

SENATE BILL NO. 489—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF OFFICE OF THE STATE TREASURER)

MARCH 26, 2001

Referred to Committee on Government Affairs

SUMMARY—Makes various changes regarding powers and duties of state treasurer and revises Uniform Disposition of Unclaimed Property Act. (BDR 18-360)

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 governmental administration; revising the authority of the state treasurer to employ a staff and to use a facsimile signature; abolishing the division of unclaimed property of the department of business and industry and transferring the duties of the division to the state treasurer; revising the time for the submission of an annual report by the state treasurer; providing for the submission of certain public revenue and reports to the state controller instead of the state treasurer; revising the Uniform Disposition of Unclaimed Property Act; and providing other matters properly relating thereto.

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

1 **Section 1.** Chapter 226 of NRS is hereby amended by adding thereto a
2 new section to read as follows:

3 ***1. The state treasurer may, within the limits of available funding,***
4 ***employ such persons as he deems necessary to provide an appropriate***
5 ***staff for the office of the state treasurer. Except as otherwise provided in***
6 ***subsection 3, such an employee is not in the classified or unclassified***
7 ***service of the state and serves at the pleasure of the state treasurer.***

8 ***2. The state treasurer shall:***

9 ***(a) Determine the salaries and benefits of the persons employed***
10 ***pursuant to subsection 1 who are not in the classified or unclassified***
11 ***service of the state, within the limits of funding available for that***
12 ***purpose; and***

13 ***(b) Adopt such rules and policies as he deems appropriate to establish***
14 ***the duties and rights of employment of the persons employed pursuant to***



1 *subsection 1 who are not in the classified or unclassified service of the*
2 *state.*

3 *3. A person who on June 30, 2001:*

4 *(a) Holds a position of employment on the staff of the state treasurer;*
5 *and*

6 *(b) Is employed in that position in the classified service of the*
7 *state,*

8 *may elect to remain in the classified service of the state while he*
9 *continues to be employed in that position.*

10 **Sec. 2.** NRS 226.080 is hereby amended to read as follows:

11 226.080 1. The state treasurer ~~is authorized to~~ *may* use a facsimile
12 signature ~~[produced through a mechanical device]~~ in place of his
13 handwritten signature ~~[whenever the necessity may arise; provided:~~

14 ~~—(a) That the mechanical device shall be of such nature that the facsimile~~
15 ~~may be removed from the mechanical device and kept in a separate secure~~
16 ~~place;~~

17 ~~—(b) That the facsimile signature of the state treasurer shall be made and~~
18 ~~used only under his personal direction and supervision; and~~

19 ~~—(c) That all of the mechanical device shall at all times be kept securely~~
20 ~~locked when not so in use with the facsimile signature and the registered~~
21 ~~key to the mechanical device removed and locked in a vault, to the end that~~
22 ~~any misuse, fraudulent use, or other improper use thereof shall be~~
23 ~~prevented.~~

24 ~~2. Subject] if:~~

25 *(a) The facsimile signature is:*

26 *(1) Produced by the most efficient device or other method of*
27 *facsimile reproduction reasonably available; and*

28 *(2) Made and used only under the personal direction and*
29 *supervision of the state treasurer; and*

30 *(b) The device or other method of facsimile reproduction is kept*
31 *securely locked at all times when not in use in such a manner as to*
32 *prevent any misuse, fraudulent use or other improper use. If the device*
33 *or other method of facsimile reproduction is of such a nature that:*

34 *(1) The facsimile image or impression is severable from the device*
35 *or other method of facsimile reproduction, the facsimile image or*
36 *impression must be kept in a separate secure place in the office of the*
37 *state treasurer; and*

38 *(2) Any registered key, password or other securing device or*
39 *procedure is severable from the device or other method of facsimile*
40 *reproduction, the registered key, password or other securing device or*
41 *procedure must be locked in a vault.*

42 *2. Except as otherwise required by specific statute and subject to the*
43 *conditions of subsection 1 and the consent of each, the state treasurer and*
44 *the state controller , or the state treasurer and any other officer or*
45 *employee of state government who is authorized to administer a bank*
46 *account, may combine their facsimile signatures for use in ~~one~~*
47 *~~mechanical device.] a device or other method of facsimile reproduction.~~*

48 *The facsimile image or impression of such combined signatures ~~shall~~*



1 *must* be kept in the ~~state treasurer's~~ office *of the state treasurer* as
2 provided in paragraph ~~(a)~~ (b) of subsection 1.

3 **Sec. 3.** NRS 226.100 is hereby amended to read as follows:

4 226.100 1. The state treasurer may appoint and employ a chief
5 deputy, a deputy of debt management, a deputy of investments, a deputy of
6 cash management , *a deputy of unclaimed property* and an assistant to the
7 state treasurer in the unclassified service of the state.

8 2. Except as otherwise provided in NRS 284.143, the chief deputy
9 state treasurer shall devote his entire time and attention to the business of
10 his office and shall not pursue any other business or occupation or hold any
11 other office of profit.

12 **Sec. 4.** NRS 226.110 is hereby amended to read as follows:

13 226.110 The state treasurer:

14 1. Shall receive and keep all money of the state which is not expressly
15 required by law to be received and kept by some other person.

16 2. Shall receipt to the state controller for all money received, from
17 whatever source, at the time of receiving it.

18 3. Shall establish the policies to be followed in the investment of
19 money of the state, subject to the periodic review and approval or
20 disapproval of those policies by the state board of finance.

21 4. May employ any necessary investment and financial advisers to
22 render advice and other services in connection with the investment of
23 money of the state.

24 5. Shall disburse the public money upon warrants drawn upon the
25 treasury by the state controller, and not otherwise. The warrants must be
26 registered and paid in the order of their registry. The state treasurer may
27 use any sampling or post-audit technique, or both, which he considers
28 reasonable to verify the proper distribution of warrants.

29 6. Shall keep a just, true and comprehensive account of all money
30 received and disbursed.

31 7. Shall deliver in good order to his successor in office all money,
32 records, books, papers and other things belonging to his office.

33 8. Shall fix, charge and collect reasonable fees for:

34 (a) Investing the money in any fund or account which is credited for
35 interest earned on money deposited in it; and

36 (b) Special services rendered to other state agencies or to members of
37 the public which increase the cost of operating his office.

38 9. Serves as the primary representative of the state in matters
39 concerning any nationally recognized bond credit rating agency for the
40 purposes of the issuance of any obligation authorized on the behalf and in
41 the name of the state, except as otherwise provided in NRS 538.206 and
42 except for those obligations issued pursuant to chapter 319 of NRS and
43 NRS 349.400 to 349.987, inclusive.

44 10. Is directly responsible for the issuance of any obligation authorized
45 on the behalf and in the name of the state, except as otherwise provided in
46 NRS 538.206 and except for those obligations issued pursuant to chapter
47 319 of NRS and NRS 349.400 to 349.987, inclusive. The state treasurer:

48 (a) Shall issue such an obligation as soon as practicable after receiving a
49 request from a state agency for the issuance of the obligation.



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1 (b) May, except as otherwise provided in NRS 538.206, employ
2 necessary legal, financial or other professional services in connection with
3 the authorization, sale or issuance of such an obligation.

4 11. May organize and facilitate statewide pooled financing programs,
5 including lease purchases, for the benefit of the state and any political
6 subdivision, including districts organized pursuant to NRS 450.550 to
7 450.750, inclusive, and chapters 244A, 309, 318, 379, 474, 541, 543 and
8 555 of NRS.

9 **12. Shall serve as the administrator of unclaimed property.**

10 **Sec. 5.** NRS 226.120 is hereby amended to read as follows:

11 226.120 The state treasurer shall:

12 1. Provide information to either house of the legislature, whenever
13 required, upon any subject connected with the treasury or any duty of his
14 office.

15 2. Prepare and submit an annual report of the operations of his office
16 to the governor and the legislative commission within ~~90~~ **60 working**
17 days after ~~the end of each fiscal year~~ :

18 (a) **The close of a fiscal year; or**

19 (b) **The latest date established by the legislature to close accounts for a**
20 **fiscal year,**
21 **whichever occurs later for that fiscal year.**

22 **Sec. 6.** NRS 227.090 is hereby amended to read as follows:

23 227.090 1. The state controller ~~is authorized to~~ **may** use a facsimile
24 signature produced through a mechanical device in place of his handwritten
25 signature whenever the necessity may arise ~~;~~ **provided:**

26 ~~(a) That the~~ **, except that:**

27 (a) **The** mechanical device ~~shall~~ **must** be of such nature that the
28 facsimile signature may be removed from the mechanical device and kept
29 in a separate secure place;

30 (b) ~~That the~~ **The** use of the facsimile signature ~~shall be made~~ **must**
31 **be** only under the direction and supervision of the state controller; and

32 (c) ~~That the~~ **The** registered key to the mechanical device ~~shall~~ **must**
33 at all times be kept in a vault, securely locked, when not in use, to prevent
34 any misuse of the ~~same~~.

35 ~~2. Subject to the conditions~~ **mechanical device.**

36 **2. Notwithstanding the provisions** of subsection 1 **, and the consent**
37 **of each** the state controller and the state treasurer may combine their
38 facsimile signatures ~~for use in one mechanical device. The facsimile of~~
39 ~~such combined signatures shall be kept in a separate secure place in the~~
40 ~~state treasurer's office.~~ **as provided in NRS 226.080.**

41 **Sec. 7.** NRS 228.460 is hereby amended to read as follows:

42 228.460 1. The account for programs related to domestic violence is
43 hereby created in the state general fund. Any administrative assessment
44 imposed and collected pursuant to NRS 200.485 must be deposited with
45 the state ~~treasurer~~ **controller** for credit to the account.

46 2. The ombudsman for victims of domestic violence:

47 (a) Shall administer the account for programs related to domestic
48 violence; and



1 (b) May expend money in the account only to pay for expenses related
2 to:

3 (1) The committee on domestic violence created pursuant to NRS
4 228.470;

5 (2) Training law enforcement officers, attorneys and members of the
6 judicial system about domestic violence;

7 (3) Assisting victims of domestic violence and educating the public
8 concerning domestic violence; and

9 (4) Carrying out his duties and the functions of his office.

10 3. All claims against the account for programs related to domestic
11 violence must be paid as other claims against the state are paid.

12 **Sec. 8.** NRS 232.510 is hereby amended to read as follows:

13 232.510 1. The department of business and industry is hereby
14 created.

15 2. The department consists of a director and the following:

16 (a) Consumer affairs division.

17 (b) Division of financial institutions.

18 (c) Housing division.

19 (d) Manufactured housing division.

20 (e) Real estate division.

21 ~~(f) Division of unclaimed property.~~

22 ~~(g) Division of insurance.~~

23 ~~(h)~~ (g) Division of industrial relations.

24 ~~(i)~~ (h) Office of labor commissioner.

25 ~~(j)~~ (i) Taxicab authority.

26 ~~(k)~~ (j) Nevada athletic commission.

27 ~~(l)~~ (k) Office of the Nevada attorney for injured workers.

28 ~~(m)~~ (l) Transportation services authority.

29 ~~(n)~~ (m) Any other office, commission, board, agency or entity created
30 or placed within the department pursuant to a specific statute, the budget
31 approved by the legislature or an executive order, or an entity whose
32 budget or activities have been placed within the control of the department
33 by a specific statute.

