

ASSEMBLY BILL NO. 87—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE STATE CONTROLLER)

PREFILED DECEMBER 15, 2008

Referred to Committee on Government Affairs

SUMMARY—Revises provisions concerning the collection of debts owed to the State. (BDR 31-494)

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

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

AN ACT relating to state administration; revising the provisions governing the collection of certain debts owed to state agencies; revising certain provisions relating to the applicability of certain statutes of limitation to actions brought by or on behalf of the State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides that, unless a specific statute provides for the collection
2 of a debt owed to an agency of the Executive Branch of State Government, the
3 collection of the debt is governed by the provisions of chapter 353C of NRS. (NRS
4 353C.090) Under existing law, an agency may engage in its own collection efforts
5 using the procedures and remedies established by chapter 353C of NRS or the
6 agency may request the State Controller to act as its collection agent for that
7 purpose. (NRS 353C.195) **Section 17** of this bill requires the State Controller to act
8 as the collection agent for all agencies that do not have specific statutes concerning
9 their debt collection. Accordingly, **section 17** also requires all such agencies to
10 assign their debts to the State Controller for collection within 60 days after the debt
11 becomes past due unless the debtor requests an administrative hearing to contest the
12 existence or amount of the debt. Finally, **section 17** requires an agency to pay a fee
13 of \$10 to the State Controller for each debt assigned to him for collection. (NRS
14 353C.195) **Section 11** of this bill increases the amount of reimbursement allowed
15 for the costs and fees actually incurred to collect the debt not to exceed 35 percent
16 of the debt or \$50,000, whichever is less. **Sections 10, 12, 13, 15 and 18-20** of this
17 bill make technical changes to substitute the State Controller as the person
18 authorized to undertake the collection of debts owed to an agency using the
19 procedures and remedies provided under existing law. (NRS 353C.130, 353C.140,
20 353C.150, 353C.180, 353C.200, 353C.210, 353C.220)



* A B 8 7 *

Sections 2-6 of this bill establish new procedures, rights and remedies in connection with the collection of debts owed to agencies. **Section 2** authorizes an agency to refuse to conduct business with a person who has an unpaid debt to the State and also authorizes the State Controller to refuse to make a payment to such a debtor. **Section 3** requires an agency, before assigning a debt to the State Controller, to send a certified letter to the debtor notifying him that his debt will be turned over to the State Controller for collection unless the debtor pays the debt in full or requests an administrative hearing to contest the existence or amount of the debt. **Section 4** authorizes the State Controller to appoint a private debt collector or other person as his agent to obtain a summary judgment against a debtor and to record that judgment or to file a certificate of liability with a county recorder. **Section 5** authorizes the State Controller, with the approval of the agency to which the debt is owed, to accept the payment of a portion of a debt as satisfaction of the full amount of the debt if the State Controller believes that doing so is likely to generate more net revenue for the State than continuing his efforts to collect the full amount of the debt. **Section 6** authorizes the State Controller to sell a debt that is no longer collectible in a suit by the Attorney General because of the expiration of the statute of limitations applicable to such a suit.

Section 7 of this bill requires the State Controller to transfer to an agency any money collected by the State Controller on behalf of the agency minus any costs incurred or fees paid by the State Controller to collect the debt and any interest paid by a debtor under an agreement with the State Controller for the payment of the debt on an installment basis.

Existing law includes chapter 11 of NRS which contains most of the statutes that limit the amount of time following the accrual of a cause of action during which a civil action may be filed. These statutes are commonly referred to as statutes of limitation. Existing law also provides that the same statutes of limitation that apply to actions brought by private individuals also apply to actions brought on behalf of the State, other than actions for the recovery of real property. **Section 21** of this bill reverses the provisions governing the statutes of limitation for causes of actions brought in the name of the State or for the benefit of the State to provide that none of the provisions of chapter 11 of NRS concerning statutes of limitation apply to actions brought by or on behalf of the State, other than actions for the recovery of real property. (NRS 11.255)

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

Section 1. Chapter 353C of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. 1. *Except as otherwise provided in this section, an agency may refuse to conduct a transaction with, and the State Controller may refuse to draw his warrant in favor of, a person who owes a debt to an agency until the debt is paid or the debtor enters into an agreement, pursuant to NRS 353C.130, for the payment of the debt on an installment basis.*

2. *An agency may not refuse to conduct a transaction with, and the State Controller may not refuse to draw his warrant in favor of, a debtor if:*



