
ASSEMBLY BILL NO. 51—COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE OFFICE OF THE GOVERNOR)

PREFILED NOVEMBER 17, 2016

Referred to Committee on Government Affairs

SUMMARY—Revises provisions regarding the collection of debts owed to state agencies. (BDR 31-231)

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 collection of debts; transferring the authority and duties for the collection of debts owed to state agencies from the State Controller to the Director of the Office of Finance in the Office of the Governor; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the State Controller to act as the collection agent for each
2 state agency. (NRS 353C.195) Pursuant to that authority, the State Controller is
3 authorized to take certain actions, including, without limitation: (1) entering into an
4 agreement with a debtor which provides for installment payments of a debt; (2)
5 contracting with a private debt collector for the assignment of the collection of a
6 debt; and (3) requesting that a debt be designated by the State Board of Examiners
7 as a bad debt. (NRS 353C.130, 353C.200, 353C.220) This bill transfers authority
8 and the duties of the State Controller as the collection agent for each state agency to
9 the Director of the Office of Finance in the Office of the Governor.

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

1 **Section 1.** Chapter 353C of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.
3 **Sec. 2.** *“Director” means the Director of the Office of*
4 *Finance.*



1 **Sec. 3.** *“Office of Finance” means the Office of Finance*
2 *created by NRS 223.400 in the Office of the Governor.*

3 **Sec. 4.** NRS 353C.010 is hereby amended to read as follows:
4 353C.010 As used in this chapter, unless the context otherwise
5 requires, the words and terms defined in NRS 353C.020 to
6 353C.080, inclusive, *and sections 2 and 3 of this act* have the
7 meanings ascribed to them in those sections.

8 **Sec. 5.** NRS 353C.020 is hereby amended to read as follows:
9 353C.020 “Agency” means an agency, bureau, *office*, board,
10 commission, department or division of the Executive Department of
11 State Government.

12 **Sec. 6.** NRS 353C.090 is hereby amended to read as follows:
13 353C.090 Except as otherwise provided in NRS 353C.195, the
14 provisions of this chapter apply to an agency only to the extent that
15 no other specific statute exists which provides for the collection of
16 debts due the agency. To the extent that the provisions of this
17 chapter conflict with such a specific statute, the provisions of the
18 specific statute control until a debt is assigned to the ~~{State~~
19 ~~Controller}~~ *Office of Finance* for collection.

20 **Sec. 7.** NRS 353C.110 is hereby amended to read as follows:
21 353C.110 The ~~{State Controller}~~ *Director* may adopt such
22 regulations as are necessary to carry out the provisions of this
23 chapter.

24 **Sec. 8.** NRS 353C.115 is hereby amended to read as follows:
25 353C.115 1. ~~{The State Controller shall adopt regulations~~
26 ~~establishing a fee of \$25 that an}~~ *An* agency shall charge a ~~{person}~~
27 *fee of \$25* for each check or other method of payment that is
28 returned to the agency or otherwise dishonored upon presentation
29 for payment because the person had insufficient money or credit
30 with the drawee or financial institution to pay the check or other
31 method of payment, or because the person stopped payment on the
32 check or other method of payment.

33 2. Notwithstanding any specific statute or regulation to the
34 contrary, an agency may only charge and collect a fee for a check or
35 other method of payment returned to the agency or otherwise
36 dishonored upon presentation for payment because the person has
37 insufficient money or credit, or because the person stopped payment
38 on the check or other method of payment, in accordance with the
39 regulations adopted by the ~~{State Controller}~~ *Director* pursuant to
40 this section.

41 3. For the purposes of this section, “agency” does not include
42 the Department of Taxation, Nevada Gaming Commission or
43 Nevada Gaming Control Board.



1 **Sec. 9.** NRS 353C.130 is hereby amended to read as follows:

2 353C.130 *1.* The ~~{State-Controller}~~ *Director* may enter into
3 an agreement with a debtor which provides for the payment of a
4 debt owed by the debtor to an agency on an installment basis over a
5 12-month or lesser period. Upon good cause shown by the debtor,
6 the ~~{State-Controller}~~ *Director* may extend the period during which
7 installment payments will be made for more than a 12-month period.

8 *2. Upon entering into an agreement pursuant to subsection 1,*
9 *the Director shall notify the State Controller of the agreement for*
10 *the purposes of NRS 353C.128.*

11 **Sec. 10.** NRS 353C.133 is hereby amended to read as follows:

12 353C.133 Notwithstanding any specific statute to the contrary,
13 the ~~{State-Controller}~~ *Director* may enter into an agreement with a
14 debtor to accept the payment of a portion of the debt in full
15 satisfaction of the debt, including any penalty and interest, if:

16 1. The ~~{State-Controller}~~ *Director* determines that accepting
17 the agreed upon amount is likely to generate more net revenue for
18 the State than continuing efforts to collect the full amount of the
19 debt; and

20 2. The agency to which the debt is owed approves.

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

22 353C.135 *1.* Except as otherwise provided in subsection 2 or
23 by a specific statute, a person who owes a debt of more than \$300
24 pursuant to this chapter shall, in addition to the debt, pay:

25 (a) If the ~~{State-Controller}~~ *Director* has entered into a contract
26 pursuant to NRS 353C.200 with a private debt collector or any other
27 person for the assignment of the collection of the debt:

28 (1) A fee payable to the ~~{State-Controller}~~ *Office of Finance*
29 in the amount of 2 percent of the amount of the debt assigned to the
30 ~~{State-Controller}~~ *Office of Finance* for collection pursuant to
31 NRS 353C.195;

32 (2) The amount of the costs and fees established in the
33 contract; and

34 (3) Any additional costs and fees actually incurred to collect
35 the debt; or

36 (b) If the ~~{State-Controller}~~ *Director* has not assigned the
37 collection of the debt pursuant to NRS 353C.200:

38 (1) A fee payable to the ~~{State-Controller}~~ *Office of Finance*
39 in the amount of 2 percent of the amount of the debt assigned to the
40 ~~{State-Controller}~~ *Office of Finance* for collection pursuant to
41 NRS 353C.195.

42 (2) An amount payable to the ~~{State-Controller}~~ *Office of*
43 *Finance* for costs and fees which is equal to a percentage of the
44 amount of the debt recovered. The ~~{State-Controller}~~ *Director* shall
45 calculate the appropriate percentage pursuant to this subparagraph



1 that is applicable to the debt by reducing by 5 percentage points the
2 lowest such percentage established in any contract entered into by
3 the ~~State Controller~~ Director pursuant to NRS 353C.200 that was
4 effective at the time the debt was incurred.

5 (3) Any additional costs and fees actually incurred to collect
6 the debt.

7 2. The total amount of costs and fees required pursuant to
8 subsection 1 must not exceed 35 percent of the amount of the debt
9 or \$50,000, whichever is less. Any prejudgment or postjudgment
10 interest on the debt authorized by law must not be included in the
11 calculation of the 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 ~~State
15 Controller~~ Director:

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 to collect the debt, plus any applicable
21 penalties and interest. The action must be brought not later than 4
22 years after the date on which the debt became due or within 4 years
23 after the date on which a certificate of liability was last recorded
24 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 relating to the
31 payment of the debt,

32 ↪ the ~~State Controller~~ Director 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. The ~~State Controller~~ Director shall, not less than 15 days
38 before the date on which he or she intends to file the application,
39 notify the debtor of the ~~State Controller's~~ Director's intention to
40 file the application. The notification must be sent by certified mail
41 to the last known address of the debtor and must include the name of
42 the agency to which the debt is owed, the amount sought to be
43 recovered and the date on which the application will be filed with
44 the court.