34 **Sec. 9.** NRS 232.520 is hereby amended to read as follows:

35 232.520 The director:

36 1. Shall appoint a chief or executive director, or both of them, of each
37 of the divisions, offices, commissions, boards, agencies or other entities of
38 the department, unless the authority to appoint such a chief or executive
39 director, or both of them, is expressly vested in another person, board or
40 commission by a specific statute. In making the appointments, the director
41 may obtain lists of qualified persons from professional organizations,
42 associations or other groups recognized by the department, if any. The
43 chief of the consumer affairs division is the commissioner of consumer
44 affairs, the chief of the division of financial institutions is the
45 commissioner of financial institutions, the chief of the housing division is
46 the administrator of the housing division, the chief of the manufactured
47 housing division is the administrator of the manufactured housing division,
48 the chief of the real estate division is the real estate administrator, ~~the~~
49 ~~chief of the division of unclaimed property is the administrator of~~



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1 ~~unclaimed property.~~ the chief of the division of insurance is the
2 commissioner of insurance, the chief of the division of industrial relations
3 is the administrator of the division of industrial relations, the chief of the
4 office of labor commissioner is the labor commissioner, the chief of the
5 taxicab authority is the taxicab administrator, the chief of the transportation
6 services authority is the chairman of the authority and the chief of any
7 other entity of the department has the title specified by the director, unless
8 a different title is specified by a specific statute.

9 2. Is responsible for the administration of all provisions of law relating
10 to the jurisdiction, duties and functions of all divisions and other entities
11 within the department. The director may, if he deems it necessary to carry
12 out his administrative responsibilities, be considered as a member of the
13 staff of any division or other entity of the department for the purpose of
14 budget administration or for carrying out any duty or exercising any power
15 necessary to fulfill the responsibilities of the director pursuant to this
16 subsection. ~~{The provisions of this subsection do not authorize}~~ **This**
17 **subsection does not allow** the director to preempt any authority or
18 jurisdiction granted by statute to any division or other entity within the
19 department or ~~{authorize the director}~~ to act or take on a function that
20 would contravene a rule of court or a statute.

21 3. May:

22 (a) Establish uniform policies for the department, consistent with the
23 policies and statutory responsibilities and duties of the divisions and other
24 entities within the department, relating to matters concerning budgeting,
25 accounting, planning, program development, personnel, information
26 services, dispute resolution, travel, workplace safety, the acceptance of
27 gifts or donations, the management of records and any other subject for
28 which a uniform departmental policy is necessary to ensure the efficient
29 operation of the department.

30 (b) Provide coordination among the divisions and other entities within
31 the department, in a manner which does not encroach upon their statutory
32 powers and duties, as they adopt and enforce regulations, execute
33 agreements, purchase goods, services or equipment, prepare legislative
34 requests and lease or use office space.

35 (c) Define the responsibilities of any person designated to carry out the
36 duties of the director relating to financing, industrial development or
37 business support services.

38 4. May, within the limits of the financial resources made available to
39 him, promote, participate in the operation of, and create or cause to be
40 created, any nonprofit corporation, pursuant to chapter 82 of NRS, which
41 he determines is necessary or convenient for the exercise of the powers and
42 duties of the department. The purposes, powers and operation of the
43 corporation must be consistent with the purposes, powers and duties of the
44 department.

45 5. For any bonds which he is otherwise authorized to issue, may issue
46 bonds the interest on which is not exempt from federal income tax or
47 excluded from gross revenue for the purposes of federal income tax.

48 6. May, except as otherwise provided by specific statute, adopt by
49 regulation a schedule of fees and deposits to be charged in connection with



1 the programs administered by him pursuant to chapters 348A and 349 of
2 NRS. Except as otherwise provided ~~†~~ *by specific statute*, the amount of
3 any such fee or deposit must not exceed 2 percent of the principal amount
4 of the financing.

5 7. May designate any person within the department to perform any of
6 the duties or responsibilities, or exercise any of the authority, of the
7 director on his behalf.

8 8. May negotiate and execute agreements with public or private
9 entities which are necessary to the exercise of the powers and duties of the
10 director or the department.

11 9. May establish a trust account in the state treasury for depositing and
12 accounting for money that is held in escrow or is on deposit with the
13 department for the payment of any direct expenses incurred by the director
14 in connection with any bond programs administered by the director. The
15 interest and income earned on money in the trust account, less any amount
16 deducted to pay for applicable charges, must be credited to the trust
17 account. Any balance remaining in the account at the end of a fiscal year
18 may be:

19 (a) Carried forward to the next fiscal year for use in covering the
20 expense for which it was originally received; or

21 (b) Returned to any person entitled thereto in accordance with
22 agreements or regulations of the director relating to those bond programs.

23 **Sec. 10.** NRS 4.060 is hereby amended to read as follows:

24 4.060 1. Except as otherwise provided in this section, each justice of
25 the peace shall charge and collect the following fees:

26 (a) On the commencement of any action or proceeding in
27 the justice's court, other than in actions commenced pursuant
28 to chapter 73 of NRS, to be paid by the party commencing the
29 action:

30	If the sum claimed does not exceed \$1,000.....	\$28.00
31	If the sum claimed exceeds \$1,000 but does not exceed	
32	\$2,500.....	50.00
33	If the sum claimed exceeds \$2,500 but does not exceed	
34	\$4,500.....	100.00
35	If the sum claimed exceeds \$4,500 but does not exceed	
36	\$6,500.....	125.00
37	If the sum claimed exceeds \$6,500 but does not exceed	
38	\$7,500.....	150.00
39	In all other civil actions.....	28.00

40 (b) For the preparation and filing of an affidavit and order
41 in an action commenced pursuant to chapter 73 of NRS:

42	If the sum claimed does not exceed \$1,000.....	25.00
43	If the sum claimed exceeds \$1,000 but does not exceed	
44	\$2,500.....	45.00
45	If the sum claimed exceeds \$2,500 but does not exceed	
46	\$5,000.....	65.00

47 (c) On the appearance of any defendant, or any number of
48 defendants answering jointly, to be paid him or them on filing
49 the first paper in the action, or at the time of appearance:



1	In all civil actions	12.00
2	For every additional defendant, appearing separately	6.00
3	(d) No fee may be charged where a defendant or defendants	
4	appear in response to an affidavit and order issued pursuant to	
5	the provisions of chapter 73 of NRS.	
6	(e) For the filing of any paper in intervention	6.00
7	(f) For the issuance of any writ of attachment, writ of	
8	garnishment, writ of execution or any other writ designed to	
9	enforce any judgment of the court.....	6.00
10	(g) For filing a notice of appeal, and appeal bonds	12.00
11	One charge only may be made if both papers are filed at the	
12	same time.	
13	(h) For issuing supersedeas to a writ designed to enforce a	
14	judgment or order of the court.....	12.00
15	(i) For preparation and transmittal of transcript and papers	
16	on appeal	12.00
17	(j) For celebrating a marriage and returning the certificate	
18	to the county recorder.....	35.00
19	(k) For entering judgment by confession.....	6.00
20	(l) For preparing any copy of any record, proceeding or	
21	paper, for each page30
22	(m) For each certificate of the clerk, under the seal of the	
23	court	3.00
24	(n) For searching records or files in his office, for each year	1.00
25	(o) For filing and acting upon each bail or property bond	40.00
26	2. A justice of the peace shall not charge or collect any of the fees set	
27	forth in subsection 1 for any service rendered by him to the county in	
28	which his township is located.	
29	3. A justice of the peace shall not charge or collect the fee pursuant to	
30	paragraph (j) of subsection 1 if he performs a marriage ceremony in a	
31	commissioner township.	
32	4. Except as otherwise provided by an ordinance adopted pursuant to	
33	the provisions of NRS 244.207, the justice of the peace shall, on or before	
34	the fifth day of each month, account for and pay to the county treasurer all	
35	fees collected during the preceding month, except for the fees he may	
36	retain as compensation and the fees he is required to pay to the state	
37	treasurer controller pursuant to subsection 5.	
38	5. The justice of the peace shall, on or before the fifth day of each	
39	month, pay to the state treasurer controller half of the fees collected	
40	pursuant to paragraph (o) of subsection 1 during the preceding month. The	
41	state treasurer controller shall deposit the money in the fund for the	
42	compensation of victims of crime.	
43	Sec. 11. NRS 4.065 is hereby amended to read as follows:	
44	4.065 1. The justice of the peace shall, on the commencement of any	
45	action or proceeding in the justice's court for which a fee is required, and	
46	on the answer or appearance of any defendant in any such action or	
47	proceeding for which a fee is required, charge and collect a fee of \$1 from	
48	the party commencing, answering or appearing in the action or proceeding.	
49	These fees are in addition to any other fee required by law.	



1 2. On or before the first Monday of each month, the justice of the
2 peace shall pay over to the county treasurer the amount of all fees collected
3 by him pursuant to subsection 1 for credit to the state general fund.
4 Quarterly, the county treasurer shall remit all money so collected to the
5 state ~~treasurer,~~ **controller**, who shall place the money in an account in the
6 state general fund for use by the director of the department of taxation to
7 administer the provisions of NRS 360.283.

8 **Sec. 12.** NRS 19.030 is hereby amended to read as follows:

9 19.030 1. Except as otherwise provided by specific statute, on the
10 commencement of any civil action or proceeding in the district court, other
11 than the commencement of a proceeding for an adoption, the county clerk
12 of each county, in addition to any other fees provided by law, shall charge
13 and collect \$32 from the party commencing the action or proceeding.

14 2. On or before the first Monday of each month, the county clerk shall
15 pay over to the county treasurer an amount equal to \$32 per civil case
16 commenced as provided in subsection 1, for the preceding calendar month,
17 and the county treasurer shall place that money to the credit of the state
18 fund. The county treasurer shall remit quarterly all such fees turned over to
19 him by the county clerk to the state ~~treasurer,~~ **controller** to be placed by
20 the state ~~treasurer,~~ **controller** in the state general fund.

21 **Sec. 13.** NRS 19.033 is hereby amended to read as follows:

22 19.033 1. In each county, on the commencement of any action for
23 divorce in the district court, the county clerk shall charge and collect, in
24 addition to other fees required by law, a fee of \$20. The fee must be paid
25 by the party commencing the action.

26 2. On or before the first Monday of each month, the county clerk shall
27 pay over to the county treasurer an amount equal to all fees collected by
28 him pursuant to subsection 1, and the county treasurer shall place that
29 amount to the credit of the state general fund. Quarterly, the county
30 treasurer shall remit all money so collected to the state ~~treasurer,~~
31 **controller**, who shall place the money in an account in the state general
32 fund for use by the director of the state job training office or, if the office is
33 abolished by executive order, the director of the department of
34 employment, training and rehabilitation to administer the provisions of
35 NRS 388.605 to 388.655, inclusive.

36 3. The board of county commissioners of any county may impose by
37 ordinance an additional filing fee of not more than \$6 to be paid by the
38 defendant in an action for divorce, annulment or separate maintenance. In a
39 county where this fee has been imposed:

40 (a) On the appearance of a defendant in the action in the district court,
41 the county clerk, in addition to any other fees provided by law, shall charge
42 and collect from the defendant the prescribed fee to be paid upon the filing
43 of the first paper in the action by the defendant.

44 (b) On or before the fifth day of each month, the county clerk shall
45 account for and pay to the county treasurer all fees collected during the
46 preceding month pursuant to paragraph (a).

47 **Sec. 14.** Chapter 120A of NRS is hereby amended by adding thereto
48 the provisions set forth as sections 15 and 16 of this act.



1 **Sec. 15.** *“Apparent owner” means a person whose name appears on*
2 *the records of a holder as the person entitled to property held, issued or*
3 *owing by the holder.*

4 **Sec. 16.** *“Money order” includes an express money order and a*
5 *personal money order, on which the remitter is the purchaser. The term*
6 *does not include a bank money order or any other instrument sold by a*
7 *financial organization if the seller has obtained the name and address of*
8 *the payee.*

9 **Sec. 17.** NRS 120A.020 is hereby amended to read as follows:

10 120A.020 As used in this chapter, unless the context otherwise
11 requires, the words and terms defined in NRS 120A.025 to 120A.120,
12 inclusive, *and sections 15 and 16 of this act* have the meanings ascribed to
13 them in those sections.

