

Amendment No. 312

Senate Amendment to Senate Bill No. 210	(BDR 23-569)
Proposed by: Senate Committee on Legislative Operations and Elections	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold* is newly added transitory language.

WBD/TMC



Date: 4/18/2007

S.B. No. 210—Revises provisions relating to reimbursement of subsistence and travel expenses relating to the conduct of public business.
(BDR 23-569)



SENATE BILL NO. 210—COMMITTEE ON LEGISLATIVE
OPERATIONS AND ELECTIONS

(ON BEHALF OF THE PURCHASING DIVISION)

MARCH 5, 2007

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to reimbursement of subsistence and travel expenses relating to the conduct of public business. (BDR 23-569)

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 financial administration; revising the provisions relating to the rate at which state officers and employees are to be reimbursed for their subsistence and travel expenses; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, an officer or employee of this State is entitled to be reimbursed for his expenses in conducting public business at the rate of \$84 for each 24-hour period during which he is away from the office but within the State, and at the rate of \$26 plus reasonable room costs for each 24-hour period during which he is outside of the State. (NRS 281.160) This bill eliminates these rates of reimbursement that are specified in statute and instead requires the State Board of Examiners to establish the rate of reimbursement ~~at~~ **at the rate established for federal employees by the United States General Services Administration.** This bill also eliminates the requirement that the State Board of Examiners annually establish the permissible travel allowance for officers and employees of this State who travel by private conveyance in conducting public business, thus allowing the State Board of Examiners to adjust the allowance whenever it deems necessary. (NRS 281.160)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:**Section 1.** NRS 281.160 is hereby amended to read as follows:

281.160 1. Except as otherwise provided in subsection 2, ~~5~~ or ~~6~~, or by specific statute, ~~any~~ **if a** district judge, state officer, state employee or member of an advisory board supported in whole or in part by any public money, whether the public money is received from the Federal Government or any branch or agency thereof, or from private or any other sources, **transacts public business outside of the municipality or other area in which his principal office is located, the judge,**

1 *officer, employee or member, as applicable*, is entitled to receive his expenses in
2 the transaction of *that* public business, ~~{outside of the municipality or other area in~~
3 ~~which his principal office is located,}~~ to be paid at ~~{the rate of \$84}~~ *a rate*
4 *established by the State Board of Examiners*, for each 24-hour period during
5 which he is ~~{away}~~:

6 (a) *Away* from the office and within the State ~~{, and \$26 in addition to a~~
7 ~~reasonable room rate for each 24 hour period during which he is outside}~~; *or*

8 (b) *Outside* of the State.

9 2. Any person enumerated in subsection 1 is entitled to receive expenses for a
10 period of less than 24 hours in accordance with regulations of the State Board of
11 Examiners. ~~{conforming generally to those rates.}~~

12 3. Any person enumerated in subsection 1 is entitled to receive an allowance
13 for transportation in the transaction of public business, whether within or outside of
14 the municipality or other area in which his principal office is located.
15 Transportation must be by the most economical means, considering total cost, time
16 spent in transit and the availability of state-owned automobiles and special use
17 vehicles. The State Board of Examiners ~~{, on or before July 1 of each year,}~~ shall
18 establish the rate of the allowance for travel by private conveyance. The rate must
19 equal the standard mileage reimbursement rate for which a deduction is allowed for
20 the purposes of federal income tax that is in effect at the time the ~~{annual}~~ rate is
21 established. If a private conveyance is used for reasons of personal convenience in
22 transaction of state business, the allowance for travel is one-half the established
23 rate.

24 4. The State Board of Examiners may establish a transportation allowance for
25 the use of private, special use vehicles on public business by any person
26 enumerated in subsection 1, whether within or outside of the municipality or other
27 area in which his principal office is located. The allowance must be established at
28 rates higher than the rates established in subsection 3.

29 5. The State Board of Examiners may establish:

30 (a) A room rate in excess of the normal allowance for reimbursement of
31 employees who are required to travel on weekends to serve the needs of the public.
32 The Board may require the submission of receipts as a condition of reimbursement
33 at the special rate.

34 (b) Reasonable rates for expenses outside of the United States that will allow a
35 person to purchase the same quality of food as the domestic rate allows.

36 6. The State Board of Examiners shall adopt regulations, and shall require
37 other state agencies to adopt regulations, in accordance with the purpose of this
38 section, and a state agency may, with the approval of the State Board of Examiners,
39 adopt a rate of reimbursement less than the amounts ~~{specified in}~~ *established*
40 *pursuant to* subsection 1 where unusual circumstances make that rate desirable.

41 7. The rate established by the State Board of Examiners pursuant to
42 subsection 1 must be the same as the comparable rate established for employees
43 of the Federal Government by the Administrator of General Services pursuant to
44 5 U.S.C. § 5707, but is not subject to any federal requirement, restriction or other
45 condition that is applicable to that comparable rate.

46 **Sec. 2.** NRS 281.172 is hereby amended to read as follows:

47 281.172 1. Any state officer or employee may apply for advance money for
48 authorized *per diem and* travel expenses ~~{and subsistence allowances}~~ arising out
49 of his official duties or employment in the amounts ~~{as provided for in}~~ *established*
50 *by the State Board of Examiners pursuant to* NRS 281.160 by filing a request with
51 the administrative head of the state office, department or agency by which he is
52 employed.

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

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

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

5. Upon receiving a copy of the request and approval from the administrative head or his designee, the State Treasurer or one of his officers or employees whom he has designated for the purpose may issue a check or warrant drawn upon the Account for Travel Advances for the amount of the advance requested.

