

**THE SEVENTY-SECOND DAY**

---

CARSON CITY (Tuesday), April 16, 2019

Assembly called to order at 11:48 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Hambrick and Spiegel, who were excused.

Prayer by the Chaplain, Father Chris Kanowitz.

We pray for the power to be gentle, the strength to be forgiving, the patience to be understanding, and the endurance to accept the consequences of holding on to what we believe to be right.

May we put our trust in the power of love to overcome hate, the power of forgiveness to overcome vengeance, and the power of respect to overcome division.

Help us to devote our whole life and thought and energy to the task of making peace and nurturing life, praying always for the inspiration and courage to fulfill the destiny for which we and all women and men were created.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:59 a.m.

**ASSEMBLY IN SESSION**

At 12:02 p.m.

Mr. Speaker presiding.

Quorum present.

**REPORTS OF COMMITTEES**

*Mr. Speaker:*

Your Committee on Education, to which were referred Assembly Bills Nos. 123, 155, 199, 237, 258, 276, 342, 378, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TYRONE THOMPSON, *Chair*

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 326, 486, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 406, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

*Mr. Speaker:*

Your Committee on Growth and Infrastructure, to which was referred Assembly Bill No. 22, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Growth and Infrastructure, to which was referred Assembly Bill No. 177, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 41, 45, 61, 148, 417, 418, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

*Mr. Speaker:*

Your Committee on Legislative Operations and Elections, to which was referred Assembly Joint Resolution No. 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SANDRA JAUREGUI, *Chair*

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bills Nos. 1, 229, 233; Assembly Joint Resolution No. 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bills Nos. 171, 404, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HEIDI SWANK, *Chair*

#### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 15, 2019

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 311, 451.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 39, 56, 186, 234, 235, 267.

SHERRY RODRIGUEZ  
*Assistant Secretary of the Senate*

#### MOTIONS, RESOLUTIONS AND NOTICES

##### NOTICE OF EXEMPTION

April 15, 2019

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 494.

MARK KRMPOTIC  
*Fiscal Analysis Division*

April 16, 2019

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 459, 476 and 483.

CINDY JONES  
*Fiscal Analysis Division*

Assemblywoman Benitez-Thompson moved that the persons set forth on the Nevada Legislature's Press Accreditation List of April 15, 2019, be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chamber, that they be allowed the use of appropriate broadcasting facilities, and the list be included in this day's Journal:

DANISH BROADCASTING, DR: Steffen Kretz, Jacob Lorenzen; ENTRAVISION – UNIVISION NEVADA: Issmar Ventura; KLAS-TV: J. Alfonso Carrera; KNPB-TV (PBS): Ben Asnis, Guinvere Clark, Rebecca Cronon, Martin Szillat; ONE SOURCE NETWORK LLC: Jennifer Cantley.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 76, 90, 216, and 281 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

#### INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 39.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 56.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 186.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 234.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 235.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 267.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 311.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 451.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

#### SECOND READING AND AMENDMENT

Assembly Bill No. 88.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 230.

SUMMARY—Revises provisions relating to ~~the reporting of average daily enrollment in~~ public schools. (BDR 34-333)

AN ACT relating to education; extending the deadline for certain reports relating to the average daily enrollment of pupils made by a school district to the Department of Education; revising the content of certain quarterly reports made by a school district; revising the information required to be posted online by a school district; **revising the manner in which a large school district is required to determine the allocation that will be made to each local school precinct for the next school year;** and providing other matters properly relating thereto.

#### **Legislative Counsel's Digest:**

Under existing law, each school district in the State must submit a report on the average daily enrollment of pupils for the immediately preceding quarter of the school year to the Department of Education on or before October 1, January 1, April 1 and July 1. (NRS 387.1223) **Section 1** of this bill extends this deadline to 5 p.m. of the next business day if the due date falls on a Saturday, Sunday or legal holiday.

Existing law requires the board of trustees of each school district to submit a quarterly report to the Department on the average daily attendance of pupils and to post such information on the Internet website maintained by the school district. (NRS 388.725) **Section 3** of this bill requires the board of trustees of each school district to instead report the average daily enrollment of pupils to the Department and to post such information on the Internet website maintained by the school district. ~~Sections 2 and 4~~ **Section 2** of this bill ~~make~~ **makes a** conforming ~~changes.~~ **change.**

**Existing law sets forth the manner in which a large school district is required to determine the allocation that will be made to each local school precinct, which must be on a per pupil basis. (NRS 388G.670) Existing law requires the superintendent of schools of a large school district to inform each local school precinct on or before January 15 of each year of the estimated amount of money that will be allocated to the local school precinct for the next school year, based upon: (1) for an existing local school precinct, the actual number of pupils who attended the local school precinct as reported during the previous calendar quarter; or (2) for a new local school precinct, the estimated number of pupils who will attend the new school and the effect on any existing local school precinct. (NRS 388G.680) For purposes of this allocation, section 4 of this bill changes the measure for determining the number of pupils for existing local school precincts from actual numbers to estimates by the large school district, which is the same measure as is used for determining the number of pupils for a new local school precinct.**

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

**Section 1.** NRS 387.1223 is hereby amended to read as follows:

387.1223 1. On or before October 1, January 1, April 1 and July 1, each school district shall report to the Department, in the form prescribed by the Department, the average daily enrollment of pupils pursuant to this section for the immediately preceding quarter of the school year. *If October 1, January 1, April 1 or July 1 falls on a Saturday, Sunday or legal holiday, the report may be submitted before 5 p.m. on the next business day.*

2. Except as otherwise provided in subsection 3, basic support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) The count of pupils enrolled in kindergarten and grades 1 to 12, inclusive, based on the average daily enrollment of those pupils during the quarter, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school and the count of pupils who are enrolled in a university school for profoundly gifted pupils located in the county.

(2) The count of pupils not included under subparagraph (1) who are enrolled full-time in a program of distance education provided by that school district, a charter school located within that school district or a university school for profoundly gifted pupils, based on the average daily enrollment of those pupils during the quarter.

(3) The count of pupils who reside in the county and are enrolled:

(I) In a public school of the school district and are concurrently enrolled part-time in a program of distance education provided by another school district or a charter school or receiving a portion of his or her instruction

from a participating entity, as defined in NRS 353B.750, based on the average daily enrollment of those pupils during the quarter.

(II) In a charter school and are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school or receiving a portion of his or her instruction from a participating entity, as defined in NRS 353B.750, based on the average daily enrollment of those pupils during the quarter.

(4) The count of pupils not included under subparagraph (1), (2) or (3), who are receiving special education pursuant to the provisions of NRS 388.417 to 388.469, inclusive, and 388.5251 to 388.5267, inclusive, based on the average daily enrollment of those pupils during the quarter and excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to NRS 388.435.

(5) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to NRS 388.435, based on the average daily enrollment of those pupils during the quarter.

(6) The count of children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570, based on the average daily enrollment of those pupils during the quarter.

(7) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 1 of NRS 388A.471, subsection 1 of NRS 388A.474, subsection 1 of NRS 392.074, or subsection 1 of NRS 388B.280 or any regulations adopted pursuant to NRS 388B.060 that authorize a child who is enrolled at a public school of a school district or a private school or a homeschooled child to participate in a class at an achievement charter school, based on the average daily enrollment of pupils during the quarter and expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (1).

(b) Adding the amounts computed in paragraph (a).

3. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school district based on the average daily enrollment of pupils during the quarter of the school year is less than or equal to 95 percent of the enrollment of pupils in the same school district or charter school based on the average daily enrollment of pupils during the same quarter of the immediately preceding school year, the enrollment of pupils during the same quarter of the immediately preceding school year must be used for purposes of making the quarterly apportionments from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

4. If the Department determines that a school district or charter school deliberately causes a decline in the enrollment of pupils in the school district or charter school to receive a higher apportionment pursuant to subsection 3,

including, without limitation, by eliminating grades or moving into smaller facilities, the enrollment number from the current school year must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

5. The Department shall prescribe a process for reconciling the quarterly reports submitted pursuant to subsection 1 to account for pupils who leave the school district or a public school during the school year.

6. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.

7. Pupils who are incarcerated in a facility or institution operated by the Department of Corrections must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the Department of Education.

8. Pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section.

**Sec. 2.** NRS 388.723 is hereby amended to read as follows:

388.723 The Department shall:

1. Develop policies and procedures for:

(a) Monitoring the plan of each school district to reduce the pupil-teacher ratio per class developed pursuant to NRS 388.720, which must include, without limitation, provisions for:

(1) The review of each plan submitted to the State Board to ensure the adequacy of such plans; and

(2) The review of any data submitted to the State Board pursuant to NRS 388.710.

(b) Monitoring the quarterly reports concerning the average daily ~~attendance~~ **enrollment** of pupils and the pupil-teacher ratios in each school district submitted by the board of trustees of the school district pursuant to NRS 388.725 to ensure the completeness and accuracy of such reports.

(c) The review of any requests for a variance submitted to the State Board pursuant to NRS 388.700, which must include, without limitation, provisions to verify the information in such requests to ensure the accuracy of the reports on variances submitted by the State Board to the Legislature pursuant to that section.

(d) The distribution of money to each school district for the reduction of pupil-teacher ratios, which must include, without limitation, provisions for:

(1) The retention of all documents and records related to the distribution; and

(2) The review of the work performed to determine the distribution of such money to ensure the accuracy of supporting information and the calculations used in making such determinations.

2. Provide guidance to the school districts on:

(a) The development of a plan to reduce the pupil-teacher ratio per class pursuant to NRS 388.720. In developing such guidance, the Department shall:

(1) Outline the criteria that each plan must include to meet the requirements of NRS 388.720.

(2) Provide examples of policies, plans or strategies adopted by other states to reduce class sizes.

(b) The requirements for reporting information related to the reduction of pupil-teacher ratios.

(c) The data that must be monitored pursuant to NRS 388.710 by each school district and used to measure the effectiveness of the implementation of any plan to reduce pupil-teacher ratios.

3. Communicate with the board of trustees of each school district regarding the expectations of the Department for the use of any money distributed to reduce pupil-teacher ratios in the school district, including, without limitation, the minimum number of teachers the school district is expected to employ.

**Sec. 3.** NRS 388.725 is hereby amended to read as follows:

388.725 1. On or before August 1, November 1, February 1 and May 1 of each year, the board of trustees of each school district shall report to the Department for the preceding quarter:

(a) Except as otherwise provided in paragraph (b), the average daily ~~attendance~~ **enrollment** of pupils and the ratio of pupils per licensed teacher for grades 1, 2 and 3 for each elementary school in the school district.

(b) If the State Board has approved an alternative class-size reduction plan for the school district pursuant to NRS 388.720, the average daily ~~attendance~~ **enrollment** of pupils and the ratio of pupils per licensed teacher for those grades which are required to comply with the alternative class-size reduction plan for each elementary school in the school district.

2. The board of trustees of each school district shall post on the Internet website maintained by the school district:

(a) The information concerning average daily ~~attendance~~ **enrollment** and class size for each elementary school in the school district, as reported to the Department pursuant to subsection 1; and

(b) An identification of each elementary school in the school district, if any, for which a variance from the prescribed pupil-teacher ratios was granted by the State Board pursuant to subsection 4 of NRS 388.700.

**Sec. 4.** NRS 388G.680 is hereby amended to read as follows:

388G.680 1. On or before January 15 of each year, the superintendent shall inform each local school precinct of the estimated amount of money that will be allocated to the local school precinct for the next school year. The allocation must be based upon estimates by the large school district of the number of pupils in each category who will attend ~~are enrolled in~~ the local school precinct after applying the appropriate weight to each category of pupil as determined pursuant to NRS 388G.670.

2. ~~Except as otherwise provided in subsections 3 and 4, the number and category of pupils must be determined based upon the report of the pupils attending enrolled in each local school precinct for the previous calendar quarter pursuant to NRS 387.1223.~~

~~3.~~ If an additional local school precinct is added in the large school district, for the purpose of determining the first allocation for the new local school precinct, the large school district must estimate the number of pupils in each category who will attend ~~be enrolled in~~ the new local school precinct and the effect on any existing local school precinct. If the opening of a new local school precinct is anticipated to reduce the number of pupils who will attend ~~be enrolled in~~ another local school precinct, for purposes of determining the allocation, the number of pupils must be adjusted accordingly.

~~4.~~ 3. The estimated amount of money allocated to each local school precinct for the next school year must be adjusted on or before November 1 of each year to reflect the actual number of pupils in each category who attend ~~are enrolled in~~ the local school precinct.

Sec. 5. This act becomes effective on July 1, 2019.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 109.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 40.

AN ACT relating to offenders; **requiring a court to provide credit for time spent in confinement before conviction to reduce a sentence of imprisonment;** authorizing a court to provide credit for time spent in residential confinement before conviction to reduce a sentence of imprisonment; **providing that a defendant convicted of a misdemeanor is not eligible for credit for time spent in residential confinement before conviction;** and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes a court that imposes a sentence of imprisonment in a county jail or prison to allow credit for time spent in confinement before conviction to reduce the sentence. (NRS 176.055) **Section 1** of this bill ~~additionally~~ **requires, rather than authorizes, such credit. In addition, section 1** authorizes the court to allow credit for time spent in residential confinement, in a person's place of residence under the terms and conditions imposed by the court, before conviction to reduce a sentence. **Finally, section 1 provides that a defendant who is convicted of a misdemeanor is not eligible for any credit for time spent in residential confinement before conviction.**

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

**Section 1.** NRS 176.055 is hereby amended to read as follows:

176.055 1. Except as otherwise provided in ~~subsection 2,~~ subsections 3, ~~4,~~ and 4, whenever a sentence of imprisonment in the county jail or state prison is imposed, the court ~~may~~ :

(a) Shall order that credit be allowed against the duration of the sentence, including any minimum term or minimum aggregate term, as applicable, thereof prescribed by law for ~~for~~

~~(a) For~~ the amount of time which the defendant has actually spent in confinement before conviction ~~;~~ ~~for~~ and

(b) ~~For~~ May order that credit be allowed against the duration of the sentence, including any minimum term or minimum aggregate term, as applicable, thereof prescribed by law, for the amount of time which the defendant spent in residential confinement before conviction,

↪ unless the defendant's confinement or residential confinement was pursuant to a judgment of conviction for another offense.

2. Credit allowed pursuant to ~~this~~ subsection **1** does not alter the date from which the term of imprisonment is computed.

~~2,~~ 3. A defendant who is convicted of a subsequent offense which was committed while the defendant was:

(a) In custody on a prior charge is not eligible for any credit on the sentence for the subsequent offense for time the defendant has spent in confinement on the prior charge, unless the charge was dismissed or the defendant was acquitted.

(b) Imprisoned in a county jail or state prison or on probation or parole from a Nevada conviction is not eligible for any credit on the sentence for the subsequent offense for the time the defendant has spent in confinement which is within the period of the prior sentence, regardless of whether any probation or parole has been formally revoked.

**4. A defendant who is convicted of a misdemeanor is not eligible for any credit for the amount of time which the defendant spent in residential confinement before conviction.**

**5. As used in this section, "residential confinement" means the confinement of a person to the person's place of residence under the terms and conditions imposed by the court.**

**Sec. 2.** The amendatory provisions of section 1 of this act apply to:

1. An offense committed on or after October 1, 2019; and
2. An offense committed before October 1, 2019, if the person is convicted on or after October 1, 2019.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 110.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:  
Amendment No. 223.

AN ACT relating to public safety; ~~authorizing~~ **requiring** the Director of the Department of Motor Vehicles to release the contact information of a person who has been issued a traffic citation to a court or its traffic violations bureau under certain circumstances; revising provisions governing citations for minor traffic and related violations; revising provisions relating to hearings on alleged traffic and related violations; prohibiting the issuance of a bench warrant for a person's failure to appear in court for a parking violation in certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law sets forth provisions relating to the release and use of files and records of the Department of Motor Vehicles. (NRS 481.063) **Section 1** of this bill ~~authorizes~~ **requires** the Director of the Department to release to a court or its traffic violations bureau, upon request, the mailing address and contact information of a person who has been issued a traffic citation that is filed with the court or traffic violations bureau from a file or record relating to the person's driver's license or the title or registration of the person's vehicle for the purpose of enabling the court to provide notifications concerning the traffic citation to the person.

Existing law requires every traffic enforcement agency in this State to provide traffic citations which must be issued in books or available through an electronic device that is used to prepare citations. (NRS 484A.610) **Section 3** of this bill authorizes such traffic citations to be designed in a certain manner.

Existing law authorizes a peace officer to prepare and deliver a traffic citation to a person who has committed a traffic violation that is punishable as a misdemeanor if the person is not taken before a magistrate. Such a traffic citation must include certain information concerning the person charged with the violation and a notice to appear in court at a time that is at least 5 days after the alleged violation, unless the person charged with the violation demands an earlier hearing. (NRS 484A.630) **Section 4** of this bill: (1) authorizes a peace officer to request, and a person to provide, the electronic mail address and mobile telephone number of the person for the purpose of enabling the court in which the person is required to appear to communicate with the person; and (2) removes the ability of the person to demand a hearing at a time earlier than 5 days after the alleged violation.

Existing law provides that if a traffic citation for a parking violation is issued to a person who has not signed the citation, a bench warrant may be issued for the person's failure to appear before the court if: (1) a notice is mailed to the person within 60 days after the citation is issued; and (2) the person does not appear within 20 days after the date of the notice or the notice to appear is returned as undeliverable. (NRS 484A.700) **Section 6** of this bill prohibits the

issuance of a bench warrant if such a notice to appear is returned as undeliverable.

**Section 2** of this bill authorizes a court having jurisdiction over an offense for which a traffic citation may be issued or its traffic violations bureau to establish a system by which a person who has been issued a traffic citation that is filed with the court or traffic violations bureau may, **in certain circumstances and** in lieu of making a plea and statement of his or her defense or any mitigating circumstances in court, make a plea and statement of his or her defense or any mitigating circumstances by mail, by electronic mail, over the Internet or by other electronic means. **Section 2** also: (1) requires that if such a system is established and a person uses the system to make a plea and statement of his or her defense or any mitigating circumstances, such a plea and statement must be received by the court before the day on which the person is required to appear in court pursuant to the traffic citation; and (2) provides that if a person uses the system to make a plea and statement of his or her defense or any mitigating circumstances, the person waives his or her right to a trial and the right to confront any witnesses. **Section 2** additionally sets forth the requirements that any such system must meet and authorizes the Nevada Supreme Court to adopt rules relating to the establishment of such a system. **Section 5** of this bill makes a conforming change to provide that using the system to make a plea and state a defense or any mitigating circumstances does not constitute a failure to appear in court.

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

**Section 1.** NRS 481.063 is hereby amended to read as follows:

481.063 1. The Director may charge and collect reasonable fees for official publications of the Department and from persons making use of files and records of the Department or its various divisions for a private purpose. All money so collected must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

2. Except as otherwise provided in subsection 6, the Director may release personal information, except a photograph, from a file or record relating to the driver's license, identification card, or title or registration of a vehicle of a person if the requester submits a written release from the person who holds a lien on the vehicle, or an agent of that person, or the person about whom the information is requested which is dated not more than 90 days before the date of the request. The written release must be in a form required by the Director.

3. Except as otherwise provided in subsections 2 and 4, the Director shall not release to any person who is not a representative of the Division of Welfare and Supportive Services of the Department of Health and Human Services or an officer, employee or agent of a law enforcement agency, an agent of the public defender's office or an agency of a local government which collects fines imposed for parking violations, who is not conducting an investigation pursuant to NRS 253.0415 or 253.220, who is not authorized to transact

insurance pursuant to chapter 680A of NRS or who is not licensed as a private investigator pursuant to chapter 648 of NRS and conducting an investigation of an insurance claim:

(a) A list which includes license plate numbers combined with any other information in the records or files of the Department;

(b) The social security number of any person, if it is requested to facilitate the solicitation of that person to purchase a product or service; or

(c) The name, address, telephone number or any other personally identifiable information if the information is requested by the presentation of a license plate number.

↪ When such personally identifiable information is requested of a law enforcement agency by the presentation of a license plate number, the law enforcement agency shall conduct an investigation regarding the person about whom information is being requested or, as soon as practicable, provide the requester with the requested information if the requester officially reports that the motor vehicle bearing that license plate was used in a violation of NRS 205.240, 205.345, 205.380 or 205.445.

4. If a person is authorized to obtain such information pursuant to a contract entered into with the Department and if such information is requested for the purpose of an advisory notice relating to a motor vehicle or the recall of a motor vehicle or for the purpose of providing information concerning the history of a vehicle, the Director may release:

(a) A list which includes license plate numbers combined with any other information in the records or files of the Department; or

(b) The name, address, telephone number or any other personally identifiable information if the information is requested by the presentation of a license plate number.

5. Except as otherwise provided in subsections 2, 4, ~~and~~ 6 **and** 7 and NRS 483.294, 483.855 and 483.937, the Director shall not release any personal information from a file or record relating to a driver's license, identification card, or title or registration of a vehicle.

6. Except as otherwise provided in paragraph (a) and subsection ~~{7,}~~ 8, if a person or governmental entity provides a description of the information requested and its proposed use and signs an affidavit to that effect, the Director may release any personal information, except a photograph, from a file or record relating to a driver's license, identification card, or title or registration of a vehicle for use:

(a) By any governmental entity, including, but not limited to, any court or law enforcement agency, in carrying out its functions, or any person acting on behalf of a federal, state or local governmental agency in carrying out its functions. The personal information may include a photograph from a file or record relating to a driver's license, identification card, or title or registration of a vehicle.

(b) In connection with any civil, criminal, administrative or arbitration proceeding before any federal or state court, regulatory body, board,

commission or agency, including, but not limited to, use for service of process, investigation in anticipation of litigation, and execution or enforcement of judgments and orders, or pursuant to an order of a federal or state court.

(c) In connection with matters relating to:

- (1) The safety of drivers of motor vehicles;
- (2) Safety and thefts of motor vehicles;
- (3) Emissions from motor vehicles;
- (4) Alterations of products related to motor vehicles;
- (5) An advisory notice relating to a motor vehicle or the recall of a motor vehicle;
- (6) Monitoring the performance of motor vehicles;
- (7) Parts or accessories of motor vehicles;
- (8) Dealers of motor vehicles; or
- (9) Removal of nonowner records from the original records of motor vehicle manufacturers.

(d) By any insurer, self-insurer or organization that provides assistance or support to an insurer or self-insurer or its agents, employees or contractors, in connection with activities relating to the rating, underwriting or investigation of claims or the prevention of fraud.

(e) In providing notice to the owners of vehicles that have been towed, repossessed or impounded.

(f) By an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license who is employed by or has applied for employment with the employer.

(g) By a private investigator, private patrol officer or security consultant who is licensed pursuant to chapter 648 of NRS, for any use permitted pursuant to this section.