14 **Sec. 18.** NRS 120A.025 is hereby amended to read as follows:

15 120A.025 “Administrator” means the ~~chief of the division~~ *state*
16 *treasurer in his capacity as the administrator* of unclaimed property.

17 **Sec. 19.** NRS 120A.040 is hereby amended to read as follows:

18 120A.040 “Business association” means ~~any corporation~~ *(a*
19 *corporation*, other than a public corporation ~~)~~, *a joint-stock company,*
20 *investment company, business trust, partnership or any association for*
21 *business purposes of two or more natural* ~~partnership, unincorporated~~
22 *association, joint venture, limited-liability company, business trust,*
23 *financial organization, insurance company, mutual fund or utility, or*
24 *another business entity consisting of one or more* persons, whether or not
25 for profit . ~~including a banking organization, financial organization,
26 ~~insurance company or utility.~~~~

27 **Sec. 20.** NRS 120A.070 is hereby amended to read as follows:

28 120A.070 “Financial organization” means ~~any~~ *a* savings and loan
29 association, ~~building and loan association, thrift company, credit union,~~
30 ~~cooperative bank or investment company.~~ *banking organization or credit*
31 *union.*

32 **Sec. 21.** NRS 120A.080 is hereby amended to read as follows:

33 120A.080 “Holder” means a person ~~who is~~ *organized or*
34 *organized, who is:*
35 ~~1. In possession of property belonging to another;~~
36 ~~2. A trustee; or~~
37 ~~3. Indebted to another on an obligation.~~ *obligated to hold for the*
38 *account of, or deliver or pay to, the owner property that is subject to this*
39 *chapter.*

40 **Sec. 22.** NRS 120A.090 is hereby amended to read as follows:

41 120A.090 “Insurance company” means an association, corporation ~~or~~
42 *or* fraternal or mutual benefit organization, whether or not for profit, which
43 is engaged in *the business of* providing *life endowments, annuities or*
44 *insurance, including* ~~the following kinds: Accident,~~ *accident*, burial,
45 casualty, credit life, contract performance, dental, *disability*, fidelity, fire,
46 health, hospitalization, illness, life , ~~including endowments and~~
47 ~~annuities.~~ *malpractice, marine, mortgage, surety , and* wage protection
48 *and workers’ compensation insurance.*



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1 **Sec. 23.** NRS 120A.110 is hereby amended to read as follows:
2 120A.110 "Person" ~~includes a government, a governmental agency~~
3 ~~and a political subdivision of a government.~~ *means a natural person,*
4 *business association, estate, trust, government or governmental*
5 *subdivision, agency or instrumentality, or any other legal or commercial*
6 *entity.*

7 **Sec. 24.** NRS 120A.145 is hereby amended to read as follows:
8 120A.145 The administrator or any officer, agent or employee of the
9 ~~division~~ *office of the state treasurer* shall not use or disclose any
10 information received by the administrator in the course of carrying out the
11 provisions of this chapter which is confidential or which is provided to the
12 ~~division~~ *administrator* on the basis that the information is to remain
13 confidential, unless the use or disclosure of the information is necessary to
14 locate the owner of unclaimed or abandoned property.

15 **Sec. 25.** NRS 120A.160 is hereby amended to read as follows:
16 120A.160 The following property held or owing by a ~~banking or~~
17 ~~financial organization or by a~~ business association is presumed
18 abandoned:

19 1. Any demand, savings or matured time deposit or other certificate of
20 deposit with a banking organization, together with any interest or dividend
21 thereon, excluding any charges that may lawfully be withheld, including a
22 deposit that is automatically renewable, and any money paid toward the
23 purchase of a share, a mutual investment certificate or any other interest in
24 a ~~banking or~~ financial organization, unless the owner has within ~~15~~ **3**
25 years:

26 (a) In the case of a deposit, increased or decreased the amount of the
27 deposit, or presented the passbook or other similar evidence of the deposit
28 for the crediting of interest;

29 (b) Communicated in writing with the ~~banking~~ *financial* organization
30 concerning the property;

31 (c) Otherwise indicated an interest in the property as evidenced by a
32 memorandum or other record on file prepared by an employee of the
33 ~~banking or~~ financial organization;

34 (d) Owned other property to which paragraph (a), (b) or (c) applies and
35 if the ~~banking or~~ financial organization communicates in writing with the
36 owner with regard to the property that would otherwise be presumed
37 abandoned under this subsection at the address to which communications
38 regarding the other property regularly are sent; or

39 (e) Had another relationship with the ~~banking or~~ financial organization
40 concerning which the owner has:

41 (1) Communicated in writing with the ~~banking or~~ financial
42 organization; or

43 (2) Otherwise indicated an interest as evidenced by a memorandum
44 or other record on file prepared by an employee of the ~~banking or~~
45 financial organization and if the ~~banking or~~ financial organization
46 communicates in writing with the owner with regard to the property that
47 would otherwise be abandoned under this subsection at the address to
48 which communications regarding the other relationship regularly are sent.



1 For the purposes of this subsection, "property" includes interest and
2 dividends.

3 2. Any property described in subsection 1 that is automatically
4 renewable is matured for purposes of subsection 1 upon the expiration of
5 its initial ~~time~~ period, but in the case of any renewal to which the owner
6 consents at or about the time of renewal by communicating in writing with
7 the ~~banking or~~ financial organization or otherwise indicating consent as
8 evidenced by a memorandum or other record on file prepared by an
9 employee of the organization, the property is matured upon the expiration
10 of the last ~~time~~ period for which consent was given. If, at the time
11 provided for delivery in NRS 120A.320, a penalty or forfeiture in the
12 payment of interest would result from the delivery of the property, the time
13 for delivery is extended until the time when no penalty or forfeiture would
14 result.

15 3. Any sum payable on a check certified in this state or on a written
16 instrument issued in this state on which a ~~banking or financial~~
17 ~~organization or~~ business association is directly liable, including any draft
18 or cashier's check, which has been outstanding for more than 5 years after
19 the date it was payable, or after the date of its issuance if payable on
20 demand, or any sum payable on a money order which has been outstanding
21 for more than 7 years after its issuance, or any sum payable on a traveler's
22 check which has been outstanding for more than 15 years after the date of
23 its issuance, unless the owner has within the specified period corresponded
24 in writing with the ~~banking or financial organization or~~ business
25 association concerning it, or otherwise indicated an interest as evidenced
26 by a memorandum on file with the ~~banking or financial organization or~~
27 business association.

28 4. Any money or other personal property, tangible or intangible,
29 removed from a safe-deposit box or any other safekeeping repository on
30 which the lease or rental period has expired because of nonpayment of
31 rental charges or other reason, or any surplus amounts arising from the sale
32 thereof pursuant to law, that have been unclaimed by the owner for more
33 than 5 years from the date on which the lease or rental period expired. A
34 safe-deposit box for which no rent is charged or which is provided to the
35 user because of a specific amount deposited with a ~~banking or financial~~
36 ~~organization or~~ business association is presumed abandoned at the same
37 time as the account for which it was given.

38 **Sec. 26.** NRS 120A.170 is hereby amended to read as follows:

39 120A.170 1. Unclaimed money held and owing by an insurance
40 company is presumed abandoned if the last known address, according to
41 the records of the company, of the person entitled to the money is within
42 this state. If a person other than the insured or annuitant is entitled to the
43 money and no address of such person is known to the company or if it is
44 not definite and certain from the records of the company what person is
45 entitled to the money, it is presumed that the last known address of the
46 person entitled to the money is the same as the last known address of the
47 insured or annuitant according to the records of the company.

48 2. "Unclaimed money," as used in this section, means all money held
49 and owing by any insurance company unclaimed and unpaid for more than



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1 ~~15~~ 3 years after the money became due and payable as established from
2 the records of the company under any life or endowment insurance policy
3 or annuity contract which has matured or terminated. A life insurance
4 policy not matured by actual proof of the death of the insured shall be
5 deemed matured and the proceeds thereof deemed due if the policy was in
6 force when the insured attained the limiting age under the mortality table
7 on which the reserve is based, unless the person appearing entitled thereto
8 has within the preceding ~~15~~ 3 years:

9 (a) Assigned, readjusted or paid premiums on the policy or subjected
10 the policy to loan; or

11 (b) Corresponded in writing with the insurance company concerning the
12 policy.

13 3. Money otherwise payable according to the records of the company
14 shall be deemed due although the policy or contract has not been
15 surrendered as required.

16 **Sec. 27.** NRS 120A.190 is hereby amended to read as follows:

17 120A.190 1. Any stock or other intangible interest, or any dividend,
18 profit, distribution, interest, payment on principal or other sum held or
19 owing by a business association is presumed abandoned if ~~it is~~
20 *unclaimed by the apparent owner* within 5 years after the *earlier of:*

21 (a) ~~The date {prescribed for payment or delivery the shareholder,~~
22 ~~certificate holder, member, bondholder, other security holder or the~~
23 ~~participating patron of a cooperative has not claimed the property,~~
24 ~~corresponded in writing with the business association or otherwise~~
25 ~~indicated an interest in the property as evidenced by a memorandum or~~
26 ~~other record on file with the association.}~~ *of the most recent dividend,*
27 *stock split or other distribution unclaimed by the apparent owner; or*

28 (b) *The date of the second mailing of a statement of account or other*
29 *notification or communication that was returned as undeliverable or*
30 *after the holder discontinued mailings, notifications or communications*
31 *to the apparent owner.*

32 As to that property, the business association shall be deemed to be the
33 holder.

34 2. Any dividend, profit, interest or other distributions held for or owing
35 to a person at the time the stock or other property to which they attach are
36 presumed to be abandoned shall be deemed to be abandoned at the same
37 time as the stock or other property.

38 ~~{3. This section does not apply to any stock or other intangible interest~~
39 ~~enrolled in a plan that provides for the automatic reinvestment of~~
40 ~~dividends, distributions, or other sums payable as a result of the interest~~
41 ~~unless the records available to the administrator of the plan show, with~~
42 ~~respect to any intangible interest not enrolled in the reinvestment plan, that~~
43 ~~the owner has not within 5 years communicated in any manner described in~~
44 ~~subsection 1.}~~

45 **Sec. 28.** NRS 120A.200 is hereby amended to read as follows:

46 120A.200 All intangible personal property distributable in the course
47 of a dissolution of a business association ~~{, banking organization or~~
48 ~~financial organization}~~ organized under the laws of or created in this state



1 that is unclaimed by the owner within 1 year after the date for final
2 distribution is presumed abandoned.

3 **Sec. 29.** NRS 120A.210 is hereby amended to read as follows:

4 120A.210 All intangible personal property and any income or
5 increment thereon held in a fiduciary capacity for the benefit of another
6 person is presumed abandoned unless the owner has, within 5 years after it
7 becomes payable or distributable, increased or decreased the principal,
8 accepted payment of principal or income, corresponded in writing
9 concerning the property or otherwise indicated an interest as evidenced by
10 a memorandum on file with the fiduciary:

11 1. If the property is held by a ~~banking organization or a financial~~
12 ~~organization or by a~~ business association organized under the laws of or
13 created in this state;

14 2. If it is held by a business association doing business in this state but
15 not organized under the laws of or created in this state and the records of
16 the business association indicate that the last known address of the person
17 entitled thereto is in this state; or

18 3. If it is held in this state by any other person.

19 **Sec. 30.** NRS 120A.230 is hereby amended to read as follows:

20 120A.230 All intangible personal property not otherwise covered by
21 this chapter, including any income or increment thereon and deducting any
22 lawful charges, that is held or owing in this state in the ordinary course of
23 the holder's business and has remained unclaimed by the owner for more
24 than ~~15~~ 3 years after it became payable or distributable is presumed
25 abandoned.