1 (a) *The refusal violates or is prohibited by a state or federal*
2 *law or court order;*

3 (b) *The refusal violates a term or condition of a grant, contract*
4 *or other agreement that the agency administers or to which the*
5 *agency is a party; or*

6 (c) *The State Controller determines that the refusal is*
7 *inequitable.*

8 **Sec. 3.** 1. *Except as otherwise provided in this section, an*
9 *agency must, before assigning a debt to the State Controller*
10 *pursuant to NRS 353C.195, notify the debtor that his debt will be*
11 *assigned to the State Controller for collection unless the debtor:*

12 (a) *Pays the debt in full; or*

13 (b) *Requests an administrative hearing, pursuant to this*
14 *section, to contest the existence or amount of the debt.*

15 2. *The notice must be sent by certified mail to the last known*
16 *address of the debtor and must identify the agency to which the*
17 *debt is owed, the amount of the debt and the date on which the*
18 *debt will be turned over to the State Controller for collection.*

19 3. *The State Controller may, at the request of an agency,*
20 *prepare and send to a debtor on behalf of the agency the notice*
21 *required by this section.*

22 4. *A debtor who receives a notice pursuant to this section is*
23 *entitled to an administrative hearing to contest the existence or*
24 *amount of the debt. Each agency, or the State Controller on behalf*
25 *of the agency, may adopt such regulations as are necessary to*
26 *provide an administrative hearing for the purposes of this*
27 *subsection.*

28 **Sec. 4.** 1. *If an agency has assigned a debt to the State*
29 *Controller for collection pursuant to NRS 353C.195, the State*
30 *Controller may:*

31 (a) *Appoint a private debt collector or any other person as his*
32 *agent to:*

33 (1) *File an application for the entry of summary judgment*
34 *against the debtor pursuant to NRS 353C.150; or*

35 (2) *Record a certificate of liability against the debtor in the*
36 *office of a county recorder pursuant to NRS 353C.180; and*

37 (b) *Authorize his agent to incur any reasonable costs,*
38 *including, without limitation, attorney's fees, that are necessary to*
39 *carry out his duties pursuant to the appointment.*

40 2. *The State Controller must, before he appoints an agent*
41 *pursuant to this section, determine that making the appointment is*
42 *likely to generate more net revenue for the State than other*
43 *methods available to the State Controller to collect the debt.*

44 **Sec. 5.** *Unless prohibited by a specific statute, the State*
45 *Controller may enter into an agreement with a debtor to accept the*



1 *payment of a portion of the debt in full satisfaction of the debt,*
2 *including any penalty and interest, if:*

3 1. *The State Controller determines that accepting the agreed*
4 *upon amount is likely to generate more net revenue for the State*
5 *than continuing efforts to collect the full amount of the debt; and*

6 2. *The agency to which the debt is owed approves.*

7 **Sec. 6.** *If the period of limitation for the collection of a debt*
8 *set forth in NRS 353C.140 has expired, the State Controller may,*
9 *in lieu of requesting the State Board of Examiners to designate the*
10 *debt as a bad debt pursuant to NRS 353C.220, sell the debt to any*
11 *person.*

12 **Sec. 7.** *If the State Controller collects any money from a*
13 *debtor or receives any money from a private debt collector or other*
14 *person to whom the State Controller has assigned the collection of*
15 *a debt, the State Controller shall transfer the money to the agency*
16 *to which the debt is owed minus the amount of:*

17 1. *Any costs incurred or fees paid by the State Controller to*
18 *collect the debt.*

19 2. *Any interest on the debt collected by the State Controller*
20 *under the terms of an agreement with the debtor, pursuant to NRS*
21 *353C.130, for the payment of the debt on an installment basis.*

22 **Sec. 8.** NRS 353C.110 is hereby amended to read as follows:

23 353C.110 The ~~[Director of the Department of Administration~~
24 ~~and the Attorney General may jointly]~~ *State Controller may* adopt
25 such regulations as are necessary to carry out the provisions of this
26 chapter.

27 **Sec. 9.** NRS 353C.120 is hereby amended to read as follows:

28 353C.120 1. Each agency shall submit to the State Controller
29 periodic reports of the debts owed to the agency. The State
30 Controller shall maintain the reports . ~~[to the extent that resources~~
31 ~~are available. The Director of the Department of Administration~~
32 ~~and]~~ *The State Controller and* the Attorney General shall jointly
33 prescribe the time, form and manner of the reports.

