

CHAPTER.....

AN ACT relating to governmental administration; revising the authority of the state treasurer 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; authorizing the state treasurer to employ a deputy of unclaimed property; 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:

Section 1. (Deleted by amendment.)

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

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

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

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

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

~~2. Subject if:~~

(a) The facsimile signature is:

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

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

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

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

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

2. Except as otherwise required by specific statute and subject to the conditions of subsection 1 and the consent of each, the state treasurer and the state controller , or the state treasurer and any other officer or employee of state government who is authorized to administer a bank

account, may combine their facsimile signatures for use in ~~one mechanical device;~~ *a device or other method of facsimile reproduction.* The facsimile *image or impression* of such combined signatures ~~shall~~ *must* be kept in the ~~state treasurer's~~ *of the state treasurer* as provided in paragraph ~~(a)~~ *(b)* of subsection 1.

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

226.100 1. The state treasurer may appoint and employ a chief deputy, *an assistant treasurer*, a deputy of debt management, a deputy of investments, a deputy of cash management , *a deputy 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.

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

226.110 The state treasurer:

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

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

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

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

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

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

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

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

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

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

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

10. Is directly responsible for the issuance of any obligation authorized on the behalf and in the name of the state, except as otherwise provided in

NRS 538.206 and except for those obligations issued pursuant to chapter 319 of NRS and NRS 349.400 to 349.987, inclusive. The state treasurer:

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

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

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

12. Shall serve as the administrator of unclaimed property.

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

226.120 The state treasurer shall:

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

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

(a) The close of a fiscal year; or

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

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

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

~~—(a) That the, except that:~~

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

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

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

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

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

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

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

2. The ombudsman for victims of domestic violence:

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

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

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

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

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

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

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

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

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

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

(a) Consumer affairs division.

(b) Division of financial institutions.

(c) Housing division.

(d) Manufactured housing division.

(e) Real estate division.

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

~~(g)~~ Division of insurance.

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

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

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

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

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

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

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

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

232.520 The director:

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

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

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

3. May:

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

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

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

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

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

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

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

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

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

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

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

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

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

4.060 1. Except as otherwise provided in this section and NRS 33.017 to 33.100, inclusive, and section 1 of *Assembly Bill No. 581 of this ~~act,~~ session*, each justice of the peace shall charge and collect the following fees:

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

If the sum claimed does not exceed \$1,000.....	\$28.00
If the sum claimed exceeds \$1,000 but does not exceed \$2,500.....	50.00
If the sum claimed exceeds \$2,500 but does not exceed \$4,500.....	100.00
If the sum claimed exceeds \$4,500 but does not exceed \$6,500.....	125.00
If the sum claimed exceeds \$6,500 but does not exceed \$7,500.....	150.00
In all other civil actions	28.00

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

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

- (c) On the appearance of any defendant, or any number of defendants answering jointly, to be paid him or them on filing the first paper in the action, or at the time of appearance:
- | | |
|--|-------|
| In all civil actions | 12.00 |
| For every additional defendant, appearing separately | 6.00 |
- (d) No fee may be charged where a defendant or defendants appear in response to an affidavit and order issued pursuant to the provisions of chapter 73 of NRS.
- (e) For the filing of any paper in intervention 6.00
- (f) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court..... 6.00
- (g) For filing a notice of appeal, and appeal bonds 12.00
- One charge only may be made if both papers are filed at the same time.
- (h) For issuing supersedeas to a writ designed to enforce a judgment or order of the court..... 12.00
- (i) For preparation and transmittal of transcript and papers on appeal..... 12.00
- (j) For celebrating a marriage and returning the certificate to the county recorder..... 35.00
- (k) For entering judgment by confession..... 6.00
- (l) For preparing any copy of any record, proceeding or paper, for each page30
- (m) For each certificate of the clerk, under the seal of the court 3.00
- (n) For searching records or files in his office, for each year 1.00
- (o) For filing and acting upon each bail or property bond 40.00
2. A justice of the peace shall not charge or collect any of the fees set forth in subsection 1 for any service rendered by him to the county in which his township is located.
3. A justice of the peace shall not charge or collect the fee pursuant to paragraph (j) of subsection 1 if he performs a marriage ceremony in a commissioner township.
4. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, the justice of the peace shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected during the preceding month, except for the fees he may retain as compensation and the fees he is required to pay to the state ~~treasurer~~ controller pursuant to subsection 5.
5. The justice of the peace shall, on or before the fifth day of each month, pay to the state ~~treasurer~~ controller one-half of the fees collected pursuant to paragraph (o) of subsection 1 during the preceding month. The state ~~treasurer~~ controller shall deposit the money in the fund for the compensation of victims of crime.
- Sec. 11.** NRS 4.065 is hereby amended to read as follows:
- 4.065 1. The justice of the peace shall, on the commencement of any action or proceeding in the justice's court for which a fee is required, and on the answer or appearance of any defendant in any such action or proceeding for which a fee is required, charge and collect a fee of \$1 from

