

Amendment No. 612

Assembly Amendment to Senate Bill No. 188 First Reprint	(BDR 38-711)
<b>Proposed by:</b> Assembly Committee on Health and Human Services	
<b>Amends:</b> Summary: Yes Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

SRF/EWR



Date: 5/16/2021

S.B. No. 188—Establishes programs for certain persons of low-income and persons in foster care. (BDR 38-711)





## 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 ~~persons in foster care.~~ **certain children.** (BDR 38-711)

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

~

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

13 **Section 21** of this bill generally provides that if the Program is established, a person who  
14 qualifies to become an account holder is authorized to establish an individual development  
15 account. To qualify to become an account holder, **section 21** requires a person to be: (1) a  
16 resident of this State; (2) twelve years of age or older; and (3) a tenant of a housing project for  
17 persons of low income in this State, a recipient of Medicaid, ~~or~~ a provider of foster care **or**  
18 **a relative or a fictive kin with whom a child is placed by an agency which provides child**  
19 **welfare services** who is creating such an account for a child placed in his or her care. **Section**

20 21 further provides that to establish an individual development account, the account holder  
21 and the fiduciary organization must enter into an agreement wherein the account holder  
22 deposits funds into a financial institution and the fiduciary organization deposits matching  
23 funds into the financial institution pursuant to **section 23** of this bill, with the goal of enabling  
24 the account holder to accumulate assets for use toward achieving a specific purpose  
25 authorized by the fiduciary organization pursuant to **section 22** of this bill. **Section 23**  
26 authorizes a fiduciary organization to accept and solicit gifts, grants and donations to fund the  
27 Program and requires the fiduciary organization to match deposits made by the account holder  
28 by not more than \$5 for each \$1 deposited by the account holder in his or her individual  
29 development account. **Section 23** further prohibits an account holder from accruing more than  
30 \$3,000 of matching funds in any 12-month period.

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

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

47 Existing law defines "provider of foster care" to mean a person who is licensed by the  
48 licensing authority to conduct a foster home. (NRS 424.017) Existing law defines "foster  
49 home" as a home that receives, nurtures, supervises and ensures routine educational services  
50 and medical, dental and mental health treatment for children and includes: (1) a family foster  
51 home; (2) a specialized foster home; (3) an independent living foster home; and (4) a group  
52 foster home. (NRS 424.014) ~~Section~~ Existing law: (1) defines "fictive kin" to mean a  
53 person who is not related by blood to a child but who has a significant emotional and  
54 positive relationship with the child; and (2) authorizes an agency which provides child  
55 welfare services to place a child who is in protective custody with certain relatives or a  
56 fictive kin. (NRS 432B.390) Sections 27 and 30.5 of this bill [authorizes] authorize a  
57 provider of foster care or a relative or fictive kin with whom a child is placed by an agency  
58 which provides child welfare services to, upon receiving the approval of the licensing  
59 authority ~~or~~ agency, as applicable; (1) establish an individual development account for a  
60 child placed in the care of the provider of foster care ~~or~~ relative or fictive kin; and (2)  
61 deposit into the individual development account money received by the provider of foster care  
62 relative or fictive kin to pay for the cost of providing care to the child if such use does not  
63 conflict with or prevent the provider of foster care relative or fictive kin from providing  
64 care to the child. ~~Section~~ Sections 27 and 30.5 additionally ~~provides~~ provide that: (1) the  
65 money in the individual development account is the property of the child for whom the  
66 account was established; (2) the child has access to the money in the individual development  
67 account upon reaching 18 years of age or being declared emancipated; and (3) the child may  
68 use the money in the individual development account only for certain purposes, as set forth in  
69 **section 22**. If the licensing authority or agency which provides child welfare services, as  
70 applicable, receives money from the State Treasurer pursuant to **section 20**, ~~section~~ sections  
71 28 and 30.7 of this bill ~~requires~~ require the licensing authority or agency to ensure that  
72 instruction in financial literacy is provided to a child for whom an individual development  
73 account is established. ~~Section~~ Sections 28 ~~authorizes~~ and 30.7 authorize the licensing  
74 authority or agency which provides child welfare services to contract for the services of an  
75 independent contractor to provide such instruction in financial literacy. **Sections 29 and 30**  
76 of this bill make conforming changes by exempting **sections 27 and 28** from certain  
77 requirements relating to foster homes. **Section 31** of this bill authorizes the Division of Child  
78 and Family Services of the Department of Health and Human Services to use the money in the

