Superintendent. The report must provide an accounting of the expenditures by the school district or charter school of the money it received from the State Supplemental School Support Fund during the preceding fiscal year.

8. The purpose of the license fee provided by this section is to supplement the money appropriated or authorized for expenditure by the Legislature and provided from other sources for the support and maintenance of the public schools. Accordingly, and except as otherwise provided in this subsection, the financial support provided by the Legislature for the operation of the public schools for kindergarten through grade 12 must not be reduced below the minimum level of state support required by subsections 9 and 10 of this section. Compliance with subsections 9 and 10 is not required for any fiscal year for which the Legislature finds and declares that compliance is impracticable because of conditions or circumstances constituting an emergency and broadly affecting the public schools and other recipients of legislative appropriations.

9. Commencing with the biennium beginning on July 1, 2011, the amount of money appropriated or authorized for expenditure by the Legislature, for each biennium, for the support and maintenance of the public schools for kindergarten through grade 12, excluding Federal money and the proceeds of the license fee provided by this section, must equal or exceed the amount appropriated or authorized for expenditure for this purpose, excluding Federal money, for the base biennium beginning on July 1, 2007, as adjusted pursuant to subsection 10 of this section for changes in student enrollment and inflation or deflation. This adjusted amount represents the minimum level of state support for the operation of the public schools required by this section.

10. For each biennium beginning on or after July 1, 2011, the Legislature shall determine the minimum level of state support required by this section, for the biennium, by adjusting the amount appropriated or authorized for expenditure for the support and maintenance of the schools for the base biennium to reflect actual and projected inflation or deflation and the actual and projected growth or decline in student enrollment occurring, or projected to occur, between the end of the base biennium and the end of the biennium for which the determination is made.

11. For the purposes of subsections 9 and 10 of this section, actual and projected rates of inflation or deflation must be determined in accordance with actual and projected changes in the Consumer Price Index.

12. Except as otherwise provided in this subsection, the Legislature may provide by statute for the specification of items excluded from gross revenue or made deductible as losses in computing the gross revenue of a gaming licensee for the purposes of this section. Any such exclusion or deduction must also apply to the calculation of revenue for the purposes of any statutory license fee imposed upon a gaming licensee and charged on the basis of revenue.

13. If any provision of this section or its application to any person or circumstance is held to be invalid or ineffective, the invalidity or ineffectiveness shall not affect any other provision or application of this section. As used in this subsection, "provision" includes any subsection, paragraph, subparagraph, sentence, phrase or word of this section.

14. As used in this section:

(a) "Administrative employee" means any person who holds a license as an administrator, issued by the Superintendent of Public Instruction, and is employed in that capacity by a school district or charter school.

(b) "Biennium" means a period of two fiscal years beginning on July 1 of an odd-numbered year and ending on June 30 of the next ensuing odd-numbered year.

(c) "Commission" means the Nevada Gaming Commission or its successor.

(d) "Consumer Price Index" means the nonseasonally adjusted Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, 1982-84=100, or its successor index, published by the Bureau of Labor Statistics of the United States Department of Labor, or its successor.

(e) "Federal money" means any money provided by the Federal government, the expenditure of which requires appropriation or authorization by the Legislature.

(f) "Game" means any game played with cards, dice, equipment or any mechanical, electromechanical or electronic device or machine for money, property, checks, credit or any representative of value, or any other game or device approved by the Commission. The term includes, without limitation, an inter-casino linked system, but does not include any game played with cards in a private residence in which no person makes money

for operating the game, except as a player, or any game operated by a charitable or educational organization approved by the Nevada Gaming Control Board or its successor.

(g) "Gaming" means to deal, operate, carry on, conduct, maintain or expose for play in this state any game or gaming device.

(h) "Gaming device" means any equipment or mechanical, electromechanical or electronic contrivance, component or machine used remotely or directly in connection with gaming or any game which affects the result of a wager by determining a win or loss.

(i) "Gaming license" means a license issued by the Commission which authorizes the person named therein to engage in gaming.

(j) "Gaming licensee" means any person to whom a gaming license has been issued by the Commission, except that the term does not include any person to whom a license has been issued for the operation of not more than 15 slot machines and no other game or gaming device at an establishment in which the operation of slot machines is incidental to the primary business of the establishment.

(k) "Gross revenue" means the total of all:

(1) Cash received as winnings;

(2) Cash received in payment for credit extended by a gaming licensee to a patron for purposes of gaming; and

(3) Compensation received for conducting any game in which the licensee is not party to a wager, less the total of all cash paid out as losses to patrons, those amounts paid to fund periodic payments and any other items made deductible as losses or excluded by statute pursuant to subsection 12 of this section.

(l) "Inter-casino linked system" means a network of electronically interfaced similar games which are located at two or more licensed gaming establishments that are linked to conduct gaming activities, contests or tournaments.

(m) "Slot machine" means any mechanical, electrical or other device, contrivance or machine which, upon insertion of a coin, token or similar object, or upon payment of any consideration, is available to play or operate, the play or operation of which, whether by reason of the skill of the operator in playing a gambling game which is presented for play by the machine or application of the element of chance, or both, may deliver or entitle the person playing or operating the machine to receive cash, premiums, merchandise, tokens or any thing of value, whether the payoff is made automatically from the machine or in any other manner.

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DESCRIPTION OF EFFECT

This measure would amend the Nevada Constitution to provide additional funding for Nevada’s school districts and charter schools, to be spent for specified purposes, including programs to improve student achievement and the payment of salaries and benefits for teachers and other school employees, excluding administrative employees. The funding would come from a new monthly license fee, to be collected by the Nevada Gaming Commission from certain gaming licensees, equal to 3 percent of each licensee’s monthly gross gaming revenue exceeding \$1,000,000, as adjusted for inflation or deflation. To assure that money now used for the support of schools is not diverted to other purposes once money from the new license fee becomes available, the Legislature would be required to fund the public schools (K-12) in a biennial amount at least equal to the amount of money provided for the 2007-2009 biennium, excluding money from the new fee and certain federal money and adjusted for changes in enrollment and inflation/deflation. An exception to the minimum-funding requirement would exist for any year for which the Legislature determined that an emergency made compliance impracticable. The Legislature would be authorized to refine the definition of “gross revenue” for purposes of the new fee.

County of \_\_\_\_\_

(Only registered voters of this county may sign below)

This space for  
office use only

1	PRINT YOUR NAME (FIRST name, Initial, LAST name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE                      DATE /    /	CITY                                      COUNTY	
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11	PRINT YOUR NAME (FIRST name, Initial, LAST name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE  DATE / /	CITY	COUNTY

(To be signed by the circulator in the presence of a notary public.)

STATE OF NEVADA )  
 : ss.  
COUNTY OF )

I, \_\_\_\_\_ (print name), being first duly sworn under penalty of perjury, depose and say: (1) that I reside at \_\_\_\_\_ (print street, city and state); (2) that I am 18 years of age or older; (3) that I personally circulated this document; (4) that the number of signatures thereon is \_\_\_\_\_; (5) that all the signatures were affixed in my presence; (6) that I believe them to be genuine signatures; (7) that I believe each person who signed was at the time of signing a registered voter in the county of his residence; and (8) that each signer had an opportunity before signing to read the full text of the act or resolution on which the initiative is demanded.

Signature of Circulator

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ (month), \_\_\_\_\_ (year).

**Notary Public**