

SENATE BILL NO. 464—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE STATE TREASURER)

MARCH 29, 2005

Referred to Committee on Government Affairs

SUMMARY—Revises certain provisions relating to state financial administration. (BDR 31-580)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 state financial administration; revising certain provisions relating to oversight by the State Treasurer of certain depositories; abolishing the Account for Travel Advances; transferring certain duties relating to travel advances from the State Treasurer to the State Controller; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 356.330 is hereby amended to read as follows:
2 356.330 **1.** “Public money” means **all** money deposited with
3 a depository by ~~{the State or a local government.}~~ :
4 **(a) The State Treasurer; or**
5 **(b) A custodian with plenary authority to control money**
6 **belonging to, or held for the benefit of, the State or any of its**
7 **political subdivisions, public corporations, municipal**
8 **corporations, agencies, courts, boards, commissions or**
9 **committees.**
10 **2. The term includes money held by a public administrator**
11 **acting as a trustee, agent or bailee.**
12 **3. The term does not include money deposited with a**
13 **depository by:**



1 ***(a) A Native American tribe or an agent or representative***
2 ***thereof; or***

3 ***(b) The Federal Government or an agent or representative***
4 ***thereof.***

5 **Sec. 2.** NRS 356.360 is hereby amended to read as follows:

6 356.360 1. The program established pursuant to NRS
7 356.350 must provide that:

8 (a) Each depository is required to maintain as collateral
9 acceptable securities having a fair market value that is at least 102
10 percent of the amount of the uninsured balances of the public money
11 held by the depository;

12 (b) A depository may satisfy the requirement set forth in
13 paragraph (a) by arranging for a third-party depository to hold
14 securities on behalf of the depository for the benefit of ***a collateral***
15 ***pool in which*** the State Treasurer ***participates pursuant to***
16 ***regulations adopted by the State Treasurer under NRS 356.390;***

17 (c) No depository may, at any one time, hold public money in an
18 amount exceeding the total equity of the depository, as reflected on
19 the financial statement of the depository;

20 (d) Each depository is required to submit to the State Treasurer,
21 in the form and manner prescribed by the State Treasurer, the
22 following reports:

23 (1) A daily report of the total amount of public money held
24 by the depository;

25 (2) A weekly summary report of the total fair market value of
26 securities held by a third-party depository on behalf of the
27 depository ***if the State Treasurer is unable to obtain such***
28 ***information by alternative means;***

29 (3) A monthly report setting forth a list of acceptable
30 securities, including, without limitation, the fair market value of
31 those securities, held by the depository or held by any third-party
32 depository on behalf of the depository; and

33 (4) A current annual report containing the financial statement
34 of the depository; and

35 (e) The State Treasurer may impose an administrative fine not to
36 exceed:

37 (1) One hundred dollars per day against a depository that
38 fails to submit in a timely manner a report described in paragraph
39 (d); and

40 (2) Two hundred fifty dollars per day against a depository
41 that fails to maintain collateral as described in paragraph (a).

42 2. As used in this section, "acceptable securities" means the
43 securities described in:

44 (a) Subsection 1 of NRS 356.020; and

45 (b) Subsection 1 of NRS 356.133.



1 **Sec. 3.** NRS 281.172 is hereby amended to read as follows:

2 281.172 1. Any state officer or employee may apply for
3 advance money for authorized travel expenses and subsistence
4 allowances arising out of his official duties or employment in the
5 amounts as provided for in NRS 281.160 by filing a request with the
6 administrative head of the state office, department or agency by
7 which he is employed.

8 2. If the administrative head or his designee approves the
9 request, he shall process a voucher for a cash advance for travel in
10 the approved amount in the same manner as other claims against the
11 State are processed.

12 3. Unless otherwise approved by the Budget Division of the
13 Department of Administration before the travel occurs, all cash
14 advances for travel issued by the administrative head or his designee
15 must be charged to the budget account to which money was
16 appropriated or authorized for expenditure for the travel.