79 Normalcy for Foster Youth Account to provide monetary support to a provider of foster care,  
 80 relative or fictive kin to establish and fund an individual development account. Sections  
 81 30.3, 30.9, 31.2-31.8 and 46.5 of this bill replace definitions of “fictive kin” for individual  
 82 sections in chapter 432B of NRS with a chapter-wide definition of that term that is  
 83 identical to the definition of the term currently used in individual sections of that  
 84 chapter.

85 Existing law creates local housing authorities and the Nevada Rural Housing Authority to  
 86 operate housing projects for persons of low income in this State. (NRS 315.320, 315.440,  
 87 315.977, 315.988) Existing law also prohibits a housing authority from accepting a tenant who  
 88 earns more than a prescribed maximum income. (NRS 315.510, 315.994) **Sections 36 and 38**  
 89 of this bill prohibit each local housing authority and the Nevada Rural Housing Authority  
 90 from considering the money deposited in an individual development account by a tenant to be  
 91 income for the purpose of determining the tenant’s eligibility to remain in the housing project.

92 If a local housing authority or the Nevada Rural Housing Authority receives money from  
 93 the State Treasurer pursuant to **section 20, sections 37 and 39** of this bill require those  
 94 organizations to ensure that instruction in financial literacy is provided to a tenant who  
 95 deposits a portion of his or her income in an individual development account. **Sections 37 and**  
 96 **39** authorize each local housing authority and the Nevada Rural Housing Authority to contract  
 97 for the services of an independent contractor to provide such instruction in financial literacy.  
 98 **Sections 40-45** of this bill make conforming changes to indicate the proper placement of  
 99 **sections 36-39** in the Nevada Revised Statutes.

100 Existing law sets forth the general powers and duties of the State Treasurer. (NRS  
 101 226.110) To the extent that money is available, **section 33** of this bill requires the State  
 102 Treasurer to ensure that instruction and training in business opportunities and any benefits  
 103 available to certain business enterprises are provided to a tenant of each local housing  
 104 authority, the Nevada Rural Housing Authority and certain nonprofit organizations. Existing  
 105 law authorizes the State Treasurer to appoint and employ certain Deputies. (NRS 226.100)  
 106 **Section 32** of this bill authorizes the State Treasurer to appoint and employ a Deputy of  
 107 Financial 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 thereto the  
 2 provisions set forth as sections 2 and 3 of this act.

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

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

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

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

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

20 **Sec. 6.** *1. The Nevada Statewide Council on Financial Independence is*  
 21 *hereby created.*

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

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

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

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

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

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

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

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

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

13           (1) *A representative of:*

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

15           (II) *The Nevada Rural Housing Authority created by NRS 315.977;*

16 *or*

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

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

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

26           (4) *A representative of Workforce Connections or its successor*  
27 *organization; and*

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

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

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

34           **Sec. 7.** *Any member appointed by the State Treasurer to fill a vacancy in*  
35 *the appointed membership of the Nevada Statewide Council on Financial*  
36 *Independence occurring before the expiration of a term shall be appointed by the*  
37 *State Treasurer for the remainder of the unexpired term.*

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

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

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

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

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

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

1       ***(b) The per diem allowance and travel expenses provided for state officers***  
2 ***and employees generally to each member of the Council while engaged in the***  
3 ***business of the Council.***

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

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

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

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

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

19       **Sec. 11. 1. The Chair of the Nevada Statewide Council on Financial**  
20 ***Independence may, with the approval of the Council, appoint any working groups***  
21 ***deemed necessary by the Chair to assist in carrying out the duties of the Council.***  
22 ***If a working group is appointed, the Chair shall appoint to the working group the***  
23 ***number of voting members that the Chair determines to be appropriate. The***  
24 ***Chair may appoint any person the Chair deems appropriate to serve on a working***  
25 ***group, except that a working group must include at least one member of the***  
26 ***Council.***

