

# NEVADA LEGISLATURE

Eighty-First Session, 2021

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## ASSEMBLY DAILY JOURNAL

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### THE SEVENTY-FIRST DAY

CARSON CITY (Monday), April 12, 2021

Assembly called to order at 12:39 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Rabbi Benjamin Zober.

O Guardian of life and liberty, may our state always merit Your protection. Teach us to give thanks for what we have by sharing it with those who are in need. Keep our eyes open to the wonders of creation, and alert to the care of the earth. Grant our leaders wisdom and forbearance. May they govern with justice and compassion. Help us all to appreciate one another and to respect the many ways that we may serve You. May our homes be safe from affliction and strife, and our land be sound in body and spirit. Blessed are You Adonai, who hearkens to prayer.

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 Commerce and Labor, to which were referred Assembly Bills Nos. 4, 18, 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 Education, to which were referred Assembly Bills Nos. 19, 415, 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 Growth and Infrastructure, to which was referred Assembly Bill No. 412, 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 Natural Resources, to which were referred Assembly Bills Nos. 6, 31, 34, 40; 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.

HOWARD WATTS, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Joint Resolution No. 1.

Resolution read.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 17.

~~ASSEMBLYWOMAN~~ ASSEMBLYMEN TITUS , BENITEZ-THOMPSON, KRASNER; GORELOW, HAFEN, HANSEN, HARDY, MATTHEWS, NGUYEN, ORENTLICHER, PETERS, SUMMERS-ARMSTRONG AND THOMAS

JOINT SPONSORS: SENATORS HARDY, D. HARRIS, SEEVERS GANSERT; KIECKHEFER AND RATTI

SUMMARY—Proposes to amend the Nevada Constitution to **add and** revise terms relating to persons with certain conditions for whose benefit certain public institutions are supported by the State. (BDR C-477)

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to **add and** revise terms relating to persons with certain conditions for whose benefit certain public institutions are supported by the State.

**Legislative Counsel’s Digest:**

Section 1 of Article 13 of the Nevada Constitution requires that institutions for the benefit of the insane, blind and deaf and dumb be fostered and supported by the State. This joint resolution proposes to amend the Nevada Constitution to revise the description of the persons who benefit from these institutions from: (1) “insane” to “persons with significant mental illness”; (2) “blind” to “persons who are blind or visually impaired”; and (3) “deaf and dumb” to “persons who are deaf or hard of hearing.” **This joint resolution also proposes to amend the Nevada Constitution to add institutions for the benefit of persons with intellectual or developmental disabilities to the types of institutions that shall be fostered and supported by the State.**

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 1 of Article 13 of the Nevada Constitution be amended to read as follows:

Section ~~1~~ 1. Institutions for the benefit of ~~the Insane, Blind and Deaf and Dumb,~~ ***persons with ~~the~~ significant mental illness, persons***

*who are blind or visually impaired, ~~for~~ persons who are deaf or hard of hearing ~~and~~ and persons with intellectual disabilities or developmental disabilities,* and such other benevolent institutions as the public good may require, shall be fostered and supported by the State, subject to such regulations as may be prescribed by law.

And be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblywoman Nguyen moved the adoption of the amendment.

Remarks by Assemblywoman Nguyen.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the Resolution File.

Assembly Joint Resolution No. 7.

Resolution read.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 160.

ASSEMBLYMEN BILBRAY-AXELROD, PETERS; ANDERSON, BENITEZ-THOMPSON, BROWN-MAY, CARLTON, CONSIDINE, DURAN, FLORES, FRIERSON, GONZÁLEZ, GORELOW, KASAMA, KRASNER, MARTINEZ, MARZOLA, C.H. MILLER, MONROE-MORENO, NGUYEN, O'NEILL, ORENTLICHER, SUMMERS-ARMSTRONG, THOMAS, TORRES, WATTS AND YEAGER

JOINT SPONSORS: SENATORS BROOKS, OHRENSCHALL; BUCK, DENIS, DONATE, D. HARRIS, LANGE, RATTI, SCHEIBLE AND SEEVERS GANSERT

ASSEMBLY JOINT RESOLUTION—Urging the Congress of the United States to pass the National Infrastructure Bank Act of 2020.

WHEREAS, The American Society of Civil Engineers (ASCE) stated in its 2017 report card that the United States received a grade of D+ regarding the current state of its infrastructure and that additional revenue is needed to restore the nation's infrastructure to a state of good repair; and

WHEREAS, The ASCE gave the infrastructure of the State of Nevada the following grades in 2018:

1. For aviation, a grade of C;
2. For bridges, a grade of B-;
3. For dams, a grade of D+;
4. For drinking water, a grade of C-;
5. For roads, a grade of C;
6. For schools, a grade of C-;
7. For solid waste, a grade of C;
8. For stormwater, a grade of C;
9. For transit, a grade of C; and
10. For wastewater, a grade of B-; and

WHEREAS, It is estimated that: (1) the rehabilitation and future maintenance of Nevada’s most critical dams will cost up to \$40,000,000; (2) Nevada’s drinking water infrastructure requires a total of \$5.316 billion in needed funding over the next 20 years and \$3.964 billion of that amount is required for large drinking water systems; and (3) the State faces a \$450,000,000 backlog of road and bridge repairs, mostly due to needed repairs in rural areas; and

WHEREAS, A new National Infrastructure Bank would: (1) help finance much of the infrastructure of Nevada in partnership with the state and local governments; (2) support the hiring of people who have lost their jobs during the COVID-19 pandemic; (3) provide training for new infrastructure-related employment, for example, in the construction of a Las Vegas to Los Angeles high speed rail system which would transform transportation; and (4) create new jobs and generate new business opportunities; and

WHEREAS, The National Infrastructure Bank is modeled on previous banks which provided support in building much of the country’s infrastructure under Presidents Washington, Madison, Lincoln and Roosevelt, and the last such bank helped to bring the country out of the Great Depression and World War II; and

WHEREAS, The United States Congress introduced H.R. 6422, 116th Cong. (2020), commonly known as the National Infrastructure Bank Act of 2020, to create a bank authorized to invest \$4,000,000,000,000 in infrastructure projects and which would require no new federal spending, being capitalized by repurposing existing United States Treasury debt; and

WHEREAS, The National Infrastructure Bank will create new high-paying jobs, pay Davis-Bacon wages, ensure project labor agreements and include “Buy American” provisions; and

WHEREAS, Numerous organizations have expressed support for the National Infrastructure Bank Act of 2020, including, the National Congress of Black Women, Inc., the National Association of Counties, the U.S. High Speed Rail Association, the National Latino Farmers and Ranchers Trade Association, the American Sustainable Business Council, the National Association of Minority Contractors and the National Federation of Federal Employees, and seventeen legislatures have introduced or passed resolutions of support, as have county and city councils; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That members of the 81st Session of the Nevada Legislature respectfully urge the Congress of the United States to pass H.R. 6422 to create a National Infrastructure Bank to facilitate efficient, long-term financing of infrastructure projects, business and economic growth and to create new jobs in the United States; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as presiding officer of the United States Senate, the

Speaker of the United States House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Remarks by Assemblywoman Monroe-Moreno.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the Resolution File.

Assembly Joint Resolution No. 10.

Resolution read.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 189.

ASSEMBLYMEN WATTS, C.H. MILLER, FRIERSON, BRITTNEY MILLER, MONROE-MORENO; SUMMERS-ARMSTRONG AND THOMAS

JOINT SPONSORS: SENATORS D. HARRIS, ~~AND~~ NEAL AND SPEARMAN

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Ordinance of the Nevada Constitution and the Nevada Constitution to remove language authorizing the use of slavery and involuntary servitude as a criminal punishment.

**Legislative Counsel's Digest:**

Under the Ordinance of the Nevada Constitution and the Nevada Constitution, slavery and involuntary servitude are prohibited except as punishment for a crime. (Ordinance of the Nevada Constitution; Nev. Const. Art. 1, § 17) This resolution proposes to amend the Ordinance of the Nevada Constitution and the Nevada Constitution to remove language authorizing the use of slavery and involuntary servitude as a criminal punishment. If this resolution is passed by the 2021 Legislature, it must also be passed by the next Legislature and then approved and ratified by voters in an election before the proposed amendments become effective.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the Ordinance of the Nevada Constitution be amended to read as follows:

In obedience to the requirements of an act of the Congress of the United States, approved March twenty-first, A.D. eighteen hundred and sixty-four, to enable the people of Nevada to form a constitution and state government, this convention, elected and convened in obedience to said enabling act, do ordain as follows, and this ordinance shall be irrevocable, without the consent of the United States and the people of the State of Nevada:

First. That there shall be in this state neither slavery nor involuntary servitude . ~~[- otherwise than in the punishment for crimes, whereof the party shall have been duly convicted.]~~

Second. That perfect toleration of religious sentiment shall be secured, and no inhabitant of said state shall ever be molested, in person or property, on account of his or her mode of religious worship.

Third. That the people inhabiting said territory do agree and declare, that they forever disclaim all right and title to the unappropriated public lands lying within said territory, and that the same shall be and remain at the sole and entire disposition of the United States; and that lands belonging to citizens of the United States, residing without the said state, shall never be taxed higher than the land belonging to the residents thereof; and that no taxes shall be imposed by said state on lands or property therein belonging to, or which may hereafter be purchased by, the United States, unless otherwise provided by the congress of the United States.

And be it further

RESOLVED, That Section 17 of Article 1 of the Nevada Constitution be amended to read as follows:

Sec. 17. Neither Slavery nor involuntary servitude ~~unless for the punishment of crimes~~ shall ever be tolerated in this State.

And be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the Resolution File.

Assembly Joint Resolution No. 10 of the 80th Session.

Resolution read.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Joint Resolution 10 of the 80th Session proposes to amend the *Nevada Constitution* to set the minimum wage at \$12 per hour worked beginning July 1, 2024, regardless of whether the employer provides health benefits to employees. The resolution proposes to remove the annual adjustment to the minimum wage and instead provides that if at any time the federal minimum wage is greater than \$12 per hour worked, the state minimum wage is increased to the amount established for the federal minimum wage. Finally, this resolution proposes to allow the Legislature to establish a minimum wage that is greater than the hourly rate set forth in the *Constitution*. This resolution was approved by the 80th Session of the Legislature in 2019. If approved in identical form during the 2021 Legislative Session, the proposal will be submitted to the voters for final approval or disapproval at the 2022 General Election.

Roll call on Assembly Joint Resolution No. 10 of the 80th Session:

YEAS—26.

NAYS—Black, Dickman, Ellison, Hafen, Hansen, Hardy, Kasama, Krasner, Leavitt, Matthews, McArthur, O’Neill, Roberts, Titus, Tolles, Wheeler—16.

Assembly Joint Resolution No. 10 of the 80th Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

NOTICE OF EXEMPTION

April 12, 2021

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 42, 340 and 365.

SARAH COFFMAN  
Fiscal Analysis Division

SECOND READING AND AMENDMENT

Assembly Bill No. 2.

Bill read second time.

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

Amendment No. 57.

