

THE NINETY-SIXTH DAY

CARSON CITY (Friday), May 10, 2019

Assembly called to order at 12:30 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Hambrick, who was excused, and one vacant.

Prayer by the Chaplain, Reverend Chad Adamik.

Creator God, we give sincere thanks for this opportunity to meet in this chamber to conduct the business of our state. May we listen to one another intently, with the purpose of bettering ourselves and our communities. May we humbly accept the responsibilities assigned to us. May we carry out each of these responsibilities to the best of our capabilities.

This chamber is composed of many old and fast friends, acquaintances of a very brief time, those who strive together, and some who have never met. Permit no one to leave here a stranger or less a person than when arriving.

We pray for those who grieve for lost ones, especially those who grieve Assemblyman Thompson.

All of these things, and whatever else You see that we need, be granted to us. In your many holy names we pray.

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.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which were referred Senate Bills Nos. 299, 329, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DANIELE MONROE-MORENO, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 62, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DINA NEAL, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 9, 2019

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 110, Amendment No. 656, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 652 to Senate Bill No. 117.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

SECOND READING AND AMENDMENT

Assembly Bill No. 500.

Bill read second time.

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

Amendment No. 663.

SUMMARY—Makes **and extends the reversion of** appropriations to the Office of Finance for **costs associated with** replacement of the Advantage Financial and Human Resources System with the Enterprise Resource Planning System. (BDR S-1166)

AN ACT **relating to governmental administration; extending the reversion dates of appropriations from the current biennium;** making appropriations to the Office of Finance for **costs associated with** replacement of the Advantage Financial and Human Resources System with the Enterprise Resource Planning System; and providing other matters properly relating thereto.

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

Section 1. Section 1.5 of chapter 444, Statutes of Nevada 2017, at page 2903, is hereby amended to read as follows:

Sec. 1.5. 1. There is hereby appropriated to the Interim Finance Committee:

- (a) From the State General Fund the sum of \$11,664,000; and
- (b) From the State Highway Fund the sum of \$2,736,000.

2. Money appropriated to the Interim Finance Committee pursuant to subsection 1 are available for ~~both~~ Fiscal ~~Year~~ **Years 2017-2018, ~~and~~ 2018-2019, 2019-2020 and 2020-2021,** and may be allocated to the Office of Finance in the Office of the Governor to replace the existing financial and human resource management information technology system upon presentation to the Interim Finance Committee of a project plan and an itemization of related costs.

Sec. 2. Section 2 of chapter 444, Statutes of Nevada 2017, at page 2903, is hereby amended to read as follows:

Sec. 2. **1.** Any remaining balance of the appropriations made by ~~sections~~ **section 1** ~~and 1.5~~ of this act must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after

September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the fund from which it was appropriated on or before September 20, 2019.

2. Any remaining balance of the appropriations made by section 1.5 of this act must not be committed for expenditure after June 30, 2021, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2021, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the fund from which it was appropriated on or before September 17, 2021.

~~Section 1.~~ **Sec. 3.** 1. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor the sum of \$1,938,572 for the legacy systems data clean-up and interface builds for the replacement of the Advantage Financial and Human Resources System.

2. There is hereby appropriated from the State Highway Fund to the Office of Finance in the Office of the Governor the sum of \$454,727 for the legacy systems data clean-up and interface builds for the replacement of the Advantage Financial and Human Resources System with the Enterprise Resource Planning System.

3. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor the sum of ~~(\$40,500,000)~~ **\$31,031,801** for **costs associated with** the replacement of the Advantage Financial and Human Resources System with the Enterprise Resource Planning System.

4. There is hereby appropriated from the State Highway Fund to the Office of Finance in the Office of the Governor the sum of ~~(\$9,500,000)~~ **\$7,279,065** for **costs associated with** the replacement of the Advantage Financial and Human Resources System with the Enterprise Resource Planning System.