26 **Sec. 31.** NRS 120A.250 is hereby amended to read as follows:

27 120A.250 1. ~~Every~~ 4 person holding money or other property
28 presumed abandoned under this chapter shall make a verified report to the
29 ~~division~~ administrator with respect to the property.

30 2. The report must include:

31 (a) Except with respect to traveler's checks and money orders, the
32 name, if known, and last known address, if any, of each person appearing
33 from the records of the holder to be the owner of any property of the value
34 of \$50 or more presumed abandoned under this chapter.

35 (b) In *the* case of unclaimed money held by an insurance company, the
36 full name of the insured or annuitant and his last known address according
37 to the ~~corporation's records~~ *records of the company*.

38 (c) The nature and identifying number, if any, or description of the
39 property and the amount appearing from the records to be due, except that
40 items of value under \$50 each may be reported in the aggregate.

41 (d) The date when the property became payable, demandable or
42 returnable and the date of the last transaction with the owner with respect
43 to the property.

44 (e) ~~Other~~ *Any other* information which the administrator prescribes by
45 regulation as necessary for the administration of this chapter.

46 3. If the person holding property presumed abandoned is a successor to
47 other persons who previously held the property for the owner, or if the
48 holder has changed his name while holding the property, he shall file with



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1 his report all prior known names and addresses of each holder of the
2 property.

3 4. The report must be filed before November 1 of each year for the
4 preceding fiscal year ending June 30 except that the report of an insurance
5 company must be filed before May 1 of each year for the preceding
6 calendar year. The administrator may, in writing, postpone the reporting
7 date upon written request by any person required to file a report.

8 5. Verification of the report, if made by:

9 (a) A partnership, must be executed by a partner.

10 (b) An unincorporated association or private corporation, must be
11 executed by an officer.

12 (c) A public entity or corporation, must be executed by its chief fiscal
13 officer.

14 **Sec. 32.** NRS 120A.260 is hereby amended to read as follows:

15 120A.260 1. If the holder of property presumed abandoned under
16 this chapter knows the whereabouts of the owner and if the owner's claim
17 has not been barred by the statute of limitations, the holder shall, before
18 filing the annual report, communicate with the owner and take necessary
19 steps to prevent abandonment from being presumed. The holder shall
20 exercise due diligence to ascertain the whereabouts of the owner.

21 2. The administrator may, by regulation, prescribe a form on which the
22 owner may indicate his interest in maintaining the deposit, shares or
23 account. If a form is so prescribed, the holder shall send the form to each
24 owner whose balance is more than \$50, not less than ~~60~~ 60 nor more than
25 ~~12 months~~ 120 days before the holder's report is due. If the owner fills
26 out, signs and returns the form to the holder, this action prevents
27 abandonment from being presumed. The administrator may, by regulation,
28 authorize the holder to impose a charge of not more than a prescribed
29 amount upon the owner's deposit, shares or account for the expense of
30 mailing the form. In the absence of a regulation prescribing the maximum
31 charge, the holder may impose a charge of not more than \$2.

32 **Sec. 33.** NRS 120A.270 is hereby amended to read as follows:

33 120A.270 Any ~~banking or financial organization or~~ business
34 association which holds property for another, if it does not hold property
35 presumed to be abandoned, shall file a report with the administrator, on or
36 before November 1 of each 5-year period after November 1, 1984, which
37 indicates that it is not a holder of any property presumed to be abandoned
38 during that period. The reports of an insurance company under this section
39 must be filed before May 1 of each year for the preceding calendar years.

40 **Sec. 34.** NRS 120A.280 is hereby amended to read as follows:

41 120A.280 1. Within ~~180~~ 360 days after the filing of the report
42 required by NRS 120A.250 and the payment or delivery of the property
43 required by NRS ~~120A.360,~~ 120A.320, the administrator shall cause
44 notice to be published in at least one newspaper of general circulation in
45 the county in this state in which is located the last known address of any
46 person to be named in the notice. If no address is listed or if the address is
47 outside this state, the notice must be published in the county in which the
48 holder of the abandoned property has his principal place of business within
49 this state.



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2. The published notice must be entitled "Notice of Names of Persons Appearing To Be Owners of Abandoned Property," and must contain:

(a) The names in alphabetical order and last known addresses, if any, of persons listed in the report and entitled to notice within the county.

(b) A statement that information concerning the amount or description of the property and the name and address of the holder may be obtained by any person possessing an interest in the property by addressing an inquiry to the ~~division~~ *administrator*.

(c) If the property was removed from a safe-deposit box or other safekeeping repository, a statement declaring that the administrator will hold the property for 1 year after the date the property was delivered to the ~~division~~ *administrator*, and that the property may be destroyed if no claims are made for it within that period.

3. The administrator is not required to publish in the notice any item valued at less than \$50 unless he deems the publication to be in the public interest.

4. In addition to the notice required to be published pursuant to this section, the administrator shall take such actions as are reasonably calculated to give actual notice to the owner of property presumed abandoned, including, without limitation, using information obtained from the department of motor vehicles and public safety and other governmental agencies or executing contracts with private businesses to assist in locating such owners of property.

Sec. 35. NRS 120A.300 is hereby amended to read as follows:

120A.300 1. A ~~banking or financial organization shall not impose a charge upon a depositor's account based on the dormancy of the account unless the organization has first mailed a notice of its intended charge to the depositor at his last known address and has allowed him 60 days to respond~~ *holder may deduct from property presumed abandoned pursuant to this chapter a charge imposed by reason of the owner's failure to claim the property within a specified time only if there is a valid and enforceable written contract between the holder and the owner under which the holder may impose the charge and the holder regularly imposes the charge, which is not regularly reversed or otherwise canceled.*

2. The administrator may prescribe by regulation the highest rate of charge which a ~~banking or financial organization~~ *holder* may impose upon a dormant account.

3. In the absence of such a regulation, a ~~banking or financial institution~~ *holder* shall not impose a charge upon a dormant account of more than \$5 per month.

Sec. 36. NRS 120A.310 is hereby amended to read as follows:

120A.310 No service, handling, maintenance or other charge or fee may be deducted or withheld from any property subject to this chapter if, under the holder's policy or practice, the holder would not have excluded, withheld or deducted such a charge or fee if the property had been claimed by the owner before it was paid or delivered to the ~~division~~ *administrator*.



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1 **Sec. 37.** NRS 120A.320 is hereby amended to read as follows:
2 120A.320 1. Except as otherwise provided in subsection 3 and NRS
3 120A.160, ~~every~~ *a* person who files a report under NRS 120A.250 shall,
4 at the time of filing the report, pay or deliver to the ~~division~~
5 *administrator* all abandoned property specified in ~~this~~ *the* report.

6 2. The holder of an interest under NRS 120A.190 shall deliver a
7 duplicate certificate or other evidence of ownership if the holder does not
8 issue certificates of ownership to the ~~division~~ *administrator*. Upon
9 delivery of a duplicate certificate to the administrator, the holder and any
10 transfer agent, registrar, or other person acting for or on behalf of a holder
11 in executing or delivering the duplicate certificate is relieved of all liability
12 to every person, including any person acquiring the original certificate or
13 the duplicate of the certificate issued to the ~~division~~ *administrator*, for
14 any losses or damages resulting to any person by the issuance and delivery
15 to the ~~division~~ *administrator* of the duplicate certificate.

16 3. Property which in all probability will be presumed abandoned
17 pursuant to ~~NRS 120A.200~~ *this chapter* may, upon ~~approval of~~
18 *conditions and terms prescribed by* the administrator, be reported and
19 delivered by the holder to the ~~division~~ *administrator* before the ~~date it is~~
20 ~~statutorily~~ *property is* presumed abandoned. *Property so delivered must*
21 *be held by the administrator and is not presumed abandoned until it*
22 *otherwise would be presumed abandoned pursuant to this chapter.*

23 **Sec. 38.** NRS 120A.330 is hereby amended to read as follows:

24 120A.330 Except for property that was removed from a safe-deposit
25 box, the administrator may decline to receive any abandoned property
26 which he deems to have a value less than the cost of giving notice and
27 holding a sale, or he may, if he deems it desirable because of the small sum
28 involved, postpone taking possession until a sufficient sum accumulates.
29 Unless ~~it~~ *he* gives notice to the contrary at the time ~~it~~ *he* receives
30 abandoned property, the ~~division~~ *administrator* shall be deemed to have
31 elected to receive and maintain the custody of the property.

32 **Sec. 39.** NRS 120A.340 is hereby amended to read as follows:

33 120A.340 1. Upon the payment or delivery to ~~it~~ *him* of abandoned
34 property, the ~~division~~ *administrator* shall assume custody of the property
35 and is thereafter responsible for its safekeeping.

36 2. Any person who pays or delivers abandoned property to the
37 ~~division~~ *administrator* under this chapter is relieved of all liability to the
38 extent of the value of the property so paid or delivered for any claim which
39 then exists or which thereafter may arise or be made in respect to the
40 property.

41 3. Any holder who has paid money to the ~~division~~ *administrator*
42 pursuant to this chapter may make payment to any person appearing to the
43 holder to be entitled thereto, and if the holder files with the ~~division~~
44 *administrator* proof of such payment and proof that the payee was entitled
45 thereto, the ~~division~~ *administrator* shall forthwith reimburse the holder
46 for the payment, without charge. ~~Where~~ *If* reimbursement is sought for a
47 payment made on a negotiable instrument, ~~it~~ including a traveler's check
48 or money order ~~it, the division~~, *the administrator* shall reimburse the
49 holder upon his filing proof that the instrument was presented to him and



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1 that payment was made thereon to a person who appeared to the holder to
2 be entitled to payment.

3 4. If the holder pays or delivers property to the ~~{division}~~
4 *administrator* in accordance with this chapter and thereafter any person
5 claims the property from the holder, or another state claims the property
6 from the holder under that state's laws, the attorney general shall, upon
7 written request of the holder, defend him against the claim and the
8 administrator shall indemnify him against ~~{any}~~ *all* liability on the claim.

9 5. Property removed from a safe-deposit box or other safekeeping
10 repository is received by the administrator subject to the holder's right to
11 be reimbursed for the actual cost of the opening and to any valid lien or
12 contract providing for the holder to be reimbursed for unpaid rent or
13 storage charges. The administrator shall reimburse or pay the holder out of
14 the proceeds remaining after deducting the administrator's selling cost.

15 **Sec. 40.** NRS 120A.350 is hereby amended to read as follows:

16 120A.350 ~~{When}~~ *If* property other than money is paid or delivered to
17 the ~~{division}~~ *administrator* under this chapter, the owner is entitled to
18 receive from the ~~{division}~~ *administrator* any dividends, interest or other
19 increments realized or accruing on the property at or before liquidation or
20 conversion thereof into money.

21 **Sec. 41.** NRS 120A.360 is hereby amended to read as follows:

22 120A.360 1. Except as otherwise provided in subsections 4, 5 and 6,
23 all abandoned property other than money delivered to the ~~{division}~~
24 *administrator* under this chapter must, within 1 year after the delivery, be
25 sold by the administrator to the highest bidder at public sale in whatever
26 city in the state affords in his judgment the most favorable market for the
27 property involved. The administrator may decline the highest bid and
28 reoffer the property for sale if he considers the price bid insufficient.

29 2. Any sale held under this section must be preceded by a single
30 publication of notice thereof at least 2 weeks in advance of *the* sale in a
31 newspaper of general circulation in the county where the property is to be
32 sold.

33 3. The purchaser at any sale conducted by the administrator pursuant
34 to this chapter is vested with title to the property purchased, free from all
35 claims of the owner or prior holder and of all persons claiming through or
36 under them. The administrator shall execute all documents necessary to
37 complete the transfer of title.

