

NEVADA LEGISLATURE

Eighty-First Session, 2021

ASSEMBLY DAILY JOURNAL

THE SIXTY-FOURTH DAY

CARSON CITY (Monday), April 5, 2021

Assembly called to order at 11:52 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Imam Abdel Aziz.

In the name of God, the most gracious, most merciful, most kind to His creation. He says, Call upon me, I will respond to you. We ask God to bless and guide this legislative body, give them unity, and shed His wisdom and grace upon them so they can bear the heavy burden they carry. Help them to work together, respect one another's opinions, empower them to engage in a dialogue with compassion, and stand united for the people of this great state.

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 Health and Human Services, to which was referred Assembly Bill No. 217, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 358, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROCHELLE T. NGUYEN, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, to which was referred Assembly Bill No. 84, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, to which was referred Assembly Joint Resolution No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HOWARD WATTS, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 86, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAGGIE CARLTON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 2, 2021

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 223, 257, 268, 278, 322, 351, 357, 360, 374, 377, 384, 388, 389, 405 and 435.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 347, 348, 380, 393 and 404.

SARAH COFFMAN
Fiscal Analysis Division

April 4, 2021

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 346, 367, 371 and 376.

SARAH COFFMAN
Fiscal Analysis Division

April 5, 2021

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 372.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 37, 271, 379 and 414.

SARAH COFFMAN
Fiscal Analysis Division

Assemblywoman Benitez-Thompson moved that the Assembly suspend subsection 4 of Assembly Standing Rule 57 through Friday, April 9, 2021.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 448—AN ACT relating to juvenile justice; designating criminal investigators employed by the Division of Child and Family Services of the Department of Health and Human Services as category II peace officers; and providing other matters properly relating thereto.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 151.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 84.

ASSEMBLYMEN GONZÁLEZ, TORRES; ANDERSON, FLORES, BRITTNEY MILLER, MONROE-MORENO, NGUYEN, SUMMERS-ARMSTRONG, WATTS AND YEAGER

JOINT SPONSORS: SENATORS DONATE, ~~AND~~ HAMMOND, D. HARRIS AND SPEARMAN

AN ACT relating to offenses; revising provisions relating to the collection of delinquent fines, administrative assessments, fees and restitution; revising provisions relating to the suspension of the driver's license of a person under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a court to suspend the driver's license of a defendant or to prohibit a defendant from applying for a driver's license for a specified period, if the court determines that: (1) the defendant has the ability to pay a delinquent fine, administrative assessment, fee or restitution, but is willfully avoiding payment; or (2) the defendant was given the opportunity to perform community service to satisfy the amount due because the defendant is indigent and the defendant has failed to perform such community service. (NRS 176.064) **Section 1** of this bill removes the authority of the court to suspend the driver's license of a defendant or prohibit a defendant from applying for a driver's license for a specified period if the delinquent fine, administrative assessment, fee or restitution was originally imposed for a minor traffic offense.

Existing law requires a court to notify the Department of Motor Vehicles if a driver violates a written promise to appear pursuant to a citation for a violation of a traffic law or ordinance, other than a traffic law or ordinance governing standing or parking. Upon receipt of such notification, the Department must notify the driver that his or her privilege to drive will be suspended unless a hearing is requested or the citation or complaint is otherwise resolved within 30 days. If a hearing is not requested or the citation or complaint is not otherwise resolved within 30 days, then the Department must suspend the driver's license of the driver. (NRS 483.465) **Section 2** of this bill removes the requirement to notify the Department if the violation of the written promise to appear pursuant to a citation was for a minor traffic offense, thereby eliminating the possibility of suspension of the driver's license of a driver who was cited for a minor traffic offense and who violated the written promise to appear.

Section 3 of this bill provides that if, in connection with a citation for a minor traffic offense, on October 1, 2021, the effective date of this bill, a person is subject to a suspension of his or her driver's license or a delay in the issuance of a driver's license imposed for failure to pay a delinquent fine, administrative assessment, fee or restitution or is subject to a suspension of his or her driver's license for violation of a written promise to appear for the citation, then the Department of Motor Vehicles must: (1) immediately

reinstate the driver's license of the person or the ability of the person to apply for the issuance of a driver's license; and (2) notify the person, as soon as possible, of the reinstatement of his or her driver's license or ability to apply for the issuance of a driver's license. **Section 3** also provides that the Department must not charge any fee for the reinstatement of a driver's license or require a person to undergo any physical or mental examination to be eligible for reinstatement of a driver's license.

