

STATE OF NEVADA



JOE LOMBARDO
Governor

DEPARTMENT OF BUSINESS AND INDUSTRY

TERRY REYNOLDS
Director

FINANCIAL INSTITUTIONS DIVISION

SANDY O'LAUGHLIN
Commissioner

DATE: October 16, 2023
TO: Whom It May Concern
FROM: Mary Young
Deputy Commissioner

The State of Nevada, Department of Business and Industry, Financial Institutions Division (Division) is providing the enclosed Notice of Workshop to Solicit Comment on Proposed Regulations Pertaining to Governor Lombardo's Executive Order (EO) 2023-003.

The regulation included in this memorandum is being proposed for permanent adoption. In order to review the proposed regulation and solicit comments from interested persons, a workshop will be held via Webex conference from 3:00 p.m. on Thursday, November 2, 2023, and for those wish to participate in-person, at the Nevada State Business Center.

Enclosures:

Notice of Workshop and Workshop Agenda
Proposed Regulation
Small Business Impact Statement

NOTICE OF WORKSHOP
TO SOLICIT COMMENTS ON PROPOSED REGULATIONS PERTAINING TO
GOVERNOR LOMBARDO’S EXECUTIVE ORDER (EO) 2023-003 AND
WORKSHOP AGENDA

The State of Nevada, Financial Institutions Division (“Division”), 3300 W. Sahara Avenue, Suite 250, Las Vegas, Nevada 89102, (702) 486-4120 is proposing the adoption of regulations to Chapters 628B, 662, 672, 676A, 677 and 678 of the Nevada Administrative Code (“NAC”). The proposed regulations are required, as a result of the Governor’s Executive Order (EO) 2023-003. This workshop will be conducted in accordance with NRS 233B.061 and the purpose is to solicit comments from interested persons on the proposed regulations to be held through videoconference, teleconference, and in-person:

Date: Thursday, November 2, 2023

Time: 3:00 p.m.

To join by Webex, join the Webex meeting by clicking on the link below:

<https://businessnv2.webex.com/businessnv2/j.php?MTID=m98858e4c979128137f68e5ff61abdc37>

Meeting number (access code): 2483 924 2447

Meeting password: EO2023-003

To join by telephone, call the toll-free number:

1-844-621-3956 United States Toll-Free

For those wishing to participate in-person, the following physical location is being made available:

Nevada State Business Center
Nevada Room, 4th Floor
3300 W. Sahara, Avenue
Las Vegas, Nevada 89102

Below is an agenda of all items scheduled to be considered. Persons who may be subject to the provisions of the proposed regulation should attend. At the discretion of the Commissioner, public comment may be limited to three minutes per person. Members of the public are encouraged to submit written comments for the record no later than **October 26, 2023**. Written comment can be submitted to the Division by email: fidmaster@fid.state.nv.us or by mail: 3300 W. Sahara Avenue, Suite 250, Las Vegas, Nevada 89102.

A copy of all materials relating to the proposal may be obtained by visiting the Division's website at: <http://fid.nv.gov> or by contacting the Division, 3300 W. Sahara Avenue, Suite 250, Las Vegas, Nevada 89102, (702) 486-4120. Members of the public who would like additional information about a proposed regulation may contact Mary Young, Deputy Commissioner, at (702) 486-4120, or via e-mail to fidmaster@fid.state.nv.us

We are pleased to make reasonable accommodations for attendees with disabilities. Please notify the Division of your request for reasonable accommodation in writing no later than five (5) working days before the workshop via email to fidmaster@fid.state.nv.us

WORKSHOP AGENDA:

1. Open Workshop
2. Public Comment
3. Presentation of Proposed Regulation to amend NAC 628B, 662, 676A, 677, and 678, pursuant to EO 2023-003. **FOR DISCUSSION AND POSSIBLE ACTION**
4. Public Comment
5. Close Workshop

PROPOSED REGULATIONS:

See attached.

NOTICE OF THE WORKSHOP HAS BEEN PROVIDED AS FOLLOWS:

By email to all persons on the Division's email list for noticing of administrative regulations.

By email to all licensees under NRS 628B, 662, 676A, 677 and 678.

Posted at the Division's principal office/in-person physical location- 3300 W. Sahara, Ave., Las Vegas, Nevada 89102

Posted online to the Nevada Legislature website: <https://www.leg.state.nv.us/App/Notice/A/>

Posted online to the State of Nevada Public Notice website: <https://notice.nv.gov>

Posted online to the Division's website: <https://fid.nv.gov>

**DRAFT PROPOSED REGULATION OF THE COMMISSIONER OF
THE FINANCIAL INSTITUTIONS DIVISION**

LCB File No. ____ - ____

August 30, 2023

Purpose: To adopt regulations under the Nevada Administrative Code to revise provisions of chapters 628B, 662, 672, 676A, 677, and 678, pursuant to the Governor’s Executive Order 2023-003.

Authority: Executive Order 2023-003

Explanation: Material in *blue bold italics* is new language; material in ~~[bold brackets]~~ is to be omitted from current regulation.

