

REQUIRES TWO-THIRDS MAJORITY VOTE (§ 2)

(Reprinted with amendments adopted on April 18, 2019)

FIRST REPRINT

S.B. 219

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; authorizing certain regulatory bodies to enter into or participate in contracts to accept payments for fees by credit card, debit card or electronic transfer of money; requiring certain regulatory bodies to establish written internal controls relating to withdrawals from bank accounts; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, regulatory bodies are state agencies, boards or
2 commissions which have the authority to regulate an occupation or profession
3 pursuant to title 54 of NRS. (NRS 622.060) **Section 2** of this bill authorizes each
4 such regulatory body to enter into or participate in a contract to accept payments of
5 fees by credit card, debit card or the electronic transfer of money and authorizes
6 such a regulatory body to charge and collect a convenience fee for the acceptance
7 of such forms of payment under certain circumstances. **Section 3** of this bill
8 provides that if such a regulatory body has established and deposited money in an
9 account in a financial institution, then the regulatory body must establish written
10 internal controls relating to any withdrawals from such an account, including a
11 regular review of the expenditures of the regulatory body by two of its members
12 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:

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

3 **Sec. 2. 1. *A regulatory body may:***



* S B 2 1 9 R 1 *

1 (a) Enter into a contract with an issuer of credit cards or debit
2 cards or an operator of a system that provides for the electronic
3 transfer of money to provide for the acceptance of credit cards,
4 debit cards or electronic transfers of money by the regulatory body
5 for the payment of money owed to the regulatory body for a fee,
6 fine or other assessment authorized by law; or

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

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

18 3. As used in this section:

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

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

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

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

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

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

40 **Sec. 3.** If a regulatory body has established and deposited
41 money in an account in a bank, credit union, savings and loan
42 association or savings bank, the regulatory body must establish
43 written internal controls with respect to any withdrawals from the
44 account, which must include, without limitation:



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

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

11 **Sec. 4.** (Deleted by amendment.)

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