~~Sec. 2.~~ **Sec. 4.** Any remaining balance of the appropriations made by section ~~1.5~~ **3** of this act must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the fund from which it was appropriated on or before September 15, 2023.

~~Sec. 3.~~ **Sec. 5.** This act becomes effective upon passage and approval.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 517.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 517 amends appropriations to the Office of the Governor for different shortfalls in utility costs, mansion costs, and contract costs. I stand for any questions.

Roll call on Assembly Bill No. 517:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Assembly Bill No. 517 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 9.

Bill read third time.

Remarks by Assemblywoman Tolles.

ASSEMBLYWOMAN TOLLES:

Senate Bill 9 provides that there is no time limit within which a criminal prosecution for a sexual assault arising out of the same facts and circumstances as a murder must be commenced. This bill is effective on October 1, 2019.

Roll call on Senate Bill No. 9:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 9 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 45.

Bill read third time.

Remarks by Assemblyman Edwards.

ASSEMBLYMAN EDWARDS:

Senate Bill 45 clarifies provisions regarding a business that can be exempted from the requirement to obtain a state business license when providing certain emergency services, provides that the state may enter into a contract with such a business, and revises provisions setting forth requirements on where certain types of businesses must maintain their records.

Roll call on Senate Bill No. 45:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 45 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 137.

Bill read third time.

Remarks by Assemblyman Roberts.

ASSEMBLYMAN ROBERTS:

Senate Bill 137 deletes the term “or property” from the statutory definition of robbery in relation to the threat posed by the offender. The revised definition of robbery retains the description of the crime involving “force or violence or fear of injury” to a person, a family member, or anyone in the person’s company at the time of the offense.

Roll call on Senate Bill No. 137:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 137 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 173.

Bill read third time.

Remarks by Assemblywoman Peters.

ASSEMBLYWOMAN PETERS:

Senate Bill 173 expands the list of offenses for which a victim of sex trafficking or involuntary servitude may petition to have criminal records vacated and sealed. It also limits the notification of and testimony by agencies in a hearing on such a petition to those in the county where the petitioner was convicted, and provides that a district court may seal a record in a district court regardless of whether such a request has been made. Additionally, a court may seal a record without a hearing if a prosecutor stipulates to the petition, but a prosecutor has the right to present evidence to the court in situations in which the prosecutor does not stipulate.

Roll call on Senate Bill No. 173:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 173 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 223.

Bill read third time.

Remarks by Assemblywoman Hansen.

ASSEMBLYWOMAN HANSEN:

Senate Bill 223 eliminates certain required notarial declarations for the nomination of a guardian and for various powers of attorney. It also requires that certain placements of a person in a skilled nursing home or other care facility can only be done if a power of attorney expressly grants such authority. Additionally, the bill revises the form for a general power of attorney so that the principal can indicate whether or not his or her agent may consent to the principal being placed in certain care facilities. Finally, the bill revises provisions concerning how the transfer of a principal from one care facility to another is to be approved and conducted and requires that certain notices that are sent to a resident of a care facility must also be provided to the State Long-Term Care Ombudsman.

Roll call on Senate Bill No. 223:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 223 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 225.

Bill read third time.

Remarks by Assemblyman Hafen.

ASSEMBLYMAN HAFEN:

Senate Bill 225 requires the Director of Nevada Department of Veterans Services to submit, on or before August 1 of each year, a report to the Interim Finance Committee detailing the expenditures made from the Account to Assist Veterans Who Have Suffered Sexual Trauma. The measure amends the definition of “victim” to include a veteran who experienced an act of sexual assault while serving on active duty, active duty for training, or inactive duty training to allow such veterans to obtain compensation from the Fund for the Compensation of Victims of Crime.

Roll call on Senate Bill No. 225:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 225 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 426.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Senate Bill 426 extends from December 31, 2020, to December 31, 2024, the deadline for a regional transportation commission to submit to the board of county commissioners recommendations for the imposition of an additional tax on gross receipts of any retailer for the sale of all tangible personal property sold at retail to support certain transportation projects. The measure will go to the voters for approval.