(h) By a reporter or editorial employee who is employed by or affiliated with any newspaper, press association or commercially operated, federally licensed radio or television station for a journalistic purpose. The Department may not make any inquiries regarding the use of or reason for the information requested other than whether the information will be used for a journalistic purpose.

(i) In connection with an investigation conducted pursuant to NRS 253.0415 or 253.220.

(j) In activities relating to research and the production of statistical reports, if the personal information will not be published or otherwise redisclosed, or used to contact any person.

**7. Upon the request of a court or its traffic violations bureau, the Director ~~may~~ shall release the mailing address and contact information of a person who has been issued a traffic citation that is filed with the court or traffic violations bureau from a file or record relating to the driver's license of the person or the title or registration of the person's vehicle for the purpose of enabling the court or traffic violations bureau to provide notifications concerning the traffic citation to the person.**

8. Except as otherwise provided in paragraph (j) of subsection 6, the Director shall not provide personal information to individuals or companies for the purpose of marketing extended vehicle warranties, and a person who requests and receives personal information may sell or disclose that information only for a use permitted pursuant to subsection 6. Such a person shall keep and maintain for 5 years a record of:

- (a) Each person to whom the information is provided; and
- (b) The purpose for which that person will use the information.

↪ The record must be made available for examination by the Department at all reasonable times upon request.

~~8.1~~ 9. Except as otherwise provided in subsection 2, the Director may deny any use of the files and records if the Director reasonably believes that the information taken may be used for an unwarranted invasion of a particular person's privacy.

~~9.1~~ 10. Except as otherwise provided in NRS 485.316, the Director shall not allow any person to make use of information retrieved from the system created pursuant to NRS 485.313 for a private purpose and shall not in any other way release any information retrieved from that system.

~~10.1~~ 11. The Director shall not release any information relating to legal presence or any other information relating to or describing immigration status, nationality or citizenship from a file or record relating to a request for or the issuance of a license, identification card or title or registration of a vehicle to any person or to any federal, state or local governmental entity for any purpose relating to the enforcement of immigration laws.

~~11.1~~ 12. The Director shall adopt such regulations as the Director deems necessary to carry out the purposes of this section. In addition, the Director shall, by regulation, establish a procedure whereby a person who is requesting personal information may establish an account with the Department to facilitate the person's ability to request information electronically or by written request if the person has submitted to the Department proof of employment or licensure, as applicable, and a signed and notarized affidavit acknowledging that the person:

- (a) Has read and fully understands the current laws and regulations regarding the manner in which information from the Department's files and records may be obtained and the limited uses which are permitted;
- (b) Understands that any sale or disclosure of information so obtained must be in accordance with the provisions of this section;
- (c) Understands that a record will be maintained by the Department of any information he or she requests; and
- (d) Understands that a violation of the provisions of this section is a criminal offense.

~~12.1~~ 13. It is unlawful for any person to:

- (a) Make a false representation to obtain any information from the files or records of the Department.

(b) Knowingly obtain or disclose any information from the files or records of the Department for any use not permitted by the provisions of this chapter.

~~13.1~~ **14.** As used in this section:

(a) “Information relating to legal presence” means information that may reveal whether a person is legally present in the United States, including, without limitation, whether the driver’s license that a person possesses is a driver authorization card, whether the person applied for a driver’s license pursuant to NRS 483.290 or 483.291 and the documentation used to prove name, age and residence that was provided by the person with his or her application for a driver’s license.

(b) “Personal information” means information that reveals the identity of a person, including, without limitation, his or her photograph, social security number, individual taxpayer identification number, driver’s license number, identification card number, name, address, telephone number or information regarding a medical condition or disability. The term does not include the zip code of a person when separate from his or her full address, information regarding vehicular crashes or driving violations in which he or she has been involved or other information otherwise affecting his or her status as a driver.

(c) “Vehicle” includes, without limitation, an off-highway vehicle as defined in NRS 490.060.

**Sec. 2.** Chapter 484A of NRS is hereby amended by adding thereto a new section to read as follows:

**1.** *A court having jurisdiction over an offense for which a traffic citation may be issued pursuant to NRS 484A.630 or its traffic violations bureau may establish a system by which, except as otherwise provided in subsection 5, a person who has been issued a traffic citation that is filed with the court or traffic violations bureau may make a plea and state his or her defense or any mitigating circumstances by mail, by electronic mail, over the Internet or by other electronic means.*

**2.** ~~14.1~~ *Except as otherwise provided in subsection 5, if a court or traffic violations bureau has established a system pursuant to subsection 1, a person who has been issued a traffic citation that is filed with the court or traffic violations bureau may, in lieu of making a plea and statement of his or her defense or any mitigating circumstances in court, make a plea and state his or her defense or any mitigating circumstances by using the system. Any such plea and statement must be received by the court before the date on which the person is required to appear in court pursuant to the traffic citation.*

**3.** *If a person to whom a traffic citation is issued is eligible pursuant to the provisions of this section to use a system established pursuant to subsection 1 to make a plea and state his or her defense or any mitigating circumstances and the person chooses to make a plea and state his or her defense or any mitigating circumstances by using such a system, ~~established pursuant to subsection 1,~~ the person waives his or her right to a trial and the right to confront any witnesses.*

4. Any system established pursuant to subsection 1 must:

(a) For the purpose of authenticating that the person making the plea and statement of his or her defense or any mitigating circumstances is the person to whom the traffic citation was issued, require the person to submit:

- (1) The traffic citation number;
- (2) The name and address of the person;
- (3) The state registration number of the person's vehicle, if any;
- (4) The number of the driver's license of the person, if any;
- (5) The offense charged; and
- (6) Any other information required by any rules adopted by the Nevada Supreme Court pursuant to subsection ~~5~~ 6.

(b) Provide notice to each person who uses the system to make a plea and statement of his or her defense or any mitigating circumstances that the person waives his or her right to a trial and the right to confront any witnesses.

(c) If a plea and statement of the defense or mitigating circumstances is submitted by electronic mail, over the Internet or by other electronic means, ~~provide~~ confirm receipt of the plea and statement or make available to the person making the plea a copy of the plea and statement.

5. A person who has been issued a traffic citation for any of the following offenses may not make a plea and state his or her defense or any mitigating circumstances by using a system established pursuant to subsection 1:

- (a) Aggressive driving in violation of NRS 484B.650;
- (b) Reckless driving in violation of NRS 484B.653;
- (c) Vehicular manslaughter in violation of NRS 484B.657; or
- (d) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110, 484C.120 or 488.410, as applicable.

6. The Nevada Supreme Court may adopt rules not inconsistent with the laws of this State to carry out the provisions of this section.

Sec. 3. NRS 484A.610 is hereby amended to read as follows:

484A.610 1. Every traffic enforcement agency in this State shall provide in appropriate form traffic citations containing notices to appear which must meet the requirements of chapters 484A to 484E, inclusive, of NRS and be:

- (a) Issued in books; or
- (b) Available through an electronic device used to prepare citations.

2. The chief administrative officer of each traffic enforcement agency is responsible for the issuance of such books and electronic devices and shall maintain a record of each book, each electronic device and each citation contained therein issued to individual members of the traffic enforcement agency and volunteers of the traffic enforcement agency appointed pursuant to NRS 484B.470. The chief administrative officer shall require and retain a receipt for every book and electronic device that is issued.

3. *Any traffic citation provided by a traffic enforcement agency pursuant to this section may be designed such that the traffic citation:*

(a) *Clearly states at the top of the citation the purpose of the citation and the actions that must be taken by the person to whom the citation is issued;*

(b) *Provides in a conspicuous location near the top of the citation fields for the date and time when and the location where the person to whom the citation is issued is required to appear in court; and*

(c) *Clearly states, in bold type, the consequences of failing to appear in court.*

**Sec. 4.** NRS 484A.630 is hereby amended to read as follows:

484A.630 1. Whenever a person is halted by a peace officer for any violation of chapters 484A to 484E, inclusive, of NRS punishable as a misdemeanor and is not taken before a magistrate as required or permitted by NRS 484A.720 and 484A.730, the peace officer may prepare a traffic citation manually or electronically in the form of a complaint issuing in the name of “The State of Nevada,” containing a notice to appear in court, the name and address of the person, the state registration number of the person’s vehicle, if any, the number of the person’s driver’s license, if any, the offense charged, including a brief description of the offense and the NRS citation, the time and place when and where the person is required to appear in court, and such other pertinent information as may be necessary. ***The peace officer may also request, and the person may provide, the electronic mail address and mobile telephone number of the person for the purpose of enabling the court in which the person is required to appear to communicate with the person. If the peace officer requests such information, the peace officer shall expressly inform the person that providing such information is voluntary.*** The peace officer shall sign the citation and deliver a copy of the citation to the person charged with the violation. If the citation is prepared electronically, the peace officer shall sign the copy of the citation that is delivered to the person charged with the violation.

2. The time specified in the notice to appear must be at least 5 days after the alleged violation. ~~unless the person charged with the violation demands an earlier hearing.~~

3. The place specified in the notice to appear must be before a magistrate, as designated in NRS 484A.750.

4. The person charged with the violation may give his or her written promise to appear in court by signing at least one copy of the traffic citation prepared by the peace officer and thereupon the peace officer shall not take the person into physical custody for the violation. If the citation is prepared electronically, the peace officer shall indicate on the electronic record of the citation whether the person charged gave his or her written promise to appear. A copy of the citation that is signed by the person charged or the electronic record of the citation which indicates that the person charged gave his or her written promise to appear suffices as proof of service.

5. If the person charged with the violation refuses to sign a copy of the traffic citation but accepts a copy of the citation delivered by the peace officer:

- (a) The acceptance shall be deemed personal service of the notice to appear in court;
- (b) A copy of the citation signed by the peace officer suffices as proof of service; and
- (c) The peace officer shall not take the person into physical custody for the violation.

**Sec. 5.** NRS 484A.670 is hereby amended to read as follows:

484A.670 1. ~~Regardless~~ ***Unless a person makes a plea by using a system established by a court or traffic violations bureau in accordance with section 2 of this act, regardless*** of the disposition of the charge for which a traffic citation was originally issued, it is unlawful for a person to:

- (a) Violate a written promise to appear in court given to a peace officer upon the issuance of a traffic citation prepared by the peace officer; or
- (b) Fail to appear at the time and place set forth in a notice to appear in court that is contained in a traffic citation prepared by a peace officer.

2. Except as otherwise provided in this subsection, a person may comply with a written promise to appear in court or a notice to appear in court by an appearance by counsel. A person who has been convicted of two or more moving traffic violations in unrelated incidents within a 12-month period and is subsequently arrested or issued a citation within that 12-month period shall appear personally in court with or without counsel.

3. ~~At~~ ***Unless a person makes a plea by using a system established by a court or traffic violations bureau in accordance with section 2 of this act, a warrant may issue upon a violation of a written promise to appear in court or a failure to appear at the time and place set forth in a notice to appear in court.***

**Sec. 6.** NRS 484A.700 is hereby amended to read as follows:

484A.700 1. A traffic citation for a parking violation may be prepared manually or electronically.

2. ~~When~~ ***Except as otherwise provided in subsection 3, when*** a traffic citation for a parking violation has been issued identifying by license number a vehicle registered to a person who has not signed the citation, a bench warrant may ~~not~~ be issued for that person for failure to appear before the court ~~unless~~ ***if***:

- (a) A notice to appear concerning the violation is first sent to the person by first-class mail within 60 days after the citation is issued; and
- (b) The person does not appear within 20 days after the date of the notice .

~~or~~

3. ***A bench warrant may not be issued pursuant to subsection 2 if*** the notice to appear is returned with a report that it cannot be delivered.

**Sec. 7.** The amendatory provisions of section 6 of this act apply to a notice to appear that is mailed on or after October 1, 2019.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 120.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 192.

SUMMARY—Revises provisions relating to the ~~felonies~~ **crime** of sex trafficking, ~~and solicitation of a child for prostitution.~~ (BDR 15-817)

AN ACT relating to crimes; revising provisions relating to the ~~felonies~~ **crime** of sex trafficking ; ~~and solicitation of a child for prostitution;~~ providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law establishes certain acts that constitute sex trafficking. A person who is guilty of sex trafficking: (1) an adult is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000; and (2) a child is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5, 10 or 15 years has been served, depending on the age of the child, and may be further punished by a fine of not more than \$10,000 or \$20,000, also depending on the age of the child. (NRS 201.300) ~~[Section 1 of this]~~ **This** bill additionally provides that a person is guilty of sex trafficking if he or she ~~knowingly benefits, financially or by receiving~~ **receives** anything ~~false~~ of value ~~from voluntarily participating in a venture that engages in~~ **with the specific intent of facilitating** any act that constitutes sex trafficking.

~~[Existing law provides that in a prosecution for sex trafficking a child, it is not a defense that the defendant did not have knowledge of the victim's age or that the defendant made a reasonable mistake as to the victim's age. (NRS 201.300) Section 2 of this bill provides that such defenses are also not valid in a prosecution for solicitation of a child for prostitution.]~~

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

**Section 1.** NRS 201.300 is hereby amended to read as follows:

201.300 1. A person who without physical force or the immediate threat of physical force, induces an adult to unlawfully become a prostitute or to continue to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution is guilty of pandering which is a category C

felony and shall be punished as provided in NRS 193.130. This subsection does not apply to the customer of a prostitute.

2. A person:

(a) Is guilty of sex trafficking if the person:

(1) Induces, causes, recruits, harbors, transports, provides, obtains or maintains a child to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution;

(2) Induces, recruits, harbors, transports, provides, obtains or maintains a person by any means, knowing, or in reckless disregard of the fact, that threats, violence, force, intimidation, fraud, duress or coercion will be used to cause the person to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution;

(3) By threats, violence, force, intimidation, fraud, duress, coercion, by any device or scheme, or by abuse of any position of confidence or authority, or having legal charge, takes, places, harbors, induces, causes, compels or procures a person to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution; ~~for~~

(4) Takes or detains a person with the intent to compel the person by force, violence, threats or duress to marry him or her or any other person ~~+~~ ;  
*or*

(5) ~~[Knowingly benefits, financially or by receiving]~~ Receives anything false of value from voluntarily participating in a venture that engages in any act in with the specific intent of facilitating a violation of this paragraph.

(b) Who is found guilty of sex trafficking:

(1) An adult is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000.

(2) A child:

(I) If the child is less than 14 years of age when the offense is committed, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served, and may be further punished by a fine of not more than \$20,000.

(II) If the child is at least 14 years of age but less than 16 years of age when the offense is committed, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served, and may be further punished by a fine of not more than \$10,000.

(III) If the child is at least 16 years of age but less than 18 years of age when the offense is committed, is guilty of a category A felony and shall be

punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served, and may be further punished by a fine of not more than \$10,000.

3. A court shall not grant probation to or suspend the sentence of a person convicted of sex trafficking a child pursuant to subsection 2.

4. Consent of a victim of pandering or sex trafficking to an act of prostitution is not a defense to a prosecution for any of the acts prohibited by this section.

5. In a prosecution for sex trafficking a child pursuant to subsection 2, it is not a defense that the defendant did not have knowledge of the victim's age, nor is reasonable mistake of age a valid defense to a prosecution conducted pursuant to subsection 2.

**Sec. 2.** ~~NRS 201.354 is hereby amended to read as follows:~~

~~201.354 1. It is unlawful for any person to engage in prostitution or solicitation therefor, except in a licensed house of prostitution.~~

~~2. A prostitute who violates subsection 1 is guilty of a misdemeanor.~~

~~3. Except as otherwise provided in subsection 5, a customer who violates subsection 1:~~

~~(a) For a first offense, is guilty of a misdemeanor and shall be punished as provided in NRS 193.150, and by a fine of not less than \$400.~~

~~(b) For a second offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140, and by a fine of not less than \$800.~~

~~(c) For a third or subsequent offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140, and by a fine of not less than \$1,300.~~

~~4. In addition to any other penalty imposed, the court shall order a person who violates subsection 3 to pay a civil penalty of not less than \$200 per offense. The civil penalty must be paid to the district attorney or city attorney of the jurisdiction in which the violation occurred. If the civil penalty imposed pursuant to this subsection:~~

~~(a) Is not within the person's present ability to pay, in lieu of paying the penalty, the court may allow the person to perform community service for a reasonable number of hours, the value of which would be commensurate with the civil penalty.~~

~~(b) Is not entirely within the person's present ability to pay, in lieu of paying the entire civil penalty, the court may allow the person to perform community service for a reasonable number of hours, the value of which would be commensurate with the amount of the reduction of the civil penalty.~~

~~5. A customer who violates subsection 1 by soliciting a child for prostitution:~~

~~(a) For a first offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130, and by a fine of not more than \$5,000.~~

~~(b) For a second offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.~~

~~—(e) For a third or subsequent offense, is guilty of a category C felony and shall be punished as provided in NRS 193.130. The court shall not grant probation to or suspend the sentence of a person punished pursuant to this paragraph.~~

~~—6. *In a prosecution for solicitation of a child for prostitution pursuant to subsection 1, it is not a defense that the defendant did not have knowledge of the victim's age, nor is reasonable mistake of age a valid defense to a prosecution conducted pursuant to subsection 1.*~~

~~—7. Any civil penalty collected by a district attorney or city attorney pursuant to subsection 4 must be deposited in the county or city treasury, as applicable, to be used for:~~

~~—(a) The enforcement of this section; and~~

~~—(b) Programs of treatment for persons who solicit prostitution which are certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.~~

~~→ Not less than 50 percent of the money deposited in the county or city treasury, as applicable, pursuant to this subsection must be used for the enforcement of this section.~~

~~—[7.] 8. If a person who violates subsection 1 is ordered pursuant to NRS 4.373 or 5.055 to participate in a program for the treatment of persons who solicit prostitution, upon fulfillment of the terms and conditions of the program, the court may discharge the person and dismiss the proceedings against the person. If the court discharges the person and dismisses the proceedings against the person, a nonpublic record of the discharge and dismissal must be transmitted to and retained by the Division of Parole and Probation of the Department of Public Safety solely for the use of the courts in determining whether, in later proceedings, the person qualifies under this section for participation in a program of treatment for persons who solicit prostitution. Except as otherwise provided in this subsection, discharge and dismissal under this subsection is without adjudication of guilt and is not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for a second or subsequent conviction or the setting of bail. Discharge and dismissal restores the person discharged, in the contemplation of the law, to the status occupied before the proceedings. The person may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge the proceedings in response to an inquiry made of the person for any purpose. Discharge and dismissal under this subsection may occur only once with respect to any person. A professional licensing board may consider a proceeding under this subsection in determining suitability for a license or liability to discipline for misconduct. Such a board is entitled for those purposes to a truthful answer from the applicant or licensee concerning any such proceeding with respect to the applicant or licensee.~~

~~[8.] 9. Except as limited by subsection [9.] 10, if a person is discharged and the proceedings against the person are dismissed pursuant to subsection [7.] 8, the court shall, without a hearing, order sealed all documents, papers and exhibits in that person's record, minute book entries and entries on docket, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court shall cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.~~

~~[9.] 10. A professional licensing board is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section. (Deleted by amendment.)~~

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 164.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 41.

AN ACT relating to marijuana; imposing certain requirements relating to advertising by a marijuana establishment and a medical marijuana establishment; revising provisions relating to medical marijuana establishment agents; providing for the registration of agents who work or volunteer at or contract with a marijuana establishment; revising provisions relating to disciplinary action against a medical marijuana establishment agent and a marijuana establishment agent; authorizing civil penalties for certain violations relating to advertising; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes the Department of Taxation to adopt regulations governing medical marijuana establishments and marijuana establishments. (NRS 453A.370, 453D.200) Existing regulations prohibit a medical marijuana establishment from using a name, logo, sign or advertisement and a marijuana establishment from using a name, logo, sign, advertisement or packaging without obtaining the approval of the Department prior to use. (NAC 453A.402 ~~;~~ section 231 of Adopted Reg. of Dep't of Taxation, LCB File No. R092-17) ~~;~~ **453D.473) Sections 4 and 11** of this bill prohibit the Department from requiring a medical marijuana establishment or a marijuana establishment to obtain the approval of the Department before using a logo, sign or advertisement, thereby voiding the conflicting regulatory provisions.

Existing law that becomes effective January 1, 2020, imposes restrictions on advertising by a marijuana establishment. One such restriction prohibits a

marijuana establishment from placing an advertisement at a sports or entertainment event to which persons who are less than 21 years of age are allowed entry. (NRS 453D.310) **Section 12** of this bill authorizes a marijuana establishment to place an advertisement at such an entertainment event if it is reasonably estimated that less than 30 percent of the persons who will attend that entertainment event are less than 21 years of age. Existing law also prohibits a marijuana establishment from advertising on certain mediums if 30 percent or more of the audience of that medium is reasonably expected to be persons who are less than 21 years of age. (NRS 453D.310) **Section 12** requires a marijuana establishment that engages in advertising for which it is required to determine the percentage of persons less than 21 years of age that may reasonably be expected to view or hear the advertisement to maintain certain documentation relating to the manner in which it determined the reasonably expected age of the audience for that advertisement. **Section 12** also authorizes the Department to impose a civil penalty ~~of not more than \$10,000~~ on a marijuana establishment for violating certain provisions relating to advertising. **Section 4** imposes similar restrictions on advertising by a medical marijuana establishment and authorizes the Department to impose a civil penalty ~~of not more than \$10,000~~ on a medical marijuana establishment for violating such provisions. **Sections 4, 12, 12.3 and 12.7 of this bill authorize a local government to adopt an ordinance regulating the content of advertisements used by a marijuana establishment or medical marijuana establishment if such an ordinance sets forth specific prohibited content for such advertisements.**

Existing law prohibits a person from volunteering or working at, contracting to provide labor to or being employed by an independent contractor to provide labor to a medical marijuana establishment unless the person is registered with the Department and issued a medical marijuana establishment agent registration card. (NRS 453A.332) **Section 6** of this bill establishes a similar prohibition for marijuana establishments.

Existing law establishes the application process and fees required to obtain a medical marijuana establishment agent registration card. (NRS 453A.332) **Existing regulations provide for a similar application process and similar fees to obtain a marijuana establishment agent registration card. (NAC 453D.340) Section 6** establishes ~~for a similar application process and similar fees to obtain a marijuana establishment agent registration card.~~ **this process in statute. Section 6: (1) transfers, from regulation to statute, existing authority to collect a fee; and (2) limits the amount of that fee to the amount currently authorized by existing regulations. Sections 1 and 6 of this bill expand the period of validity for a medical marijuana establishment agent registration card and a marijuana establishment agent registration card from 1 year to 2 years.** **Section 1** of this bill removes provisions authorizing a medical marijuana establishment to submit the application and fees for a medical marijuana registration card on behalf of a prospective agent.