38 4. The administrator need not offer any property for sale if , in his
39 opinion , the probable cost of *the* sale exceeds the value of the property.
40 The administrator may destroy or otherwise dispose of such property or
41 may transfer it to:

42 (a) The Nevada museum and historical society, the Nevada state
43 museum or the Nevada historical society, upon its written request, if the
44 property has, in the opinion of the requesting institution, historical, artistic
45 or literary value and is worthy of preservation; or

46 (b) A genealogical library, upon its written request, if the property has
47 genealogical value and is not wanted by the Nevada museum and historical
48 society, the Nevada state museum or the Nevada historical society.



1 An action may not be maintained by any person against the holder of the
2 property because of that transfer, disposal or destruction.

3 5. Securities listed on an established stock exchange must be sold at
4 the prevailing price for that security on the exchange at the time of sale.
5 Other securities not listed on an established stock exchange may be sold:

6 (a) Over the counter at the prevailing price for that security at the time
7 of sale; or

8 (b) By any other method the administrator deems acceptable.

9 6. The administrator shall hold property that was removed from a safe-
10 deposit box or other safekeeping repository for 1 year after the date of the
11 delivery of the property to the ~~{division}~~ administrator, unless that
12 property is a will or a codicil to a will, in which case the administrator shall
13 hold the property for 10 years after the date of the delivery of the property
14 to the ~~{division}~~ administrator. If no claims are filed for the property
15 within that period, it may be destroyed.

16 **Sec. 42.** NRS 120A.370 is hereby amended to read as follows:

17 120A.370 1. There is hereby created in the state treasury the
18 abandoned property trust fund.

19 2. All money received by the ~~{division}~~ administrator under this
20 chapter, including the proceeds from the sale of abandoned property, must
21 be deposited by the administrator in the state treasury for credit to the
22 abandoned property trust fund.

23 3. Before making a deposit, the administrator shall record the name
24 and last known address of each person appearing from the holders' reports
25 to be entitled to the abandoned property and of the name and last known
26 address of each insured person or annuitant, and with respect to each policy
27 or contract listed in the report of an insurance company, its number, the
28 name of the company and the amount due. The record must be available for
29 public inspection at all reasonable business hours.

30 4. The administrator may pay from money available in the abandoned
31 property trust fund:

32 (a) Any costs in connection with the sale of abandoned property.

33 (b) Any costs of mailing and publication in connection with any
34 abandoned property.

35 (c) Reasonable service charges.

36 (d) Any costs incurred in examining the records of a holder and in
37 collecting the abandoned property.

38 (e) Any valid claims filed pursuant to this chapter.

39 5. At the end of each fiscal year, the amount of the balance in the fund
40 in excess of \$100,500 must be ~~{deposited with the state treasurer for credit}~~
41 *transferred* to the state general fund, but remains subject to the valid
42 claims of holders pursuant to NRS 120A.340 or owners pursuant to NRS
43 120A.380.

44 6. If there is an insufficient amount of money in the abandoned
45 property trust fund to pay any cost or charge pursuant to subsection 4, the
46 state board of examiners may, upon the application of the administrator,
47 authorize a temporary transfer from the state general fund to the abandoned
48 property trust fund of an amount necessary to pay those costs or charges.



1 The administrator shall repay the amount of the transfer as soon as
2 sufficient money is available in the abandoned property trust fund.

3 **Sec. 43.** NRS 120A.400 is hereby amended to read as follows:

4 120A.400 Any person aggrieved by a decision of the administrator, or
5 as to whose claim the administrator has failed to render a decision within
6 90 days after the filing of the claim, may ~~do either of the following, or~~
7 ~~both:~~

8 ~~1. Request the director of the department of business and industry to~~
9 ~~review the administrative record. The request must be made in writing and~~
10 ~~must be filed with the director within 90 days after the decision of the~~
11 ~~administrator or within 180 days after the filing of the claim. The decision~~
12 ~~of the director constitutes the final decision in a contested case.~~

13 ~~2. Commence~~ *commence* an action in the district court to establish his
14 claim. The proceeding must be brought within 90 days after the decision of
15 the administrator or within 180 days after the filing of the claim if the
16 administrator has failed to render a decision. The action must be tried
17 without a jury in cases where the administrator has failed to render a
18 decision.

19 **Sec. 44.** NRS 120A.405 is hereby amended to read as follows:

20 120A.405 1. Any agreement to locate, deliver, recover or assist in
21 the recovery of property presumed abandoned which is entered into by or
22 on behalf of the owner of the property must:

- 23 (a) Be in writing.
24 (b) Be signed by the owner.
25 (c) Include a description of the property.
26 (d) Include the value of the property.
27 (e) Include the name and address of the person in possession of the
28 property, if known.

29 2. ~~No such~~ *Such an* agreement is *not* valid unless it is executed:

30 (a) Before the date on which the property is reported to the ~~division~~
31 *administrator* pursuant to NRS 120A.250; or

32 (b) Two years after the property has been paid or delivered to the
33 ~~division.~~

34 ~~3. No~~ *administrator.*

35 3. A fee charged for the location, delivery, recovery or assistance in
36 the recovery of property presumed abandoned ~~may~~ *must not* be more
37 than 10 percent of the total value of the property.

38 **Sec. 45.** NRS 120A.420 is hereby amended to read as follows:

39 120A.420 1. The ~~chief of the division of unclaimed property may~~
40 *administrator*, at reasonable times and upon reasonable notice, *may*
41 examine the records of any person ~~if he has reason to believe that the~~
42 ~~person has failed to report property which should have been reported~~
43 ~~pursuant to this chapter.~~

44 ~~2. To determine~~ *to determine whether the person has complied with*
45 *this chapter. The administrator may conduct the examination even if the*
46 *person believes he is not in possession of any property that must be*
47 *reported, paid or delivered under this chapter. The administrator may*
48 *contract with any other person to conduct the examination on behalf of*
49 *the administrator.*



1 2. The administrator, at reasonable times, may examine the records
2 of an agent, including a dividend disbursing agent or transfer agent, of a
3 business association that is the holder of property presumed abandoned
4 if the administrator has given the notice required by subsection 1 to both
5 the association and the agent at least 90 days before the examination.

6 3. If an examination of the records of a person results in the
7 disclosure of property reportable under this chapter, the administrator
8 may assess the cost of the examination against the holder at the rate of
9 \$200 a day for each examiner, or a greater amount that is reasonable
10 and was incurred, but the assessment may not exceed the value of the
11 property found to be reportable. The cost of an examination made
12 pursuant to subsection 2 may be assessed only against the business
13 association.

14 4. If a holder does not maintain any records required by this chapter
15 or a regulation adopted pursuant to this chapter and the records of the
16 holder available for the periods subject to this chapter are insufficient to
17 permit the preparation of a report pursuant to this chapter, the
18 administrator may require the holder to report and pay to the
19 administrator the amount the administrator reasonably estimates, on the
20 basis of any available records of the holder or by any other reasonable
21 method of estimation, should have been but was not reported.

22 5. To assist the administrator in determining compliance with this
23 chapter, the commissioner of financial institutions may examine the
24 records of any banking organization and any savings and loan association
25 doing business within this state but not organized under the laws of or
26 created in this state.

27 ~~{3-}~~ 6. When requested by the ~~{chief of the division of unclaimed~~
28 ~~property,}~~ administrator, any licensing or regulating agency otherwise
29 empowered by the laws of this state to examine the records of the holder
30 shall include in its examination a determination whether the holder has
31 complied with this chapter.

32 **Sec. 46.** NRS 120A.430 is hereby amended to read as follows:

33 120A.430 If any person refuses to pay or deliver property to the
34 ~~{division}~~ administrator as required under this chapter, the attorney
35 general, upon request of the administrator, may bring an action in a court
36 of competent jurisdiction to enforce the payment or delivery. In such an
37 action, the court may award costs and reasonable attorney's fees to the
38 prevailing party, and, if the ~~{division}~~ administrator is the prevailing party,
39 may impose a civil penalty against the losing party in an amount not to
40 exceed 2 percent of the value of the property, or \$1,000, whichever is
41 greater.

42 **Sec. 47.** NRS 120A.440 is hereby amended to read as follows:

43 120A.440 1. ~~{Any}~~ Except as otherwise provided in subsection 2,
44 any person who willfully fails to make any report or perform any other
45 duty required under this chapter is guilty of a misdemeanor. Each day such
46 a report is withheld constitutes a separate offense.

47 2. Any person who willfully refuses to pay or deliver abandoned
48 property to the ~~{division}~~ administrator as required under this chapter is
49 guilty of a gross misdemeanor.



* S B 4 8 9 *

1 **Sec. 48.** NRS 120A.450 is hereby amended to read as follows:

2 120A.450 1. Except as otherwise provided in subsection 2, in
3 addition to any penalties for which he may be liable, any person who fails
4 to report or to pay or deliver abandoned property within the time prescribed
5 by this chapter shall pay to the ~~division~~ **administrator** interest at the rate
6 of 18 percent per annum on the money or the value of other property from
7 the date on which the property should have been paid or delivered.

8 2. The administrator may waive ~~any~~ **the** right to the payment of
9 interest pursuant to this section if:

10 (a) The person otherwise obligated to make payment files with the
11 ~~division~~ **administrator** a verified statement of the facts, showing that his
12 failure to report or to make payment or delivery was not willful or
13 negligent but occurred because of circumstances beyond his control; and

14 (b) The administrator so finds.

15 **Sec. 49.** NRS 122.060 is hereby amended to read as follows:

16 122.060 1. The clerk is entitled to receive as his fee for issuing the
17 license the sum of \$13.

18 2. The clerk shall also at the time of issuing the license collect the sum
19 of \$3 and pay it over to the county recorder as his fee for recording the
20 originally signed copy of the certificate of marriage described in NRS
21 122.120.

22 3. The clerk shall also at the time of issuing the license collect the
23 additional sum of \$4 for the State of Nevada. The fees collected for the
24 state must be paid over to the county treasurer by the county clerk on or
25 before the ~~5th~~ **fifth** day of each month for the preceding calendar month,
26 and must be placed to the credit of the state general fund. The county
27 treasurer shall remit quarterly all such fees deposited by the clerk to the
28 state ~~treasurer~~ **controller** for credit to the state general fund.

29 4. The clerk shall also at the time of issuing the license collect the
30 additional sum of \$15 for the account for aid for victims of domestic
31 violence in the state general fund. The fees collected for this purpose must
32 be paid over to the county treasurer by the county clerk on or before the
33 ~~5th~~ **fifth** day of each month for the preceding calendar month, and must
34 be placed to the credit of that account. The county treasurer shall, on or
35 before the 15th day of each month, remit those fees deposited by the clerk
36 to the state ~~treasurer~~ **controller** for credit to that account.