Sec. 3. NRS 284.0745 is hereby amended to read as follows:

284.0745 1. A subpoena issued by the Chairman of the Employee-Management Committee extends to all parts of this State and must be served in accordance with the provisions of N.R.C.P. 4(c). The Chairman may not require a person named in a subpoena to attend at a place outside the county in which the person resides unless:

(a) The location of the place is less than 100 miles from the person's primary residence; or

(b) A party, by affidavit, shows that the testimony of the person is material and necessary to the proceedings and the Chairman endorses on the subpoena an order requiring the person to attend at the place named in the subpoena, regardless of its location in this State.

2. A person who appears before the Committee pursuant to a subpoena is entitled to receive fees and mileage in the same amounts and under the same circumstances as prescribed by law for a witness in a civil action in the district court, unless the person is a party to the proceeding or an officer or employee of this State or any of its political subdivisions.

3. If a person who is entitled to receive fees and mileage pursuant to subsection 2 must appear at a hearing before the Committee at a place located so far from his primary residence that it is not reasonable for the person to return to that residence from day to day, the person is entitled, in addition to fees and mileage, to receive the per diem ~~compensation for subsistence and transportation authorized by NRS 281.160~~ *allowance and travel expenses provided for state officers and employees generally* for each day of actual attendance at such a hearing and for each day necessarily occupied in traveling to and from such a hearing.

4. Except as otherwise provided in subsection 5, a party who requests that the Chairman issue a subpoena to a person shall pay to the Committee the amount of any compensation for ~~subsistence and transportation~~ *per diem and travel expenses* that the person is entitled to receive from the Committee pursuant to subsection 3.

5. As part of an award of costs to the party who prevails in a proceeding, the Committee may require the party who did not prevail in the proceeding to pay to the Committee the amount of any compensation for ~~subsistence and transportation~~ *per diem and travel expenses* that the prevailing party would have otherwise been required to pay to the Committee pursuant to subsection 4.

Sec. 4. NRS 284.376 is hereby amended to read as follows:

284.376 1. Within 10 working days after the effective date of his transfer pursuant to the provisions of NRS 284.375, a permanent classified employee who has been transferred without his consent may request in writing a hearing before the

1 hearing officer of the Department to determine whether the transfer was made for
2 the purpose of harassing the employee. The request may be made by mail and shall
3 be deemed timely if it is postmarked within 10 working days after the effective date
4 of the employee's transfer. The hearing must be conducted in accordance with the
5 procedures set forth in NRS 284.390 to 284.405, inclusive.

6 2. If the hearing officer determines that the transfer was made for the purpose
7 of harassing the employee, the transfer must be set aside and the employee must be
8 returned to his former position. If the transfer caused the employee to be away from
9 his original headquarters, the employee is entitled to ~~be paid expense allowances~~
10 ~~as provided in NRS 281.160~~ *receive the per diem allowance and travel expenses*
11 *provided for state officers and employees generally* for the period the transfer was
12 in effect.

13 3. The decision of the hearing officer is binding on the parties.

14 **Sec. 5.** NRS 284.393 is hereby amended to read as follows:

15 284.393 1. All witnesses appearing pursuant to subpoena, other than parties
16 or officers or employees of the State or any political subdivision thereof, are
17 entitled to receive fees and mileage in the same amounts and under the same
18 circumstances as prescribed by law for witnesses in civil actions in the district
19 courts.

20 2. Witnesses entitled to fees or mileage who attend hearings at points so far
21 removed from their residences as to prohibit return thereto from day to day are
22 entitled, in addition to fees and mileage, to *receive the per diem* ~~compensation for~~
23 ~~subsistence and transportation authorized by NRS 281.160~~ *allowance and travel*
24 *expenses provided for state officers and employees generally* for each day of
25 actual attendance and for each day necessarily occupied in traveling to and from the
26 hearings.

27 3. ~~[Fees for subsistence and transportation]~~ *Per diem and travel* expenses
28 must be paid by the party at whose request the witness is subpoenaed. The hearing
29 officer may award as costs the amount of all such expenses to the prevailing party.

30 **Sec. 6.** NRS 288.203 is hereby amended to read as follows:

31 288.203 1. Each person, except the Commissioner, who serves on a panel
32 formed pursuant to NRS 288.201 is entitled to receive as compensation ~~[\$150]:~~

33 (a) *One hundred fifty dollars* for each day he is engaged in the business of the
34 panel; and ~~[the expenses and allowances prescribed in NRS 281.160.]~~

35 (b) *The per diem allowance and travel expenses provided for state officers*
36 *and employees generally.*

37 2. All claims which arise pursuant to this section must be paid from the
38 reserve for Statutory Contingency Account upon approval by the Commissioner
39 and the State Board of Examiners.

40 **Sec. 7.** NRS 289.500 is hereby amended to read as follows:

41 289.500 1. The Peace Officers' Standards and Training Commission,
42 consisting of nine members appointed by the Governor, is hereby created. The
43 Governor shall appoint:

44 (a) Two members from Clark County, one of whom must be from a
45 metropolitan police department created pursuant to chapter 280 of NRS if one
46 exists in Clark County;

47 (b) One member from Washoe County;

48 (c) Three members from counties other than Clark and Washoe Counties;

49 (d) One member from a state law enforcement agency that primarily employs
50 peace officers required to receive training as category I peace officers;

51 (e) One member who is a category II peace officer; and

52 (f) One member who is a category III peace officer.

2. Members of the Commission serve terms of 2 years. Members serve without compensation, but are entitled to the per diem allowance and travel expenses provided ~~[by law]~~ for state officers and employees generally.

3. The Governor shall make the appointments to the Commission from recommendations submitted by Clark County, Washoe County, professional organizations of sheriffs and police chiefs of this State and employee organizations that represent only peace officers of this State who are certified by the Commission.