the party commencing, answering or appearing in the action or proceeding. These fees are in addition to any other fee required by law.

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

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

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

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

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

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

2. On or before the first Monday of each month, the county clerk shall pay over to the county treasurer an amount equal to all fees collected by him pursuant to subsection 1, and the county treasurer shall place that amount to the credit of the state general fund. Quarterly, the county treasurer shall remit all money so collected to the state ~~treasurer,~~ **controller**, who shall place the money in an account in the state general fund for use by the director of the department of employment, training and rehabilitation to administer the provisions of NRS 388.605 to 388.655, inclusive.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

120A.080 “Holder” means a person ~~(, wherever organized or domiciled, who is:~~

- ~~1. In possession of property belonging to another;~~
- ~~2. A trustee; or~~
- ~~3. Indebted to another on an obligation.)~~ *obligated to hold for the account of, or deliver or pay to, the owner property that is subject to this chapter.*

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

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

Sec. 23. NRS 120A.110 is hereby amended to read as follows:

120A.110 "Person" ~~includes a government, a governmental agency and a political subdivision of a government.~~ *means a natural person, business association, estate, trust, government or governmental subdivision, agency or instrumentality, or any other legal or commercial entity.*

Sec. 24. NRS 120A.145 is hereby amended to read as follows:

120A.145 The administrator or any officer, agent or employee of the ~~division~~ *office of the state treasurer* shall not use or disclose any information received by the administrator in the course of carrying out the provisions of this chapter which is confidential or which is provided to the ~~division~~ *administrator* on the basis that the information is to remain confidential, unless the use or disclosure of the information is necessary to locate the owner of unclaimed or abandoned property.

Sec. 25. NRS 120A.160 is hereby amended to read as follows:

120A.160 The following property held or owing by a ~~banking or financial organization or by a~~ business association is presumed abandoned:

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

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

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

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

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

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

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

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

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

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

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

4. Any money or other personal property, tangible or intangible, removed from a safe-deposit box or any other safekeeping repository on which the lease or rental period has expired because of nonpayment of rental charges or other reason, or any surplus amounts arising from the sale thereof pursuant to law, that have been unclaimed by the owner for more than 3 years from the date on which the lease or rental period expired. A safe-deposit box for which no rent is charged or which is provided to the user because of a specific amount deposited with a ~~banking or financial organization or~~ business association is presumed abandoned at the same time as the account for which it was given.

Sec. 26. (Deleted by amendment.)

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

120A.190 1. Any stock or other intangible interest, or any dividend, profit, distribution, interest, payment on principal or other sum held or owing by a business association is presumed abandoned if ~~it~~ **it is unclaimed by the apparent owner** within 3 years after the **earlier of:**

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

(b) The date of the second mailing of a statement of account or other notification or communication that was returned as undeliverable or

after the holder discontinued mailings, notifications or communications to the apparent owner.

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

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

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

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

120A.200 All intangible personal property distributable in the course of a dissolution of a business association ~~{, banking organization or financial organization}~~ organized under the laws of or created in this state that is unclaimed by the owner within 1 year after the date for final distribution is presumed abandoned.

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

120A.210 All intangible personal property and any income or increment thereon held in a fiduciary capacity for the benefit of another person is presumed abandoned unless the owner has, within 3 years after it becomes payable or distributable, increased or decreased the principal, accepted payment of principal or income, corresponded in writing concerning the property or otherwise indicated an interest as evidenced by a memorandum on file with the fiduciary:

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

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

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

Sec. 30. (Deleted by amendment.)