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

32       **Sec. 12. To the extent that money is available for this purpose, the State**  
33 ***Treasurer shall provide such staff assistance to the Nevada Statewide Council on***  
34 ***Financial Independence as the State Treasurer deems appropriate and may***  
35 ***designate the Office of the State Treasurer to provide such assistance.***

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

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

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

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

46       ***(a) The Governor; and***

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

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

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

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

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

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

4       2. *Has established an individual development account pursuant to section*  
5       *22 of this act.*

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

9       1. *Conducts fundraising activities; and*

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

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

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

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

18       1. *Shall solicit and apply for gifts, grants and donations for the purpose of*  
19       *carrying out the provisions of sections 15 to 25, inclusive, of this act, including,*  
20       *without limitation, to fund matching payments by fiduciary institutions pursuant*  
21       *to section 23 of this act and fund the instruction and training required by sections*  
22       *3, 28, ~~30.7,~~ 37 and 39 of this act and paragraph (m) of subsection 1 of NRS*  
23       *226.110.*

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

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

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

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

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

32       (3) *Each agency which provides child welfare services, as defined in NRS*  
33       *432B.030, to provide the instruction required by section 30.7 of this act; and*

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

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

39       **Sec. 21.** 1. *Except as otherwise provided in subsection 6, a person who*  
40       *qualifies to become an account holder pursuant to subsection 2 may, if the*  
41       *Individual Development Account Program is established and sufficient money is*  
42       *available, establish an individual development account pursuant to sections 15 to*  
43       *25, inclusive, of this act.*

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

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

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

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

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

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

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



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

6 (2) A recipient of Medicaid; ~~for~~

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

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

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

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

33 (a) Instruction in financial literacy is provided to the account holder; and

34 (b) Mentorship or financial coaching services are provided to the account  
35 holder.

36 5. The fiduciary organization may contract for the services of an  
37 independent contractor to provide the instruction and mentorship or financial  
38 coaching services required pursuant to subsection 4.

39 6. A fiduciary organization shall refuse to allow a person who qualifies to  
40 become an account holder pursuant to subsection 2 to establish an individual  
41 development account if establishment of the individual development account  
42 would result in the members of the household of the person, as defined in section  
43 22 of this act, having more than two individual development accounts.

44 7. As used in this section, "local housing authority" means an authority as  
45 defined in NRS 315.170.

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

47 (a) Enter into an agreement with a fiduciary organization to establish an  
48 individual development account pursuant to section 21 of this act only for a  
49 purpose authorized by the fiduciary organization; and

50 (b) After establishing an individual development account pursuant to section  
51 21 of this act, withdraw money from the individual development account only for  
52 a purpose authorized by the fiduciary organization.

1           2. A fiduciary organization may authorize the establishment of an  
2 individual development account and the withdrawal of money from the individual  
3 development account for one or more of the following purposes:

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

5           (b) If the account holder has established the individual development account  
6 for the benefit of a member of his or her household who is under 18 years of age,  
7 the payment of expenses for extracurricular activities, not including the payment  
8 of tuition, that are designed to prepare the member for postsecondary education  
9 or job training.

10           (c) The purchase of a primary residence. In addition to paying the price of  
11 purchasing the residence, the account holder may use money in the individual  
12 development account to pay any usual or reasonable settlement, financing or  
13 other closing costs. Unless the account holder was displaced from the residence,  
14 had lost ownership of the residence as a result of a divorce or is the owner of a  
15 manufactured home, the account holder must not have owned or held any  
16 interest in a residence during the 3 years immediately preceding the purchase.

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

23           (e) The establishment of a small business. The account holder may use  
24 money in the individual development account to pay for expenses related to  
25 establishing the small business, to hire employees and to use for working capital  
26 pursuant to a business plan. The business plan must have been developed by a  
27 financial institution, nonprofit organization or other agent which has  
28 demonstrated expertise in business and which has been approved by the fiduciary  
29 organization. The business plan must include a description of the services or  
30 goods to be sold, a marketing plan and projected financial statements.

31           (f) Improvements, repairs or modifications necessary to make or keep the  
32 primary residence of the account holder habitable or accessible for the account  
33 holder or a member of his or her household.

