

SENATE BILL NO. 188—SENATOR SPEARMAN

MARCH 8, 2021

Referred to Committee on Health and Human Services

SUMMARY—Establishes programs for certain persons of low-income and certain children. (BDR 38-711)

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

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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 public assistance; requiring the Office of the State Treasurer to solicit gifts, grants and donations to establish the Individual Development Account Program under which certain persons may establish an individual development account; creating the Nevada Statewide Council on Financial Independence; prohibiting certain entities from considering money deposited into an individual development account by certain persons to be income under certain circumstances; requiring certain entities to ensure that instruction in financial literacy is provided to certain persons if money is available to provide such instruction; requiring the State Treasurer to ensure that certain instruction and training is provided to a tenant of a housing project if money is available to provide such instruction and training; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 The Oregon Individual Development Account Initiative program allows certain
2 persons from low-income households to establish an individual development
3 account into which the person deposits money to save and later use for certain
4 purposes. A fiduciary organization manages the Program and matches the amounts
5 deposited by a person. (Or. Rev. Stat. §§ 458.670-458.700) **Sections 15-25** of this
6 bill provide for the establishment of a similar program in this State entitled the
7 Individual Development Account Program. **Section 20** of this bill requires the
8 Office of the State Treasurer to: (1) solicit gifts, grants and donations to carry out
9 the Program; and (2) establish the Program if sufficient money is obtained. **Section**
10 **20** authorizes the Office to: (1) select one or more fiduciary organizations to
11 administer the money in the Program pursuant to **section 24** of this bill; and (2)



12 distribute a portion of the money obtained to the Department of Health and Human
13 Services, foster care licensing agencies and housing authorities to provide
14 instruction in financial literacy to account holders.

15 **Section 21** of this bill generally provides that if the Program is established, a
16 person who qualifies to become an account holder is authorized to establish an
17 individual development account. To qualify to become an account holder, **section**
18 **21** requires a person to be: (1) a resident of this State; (2) twelve years of age or
19 older; and (3) a tenant of a housing project for persons of low income in this State,
20 a recipient of Medicaid, a provider of foster care or a relative or a fictive kin with
21 whom a child is placed by an agency which provides child welfare services who is
22 creating such an account for a child placed in his or her care. **Section 21** further
23 provides that to establish an individual development account, the account holder
24 and the fiduciary organization must enter into an agreement wherein the account
25 holder deposits funds into a financial institution and the fiduciary organization
26 deposits matching funds into the financial institution pursuant to **section 23** of this
27 bill, with the goal of enabling the account holder to accumulate assets for use
28 toward achieving a specific purpose authorized by the fiduciary organization
29 pursuant to **section 22** of this bill. **Section 23** authorizes a fiduciary organization to
30 accept and solicit gifts, grants and donations to fund the Program and requires the
31 fiduciary organization to match deposits made by the account holder by not more
32 than \$5 for each \$1 deposited by the account holder in his or her individual
33 development account. **Section 23** further prohibits an account holder from accruing
34 more than \$3,000 of matching funds in any 12-month period.

35 **Sections 5-14** of this bill create the Nevada Statewide Council on Financial
36 Independence. **Section 6** of this bill sets forth the membership of the Council.
37 **Section 10** of this bill requires the Council to: (1) develop statewide priorities and
38 strategies for helping persons who receive public assistance or social services to
39 increase the financial independence of such persons; (2) coordinate with certain
40 state agencies; and (3) oversee the Individual Development Account Program, if
41 that Program is established.

42 **Section 2** of this bill prohibits the Department of Health and Human Services,
43 under certain circumstances, from considering the money deposited in an individual
44 development account by a recipient of Medicaid to be income for the purpose of
45 determining the recipient's eligibility to receive benefits provided by Medicaid. If
46 the Department receives money from the State Treasurer pursuant to **section 20**,
47 **section 3** of this bill requires the Department to ensure that instruction in financial
48 literacy is provided to a recipient of Medicaid who deposits a portion of his or her
49 income into an individual development account. **Section 3** authorizes the
50 Department to contract for the services of an independent contractor to provide
51 such instruction in financial literacy. **Section 34** of this bill makes a conforming
52 change by including the provisions of **sections 2 and 3** in the duties of the Director
53 of the Department.

54 Existing law defines "provider of foster care" to mean a person who is licensed
55 by the licensing authority to conduct a foster home. (NRS 424.017) Existing law
56 defines "foster home" as a home that receives, nurtures, supervises and ensures
57 routine educational services and medical, dental and mental health treatment for
58 children and includes: (1) a family foster home; (2) a specialized foster home; (3)
59 an independent living foster home; and (4) a group foster home. (NRS 424.014)
60 Existing law: (1) defines "fictive kin" to mean a person who is not related by blood
61 to a child but who has a significant emotional and positive relationship with the
62 child; and (2) authorizes an agency which provides child welfare services to place a
63 child who is in protective custody with certain relatives or a fictive kin. (NRS
64 432B.390) **Sections 27 and 30.5** of this bill authorize a provider of foster care or a
65 relative or fictive kin with whom a child is placed by an agency which provides
66 child welfare services to, upon receiving the approval of the licensing authority or



67 agency, as applicable: (1) establish an individual development account for a child
68 placed in the care of the provider of foster care, relative or fictive kin; and (2)
69 deposit into the individual development account money received by the provider of
70 foster care, relative or fictive kin to pay for the cost of providing care to the child if
71 such use does not conflict with or prevent the provider of foster care, relative or
72 fictive kin from providing care to the child. **Sections 27 and 30.5** additionally
73 provide that: (1) the money in the individual development account is the property of
74 the child for whom the account was established; (2) the child has access to the
75 money in the individual development account upon reaching 18 years of age or
76 being declared emancipated; and (3) the child may use the money in the individual
77 development account only for certain purposes, as set forth in **section 22**. If the
78 licensing authority or agency which provides child welfare services, as applicable,
79 receives money from the State Treasurer pursuant to **section 20, sections 28 and**
80 **30.7** of this bill require the licensing authority or agency to ensure that instruction
81 in financial literacy is provided to a child for whom an individual development
82 account is established. **Sections 28 and 30.7** authorize the licensing authority or
83 agency which provides child welfare services to contract for the services of an
84 independent contractor to provide such instruction in financial literacy. **Sections 29**
85 **and 30** of this bill make conforming changes by exempting **sections 27 and 28**
86 from certain requirements relating to foster homes. **Section 31** of this bill
87 authorizes the Division of Child and Family Services of the Department of Health
88 and Human Services to use the money in the Normalcy for Foster Youth Account
89 to provide monetary support to a provider of foster care, relative or fictive kin to
90 establish and fund an individual development account. **Sections 30.3, 30.9, 31.2-**
91 **31.8 and 46.5** of this bill replace definitions of "fictive kin" for individual sections
92 in chapter 432B of NRS with a chapter-wide definition of that term that is identical
93 to the definition of the term currently used in individual sections of that chapter.

94 Existing law creates local housing authorities and the Nevada Rural Housing
95 Authority to operate housing projects for persons of low income in this State. (NRS
96 315.320, 315.440, 315.977, 315.988) Existing law also prohibits a housing
97 authority from accepting a tenant who earns more than a prescribed maximum
98 income. (NRS 315.510, 315.994) **Sections 36 and 38** of this bill prohibit each local
99 housing authority and the Nevada Rural Housing Authority from considering the
100 money deposited in an individual development account by a tenant to be income for
101 the purpose of determining the tenant's eligibility to remain in the housing project.

102 If a local housing authority or the Nevada Rural Housing Authority receives
103 money from the State Treasurer pursuant to **section 20, sections 37 and 39** of this
104 bill require those organizations to ensure that instruction in financial literacy is
105 provided to a tenant who deposits a portion of his or her income in an individual
106 development account. **Sections 37 and 39** authorize each local housing authority
107 and the Nevada Rural Housing Authority to contract for the services of an
108 independent contractor to provide such instruction in financial literacy. **Sections**
109 **40-45** of this bill make conforming changes to indicate the proper placement of
110 **sections 36-39** in the Nevada Revised Statutes.

111 Existing law sets forth the general powers and duties of the State Treasurer.
112 (NRS 226.110) To the extent that money is available, **section 33** of this bill
113 requires the State Treasurer to ensure that instruction and training in business
114 opportunities and any benefits available to certain business enterprises are provided
115 to a tenant of each local housing authority, the Nevada Rural Housing Authority
116 and certain nonprofit organizations. Existing law authorizes the State Treasurer to
117 appoint and employ certain Deputies. (NRS 226.100) **Section 32** of this bill
118 authorizes the State Treasurer to appoint and employ a Deputy of Financial
119 Literacy and Security.



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

1 **Section 1.** Chapter 422 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2.** *To the extent authorized by federal law, the*
4 *Department shall not consider money deposited in an individual*
5 *development account pursuant to section 21 of this act by a*
6 *recipient of Medicaid to be income for the purpose of determining*
7 *whether the person who deposited the money is eligible to receive*
8 *or to continue to receive benefits that are provided by Medicaid.*

9 **Sec. 3. 1.** *The Department shall, to the extent that money is*
10 *provided by the State Treasurer pursuant to section 20 of this act*
11 *for that purpose, ensure that instruction in financial literacy is*
12 *provided to a recipient of Medicaid who deposits a portion of his*
13 *or her income in an individual development account pursuant to*
14 *section 21 of this act.*

15 **2.** *The Department may contract for the services of an*
16 *independent contractor to provide the instruction required in*
17 *subsection 1.*

18 **Sec. 4.** Chapter 422A of NRS is hereby amended by adding
19 thereto the provisions set forth as sections 5 to 25, inclusive, of this
20 act.

21 **Sec. 5.** *As used in sections 5 to 25, inclusive, of this act,*
22 *“Nevada Statewide Council on Financial Independence” means*
23 *the Nevada Statewide Council on Financial Independence created*
24 *by section 6 of this act.*

25 **Sec. 6. 1.** *The Nevada Statewide Council on Financial*
26 *Independence is hereby created.*

27 **2.** *The Council is composed of the following voting members:*

28 **(a)** *The Lieutenant Governor or his or her designee;*

29 **(b)** *The State Treasurer or his or her designee;*

30 **(c)** *The Director or his or her designee;*

31 **(d)** *The Director of the Department of Employment, Training*
32 *and Rehabilitation or his or her designee;*

33 **(e)** *The Attorney General or his or her designee;*

34 **(f)** *The Executive Director of the Office of Economic*
35 *Development or his or her designee;*

36 **(g)** *The Superintendent of Public Instruction of the*
37 *Department of Education or his or her designee;*

38 **(h)** *The following five voting members, appointed by the State*
39 *Treasurer:*

40 **(1)** *A representative of:*

41 **(I)** *An authority, as defined in NRS 315.170;*



1 (II) *The Nevada Rural Housing Authority created by*
2 *NRS 315.977; or*

3 (III) *A nonprofit organization which primarily provides*
4 *affordable housing developments that are financed, wholly or in*
5 *part, with low-income housing tax credits, private activity bonds or*
6 *money from a governmental entity for affordable housing,*
7 *including, without limitation, money received pursuant to the*
8 *HOME Investment Partnerships Act, 42 U.S.C. §§ 12701 et seq.;*

9 (2) *A representative of an agency which provides child*
10 *welfare services, as defined in NRS 432B.030, operating in a*
11 *county whose population is 700,000 or more;*

12 (3) *A representative of the Nevada System of Higher*
13 *Education;*

14 (4) *A representative of Workforce Connections or its*
15 *successor organization; and*

16 (5) *A representative with knowledge, skill and experience in*
17 *programs designed for recipients of public assistance or social*
18 *services.*

19 3. *The State Treasurer or his or her designee shall serve as*
20 *Chair of the Council.*

21 4. *The Lieutenant Governor or his or her designee shall serve*
22 *as Vice Chair of the Council.*

23 **Sec. 7.** *Any member appointed by the State Treasurer to fill a*
24 *vacancy in the appointed membership of the Nevada Statewide*
25 *Council on Financial Independence occurring before the*
26 *expiration of a term shall be appointed by the State Treasurer for*
27 *the remainder of the unexpired term.*

28 **Sec. 8.** 1. *The Nevada Statewide Council on Financial*
29 *Independence may prescribe such bylaws as it deems necessary for*
30 *its operation.*

31 2. *The Council shall meet at the call of the Chair as*
32 *frequently as required to perform its duties, but not less than*
33 *quarterly.*

34 3. *A majority of the voting members of the Council*
35 *constitutes a quorum for the transaction of business, and a*
36 *majority of those voting members present at any meeting is*
37 *sufficient for any official action taken by the Council.*

38 4. *The Council and any working groups appointed pursuant*
39 *to section 11 of this act shall comply with the provisions of chapter*
40 *241 of NRS and shall conduct all meetings in accordance with*
41 *that chapter.*

42 **Sec. 9.** 1. *To the extent that money is available for this*
43 *purpose, the Nevada Statewide Council on Financial*
44 *Independence may provide:*



1 (a) Compensation of not more than \$80 per day to each
2 member of the Council who is not a public employee, while
3 engaged in the business of the Council; and

4 (b) The per diem allowance and travel expenses provided for
5 state officers and employees generally to each member of the
6 Council while engaged in the business of the Council.

7 2. A member of the Council who is a public employee may
8 not receive any compensation for his or her services as a member
9 of the Council. Any member of the Council who is a public
10 employee must be granted administrative leave from the duties of
11 the member to engage in the business of the Council without loss
12 of his or her regular compensation. Such leave must not reduce
13 the amount of the member's other accrued leave.

14 **Sec. 10.** *The Nevada Statewide Council on Financial*
15 *Independence shall:*

16 1. *Develop statewide priorities and strategies for helping*
17 *persons who receive public assistance or social services so that the*
18 *state agencies may collectively help increase the financial*
19 *independence of such persons.*

20 2. *Coordinate with all state agencies that work with persons*
21 *who receive public assistance or social services so that the state*
22 *agencies may collectively help increase the financial independence*
23 *of such persons.*

24 3. *Oversee the Individual Development Account Program*
25 *established pursuant to sections 15 to 25, inclusive, of this act, if*
26 *that Program is established.*

27 **Sec. 11.** 1. *The Chair of the Nevada Statewide Council on*
28 *Financial Independence may, with the approval of the Council,*
29 *appoint any working groups deemed necessary by the Chair to*
30 *assist in carrying out the duties of the Council. If a working group*
31 *is appointed, the Chair shall appoint to the working group the*
32 *number of voting members that the Chair determines to be*
33 *appropriate. The Chair may appoint any person the Chair deems*
34 *appropriate to serve on a working group, except that a working*
35 *group must include at least one member of the Council.*

36 2. *If a member of a working group formed pursuant to*
37 *subsection 1 is a public employee, the member's employer must*
38 *grant the member administrative leave from his or her duties to*
39 *serve on the working group without loss of the member's regular*
40 *compensation and without reducing the amount of any other leave*
41 *the member may have accrued.*

42 **Sec. 12.** *To the extent that money is available for this*
43 *purpose, the State Treasurer shall provide such staff assistance to*
44 *the Nevada Statewide Council on Financial Independence as the*



1 *State Treasurer deems appropriate and may designate the Office*
2 *of the State Treasurer to provide such assistance.*

3 **Sec. 13.** *The Nevada Statewide Council on Financial*
4 *Independence may apply for and receive gifts, grants, donations or*
5 *other money from governmental and private agencies, affiliated*
6 *associations and other persons to carry out the provisions of*
7 *sections 5 to 14, inclusive, of this act and to defray expenses*
8 *incurred by the Council in the discharge of its duties.*

9 **Sec. 14.** *On or before February 15 of each year, the State*
10 *Treasurer shall, if money is available:*

11 1. *Prepare a report setting forth the activities of the Nevada*
12 *Statewide Council on Financial Independence; and*

13 2. *Submit a copy of the report to:*

14 (a) *The Governor; and*

15 (b) *The Director of the Legislative Counsel Bureau for*
16 *transmittal to:*

17 (1) *If the Legislature is in session, the standing committees*
18 *of the Legislature which have jurisdiction of the subject matter; or*

19 (2) *If the Legislature is not in session, the Legislative*
20 *Commission.*

21 **Sec. 15.** *As used in sections 15 to 25, inclusive, of this act,*
22 *unless the context otherwise requires, the words and terms defined*
23 *in sections 16 to 19, inclusive, of this act have the meanings*
24 *ascribed to them in those sections.*

25 **Sec. 16.** *“Account holder” means a person who:*

26 1. *Qualifies to become an account holder pursuant to section*
27 *21 of this act; and*

28 2. *Has established an individual development account*
29 *pursuant to section 22 of this act.*

30 **Sec. 17.** *“Fiduciary organization” means an organization*
31 *that is selected pursuant to section 24 of this act to administer state*
32 *money directed to individual development accounts and is a*
33 *nonprofit organization which:*

34 1. *Conducts fundraising activities; and*

35 2. *Is exempt from taxation pursuant to section 501(c)(3) of*
36 *the Internal Revenue Code, 26 U.S.C. § 501(c)(3).*

37 **Sec. 18.** *“Financial institution” means a depository*
38 *institution or any other institution regulated pursuant to title 55 of*
39 *NRS. The term includes, without limitation, a holding company,*
40 *affiliate or subsidiary of such an institution.*

41 **Sec. 19.** *“Program” means the Individual Development*
42 *Account Program established pursuant to sections 15 to 25,*
43 *inclusive, of this act.*

44 **Sec. 20.** *The Office of the State Treasurer:*



1 1. *Shall solicit and apply for gifts, grants and donations for*
2 *the purpose of carrying out the provisions of sections 15 to 25,*
3 *inclusive, of this act, including, without limitation, to fund*
4 *matching payments by fiduciary institutions pursuant to section 23*
5 *of this act and fund the instruction and training required by*
6 *sections 3, 28, 30.7, 37 and 39 of this act and paragraph (m) of*
7 *subsection 1 of NRS 226.110.*

8 2. *To the extent that sufficient money is obtained pursuant to*
9 *subsection 1, shall establish the Individual Development Account*
10 *Program.*

11 3. *If the Program is established may:*

12 (a) *Transfer a portion of the money obtained pursuant to*
13 *subsection 1 to:*

14 (1) *The Department of Health and Human Services to*
15 *provide the instruction required by section 3 of this act;*

16 (2) *Each licensing authority, as defined in NRS 424.016, to*
17 *provide the instruction required by section 28 of this act;*

18 (3) *Each agency which provides child welfare services, as*
19 *defined in NRS 432B.030, to provide the instruction required by*
20 *section 30.7 of this act; and*

21 (4) *Each authority, as defined in NRS 315.170 and the*
22 *Nevada Rural Housing Authority created by NRS 315.977, to*
23 *provide the instruction required by sections 37 and 39, respectively*
24 *of this act; and*

25 (b) *Select one or more fiduciary organizations pursuant to*
26 *section 24 of this act.*

27 **Sec. 21.** 1. *Except as otherwise provided in subsection 6, a*
28 *person who qualifies to become an account holder pursuant to*
29 *subsection 2 may, if the Individual Development Account Program*
30 *is established and sufficient money is available, establish an*
31 *individual development account pursuant to sections 15 to 25,*
32 *inclusive, of this act.*

33 2. *To qualify to become an account holder, a person must be:*

34 (a) *A resident of this State;*

35 (b) *Twelve years of age or older; and*

36 (c) *At least one of the following:*

37 (1) *A tenant of a housing project operated by:*

38 (I) *A local housing authority pursuant to NRS 315.140*
39 *to 315.7813, inclusive, and sections 36 and 37 of this act;*

40 (II) *The Nevada Rural Housing Authority pursuant to*
41 *NRS 315.961 to 315.99874, inclusive, and sections 38 and 39 of*
42 *this act; or*

43 (III) *A nonprofit organization which primarily provides*
44 *affordable housing developments that are financed, wholly or in*
45 *part, with low-income housing tax credits, private activity bonds or*



1 *money from a governmental entity for affordable housing,*
2 *including, without limitation, money received pursuant to the*
3 *HOME Investment Partnerships Act, 42 U.S.C. §§ 12701 et seq.;*

4 *(2) A recipient of Medicaid;*

5 *(3) A provider of foster care who establishes an individual*
6 *development account for a child placed in the care of the provider*
7 *of foster care pursuant to section 27 of this act; or*

8 *(4) A relative or a fictive kin with whom a child is placed*
9 *pursuant to paragraph (b) of subsection 6 of NRS 432B.390 who*
10 *establishes an individual development account for the child*
11 *pursuant to section 30.5 of this act.*

12 *3. To establish an individual development account pursuant*
13 *to subsection 1, the account holder and a fiduciary organization*
14 *must enter into an agreement wherein the account holder deposits*
15 *funds into a financial institution in this State and the fiduciary*
16 *organization deposits matching funds into the financial institution*
17 *in this State pursuant to section 23 of this act with the goal of*
18 *enabling the account holder to accumulate assets for use toward*
19 *achieving a specific purpose authorized by the fiduciary*
20 *organization pursuant to section 22 of this act.*

21 *4. Except for a provider of foster care or a relative or fictive*
22 *kin with whom a child is placed pursuant to paragraph (b) of*
23 *subsection 6 of NRS 432B.390 or for a child for whom an*
24 *individual development account is established by a provider of*
25 *foster care or such a relative or fictive kin, every account holder,*
26 *with support from the fiduciary organization, shall develop a*
27 *personal development plan to increase the financial independence*
28 *of the account holder and the household of the account holder*
29 *through achievement of the authorized purpose of the individual*
30 *development account. The account holder shall specify in the*
31 *personal development plan the purpose for the use of the money in the*
32 *individual development account. Such purposes must comply*
33 *with section 22 of this act. In providing support to an account*
34 *holder, the fiduciary organization shall ensure that:*

35 *(a) Instruction in financial literacy is provided to the account*
36 *holder; and*

37 *(b) Mentorship or financial coaching services are provided to*
38 *the account holder.*

39 *5. The fiduciary organization may contract for the services of*
40 *an independent contractor to provide the instruction and*
41 *mentorship or financial coaching services required pursuant to*
42 *subsection 4.*

43 *6. A fiduciary organization shall refuse to allow a person who*
44 *qualifies to become an account holder pursuant to subsection 2 to*
45 *establish an individual development account if establishment of*



1 *the individual development account would result in the members*
2 *of the household of the person, as defined in section 22 of this act,*
3 *having more than two individual development accounts.*

4 7. *As used in this section, "local housing authority" means*
5 *an authority as defined in NRS 315.170.*

6 **Sec. 22. 1.** *A person may:*

7 (a) *Enter into an agreement with a fiduciary organization to*
8 *establish an individual development account pursuant to section*
9 *21 of this act only for a purpose authorized by the fiduciary*
10 *organization; and*

11 (b) *After establishing an individual development account*
12 *pursuant to section 21 of this act, withdraw money from the*
13 *individual development account only for a purpose authorized by*
14 *the fiduciary organization.*

15 2. *A fiduciary organization may authorize the establishment*
16 *of an individual development account and the withdrawal of*
17 *money from the individual development account for one or more*
18 *of the following purposes:*

19 (a) *The acquisition of postsecondary education or job training.*

20 (b) *If the account holder has established the individual*
21 *development account for the benefit of a member of his or her*
22 *household who is under 18 years of age, the payment of expenses*
23 *for extracurricular activities, not including the payment of tuition,*
24 *that are designed to prepare the member for postsecondary*
25 *education or job training.*

26 (c) *The purchase of a primary residence. In addition to paying*
27 *the price of purchasing the residence, the account holder may use*
28 *money in the individual development account to pay any usual or*
29 *reasonable settlement, financing or other closing costs. Unless the*
30 *account holder was displaced from the residence, had lost*
31 *ownership of the residence as a result of a divorce or is the owner*
32 *of a manufactured home, the account holder must not have owned*
33 *or held any interest in a residence during the 3 years immediately*
34 *preceding the purchase.*

35 (d) *The rental of a primary residence. The account holder may*
36 *use money in the individual development account to pay for*
37 *security deposits, the rent for the first and last month of the rental*
38 *period, any application fees and any other expenses necessary to*
39 *move into the primary residence, as specified in the personal*
40 *development plan for increasing the financial independence of the*
41 *account holder developed pursuant to section 21 of this act.*

42 (e) *The establishment of a small business. The account holder*
43 *may use money in the individual development account to pay for*
44 *expenses related to establishing the small business, to hire*
45 *employees and to use for working capital pursuant to a business*



1 *plan. The business plan must have been developed by a financial*
2 *institution, nonprofit organization or other agent which has*
3 *demonstrated expertise in business and which has been approved*
4 *by the fiduciary organization. The business plan must include a*
5 *description of the services or goods to be sold, a marketing plan*
6 *and projected financial statements.*

7 (f) *Improvements, repairs or modifications necessary to make*
8 *or keep the primary residence of the account holder habitable or*
9 *accessible for the account holder or a member of his or her*
10 *household.*

11 (g) *The purchase of equipment, technology or specialized*
12 *training that is required for the account holder to become*
13 *competitive in obtaining or maintaining employment or to*
14 *establish or maintain a business, as specified in the personal*
15 *development plan for increasing the financial independence of the*
16 *account holder developed pursuant to section 21 of this act.*

17 (h) *The purchase or repair of a vehicle, as specified in the*
18 *personal development plan for increasing the financial*
19 *independence of the account holder developed pursuant to section*
20 *21 of this act.*

21 (i) *The saving of money for retirement, as specified in the*
22 *personal development plan for increasing the independence of the*
23 *account holder developed pursuant to section 21 of this act.*

24 (j) *The payment of debts owed for educational or medical*
25 *purposes when the account holder is saving for another*
26 *authorized purpose, as specified in the personal development plan*
27 *for increasing the financial independence of the account holder*
28 *developed pursuant to section 21 of this act.*

29 (k) *The creation or improvement of the credit score of the*
30 *account holder by obtaining a secured loan or a financial product*
31 *that is designed to improve credit, as specified in the personal*
32 *development plan for increasing the financial independence of the*
33 *account holder developed pursuant to section 21 of this act.*

34 (l) *The replacement of the primary residence of the account*
35 *holder when such replacement offers a significant opportunity to*
36 *improve the habitability or energy efficiency of the primary*
37 *residence.*

38 (m) *The payment of medical expenses incurred by the account*
39 *holder or a member of his or her household.*

40 3. *If the account holder is a child for whom a provider of*
41 *foster care established an individual development account*
42 *pursuant to section 27 of this act or a child for whom a relative or*
43 *fictive kin established an individual development account*
44 *pursuant to section 30.5 of this act and such an account holder*
45 *seeks to withdraw money from the individual development account*



1 *for a purpose authorized pursuant to subsection 2 that requires*
2 *information be specified in the personal development plan for*
3 *increasing the financial independence of the account holder, the*
4 *account holder shall develop a personal development plan that*
5 *substantially complies with subsection 4 of section 21 of this act.*

6 *4. If the account holder of an individual development account*
7 *established for the purpose set forth in paragraph (i) of subsection*
8 *2 has achieved the purpose of the account holder in accordance*
9 *with the personal development plan developed pursuant to section*
10 *21 of this act, the account holder may withdraw, or authorize the*
11 *withdrawal of, all deposits, including, without limitation, matching*
12 *deposits and interest accrued on deposits, in the individual*
13 *development account by rolling over the entire withdrawal amount*
14 *into an individual retirement account, a retirement plan or a*
15 *similar account or plan established under the Internal Revenue*
16 *Service. Upon the withdrawal of all deposits in the individual*
17 *development account, the fiduciary organization shall terminate*
18 *the account relationship with the account holder.*

19 *5. If an account holder withdraws money from an individual*
20 *development account without receiving the authorization of the*
21 *fiduciary organization pursuant to subsection 2, the fiduciary*
22 *organization may remove the account holder from the Program.*

23 *6. Except as otherwise provided in sections 27 and 30.5 of*
24 *this act, if the account holder moves outside of this State or is*
25 *otherwise unable to continue in the Program, the fiduciary*
26 *organization may remove the account holder from the Program.*

27 *7. If an account holder is removed from the Program*
28 *pursuant to subsection 5 or 6, all matching deposits in the*
29 *individual development account and all interest accrued on*
30 *matching deposits shall revert to the fiduciary organization. The*
31 *fiduciary organization shall use the reverted funds as a source of*
32 *matching deposits for other individual development accounts.*

33 *8. As used in this section, "household" means an association*
34 *of persons who:*

35 *(a) Live in the same residence or dwelling;*

36 *(b) Are related by blood, adoption or marriage; and*

37 *(c) Are mutually dependent on each other for the basic*
38 *necessities of life.*

39 **Sec. 23.** *1. If the Individual Development Account*
40 *Program is established, the State Treasurer must provide money*
41 *obtained pursuant to section 20 of this act to fiduciary*
42 *organizations for the purpose of funding matching payments by*
43 *fiduciary institutions pursuant to subsection 2. A fiduciary*
44 *organization may accept and solicit additional gifts, grants and*



1 *donations for the Program. A fiduciary organization shall notify*
2 *the State Treasurer of any such gifts, grants or donations received.*

3 *2. A fiduciary organization shall match amounts deposited by*
4 *the account holder according to a formula established by the*
5 *fiduciary organization and approved by the State Treasurer. The*
6 *fiduciary organization shall match and maintain on deposit in the*
7 *individual development account not more than \$5 for each \$1*
8 *deposited by the account holder in his or her individual*
9 *development account.*

10 *3. The fiduciary organization shall deposit the matching*
11 *deposits made by the fiduciary organization pursuant to subsection*
12 *2 in a savings account that is:*

13 *(a) Jointly held by the account holder and the fiduciary*
14 *organization that requires the signatures of both for withdrawals;*
15 *or*

16 *(b) Controlled by the fiduciary organization and is separate*
17 *from the savings account of the account holder.*

18 *4. Account holders shall not accrue more than \$3,000 of*
19 *matching funds under subsection 2 in any 12-month period. A*
20 *fiduciary organization may designate a lesser amount as a limit on*
21 *matching funds made in any 12-month period.*

22 *5. A fiduciary organization shall maintain on deposit*
23 *sufficient funds to cover the agreements to match the amounts*
24 *deposited by the account holder for all individual development*
25 *accounts administered by the fiduciary organization.*

26 *6. A fiduciary organization shall not expend more than 5*
27 *percent of the total amount of money accepted from the State*
28 *Treasurer pursuant to subsection 1 to pay for its administrative*
29 *expenses.*

30 *7. The State Treasurer may adopt regulations to establish a*
31 *maximum total amount of money that may be deposited as*
32 *matching funds into an individual development account.*

33 **Sec. 24.** *The State Treasurer may select one or more*
34 *fiduciary organizations to administer any money received from the*
35 *State Treasurer pursuant to section 23 of this act. In making the*
36 *selections, the State Treasurer shall consider, without limitation,*
37 *the following factors:*

38 *1. The ability of the fiduciary organization to implement and*
39 *administer the Program, including, without limitation, the ability*
40 *to:*

41 *(a) Verify that a person qualifies to become an account holder;*

42 *(b) Certify that the money in an individual development*
43 *account is used only for authorized purposes; and*

44 *(c) Exercise general fiscal accountability;*



1 2. *The capacity of the fiduciary organization to provide or*
2 *raise matching funds for the deposits of account holders;*

3 3. *The capacity of the fiduciary organization to provide*
4 *support and general assistance to an account holder to increase*
5 *the financial independence of the account holder and the*
6 *household of the account holder; and*

7 4. *The connections that the fiduciary organization has to*
8 *other activities and programs that are designed to increase the*
9 *financial independence of persons who qualify to become account*
10 *holders pursuant to section 21 of this act through:*

- 11 (a) *Education and training;*
12 (b) *Home ownership; and*
13 (c) *Small business development.*

14 **Sec. 25.** 1. *Subject to any regulations adopted by the State*
15 *Treasurer and the oversight of the Nevada Statewide Council of*
16 *Financial Independence, a fiduciary organization has authority*
17 *over, and responsibility for, the administration of individual*
18 *development accounts. The responsibility of the fiduciary*
19 *organization extends to:*

20 (a) *Marketing to participants;*
21 (b) *Soliciting any additional matching funds pursuant to*
22 *section 23 of this act and notifying the State Treasurer upon*
23 *receipt of such funds;*

24 (c) *Mentoring or counseling account holders;*
25 (d) *Providing instruction in financial literacy; and*
26 (e) *Conducting activities to ensure that an account holder is*
27 *complying with sections 15 to 25, inclusive, of this act and any*
28 *regulations adopted pursuant thereto.*

29 2. *A fiduciary organization may establish guidelines for the*
30 *Program as the fiduciary organization determines to be necessary*
31 *to ensure that an account holder complies with sections 21 and 22*
32 *of this act.*

33 3. *A fiduciary organization may act in partnership with other*
34 *entities, including, without limitation, businesses, government*
35 *agencies, nonprofit organizations, community development*
36 *corporations, community action programs, housing authorities*
37 *and charitable or religious organizations, to assist in fulfilling its*
38 *responsibilities under sections 15 to 25, inclusive, of this act.*

39 4. *On or before February 15 of each year, a fiduciary*
40 *organization selected to administer any money pursuant to section*
41 *24 of this act shall:*

42 (a) *Prepare a report setting forth:*
43 (1) *The number of individual development accounts*
44 *administered by the fiduciary organization;*



1 (2) *The amount of deposits and matching deposits made for*
2 *each individual development account;*

3 (3) *The purpose of each individual development account;*

4 (4) *The number of withdrawals made from each individual*
5 *development account; and*

6 (5) *Any other information the State Treasurer determines*
7 *to be relevant; and*

8 (b) *Submit a copy of the reports to the State Treasurer.*

9 5. *The State Treasurer may adopt regulations to carry out the*
10 *provisions of section 15 to 25, inclusive, of this act, including,*
11 *without limitation, regulations governing fees charged by*
12 *fiduciary organizations in relation to the administration of*
13 *individual development accounts.*

14 **Sec. 26.** Chapter 424 of NRS is hereby amended by adding
15 thereto the provisions set forth as sections 27 and 28 of this act.

16 **Sec. 27. 1.** *Upon receiving approval pursuant to subsection*
17 *2, a provider of foster care may establish an individual*
18 *development account for a child placed in the care of the provider*
19 *of foster care by the appropriate agency. The provider of foster*
20 *care may deposit into the individual development account money*
21 *received by the provider of foster care to pay for the cost of*
22 *providing care to the child, if such use does not conflict with or*
23 *prevent the provider of foster care from providing care to the*
24 *child.*

25 2. *Before establishing an individual development account*
26 *pursuant to subsection 1, a provider of foster care must receive the*
27 *approval of the licensing authority to establish the individual*
28 *development account and deposit a portion of the money received*
29 *into such an account. The licensing authority shall grant such*
30 *approval to the provider of foster care if the licensing authority*
31 *determines that the depositing of money into the individual*
32 *development account:*

33 (a) *Does not conflict with or prevent the provider of foster care*
34 *from providing care to the child; and*

35 (b) *Is in the best interests of the child.*

36 3. *The money deposited into the individual development*
37 *account and any matching funds and interest deposited into the*
38 *individual development account pursuant to sections 15 to 25,*
39 *inclusive, of this act is the property of the child for whom the*
40 *individual development account was established.*

41 4. *The child:*

42 (a) *May access the money deposited in the individual*
43 *development account and any matching funds and interest*
44 *deposited into the individual development account pursuant to*
45 *sections 15 to 25, inclusive, of this act upon reaching 18 years of*



1 *age or upon being declared emancipated pursuant to NRS 129.080*
2 *to 129.140, inclusive, whether or not the child was part of the*
3 *foster care system upon reaching 18 years of age or the child*
4 *moved outside of the State before reaching 18 years of age or*
5 *before being declared emancipated; and*

6 *(b) Upon obtaining access to the money pursuant to paragraph*
7 *(a), must use the money deposited in the individual development*
8 *account and any matching funds and interest deposited into the*
9 *individual development account pursuant to sections 15 to 25,*
10 *inclusive, of this act only for the purposes set forth in section 22 of*
11 *this act.*

12 *5. Nothing in this section shall be construed as preventing:*

13 *(a) The child from maintaining a bank account and managing*
14 *personal income, consistent with the age and developmental level*
15 *of the child, as is the right of the child pursuant to paragraph (b)*
16 *of subsection 10 of NRS 432.525; or*

17 *(b) The provider of foster care from establishing a savings*
18 *account for a child placed in the care of the provider of foster care*
19 *into which the provider of foster care deposits the personal income*
20 *or money of the provider of foster care.*

21 *6. As used in this section, "foster care system" means the*
22 *process whereby a child is:*

23 *(a) Placed in a foster home pursuant to this title; or*

24 *(b) In the custody of an agency which provides child welfare*
25 *services pursuant to chapter 432B of NRS.*

26 **Sec. 28.** *1. The licensing authority shall, to the extent that*
27 *money is provided by the State Treasurer pursuant to section 20 of*
28 *this act for that purpose, ensure that instruction in financial*
29 *literacy is provided to a child for whom an individual development*
30 *account is established pursuant to section 27 of this act.*

31 *2. The licensing authority may contract for the services of an*
32 *independent contractor to provide the instruction required by*
33 *subsection 1.*

34 **Sec. 29.** *NRS 424.041 is hereby amended to read as follows:*

35 *424.041 1. ~~Each~~ Notwithstanding the provisions of section*
36 *27 of this act, each agency which provides child welfare services*
37 *shall ensure that money allocated to pay for the cost of providing*
38 *care to children placed in a specialized foster home is not used for*
39 *any other purpose.*

40 *2. On or before August 1 of each year, each agency which*
41 *provides child welfare services shall prepare and submit to the*
42 *Division and the Fiscal Analysis Division of the Legislative Counsel*
43 *Bureau a report listing all expenditures relating to the placement of*
44 *children in specialized foster homes for the previous fiscal year.*



1 3. Each agency which provides child welfare services shall
2 provide to the Division any data concerning children who are placed
3 in a specialized foster home by the agency upon the request of the
4 Division.

5 **Sec. 30.** NRS 424.090 is hereby amended to read as follows:

6 424.090 1. The provisions of NRS 424.020 to 424.090,
7 inclusive, *and sections 27 and 28 of this act* do not apply to homes
8 in which:

9 (a) Care is provided only for a neighbor's or friend's child on an
10 irregular or occasional basis for a brief period, not to exceed 90
11 days.

12 (b) Care is provided by the legal guardian.

13 (c) Care is provided for an exchange student.

14 (d) Care is provided to enable a child to take advantage of
15 educational facilities that are not available in his or her home
16 community.

17 (e) Any child or children are received, cared for and maintained
18 pending completion of proceedings for adoption of such child or
19 children, except as otherwise provided in regulations adopted by the
20 Division.

21 (f) Except as otherwise provided in regulations adopted by the
22 Division, care is voluntarily provided to a minor child who is related
23 to the caregiver by blood, adoption or marriage.

24 (g) Care is provided to a minor child who is in the custody of an
25 agency which provides child welfare services pursuant to chapter
26 432B of NRS or a juvenile court pursuant to title 5 of NRS if:

27 (1) The caregiver is related to the child within the fifth
28 degree of consanguinity or a fictive kin; and

29 (2) The caregiver is not licensed pursuant to the provisions of
30 NRS 424.020 to 424.090, inclusive.

31 2. As used in this section, "fictive kin" means a person who is
32 not related by blood to a child but has a significant emotional and
33 positive relationship with the child.

34 **Sec. 30.1.** Chapter 432B of NRS is hereby amended by adding
35 thereto the provisions set forth as sections 30.3, 30.5 and 30.7 of this
36 act.

37 **Sec. 30.3.** *"Fictive kin" means a person who is not related by*
38 *blood to a child but who has a significant emotional and positive*
39 *relationship with the child.*

40 **Sec. 30.5.** *1. Upon receiving approval pursuant to*
41 *subsection 2, a relative or a fictive kin with whom a child is placed*
42 *pursuant to paragraph (b) of subsection 6 of NRS 432B.390 may*
43 *establish an individual development account for the child. The*
44 *relative or fictive kin may deposit into the individual development*
45 *account money received by the relative or fictive kin to pay for the*



1 *cost of providing care to the child, if such use does not conflict*
2 *with or prevent the relative or fictive kin from providing care to*
3 *the child.*

4 *2. Before establishing an individual development account*
5 *pursuant to subsection 1, a relative or fictive kin must receive the*
6 *approval of an agency which provides child welfare services to*
7 *establish the individual development account and deposit a portion*
8 *of the money received into such an account. An agency which*
9 *provides child welfare services shall grant such approval to the*
10 *relative or fictive kin if the agency which provides child welfare*
11 *services determines that the depositing of money into the*
12 *individual development account:*

13 *(a) Does not conflict with or prevent the relative or fictive kin*
14 *from providing care to the child; and*

15 *(b) Is in the best interests of the child.*

16 *3. The money deposited into the individual development*
17 *account and any matching funds and interest deposited into the*
18 *individual development account pursuant to sections 15 to 25,*
19 *inclusive, of this act is the property of the child for whom the*
20 *individual development account was established.*

21 *4. The child:*

22 *(a) May access the money deposited in the individual*
23 *development account and any matching funds and interest*
24 *deposited into the individual development account pursuant to*
25 *sections 15 to 25, inclusive, of this act upon reaching 18 years of*
26 *age or upon being declared emancipated pursuant to NRS 129.080*
27 *to 129.140, inclusive, whether or not the child was part of the*
28 *foster care system or child welfare system upon reaching 18 years*
29 *of age or the child moved outside of the State before reaching 18*
30 *years of age or before being declared emancipated; and*

31 *(b) Upon obtaining access to the money pursuant to paragraph*
32 *(a), must use the money deposited in the individual development*
33 *account and any matching funds and interest deposited into the*
34 *individual development account pursuant to sections 15 to 25,*
35 *inclusive, of this act only for the purposes set forth in section 22 of*
36 *this act.*

37 *5. Nothing in this section shall be construed as preventing:*

38 *(a) A child who is placed with a relative or a fictive kin*
39 *pursuant to paragraph (b) of subsection 6 of NRS 432B.390 from*
40 *maintaining a bank account and managing personal income,*
41 *consistent with the age and developmental level of the child; or*

42 *(b) The relative or fictive kin with whom a child is placed*
43 *pursuant to paragraph (b) of subsection 6 of NRS 432B.390 from*
44 *establishing a savings account for the child into which the relative*



1 *or fictive kin deposits the personal income or money of the relative*
2 *or fictive kin.*

3 **Sec. 30.7.** *1. An agency which provides child welfare*
4 *services shall, to the extent that money is provided by the State*
5 *Treasurer pursuant to section 20 of this act for that purpose,*
6 *ensure that instruction in financial literacy is provided to a child*
7 *for whom an individual development account is established*
8 *pursuant to section 30.5 of this act.*

9 *2. An agency which provides child welfare services may*
10 *contract for the services of an independent contractor to provide*
11 *the instruction required by subsection 1.*

12 **Sec. 30.9.** NRS 432B.010 is hereby amended to read as
13 follows:

14 432B.010 As used in this chapter, unless the context otherwise
15 requires, the words and terms defined in NRS 432B.020 to
16 432B.110, inclusive, *and section 30.3 of this act* have the meanings
17 ascribed to them in those sections.

18 **Sec. 31.** NRS 432B.174 is hereby amended to read as follows:

19 432B.174 1. The Normalcy for Foster Youth Account is
20 hereby created in the State General Fund.

21 2. The interest and income earned on the money in the
22 Account, after deducting any applicable charges, must be credited to
23 the Account.

24 3. The Division of Child and Family Services may use money
25 in the Account to:

26 (a) Provide monetary support to a provider of foster care who
27 provides opportunities to a child in his or her care to participate in
28 extracurricular, cultural or personal enrichment activities; ~~and~~

29 (b) *Provide monetary support to:*

30 *(1) A provider of foster care for the provider of foster care*
31 *to establish and fund an individual development account pursuant*
32 *to section 27 of this act; or*

33 *(2) A relative or a fictive kin for the relative or fictive kin to*
34 *establish and fund an individual development account pursuant to*
35 *section 30.5 of this act; and*

36 (c) Award grants to agencies which provide child welfare
37 services or nonprofit organizations that provide opportunities to
38 children in foster care to participate in extracurricular, cultural or
39 personal enrichment activities.

40 4. The Division of Child and Family Services may accept gifts,
41 grants, bequests and other contributions from any source for the
42 purpose of carrying out the provisions of this section.

43 5. Any money remaining in the Account at the end of a fiscal
44 year does not revert to the State General Fund, and the balance in
45 the Account must be carried forward to the next fiscal year.



1 **Sec. 31.2.** NRS 432B.390 is hereby amended to read as
2 follows:

3 432B.390 1. An agent or officer of a law enforcement
4 agency, an officer of the local juvenile probation department or the
5 local department of juvenile services, or a designee of an agency
6 which provides child welfare services:

7 (a) May place a child in protective custody without the consent
8 of the person responsible for the child's welfare if the agent, officer
9 or designee has reasonable cause to believe that immediate action is
10 necessary to protect the child from injury, abuse or neglect.

11 (b) Shall place a child in protective custody upon the death of a
12 parent of the child, without the consent of the person responsible for
13 the welfare of the child, if the agent, officer or designee has
14 reasonable cause to believe that the death of the parent of the child
15 is or may be the result of an act by the other parent that constitutes
16 domestic violence pursuant to NRS 33.018.

17 2. When an agency which provides child welfare services
18 receives a report pursuant to subsection 2 of NRS 432B.630, a
19 designee of the agency which provides child welfare services shall
20 immediately place the child in protective custody.

21 3. If there is reasonable cause to believe that the death of a
22 parent of a child is or may be the result of an act by the other parent
23 that constitutes domestic violence pursuant to NRS 33.018, a
24 protective custody hearing must be held pursuant to NRS 432B.470,
25 whether the child was placed in protective custody or with a
26 relative. If an agency other than an agency which provides child
27 welfare services becomes aware that there is reasonable cause to
28 believe that the death of a parent of a child is or may be the result of
29 an act by the other parent that constitutes domestic violence
30 pursuant to NRS 33.018, that agency shall immediately notify the
31 agency which provides child welfare services and a protective
32 custody hearing must be scheduled.

33 4. An agency which provides child welfare services shall
34 request the assistance of a law enforcement agency in the removal of
35 a child if the agency has reasonable cause to believe that the child or
36 the person placing the child in protective custody may be threatened
37 with harm.

38 5. Before taking a child for placement in protective custody,
39 the person taking the child shall show his or her identification to any
40 person who is responsible for the child and is present at the time the
41 child is taken. If a person who is responsible for the child is not
42 present at the time the child is taken, the person taking the child
43 shall show his or her identification to any other person upon request.
44 The identification required by this subsection must be a single card
45 that contains a photograph of the person taking the child and



1 identifies the person as a person authorized pursuant to this section
2 to place a child in protective custody.

3 6. A child placed in protective custody pending an
4 investigation and a hearing held pursuant to NRS 432B.470 must be
5 placed, except as otherwise provided in NRS 432B.3905, in the
6 following order of priority:

7 (a) In a hospital, if the child needs hospitalization.

8 (b) With a person who is related within the fifth degree of
9 consanguinity or a fictive kin, and who is suitable and able to
10 provide proper care and guidance for the child, regardless of
11 whether the relative or fictive kin resides within this State.

12 (c) In a foster home that is licensed pursuant to chapter 424 of
13 NRS.

14 (d) In any other licensed shelter that provides care to such
15 children.

16 7. Whenever possible, a child placed pursuant to subsection 6
17 must be placed together with any siblings of the child. Such a child
18 must not be placed in a jail or other place for detention,
19 incarceration or residential care of persons convicted of a crime or
20 children charged with delinquent acts.

21 8. A person placing a child in protective custody pursuant to
22 subsection 1 shall:

23 (a) Immediately take steps to protect all other children
24 remaining in the home or facility, if necessary;

25 (b) Immediately make a reasonable effort to inform the person
26 responsible for the child's welfare that the child has been placed in
27 protective custody; and

28 (c) As soon as practicable, inform the agency which provides
29 child welfare services and the appropriate law enforcement agency,
30 except that if the placement violates the provisions of NRS
31 432B.3905, the person shall immediately provide such notification.

32 9. If a child is placed with any person who resides outside this
33 State, the placement must be in accordance with NRS 127.330.

34 ~~{10. As used in this section, "fictive kin" means a person who~~
35 ~~is not related by blood to a child but who has a significant emotional~~
36 ~~and positive relationship with the child.}~~

37 **Sec. 31.4.** NRS 432B.462 is hereby amended to read as
38 follows:

39 432B.462 1. As soon as possible after a petition is filed
40 alleging that a child is in need of protection pursuant to NRS
41 432B.490 but no later than the date on which the disposition hearing
42 is held pursuant to subsection 5 of NRS 432B.530, the court shall
43 appoint an educational decision maker for the child.

44 2. There is a rebuttable presumption that it is in the best
45 interests of the child for the court to appoint a parent or guardian of



1 the child as the educational decision maker for the child. The court
2 may appoint a person other than a parent or guardian as an
3 educational decision maker for a child if, upon a motion from any
4 party, the court finds that:

5 (a) The parent or guardian of the child is unwilling or unable to
6 act as the educational decision maker for the child; or

7 (b) It is not in the best interests of the child for the parent or
8 legal guardian to act as the educational decision maker for the child.

9 3. If the court makes a finding described in subsection 2, the
10 court must appoint an educational decision maker for the child who
11 has the knowledge and skills to act in the best interests of the child
12 in all matters relating to the education of the child. Such a person
13 may include, without limitation:

14 (a) A relative of the child within the fifth degree of
15 consanguinity;

16 (b) The foster parent or other provider of substitute care for the
17 child;

18 (c) A fictive kin of the child ; ~~[, as that term is defined in~~
19 ~~subsection 10 of NRS 432B.390;]~~

20 (d) The guardian ad litem appointed for the child pursuant to
21 NRS 432B.500; or

22 (e) Another person whom the court determines is qualified to
23 perform the duties of an educational decision maker prescribed by
24 this section.

25 4. If possible, a person appointed as an educational decision
26 maker for a child pursuant to subsection 3 must be the permanent
27 caregiver recommended for the child in the plan for permanent
28 placement adopted pursuant to NRS 432B.553.

29 5. The fact that a person other than the parent or guardian of a
30 child is appointed as an educational decision maker pursuant to this
31 section must not be used in any proceeding as evidence that the
32 person is an unfit parent or unfit to be the guardian of the child.

33 6. An educational decision maker appointed pursuant to this
34 section shall not be deemed to be an employee of a public agency
35 involved in the education of the child.

36 7. An educational decision maker shall:

37 (a) Have an initial meeting with the child and then shall meet
38 with the child as often as he or she deems necessary to carry out the
39 duties prescribed by this section in accordance with the best
40 interests of the child;

41 (b) Address any disciplinary issues relating to the education of
42 the child with the child and the school in which the child is enrolled;

43 (c) Ensure that the child receives a free and appropriate
44 education in accordance with federal and state law, including,
45 without limitation:



1 (1) Any special programs of instruction or special services
2 for pupils with disabilities to which the child is entitled by federal or
3 state law; and

4 (2) If the child is at least 14 years of age, educational
5 services to assist the child in transitioning to independent living;

6 (d) Consult with the agency which provides child welfare
7 services concerning a determination about whether the child should
8 change schools pursuant to NRS 388E.105, if applicable;

9 (e) Participate in any meeting relating to the education of the
10 child, including, without limitation, a meeting regarding any
11 individualized education program established for the pupil pursuant
12 to 20 U.S.C. § 1414(d) or special program of instruction or special
13 service provided to the pupil;

14 (f) To the extent practicable, communicate any concerns he or
15 she has regarding the educational placement of the child and the
16 educational services provided to the child and any recommendations
17 to address those concerns to:

18 (1) The agency which provides child welfare services;

19 (2) The attorney representing the child; and

20 (3) If the educational decision maker for the child is not the
21 parent or guardian of the child, the parent or guardian of the child;
22 and

23 (g) Appear at any proceeding held pursuant to this section and
24 NRS 432B.410 to 432B.590, inclusive, and make specific
25 recommendations to the court as appropriate concerning the
26 educational placement of the child, the educational services
27 provided to the child and, if the child is at least 14 years of age, the
28 services needed to assist the child in transitioning to independent
29 living.

30 8. A court may revoke the appointment of an educational
31 decision maker if the court determines the revocation of the
32 appointment is in the best interests of the child. If the court revokes
33 such an appointment, the court must appoint a new educational
34 decision maker for the child.

35 9. An educational decision maker appointed for a child
36 pursuant to this section shall be deemed to be a surrogate parent for
37 the purposes of 34 C.F.R. § 300.519.

38 **Sec. 31.6.** NRS 432B.550 is hereby amended to read as
39 follows:

40 432B.550 1. If the court finds that a child is in need of
41 protection, it may, by its order, after receipt and review of the report
42 from the agency which provides child welfare services:

43 (a) Permit the child to remain in the temporary or permanent
44 custody of the parents of the child or a guardian with or without
45 supervision by the court or a person or agency designated by the



1 court, and with or without retaining jurisdiction of the case, upon
2 such conditions as the court may prescribe;

3 (b) Place the child in the temporary or permanent custody of a
4 relative, a fictive kin or other person the court finds suitable to
5 receive and care for the child with or without supervision, and with
6 or without retaining jurisdiction of the case, upon such conditions as
7 the court may prescribe; or

8 (c) Place the child in the temporary custody of a public agency
9 or institution authorized to care for children, the local juvenile
10 probation department, the local department of juvenile services or a
11 private agency or institution licensed by the Department of Health
12 and Human Services or a county whose population is 100,000 or
13 more to care for such a child.

14 ↪ In carrying out this subsection, the court may, in its sole
15 discretion and in compliance with the requirements of chapter 159A
16 of NRS, consider an application for the guardianship of the child. If
17 the court grants such an application, it may retain jurisdiction of the
18 case or transfer the case to another court of competent jurisdiction.

19 2. The court shall not deny placement of a child in the
20 temporary or permanent custody of a person pursuant to subsection
21 1 solely because the person:

22 (a) Is deaf, is blind or has another physical disability; or

23 (b) Is the holder of a valid registry identification card.

24 3. If, pursuant to subsection 1, a child is placed other than with
25 a parent:

26 (a) The parent retains the right to consent to adoption, to
27 determine the child's religious affiliation and to reasonable
28 visitation, unless restricted by the court. If the custodian of the child
29 interferes with these rights, the parent may petition the court for
30 enforcement of the rights of the parent.

31 (b) The court shall set forth good cause why the child was
32 placed other than with a parent.

33 4. If, pursuant to subsection 1, the child is to be placed with a
34 relative or fictive kin, the court may consider, among other factors,
35 whether the child has resided with a particular relative or fictive kin
36 for 3 years or more before the incident which brought the child to
37 the court's attention.

38 5. Except as otherwise provided in this subsection, a copy of
39 the report prepared for the court by the agency which provides child
40 welfare services must be sent to the custodian and the parent or legal
41 guardian. If the child was delivered to a provider of emergency
42 services pursuant to NRS 432B.630:

43 (a) The parent who delivered the child to the provider shall be
44 deemed to have waived his or her right to a copy of the report; and



1 (b) A copy of the report must be sent to the parent who did not
2 deliver the child to the provider, if the location of such parent is
3 known.

4 6. In determining the placement of a child pursuant to this
5 section, if the child is not permitted to remain in the custody of the
6 parents of the child or guardian:

7 (a) It must be presumed to be in the best interests of the child to
8 be placed together with the siblings of the child.

9 (b) Preference must be given to placing the child in the
10 following order:

11 (1) With any person related within the fifth degree of
12 consanguinity to the child or a fictive kin, and who is suitable and
13 able to provide proper care and guidance for the child, regardless of
14 whether the relative or fictive kin resides within this State.

15 (2) In a foster home that is licensed pursuant to chapter 424
16 of NRS.

17 7. Any search for a relative with whom to place a child
18 pursuant to this section must be completed within 1 year after the
19 initial placement of the child outside of the home of the child. If a
20 child is placed with any person who resides outside of this State, the
21 placement must be in accordance with NRS 127.330.

22 8. Within 60 days after the removal of a child from the home of
23 the child, the court shall:

24 (a) Determine whether:

25 (1) The agency which provides child welfare services has
26 made the reasonable efforts required by paragraph (a) of subsection
27 1 of NRS 432B.393; or

28 (2) No such efforts are required in the particular case; and

29 (b) Prepare an explicit statement of the facts upon which its
30 determination is based.

31 9. As used in this section:

32 (a) "Blind" has the meaning ascribed to it in NRS 426.082.

33 (b) ~~"Fictive kin" means a person who is not related by blood to~~
34 ~~a child but who has a significant emotional and positive relationship~~
35 ~~with the child.~~

36 ~~—(e)~~ "Holder of a valid registry identification card" means a
37 person who holds a valid registry identification card as defined in
38 NRS 678C.080 that identifies the person as:

39 (1) Exempt from state prosecution for engaging in the
40 medical use of cannabis; or

41 (2) A designated primary caregiver as defined in
42 NRS 678C.040.



1 **Sec. 31.8.** NRS 432B.6201 is hereby amended to read as
2 follows:

3 432B.6201 As used in NRS 432B.6201 to 432B.626, inclusive,
4 unless the context otherwise requires, the words and terms defined
5 in NRS ~~[432B.6205.]~~ 432B.621 and 432B.6213 have the meanings
6 ascribed to them in those sections.

7 **Sec. 32.** NRS 226.100 is hereby amended to read as follows:

8 226.100 1. The State Treasurer may appoint and employ a
9 Chief Deputy, two Senior Deputies, an Assistant Treasurer, a
10 Deputy of Debt Management, a Deputy of Investments, a Deputy of
11 Cash Management, a Deputy of Unclaimed Property , *a Deputy of*
12 *Financial Literacy and Security* and an Assistant to the State
13 Treasurer in the unclassified service of the State.

14 2. Except as otherwise provided in NRS 284.143, the Chief
15 Deputy State Treasurer shall devote his or her entire time and
16 attention to the business of his or her office and shall not pursue any
17 other business or occupation or hold any other office of profit.

18 **Sec. 33.** NRS 226.110 is hereby amended to read as follows:

19 226.110 *I.* The State Treasurer:

20 ~~[1.]~~ *(a)* Shall receive and keep all money of the State which is
21 not expressly required by law to be received and kept by some other
22 person.

23 ~~[2.]~~ *(b)* Shall receipt to the State Controller for all money
24 received, from whatever source, at the time of receiving it.

25 ~~[3.]~~ *(c)* Shall establish the policies to be followed in the
26 investment of money of the State, subject to the periodic review and
27 approval or disapproval of those policies by the State Board of
28 Finance.

29 ~~[4.]~~ *(d)* May employ any necessary investment and financial
30 advisers to render advice and other services in connection with the
31 investment of money of the State.

32 ~~[5.]~~ *(e)* Shall disburse the public money upon warrants drawn
33 upon the Treasury by the State Controller, and not otherwise. The
34 warrants must be registered and paid in the order of their registry.
35 The State Treasurer may use any sampling or postaudit technique, or
36 both, which he or she considers reasonable to verify the proper
37 distribution of warrants.

38 ~~[6.]~~ *(f)* Shall keep a just, true and comprehensive account of all
39 money received and disbursed.

40 ~~[7.]~~ *(g)* Shall deliver in good order to his or her successor in
41 office all money, records, books, papers and other things belonging
42 to his or her office.

43 ~~[8.]~~ *(h)* Shall fix, charge and collect reasonable fees for:

44 ~~[(a)]~~ *(I)* Investing the money in any fund or account which is
45 credited for interest earned on money deposited in it; and



1 ~~[(b)]~~ (2) Special services rendered to other state agencies or to
2 members of the public which increase the cost of operating his or
3 her office.

4 ~~[(9)]~~ (i) Serves as the primary representative of the State in
5 matters concerning any nationally recognized bond credit rating
6 agency for the purposes of the issuance of any obligation authorized
7 on the behalf and in the name of the State, except as otherwise
8 provided in NRS 538.206 and except for those obligations issued
9 pursuant to chapter 319 of NRS and NRS 349.400 to 349.987,
10 inclusive.

11 ~~[(10)]~~ (j) Is directly responsible for the issuance of any
12 obligation authorized on the behalf and in the name of the State,
13 except as otherwise provided in NRS 538.206 and except for those
14 obligations issued pursuant to chapter 319 of NRS and NRS
15 349.400 to 349.987, inclusive. The State Treasurer:

16 ~~[(a)]~~ (1) Shall issue such an obligation as soon as practicable
17 after receiving a request from a state agency for the issuance of the
18 obligation.

19 ~~[(b)]~~ (2) May, except as otherwise provided in NRS 538.206,
20 employ necessary legal, financial or other professional services in
21 connection with the authorization, sale or issuance of such an
22 obligation.

23 ~~[(11)]~~ (k) May organize and facilitate statewide pooled financing
24 programs, including lease purchases, for the benefit of the State and
25 any political subdivision, including districts organized pursuant to
26 NRS 450.550 to 450.750, inclusive, and chapters 244A, 318, 379,
27 474, 541, 543 and 555 of NRS.

28 ~~[(12)]~~ (l) Shall serve as the Administrator of Unclaimed
29 Property.

30 *(m) In addition to the instruction provided pursuant to section*
31 *21, 37 or 39 of this act, shall, to the extent that money is available*
32 *for that purpose, ensure that instruction and training in the*
33 *following areas is provided to the tenants of a housing project*
34 *operated by a local housing authority pursuant to NRS 315.140 to*
35 *315.7813, inclusive, and sections 36 and 37 of this act, to the*
36 *tenants of a housing project operated by the Nevada Rural*
37 *Housing Authority pursuant to NRS 315.961 to 315.99874,*
38 *inclusive, and sections 38 and 39 of this act and to the tenants of a*
39 *nonprofit organization described in sub-subparagraph (III) of*
40 *subparagraph (I) of paragraph (c) of subsection 2 of section 21 of*
41 *this act:*

42 *(1) The business opportunities and any benefits available*
43 *for:*

44 *(I) Small business enterprises;*

45 *(II) Minority-owned business enterprises;*



1 *(III) Women-owned business enterprises; and*
2 *(IV) Disadvantaged business enterprises as defined by*
3 *49 C.F.R. § 26.5; and*

4 *(2) The procedures in place to utilize the opportunities and*
5 *benefits listed in subparagraph (1) and how to proceed through*
6 *such procedures.*

7 *2. As used in this section, "local housing authority" means*
8 *an authority as defined in NRS 315.170.*

9 **Sec. 34.** NRS 232.320 is hereby amended to read as follows:

10 232.320 1. The Director:

11 (a) Shall appoint, with the consent of the Governor,
12 administrators of the divisions of the Department, who are
13 respectively designated as follows:

14 (1) The Administrator of the Aging and Disability Services
15 Division;

16 (2) The Administrator of the Division of Welfare and
17 Supportive Services;

18 (3) The Administrator of the Division of Child and Family
19 Services;

20 (4) The Administrator of the Division of Health Care
21 Financing and Policy; and

22 (5) The Administrator of the Division of Public and
23 Behavioral Health.

24 (b) Shall administer, through the divisions of the Department,
25 the provisions of chapters 63, 424, 425, 427A, 432A to 442,
26 inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS
27 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and*
28 *sections 2 and 3 of this act*, 422.580, 432.010 to 432.133, inclusive,
29 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive,
30 and 445A.010 to 445A.055, inclusive, and all other provisions of
31 law relating to the functions of the divisions of the Department, but
32 is not responsible for the clinical activities of the Division of Public
33 and Behavioral Health or the professional line activities of the other
34 divisions.