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

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

2. The report must include:

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

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

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

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

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

3. If the person holding property presumed abandoned is a successor to other persons who previously held the property for the owner, or if the holder has changed his name while holding the property, he shall file with his report all prior known names and addresses of each holder of the property.

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

5. Verification of the report, if made by:

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

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

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

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

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

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

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

120A.270 Any ~~banking or financial organization or~~ business association which holds property for another, if it does not hold property presumed to be abandoned, shall file a report with the administrator, on or before November 1 of each 3-year period after November 1, 1999, which indicates that it is not a holder of any property presumed to be abandoned during that period. The reports of an insurance company under this section must be filed before May 1 of each year for the preceding calendar years.

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

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

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.

Sec. 37. NRS 120A.320 is hereby amended to read as follows:

120A.320 1. Except as otherwise provided in subsection 3 and NRS 120A.160, ~~{every}~~ a person who files a report under NRS 120A.250 shall, at the time of filing the report, pay or deliver to the ~~{division}~~ administrator all abandoned property specified in ~~{this}~~ the report.

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

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

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

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

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

120A.340 1. Upon the payment or delivery to ~~{if}~~ him of abandoned property, the ~~{division}~~ administrator shall assume custody of the property and is thereafter responsible for its safekeeping.

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

3. Any holder who has paid money to the ~~{division}~~ administrator pursuant to this chapter may make payment to any person appearing to the holder to be entitled thereto, and if the holder files with the ~~{division}~~ administrator proof of such payment and proof that the payee was entitled thereto, the ~~{division}~~ administrator shall forthwith reimburse the holder for the payment, without charge. ~~{Where}~~ If reimbursement is sought for a payment made on a negotiable instrument, ~~{(}~~ including a traveler's check or money order ~~{), the division}~~, the administrator shall reimburse the holder upon his filing proof that the instrument was presented to him and that payment was made thereon to a person who appeared to the holder to be entitled to payment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Reasonable service charges.

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

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

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

6. If there is an insufficient amount of money in the abandoned property trust fund to pay any cost or charge pursuant to subsection 4, the state board of examiners may, upon the application of the administrator, authorize a temporary transfer from the state general fund to the abandoned property trust fund of an amount necessary to pay those costs or charges. The administrator shall repay the amount of the transfer as soon as sufficient money is available in the abandoned property trust fund.

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

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

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

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

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

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

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

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

- (a) Before the date on which the property is reported to the ~~division~~ **administrator** pursuant to NRS 120A.250; or
- (b) Two years after the property has been paid or delivered to the ~~division.~~

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

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

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

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

2. To determine compliance with this chapter, the commissioner of financial institutions may examine the records of any banking organization

and any savings and loan association doing business within this state but not organized under the laws of or created in this state.

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

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

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

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

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

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

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

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

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

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

(b) The administrator so finds.

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

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

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

3. The clerk shall also at the time of issuing the license collect the additional sum of \$4 for the State of Nevada. The fees collected for the state must be paid over to the county treasurer by the county clerk on or before the ~~5th~~ **fifth** day of each month for the preceding calendar month,

and must be placed to the credit of the state general fund. The county treasurer shall remit quarterly all such fees deposited by the clerk to the state ~~treasurer~~ controller for credit to the state general fund.

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

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

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

Fine.....	Assessment
\$5 to \$49.....	\$15
50 to 59.....	30
60 to 69.....	35
70 to 79.....	40
80 to 89.....	45
90 to 99.....	50
100 to 199.....	60
200 to 299.....	70
300 to 399.....	80
400 to 499.....	90
500 to 1,000.....	105

2. The provisions of subsection 1 do not apply to:

- (a) An ordinance regulating metered parking; or
- (b) An ordinance which is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

3. The money collected for an administrative assessment must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment he has paid and the justice or judge shall not recalculate the administrative assessment.

4. If the justice or judge permits the fine and administrative assessment to be paid in installments, the payments must be first applied to the unpaid balance of the administrative assessment. The city treasurer shall distribute partially collected administrative assessments in accordance with the requirements of subsection 5. The county treasurer shall distribute partially collected administrative assessments in accordance with the requirements of subsection 6.

