
SENATE BILL NO. 35—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to the Private Investigator’s Licensing Board. (BDR 54-419)

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

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

AN ACT relating to the Private Investigator’s Licensing Board; abolishing the Fund for the Private Investigator’s Licensing Board; requiring certain money collected by the Board to be deposited in certain financial institutions; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law creates the Private Investigator’s Licensing Board to: (1) license
2 and regulate private investigators, private patrol officers, process servers,
3 repossessors, dog handlers, security consultants and polygraphic examiners; and (2)
4 register and regulate employees of such licensees. (Chapter 648 of NRS) Existing
5 law creates the Fund for the Private Investigator’s Licensing Board in the State
6 General Fund and requires the Board to use money deposited in the Fund for costs
7 of administration and to pay the expenses and salary of members, agents and
8 employees of the Board. (NRS 648.040) This bill abolishes the Fund for the Private
9 Investigator’s Licensing Board and instead requires the Board to deposit all money
10 that the Board receives, except fines in certain circumstances, in banks, credit
11 unions, savings and loan associations or savings banks in this State. Money in such
12 a proprietary fund does not revert to the State General Fund. (NRS 353.253) This
13 bill also requires the Board to use such money to pay for compensation, per diem
14 allowances and travel expenses and its expenses in carrying out its powers and
15 duties and, with one exception, prohibits the charging of such compensation,
16 allowances or expenses against the State General Fund.



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

1 **Section 1.** NRS 648.040 is hereby amended to read as follows:

2 648.040 1. ~~There is hereby created in the State General Fund~~
3 ~~the Fund for the Private Investigator's Licensing Board, to be~~
4 ~~administered by the Board.~~

5 ~~2.]~~ Except as otherwise provided in subsection ~~[7.]~~ **4**, all
6 money received pursuant to the provisions of this chapter must be
7 deposited in *banks, credit unions, savings and loan associations or*
8 *savings banks in the State* ~~[Treasury for credit to the Fund for the~~
9 ~~Private Investigator's Licensing Board and must be used by]~~ *of*
10 *Nevada and expended solely for* the ~~[Board for the administration]~~
11 *purposes* of this chapter . ~~[and to pay the expenses and salary of~~
12 ~~members, agents and employees of the Board.~~

13 ~~3.~~ All claims against the Fund must be paid as other claims
14 against the State are paid. Any amount remaining in the Fund at the
15 end of a fiscal year must be carried forward into the next fiscal
16 year.] *Except as otherwise provided in subsection 4, the*
17 *compensation, per diem allowance and travel expenses provided*
18 *for by this chapter and all expenses incurred under this chapter*
19 *must be paid from such money, and no such compensation,*
20 *allowances or expenses may be charged against the State General*
21 *Fund.*

22 ~~[4.]~~ **2.** The Board through majority vote controls exclusively
23 ~~[the]~~ *any* expenditures from the ~~[Fund.]~~ *money deposited in banks,*
24 *credit unions, savings and loan associations or savings banks in*
25 *the State of Nevada pursuant to subsection 1.* The Board may not
26 make expenditures or incur liabilities in a total amount greater than
27 the amount of money actually available in ~~[the Fund].~~

28 ~~5.~~ Except as otherwise provided in subsection 7, the money in
29 this Fund may be used to:

30 ~~(a) Pay the expenses of the Board in connection with the~~
31 ~~investigation of the background of an applicant;~~

32 ~~(b) Finance a substantive investigation of a licensee or of~~
33 ~~unlicensed activity; and~~

34 ~~(c) Pay the operational and administrative expenses of the Board~~
35 ~~and its Secretary;~~

36 ~~and for such other expenses as the Board deems appropriate to~~
37 ~~regulate the persons subject to its supervision.~~

38 ~~6.]~~ *such banks, credit unions, savings and loan associations or*
39 *savings banks.*

40 **3.** The Board may delegate to a hearing officer or panel its
41 authority to take any disciplinary action pursuant to this chapter,
42 impose and collect fines therefor and deposit the money therefrom



1 in ~~the State Treasury for credit to the Fund for the Private~~
2 ~~Investigator's Licensing Board.~~
3 ~~—7.] banks, credit unions, savings and loan associations or~~
4 ~~savings banks in this State.~~

5 4. If a hearing officer or panel is not authorized to take
6 disciplinary action pursuant to subsection ~~[6.] 3~~, the Board shall
7 deposit the money collected from the imposition of fines with the
8 State Treasurer for credit to the State General Fund. In such a case,
9 the Board may present a claim to the State Board of Examiners for
10 recommendation to the Interim Finance Committee if money is
11 needed to pay attorney's fees or the costs of an investigation, or
12 both.

13 **Sec. 2.** 1. As soon as practicable after the effective date of
14 this act, the Private Investigator's Licensing Board shall:

15 (a) Establish an account in a bank, credit union, savings and
16 loan association or savings bank in the State to be used to deposit
17 any money received by the Board pursuant to the provisions of
18 chapter 648 of NRS; and

19 (b) Perform any other administrative tasks that are necessary to
20 carry out the provisions of this act.

21 2. On or after July 1, 2021, but before October 1, 2021, the
22 State Controller shall transfer the uncommitted balance in the Fund
23 for the Private Investigator's Licensing Board created by NRS
24 648.040 to the account established pursuant to subsection 1.

25 **Sec. 3.** 1. This section and section 2 of this act become
26 effective upon passage and approval.

27 2. Section 1 of this act becomes effective on October 1, 2021.

