

ASSEMBLY BILL NO. 220—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE SECRETARY OF STATE)

FEBRUARY 28, 2007

Referred to Committee on Government Affairs

SUMMARY—Revises certain duties of the Secretary of State.
(BDR 18-545)

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

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the Secretary of State; revising certain duties of the Secretary of State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill changes the date by which the Secretary of State is required to prepare and submit to the Governor a biennial report pertaining to the expenditures, receipts and general business of the Office of the Secretary of State from August 1 to September 15 of an even-numbered year. (NRS 225.120)

Under existing law, the Secretary of State, if practicable, is required to refund payments made to the Secretary of State that exceed the amount owed by \$15 or more. The Secretary of State is required to deposit any such excess payments that have not been refunded with the State Treasurer for credit to the State General Fund. (NRS 225.155) **Section 2** of this bill requires the Secretary of State to retain such an excess payment for 12 months after the date of receipt of the payment while he is attempting to refund the payment before depositing the excess payment with the State Treasurer. This period for retention of excess payments is consistent with the 1-year period in existing law within which a person may make a claim for a refund of money deposited in the State Treasury or paid to a state agency or officer unless the payment was made under protest or an applicable statute prescribes a different period. (NRS 353.115) As a result of the imposition of the 12-month retention period by the Secretary of State of excess payments, **section 2** also removes the right of a person who does not receive a refund of an excess payment to make a claim for a refund directly to the State Board of Examiners within 30 days after the date of the payment.



* A B 2 2 0 *

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

Section 1. NRS 225.120 is hereby amended to read as follows:
225.120 On or before ~~{August 1, 1954, and in every second~~
~~year thereafter.}~~ *September 15 of each even-numbered year,* the
Secretary of State shall prepare and render a biennial report to the
Governor. ~~{There shall be included in the report.}~~ *The report must*
include:

1. An exhibit showing in detail all expenditures made by ~~{him}~~
the Secretary of State or under ~~{his direction.}~~

~~—2. All moneys}~~ *the direction of the Secretary of State during*
the biennium ending June 30 of that even-numbered year;

2. *An accounting of all money* received by ~~{him}~~ *the*
Secretary of State from whatever source, and the disposition made
of the ~~{same.}~~ *money during that biennium; and*

3. All matters relating to the general business of the Office of
the Secretary of State during ~~{the period embraced in the report.}~~
that biennium.

Sec. 2. NRS 225.155 is hereby amended to read as follows:

225.155 1. If any money is paid to the Secretary of State
which exceeds by less than \$15 the amount required by law to be
paid, the Secretary of State shall deposit the excess payment with
the State Treasurer for credit to the State General Fund.

2. If a payment exceeds the amount required by law to be paid
by \$15 or more, the Secretary of State shall, if practicable, refund
the excess. If the Secretary of State cannot make the refund ~~{, he}~~
within 12 months after the date on which the excess payment was
received, the Secretary of State shall deposit the excess payment
with the State Treasurer for credit to the State General Fund.

~~{3. Any person who claims a refund of an excess payment~~
~~which is not refunded pursuant to subsection 2 must, within 30 days~~
~~after the date of the payment, make a claim for a refund to the State~~
~~Board of Examiners.}~~