AN ACT relating to public bodies; ~~removing~~ **revising provisions relating to** the prohibition against gubernatorial appointees serving simultaneously on more than one board, commission or similar body; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law establishes provisions relating to appointments by the Governor to boards, commissions or similar bodies. ~~[(NRS 232A.020) Section 2 of this]~~ **Under existing law, the Governor is prohibited from appointing a person to a board, commission or similar body if the person is a member of any other board, commission or similar body. (NRS 232A.020) This bill removes** ~~revises~~ the prohibition against ~~the Governor appointing a person to more than one board, commission or similar body at the same time. Sections 1 and 3 of this bill make conforming changes relating to exceptions to the prohibition for members of the Sagebrush Ecosystem Council and the Land Use Planning Advisory Council. (NRS 232.162, 321.740)]~~ **gubernatorial appointees serving simultaneously on multiple boards, commissions or similar bodies by prohibiting the appointment of a person if he or she is a member of three other boards, commissions or similar bodies.**

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

~~Section 1. [NRS 232.162 is hereby amended to read as follows:  
232.162 1. The Sagebrush Ecosystem Council is hereby created in the Department. The Council consists of:  
(a) The following nine voting members appointed by the Governor:  
(1) One member who represents agricultural interests;  
(2) One member who represents the energy industry;  
(3) One member who represents the general public;  
(4) One member who represents conservation and environmental interests;  
(5) One member who represents mining interests;  
(6) One member who represents ranching interests;  
(7) One member who represents local government;~~

- ~~— (8) One member who acts as a liaison for Native American tribes; and~~
- ~~— (9) One member of the Board of Wildlife Commissioners or his or her designee;~~
- ~~— (b) In addition to the members appointed pursuant to paragraph (a), the following nonvoting members:~~
  - ~~— (1) The Director of the State Department of Conservation and Natural Resources;~~
  - ~~— (2) The Director of the Department of Wildlife;~~
  - ~~— (3) The Director of the State Department of Agriculture;~~
  - ~~— (4) The State Director of the Nevada State Office of the Bureau of Land Management;~~
  - ~~— (5) The State Supervisor of the Nevada State Office of the United States Fish and Wildlife Service;~~
  - ~~— (6) The Forest Supervisor for the Humboldt Toiyabe National Forest; and~~
  - ~~— (7) Any other members appointed by the Governor as nonvoting members.~~
- ~~— 2. [The provisions of subsection 6 of NRS 232A.020 do not apply to the appointment by the Governor of the members of the Council.~~
- ~~— 3.] After the initial terms, each member of the Council appointed pursuant to subparagraphs (1) to (8), inclusive, of paragraph (a) of subsection 1 and subparagraph (7) of paragraph (b) of subsection 1 serves a term of 4 years, commencing on July 1.~~
- ~~— [4.] 3. A vacancy in the membership of the Council must be filled in the same manner as the original appointment for the remainder of the unexpired term. A member may be reappointed.~~
- ~~— [5.] 4. While engaged in the business of the Council, each voting member is entitled to receive a salary of not more than \$80 per day, as established by the Council, and the per diem allowance and travel expenses provided for state officers and employees generally.~~
- ~~— [6.] 5. The Council may:~~
  - ~~— (a) Adopt regulations to govern the management and operation of the Council;~~
  - ~~— (b) Establish subcommittees consisting of members of the Council to assist the Council in the performance of its duties; and~~
  - ~~— (c) Consider and require the recovery of costs related to activities prescribed by paragraph (d) of subsection 2 of NRS 321.594 pursuant to NRS 701.600 to 701.640, inclusive, or any other authorized method of recovering these costs.~~
- ~~— [7.] 6. The Council shall:~~
  - ~~— (a) Consider the best science available in its determinations regarding the conservation of the greater sage grouse (*Centrocercus urophasianus*) and sagebrush ecosystems in this State;~~
  - ~~— (b) Establish and carry out strategies for:~~



~~—(1) The conservation of the greater sage grouse and sagebrush ecosystems in this State; and~~

~~—(2) Managing land which includes those sagebrush ecosystems, taking into consideration the importance of those sagebrush ecosystems and the interests of the State;~~

~~—(c) Establish and carry out a long-term system for carrying out strategies to manage sagebrush ecosystems in this State using an adaptive management framework and providing for input from interested persons and governmental entities;~~

~~—(d) Oversee any team within the Division of State Lands of the Department which provides technical services concerning sagebrush ecosystems;~~

~~—(e) Establish a program to mitigate damage to sagebrush ecosystems in this State by authorizing a system that awards credits to persons, federal and state agencies, local governments and nonprofit organizations to protect, enhance or restore sagebrush ecosystems;~~

~~—(f) Solicit suggestions and information and, if necessary, prioritize projects concerning the enhancement of the landscape, the restoration of habitat, the reduction of nonnative grasses and plants and the mitigation of damage to or the expansion of scientific knowledge of sagebrush ecosystems;~~

~~—(g) If requested, provide advice for the resolution of any conflict concerning the management of the greater sage grouse or a sagebrush ecosystem in this State;~~

~~—(h) Coordinate and facilitate discussion among persons, federal and state agencies and local governments concerning the maintenance of sagebrush ecosystems and the conservation of the greater sage grouse;~~

~~—(i) Provide information and advice to persons, federal and state agencies and local governments concerning any strategy, system, program or project carried out pursuant to this section or NRS 321.592 or 321.594; and~~

~~—(j) Provide direction to state agencies concerning any strategy, system, program or project carried out pursuant to this section or NRS 321.592 or 321.594 and resolve any conflict with any direction given by another state board, commission or department jointly with that board, commission or department, as applicable.~~

~~—[8.] 7. On or before June 30 and December 31 of each year, the Council shall submit a written report to the Governor. The report must include, without limitation:~~

~~—(a) Information concerning the overall health and population of the greater sage grouse within this State and in the United States and the overall health of sagebrush ecosystems within this State, including, without limitation, information concerning any threats to the population of sage grouse and any sagebrush ecosystems within this State;~~

~~—(b) Information concerning all strategies, systems, programs and projects carried out pursuant to this section and NRS 321.592 and 321.594, including, without limitation, information concerning the costs, sources of funding and results of those strategies, systems, programs and projects; and~~

~~(e) Any other information specified by the Council.] (Deleted by amendment.)~~

**Sec. 2.** NRS 232A.020 is hereby amended to read as follows:

232A.020 1. Except as otherwise provided in this section, a person appointed to a new term or to fill a vacancy on a board, commission or similar body by the Governor must have, in accordance with the provisions of NRS 281.050, actually, as opposed to constructively, resided, for the 6 months immediately preceding the date of the appointment:

(a) In this State; and

(b) If current residency in a particular county, district, ward, subdistrict or any other unit is prescribed by the provisions of law that govern the position, also in that county, district, ward, subdistrict or other unit.

2. After the Governor's initial appointments of members to boards, commissions or similar bodies, all such members shall hold office for terms of 3 years or until their successors have been appointed and have qualified.

3. A vacancy on a board, commission or similar body occurs when a member dies, resigns, becomes ineligible to hold office or is absent from the State for a period of 6 consecutive months.

4. Any vacancy must be filled by the Governor for the remainder of the unexpired term.

5. A member appointed to a board, commission or similar body as a representative of the general public must be a person who:

(a) Has an interest in and a knowledge of the subject matter which is regulated by the board, commission or similar body; and

(b) Does not have a pecuniary interest in any matter which is within the jurisdiction of the board, commission or similar body.

6. Except as otherwise provided in NRS 232.162, the Governor shall not appoint a person to a board, commission or similar body if the person is a member of [any] three other [board, commission] boards, commissions or similar [body.] bodies.

7. The provisions of subsection 1 do not apply if:

(a) A requirement of law concerning another characteristic or status that a member must possess, including, without limitation, membership in another organization, would make it impossible to fulfill the provisions of subsection 1; or

(b) The membership of the particular board, commission or similar body includes residents of another state and the provisions of subsection 1 would conflict with a requirement that applies to all members of that body.

**Sec. 3.** ~~NRS 321.740 is hereby amended to read as follows:~~

~~321.740 1. The Land Use Planning Advisory Council, consisting of 17 voting members appointed by the Governor and 1 nonvoting member appointed by the Nevada Association of Counties, or its successor organization, is hereby created. [The provisions of subsection 6 of NRS 232A.020 do not apply to members of the Advisory Council who also serve as~~

county commissioners, and the Governor may appoint any such member of the Advisory Council to one other board, commission or similar body.]

~~—2.— One voting member must be appointed to the Advisory Council to represent each county. At least 30 days before the beginning of any term of the representative of a county, or within 30 days after the position of that representative becomes vacant, the board of county commissioners of that county shall submit to the Governor the name of its nominee or a list of the names of not more than three nominees who are elected officials or other representatives of the county for the position to be filled. If a board of county commissioners submits the names of two or more nominees, the board shall number its nominees in order of preference. That order of preference is not binding upon the Governor. The Governor shall appoint the person so nominated or, if more than one person is nominated, one of the persons from the list of nominees.~~

~~—3.— If a board of county commissioners fails to submit the name of its nominee or a list of nominees within the time required by this subsection or subsection 2, the Governor may appoint to the Advisory Council any resident of that county as the representative of the county. If a board has timely submitted the name of its nominee or a list of nominees and the Governor fails to appoint a person so nominated:~~

~~—(a) If one person has been nominated, that person; or~~

~~—(b) If two or more persons have been nominated, the person listed by the board first in order of preference;~~

~~— shall be deemed to be a voting member of the Advisory Council as of the beginning of the new term or, in the case of an appointment to fill a vacancy, the first meeting of the Advisory Council that is held not less than 30 days after the submission of the nomination unless, before that date, the Governor notifies the board in writing that none of its nominees will be appointed to the Advisory Council. Within 30 days after the date of any such notice, the board shall submit to the Governor the name of a new nominee or a list of new nominees.~~

~~—4.— After the initial terms, each voting member serves a term of 3 years and is eligible for reappointment to the Advisory Council.~~

~~—5.— The nonvoting member of the Advisory Council serves at the pleasure of the Nevada Association of Counties, or its successor organization.~~

~~—6.— At its first meeting each year, the Advisory Council shall elect a Chair from among its members.~~

~~—7.— A majority of the voting members of the Advisory Council constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Advisory Council.~~

~~—8.— A board of county commissioners may provide that, while engaged in the business of the Advisory Council, a voting member of the Advisory Council is entitled to receive from the county he or she represents the per diem~~

~~allowance and travel expenses provided by law for state officers and employees generally.] (Deleted by amendment.)~~

**Sec. 4.** This act becomes effective upon passage and approval.

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. 14.

Bill read second time.

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

Amendment No. 22.

AN ACT relating to emergency management; revising requirements regarding the frequency of meetings of the Nevada Resilience Advisory Committee, the Nevada Tribal Emergency Coordinating Council and the State Disaster Identification Coordination Committee; revising provisions relating to the reporting by a provider of health care of certain information regarding the treatment of certain persons to the State Disaster Identification Coordination Committee; revising the duties of the State Disaster Identification Coordination Committee; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law creates the Nevada Resilience Advisory Committee and requires the Nevada Resilience Advisory Committee to perform certain duties relating to emergency management, emergency response and homeland security. (NRS 239C.400, 239C.440) **Section 1** of this bill changes the required frequency in existing law of meetings of the Nevada Resilience Advisory Committee from at least once a month to at least once each quarter. (NRS 239C.410)

Existing law creates the Nevada Tribal Emergency Coordinating Council within the Division of Emergency Management of the Department of Public Safety and requires the Nevada Tribal Emergency Coordinating Council to: (1) perform certain duties relating to emergency management on tribal lands; and (2) meet at least once every 3 months. (NRS 414.165) **Section 2** of this bill instead requires the Nevada Tribal Emergency Coordinating Council to meet as frequently as required to perform its duties, but at least once each quarter.