34           (g) The purchase of equipment, technology or specialized training that is  
35 required for the account holder to become competitive in obtaining or  
36 maintaining employment or to establish or maintain a business, as specified in  
37 the personal development plan for increasing the financial independence of the  
38 account holder developed pursuant to section 21 of this act.

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

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

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

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

1           (l) *The replacement of the primary residence of the account holder when*  
2 *such replacement offers a significant opportunity to improve the habitability or*  
3 *energy efficiency of the primary residence.*

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

6           3. *If the account holder is a child for whom a provider of foster care*  
7 *established an individual development account pursuant to section 27 of this act*  
8 *or a child for whom a relative or fictive kin established an individual development*  
9 *account pursuant to section 30.5 of this act and such an account holder seeks to*  
10 *withdraw money from the individual development account for a purpose*  
11 *authorized pursuant to subsection 2 that requires information be specified in the*  
12 *personal development plan for increasing the financial independence of the*  
13 *account holder, the account holder shall develop a personal development plan*  
14 *that substantially complies with subsection 4 of section 21 of this act.*

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

26           5. *If an account holder withdraws money from an individual development*  
27 *account without receiving the authorization of the fiduciary organization*  
28 *pursuant to subsection 2, the fiduciary organization may remove the account*  
29 *holder from the Program.*

30           6. *Except as otherwise provided in ~~section~~ sections 27 and 30.5 of this act,*  
31 *if the account holder moves outside of this State or is otherwise unable to*  
32 *continue in the Program, the fiduciary organization may remove the account*  
33 *holder from the Program.*

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

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

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

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

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

44           **Sec. 23.** *1. If the Individual Development Account Program is*  
45 *established, the State Treasurer must provide money obtained pursuant to section*  
46 *20 of this act to fiduciary organizations for the purpose of funding matching*  
47 *payments by fiduciary institutions pursuant to subsection 2. A fiduciary*  
48 *organization may accept and solicit additional gifts, grants and donations for the*  
49 *Program. A fiduciary organization shall notify the State Treasurer of any such*  
50 *gifts, grants or donations received.*

51           2. *A fiduciary organization shall match amounts deposited by the account*  
52 *holder according to a formula established by the fiduciary organization and*  
53 *approved by the State Treasurer. The fiduciary organization shall match and*

1 *maintain on deposit in the individual development account not more than \$5 for*  
2 *each \$1 deposited by the account holder in his or her individual development*  
3 *account.*

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

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

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

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

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

17 *6. A fiduciary organization shall not expend more than 5 percent of the*  
18 *total amount of money accepted from the State Treasurer pursuant to subsection*  
19 *1 to pay for its administrative expenses.*

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

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

27 *1. The ability of the fiduciary organization to implement and administer the*  
28 *Program, including, without limitation, the ability to:*

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

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

32 *(c) Exercise general fiscal accountability;*

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

35 *3. The capacity of the fiduciary organization to provide support and general*  
36 *assistance to an account holder to increase the financial independence of the*  
37 *account holder and the household of the account holder; and*

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

42 *(a) Education and training;*

43 *(b) Home ownership; and*

44 *(c) Small business development.*

45 **Sec. 25.** *1. Subject to any regulations adopted by the State Treasurer and*  
46 *the oversight of the Nevada Statewide Council of Financial Independence, a*  
47 *fiduciary organization has authority over, and responsibility for, the*  
48 *administration of individual development accounts. The responsibility of the*  
49 *fiduciary organization extends to:*

50 *(a) Marketing to participants;*

51 *(b) Soliciting any additional matching funds pursuant to section 23 of this*  
52 *act and notifying the State Treasurer upon receipt of such funds;*

53 *(c) Mentoring or counseling account holders;*

1 (d) Providing instruction in financial literacy; and

2 (e) Conducting activities to ensure that an account holder is complying with  
3 sections 15 to 25, inclusive, of this act and any regulations adopted pursuant  
4 thereto.

5 2. A fiduciary organization may establish guidelines for the Program as the  
6 fiduciary organization determines to be necessary to ensure that an account  
7 holder complies with sections 21 and 22 of this act.

8 3. A fiduciary organization may act in partnership with other entities,  
9 including, without limitation, businesses, government agencies, nonprofit  
10 organizations, community development corporations, community action  
11 programs, housing authorities and charitable or religious organizations, to assist  
12 in fulfilling its responsibilities under sections 15 to 25, inclusive, of this act.

