

Amendment No. 357

Senate Amendment to Senate Bill No. 381

(BDR 38-459)

Proposed by: Senate Committee on Health and Human Services**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date	
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

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.

EWR/RBL



Date: 4/16/2013

S.B. No. 381—Makes various changes to prevent recipients of certain public assistance from using benefits for certain purposes.
(BDR 38-459)



SENATE BILL NO. 381—SENATORS BROWER, HAMMOND,
HUTCHISON, HARDY; AND SETTELMAYER

MARCH 18, 2013

Referred to Committee on Health and Human Services

SUMMARY—Makes various changes to prevent recipients of certain public assistance from using benefits ~~for certain purposes;~~ in certain businesses. (BDR 38-459)

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

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

AN ACT relating to public welfare; prohibiting recipients of certain public assistance from using benefits received ~~for certain purposes; requiring~~ in certain businesses and in certain manners; ~~to take certain measures to prevent such recipients of certain public assistance from using their benefits for those prohibited purposes; providing for the suspension of the license of a business that does not take those measures;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Federal law requires states participating in the program to provide Temporary Assistance to Needy Families to maintain policies and practices as necessary to prevent benefits provided to recipients of aid pursuant to the program from using those benefits in: (1) a liquor store; (2) a casino or gaming establishment; or (3) a strip club. (42 U.S.C. § 608(a)(12)). Existing law requires the Division of Welfare and Supportive Services of the Department of Health and Human Services to establish a written plan for personal responsibility for a household receiving benefits pursuant to the program for Temporary Assistance to Needy Families. (NRS 422A.535) **Section 1** of this bill requires any written plan for personal responsibility to prohibit recipients from using benefits ~~for gaming or pari-mutuel wagering, to obtain the services of a prostitute, to purchase tobacco, alcohol, tattooing or body piercing, a bail bond, adult entertainment or lottery tickets, or for any illegal purpose.~~ in a business or in a manner that federal law requires the State to prohibit. **Section 1** also prohibits a person from knowingly accepting a public assistance electronic benefit transfer card, which is a card issued by the Division to a recipient of benefits pursuant to the program to allow the recipient to access and process transactions using his or her benefits, for ~~an unauthorized purpose.~~

~~Sections 2 & 3 of this bill require the proprietors and employees of certain businesses that sell alcohol or bail bonds or are in the business of gaming to prevent the use of a public assistance electronic benefit transfer card for a prohibited purpose. Those sections further require those businesses to report to the Division any attempt by a person to use public assistance benefits for a prohibited purpose. Those businesses are also required to disable the ability of any point-of-sale terminal or automated teller on the premises of the business to accept a public assistance electronic benefit transfer card issued pursuant to the program for Temporary Assistance to Needy Families. The Division is required to notify the licensing~~

~~authority for those businesses if they fail to comply with these requirements and the licensing authority for those businesses is required to immediately suspend the license of such a business that fails to meet the requirements.~~ use in such a business.

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

Section 1. NRS 422A.535 is hereby amended to read as follows:

422A.535 1. The Division shall, with the participation of the head of a household who is applying for benefits, establish a written plan for personal responsibility for the household. The plan for personal responsibility must be based on the assessment made pursuant to NRS 422A.530 and 42 U.S.C. § 608.

2. In addition to the requirements set forth in 42 U.S.C. § 608, the plan required pursuant to subsection 1 must:

(a) Identify the role of each member of the household and the obligations of each member pursuant to the plan;

(b) Be signed by the head of the household within 60 days after the head of household is determined to be eligible for benefits; and

(c) Specify a date, not later than 24 months after the date the plan becomes effective, upon which the plan will expire.

3. ~~The plan required pursuant to subsection 1 must prohibit any benefits from being used by any person in the household who is subject to the plan:~~

~~(a) For gaming for gambling, as defined in NRS 463.0153;~~

~~(b) For pari-mutuel wagering, as authorized by chapter 464 of NRS;~~

~~(c) To obtain the services of a prostitute;~~

~~(d) To purchase:~~

~~(1) Tobacco or any product containing tobacco;~~

~~(2) Any alcoholic beverage;~~

~~(3) Tattooing or body piercings;~~

~~(4) A bail bond;~~

~~(5) Any form of entertainment which seeks to arouse or excite the sexual desires of a person, including pornography; or~~

~~(6) Tickets or shares in any lottery; and~~

~~(e) For any illegal purpose.~~ purposes in a casino, gambling casino or gaming establishment;

(b) In a liquor store;

(c) In a retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment;

(d) In any other place where the State is required to prohibit the use of such benefits by the Middle Class Tax Relief and Job Creation Act of 2012, Public Law 112-96, and any regulations adopted pursuant thereto; or

(e) In any other manner that the State is required to prohibit by the Middle Class Tax Relief and Job Creation Act of 2012, Public Law 112-96, and any regulations adopted pursuant thereto.

4. A person shall not knowingly accept a public assistance electronic benefit transfer card for ~~any prohibited~~ use in any place or manner listed in subsection 3.

5. A recipient who attempts to use benefits or uses benefits ~~for~~ in any prohibited purpose place or manner listed in subsection 3 shall be deemed to have failed to comply with the plan established pursuant to subsection 1.

6. The Division shall periodically review the plan required pursuant to subsection 1 to determine whether the needs of the household have changed. The Division may, with the participation of the head of the household, amend the plan as it deems appropriate.

~~7.~~ 7. If a member of the household is an unmarried parent who is less than 18 years of age, the plan required pursuant to subsection 1 must include a provision which:

(a) Requires the head of the household to ensure that the unmarried parent attends training to learn the skills necessary to care for the child; and

(b) Encourages the head of the household to ensure that the unmarried parent participates in a program which provides mentors for unmarried parents who are less than 18 years of age.

8. ~~As used in this section, "public":~~

(a) "Casino, gambling casino or gaming establishment" means any business operating under a nonrestricted gaming license, as defined in NRS 463.0177, or a restricted gaming license, as defined in NRS 463.0189, but excludes any business excluded from the term in 42 U.S.C. 608(a)(12)(B)(ii).

(b) "Liquor store" has the meaning ascribed to it in 42 U.S.C. § 608(a)(12)(B)(i).

(c) "Public assistance electronic benefit transfer card" means a plastic card or any other access device issued by the Division to a recipient of benefits that enables the recipient to have access to and process transactions involving benefits.

Sec. 2. ~~[Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. A licensee or an employee of a licensee shall not knowingly allow a person to use a public assistance electronic benefit transfer card to purchase an alcoholic beverage at the place of business of the licensee.~~

~~2. If a person attempts to use his or her public assistance electronic benefit transfer card to purchase an alcoholic beverage at the place of business of a licensee, the licensee shall report that attempt to the Division.~~

~~3. A licensee shall disable the ability of any point of sale terminal or automated teller located on the premises of his or her business to accept a public assistance electronic benefit transfer card.~~

~~4. The Division shall notify the liquor board that issued the license to a licensee of any failure of the licensee or his or her employees to comply with any provision of this section.~~

~~5. The liquor board shall suspend the license of the licensee upon receiving notification from the Division or otherwise determining that the licensee has failed to comply with any provision of this section. If the licensee remains otherwise eligible to be licensed, the liquor board may reinstate the license.~~

~~(a) If the licensee is found to have violated the provisions of subsection 1 or 2, when the licensee shows that he or she has taken appropriate measures to prevent future violations; or~~

~~(b) If the licensee is found to have violated the provisions of subsection 3, when the licensee demonstrates compliance with subsection 3.~~

~~6. As used in this section:~~

~~(a) "Automated teller" has the meaning ascribed to it in NRS 354.780.~~

~~(b) "Division" means the Division of Welfare and Supportive Services of the Department of Health and Human Services.~~