**Existing law requires each applicant for registration as a medical marijuana establishment agent to submit to the Department a complete set of fingerprints and written permission authorizing the Department to submit the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. (NRS 453A.332) Section 1 of this bill eliminates this requirement and instead authorizes the Department to impose this requirement on an applicant or conduct and accept any background check the Department determines to be reliable and expedient. Section 6 makes a similar change concerning applicants for registration as a marijuana establishment agent.**

Existing law outlines the procedure, in accordance with federal law, for the suspension of a medical marijuana establishment agent registration card in the event that the holder fails to comply with certain requirements pertaining to the payment of child support. (NRS 453A.336, 453A.338) **Sections 7 and 8** of this bill provide a similar procedure for the suspension of a marijuana establishment agent registration card.

Existing law specifies acts which constitute grounds for the immediate revocation of a medical marijuana establishment agent registration card. (NRS 453A.342) **Section ~~4~~ 3** of this bill expands the grounds for revocation to include: (1) having been electronically recorded stealing marijuana, edible marijuana products or marijuana-infused products; (2) having been convicted of any crime involving the theft of marijuana or such other marijuana products; (3) having been electronically recorded consuming marijuana on the premises of a marijuana establishment; and (4) intentionally submitting false documents to the Department or a local government. **Section 9** of this bill establishes similar grounds for revoking a marijuana establishment agent registration card.

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

**Section 1.** NRS 453A.332 is hereby amended to read as follows:

453A.332 1. Except as otherwise provided in this section, a person shall not volunteer or work at, contract to provide labor to or be employed by an independent contractor to provide labor to a medical marijuana establishment as a medical marijuana establishment agent unless the person is registered with the Department pursuant to this section.

2. A person who wishes to volunteer or work at a medical marijuana establishment ~~1, or a medical marijuana establishment that wishes to retain as a volunteer or employ such a person,~~ shall submit to the Department an application on a form prescribed by the Department. The application must be accompanied by:

(a) The name, address and date of birth of the prospective medical marijuana establishment agent;

(b) A statement signed by the prospective medical marijuana establishment agent pledging not to dispense or otherwise divert marijuana to any person

who is not authorized to possess marijuana in accordance with the provisions of this chapter;

(c) A statement signed by the prospective medical marijuana establishment agent asserting that he or she has not previously had a medical marijuana establishment agent registration card revoked;

~~(d) A complete set of the fingerprints and written permission of the prospective medical marijuana establishment agent authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;~~

~~(e)~~ The application fee, as set forth in NRS 453A.344; and

~~(f)~~ (e) Such other information as the Department may require by regulation.

3. A person who wishes to contract to provide labor to or be employed by an independent contractor to provide labor to a medical marijuana establishment ~~], or a medical marijuana establishment that wishes to contract with such a person,~~ shall submit to the Department an application on a form prescribed by the Department for the registration of the independent contractor and each employee of the independent contractor who will provide labor as a medical marijuana establishment agent. The application must be accompanied by:

(a) The name, address and, if the prospective medical marijuana establishment agent has a state business license, the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;

(b) The name, address and date of birth of each employee of the prospective medical marijuana establishment agent who will provide labor as a medical marijuana establishment agent;

(c) A statement signed by the prospective medical marijuana establishment agent pledging not to dispense or otherwise divert marijuana to, or allow any of its employees to dispense or otherwise divert marijuana to, any person who is not authorized to possess marijuana in accordance with the provisions of this chapter;

(d) A statement signed by the prospective medical marijuana establishment agent asserting that it has not previously had a medical marijuana establishment agent registration card revoked and that none of its employees who will provide labor as a medical marijuana establishment agent have previously had a medical marijuana establishment agent registration card revoked;

~~(e) A complete set of the fingerprints of the prospective medical marijuana agent, if a natural person, and each employee of the prospective medical marijuana establishment agent who will provide labor as a medical marijuana establishment agent and written permission of the prospective medical marijuana establishment agent and each employee of the prospective medical marijuana establishment agent authorizing the Department to forward~~

~~the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;~~

~~(f)~~ The application fee, as set forth in NRS 453A.344; and

~~(g)~~ (f) Such other information as the Department may require by regulation.

4. *The Department may conduct any investigation of a prospective medical marijuana establishment agent and, for an independent contractor, each employee of the prospective medical marijuana establishment agent who will provide labor as a medical marijuana establishment agent, that the Department deems appropriate. In connection with such an investigation, the Department may:*

*(a) Conduct or accept any background check the Department determines to be reliable and expedient to determine the criminal history of the prospective medical marijuana establishment agent or the employee;*

*(b) Require a prospective medical marijuana establishment agent, if a natural person, and each employee of a prospective medical marijuana establishment agent who will provide labor as a medical marijuana establishment agent to submit to the Department a complete set of fingerprints and written permission authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and*

*(c) If the Department imposes the requirement described in paragraph (b), submit the fingerprints of the prospective medical marijuana establishment agent and each employee of the prospective medical marijuana establishment agent who will provide labor as a medical marijuana establishment agent to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.*

5. A medical marijuana establishment shall notify the Department within 10 days after a medical marijuana establishment agent ceases to be employed by, volunteer at or provide labor as a medical marijuana establishment agent to the medical marijuana establishment.

~~5.~~ 6. A person who:

(a) Has been convicted of an excluded felony offense; or

(b) Is less than 21 years of age,

↪ shall not serve as a medical marijuana establishment agent.

~~6. The Department shall submit the fingerprints of an applicant for registration as a medical marijuana establishment agent to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of the applicant.~~

7. The provisions of this section do not require a person who is an owner, officer or board member of a medical marijuana establishment to resubmit

information already furnished to the Department at the time the establishment was registered with the Department.

8. If an applicant for registration as a medical marijuana establishment agent satisfies the requirements of this section and is not disqualified from serving as such an agent pursuant to this section or any other applicable law, the Department shall issue to the person and, for an independent contractor, to each person identified in the independent contractor's application for registration as an employee who will provide labor as a medical marijuana establishment agent, a medical marijuana establishment agent registration card. If the Department does not act upon an application for a medical marijuana establishment agent registration card within 30 days after the date on which the application is received, the application shall be deemed conditionally approved until such time as the Department acts upon the application. A medical marijuana establishment agent registration card expires ~~1 year~~ 2 years after the date of issuance and may be renewed upon:

- (a) Resubmission of the information set forth in this section; and
- (b) Payment of the renewal fee set forth in NRS 453A.344.

9. A medical marijuana establishment agent registration card issued pursuant to this section to an independent contractor or an employee of an independent contractor authorizes the independent contractor or employee to provide labor to any medical marijuana establishment in this State.

10. A medical marijuana establishment agent registration card issued pursuant to this section to a person who wishes to volunteer or work at a medical marijuana establishment authorizes the person to volunteer or work at any medical marijuana establishment in this State for which the category of the medical marijuana establishment agent registration card authorizes the person to volunteer or work.

11. Except as otherwise prescribed by regulation of the Department, an applicant for registration or renewal of registration as a medical marijuana establishment agent is deemed temporarily registered as a medical marijuana establishment agent on the date on which a complete application for registration or renewal of registration is submitted to the Department. A temporary registration as a medical marijuana establishment agent expires 30 days after the date upon which the application is received.

**Sec. 2.** NRS 453A.332 is hereby amended to read as follows:

453A.332 1. Except as otherwise provided in this section, a person shall not volunteer or work at, contract to provide labor to or be employed by an independent contractor to provide labor to a medical marijuana establishment as a medical marijuana establishment agent unless the person is registered with the Department pursuant to this section.

2. A person who wishes to volunteer or work at a medical marijuana establishment shall submit to the Department an application on a form prescribed by the Department. The application must be accompanied by:

- (a) The name, address and date of birth of the prospective medical marijuana establishment agent;

(b) A statement signed by the prospective medical marijuana establishment agent pledging not to dispense or otherwise divert marijuana to any person who is not authorized to possess marijuana in accordance with the provisions of this chapter;

(c) A statement signed by the prospective medical marijuana establishment agent asserting that he or she has not previously had a medical marijuana establishment agent registration card *or marijuana establishment agent registration card, as defined in NRS 453D.030*, revoked;

(d) The application fee, as set forth in NRS 453A.344; and

(e) Such other information as the Department may require by regulation.

3. A person who wishes to contract to provide labor to or be employed by an independent contractor to provide labor to a medical marijuana establishment shall submit to the Department an application on a form prescribed by the Department for the registration of the independent contractor and each employee of the independent contractor who will provide labor as a medical marijuana establishment agent. The application must be accompanied by:

(a) The name, address and, if the prospective medical marijuana establishment agent has a state business license, the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;

(b) The name, address and date of birth of each employee of the prospective medical marijuana establishment agent who will provide labor as a medical marijuana establishment agent;

(c) A statement signed by the prospective medical marijuana establishment agent pledging not to dispense or otherwise divert marijuana to, or allow any of its employees to dispense or otherwise divert marijuana to, any person who is not authorized to possess marijuana in accordance with the provisions of this chapter;

(d) A statement signed by the prospective medical marijuana establishment agent asserting that it has not previously had a medical marijuana establishment agent registration card *or marijuana establishment agent registration card, as defined in NRS 453D.030*, revoked and that none of its employees who will provide labor as a medical marijuana establishment agent have previously had a medical marijuana establishment agent registration card *or marijuana establishment agent registration card, as defined in NRS 453D.030*, revoked;

(e) The application fee, as set forth in NRS 453A.344; and

(f) Such other information as the Department may require by regulation.

4. The Department may conduct any investigation of a prospective medical marijuana establishment agent and, for an independent contractor, each employee of the prospective medical marijuana establishment agent who will provide labor as a medical marijuana establishment agent, that the Department deems appropriate. In connection with such an investigation, the Department may:

(a) Conduct or accept any background check the Department determines to be reliable and expedient to determine the criminal history of the prospective medical marijuana establishment agent or the employee;

(b) Require a prospective medical marijuana establishment agent, if a natural person, and each employee of a prospective medical marijuana establishment agent who will provide labor as a medical marijuana establishment agent to submit to the Department a complete set of fingerprints and written permission authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(c) If the Department imposes the requirement described in paragraph (b), submit the fingerprints of the prospective medical marijuana establishment agent and each employee of the prospective medical marijuana establishment agent who will provide labor as a medical marijuana establishment agent to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

5. A medical marijuana establishment shall notify the Department within 10 days after a medical marijuana establishment agent ceases to be employed by, volunteer at or provide labor as a medical marijuana establishment agent to the medical marijuana establishment.

6. A person who:

(a) Has been convicted of an excluded felony offense; or

(b) Is less than 21 years of age,

↪ shall not serve as a medical marijuana establishment agent.

7. The provisions of this section do not require a person who is an owner, officer or board member of a medical marijuana establishment to resubmit information already furnished to the Department at the time the establishment was registered with the Department.

8. If an applicant for registration as a medical marijuana establishment agent satisfies the requirements of this section and is not disqualified from serving as such an agent pursuant to this section or any other applicable law, the Department shall issue to the person and, for an independent contractor, to each person identified in the independent contractor's application for registration as an employee who will provide labor as a medical marijuana establishment agent, a medical marijuana establishment agent registration card. If the Department does not act upon an application for a medical marijuana establishment agent registration card within 30 days after the date on which the application is received, the application shall be deemed conditionally approved until such time as the Department acts upon the application. A medical marijuana establishment agent registration card expires 2 years after the date of issuance and may be renewed upon:

(a) Resubmission of the information set forth in this section; and

(b) Payment of the renewal fee set forth in NRS 453A.344.

9. A medical marijuana establishment agent registration card issued pursuant to this section to an independent contractor or an employee of an

independent contractor authorizes the independent contractor or employee to provide labor to any medical marijuana establishment in this State.

10. A medical marijuana establishment agent registration card issued pursuant to this section to a person who wishes to volunteer or work at a medical marijuana establishment authorizes the person to volunteer or work at any medical marijuana establishment in this State for which the category of the medical marijuana establishment agent registration card authorizes the person to volunteer or work.

11. Except as otherwise prescribed by regulation of the Department, an applicant for registration or renewal of registration as a medical marijuana establishment agent is deemed temporarily registered as a medical marijuana establishment agent on the date on which a complete application for registration or renewal of registration is submitted to the Department. A temporary registration as a medical marijuana establishment agent expires 30 days after the date upon which the application is received.

**Sec. 3.** NRS 453A.342 is hereby amended to read as follows:

453A.342 The following acts constitute grounds for the immediate revocation of the medical marijuana establishment agent registration card of a medical marijuana establishment agent:

1. Having committed or committing any excluded felony offense.
2. Dispensing, delivering or otherwise transferring marijuana to a person other than a medical marijuana establishment agent, another medical marijuana establishment or a person who holds a valid registry identification card, including, without limitation, a designated primary caregiver.
3. ***Having been electronically recorded by a video monitoring system stealing marijuana, edible marijuana products or marijuana-infused products.***
4. ***Having been convicted of any crime involving the theft of marijuana, edible marijuana products or marijuana-infused products.***
5. ***Having been electronically recorded by a video monitoring system smoking or otherwise consuming marijuana on the premises of a medical marijuana establishment.***
6. ***Intentionally submitting to the Department or a local government any document required under the provisions of this chapter which is false or contains any material misstatement of fact.***

7. Violating a regulation of the Department, the violation of which is stated to be grounds for immediate revocation of a medical marijuana establishment agent registration card.

**Sec. 4.** NRS 453A.360 is hereby amended to read as follows:

453A.360 1. Each medical marijuana dispensary and facility for the production of edible marijuana products or marijuana-infused products shall, in consultation with the Department, cooperate to ensure that all edible marijuana products and marijuana-infused products offered for sale:

- (a) Are labeled clearly and unambiguously:

(1) As medical marijuana with the words “THIS IS A MEDICAL MARIJUANA PRODUCT” in bold type; and

(2) As required by NRS 453A.320 to 453A.370, inclusive, and any regulations adopted pursuant thereto.

(b) Are not presented in packaging that contains an image of a cartoon character, mascot, action figure, balloon or toy, except that such an item may appear in the logo of the facility for the production of edible marijuana products or marijuana-infused products which produced the product.

(c) Are regulated and sold on the basis of the concentration of THC in the products and not by weight.

(d) Are packaged and labeled in such a manner as to allow tracking by way of an inventory control system.

(e) Are not packaged and labeled in a manner which is modeled after a brand of products primarily consumed by or marketed to children.

(f) Are labeled in a manner which indicates the amount of THC in the product, measured in milligrams, and includes a statement that the product contains marijuana and its potency was tested with an allowable variance of the amount determined by the Department by regulation.

(g) Are not labeled or marketed as candy.

2. A facility for the production of edible marijuana products or marijuana-infused products shall not produce edible marijuana products in any form that:

(a) Is or appears to be a lollipop.

(b) Bears the likeness or contains characteristics of a real or fictional person, animal or fruit, including, without limitation, a caricature, cartoon or artistic rendering.

(c) Is modeled after a brand of products primarily consumed by or marketed to children.

(d) Is made by applying concentrated cannabis, as defined in NRS 453.042, to a commercially available candy or snack food item other than dried fruit, nuts or granola.

3. A facility for the production of edible marijuana products or marijuana-infused products shall:

(a) Seal any edible marijuana product that consists of cookies or brownies in a bag or other container which is not transparent.

(b) Affix a label to each edible marijuana product which includes without limitation, in a manner which must not mislead consumers, the following information:

(1) The words “Keep out of reach of children”;

(2) A list of all ingredients used in the edible marijuana product;

(3) A list of all allergens in the edible marijuana product; and

(4) The total weight of marijuana contained in the edible marijuana product or an equivalent measure of THC concentration.

(c) Maintain a washing area with hot water, soap and a hand dryer or disposable towels which is located away from any area in which edible marijuana products are cooked or otherwise prepared.

(d) Require each person who handles edible marijuana products to wear a hair net and clean clothing and keep his or her fingernails neatly trimmed.

(e) Package all edible marijuana products or marijuana-infused products produced by the facility for the production of edible marijuana products or marijuana-infused products on the premises of the facility for the production of edible marijuana products or marijuana-infused products.

4. A medical marijuana dispensary or facility for the production of edible marijuana products or marijuana-infused products shall not engage in advertising that in any way makes marijuana, edible marijuana products or marijuana-infused products appeal to children, including without limitation, advertising which uses an image of a cartoon character, mascot, action figure, balloon, fruit or toy.

5. Each medical marijuana dispensary shall offer for sale containers for the storage of marijuana, edible marijuana products and marijuana-infused products which lock and are designed to prohibit children from unlocking and opening the container.

6. A medical marijuana dispensary shall:

(a) Include a written notification with each sale of marijuana, edible marijuana products or marijuana-infused products which advises the purchaser:

(1) To keep marijuana, edible marijuana products and marijuana-infused products out of the reach of children;

(2) That edible marijuana products can cause severe illness in children;

(3) That allowing children to ingest marijuana or edible marijuana products or storing marijuana or edible marijuana products in a location which is accessible to children may result in an investigation by an agency which provides child welfare services or criminal prosecution for child abuse or neglect;

(4) That the intoxicating effects of edible marijuana products may be delayed by 2 hours or more and users of edible marijuana products should initially ingest a small amount of the product, then wait at least 120 minutes before ingesting any additional amount of the product;

(5) That pregnant women should consult with a physician before ingesting marijuana or edible marijuana products;

(6) That ingesting marijuana or edible marijuana products with alcohol or other drugs, including prescription medication, may result in unpredictable levels of impairment and that a person should consult with a physician before doing so;

(7) That marijuana or edible marijuana products can impair concentration, coordination and judgment and a person should not operate a motor vehicle while under the influence of marijuana or edible marijuana products; and

(8) That ingestion of any amount of marijuana or edible marijuana products before driving may result in criminal prosecution for driving under the influence.

(b) Enclose all marijuana, edible marijuana products and marijuana-infused products in opaque, child-resistant packaging upon sale.

7. A medical marijuana dispensary shall allow any person who is at least 21 years of age to enter the premises of the medical marijuana dispensary, regardless of whether such a person holds a valid registry identification card or letter of approval.

8. If the health authority, as defined in NRS 446.050, where a facility for the production of edible marijuana products or marijuana-infused products or medical marijuana dispensary which sells edible marijuana products is located requires persons who handle food at a food establishment to obtain certification, the facility for the production of edible marijuana products or marijuana-infused products or medical marijuana dispensary shall ensure that at least one employee maintains such certification.

9. *A medical marijuana establishment:*

(a) *Shall not engage in advertising which contains any statement or illustration that:*

(1) *Is false or misleading;*

(2) *Promotes overconsumption of marijuana, edible marijuana products or marijuana-infused products;*

(3) *Depicts the actual consumption of marijuana, edible marijuana products or marijuana-infused products;* or

(4) *Depicts a child or other person who is less than 21 years of age consuming marijuana, edible marijuana products or marijuana-infused products or objects suggesting the presence of a child, including, without limitation, toys, characters or cartoons, or contains any other depiction which is designed in any manner to be appealing to or encourage consumption of marijuana, edible marijuana products or marijuana-infused products by a person who is less than 21 years of age.*

(b) *Shall not advertise in any publication or on radio, television or any other medium if 30 percent or more of the audience of that medium is reasonably expected to be persons who are less than 21 years of age.*

(c) *Shall not place an advertisement:*

(1) *Within 1,000 feet of a public or private school, playground, public park or library, but may maintain such an advertisement if it was initially placed before the school, playground, public park or library was located within 1,000 feet of the location of the advertisement;*

(2) *On or inside of a motor vehicle used for public transportation or any shelter for public transportation;*

(3) *At a sports event to which persons who are less than 21 years of age are allowed entry; or*

(4) *At an entertainment event if it is reasonably estimated that 30 percent or more of the persons who will attend that entertainment event are less than 21 years of age.*

(d) *Shall not advertise or offer any marijuana, edible marijuana product or marijuana-infused product as “free” or “donated” without a purchase.*

(e) Shall ensure that all advertising by the medical marijuana establishment contains such warnings as may be prescribed by the Department, which must include, without limitation, the following words:

- (1) “Keep out of reach of children”; and
- (2) “For use only by adults 21 years of age and older.”

10. If a medical marijuana establishment engages in advertising for which it is required to determine the percentage of persons who are less than 21 years of age and who may reasonably be expected to view or hear the advertisement, the medical marijuana establishment shall maintain documentation for not less than 5 years after the date on which the advertisement is first broadcasted, published or otherwise displayed that demonstrates the manner in which the medical marijuana establishment determined the reasonably expected age of the audience for that advertisement.

11. Nothing in subsection 9 shall be construed to prohibit a local government, pursuant to chapter 244, 268 or 278 of NRS, from adopting an ordinance for the regulation of advertising relating to marijuana which is more restrictive than the provisions of subsection 9 relating to:

- (a) The number, location and size of signs, including, without limitation, any signs carried or displayed by a natural person;
- (b) Handbills, pamphlets, cards or other types of advertisements that are distributed, excluding an advertisement placed in a newspaper of general circulation, trade publication or other form of print media; ~~and~~
- (c) Any stationary or moving display that is located on or near the premises of a medical marijuana establishment ~~;~~; and

(d) The content of any advertisement used by a medical marijuana establishment if the ordinance sets forth specific prohibited content for such an advertisement.

12. The Department shall not require a medical marijuana establishment to obtain the approval of the Department before using a logo, sign or advertisement.

13. ~~The~~ In addition to any other penalties provided for by law, the Department may impose a civil penalty upon a medical marijuana establishment [of not more than \$10,000 for each violation] that violates the provisions of subsection 9 or 10 [by the medical marijuana establishment] as follows:

- (a) For the first violation in the immediately preceding 2 years, a civil penalty not to exceed \$1,250.
- (b) For the second violation in the immediately preceding 2 years, a civil penalty not to exceed \$2,500.
- (c) For the third violation in the immediately preceding 2 years, a civil penalty not to exceed \$5,000.
- (d) For the fourth violation in the immediately preceding 2 years, a civil penalty not to exceed \$10,000.

Sec. 5. Chapter 453D of NRS is hereby amended by adding thereto the provisions set forth as sections 6 to 9, inclusive, of this act.

Sec. 6. 1. *Except as otherwise provided in this section, a person shall not volunteer or work at, contract to provide labor to or be employed by an independent contractor to provide labor to a marijuana establishment as a marijuana establishment agent unless the person is registered with the Department pursuant to this section.*

2. *A person who wishes to volunteer or work at a marijuana establishment shall submit to the Department an application on a form prescribed by the Department. The application must be accompanied by:*

(a) *The name, address and date of birth of the prospective marijuana establishment agent;*

(b) *A statement signed by the prospective marijuana establishment agent pledging not to dispense or otherwise divert marijuana to any person who is not authorized to possess marijuana in accordance with the provisions of this chapter;*

(c) *A statement signed by the prospective marijuana establishment agent asserting that he or she has not previously had a medical marijuana establishment agent registration card or marijuana establishment agent registration card revoked;*

~~(d) *A complete set of the fingerprints and written permission of the prospective marijuana establishment agent authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;*~~

~~(e) *An application fee not to exceed \$75; and*~~

~~(f) *(e) Such other information as the Department may require by regulation.*~~

3. *A person who wishes to contract to provide labor to or be employed by an independent contractor to provide labor to a marijuana establishment shall submit to the Department an application on a form prescribed by the Department for the registration of the independent contractor and each employee of the independent contractor who will provide labor as a marijuana establishment agent. The application must be accompanied by:*

(a) *The name, address and, if the prospective marijuana establishment agent has a state business license, the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;*

(b) *The name, address and date of birth of each employee of the prospective marijuana establishment agent who will provide labor as a marijuana establishment agent;*

(c) *A statement signed by the prospective marijuana establishment agent pledging not to dispense or otherwise divert marijuana to, or allow any of its employees to dispense or otherwise divert marijuana to, any person who is*

not authorized to possess marijuana in accordance with the provisions of this chapter;

(d) A statement signed by the prospective marijuana establishment agent asserting that it has not previously had a marijuana establishment agent registration card or medical marijuana agent registration card revoked and none of its employees who will provide labor as a marijuana establishment agent have previously had a medical marijuana establishment agent registration card or marijuana establishment registration card revoked;

~~(e) [A complete set of the fingerprints of the prospective marijuana establishment agent, if a natural person, and each employee of the prospective marijuana establishment agent who will provide labor as a marijuana establishment agent and written permission of the prospective marijuana establishment agent and each employee of the prospective marijuana establishment agent authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;~~

~~(f)~~ An application fee not to exceed \$75 for the prospective marijuana establishment agent and for each employee of the prospective marijuana establishment who will provide labor as a marijuana establishment agent; and

~~(g)~~ (f) Such other information as the Department may require by regulation.

4. The Department may conduct any investigation of a prospective marijuana establishment agent and, for an independent contractor, each employee of the prospective marijuana establishment agent who will provide labor as a marijuana establishment agent, that the Department deems appropriate. In connection with such an investigation, the Department may:

(a) Conduct or accept any background check the Department determines to be reliable and expedient to determine the criminal history of the prospective marijuana establishment agent or the employee;

(b) Require a prospective marijuana establishment agent, if a natural person, and each employee of a prospective marijuana establishment agent who will provide labor as a marijuana establishment agent to submit to the Department a complete set of fingerprints and written permission authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(c) If the Department imposes the requirement described in paragraph (b), submit the fingerprints of the prospective marijuana establishment agent and each employee of the prospective marijuana establishment agent who will provide labor as a marijuana establishment agent to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

5. A marijuana establishment shall notify the Department within 10 days after a marijuana establishment agent ceases to be employed by, volunteer

at or provide labor as a marijuana establishment agent to the marijuana establishment.

~~5.~~ 6. A person who:

- (a) Has been convicted of an excluded felony offense; or
- (b) Is less than 21 years of age,

↪ shall not serve as a marijuana establishment agent.

~~6. The Department shall submit the fingerprints of an applicant for registration as a marijuana establishment agent to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of the applicant.~~

7. The provisions of this section do not require a person who is an owner, officer or board member of a marijuana establishment to resubmit information already furnished to the Department at the time the establishment was registered with the Department.

8. If an applicant for registration as a marijuana establishment agent satisfies the requirements of this section and is not disqualified from serving as such an agent pursuant to this section or any other applicable law, the Department shall issue to the person and, for an independent contractor, to each person identified in the independent contractor's application for registration as an employee who will provide labor as a marijuana establishment agent, a marijuana establishment agent registration card. If the Department does not act upon an application for a marijuana establishment registration card within 30 days after the date on which the application is received, the application shall be deemed conditionally approved until such time as the Department acts upon the application. A marijuana establishment agent registration card expires ~~1 year~~ 2 years after the date of issuance and may be renewed upon:

- (a) Resubmission of the information set forth in this section; and
- (b) Payment of a renewal fee not to exceed \$75.

9. A marijuana establishment agent registration card issued pursuant to this section to an independent contractor or an employee of an independent contractor authorizes the independent contractor or employee to provide labor to any marijuana establishment in this State.

10. A marijuana establishment agent registration card issued pursuant to this section to a person who wishes to volunteer or work at a marijuana establishment authorizes the person to volunteer or work at any marijuana establishment in this State for which the category of the marijuana establishment agent registration card authorizes the person to volunteer or work.

11. Except as otherwise prescribed by regulation of the Department, an applicant for registration or renewal of registration as a marijuana establishment agent is deemed temporarily registered as a marijuana establishment agent on the date on which a complete application for registration or renewal of registration is submitted to the Department. A

*temporary registration as a marijuana establishment agent expires 30 days after the date upon which the application is received.*

*Sec. 7. 1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a marijuana establishment agent registration card shall:*

*(a) Include the social security number of the applicant in the application submitted to the Department.*

*(b) Submit to the Department the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.*

*2. The Department shall include the statement required pursuant to subsection 1 in:*

*(a) The application or any other forms that must be submitted for the issuance or renewal of the marijuana establishment agent registration card; or*

*(b) A separate form prescribed by the Department.*

*3. A marijuana establishment agent registration card may not be issued or renewed by the Department if the applicant:*

*(a) Fails to submit the statement required pursuant to subsection 1; or*

*(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.*

*4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Department shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.*

*Sec. 8. 1. If the Department receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a marijuana establishment agent registration card, the Department shall deem the card issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Department receives a letter issued to the holder of the card by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the card has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

*2. The Department shall reinstate a marijuana establishment agent registration card that has been suspended by a district court pursuant to NRS*

*425.540 if the Department receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose card was suspended stating that the person whose card was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

*Sec. 9. The following acts constitute grounds for the immediate revocation of the marijuana establishment agent registration card of a marijuana establishment agent:*

- 1. Having committed or committing any excluded felony offense.*
- 2. Dispensing, delivering or otherwise transferring marijuana to a person who is not authorized by law to possess marijuana in accordance with the provisions of this chapter.*
- 3. Having been electronically recorded by a video monitoring system stealing marijuana or marijuana products.*
- 4. Having been convicted of any crime involving the theft of marijuana or marijuana products.*
- 5. Having been electronically recorded by a video monitoring system smoking or otherwise consuming marijuana on the premises of a marijuana establishment.*
- 6. Intentionally submitting to the Department or a local government any document required under the provisions of this chapter which is false or contains any material misstatement of fact.*
- 7. Violating a regulation of the Department, the violation of which is stated to be grounds for immediate revocation of a marijuana establishment agent registration card.*

**Sec. 10.** NRS 453D.030 is hereby amended to read as follows:

453D.030 As used in this chapter, unless the context otherwise requires:

1. "Community facility" means a facility licensed to provide day care to children, a public park, a public playground, a public swimming pool, a center or facility the primary purpose of which is to provide recreational opportunities or services to children or adolescents, or a church, synagogue, or other building, structure, or place used for religious worship or other religious purpose.
2. "Concentrated marijuana" means the separated resin, whether crude or purified, obtained from marijuana.
3. "Consumer" means a person who is 21 years of age or older who purchases marijuana or marijuana products for use by persons 21 years of age or older, but not for resale to others.
4. "Department" means the Department of Taxation.
5. "Dual licensee" means a person or group of persons who possess a current, valid registration certificate to operate a medical marijuana establishment pursuant to chapter 453A of NRS and a license to operate a marijuana establishment under this chapter.
6. "Excluded felony offense" means a conviction of an offense that would constitute a category A felony if committed in Nevada or convictions for two

or more offenses that would constitute felonies if committed in Nevada. “Excluded felony offense” does not include:

(a) A criminal offense for which the sentence, including any term of probation, incarceration, or supervised release, was completed more than 10 years ago; or

(b) An offense involving conduct that would be immune from arrest, prosecution, or penalty pursuant to chapter 453A of NRS, except that the conduct occurred before the effective date of chapter 453A of NRS (October 1, 2001), or was prosecuted by an authority other than the State of Nevada.

7. “Locality” means a city or town, or, in reference to a location outside the boundaries of a city or town, a county.

8. “Marijuana” means all parts of any plant of the genus *Cannabis*, whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Marijuana” does not include:

(a) The mature stems of the plant, fiber produced from the stems, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stems (except the resin extracted therefrom), fiber, oil, or cake, the sterilized seed of the plant which is incapable of germination; or

(b) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

9. “Marijuana cultivation facility” means an entity licensed to cultivate, process, and package marijuana, to have marijuana tested by a marijuana testing facility, and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

10. “Marijuana distributor” means an entity licensed to transport marijuana from a marijuana establishment to another marijuana establishment.

11. “Marijuana establishment” means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, a marijuana distributor, or a retail marijuana store.

12. ***“Marijuana establishment agent” means an owner, officer, board member, employee or volunteer of a marijuana establishment, an independent contractor who provides labor relating to the cultivation, processing or distribution of marijuana or the production of marijuana or marijuana products for a marijuana establishment or an employee of such an independent contractor.***

13. ***“Marijuana establishment agent registration card” means a registration card that is issued by the Department pursuant to section 6 of this act to authorize a person to volunteer or work at a marijuana establishment.***

14. “Marijuana product manufacturing facility” means an entity licensed to purchase marijuana, manufacture, process, and package marijuana and marijuana products, and sell marijuana and marijuana products to other

marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

~~13~~ **15.** “Marijuana products” means products comprised of marijuana or concentrated marijuana and other ingredients that are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

~~14~~ **16.** “Marijuana paraphernalia” means any equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, preparing, testing, analyzing, packaging, repacking, storing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

~~15~~ **17.** “Marijuana testing facility” means an entity licensed to test marijuana and marijuana products, including for potency and contaminants.

~~16~~ **18.** “Process” means to harvest, dry, cure, trim, and separate parts of the marijuana plant by manual or mechanical means, such as sieving or ice water separation, but not by chemical extraction or chemical synthesis.

~~17~~ **19.** “Public place” means an area to which the public is invited or in which the public is permitted regardless of age. “Public place” does not include a retail marijuana store.

~~18~~ **20.** “Retail marijuana store” means an entity licensed to purchase marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana products from marijuana product manufacturing facilities and retail marijuana stores, and to sell marijuana and marijuana products to consumers.

~~19~~ **21.** “Unreasonably impracticable” means that the measures necessary to comply with the regulations require such a high investment of risk, money, time, or any other resource or asset that the operation of a marijuana establishment is not worthy of being carried out in practice by a reasonably prudent businessperson.

**Sec. 11.** NRS 453D.200 is hereby amended to read as follows:

453D.200 1. Not later than January 1, 2018, the Department shall adopt all regulations necessary or convenient to carry out the provisions of this chapter. The regulations must not prohibit the operation of marijuana establishments, either expressly or through regulations that make their operation unreasonably impracticable. The regulations shall include:

(a) Procedures for the issuance, renewal, suspension, and revocation of a license to operate a marijuana establishment;

(b) Qualifications for licensure that are directly and demonstrably related to the operation of a marijuana establishment;

(c) Requirements for the security of marijuana establishments;

(d) Requirements to prevent the sale or diversion of marijuana and marijuana products to persons under 21 years of age;

(e) Requirements for the packaging of marijuana and marijuana products, including requirements for child-resistant packaging;

(f) Requirements for the testing and labeling of marijuana and marijuana products sold by marijuana establishments including a numerical indication of potency based on the ratio of THC to the weight of a product intended for oral consumption;

(g) Requirements for record keeping by marijuana establishments;

(h) Reasonable restrictions on signage, marketing, display, and advertising ~~that~~, ***except that such restrictions must not require a marijuana establishment to obtain the approval of the Department before using a logo, sign or advertisement;***

(i) Procedures for the collection of taxes, fees, and penalties imposed by this chapter;

(j) Procedures and requirements to enable the transfer of a license for a marijuana establishment to another qualified person and to enable a licensee to move the location of its establishment to another suitable location;

(k) Procedures and requirements to enable a dual licensee to operate medical marijuana establishments and marijuana establishments at the same location;

(l) Procedures to establish the fair market value at wholesale of marijuana; and

(m) Civil penalties for the failure to comply with any regulation adopted pursuant to this section or for any violation of the provisions of NRS 453D.300.

2. The Department shall approve or deny applications for licenses pursuant to NRS 453D.210.

3. The Department may by motion or on complaint, after investigation, notice of the specific violation, and an opportunity for a hearing, pursuant to the provisions of chapter 233B of NRS, suspend, revoke, or fine a licensee for the violation of this chapter or for a violation of a regulation adopted by the Department pursuant to this section.

4. The Department may immediately suspend the license of any marijuana establishment if the marijuana establishment knowingly sells, delivers, or otherwise transfers marijuana in violation of this chapter or knowingly purchases marijuana from any person not licensed pursuant to this chapter or to chapter 453A of NRS. The Department must provide an opportunity for a hearing pursuant to the provisions of NRS 233B.121 within a reasonable time from a suspension pursuant to this subsection.

5. To ensure that individual privacy is protected:

(a) The Department shall not require a consumer to provide a retail marijuana store with identifying information other than government-issued identification to determine the consumer's age; and

(b) A retail marijuana store must not be required to acquire and record personal information about consumers other than information typically acquired in a financial transaction conducted at a retail liquor store.

6. The Department shall conduct a background check of each prospective owner, officer, and board member of a marijuana establishment license applicant.

7. The Department shall inspect marijuana establishments as necessary to enforce this chapter or the regulations adopted pursuant to this section.

**Sec. 12.** NRS 453D.310 is hereby amended to read as follows:

453D.310 1. Each retail marijuana store and marijuana product manufacturing facility shall, in consultation with the Department, cooperate to ensure that all marijuana products offered for sale:

(a) Are labeled clearly and unambiguously:

(1) As marijuana with the words "THIS IS A MARIJUANA PRODUCT" in bold type; and

(2) As required by this chapter and any regulations adopted pursuant thereto.

(b) Are not presented in packaging that contains an image of a cartoon character, mascot, action figure, balloon or toy, except that such an item may appear in the logo of the marijuana product manufacturing facility which produced the product.

(c) Are regulated and sold on the basis of the concentration of THC in the products and not by weight.

(d) Are packaged and labeled in such a manner as to allow tracking by way of an inventory control system.

(e) Are not packaged and labeled in a manner which is modeled after a brand of products primarily consumed by or marketed to children.

(f) Are labeled in a manner which indicates the number of servings of THC in the product, measured in servings of a maximum of 10 milligrams per serving, and includes a statement that the product contains marijuana and its potency was tested with an allowable variance of the amount determined by the Department by regulation.

(g) Are not labeled or marketed as candy.

2. A marijuana product must be sold in a single package. A single package must not contain:

(a) For a marijuana product sold as a capsule, more than 100 milligrams of THC per capsule or more than 800 milligrams of THC per package.

(b) For a marijuana product sold as a tincture, more than 800 milligrams of THC.

(c) For a marijuana product sold as a food product, more than 100 milligrams of THC.

(d) For a marijuana product sold as a topical product, a concentration of more than 6 percent THC or more than 800 milligrams of THC per package.

(e) For a marijuana product sold as a suppository or transdermal patch, more than 100 milligrams of THC per suppository or transdermal patch or more than 800 milligrams of THC per package.

(f) For any other marijuana product, more than 800 milligrams of THC.

3. A marijuana product manufacturing facility shall not produce marijuana products in any form that:

(a) Is or appears to be a lollipop or ice cream.

(b) Bears the likeness or contains characteristics of a real or fictional person, animal or fruit, including, without limitation, a caricature, cartoon or artistic rendering.

(c) Is modeled after a brand of products primarily consumed by or marketed to children.

(d) Is made by applying concentrated marijuana to a commercially available candy or snack food item other than dried fruit, nuts or granola.

4. A marijuana product manufacturing facility shall:

(a) Seal any marijuana product that consists of cookies or brownies in a bag or other container which is not transparent.

(b) Affix a label to each marijuana product intended for human consumption by oral ingestion which includes, without limitation, in a manner which must not mislead consumers, the following information:

(1) The words “Keep out of reach of children”;

(2) A list of all ingredients used in the marijuana product;

(3) A list of all allergens in the marijuana product; and

(4) The total weight of marijuana contained in the marijuana product or an equivalent measure of THC concentration.

(c) Maintain a washing area with hot water, soap and a hand dryer or disposable towels which is located away from any area in which marijuana products intended for human consumption by oral ingestion are cooked or otherwise prepared.

(d) Require each person who handles marijuana products intended for human consumption by oral ingestion to wear a hair net and clean clothing and keep his or her fingernails neatly trimmed.

(e) Package all marijuana products produced by the marijuana product manufacturing facility on the premises of the marijuana product manufacturing facility.

5. A retail marijuana store or marijuana product manufacturing facility shall not engage in advertising that in any way makes marijuana or marijuana products appeal to children, including, without limitation, advertising which uses an image of a cartoon character, mascot, action figure, balloon, fruit or toy.

6. Each retail marijuana store shall offer for sale containers for the storage of marijuana and marijuana products which lock and are designed to prohibit children from unlocking and opening the container.

7. A retail marijuana store shall:

(a) Include a written notification with each sale of marijuana or marijuana products which advises the purchaser:

(1) To keep marijuana and marijuana products out of the reach of children;

(2) That marijuana and marijuana products can cause severe illness in children;

(3) That allowing children to ingest marijuana or marijuana products, or storing marijuana or marijuana products in a location which is accessible to children may result in an investigation by an agency which provides child welfare services or criminal prosecution for child abuse or neglect;

(4) That the intoxicating effects of marijuana products may be delayed by 2 hours or more and users of marijuana products should initially ingest a small amount of the product, then wait at least 120 minutes before ingesting any additional amount of the product;

(5) That pregnant women should consult with a physician before ingesting marijuana or marijuana products;

(6) That ingesting marijuana or marijuana products with alcohol or other drugs, including prescription medication, may result in unpredictable levels of impairment and that a person should consult with a physician before doing so;

(7) That marijuana or marijuana products can impair concentration, coordination and judgment and a person should not operate a motor vehicle while under the influence of marijuana or marijuana products; and

(8) That ingestion of any amount of marijuana or marijuana products before driving may result in criminal prosecution for driving under the influence.

(b) Enclose all marijuana and marijuana products in opaque, child-resistant packaging upon sale.

8. If the health authority, as defined in NRS 446.050, where a marijuana product manufacturing facility or retail marijuana store which sells marijuana products intended for human consumption by oral ingestion is located requires persons who handle food at a food establishment to obtain certification, the marijuana product manufacturing facility or retail marijuana store shall ensure that at least one employee maintains such certification.

9. A marijuana establishment:

(a) Shall not engage in advertising which contains any statement or illustration that:

(1) Is false or misleading;

(2) Promotes overconsumption of marijuana or marijuana products;

(3) Depicts the actual consumption of marijuana or marijuana products;

or

(4) Depicts a child or other person who is less than 21 years of age consuming marijuana or marijuana products or objects suggesting the presence of a child, including, without limitation, toys, characters or cartoons, or contains any other depiction which is designed in any manner to be appealing to or encourage consumption of marijuana or marijuana products by a person who is less than 21 years of age.

(b) Shall not advertise in any publication or on radio, television or any other medium if 30 percent or more of the audience of that medium is reasonably expected to be persons who are less than 21 years of age.

(c) Shall not place an advertisement:

(1) Within 1,000 feet of a public or private school, playground, public park or library, but may maintain such an advertisement if it was initially placed before the school, playground, public park or library was located within 1,000 feet of the location of the advertisement;

(2) On or inside of a motor vehicle used for public transportation or any shelter for public transportation; ~~for~~

(3) At a sports ~~for entertainment~~ event to which persons who are less than 21 years of age are allowed entry ~~to~~; *or*

***(4) At an entertainment event if it is reasonably estimated that 30 percent or more of the persons who will attend that entertainment event are less than 21 years of age.***

(d) Shall not advertise or offer any marijuana or marijuana product as “free” or “donated” without a purchase.

(e) Shall ensure that all advertising by the marijuana establishment contains such warnings as may be prescribed by the Department, which must include, without limitation, the following words:

(1) “Keep out of reach of children”; and

(2) “For use only by adults 21 years of age and older.”

***10. If a marijuana establishment engages in advertising for which it is required to determine the percentage of persons who are less than 21 years of age and who may reasonably be expected to view or hear the advertisement, the marijuana establishment shall maintain documentation for not less than 5 years after the date on which the advertisement is first broadcasted, published or otherwise displayed that demonstrates the manner in which the marijuana establishment determined the reasonably expected age of the audience for that advertisement.***

***11.*** Nothing in subsection 9 shall be construed to prohibit a local government, pursuant to chapter 244, 268 or 278 of NRS, from adopting an ordinance for the regulation of advertising relating to marijuana which is more restrictive than the provisions of subsection 9 relating to:

(a) The number, location and size of signs, including, without limitation, any signs carried or displayed by a natural person;

(b) Handbills, pamphlets, cards or other types of advertisements that are distributed, excluding an advertisement placed in a newspaper of general circulation, trade publication or other form of print media; ~~and~~

(c) Any stationary or moving display that is located on or near the premises of a marijuana establishment ~~to~~; *and*

***(d) The content of any advertisement used by a marijuana establishment if the ordinance sets forth specific prohibited content for such an advertisement.***

***12. ~~The~~ In addition to any other penalties provided for by law, the Department may impose a civil penalty upon a marijuana establishment ~~of not more than \$10,000 for each violation~~ that violates the provisions of subsection 9 or 10 ~~by the marijuana establishment,~~ as follows:***

(a) For the first violation in the immediately preceding 2 years, a civil penalty not to exceed \$1,250.

(b) For the second violation in the immediately preceding 2 years, a civil penalty not to exceed \$2,500.

(c) For the third violation in the immediately preceding 2 years, a civil penalty not to exceed \$5,000.

(d) For the fourth violation in the immediately preceding 2 years, a civil penalty not to exceed \$10,000.

**Sec. 12.3. NRS 244.35253 is hereby amended to read as follows:**

244.35253 1. Except as otherwise provided in this section, a board of county commissioners shall not fix, impose or collect a license tax for revenue or for regulation, or for both revenue and regulation, on a marijuana establishment or medical marijuana establishment located in the county.

2. Except as otherwise provided in subsection 3, a board of county commissioners may fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on a marijuana establishment or medical marijuana establishment located in the county outside of the limits of incorporated cities and towns as a:

(a) Flat fee;

(b) Percentage of the gross revenue of the marijuana establishment or medical marijuana establishment; or

(c) Combination of a flat fee and a percentage of gross revenue of the marijuana establishment or medical marijuana establishment.

3. The total amount of a license tax imposed on a marijuana establishment or medical marijuana establishment pursuant to subsection 2, regardless of whether the license tax is imposed in the form described in paragraph (a), (b) or (c) of subsection 2, must not exceed 3 percent of the gross revenue of the marijuana establishment or medical marijuana establishment, as applicable.