Section 1. *Chapter 628B of NAC is hereby amended by removing section 628B.100 of NAC 628B.*

~~[NAC 628B.100—Submission by applicant of proof of citizenship or lawful entitlement to work in United States and residency; exception. (NRS 628B.210)—Each natural person who applies for the issuance of a license to engage in the business of a private professional guardian pursuant to chapter 628B of NRS shall submit proof satisfactory to the Commissioner that he or she is:~~

- ~~1.—A citizen of the United States or lawfully entitled to remain and work in the United States; and~~
- ~~2.—A resident of this State, unless the applicant, if a nonresident, has obtained the prior approval of the Commissioner to apply for the issuance of a license to engage in the business of a private professional guardian.]~~

Sec. 2. *Chapter 662 of NAC is hereby amended by adding thereto the provisions set forth in sections 3 to 7 of this regulation.*

Sec. 3. NAC 662.010 Long-term capital notes or debentures: Approval before issuance. (NRS 658.105, 662.115) A bank may issue long-term capital notes or debentures only after having first received the written approval of the ~~[Administrator]~~ *Commissioner* of Financial Institutions. The ~~[Administrator]~~ *Commissioner* will approve or deny such an issuance after considering whether it constitutes a sound banking practice and would be in the best interests of the depositors, creditors, and stockholders of the bank and the public in its relations with the bank.

Sec. 4. NAC 662.020 Long-term capital notes or debentures: Application for approval. (NRS 658.105, 662.115)

1. A bank which desires to obtain approval for the issuance of long-term capital notes or debentures must submit an application to the ~~[Administrator]~~ *Commissioner* of Financial Institutions.

2. The application must include:

(a) A statement explaining the need for and the proposed use of the money which the bank intends to borrow; and

(b) Three copies of the proposed long-term capital note or debenture.

Sec. 5. NAC 662.030 Long-term capital notes or debentures: Consideration of application. (NRS 658.105, 662.115) The ~~[Administrator]~~ *Commissioner* of Financial Institutions will not consider a bank's application for or approve the issuance of its long-term capital notes or debentures unless:

1. The bylaws or articles of incorporation of the bank grant authority to its board of directors to issue the capital notes or debentures; or

2. The holders of two-thirds of the bank's capital stock have approved such an issuance at a stockholders' meeting. Before such a meeting, the bank shall mail or deliver to each stockholder a

notice containing a statement that the proposal will be submitted at the meeting and a copy of the proposed debenture or agreement.

Sec. 6. NAC 662.060 Long-term capital notes or debentures: Period of maturity. (NRS 658.105, 662.115) The ~~[Administrator]~~ *Commissioner* of Financial Institutions will prescribe periods of maturity not exceeding 25 years for any issue of such long-term capital notes or debentures, and the issuing bank shall establish a schedule of prepayments or an appropriate sinking fund for the amortization of the indebtedness.

Sec. 7. NAC 662.070 Long-term capital notes or debentures: Conversion to stock. (NRS 658.105, 662.115) No such long-term capital notes or debentures may be converted into capital stock, either common or preferred, of the issuing bank without prior consent of the ~~[Administrator]~~ *Commissioner* of Financial Institutions.

Sec. 8. *Chapter 676A of NAC is hereby amended by adding thereto the provisions set forth in section 9 of this regulation and removing sections 676A.140 and 676A.160 of NAC 676A, as provided in sections 10 and 11 of this regulation.*

Sec. 9. NAC 676A.130 Expiration; fees for renewal and reinstatement. (NRS 676A.730)

1. A registration as a provider expires on ~~[June 30]~~ *December 31* of each year.
2. A registered provider shall pay annually to the Division a fee of \$1,500 for the renewal of the registration of the provider.
3. If the Commissioner reinstates an expired registration, the registered provider shall pay a reinstatement fee of \$1,500 in addition to the renewal fee prescribed in subsection 2.

Sec. 10. ~~[NAC 676A.140 Extension and reinstatement after expiration. (NRS 676A.370, 676A.730, 676A.750)]~~

~~1. A provider may continue to provide debt management services after the expiration of the provider's registration issued pursuant to chapter 676A of NRS if:~~

~~(a) The provider ceases to be registered solely due to the expiration of the provider's registration;~~

~~(b) Not later than 10 days after the date the registration expires, the provider submits to the Commissioner a request for an extension; and~~

~~(c) Not later than 30 days after the provider requests the extension, the provider submits all fees, documents and information required by the Commissioner for reinstatement of the registration.~~

~~2. The Commissioner will not reinstate a registration that has expired if a provider:~~

~~(a) Has failed to request an extension; or~~

~~(b) Requested an extension but failed to submit all fees, documents and information required by the Commissioner pursuant to paragraph (c) of subsection 1 and the Commissioner did not grant another extension.~~

~~3. If the Commissioner does not reinstate a registration pursuant to subsection 2, the provider must apply for and be issued a new registration before the provider may provide debt-management services.~~