Sec. 8. NRS 4.050 is hereby amended to read as follows:

4.050 1. When any justice of the peace is entitled to receive his necessary traveling expenses for the transaction of public business, the board of county commissioners shall allow him the same per diem ~~[allowances]~~ *allowance* and travel expenses as are provided for state officers ~~[in the same circumstances by NRS 281.160.]~~ *and employees generally.*

2. Any justice of the peace presenting a claim to the county for any expenses allowed by law shall attach itemized vouchers and receipts for the same to his claim, and the boards of county commissioners of the several counties are prohibited from allowing such claim unless accompanied by vouchers and receipts as required by this section.

Sec. 9. NRS 6.150 is hereby amended to read as follows:

6.150 1. Each person summoned to attend as a grand juror or a trial juror in the district court or justice court is entitled to a fee of \$40 for each day after the second day of jury selection that he is in attendance in response to the venire or summons, including Sundays and holidays.

2. Each grand juror and trial juror in the district court or justice court actually sworn and serving is entitled to a fee of \$40 a day as compensation for each day of service.

3. In addition to the fees specified in subsections 1 and 2, a board of county commissioners may provide that, for each day of such attendance or service, each person is entitled to be paid ~~[a]~~ *the* per diem allowance ~~[in an amount equal to the allowance for meals]~~ *and travel expenses* provided for state officers and employees generally. ~~[while away from the office and within this State pursuant to subsection 1 of NRS 281.160.]~~

4. Each person summoned to attend as a grand juror or a trial juror in the district court or justice court and each grand juror and trial juror in the district court or justice court is entitled to receive 36.5 cents a mile for each mile necessarily and actually traveled if the home of the person summoned or serving as a juror is 65 miles or more from the place of trial.

5. If the home of a person summoned or serving as such a juror is 65 miles or more from the place of trial and the selection, inquiry or trial lasts more than 1 day, he is entitled to receive an allowance for lodging at the rate ~~[provided by law]~~ *established* for state employees, in addition to his daily compensation for attendance or service, for each day on which he does not return to his home.

6. In civil cases, any fee, per diem allowance, *travel expense* or other compensation due each juror engaged in the trial of the cause must be paid each day in advance to the clerk of the court, or the justice of the peace, by the party who has demanded the jury. If the party paying this money is the prevailing party, the money is recoverable as costs from the losing party. If the jury from any cause is discharged in a civil action without finding a verdict and the party who demands the jury subsequently obtains judgment, the money so paid is recoverable as costs from the losing party.

7. The money paid by a county clerk to jurors for their services in a civil action or proceeding, which he has received from the party demanding the jury,

1 must be deducted from the total amount due them for attendance as such jurors, and
2 any balance is a charge against the county.

3 **Sec. 10.** NRS 50.225 is hereby amended to read as follows:

4 50.225 1. For attending the courts of this State in any criminal case, or civil
5 suit or proceeding before a court of record, master, commissioner, justice of the
6 peace, or before the grand jury, in obedience to a subpoena, each witness is entitled:

7 (a) To be paid a fee of \$25 for each day's attendance, including Sundays and
8 holidays.

9 (b) Except as otherwise provided in this paragraph, to be paid for attending a
10 court of the county in which he resides at the rate of 19 cents a mile for each mile
11 necessarily and actually traveled from and returning to the place of residence by the
12 shortest and most practical route. A board of county commissioners may provide
13 that, for each mile so traveled to attend a court of the county in which he resides,
14 each witness is entitled to be paid an amount equal to the allowance for travel by
15 private conveyance ~~{provided} established by the State Board of Examiners~~
16 ~~for state officers and employees generally . {pursuant to subsection 3 of NRS 281-160.}~~
17 If the board *of county commissioners* so provides, each witness at any other
18 hearing or proceeding held in that county who is entitled to receive the payment for
19 mileage specified in this paragraph must be paid mileage in an amount equal to the
20 allowance for travel by private conveyance ~~{provided} established by the State~~
21 ~~*Board of Examiners* for state officers and employees generally . {pursuant to~~
22 ~~subsection 3 of NRS 281-160.}~~

23 2. In addition to the fee and payment for mileage specified in subsection 1, a
24 board of county commissioners may provide that, for each day of attendance in a
25 court of the county in which he resides, each witness is entitled to be paid ~~{a per~~
26 ~~diem allowance in an amount equal to}~~ the per diem allowance provided for state
27 officers and employees generally . ~~{while away from the office and within this State~~
28 ~~pursuant to subsection 1 of NRS 281-160.}~~ If the board *of county commissioners* so
29 provides, each witness at any other hearing or proceeding held in that county who is
30 a resident of that county and who is entitled to receive the fee specified in
31 paragraph (a) of subsection 1, must be paid, in addition to that fee, ~~{a per diem~~
32 ~~allowance in an amount equal to}~~ the per diem allowance provided ~~{in this~~
33 ~~subsection.}~~ *for state officers and employees generally.*

34 3. If a witness is from without the county, or, being a resident of another state,
35 voluntarily appears as a witness at the request of the Attorney General or the district
36 attorney and the board of county commissioners of the county in which the court is
37 held, he is entitled to reimbursement for the actual and necessary expenses for
38 going to and returning from the place where the court is held. He is also entitled to
39 receive the same ~~{allowances for subsistence and lodging}~~ *per diem allowance* as
40 are provided for state officers and employees generally.

41 4. Any person in attendance at a trial who is sworn as a witness is entitled to
42 the fees, the per diem allowance, if any, travel expenses and any other
43 reimbursement set forth in this section, irrespective of the service of a subpoena.

44 5. Witness fees, per diem allowances, travel expenses and other
45 reimbursement in civil cases must be taxed as disbursement costs against the
46 defeated party upon proof by affidavit that they have been actually incurred. Costs
47 must not be allowed for more than two witnesses to the same fact or series of facts,
48 and a party plaintiff or defendant must not be allowed any fees, per diem allowance,
49 travel expenses or other reimbursement for attendance as a witness in his own
50 behalf.