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



- 1 (a) Be accompanied by a certificate that specifies:
2 (1) The amount of the debt, including any interest and
3 penalties due;
4 (2) The name and address of the debtor, as the name and
5 address of the debtor appear on the records of the ~~{State Controller,}~~
6 *Office of Finance*;
7 (3) The basis for the determination of the amount due; and
8 (4) That the ~~{State Controller has}~~ *Director and the Office of*
9 *Finance have* complied with the applicable provisions of law
10 relating to the determination of the amount required to be paid; and
11 (b) Include:
12 (1) A request that judgment be entered against the debtor for
13 the amount specified in the certificate; and
14 (2) Evidence that the debtor was notified of the application
15 for the entry of summary judgment in accordance with subsection 2.
16 **Sec. 14.** NRS 353C.160 is hereby amended to read as follows:
17 353C.160 The court clerk, upon the filing of an application for
18 the entry of summary judgment which complies with the
19 requirements set forth in NRS 353C.150, shall forthwith enter a
20 judgment against the debtor in the amount of the debt, plus any
21 penalties and interest, as set forth in the certificate. The ~~{State~~
22 ~~Controller}~~ *Director* shall serve a copy of the judgment, together
23 with a copy of the application and the certificate, upon the debtor
24 against whom the judgment is entered, either by personal service or
25 by mailing a copy to the last known address of the debtor.
26 **Sec. 15.** NRS 353C.171 is hereby amended to read as follows:
27 353C.171 1. If an agency or the ~~{State Controller}~~ *Director*
28 obtains a judgment against a person for a debt owed to an agency
29 that has been assigned to the ~~{State Controller}~~ *Office of Finance*
30 for collection pursuant to NRS 353C.195, the ~~{State Controller}~~
31 *Director* may, in addition to any other manner of executing the
32 judgment provided by law, require each employer of the person to
33 withhold income from the person's wages and pay it over to the
34 ~~{State Controller}~~ *Office of Finance* in accordance with the
35 provisions of NRS 353C.171 to 353C.179, inclusive.
36 2. Before the ~~{State Controller}~~ *Director* may require an
37 employer of a person to withhold income from the person's wages
38 and pay it over to the ~~{State Controller,}~~ *Office of Finance*, the
39 ~~{State Controller}~~ *Director* shall provide to the person a notice, sent
40 by certified mail to the person's last known address, explaining that
41 if the person does not:
42 (a) Enter into an agreement with the ~~{State Controller}~~ *Director*
43 pursuant to NRS 353C.130 to provide for the payment of the debt,
44 and any penalty and interest, on an installment basis; or



1 (b) Pay the debt in full, including, without limitation, any
2 penalty and interest,

3 ↪ within 15 days after the date on which the notice is postmarked,
4 the ~~{State-Controller}~~ *Director* will require each employer of the
5 person to withhold income from the person's wages and turn it over
6 to the ~~{State-Controller}~~ *Office of Finance* in accordance with NRS
7 353C.171 to 353C.179, inclusive.

8 3. If, within 15 days after the date on which the notice required
9 pursuant to subsection 2 is postmarked, a person complies with the
10 provisions of paragraph (a) or (b) of subsection 2, the ~~{State}~~
11 ~~Controller}~~ *Director* may not require any employer of the person to
12 withhold income from the person's wages.

13 **Sec. 16.** NRS 353C.172 is hereby amended to read as follows:

14 353C.172 Not earlier than 15 days after sending the notice
15 required pursuant to subsection 2 of NRS 353C.171, if the ~~{State}~~
16 ~~Controller}~~ *Director* intends to require each employer of a person to
17 withhold income from the person's wages and pay it over to the
18 ~~{State-Controller}~~ *Office of Finance* in accordance with the
19 provisions of NRS 353C.171 to 353C.179, inclusive, the ~~{State}~~
20 ~~Controller}~~ *Director* must provide to the person who is subject to
21 the withholding of income a notice, sent by certified mail to the
22 person's last known address:

23 1. That his or her income is going to be withheld not earlier
24 than 15 days after the postmark of the notice sent pursuant to this
25 section;

26 2. That a notice to withhold income applies to any current or
27 subsequent employer;

28 3. That a notice to withhold income has been mailed to his or
29 her employer;

30 4. Of the information provided to his or her employer pursuant
31 to NRS 353C.174;

32 5. That he or she may contest the withholding pursuant to NRS
33 353C.173; and

34 6. Of the grounds and procedures for contesting the
35 withholding.

36 **Sec. 17.** NRS 353C.173 is hereby amended to read as follows:

37 353C.173 1. At any time after receiving the notice required
38 pursuant to NRS 353C.172, a person may file with the ~~{State}~~
39 ~~Controller}~~ *Office of Finance* a contest to the withholding of
40 income. If a person files a contest pursuant to this section, the ~~{State}~~
41 ~~Controller}~~ *Director* must notify each employer of the person to
42 which a notice was sent pursuant to NRS 353C.174 to discontinue
43 the withholding pending the outcome of the contest.

44 2. The contest must be in writing, in the form prescribed by the
45 ~~{State-Controller}~~ *Director*, and include, without limitation:



- 1 (a) The grounds for contesting the withholding; and
2 (b) If the person is contesting the withholding on the grounds of
3 financial hardship, evidence of how the withholding will cause a
4 financial hardship to the person.
- 5 3. Upon receipt of a contest to the withholding of income, the
6 ~~{State Controller}~~ **Director**:
- 7 (a) Shall:
- 8 (1) Consider the grounds for the contest stated by the person
9 and any evidence submitted by the person, including, without
10 limitation, any evidence submitted by the person that the
11 withholding of income will cause a financial hardship to the person;
12 and
- 13 (2) Meet with the person to discuss the person's contest of
14 withholding. The meeting may take place in person, by telephone or
15 by videoconference.
- 16 (b) May request additional information from the person related
17 to whether the withholding of income will be a financial hardship to
18 the person.
- 19 4. At a meeting held pursuant paragraph (b) of subsection 3,
20 the ~~{State Controller}~~ **Director** shall offer the person an opportunity
21 to:
- 22 (a) Enter into an agreement with the ~~{State Controller}~~ **Director**
23 pursuant to NRS 353C.130 to provide for the payment of the debt,
24 and any penalty and interest, on an installment basis.
- 25 (b) Pay the debt in full, including, without limitation, any
26 penalty and interest.
- 27 (c) Prove to the satisfaction of the ~~{State Controller}~~ **Director**
28 that the withholding of income of the person will cause a financial
29 hardship to the person.
- 30 5. If a person contests the withholding of income on the
31 grounds that the withholding will be a financial hardship, after the
32 meeting held pursuant to paragraph (b) of subsection 3, the ~~{State~~
33 ~~Controller}~~ **Director** shall make a determination whether the
34 withholding of income will cause a financial hardship to the person.
35 If the ~~{State Controller}~~ **Director** determines that the withholding of
36 income will cause a financial hardship to the person, the ~~{State~~
37 ~~Controller}~~ **Director** must reduce the withholding to an amount that
38 will not cause a financial hardship to the person.
- 39 6. The ~~{State Controller}~~ **Director** shall send a notice, by
40 certified mail, of the determination made by the ~~{State Controller}~~
41 **Director** related to the contest of withholding to:
- 42 (a) The person's last known address; and
43 (b) Each employer of the person.



