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ASSEMBLY BILL NO. 402—ASSEMBLYMAN OCEGUERA

MARCH 21, 2011

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Referred to Committee on Government Affairs

**SUMMARY**—Requires a state agency to enter into or participate in a contract to allow it to accept credit cards, debit cards or electronic transfers of money to the agency unless it is impracticable for the agency to do so. (BDR 31-968)

**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.

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AN ACT relating to state financial administration; requiring a state agency to seek and obtain the approval of the State Board of Finance to enter into a contract to allow the agency to accept credit or debit cards or electronic transfers of money unless it is impracticable for the agency to enter into such a contract; authorizing the Director of the Department of Administration to enter into contracts for the benefit of all state agencies for the acceptance of credit or debit cards or electronic transfers of money, in which any state agency may participate; requiring a state agency that does not enter into such a contract or participate in a contract entered into by the Director of the Department of Administration to report periodically to the Legislative Commission and the Interim Finance Committee concerning the reasons for the failure; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law authorizes a state agency to enter into a contract for the acceptance  
2 of credit cards, debit cards or electronic transfers of money by the agency, with the  
3 approval of the State Board of Finance. (NRS 353.1465) This bill requires state  
4 agencies to seek and obtain such approval unless it is impracticable for the agency  
5 to enter into such a contract. A state agency may, in lieu of entering into such a  
6 contract on its own behalf, participate in a contract entered into by the Director of  
7 the Department of Administration for the benefit of all state agencies. This bill also



8 authorizes the Director to enter into such contracts for the benefit of all state  
9 agencies, subject to the restrictions and procedures that currently apply to  
10 individual contracts. Finally, the bill requires an agency that has not entered into  
11 such a contract or is not participating in an agreement entered into by the Director  
12 of the Department of Administration to report periodically to the Legislative  
13 Commission and the Interim Finance Committee concerning the reasons for the  
14 failure.

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

1       **Section 1.** Chapter 353 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3       1. *Except as otherwise provided in subsection 2, a state*  
4 *agency shall seek and obtain the approval of the State Board of*  
5 *Finance to enter into a contract for the acceptance of credit cards,*  
6 *debit cards or electronic transfers of money pursuant to NRS*  
7 *353.1465 unless it is impracticable for the agency to enter into*  
8 *such a contract.*

9       2. *The Director of the Department of Administration may*  
10 *enter into one or more contracts with issuers of credit cards or*  
11 *debit cards or operators of systems that provide for the electronic*  
12 *transfer of money to provide for the acceptance of credit cards,*  
13 *debit cards or electronic transfers of money by any state agency*  
14 *that chooses to participate in the contract. The Director must*  
15 *obtain approval of the State Board of Finance in the manner*  
16 *required pursuant to NRS 353.1465 for such a contract, and the*  
17 *contract is subject to the requirements of that section. If a state*  
18 *agency participates in such a contract, it is not required to seek*  
19 *and obtain approval to enter into a contract pursuant to*  
20 *subsection 1.*

21       3. *A state agency that has not entered into a contract*  
22 *pursuant to NRS 353.1465 or is not participating in a contract*  
23 *pursuant to subsection 2 shall report to the Legislative*  
24 *Commission and the Interim Finance Committee on or before*  
25 *July 1 of every even-numbered year concerning the reasons that*  
26 *the agency has failed to enter into or participate in such a*  
27 *contract, including any supporting financial information, and the*  
28 *efforts the agency is taking to allow it to enter into or participate*  
29 *in such a contract in the future.*

30       **Sec. 2.** NRS 353.146 is hereby amended to read as follows:  
31 353.146 As used in NRS 353.146 to 353.148, inclusive, *and*  
32 *section 1 of this act*, “state agency” means an agency, bureau,  
33 board, commission, department, division or any other unit of the  
34 Executive Department of the State Government.



1     **Sec. 3.**   This act becomes effective on January 1, 2012.

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