Roll call on Senate Bill No. 426:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 426 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 433.

Bill read third time.

Remarks by Assemblyman Watts.

ASSEMBLYMAN WATTS:

Senate Bill 433 amends the California-Nevada Compact for Jurisdiction on Interstate Waters to provide that law enforcement officers in California and Nevada have concurrent jurisdiction over prohibited conduct that occurs on Lake Tahoe or Topaz Lake and may investigate and make an arrest on any land mass not more than five air miles from either lake for prohibited conduct that occurred on the water.

Roll call on Senate Bill No. 433:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 433 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 8, 16, 61, 131, 133, 156, 228, 266, 342, 418, 461, 464, 480, 481, 482; Senate Bill No. 117; Senate Concurrent Resolution No. 5.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 110.

The following Senate amendment was read:

Amendment No. 656.

AN ACT relating to public safety; 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; **removing the time limitation on the imposition of certain administrative assessments for the provision of court facilities;** 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 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 the court or traffic violations bureau may allow a person who has been issued a traffic citation that is filed with the court or traffic violations bureau ~~may~~ to make, 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.

Existing law provides that a county or city may authorize, by ordinance, the justices or judges of the justice or municipal courts within its jurisdiction to impose for a period of not longer than 50 years an administrative assessment for the provision of court facilities. (NRS 176.0611) Section 6.5 of this bill removes the 50-year limitation on the imposition of such an administrative assessment.

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 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.

~~18-1~~ **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.

~~19-1~~ **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.

~~110-1~~ **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.

~~111-1~~ **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.

~~112-1~~ **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.

~~113-1~~ **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, the court or traffic violations bureau may allow a person who has been issued a traffic citation that is filed with the court or traffic violations bureau ~~may~~ to 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. 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, if allowed by the court and 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 court or traffic violations bureau allows an eligible 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, 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~~ be capable of requiring the person to submit ~~to~~ any of the following information, at the discretion of the court or traffic violations bureau:

- (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~~ or*
- (6) Any other information required by any rules adopted by the Nevada Supreme Court pursuant to subsection 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, 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 ~~and~~ and, if the person provides such information, the person thereby gives his or her consent for the court to communicate with the person through such means.***

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. ~~A~~ ***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. 6.5. NRS 176.0611 is hereby amended to read as follows:

176.0611 1. A county or a city, upon recommendation of the appropriate court, may, by ordinance, authorize the justices or judges of the justice or municipal courts within its jurisdiction to impose ~~for not longer than 50 years,~~ in addition to the administrative assessments imposed pursuant to NRS 176.059, 176.0613 and 176.0623, an administrative assessment for the provision of court facilities.

2. Except as otherwise provided in subsection 3, in any jurisdiction in which an administrative assessment for the provision of court facilities has been authorized, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of \$10 as an administrative assessment for the provision of court facilities and render a judgment against the defendant for the assessment. If the justice or judge sentences the defendant to perform community service in lieu of a fine, the justice or judge shall include in the sentence the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

- (a) An ordinance regulating metered parking; or
- (b) An ordinance that is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of court facilities must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the amount posted for bail pursuant to this subsection must be disbursed in the manner set forth in subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment the defendant has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of court facilities to be paid in installments, the payments must be applied in the following order:

- (a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;
- (b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to this section;
- (c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs pursuant to NRS 176.0613;

(d) To pay the unpaid balance of an administrative assessment for obtaining a biological specimen and conducting a genetic marker analysis pursuant to NRS 176.0623; and

(e) To pay the fine.

6. The money collected for administrative assessments for the provision of court facilities in municipal courts must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. The city treasurer shall deposit the money received in a special revenue fund. The city may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(b) Construct or acquire additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(c) Renovate or remodel existing facilities for the municipal courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the municipal courts or a regional justice center that includes the municipal courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the municipal courts or a regional justice center that includes the municipal courts.