1 **Sec. 18.** NRS 353C.174 is hereby amended to read as follows:

2 353C.174 1. The ~~{State Controller}~~ **Director** shall send, by
3 certified mail, a notice to withhold income pursuant to NRS
4 353C.171 to each employer of the person who is subject to the
5 withholding.

6 2. If an employer does not begin to withhold income from the
7 person in accordance with NRS 353C.175 after receiving the notice
8 to withhold income that was mailed pursuant to subsection 1, the
9 ~~{State Controller}~~ **Director** shall send to the employer, by certified
10 mail, return receipt requested, another notice to withhold income.
11 The provisions of this subsection do not apply if the employer
12 requests that the ~~{State Controller}~~ **Director** calculate the amount of
13 the withholding pursuant to NRS 353C.175.

14 3. A notice to withhold income pursuant to NRS 353C.171
15 must:

16 (a) Contain the social security number of the person who is
17 subject to the withholding;

18 (b) Specify the total amount to be withheld from the income of
19 the person, including any interest, penalties or assessments provided
20 by law or costs incurred by the agency or ~~{State Controller}~~ **Office**
21 **of Finance** in collecting the debt;

22 (c) Describe the limitation for withholding income prescribed in
23 NRS 31.295;

24 (d) Describe the prohibition against terminating the employment
25 of a person because of withholding and the penalties for wrongfully
26 refusing to withhold in accordance with the notice to withhold
27 income;

28 (e) Explain the duties of an employer upon the receipt of the
29 notice to withhold income; and

30 (f) Explain that the employer may request that the ~~{State~~
31 ~~Controller}~~ **Director** calculate the amount of wages to be withheld
32 from the person, subject to the limitation for withholding income
33 prescribed in NRS 31.295, if the employer submits to the ~~{State~~
34 ~~Controller}~~ **Director** all information necessary for the ~~{State~~
35 ~~Controller}~~ **Director** to make the calculation.

36 **Sec. 19.** NRS 353C.175 is hereby amended to read as follows:

37 353C.175 An employer who receives a notice to withhold
38 income pursuant to NRS 353C.171:

39 1. Shall:

40 (a) Calculate the amount of income to be withheld from a
41 person's wages during each pay period in accordance with the
42 provisions of NRS 31.295 and subject to the limitation on
43 withholding prescribed in that section; or

44 (b) Request that the ~~{State Controller}~~ **Director** calculate the
45 amount of income to be withheld from a person's wages during each



1 pay period in accordance with the provisions of NRS 31.295 and
2 subject to the limitation on withholding prescribed in that section.

3 ➤ For the purposes of this subsection, a withholding of income shall
4 be deemed a garnishment of earnings.

5 2. Shall withhold the amount calculated pursuant to:

6 (a) Paragraph (a) of subsection 1, beginning with the first pay
7 period that occurs within 14 days after the date the notice was
8 mailed to the employer; or

9 (b) Paragraph (b) of subsection 1, beginning with the first pay
10 period that occurs within 14 days after the ~~{State Controller}~~
11 *Director* notifies the employer of the amount to be withheld,

12 ➤ as applicable.

13 3. Shall continue to withhold the amount calculated pursuant to
14 subsection 1 until:

15 (a) The ~~{State Controller}~~ *Director* notifies the employer to
16 discontinue the withholding; or

17 (b) The full amount required to be paid to the ~~{State Controller}~~
18 *Office of Finance* has been paid, as indicated by a written statement
19 to the employer from the ~~{State Controller}~~ *Director*.

20 4. Shall deliver the money withheld to the ~~{State Controller}~~
21 *Office of Finance* within 7 days after the date of each payment of
22 the regularly scheduled payroll of the employer.

23 5. Shall notify the ~~{State Controller}~~ *Director* when the person
24 subject to withholding terminates his or her employment and
25 provide the last known address of the person and the name of any
26 new employer of the person, if known.

27 **Sec. 20.** NRS 353C.176 is hereby amended to read as follows:

28 353C.176 1. A notice to withhold income pursuant to NRS
29 353C.171 is binding upon any employer of the person to whom it is
30 mailed. To reimburse the employer for his or her costs in making the
31 withholding, the employer may deduct \$3 from the amount paid to
32 the person each time the employer makes a withholding.

33 2. Except as otherwise provided in subsection 3:

34 (a) An employer may deliver money withheld to the ~~{State}~~
35 *Controller* *Office of Finance* by check or electronic transfer of
36 money.

37 (b) If an employer receives notices to withhold income pursuant
38 to NRS 353C.171 for more than one employee, the employer may
39 consolidate the amounts of money that are payable to the ~~{State}~~
40 *Controller* *Office of Finance* and pay those amounts with one
41 check, but the employer shall attach to each check a statement
42 identifying by name and social security number each person for
43 whom payment is made and the amount transmitted for that person.

44 3. If the provisions of NRS 353.1467 apply, the employer shall
45 make payment to the ~~{State Controller}~~ *Office of Finance* by any



1 method of electronic transfer of money allowed by the ~~State~~
2 ~~Controller.~~ *Director*. If an employer makes such payment by
3 electronic transfer of money, the employer shall transmit separately
4 the name and appropriate identification number, if any, of each
5 person for whom payment is made and the amount transmitted for
6 that person.

7 4. As used in this section, "electronic transfer of money" has
8 the meaning ascribed to it in NRS 353.1467.

9 **Sec. 21.** NRS 353C.177 is hereby amended to read as follows:

10 353C.177 1. It is unlawful for an employer to use the
11 withholding of income to collect an obligation to pay money to the
12 ~~State Controller~~ *Office of Finance* as a basis for refusing to hire a
13 potential employee, discharging an employee or taking disciplinary
14 action against an employee. Any employer who violates this section
15 shall hire or reinstate any such employee with no loss of pay or
16 benefits, is liable for any amounts not withheld and must be fined
17 \$1,000. If an employee prevails in an action based on this section,
18 the employer is liable, in an amount not less than \$2,500, for
19 payment of the employee's costs and attorney's fees incurred in that
20 action.

21 2. If an employer wrongfully refuses to withhold income as
22 required pursuant to NRS 353C.171 to 353C.179, inclusive, or
23 knowingly misrepresents the income of an employee, the employer
24 shall pay the amount the employer refused to withhold to the ~~State~~
25 ~~Controller~~ *Office of Finance* and may be ordered to pay punitive
26 damages to the ~~State Controller~~ *Office of Finance* in an amount
27 not to exceed \$1,000 for each pay period the employer failed to
28 withhold income as required or knowingly misrepresented the
29 income of the employee.

30 **Sec. 22.** NRS 353C.178 is hereby amended to read as follows:

31 353C.178 1. If an employer wrongfully refuses to withhold
32 income as required pursuant to NRS 353C.171 to 353C.179,
33 inclusive, after receiving a notice to withhold income that was sent
34 by certified mail pursuant to NRS 353C.173 or 353C.174, or
35 knowingly misrepresents the income of an employee, the ~~State~~
36 ~~Controller~~ *Director* may apply for and the court may issue an order
37 directing the employer to appear and show cause why he or she
38 should not be subject to the penalties prescribed in subsection 2 of
39 NRS 353C.177.