4. In addition to any amount of money collected as a license tax pursuant to subsection 2, a board of county commissioners may fix, impose and collect:

(a) Any fees required pursuant to chapter 278 of NRS;

(b) A one-time flat fee for an application for the issuance of a business license for a marijuana establishment or medical marijuana establishment located in the county outside of the limits of incorporated cities and towns in an amount that does not exceed any similar fee imposed on a business pursuant to this chapter and chapter 369 of NRS; and

(c) A licensing tax for a business activity engaged in by a marijuana establishment or medical marijuana establishment located in the county outside of the limits of incorporated cities and towns for which registration pursuant to chapter 453A of NRS or licensing pursuant to chapter 453D of NRS is not required only if:

(1) The board of county commissioners is granted the authority to require such a license by some other provision of law; and

(2) The amount of the licensing tax does not exceed the amount imposed by the board of county commissioners on other similar businesses.

5. A board of county commissioners shall not enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:

(a) The packaging, labeling, testing, dosage or potency of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(b) The kinds of marijuana, edible marijuana products, marijuana products and marijuana-infused products authorized to be sold pursuant to chapters 453A and 453D of NRS and any regulations adopted pursuant to chapter 453A of NRS;

(c) The use of pesticides in the cultivation of marijuana;

(d) The tracking of marijuana from seed to sale;

(e) The transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products other than the direct transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products to a consumer and a requirement to notify the county of any transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(f) The issuance or verification of a registry identification card, letter of approval or written documentation;

(g) The training or certification of medical marijuana establishment agents or employees of a marijuana establishment; ~~for~~

(h) The creation or maintenance of a registry or other system to obtain and track information relating to customers of marijuana establishments or holders of a registry identification card or letter of approval. ~~††~~; *or*

**(i) The content of any advertisement used by a marijuana establishment or medical marijuana establishment unless the ordinance sets forth specific prohibited content for such an advertisement.**

6. A person who obtains a business license described in this section is subject to all other licensing and permitting requirements of the State and any other counties and cities in which the person does business.

7. As used in this section:

(a) “Edible marijuana products” has the meaning ascribed to it in NRS 453A.101.

(b) “Letter of approval” has the meaning ascribed to it in NRS 453A.109.

(c) “Marijuana establishment” has the meaning ascribed to it in NRS 453D.030.

(d) “Marijuana products” has the meaning ascribed to it in NRS 453D.030.

(e) “Marijuana-infused products” has the meaning ascribed to it in NRS 453A.112.

(f) “Medical marijuana establishment” has the meaning ascribed to it in NRS 453A.116.

(g) “Medical marijuana establishment agent” has the meaning ascribed to it in NRS 453A.117.

(h) “Registry identification card” has the meaning ascribed to it in NRS 453A.140.

(i) "Written documentation" has the meaning ascribed to it in NRS 453A.170.

**Sec. 12.7. NRS 268.0977 is hereby amended to read as follows:**

268.0977 1. Except as otherwise provided in this section, the governing body of an incorporated city, whether organized under general law or special charter, shall not fix, impose or collect for revenues or for regulation, or both, a license tax on a marijuana establishment or medical marijuana establishment located within its corporate limits.

2. Except as otherwise provided in subsection 3, the governing body of an incorporated city, whether organized under general law or special charter, may fix, impose and collect for revenues or for regulation, or both, a license tax on a marijuana establishment or medical marijuana establishment located within its corporate limits as a:

(a) Flat fee;

(b) Percentage of the gross revenue of the marijuana establishment or medical marijuana establishment; or

(c) Combination of a flat fee and a percentage of gross revenue of the marijuana establishment or medical marijuana establishment.

3. The total amount of a license tax imposed on a marijuana establishment or medical marijuana establishment pursuant to subsection 2, regardless of whether the license tax is imposed in the form described in paragraph (a), (b) or (c) of subsection 2, must not exceed 3 percent of the gross revenue of the marijuana establishment or medical marijuana establishment, as applicable.

4. In addition to any amount of money collected as a license tax pursuant to subsection 2, the governing body of an incorporated city, whether organized under general law or special charter, may fix, impose and collect:

(a) Any fees required pursuant to chapter 278 of NRS;

(b) A one-time flat fee for an application for the issuance of a business license for a marijuana establishment or medical marijuana establishment located within its corporate limits in an amount that does not exceed any similar fee imposed on a business pursuant to this chapter and chapter 369 of NRS; and

(c) A licensing tax for a business activity engaged in by a marijuana establishment or medical marijuana establishment located within its corporate limits for which registration pursuant to chapter 453A of NRS or licensing pursuant to chapter 453D of NRS is not required only if:

(1) The governing body is granted the authority to require such a license by some other provision of law; and

(2) The amount of the licensing tax does not exceed the amount imposed by the governing body on other similar businesses.

5. The governing body of an incorporated city, whether organized under general law or special charter, shall not enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:

- (a) The packaging, labeling, testing, dosage or potency of marijuana, edible marijuana products, marijuana products or marijuana-infused products;
- (b) The kinds of edible marijuana products, marijuana products and marijuana-infused products authorized to be sold pursuant to chapters 453A and 453D of NRS and any regulations adopted pursuant to chapter 453A of NRS;
- (c) The use of pesticides in the cultivation of marijuana;
- (d) The tracking of marijuana from seed to sale;
- (e) The transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products other than the direct transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products to a consumer and a requirement to notify the city of any transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products;
- (f) The issuance or verification of a registry identification card, letter of approval or written documentation;
- (g) The training or certification of medical marijuana establishment agents or employees of a marijuana establishment; ~~to~~
- (h) The creation or maintenance of a registry or other system to obtain and track information relating to customers of marijuana establishments or holders of a registry identification card or letter of approval ~~to~~; or
- (i) The content of any advertisement used by a marijuana establishment or medical marijuana establishment unless the ordinance sets forth specific prohibited content for such an advertisement.**

6. A person who obtains a business license described in this section is subject to all other licensing and permitting requirements of the State and any other counties and cities in which the person does business.

7. As used in this section:

- (a) “Edible marijuana products” has the meaning ascribed to it in NRS 453A.101.
- (b) “Letter of approval” has the meaning ascribed to it in NRS 453A.109.
- (c) “Marijuana establishment” has the meaning ascribed to it in NRS 453D.030.
- (d) “Marijuana products” has the meaning ascribed to it in NRS 453D.030.
- (e) “Marijuana-infused products” has the meaning ascribed to it in NRS 453A.112.
- (f) “Medical marijuana establishment” has the meaning ascribed to it in NRS 453A.116.
- (g) “Medical marijuana establishment agent” has the meaning ascribed to it in NRS 453A.117.
- (h) “Registry identification card” has the meaning ascribed to it in NRS 453A.140.
- (i) “Written documentation” has the meaning ascribed to it in NRS 453A.170.

**Sec. 13.** Any regulations adopted by the Department of Taxation that conflict with the amendatory provisions of this act are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after January 2, 2020.

**Sec. 14.** 1. This section and sections 1, 3 and 13 of this act become effective on October 1, 2019.

2. Sections 2 and 4 to ~~12.1~~ 12.7, inclusive, of this act become effective on January 2, 2020.

3. Sections 7 and 8 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,  
 ↪ are repealed by the Congress of the United States.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 174.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 232.

ASSEMBLYMEN THOMPSON, DURAN, CARRILLO, FUMO, SPIEGEL; ASSEFA, BACKUS, BILBRAY-AXELROD, GORELOW, LEAVITT, MARTINEZ, MILLER, MUNK AND WATTS

JOINT SPONSORS: SENATORS PARKS, RATTI, CANCELA AND HARRIS

AN ACT relating to homelessness; establishing the Nevada Interagency Advisory Council on Homelessness to Housing; prescribing the membership and duties of the Council; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the Director of the State Department of Agriculture to establish a Supplemental Food Program to supplement the supply of food and the services provided by programs which provide food to indigent persons. (NRS 561.495) In 2013, the Governor issued an executive order establishing the Nevada Interagency Council on Homelessness. (Executive Order 2013-20 (11-4-2013)) **Section 3** of this bill establishes the Nevada Interagency Advisory Council on Homelessness to Housing in statute and prescribes the membership of the Council. **Section 4** of this bill establishes requirements governing the meetings of the Council and compensation of the members of

the Council. **Section 4** also requires the Department of Health and Human Services to provide administrative support to the Council. **Section 5** of this bill requires the Council to: (1) ~~coordinate the response of~~ **collaborate with** state and local agencies **on their responses** to homelessness and promote cooperation among federal, state and local agencies to address homelessness; (2) develop a strategic plan for addressing homelessness in this State; (3) establish a technical assistance committee to provide advice and information to assist the Council in developing the strategic plan; and (4) increase awareness of issues related to homelessness in this State. **Section 5** also authorizes the Council to collaborate with and request the assistance of providers of services or any person or entity with expertise in issues related to homelessness. **Section 5** additionally requires state and local agencies to ~~cooperate~~ **collaborate** with and provide information to the Council.

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

**Section 1.** Chapter 232 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

**Sec. 2.** *As used in sections 2 to 5, inclusive, of this act, unless the context otherwise requires, “Council” means the Nevada Interagency Advisory Council on Homelessness to Housing created by section 3 of this act.*

**Sec. 3. 1.** *The Nevada Interagency Advisory Council on Homelessness to Housing is hereby created. The Council consists of:*

*(a) The following ex officio members:*

*(1) The Chief of Staff to the Governor or his or her designee;*

*(2) The Director of the Department of Health and Human Services or his or her designee;*

*(3) The Director of the Department of Corrections or his or her designee;*

*(4) The Administrator of the Housing Division of the Department of Business and Industry or his or her designee;*

*(5) The Director of the Department of Veterans Services or his or her designee;*

*(6) The Sheriff of Clark County or his or her designee; and*

*(7) The Sheriff of Washoe County or his or her designee;*

*(b) One member who is a member of the Assembly, appointed by the Speaker of the Assembly;*

*(c) One member who is a Senator, appointed by the Senate Majority Leader;*

*(d) One member who is a district judge from the Second or Eighth Judicial District, appointed by the Nevada District Judges Association or its successor organization;*

*(e) One member who is a district judge or master from a judicial district other than the Second or Eighth Judicial District, appointed by the Nevada District Judges Association or its successor organization;*

*(f) One member who is the sheriff of a county other than Clark or Washoe, appointed by the Nevada Sheriffs' and Chiefs' Association or its successor organization; and*

*(g) One member who is not currently homeless but has experienced homelessness in the past, appointed by the Governor.*

*2. The Governor shall appoint the Chair of the Commission from among its members.*

*3. After the initial terms, each appointed member shall serve a term of 4 years. If a vacancy occurs during the term of an appointed member, the person or entity who is responsible for making the appointment pursuant to subsection 1 shall appoint a replacement qualified pursuant to that subsection to serve for the remainder of the unexpired term.*

*Sec. 4. 1. The Council shall meet at the call of the Chair at least four times each year. A majority of the members of the Council constitutes a quorum and is required to transact any business of the Council.*

*2. The members of the Council serve without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.*

*3. A member of the Council who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Council and perform any work necessary to carry out the duties of the Council in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Council to:*

*(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Council; or*

*(b) Take annual leave or compensatory time for the absence.*

*4. The Department of Health and Human Services shall provide such administrative support to the Council as is necessary to carry out the duties of the Council.*

*Sec. 5. 1. The Council shall:*

*(a) ~~Coordinate the response of~~ Collaborate with state and local agencies on their responses to homelessness and promote cooperation among federal, state and local agencies to address homelessness.*

*(b) Develop a strategic plan for addressing homelessness in this State that includes, without limitation, recommendations for actions by state and local agencies and for legislation, and update that strategic plan at least once every 5 years.*

*(c) Establish a technical assistance committee to provide advice and information to assist the Council in developing the strategic plan described in paragraph (b). The technical assistance committee may include, without limitation, representatives of federal, state and local agencies, providers of services, religious organizations, persons involved in the sale or lease of housing and members of the public.*

*(d) Increase awareness of issues relating to homelessness among state and local agencies, organizations that provide services to persons who are homeless and the general public.*

*(e) On or before January 1 of each year, submit to the Governor a report concerning the activities of the Council during the immediately preceding year.*

*(f) On or before January 1 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a report concerning the activities of the Council during the immediately preceding 2 years.*

**2. The Council may:**

*(a) Collaborate with and request the assistance of providers of services or any person or entity with expertise in issues related to homelessness, including, without limitation, employees of federal, state and local agencies and advocacy groups for the homeless, to assist the Council in carrying out its duties; and*

*(b) Apply for any available grants and accept any gifts, grants or donations, to assist the Council in carrying out its duties.*

**3. All state and local agencies shall ~~cooperate~~ collaborate with the Council in carrying out the duties prescribed in this section and provide the Council with any information requested by the Council to such extent as is consistent with their other lawful duties.**

**Sec. 6.** 1. As soon as practicable after July 1, 2019:

(a) The Speaker of the Assembly shall appoint to the Council the member described in paragraph (b) of subsection 1 of section 3 of this act to a term of office which expires on June 30, 2020;

(b) The Senate Majority Leader shall appoint to the Council the member described in paragraph (c) of subsection 1 of section 3 of this act to a term of office which expires on June 30, 2021;

(c) The Nevada District Judges Association or its successor organization shall appoint to the Council the members described in paragraphs (d) and (e) of subsection 1 of section 3 of this act to terms of office which expire on June 30, 2023;

(d) The Nevada Sheriffs' and Chiefs' Association or its successor organization shall appoint to the Council the member described in paragraph (f) of subsection 1 of section 3 of this act to a term of office which expires on June 30, 2021; and

(e) The Governor shall appoint to the Council the member described in paragraph (g) of subsection 1 of section 3 of this act to a term of office which expires on June 30, 2022.

2. As used in this section, "Council" means the Nevada Interagency Advisory Council on Homelessness to Housing created by section 3 of this act.

**Sec. 7.** The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

**Sec. 8.** This act becomes effective on July 1, 2019.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 183.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 44.

SUMMARY—~~[Prohibiting]~~ **Prohibits** certain correctional services from being provided by private entities. (BDR 16-290)

AN ACT relating to corrections; prohibiting certain correctional services from being provided by a private entity; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Except as otherwise authorized by **section 3** of this bill, **section 2** of this bill requires: (1) state and local prisons, jails and detention facilities to be under the administrative and direct operational control of the State or a local government, as applicable; and (2) services relating to the housing, safeguarding, protecting and disciplining of prisoners to be performed by employees of the State or a local government ~~[. Section 2 also prohibits the performance of core correctional services]~~ **and not** by private entities ~~[. except as otherwise authorized by section 3.]~~

**Section 3** authorizes the Department of Corrections, until June 30, ~~[2024,]~~ **2022**, to enter into contracts with private entities to perform core correctional services to promote the safety of prisoners, employees of prisons and the public by reducing overcrowding in prisons. **Section 3** requires such a private entity to comply with certain requirements for housing, custody, medical and mental health treatment, and programming. **Section 3** sets forth certain requirements governing the transfer of a prisoner to a facility that is located outside of this State. **Section 3** also requires the Director of the Department to prepare and submit for transmittal to the Legislative Commission an annual report which includes certain information relating to prisoners who are housed outside of this State. Finally, **section 3** requires the Department to conduct biannual on-site inspections of facilities of private entities to ensure the compliance of such entities with the terms of the contract.

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

**Section 1.** Chapter 208 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

**Sec. 2. 1. Except as otherwise provided in section 3 of this act, each prison that houses prisoners who are in the custody of the State or a local**

government must be under the administrative and direct operational control of the State or the local government, as applicable. The core correctional services at each such prison ~~or jail~~ must be performed only by employees of the State or a local government, as applicable, and not by a private entity.

2. A condition, stipulation or provision in a contract that conflicts with this section is against the public policy of this State and is void and unenforceable.

3. As used in this section, “core correctional services” means the housing, safeguarding, protecting and disciplining of prisoners.

Sec. 3. 1. The Department of Corrections may enter into one or more contracts with one or more private entities to perform core correctional services to promote the safety of prisoners, employees of prisons and the public by reducing overcrowding in prisons.

2. A private entity which performs core correctional services pursuant to a contract entered into pursuant to this section shall comply with the requirements for housing, custody, medical and mental health treatment, and programming set forth in law and regulation and approved by the Board of State Prison Commissioners. Such requirements must be included in any contract entered into pursuant to this section.

3. If, pursuant to a contract entered into with a private entity pursuant to this section, the Department of Corrections proposes to transfer a prisoner to a facility that is located outside of this State:

(a) The Department must give first priority for any such transfer to a prisoner who is not a permanent resident of this State and who meets such other qualifications for such a transfer as are established by the Director of the Department; and

(b) The Department must ensure that the prisoner is provided with the ability to conduct visits by videoconferencing.

4. The Director of the Department of Corrections shall, on or before December 31 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission a report which includes, without limitation, the number of prisoners who are housed outside of this State and, for each such prisoner:

(a) The identification number assigned to the prisoner;

(b) The state of residence of the prisoner;

(c) The level of security restrictions imposed on the prisoner;

(d) The category of offense for which the prisoner was convicted;

(e) A statement as to whether the prisoner is a veteran, as defined in NRS 176A.090;

(f) Any programs which are available to the prisoner;

(g) Any programs which the prisoner completed; and

(h) The date on which the prisoner is projected to be released by expiration of his or her term of sentence or by parole.

5. The Department of Corrections shall biannually conduct an on-site inspection of each facility where a prisoner is housed by a private entity with

*which the Department has contracted to perform core correctional services pursuant to this section to ensure the compliance of the entity with the terms of the contract.*

**6. As used in this section, “core correctional services” means the housing, safeguarding, protecting and disciplining of prisoners.**

**Sec. 4.** NRS 209.141 is hereby amended to read as follows:

209.141 The Director may, with the approval of the Board ~~††~~ **and except as otherwise provided in section 2 of this act**, enter into agreements with other governmental agencies and with private organizations to carry out the purposes of this chapter.

**Sec. 5.** NRS 209.4889 is hereby amended to read as follows:

209.4889 1. ~~†The†~~ **Except as otherwise provided in section 2 of this act, the** Director may enter into one or more contracts with one or more public or private entities to provide any of the following services, as necessary and appropriate, to offenders or parolees participating in a correctional or judicial program:

- (a) Transitional housing;
- (b) Treatment pertaining to substance abuse or mental health;
- (c) Training in life skills;
- (d) Vocational rehabilitation and job skills training; and
- (e) Any other services required by offenders or parolees who are participating in a correctional or judicial program.

2. The Director may consult with the Division before entering into a contract with a public or private entity pursuant to subsection 1.

3. The Director shall, as necessary and appropriate, provide referrals and information regarding:

- (a) Any of the services provided pursuant to subsection 1;
- (b) Access and availability of any appropriate self-help groups;
- (c) Social services for families and children; and
- (d) Permanent housing.

4. The Director may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of this section. Money received pursuant to this subsection may be deposited with the State Treasurer for credit to the Account for Reentry Programs in the State General Fund created by NRS 480.810.

5. A contract entered into between the Director and a public or private entity pursuant to subsection 1 must require the entity to:

- (a) Provide a budget concerning all services the entity will provide during the duration of any grant received.
- (b) Provide all services required by any grant received.
- (c) Provide to the Department for its approval a curriculum for any program of services the entity will provide.
- (d) Provide to the Division, if appropriate, a list of the parolees who have completed or are currently participating in a program of services provided by the entity pursuant to any grant received.

(e) Provide to any offender or parolee who completes a program of services provided by the entity a certificate of completion, and provide a copy of such a certificate to the Division or the Department, as appropriate.

(f) To the extent financially practicable and necessary, assess the risk levels and needs of offenders and parolees by using a validated assessment tool.

(g) Share with the Director information concerning assessments of the risk levels and needs of offenders and parolees so the Director can ensure that adequate assessments are being conducted.

(h) While the entity is providing services pursuant to the contract, meet annually with the Director, a representative of the Division, and other entities that have entered into a contract with the Director pursuant to subsection 1 to discuss, without limitation:

(1) The services provided by the entities, including the growth and success of the services, any problems with the services and any potential solutions to such problems;

(2) Issues relating to the reentry of offenders and parolees into the community and reducing the risk of recidivism; and

(3) Issues relating to offenders and parolees who receive services from an entity and are subsequently convicted of another crime.

6. As used in this section, “training in life skills” includes, without limitation, training in the areas of:

(a) Parenting;

(b) Improving human relationships;

(c) Preventing domestic violence;

(d) Maintaining emotional and physical health;

(e) Preventing abuse of alcohol and drugs;

(f) Preparing for and obtaining employment; and

(g) Budgeting, consumerism and personal finances.

**Sec. 6.** Section 2 of this act is hereby amended to read as follows:

Sec. 2. 1. ~~Except as otherwise provided in section 3 of this act:~~

~~(a)~~ Each prison that houses prisoners who are in the custody of the State or a local government must be under the administrative and direct operational control of the State or the local government, as applicable. The core correctional services at each such prison must be performed only by employees of the State or a local government, as applicable. ~~f~~

~~(b) 2. The core correctional services of a prison must, and not [be performed]~~ by a private entity.

2. ~~[3.]~~ A condition, stipulation or provision in a contract that conflicts with this section is against the public policy of this State and is void and unenforceable.

3. ~~[4.]~~ As used in this section, “core correctional services” means the housing, safeguarding, protecting and disciplining of prisoners.

**Sec. 7.** 1. This section and sections 1 to 5, inclusive, of this act become effective on July 1, 2019.

2. Section 3 of this act expires by limitation on June 30, ~~2024.~~ 2022.

3. Section 6 of this act becomes effective on July 1, ~~2024~~, 2022.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 195.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 42.

ASSEMBLYMEN FLORES, NEAL; DALY, HAFEN, KRAMER, KRASNER AND TORRES

AN ACT relating to crimes; making it unlawful to install or affix a scanning device within or upon a machine used for ~~commercial~~ financial transactions under certain circumstances; making it unlawful to access a scanning device under certain circumstances; providing ~~to penalty~~; penalties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law makes it a crime for a person to use a scanning device to access, read, obtain, memorize or store information encoded on the magnetic strip of a payment card: (1) without the permission of the authorized user of the card; and (2) with the intent to defraud the user or issuer of the card or any other person. (NRS 205.605) Existing law also makes it a crime for a person to possess a scanning device with the intent to use it for an unlawful purpose. (NRS 205.606) **Section 1** of this bill makes it a crime for a person to install or affix a scanning device within or upon a machine used for ~~commercial~~ financial transactions with the intent to use the scanning device for an unlawful purpose. **Section 1 also makes it a crime for a person to access, by electronic or any other means, a scanning device with the intent to use the scanning device for an unlawful purpose. Section 1** provides that a person who installs, ~~for~~ affixes or accesses a scanning device in such an unlawful manner is guilty of a category C felony.