51 6. A person is not obligated to appear in a civil action or proceeding unless he
52 has been paid an amount equal to 1 day's fees, the per diem allowance provided by

the board *of county commissioners* pursuant to subsection 2, if any, and the travel expenses reimbursable pursuant to this section.

Sec. 11. NRS 179.225 is hereby amended to read as follows:

179.225 1. If the punishment of the crime is the confinement of the criminal in prison, the expenses must be paid from money appropriated to the Office of the Attorney General for that purpose, upon approval by the State Board of Examiners. After the appropriation is exhausted, the expenses must be paid from the Reserve for Statutory Contingency Account upon approval by the State Board of Examiners. In all other cases, they must be paid out of the county treasury in the county wherein the crime is alleged to have been committed. The expenses are:

(a) If the prisoner is returned to this State from another state, the fees paid to the officers of the state on whose governor the requisition is made;

(b) If the prisoner is returned to this State from a foreign country or jurisdiction, the fees paid to the officers and agents of this State or the United States; or

(c) If the prisoner is temporarily returned for prosecution to this State from another state pursuant to this chapter or chapter 178 of NRS and is then returned to the sending state upon completion of the prosecution, the fees paid to the officers and agents of this State,

and the ~~necessary traveling expenses and subsistence allowances in the amounts authorized by NRS 281.160~~ *per diem allowance and travel expenses provided for state officers and employees generally* incurred in returning the prisoner.

2. If a person is returned to this State pursuant to this chapter or chapter 178 of NRS and is convicted of, or pleads guilty or nolo contendere to the criminal charge for which he was returned or a lesser criminal charge, the court shall conduct an investigation of the financial status of the person to determine his ability to make restitution. In conducting the investigation, the court shall determine if the person is able to pay any existing obligations for:

(a) Child support;

(b) Restitution to victims of crimes; and

(c) Any administrative assessment required to be paid pursuant to NRS 62E.270, 176.059, 176.0611, 176.0613 and 176.062.

3. If the court determines that the person is financially able to pay the obligations described in subsection 2, it shall, in addition to any other sentence it may impose, order the person to make restitution for the expenses incurred by the Attorney General or other governmental entity in returning him to this State. The court shall not order the person to make restitution if payment of restitution will prevent him from paying any existing obligations described in subsection 2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of the completion of his sentence.

4. The Attorney General may adopt regulations to carry out the provisions of this section.

Sec. 12. NRS 218.220 is hereby amended to read as follows:

218.220 1. The per diem expense allowance and the travel and telephone expenses of Senators and Assemblymen elected or appointed and in attendance at any session or pre-session orientation conference of the Legislature must be allowed in the manner set forth in this section.

2. For initial travel from his home to Carson City, Nevada, to attend a session or pre-session orientation conference of the Legislature, and for return travel from Carson City, Nevada, to his home upon adjournment sine die of a session or termination of a pre-session orientation conference of the Legislature, each Senator and Assemblyman is entitled to receive:

(a) A per diem expense allowance, not to exceed the maximum rate established by the Federal Government for the Carson City area, for 1 day's travel to and 1 day's travel from the session or conference.

(b) Travel expenses.

3. In addition to the per diem and travel expenses authorized by subsection 2, each Senator and Assemblyman is entitled to receive a supplemental allowance which must not exceed:

(a) A total of \$10,000 during each regular session of the Legislature for:

(1) His actual expenses in moving to and from Carson City for the session;

(2) Travel to and from his home or temporary residence or for traveling to and from legislative committee and subcommittee meetings or hearings or for individual travel within the State which relates to legislative business;

(3) If he rents furniture for his temporary residence rather than moving similar furniture from his home, the cost of renting that furniture not to exceed the amount that it would have cost to move the furniture to and from his home; and

(4) If:

(I) His home is more than 50 miles from Carson City; and

(II) He maintains temporary quarters in or near Carson City for which he has entered into a lease or other agreement for occupancy during a regular legislative session,

the cost of such additional housing, paid at the end of each month during the legislative session, beginning the month of the first day of the legislative session and ending the month of the adjournment sine die of the legislative session, in an amount that is the fair market rent for a one bedroom unit in Carson City as published by the United States Department of Housing and Urban Development prorated for the number of days of the month that he actually maintained the temporary quarters in or near Carson City. For the purposes of this subparagraph, any day before the first day of the legislative session or after the day of the adjournment sine die of the legislative session may not be counted as a day for which he actually maintained such temporary quarters; and

(b) A total of \$1,200 during each special session of the Legislature for travel to and from his home or temporary residence or for traveling to and from legislative committee and subcommittee meetings or hearings or for individual travel within the State which relates to legislative business.

4. Each Senator and Assemblyman is entitled to receive a per diem expense allowance, not to exceed the maximum rate established by the Federal Government for the Carson City area, for each day that the Legislature is in session or in a presession orientation conference and for each day that he attends a meeting of a standing committee of which he is a member when the Legislature has adjourned for more than 4 days.

5. Each Senator and Assemblyman who maintains temporary quarters in or near Carson City for which he has entered into a lease or other agreement for continuous occupancy for the duration of a legislative session is entitled to receive a lodging allowance equal to that portion of the expense allowance which the Legislative Commission designates by rule as being allocated to lodging, for not more than 14 days in each period in which:

(a) The Legislature has adjourned until a time certain; and

(b) The Senator or Assemblyman is not entitled to a per diem expense allowance pursuant to subsection 4.

6. In addition to the per diem expense allowance authorized by subsection 4 and the lodging allowance authorized by subsection 5, each Senator and Assemblyman who maintains temporary quarters in or near Carson City for which he has entered into a lease or other agreement for continuous occupancy for the

duration of a legislative session is entitled to receive a lodging allowance equal to that portion of the expense allowance which the Legislative Commission designates by rule as being allocated to lodging, for not more than 17 days in each period in which:

(a) The Legislature has adjourned for more than 4 days; and

(b) The Senator or Assemblyman must obtain temporary lodging in a location that a standing committee of which he is a member is meeting.