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

Section 1. NRS 176.064 is hereby amended to read as follows:

176.064 1. If a fine, administrative assessment, fee or restitution is imposed upon a defendant pursuant to this chapter, whether or not the fine, administrative assessment, fee or restitution is in addition to any other punishment, and the fine, administrative assessment, fee or restitution or any part of it remains unpaid after the time established by the court for its payment, the defendant is liable for a collection fee, to be imposed by the court at the time it finds that the fine, administrative assessment, fee or restitution is delinquent, of:

- (a) Not more than \$100, if the amount of the delinquency is less than \$2,000.
- (b) Not more than \$500, if the amount of the delinquency is \$2,000 or greater, but is less than \$5,000.
- (c) Ten percent of the amount of the delinquency, if the amount of the delinquency is \$5,000 or greater.

2. A state or local entity that is responsible for collecting a delinquent fine, administrative assessment, fee or restitution may, in addition to attempting to collect the fine, administrative assessment, fee or restitution through any other lawful means, take the following actions:

- (a) Request that the court take appropriate action pursuant to subsection 3.
- (b) If the defendant has been found guilty of the offense for which the fine, administrative assessment, fee or restitution was imposed, contract with a collection agency licensed pursuant to NRS 649.075 to collect the delinquent amount and the collection fee. The collection agency must be paid as compensation for its services an amount not greater than the amount of the collection fee imposed pursuant to subsection 1, in accordance with the provisions of the contract.

3. The court may, on its own motion or at the request of a state or local entity that is responsible for collecting the delinquent fine, administrative assessment, fee or restitution, take the following actions:

- (a) Enter a civil judgment for the amount due in favor of the state or local entity that is responsible for collecting the delinquent fine, administrative assessment, fee or restitution. A civil judgment entered pursuant to this paragraph may be enforced and renewed in the manner provided by law for the enforcement and renewal of a judgment for money rendered in a civil

action. If the court has entered a civil judgment pursuant to this paragraph and the person against whom the judgment is entered is not indigent and has not satisfied the judgment within the time established by the court, the person may be dealt with as for contempt of court.

(b) ~~##~~ *Except as otherwise provided in this paragraph, if* the court determines that the defendant has the ability to pay the amount due and is willfully avoiding payment, or if the defendant was given the opportunity to perform community service to satisfy the amount due because the defendant is indigent and

the defendant has failed to perform such community service, order the suspension of the driver's license of the defendant. ~~##~~ *Except as otherwise provided in this paragraph, if* the defendant does not possess a driver's license, the court may prohibit the defendant from applying for a driver's license for a specified period. ~~##~~ *Except as otherwise provided in this paragraph, if* the defendant is already the subject of a court order suspending or delaying the issuance of the defendant's driver's license, the court may order the additional suspension or delay, as appropriate, to apply consecutively with the previous order. At the time the court issues an order suspending the driver's license of a defendant pursuant to this paragraph, the court shall require the defendant to surrender to the court all driver's licenses then held by the defendant. The court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles the licenses, together with a copy of the order. At the time the court issues an order pursuant to this paragraph delaying the ability of a defendant to apply for a driver's license, the court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles a copy of the order. The Department of Motor Vehicles shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the defendant's driving record, but such a suspension must not be considered for the purpose of rating or underwriting. ***The provisions of this paragraph do not apply to a delinquent fine, administrative assessment, fee or restitution that was imposed for a minor traffic offense as defined in NRS 176.0643.***

(c) If the court determines that the defendant has the ability to pay the amount due and is willfully avoiding payment, order the confinement of the defendant in the appropriate prison, jail or detention facility, as provided in NRS 176.065 and 176.075.

4. Money collected from a collection fee imposed pursuant to subsection 1 must be distributed in the following manner:

(a) Except as otherwise provided in paragraph (d), if the money is collected by or on behalf of a municipal court, the money must be deposited in a special fund in the appropriate city treasury. The city may use the money in the fund only to develop and implement a program for the collection of fines, administrative assessments, fees and restitution and to hire additional personnel necessary for the success of such a program.

(b) Except as otherwise provided in paragraph (d), if the money is collected by or on behalf of a justice court or district court, the money must be deposited

in a special fund in the appropriate county treasury. The county may use the money in the special fund only to:

(1) Develop and implement a program for the collection of fines, administrative assessments, fees and restitution and to hire additional personnel necessary for the success of such a program; or

(2) Improve the operations of a court by providing funding for:

(I) A civil law self-help center; or

(II) Court security personnel and equipment for a regional justice center that includes the justice courts of that county.

(c) Except as otherwise provided in paragraph (d), if the money is collected by a state entity, the money must be deposited in an account, which is hereby created in the State Treasury. The Court Administrator may use the money in the account only to develop and implement a program for the collection of fines, administrative assessments, fees and restitution in this State and to hire additional personnel necessary for the success of such a program.

(d) If the money is collected by a collection agency, after the collection agency has been paid its fee pursuant to the terms of the contract, any remaining money must be deposited in the state, city or county treasury, whichever is appropriate, to be used only for the purposes set forth in paragraph (a), (b) or (c) of this subsection.

5. Any collection fee imposed pursuant to subsection 1 must be assessed on a per case basis and not on a per charge basis. The provisions of this subsection must not be construed to apply to any credit card processing fees that are assessed solely for the purpose of recouping any costs incurred to process a credit card payment. As used in this subsection, “case” means a single complaint, citation, information or indictment naming a single defendant that is based on the same act or transaction or based on two or more acts or transactions connected together or constituting parts of a common scheme or plan.

Sec. 2. NRS 483.465 is hereby amended to read as follows:

483.465 1. If a driver who holds a Nevada driver’s license violates a written promise to appear pursuant to a citation that was prepared manually or electronically for a violation of a traffic law or ordinance occurring within this State other than one governing standing or parking ~~‡~~ ***or a minor traffic offense as defined in NRS 176.0643***, the clerk of the court shall immediately notify the Department on a form approved by the Department.

2. Upon receipt of notice from a court in this State of a failure to appear, the Department shall notify the driver by mail that his or her privilege to drive is subject to suspension and allow 30 days after the date of mailing the notice to:

(a) Appear in court and obtain a dismissal of the citation or complaint as provided by law;

(b) Appear in court and, if permitted by the court, make an arrangement acceptable to the court to satisfy a judgment of conviction; or

(c) Make a written request to the Department for a hearing.

3. If notified by a court, within 30 days after the notice of a failure to appear, that a driver has been allowed to make an arrangement for the satisfaction of a judgment of conviction, the Department shall remove the suspension from the driver's record. If the driver subsequently defaults on the arrangement with the court, the court shall notify the Department which shall immediately suspend the driver's license until the court notifies the Department that the suspension may be removed.

4. The Department shall suspend the license of a driver 31 days after it mails the notice provided for in subsection 2 to the driver, unless within that time it has received a written request for a hearing from the driver or notice from the court on a form approved by the Department that the driver has appeared or the citation or complaint has been dismissed. A license so suspended remains suspended until further notice is received from the court that the driver has appeared or that the case has been otherwise disposed of as provided by law.

Sec. 3. 1. If, on October 1, 2021, in connection with a citation for a minor traffic offense, a person who has been issued a citation for the minor traffic offense is subject to:

(a) Suspension of his or her driver's license pursuant to paragraph (b) of subsection 3 of NRS 176.064 or NRS 483.465; or

(b) A court order delaying the issuance of a driver's license pursuant to paragraph (b) of subsection 3 of NRS 176.064,

↳ then the Department of Motor Vehicles shall immediately reinstate the driver's license of the person or the ability of the person to apply for the issuance of a driver's license, as applicable, and shall notify the person, as soon as possible, of the reinstatement of his or her driver's license or ability to apply for the issuance of a driver's license.

2. The Department of Motor Vehicles may not:

(a) Charge any fee for the reinstatement of the driver's license of a person in accordance with this section; or

(b) Require a person to undergo any physical or mental examination pursuant to NRS 483.330 or 483.495 to be eligible for reinstatement of his or her driver's license.

3. As used in this section, "minor traffic offense" has the meaning ascribed to it in NRS 176.0643.

Sec. 4. The amendatory provisions of this act apply to offenses committed before, on or after October 1, 2021.

Assemblywoman Gonzalez moved the adoption of the amendment.

Remarks by Assemblywoman Gonzalez.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 182.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 87.

ASSEMBLYMEN TOLLES, ROBERTS, HARDY, YEAGER, O'NEILL; BILBRAY-AXELROD, HANSEN, KASAMA, KRASNER, **MARZOLA** AND NGUYEN
JOINT SPONSORS: SENATORS PICKARD; AND SEEVERS GANSERT

AN ACT relating to crimes; revising the elements of the crime of advancing prostitution; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person is guilty of the crime of advancing prostitution if the person owns, leases, operates, controls or manages any business or private property and: (1) knows or should know that illegal prostitution is being conducted at the business or upon such private property; (2) knows or should know that one or more prostitutes engaging in such illegal prostitution are victims of involuntary servitude; and (3) fails to take reasonable steps to abate such illegal prostitution within 30 days after the person knows or should know about such illegal prostitution. (NRS 201.395) This bill revises the elements of the crime of advancing prostitution by: (1) providing that a person who owns, leases, operates, controls or manages any business or private property is guilty of the crime if the person knows that illegal prostitution is being conducted at the business or upon such private property because the person has been notified, in writing, by a law enforcement agency of at least one incident of illegal prostitution that occurred at the business or upon such private property but fails to take reasonable steps to abate such illegal prostitution within 30 days after receipt of such written notice; (2) removing the elements of the crime relating to involuntary servitude; and (3) removing from the list of actions deemed to be reasonable steps to abate illegal prostitution the promotion of ongoing education for employees about illegal prostitution.