37 **Sec. 50.** NRS 176.059 is hereby amended to read as follows:

38 176.059 1. Except as otherwise provided in subsection 2, when a
39 defendant pleads guilty or guilty but mentally ill or is found guilty of a
40 misdemeanor, including the violation of any municipal ordinance, the
41 justice or judge shall include in the sentence the sum prescribed by the
42 following schedule as an administrative assessment and render a judgment
43 against the defendant for the assessment:

44

45	Fine.....	Assessment
46	\$5 to \$49.....	\$15
47	50 to 59.....	30
48	60 to 69.....	35
49	70 to 79.....	40



1	80 to 89.....	45
2	90 to 99.....	50
3	100 to 199.....	60
4	200 to 299.....	70
5	300 to 399.....	80
6	400 to 499.....	90
7	500 to 1,000.....	105

- 8
- 9 2. The provisions of subsection 1 do not apply to:
- 10 (a) An ordinance regulating metered parking; or
- 11 (b) An ordinance which is specifically designated as imposing a civil
- 12 penalty or liability pursuant to NRS 244.3575 or 268.019.
- 13 3. The money collected for an administrative assessment must not be
- 14 deducted from the fine imposed by the justice or judge but must be taxed
- 15 against the defendant in addition to the fine. The money collected for an
- 16 administrative assessment must be stated separately on the court's docket
- 17 and must be included in the amount posted for bail. If the defendant is
- 18 found not guilty or the charges are dismissed, the money deposited with the
- 19 court must be returned to the defendant. If the justice or judge cancels a
- 20 fine because the fine has been determined to be uncollectible, any balance
- 21 of the fine and the administrative assessment remaining unpaid shall be
- 22 deemed to be uncollectible and the defendant is not required to pay it. If a
- 23 fine is determined to be uncollectible, the defendant is not entitled to a
- 24 refund of the fine or administrative assessment he has paid and the justice
- 25 or judge shall not recalculate the administrative assessment.
- 26 4. If the justice or judge permits the fine and administrative assessment
- 27 to be paid in installments, the payments must be first applied to the unpaid
- 28 balance of the administrative assessment. The city treasurer shall distribute
- 29 partially collected administrative assessments in accordance with the
- 30 requirements of subsection 5. The county treasurer shall distribute partially
- 31 collected administrative assessments in accordance with the requirements
- 32 of subsection 6.
- 33 5. The money collected for administrative assessments in municipal
- 34 court must be paid by the clerk of the court to the city treasurer on or
- 35 before the fifth day of each month for the preceding month. The city
- 36 treasurer shall distribute, on or before the 15th day of that month, the
- 37 money received in the following amounts for each assessment received:
- 38 (a) Two dollars to the county treasurer for credit to a special account in
- 39 the county general fund for the use of the county's juvenile court or for
- 40 services to juvenile offenders. Any money remaining in the special account
- 41 after 2 fiscal years must be deposited in the county general fund if it has
- 42 not been committed for expenditure. The county treasurer shall provide,
- 43 upon request by a juvenile court, monthly reports of the revenue credited to
- 44 and expenditures made from the special account.
- 45 (b) Seven dollars for credit to a special revenue fund for the use of the
- 46 municipal courts. Any money remaining in the special revenue fund after 2
- 47 fiscal years must be deposited in the municipal general fund if it has not
- 48 been committed for expenditure. The city treasurer shall provide, upon



1 request by a municipal court, monthly reports of the revenue credited to
2 and expenditures made from the special revenue fund.

3 (c) The remainder of each assessment to the state ~~treasurer~~ **controller**
4 for credit to a special account in the state general fund.

5 6. The money collected for administrative assessments in justices'
6 courts must be paid by the clerk of the court to the county treasurer on or
7 before the fifth day of each month for the preceding month. The county
8 treasurer shall distribute, on or before the 15th day of that month, the
9 money received in the following amounts for each assessment received:

10 (a) Two dollars for credit to a special account in the county general fund
11 for the use of the county's juvenile court or for services to juvenile
12 offenders. Any money remaining in the special account after 2 fiscal years
13 must be deposited in the county general fund if it has not been committed
14 for expenditure. The county treasurer shall provide, upon request by a
15 juvenile court, monthly reports of the revenue credited to and expenditures
16 made from the special account.

17 (b) Seven dollars for credit to a special revenue fund for the use of the
18 justices' courts. Any money remaining in the special revenue fund after 2
19 fiscal years must be deposited in the county general fund if it has not been
20 committed for expenditure. The county treasurer shall provide, upon
21 request by a justice's court, monthly reports of the revenue credited to and
22 expenditures made from the special revenue fund.

23 (c) The remainder of each assessment to the state ~~treasurer~~ **controller**
24 for credit to a special account in the state general fund.

25 7. The money apportioned to a juvenile court, a justice's court or a
26 municipal court pursuant to this section must be used, in addition to
27 providing services to juvenile offenders in the juvenile court, to improve
28 the operations of the court, or to acquire appropriate advanced technology
29 or the use of such technology, or both. Money used to improve the
30 operations of the court may include expenditures for:

- 31 (a) Training and education of personnel;
- 32 (b) Acquisition of capital goods;
- 33 (c) Management and operational studies; or
- 34 (d) Audits.

35 8. Of the total amount deposited in the state general fund pursuant to
36 subsections 5 and 6, the state controller shall distribute the money received,
37 to the extent of legislative authorization, to the following public agencies in
38 the following manner:

39 (a) Not less than 51 percent must be distributed to the office of the court
40 administrator for allocation as follows:

41 (1) Eighteen and one-half percent of the amount distributed to the
42 office of the court administrator for the administration of the courts.

43 (2) Nine percent of the amount distributed to the office of the court
44 administrator for the development of a uniform system for judicial records.

45 (3) Nine percent of the amount distributed to the office of the court
46 administrator for continuing judicial education.

47 (4) Sixty percent of the amount distributed to the office of the court
48 administrator for the supreme court.



(5) Three and one-half percent of the amount distributed to the office of the court administrator for the payment for the services of retired justices and retired district judges.

(b) Not more than 49 percent must be used to the extent of legislative authorization for the support of:

- (1) The central repository for Nevada records of criminal history;
- (2) The peace officers' standards and training commission;
- (3) The operation by the Nevada highway patrol of a computerized switching system for information related to law enforcement; and
- (4) The fund for the compensation of victims of crime.

9. As used in this section, "juvenile court" means:

- (a) In any judicial district that includes a county whose population is 100,000 or more, the family division of the district court; or
- (b) In any other judicial district, the juvenile division of the district court.

Sec. 51. NRS 176.062 is hereby amended to read as follows:

176.062 1. When a defendant pleads guilty or guilty but mentally ill or is found guilty of a felony or gross misdemeanor, the judge shall include in the sentence the sum of \$25 as an administrative assessment and render a judgment against the defendant for the assessment.

2. The money collected for an administrative assessment:

- (a) Must not be deducted from any fine imposed by the judge;
- (b) Must be taxed against the defendant in addition to the fine; and
- (c) Must be stated separately on the court's docket.

3. The money collected for administrative assessments in district courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall distribute, on or before the 15th day of that month, the money received in the following amounts for each assessment received:

(a) Five dollars for credit to a special account in the county general fund for the use of the district court.

(b) The remainder of each assessment to the state ~~treasurer~~ **controller**.

4. The state ~~treasurer~~ **controller** shall credit the money received pursuant to subsection 3 to a special account for the assistance of criminal justice in the state general fund, and distribute the money from the account to the attorney general as authorized by the legislature. Any amount received in excess of the amount authorized by the legislature for distribution must remain in the account.

Sec. 52. NRS 178.518 is hereby amended to read as follows:

178.518 Money collected pursuant to NRS 178.506 to 178.516, inclusive, which was collected:

1. From a person who was charged with a misdemeanor must be paid over to the county treasurer.

2. From a person who was charged with a gross misdemeanor or a felony must be paid over to the state ~~treasurer~~ **controller** for deposit in the fund for the compensation of victims of crime.



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1 **Sec. 53.** NRS 200.485 is hereby amended to read as follows:
2 200.485 1. Unless a greater penalty is provided pursuant to NRS
3 200.481, a person convicted of a battery that constitutes domestic violence
4 pursuant to NRS 33.018:
5 (a) For the first offense within the immediately preceding 7 years, is
6 guilty of a misdemeanor and shall be sentenced to:
7 (1) Imprisonment in the city or county jail or detention facility for not
8 less than 2 days, but not more than 6 months; and
9 (2) Perform not less than 48 hours, but not more than 120 hours, of
10 community service.
11 The person shall be further punished by a fine of not less than \$200, but not
12 more than \$1,000. A term of imprisonment imposed pursuant to this
13 paragraph may be served intermittently at the discretion of the judge or
14 justice of the peace, except that each period of confinement must be not
15 less than 4 consecutive hours and must occur either at a time when the
16 person is not required to be at his place of employment or on a weekend.
17 (b) For the second offense within the immediately preceding 7 years, is
18 guilty of a misdemeanor and shall be sentenced to:
19 (1) Imprisonment in the city or county jail or detention facility for not
20 less than 10 days, but not more than 6 months; and
21 (2) Perform not less than 100 hours, but not more than 200 hours, of
22 community service.
23 The person shall be further punished by a fine of not less than \$500, but not
24 more than \$1,000.
25 (c) For the third and any subsequent offense within the immediately
26 preceding 7 years, is guilty of a category C felony and shall be punished as
27 provided in NRS 193.130.
28 2. In addition to any other penalty, if a person is convicted of a battery
29 which constitutes domestic violence pursuant to NRS 33.018, the court
30 shall:
31 (a) For the first offense within the immediately preceding 7 years,
32 require him to participate in weekly counseling sessions of not less than 1
33 1/2 hours per week for not less than 6 months, but not more than 12
34 months, at his own expense, in a program for the treatment of persons who
35 commit domestic violence that has been certified pursuant to NRS 228.470.
36 (b) For the second offense within the immediately preceding 7 years,
37 require him to participate in weekly counseling sessions of not less than 1
38 1/2 hours per week for 12 months, at his own expense, in a program for the
39 treatment of persons who commit domestic violence that has been certified
40 pursuant to NRS 228.470.
41 3. In addition to any other fine or penalty, the court shall order such a
42 person to pay an administrative assessment of \$35. Any money so collected
43 must be paid by the clerk of the court to the state ~~treasurer~~ **controller** on
44 or before the fifth day of each month for the preceding month for credit to
45 the account for programs related to domestic violence established pursuant
46 to NRS 228.460.
47 4. In addition to any other penalty, the court may require such a person
48 to participate, at his own expense, in a program of treatment for the abuse



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1 of alcohol or drugs that has been certified by the bureau of alcohol and
2 drug abuse in the department of human resources.

3 5. If a person is charged with committing a battery which constitutes
4 domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not
5 dismiss such a charge in exchange for a plea of guilty, guilty but mentally
6 ill or nolo contendere to a lesser charge or for any other reason unless he
7 knows, or it is obvious, that the charge is not supported by probable cause
8 or cannot be proved at the time of trial. A court shall not grant probation to
9 and, except as otherwise provided in NRS 4.373 and 5.055, a court shall
10 not suspend the sentence of such a person.

11 6. For the purposes of this section:

12 (a) "Battery" has the meaning ascribed to it in paragraph (a) of
13 subsection 1 of NRS 200.481; and

14 (b) "Offense" includes a battery which constitutes domestic violence
15 pursuant to NRS 33.018 or a violation of the law of any other jurisdiction
16 that prohibits the same or similar conduct.

17 **Sec. 54.** NRS 206.340 is hereby amended to read as follows:

18 206.340 1. The graffiti reward fund is hereby created in the state
19 general fund.

20 2. When a defendant pleads or is found guilty of violating NRS
21 206.125 or 206.330, the court shall include an administrative assessment of
22 \$250 for each violation in addition to any other fine or penalty. The money
23 collected must be paid by the clerk of the court to the state ~~treasurer~~
24 **controller** on or before the fifth day of each month for the preceding month
25 for credit to the graffiti reward fund.

26 3. All money received pursuant to subsection 2 must be deposited with
27 the state ~~treasurer~~ **controller** for credit to the graffiti reward fund. The
28 money in the fund must be used to pay a reward to a person who, in
29 response to the offer of a reward, provides information which results in the
30 identification, apprehension and conviction of a person who violates NRS
31 206.125 or 206.330.

32 4. If sufficient money is available in the graffiti reward fund, a state
33 law enforcement agency may offer a reward, not to exceed \$1,000, for
34 information leading to the identification, apprehension and conviction of a
35 person who violates NRS 206.125 or 206.330. The reward must be paid out
36 of the graffiti reward fund upon approval by the state board of examiners.