7. Each Senator and Assemblyman is entitled to receive a lodging allowance equal to that portion of the expense allowance which the Legislative Commission designates by rule as being allocated to lodging, for not more than 6 days in each period in which:

(a) The Legislature has adjourned for more than 4 days; and

(b) The Senator or Assemblyman must obtain temporary lodging in a location that a standing committee of which he is a member is meeting,

➤ if the Senator or Assemblyman is not entitled to the per diem expense allowance authorized by subsection 4 or the lodging allowances authorized by subsections 5 and 6.

8. Each Senator and Assemblyman is entitled to receive a telephone allowance of not more than \$2,800 for the payment of tolls and charges incurred by him in the performance of official business during each regular session of the Legislature and not more than \$300 during each special session of the Legislature.

9. An employee of the Legislature assigned to serve a standing committee is entitled to receive the travel expenses and per diem ~~expense~~ allowance provided ~~by law~~ for state *officers and* employees generally if he is required to attend a hearing of the committee outside Carson City.

10. Claims for per diem expense allowances authorized by subsection 4 and lodging allowances authorized by subsections 5, 6 and 7 must be paid once each week during a legislative session and upon completion of a pre-session orientation conference.

11. A claim for travel expenses authorized by subsection 2 or 3 must not be paid unless the Senator or Assemblyman submits a signed statement affirming:

(a) The date of the travel; and

(b) The places of departure and arrival and, if the travel is by private conveyance, the actual miles traveled. If the travel is not by private conveyance, the claim must include a receipt or other evidence of the expenditure.

12. Travel expenses authorized by subsections 2 and 3 are limited to:

(a) If the travel is by private conveyance, a rate equal to the standard mileage reimbursement rate for which a deduction is allowed for the purposes of federal income tax. If two or more Legislators travel in the same private conveyance, the Legislator who provided or arranged for providing the transportation is presumed entitled to reimbursement.

(b) If the travel is not by private conveyance, the actual amount expended.

➤ Transportation must be by the most economical means, considering total cost, time spent in transit and the availability of state-owned automobiles.

Sec. 13. NRS 245.060 is hereby amended to read as follows:

245.060 If a county or township officer or an employee of the county is entitled to receive reimbursement for his necessary traveling expenses for the transaction of public business, such reimbursement must include actual living expenses, but the amount allowed for traveling by private conveyance must not exceed the amount charged by public conveyance. Where it appears to the satisfaction of the board of county commissioners that travel by private conveyance is more economical, or where it appears that, owing to train, airplane or bus schedules or for other reasons, travel by public conveyance is impractical, or in

case a part of the route traveled is not covered by public conveyance, the board of county commissioners, in its discretion, may allow for traveling by private conveyance an amount not to exceed the maximum per-mile allowance for travel by private conveyance ~~{of}~~ *established by the State Board of Examiners for* state officers and employees ~~{specified in subsection 3 of NRS 281.160.}~~ *generally.*

Sec. 14. NRS 258.050 is hereby amended to read as follows:

258.050 1. When any constable shall be entitled to receive his necessary traveling expenses for the transaction of public business, such expenses shall include his actual living expenses, but the amount allowed for traveling by private conveyance shall not exceed the amount charged by public conveyance.

2. Where it appears to the satisfaction of the board of county commissioners that travel by private conveyance is more economical, or where it appears that, owing to train, airplane or bus schedule or for other reasons, travel by public conveyance is impractical, or in case a part of the route traveled is not covered by public conveyance, the board of county commissioners is authorized to allow for traveling by private conveyance an amount not to exceed the maximum per-mile allowance for travel by private conveyance ~~{of}~~ *established by the State Board of Examiners for* state officers and employees ~~{specified in subsection 3 of NRS 281.160.}~~ *generally.*

3. Any constable presenting a claim to the county for any expenses allowed by law shall attach itemized vouchers and receipts for the same to his claim, and the boards of county commissioners of the several counties are hereby prohibited from allowing such claim unless accompanied by vouchers and receipts as required by this section.

Sec. 15. NRS 272.030 is hereby amended to read as follows:

272.030 1. Any city or town which shall join or which shall help form such an organization, as is authorized by NRS 272.010, may appropriate through its governing body out of its general fund money to pay the annual dues in the joint municipal organization and the expenses of such delegates as the governing body may designate to attend meetings of any such organization.

2. If the governing body of the particular city or town has so appropriated money as hereinabove provided for, then delegates shall receive the per diem ~~{expense}~~ allowance and travel expenses ~~{as fixed by law}~~ *provided* for state ~~{offices, departments, boards, agencies and institutions.}~~ *officers and employees generally.*

Sec. 16. NRS 386.290 is hereby amended to read as follows:

386.290 1. In addition to salaries allowed under NRS 386.320 a trustee shall be allowed:

(a) His traveling expenses for traveling each way between his home and the place where board meetings are held at the rate ~~{authorized by law}~~ *provided* for state officers ~~{.}~~ *and employees generally.*

(b) His living expenses necessarily incurred while in actual attendance at board meetings at the rate ~~{authorized by law}~~ *provided* for state officers ~~{.}~~ *and employees generally.*

2. Claims for mileage and per diem allowances shall be allowed and paid in the same manner as other claims against the school district fund are paid, but no claim for mileage and per diem allowances for living expenses shall be allowed or paid to a trustee residing not more than 5 miles from the place where board meetings are held.

Sec. 17. NRS 386.345 is hereby amended to read as follows:

386.345 1. The board of trustees of a school district may:

(a) Acquire and maintain membership in county, state and national school board associations and pay dues to such associations.