40 2. At the hearing on the order to show cause, the court, upon a
41 finding that the employer wrongfully refused to withhold income as
42 required or knowingly misrepresented an employee's income:

43 (a) May order the employer to comply with the requirements of
44 NRS 353C.171 to 353C.179, inclusive;



1 (b) May order the employer to provide accurate information
2 concerning the employee's income;

3 (c) May impose penalties against the employer pursuant to
4 subsection 2 of NRS 353C.177; and

5 (d) Shall require the employer to pay the amount the employer
6 failed or refused to withhold from the employee's income.

7 **Sec. 23.** NRS 353C.179 is hereby amended to read as follows:

8 353C.179 1. An employer who complies with a notice to
9 withhold income pursuant to NRS 353C.171 that is regular on its
10 face may not be held liable in any civil action for any conduct taken
11 in compliance with the notice.

12 2. Compliance by an employer with a notice to withhold
13 income pursuant to NRS 353C.171 is a discharge of the employer's
14 liability to the person as to that portion of the income affected.

15 3. If a court issues an order to stay a withholding of income,
16 the ~~{State Controller}~~ *Director and the Office of Finance* may not
17 be held liable in any civil action to the person who is the subject of
18 the withholding of income for any money withheld before the stay
19 becomes effective.

20 **Sec. 24.** NRS 353C.180 is hereby amended to read as follows:

21 353C.180 1. In addition to any other remedy provided for in
22 this chapter, the ~~{State Controller}~~ *Director* may, within 4 years
23 after the date that a debt becomes due, record a certificate of liability
24 in the office of a county recorder which states:

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

27 (b) The name and address of the debtor, as the name and address
28 of the debtor appear on the records of the ~~{State Controller}~~ *Office*
29 *of Finance*;

30 (c) That the ~~{State Controller}~~ *Office of Finance* has complied
31 with all procedures required by law for determining the amount of
32 the debt; and

33 (d) That the ~~{State Controller}~~ *Director* has notified the debtor in
34 accordance with subsection 2.

35 2. The ~~{State Controller}~~ *Director* shall, not less than 15 days
36 before the date on which he or she intends to file the certificate,
37 notify the debtor of the ~~{State Controller's}~~ *Director's* intention to
38 file the certificate. The notification must be sent by certified mail to
39 the last known address of the debtor and must include the name of
40 the agency to which the debt is owed, the amount sought to be
41 recovered and the date on which the certificate will be filed with the
42 county recorder.

43 3. From the time of the recording of the certificate, the amount
44 of the debt, including interest which accrues on the debt after the
45 recording of the certificate, constitutes a lien upon all real and



1 personal property situated in the county in which the certificate was
2 recorded that is owned by the debtor or acquired by the debtor
3 afterwards and before the lien expires. The lien has the force, effect
4 and priority of a judgment lien on all real and personal property
5 situated in the county in which the certificate was recorded and
6 continues for 4 years after the date of recording unless sooner
7 released or otherwise discharged.

8 4. Within 4 years after the date of the recording of the
9 certificate or within 4 years after the date of the last extension of the
10 lien pursuant to this subsection, the lien may be extended by
11 recording a new certificate in the office of the county recorder.
12 From the date of recording, the lien is extended for 4 years to all real
13 and personal property situated in the county that is owned by the
14 debtor or acquired by the debtor afterwards, unless the lien is sooner
15 released or otherwise discharged.

16 **Sec. 25.** NRS 353C.190 is hereby amended to read as follows:

17 353C.190 1. *The Director may notify the State Controller of*
18 *any debts for which a debtor may be entitled to payment from an*
19 *agency.*

20 2. The State Controller , *upon notification from the Director*
21 *pursuant to subsection 1*, may offset any amount due an agency
22 from a debtor against any amount owing to that debtor by any
23 agency, regardless of whether the agency which owes the amount is
24 the same agency to which the debtor owes the debt. Whenever the
25 combined amount owing to a debtor by all agencies is insufficient to
26 offset all the amounts due the agencies from the debtor, the State
27 Controller shall allocate the amount available from the debtor
28 among the agencies in such a manner as the ~~{State Controller}~~
29 *Director* determines is appropriate.

30 ~~{2-}~~ 3. If a debtor who owes a debt to an agency has a claim
31 against that agency or another agency and refuses or neglects to file
32 the claim with the agency within a reasonable time, the ~~{State~~
33 ~~Controller}~~ *Director* may file the claim on behalf of the debtor. If
34 the ~~{State Controller}~~ *Director* files the claim, it has the same force
35 and effect as though filed by the debtor. The amount due the debtor
36 from the agency is the net amount otherwise owing to the debtor
37 after any offset as provided in this section.

38 ~~{3-}~~ 4. The ~~{State Controller}~~ *Director* shall adopt such
39 regulations as are necessary to carry out the provisions of this
40 section, including, without limitation, the manner in which offsets
41 will be allocated among agencies.

42 **Sec. 26.** NRS 353C.195 is hereby amended to read as follows:

43 353C.195 Except as otherwise provided in this section or by a
44 specific statute or federal law:



- 1 1. The ~~{State Controller}~~ *Director* shall act as the collection
2 agent for each agency.
- 3 2. An agency shall coordinate all its debt collection efforts
4 through the ~~{State Controller}~~ *Office of Finance*.
- 5 3. Unless an agency and the ~~{State Controller}~~ *Director* agree
6 on a different time, an agency shall assign a debt to the ~~{State~~
7 ~~Controller}~~ *Office of Finance* for collection not later than 60 days
8 after the debt becomes past due.
- 9 4. An agency shall not assign a debt to the ~~{State Controller}~~
10 *Office of Finance* for collection if the debt is administratively
11 contested by the debtor. For the purposes of this subsection, a debt
12 is not administratively contested if:
- 13 (a) The debtor and the agency have agreed on the existence and
14 amount of the debt;
- 15 (b) The debtor has failed to contest timely the existence or
16 amount of the debt in accordance with the administrative procedures
17 prescribed by the agency; or
- 18 (c) The debtor has timely contested the debt in accordance with
19 the administrative procedures prescribed by the agency and the
20 agency has issued a final decision concerning the existence and
21 amount of the debt.
- 22 5. Upon the request of an agency, the ~~{State Controller}~~
23 *Director* shall waive a requirement of this section:
- 24 (a) If the ~~{State Controller}~~ *Director* determines that the agency
25 has the resources to engage in its own debt collection efforts; or
- 26 (b) For good cause shown.
- 27 6. If the ~~{State Controller}~~ *Director* waives the requirements of
28 subsection 1 or 2 for an agency, the agency may exercise any right
29 or remedy conferred on the ~~{State Controller}~~ *Office of Finance or*
30 *the Director* pursuant to the provisions of NRS 353C.130 to
31 353C.180, inclusive, and 353C.200 to 353C.230, inclusive, to
32 collect a debt.
- 33 7. An agency that is authorized by specific statute to collect a
34 debt on behalf of or in trust for a particular person or entity may
35 assign the debt to the ~~{State Controller}~~ *Office of Finance* for
36 collection pursuant to this section. If such an agency does not assign
37 a debt to the ~~{State Controller}~~ *Office of Finance* pursuant to this
38 section, the agency may, in addition to any right or remedy
39 conferred on the agency by specific statute to collect a debt, exercise
40 any right or remedy conferred on the ~~{State Controller}~~ *Office of*
41 *Finance or the Director* pursuant to the provisions of NRS
42 353C.130 to 353C.180, inclusive, and 353C.200 to 353C.230,
43 inclusive, to collect the debt.