~~4. It is the duty of the registered provider to renew in a timely manner a registration issued pursuant to this chapter and chapter 676A of NRS. A lack of notice from the Division to any person concerning the expiration of a registration or the need to renew a registration is not a justification or excuse for the failure of the person to renew a registration in a timely manner and does not constitute grounds for the waiver of any of the requirements of this chapter or chapter 676A of NRS.]~~

~~Sec. 11. [NAC 676A.160 Disclosures by registered provider required. (NRS 676A.730)~~

~~Before an individual assents to an agreement, the registered provider shall make the disclosures described in paragraph (a) of subsection 8 of NRS 676A.730.]~~

Sec. 12. *Chapter 677 of NAC is hereby amended by removing sections 677.074, 677.076 and 677.085 of NAC 677, as provided in sections 13 to 15 of this regulation.*

Sec. 13. ~~[NAC 677.074 “Commissioner” defined. (NRS 677.380) “Commissioner” has the meaning ascribed to it in NRS 677.065.]~~

Sec. 14. ~~[NAC 677.076 “Deposit” defined. (NRS 677.380) “Deposit” has the meaning ascribed to it in NRS 677.075.]~~

Sec. 15. ~~[NAC 677.085 “Licensee” defined. (NRS 677.380) “Licensee” has the meaning ascribed to it in NRS 677.110.]~~

Sec. 16. *Chapter 678 of NAC is hereby amended by adding thereto the provisions set forth in section 17, and sections 19 to 42 of this regulation and removing section 678.004 of NAC 678, as provided in section 18 of this regulation.*

Sec. 17. NAC ~~672.002 [678.002]~~ **Definitions.** (NRS 672.250 [678.250]) As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC [678.004 and 678.006] 672.004 and 672.006 have the meanings ascribed to them in those sections.

Sec.18. ~~[NAC 678.004 “Commissioner” defined. (NRS 678.250) “Commissioner” means the Commissioner of Financial Institutions.]~~

Sec.19. NAC ~~672.006 [678.006]~~ **“Division” defined.** (NRS 672.250 [678.250]) “Division” means the Division of Financial Institutions of the Department of Business and Industry.

Sec.20. NAC ~~672.008 [678.008]~~ **“Unimpaired capital and surplus” interpreted.** (NRS 672.250, 672.710 [678.250, 678.710]) For the purposes of this chapter and NRS 672.710 [678.710], the Division shall interpret the term “unimpaired capital and surplus” to mean shares plus post-closing, undivided earnings. The term does not include regular reserves or special reserves required by this chapter or ~~[chapter 678]~~ *chapter 672* of NRS.

**Sec.21. NAC 672.010 ~~678.010~~ Formation. (NRS 672.250, 672.270, 672.310
~~678.250, 678.270, 678.310~~)**

1. Any person desiring to form a credit union pursuant to ~~chapter 678~~ chapter 672 of NRS must:

(a) Complete the Organization Certificate, Confidential Report of Officials, Agreement by Director and Committeemen to Serve, Report of Officials and Credit Union Investigation Report provided by the Commissioner.

(b) Submit the forms required by paragraph (a) to the Commissioner, together with an investigation fee of \$750 and a charter fee of \$300.

2. The Commissioner will investigate and determine whether the proposed Organization Certificate conforms to the requirements of ~~chapter 678~~ chapter 672 of NRS concerning the general character and fitness of the subscribers thereto, and determine the economic feasibility of establishing the proposed credit union.

3. If the Commissioner is satisfied that the qualifications have been met, he or she will issue a charter to the proposed credit union.

Sec.22. NAC 672.020 ~~678.020~~ Surety bonds: Annual review; minimum coverage. (NRS 672.250, 672.260 ~~678.250, 678.260~~)

1. The board of directors of each credit union shall annually review the surety bond coverage it has in force in order to determine its adequacy in relation to the credit union's exposure to potential cash losses.

2. A credit union's minimum potential cash losses must be determined by the following table:

<u>Assets</u>			<u>Minimum Coverage</u>
\$0	To	\$5,000.....	\$1,000
5,001	To	10,000.....	2,000
10,001	To	20,000.....	4,000
20,001	To	30,000.....	6,000

	<u>Assets</u>		<u>Minimum Coverage</u>
30,001	To	40,000.....	8,000
40,001	To	50,000.....	10,000
50,001	To	75,000.....	15,000
75,001	To	100,000.....	20,000
100,001	To	150,000.....	30,000
150,001	To	200,000.....	40,000
200,001	To	300,000.....	50,000
300,001	To	400,000.....	60,000
400,001	To	500,000.....	70,000
500,001	To	750,000.....	85,000
750,001	To	1,000,000.....	100,000
1,000,001	To	50,000,000.....	\$100,000 plus \$50,000 for each \$1,000,000 or fraction thereof of assets over \$1,000,000
\$50,000,001	To	\$150,000,000.....	\$2,500,000 plus \$25,000 for each \$1,000,000 or fraction thereof of assets over \$50,000,000
Over \$150,000,000.....			\$5,000,000

3. Any credit union whose cash change funds exceed the amounts of minimum coverage required for a credit union of its size, as set forth in subsection 2, shall maintain surety bond coverage adequate to cover its actual potential cash loss.