(b) Pay the travel expenses and per diem allowances of trustees at the same rate ~~authorized by law~~ **provided** for state officers **and employees generally** when the trustees attend county, state or national school board association meetings.

2. Claims for dues, travel expenses and per diem allowances authorized in subsection 1 shall be presented and allowed as provided by law for other claims against the school district.

Sec. 18. NRS 387.319 is hereby amended to read as follows:

387.319 1. Any travel by trustees of the school district, other than as provided for in NRS 386.290, required for the transaction of official business of the school district shall first be authorized by the board of trustees. When such travel is authorized, trustees of the school district shall receive the travel expenses and per diem allowances ~~authorized by law~~ **provided** for state officers ~~and employees generally~~ **generally**.

2. Claims for travel expenses and per diem allowances authorized in subsection 1 shall be presented and allowed as provided by law for other claims against the school district.

Sec. 19. NRS 396.070 is hereby amended to read as follows:

396.070 1. Each member of the Board of Regents is entitled to receive a salary of \$80 for each meeting of the Board that he attends.

2. Each member of the Board of Regents is entitled to receive in attending meetings of the Board, or while on Board of Regents' business within the State:

(a) A per diem expense allowance not to exceed the greater of:

(1) The rate of \$60; or

(2) The maximum rate established by the Federal Government for the locality in which the travel is performed.

(b) ~~The~~ **The** travel allowance ~~computed at the rate~~ **provided** for state officers and employees generally. ~~in subsection 3 of NRS 281.160.~~

3. If an account is established for a member of the Board of Regents to pay for hosting expenditures of the member:

(a) The annual expenditures from the account may not exceed \$2,500.

(b) The account may be used only to pay for activities that are directly related to the duties of the member of the Board of Regents, including reasonable expenses for meals, beverages and small gifts. The account must not be used to pay for expenses associated with attending a sporting event or a political fundraising event.

(c) The member of the Board of Regents must submit a monthly report of expenditures from the account to the Chancellor of the System. The report must include, without limitation, the amount of money expended from the account, the specific purpose and activity for which the money was expended and, if applicable, the person for whom the money was expended.

(d) The Chancellor of the System shall compile the monthly reports into an annual report on or before January 30 of each year. The monthly reports and annual reports are public records and must be made available for public inspection.

4. As used in this section, "hosting expenditures" means reasonable expenses by or on behalf of a member of the Board of Regents who is conducting business activities necessary to provide a benefit to the System by establishing goodwill, promoting programs of the System or otherwise advancing the mission of the System.

Sec. 20. NRS 412.124 is hereby amended to read as follows:

412.124 1. The Adjutant General, with the approval of the Governor, may order members of the Nevada National Guard to active duty. Members, while on active duty, are entitled to receive the pay and allowances of their corresponding grades in the Armed Forces of the United States, but in no case may the pay and allowances be less than \$50 per day.

2. Members of the Nevada National Guard serving on courts-martial, courts of inquiry, efficiency boards, medical boards or other special duty requiring absence from their stations or business under competent orders may ~~be reimbursed for necessary expenses incurred at the rate established~~ *receive the per diem allowance and travel expenses provided* for state ~~officers and~~ employees ~~by NRS 281.160.~~ *generally.*

3. In lieu of other provisions of this chapter, such amounts as are approved by the Governor may be paid to a medical examiner for his services and necessary disbursements and to a properly appointed judge advocate for legal services and necessary disbursements in any suit, action or proceeding.

4. Members of the Nevada National Guard may not receive from the State the pay or the pay and allowances provided by this section when they are eligible for similar pay and allowances from federal funds.

5. Members of the Nevada National Guard may with their consent perform without pay or without pay and allowances in parades or ceremonial events, or any of the types of military duty prescribed in this chapter pursuant to orders issued by competent military authority. Necessary traveling expenses, subsistence and per diem allowances may be furnished the members within the discretion of the Adjutant General and within the amount appropriated therefor.

6. All pay and allowances provided by this chapter, except per diem allowances, mileage and expenses while traveling under orders, are subject to be applied to the payment of penalties and fines imposed by military courts, and to the payment of any shortage of funds or for injury to state or federal property for which a member of the Nevada National Guard is responsible or accountable where the responsibility has been fixed by competent authority.

Sec. 21. NRS 459.706 is hereby amended to read as follows:

459.706 1. The Department shall not issue a permit required pursuant to NRS 459.7052 to a motor carrier who is seeking to transport radioactive waste upon a public highway of this State without first determining that the carrier transporting the waste is in compliance and will continue to comply with all laws and regulations of this State and the Federal Government respecting the handling and transportation of radioactive waste and the safety of drivers and vehicles.

2. Any motor carrier who maintains his books and records outside of this State must, in addition to any other assessments and fees provided by law, be assessed by the Department for an amount equal to the *per diem allowance and travel expenses* ~~[, including the excess of the out of state subsistence allowances over the in state subsistence allowances, as fixed by NRS 281.160.]~~ of employees of the Department for investigations, inspections and audits which may be required to be performed outside of this State in carrying out the provisions of subsection 1. *The per diem allowance and travel expenses of the employees of the Department must be assessed at the rate established by the State Board of Examiners for state officers and employees generally.*

3. The assessment provided for in subsection 2 must be determined by the Department upon the completion of each such investigation, inspection or audit and is due within 30 days after the date on which the affected motor carrier receives the assessment. The records of the Department relating to the additional costs incurred by reason of necessary travel must be open for inspection by the affected carrier at any time within the 30-day period.