34 2. Except to the extent that the information on the reports is
35 declared to be confidential by a specific statute of this State or
36 federal law, the State Controller shall make the reports available for
37 public inspection and may, without charge, make available for
38 access on the Internet or its successor, if any, the information
39 contained in the reports.

40 **Sec. 10.** NRS 353C.130 is hereby amended to read as follows:

41 353C.130 ~~[An agency]~~ *The State Controller* may enter into an
42 agreement with a debtor which provides for the payment of a debt
43 owed by the debtor to ~~[the]~~ *an* agency on an installment basis over a
44 12-month or lesser period. Upon good cause shown by the debtor,



1 the ~~{agency}~~ *State Controller* may extend the period during which
2 installment payments will be made for more than a 12-month period.

3 **Sec. 11.** NRS 353C.135 is hereby amended to read as follows:

4 353C.135 Except as otherwise provided by specific statute, a
5 person who owes a debt of more than \$200 pursuant to this chapter
6 shall, in addition to the debt, pay as reimbursement for the costs and
7 fees actually incurred to collect the debt an amount not to exceed
8 ~~{25}~~ 35 percent of the amount of the debt or ~~{25,000,}~~ \$50,000,
9 whichever is less. Any prejudgment or postjudgment interest on the
10 debt authorized by law must not be included in the calculation of the
11 costs and fees actually incurred to collect the debt.

12 **Sec. 12.** NRS 353C.140 is hereby amended to read as follows:

13 353C.140 If a person has not paid a debt that the person owes
14 to an agency, the Attorney General, upon the request of the
15 ~~{agency}~~ *State Controller*:

16 1. Except as otherwise provided in this section, shall bring an
17 action in a court of competent jurisdiction; or

18 2. If the action is a small claim subject to chapter 73 of NRS,
19 may bring an action in a court of competent jurisdiction,

20 ➔ on behalf of this State ~~{and the agency}~~ to collect the debt, plus
21 any applicable penalties and interest. The action must be brought not
22 later than 4 years after the date on which the debt became due or
23 within 5 years after the date on which a certificate of liability was
24 last recorded pursuant to NRS 353C.180, as appropriate.

25 **Sec. 13.** NRS 353C.150 is hereby amended to read as follows:

26 353C.150 1. In addition to any other remedy provided for in
27 this chapter, if a person who owes a debt to an agency:

28 (a) Fails to pay the debt when it is due, or fails to pay an agreed
29 upon amount in satisfaction of the debt; or

30 (b) Defaults on a written or other agreement ~~{with an agency}~~
31 relating to the payment of the debt,

32 ➔ the ~~{agency}~~ *State Controller* may, within 4 years after the date
33 on which the debt became due or the date on which the debtor
34 defaulted, as appropriate, file with the office of the clerk of a court
35 of competent jurisdiction an application for the entry of summary
36 judgment against the debtor for the amount due.

37 2. ~~{An agency that intends to file an application for the entry of~~
38 ~~summary judgment pursuant to this section}~~ *The State Controller*
39 shall, not less than 15 days before the date on which ~~{the agency}~~ *he*
40 intends to file the application, notify the debtor of ~~{its}~~ *his* intention
41 to file the application. The notification must be sent by certified
42 mail to the last known address of the debtor and must include the
43 name of the agency ~~{}~~ *to which the debt is owed*, the amount sought
44 to be recovered and the date on which the application will be filed
45 with the court.



3. An application for the entry of summary judgment must:

(a) Be accompanied by a certificate that specifies:

(1) The amount of the debt, including any interest and penalties due;

(2) The name and address of the debtor, as the name and address of the debtor appear on the records of the ~~[agency:]~~ *State Controller*;

(3) The basis for the determination ~~[by the agency]~~ of the amount due; and

(4) That the ~~[agency]~~ *State Controller* has complied with the applicable provisions of law relating to the determination of the amount required to be paid; and

(b) Include:

(1) A request that judgment be entered against the debtor for the amount specified in the certificate; and

(2) Evidence that the debtor was notified of the application for the entry of summary judgment in accordance with subsection 2.

Sec. 14. NRS 353C.160 is hereby amended to read as follows:

353C.160 The court clerk, upon the filing of an application for the entry of summary judgment which complies with the requirements set forth in NRS 353C.150, shall forthwith enter a judgment ~~[for the agency]~~ against the debtor in the amount of the debt, plus any penalties and interest, as set forth in the certificate. The ~~[agency]~~ *State Controller* shall serve a copy of the judgment, together with a copy of the application and the certificate, upon the debtor against whom the judgment is entered, either by personal service or by mailing a copy to the last known address of the debtor ~~. [as it appears in the records of the agency.]~~

Sec. 15. NRS 353C.180 is hereby amended to read as follows:

353C.180 1. In addition to any other remedy provided for in this chapter, ~~[an agency]~~ *the State Controller* may, within 4 years after the date that a debt becomes due, record a certificate of liability in the office of a county recorder which states:

(a) The amount of the debt, together with any interest or penalties due thereon;

(b) The name and address of the debtor, as the name and address of the debtor appear on the records of the ~~[agency:]~~ *State Controller*;

(c) That the ~~[agency]~~ *State Controller* has complied with all procedures required by law for determining the amount of the debt; and

(d) That the ~~[agency]~~ *State Controller* has notified the debtor in accordance with subsection 2.

2. ~~[An agency that intends to file a certificate of liability pursuant to this section]~~ *The State Controller* shall, not less than



1 15 days before the date on which ~~the agency~~ *he* intends to file the
2 certificate, notify the debtor of ~~its~~ *his* intention to file the
3 certificate. The notification must be sent by certified mail to the last
4 known address of the debtor and must include the name of the
5 agency ~~to which the debt is owed~~, the amount sought to be
6 recovered and the date on which the certificate will be filed with the
7 county recorder.

8 3. From the time of the recording of the certificate, the amount
9 of the debt, including interest which accrues on the debt after the
10 recording of the certificate, constitutes a lien upon all real and
11 personal property situated in the county in which the certificate was
12 recorded that is owned by the debtor or acquired by the debtor
13 afterwards and before the lien expires. The lien has the force, effect
14 and priority of a judgment lien on all real and personal property
15 situated in the county in which the certificate was recorded and
16 continues for 5 years after the date of recording unless sooner
17 released or otherwise discharged.

18 4. Within 5 years after the date of the recording of the
19 certificate or within 5 years after the date of the last extension of the
20 lien pursuant to this subsection, the lien may be extended by
21 recording a new certificate in the office of the county recorder.
22 From the date of recording, the lien is extended for 5 years to all real
23 and personal property situated in the county that is owned by the
24 debtor or acquired by the debtor afterwards, unless the lien is sooner
25 released or otherwise discharged.

26 **Sec. 16.** NRS 353C.190 is hereby amended to read as follows:

27 353C.190 1. The State Controller may ~~to the extent that~~
28 ~~resources are available,~~ offset any amount due an agency from a
29 debtor against any amount owing to that debtor by any agency,
30 regardless of whether the agency which owes the amount is the
31 same agency to which the debtor owes the debt. Whenever the
32 combined amount owing to a debtor by all agencies is insufficient to
33 offset all the amounts due the agencies from the debtor, the State
34 Controller shall allocate the amount available from the debtor
35 among the agencies in such a manner as the State Controller
36 determines is appropriate.

37 2. If a debtor who owes a debt to an agency has a claim against
38 that agency or another agency and refuses or neglects to file his
39 claim with the agency within a reasonable time, the ~~head of the~~
40 ~~agency to which the debtor owes the debt~~ *State Controller* may file
41 the claim on behalf of the debtor. If the State Controller ~~approves~~
42 *files* the claim, it has the same force and effect as though filed by the
43 debtor. The amount due the debtor from the agency is the net
44 amount otherwise owing to the debtor after any offset as provided in
45 this section.



3. The State Controller shall adopt such regulations as are necessary to carry out the provisions of this section, including, without limitation, the manner in which offsets will be allocated among agencies.

Sec. 17. NRS 353C.195 is hereby amended to read as follows:

353C.195 *Except as otherwise provided by a specific statute:*

1. The State Controller ~~[may, if requested by any state agency,]~~ *shall* act as the collection agent for ~~[that]~~ *each* agency.

2. ~~[If the State Controller acts as the collection agent for an agency, the agency may]~~ *An agency shall* coordinate all its debt collection efforts through the State Controller ~~[,]~~ *, including, without limitation, requesting the State Controller to prepare and send to a debtor the notice required pursuant to section 3 of this act.*

3. *An agency shall assign a debt to the State Controller for collection not later than:*

(a) *Sixty days after the debt becomes past due; or*

(b) *If the debtor has requested an administrative hearing pursuant to section 3 of this act to contest the existence or amount of the debt and has obtained the final decision of the agency, 10 days after the exhaustion of any administrative remedies provided pursuant to chapter 233B of NRS.*

4. *The State Controller shall charge and collect from an agency a fee of \$10 for each debt assigned to him by the agency for collection.*

Sec. 18. NRS 353C.200 is hereby amended to read as follows:

353C.200 1. Except as otherwise provided in subsection 2, *if* an agency *has assigned a debt to the State Controller for collection pursuant to NRS 353C.195, the State Controller* may enter into a contract with a private debt collector or any other person for the assignment of the collection of ~~[a]~~ *the* debt if the ~~[agency:]~~ *State Controller:*

(a) Determines the assignment is likely to generate more net revenue than equivalent efforts by the ~~[agency:]~~ *State Controller* to collect the debt, including collection efforts pursuant to this chapter;

(b) Determines the assignment will not compromise future collections of state revenue; and

(c) Notifies the debtor in writing at his address of record that the debt will be turned over for private collection unless the ~~[debt is paid:]~~ *debtor:*

(1) *Pays the debt in full; or*

(2) *Enters into an agreement, pursuant to NRS 353C.130, for the payment of the debt on an installment basis.*



2. ~~{An agency shall not enter into a contract with a private debt collector or any other person for the assignment of the collection of a debt if the debt has been contested by the debtor.~~

~~—3.~~ A contract for the assignment of the collection of a debt may provide for:

(a) Payment by the ~~{agency}~~ *State Controller* to the private debt collector or other person of the costs of collection and fees for collecting the debt; or

(b) Collection by the private debt collector or other person from the debtor of the costs of collection and fees for collecting the debt.

~~{4.}~~ 3. Any contract entered into pursuant to this section is subject to approval by the ~~{Director of the Department of Administration and the State Controller.}~~ *Attorney General*.

Sec. 19. NRS 353C.210 is hereby amended to read as follows:

353C.210 1. Notwithstanding any specific statute to the contrary, ~~{an agency to which a debt is owed}~~ *the State Controller* may, in addition to any other remedy provided for in this chapter, give notice of the amount of ~~{the}~~ *a* debt *owed to this State* and a demand to transmit to any person, including, without limitation, any officer, agency or political subdivision of this State, who has in his possession or under his control any credits or other personal property belonging to the debtor ~~{}~~ or who owes any debts to the debtor that remain unpaid. The notice and demand to transmit must be delivered personally or by certified or registered mail:

(a) Not later than 4 years after the debt became due; or

(b) Not later than 6 years after the last recording of an abstract of judgment pursuant to NRS 353C.170 or a certificate of liability pursuant to NRS 353C.180.

2. If such notice is given to an officer or agency of this State, the notice must be delivered before the ~~{agency which sent the notice}~~ *State Controller* may file a claim ~~{with the State Controller}~~ pursuant to NRS 353C.190 on behalf of the debtor.

3. An agency that receives a notice and demand to transmit pursuant to this section may satisfy any debt owed to it by the debtor before it honors the notice and demand to transmit. If the agency is holding a bond or other property of the debtor as security for debts owed or that may become due and owing by the debtor, the agency is not required to transmit the amount of the bond or other property unless the agency determines that holding the bond or other property of the debtor as security is no longer required.

4. Except as otherwise provided by specific statute, a person who receives a demand to transmit pursuant to this section shall not thereafter transfer or otherwise dispose of the credits or other personal property of, or debts owed to, the person who is the subject



of the demand to transmit without the consent of the ~~{agency which sent the demand to transmit.}~~ *State Controller*.

5. Except as otherwise provided by specific statute, a person who receives ~~{from an agency}~~ a demand to transmit pursuant to this section shall, within 10 days thereafter, inform the ~~{agency}~~ *State Controller* of, and transmit to the ~~{agency}~~ *State Controller* within the time and in the manner requested by the ~~{agency.}~~ *State Controller*, all credits or other personal property in his possession or control that belong to, and all debts that he owes to, the person who is the subject of the demand to transmit. Except as otherwise provided in subsection 6, no further notice is required to be served on such persons.

6. Except as otherwise provided by specific statute, if the property of the debtor consists of a series of payments owed to him, the person who owes or controls the payments shall transmit the payments to the ~~{agency which sent the demand to transmit}~~ *State Controller* until otherwise notified by the ~~{agency.}~~ *State Controller*. If the debt of the debtor is not paid within 1 year after the date on which the ~~{agency}~~ *State Controller* issued the original demand to transmit, the ~~{agency}~~ *State Controller* shall:

(a) Issue another demand to transmit to the person responsible for making the payments that informs him to continue transmitting payments to the ~~{agency.}~~ *State Controller*; or

(b) Notify the person that his duty to transmit the payments to the ~~{agency}~~ *State Controller* has ceased.

7. If the notice and demand to transmit is intended to prevent the transfer or other disposition of a deposit in a bank or other depository institution, or of any other credit or personal property in the possession or under the control of the bank or depository institution, the notice must be delivered or mailed to any branch or office of the bank or depository institution at which the deposit is carried or the credit or personal property is held.

8. If any person to whom ~~{an agency}~~ *the State Controller* delivers a notice and demand to transmit transfers or otherwise disposes of any property or debts required by this chapter to be transmitted to the ~~{agency.}~~ *State Controller*, the person is, to the extent of the value of the property or the amount of the debts so transferred or disposed of, liable to the ~~{agency}~~ *State Controller* for any portion of the debt that the ~~{agency}~~ *State Controller* is unable to collect from the debtor solely by reason of the transfer or other disposition of the property or debt.

9. A debtor who owes a debt to an agency *for which the State Controller* delivers a notice and demand to transmit concerning the debtor pursuant to this section is entitled to an administrative hearing before that agency to challenge the collection of the debt



1 pursuant to the demand to transmit. Each agency may adopt such
2 regulations as are necessary to provide an administrative hearing for
3 the purposes of this subsection.

4 **Sec. 20.** NRS 353C.220 is hereby amended to read as follows:

5 353C.220 1. If ~~[an agency]~~ *the State Controller* determines
6 that it is impossible or impractical to collect a debt, ~~[the agency]~~ *he*
7 may request the State Board of Examiners to designate the debt as a
8 bad debt. The State Board of Examiners, by an affirmative vote of
9 the majority of the members of the Board, may designate the debt as
10 a bad debt if the Board is satisfied that the collection of the debt is
11 impossible or impractical. If the debt is not more than \$50, the State
12 Board of Examiners may delegate to its Clerk the authority to
13 designate the debt as a bad debt. ~~[An agency that is aggrieved by]~~
14 *The State Controller may appeal* a denial of a request to designate
15 the debt as a bad debt by the Clerk ~~[may appeal that denial]~~ to the
16 State Board of Examiners.

17 2. Upon the designation of a debt as a bad debt pursuant to this
18 section, the State Board of Examiners or its Clerk shall immediately
19 notify the State Controller thereof. Upon receiving the notification,
20 the State Controller shall direct the removal of the debt from the
21 books of account of the State of Nevada. A bad debt that is removed
22 pursuant to this section remains a legal and binding obligation owed
23 by the debtor to the State of Nevada.

24 3. ~~[If resources are available, the]~~ *The* State Controller shall
25 keep a master file of all debts that are designated as bad debts
26 pursuant to this section. ~~[If such a file is established and maintained,~~
27 ~~for]~~ *For* each such debt, the State Controller shall record the name
28 of the debtor, the amount of the debt, the date on which the debt was
29 incurred and the date on which it was removed from the records and
30 books of account of ~~[the agency or]~~ the State of Nevada, and any
31 other information concerning the debt that the State Controller
32 determines is necessary.

33 **Sec. 21.** NRS 11.255 is hereby amended to read as follows:

34 11.255 1. ~~[The]~~ *Except as otherwise provided in subsection*
35 *2, the* provisions of this chapter ~~[concerning actions other than for~~
36 ~~the recovery of real property shall]~~ *do not* apply to actions *which*
37 *accrue on or after the effective date of this act that are* brought in
38 the name of the State ~~[.]~~ or for the benefit of the State . ~~[, in the~~
39 ~~same manner as to actions by private individuals.]~~

40 2. ~~[Except as provided in]~~ *The provisions of* NRS 11.030 and
41 11.040 ~~[, there shall be no limitation of]~~ *apply* to actions brought in
42 the name of the State, or for the benefit of the State, for the recovery
43 of real property.

44 **Sec. 22.** A regulation jointly adopted by the Director of the
45 Department of Administration and the Attorney General pursuant to



1 NRS 353C.110 remains in effect until it is amended or repealed by
2 the State Controller pursuant to the amendatory provisions of this
3 act.

4 **Sec. 23.** This act becomes effective:

5 1. Upon passage and approval for the purpose of adopting
6 regulations and performing any other preparatory administrative
7 tasks that are necessary to carry out the provisions of this act; and

8 2. On July 1, 2009, for all other purposes.