↪ Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the municipal general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The city treasurer shall provide, upon request by a municipal court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

7. The money collected for administrative assessments for the provision of court facilities in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall deposit the money received to a special revenue fund. The county may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the justice courts or a regional justice center that includes the justice courts.

(b) Construct or acquire additional facilities for the justice courts or a regional justice center that includes the justice courts.

(c) Renovate or remodel existing facilities for the justice courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the justice courts or a regional justice center that includes the justice courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the justice courts or a regional justice center that includes the justice courts.

↪ Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the county general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The county treasurer shall provide, upon request by a justice court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

8. If money collected pursuant to this section is to be used to acquire land on which to construct a regional justice center, to construct a regional justice center or to pay debt service on bonds issued for these purposes, the county and the participating cities shall, by interlocal agreement, determine such issues as the size of the regional justice center, the manner in which the center will be used and the apportionment of fiscal responsibility for the center.

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 that the Assembly concur in the Senate Amendment No. 656 to Assembly Bill No. 110.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Amendment 656 makes the following changes to Assembly Bill 110. It clarifies that if a court sets up an online, email, or mail system, the court does not have to allow every offender to take advantage of such a system. It clarifies that the court retains discretion about the information it needs to authenticate that the user of a system is indeed the person who received the traffic citation. Lastly, it clarifies that if a person voluntarily provides an email address or a mobile phone number to an officer, then the person is giving consent for the court to communicate with the person through those means.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

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 Zinash Mebratu.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from John Bonner Elementary School: Thadus Roberts, Yolana Huff, Christian Meadows, Abrielle Aldrich, Zachary Lovering, Lucy Paul, Avery Moore, Lola Collier, Ella Beck, Darian Ringler, Christian Laines, Isabella Ybarra, Dorothy Zhao, Anthony Dorsz, Tanner Baker, Heaven Dumay, Entong Zhang, Colter Musburger, Amelia Lewis, Brooke Williams, Aliyah Bergeron, Chase Altman, Vincent Federico, Cole Doyne, Brinkley Terry, Neve Bailey, Nora Carlsen, Ryker McMahan, Roxy Pazos, Zaylee Villena, Laila Yono, Robert Powell, Harrison Larson, Karis Custer, Syrenna Jolly, Ahlia Smith, Ocean Ford, Ezra Smith, Ethan Blanchard, Brandi Harriel, Levi Bynan, Caden Ivory, Lakshay Eppan, Alexander Miller, Ava Phillips, Danica Souder, Madison Hoffman, Lily Kosnitzky, Brooke Kosnitzky, Shylah Jordan, Natalia Juarez, Nicolette Kvetan, and Xingyue Long.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Judith Moore.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Tony Alamo Elementary School: Kirra Jijon, Isis Cortez, Arianna Kramasz, Alice Rookhuyzen, Tia Kruyer, Alicia Lin, Emily Clark, Helena Desta, Sadie Mc Cullough, Daniel Olfindo, Andrew Thomas, Eric Lin, Aiden Dahl, Isaiah Adriano, Anthony Garcia, Xay Cardenas, Chloe Yuan, Richard Yanga, Ayden Palega, Tyler Doutis, Phoenix Montoya, Madison Gordon, Makenzie Gordon, Jordan Ronsairo, Jonah Stolworthy, Jason Le, Joseph Lee, Sara Mueller, Addie McLaughlin, Caydrian Saunders, Amilice Panomsanarint, Abby Wang, Carter Sims, Brandon Crist, Sebastian Bash, Lliam Dadis, Gavin Lillywhite, Jacob Jimenez, Micah Macalma, Evan Kramrich, Evan Wu, and Austin Harvey.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to JoEtta Brown.

On request of Assemblywoman Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Mattingly and Craig Matthews.

On request of Assemblywoman Peters, the privilege of the floor of the Assembly Chamber for this day was extended to Wade Johnston.

On request of Assemblyman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Marilyn Paine.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Alyce Reese and John Williams.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Tuesday, May 14, 2019, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:54 p.m.

Approved:

JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly