

Amendment No. 562

Senate Amendment to Senate Bill No. 219	(BDR 54-646)
<b>Proposed by:</b> Senate Committee on Commerce and Labor	
<b>Amendment Box:</b> Replaces Amendment No. 89.	
<b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will ADD a 2/3s majority vote requirement for final passage of S.B. 219 (§ 2).

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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

JFD/BJF



Date: 4/18/2019

S.B. No. 219—Revises provisions relating to certain regulatory bodies.  
(BDR 54-646)





## SENATE BILL NO. 219—SENATOR SETTELMAYER

FEBRUARY 18, 2019

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to certain regulatory bodies.  
(BDR 54-646)

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 regulatory bodies; ~~requiring~~ **authorizing** certain regulatory bodies to enter into **or participate in** contracts to accept ~~electronic~~ payments for fees ~~and other costs for initial licensing and license renewals; providing that withdrawals from accounts of~~ **by credit card, debit card or electronic transfer of money; requiring** certain regulatory bodies ~~require two signatures;~~ **to establish written internal controls relating to withdrawals from bank accounts;** and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

~~Existing law authorizes various state agencies to enter into or participate in contracts to accept credit cards, debit cards and electronic transfers of money. (NRS 353.146-353.148) Each such state agency that has not entered into or is not participating in such a contract must report to the Legislative Commission and the Interim Finance Committee on or before July 1 of every even-numbered year concerning the reasons the agency has not done so and the efforts it is taking to enter into or participate in such a contract. (NRS 353.1466)~~

Under existing law, regulatory bodies are state agencies, boards or commissions which have the authority to regulate an occupation or profession pursuant to title 54 of NRS. (NRS 622.060) **Section 2** of this bill ~~requires~~ **authorizes** each such regulatory body to enter into **or participate in** a contract to accept ~~electronic payments for~~ payments of fees ~~and other costs of initial licensing and the renewal of licenses;~~ **by credit card, debit card or the electronic transfer of money and authorizes such a regulatory body to charge and collect a convenience fee for the acceptance of such forms of payment under certain circumstances.** **Section 3** of this bill provides that if such a regulatory body has established and deposited money in an account in a financial institution, then ~~two signatures are required to make withdrawals from the account;~~ **the regulatory body must establish written internal controls relating to any withdrawals from such an account, including a regular review of the expenditures of the regulatory body by two of its members and quarterly reviews by the regulatory body of its financial statements.**

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

**Section 1.** Chapter 622 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

**Sec. 2. 1. ~~[Each]~~ A regulatory body ~~[shall enter]~~ may:**

**(a) Enter into** ~~for participate in one or more contracts pursuant to NRS 353.146 to 353.148, inclusive, to accept electronic payments for fees and other costs of initial licensing and the renewal of licenses. A regulatory body shall not charge any additional fee or other additional amount for accepting such electronic payments.~~

~~2. As used in this section, the term "electronic payments" includes, without limitation, payments by credit card, debit card and the electronic transfer of money.]~~ a contract with an issuer of credit cards or debit cards or an operator of a system that provides for the electronic transfer of money to provide for the acceptance of credit cards, debit cards or electronic transfers of money by the regulatory body for the payment of money owed to the regulatory body for a fee, fine or other assessment authorized by law; or

(b) Upon approval of the Director of the Office of Finance, participate in a contract entered into by the Director pursuant to NRS 353.1466.

2. If the issuer or operator charges the regulatory body a fee for each use of a credit card or debit card or for each electronic transfer of money, the regulatory body may require the cardholder or the person requesting the electronic transfer of money to pay a convenience fee. The total convenience fees charged by the regulatory body in a fiscal year must not exceed the total amount of fees charged to the regulatory body by the issuer or operator in that fiscal year.

3. As used in this section:

(a) "Cardholder" means the person or organization named on the face of a credit card or debit card to whom or for whose benefit the credit card or debit card is issued by an issuer.

(b) "Convenience fee" means a fee paid by a cardholder or person requesting the electronic transfer of money to a regulatory body for the convenience of using the credit card or debit card or the electronic transfer of money to make such payment.

(c) "Credit card" means any instrument or device, whether known as a credit card or credit plate or by any other name, issued with or without a fee by an issuer for the use of the cardholder in obtaining money, property, goods, services or anything else of value on credit.

(d) "Debit card" means any instrument or device, whether known as a debit card or by any other name, issued with or without a fee by an issuer for the use of the cardholder in depositing, obtaining or transferring funds.

(e) "Electronic transfer of money" has the meaning ascribed to it in NRS 463.01473.

(f) "Issuer" means a business organization, financial institution or authorized agent of a business organization or financial institution that issues a credit card or debit card.

**Sec. 3.** If a regulatory body has established and deposited money in an account in a bank, credit union, savings and loan association or savings bank, ~~fell~~ the regulatory body must establish written internal controls with respect to any withdrawals from the account ~~[must require the signature of]~~

~~1. Two members of the regulatory body; or~~

~~2. One member of the regulatory body and the executive director or executive secretary of the regulatory body, if any,]~~ which must include, without limitation:

1. A system by which two or more members of the regulatory body conduct regular reviews of the expenditures made by the regulatory body and the supporting documentation for such expenditures. Each member who participates in such a review shall prepare a signed and dated attestation regarding his or her participation, which the regulatory body shall retain for its records.

2. A requirement that the regulatory body conduct a quarterly review of its financial statements, including, without limitation, a schedule of its disbursements.

**Sec. 4.** ~~[NRS 353.005 is hereby amended to read as follows:~~

~~353.005 Except as otherwise provided in NRS 353.007 [,] and section 2 of this act, the provisions of this chapter do not apply to boards created by the provisions of NRS 590.485 and chapters 622 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 654 and 656 of NRS and the officers and employees of those boards.] (Deleted by amendment.)~~

**Sec. 5.** This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any preliminary administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2020, for all other purposes.