1 **Sec. 27.** NRS 353C.1955 is hereby amended to read as
2 follows:

3 353C.1955 If an agency assigns a debt to the ~~{State Controller}~~
4 *Office of Finance* for collection pursuant to NRS 353C.195 and the
5 debt is subject to the payment of interest pursuant to a specific
6 statute or regulation, interest must accrue on the debt at the rate
7 most recently established pursuant to NRS 99.040 beginning on the
8 date of the assignment of the debt to the ~~{State Controller}~~ *Office of*
9 *Finance*, notwithstanding any other rate of interest set forth in the
10 specific statute or regulation.

11 **Sec. 28.** NRS 353C.196 is hereby amended to read as follows:

12 353C.196 The State Controller is not required to draw a
13 warrant to refund an overpayment of a debt which is paid to the
14 ~~{State Controller}~~ *Office of Finance* if the amount of the
15 overpayment is less than \$10, unless the debtor, not later than 1 year
16 after the date of the overpayment, submits a written request to the
17 ~~{State Controller}~~ *Office of Finance* for payment of the refund.

18 **Sec. 29.** NRS 353C.1965 is hereby amended to read as
19 follows:

20 353C.1965 1. The ~~{State Controller}~~ *Office of Finance* shall
21 establish and maintain a list of persons who owe a debt to an agency
22 that has been assigned to the ~~{State Controller}~~ *Office of Finance*
23 for collection pursuant to NRS 353C.195.

24 2. A licensing agency shall provide to the ~~{State Controller}~~
25 *Office of Finance*:

26 (a) The name, address and social security number or employer
27 identification number, as applicable, of each licensee; and

28 (b) The business identification number of the licensee, if the
29 licensee has a state business registration.

30 3. A licensing agency shall provide the information described
31 in subsection 2:

32 (a) On or before February 1 of each year for licensees who
33 renewed licenses from July 1 through December 31 of the previous
34 calendar year; or

35 (b) On or before August 1 of each year for licensees who
36 renewed licenses from January 1 through June 30 of the current
37 calendar year.

38 4. If the ~~{State Controller}~~ *Office of Finance* determines that
39 the name of any licensee appears on the list established by the ~~{State~~
40 ~~Controller}~~ *Office of Finance* pursuant to subsection 1, the ~~{State~~
41 ~~Controller}~~ *Office of Finance* shall send a written notice to the
42 licensee, which includes, without limitation:

43 (a) The amount of the debt;

44 (b) A request for payment of the debt;



1 (c) Notification that the licensee may enter into an agreement
2 with the ~~{State Controller}~~ *Director* pursuant to NRS 353C.130 for
3 the payment of the debt;

4 (d) Notification that the licensee must respond to the notice
5 within 30 days after the date on which the notice was sent;

6 (e) Notification that the licensee may request a hearing to
7 determine the validity of the debt not later than 30 days after the
8 date on which the notice was sent; and

9 (f) Notification that the licensing agency is prohibited from
10 renewing the license of the licensee unless the licensee pays the
11 debt, enters into an agreement for the payment of the debt pursuant
12 to NRS 353C.130 or demonstrates to the ~~{State Controller}~~ *Director*
13 that the debt is not valid.

14 5. The ~~{State Controller}~~ *Office of Finance* shall notify the
15 licensing agency if the licensee does not pay the debt that has been
16 assigned to the ~~{State Controller}~~ *Office of Finance* for collection,
17 enter into an agreement for the payment of the debt pursuant to NRS
18 353C.130 or demonstrate that the debt is not valid. A licensing
19 agency shall not renew the license of the licensee who is the subject
20 of the notification until the ~~{State Controller}~~ *Office of Finance*
21 notifies the licensing agency that the licensee has:

22 (a) Satisfied the debt;

23 (b) Entered into an agreement for the payment of the debt
24 pursuant to NRS 353C.130; or

25 (c) Demonstrated that the debt is not valid.

26 6. Information shared between the ~~{State Controller}~~ *Office of*
27 *Finance or the Director* and a licensing agency to carry out the
28 provisions of this section is not a public record.

29 7. A licensing agency may not be held liable in any civil action
30 for any action taken by the licensing agency in good faith to comply
31 with the provisions of this section.

32 8. The ~~{State Controller}~~ *Director* shall verify with the
33 Secretary of State the information related to the state business
34 registration of each licensee.

35 9. The ~~{State Controller}~~ *Director* shall adopt such regulations
36 as the ~~{State Controller}~~ *Director* determines necessary or advisable
37 to carry out the provisions of this section.

38 10. As used in this section:

39 (a) "License" means any license, certification, registration,
40 permit or other authorization that grants a person the authority to
41 engage in a profession or occupation in this State.

42 (b) "Licensee" means a person to whom a license has been
43 issued.

44 (c) "Licensing agency" means any agency, board or commission
45 that regulates an occupation or profession except for the Department



1 of Motor Vehicles, the Division of Insurance of the Department of
2 Business and Industry, the Commissioner of Insurance or any local
3 government.

4 **Sec. 30.** NRS 353C.198 is hereby amended to read as follows:

5 353C.198 1. Notwithstanding any specific statute to the
6 contrary, if an agency has assigned a debt to the ~~{State Controller}~~
7 *Office of Finance* for collection pursuant to NRS 353C.195, the
8 ~~{State Controller}~~ *Director* may:

9 (a) Appoint a private debt collector or any other person as his or
10 her agent to:

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

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

15 (b) Authorize his or her agent to incur any reasonable costs,
16 including, without limitation, attorney's fees, that are necessary to
17 carry out his or her duties pursuant to the appointment.

18 2. The ~~{State Controller}~~ *Director* must, before appointing an
19 agent pursuant to this section, determine that making the
20 appointment is likely to generate more net revenue for the State than
21 other methods available to the ~~{State Controller}~~ *Director* to collect
22 the debt.

23 **Sec. 31.** NRS 353C.200 is hereby amended to read as follows:

24 353C.200 1. Except as otherwise provided in subsection 2, if
25 an agency has assigned a debt to the ~~{State Controller}~~ *Office of*
26 *Finance* for collection pursuant to NRS 353C.195, the ~~{State~~
27 ~~Controller}~~ *Director* may enter into a contract with a private debt
28 collector or any other person for the assignment of the collection of
29 the debt if the ~~{State Controller}~~ *Director*:

30 (a) Determines the assignment is likely to generate more net
31 revenue than equivalent efforts by the ~~{State Controller}~~ *Office of*
32 *Finance* to collect the debt, including collection efforts pursuant to
33 this chapter;

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

36 (c) Notifies the debtor in writing at his or her address of record
37 that the debt will be turned over for private collection unless the
38 debtor:

39 (1) Pays the debt in full; or

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

42 2. A contract for the assignment of the collection of a debt may
43 provide for:



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

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

6 **Sec. 32.** NRS 353C.210 is hereby amended to read as follows:

7 353C.210 1. Notwithstanding any specific statute to the
8 contrary, the ~~{State Controller}~~ *Director* may, in addition to any
9 other remedy provided for in this chapter, give notice of the amount
10 of a debt owed to this State and a demand to transmit to any person,
11 including, without limitation, any officer, agency or political
12 subdivision of this state, who has in his or her possession or under
13 his or her control any credits or other personal property belonging to
14 the debtor or who owes any debts to the debtor that remain unpaid.
15 The notice and demand to transmit must be delivered personally or
16 by certified or registered mail:

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

18 (b) Not later than 4 years after the last recording of an abstract
19 of judgment pursuant to NRS 353C.170 or a certificate of liability
20 pursuant to NRS 353C.180.