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

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

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

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

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

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

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

7. The money apportioned to a juvenile court, a justice's court or a municipal court pursuant to this section must be used, in addition to providing services to juvenile offenders in the juvenile court, to improve

the operations of the court, or to acquire appropriate advanced technology or the use of such technology, or both. Money used to improve the operations of the court may include expenditures for:

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

8. Of the total amount deposited in the state general fund pursuant to subsections 5 and 6, the state controller shall distribute the money received to the following public agencies in the following manner:

(a) Not less than 51 percent to the office of the court administrator for allocation as follows:

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

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

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

(4) Sixty percent of the amount distributed to the office of the court 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;
- (4) The fund for the compensation of victims of crime; and
- (5) The advisory council for prosecuting attorneys.

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.

Sec. 53. NRS 200.485 is hereby amended to read as follows:

200.485 1. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery that constitutes domestic violence pursuant to NRS 33.018:

(a) For the first offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur at a time when the person is not required to be at his place of employment or on a weekend.

(b) For the second offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

The person shall be further punished by a fine of not less than \$500, but not more than \$1,000.

(c) For the third and any subsequent offense within 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, the court shall:

(a) For the first offense within 7 years, require him to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his expense, in a

program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

(b) For the second offense within 7 years, require him to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

3. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

4. In addition to any other fine or penalty, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the state ~~treasurer~~ **controller** on or before the fifth day of each month for the preceding month for credit to the account for programs related to domestic violence established pursuant to NRS 228.460.

5. In addition to any other penalty, the court may require such a person to participate, at his expense, in a program of treatment for the abuse of alcohol or drugs that has been certified by the health division of the department of human resources.

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

7. As used in this section:

(a) “Battery” has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481; and

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

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

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

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

3. All money received pursuant to subsection 2 must be deposited with the state ~~treasurer~~ **controller** for credit to the graffiti reward fund. The

money in the fund must be used to pay a reward to a person who, in response to the offer of a reward, provides information which results in the identification, apprehension and conviction of a person who violates NRS 206.125 or 206.330.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) The costs to acquire land and developmental rights;
- (b) Related predevelopment expenses;
- (c) The costs to develop the land, including the payment of related rebates;
- (d) Contributions toward down payments made for the purchase of affordable housing; and
- (e) The creation of related trust funds.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. An advance must not be made from a stream system account that has been depleted until the advance is reimbursable from the proceeds of any assessments levied against the particular stream system or water district for which any claims are presented.

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

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

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

598.0975 1. Except as otherwise provided in subsection 1 of NRS 598.0999 and subsection ~~4~~ **3**, all fees, civil penalties and any other money collected pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive:

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

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

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

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

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

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

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

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

~~4.~~ The provisions of this section do not apply to:

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

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

Sec. 67. NRS 599B.260 is hereby amended to read as follows:

599B.260 1. Except as otherwise provided in subsection ~~1~~ **2**, all fees, civil penalties and any other money collected pursuant to this chapter in an action brought by the attorney general must be deposited in the state general fund and may only be used to defray the costs of:

(a) Administering and enforcing the provisions of this chapter.

(b) Enforcing the provisions of chapter 598 of NRS as they relate to the conduct of sellers and salesmen, whether or not the sellers and salesmen are registered pursuant to this chapter.

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

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

~~—(b) Submit the report to the director of the department of administration, the attorney general and the division.~~

~~3.~~ The provisions of this section do not apply to:

(a) Criminal fines imposed pursuant to the provisions of this chapter; or

(b) Restitution ordered in an action brought by the attorney general pursuant to the provisions of this chapter. Money collected for restitution ordered in such an action must be deposited ~~with the state treasurer~~ **by the attorney general** and credited to the appropriate account of the division or the attorney general for distribution to the person for whom the restitution was ordered.

Sec. 68. NRS 663.085 is hereby amended to read as follows:

663.085 1. If the rental due on a safe-deposit box has not been paid for 90 days, the lessor may send a notice by registered or certified mail to the last known address of the lessee stating that the safe-deposit box will be opened and its contents stored at the expense of the lessee unless payment of the rental is made within 30 days. If the rental is not paid within 30 days ~~from~~ **after** the mailing of the notice, the box may be opened in the presence of any officer of the lessor and a notary public. The contents must

be sealed in a package by the notary public, who shall write on the outside the name of the lessee and the date of the opening *of the box* in the presence of the officer. The notary public and the officer shall execute a certificate reciting the name of the lessee, the date of the opening of the box and a list of its contents. The certificate must be included in the package , and a copy of the certificate must be sent by registered or certified mail to the last known address of the lessee. If the contents of the safe-deposit box have been unclaimed by the owner for 3 years or less, the package must then be placed in the general vaults of the lessor at a rental not exceeding the rental previously charged for the box, until such time that the contents will have been unclaimed by the owner for more than 3 years, at which time the lessor shall deliver the package to the ~~{division}~~ *state treasurer in his capacity as the administrator* of unclaimed property ~~{of the department of business and industry}~~ pursuant to the provisions of chapter 120A of NRS.

2. If the contents of a safe-deposit box that has been opened pursuant to subsection 1 have been unclaimed by the owner for more than 3 years, the lessor shall deliver the package to the ~~{division}~~ *state treasurer in his capacity as the administrator* of unclaimed property ~~{of the department of business and industry}~~ pursuant to the provisions of chapter 120A of NRS.

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

673.373 1. If the rental due on a safe-deposit box has not been paid for 90 days, the lessor may send a notice by registered or certified mail to the last known address of the lessee stating that the safe-deposit box will be opened and its contents stored at the expense of the lessee unless payment of the rental is made within 30 days. If the rental is not paid within 30 days ~~{from}~~ *after* the mailing of the notice, the box may be opened in the presence of any officer of the lessor and a notary public. The contents must be sealed in a package by the notary public, who shall write on the outside the name of the lessee and the date of the opening *of the box* in the presence of the officer. The notary public and the officer shall execute a certificate reciting the name of the lessee, the date of the opening of the box and a list of its contents. The certificate must be included in the package , and a copy of the certificate must be sent by registered or certified mail to the last known address of the lessee. If the contents of the safe-deposit box have been unclaimed by the owner for 3 years or less, the package must then be placed in the general vaults of the lessor at a rental not exceeding the rental previously charged for the box, until such time that the contents will have been unclaimed by the owner for more than 3 years, at which time the lessor shall deliver the package to the ~~{division}~~ *state treasurer in his capacity as the administrator* of unclaimed property ~~{of the department of business and industry}~~ pursuant to the provisions of chapter 120A of NRS.

2. If the contents of a safe-deposit box that has been opened pursuant to subsection 1 have been unclaimed by the owner for more than 3 years, the lessor shall deliver the package to the ~~{division}~~ *state treasurer in his capacity as the administrator* of unclaimed property ~~{of the department of business and industry}~~ pursuant to the provisions of chapter 120A of NRS.

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

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

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

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

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

5. Any balance remaining in the fund does not revert to the state general fund. The administrator may transfer to the aging services division of the department of human resources any balance over \$200,000 and any interest earned on the fund, within the limits of legislative authorization for each fiscal year, to subsidize transportation for the elderly and the permanently handicapped in taxicabs. The money transferred to the aging services division must be administered in accordance with regulations adopted by the administrator of the aging services division pursuant to NRS 427A.070.

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

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

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

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

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

Sec. 71.1. Section 3 of Assembly Bill No. 227 of this session is hereby amended to read as follows:

Sec. 3. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the secretary of state receives information that a person or entity that is subject to the provisions of NRS 294A.120, 294A.140, 294A.150, 294A.180, 294A.200, 294A.210, 294A.220, **294A.230**, 294A.270, 294A.280 or 294A.360 has not filed a report **or form for registration** pursuant to the applicable provisions of those sections, the secretary of state may, after giving notice to that person or entity, cause the appropriate proceedings to be instituted in the first judicial district court.

2. Except as otherwise provided in this section, a person or entity that violates an applicable provision of NRS 294A.112, 294A.120, 294A.130, 294A.140, 294A.150, 294A.160, 294A.170, 294A.180, 294A.200, 294A.210, 294A.220, **294A.230**, 294A.270, 294A.280, 294A.300, 294A.310, 294A.320 or 294A.360 is subject to a civil penalty of not more than \$5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the secretary of state in the first judicial district court and deposited by the secretary of state for credit to the state general fund in the bank designated by the state treasurer.

