

Amendment No. 856

Senate Amendment to Assembly Bill No. 260 First Reprint (BDR 17-29)

Proposed by: Senators Wiener and Copening

Amends: Summary: No Title: Yes 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 underlining* is newly added transitory language.

EGO



Date: 5/30/2011

A.B. No. 260—Requires newly elected Legislators to attend training before the beginning of their first legislative session. (BDR 17-29)



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:

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

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~~ **section 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.

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

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

10 3. The training required pursuant to this section must be recorded
11 electronically and include:

12 (a) Legislative procedure and protocol;
13 (b) Overviews of the state budget and the budgetary process;
14 (c) Briefings on policy issues relevant to the State; and
15 (d) Such other matters as are deemed appropriate by the Speaker of the
16 Assembly, the Majority Leader of the Senate, the Minority Leader of the
17 Assembly and the Minority Leader of the Senate for their respective Houses.

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

20 5. The training required pursuant to this section must not exceed a total of
21 10 days and must be conducted between the day next after the general election
22 and the commencement of the ensuing regular session of the Legislature. The
23 dates for the training must be determined by the Speaker of the Assembly and the
24 Majority Leader of the Senate and posted on the public website of the Nevada
25 Legislature on an Internet website not later than 90 days before the first day on
26 which training will be conducted.

27 6. The Speaker of the Assembly or the Majority Leader of the Senate may
28 excuse a Legislator from attending a training session otherwise required
29 pursuant to this section in case of illness, injury, emergency, employment or
30 other good cause as determined by the Speaker or Majority Leader.

31 7. The Director of the Legislative Counsel Bureau shall provide an
32 electronic copy of a training session and a form for attesting completion of the
33 training session to any Legislator who was unable to attend the training session.
34 To successfully complete the training required pursuant to this section, such a
35 Legislator must view the training session electronically and submit the attestation
36 to the Director of the Legislative Counsel Bureau.

37 8. The Director of the Legislative Counsel Bureau shall issue a "Certificate
38 of Graduation from the Legislative Training Academy" to each Legislator who
39 successfully completes the training required pursuant to this section.

40 ~~Sec. 4. 1. A Legislator who fails to attend a training session designated~~
41 ~~as mandatory pursuant to section 3 of this act, unless excused by the Speaker of~~
42 ~~the Assembly or the Majority Leader of the Senate, as applicable, shall pay a~~
43 ~~penalty equal to one day of salary for each mandatory training session which he~~
44 ~~or she failed to attend. The penalty must be withheld from the salary otherwise~~
45 ~~payable to the Legislator pursuant to NRS 218A.630.~~

46 ~~2. A Legislator may appeal a penalty imposed pursuant to subsection 1 to~~
47 ~~the Assembly or Senate, as applicable. The Assembly or Senate, or a committee~~
48 ~~appointed to hear the appeal, may affirm the penalty, reduce the amount of the~~
49 ~~penalty or excuse the penalty. Each House shall determine the procedure for~~
50 ~~such an appeal. (Deleted by amendment.)~~

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

52 218A.635 1. Except as otherwise provided in subsections 2 and 4, each
53 Senator, Assemblywoman and Assemblyman is entitled to receive the

1 compensation provided for a majority of the members of the Legislature during the
2 first 60 days of the preceding session, and the per diem allowance and travel
3 expenses provided by law, for each day of attendance at a pre-session orientation
4 conference *or a training session conducted pursuant to section 3 of this act* or at a
5 conference, meeting, seminar or other gathering at which the Legislator officially
6 represents the State of Nevada or its Legislature.

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

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

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

14 3. For the purposes of this section, "nonreturning Legislator" means a
15 Legislator who, in the year that the Legislator's term of office expires:

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

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

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

21 4. This section does not apply:

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

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

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

26 218A.640 A Legislator who attends and is compensated for attending a:

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

29 2. Meeting of an interim legislative committee; or

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

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

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

34 218A.645 1. The per diem expense allowance and the travel and telephone
35 expenses of Senators, Assemblymen and Assemblywomen elected or appointed and
36 in attendance at any session or pre-session orientation conference of the Legislature
37 *or training session conducted pursuant to section 3 of this act* must be allowed in
38 the manner set forth in this section.

39 2. For initial travel from the Legislator's home to Carson City, Nevada, to
40 attend a session or pre-session orientation conference of the Legislature ~~§~~ *or a*
41 *training session conducted pursuant to section 3 of this act*, and for return travel
42 from Carson City, Nevada, to the Legislator's home upon adjournment sine die of a
43 session or termination of a pre-session orientation conference of the Legislature ~~§~~
44 *or termination of a training session conducted pursuant to section 3 of this act*,
45 each Senator, Assemblyman and Assemblywoman is entitled to receive:

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

49 (b) Travel expenses.

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

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

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

(2) Travel to and from the Legislator's 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 the Legislator rents furniture for the Legislator's temporary residence rather than moving similar furniture from the Legislator's home, the cost of renting that furniture not to exceed the amount that it would have cost to move the furniture to and from the Legislator's home; and

(4) If:

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

(II) The Legislator maintains temporary quarters in or near Carson City for which the Legislator 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 the Legislator 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 the Legislator actually maintained such temporary quarters; and

(b) A total of \$1,200 during each special session of the Legislature for travel to and from the Legislator's 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, Assemblyman and Assemblywoman 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 pre-session orientation conference ~~or~~ *or a training session conducted pursuant to section 3 of this act*, and for each day that the Legislator attends a meeting of a standing committee of which the Legislator is a member when the Legislature has adjourned for more than 4 days.

5. Each Senator, Assemblyman and Assemblywoman who maintains temporary quarters in or near Carson City for which the Legislator 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, Assemblyman or Assemblywoman 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, Assemblyman and Assemblywoman who maintains temporary quarters in or near Carson City for which the Legislator 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, Assemblyman or Assemblywoman must obtain temporary lodging in a location that a standing committee of which the Legislator is a member is meeting.

7. Each Senator, Assemblyman and Assemblywoman 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, Assemblyman or Assemblywoman must obtain temporary lodging in a location that a standing committee of which the Legislator is a member is meeting,

➤ if the Senator, Assemblyman or Assemblywoman 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, Assemblyman and Assemblywoman is entitled to receive a telephone allowance of not more than \$2,800 for the payment of tolls and charges incurred by the Legislator 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 allowance provided for state officers and employees generally if the employee 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 ~~or~~ *or a training session conducted pursuant to section 3 of this act.*

11. A claim for travel expenses authorized by subsection 2 or 3 must not be paid unless the Senator, Assemblyman or Assemblywoman 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.