Existing law establishes the State Disaster Identification Coordination Committee within the Division of Emergency Management and requires the State Disaster Identification Coordination Committee to develop a plan for the sharing of information among state, local and tribal governmental agencies during the existence of a state of emergency or declaration of disaster. (NRS 414.270, 414.280, 414.285) **Section 3** of this bill changes the required frequency in existing law of meetings of the State Disaster Identification

Coordination Committee from at least once each calendar quarter to ~~at least~~ **as frequently as required to perform its duties, but not less than** once each calendar year. (NRS 414.270)

Existing law authorizes the Chief of the Division to activate the State Disaster Identification Coordination Committee or a subcommittee thereof during a state of emergency or a declaration of a disaster. Upon activation, existing law requires the State Disaster Identification Coordination Committee or a subcommittee thereof to: (1) coordinate the sharing of information regarding persons who appear to have been injured or killed or contracted an illness in the emergency; and (2) perform certain other duties. (NRS 414.285)

**Section 5** of this bill removes the requirement that the State Disaster Identification Coordination Committee or a subcommittee thereof perform certain specified duties upon activation, but maintains the requirement in existing law regarding coordinating the sharing of information.

Existing law requires, to the extent feasible, a provider of health care to whom a person comes or is brought for the treatment of an injury inflicted during a state of emergency or declaration of disaster or an illness contracted during a public health emergency or other health event to submit a report to the State Disaster Identification Coordination Committee. (NRS 629.043) **Section 6** of this bill makes the submission of such a report by a provider of health care discretionary. **Section 4** of this bill makes a conforming change related to the submission of the report being made discretionary.

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

**Section 1.** NRS 239C.410 is hereby amended to read as follows:

239C.410 1. The Nevada Resilience Advisory Committee shall meet at the call of the Chair of the Committee as frequently as required to perform its duties, but not less than once ~~per month~~ **each quarter.**

2. A majority of the voting members of the Committee constitutes a quorum for the transaction of business, and a majority of those voting members present at any meeting is sufficient for any official action taken by the Committee.

**Sec. 2.** NRS 414.165 is hereby amended to read as follows:

414.165 1. The Nevada Tribal Emergency Coordinating Council, consisting of not more than 27 members appointed by the Chief, is hereby created within the Division of Emergency Management of the Department of Public Safety. The Chief shall appoint each member from a different federally recognized Indian tribe or nation, all or part of which is located within the boundaries of this State. A member of the Council may not represent more than one federally recognized Indian tribe or nation.

2. The term of office of each member of the Council is 2 years.

3. The Council shall meet at the call of the Chief ~~and at least once every 3 months~~ **as frequently as required to perform its duties, but not less than once each quarter.**

4. The Division of Emergency Management shall provide the Council with administrative support.

5. The Council shall:

- (a) Advise the Chief regarding emergency management on tribal lands;
- (b) Assist in the coordination of mitigation, preparedness, response and recovery activities related to an emergency on tribal lands; and
- (c) Submit an annual report to the Chief on or before January 31 of each year which must include, without limitation:

(1) A summary of the activities of the Council during the immediately preceding calendar year; and

(2) Recommendations relating to emergency management on tribal lands.

6. The Attorney General shall enter into any agreements necessary to carry out the provisions of this section.

**Sec. 3.** NRS 414.270 is hereby amended to read as follows:

414.270 1. A State Disaster Identification Coordination Committee is hereby established within the Division of Emergency Management of the Department of Public Safety. The Chief shall appoint to the State Disaster Identification Coordination Committee:

- (a) One or more representatives of a state or local organization for emergency management;
- (b) One or more representatives of the office of a county coroner;
- (c) One or more representatives of the Office of the Attorney General;
- (d) One or more representatives of the Nevada Hospital Association or its successor organization;
- (e) One or more representatives of a state or local public health agency whose duties relate to emergency preparedness;
- (f) The Chief Medical Officer;
- (g) An employee of the Department of Health and Human Services whose duties relate to ensuring compliance with the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended, and any applicable regulations; and
- (h) A consumer of healthcare services.

2. The State Disaster Identification Coordination Committee shall meet at ~~least~~ **the call of the Chief as frequently as required to perform its duties, but not less than** once each calendar ~~quarter~~ **year**.

3. The provisions of chapter 241 of NRS do not apply to any meeting held by the State Disaster Identification Coordination Committee or a subcommittee thereof.

**Sec. 4.** NRS 414.280 is hereby amended to read as follows:

414.280 The State Disaster Identification Coordination Committee shall:

1. Notify providers of health care, as defined in NRS 629.031, in writing of the ~~requirements~~ **provisions** of NRS 629.043.

2. Develop a plan for performing ~~the~~ **its** duties ~~prescribed in~~ **pursuant to** NRS 414.285 during activation. Such a plan is confidential and must be

securely maintained by each person who has possession, custody or control of the plan.

3. Annually review the plan developed pursuant to subsection 2 and annually practice carrying out the plan.

4. On or before January 31 of each year, submit a report to the Chief, the Governor and the Director of the Legislative Counsel Bureau for transmittal to the next session of the Legislature, if the report is submitted in an even-numbered year, or the Legislative Commission, if the report is submitted in an odd-numbered year. The report must include, without limitation:

(a) A description of the activities of the State Disaster Identification Coordination Committee for the immediately preceding calendar year; and

(b) A summary of any policies or procedures adopted by the State Disaster Identification Coordination Committee for the immediately preceding calendar year.

**Sec. 5.** NRS 414.285 is hereby amended to read as follows:

414.285 ~~1-1~~ The Chief may activate the State Disaster Identification Coordination Committee or any subcommittee thereof to coordinate the sharing of information among state, local and tribal governmental agencies regarding persons who appear to have been injured or killed or contracted an illness:

~~{(a)}~~ 1. During the existence of a state of emergency or declaration of disaster pursuant to NRS 414.070 or a public health emergency or other health event pursuant to NRS 439.970; or

~~{(b)}~~ 2. During an emergency in a political subdivision, upon the request of a political subdivision, if the Chief determines that the political subdivision requires the services of the Committee.

~~{2.} If activated pursuant to subsection 1, the State Disaster Identification Coordination Committee or subcommittee thereof shall:~~

~~—(a) Determine which state, local or tribal governmental agencies have a legitimate need for the information received pursuant to NRS 629.043 and distribute that information to those agencies.~~

~~—(b) Determine the specific information a state, local or tribal governmental agency must share to assist other state, local or tribal governmental agencies to:~~

~~—(1) Identify a person who appears to have been injured or killed or contracted an illness as a result of the emergency, disaster or other event;~~

~~—(2) Notify members of the family of a person who appears to have been injured or killed or contracted an illness as a result of the emergency, disaster or other event; or~~

~~—(3) Reunite a person who appears to have been injured or killed or contracted an illness as a result of the emergency, disaster or other event with members of his or her family.~~

~~—(c) Establish a registry of persons who appear to have been injured or killed or contracted an illness as a result of the emergency, disaster or other event and make the registry available to state, local or tribal governmental agencies.~~

~~(d) Ensure compliance with the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended, and any applicable regulations and any other federal or state law.]~~

**Sec. 6.** NRS 629.043 is hereby amended to read as follows:

629.043 1. ~~[To the extent feasible, every]~~ A provider of health care to whom any person comes or is brought for the treatment of an injury which the provider concludes was inflicted during the existence of a state of emergency or declaration of disaster pursuant to NRS 414.070 or an illness which the provider concludes was contracted during a public health emergency or other health event pursuant to NRS 439.970 ~~[shall]~~ **may** submit a written report electronically to the State Disaster Identification Coordination Committee. ~~[on a form prescribed by the State Disaster Identification Coordination Committee.]~~

2. ~~[The]~~ **If a provider of health care submits a report [required by] pursuant to subsection 1 , the report** must include, without limitation:

- (a) The name, address, telephone number and electronic mail address of the person treated, if known;
- (b) The location where the person was treated; and
- (c) The character or extent of the injuries or illness of the person treated.

3. A provider of health care and his or her agents and employees are immune from any civil action for any disclosures made in good faith in accordance with the provisions of this section.

**Sec. 7.** This act becomes effective upon passage and approval.

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. 17.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 71.

AN ACT relating to convicted persons; eliminating the distinction between an honorable discharge and a dishonorable discharge from probation or parole; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes a court to grant an honorable discharge or a dishonorable discharge from probation under certain circumstances. (NRS 176A.850) **Section 2** of this bill eliminates the distinction between an honorable discharge and a dishonorable discharge from probation. **Sections ~~1.5~~ and 3** of this bill make conforming changes by eliminating certain procedural distinctions related to a dishonorable discharge from probation.

Existing law requires the Division of Parole and Probation of the Department of Public Safety to issue an honorable discharge or a dishonorable discharge from parole under certain circumstances. (NRS 213.154) **Section 4**



of this bill eliminates the distinction between an honorable discharge and a dishonorable discharge from parole, and instead requires the Division to discharge a person from parole upon the expiration of his or her term of sentence. **Section 5** of this bill makes a conforming change related to the elimination of the distinction between an honorable discharge and a dishonorable discharge ~~from~~ **from parole.**

**Existing law requires the Division to collect and report to the Nevada Sentencing Commission certain information relating to the number of persons on probation or parole. (NRS 176.01343) Section 1 of this bill eliminates the distinction between an honorable discharge and a dishonorable discharge from probation or parole for purposes of collecting and reporting such information.**

**Section 6** of this bill makes the elimination of the distinction between an honorable discharge and a dishonorable discharge applicable to persons: (1) serving a term of probation or on parole on the effective date of this bill; or (2) released on probation or parole on or after the effective date of this bill.

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

**Section 1. NRS 176.01343 is hereby amended to read as follows:**

176.01343 1. The Sentencing Commission shall:

(a) Track and assess outcomes resulting from the enactment of chapter 633, Statutes of Nevada 2019, including, without limitation, the following data from the Department of Corrections:

(1) With respect to prison admissions:

(I) The total number of persons admitted to prison by type of offense, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age and, if measured upon intake, risk score;

(II) The average minimum and maximum sentence term by type of offense, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score; and

(III) The number of persons who received a clinical assessment identifying a mental health or substance use disorder upon intake.

(2) With respect to parole and release from prison:

(I) The average length of stay in prison for each type of release by type of offense, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;

(II) The total number of persons released from prison each year by type of release, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;

(III) The recidivism rate of persons released from prison by type of release; and

(IV) The total number of persons released from prison each year who return to prison within 36 months by type of admission, type of release, type of return to prison, including, without limitation, whether such a subsequent prison admission was the result of a new felony conviction or a revocation of parole due to a technical violation, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score.