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

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

32 4. Except as otherwise provided by specific statute, a person
33 who receives a demand to transmit pursuant to this section shall not
34 thereafter transfer or otherwise dispose of the credits or other
35 personal property of, or debts owed to, the person who is the subject
36 of the demand to transmit without the consent of the ~~{State
37 Controller}~~ *Director*.

38 5. Except as otherwise provided by specific statute, a person
39 who receives a demand to transmit pursuant to this section shall,
40 within 10 days thereafter, inform the ~~{State Controller}~~ *Director* of,
41 and transmit to the ~~{State Controller}~~ *Office of Finance* within the
42 time and in the manner requested by the ~~{State Controller}~~ *Director*,
43 all credits or other personal property in his or her possession or
44 control that belong to, and all debts that he or she owes to, the
45 person who is the subject of the demand to transmit. Except as



1 otherwise provided in subsection 6, no further notice is required to
2 be served on such persons.

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

11 (a) Issue another demand to transmit to the person responsible
12 for making the payments that informs the person to continue
13 transmitting payments to the ~~{State Controller}~~; *Office of Finance*;
14 or

15 (b) Notify the person that his or her duty to transmit the
16 payments to the ~~{State Controller}~~ *Office of Finance* has ceased.

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

24 8. If any person to whom the ~~{State Controller}~~ *Director*
25 delivers a notice and demand to transmit transfers or otherwise
26 disposes of any property or debts required by this chapter to be
27 transmitted to the ~~{State Controller}~~ *Office of Finance*, the person
28 is, to the extent of the value of the property or the amount of the
29 debts so transferred or disposed of, liable to the ~~{State Controller}~~
30 *Director* for any portion of the debt that the ~~{State Controller}~~
31 *Director* is unable to collect from the debtor solely by reason of the
32 transfer or other disposition of the property or debt.

33 9. A debtor who owes a debt to an agency for which the ~~{State~~
34 ~~Controller}~~ *Director* delivers a notice and demand to transmit
35 concerning the debtor pursuant to this section is entitled to an
36 administrative hearing before that agency to challenge the collection
37 of the debt pursuant to the demand to transmit. Each agency may
38 adopt such regulations as are necessary to provide an administrative
39 hearing for the purposes of this subsection.

40 **Sec. 33.** NRS 353C.220 is hereby amended to read as follows:

41 353C.220 1. If the ~~{State Controller}~~ *Director* determines that
42 it is impossible or impractical to collect a debt, the ~~{State Controller}~~
43 *Director* may request the State Board of Examiners to designate the
44 debt as a bad debt. The State Board of Examiners, by an affirmative
45 vote of the majority of the members of the Board, may designate the



1 debt as a bad debt if the Board is satisfied that the collection of the
2 debt is impossible or impractical. If the debt is not more than \$50,
3 the State Board of Examiners may delegate to its Clerk the authority
4 to designate the debt as a bad debt. ~~The State Controller may appeal~~
5 ~~a denial of a request to designate the debt as a bad debt by the Clerk~~
6 ~~to the State Board of Examiners.~~

7 2. Upon the designation of a debt as a bad debt pursuant to this
8 section, the State Board of Examiners or its Clerk shall immediately
9 notify the State Controller *and the Director* thereof. Upon receiving
10 the notification, the State Controller shall direct the removal of the
11 debt from the books of account of the State of Nevada. A bad debt
12 that is removed pursuant to this section remains a legal and binding
13 obligation owed by the debtor to the State of Nevada.

14 3. The ~~State Controller~~ *Director* shall keep a master file of all
15 debts that are designated as bad debts pursuant to this section. For
16 each such debt, the ~~State Controller~~ *Director* shall record the name
17 of the debtor, the amount of the debt, the date on which the debt was
18 incurred and the date on which it was removed from the records and
19 books of account of the State of Nevada, and any other information
20 concerning the debt that the ~~State Controller~~ *Director* determines
21 is necessary.

22 **Sec. 34.** NRS 353C.222 is hereby amended to read as follows:

23 353C.222 1. If the period of limitation for the collection of a
24 debt set forth in NRS 353C.140 has expired, the ~~State Controller~~
25 *Director* may, in lieu of requesting the State Board of Examiners to
26 designate the debt as a bad debt pursuant to NRS 353C.220, sell the
27 debt to any person.

28 2. All money received by the ~~State Controller~~ *Office of*
29 *Finance* from the sale of a debt pursuant to subsection 1 must be
30 deposited in the Debt Recovery Account created by NRS 353C.226.

31 **Sec. 35.** NRS 353C.224 is hereby amended to read as follows:

32 353C.224 1. If the ~~State Controller~~ *Director* collects any
33 money owed to an agency from a debtor or receives any money
34 from the employer of a debtor or a private debt collector or other
35 person to whom the ~~State Controller~~ *Director* has assigned the
36 collection of a debt owed to an agency, the ~~State Controller~~
37 *Director* shall, unless prohibited by federal law, transfer the net
38 amount of money owed to the agency:

39 (a) Except as otherwise provided in paragraph (c), to the Debt
40 Recovery Account created by NRS 353C.226 if the debt is owed to
41 an agency whose budget is supported exclusively or in part from the
42 State General Fund.

43 (b) Except as otherwise provided in paragraph (c), to an account
44 specified by the agency if the debt is owed to an agency whose



1 budget is supported exclusively from sources other than the State
2 General Fund.

3 (c) If a specific statute requires the money to be deposited in a
4 specific account or used for a specific purpose, to the specific
5 account required by statute or to the account from which money is
6 expended for the purpose specified.

7 2. If the ~~{State Controller}~~ *Director* is unable to determine
8 where to transfer the net amount of money collected pursuant to
9 subsection 1, the money must be deposited in the Debt Recovery
10 Account. If an agency disputes the decision to deposit the money in
11 the Debt Recovery Account pursuant to this subsection, the agency
12 may, not later than 60 days after the money is deposited in the Debt
13 Recovery Account, submit a written request to the Interim Finance
14 Committee seeking its determination of where the money collected
15 pursuant to subsection 1 should be deposited. If an agency fails to
16 submit such a written request timely, the money must remain in the
17 Debt Recovery Account and be used in accordance with
18 NRS 353C.226.

19 3. As used in this section, "net amount of money owed to the
20 agency" means the money owed to an agency by a debtor that is
21 collected or received by the ~~{State Controller}~~ *Office of Finance*
22 minus:

23 (a) Any fees owed pursuant to a specific statute to the ~~{State~~
24 ~~Controller}~~ *Office of Finance* for collection of the debt;

25 (b) Any costs incurred or fees paid by the ~~{State Controller}~~
26 *Director* to collect any debt assigned to the ~~{State Controller}~~ *Office*
27 *of Finance* for collection by the agency; and

28 (c) Any interest on the debt collected by the ~~{State Controller}~~
29 *Director* under the terms of an agreement with the debtor, pursuant
30 to NRS 353C.130, for the payment of the debt on an installment
31 basis.

32 **Sec. 36.** NRS 353C.226 is hereby amended to read as follows:

33 353C.226 1. The Debt Recovery Account is hereby created in
34 the State General Fund.