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

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

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

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

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

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

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

Sec. 71.3. Section 25 of Assembly Bill No. 638 of this session is hereby amended to read as follows:

Sec. 25. NRS 281.581 is hereby amended to read as follows:

281.581 1. A candidate **for public office** or public ~~for judicial~~ officer who fails to file his statement of financial disclosure in a timely manner pursuant to NRS 281.561 is subject to a civil penalty and payment of court costs and attorney's fees. Except as otherwise provided in subsection 3, the amount of the civil penalty is:

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

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

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

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

3. The civil penalty imposed for a violation of this section must not exceed the annual compensation for the office for which the statement was filed.

4. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the commission in a court of competent jurisdiction and deposited by the commission in the account for credit to the state general fund in the bank designated by the state treasurer.

5. If the commission waives a civil penalty pursuant to subsection 2, the commission shall:

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

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

Sec. 71.5. Section 27 of Assembly Bill No. 638 of this session is hereby amended to read as follows:

Sec. 27. ~~Section~~ **Sections 20 and 25** of this act ~~becomes~~ **become** effective at 12:01 a.m. on October 1, 2001.

Sec. 71.7. Section 1 of Senate Bill No. 87 of this session is hereby amended to read as follows:

Section 1. NRS 200.485 is hereby amended to read as follows:

200.485 1. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery that constitutes domestic violence pursuant to NRS 33.018:

(a) For the first offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur at a time when the person is not required to be at his place of employment or on a weekend.

(b) For the second offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

The person shall be further punished by a fine of not less than \$500, but not more than \$1,000.

(c) For the third and any subsequent offense within 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, the court shall:

(a) For the first offense within 7 years, require him to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

(b) For the second offense within 7 years, require him to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

3. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

4. In addition to any other fine or penalty, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the state controller on or before the fifth day of each month for the preceding month for credit to the account for programs related to domestic violence established pursuant to NRS 228.460.

5. In addition to any other penalty, the court may require such a person to participate, at his expense, in a program of treatment for the abuse of alcohol or drugs that has been certified by the health division of the department of human resources.

6. *If it appears from information presented to the court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence pursuant to NRS 33.018, the court may refer the child to an agency which provides protective services. If the court refers a child to an agency which provides protective services, the court shall require the person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 to reimburse the agency for the costs of any services provided, to the extent of his ability to pay.*

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

~~7.1~~ 8. As used in this section:

(a) *“Agency which provides protective services” has the meaning ascribed to it in NRS 432B.030.*

(b) “Battery” has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481. ~~1; and~~

~~—(b)1~~ (c) “Offense” includes a battery which constitutes domestic violence pursuant to NRS 33.018 or a violation of the law of any other jurisdiction that prohibits the same or similar conduct.

Sec. 71.9. Section 7 of Senate Bill No. 466 of this session is hereby amended to read as follows:

Sec. 7. NRS 281.581 is hereby amended to read as follows:

281.581 1. A candidate or public or judicial officer who fails to file his statement of financial disclosure in a timely manner pursuant to NRS 281.561 is subject to a civil penalty and payment of court costs and attorney’s fees. ~~1; The~~ *Except as otherwise provided in subsection 3, the* amount of the civil penalty is:

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

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

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

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

3. *The civil penalty imposed for a violation of this section must not exceed the annual compensation for the office for which the statement was filed.*

4. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the commission in a court of competent jurisdiction and deposited by the commission in the account for credit to the state general fund in the bank designated by the state treasurer.

~~4.1~~ 5. If the commission waives a civil penalty pursuant to subsection 2, the commission shall:

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

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

Sec. 72. NRS 120A.050 is hereby repealed.

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

2. Sections 1, 2, 5, 6, 7, 11, 12, 13, 49, 51 to 67, inclusive, and 70 to 71.9, inclusive, of this act become effective on July 1, 2001.

3. Section 10 of this act becomes effective at 12:01 a.m. on July 1, 2001.

4. Section 50 of this act becomes effective at 12:02 a.m. on July 1, 2001.

Sec. 74. The legislative counsel shall:

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

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