(3) With respect to the number of persons in prison:

(I) The total number of persons held in prison on December 31 of each year, not including those persons released from a term of prison who reside in a parole housing unit, by type of offense, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;

(II) The total number of persons held in prison on December 31 of each year who have been granted parole by the State Board of Parole Commissioners but remain in custody, and the reasons therefor;

(III) The total number of persons held in prison on December 31 of each year who are serving a sentence of life with or without the possibility of parole or who have been sentenced to death; and

(IV) The total number of persons as of December 31 of each year who have started a treatment program while in prison, have completed a treatment program while in prison and are awaiting a treatment program while in prison, by type of treatment program and type of offense.

(b) Track and assess outcomes resulting from the enactment of chapter 633, Statutes of Nevada 2019, with respect to the following data, which the Division shall collect and report to the Sentencing Commission:

(1) With respect to the number of persons on probation or parole:

(I) The total number of supervision intakes by type of offense, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;

(II) The average term of probation imposed for persons on probation by type of offense;

(III) The average time served by persons on probation or parole by ~~type of discharge,~~ felony category and type of offense;

(IV) The average time credited to a person's term of probation or parole as a result of successful compliance with supervision;

(V) The total number of supervision discharges ~~by type of discharge, including, without limitation, honorable discharges and dishonorable discharges,~~ and cases resulting in a return to prison;

(VI) The recidivism rate of persons discharged from supervision, ~~by type of discharge,~~ according to the Division's internal definition of recidivism;

(VII) The number of persons identified as having a mental health issue or a substance use disorder; and

(VIII) The total number of persons on probation or parole who are located within this State on December 31 of each year, not including those persons who are under the custody of the Department of Corrections.

(2) With respect to persons on probation or parole who violate a condition of supervision or commit a new offense:

(I) The total number of revocations and the reasons therefor, including, without limitation, whether the revocation was the result of a mental health issue or substance use disorder;

(II) The average amount of time credited to a person's suspended sentence or the remainder of the person's sentence from time spent on supervision;

(III) The total number of persons receiving administrative or jail sanctions, by type of offense and felony category; and

(IV) The median number of administrative sanctions issued by the Division to persons on supervision, by type of offense and felony category.

(c) Track and assess outcomes resulting from the enactment of chapter 633, Statutes of Nevada 2019, with respect to savings and reinvestment, including, without limitation:

(1) The total amount of annual savings resulting from the enactment of any legislation relating to the criminal justice system;

(2) The total annual costs avoided by this State because of the enactment of chapter 633, Statutes of Nevada 2019, as calculated pursuant to NRS 176.01347; and

(3) The entities that received reinvestment funds, the total amount directed to each such entity and a description of how the funds were used.

(d) Track and assess trends observed after the enactment of chapter 633, Statutes of Nevada 2019, including, without limitation, the following data, which the Central Repository for Nevada Records of Criminal History shall collect and report to the Sentencing Commission as reported to the Federal Bureau of Investigation:

(1) The uniform crime rates for this State and each county in this State by index crimes and type of crime; and

(2) The percentage changes in uniform crime rates for this State and each county in this State over time by index crimes and type of crime.

(e) Identify gaps in this State's data tracking capabilities related to the criminal justice system and make recommendations for filling any such gaps.

(f) Prepare and submit a report not later than the first day of the second full week of each regular session of the Legislature to the Governor, the Director of the Legislative Counsel Bureau for transmittal to the Legislature and the Chief Justice of the Nevada Supreme Court. The report must include recommendations for improvements, changes and budgetary adjustments and may also present additional recommendations for future legislation and policy options to enhance public safety and control corrections costs.

(g) Employ and retain other professional staff as necessary to coordinate performance and outcome measurement and develop the report required pursuant to this section.

2. As used in this section:

(a) “Technical violation” has the meaning ascribed to it in NRS 176A.510.

(b) “Type of admission” means the manner in which a person entered into the custody of the Department of Corrections, according to the internal definitions used by the Department of Corrections.

(c) “Type of offense” means an offense categorized by the Department of Corrections as a violent offense, sex offense, drug offense, property offense, DUI offense or other offense, consistent with the internal data systems used by the Department of Corrections.

~~Section 1.1~~ **Sec. 1.5.** NRS 176A.500 is hereby amended to read as follows:

176A.500 1. Except as otherwise provided in subsection 2, the period of probation or suspension of sentence may be indeterminate or may be fixed by the court and may at any time be extended or terminated by the court, but the period, including any extensions thereof, must not be more than:

(a) Twelve months for a:

(1) Gross misdemeanor; or

(2) Suspension of sentence pursuant to NRS 176A.240, 176A.260, 176A.290 or 453.3363;

(b) Eighteen months for a category E felony;

(c) Twenty-four months for a category C or D felony;

(d) Thirty-six months for a category B felony; or

(e) Notwithstanding the provisions of paragraphs (a) to (d), inclusive, 60 months for a violent or sexual offense as defined in NRS 202.876 or a violation of NRS 200.508.

2. The court may extend the period of probation or suspension of sentence ordered pursuant to subsection 1 for a period of not more than 12 months if such an extension is necessary for the defendant to complete his or her participation in a specialty court program.

3. At any time during probation or suspension of sentence, the court may issue a warrant for violating any of the conditions of probation or suspension of sentence and cause the defendant to be arrested. Except ~~for the purpose of giving a dishonorable discharge from probation, and except~~ as otherwise provided in this subsection, the time during which a warrant for violating any of the conditions of probation is in effect is not part of the period of probation. If the warrant is cancelled or probation is reinstated, the court may include any amount of that time as part of the period of probation.

4. Any parole and probation officer or any peace officer with power to arrest may arrest a probationer without a warrant, or may deputize any other officer with power to arrest to do so by giving the probationer a written statement setting forth that the probationer has, in the judgment of the parole and probation officer, violated the conditions of probation. Except as otherwise

provided in subsection 5, the parole and probation officer or the peace officer, after making an arrest, shall present to the detaining authorities, if any, a statement of the charges against the probationer. The parole and probation officer shall at once notify the court which granted probation of the arrest and detention or residential confinement of the probationer and shall submit a report in writing showing in what manner the probationer has violated the conditions of probation.

5. A parole and probation officer or a peace officer may immediately release from custody without any further proceedings any person the officer arrests without a warrant for violating a condition of probation if the parole and probation officer or peace officer determines that there is no probable cause to believe that the person violated the condition of probation.

6. A person who is sentenced to serve a period of probation for a felony or a gross misdemeanor must be allowed for the period of the probation a deduction of:

(a) Ten days from that period for each month the person serves and is current with any fee to defray the costs of his or her supervision charged by the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 213.1076 and with any payment of restitution ordered by the court, including, without limitation, any payment of restitution required pursuant to NRS 176A.430. A person shall be deemed to be current with any such fee and payment of restitution for any given month if, during that month, the person makes at least the minimum monthly payment established by the court or, if the court does not establish a minimum monthly payment, by the Division.

(b) Except as otherwise provided in subsection 8, 10 days from that period for each month the person serves and is actively involved in employment or enrolled in a program of education, rehabilitation or any other program approved by the Division.

7. A person must be allowed a deduction pursuant to paragraph (a) or (b) of subsection 6 regardless of whether the person has satisfied the requirements of the other paragraph and must be allowed a deduction pursuant to paragraphs (a) and (b) of subsection 6 if the person has satisfied the requirements of both paragraphs of that subsection.

8. A person who is sentenced to serve a period of probation for a felony or a gross misdemeanor and who is a participant in a specialty court program must be allowed a deduction from the period of probation for being actively involved in employment or enrolled in a program of education, rehabilitation or any other program approved by the Division only if the person successfully completes the specialty court program. Such a deduction must not exceed the length of time remaining on the person's period of probation.

**Sec. 2.** NRS 176A.850 is hereby amended to read as follows:

176A.850 1. A person ~~who~~:

(a) ~~Has~~ **Who has** fulfilled the conditions of probation for the entire period thereof; **or**

~~(b) Is recommended for earlier discharge by the Division; or~~  
~~(c) Has demonstrated fitness for honorable discharge but because of economic hardship, verified by the Division, has been unable to make restitution as ordered by the court.]~~ ***Whose term of probation has expired,***  
→ ~~[may] must~~ be granted ~~[an honorable] a~~ discharge from probation by order of the court.

2. A person ~~[whose term of probation has expired and:~~  
~~(a) Whose whereabouts are unknown;~~  
~~(b) Who has failed to make restitution in full as ordered by the court, without a verified showing of economic hardship; or~~  
~~(c) Who has otherwise failed to qualify for an honorable discharge as provided in subsection 1,~~  
→ is not eligible for an honorable discharge and must be given a dishonorable discharge. A dishonorable discharge releases the person from any further obligation, ~~except as otherwise provided in subsection 3.]~~ ***who is recommended for early discharge pursuant to NRS 176A.840 may be granted a discharge from probation by order of the court.***

3. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of discharge and is enforceable pursuant to NRS 176.275.

4. A person who has been discharged from probation:

(a) Is free from the terms and conditions of probation.

(b) Is immediately restored to the right to serve as a juror in a civil action.

(c) Four years after the date of discharge from probation, is restored to the right to hold office.

(d) Six years after the date of discharge from probation, is restored to the right to serve as a juror in a criminal action.

(e) If the person meets the requirements of NRS 179.245, may apply to the court for the sealing of records relating to the conviction.

(f) Must be informed of the provisions of this section and NRS 179.245 in the person's probation papers.

(g) Is exempt from the requirements of chapter 179C of NRS, but is not exempt from the requirements of chapter 179D of NRS.

(h) Shall disclose the conviction to a gaming establishment and to the State and its agencies, departments, boards, commissions and political subdivisions, if required in an application for employment, license or other permit. As used in this paragraph, "establishment" has the meaning ascribed to it in NRS 463.0148.

(i) Except as otherwise provided in paragraph (h), need not disclose the conviction to an employer or prospective employer.

5. The prior conviction of a person who has been discharged from probation may be used for purposes of impeachment. In any subsequent prosecution of the person, the prior conviction may be pleaded and proved if otherwise admissible.

6. Upon discharge from probation, the person so discharged must be given an official document which provides:

(a) That the person has received ~~{an honorable}~~ a discharge ~~{or dishonorable discharge, as applicable,}~~ from probation;

(b) That the person is restored to his or her civil right to serve as a juror in a civil action as of the date of his or her discharge from probation;

(c) The date on which the person's civil right to hold office will be restored pursuant to paragraph (c) of subsection 4; and

(d) The date on which the person's civil right to serve as a juror in a criminal action will be restored pursuant to paragraph (d) of subsection 4.

7. A person who has been discharged from probation in this State or elsewhere and whose official documentation of discharge from probation is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore the person's civil rights pursuant to this section. Upon verification that the person has been discharged from probation and is eligible to be restored to the civil rights set forth in subsection 4, the court shall issue an order restoring the person to the civil rights set forth in subsection 4. A person must not be required to pay a fee to receive such an order.

8. A person who has been discharged from probation in this State or elsewhere may present:

(a) Official documentation of discharge from probation, if it contains the provisions set forth in subsection 6; or

(b) A court order restoring the person's civil rights,  
↪ as proof that the person has been restored to the civil rights set forth in subsection 4.

**Sec. 3.** NRS 179.2445 is hereby amended to read as follows:

179.2445 ~~{1.}~~ ~~Except as otherwise provided in subsection 2, upon~~ *Upon* the filing of a petition for the sealing of records pursuant to NRS 179.245, 179.255, 179.259 or 179.2595, there is a rebuttable presumption that the records should be sealed if the applicant satisfies all statutory requirements for the sealing of the records.

~~{2. The presumption set forth in subsection 1 does not apply to a defendant who is given a dishonorable discharge from probation pursuant to NRS 176A.850 and applies to the court for the sealing of records relating to the conviction.}~~

**Sec. 4.** NRS 213.154 is hereby amended to read as follows:

213.154 1. The Division shall issue ~~{an honorable}~~ a discharge to a parolee whose term of sentence has expired. ~~{if the parolee has:~~

~~—(a) Fulfilled the conditions of his or her parole for the entire period of his or her parole; or~~

~~—(b) Demonstrated his or her fitness for honorable discharge but because of economic hardship, verified by a parole and probation officer, has been unable to make restitution as ordered by the court.}~~

2. ~~{The Division shall issue a dishonorable discharge to a parolee whose term of sentence has expired if:~~

~~—(a) The whereabouts of the parolee are unknown;~~

~~—(b) The parolee has failed to make full restitution as ordered by the court, without a verified showing of economic hardship; or~~

~~—(c) The parolee has otherwise failed to qualify for an honorable discharge pursuant to subsection 1.~~

~~—3.1~~ Any amount of restitution that remains unpaid by a person after the person has been discharged from parole constitutes a civil liability as of the date of discharge and is enforceable pursuant to NRS 176.275.

**Sec. 5.** NRS 213.155 is hereby amended to read as follows:

213.155 1. A person who receives a discharge from parole pursuant to NRS 213.154:

(a) Is immediately restored to the right to serve as a juror in a civil action.

(b) Four years after the date of his or her discharge from parole, is restored to the right to hold office.

(c) Six years after the date of his or her discharge from parole, is restored to the right to serve as a juror in a criminal action.

2. Upon his or her discharge from parole, a person so discharged must be given an official document which provides:

(a) That the person has received ~~an honorable~~ a discharge ~~for~~ ~~dishonorable discharge, as applicable,~~ from parole;

(b) That the person is restored to his or her civil right to serve as a juror in a civil action as of the date of his or her discharge from parole;

(c) The date on which his or her civil right to hold office will be restored to the person pursuant to paragraph (b) of subsection 1; and

(d) The date on which his or her civil right to serve as a juror in a criminal action will be restored to the person pursuant to paragraph (c) of subsection 1.

3. A person who has been discharged from parole in this State or elsewhere and whose official documentation of his or her discharge from parole is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has been discharged from parole and is eligible to be restored to the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 1. A person must not be required to pay a fee to receive such an order.

4. A person who has been discharged from parole in this State or elsewhere may present:

(a) Official documentation of his or her discharge from parole, if it contains the provisions set forth in subsection 2; or

(b) A court order restoring his or her civil rights,  
↪ as proof that the person has been restored to the civil rights set forth in subsection 1.

5. The Board may adopt regulations necessary or convenient for the purposes of this section.

**Sec. 6.** The amendatory provisions of this act apply to any person who is:

1. Serving a term of probation or is on parole on the effective date of this act; or



2. Released on probation or parole on or after the effective date of this act.

**Sec. 7.** This act becomes effective upon passage and approval.

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. 21.

Bill read second time.

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

Amendment No. 58.

AN ACT relating to confidential information; authorizing a person for whom a fictitious address is issued by the Division of Child and Family Services of the Department of Health and Human Services to request a county recorder or county assessor to maintain certain personal information in a confidential manner; revising the personal information that must be maintained in a confidential manner when such a person is a registered voter; authorizing such a person to request the Department of Motor Vehicles display an alternate address on the person's driver's license, commercial driver's license or identification card; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes certain persons to obtain a court order to require a county assessor or county recorder to maintain the personal information of the person contained in their records in a confidential manner. Personal information includes the person's home address, telephone number and electronic mail address. (NRS 247.520, 247.530, 247.540, 250.120, 250.130, 250.140) Existing law also: (1) authorizes the Division of Child and Family Services of the Department of Health and Human Services to issue a fictitious address to a victim, or the parent or guardian of a victim, of domestic violence, human trafficking, sexual assault or stalking who applies for the issuance of a fictitious address; and (2) prohibits a governmental entity from making available for inspection or copying any records that contain the name, telephone number, confidential address, fictitious address or image of any such person for whom a fictitious address has been issued unless the governmental entity is otherwise required by law to do so. (NRS 217.462, 217.464) **Sections 1-4** of this bill authorize a person for whom a fictitious address has been issued by the Division to request a county assessor or county recorder to maintain the personal information of the person contained in their records in a confidential manner without having to obtain a court order.

Existing law: (1) authorizes a person for whom a fictitious address has been issued by the Division to register to vote and update his or her voter registration; and (2) prohibits, with limited exception, the county clerk from making such a person's name, confidential address or fictitious address

available for inspection or copying or inclusion in any list that is made available for public inspection. (NRS 293.5002) **Section 5** of this bill: (1) prohibits the Secretary of State or a city clerk from making such information available; and (2) prohibits the Secretary of State or a county or city clerk from making available the person's telephone number and electronic mail address.

Existing law authorizes certain persons to request that the Department of Motor Vehicles display an alternate address on the person's driver's license, commercial driver's license or identification card. (NRS 481.091) **Section 6** of this bill authorizes any person for whom a fictitious address has been issued by the Division to also make such a request.

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

**Section 1.** NRS 247.530 is hereby amended to read as follows:

247.530 1. ~~Any~~ *Except as otherwise provided in subsection 2, any person or entity listed in NRS 247.540 who wishes to have the personal information of the person or entity that is contained in the records of a county recorder be kept confidential must obtain an order of a court that requires the county recorder to maintain the personal information of the person or entity in a confidential manner. Such an order must be based on a sworn affidavit by the person or, if an entity, a person authorized to sign on behalf of the entity, which affidavit:*

(a) States that the affiant qualifies as a person listed in NRS 247.540 or that the entity on behalf of whom the person is signing qualifies as an entity listed in NRS 247.540;

(b) Sets forth sufficient justification for the request for confidentiality; and

(c) Sets forth the document numbers of all records of a county recorder that contain confidential information.

2. *A person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive, may request the county recorder to maintain the personal information of the person in a confidential manner without obtaining a court order pursuant to subsection 1 by submitting to the county recorder ~~the~~ :*

*(a) A sworn affidavit which:*

~~(a)~~ *(1) States that the affiant has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive; and*

~~(b)~~ *(2) Sets forth the document numbers of all records of a county recorder that contain confidential information ~~the~~; and*

*(b) Proof that the person has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive, including, without limitation, a confirmation letter and a copy of the enrollment card if such documents are issued by the Division of Child and Family Services of the Department of Health and Human Services.*

**↪ Upon request of the county recorder, the Division shall verify whether a person who has submitted a request pursuant to this subsection has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive.**

3. Upon receipt of ~~such~~ an order ~~it~~ **obtained pursuant to subsection 1 or a request made pursuant to subsection 2**, a county recorder shall keep such information confidential and shall not:

(a) Disclose the confidential information to anyone, unless disclosure is specifically authorized in writing by that person or entity; or

(b) Post the confidential information on the Internet or its successor, if any, or make the information available to others in any other way.

**Sec. 2.** NRS 247.540 is hereby amended to read as follows:

247.540 1. The following persons may request that the personal information described in subsection 1, 2 or 3 of NRS 247.520 that is contained in the records of a county recorder be kept confidential:

(a) Any justice or judge in this State.

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master in this State.

(d) Any clerk of a court, court administrator or court executive officer in this State.

(e) Any district attorney or attorney employed by the district attorney who as part of his or her normal job responsibilities prosecutes persons for:

(1) Crimes that are punishable as category A felonies; or

(2) Domestic violence.

(f) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:

(1) Crimes that are punishable as category A felonies; or

(2) Domestic violence.

(g) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:

(1) Interacts with the public; and

(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

(h) Any county manager in this State.

(i) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:

(1) Who possesses specialized training in code enforcement;

(2) Who, as part of his or her normal job responsibilities, interacts with the public; and

(3) Whose primary duties are the performance of tasks related to code enforcement.

(j) The spouse, domestic partner or minor child of a person described in paragraphs (a) to (i), inclusive.

(k) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to (i), inclusive, who was killed in the performance of his or her duties.

***(l) Any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.***

2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS 247.520 that is contained in the records of a county recorder be kept confidential.

3. As used in this section:

(a) “Child protective services” has the meaning ascribed to it in NRS 432B.042.

(b) “Child welfare services” has the meaning ascribed to it in NRS 432B.044.

(c) “Code enforcement” means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) “Social worker” means any person licensed under chapter 641B of NRS.

**Sec. 3.** NRS 250.130 is hereby amended to read as follows:

250.130 1. ~~Any~~ ***Except as otherwise provided in subsection 2, any*** person or entity listed in NRS 250.140 who wishes to have the personal information of the person or entity that is contained in the records of a county assessor be kept confidential must obtain an order of a court that requires the county assessor to maintain the personal information of the person or entity in a confidential manner. Such an order must be based on a sworn affidavit by the person or, if an entity, a person authorized to sign on behalf of the entity, which affidavit:

(a) States that the affiant qualifies as a person listed in NRS 250.140 or that the entity on behalf of whom the person is signing qualifies as an entity listed in NRS 250.140; and

(b) Sets forth sufficient justification for the request for confidentiality.

2. ***A person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive, may request a county assessor to maintain the personal information of the person in a confidential manner without obtaining a court order pursuant to subsection 1 by submitting to the county ~~recorder~~ assessor:***

***(a) A sworn affidavit which states that the affiant has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive ~~and~~; and***

***(b) Proof that the person has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive, including, without limitation, a confirmation letter and a copy of the enrollment card if such documents are issued by the Division of Child and Family Services of the Department of Health and Human Services.***

**↪ Upon request of the county assessor, the Division shall verify whether a person who has submitted a request pursuant to this subsection has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive.**

3. Upon receipt of ~~such~~ an order ~~that~~ **obtained pursuant to subsection 1 or a request made pursuant to subsection 2**, a county assessor shall keep such information confidential and shall not:

(a) Disclose the confidential information to anyone, unless disclosure is specifically authorized in writing by that person or entity; or

(b) Post the confidential information on the Internet or its successor, if any, or make the information available to others in any other way.

**Sec. 4.** NRS 250.140 is hereby amended to read as follows:

250.140 1. The following persons may request that personal information described in subsection 1, 2 or 3 of NRS 250.120 that is contained in the records of a county assessor be kept confidential:

(a) Any justice or judge in this State.

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master in this State.

(d) Any clerk of a court, court administrator or court executive officer in this State.

(e) Any peace officer or retired peace officer.

(f) Any prosecutor.

(g) Any state or county public defender.

(h) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities interacts with the public and performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

(i) Any county manager in this State.

(j) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer who possesses specialized training in code enforcement, interacts with the public and whose primary duties are the performance of tasks related to code enforcement.

(k) The spouse, domestic partner or minor child of a person described in paragraphs (a) to (j), inclusive.

(l) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to (j), inclusive, who was killed in the performance of his or her duties.

***(m) Any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.***

2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS 250.120 that is contained in the records of a county assessor be kept confidential.

3. As used in this section:

(a) “Child protective services” has the meaning ascribed to it in NRS 432B.042.

(b) “Child welfare services” has the meaning ascribed to it in NRS 432B.044.

(c) “Code enforcement” means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) “Peace officer” means:

(1) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and

(2) Any person:

(I) Who resides in this State;

(II) Whose primary duties are to enforce the law; and

(III) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret Service, United States Department of Homeland Security or United States Department of the Treasury.

(e) “Prosecutor” has the meaning ascribed to it in NRS 241A.030.

(f) “Social worker” means any person licensed under chapter 641B of NRS.

**Sec. 5.** NRS 293.5002 is hereby amended to read as follows:

293.5002 1. The Secretary of State shall establish procedures to allow a person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive, to:

(a) Preregister or register to vote; and

(b) Vote by absent ballot,

↪ without revealing the confidential address of the person.

2. In addition to establishing appropriate procedures or developing forms pursuant to subsection 1, the Secretary of State shall develop a form to allow a person for whom a fictitious address has been issued to preregister or register to vote or to change the address of the person’s current preregistration or registration, as applicable. The form must include:

(a) A section that contains the confidential address of the person; and

(b) A section that contains the fictitious address of the person.

3. Upon receiving a completed form from a person for whom a fictitious address has been issued, the Secretary of State shall:

(a) On the portion of the form that contains the fictitious address of the person, indicate the county and precinct in which the person will vote and forward this portion of the form to the appropriate county clerk; and

(b) File the portion of the form that contains the confidential address.

4. Notwithstanding any other provision of law, any request received by the Secretary of State pursuant to subsection 3 shall be deemed a request for a permanent absent ballot.

5. Notwithstanding any other provision of law:

(a) The Secretary of State and each county clerk shall keep the portion of the form developed pursuant to subsection 2 that he or she retains separate from other applications for preregistration or registration.

(b) The **Secretary of State or a county or city** clerk shall not make the name, confidential address, ~~or~~ fictitious address, **telephone number or electronic mail address** of the person who has been issued a fictitious address available for:

- (1) Inspection or copying; or
- (2) Inclusion in any list that is made available for public inspection,

↪ unless directed to do so by lawful order of a court of competent jurisdiction.

**Sec. 6.** NRS 481.091 is hereby amended to read as follows:

481.091 1. The following persons may request that the Department display an alternate address on the person's driver's license, commercial driver's license or identification card:

- (a) Any justice or judge in this State.
- (b) Any senior justice or senior judge in this State.
- (c) Any court-appointed master in this State.
- (d) Any clerk of the court, court administrator or court executive officer in this State.

(e) Any prosecutor who as part of his or her normal job responsibilities prosecutes persons for:

- (1) Crimes that are punishable as category A felonies; or
- (2) Domestic violence.

(f) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:

- (1) Crimes that are punishable as category A felonies; or
- (2) Domestic violence.

(g) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:

- (1) Interacts with the public; and
- (2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

(h) Any county manager in this State.

(i) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:

- (1) Who possesses specialized training in code enforcement;
- (2) Who, as part of his or her normal job responsibilities, interacts with the public; and
- (3) Whose primary duties are the performance of tasks related to code enforcement.

(j) The spouse, domestic partner or minor child of a person described in paragraphs (a) to (i), inclusive.

(k) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to (i), inclusive, who was killed in the performance of his or her duties.

***(l) Any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.***

2. A person who wishes to have an alternate address displayed on his or her driver's license, commercial driver's license or identification card pursuant to this section must submit to the Department satisfactory proof:

(a) That he or she is a person described in subsection 1; and

(b) Of the person's address of principal residence and mailing address, if different from the address of principal residence.

3. A person who obtains a driver's license, commercial driver's license or identification card that displays an alternate address pursuant to this section may subsequently submit a request to the Department to have his or her address of principal residence displayed on his or her driver's license, commercial driver's license or identification card instead of the alternate address.

4. The Department may adopt regulations to carry out the provisions of this section.

5. As used in this section:

(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.

(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) "Social worker" means any person licensed under chapter 641B of NRS.

**Sec. 7.** This act becomes effective upon passage and approval.

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. 23.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 72.

AN ACT relating to criminal procedure; revising the procedure for the commitment of certain criminal defendants whom the court finds to be incompetent to the custody of the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides that if a court dismisses the proceedings against a defendant who is charged with any category A felony or certain category B felonies because the court finds that the defendant is incompetent with no



substantial probability of attaining competence in the foreseeable future, the prosecuting attorney is authorized to file a motion with the court for a hearing to determine whether to commit the person to the custody of the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services. Existing law requires the hearing to be scheduled within 10 judicial days after the filing of the motion. After the motion is filed, the Division is required to perform a comprehensive risk assessment and provide the assessment to the court, prosecuting attorney and attorney for the defendant at least 3 judicial days before the hearing. (NRS 178.425, 178.461) This bill requires that the Division: (1) complete the comprehensive risk assessment ~~in a reasonable time~~ **within 40 calendar days** after the request for the assessment is ~~made~~ **received, unless the court grants an extension for good cause shown;** and (2) provide the assessment to the court, the prosecuting attorney and the counsel of the person. This bill requires the court to hold a hearing on the motion within 10 judicial days after receipt of the comprehensive risk assessment by the court.

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

**Section 1.** NRS 178.461 is hereby amended to read as follows:

178.461 1. If the proceedings against a defendant who is charged with any category A felony or a category B felony listed in subsection 6 are dismissed pursuant to subsection 5 of NRS 178.425, the prosecuting attorney may, within 10 judicial days after the dismissal, file a motion with the court for a hearing to determine whether to commit the person to the custody of the Administrator pursuant to subsection 3. ~~Except as otherwise provided in subsection 2, the court shall hold the hearing within 10 judicial days after the motion is filed with the court.~~

2. If the prosecuting attorney files a motion pursuant to subsection 1, the prosecuting attorney shall, not later than the date on which the prosecuting attorney files the motion, request from the Division a comprehensive risk assessment which indicates whether the person requires the level of security provided by a forensic facility. The Division shall ~~provide the requested~~ , **except as otherwise provided in this subsection, complete the** comprehensive risk assessment ~~in a reasonable period~~ **within 40 calendar days after receipt of the request and provide the comprehensive risk assessment** to the court, the prosecuting attorney and counsel for the person . ~~not later than three~~ **The court may grant the Division an extension to complete the comprehensive risk assessment upon a showing of good cause. Within 10** judicial days ~~before the hearing~~ **after receipt of the comprehensive risk assessment, the court shall hold a hearing on the motion.** If the person was charged with any category A felony other than murder or sexual assault or a category B felony listed in subsection 6 and the comprehensive risk assessment indicates that the person does not require the level of security provided by a forensic facility, the court shall dismiss the motion.

3. At a hearing held pursuant to subsection ~~H-1~~ 2, if the court finds by clear and convincing evidence that the person has a mental disorder, that the person is a danger to himself or herself or others and that the person's dangerousness is such that the person requires placement at a forensic facility, the court may order:

(a) The sheriff to take the person into protective custody and transport the person to a forensic facility; and

(b) That the person be committed to the custody of the Administrator and kept under observation until the person is eligible for conditional release pursuant to NRS 178.463 or until the maximum length of commitment described in subsection 4 or 7 has expired.

4. Except as otherwise provided in subsection 7, the length of commitment of a person pursuant to subsection 3 must not exceed 10 years, including any time that the person has been on conditional release pursuant to NRS 178.463.

5. At least once every 12 months, the court shall review the eligibility of the defendant for conditional release.

6. The provisions of subsection 1 apply to any of the following category B felonies:

(a) Voluntary manslaughter pursuant to NRS 200.050;

(b) Mayhem pursuant to NRS 200.280;

(c) Kidnapping in the second degree pursuant to NRS 200.330;

(d) Assault with a deadly weapon pursuant to NRS 200.471;

(e) Battery with a deadly weapon pursuant to NRS 200.481;

(f) Aggravated stalking pursuant to NRS 200.575;

(g) First degree arson pursuant to NRS 205.010;

(h) Residential burglary with a deadly weapon pursuant to NRS 205.060;

(i) Invasion of the home with a deadly weapon pursuant to NRS 205.067;

(j) Any category B felony involving the use of a firearm; and

(k) Any attempt to commit a category A felony.

7. If a person is within 6 months of the maximum length of commitment set forth in this subsection or subsection 4, as applicable, and:

(a) Was charged with murder or sexual assault; and

(b) Was committed to the custody of the Administrator pursuant to this subsection or subsection 3,

↳ the Administrator may file a motion to request an extension of the length of commitment for not more than 5 additional years.

8. The court may grant a motion for an extension of the length of commitment pursuant to subsection 7 if, at a hearing conducted on the motion, the court finds by clear and convincing evidence that the person is a danger to himself or herself or others and that the person's dangerousness is such that the person requires placement at a forensic facility.

9. At a hearing conducted pursuant to subsection 8, a person who is committed has the right to be represented by counsel. If the person does not have counsel, the court shall appoint an attorney to represent the person.

**Sec. 2.** This act becomes effective upon passage and approval.

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. 25.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 73.

AN ACT relating to criminal procedure; authorizing a forensic facility to transport or request assistance from law enforcement in transporting a person on conditional release to the forensic facility under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides a procedure for a court to modify or terminate the conditional release of certain persons found to be incompetent to stand trial or be sentenced after such a person violates a condition of the release from commitment. (NRS 178.464) This bill authorizes a forensic facility supervising a person on conditional release to, without obtaining a court order, **take the person into protective custody and** transport the person to the forensic facility or request that a law enforcement agency **take the person into protective custody and** transport the person to the forensic facility supervising the person if the forensic facility has probable cause to believe that the person violated a condition of the release from commitment and is a danger to himself or herself or others. This bill also requires that, not later than ~~10~~ **3** days after the person is **taken into protective custody and** transported to the forensic facility, the court must hold a hearing to determine whether to continue, modify or terminate the conditional release of the person ~~if~~, **unless the hearing is continued upon agreement by the counsel for the person and the prosecuting attorney.**

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

**Section 1.** NRS 178.464 is hereby amended to read as follows:

178.464 1. The Division shall notify the court which ordered the commitment of the person pursuant to NRS 178.461 if the person violates a condition of the release from commitment.

2. *If a forensic facility supervising a person on conditional release has probable cause to believe the person violated a condition of the release from commitment and is an imminent danger to himself or herself or others, the forensic facility may take the person into protective custody and transport the person to the forensic facility or may request that a law enforcement agency take the person into protective custody and transport the person to the forensic facility. If the forensic facility makes such a request, the law enforcement agency, as soon as practicable after receiving the request,*

~~must~~ may take the person into protective custody and transport the person to the forensic facility. ~~Within 10~~ Except as otherwise provided in this subsection, within 3 days after a person has been taken into protective custody and transported to the forensic facility pursuant to this subsection, the court shall hold a hearing to determine whether to continue, modify or terminate the conditional release of the person. The hearing may be continued not more than 10 days upon agreement by the counsel for the person and the prosecuting attorney.