Sec.23. NAC 672.030 ~~[678.030]~~ Fidelity bonds: General requirements. (NRS 672.250, 672.370, 672.420 ~~[NRS 678.250, 678.370, 678.420]~~)

1. All fidelity bonds must provide coverage for the faithful performance of any officer or employee while carrying out any of the duties of the treasurer as prescribed in ~~[chapter 678]~~ **chapter 672** of NRS, the bylaws, or rules and regulations.
2. No form of fidelity bond coverage may be used by a credit union except a form which is approved by the Commissioner.
3. For the purpose of this section, forms of fidelity bond coverage for credit unions that are provided by surety companies authorized to do business in this State are approved.
4. The Commissioner may require additional fidelity bond coverage for any credit union when, in his or her opinion, the bonds in force are insufficient to provide adequate coverage. The board

of directors of the credit union shall obtain such additional coverage within 30 days after the date of written notice from the Commissioner.

5. All surety companies writing credit union fidelity bonds must hold a Certificate of Authority from the Secretary of the Treasury pursuant to 31 U.S.C. §§ 9304-9308 as an acceptable surety on federal bonds in this State.

6. The board of directors of each credit union shall provide proper protection to meet any circumstance described in subsection 1 of ~~NRS 678.370~~ [NRS 672.370](#) by obtaining adequate bond and insurance coverage.

Sec.24. NAC [672.035](#) ~~678.035~~ Disclosure of fees charged for services provided. (~~NRS 678.250, 678.480~~ [NRS 672.250, 672.480](#)) A credit union may charge for services it provides if it discloses such fees to the customer before imposing the fees on the customer.

Sec.25. NAC [672.050](#) ~~678.050~~ Reserve for liquidity; demand deposits. ([NRS 672.250, 672.680](#) ~~NRS 678.250, 678.680~~)

1. A credit union shall hold liquid assets in an amount equal to at least 5 percent of its members' accounts.

2. The Commissioner may issue an order requiring a credit union to cease and desist from offering demand deposit accounts if it fails to maintain the reserve for liquidity as required by subsection 1.

3. Every credit union which maintains a demand deposit program shall post a notice in the manner prescribed by subsection 1 of [NRS 205.134](#) concerning issuance of a check or draft without funds or with intent to defraud.

Sec.26. NAC ~~[678.060]~~ 672.060 Borrowings. (~~NRS 678.250~~) (NRS 672.250) No credit union, with the exception of a central credit union, may have at any one time outstanding borrowings which exceed 50 percent of its unimpaired capital and surplus.

Sec.27. NAC ~~[678.070]~~—NRS 672.070 Special reserves against losses. (~~NRS 678.250, 678.680~~—NRS 672.250, 672.680) If the Commissioner deems the reserves required by ~~NRS 678.670~~ NRS 672.670 inadequate to cover a credit union's delinquent loans, the Commissioner will require, upon 5 days' written notice, that the credit union maintain a special reserve against losses equal to 10 percent of the loan balance on all accounts that are between 2 and 6 months delinquent, plus 25 percent of the loan balances on all accounts that are between 7 and 12 months delinquent, plus 80 percent of the loan balances on all accounts that are more than 12 months delinquent.

Sec.28. NAC ~~[678.100]~~—672.100 Investments. (~~NRS 678.250, 678.760~~—NRS 672.250, 678.760) The stocks and bonds which the Commissioner approves as investments for credit unions pursuant to subsection 8 of ~~NRS 678.760~~ NRS 672.760 are the stocks and bonds which are accorded one of the top two ratings by a statistical rating organization that is nationally recognized by the Securities and Exchange Commission. Investment by a credit union in securities which are provisionally rated is prohibited.

Sec.29. NAC ~~[678.110]~~—672.110 Financial reports. (~~NRS 678.250, 678.780~~ NRS 672.250, 672.780) Each credit union shall file with the Commissioner a financial report that is substantially similar to the report provided by the credit union to the National Credit Union Administration or the private insurer of the credit union, as applicable. Such a report must be submitted:

1. For the first 6 months of the calendar year which ends on June 30; and
2. For the entire calendar year.

Sec.30. NAC ~~[678.120]~~ **672.120** *Accounting Manual for Federal Credit Unions.* (~~[NRS 678.250]~~ NRS 672.250) The *Accounting Manual for Federal Credit Unions* must be used as the standard for accounting practices for state chartered credit unions.

Sec.31. NAC ~~[678.130]~~ **672.130** **Examinations.** (~~[NRS 678.250, 678.790]~~ NRS 672.250, 672.790) Any examination required by the provisions of ~~[chapter 678]~~ **chapter 672** of NRS must be conducted in accordance with the procedures established by the Commissioner.