37 **Sec. 55.** NRS 249.085 is hereby amended to read as follows:

38 249.085 On or before the 15th day of each month, the county treasurer
39 shall report to the state ~~treasurer~~ **controller** the amount of the
40 administrative assessments paid by each justices' court for the preceding
41 month pursuant to NRS 176.059.

42 **Sec. 56.** NRS 281.581 is hereby amended to read as follows:

43 281.581 1. A candidate or public or judicial officer who fails to file
44 his statement of financial disclosure in a timely manner pursuant to NRS
45 281.561 is subject to a civil penalty and payment of court costs and
46 attorney's fees. The amount of the civil penalty is:

47 (a) If the statement is filed not more than 7 days late, \$25 for each day
48 the statement is late.



1 (b) If the statement is filed more than 7 days late but not more than 15
2 days late, \$175 for the first 7 days, plus \$50 for each additional day the
3 statement is late.

4 (c) If the statement is filed more than 15 days late, \$575 for the first 15
5 days, plus \$100 for each additional day the statement is late.

6 2. The commission may, for good cause shown, waive or reduce the
7 civil penalty.

8 3. The civil penalty must be recovered in a civil action brought in the
9 name of the State of Nevada by the commission in a court of competent
10 jurisdiction and deposited ~~with the state treasurer~~ *by the commission in*
11 *the account* for credit to the state general fund ~~in the bank designated~~
12 *by the state treasurer.*

13 4. If the commission waives a civil penalty pursuant to subsection 2,
14 the commission shall:

15 (a) Create a record which sets forth that the civil penalty has been
16 waived and describes the circumstances that constitute the good cause
17 shown; and

18 (b) Ensure that the record created pursuant to paragraph (a) is available
19 for review by the general public.

20 **Sec. 57.** NRS 293.840 is hereby amended to read as follows:

21 293.840 1. In addition to any criminal penalty, a person who violates
22 the provisions of this chapter is subject to a civil penalty in an amount not
23 to exceed \$20,000 for each violation. This penalty must be recovered in a
24 civil action brought in the name of the State of Nevada by the attorney
25 general or by any district attorney in a court of competent jurisdiction.

26 2. Any civil penalty collected pursuant to this section must be
27 deposited ~~with the state treasurer~~ *by the collecting agency* for credit to
28 the state general fund ~~in the bank designated by the state treasurer.~~

29 **Sec. 58.** NRS 294A.420 is hereby amended to read as follows:

30 294A.420 1. If the secretary of state receives information that a
31 person or entity that is subject to the provisions of NRS 294A.120,
32 294A.140, 294A.150, 294A.180, 294A.200, 294A.210, 294A.220,
33 294A.270, 294A.280 or 294A.360 has not filed a report pursuant to the
34 applicable provisions of those sections, the secretary of state may, after
35 giving notice to that person or entity, cause the appropriate proceedings to
36 be instituted in the first judicial district court.

37 2. Except as otherwise provided in this section, a person or entity that
38 violates an applicable provision of NRS 294A.112, 294A.120, 294A.130,
39 294A.140, 294A.150, 294A.160, 294A.170, 294A.180, 294A.200,
40 294A.210, 294A.220, 294A.270, 294A.280, 294A.300, 294A.310,
41 294A.320 or 294A.360 is subject to a civil penalty of not more than \$5,000
42 for each violation and payment of court costs and attorney's fees. The civil
43 penalty must be recovered in a civil action brought in the name of the State
44 of Nevada by the secretary of state in the first judicial district court and
45 deposited ~~with the state treasurer~~ *by the secretary of state* for credit to the
46 state general fund ~~in the bank designated by the state treasurer.~~

47 3. If a civil penalty is imposed because a person or entity has reported
48 its contributions, expenses or expenditures after the date the report is due,
49 the amount of the civil penalty is:



1 (a) If the report is not more than 7 days late, \$25 for each day the report
2 is late.

3 (b) If the report is more than 7 days late but not more than 15 days late,
4 \$50 for each day the report is late.

5 (c) If the report is more than 15 days late, \$100 for each day the report
6 is late.

7 4. For good cause shown, the secretary of state may waive a civil
8 penalty that would otherwise be imposed pursuant to this section. If the
9 secretary of state waives a civil penalty pursuant to this subsection, the
10 secretary of state shall:

11 (a) Create a record which sets forth that the civil penalty has been
12 waived and describes the circumstances that constitute the good cause
13 shown; and

14 (b) Ensure that the record created pursuant to paragraph (a) is available
15 for review by the general public.

16 **Sec. 59.** NRS 361.745 is hereby amended to read as follows:

17 361.745 1. On the third Mondays of July, October, January and April
18 of each year, each county treasurer shall deposit with the state ~~treasurer~~
19 ~~controller~~ all money which has come into his hands as county treasurer for
20 the use and benefit of the state.

21 2. Each county treasurer shall hold himself in readiness to settle and
22 pay all money in his hands belonging to the state at all other times
23 whenever required to do so by order signed by the state controller, who is
24 authorized to draw such an order whenever he deems it necessary.

25 **Sec. 60.** NRS 375.070 is hereby amended to read as follows:

26 375.070 1. The county recorder shall transmit the proceeds of the
27 real property transfer tax at the end of each quarter in the following
28 manner:

29 (a) An amount equal to that portion of the proceeds which is equivalent
30 to 10 cents for each \$500 of value or fraction thereof must be transmitted to
31 the state ~~treasurer~~ ~~controller~~ who shall deposit that amount in the account
32 for low-income housing created pursuant to NRS 319.500.

33 (b) In a county whose population is more than 400,000, an amount
34 equal to that portion of the proceeds which is equivalent to 60 cents for
35 each \$500 of value or fraction thereof must be transmitted to the county
36 treasurer for deposit in the county school district's fund for capital projects
37 established pursuant to NRS 387.328, to be held and expended in the same
38 manner as other money deposited in that fund.

39 (c) The remaining proceeds must be transmitted to the state ~~treasurer~~
40 ~~controller~~ for deposit in the local government tax distribution account
41 created by NRS 360.660 for credit to the respective accounts of Carson
42 City and each county.

43 2. In addition to any other authorized use of the proceeds it receives
44 pursuant to subsection 1, a county or city may use the proceeds to pay
45 expenses related to or incurred for the development of affordable housing
46 for families whose income does not exceed 80 percent of the median
47 income for families residing in the same county, as that percentage is
48 defined by the United States Department of Housing and Urban
49 Development. A county or city that uses the proceeds in that manner must



1 give priority to the development of affordable housing for persons who are
2 disabled or elderly.

3 3. The expenses authorized by subsection 2 include, but are not limited
4 to:

5 (a) The costs to acquire land and developmental rights;

6 (b) Related predevelopment expenses;

7 (c) The costs to develop the land, including the payment of related
8 rebates;

9 (d) Contributions toward down payments made for the purchase of
10 affordable housing; and

11 (e) The creation of related trust funds.

12 **Sec. 61.** NRS 408.185 is hereby amended to read as follows:

13 408.185 1. The director and deputy director may use a facsimile
14 signature produced through a mechanical device in place of their
15 handwritten signatures whenever the necessity may arise.

16 2. Such ~~mechanical facsimile signature devices~~ *a device* must be of
17 such *a* nature that the facsimile signature plate may be inserted and
18 removed from the mechanical device only by use of two locking keys.

19 3. Such facsimile signatures must be made and used only under the
20 personal direction and supervision of the director and deputy director,
21 respectively.

22 4. All of the facsimile signature plates and locking keys must at all
23 times be kept in a vault, securely locked when not in use, to the end that
24 any misuse, fraudulent use or other improper use is prevented.

25 *5. Notwithstanding the provisions of this section, the director or*
26 *deputy director and the state treasurer may combine their facsimile*
27 *signatures as provided in NRS 226.080.*

28 **Sec. 62.** NRS 428.185 is hereby amended to read as follows:

29 428.185 1. In addition to the taxes levied pursuant to NRS 428.050
30 and 428.285 and any tax levied pursuant to NRS 450.425, the board of
31 county commissioners of each county shall levy an ad valorem tax at a rate
32 which must be calculated by:

33 (a) First multiplying the tax rate of 1.5 cents on each \$100 of assessed
34 valuation by the assessed valuation of all taxable property in this state,
35 including new real property, possessory interests and mobile homes, during
36 the next fiscal year.

37 (b) Then subtracting the amount of unencumbered money in the fund on
38 May 1 of the current fiscal year.

39 (c) Then setting the rate so that the revenue from the tax does not
40 exceed the amount resulting from the calculations made in paragraphs (a)
41 and (b).

42 2. The tax so levied and its proceeds, must be excluded in computing
43 the maximum amount of money which the county is permitted to receive
44 from taxes ad valorem and the highest permissible rate of such taxes.

45 3. The proceeds of this tax must be remitted in the manner provided
46 for in NRS 361.745 to the state ~~treasurer~~ *controller* for credit to the fund.



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1 **Sec. 63.** NRS 428.285 is hereby amended to read as follows:

2 428.285 1. The board of county commissioners of each county shall
3 establish a tax rate of at least 6 cents on each \$100 of assessed valuation
4 for the purposes of the tax imposed pursuant to subsection 2. A board of
5 county commissioners may increase the rate to not more than 10 cents on
6 each \$100 of assessed valuation.

7 2. In addition to the levies provided in NRS 428.050 and 428.185 and
8 any tax levied pursuant to NRS 450.425, the board of county
9 commissioners shall levy a tax ad valorem at a rate necessary to produce
10 revenue in an amount equal to an amount calculated by multiplying the
11 assessed valuation of all taxable property in the county by the tax rate
12 established pursuant to subsection 1, and subtracting from the product the
13 amount of unencumbered money remaining in the fund on May 1 of the
14 current fiscal year.

15 3. For each fiscal year beginning on or after July 1, 1989, the board of
16 county commissioners of each county shall remit to the state ~~treasurer~~
17 ~~controller~~ from the money in the fund an amount of money equivalent to 1
18 cent on each \$100 of assessed valuation of all taxable property in the
19 county for credit to the supplemental fund.

20 4. The tax so levied and its proceeds must be excluded in computing
21 the maximum amount of money which the county is permitted to receive
22 from taxes ad valorem and the highest permissible rate of such taxes.

23 **Sec. 64.** NRS 440.605 is hereby amended to read as follows:

24 440.605 1. For each divorce and annulment of marriage granted by
25 any court in this state a report must be prepared and filed by the clerk of
26 the district court with the state registrar. The information necessary to
27 prepare the report must be furnished, with the complaint in the action, to
28 the clerk of the district court by the complainant or his legal representative
29 on the form furnished by the state registrar.

30 2. On the first business day of each month , the clerk of the district
31 court shall forward to the state registrar the report of each divorce and
32 annulment granted during the preceding calendar month.

33 3. Every clerk of the district court shall collect, at the time the
34 complaint is filed in any action for divorce or annulment of marriage, a fee
35 of \$10, which he shall forward to the state ~~treasurer~~ ~~controller~~ to be
36 deposited in the state general fund. This fee is in addition to the other costs
37 in the case.

38 **Sec. 65.** NRS 533.290 is hereby amended to read as follows:

39 533.290 1. The assessments and charges provided for in NRS
40 533.285, when collected, must be deposited with the state ~~treasurer,~~
41 ~~controller~~ in the same manner as other special assessments, for credit to
42 the water district account which is hereby created in the state general fund.

43 2. All bills against the water district account must be certified by the
44 state engineer or his assistant and, when certified and approved by the state
45 board of examiners, the state controller may draw his warrant therefor
46 against the account.

47 3. An advance must not be made from a stream system account that
48 has been depleted until the advance is reimbursable from the proceeds of



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1 any assessments levied against the particular stream system or water
2 district for which any claims are presented.

3 4. Any money remaining in the water district account at the end of the
4 current year must remain in the account and be available for use in the
5 following year.