35 (c) Shall administer any state program for persons with
36 developmental disabilities established pursuant to the
37 Developmental Disabilities Assistance and Bill of Rights Act of
38 2000, 42 U.S.C. §§ 15001 et seq.

39 (d) Shall, after considering advice from agencies of local
40 governments and nonprofit organizations which provide social
41 services, adopt a master plan for the provision of human services in
42 this State. The Director shall revise the plan biennially and deliver a
43 copy of the plan to the Governor and the Legislature at the
44 beginning of each regular session. The plan must:



1 (1) Identify and assess the plans and programs of the
2 Department for the provision of human services, and any
3 duplication of those services by federal, state and local agencies;

4 (2) Set forth priorities for the provision of those services;

5 (3) Provide for communication and the coordination of those
6 services among nonprofit organizations, agencies of local
7 government, the State and the Federal Government;

8 (4) Identify the sources of funding for services provided by
9 the Department and the allocation of that funding;

10 (5) Set forth sufficient information to assist the Department
11 in providing those services and in the planning and budgeting for the
12 future provision of those services; and

13 (6) Contain any other information necessary for the
14 Department to communicate effectively with the Federal
15 Government concerning demographic trends, formulas for the
16 distribution of federal money and any need for the modification of
17 programs administered by the Department.

18 (e) May, by regulation, require nonprofit organizations and state
19 and local governmental agencies to provide information regarding
20 the programs of those organizations and agencies, excluding
21 detailed information relating to their budgets and payrolls, which the
22 Director deems necessary for the performance of the duties imposed
23 upon him or her pursuant to this section.

24 (f) Has such other powers and duties as are provided by law.

25 2. Notwithstanding any other provision of law, the Director, or
26 the Director's designee, is responsible for appointing and removing
27 subordinate officers and employees of the Department.

28 **Sec. 35.** Chapter 315 of NRS is hereby amended by adding
29 thereto the provisions set forth as sections 36 to 39, inclusive, of this
30 act.

31 **Sec. 36.** *The authority shall not consider money deposited in*
32 *an individual development account pursuant to section 21 of this*
33 *act by a tenant of a housing project operated by the authority to be*
34 *income for the purpose of determining whether the person is*
35 *eligible to reside in the housing project under the provisions of*
36 *NRS 315.510 or any regulations adopted by the authority.*

37 **Sec. 37. 1.** *In addition to the training provided by the State*
38 *Treasurer pursuant to paragraph (m) of subsection 1 of NRS*
39 *226.110, the authority shall, to the extent that money is provided*
40 *by the State Treasurer pursuant to section 20 of this act for that*
41 *purpose, ensure that instruction in financial literacy is provided to*
42 *a tenant who deposits a portion of his or her income in an*
43 *individual development account established pursuant to section 21*
44 *of this act.*



1 **2. The authority may contract for the services of an**
2 **independent contractor to provide the instruction required by**
3 **subsection 1.**

4 **Sec. 38. The Authority shall not consider money deposited in**
5 **an individual development account pursuant to section 21 of this**
6 **act by a tenant of a housing project operated by the Authority to be**
7 **income for the purpose of determining whether the person is**
8 **eligible to reside in the housing project under the provisions of**
9 **NRS 315.994 or any regulations adopted by the Authority.**

10 **Sec. 39. 1. In addition to the training provided by the State**
11 **Treasurer pursuant to paragraph (m) of subsection 1 of NRS**
12 **226.110, the Authority shall, to the extent that money is provided**
13 **by the State Treasurer pursuant to section 20 of this act for that**
14 **purpose, ensure that instruction in financial literacy is provided to**
15 **a tenant who deposits a portion of his or her income in an**
16 **individual development account pursuant to section 21 of this act.**

17 **2. The Authority may contract for the services of an**
18 **independent contractor to provide the instruction required by**
19 **subsection 1.**

20 **Sec. 40.** NRS 315.140 is hereby amended to read as follows:

21 315.140 NRS 315.140 to 315.7813, inclusive, **and sections 36**
22 **and 37 of this act** may be referred to as the Housing Authorities
23 Law of 1947.

24 **Sec. 41.** NRS 315.150 is hereby amended to read as follows:

25 315.150 Unless the context otherwise requires, the definitions
26 contained in NRS 315.160 to 315.300, inclusive, govern the
27 construction of NRS 315.140 to 315.7813, inclusive **⌘**, **and**
28 **sections 36 and 37 of this act.**

29 **Sec. 42.** NRS 315.420 is hereby amended to read as follows:

30 315.420 An authority shall constitute a public body corporate
31 and politic, exercising public and essential governmental functions,
32 and having all the powers necessary or convenient to carry out and
33 effectuate the purposes and provisions of NRS 315.140 to 315.7813,
34 inclusive, **and sections 36 and 37 of this act** (but not the power to
35 levy and collect taxes or special assessments).

36 **Sec. 43.** NRS 315.961 is hereby amended to read as follows:

37 315.961 1. It is the policy of this State to promote the health,
38 welfare and safety of its residents and to develop more desirable
39 neighborhoods and alleviate poverty in the counties, cities and
40 towns of the State by making provision for decent, safe and sanitary
41 housing facilities for persons of low and moderate income.

42 2. It is hereby found and declared:

43 (a) That there is a shortage of safe and sanitary dwelling
44 accommodations in the rural areas of the State which are available



1 to persons of low and moderate income, particularly senior citizens
2 of low and moderate income, at rentals or prices they can afford;

3 (b) That the establishment and operation of a sufficient number
4 of new local housing authorities to undertake housing projects on an
5 individual basis in such counties and the cities and towns therein is
6 not feasible at the present time due to geographic and economic
7 circumstances;

8 (c) That the shortage of low-rent housing facilities in such
9 counties can be partially remedied through state action by the
10 establishment of a state housing authority having the power to
11 undertake housing projects and make mortgage loans for residential
12 housing; and

13 (d) That it is appropriate for such a state housing authority to
14 issue obligations for the purpose of undertaking housing projects
15 and providing mortgage loans for residential housing and to perform
16 any other function authorized by NRS 315.961 to 315.99874,
17 inclusive ~~[]~~, *and sections 38 and 39 of this act.*

18 **Sec. 44.** NRS 315.962 is hereby amended to read as follows:

19 315.962 As used in NRS 315.961 to 315.99874, inclusive, *and*
20 *sections 38 and 39 of this act*, unless the context otherwise requires,
21 the words and terms defined in NRS 315.963 to 315.976, inclusive,
22 have the meanings ascribed to them in those sections.

23 **Sec. 45.** NRS 315.983 is hereby amended to read as follows:

24 315.983 1. Except as otherwise provided in NRS 354.474
25 and 377.057, the Authority:

26 (a) Shall be deemed to be a public body corporate and politic,
27 and an instrumentality, local government and political subdivision
28 of the State, exercising public and essential governmental functions,
29 and having all the powers necessary or convenient to carry out the
30 purposes and provisions of NRS 315.961 to 315.99874, inclusive,
31 *and sections 38 and 39 of this act*, but not the power to levy and
32 collect taxes or special assessments.

33 (b) Is not an agency, board, bureau, commission, council,
34 department, division, employee or institution of the State.

35 2. The Authority may:

36 (a) Sue and be sued.

37 (b) Have a seal.

38 (c) Have perpetual succession.

39 (d) Make and execute contracts and other instruments necessary
40 or convenient to the exercise of its powers.

41 (e) Deposit money it receives in any insured state or national
42 bank, insured credit union, insured savings and loan association or
43 insured savings bank, or in the Local Government Pooled Long-
44 Term Investment Account created by NRS 355.165 or the Local
45 Government Pooled Investment Fund created by NRS 355.167.



1 (f) Adopt bylaws, rules and regulations to carry into effect the
2 powers and purposes of the Authority.

3 (g) Create a nonprofit organization which is exempt from
4 taxation pursuant to 26 U.S.C. § 501(c)(3) and which has as its
5 principal purpose the development of housing projects.

6 (h) Enter into agreements or other transactions with, and accept
7 grants from and cooperate with, any governmental agency or other
8 source in furtherance of the purposes of NRS 315.961 to 315.99874,
9 inclusive ~~H~~, *and sections 38 and 39 of this act.*

10 (i) Enter into an agreement with a local government in a county
11 whose population is less than 100,000 to receive a loan of money
12 from the local government in accordance with NRS 354.6118.

13 (j) Acquire real or personal property or any interest therein, by
14 gift, purchase, foreclosure, deed in lieu of foreclosure, lease, option
15 or otherwise.

16 **Sec. 46.** The provisions of subsection 1 of NRS 218D.380 do
17 not apply to any provision of this act which adds or revises a
18 requirement to submit a report to the Legislature.

19 **Sec. 46.5.** NRS 432B.6205 is hereby repealed.

20 **Sec. 47.** 1. This section becomes effective upon passage and
21 approval.

22 2. Sections 1 to 46.5, inclusive, of this act become effective:

23 (a) Upon passage and approval for the purposes of adopting
24 regulations and performing any other administrative tasks that are
25 necessary to carry out the provisions of this act; and

26 (b) On January 1, 2022, for all other purposes.

TEXT OF REPEALED SECTION

432B.6205 “Fictive kin” defined. “Fictive kin” means a person who is not related by blood to a child but has a significant emotional and positive relationship with the child.