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

15 (a) Prepare a report setting forth:

16 (1) The number of individual development accounts administered by the  
17 fiduciary organization;

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

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

21 (4) The number of withdrawals made from each individual development  
22 account; and

23 (5) Any other information the State Treasurer determines to be relevant;  
24 and

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

26 5. The State Treasurer may adopt regulations to carry out the provisions of  
27 section 15 to 25, inclusive, of this act ~~and~~ including, without limitation,  
28 regulations governing fees charged by fiduciary organizations in relation to the  
29 administration of individual development accounts.

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

32 Sec. 27. 1. Upon receiving approval pursuant to subsection 2, a provider  
33 of foster care may establish an individual development account for a child placed  
34 in the care of the provider of foster care by the appropriate agency. The provider  
35 of foster care may deposit into the individual development account money  
36 received by the provider of foster care to pay for the cost of providing care to the  
37 child, if such use does not conflict with or prevent the provider of foster care from  
38 providing care to the child.

39 2. Before establishing an individual development account pursuant to  
40 subsection 1, a provider of foster care must receive the approval of the licensing  
41 authority to establish the individual development account and deposit a portion of  
42 the money received into such an account. The licensing authority shall grant  
43 such approval to the provider of foster care if the licensing authority determines  
44 that the depositing of money into the individual development account:

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

47 (b) Is in the best interests of the child.

48 3. The money deposited into the individual development account and any  
49 matching funds and interest deposited into the individual development account  
50 pursuant to sections 15 to 25, inclusive, of this act is the property of the child for  
51 whom the individual development account was established.

52 4. The child:

1           (a) *May access the money deposited in the individual development account*  
2 *and any matching funds and interest deposited into the individual development*  
3 *account pursuant to sections 15 to 25, inclusive, of this act upon reaching 18*  
4 *years of age or upon being declared emancipated pursuant to NRS 129.080 to*  
5 *129.140, inclusive, whether or not the child was part of the foster care system*  
6 *upon reaching 18 years of age or the child moved outside of the State before*  
7 *reaching 18 years of age or before being declared emancipated; and*

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

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

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

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

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

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

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

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

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

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

33           424.041 1. ~~Each~~ *Notwithstanding the provisions of section 27 of this act,*  
34 *each* agency which provides child welfare services shall ensure that money  
35 allocated to pay for the cost of providing care to children placed in a specialized  
36 foster home is not used for any other purpose.

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

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

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

45           424.090 1. The provisions of NRS 424.020 to 424.090, inclusive, *and*  
46 *sections 27 and 28 of this act* do not apply to homes in which:

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

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

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

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

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

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

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

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

12 (2) The caregiver is not licensed pursuant to the provisions of NRS  
13 424.020 to 424.090, inclusive.

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

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

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

21 Sec. 30.5. 1. Upon receiving approval pursuant to subsection 2, a relative  
22 or a fictive kin with whom a child is placed pursuant to paragraph (b) of  
23 subsection 6 of NRS 432B.390 may establish an individual development account  
24 for the child. The relative or fictive kin may deposit into the individual  
25 development account money received by the relative or fictive kin to pay for the  
26 cost of providing care to the child, if such use does not conflict with or prevent  
27 the relative or fictive kin from providing care to the child.

28 2. Before establishing an individual development account pursuant to  
29 subsection 1, a relative or fictive kin must receive the approval of an agency  
30 which provides child welfare services to establish the individual development  
31 account and deposit a portion of the money received into such an account. An  
32 agency which provides child welfare services shall grant such approval to the  
33 relative or fictive kin if the agency which provides child welfare services  
34 determines that the depositing of money into the individual development account:

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

37 (b) Is in the best interests of the child.

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

42 4. The child:

43 (a) May access the money deposited in the individual development account  
44 and any matching funds and interest deposited into the individual development  
45 account pursuant to sections 15 to 25, inclusive, of this act upon reaching 18  
46 years of age or upon being declared emancipated pursuant to NRS 129.080 to  
47 129.140, inclusive, whether or not the child was part of the foster care system or  
48 child welfare system upon reaching 18 years of age or the child moved outside of  
49 the State before reaching 18 years of age or before being declared emancipated;  
50 and

51 (b) Upon obtaining access to the money pursuant to paragraph (a), must use  
52 the money deposited in the individual development account and any matching  
53 funds and interest deposited into the individual development account pursuant to

1 sections 15 to 25, inclusive, of this act only for the purposes set forth in section 22  
2 of this act.

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

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

8 (b) The relative or fictive kin with whom a child is placed pursuant to  
9 paragraph (b) of subsection 6 of NRS 432B.390 from establishing a savings  
10 account for the child into which the relative or fictive kin deposits the personal  
11 income or money of the relative or fictive kin.

12 Sec. 30.7. 1. An agency which provides child welfare services shall, to the  
13 extent that money is provided by the State Treasurer pursuant to section 20 of this  
14 act for that purpose, ensure that instruction in financial literacy is provided to a  
15 child for whom an individual development account is established pursuant to  
16 section 30.5 of this act.

17 2. An agency which provides child welfare services may contract for the  
18 services of an independent contractor to provide the instruction required by  
19 subsection 1.

20 Sec. 30.9. NRS 432B.010 is hereby amended to read as follows:

21 432B.010 As used in this chapter, unless the context otherwise requires, the  
22 words and terms defined in NRS 432B.020 to 432B.110, inclusive, and section  
23 30.3 of this act have the meanings ascribed to them in those sections.

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

25 432B.174 1. The Normalcy for Foster Youth Account is hereby created in  
26 the State General Fund.

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

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

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

34 (b) Provide monetary support to ~~for~~ :

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

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

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

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

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

48 Sec. 31.2. NRS 432B.390 is hereby amended to read as follows:

49 432B.390 1. An agent or officer of a law enforcement agency, an officer of  
50 the local juvenile probation department or the local department of juvenile services,  
51 or a designee of an agency which provides child welfare services:

52 (a) May place a child in protective custody without the consent of the person  
53 responsible for the child's welfare if the agent, officer or designee has reasonable



1 cause to believe that immediate action is necessary to protect the child from injury,  
2 abuse or neglect.

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

8 2. When an agency which provides child welfare services receives a report  
9 pursuant to subsection 2 of NRS 432B.630, a designee of the agency which  
10 provides child welfare services shall immediately place the child in protective  
11 custody.

12 3. If there is reasonable cause to believe that the death of a parent of a child is  
13 or may be the result of an act by the other parent that constitutes domestic violence  
14 pursuant to NRS 33.018, a protective custody hearing must be held pursuant to  
15 NRS 432B.470, whether the child was placed in protective custody or with a  
16 relative. If an agency other than an agency which provides child welfare services  
17 becomes aware that there is reasonable cause to believe that the death of a parent of  
18 a child is or may be the result of an act by the other parent that constitutes domestic  
19 violence pursuant to NRS 33.018, that agency shall immediately notify the agency  
20 which provides child welfare services and a protective custody hearing must be  
21 scheduled.

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

26 5. Before taking a child for placement in protective custody, the person taking  
27 the child shall show his or her identification to any person who is responsible for  
28 the child and is present at the time the child is taken. If a person who is responsible  
29 for the child is not present at the time the child is taken, the person taking the child  
30 shall show his or her identification to any other person upon request. The  
31 identification required by this subsection must be a single card that contains a  
32 photograph of the person taking the child and identifies the person as a person  
33 authorized pursuant to this section to place a child in protective custody.

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

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

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

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

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

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

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

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

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

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

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

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

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

11 432B.462 1. As soon as possible after a petition is filed alleging that a child  
12 is in need of protection pursuant to NRS 432B.490 but no later than the date on  
13 which the disposition hearing is held pursuant to subsection 5 of NRS 432B.530,  
14 the court shall appoint an educational decision maker for the child.

15 2. There is a rebuttable presumption that it is in the best interests of the child  
16 for the court to appoint a parent or guardian of the child as the educational decision  
17 maker for the child. The court may appoint a person other than a parent or guardian  
18 as an educational decision maker for a child if, upon a motion from any party, the  
19 court finds that:

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

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

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

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

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

30 (c) A fictive kin of the child ~~;~~ ~~as that term is defined in subsection 10 of NRS  
31 432B.390;~~

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

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

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

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

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

46 7. An educational decision maker shall:

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

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

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

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

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

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

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

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

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

16 (2) The attorney representing the child; and

17 (3) If the educational decision maker for the child is not the parent or  
18 guardian of the child, the parent or guardian of the child; and

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

24 8. A court may revoke the appointment of an educational decision maker if  
25 the court determines the revocation of the appointment is in the best interests of  
26 the child. If the court revokes such an appointment, the court must appoint a new  
27 educational decision maker for the child.

28 9. An educational decision maker appointed for a child pursuant to this  
29 section shall be deemed to be a surrogate parent for the purposes of 34 C.F.R. §  
30 300.519.

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

32 432B.550 1. If the court finds that a child is in need of protection, it may, by  
33 its order, after receipt and review of the report from the agency which provides  
34 child welfare services:

35 (a) Permit the child to remain in the temporary or permanent custody of the  
36 parents of the child or a guardian with or without supervision by the court or a  
37 person or agency designated by the court, and with or without retaining jurisdiction  
38 of the case, upon such conditions as the court may prescribe;

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

43 (c) Place the child in the temporary custody of a public agency or institution  
44 authorized to care for children, the local juvenile probation department, the local  
45 department of juvenile services or a private agency or institution licensed by the  
46 Department of Health and Human Services or a county whose population is  
47 100,000 or more to care for such a child.

48 ➤ In carrying out this subsection, the court may, in its sole discretion and in  
49 compliance with the requirements of chapter 159A of NRS, consider an application  
50 for the guardianship of the child. If the court grants such an application, it may  
51 retain jurisdiction of the case or transfer the case to another court of competent  
52 jurisdiction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40          (a) Determine whether:

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

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

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

46          9. As used in this section:

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

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

50          ~~(c)~~ "Holder of a valid registry identification card" means a person who holds a  
51 valid registry identification card as defined in NRS 678C.080 that identifies the  
52 person as:

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

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

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

5 432B.6201 As used in NRS 432B.6201 to 432B.626, inclusive, unless the  
6 context otherwise requires, the words and terms defined in NRS ~~432B.6205,~~  
7 432B.621 and 432B.6213 have the meanings ascribed to them in those sections.

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

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

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

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

19 226.110 *1.* The State Treasurer:

20 ~~11~~ *(a)* Shall receive and keep all money of the State which is not expressly  
21 required by law to be received and kept by some other person.

22 ~~12~~ *(b)* Shall receipt to the State Controller for all money received, from  
23 whatever source, at the time of receiving it.

24 ~~13~~ *(c)* Shall establish the policies to be followed in the investment of money  
25 of the State, subject to the periodic review and approval or disapproval of those  
26 policies by the State Board of Finance.

27 ~~14~~ *(d)* May employ any necessary investment and financial advisers to render  
28 advice and other services in connection with the investment of money of the State.

29 ~~15~~ *(e)* Shall disburse the public money upon warrants drawn upon the  
30 Treasury by the State Controller, and not otherwise. The warrants must be  
31 registered and paid in the order of their registry. The State Treasurer may use any  
32 sampling or postaudit technique, or both, which he or she considers reasonable to  
33 verify the proper distribution of warrants.

34 ~~16~~ *(f)* Shall keep a just, true and comprehensive account of all money  
35 received and disbursed.

36 ~~17~~ *(g)* Shall deliver in good order to his or her successor in office all money,  
37 records, books, papers and other things belonging to his or her office.

38 ~~18~~ *(h)* Shall fix, charge and collect reasonable fees for:

39 ~~19~~ *(1)* Investing the money in any fund or account which is credited for  
40 interest earned on money deposited in it; and

41 ~~20~~ *(2)* Special services rendered to other state agencies or to members of the  
42 public which increase the cost of operating his or her office.

43 ~~21~~ *(i)* Serves as the primary representative of the State in matters concerning  
44 any nationally recognized bond credit rating agency for the purposes of the issuance  
45 of any obligation authorized on the behalf and in the name of the State, except as  
46 otherwise provided in NRS 538.206 and except for those obligations issued  
47 pursuant to chapter 319 of NRS and NRS 349.400 to 349.987, inclusive.

48 ~~22~~ *(j)* Is directly responsible for the issuance of any obligation authorized on  
49 the behalf and in the name of the State, except as otherwise provided in NRS  
50 538.206 and except for those obligations issued pursuant to chapter 319 of NRS and  
51 NRS 349.400 to 349.987, inclusive. The State Treasurer:

52 ~~23~~ *(1)* Shall issue such an obligation as soon as practicable after receiving a  
53 request from a state agency for the issuance of the obligation.

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

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

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

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

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

*(I) Small business enterprises;*

*(II) Minority-owned business enterprises;*

*(III) Women-owned business enterprises; and*

*(IV) Disadvantaged business enterprises as defined by 49 C.F.R. §*

*26.5; and*

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

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

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

232.320 1. The Director:

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

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

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

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

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

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

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

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

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan

1 biennially and deliver a copy of the plan to the Governor and the Legislature at the  
2 beginning of each regular session. The plan must:

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

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

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

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

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

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

19 (e) May, by regulation, require nonprofit organizations and state and local  
20 governmental agencies to provide information regarding the programs of those  
21 organizations and agencies, excluding detailed information relating to their budgets  
22 and payrolls, which the Director deems necessary for the performance of the duties  
23 imposed 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 the Director's  
26 designee, is responsible for appointing and removing subordinate officers and  
27 employees of the Department.

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

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

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

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

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

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

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

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

4           315.140 NRS 315.140 to 315.7813, inclusive, **and sections 36 and 37 of this**  
5 **act** may be referred to as the Housing Authorities Law of 1947.

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

7           315.150 Unless the context otherwise requires, the definitions contained in  
8 NRS 315.160 to 315.300, inclusive, govern the construction of NRS 315.140 to  
9 315.7813, inclusive **†**, **and sections 36 and 37 of this act.**

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

11           315.420 An authority shall constitute a public body corporate and politic,  
12 exercising public and essential governmental functions, and having all the powers  
13 necessary or convenient to carry out and effectuate the purposes and provisions of  
14 NRS 315.140 to 315.7813, inclusive, **and sections 36 and 37 of this act** (but not the  
15 power to levy and collect taxes or special assessments).

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

17           315.961 1. It is the policy of this State to promote the health, welfare and  
18 safety of its residents and to develop more desirable neighborhoods and alleviate  
19 poverty in the counties, cities and towns of the State by making provision for  
20 decent, safe and sanitary housing facilities for persons of low and moderate income.

21           2. It is hereby found and declared:

22           (a) That there is a shortage of safe and sanitary dwelling accommodations in  
23 the rural areas of the State which are available to persons of low and moderate  
24 income, particularly senior citizens of low and moderate income, at rentals or prices  
25 they can afford;

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

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

34           (d) That it is appropriate for such a state housing authority to issue obligations  
35 for the purpose of undertaking housing projects and providing mortgage loans for  
36 residential housing and to perform any other function authorized by NRS 315.961  
37 to 315.99874, inclusive **†**, **and sections 38 and 39 of this act.**

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

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

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

44           315.983 1. Except as otherwise provided in NRS 354.474 and 377.057, the  
45 Authority:

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

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



1           2. The Authority may:

2           (a) Sue and be sued.

3           (b) Have a seal.

4           (c) Have perpetual succession.

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

7           (e) Deposit money it receives in any insured state or national bank, insured  
8 credit union, insured savings and loan association or insured savings bank, or in the  
9 Local Government Pooled Long-Term Investment Account created by NRS  
10 355.165 or the Local Government Pooled Investment Fund created by NRS  
11 355.167.

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

14           (g) Create a nonprofit organization which is exempt from taxation pursuant to  
15 26 U.S.C. § 501(c)(3) and which has as its principal purpose the development of  
16 housing projects.

17           (h) Enter into agreements or other transactions with, and accept grants from  
18 and cooperate with, any governmental agency or other source in furtherance of the  
19 purposes of NRS 315.961 to 315.99874, inclusive ~~†~~, *and sections 38 and 39 of*  
20 *this act.*

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

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

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

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

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

31           2. Sections 1 to ~~[46.]~~ 46.5, inclusive, of this act become effective:

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

35           (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.