6 5. The state controller shall keep separate accounts of the money for
7 each stream system or water district received from the various counties
8 within which the stream system or water district is located, and shall not
9 draw warrants against an account until he has been notified by the state
10 engineer that assessments have been filed with the board of county
11 commissioners, as required by NRS 533.285, that will return to the State of
12 Nevada money advanced by the state out of the water distribution
13 revolving account provided for in NRS 532.210.

14 **Sec. 66.** NRS 598.0975 is hereby amended to read as follows:

15 598.0975 1. Except as otherwise provided in subsection 1 of NRS
16 598.0999 and subsection ~~4.4~~ 3, all fees, civil penalties and any other
17 money collected pursuant to the provisions of NRS 598.0903 to 598.0999,
18 inclusive:

19 (a) In an action brought by the attorney general, commissioner or
20 director, must be deposited in the state general fund and may only be used
21 to offset the costs of administering and enforcing the provisions of NRS
22 598.0903 to 598.0999, inclusive.

23 (b) In an action brought by the district attorney of a county, must be
24 deposited with the county treasurer of that county and accounted for
25 separately in the county general fund.

26 2. Money in the account created pursuant to paragraph (b) of
27 subsection 1 must be used by the district attorney of the county for:

28 (a) The investigation and prosecution of deceptive trade practices
29 against elderly or disabled persons; and

30 (b) Programs for the education of consumers which are directed toward
31 elderly or disabled persons, law enforcement officers, members of the
32 judicial system, persons who provide social services and the general public.

33 3. ~~At the end of each fiscal year, the state treasurer shall:~~

34 ~~—(a) Prepare a written report which specifies the total amount of money~~
35 ~~deposited in the state general fund pursuant to paragraph (a) of subsection~~
36 ~~1; and~~

37 ~~—(b) Submit the report to the director of the department of administration,~~
38 ~~the attorney general and the consumer affairs division of the department of~~
39 ~~business and industry.~~

40 ~~4.4~~ The provisions of this section do not apply to:

41 (a) Criminal fines imposed pursuant to NRS 598.0903 to 598.0999,
42 inclusive; or

43 (b) Restitution ordered pursuant to NRS 598.0903 to 598.0999,
44 inclusive, in an action brought by the attorney general. Money collected for
45 restitution ordered in such an action must be deposited ~~with the state~~
46 ~~treasurer~~ *by the attorney general* and credited to the appropriate account
47 of the consumer affairs division of the department of business and industry
48 or the attorney general for distribution to the person for whom the
49 restitution was ordered.



1 **Sec. 67.** NRS 599B.260 is hereby amended to read as follows:
2 599B.260 1. Except as otherwise provided in subsection ~~13.1~~ **2**, all
3 fees, civil penalties and any other money collected pursuant to this chapter
4 in an action brought by the attorney general must be deposited in the state
5 general fund and may only be used to defray the costs of:

6 (a) Administering and enforcing the provisions of this chapter.
7 (b) Enforcing the provisions of chapter 598 of NRS as they relate to the
8 conduct of sellers and salesmen, whether or not the sellers and salesmen
9 are registered pursuant to this chapter.

10 2. ~~At the end of each fiscal year, the state treasurer shall:~~
11 ~~—(a) Prepare a written report which specifies the total amount of money~~
12 ~~deposited in the state general fund pursuant to subsection 1; and~~
13 ~~—(b) Submit the report to the director of the department of administration,~~
14 ~~the attorney general and the division.~~

15 ~~3.1~~ The provisions of this section do not apply to:
16 (a) Criminal fines imposed pursuant to the provisions of this chapter; or
17 (b) Restitution ordered in an action brought by the attorney general
18 pursuant to the provisions of this chapter. Money collected for restitution
19 ordered in such an action must be deposited ~~with the state treasurer~~ **by the**
20 **attorney general** and credited to the appropriate account of the division or
21 the attorney general for distribution to the person for whom the restitution
22 was ordered.

23 **Sec. 68.** NRS 663.085 is hereby amended to read as follows:
24 663.085 1. If the rental due on a safe-deposit box has not been paid
25 for 90 days, the lessor may send a notice by registered or certified mail to
26 the last known address of the lessee stating that the safe-deposit box will be
27 opened and its contents stored at the expense of the lessee unless payment
28 of the rental is made within 30 days. If the rental is not paid within 30 days
29 ~~from~~ **after** the mailing of the notice, the box may be opened in the
30 presence of any officer of the lessor and a notary public. The contents must
31 be sealed in a package by the notary public, who shall write on the outside
32 the name of the lessee and the date of the opening **of the box** in the
33 presence of the officer. The notary public and the officer shall execute a
34 certificate reciting the name of the lessee, the date of the opening of the
35 box and a list of its contents. The certificate must be included in the
36 package , and a copy of the certificate must be sent by registered or
37 certified mail to the last known address of the lessee. If the contents of the
38 safe-deposit box have been unclaimed by the owner for 5 years or less, the
39 package must then be placed in the general vaults of the lessor at a rental
40 not exceeding the rental previously charged for the box, until such time
41 that the contents will have been unclaimed by the owner for more than 5
42 years, at which time the lessor shall deliver the package to the ~~division~~
43 **state treasurer in his capacity as the administrator** of unclaimed property
44 ~~of the department of business and industry~~ pursuant to the provisions of
45 chapter 120A of NRS.

46 2. If the contents of a safe-deposit box that has been opened pursuant
47 to subsection 1 have been unclaimed by the owner for more than 5 years,
48 the lessor shall deliver the package to the ~~division~~ **state treasurer in his**



1 *capacity as the administrator* of unclaimed property ~~of the department of~~
2 ~~business and industry~~ pursuant to the provisions of chapter 120A of NRS.

3 **Sec. 69.** NRS 673.373 is hereby amended to read as follows:

4 673.373 1. If the rental due on a safe-deposit box has not been paid
5 for 90 days, the lessor may send a notice by registered or certified mail to
6 the last known address of the lessee stating that the safe-deposit box will be
7 opened and its contents stored at the expense of the lessee unless payment
8 of the rental is made within 30 days. If the rental is not paid within 30 days
9 ~~from~~ *after* the mailing of the notice, the box may be opened in the
10 presence of any officer of the lessor and a notary public. The contents must
11 be sealed in a package by the notary public, who shall write on the outside
12 the name of the lessee and the date of the opening *of the box* in the
13 presence of the officer. The notary public and the officer shall execute a
14 certificate reciting the name of the lessee, the date of the opening of the
15 box and a list of its contents. The certificate must be included in the
16 package , and a copy of the certificate must be sent by registered or
17 certified mail to the last known address of the lessee. If the contents of the
18 safe-deposit box have been unclaimed by the owner for 5 years or less, the
19 package must then be placed in the general vaults of the lessor at a rental
20 not exceeding the rental previously charged for the box, until such time
21 that the contents will have been unclaimed by the owner for more than 5
22 years, at which time the lessor shall deliver the package to the ~~division~~
23 *state treasurer in his capacity as the administrator* of unclaimed property
24 ~~of the department of business and industry~~ pursuant to the provisions of
25 chapter 120A of NRS.

26 2. If the contents of a safe-deposit box that has been opened pursuant
27 to subsection 1 have been unclaimed by the owner for more than 5 years,
28 the lessor shall deliver the package to the ~~division~~ *state treasurer in his*
29 *capacity as the administrator* of unclaimed property ~~of the department of~~
30 ~~business and industry~~ pursuant to the provisions of chapter 120A of NRS.

31 **Sec. 70.** NRS 706.8825 is hereby amended to read as follows:

32 706.8825 1. All fees collected pursuant to NRS 706.881 to 706.885,
33 inclusive, must be deposited ~~with the state treasurer~~ *by the administrator*
34 to the credit of the taxicab authority fund, which is hereby created as a
35 special revenue fund. The transactions for each county subject to those
36 sections must be accounted for separately within the fund.

37 2. The interest and income earned on the money in the fund, after
38 deducting any applicable charges, must be credited to the fund.

39 3. The revenues received pursuant to subsection 1 of NRS 706.8826
40 are hereby appropriated to defray the cost of regulating taxicabs in the
41 county or the city, respectively, making the deposit under that subsection.

42 4. The fees received pursuant to subsection 3 of NRS 706.8826, NRS
43 706.8827, 706.8841 and 706.8848 to 706.885, inclusive, are hereby
44 appropriated to defray the cost of regulating taxicabs in the county in
45 which the certificate holder operates a taxicab business.

46 5. Any balance remaining in the fund does not revert to the state
47 general fund. The administrator may transfer to the aging services division
48 of the department of human resources any balance over \$200,000 and any
49 interest earned on the fund, within the limits of legislative authorization for



1 each fiscal year, to subsidize transportation for the elderly and the
2 permanently handicapped in taxicabs. The money transferred to the aging
3 services division must be administered in accordance with regulations
4 adopted by the administrator of the aging services division pursuant to
5 NRS 427A.070.

6 6. The administrator may establish an account for petty cash not to
7 exceed \$1,000 for the support of undercover investigation and, if the
8 account is created, the administrator shall reimburse the account from the
9 taxicab authority fund in the same manner as other claims against the state
10 are paid.

11 **Sec. 71.** NRS 706.8826 is hereby amended to read as follows:

12 706.8826 1. The board of county commissioners of any county in
13 which there is in effect an order for the allocation of taxicabs from a
14 taxicab authority, and the governing body of each city within any such
15 county, shall deposit ~~{with the state treasurer}~~ to the credit of the taxicab
16 authority fund all of the tax revenue which is received from the taxicab
17 business operating in the county and city, respectively.

18 2. For the purpose of calculating the amount due to the state under
19 subsection 1, the tax revenue of a county does not include any amount
20 which represents a payment for the use of county facilities or property.

21 3. Any certificate holder who is subject to an order of allocation by the
22 taxicab authority shall pay to the taxicab authority \$100 per year for each
23 taxicab that the taxicab authority has allocated to the certificate holder and
24 a fee set by the taxicab authority that must not exceed 15 cents per trip for
25 each compensable trip of each of those taxicabs, which may be added to
26 the meter charge. The money so received by the taxicab authority must be
27 ~~{paid to the state treasurer for deposit}~~ *deposited* in the state treasury to the
28 credit of the taxicab authority fund.

29 **Sec. 72.** 1. NRS 120A.050 is hereby repealed.

30 2. NRS 226.100 is hereby repealed.

31 **Sec. 73.** 1. This section, sections 3, 4, 8, 9, 14 to 48, inclusive, 68,
32 69 and 74 of this act and subsection 1 of section 72 of this act become
33 effective upon passage and approval.

34 2. Sections 1, 2, 5, 6, 7, 10 to 13, inclusive, 49 to 67, inclusive, 70 and
35 71 of this act and subsection 2 of section 72 of this act become effective on
36 July 1, 2001.

37 **Sec. 74.** The legislative counsel shall:

38 1. In preparing the reprint and supplements to the Nevada Revised
39 Statutes, appropriately change any references to an officer or agency whose
40 responsibilities are transferred pursuant to the provisions of this act to refer
41 to the appropriate officer or agency.

42 2. In preparing supplements to the Nevada Administrative Code,
43 appropriately change any references to an officer or agency whose
44 responsibilities are transferred pursuant to the provisions of this act to refer
45 to the appropriate officer or agency.



TEXT OF REPEALED SECTIONS

120A.050 “Division” defined. “Division” means the division of unclaimed property in the department of business and industry.

226.100 Appointment of chief deputy and deputies; restrictions on other employment of chief deputy.

1. The state treasurer may appoint and employ a chief deputy, a deputy of debt management, a deputy of investments, a deputy of cash management, a deputy administrator of unclaimed property and an assistant to the state treasurer in the unclassified service of the state.

2. Except as otherwise provided in NRS 284.143, the chief deputy state treasurer shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