Sec.32. NAC ~~[678.140]~~ **672.140** **Notification and revision of schedule of fees.** (~~[NRS 678.250]~~ NRS 672.250)

1. Each credit union will be notified at least 30 days before the effective date of any schedule of fees fixed pursuant to this chapter.
2. Upon receipt of such notification, interested persons may submit written data, views and arguments for consideration by the Commissioner. The Commissioner may, after consideration, make such revisions in the proposed schedule or such change in the effective date as the Commissioner deems necessary and proper, with the advice and consent of the Credit Union Advisory Council.
3. Each credit union will be notified not less than 15 days before the final effective date.

Sec.33. NAC ~~[678.150]~~ **672.150** **Fee for supervision and examination: Collection; determination of amount; failure to pay; penalty; additional costs for extraordinary examination.** (~~[NRS 678.250, 678.270]~~ NRS 672.250, 672.270)

1. On or before June 30 of each year, the Commissioner will collect a fee from each credit union for the supervision and examination of the credit union pursuant to ~~[chapter 678]~~ **chapter 678** of NRS.
2. The fee is based on the portion of the annual budget approved by the Legislature for expenses related to the operations of the Commissioner and the Division minus all other revenues collected

by the Division, not including reserves. Each credit union shall pay a share of that amount as determined by the following schedule:

<u>Total Assets</u>	<u>Base Fee</u>	<u>+ Fee Exceeding Base</u>
Less than \$5,000,000	\$5,000	N/A
\$5,000,000 or more, but less than \$10,000,000	5,000	\$.25 per thousand of assets exceeding \$5,000,000
\$10,000,000 or more, but less than \$50,000,000	6,250	\$.19 per thousand of assets exceeding \$10,000,000
\$50,000,000 or more, but less than \$100,000,000	13,850	\$.12 per thousand of assets exceeding \$50,000,000
\$100,000,000 or more, but less than \$500,000,000	19,850	\$.10 per thousand of assets exceeding \$100,000,000
\$500,000,000 or more, but less than \$1,000,000,000	59,850	\$.07 per thousand of assets exceeding \$500,000,000
\$1,000,000,000 or more, but less than \$3,000,000,000	94,850	\$.05 per thousand of assets exceeding \$1,000,000,000
\$3,000,000,000 or more, but less than \$10,000,000,000	194,850	\$.03 per thousand of assets exceeding \$3,000,000,000
\$10,000,000,000 or more, but less than \$20,000,000,000	404,850	\$.02 per thousand of assets exceeding \$10,000,000,000
\$20,000,000,000 or more	604,850	\$.01 per thousand of assets exceeding \$20,000,000,000

Any adjustment to the fee must be made in a proportionate amount that is based on the relationship that the fee determined for each credit union bears to the total fee imposed on all credit unions licensed pursuant to ~~chapter 678~~ *chapter 672* of NRS. The fee is calculated as of June 1 of each year based upon the number of credit unions and the total assets of each credit union as of December 31 of the previous year.

3. If the fee is not paid on or before June 30, the Commissioner will assess a penalty of 10 percent of the amount of the fee and an additional 1 percent of the fee for each month or portion of a month that the fee is not paid. The Commissioner may waive the penalty for good cause.

4. The fee does not include the cost of any extraordinary examination, audit, investigation or hearing conducted by the Division. The cost of any such examination, audit, investigation or hearing is \$75 per hour.

Sec.34. NAC ~~[678.155]~~ [672.155](#) Assessment for costs related to audits and examinations. (~~[NRS 678.250, 678.795]~~ [NRS 672.250, 672.795](#))

1. Except as otherwise provided in [NAC 658.030](#), each credit union shall pay to the Division an annual assessment of \$300 to cover the costs related to the employment of a certified public accountant and the performance of audits and examinations conducted by the Division.

2. The Division will bill each credit union for the assessment. The assessment must be paid within 30 days after the date the bill is received.

3. A charge of 10 percent of the assessment will be imposed on any credit union whose assessment is received by the Division after the date on which the assessment is due.

Sec.35. NAC ~~[678.160]~~ [672.160](#) Fee for license. (~~[NRS 678.250, 678.270]~~ [NRS 672.250, 672.270](#))

1. Not later than January 31 of each year, each credit union shall pay to the Division a license fee of \$300.

2. A credit union which has been chartered under the laws of another jurisdiction and converts to a credit union chartered under the laws of this State shall pay a percentage of the license fee based on the number of days remaining in the year, assuming a 360-day year, and the total assets of the credit union as of the end of the month before the conversion. The prorated fee is due within 30 days after the conversion.

3. A credit union which receives a new charter, other than by conversion, is not required to pay the license fee until January 31 following its receipt of the charter.

Sec.36. NAC ~~[678.165]~~ 672.165 Fees for foreign credit unions. (~~[NRS 678.250, 678.3435]~~ NRS 672.250, 672.3435)

1. An application for an initial certificate of authority submitted by a foreign credit union pursuant to ~~[NRS 678.343]~~ NRS 672.343 must be accompanied by a nonrefundable fee of \$750.

2. The annual fee for renewal for:

(a) The initial office is \$750; and

(b) Each branch office is \$150.