3. If the court is notified pursuant to subsection 1 of a violation, the court shall consult with the Division, the counsel for the person and the prosecuting attorney concerning the potential risk to the community that is posed by the noncompliance of the person with the conditions of release from commitment.

~~{3. After}~~

4. *If the person on conditional release has not been transported to a forensic facility pursuant to subsection 2, after consulting with the persons required by subsection ~~{2}~~ 3 and considering the risks to the community, the court may issue a temporary order of detention to commit the person to custody for evaluation, pending the hearing described in subsection ~~{4}~~ 5. If the court issues such an order, the court must:*

(a) Order the sheriff to take the person:

(1) Into protective custody and transport the person to a forensic facility;

or

(2) To a jail where the person must remain in protective custody; and

(b) Provide a copy of the order to the counsel for the person and the prosecuting attorney.

~~{4}~~ 5. Within 10 days after a person has been committed to the custody of the Administrator for evaluation pursuant to subsection ~~{3}~~ 4, the court shall hold a hearing to determine whether to continue, modify or terminate the conditional release of the defendant.

6. *As used in this section:*

(a) *“Forensic facility” has the meaning ascribed to it in NRS 175.539.*

(b) *“Law enforcement agency” means:*

(1) *The sheriff’s office of a county;*

(2) *A metropolitan police department; or*

(3) *A police department of an incorporated city.*

Sec. 2. This act becomes effective upon passage and approval.

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. 28.

Bill read second time and ordered to third reading.

Assembly Bill No. 32.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 75.

SUMMARY—Revises provisions relating to the ~~filing of a civil action regarding~~ **towing or immobilization of** a motor vehicle. (BDR 43-387)

AN ACT relating to motor vehicles; revising provisions relating to the ~~filing of a civil action regarding the~~ towing or immobilization of a motor vehicle; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law: (1) authorizes the owner of a towed or immobilized vehicle to file a civil action in justice court to determine whether the towing or immobilization of the vehicle was unlawful; and (2) requires the justice court to hold a hearing within 4 working days after such a civil action is filed, to determine whether the towing or immobilization was lawful or unlawful and to enter a corresponding order regarding payment of costs and release of the vehicle. (NRS 4.370, 487.039)

This bill creates a new process for filing a complaint for expedited relief in justice court. This bill: (1) requires such a complaint to be filed within 21 **calendar** days after the towing or immobilization of a vehicle; (2) requires that a hearing on the complaint be held within 7 calendar days after the filing of the complaint; (3) requires the court to determine whether the towing or immobilization was lawful or unlawful and to enter an order declaring liability for certain costs; and (4) if the court determines that the towing or immobilization was unlawful, requires the person or entity who has stored or immobilized the vehicle, as applicable, to release the vehicle to the owner or remove the boot, clamp or device from the vehicle immediately upon presentation of a certified copy of the order by the owner of the vehicle. **This bill also requires the operator of any facility or location where vehicles which are towed are stored to mail written notice, within 24 hours after the towing, excluding Sundays and holidays, to the registered owner of any vehicle towed to the facility or location.**

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

**Section 1.** NRS 487.039 is hereby amended to read as follows:

487.039 1. ~~If a~~ ***In addition to the remedy provided pursuant to paragraph (b) of subsection 1 of NRS 4.370 for civil damages, the owner of a vehicle may file a complaint for expedited relief based upon the unlawful towing or immobilization of the vehicle in the justice court of the township where the property from which the vehicle was towed or on which the vehicle was immobilized is located if:***

***(a) The*** vehicle is towed pursuant to NRS 487.037 or 487.038 or immobilized pursuant to NRS 487.0385 ~~and the~~ ;

*(b) The owner of the vehicle believes that the vehicle was unlawfully towed or immobilized* ~~the owner of the vehicle may file a civil action pursuant to paragraph (b) of subsection 1 of NRS 4.370 in the justice court of the township where the property from which the vehicle was towed or on which the vehicle was immobilized is located, on a form provided by the court, to determine whether the towing or immobilizing of the vehicle was lawful.~~

~~2. An action relating to~~ ;

*(c) For a vehicle that was towed, ~~may be filed pursuant to this section only if~~ the cost of towing and storing the vehicle does not exceed \$15,000 ~~;~~ ; and*

*(d) The vehicle is being stored or is still currently immobilized as a result of the towing or immobilization.*

*2. Such a complaint:*

*(a) Must be filed within 21 calendar days after the towing or immobilization of the vehicle; and*

*(b) Must be filed against:*

*(1) The owner or person in lawful possession of the real property or the authorized agent of the owner of the real property who authorized the tow of the vehicle and the tow company which towed the vehicle;*

*(2) The operator of an off-street parking facility who authorized the tow of the vehicle and the tow company which towed the vehicle; or*

*(3) The owner or person in lawful possession of a multilevel parking garage or other parking structure who authorized the immobilization of the vehicle.*

*3. A complaint filed pursuant to subsection 1 that does not meet the criteria in subsections 1 and 2 must be dismissed by the court, without prejudice. Such dismissal does not affect the right of the vehicle owner to pursue civil damages.*

*4. Upon the filing of a ~~civil action~~ **complaint** pursuant to subsection 1, the court shall schedule a date for a hearing. The hearing must be held not later than ~~4 working~~ 7 **calendar** days after the ~~action~~ **complaint** is filed. The court shall affix the date of the hearing to the form and order a copy served by the sheriff, ~~the~~ constable or ~~either~~ a process server **licensed pursuant to chapter 648 of NRS** upon the ~~owner or person in lawful possession of the property who authorized the towing or immobilization of the vehicle.~~*

~~4. person identified in subparagraph (1), (2) or (3) of paragraph (b) of subsection 2.~~

*5. The court shall ~~if it determines that~~ **determine whether** the vehicle was ~~;~~ **lawfully or unlawfully towed or immobilized and:***

*(a) ~~Lawfully~~ **If the court determines the vehicle was lawfully** towed, **enter an order declaring** the owner of the vehicle ~~to pay~~ **liable for** the cost of towing and storing the vehicle and order the person who is storing the vehicle to release the vehicle to the owner upon payment of that cost. ~~;~~*

*(b) ~~Unlawfully~~ **If the court determines the vehicle was unlawfully** towed, **enter an order declaring** the owner or person in lawful possession of the property **or the authorized agent of the owner of the property** who authorized*

the towing ~~to pay~~ **liable for** the cost of towing and storing the vehicle ~~to~~ **and** order the person who is storing the vehicle to release the vehicle to the owner immediately. ~~and determine the actual cost incurred in towing and storing the vehicle;~~

(c) ~~Lawfully~~ **If the court determines the vehicle was lawfully** immobilized, **enter an order declaring** the owner of the vehicle ~~to pay~~ **liable for** the cost of removing from the vehicle the boot, wheel clamp or other mechanical device used to immobilize the vehicle and order the person who immobilized the vehicle to remove the boot, clamp or device upon payment of that cost. ~~to~~

(d) ~~Unlawfully~~ **If the court determines the vehicle was unlawfully** immobilized, **enter an order declaring** the owner or person in lawful possession of the property who authorized the immobilizing ~~to pay~~ **liable for** the cost of removing the boot, clamp or device and order the person who immobilized the vehicle to remove the boot, clamp or device from the vehicle immediately.

~~§~~ 6. **Upon presentation of a certified copy of an order entered pursuant to paragraph (b) or (d) of subsection 5 by the owner of a vehicle, the person storing the vehicle or the person who immobilized the vehicle, as applicable, shall release the vehicle to the owner immediately or remove the boot, clamp or device from the vehicle immediately.**

7. The operator of any facility or other location where vehicles which are towed are stored shall ~~display~~:

**(a) Display** conspicuously at that facility or location a sign which sets forth the provisions of this section ~~to~~; **and**

**(b) Mail written notice to the registered owner of any vehicle towed to the facility or other location within 24 hours after the towing, excluding Sundays and holidays, that includes the following information:**

**(1) The name and address of the facility or location at which the vehicle is being stored;**

**(2) The cost of towing and storage, including the daily accrual rate of storage, if any;**

**(3) The reason for the towing;**

**(4) A statement of the provisions of this section; and**

**(5) A statement regarding the availability of assistance from a program for legal aid, self-help center operated or overseen by a court or other similar program in the city or county in which the facility or other location is located.**

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. 60.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 79.

AN ACT relating to witnesses; making provisions of a contract or settlement agreement that prohibit or restrict a party to the contract or settlement agreement from testifying at judicial or administrative proceedings concerning criminal conduct, ~~for~~ sexual harassment, **discrimination or retaliation** void and unenforceable under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

**Section 1** of this bill provides that a provision of a contract or settlement agreement is void and unenforceable if the provision prohibits or restricts a party to the contract or settlement agreement from testifying at a judicial or administrative proceeding concerning another party to the contract or settlement agreement and his or her commission of criminal conduct, ~~for~~ sexual harassment ~~+~~, **discrimination based on race, religion, color, national origin, disability, sexual orientation, gender identity or expression, ancestry, familial status, age or sex, or retaliation for the reporting of such discrimination.** **Section 2** of this bill provides that such provisions are void and unenforceable if contained in a contract or settlement agreement entered into on or after the effective date of this bill. **Section 1** does not apply to a settlement agreement that results from successful mediation or conciliation by the Nevada Equal Rights Commission within the Department of Employment, Training and Rehabilitation.

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

**Section 1.** Chapter 50 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Except as otherwise provided in NRS 233.190, a provision of a contract or settlement agreement is void and unenforceable if:*

*(a) The provision prohibits or otherwise restricts a party to the contract or settlement agreement from testifying at a judicial or administrative proceeding when the party has been required or requested to testify at the proceeding pursuant to:*

- (1) A court order;*
- (2) A lawful subpoena; or*
- (3) A written request by an administrative agency; and*

*(b) The judicial or administrative proceeding described in paragraph (a) concerns another party to the contract or settlement agreement and his or her commission of:*

- (1) A criminal offense; ~~for~~*
- (2) An act of sexual harassment, including, without limitation ~~+~~*  
~~*(I) Repeated*~~, *repeated, unsolicited verbal or physical contact of a sexual nature that is threatening in character;*  
~~*(II) Discrimination*~~



(3) An act of discrimination on the basis of race, religion, color, national origin, disability, sexual orientation, gender identity or expression, ancestry, familial status, age or sex by an employer or a landlord; or  
~~(III) Retaliation~~

(4) An act of retaliation by an employer or a landlord against another person for the reporting of discrimination on the basis of race, religion, color, national origin, disability, sexual orientation, gender identity or expression, ancestry, familial status, age or sex.

2. As used in this section:

(a) “Employer” has the meaning ascribed to it in NRS 33.220.

(b) “Landlord” means an owner of real property, or the owner’s representative, who provides a dwelling unit on the real property for occupancy by another for valuable consideration.

Sec. 2. This act applies to any contract or settlement agreement entered into on or after the effective date of this act.

Sec. 3. This act becomes effective upon passage and approval.

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. 63.

Bill read second time.

