

ASSEMBLY BILL NO. 260—ASSEMBLYMEN OCEGUERA, CONKLIN,
SMITH, KIRKPATRICK, BOBZIEN; ATKINSON, CARRILLO,
HORNE, MASTROLUCA, PIERCE, SEGERBLOM AND
SHERWOOD

MARCH 11, 2011

Referred to Committee on Legislative Operations and Elections

SUMMARY—Requires newly elected Legislators to attend training
before the beginning of their first legislative session.
(BDR 17-29)

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

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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 the Legislature; requiring newly elected
Legislators to attend training before the beginning of their
first legislative session; providing a monetary penalty for
failure to attend the training sessions; and providing other
matters properly relating thereto.

Legislative Counsel's Digest:

1 **Section 3** of this bill requires newly elected Legislators to attend training
2 before the beginning of their first legislative session. The Speaker of the Assembly
3 and the Majority Leader of the Senate are required to specify the dates of the
4 training and to indicate which training sessions are mandatory. **Section 4** of this bill
5 provides that a Legislator who does not attend a mandatory training session without
6 being excused must pay a penalty during the regular legislative session equal to one
7 day of salary for each training session that was missed, to be deducted from the
8 salary otherwise payable to the Legislator during the regular session.



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

Section 1. Chapter 218A of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *For the purposes of sections 3 and 4 of this act the Speaker of the Assembly, the Majority Leader of the Senate, the Minority Leader of the Assembly and the Minority Leader of the Senate are:*

1. For the period that begins immediately following a regular session of the Legislature until the day of the next general election, the members of the Legislature who served in those positions during that regular session or the persons designated as replacements in those positions; and

2. For the period that begins on the day next after the general election until the commencement of the ensuing regular session of the Legislature, the persons designated for those positions for the ensuing session.

Sec. 3. *1. A Legislator who is elected to the Assembly or the Senate who has not previously served in either House of the Legislature shall attend the training required pursuant to this section unless his or her attendance is excused pursuant to subsection 6.*

2. A member of the Assembly who is required to attend training pursuant to this section shall attend each training session designated as mandatory by the Speaker of the Assembly. A member of the Senate who is required to attend training pursuant to this section shall attend each training session designated as mandatory by the Majority Leader of the Senate.

3. The training required pursuant to this section must include:

(a) Legislative procedure and protocol;

(b) Overviews of the state budget and the budgetary process;

(c) Briefings on policy issues relevant to the State; and

(d) Such other matters as are deemed appropriate by the Speaker of the Assembly, the Majority Leader of the Senate, the Minority Leader of the Assembly and the Minority Leader of the Senate for their respective Houses.

4. The Director of the Legislative Counsel Bureau shall provide staff support for the training required pursuant to this section.

5. The training required pursuant to this section must not exceed a total of 10 days and must be conducted between the day next after the general election and the commencement of the



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1 *ensuing regular session of the Legislature. The dates for the*
2 *training must be determined by the Speaker of the Assembly and*
3 *the Majority Leader of the Senate and posted on the public website*
4 *of the Nevada Legislature on an Internet website not later than 90*
5 *days before the first day on which training will be conducted.*

6 *6. The Speaker of the Assembly or the Majority Leader of the*
7 *Senate may excuse a Legislator from attending a training session*
8 *otherwise required pursuant to this section in case of illness,*
9 *injury, emergency or other good cause as determined by the*
10 *Speaker or Majority Leader.*

11 **Sec. 4. 1. A Legislator who fails to attend a training session**
12 **designated as mandatory pursuant to section 3 of this act, unless**
13 **excused by the Speaker of the Assembly or the Majority Leader of**
14 **the Senate, as applicable, shall pay a penalty equal to one day of**
15 **salary for each mandatory training session which he or she failed**
16 **to attend. The penalty must be withheld from the salary otherwise**
17 **payable to the Legislator pursuant to NRS 218A.630.**

18 **2. A Legislator may appeal a penalty imposed pursuant to**
19 **subsection 1 to the Assembly or Senate, as applicable. The**
20 **Assembly or Senate, or a committee appointed to hear the appeal,**
21 **may affirm the penalty, reduce the amount of the penalty or**
22 **excuse the penalty. Each House shall determine the procedure for**
23 **such an appeal.**

24 **Sec. 5. NRS 218A.635 is hereby amended to read as follows:**

25 218A.635 1. Except as otherwise provided in subsections 2
26 and 4, each Senator, Assemblywoman and Assemblyman is entitled
27 to receive the compensation provided for a majority of the members
28 of the Legislature during the first 60 days of the preceding session,
29 and the per diem allowance and travel expenses provided by law, for
30 each day of attendance at a presession orientation conference *or a*
31 *training session conducted pursuant to section 3 of this act* or at a
32 conference, meeting, seminar or other gathering at which the
33 Legislator officially represents the State of Nevada or its
34 Legislature.

35 2. A nonreturning Legislator must not be paid the
36 compensation or per diem allowance and travel expenses provided
37 in subsection 1 for attendance at a conference, meeting, seminar or
38 other gathering unless:

39 (a) It is conducted by a statutory committee or a committee of
40 the Legislature and the Legislator is a member of that committee; or

41 (b) The Majority Leader of the Senate or Speaker of the
42 Assembly designates the Legislator to attend because of the
43 Legislator's knowledge or expertise.



3. For the purposes of this section, “nonreturning Legislator” means a Legislator who, in the year that the Legislator’s term of office expires:

(a) Has not filed a declaration or an acceptance of candidacy within the time allowed for filing for election as a Senator, Assemblywoman or Assemblyman;

(b) Has failed to win nomination as a candidate for the Senate or the Assembly at the primary election; or

(c) Has withdrawn as a candidate for the Senate or the Assembly.

4. This section does not apply:

(a) During a regular or special session of the Legislature; or

(b) To any Senator, Assemblywoman or Assemblyman who is otherwise entitled to receive a salary and the per diem allowance and travel expenses.

Sec. 6. NRS 218A.640 is hereby amended to read as follows:

218A.640 A Legislator who attends and is compensated for attending a:

1. Session or pre-session orientation conference of the Legislature ~~or~~ *or a training session conducted pursuant to section 3 of this act;*

2. Meeting of an interim legislative committee; or

3. Meeting of the Legislative Commission or its Audit Subcommittee,

is not entitled to receive an additional day’s salary or compensation for any other such meeting or conference the Legislator attends in that day.

Sec. 7. NRS 218A.645 is hereby amended to read as follows:

218A.645 1. The per diem expense allowance and the travel and telephone expenses of Senators, Assemblymen and Assemblywomen elected or appointed and in attendance at any session or pre-session orientation conference of the Legislature *or training session conducted pursuant to section 3 of this act* must be allowed in the manner set forth in this section.

2. For initial travel from the Legislator’s home to Carson City, Nevada, to attend a session or pre-session orientation conference of the Legislature ~~or~~ *or a training session conducted pursuant to section 3 of this act*, and for return travel from Carson City, Nevada, to the Legislator’s home upon adjournment sine die of a session or termination of a pre-session orientation conference of the Legislature ~~or~~ *or termination of a training session conducted pursuant to section 3 of this act*, each Senator, Assemblyman and Assemblywoman 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,



1 for 1 day's travel to and 1 day's travel from the session , *training*
2 *session* or conference.

3 (b) Travel expenses.

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

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

9 (1) The Legislator's actual expenses in moving to and from
10 Carson City for the session;

11 (2) Travel to and from the Legislator's home or temporary
12 residence or for traveling to and from legislative committee and
13 subcommittee meetings or hearings or for individual travel within
14 the State which relates to legislative business;

15 (3) If the Legislator rents furniture for the Legislator's
16 temporary residence rather than moving similar furniture from the
17 Legislator's home, the cost of renting that furniture not to exceed
18 the amount that it would have cost to move the furniture to and from
19 the Legislator's home; and

20 (4) If:

21 (I) The Legislator's home is more than 50 miles from
22 Carson City; and

23 (II) The Legislator maintains temporary quarters in or
24 near Carson City for which the Legislator has entered into a lease or
25 other agreement for occupancy during a regular legislative session,
26 ↳ the cost of such additional housing, paid at the end of each month
27 during the legislative session, beginning the month of the first day
28 of the legislative session and ending the month of the adjournment
29 sine die of the legislative session, in an amount that is the fair
30 market rent for a one bedroom unit in Carson City as published by
31 the United States Department of Housing and Urban Development
32 prorated for the number of days of the month that the Legislator
33 actually maintained the temporary quarters in or near Carson City.
34 For the purposes of this subparagraph, any day before the first day
35 of the legislative session or after the day of the adjournment sine die
36 of the legislative session may not be counted as a day for which the
37 Legislator actually maintained such temporary quarters; and

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

43 4. Each Senator, Assemblyman and Assemblywoman is
44 entitled to receive a per diem expense allowance, not to exceed the
45 maximum rate established by the Federal Government for the



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1 Carson City area, for each day that the Legislature is in session or in
2 a pre-session orientation conference **H** *or a training session*
3 *conducted pursuant to section 3 of this act*, and for each day that
4 the Legislator attends a meeting of a standing committee of which
5 the Legislator is a member when the Legislature has adjourned for
6 more than 4 days.

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

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

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

18 6. In addition to the per diem expense allowance authorized by
19 subsection 4 and the lodging allowance authorized by subsection 5,
20 each Senator, Assemblyman and Assemblywoman who maintains
21 temporary quarters in or near Carson City for which the Legislator
22 has entered into a lease or other agreement for continuous
23 occupancy for the duration of a legislative session is entitled to
24 receive a lodging allowance equal to that portion of the expense
25 allowance which the Legislative Commission designates by rule as
26 being allocated to lodging, for not more than 17 days in each period
27 in which:

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

29 (b) The Senator, Assemblyman or Assemblywoman must obtain
30 temporary lodging in a location that a standing committee of which
31 the Legislator is a member is meeting.

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

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

38 (b) The Senator, Assemblyman or Assemblywoman must obtain
39 temporary lodging in a location that a standing committee of which
40 the Legislator is a member is meeting.

41 ➔ if the Senator, Assemblyman or Assemblywoman is not entitled
42 to the per diem expense allowance authorized by subsection 4 or the
43 lodging allowances authorized by subsections 5 and 6.

44 8. Each Senator, Assemblyman and Assemblywoman is
45 entitled to receive a telephone allowance of not more than \$2,800



1 for the payment of tolls and charges incurred by the Legislator in the
2 performance of official business during each regular session of the
3 Legislature and not more than \$300 during each special session of
4 the Legislature.

5 9. An employee of the Legislature assigned to serve a standing
6 committee is entitled to receive the travel expenses and per diem
7 allowance provided for state officers and employees generally if the
8 employee is required to attend a hearing of the committee outside
9 Carson City.

10 10. Claims for per diem expense allowances authorized by
11 subsection 4 and lodging allowances authorized by subsections 5, 6
12 and 7 must be paid once each week during a legislative session and
13 upon completion of a pre-session orientation conference ~~or~~ *or a*
14 *training session conducted pursuant to section 3 of this act.*

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

18 (a) The date of the travel; and

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

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

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

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

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

