
ASSEMBLY BILL NO. 463—COMMITTEE ON WAYS AND MEANS

(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

MARCH 25, 2013

Referred to Committee on Ways and Means

SUMMARY—Revises provisions relating to stale claims and statutory contingency claims. (BDR 31-1123)

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 state financial administration; revising provisions relating to claims presented by a state agency to the State Board of Examiners after the date on which it is provided by law that money appropriated to that state agency for the previous fiscal year reverts to the fund from which it was appropriated; authorizing a person designated by the Clerk of the State Board of Examiners to carry out certain duties of the Clerk; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides that certain stale claims which are presented by a state
2 agency to the State Board of Examiners after the date on which it is provided by
3 law that money appropriated to the state agency for the previous fiscal year reverts
4 to the fund from which it was appropriated must be paid from the Stale Claims
5 Account in the State General Fund. A state agency is authorized to pay certain other
6 claims incurred in the previous fiscal year from the appropriate budget account in a
7 current fiscal year. (NRS 353.097) **Section 1** of this bill provides that a state agency
8 may pay a claim for payroll expenses incurred in the previous fiscal year from the
9 appropriate budget account in the current fiscal year.

10 **Sections 1 and 2** of this bill authorize a person designated by the Clerk of the
11 State Board of Examiners to perform certain duties of the Clerk.



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

1 **Section 1.** NRS 353.097 is hereby amended to read as follows:

2 353.097 1. As used in this section, “stale claim” means any
3 claim other than a claim for *payroll expenses, a claim for* medical
4 expenses submitted by a third-party administrator or a claim which
5 is \$100 or more, and which is presented by a state agency to the
6 State Board of Examiners after the date on which it is provided by
7 law that money appropriated to that state agency for the previous
8 fiscal year reverts to the fund from which appropriated.

9 2. There is hereby created a Stale Claims Account in the State
10 General Fund. Money for the Account must be provided by direct
11 legislative appropriation.

12 3. Upon the approval of a stale claim as provided in this
13 section, the claim must be paid from the Stale Claims Account.
14 Payments of stale claims for a state agency must not exceed the
15 amount of money reverted to the fund from which appropriated by
16 the state agency for the fiscal year in which the obligations
17 represented by the stale claims were incurred.

18 4. A stale claim must be approved for payment from the Stale
19 Claims Account by the State Board of Examiners, except that the
20 State Board of Examiners may authorize its Clerk ~~to~~ *or a person*
21 *designated by the Clerk*, under such circumstances as it deems
22 appropriate, to approve stale claims on behalf of the Board. A state
23 agency that is aggrieved by a determination of the Clerk *or the*
24 *person designated by the Clerk* to deny all or any part of a stale
25 claim may appeal that determination to the State Board of
26 Examiners.

27 5. A stale claim may be approved and paid at any time, despite
28 the age of the claim, if payable from available federal grants or from
29 a permanent fund in the State Treasury other than the State General
30 Fund.

31 6. A state agency may pay from the appropriate budget account
32 in the current fiscal year an obligation of the state agency which:

33 (a) Is:

34 (1) Less than \$100; ~~for~~

35 (2) For medical expenses pursuant to a claim from a third-
36 party administrator; *or*

37 (3) *For payroll expenses*; and

38 (b) Was incurred in the previous fiscal year but was not
39 submitted for payment until after the date on which it is provided by
40 law that money appropriated to that state agency for the previous
41 fiscal year reverts to the fund from which appropriated.



* A B 4 6 3 *

Sec. 2. NRS 353.264 is hereby amended to read as follows:

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 621.025, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 288.203, 293.253, 293.405, 353.120, 353.262, 412.154 and 475.235;

(b) The payment of claims which are obligations of the State pursuant to:

(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176A.640, 179.225 and 213.153, except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims; and

(d) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.

3. The State Board of Examiners may authorize its Clerk ~~H~~ *or a person designated by the Clerk*, under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners *or to the person designated by the Clerk* pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board ~~H~~ *or the person designated by the Clerk*.

Sec. 3. This act becomes effective upon passage and approval.