17 4. If the administrative head or his designee cannot process a
18 cash advance for travel because of a temporary budget restriction,
19 the administrative head or his designee may forward a copy of the
20 request and approval to the State ~~Treasurer,~~ **Controller.**

21 5. Upon receiving a copy of the request and approval from the
22 administrative head or his designee, the State ~~Treasurer or one of~~
23 ~~his officers or employees whom he has designated for the purpose~~
24 ~~may issue a check or warrant drawn upon the Account for Travel~~
25 ~~Advances for the amount of the advance requested.]~~ **Controller may**
26 **issue a check drawn upon the State Treasurer's main bank**
27 **account.**

28 **Sec. 4.** NRS 281.173 is hereby amended to read as follows:

29 281.173 A cash advance for travel, when approved by the
30 administrative head or his designee or the State ~~Treasurer,~~
31 **Controller,** constitutes a lien in favor of the State of Nevada upon
32 the accrued wages of the requesting officer or employee in an
33 amount equal to the sum advanced, but the administrative head or
34 his designee or the State ~~Treasurer~~ **Controller** may, in his
35 discretion, advance more than the amount of the accrued wages of
36 the officer or employee.

37 **Sec. 5.** NRS 281.174 is hereby amended to read as follows:

38 281.174 1. Upon the return of the officer or employee, he is
39 entitled to receive any authorized expenses and subsistence
40 allowances in excess of the amount advanced, and a sum equal to
41 the advance must be paid into the account from which the advance
42 was made.

43 2. If an advance is not repaid, the administrative head or his
44 designee or the State ~~Treasurer~~ **Controller** may file a claim with
45 the State Board of Examiners for money to replenish the account



1 from which the advance was made. If the State Board approves the
2 claim it must be paid from the Reserve for Statutory Contingency
3 Account.

4 3. If an officer or employee of an agency terminates his
5 employment after he receives ~~{a payment from the Account for~~
6 ~~Travel Advances}~~ **an advance for travel** but before repayment ~~{to~~
7 ~~the Account,}~~ **of the advance**, the State ~~{Treasurer}~~ **Controller** may
8 collect from the agency the amount advanced.

9 **Sec. 6.** NRS 281.1745 is hereby amended to read as follows:

10 281.1745 When an officer or employee receives a cash
11 advance for travel from the State ~~{Treasurer}~~ **Controller** or uses a
12 charge card issued at the request of the State for cash advances or
13 travel expenses, or both, and the receipt of his travel reimbursement
14 may be delayed more than 5 working days after the date of
15 the initial submission of the travel reimbursement claim, the
16 administrative head or his designee shall immediately issue to the
17 officer or employee, for payment to the State ~~{Treasurer}~~ **Controller**
18 or the issuer of the charge card issued at the request of the State, a
19 cash advance as described in NRS 281.172 in the amount of the cash
20 advance made by the State ~~{Treasurer}~~ **Controller** or the total travel
21 expenses charged on the charge card, whichever is applicable.

22 **Sec. 7.** NRS 281.175 is hereby amended to read as follows:

23 281.175 The State ~~{Treasurer}~~ **Controller** may make
24 reasonable rules and regulations to carry out the provisions of NRS
25 ~~{281.171}~~ **281.172** to 281.175, inclusive.

26 **Sec. 8.** NRS 281.171 and 356.320 are hereby repealed.

27 **Sec. 9.** Any balance remaining in the Account for Travel
28 Advances created by NRS 281.171 that has not been committed for
29 expenditure on or before the effective date of this act must be
30 reverted to the State General Fund on the effective date of this act.

31 **Sec. 10.** This act becomes effective upon passage and
32 approval.

TEXT OF REPEALED SECTIONS

281.171 Account for Travel Advances: Creation; use; duties of State Treasurer.

1. The Account for Travel Advances is hereby created. Money in the Account must be used by the State Treasurer to provide advance money to state officers and employees for travel expenses and subsistence allowances.



2. The State Treasurer shall deposit the money in the Account in a bank or credit union qualified to receive deposits of public money, and the deposit must be secured by collateral satisfactory to the State Board of Examiners.

3. The State Treasurer or any of his officers or employees whom he has designated for this purpose may sign all checks and warrants drawn upon the Account.

356.320 “Local government” defined. “Local government” has the meaning ascribed to it in NRS 354.474.