Sec.37. NAC ~~[678.170]~~ 672.170 Conversion from another state charter to Nevada charter. (~~[NRS 678.250, 678.810]~~ NRS 672.250, 672.810) A credit union chartered by another state may apply for provisional acceptance by the Commissioner by submitting all the items listed in subsection 1 of ~~[NAC 678.180]~~ NAC 672.180 and:

1. A copy of the last examination report of its present state supervisory authority; and

2. If it is uninsured, a copy of its application for insurance of its members' accounts.

Sec.38. NAC ~~[678.180]~~ 672.180 Conversion from federal to state charter. (~~[NRS 678.250, 678.810]~~ NRS 672.250, 672.810)

1. A federal credit union desiring to convert to a state-chartered credit union must provide the Commissioner with the following:

(a) A confidential report of the credit union's officials, with their social security numbers;

(b) The completed forms for filing articles of incorporation with the Secretary of State;

(c) An agreement to serve, executed by the board of directors, and, if applicable, by the credit committee and supervisory committee;

(d) A copy of the last three monthly financial and statistical reports;

- (e) A copy of the last two year-end financial and statistical reports furnished to the National Credit Union Administration;
 - (f) A copy of the delinquent loan schedule as of the last month's end, accompanied by notations on the collectibility of each loan;
 - (g) A copy of the last audit report of the credit union's supervisory committee;
 - (h) A copy of the last examination report of the National Credit Union Administration; and
 - (i) Any other information the Commissioner may consider necessary or desirable.
2. Within 30 days after receipt of the items listed in subsection 1, the Commissioner will inform the credit union, in writing, of his or her decision provisionally to accept or not to accept the credit union's conversion.
 3. If the Commissioner has provisionally accepted the conversion of a credit union from a federal to a state charter, the Commissioner will issue a charter to the credit union upon a satisfactory demonstration by the credit union that it has completed all of the conversion requirements imposed upon it by the National Credit Union Administration.

Sec.39. NAC ~~[678.190]~~ 672.190 Voluntary dissolution. (~~[NRS 678.250, 678.820]~~ [NRS 672.250, 672.820](#)) The board of directors shall give the Commissioner 10 days' written notice of its intention to put the question of voluntary dissolution to the members of its credit union.

Sec.40. NAC ~~[678.200]~~ 672.200 Regular reserves of central credit unions: "Risk assets" defined. (~~[NRS 678.250, 678.875]~~ [672.250, 672.875](#)) For the purpose of ~~[NRS 678.875]~~ [NRS 672.875](#), "risk assets" has the meaning ascribed to it in ~~[NRS 678.690]~~ [NRS 672.690](#).

Sec.41 NAC ~~[678.210]~~ 672.210 Retention of records. (~~[NRS 678.250, 678.260]~~ [NRS 672.250, 672.260](#))

1. Except as otherwise provided in this section, a credit union may destroy a record 1 year after the date on which the record is created.

2. A credit union shall retain permanently the following records:
 - (a) The charter and bylaws of the credit union, and any amendments thereto;
 - (b) Proof of each license to operate as a financial institution granted to the credit union pursuant to federal law or the law of any state, including, without limitation, a certificate to act as an issuing agent for the sale of United States Savings Bonds; and
 - (c) Records of the operation of the credit union, including, without limitation:
 - (1) Minutes of all meetings of the members, board of directors, credit committee and audit committee;
 - (2) A copy of each financial report required pursuant to ~~NAC 678.110~~ NAC 672.110 or an equivalent form filed by the credit union;
 - (3) A copy of each comprehensive annual audit of the audit committee and each accompanying report and attachment;
 - (4) Records of account verification of the audit committee;
 - (5) Applications for membership and account agreements of members;
 - (6) A copy of each periodic statement of members and individual share and loan ledgers, including, without limitation, a complete record of all accounts of members; and
 - (7) A list of all records that are destroyed pursuant to subsection 1.
3. Applications for membership and account agreements of a person who is not a member of the credit union must be retained for a period of 7 years after the date on which the credit union determines the record is no longer useful.
4. A record that is otherwise required to be retained by state statute or federal law must be retained in accordance with that statute or law.
5. Records of a credit union may be retained in any format that can be readily reproduced, including, without limitation, original paper format, machine copy or electronic format, and must:

- (a) Accurately reflect the information contained in the record;
- (b) Be capable of reproduction for a person who is entitled to access that record; and
- (c) Be capable of being transmitted, printed or otherwise disseminated.

Sec.42 NAC ~~678.220~~ 672.220 Failure to respond to complaint; confidentiality of complaint and certain related information. (~~NRS 678.250~~ NRS 672.250)

1. If a licensed credit union, or an authorized representative of that credit union, fails to respond to the Commissioner within 20 business days after receiving written notice that a complaint has been filed against the credit union, the credit union is deemed to have admitted to the allegations contained in the complaint.
2. Subject to the discretion of the Commissioner and except as otherwise provided by specific statute, a complaint filed with the Division, any documents filed with the complaint, and any report or information resulting from an investigation of a complaint are confidential.

**SMALL BUSINESS IMPACT STATEMENT FOR PROPOSED REGULATIONS BY
THE FINANCIAL INSTITUTIONS DIVISION (Division)
TO GOVERNOR LOMBARDO'S EXECUTIVE ORDER 2023-003
September 19, 2023**

1. Small Business Impact Statement pursuant to NRS 233B.0609:

(a) A description of the manner in which comment was solicited from affected small businesses, a summary of their responses, and an explanation of the manner in which other interested persons may obtain a copy of the summary.

(I) Solicitation of affected small businesses.

The Division sought comments in accordance with NRS 233B.0608 for the purpose of considering whether as a result of the proposed regulations, there may be a direct and significant economic burden upon small business (defined as fewer than 150 employees) or if the regulations will directly restrict the formation, operation or expansion of a small business seeking to engage in or who desire to engage in the business of money transmission, to ensure that there is established in this state an adequate, efficient and competitive service available to the general public.

The Division composed the solicitation list from current licensees under Nevada Revised Statutes chapter 628B, 662, 676A, 677 and 678, and all known interested parties. In turn, the Division solicited comments on the proposed regulations for Governor Lombardo's Executive Order 2023-003 (E.O. 2023-003) from the above lists by emailing a notice and questionnaire. Additionally, a copy of the full text of the proposed regulations was emailed and posted to the Division's website. The solicited comments were used to formulate this Small Business Impact Statement.

(II) Summary of responses.

See attached spreadsheet.

(III) Obtain a copy of the summary.

This Small Business Impact Statement was posted on the NFID website dated October 16, 2023, along with a Notice of Workshop for November 2, 2023. Interested persons may also obtain a copy of the Small Business Impact Statement by contacting the:

**Office of the Commissioner
Financial Institutions Division
3300 W. Sahara Avenue, Suite 250
Las Vegas, NV 89102
Email: FIDMaster@fid.state.nv.us
Telephone: (702) 486-4120
Website: <http://fid.nv.gov>**

(b) The manner in which the analysis was conducted.

Pursuant to NRS 233B.0608(1), the Division made a concerted effort to determine whether the proposed regulations are likely to impose a direct and significant economic burden upon a small business; or directly restrict the formation, operation or expansion of a small business. For this effort, the Division sent a copy of the draft regulations and a Small Business Impact Questionnaire to all known interested parties for review and invited written comment regarding the impact to the entities, NFID took all comments submitted into consideration.

Following review of the written comment from the industry, the Division has determined that the proposed regulation is unlikely to impose a direct and significant economic burden upon a small business; result in any direct or indirect adverse effects on small business; or directly restrict the formation, operation, or expansion of a small business.

(c) The estimated economic effect of the proposed regulation on the small businesses which it is to regulate including, without limitation:

(1) Both Adverse and Beneficial effects:

(I) ADVERSE EFFECTS:

From the five industries the proposed regulation will impact, the Division received comments from one licensee. The concern is removing NAC 628B.100 will open up the industry to unexperienced foreign investors all over the world and non-Nevada residents to operate in Nevada. That the proposed change would increase licensing fees to the industry.

Anyone applying for licensure under Chapter 628B will still have to follow the statutory requirements, including but not limited to, having a guardian who is a permanent resident of Nevada at the licensed location, the expertise to operate as a private professional guardian, and the court appointing a protected person to the licensed entity. The Division does not foresee any increase in fees for the Division, applicants or licensees.

During the review of its regulations, it was decided section NAC 628.100 was not needed because statute provides clear requirements for licensure, and it removed the requirement for an individual to be a United States citizen. The removal of the United States citizenship requirement is consistent with updating current statutes and regulations in this State to remove such requirement.

(II) BENEFICIAL EFFECTS:

From the five industries the proposed regulation will impact, the Division received comments from one licensee. The concern is removing NAC 628B.100. The proposed change allows for outside foreign investors to purchase and take over any established existing private professional guardianship established business.

The license is not transferable. The foreign investors would need a licensee to agree to sell the company, and the approval of the Division and any applicable court of jurisdiction.

(2) Both Direct and Indirect effects:

(I) DIRECT EFFECTS:

From the five industries the proposed regulation will impact, the Division received comments from one licensee. The concern is removing NAC 628B.100 will open up the industry to unexperienced foreign investors all over the world and non-Nevada residents to operate in Nevada. That the proposed change would increase licensing fees to the industry.

Anyone applying for licensure under Chapter 628B will still have to follow the statutory requirements, including but not limited to, having a guardian who is a permanent resident of Nevada at the licensed location, the expertise to operate as a private professional guardian, and the court appointing a protected person to the licensed entity. The Division does not foresee any increase in fees for the Division, applicants or licensees.

During the review of its regulations, it was decided section NAC 628.100 was not needed because statute provides clear requirements for licensure, and it removed the requirement for an individual to be a United States citizen. The removal of the United States citizenship requirement is consistent with updating current statutes and regulations in this State to remove such requirement.