35 2. Money in the Account may only be used for support of the
36 debt collection efforts of the ~~{State Controller}~~ *Office of Finance*
37 pursuant to this chapter.

38 3. Money transferred to the Account is a continuing
39 appropriation solely for the purpose of authorizing the expenditure
40 of the transferred money for the purpose set forth in subsection 2.

41 4. Upon the approval of the Interim Finance Committee, the
42 ~~{State Controller}~~ *Director* may expend money in the Account.

43 **Sec. 37.** NRS 353C.240 is hereby amended to read as follows:

44 353C.240 1. The ~~{State Controller}~~ *Director* shall enter into
45 agreements with financial institutions doing business in this State to



1 coordinate the development and operation of a system for matching
2 data, using automated exchanges of data to the maximum extent
3 feasible.

4 2. In addition to any other remedy provided for in this chapter,
5 the ~~{State Controller}~~ *Director* may use the system for matching
6 data developed and operated pursuant to subsection 1 to collect a
7 debt, plus any applicable penalties and interest.

8 3. A financial institution in this State shall:

9 (a) Cooperate with the ~~{State Controller}~~ *Director* in carrying
10 out the provisions of subsection 1.

11 (b) Use the system to provide to the ~~{State Controller}~~ *Office of*
12 *Finance* for each calendar quarter the name, address of record,
13 social security number or other number assigned for taxpayer
14 identification of each person who maintains an account at the
15 financial institution, as identified by the ~~{State Controller}~~ *Director*
16 by name and social security number or other number assigned for
17 taxpayer identification.

18 (c) In response to the receipt from the ~~{State Controller}~~ *Office*
19 *of Finance* of notification of debt that a person owes the State,
20 encumber on behalf of the ~~{State Controller}~~ *Office of Finance* a
21 portion of the assets of the person held by the financial institution
22 sufficient to cover the debt and surrender those assets to the ~~{State~~
23 ~~Controller.}~~ *Office of Finance*. A financial institution is not
24 required to encumber or surrender any assets received by the
25 financial institution on behalf of the person after the financial
26 institution received the notice of the debt from the ~~{State~~
27 ~~Controller.}~~ *Office of Finance*.

28 4. A financial institution may not be held liable in any civil or
29 criminal action for:

30 (a) Any disclosure of information to the ~~{State Controller}~~
31 *Office of Finance* pursuant to this section.

32 (b) Encumbering or surrendering any assets held by the financial
33 institution pursuant to this section.

34 (c) Any other action taken in good faith to comply with the
35 requirements of this section.

36 5. If a court issues an order to return to a person any assets
37 surrendered by a financial institution pursuant to subsection 3, the
38 ~~{State Controller is}~~ *Office of Finance and the Director are* not
39 liable to the person for any of those assets that have been provided
40 to the ~~{State Controller}~~ *Office of Finance* in accordance with the
41 order for the payment of a debt.

42 6. All information provided to the ~~{State Controller}~~ *Office of*
43 *Finance or the Director* by a financial institution pursuant to this
44 section is confidential and may only be used by the ~~{State~~



1 ~~Controller~~ *Office of Finance and the Director* for use in the
2 collection of a debt owed to the State.

3 7. As used in this section, "financial institution" has the
4 meaning ascribed to it in NRS 239A.030.

5 **Sec. 38.** NRS 223.420 is hereby amended to read as follows:

6 223.420 The Director of the Office of Finance is responsible
7 for the administration, through the divisions of the Office, of the
8 provisions of NRS 235.005 to 235.016, inclusive, 353.150 to
9 353.246, inclusive, and 353A.031 to 353A.100, inclusive, *chapter*
10 *353C of NRS* and all other provisions of law relating to the
11 functions of the divisions of the Office.

12 **Sec. 39.** NRS 227.240 is hereby amended to read as follows:

13 227.240 ~~Whenever~~ *Except as otherwise provided in chapter*
14 *353C of NRS, whenever* any officer, or other person or persons, or
15 corporation, shall be indebted to the state, and fail or refuse to make
16 settlement with the State Controller, as required by law, and shall
17 fail to pay over to the State Treasurer, on the printed or written order
18 of the State Controller, according to the provisions of law, the
19 amount or balance to be paid by such officer, or other person or
20 persons, or corporation, into the treasury, or to such person or
21 persons entitled by law to receive the same, within the time
22 prescribed by law, or if no time be prescribed by law, then within
23 the time specified by the State Controller, the State Controller, upon
24 being notified by the State Treasurer, or otherwise, of such failure,
25 shall direct the Attorney General to institute suit for the recovery of
26 the amount due and unpaid, with damages and interest thereon,
27 against such officer, or other person or persons or corporation.

28 **Sec. 40.** NRS 360A.040 is hereby amended to read as follows:

29 360A.040 1. If a check or other method of payment
30 submitted to the Department for payment of any tax or fee required
31 by chapter 365, 366 or 373 of NRS or NRS 445C.330 or 590.120 is
32 returned to the Department or otherwise dishonored upon
33 presentation for payment, the Department:

34 (a) Shall charge an additional fee in the amount ~~established by~~
35 ~~the State Controller pursuant to~~ *set forth in* NRS 353C.115 for
36 handling the check or other method of payment; and

37 (b) Except as otherwise provided in NRS 353.1467, may require
38 that any future payments be made by cashier's check, traveler's
39 check, money order or cash.

40 2. If a check or other method of payment is submitted to the
41 Department for payment of a tax or fee required by chapter 365, 366
42 or 373 of NRS or NRS 445C.330 or 590.120 on or before the date
43 the tax or fee is due, but is afterward returned to the Department or
44 otherwise dishonored upon presentation for payment, the



1 submission of the check or other method of payment shall be
2 deemed not to constitute timely payment of the tax or fee.

3 **Sec. 41.** NRS 481.079 is hereby amended to read as follows:

4 481.079 1. Except as otherwise provided by NRS 481.064 or
5 any other specific statute, all taxes, license fees and money collected
6 by the Department must be deposited with the State Treasurer to the
7 credit of the Motor Vehicle Fund.

8 2. If a check or any other method of payment accepted by the
9 Department in payment of such fees is returned to the Department or
10 otherwise dishonored upon presentation for payment:

11 (a) The drawer or any other person responsible for payment of
12 the fee is subject to a fee in the amount ~~established by the State~~
13 ~~Controller pursuant to~~ *set forth in* NRS 353C.115 in addition to
14 any other penalties provided by law; and

15 (b) The Department may require that future payments from the
16 person be made by cashier's check, money order, traveler's check or
17 cash.

18 3. The Department may adjust the amount of a deposit made
19 with the State Treasurer to the credit of the Motor Vehicle Fund for
20 any cash shortage or overage resulting from the collection of fees.

21 **Sec. 42.** NRS 612.618 is hereby amended to read as follows:

22 612.618 1. If a check, draft, electronic transfer of money or
23 other method of payment is tendered on or before the due date in
24 payment of contributions but is afterward returned to the Division or
25 otherwise dishonored by the financial institution on which the
26 check, draft or electronic transfer of money is drawn or that issued
27 the other method of payment, the check, draft, electronic transfer of
28 money or other method of payment does not constitute timely
29 payment unless the Administrator determines that the return or
30 dishonor occurred because of fault on the part of the financial
31 institution.