Existing law exempts certain persons from the provisions governing the unlawful use or possession of scanning devices. Existing law provides that a person is exempt from these provisions if he or she uses or possesses a scanning device without the intent to defraud or commit an unlawful act: (1) in the ordinary course of his or her business; or (2) with the consent of the authorized user of a payment card to complete a financial transaction using that card. (NRS 205.607) **Section 2** of this bill expands this exemption to include a person who installs, ~~for~~ affixes or accesses a scanning device without the intent to commit an unlawful act: **(1)** in the ordinary course of his or her business, ~~for~~; **or (2) to complete such a financial transaction.**

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

**Section 1.** NRS 205.606 is hereby amended to read as follows:

205.606 1. A person shall not ~~possess~~ :

(a) *Install or affix, temporarily or permanently, a scanning device within or upon a machine with the intent to use the scanning device for an unlawful purpose; ~~for~~*

(b) *Access, by electronic or any other means, a scanning device with the intent to use the scanning device for an unlawful purpose; or*

*(c) Possess a scanning device or reencoder with the intent to use the scanning device or reencoder for an unlawful purpose.*

2. A person who violates any provision of this section is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. *As used in this section, “machine” means a machine used to conduct ~~commercial~~ financial transactions, including, without limitation, an automated teller or fuel pump. As used in this subsection, “automated teller” means an electronic device that dispenses cash in connection with an account maintained in a financial institution or with another business.*

**Sec. 2.** NRS 205.607 is hereby amended to read as follows:

205.607 The provisions of NRS 205.601 to 205.608, inclusive, do not apply to any person who, without the intent to defraud or commit an unlawful act, *installs, affixes, accesses*, possesses or uses a scanning device or reencoder:

1. In the ordinary course of his or her business or employment; or

2. Pursuant to a financial transaction entered into with an authorized user of a payment card who has given permission for the financial transaction.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 260.

Bill read second time and ordered to third reading.

Assembly Bill No. 266.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 74.

AN ACT relating to unlawful detainer; revising provisions governing the sealing of records relating to evictions; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law provides that eviction case court files relating to actions for summary eviction are sealed automatically and not open to inspection: (1)

upon the entry of a court order denying or dismissing the action for summary eviction; or (2) **thirty-one days after a tenant files an affidavit to contest the matter**, if a landlord fails to file an affidavit of complaint within 30 days after ~~he~~ the tenant files ~~an~~ the affidavit, ~~to contest the matter.~~ Existing law also authorizes the court to seal an eviction case court file: (1) upon a written stipulation between the landlord and the tenant; or (2) upon motion by the tenant, if the court finds that the eviction should be set aside pursuant to the Justice Court Rules of Civil Procedure or that sealing the eviction case court file is in the interests of justice. (NRS 40.2545)

This bill provides that ~~if~~ (1) if a court issues an order to deny or dismiss an action for summary eviction, the order may be unconditional or conditional; ~~(2)~~ eviction case court files are automatically sealed ~~only~~; **(1) upon the entry of an a court order unconditionally denying or dismissing an the action for summary eviction; and (3); (2) ten judicial days after the entry of a court order which denies the action for summary eviction; or (3) thirty-one days after a tenant files an affidavit to contest the matter, if a landlord fails to file an affidavit of complaint within 30 days after the tenant files the affidavit. This bill also provides that** a notice to surrender must not be made available for public inspection.

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

**Section 1.** NRS 40.2545 is hereby amended to read as follows:

40.2545 1. ~~In any action for summary eviction pursuant to NRS 40.253 or 40.254, if the court issues an order to deny or dismiss the action for summary eviction, the order may deny or dismiss the action:~~

~~(a) Unconditionally; or~~

~~(b) Conditionally, upon the filing of an amended complaint or a new action for summary eviction.~~

~~2.~~ In any action for summary eviction pursuant to NRS 40.253 or 40.254, the eviction case court file is sealed automatically and not open to inspection:

(a) Upon the entry of a court order which ~~unconditionally denies or~~ dismisses the action for summary eviction; ~~or~~

(b) **Ten judicial days after the entry of a court order which denies the action for summary eviction; or**

(c) Thirty-one days after the tenant has filed an affidavit described in subsection 3 of NRS 40.253, if the landlord has failed to file an affidavit of complaint pursuant to subsection 5 of NRS 40.253 within 30 days after the tenant filed the affidavit.

~~3.~~ In addition to the provisions for the automatic sealing of an eviction case court file pursuant to subsection ~~1~~, ~~2~~ the court may order the sealing of an eviction case court file:

(a) Upon the filing of a written stipulation by the landlord and the tenant to set aside the order of eviction and seal the eviction case court file; or

(b) Upon motion of the tenant and decision by the court if the court finds that:

(1) The eviction should be set aside pursuant to Rule 60 of the Justice Court Rules of Civil Procedure; or

(2) Sealing the eviction case court file is in the interests of justice and those interests are not outweighed by the public's interest in knowing about the contents of the eviction case court file, after considering, without limitation, the following factors:

(I) Circumstances beyond the control of the tenant that led to the eviction;

(II) Other extenuating circumstances under which the order of eviction was granted; and

(III) The amount of time that has elapsed between the granting of the order of eviction and the filing of the motion to seal the eviction case court file.

~~3. 44~~ If the court orders the eviction case court file sealed pursuant to this section, all proceedings recounted in the eviction case court file shall be deemed never to have occurred.

~~4. 51~~ *Except as otherwise provided in this subsection, a notice to surrender must not be made available for public inspection by any person or governmental entity, including, without limitation, ~~the sheriff's office of a county,~~ by a sheriff or constable. This subsection does not ~~apply~~:*

*(a) Apply to a notice to surrender which has been filed with a court and which is part of an eviction case court file that has not been sealed pursuant to this section.*

*(b) Prohibit the service of a notice of surrender pursuant to NRS 40.280, and such service of a notice of surrender shall be deemed not to constitute making the notice of surrender available for public inspection as described in this subsection.*

~~6. 5.~~ As used in this section, "eviction case court file" means all records relating to an action for summary eviction which are maintained by the court, including, without limitation, the affidavit of complaint and any other pleadings, proof of service, findings of the court, any order made on motion as provided in Nevada Rules of Civil Procedure, Justice Court Rules of Civil Procedure and local rules of practice and all other papers, records, proceedings and evidence, including exhibits and transcript of the testimony.

**Sec. 2.** This act becomes effective on July 1, 2019.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 285.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 196.

AN ACT relating to civil actions; enacting provisions relating to a mental or physical examination of certain persons in a civil action; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

The Nevada Rules of Civil Procedure authorize a court to order a party or certain other persons, whose mental or physical condition is in controversy, to submit to a mental or physical examination under certain circumstances. The Nevada Rules of Civil Procedure govern the time, place, manner, conditions and scope of such an examination. (N.R.C.P. 35)

This bill authorizes an observer to be present at a mental or physical examination ordered by a court. This bill authorizes the observer to be: (1) an attorney for the person undergoing the examination; (2) an attorney for the party producing the person subject to the examination; or (3) the designated representative of such an attorney if the designated representative receives written authorization from the attorney to be the observer at the examination and the designated representative presents the written authorization to the person performing the examination.

This bill authorizes an observer to suspend an examination if the person conducting the examination is abusive towards the person being examined or the person conducting the examination exceeds the authorized scope of the examination. This bill also authorizes a person conducting the examination to suspend the examination if the observer attempts to participate in or disrupt the examination. If the examination is suspended, the party subject to the order for the examination may petition a court for a protective order pursuant to the Nevada Rules of Civil Procedure. This bill also authorizes an observer to make an audio or stenographic recording of the examination ~~under certain circumstances.~~

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

**Section 1.** Chapter 52 of NRS is hereby amended by adding thereto a new section to read as follows:

**1. An observer may attend an examination but shall not participate in or disrupt the examination.**

**2. The observer attending the examination pursuant to subsection 1 may be:**

**(a) An attorney of an examinee or party producing the examinee; or**

**(b) A designated representative of the attorney, if:**

**(1) The attorney of the examinee or party producing the examinee, in writing, authorizes the designated representative to act on behalf of the attorney during the examination; and**

**(2) The designated representative presents the authorization to the examiner before the commencement of the examination.**

3. *The observer attending the examination pursuant to subsection 1 may make an audio or stenographic recording of the examination. ~~[Such a recording must be limited to any words spoken to or by the examinee during the examination.]~~*

4. *The observer attending the examination pursuant to subsection 1 may suspend the examination if an examiner:*

- (a) *Becomes abusive towards an examinee; or*
- (b) *Exceeds the scope of the examination, including, without limitation, engaging in unauthorized diagnostics, tests or procedures.*

5. *An examiner may suspend the examination if the observer attending the examination pursuant to subsection 1 disrupts or attempts to participate in the examination.*

6. *If the examination is suspended pursuant to subsection 4 or 5, the party ordered to produce the examinee may move for a protective order pursuant to the Nevada Rules of Civil Procedure.*

7. *As used in this section:*

- (a) *“Examination” means a mental or physical examination ordered by a court for the purpose of discovery in a civil action.*
- (b) *“Examinee” means a person who is ordered by a court to submit to an examination.*
- (c) *“Examiner” means a person who is ordered by a court to conduct an examination.*

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 340.

Bill read second time and ordered to third reading.

Assembly Bill No. 349.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 200.

SUMMARY—Prohibits sexual conduct between a law enforcement officer and a person ~~[whom the]~~ **who is under arrest or is currently detained by any law enforcement officer.** ~~[has detained or arrested.]~~ (BDR 15-1003)

AN ACT relating to crimes; prohibiting sexual conduct between a law enforcement officer and a person ~~[whom the]~~ **who is under arrest or is currently detained by any law enforcement officer.** ~~[has detained or arrested.]~~ providing a penalty; and providing other matters properly relating thereto.

#### **Legislative Counsel’s Digest:**

Existing law prohibits a person from voluntarily engaging in sexual conduct with a prisoner who is in lawful custody or confinement and provides that any

person who violates such a prohibition is guilty of a category D felony. (NRS 212.187) This bill provides that if a law enforcement officer voluntarily engages in sexual conduct with a person ~~[whom]~~ **who is under arrest or is currently detained by** the law enforcement officer ~~[has detained]~~ or ~~[arrested]~~ **any other law enforcement officer**, the law enforcement officer is guilty of a category D felony. This bill also provides that the consent of a person who was **under arrest or** detained ~~[or arrested]~~ by ~~[a]~~ **any** law enforcement officer to any sexual conduct with ~~[the]~~ **a** law enforcement officer is not a defense to a prosecution for such unlawful sexual conduct.

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

**Section 1.** Chapter 201 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Unless an act committed in violation of this section constitutes sexual assault pursuant to NRS 200.366, a law enforcement officer who voluntarily engages in sexual conduct with a person ~~[whom]~~ **who is under arrest or is currently detained by the law enforcement officer ~~[has detained]~~ or ~~[arrested]~~ any other law enforcement officer** is guilty of a category D felony and shall be punished as provided in NRS 193.130.*

*2. The consent of a person who was **under arrest or** detained ~~[or arrested]~~ by ~~[a]~~ **any** law enforcement officer to any sexual conduct with a law enforcement officer is not a defense to a prosecution for any act prohibited by this section.*

*3. As used in this section, "sexual conduct":*

*(a) Includes acts of masturbation, sexual penetration or physical contact with another person's clothed or unclothed genitals or pubic area to arouse, appeal to or gratify the sexual desires of a person.*

*(b) Does not include acts of a law enforcement officer that are performed to carry out the necessary duties of the law enforcement officer.*

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 355.

Bill read second time and ordered to third reading.

Assembly Bill No. 426.

Bill read second time and ordered to third reading.

Assembly Bill No. 445.

Bill read second time and ordered to third reading.

Assembly Bill No. 447.

Bill read second time and ordered to third reading.

Assembly Bill No. 450.  
Bill read second time and ordered to third reading.

Assembly Bill No. 459.  
Bill read second time and ordered to third reading.

Assembly Bill No. 467.  
Bill read second time and ordered to third reading.

Assembly Bill No. 471.  
Bill read second time and ordered to third reading.

Assembly Bill No. 480.  
Bill read second time and ordered to third reading.

Assembly Bill No. 484.  
Bill read second time and ordered to third reading.

Assembly Bill No. 488.  
Bill read second time and ordered to third reading.

Assembly Bill No. 490.  
Bill read second time and ordered to third reading.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that Assembly Bills Nos. 426, 445, 447, and 459 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 355 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 10.  
Bill read third time.  
Remarks by Assemblywoman Peters.

#### ASSEMBLYWOMAN PETERS:

Assembly Bill 10 requires that a photo identification card issued by Nevada's Department of Corrections to an offender who is to be released clearly indicate whether the full legal name and age of the offender has been verified. Additionally, the bill requires that such a photo identification card used for the purpose of applying for a driver's license, identification card, or an instruction permit must clearly indicate that the full legal name and age of the applicant was verified pursuant to existing law.

Roll call on Assembly Bill No. 10:

YEAS—36.

NAYS—Ellison, Kramer, Krasner, Wheeler—4.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 10 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 16.

Bill read third time.

Remarks by Assemblyman Edwards.

ASSEMBLYMAN EDWARDS:

Assembly Bill 16 provides an exception to the requirement that a search warrant be executed and returned within ten days after its date. The exception specifies that if a search warrant provides for the collection of a biological specimen from a person, the warrant may be executed and returned within six months after its date.

Roll call on Assembly Bill No. 16:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 16 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 17.

Bill read third time.

Remarks by Assemblywoman Nguyen.

ASSEMBLYWOMAN NGUYEN:

Assembly Bill 17 eliminates the existing statutory framework concerning the application and exoneration of bail in certain criminal cases. In its place, this bill provides that when a defendant is released on bail, the bond or undertaking for the bail must apply to any action or proceeding instituted against the defendant in a court arising from the original charge. In addition, the bail must be exonerated by the court if no formal action or proceeding is instituted against the defendant or if such an action or proceeding is dismissed. The court may delay exoneration of the bail for a period not to exceed 30 days under certain circumstances.

Roll call on Assembly Bill No. 17:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 17 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 24.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Assembly Bill 24 prohibits the Department of Motor Vehicles from accepting bonds of the United States or the state of Nevada in lieu of a surety bond or cash payment required to be deposited with the Department, including the security required to be deposited with the Department by persons in certain motor vehicle-related industries.

Roll call on Assembly Bill No. 24:

YEAS—35.

NAYS—Hafen, Hansen, Kramer, Krasner, Titus—5.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 24 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 25.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 25 changes licensing requirements related to contractors. The bill authorizes a serving member of the United States Armed Forces, its reserves, or the National Guard to apply to the State Contractor's Board for reinstatement of a suspended contractor's license while on active duty, without fee for renewal, penalties, or other disciplinary action. Additionally, this bill expands from 10 years to 15 years the time period during which an applicant for a contractor's license must have acquired certain experience before applying for licensure; increases from 5 years to 8 years the limitation on the inactive status of a contractor's license; and repeals requirements to submit financial statements and other information with each license application or renewal.

The bill also makes various changes concerning disciplinary actions by the State Contractor's Board. It allows the Board to delegate hearings related to the denial of a license to a hearing officer or panel. Furthermore, it authorizes the Board to cause a telephone number of a paging service provider to be disconnected if the number is associated with certain unlawful advertising.

Roll call on Assembly Bill No. 25:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 25 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 39.

Bill read third time.

Remarks by Assemblyman Leavitt.

ASSEMBLYMAN LEAVITT:

Assembly Bill 39 requires money under the control of the State Treasurer to be deposited solely in insured state or national banks. The bill also authorizes a depository that is not participating in the collateral pool program to pledge securities, as such collateral, in trust companies. Additionally, the measure includes certain registered broker-dealers as entities that are authorized to hold securities, including collateral, on behalf of depositories. Finally, the measure revises monthly reporting requirements to the State Treasurer for depositories in the collateral pool program to a list of accounts containing public money. This bill is effective upon passage and approval for the purpose of adopting any regulations and performing preparatory tasks and on July 1, 2019, for all other purposes.

Roll call on Assembly Bill No. 39:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 39 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 54.

Bill read third time.

Remarks by Assemblyman Watts.

ASSEMBLYMAN WATTS:

Assembly Bill 54 requires the director of the Office of Energy to update the minimum standard of energy efficiency for certain lights sold in this state and changes terminology relating to such lights to "general service lamp." The bill prohibits the sale of lights that do not meet or exceed this minimum energy standard after January 1, 2020. This bill also repeals outdated provisions related to a state energy reduction plan for state owned buildings.

Roll call on Assembly Bill No. 54:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 54 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 63.

Bill read third time.

Remarks by Assemblywoman Bilbray-Axelrod.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Assembly Bill 63 makes various changes relating to motor vehicles and the Department of Motor Vehicles [DMV], including eliminating redundant language concerning the appointment of agents; creating requirements regarding the usage of the DMV's name, service marks, trademarks, or logo; allowing licensed Nevada vehicle dealers to perform certain inspections on mopeds for their customers; allowing the DMV to explore developing technologies that cannot be replicated by the license plate factory; clarifying the distribution of fees for the first issuance of license plates for certain vehicles that are exempt from emissions testing; and including "qualifying service-connected disability" in the definition of a "person with a permanent disability" for the purpose of obtaining a handicap parking privilege. Finally it eliminates the one-year physical paper title retention requirement.

Roll call on Assembly Bill No. 63:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 63 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 64.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 64 as amended revises provisions governing the funding provided to charter schools that receive the average statewide basic support guarantee for students from school

districts with 5,000 or fewer pupils, for students that are enrolled full-time in online distance education programs. In addition, Assembly Bill 64, as amended, allows charter schools to continue to receive the school district specific basic support guarantee from school districts that had more than 5,000 pupils, for students that are enrolled full-time in online distance education programs. Finally, the bill, as amended, allows charter schools to continue to receive the local funds available in the county for which the pupil enrolled full time is online distance education program resides, regardless of the size of the school district.

Roll call on Assembly Bill No. 64:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 64 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 69.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 69 revises provisions relating to the residential confinement of violators of parole. The State Board of Parole Commissioners is authorized to order a parolee who violated his or her parole to a term of residential confinement once the Board receives from the Division of Parole and Probation of Nevada's Department of Public Safety certain documents, including the parolee's voluntary waiver of his or her hearing before the Board, the parolee's agreement to a term of residential confinement, and the Division's request for the parolee's residential confinement.

In addition, this bill authorizes the chief parole and probation officer to order any parolee who the chief has probable cause to believe has committed any act that is a violation of his or her parole to be placed in residential confinement in lieu of arrest if certain requirements are met. The Division is required to advise a parolee in writing of his or her right to consult with counsel before the parolee signs the documents. The documents must be signed within a specific time period, but the Division may extend such a period for good cause shown. If the Board discovers that the parolee was not given the time required to consult with his or her attorney, the Board is required to consider any admission to any parole violation to be null and void and must proceed with a hearing. Lastly, the Board is allowed to modify the conditions of parole to include a term of residential confinement under certain circumstances.

Roll call on Assembly Bill No. 69:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 69 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 71.

Bill read third time.

Remarks by Assemblyman McCurdy.

ASSEMBLYMAN MCCURDY:

Assembly Bill 71 authorizes the Attorney General, in the event of a disaster, to enter into an agreement with a tribal government to provide a grant or loan from the Disaster Relief Account in

the State General Fund. The bill further requires that the agreement substantially comply with the requirements and procedures in existing law that apply to a local government. This measure also creates a revolving account within the State General Fund for the awarding of grants by the Division of Emergency Management of the Department of Public Safety to persons who own and occupy homes damaged by a disaster for costs related to the damages. Finally, the bill authorizes a temporary advance from the State General Fund to the Emergency Assistance Account for payment of expenses that are authorized to be paid from that Account relating to a state of emergency or declaration of disaster if the chief of the Division determines that the balance in the Account is insufficient to cover those expenses.

Roll call on Assembly Bill No. 71:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 71 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 83.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Assembly Bill 83 authorizes Nevada's Department of Wildlife to expend from the Wildlife Heritage Account in the State General Fund any funds in the Account which exceed \$5 million. This bill also makes various changes concerning the administration and enforcement of wildlife provisions in Nevada law. Among other things, this bill expands the authority of an employee of the Department to take any wildlife for any purpose determined by the director to be in the interest of public safety; provides that certain animals may not be killed through the use of a manned or unmanned aircraft or helicopter; revises the provision under which a person may intentionally kill certain game animals when necessary to protect the life of livestock, pets, or any person in imminent danger of being attacked; and for me, most importantly, it adds moose to the list of protected animals that can only be hunted during certain times and with a tag.

Roll call on Assembly Bill No. 83:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 83 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 85.

Bill read third time.

Remarks by Assemblyman Assefa.

ASSEMBLYMAN ASSEFA:

Assembly Bill 85 requires the State Board of Health, Division of Public and Behavioral Health, Department of Health and Human Services, to adopt regulations concerning the involuntary administration of medication to certain persons with mental illness, the completion of a medical examination before a person is admitted to a mental health facility, and reporting of certain information concerning emergency admissions. The bill further authorizes the Board to adopt regulations requiring a public or private mental health facility or hospital to adopt a plan to discharge patients admitted to the facility or hospital. The bill requires the immediate release of

a person admitted to a public or private mental health facility on a voluntary basis upon his or her request and standardizes the time periods a person may be detained to no longer than 72 hours in specified cases related to emergency admissions.

Roll call on Assembly Bill No. 85:

YEAS—39.

NAYS—Hafen.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 85 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 89.

Bill read third time.

Remarks by Assemblywoman Bilbray-Axelrod.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Assembly Bill 89 removes the state residency qualification of veterans seeking appointment and promotion to positions in the classified service of the Executive Branch of state government, thereby making veterans who are not residents of Nevada eligible for certain veterans' preferences. The bill also requires the Administrator of the Division of Human Resource Management of the Department of Administration to submit to the Director of the Department of Veterans Services a list of the names of all resident and nonresident veterans and certain other persons who are employed in the classified or unclassified service of the state.

Roll call on Assembly Bill No. 89:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 89 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 93.

Bill read third time.

Remarks by Assemblyman Assefa.

ASSEMBLYMAN ASSEFA:

Assembly Bill 93 extends the authority of the Administrator of the Division of State Lands of the Department of Conservation and Natural Resources to provide grants for the support of programs for the preservation and restoration of the natural environment of the Lake Tahoe Basin by allowing the Administrator to offer grants to nonprofit organizations. Any such grants are to come from fees currently collected in connection with the issuance and renewal of Lake Tahoe Basin special license plates.

Roll call on Assembly Bill No. 93:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 93 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

## Assembly Bill No. 95.

Bill read third time.

Remarks by Assemblymen Swank, Hafen, and Peters.

## ASSEMBLYWOMAN SWANK:

Assembly Bill 95 provides that if the State Engineer or the courts order that withdrawals of groundwater be restricted to conform to priority rights, a domestic well with a water meter installed may continue to withdraw 0.5 acre-feet of water per year.

