

New Policy for State Administrative Manual (SAM) Changes Per AB 16

- Agencies submit the marked up chapter with the revision to their respected Budget Analyst using the required template (page 2) that includes the proposed Board of Examiners (BOE) meeting month/date it will be heard.
- The Budget Analyst then submits the revision for BOE approval.
- Budget Office staff, while posting the BOE Agenda (in the four locations), will also post the proposed changes to SAM that will go before the Board at the next meeting (Ex. Changes received Oct. 1st would be posted before the October BOE and be heard by the Board at the November meeting). This notice can be found on the Budget Division website under the “Notification of SAM Changes” link on the home page.
- Budget Office staff will also send a link to the proposed changes to SAM through the email listserv.
- Once the BOE has approved/disapproved the changes, Budget Office staff will immediately make changes on the “Notification of SAM Changes” webpage on the Budget Division website and if applicable update the SAM.

REQUEST FOR CHANGES TO THE STATE ADMINISTRATIVE MANUAL (SAM)

Agency Code: 015

Department: Governor's Finance Office

Division (if applicable): Governor's Office

Appointing authority: Amy Stephenson

Agency contact (name, phone and e-mail): Budget Division, 775 684-0222, 209 East Musser St. Room 200

Budget Division Analyst (name, phone and e-mail):

Proposed BOE date: October 2023

Proposed effective date: October 2023

1. Reason/purpose for requested change:

SAM Policy 2622 Stale Claims quotes NRS 353.097(1) which provides requirements for when an agency may pay a stale claim from the appropriate budget account in the current fiscal year. The request changes the NRS quote to match the actual language.

2. Explain how the recommended change(s) will benefit agencies or create consistencies or efficiencies, etc. (provide examples if applicable):

This request will provide consistency between NRS and Policy language.

3. Will recommended change have a fiscal impact (if yes, explain):

No. This request is housekeeping only.

4. Existing and recommended language in SAM (*blue bold italics* is new language being proposed and ~~red strikethrough~~ is deleted language being proposed). (please provide requested change as an attachment):

Appointing Authority: _____

Amy Stephenson

BOARD OF EXAMINERS APPROVAL DATE: _____

(for BOE use only)

Current Policy:

2622 Stale Claims

Stale claim is defined in [NRS 353.097\(1\)](#).

Pursuant to statute, the State Board of Examiners may authorize its Clerk, or a person designated by the Clerk, to approve stale claims on behalf of the Board. The Board has authorized the Clerk to approve all stale claims. Pursuant to statute, state agencies may pay from the appropriate budget account in the current fiscal year (i.e., the budget account from which the claim would have been paid had it been received prior to the close of the fiscal year), if funding is available, a stale claim of the state agency which is:

- (a) Less than \$100; or
- (b) For medical related expenses pursuant to a claim from a third-party administrator where the agency has established a separate designated category for medical related third-party claims; or
- (c) For payroll related expenses incurred in the immediately preceding fiscal year.

All other stale claims must be submitted to the Budget Division for approval.

When submitting a stale claim, the agency must specify whether the stale claim will be paid from agency resources or from the Stale Claims Account established pursuant to NRS 353.097(2). In some cases, partial payment may be made from the Stale Claims Account and partial payment from the current year funds of the budget account where the claim was incurred.

Payment of stale claims from the Stale Claims Account for an agency may not exceed the amount reverted by that agency for the fiscal year during which the claims were incurred. If the stale claims of an agency exceed the amount reverted for the fiscal year in which the obligations represented by the stale claims were incurred, the state agency may:

- (a) Pay the balance from the appropriate budget account with current year funds;
or
- (b) If savings cannot be generated to cover the stale claims expenditure within the current fiscal year, request Interim Finance Committee Contingency Account funds or, if the Legislature is in session, a supplemental appropriation.

Stale claims from available federal grants or from a permanent fund other than the State General Fund or the State Highway Fund may be paid from the appropriate budget account with current year funds once approved. For non-General Fund or non-Highway Fund stale claims, the payment from current year funds cannot exceed the amount that was available to pay the claim in the account at the close of the fiscal year in which the obligation was incurred.

Revision of the Current Policy:

2622 Stale Claims

Stale claim is defined in [NRS 353.097\(1\)](#).

Pursuant to statute, the State Board of Examiners may authorize its Clerk, or a person designated by the Clerk, to approve stale claims on behalf of the Board. The Board has authorized the Clerk to approve all stale claims. Pursuant to statute, state agencies may pay from the appropriate budget account in the current fiscal year (i.e., the budget account from which the claim would have been paid had it been received prior to the close of the fiscal year), if funding is available, a stale claim of the state agency which is:

- (a) Less than \$100; ~~or~~
- (b) For medical **related** expenses pursuant to a claim from a third-party administrator ~~where the agency has established a separate designated category for medical-related third-party claims~~; or
- (c) For payroll **related** expenses ~~incurred in the immediately preceding fiscal year~~.

All other stale claims must be submitted to the Budget Division for approval.

When submitting a stale claim, the agency must specify whether the stale claim will be paid from agency resources or from the Stale Claims Account established pursuant to NRS 353.097(2). In some cases, partial payment may be made from the Stale Claims Account and partial payment from the current year funds of the budget account where the claim was incurred.

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or
- (b) If savings cannot be generated to cover the stale claims expenditure within the current fiscal year, request Interim Finance Committee Contingency Account funds or, if the Legislature is in session, a supplemental appropriation.

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Final Policy:

2622 Stale Claims

Stale claim is defined in [NRS 353.097\(1\)](#).

Pursuant to statute, the State Board of Examiners may authorize its Clerk, or a person designated by the Clerk, to approve stale claims on behalf of the Board. The Board has authorized the Clerk to approve all stale claims. Pursuant to statute, state agencies may pay from the appropriate budget account in the current fiscal year (i.e., the budget account from which the claim would have been paid had it been received prior to the close of the fiscal year), if funding is available, a stale claim of the state agency which is:

- (a) Less than \$100;
- (b) For medical expenses pursuant to a claim from a third-party administrator; or
- (c) For payroll expenses

All other stale claims must be submitted to the Budget Division for approval.

When submitting a stale claim, the agency must specify whether the stale claim will be paid from agency resources or from the Stale Claims Account established pursuant to NRS 353.097(2). In some cases, partial payment may be made from the Stale Claims Account and partial payment from the current year funds of the budget account where the claim was incurred.

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or
- (b) If savings cannot be generated to cover the stale claims expenditure within the current fiscal year, request Interim Finance Committee Contingency Account funds or, if the Legislature is in session, a supplemental appropriation.

Stale claims from available federal grants or from a permanent fund other than the State General Fund or the State Highway Fund may be paid from the appropriate budget account with current year funds once approved. For non-General Fund or non-Highway Fund stale claims, the payment from current year funds cannot exceed the amount that was available to pay the claim in the account at the close of the fiscal year in which the obligation was incurred.

NRS 353.097 Stale Claims Account; approval and payment of stale claims; payment of certain late claims for medical expenses.

1. As used in this section, "stale claim" means any claim 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; 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 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:

(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; 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. 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. 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 a stale claim of the state agency which is:

(a) Less than \$100;

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

(c) For payroll expenses.

(Added to NRS by 1969, 1108; A 1983, 180; 2001, 1077; 2011, 1614; 2013, 3675)