~~(c) "Licensee" means a person who holds a liquor license issued pursuant to NRS 244.350.~~

~~(d) "Point of sale terminal" means an information processing device or machine located on the premises of a business;~~

~~(1) Through which transaction messages are initiated and electronically transmitted to an acquirer to effectuate a purchase or cash advance; and~~

~~(2) Which accepts debit cards, credit cards or public assistance electronic benefit transfer cards.~~

~~(e) "Public assistance electronic benefit transfer card" has the meaning ascribed to it in NRS 422A.535.] (Deleted by amendment.)~~

Sec. 3. ~~NRS 244.3525 is hereby amended to read as follows:~~

~~244.3525 1. The chair or clerk of the board of county commissioners to enforce NRS 244.331 to 244.335, inclusive, and 244.335 to 244.340, inclusive, the chair or clerk of the license board of the county to enforce NRS 244.345 and the chair or clerk of the liquor board of the county to enforce NRS 244.350, 244.3501 and 244.351 and section 2 of this act may:~~

~~(a) Administer oaths and require testimony under oath;~~

~~(b) Pay witnesses a reasonable allowance for travel and subsistence; and~~

~~(c) Appoint hearing officers who may administer oaths and receive testimony given under oath.~~

~~2. Each hearing officer appointed pursuant to paragraph (c) of subsection 1 must be a resident of this State who is a graduate of:~~

~~(a) An accredited law school; or~~

~~(b) An accredited 4 year college and has at least 5 years' experience in public administration;~~

~~and who has completed a course of instruction in administrative law, relating to the provisions of this chapter, offered by the office of the district attorney for the county. This course must consist of at least 4 hours of instruction in a classroom.~~

~~3. Any notice given by the board must be served in the manner required for civil actions.] (Deleted by amendment.)~~

Sec. 4. ~~Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. A licensee or an employee of a licensee shall not knowingly allow a person to use a public assistance electronic benefit transfer card to purchase an alcoholic beverage at the place of business of the licensee.~~

~~2. If a person attempts to use his or her public assistance electronic benefit transfer card to purchase an alcoholic beverage at the place of business of a licensee, the licensee shall report that attempt to the Division.~~

~~3. A licensee shall disable the ability of any point of sale terminal or automated teller machine located on the premises of his or her business to accept a public assistance electronic benefit transfer card.~~

~~4. The Division shall notify the licensing authority of the incorporated city that issued the license to a licensee of any failure of the licensee or his or her employees to comply with any provision of this section.~~

~~5. The licensing authority shall suspend the license of the licensee upon receiving notification from the Division or otherwise determining that the licensee has failed to comply with any provision of this section. If the licensee remains otherwise eligible to be licensed, the licensing authority may reinstate the license.~~

~~(a) If the licensee is found to have violated the provisions of subsection 1 or 2, when the licensee shows that he or she has taken appropriate measures to prevent future violations; or~~

~~(b) If the licensee is found to have violated the provisions of subsection 3, when the licensee demonstrates compliance with subsection 3.~~

~~6. As used in this section:~~

~~(a) "Automated teller" has the meaning ascribed to it in NRS 354.780.~~
~~(b) "Division" means the Division of Welfare and Supportive Services of the Department of Health and Human Services.~~

~~(c) "Licensee" means a person who holds a liquor license issued pursuant to NRS 268.000.~~

~~(d) "Point of sale terminal" means an information processing device or machine located on the premises of a business:~~

~~(1) Through which transaction messages are initiated and electronically transmitted to an acquirer to effectuate a purchase or cash advance; and~~

~~(2) Which accepts debit cards, credit cards or public assistance electronic benefit transfer cards.~~

~~(e) "Public assistance electronic benefit transfer card" has the meaning ascribed to it in NRS 422A.525.] (Deleted by amendment.)~~

Sec. 5. ~~[Chapter 463 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. A licensee or an employee of a licensee shall not knowingly allow a person to use a public assistance electronic benefit transfer card for gaming at the place of business of the licensee.~~

~~2. If a person attempts to use his or her public assistance electronic benefit transfer card for gaming at the place of business of a licensee, the licensee shall report that attempt to the Division.~~

~~3. A licensee shall disable the ability of any point of sale terminal or automated teller machine located on the premises of his or her business to accept a public assistance electronic benefit transfer card.~~

~~4. The Division shall notify the Commission of any failure of the licensee or his or her employees to comply with any provision of this section.~~

~~5. The Commission shall issue an emergency suspension of the license of the licensee upon receiving notification from the Division or otherwise determining that the licensee has failed to comply with any provision of this section. If the licensee remains otherwise eligible to be licensed, the Commission may reinstate the licensee.~~

~~(a) If the licensee is found to have violated the provisions of subsection 1 or 2, when the licensee shows that he or she has taken appropriate measures to prevent future violations; or~~

~~(b) If the licensee is found to have violated the provisions of subsection 3, when the licensee demonstrates compliance with subsection 3.~~

~~6. As used in this section:~~

~~(a) "Automated teller" has the meaning ascribed to it in NRS 354.780.~~

~~(b) "Division" means the Division of Welfare and Supportive Services of the Department of Health and Human Services.~~

~~(c) "Licensee" means a person who holds a nonrestricted license, as defined in NRS 463.0177.~~

~~(d) "Point of sale terminal" means an information processing device or machine located on the premises of a business:~~

~~(1) Through which transaction messages are initiated and electronically transmitted to an acquirer to effectuate a purchase or cash advance; and~~

~~(2) Which accepts debit cards, credit cards or public assistance electronic benefit transfer cards.~~

~~(e) "Public assistance electronic benefit transfer card" has the meaning ascribed to it in NRS 422A.525.] (Deleted by amendment.)~~

Sec. 6. ~~[NRS 463.311 is hereby amended to read as follows:~~

~~463.311 The Commission may issue an emergency order for suspension, limitation or conditioning of a license, registration, finding of suitability, pari-~~

1 ~~mutuel license or prior approval, or may issue an emergency order requiring a~~
2 ~~licensed gaming establishment to keep an individual licensee from the premises of~~
3 ~~the licensed gaming establishment or not to pay such licensee any remuneration for~~
4 ~~services or any profits, income or accruals on the investment of the licensee in the~~
5 ~~licensed gaming establishment in the following manner:~~

6 ~~1. [An] Except as otherwise provided in section 5 of this act, an emergency~~
7 ~~order may be issued only when the Commission believes that:~~

8 ~~(a) There has been a violation of subsection 2 of NRS 463.360 or NRS~~
9 ~~465.082;~~

10 ~~(b) Such action is necessary to prevent a violation of NRS 465.082;~~

11 ~~(c) There has been a violation of subsection 1 of NRS 463.160; or~~

12 ~~(d) Such action is necessary for the immediate preservation of the public peace,~~
13 ~~health, safety, morals, good order or general welfare.~~

14 ~~2. The emergency order must set forth the grounds upon which it is issued,~~
15 ~~including a statement of facts constituting the alleged emergency necessitating such~~
16 ~~action.~~

17 ~~3. An emergency order may be issued only with the approval of and upon~~
18 ~~signature by not less than three members of the Commission.~~

19 ~~4. The emergency order is effective immediately upon issuance and service~~
20 ~~upon the licensee or registered agent of the licensee or, in cases involving~~
21 ~~registrations, findings of suitability, pari mutuel licenses or any prior approval,~~
22 ~~upon issuance and service upon the person or entity involved or registered agent of~~
23 ~~the entity involved. The emergency order may suspend, limit, condition or take~~
24 ~~other action in relation to the license of one or more persons in an operation without~~
25 ~~affecting other individual licensees or the licensed gaming establishment. The~~
26 ~~emergency order remains effective until further order of the Commission or final~~
27 ~~disposition of the case.~~

28 ~~5. Within 5 days after issuance of an emergency order, the Commission shall~~
29 ~~cause a complaint to be filed and served upon the person or entity involved in~~
30 ~~accordance with the provisions of NRS 463.312.~~

31 ~~6. Thereafter, the person or entity against whom the emergency order has~~
32 ~~been issued and served is entitled to a hearing before the Commission in~~
33 ~~accordance with NRS 463.312 to 463.3145, inclusive, and to judicial review of the~~
34 ~~decision and order of the Commission thereon in accordance with NRS 463.315 to~~
35 ~~463.318, inclusive.] (Deleted by amendment.)~~

36 **Sec. 7.** ~~[NRS 463.482 is hereby amended to read as follows:~~

37 ~~463.482 As used in NRS 463.160 to 463.170, inclusive, and section 5 of this~~
38 ~~act, 463.368, 463.386, 463.482 to 463.645, inclusive, and 463.750, unless the~~
39 ~~context otherwise requires, the words and terms defined in NRS 463.4825 to~~
40 ~~463.488, inclusive, have the meanings ascribed to them in those sections.] (Deleted~~
41 ~~by amendment.)~~

42 **Sec. 8.** ~~[Chapter 697 of NRS is hereby amended by adding thereto a new~~
43 ~~section to read as follows:~~

44 ~~1. A bail agent or an employee of a bail agent shall not knowingly allow a~~
45 ~~person to use a public assistance electronic benefit transfer card to purchase a~~
46 ~~bail bond at the place of business of the licensee.~~

47 ~~2. If a person attempts to use his or her public assistance electronic benefit~~
48 ~~transfer card to purchase a bail bond at the place of business of a bail agent, the~~
49 ~~bail agent shall report that attempt to the Division.~~

50 ~~3. A bail agent shall disable the ability of any point of sale terminal or~~
51 ~~automated teller located on the premises of his or her business to accept a public~~
52 ~~assistance electronic benefit transfer card.~~

~~4. The Division shall notify the Commissioner of any failure of the licensee or his or her employees to comply with any provision of this section.~~

~~5. The Commissioner shall suspend the license of the bail agent upon receiving notification from the Division or otherwise determining that the licensee has failed to comply with any provision of this section. If the bail agent remains otherwise eligible to be licensed, the Commissioner may reinstate the license.~~

~~(a) If the bail agent is found to have violated the provisions of subsection 1 or 2, when the bail agent shows that he or she has taken appropriate measures to prevent future violations; or~~

~~(b) If the bail agent is found to have violated the provisions of subsection 3, when the licensee demonstrates compliance with subsection 3.~~

~~6. As used in this section:~~

~~(a) "Automated teller" has the meaning ascribed to it in NRS 354.780.~~

~~(b) "Division" means the Division of Welfare and Supportive Services of the Department of Health and Human Services.~~

~~(c) "Point of sale terminal" means an information processing device or machine located on the premises of a business.~~

~~(1) Through which transaction messages are initiated and electronically transmitted to an acquirer to effectuate a purchase or cash advance; and~~

~~(2) Which accepts debit cards, credit cards or public assistance electronic benefit transfer cards.~~

~~(d) "Public assistance electronic benefit transfer card" has the meaning ascribed to it in NRS 422A.535.~~ **(Deleted by amendment.)**

Sec. 9. On or before February 1, 2015, the Director of the Department of Health and Human Services shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report regarding measures taken by the Department to comply with section 4004 of the Middle Class Tax Relief and Job Creation Act of 2012, Public Law 112-96, and any regulations adopted pursuant thereto. The report must include, without limitation, any recommendations for legislation that is necessary to comply with section 4004 of the Middle Class Tax Relief and Job Creation Act of 2012, Public Law 112-96, and any regulations adopted pursuant thereto.

~~[Sec. 9]~~ **Sec. 10.** This act becomes effective on July 1, 2013.