I just want to share with the body a little bit of statute that talks specifically about domestic wells. If you look in NRS 533.024, there is a legislative declaration that speaks to domestic wells. I will just quote the part that addresses these wells specifically. It states, "It is the policy of this State . . . [t]o recognize the importance of domestic wells as appurtenances to private homes, to create a protectable interest in such wells and to protect their supply of water from unreasonable adverse effects which are caused by municipal, quasi-municipal or industrial uses and which cannot reasonably be mitigated." Assembly Bill 95 aims to protect the supply of water to domestic wells from unreasonable adverse effects.

We know that home ownership has been the main way that American families have accumulated wealth over generations. Houses are passed down, they appreciate, and they are sold by subsequent generations. Many American families have been able to move up financially specifically through home ownership. Currently, homes that, under Nevada law, would be left with no water if—and I want to be very clear, this is only if—there is curtailment in a basin. This would be if our water situation in a given basin is so dire that we need to curtail it. Currently the State Engineer is allowed to cut off most of these domestic wells because they are last in time and last in right, leaving many of these homes without any value because they would have no water to them. As a state lawmaker and someone who cares about these well owners, I am looking to protect their supply of water from unreasonable adverse effect. Just to be very clear, under current law, if there is curtailment, domestic well owners could be left with zero acre-feet of water in this home that they have invested in. Under this bill, domestic well owners will have half an acre-foot of water allocated to their home annually.

## ASSEMBLYMAN HAFEN:

I rise today in opposition of Assembly Bill 95. This bill tramples over a hundred years of Nevada water laws to the detriment of all water users. We heard from many Nevadans during the bill's hearing about the negative effects it will have on them. There was not one person or one organization that spoke in support. Currently, domestic wells in my district are already using an average of half an acre-foot of water per year. Conservation is the key to solving Nevada's water issues, and this bill does nothing to promote conservation. But it does cause a financial burden on each of the well owners by requiring them to install a meter. I urge my colleagues to vote no on Assembly Bill 95.

## ASSEMBLYWOMAN PETERS:

I want to clarify a couple of things from the work that I have done within water rights. This bill does not require people to get a meter unless there is a situation of curtailment, so this would only be during a situation where we are in dire need in a basin. This bill really codifies and guarantees that each individual who owns a well and is dependent on that well will have access to water in the worst of times. This does nothing to immediately remove people's access to their water rights.

## Roll call on Assembly Bill No. 95:

YEAS—28.

NAYS—Edwards, Ellison, Hafen, Hansen, Hardy, Kramer, Krasner, Leavitt, Roberts, Titus, Tolles, Wheeler—12.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 95 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 112.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Assembly Bill 112 revises the duties of the Advisory Commission on the Administration of Justice by repealing specifically enumerated duties. In addition to granting discretion to the chair of the Commission to identify and study certain elements of this state's system of criminal justice, the Commission is also required to evaluate and review issues relating to submittal, storage, and testing of sexual assault forensic evidence kits. The bill also repeals various subcommittees of the Commission.

The measure requires that a member of the Commission who is an officer or employee of the state or a political subdivision of the state must be allowed to attend meetings without loss of regular compensation. The date of the annual report that must be submitted to the Legislative Counsel Bureau for distribution to the Legislature is changed from September 1 to December 1.

Roll call on Assembly Bill No. 112:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 112 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 126.

Bill read third time.

Remarks by Assemblywoman Bilbray-Axelrod.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Assembly Bill 126 enacts provisions governing the procedure for changing the name of an unemancipated minor who is in the custody of a child welfare services agency. The measure sets forth the information that must be included in the petition to change the name of the child, including the reason for the name change and the verified consent of any parent of the child who consents to the name change.

Roll call on Assembly Bill No. 126:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 126 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 131.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Assembly Bill 131 repeals provisions governing community-based living arrangement [CBLA] services and instead requires a provider of CBLA services to be licensed and regulated as a facility

for the dependent. A recipient of CBLA services is given the same rights as recipients of services from other facilities for the dependent. The measure maintains the requirement that providers, employees, and contractors of CBLA services receive criminal background checks. The measure also requires certain inspections of a provider of CBLA services. The bill authorizes the state fire marshal or a designee to enter and inspect facilities where CBLA services are provided. The measure clarifies that an employment agency that contracts to provide nonmedical personal care services in a client's home is required to obtain a license from the State Board of Health if the services are provided in Nevada. The bill requires the current system that provides nonemergency information and referrals to the general public to include information concerning the licensing status of any medical facility or facility for the dependent and certain other entities. Finally, the measure requires the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs to conduct a study regarding nonmedical personal care providers.

Roll call on Assembly Bill No. 131:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 131 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 139.

Bill read third time.

Remarks by Assemblywomen Bilbray-Axelrod, Carlton, Hansen, and Tolles.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Assembly Bill 139 requires a person to be at least 18 years of age to marry.

ASSEMBLYWOMAN CARLTON:

Regretfully, I rise in opposition to Assembly Bill 139. It is an absolute prohibition on marriage before the age of 18. My rising in opposition has nothing to do with the problem I believe this bill is trying to address. No one supports children being forced into marriage. My opposition is to the absence of a compromise on an alternative process for young adults and parents to have their request reviewed by a judge. I do not believe anyone under the age of 16 should be allowed to marry. The age of 16 is the age of consent in this state. But I believe that above the age of 16, to the age of 18, if a young adult and a parent make the decision that that is what is best for their family, there should be an alternative route. They should be able to present their case to a judge, get a sign-off and be able to go forward with their lives. The prohibition in the bill, I do not believe, will serve all Nevada families to the best of what they would like to do for their children. So, regretfully, I stand in opposition.

ASSEMBLYWOMAN HANSEN:

I regretfully rise in opposition of Assembly Bill 139. The safety of our children, their well-being, and their freedom continues to be a top priority of this body, and I applaud the efforts and the sponsor of this bill.

Two states have this law: Delaware and New Jersey. A blanket law such as this, while well intentioned, is not appropriate in every case. I hope that as the bill moves forward, we can find consensus on reasonable exemptions to allow young people to get married. California has a rigorous review process for younger applicants that includes investigation by family court services for evidence of force, threat, or coercion. There are still scenarios where a young woman and a young man might justifiably seek to get married.

I applaud the sponsor of this bill and her efforts to protect our teenagers, but for the reasons listed above, I will be voting no on Assembly Bill 139.

## ASSEMBLYWOMAN TOLLES:

I rise in support of Assembly Bill 139. I was compelled by the following evidence that was presented in the hearing. Children who marry under the age of 18 are three times more likely to face abuse and have higher rates of death, physical and mental health issues, higher poverty rates, and lower education outcomes. Eighty percent of child marriages are from out of state, and Nevada is the third worst state in the U.S. Current Nevada law allows an adult from another state to travel to Nevada to marry a person under age 18. This is a known fact among many human traffickers who take their victims across state lines.

I was also reminded of a time in high school when a friend of mine came to school one day in a panic because her family told her she had to marry a man from another country. We all struggled with how to help her but to no avail. A week later she was gone and we never saw her again.

I appreciate the concerns that were raised about limited circumstances where exceptions may be granted and are appropriate, but I believe this bill takes our state in the right direction and corrects abuses currently in the system.

## Roll call on Assembly Bill No. 139:

YEAS—32.

NAYS—Benitez-Thompson, Carlton, Ellison, Hansen, Kramer, Monroe-Moreno, Titus, Wheeler—8.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 139 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## Assembly Bill No. 158.

Bill read third time.

Remarks by Assemblywoman Torres.

## ASSEMBLYWOMAN TORRES:

Assembly Bill 158 allows a court discretion in sentencing certain victims of sex trafficking. The court is authorized to depart from any mandatory minimum sentence or mandatory additional penalty or suspend any portion of an otherwise applicable sentence, or both, if a person is convicted as an adult for an offense that the person committed when he or she was less than 18 years of age and the court finds by clear and convincing evidence that, during the one-year period immediately preceding the commission of the offense, the person was a victim of sex trafficking or sexual assault and committed the offense against his or her abuser. This bill is effective on October 1, 2019.

## Roll call on Assembly Bill No. 158:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 158 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## Assembly Bill No. 163.

Bill read third time.

Remarks by Assemblyman Watts.

## ASSEMBLYMAN WATTS:

Assembly Bill 163 requires each supplier of water and public utility who serves 3,300 persons or more to submit to the Water Planning Section of the Division of Water Resources or the Public Utilities Commission of Nevada the results of a water loss audit with the plan of water

conservation or update to the plan. Any other supplier of water and public utility must submit the results of certain calculations regarding water delivered and billed. Additionally, certain plumbing components for new construction, expansions, and renovation of certain structures must have been certified under the WaterSense program or an analogous successor program established by the United States Environmental Protection Agency.

Roll call on Assembly Bill No. 163:

YEAS—28.

NAYS—Edwards, Ellison, Hafen, Hansen, Hardy, Kramer, Krasner, Leavitt, Roberts, Titus, Tolles, Wheeler—12.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 163 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 169.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Assembly Bill 169 establishes the Maternal Mortality Review Committee within the Department of Health and Human Services. The Committee is required to review incidents of maternal mortality and, to the extent that resources are available, severe maternal morbidity in this state; disseminate findings and recommendations concerning maternal mortality; publish an annual report; and submit to the Legislature a biennial report containing a description of incidents reviewed by the Committee and recommendations to reduce maternal mortality. The bill authorizes the Committee to take measures necessary to perform its duties, including consulting with interested persons and entering into contracts. The Committee is entitled to certain records it deems necessary to perform its duties. Meetings of the Committee are closed to the public and its records are confidential and not public records.

Roll call on Assembly Bill No. 169:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 169 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 181.

Bill read third time.

Remarks by Assemblyman Assefa.

ASSEMBLYMAN ASSEFA:

Assembly Bill 181 prohibits an employer from requiring an employee who is sick or has sustained a non work-related injury to report in person at the workplace that he or she cannot work. This bill specifically permits an employer to require a sick or injured employee to notify the employer that he or she cannot work. Finally, the bill authorizes the Labor Commissioner to impose an administrative penalty against an employer for a violation of the provisions of this bill.

Roll call on Assembly Bill No. 181:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 181 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 186.

Bill read third time.

Remarks by Assemblymen Thompson, Edwards, Bilbray-Axelrod, Benitez-Thompson, and Assefa.

ASSEMBLYMAN THOMPSON:

Assembly Bill 186 enacts the Agreement Among the States to Elect the President by National Popular Vote. The Agreement is an interstate compact in which member states agree to award their electors to the presidential candidate receiving the greatest number of votes nationally. The Agreement provides for determination of the national popular vote winner; certification of a state's slate of electors; an effective date when states cumulatively possessing a majority of the electoral votes have enacted the agreement; and withdrawal from the Agreement under certain circumstances.

I stand in support of Assembly Bill 186. It further enhances the civic engagement process. It is our responsibility as a legislative body to determine access to voting that truly matters. The passage of this legislation will ensure that every Nevadan knows that their vote matters and counts in the election of the President of the United States. I am so impressed by a young man from Reno that came during the hearing. He summed it up quite well about his generation and wanting to vote. He quite simply said, We want to vote and we want our vote to count. I urge this body to support Assembly Bill 186.

ASSEMBLYMAN EDWARDS:

I rise in opposition to Assembly Bill 186. There are so many reasons why this idea is bad; I am going to try to limit it to three. The Electoral College is not the easiest of political concepts to understand, but frankly, it is not the hardest. We know that the presidential candidates have to get a majority of the votes in the Electoral College in order to win the election. The Electoral College's main purpose is to force presidential candidates to pay attention to both small and large states. It forces them to broaden their campaigns to address the issues of small and large states because they need us both.

Nevada is also the direct result of Abraham Lincoln needing just a few more electoral votes in his reelection of 1864, because that race was so tight. We may be Battle Born but to a good degree it is because of the Electoral College. It made us important. It is also the Electoral College that keeps Nevada in the minds of presidential candidates because it makes our electoral votes important to get. Does anyone think that the presidential candidates would be coming to Nevada this early and this often if there were no Electoral College? They would not. They would not be concerned about the states with small populations, when under the popular vote, they would go to New York, California, Texas, Florida, Ohio, and one or two others in order to win. That leaves us out. It is the Electoral College that keeps them coming here. This bill is a step towards making Nevada insignificant at the national level.

Rather than focusing on the more intellectual arguments about pure democracies versus republics, how popular votes can dilute the small states' votes, how it minimizes attention to immigrants, how it also keeps America politically stable, and so on—as exciting as those might be—I want to bring it closer to home and to us. If we had to win our elections by precincts, each precinct would become more important to us. We would have to campaign in more of our precincts even if we campaign in them all now. We would have to pay more attention to them. We would also have to consider more of their concerns. It would make us better candidates and more representative representatives. We would knock on doors in each precinct and leave none out, especially in tight races and especially when the primary is contested. It makes us better candidates, it makes us pay attention to our people, and it makes us represent them better.

I know the term “popular” sounds popular, sounds very democratic. I know it seems to be more equal, more inclusive, and more personal. However, like so many other things that have unintended consequences, it will have the opposite effect. Our constituents will be less important to the national candidates, not more. Nevada’s issues and concerns will be less important to them, not more. I urge you to vote in opposition to this bill.

ASSEMBLYWOMAN BILBRAY-AXELROD:

I rise in support of Assembly Bill 186. Elections used to be conducted on a national basis. In 1960, Richard Nixon pledged to visit all 50 states, and he did. Big national swings of votes could happen, with the Democrat Johnson winning by a landslide in 1964 and the Republican Nixon winning by a landslide just eight years later. But today the presidential campaign is carried out in about a dozen battleground states, the most undemocratic two words in the English language. Now, while Nevada, Ohio, Michigan, Pennsylvania, Florida, and North Carolina get visited over and over, nearly 75 percent of the states and 75 percent of the population are ignored. The majority of Americans watch the election happen in the distance.

I am a third generation Nevadan, and while I love having the presidential candidates visit our fine state, keep in mind we are all Americans and every vote should count.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

I rise in opposition to Assembly Bill 186 because I believe the National Popular Vote is contrary to Nevada’s best interest. We in Nevada, a small state of 3 million people, have enjoyed the first-in-the-West presidential caucus since 2008. Securing the first-in-the-West Democratic caucus was a game changer for Nevada. We competed against five other states for this honor. If you will remember, for those of us who were around at the time, horrible things were said about the state of Nevada. They said we were not educated enough to be trusted with the early presidential caucus. They said we did not represent the country enough to have the early presidential caucus. I remember very proudly—actually I felt lucky to be a member of the Democratic National Committee who got to vote on the floor for Nevada to win that early presidential caucus, the first-in-the-West caucus, and we have enjoyed that privilege now for just over ten years. But remember what it was like ten years ago. Neither party benefitted from where we were. Now we do benefit. Even though it was a move by the Democratic National Committee to start Nevada getting the first-in-the-West caucus, we saw the other party follow. So now, whether you are a Republican or a Democrat or you live in a big city or a big county or a small city, you get to have presidential candidates come to your local coffee shop, meet you, and shake your hand. Even people who do not vote have the privilege and pleasure to meet people who are running for office, and I know this inspires them to get involved and to become part of our electoral process. Little Nevada with a population of just 3 million—we have fought hard for and enjoy national political influence. I am not ready to cede that power to anyone or to a state that is bigger than us. I stand in opposition to Assembly Bill 186.

ASSEMBLYMAN ASSEFA:

I rise in support of Assembly Bill 186. The concept of the presidential candidate who wins the support of the majority of the voters in this country becomes the President is central to democracy, not just in this country. It serves as a shining example to the high standards we aspire to set on the freedom of election and participation in the democratic electoral process around the world. Throughout history, many people paid the ultimate sacrifice, a heavy price for our right to vote. The idea that our votes can be nullified and not count toward the election of the President is an erosion and disregards the sacrifices paid for our right to vote. Our state, by entering the National Popular Vote interstate compact, will be honoring the historic sacrifices and will send a clear and unmistakable message that the people’s voice matters.

Roll call on Assembly Bill No. 186:

YEAS—23.

NAYS—Benitez-Thompson, Carlton, Edwards, Ellison, Hafen, Hansen, Hardy, Kramer, Krasner, Leavitt, Monroe-Moreno, Neal, Roberts, Smith, Titus, Tolles, Wheeler—17.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 186 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 194.

Bill read third time.

Remarks by Assemblywoman Krasner.

ASSEMBLYWOMAN KRASNER:

Assembly Bill 194 requires that the membership of the Nevada Early Childhood Advisory Council include a member who is a representative of the pediatric mental, physical, or behavioral health care industry. The Council is required to submit to the Legislature an annual report outlining its activities and recommendations for improvement to Nevada's early childhood system.

Roll call on Assembly Bill No. 194:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 194 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 205.

Bill read third time.

Remarks by Assemblywoman Gorelow.

ASSEMBLYWOMAN GORELOW:

Assembly Bill 205 requires the board of trustees of each school district to establish and maintain an integrated pest management policy and sets out the guidelines such a policy must include. The bill also requires each school district superintendent to appoint a chief integrated pest management coordinator and authorizes the appointment of subordinate coordinators to carry out the duties. Finally, Assembly Bill 205 requires boards of trustees to ensure at least 10 percent of district employees are certified in integrated pest management by a nonprofit organization that meets certain qualifications, if the certification is available at no additional cost to the school district.

Roll call on Assembly Bill No. 205:

YEAS—38.

NAYS—Hafen, Titus—2.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 205 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 207.

Bill read third time.

Remarks by Assemblywoman Backus.

ASSEMBLYWOMAN BACKUS:

Assembly Bill 207 revises various provisions relating to business entities, such as private corporations, nonprofit corporations, and limited-liability companies. Provisions regarding private corporations revised in the bill include registered agents and the maintenance of records; stocks and other securities, such as fractional shares; the acquisition of a controlling interest of the corporation; the amendment and restatement of articles of incorporation; the procedure for dissolution; the liability of a stockholder, director, or officer for the debt or liability of the

corporation; and the discretionary and mandatory indemnification of officers, directors, employees, and agents.

Provisions relating to nonprofit corporations are revised, including those governing the maintenance of records required at the principal office or with custodian of records, the inspection and copying of records, and the denial of request for inspection of records. Lastly, provisions relating to limited-liability companies are amended to include new language regarding the alter ego of a limited-liability company and duties owed by parties to an operating agreement. This bill is effective on October 1, 2019.

Roll call on Assembly Bill No. 207:

YEAS—39.

NAYS—Ellison.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 207 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 221.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Assembly Bill 221 authorizes a person who is of the age of majority but not yet 21 years of age to be employed as a gaming employee by a licensed manufacturer or distributor at the business premises of the licensed manufacturer or distributor if the person designs, develops, programs, produces, or composes a control program or other software; if the person fabricates or assembles the components of a gaming device; or the person installs, modifies, repairs, or maintains a gaming device, associated equipment, or a gaming support system.

Roll call on Assembly Bill No. 221:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 221 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 222.

Bill read third time.

Remarks by Assemblywoman Nguyen.

ASSEMBLYWOMAN NGUYEN:

Assembly Bill 222 revises provisions relating to a defendant's eligibility for participation in certain specialty court programs. Defendants, including those with mental illness or intellectual disabilities, are not eligible for assignment to the program if the offense committed is a category A felony.

In addition, the measure removes the language in the statute—that was found unconstitutional by the Nevada Supreme Court—regarding the eligibility for assignment to the program of defendants who are veterans or members of the military. Lastly, the measure provides that a defendant who has been previously assigned to the program is eligible for reassignment to the program.

Roll call on Assembly Bill No. 222:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 222 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 226.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 226 prohibits an officer or employee of this state or any political subdivision or any other person from; requiring another person to undergo the implantation of a microchip or other permanent identification marker of any kind or nature; establishing a program that authorizes a person to voluntarily elect to undergo such a procedure; or participating in a program established by another person, if the program authorizes a person to voluntarily elect to undergo such a procedure.

Roll call on Assembly Bill No. 226:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 226 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 230.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Assembly Bill 230 provides a procedure for a governing body of any county or city to designate a historic neighborhood, including a requirement that the governing body hold a public hearing before designating an area as a historic neighborhood. The bill also clarifies that a landmark is a site, building, structure, or object that is eligible for inclusion in the State Register of Historic Places.

Roll call on Assembly Bill No. 230:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 230 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 231.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 231 allows for the transfer of a registration from a vehicle dealer or new vehicle dealer to a person who buys or exchanges an interest in a motor vehicle without evidence of compliance certifying the vehicle is equipped with devices for the control of pollution if such compliance evidence had been issued within 180 days before the transfer. This bill is effective on October 1, 2019.

Roll call on Assembly Bill No. 231:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 231 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 232.

Bill read third time.

Remarks by Assemblywoman Nguyen.

ASSEMBLYWOMAN NGUYEN:

Assembly Bill 232 requires each hospital, other than a psychiatric, rural, or critical access hospital, to enter into an agreement with the United States Secretary of Health and Human Services to accept payment through Medicare. The bill also eliminates the designation of a hospital that offers services in at least medical, surgical, and obstetric categories as a general hospital and removes references to general hospitals.

Roll call on Assembly Bill No. 232:

YEAS—34.

NAYS—Edwards, Ellison, Hansen, Kramer, Titus, Wheeler—6.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 232 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 334.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 334 adds a violation of statutes governing pharmacists and pharmacies to the provisions that constitute grounds for initiating disciplinary action or denying licensure by the Board of Medical Examiners. The bill further clarifies that a licensee or applicant does not have to report to the Board any disciplinary action that originated with the Board and revises the Board's deadline for issuing final orders that impose discipline. This bill also provides that when appropriate videoconference facilities are not available, the Board may meet at a location that provides a telephonic dial-in number for use by the general public. Finally, the bill allows an occupational or professional regulatory body to recover the fees for hearing officers as costs incurred by the regulatory body as part of investigative, administrative, and disciplinary proceedings against a person.

Roll call on Assembly Bill No. 334:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 334 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 361.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 361 provides that a physician who unlawfully allows a person to perform or participate in any supervised activity for the purpose of receiving credit toward certain medical degrees is subject to a civil penalty of not more than \$10,000 for each violation. This provision applies if an action to enforce the civil penalty is brought not later than two years after the date of the last such violation. Additionally, a Board of Medical Examiners representative may enter and inspect any premises of a licensee to determine if such a violation has occurred.

Roll call on Assembly Bill No. 361:

YEAS—39.

NAYS—Carrillo.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 361 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 367.

Bill read third time.

Remarks by Assemblyman Leavitt.

ASSEMBLYMAN LEAVITT:

Assembly Bill 367 requires that the Legislative Counsel, when preparing reprints and supplements of Nevada Revised Statutes and Nevada Administrative Code, ensure that persons affected by addictive disorders are identified using language that is commonly viewed as respectful. Sentence structure must refer to the person before the disorder. The measure includes words and terms that are preferred, as well as those that are not.

Roll call on Assembly Bill No. 367:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 367 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 377.

Bill read third time.