(II) INDIRECT EFFECTS:

From the five industries the proposed regulation will impact, the Division received comments from one licensee. The concern is removing NAC 628B.100. The proposed change allows for outside foreign investors to purchase and take over any established existing private professional guardianship established business.

The license is not transferable. The foreign investors would need a licensee to agree to sell the company, and the approval of the Division and any applicable court of jurisdiction.

(d) A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.

The Division sent out 102 small business questionnaires to all known interested parties. It received a total of ten (10) responses to the solicitation. One (1) small business provided comment, four (4) responded with N/A or no impact, and five (5) responded with no comment because they were over the small business threshold of 150 employees. The Division has considered and analyzed the one submitted comment and addressed those comment in the attached summary of response spreadsheet.

(e) The estimated cost to the agency for enforcement of the proposed regulation.

There is no cost associated with revising and/or removing these regulations. The Division does not foresee the need for any additional funding or budget increase.

(f) If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect, and the manner in which the money will be used.

No fees are being proposed.

(g) If the proposed regulation includes provisions which duplicate or are more stringent than federal, state, or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.

To the Division's knowledge, the proposed regulations do not duplicate any existing federal, state, or local standards regulating the same activity.

(h) The reasons for the conclusions of the agency regarding the impact of the regulation on small businesses.

This is a result of Governor Lombardo's Executive Order 2023-003, for the Division to conduct a comprehensive review of its regulations. The changes made to the regulations does not impose an economy burden to small business.

To the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in this Small Business Impact Statement was prepared properly and accurate.

A blue ink signature of Sandy O'Laughlin is written over the official seal of the State of Nevada. The seal is circular and features the state's coat of arms, including a miner and a farmer, with the words 'DEPARTMENT OF BUSINESS AND INDUSTRY' and 'STATE OF NEVADA' around the perimeter.

Sandy O'Laughlin
Commissioner
Financial Institutions Division
State of Nevada, Department of Business and Industry

<u>EO 2023-003- Governor's Executive Order- Direct or Indirect Impact Item from Small Businesses</u>	<u>Number/ and %</u>	<u>Direct or Indirect</u>	<u>Adverse or Beneficial</u>	<u>NFID Answer/Mitigation</u>
---	-----------------------------	----------------------------------	-------------------------------------	--------------------------------------

<p>Comment regarding Section 1, NAC 628B.100. The proposed regulation would allow any individual residing anywhere in the world to own a specialized and state specific industry and potentially serve as a guardian for the most vulnerable Nevada residents and we don't know the full economic impact the opening of this door will have on the industry in Nevada.</p>	1 (100.00%)	Direct	Adverse	<p>Anyone applying for licensure under Chapter 628B will still have to follow the statutory requirements, including but not limited to, having a guardian who is a permanent resident of Nevada at the licensed location. NRS 628B.520.</p> <p>During the review of its regulations, it was decided section NAC 628.100 was not needed because statute provides clear requirements for licensure, and it removed the requirement for an individual to be a United States citizen. The removal of the United States citizenship requirement is consistent with updating current statutes and regulations in this State to remove such requirement.</p>
--	-------------	--------	---------	---

<p>Comment regarding Section 1, NAC 628B.100. The proposed change allows for outside foreign investors to purchase and take over any established existing private professional guardianship established business.</p>	1 (100.00%)	Direct	Beneficial	<p>The license is not transferable. The foreign investors would need a licensee to agree to sell the company, and the approval of the Division and any applicable court of jurisdiction.</p>
---	-------------	--------	------------	--

<p>Comment regarding Section 1, NAC 628B.100. The proposed change would likely increase pass-through expenses (licensing fees) to Private Professional Guardians due to increased state costs to complete license application approvals (financial status, solvency, bankruptcy-potentially international applicants) and ensuring that these license applicants comply with NAC 628B.120 and allows for outside investors with little or no knowledge or expertise in professional guardianship setting Nevada Guardians back in time and diluting our hard work</p>	1 (100.00%)	Indirect	Adverse	<p>The Division does not anticipate any increase in time or expenses for the Division, applicants, or licensees.</p> <p>Anyone applying for licensure under NRS Chapter 628B will still have to follow the statutory requirements, including but not limited to, the need to have experience and the courts appointing protected persons to a licensed entity.</p>
---	-------------	----------	---------	--

establishing a fiduciary status and professional relationships.				
Comment regarding Section 1, NAC 628B.100. The proposed change allows for outside foreign investors, including those residing in foreign countries.	1 (100.00%)	Indirect	Beneficial	The license is not transferable. The foreign investors would need a licensee to agree to sell the company, and the approval of the Division and any applicable court of jurisdiction.

SBI Response Summary:

Total Known Interested Parties Solicited: 102

Total Responded with Comments: 1
Total Responded with N/A: 4
Total Responded with over 150 Employees (outside the small business threshold): 5
Total Comments Impacting the SBI % (Total Known Interested Parties Solicited - N/A - over 150 Employees=): 93

% Responded/Total Solicited (10/102): 9.8%
% Responded with Comments/Total Comments Impacting SBI (1/93): 1.08%