

Amendment No. 583

Assembly Amendment to Assembly Bill No. 463

(BDR 31-1123)

Proposed by: Assembly Committee on Ways and Means**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

DLJ/EGO



Date: 5/18/2013

A.B. No. 463—Revises provisions relating to stale claims and statutory contingency claims. (BDR 31-1123)



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 the payment of stale 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:

Existing law provides that certain stale claims which are 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 the state agency for the previous fiscal year reverts to the fund from which it was appropriated must be paid from the Stale Claims Account in the State General Fund. A state agency is authorized to pay certain other claims incurred in the previous fiscal year from the appropriate budget account in a current fiscal year. (NRS 353.097) Section 1 of this bill clarifies the definition of "stale claim" to specifically refer to money authorized for expenditure, in addition to appropriated money, and makes similar conforming changes. Section 1 also provides that a state agency may pay a stale claim for payroll expenses incurred in the previous fiscal year from the appropriate budget account in the current fiscal year.

Sections 1 and 2 of this bill authorize a person designated by the Clerk of the State Board of Examiners to perform ~~certain~~ the duties of the Clerk, ~~which have been delegated to the Clerk by the Board of Examiners, to approve stale claims and claims from the Reserve for Statutory Contingency Account on behalf of the Board.~~

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

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

353.097 1. As used in this section, "stale claim" means any claim ~~together~~
~~than a claim for payroll expenses, a claim for medical expenses submitted by a~~
~~third party administrator or a claim which is \$100 or more, and~~ which is presented
by a state agency to the State Board of Examiners ;

(a) If the claim was eligible to be paid from money that was appropriated,
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 appropriated ~~it~~ ;

or
(b) If the claim was eligible to be paid from money that was authorized, after
the last day of the fiscal year in which that state agency was authorized to expend
the money.

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

3. Upon the approval of a stale claim ~~as provided in this section,~~ pursuant
to subsection 4, the claim must be paid from the Stale Claims Account. Payments
of such stale claims for a state agency must not exceed ~~that~~ ;

(a) If the claim was eligible to be paid from money that was appropriated, the
amount of money reverted to the fund from which appropriated by the state agency
for the fiscal year in which the obligations represented by the stale claims were
incurred ~~it~~ ; or

(b) If the claim was eligible to be paid from money that was authorized, the
balance on the last day of the fiscal year of money that the state agency was
authorized to expend during the fiscal year.

4. ~~It is~~ Except as otherwise provided in this section, a stale claim must be
approved for payment from the Stale Claims Account by the State Board of
Examiners ~~, except that the~~ The State Board of Examiners may authorize its
Clerk ~~or a person designated by the Clerk,~~ under such circumstances as it deems
appropriate, to approve stale claims on behalf of the Board. A state agency that is
aggrieved by a determination of the Clerk or the person designated by the Clerk to
deny all or any part of a stale claim may appeal that determination to the State
Board of Examiners.

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

6. A state agency may pay from the appropriate budget account in the current
fiscal year ~~an obligation~~ a stale claim of the state agency which ~~it~~ ;

~~(a) is:~~

~~(1) is:~~

(a) Less than \$100; ~~it~~

~~(2) (b) For medical expenses pursuant to a claim from a third-party~~
~~administrator; or~~

~~(3) (c) For payroll expenses. ~~it~~ and~~

~~(b) Was incurred in the previous fiscal year but was not submitted for payment~~
~~until 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~~
~~appropriated.~~

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

2 353.264 1. The Reserve for Statutory Contingency Account is hereby
3 created in the State General Fund.

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

6 (a) The payment of claims which are obligations of the State pursuant to NRS
7 41.03435, 41.0347, 621.025, 176.485, 179.310, 212.040, 212.050, 212.070,
8 281.174, 282.290, 282.315, 288.203, 293.253, 293.405, 353.120, 353.262, 412.154
9 and 475.235;

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

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

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

18 (c) The payment of claims which are obligations of the State pursuant to NRS
19 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance
20 Premiums is insufficient to pay the claims; and

21 (d) The payment of claims which are obligations of the State pursuant to NRS
22 535.030 arising from remedial actions taken by the State Engineer when the
23 condition of a dam becomes dangerous to the safety of life or property.

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

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