Remarks by Assemblyman Watts.

ASSEMBLYMAN WATTS:

Assembly Bill 377 authorizes, to the extent authorized by federal law, a vehicle that is powered by an engine fueled primarily by natural gas or by one or more electric motors to exceed the existing weight limit for vehicles operating or moving on a public highway by not more than 2,000 pounds.

Roll call on Assembly Bill No. 377:

YEAS—39.

NAYS—Miller.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 377 having received a constitutional majority,  
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would  
recess subject to the call of the Chair.

Assembly in recess at 1:47 p.m.

#### ASSEMBLY IN SESSION

At 2:13 p.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 407.

Bill read third time.

Remarks by Assemblyman Roberts.

ASSEMBLYMAN ROBERTS:

Assembly Bill 407 authorizes the Department of Motor Vehicles, upon the written request of a governmental entity, to enter into an agreement with the governmental entity that exempts the governmental entity from all or part of the requirements for the maintenance and retention of certain records relating to the provision and use of certain personal information contained in the files and records of the Department.

Roll call on Assembly Bill No. 407:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 407 having received a constitutional majority,  
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 410.

Bill read third time.

Remarks by Assemblywoman Krasner.

ASSEMBLYWOMAN KRASNER:

Assembly Bill 410 extends from 30 days to 45 days the period of time that a temporary order for protection against domestic violence, stalking, aggravated stalking, or harassment is initially valid.

Roll call on Assembly Bill No. 410:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 410 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 412.

Bill read third time.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Assembly Bill 412 provides that a notary may charge a fee of \$5 for each signature.

Roll call on Assembly Bill No. 412:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 412 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 424.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Assembly Bill 424 revises provisions relating to the eligibility for parole of a prisoner who was sentenced as an adult for certain offenses that were committed when he or she was less than 18 years of age that resulted in the death of at least one person to make such a prisoner eligible for parole after 20 years regardless of the number of victims that died as a result of the offense or offenses for which the prisoner was convicted.

Roll call on Assembly Bill No. 424:

YEAS—33.

NAYS—Ellison, Hafen, Hardy, Kramer, Krasner, Titus, Wheeler—7.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 424 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 458.

Bill read third time.

Remarks by Assemblywomen Backus, Tolles, Hardy, and Benitez-Thompson.

ASSEMBLYWOMAN BACKUS:

Assembly Bill 458 eliminates the 10 percent annual increase in the tax credits against the Modified Business Tax that may be awarded for donations made to an eligible scholarship organization under the Nevada Education Choice Scholarship Program, which was originally approved by the Legislature in Assembly Bill 165 of the 2015 Session. Under the change in this bill, the annual amount of credits that may be issued is permanently set at \$6,655,000 which is the amount allowed under current law for Fiscal Year 2019. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act and on July 1, 2019, for all other purposes.

## ASSEMBLYWOMAN TOLLES:

I rise in opposition to Assembly Bill 458. Opportunity Scholarships were established in 2015 and award needs-based annual scholarships to eligible Nevada students at the school of their choice. The program has proved to be immensely popular. It currently supports over 1,200 students. Seventy-five percent of them are minorities. The average household income of these families is \$46,000 per year. Opportunity Scholarships are funded through a tax credit program, with over 230 participating companies. Given the success and popularity of the program, I am disappointed that we are voting on a bill to limit those options for these families.

I was particularly touched by the testimony of one single mom of three girls in Las Vegas. Like many parents we heard from, one of her children had special needs. This program helped her daughter attend a private school that has allowed her to thrive and grow. At her current school, she has made great strides to overcome her disability.

I also heard a lot of testimony like the one from a family in my district. "My wife and I have been married for 11 years and have four children. Providing our kids the best education possible is our top goal as parents. We want our kids to be pillars of the community as they mature into responsible and contributing citizens. We have been the beneficiaries of these educational scholarships. This has been a blessing without which we could not continue to send them to their current school."

Opportunity Scholarships offer a shimmer of light to low-income minority students and parents who are often struggling to make ends meet. I was inspired by the hundreds who came to testify on this bill, who wrote or called my office, and who made their voices heard. I cannot in good conscience vote in favor of this bill. I urge my colleagues to join me in voting against A.B. 458.

## ASSEMBLYWOMAN HARDY:

I rise in opposition to Assembly Bill 458. Opportunity Scholarships have empowered thousands of parents who understand their own children's needs to choose the best possible education for their child. Based on feedback from parents and students, the program is working and a success beyond original expectations. The intent of the program is to give low-income families the same opportunities that are accessible to those with higher incomes. Equal opportunity is truly the overarching goal of Opportunity Scholarships. Limiting the Opportunity Scholarship program will send hundreds of kids back to schools that were not providing the educational opportunities they needed. This will also further burden our already struggling public school system by exacerbating class sizes and will affect teachers who are already struggling to teach in those environments.

Public schools do not work for all children. I am encouraged by discussion this session to better our public schools for everyone. However, eliminating opportunity for these children is not the answer. Instead, we should encourage policies that give choice and accountability back to those who know kids best—parents. A good education should not be limited by a family's income or zip code. While the Opportunity Scholarship program is not a silver bullet to fix the education gap many families experience, it is a critically important program that families today are depending on—our neighborhoods, our fellow Nevadans. Let us listen to our constituents and support this critical program. For these reasons, Mr. Speaker, I urge my colleagues to vote against Assembly Bill 458 and keep alive the current funding plan that gives hope to parents and help to students who need it most.

## ASSEMBLYWOMAN BENITEZ-THOMPSON:

I rise in support of Assembly Bill 458. I rise in support because of the legislative history and the conversations on this bill. Last session there was a lot of talk about investing more money into this program. However, the way that it was invested was a temporary one-shot allotment of dollars. There was conversation about making sure that families understood that it could never be promised that this funding would go on in perpetuity or even for a second or third year. One of the reasons why I know many of us were reluctant to support this bill last time, with the increased funding, was because of the situation that we are in today—that families would not understand that the one-time appropriation would not be something that would live forever in the state's general budget. Really, as state legislators, what we had to do was commit ourselves to a great public education system. Once we got there, then we could look for other ways to put more money into other kinds of education. We have done that. There are dollars that remain in that program.

This program does not go away. This program will continue and that is a good thing. However, the heavy investment that was made last time just cannot be sustained, so I just want to make that clear for the record. While we support the program, the continued investment just cannot be carried forward.

Roll call on Assembly Bill No. 458:

YEAS—28.

NAYS—Edwards, Ellison, Hafen, Hansen, Hardy, Kramer, Krasner, Leavitt, Roberts, Titus, Tolles, Wheeler—12.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 458 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 464.

Bill read third time.

Remarks by Assemblyman Assefa.

ASSEMBLYMAN ASSEFA:

Assembly Bill 464 provides that as long as a student returns to the same school he or she attended prior to participating in a foreign exchange program, the student will be held harmless for purposes of determining eligibility to participate in interscholastic activities, including sports.

Roll call on Assembly Bill No. 464:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 464 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 478.

Bill read third time.

Remarks by Assemblyman Hafen.

ASSEMBLYMAN HAFEN:

Assembly Bill 478 requires the Peace Officers' Standards and Training Commission to include in its regulations a requirement for all peace officers to annually complete not less than 12 hours of continuing education in courses that address racial profiling, mental health, officer well-being, implicit bias recognition, de-escalation, human trafficking, and firearms. This bill is effective on October 1, 2019.

Roll call on Assembly Bill No. 478:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 478 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 479.

Bill read third time.

Remarks by Assemblymen Fumo and Titus.

ASSEMBLYMAN FUMO:

Assembly Bill 479 makes it unlawful for a person, unless he or she meets one of several exemptions, to, one, import, possess, sell, transfer, or breed a dangerous wild animal, or, two, allow any member of the public to come in direct contact with a dangerous wild animal.

ASSEMBLYWOMAN TITUS:

Mr. Speaker and members of this body, I rise today in opposition of Assembly Bill 479. Although well intended, this bill may actually hurt those animals they are hoping to protect. We heard extensive testimony that this bill would severely limit those groups and agencies that care for abandoned, abused, and injured exotic animals at this time. If passed, this bill would also prohibit important animal safety and awareness programs. For those of us in rural areas, and for those of you who like to go to rural areas, enjoying that experience you may occasionally encounter a rattlesnake. These groups testified that they would be prohibited from teaching these classes called Unleashed or Get Rattled and no longer be able to teach our pets the rattlesnake awareness and avoidance. I have had two dogs bitten on my morning runs. It is not a fun thing, and using these programs really does help make sure those animals are safe. This bill is an overreaching bill. Concerns expressed by sponsors should be left up to individual counties and not the state as each have unique needs and solutions and can control the problems that way. I urge my colleagues to vote no on Assembly Bill 479

Roll call on Assembly Bill No. 479:

YEAS—31.

NAYS—Ellison, Hafen, Hansen, Hardy, Kramer, Krasner, Titus, Tolles, Wheeler—9.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 479 having received a constitutional majority,  
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 481.

Bill read third time.

Remarks by Assemblyman Roberts.

ASSEMBLYMAN ROBERTS:

Assembly Bill 481 increases from \$550,000 to \$605,000 the amount of equity in a homestead property that is protected from a writ of execution.

Roll call on Assembly Bill No. 481:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Spiegel—2.

Assembly Bill No. 481 having received a constitutional majority,  
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 3.

Resolution read third time.

Remarks by Assemblyman Smith.

ASSEMBLYMAN SMITH:

Assembly Joint Resolution 3 expresses support for the implementation of the Nevada Greater Sage-Grouse Conservation Plan and utilization of the Nevada Conservation Credit System to provide compensatory mitigation on state and federal lands. This joint resolution further urges the United States Secretary of the Interior of the U.S. Department of the Interior to direct the Bureau of Land Management to require compensatory mitigation to offset anthropogenic disturbances in accordance with the Credit System.

Roll call on Assembly Joint Resolution No. 3:

YEAS—39.

NAYS—Hafen.

EXCUSED—Hambrick, Spiegel—2.

Assembly Joint Resolution No. 3 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 4.

Resolution read third time.

Remarks by Assemblywoman Miller.

ASSEMBLYWOMAN MILLER:

Assembly Joint Resolution 4 expresses the Nevada Legislature's support of the resolutions brought forth by the United States Congress to combat the worldwide illegal harvesting and trafficking of human organs. If passed this resolution will be transmitted to the President of the United States, the Vice President as the President of the United States Senate, the Speaker of the House, and each member of the Nevada Congressional Delegation.

Roll call on Assembly Joint Resolution No. 4:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Spiegel—2.

Assembly Joint Resolution No. 4 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 7.

Resolution read third time.

Remarks by Assemblywoman Peters.

ASSEMBLYWOMAN PETERS:

Assembly Joint Resolution 7 expresses the opposition of the Nevada Legislature to the expansion of the Fallon Range Training Complex as described in the Fallon Range Training Complex Modernization Draft Environmental Impact Statement.

I stand in support of Assembly Joint Resolution 7. This is not an anti-military bill. We support our military and appreciate all of the work that they do to keep our country safe. This is a response to the proposed actions in the draft EIS as described in the bill. This is a bill about one of our most prized natural resources, keeping our open spaces open, and ensuring the protection of our limited resources. We are also keeping in mind the public interest in those resources and are sharing those with our federal representatives. I urge you to support this bill.

Roll call on Assembly Joint Resolution No. 7:

YEAS—39.

NAYS—Edwards.

EXCUSED—Hambrick, Spiegel—2.

Assembly Joint Resolution No. 7 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 8.

Resolution read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Assembly Joint Resolution 8 expresses the opposition of the Nevada Legislature to the elimination of the Nevada State Office of the Bureau of Land Management.

Roll call on Assembly Joint Resolution No. 8:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Spiegel—2.

Assembly Joint Resolution No. 8 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

#### UNFINISHED BUSINESS

#### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 182.

Assemblywoman Benitez-Thompson requested that the Assembly recess until 4:45 p.m.

Assembly in recess at 2:37 p.m.

#### ASSEMBLY IN SESSION

At 5:13 p.m.

Mr. Speaker presiding.

Quorum present.

#### MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen McCurdy and Leavitt as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Mark Amodei.

The President of the Senate and members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President of the Senate to the Speaker's rostrum.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

#### IN JOINT SESSION

At 5:20 p.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblymen Hambrick and Carrillo, who were excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Gansert and Assemblywoman Tolles to wait upon Representative Amodei and escort him to the Assembly Chamber.

The Committee on Escort, in company with The Honorable Mark Amodei, United States Representative from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

The Speaker of the Assembly welcomed Representative Amodei and invited him to deliver his message.

Representative Amodei delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA  
SEVENTY-NINTH SESSION, 2019

Thank you very much Mr. Speaker, Madam President, Governor.

I am a little embarrassed, and that does not happen much these days when you get to be my age. I want to take care of a few administrative things first. Those of you who came to hear something long-winded, or those of you who came to hear my resignation speech can leave the room now. Okay, you had your chance.

I came and heard Senator Cortez Masto speak, and I have looked at what the other folks did. I regret that Susie Lee did not have a chance to come Monday—I guess she is coming tomorrow night. Anyhow, I know that when my longtime colleague in the Senate, Congresswoman Titus, spoke, she made a reference to Amodei setting the bar low. I am sure that was not anything to do with skills; it was just how much time I took. I want to let you know that even though I hold the present record for brevity in this—because this was not something I ran for when I was a member of the Assembly or the Senate, I really want to hear those federal delegation speeches—even though I have the record for that, we are going to set a new record tonight. I see Mo up there laughing, like Thank God.

I also want to remind those of you that have served and are serving in the Assembly that out of the six people that represent Nevada in the federal legislature, I am the only one who put in the blue collar time to serve in the Nevada Assembly. It is nice to be home. There is the Chairwoman of Ways and Means. She started out in the Senate, thinking that was the thing to do, but even the Chairwoman of Ways and Means figured out that the Assembly is the place to be. Good to see you. By the way, any references I make to age are to my own and not to anyone else who may have been serving when I was last in this building, in the beginning or in the end.

So here we go. The clock is running and we are setting a new record tonight. I want to talk with you about opportunity. I know that the other members of the delegation have talked about all the top-line stuff, top half of the radar thing on those federal issues that are the headlines. I want to talk about something that is Nevada headline stuff. What is that? I know when I tell you what it is, you are going to say I did not realize that was the stuff. So you may disagree with me, but we are not going to spend a lot of time with me talking to you about it.

The 116th Congress started about a month before you folks did and it ends on December 31 of next year. Why am I telling you about this Congress? This Congress represents a unique opportunity for Nevada, a Nevada opportunity. When you live in a state that is 85 percent owned by the federal government—which is not a good thing or bad thing, it is simply a fact—then what happens with multiple use of federal land is pretty important when you talk economic development, when we talk about conservation, when we talk about transportation, when we talk about anything and everything—wildfire, you name it. What is new about this one? For three major reasons, this is going to be a different one.

In the 116th Congress, the United States Navy is going to come with what is the largest lands bill in the history of the state. About 600,000 acres, already owned by the federal government,

are going to be changed from multiple use to not multiple use. Now in my mind, that is a lands bill. The United States Air Force in the southern part of the state is going to be coming with not quite as big a footprint, but it is expansion time for our war fighters that fly airplanes in the Navy and in the Air Force. Okay, that is fine. But the process that we go through with that—and I know you are involved, and I know the Governor's office is meeting on that—this is an opportunity. When you talk about essentially a lands withdrawal that affects transportation, that affects economic development, that affects conservation, that affects wilderness, that affects everything under the sun that we do in this state, it is an opportunity, ladies and gentlemen.

You ask if they are going to put it in their bill. No, they probably are not. As I do not need to tell anybody in this room, there are things called amendments. I understand you Senate people are ordering more blue paper, by the way, so some things have not changed in a long time. There are things called amendments. There can be amendments from House members, there can be amendments from members of the Senate, there can be amendments that the Governor's office supports, and there can be amendments where, quite frankly, you look the Navy folks in the eye and say I do not expect you to put this in your bill, but I expect you not to object to the amendment.

You may ask what all that means. Federal lands is not sexy or violent. Here is the third thing: Clark County wants a public lands bill. I know there are some people in this room that have experience in governing Clark County by virtue of their membership on the Clark County Commission. They deal with things like planning and zoning and responsible growth. Let us just keep in mind a couple of things, if you choose. The Southern Nevada Public Lands Management Act turned 20 last year. It authorized 70,000 acres to be sold. Today we have disposed of about 35,000. For those people who are conservation conscious, that is about 1,700 acres a year in one of the fastest growing metropolitan areas in the nation, and for sure in the Southwest.

It is about facts, and it is about opportunity, and it is about those lands bills, then guess what? Here are the sorts of things you might think about lands bills. What are they going to do to help us with fire protection? What are they going to do to help us conserve sagehen areas? What opportunities can they help us with regarding the desert tortoise? What can they do to help us with other areas where, quite frankly, if we want to do some consolidation of state facilities in southern Nevada—do not know if anybody in here cares about that—how can we participate as a state in the lands process to generate funds for state capital improvement things? By the way, how can we do the same thing up in this neck of the woods? Ladies and gentlemen, almost half the counties in Nevada are working on lands bills rights now. When you combine that with the two major military functions, I simply think it is an opportunity. It is an opportunity that does not come along very often, but when it comes I think you ought to seize it. You can say We have other stuff to do and we do not care about that, which is your absolute prerogative. But, there is an opportunity here.

I look forward to working with the Governor as we talk about what the right thing is with Fallon, what the right thing is with what is going on at Nellis and Creech. Here is the most encouraging thing. Five of the six members of the federal delegation live in telephone area code 702. The Governor of the State of Nevada served on the Clark County Commission, so he knows about local government and planning and zoning and having a say in federal stuff. By the way, at that same time that Commission was very responsible when you look at what they have actually done.

That is it, ladies and gentlemen. I think there is an opportunity. I look forward to discussing any and all of those things with you because we are going to start drafting amendments. And we are obviously not going to draft an amendment where the Legislature or the Governor says uh-uh. The last thing I will leave you with is there is not a single Nevada lands bill in history that passed as a partisan proposition. They do not pass unless they are bipartisan. If you do not believe me, ask that guy from Searchlight; I think Reid is his last name.

Thank you for your attention. The last question I want to ask is how many people in here are planning on running for Congressional District 2? The record should reflect there were no hands raised. Mr. Speaker, Madam President, Governor, thank you for your kindness. It is nice to be back with friends, and good luck with the last 50 some-odd days of your fun and games.

Assemblyman Kramer moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Amodei for his timely, able, and constructive message.

Seconded by Senator Goicoechea.

Motion carried.

The Committee on Escort escorted Representative Amodei to the bar of the Assembly.

Senator Ratti moved that the Joint Session be dissolved.

Seconded by Assemblywoman Duran.

Motion carried.

Joint Session dissolved at 5:34 p.m.

#### ASSEMBLY IN SESSION

At 5:34 p.m.

Mr. Speaker presiding.

Quorum present.

#### GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Assefa, the privilege of the floor of the Assembly Chamber for this day was extended to Harold Nichols III and Jill Jaeger.

On request of Assemblywoman Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Antonio Ramirez, Marc McDermont, Austin Chon, Shaquilla Eilets, and Haddee Martinez.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Fraidy Reiss, Sabrina Moldt, and Cheri Griggs.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Gastonguay.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Burby and Michelle Gallegos.

On request of Assemblywoman Duran, the privilege of the floor of the Assembly Chamber for this day was extended to Timothy Booher and Anabel Carrillo.

On request of Assemblyman Edwards, the privilege of the floor of the Assembly Chamber for this day was extended to Matthew Buckingham and Danny Price.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Stephen Wood.

On request of Assemblyman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Erica Ann Jackson, Chantae Readye, Odalys Vega, Lilian Vicente, Caitlin Lazaro, Melissa Martin, Isabel Lujan, Carlos Pena, Mahoghany Moore, Juan David Lopez Martinez, Ivette Aguiree, Haddee Martinez, Taja'nai Richardson, Martin Garcia, Anahi Alvarado, Patricia Cisneros, Maria Landaverde, Anthony Coleman, Charity Hayman, Tajari Richardson, Yasmin Duran, Nicole Valenzuela, Katherine Galindo, Nethelie Cajeras, and Carol Harding.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Todd Westergard, Theo Small, and Victoria Courtney.

On request of Assemblyman Fumo, the privilege of the floor of the Assembly Chamber for this day was extended to Chalese Holland, Gregory Winiewicz, and Paul Kleemann.

On request of Assemblywoman Gorelow, the privilege of the floor of the Assembly Chamber for this day was extended to Jessica Jones and Jason Lillebo.

On request of Assemblyman Hafen, the privilege of the floor of the Assembly Chamber for this day was extended to Debra Brown, Mark Nacinovich, and Erin Riddle.

On request of Assemblywoman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Sofia Hammond.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Grant Fralich, Shailey Rivera, and Christina O'Keeffe.

On request of Assemblyman Kramer, the privilege of the floor of the Assembly Chamber for this day was extended to Candice Kramer.

On request of Assemblyman Leavitt, the privilege of the floor of the Assembly Chamber for this day was extended to Isa Hammond and Rory Leavitt.

On request of Assemblywoman Martinez, the privilege of the floor of the Assembly Chamber for this day was extended to Delia Delgado, April Gates, and Carlos Hernandez.

On request of Assemblyman McCurdy, the privilege of the floor of the Assembly Chamber for this day was extended to Brennan Maragh, Nichole Beer, and Bradley Chandler.

On request of Assemblywoman Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Tiersa Baughman, Kara Mach, and Noell Frailey.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Erik Smith and Imelda Suppe.

On request of Assemblywoman Munk, the privilege of the floor of the Assembly Chamber for this day was extended to Kelsey Henderson and Dawn Reilley.

On request of Assemblywoman Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to William Campf and Rebekah Signoretti.

On request of Assemblywoman Peters, the privilege of the floor of the Assembly Chamber for this day was extended to Melissa Chanselle-Hary, Robert Hollowood, and Diana Strickley.

On request of Assemblyman Roberts, the privilege of the floor of the Assembly Chamber for this day was extended to Olivia Hammond, Tonya Hammond, and Aprile Solow.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Cynthia Rapazzini, Felecia Wells, and Stanley Willis.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Terrie Tidwell D'Antonio and Jenna Renee Ortiz.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Laurel Wilson.

On request of Assemblywoman Torres, the privilege of the floor of the Assembly Chamber for this day was extended to Darrin Matthies, Dolly Rowan, Mark Wright, and Odalys Vega.

On request of Assemblyman Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Karl Byrd, Melissa Gardner, and Yolanda Lowry.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Dan Hamer.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Angie Sullivan and Helen Hanly.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Wednesday, April 17, 2019, at 11 a.m.

Motion carried.

Assembly adjourned at 5:35 p.m.

Approved:

JASON FRIERSON  
*Speaker of the Assembly*

Attest: SUSAN FURLONG  
*Chief Clerk of the Assembly*