Sec. 22. NRS 703.145 is hereby amended to read as follows:

703.145 1. Any public utility subject to the jurisdiction of the Commission which elects to maintain its books and records outside the State of Nevada ~~[shall,]~~ *must*, in addition to any other assessment and fees provided for by law, be assessed by the Commission for an amount equal to the *per diem allowance and travel*

1 expenses ~~and the excess of the out-of-state subsistence allowances over the in-state~~
2 ~~subsistence allowances, as fixed by NRS 281.160,~~ of Commission members and
3 staff ~~[]~~ for investigations, inspections and audits required to be performed outside
4 this State. *The per diem allowance and travel expenses of the members of the*
5 *Commission and its staff must be assessed at the rate established by the State*
6 *Board of Examiners for state officers and employees generally.*

7 2. Any public utility subject to the jurisdiction of the Commission ~~[shall]~~
8 *must*, in addition to any other assessment and fees provided for by law, be assessed
9 by the Commission for an amount equal to the *per diem allowance and* travel
10 expenses ~~and the excess of the out-of-state subsistence allowances over the in-state~~
11 ~~subsistence allowances, as fixed by NRS 281.160,~~ of Commission members and
12 staff ~~[]~~ for investigations, audits and appearances required to be performed out of
13 this State as a result of interventions in:

14 (a) Federal Energy Regulatory Commission proceedings as authorized in NRS
15 703.152; or

16 (b) Actions involving the Federal Communications Commission or other
17 federal regulatory agencies,

18 ➤ if the intervention is made to benefit the public utility or its customers. *The per*
19 *diem allowance and travel expenses of the members of the Commission and its*
20 *staff must be assessed at the rate established by the State Board of Examiners for*
21 *state officers and employees generally.*

22 3. The assessments provided for by this section must be determined by the
23 Commission upon the completion of each such investigation, inspection, audit or
24 appearance and are due and payable within 30 days of receipt by the affected utility
25 of the notice of assessment. The total amount assessed by the Commission in 1 year
26 pursuant to subsection 2 must not exceed \$50,000.

27 4. The records of the Commission relating to the additional costs incurred by
28 reason of the necessary additional travel must be open for inspection by the affected
29 utility at any time within the 30-day period.

30 5. The Commission shall report to the Legislature no later than February 1 of
31 each odd-numbered year the amount of assessments charged public utilities during
32 the previous biennium pursuant to subsection 2.

33 **Sec. 23.** NRS 706.1515 is hereby amended to read as follows:

34 706.1515 1. Any common or contract carrier subject to the jurisdiction of
35 the Authority that elects to maintain its books and records outside the State of
36 Nevada ~~[shall]~~ *must*, in addition to any other assessment and fees provided for by
37 law, be assessed by the Authority for an amount equal to the *per diem allowance*
38 *and* travel expenses ~~and the excess of the out-of-state subsistence allowances over~~
39 ~~the in-state subsistence allowances, as fixed by NRS 281.160,~~ of members of the
40 Authority and staff ~~[]~~ for investigations, inspections and audits required to be
41 performed outside this State. *The per diem allowance and travel expenses of the*
42 *members of the Authority and its staff must be assessed at the rate established by*
43 *the State Board of Examiners for state officers and employees generally.*

44 2. The assessments provided for by this section must be determined by the
45 Authority upon the completion of each such investigation, inspection, audit or
46 appearance and are due within 30 days after receipt by the affected common or
47 contract carrier of the notice of assessment.

48 3. The records of the Authority relating to the additional costs incurred by
49 reason of the necessary additional travel must be open for inspection by the affected
50 common or contract carrier at any time within the 30-day period.

1 **Sec. 24.** Section 9.145 of the Charter of the City of Sparks, being chapter
2 350, Statutes of Nevada 1987, at page 789, is hereby amended to read as follows:

3 Sec. 9.145 Hearings: Fees, mileage and expenses of witnesses.

4 1. All witnesses appearing pursuant to subpoena, other than parties or
5 officers or employees of the City, are entitled to receive fees and mileage in
6 the same amounts and under the same circumstances as prescribed in
7 NRS 50.225.

8 2. Witnesses entitled to fees or mileage who attend hearings at points
9 so far removed from their residences as to prohibit return thereto from day
10 to day are entitled, in addition to fees and mileage, to the per diem
11 allowance provided ~~in NRS 281.160~~ for state officers and employees
12 **generally** for each day of actual attendance and for each day necessarily
13 occupied in traveling to and from the hearings.

14 3. Fees for mileage and per diem allowances must be paid by the
15 party at whose request the witness is subpoenaed. The Civil Service
16 Commission or hearing officer may award as costs the amount of such
17 expenses to the prevailing party.

18 **Sec. 25.** Section 11 of the Elko Convention and Visitors Authority Act, being
19 chapter 227, Statutes of Nevada 1975, as last amended by chapter 564, Statutes of
20 Nevada 1989, at page 1197, is hereby amended to read as follows:

21 Sec. 11. 1. The Board shall submit its proposed annual budget for
22 the Authority in the manner set forth in NRS 354.470 to 354.626, inclusive.

23 2. In addition to powers elsewhere conferred, the Board, on behalf of
24 the Authority, may:

25 (a) Establish, construct, purchase, lease, enter into a lease purchase
26 agreement respecting, acquire by gift, grant, bequest, devise or otherwise,
27 reconstruct, improve, extend, better, alter, repair, equip, furnish, regulate,
28 maintain, operate and manage convention, exhibit and auditorium facilities,
29 including personal property and real property, appurtenant thereto or used
30 in connection therewith, and every estate, interest and right, legal or
31 equitable, therein.

32 (b) Insure or provide for the insurance of any facility and of the Board
33 and its officers, employees and agents against such risks and hazards as the
34 Board may deem advisable, without thereby waiving any immunity granted
35 by law.

36 (c) Arrange or contract for the furnishing by any person or agency,
37 public or private, of services, privileges, works, food, beverages, alcoholic
38 beverages or facilities for or in connection with a facility, hire and retain
39 officers, agents and employees, including a fiscal adviser, engineers,
40 attorneys or other professional or specialized personnel.