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

Section 1. NRS 201.395 is hereby amended to read as follows:

201.395 1. A person who owns, leases, operates, controls or manages any business or private property ~~and who~~ **is guilty of advancing prostitution if the person:**

(a) Knows ~~for should know~~ that illegal prostitution is being conducted at the business or upon such private property ~~;~~

~~— (b) Knows or should know that one or more prostitutes engaging in such illegal prostitution are victims of involuntary servitude as described in NRS 200.463;~~ **because the person has been notified, in writing, by a law enforcement agency of at least one incident of illegal prostitution that occurred at the business or upon such private property; and**

~~— (c) (b) Fails to take reasonable steps to abate such illegal prostitution within 30 days after the date on which the person knows the circumstances set forth in paragraphs (a) and (b);~~

~~is guilty of advancing prostitution.} receives such written notice from the law enforcement agency.~~

2. Unless a greater penalty is provided by specific statute, a person who is guilty of advancing prostitution shall be punished for a category C felony as provided in NRS 193.130.

3. For the purposes of this section, a person who owns, leases, operates, controls or manages any business or private property shall be deemed ~~to~~

~~—(a) To know that illegal prostitution is being conducted at the business or upon the private property of the person if a law enforcement agency has notified the person who owns, leases, operates, controls or manages the business or private property, in writing, of at least three incidents of illegal prostitution that occurred at the business or upon the private property of the person within a period of 180 consecutive days.~~

~~—(b) To know that one or more prostitutes engaging in such illegal prostitution are victims of involuntary servitude as described in NRS 200.463 if, in light of all the surrounding facts and circumstances which are known to the person at the time, a reasonable person would believe, under those facts and circumstances, that one or more prostitutes engaging in such illegal prostitution are victims of involuntary servitude as described in NRS 200.463.~~

~~—(c) To~~ **to** have taken reasonable steps to abate ~~such~~ illegal prostitution if the person has:

~~{(1)}~~ **(a)** Filed a report of such illegal prostitution with a law enforcement agency;

~~{(2)}~~ **(b)** Allowed a law enforcement agency to conduct surveillance or an unrestricted undercover operation;

~~{(3)}~~ ~~Promoted ongoing education about such illegal prostitution for employees;} or~~

~~{(4)}~~ **(c)** Used any other available legal means to abate such illegal prostitution.

Assemblywoman Tolles moved the adoption of the amendment.

Remarks by Assemblywoman Tolles.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 290.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer, Assembly Bill No. 151 be rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 187.

Bill read third time.

Remarks by Assemblymen Flores and Titus.

ASSEMBLYMAN FLORES:

Assembly Bill 187 designates the month of September of each year as Ovarian and Prostate Cancer Prevention and Awareness Month and requires the Governor to issue annually a proclamation encouraging the observance of Ovarian and Prostate Cancer Prevention and Awareness Month.

ASSEMBLYWOMAN TITUS:

I rise in support of Assembly Bill 187 and designating the month of September as Ovarian and Prostate Cancer Prevention and Awareness Month in Nevada. I would also like to commend the Speaker for his grace in going public about his own experience with this issue. I encourage the practice of a good, healthy lifestyle. Know and speak with your doctor about your family history and follow the national testing guidelines. Early detection is key, and I am fully onboard with the awareness campaign each September.

Roll call on Assembly Bill No. 187:

YEAS—42.

NAYS—None.

Assembly Bill No. 187 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

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 12:08 p.m.

ASSEMBLY IN SESSION

At 5:32 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 156, 165, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SHANNON BILBRAY-AXELROD, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 426, 430, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Mr. Speaker:

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 119, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROCHELLE T. NGUYEN, *Chair*

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywoman Benitez-Thompson:

Assembly Bill No. 449—AN ACT relating to economic development; revising provisions governing the approval of applications for tax abatements by the Office of Economic Development; revising provisions governing the duration of tax abatements approved by the Office; creating and prescribing the duties of the Division of Small Business Development within the Office; requiring businesses receiving certain abatements of taxes to pay a certain percentage of the amount of the partial abatement to the Department of Taxation for deposit in the Account for Affordable Housing; prescribing the use of such payments; and providing other matters properly relating thereto.

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

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 1.

REMARKS FROM THE FLOOR

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Thursday, April 8, 2021, at 11:30 a.m.

Motion carried.

Assembly adjourned at 5:34 p.m.

Approved:

JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly