

Senate Bill No. 219–Senator Settlemeyer

CHAPTER.....

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:

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 authorizes each such regulatory body to enter into or participate in a contract to accept payments of fees 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 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.

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

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. *A regulatory body may:*

(a) Enter into 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, the regulatory body must establish written internal controls with respect to any withdrawals from the account, 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. (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.