41 (d) Direct the Board of County Commissioners or the Board of
42 Supervisors of the City of Elko, and the governing body of any other
43 political subdivision within the boundaries of the Authority, with the
44 concurrence of that board or body, to acquire by the exercise of the power
45 of eminent domain any real property which the Board deems necessary for
46 its purposes, after the adoption by the Board of a resolution declaring such
47 acquisition necessary for its purposes. This power must be exercised in the
48 manner provided by any applicable statutory provisions and laws of the
49 State of Nevada. Title to property so acquired must be taken in the name of
50 the Authority.

51 (e) Sell, lease, exchange, transfer, assign or otherwise dispose of any
52 real or personal property, or any interest therein acquired for the purpose of
53 this act, including the lease of any facility acquired by the Authority which

1 is to be operated and maintained as a public project and convention,
2 auditorium or exhibit facility.

3 (f) Fix, and from time to time increase or decrease, rates, tolls, rents or
4 charges for services or facilities furnished in connection with any facility
5 and take such action as necessary or desirable to effect their collection.

6 (g) Receive, control, invest and order the expenditure of money
7 pertaining to any facility or related properties, including but not limited to
8 annual grants from the Federal Government, the State, the county and
9 incorporated cities in the county for capital improvements for facilities.

10 (h) Enter into contracts, leases or other arrangements for commercial
11 advertising purposes with any person or government.

12 (i) Exercise all or any part or combination of the powers granted in this
13 act to the Authority, except as otherwise provided in this act.

14 (j) Sue and be sued.

15 (k) Perform other acts necessary, convenient, desirable or appropriate
16 to carry out the purposes and provisions of this act.

17 (l) Engage in the sale and dispensing of alcoholic beverages in
18 connection with activities conducted in connection with the facility, operate
19 a bar in connection therewith and obtain all necessary licenses and permits
20 and provide any bonds or security necessary or advisable.

21 (m) Engage in the preparation, sale, serving and dispensing of food and
22 beverages in connection with the facilities and activities conducted in
23 connection therewith.

24 (n) Provide security for all authorized facilities and activities by means
25 of security guards, burglar alarm systems, fire alarm systems and other
26 modern methods of protection and detection, with all materials, supplies
27 and equipment incidental thereto.

28 (o) Use or make available all facilities of the Authority or any portion
29 thereof for any event, activity, meeting, convention, entertainment,
30 promotions, party or other purpose approved by the Board, with or without
31 charge, as determined by the Board.

32 (p) Sell, or cause to be sold, promotional items.

33 3. The Board, in addition to the other powers conferred upon it, may:

34 (a) Set aside a fund in an amount which it considers necessary, which
35 may be expended in the discretion of the Board for the purpose of
36 promoting or attracting conventions, meetings and like gatherings which
37 will utilize the facilities of the Authority. Such an expenditure shall be
38 deemed to be made for a public purpose.

39 (b) Solicit and promote tourism generally, individually and through
40 annual grants to chambers of commerce, convention authorities and other
41 convention generating entities, and further promote generally the use of its
42 facilities, pursuant to lease agreements, by organized groups or by the
43 general public for the holding of conventions, expositions, trade shows,
44 entertainment, sporting events, cultural activities or similar uses reasonably
45 calculated to produce revenue for the Authority, and to enhance the general
46 economy. Such promotion may include advertising the facilities under
47 control of the Board and the resources of the community or area, including
48 without restriction tourist accommodations, transportation, entertainment
49 and climate.

50 (c) Enter into contracts for advertising and pay the cost thereof,
51 including reasonable commissions.

52 (d) Authorize the expenditure of money subject to its control and
53 derived from any source within its jurisdiction and authority, regardless of

1 any purported limitations thereon incident to any transfer or remittance to
2 the Board of the proceeds of any license tax or other money collected by
3 any political subdivision, but subject to all valid contractual or statutory
4 restrictions which may apply to any such money or remittances or to the use
5 or disposition thereof.

6 (e) Borrow money or accept contributions, grants or other financial
7 assistance from the Federal Government or any agency or instrumentality
8 thereof, for use in furtherance of any of the authorized purposes of the
9 Authority and meet and comply with any conditions imposed thereon,
10 which are within the authority or discretion of the Board.

11 (f) Appoint an Executive Director, the Authority Treasurer, the Auditor
12 for the Authority, assistants to officers and establish such other offices and
13 appoint such other officers as it deems necessary. All appointive officers
14 serve at the pleasure of the Board and shall perform such duties as may be
15 designated by the Board and are entitled to receive a salary set by the
16 Board. The Board shall, by agreement pursuant to chapter 288 of NRS, or
17 by resolution, set the annual, sick and disability leave, salary or wages,
18 pensions, insurance and other benefits for appointed and hired Authority
19 officers and employees.

20 4. Any contracts, leases, franchises or other transactions authorized or
21 executed by the Board are not affected by the fact that the term of office of
22 any or all of its members may expire before completion of the transaction
23 authorized.

24 5. When any member of the Board or officer or employee of the
25 Authority travels for the transaction of business of the Authority, the Board
26 may pay him the actual expenses necessary for such travel, including travel
27 expenses, room, board, gratuities, car rental, telephone, taxi fares and any
28 other expense reasonably incurred in connection with such travel. Travel
29 fares must be the amount charged by public conveyance unless the Board
30 determines that travel by private conveyance is more economical, or travel
31 by public conveyance is impractical or unavoidable over any of the routes
32 to be traveled. The Board may allow for traveling by private conveyance an
33 amount not to exceed the maximum allowance per mile for travel by private
34 conveyance *established by the State Board of Examiners for* state officers
35 and employees ~~[specified in NRS 281.160.]~~ *generally.*

36 **Sec. 26.** This act becomes effective on July 1, 2007.