32 2. The Administrator shall charge an additional fee in the
33 amount ~~established by the State Controller pursuant to~~ *set forth in*
34 NRS 353C.115 for handling against a person who presents a check,
35 draft, electronic transfer of money or other method of payment that
36 is afterward returned or otherwise dishonored. The fee may be
37 waived only by the Administrator. The fee must be deposited in the
38 Unemployment Compensation Administration Fund.

39 **Sec. 43.** NRS 623A.240 is hereby amended to read as follows:

40 623A.240 1. The following fees must be prescribed by the
41 Board and must not exceed the following amounts:



1	Application fee	\$200.00
2	Examination fee.....	100.00,
3		plus the actual
4		cost of the
5		examination
6	Certificate of registration.....	25.00
7	Annual renewal fee.....	200.00
8	Reinstatement fee	300.00
9	Delinquency fee.....	50.00
10	Change of address fee.....	10.00
11	Copy of a document, per page.....	.25

12
13 2. In addition to the fees set forth in subsection 1, the Board
14 may charge and collect a fee for the expedited processing of a
15 request or for any other incidental service it provides. The fee must
16 not exceed the cost incurred by the Board to provide the service.

17 3. The Board may authorize a landscape architect intern to pay
18 the application fee or any portion of that fee during any period in
19 which he or she is the holder of a certificate to practice as a
20 landscape architect intern. If a landscape architect intern pays the
21 fee or any portion of the fee during that period, the Board shall
22 credit the amount paid towards the entire amount of the application
23 fee for the certificate of registration required pursuant to this
24 section.

25 4. The fees prescribed by the Board pursuant to this section
26 must be paid in United States currency in the form of a check,
27 cashier's check or money order. If any check submitted to the Board
28 is dishonored upon presentation for payment, repayment of the fee,
29 including the fee for a returned check in the amount ~~established by~~
30 ~~the State Controller pursuant to~~ *set forth in* NRS 353C.115, must
31 be made by money order or certified check.

32 5. The fees prescribed by the Board pursuant to this section are
33 nonrefundable.

34 **Sec. 44.** NRS 634.135 is hereby amended to read as follows:

35 634.135 1. The Board may charge and collect fees not to
36 exceed:

37		
38	For an application for a license to	
39	practice chiropractic.....	\$200.00
40	For an examination for a license to	
41	practice chiropractic.....	200.00
42	For an application for, and the	
43	issuance of, a certificate as a	
44	chiropractor's assistant.....	100.00



1	For an examination for a certificate	
2	as a chiropractor's assistant.....	\$100.00
3	For the issuance of a license to	
4	practice chiropractic.....	300.00
5	For the biennial renewal of a license	
6	to practice chiropractic.....	1,000.00
7	For the biennial renewal of an	
8	inactive license to practice	
9	chiropractic.....	300.00
10	For the biennial renewal of a	
11	certificate as a chiropractor's	
12	assistant.....	200.00
13	For the restoration to active status of	
14	an inactive license to practice	
15	chiropractic.....	300.00
16	For reinstating a license to practice	
17	chiropractic which has expired	
18	pursuant to NRS 634.130 or has	
19	been suspended.....	500.00
20	For reinstating a certificate as a	
21	chiropractor's assistant which has	
22	expired pursuant to NRS 634.130	
23	or has been suspended.....	100.00
24	For a review of any subject on the	
25	examination.....	25.00
26	For the issuance of a duplicate	
27	license or for changing the name	
28	on a license.....	35.00
29	For written verification of licensure	
30	or issuance of a certificate of	
31	good standing.....	25.00
32	For providing a list of persons who	
33	are licensed to practice	
34	chiropractic to a person who is	
35	not licensed to practice	
36	chiropractic.....	25.00
37	For providing a list of persons who	
38	were licensed to practice	
39	chiropractic following the most	
40	recent examination of the Board	
41	to a person who is not licensed to	
42	practice chiropractic.....	10.00



1	For a set of mailing labels containing	
2	the names and addresses of the	
3	persons who are licensed to	
4	practice chiropractic in this State	\$35.00
5	For providing a copy of the statutes,	
6	regulations and other rules	
7	governing the practice of	
8	chiropractic in this State to a	
9	person who is not licensed to	
10	practice chiropractic	25.00
11	For each page of a list of continuing	
12	education courses that have been	
13	approved by the Board50
14	For an application to a preceptor	
15	program offered by the Board to	
16	graduates of chiropractic schools	
17	or colleges	35.00
18	For an application for a student or	
19	chiropractor to participate in the	
20	preceptor program established	
21	by the Board pursuant to	
22	NRS 634.137	35.00
23	For a review by the Board of a	
24	course offered by a chiropractic	
25	school or college or a course of	
26	continuing education in	
27	chiropractic.....	50.00
28		

29 2. In addition to the fees set forth in subsection 1, the Board
30 may charge and collect reasonable and necessary fees for the
31 expedited processing of a request or for any other incidental service
32 it provides.

33 3. For a check or other method of payment made payable to the
34 Board or tendered to the Board that is returned to the Board or
35 otherwise dishonored upon presentation for payment, the Board
36 shall assess and collect a fee in the amount established by ~~the State~~
37 ~~Controller pursuant to~~ NRS 353C.115.

38 **Sec. 45.** NRS 679B.228 is hereby amended to read as follows:
39 679B.228 The Division shall charge a person a fee in the
40 amount ~~established by the State Controller pursuant to~~ *set forth in*
41 NRS 353C.115 for each check or other method of payment that is
42 returned to the Division or otherwise dishonored because the person
43 had insufficient money or credit with the drawee or financial
44 institution to pay the check or other method of payment or because



1 the person stopped payment on the check or other method of
2 payment.

3 **Sec. 46.** 1. Any administrative regulations adopted by an
4 officer or entity whose responsibilities have been transferred
5 pursuant to the provisions of this act remain in force until amended
6 by the officer or entity to which the responsibility for the adoption
7 of the regulations has been transferred.

8 2. Any contracts or other agreements entered into by an officer
9 or entity whose responsibilities have been transferred pursuant to the
10 provisions of this act are binding upon the officer or entity to which
11 the responsibility for the administration of the provisions of the
12 contract or other agreement has been transferred. Such contracts or
13 other agreements may be enforced by the officer or entity to which
14 the responsibility for the enforcement of the provisions of the
15 contract or other agreement has been transferred.

16 3. Any action taken by an officer or entity whose
17 responsibilities have been transferred pursuant to the provisions of
18 this act remain in effect as if taken by the officer or entity to which
19 the responsibility for the enforcement of such actions has been
20 transferred.

21 **Sec. 47.** The assets and liabilities of any fund or account
22 transferred from the State Controller to the Director of the Office of
23 Finance pursuant to the provisions of this act are unaffected by the
24 transfer.

25 **Sec. 48.** The Legislative Counsel shall:

26 1. In preparing the Nevada Revised Statutes, use the authority
27 set forth in subsection 10 of NRS 220.120 to substitute
28 appropriately the name of any agency, officer or instrumentality of
29 the State to which powers, duties and responsibilities have been
30 transferred by this act for the name of the agency, officer or
31 instrumentality which was previously vested with the same powers
32 and charged with the same duties and responsibilities; and

33 2. In preparing supplements to the Nevada Administrative
34 Code, substitute appropriately the name of any agency, officer or
35 instrumentality of the State to which powers, duties and
36 responsibilities have been transferred by this act for the name of the
37 agency, officer or instrumentality which was previously vested with
38 the same powers and charged with the same duties and
39 responsibilities.

40 **Sec. 49.** This act becomes effective on July 1, 2017.