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

Amendment No. 23.

AN ACT relating to local financial administration; authorizing a local government to use money from a certain fund to mitigate the effects of certain emergencies; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law authorizes the governing body of a local government to establish a fund to stabilize the operation of the local government or mitigate the effects of a natural disaster. (NRS 354.6115) This bill expands the use of such a fund to include mitigating the effects of an emergency which is declared by the local government.

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

**Section 1.** NRS 354.6115 is hereby amended to read as follows:

354.6115 1. The governing body of a local government may, by resolution, establish a fund to stabilize the operation of the local government and mitigate the effects of *emergencies or* natural disasters.

2. The money in the fund must be used only:

(a) If the total actual revenue of the local government falls short of the total anticipated revenue in the general fund for the fiscal year in which the local government uses that money; or

(b) To pay expenses incurred by the local government to mitigate the effects of *an emergency or* a natural disaster.

↪ The money in the fund at the end of the fiscal year may not revert to any other fund or be a surplus for any purpose other than a purpose specified in this subsection.

3. The money in the fund may not be used to pay expenses incurred to mitigate the effects of *an emergency or* a natural disaster until the governing body of the local government issues a formal declaration that *an emergency or* a natural disaster exists. The governing body shall not make such a declaration unless *an emergency or* a natural disaster is occurring or has occurred. Upon the issuance of such a declaration, the money in the fund may be used for the payment of the following expenses incurred by the local government as a result of the *emergency or* natural disaster:

(a) The repair or replacement of roads, streets, bridges, water control facilities, public buildings, public utilities, recreational facilities and parks owned by the local government and damaged by the *emergency or* natural disaster;

(b) Any emergency measures undertaken to save lives, protect public health and safety or protect property within the jurisdiction of the local government;

(c) The removal of debris from publicly or privately owned land and waterways within the jurisdiction of the local government that was undertaken because of the *emergency or* natural disaster;

(d) Expenses incurred by the local government for any overtime worked by an employee of the local government because of the *emergency or* natural disaster or any other extraordinary expenses incurred by the local government because of the *emergency or* natural disaster; and

(e) The payment of any grant match the local government must provide to obtain a grant from a federal agency for an eligible project to repair damage caused by the *emergency or* natural disaster within the jurisdiction of the local government.

4. The balance in the fund must not exceed 10 percent of the expenditures from the general fund for the previous fiscal year, excluding any federal funds expended by the local government.

5. The annual budget and audit report of the local government prepared pursuant to NRS 354.624 must specifically identify the fund.

6. The audit report prepared for the fund must include a statement by the auditor whether the local government has complied with the provisions of this section.

7. Any transfer of money from a fund established pursuant to this section *for a natural disaster* must be completed within 90 days after the end of the fiscal year in which the natural disaster for which the fund was established occurs.

8. As used in this section:

(a) **“Emergency” means ~~an~~ a sudden, unexpected occurrence ~~for threatened occurrence for which, in the determination of the governing body of the local government, action is necessary to save lives, protect property or protect the health and safety of persons within the jurisdiction of the local government, or to avert the threat of damage to property or injury to or the death of persons within the jurisdiction of the local government.~~ that involves clear and imminent danger and requires immediate action to prevent or mitigate loss of life or damage to health, property or essential public services. The term does not include a natural disaster.**

(b) “Grant match” has the meaning ascribed to it in NRS 353.2725.

~~{(b)}~~ (c) “Natural disaster” means a fire, flood, earthquake, drought or any other ~~{occurrence}~~ **act of nature** that:

(1) Results in widespread or severe damage to property or injury to or the death of persons within the jurisdiction of the local government; and

(2) As determined by the governing body of the local government, requires immediate action to protect the health, safety and welfare of persons residing within the jurisdiction of the local government.

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. 64.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 80.

AN ACT relating to crimes; ~~{changing the penalties for certain unlawful acts relating to preventing or dissuading certain persons from testifying or producing evidence; increasing the penalties for certain unlawful acts relating to preventing, dissuading, hindering or delaying certain persons from reporting a crime, commencing prosecution or causing arrest.}~~ **revising the jurisdiction for the prosecution of certain crimes;** revising provisions concerning soliciting a child for prostitution; ~~{increasing and creating civil penalties for certain unlawful acts relating to customers who engage in and solicit for prostitution; revising provisions relating to certain unlawful acts relating to advertising for prostitution; increasing penalties.}~~ and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

~~{Existing law provides that a person who commits certain unlawful acts relating to preventing or dissuading persons from testifying or producing evidence is guilty of: (1) a category D felony, where physical force or the immediate threat of physical force is used; or (2) a gross misdemeanor, where no physical force or immediate threat of physical force is used. (NRS 199.230) Section 1 of this bill changes the penalties for such unlawful acts to: (1) a~~

~~category B felony punishable by imprisonment in the state prison for a minimum term of 1 year and a maximum term of 6 years, if the underlying action or proceeding involves a crime relating to sex trafficking, pandering or prostitution; (2) a category C felony under certain circumstances where physical force or the immediate threat of physical force is used; and (3) a gross misdemeanor for all other circumstances.~~

~~Existing law provides that a person who commits certain unlawful acts relating to preventing, dissuading, hindering or delaying a victim, a person acting on behalf of the victim or a witness reporting a crime or possible crime, commence a prosecution or cause an arrest is guilty of a category D felony. (NRS 199.305) Section 2 of this bill increases the penalties for such unlawful acts to: (1) a category B felony, punishable by imprisonment in the state prison for a minimum term of 1 year and a maximum term of 6 years, if the crime or possible crime involved in the underlying action or proceeding relates to sex trafficking, pandering or prostitution; or (2) a category C felony for all other circumstances.]~~

**Existing law grants the Attorney General concurrent jurisdiction with the district attorneys of the counties in this State to prosecute a person for committing the crime of pandering, sex trafficking, living from the earnings of a prostitute or advancing prostitution. (NRS 201.345) Section 2.5 of this bill grants the Attorney General additional concurrent jurisdiction to prosecute a person for committing the crime of facilitating sex trafficking, engaging in prostitution or solicitation for prostitution. Section 2.5 also grants the Attorney General authority to charge related offenses if committed in the course of such crimes.**

Existing law provides that a person is guilty of soliciting a child for prostitution if the person solicits: (1) a peace officer posing as a child; or (2) a person assisting a peace officer by posing as a child. (NRS 201.354) **Section 3** of this bill provides that a person is guilty of soliciting a child for prostitution if the person solicits: (1) a child; **(2) a peace officer who is posing as a child;** or ~~[(2) any]~~ **(3) a person [believed to be] who is assisting in an investigation on behalf of a peace officer by posing as** a child.

~~[Existing law makes it unlawful for any person to engage in prostitution or solicitation for prostitution, except in a licensed house of prostitution. Existing law, in addition to any other penalty, imposes a civil penalty of not less than \$200 per offense against a customer of any person engaged in unlawful prostitution. (NRS 201.354) Section 3 increases this civil penalty to not less than \$500 per offense. Section 3 also imposes a civil penalty of not less than \$1,000 per offense against a customer who solicits a child for prostitution.~~

~~Existing law requires the money collected from the civil penalty imposed against a customer of a person engaged in unlawful prostitution to be used for: (1) the enforcement of the provisions of law concerning engagement in and solicitation of prostitution; and (2) certain programs of treatment for persons who solicit prostitution. (NRS 201.354) Section 3 requires the money collected from the civil penalties imposed on customers to be used instead to fund a~~

program to provide support for children who are victims of crime in the city or county, as applicable.

~~Existing law makes it unlawful for: (1) a person who commits vagrancy, by engaging in certain acts related to prostitution, to advertise such vagrancy; and (2) certain persons associated with a house of prostitution to advertise the house of prostitution in any public theater, on the public streets of any city or town, on any public highway, or in any county, city or town where prostitution is unlawful pursuant to a local ordinance or where the licensing of a house of prostitution is unlawful pursuant to state statute. Existing law also prohibits the preparation or printing of an advertisement concerning an unlicensed house of prostitution or certain acts constituting vagrancy in any county, city or town where prostitution is unlawful pursuant to a local ordinance or where the licensing of a house of prostitution is unlawful pursuant to state statute. (NRS 201.430) Section 4 of this bill removes the existing prohibitions on such advertising and instead prohibits knowingly advertising for prostitution, or in a manner that induces a person to engage in prostitution, in any county, city or town where prostitution is unlawful pursuant to local ordinance or where the licensing of a house of prostitution is unlawful pursuant to state statute.~~

~~Existing law also requires that a person who commits an unlawful act related to advertising for prostitution be punished: (1) for the first violation within a 3-year period, by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$1,000, or by both fine and imprisonment; (2) for a second violation within a 3-year period, by imprisonment in the county jail for not less than 30 days nor more than 6 months, and by a fine of not less than \$250 nor more than \$1,000; and (3) for a third or subsequent violation within a 3-year period, by imprisonment in the county jail for 6 months and by a fine of not less than \$250 nor more than \$1,000. (NRS 201.430) Section 4 increases the penalties for the commission of such an unlawful act: (1) for the first violation, to a gross misdemeanor and a fine of not less than \$1,300; (2) for the second violation, to a category D felony and a fine of not more than \$5,000; and (3) for a third or subsequent violation, to a category B felony and a fine of not more than \$15,000.]~~

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

**Section 1.** ~~[NRS 199.230 is hereby amended to read as follows:~~

~~199.230 A person who, by persuasion, force, threat, intimidation, deception or otherwise, and with the intent to obstruct the course of justice, prevents or attempts to prevent another person from appearing before any court, or person authorized to subpoena witnesses, as a witness in any action, investigation or other official proceeding, or causes or induces another person to be absent from such a proceeding or evade the process which requires the person to appear as a witness to testify or produce a record, document or other object, shall be punished:~~

~~1. [Where] *If the action, investigation or other proceeding relates to a crime involving sex trafficking, pandering or prostitution, including, without limitation, a violation of any provision of NRS 201.295 to 201.440, inclusive, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.*~~

~~2. *Unless a greater penalty is provided pursuant to subsection 1, if physical force or the immediate threat of physical force is used, for a category [D] C felony as provided in NRS 193.130.*~~

~~[2. Where no physical force or immediate threat of physical force is used,]~~

~~3. *Unless a greater penalty is provided pursuant to subsection 1 or 2, for a gross misdemeanor.* (Deleted by amendment.)~~

Sec. 2. ~~NRS 199.305 is hereby amended to read as follows:~~

~~199.305 1. [A] *It is unlawful for a person [who,]:*~~

~~(a) *To, by intimidating or threatening another person, [prevents] prevent or [dissuades] dissuade a victim of a crime, a person acting on behalf of the victim or a witness from:*~~

~~[(a)] (I) Reporting a crime or possible crime to a:~~

~~[(1)] (I) Judge;~~

~~[(2)] (II) Peace officer;~~

~~[(3)] (III) Parole or probation officer;~~

~~[(4)] (IV) Prosecuting attorney;~~

~~[(5)] (V) Warden or other employee at an institution of the Department of Corrections; or~~

~~[(6)] (VI) Superintendent or other employee at a juvenile correctional institution;~~

~~[(b)] (2) Commencing a criminal prosecution or a proceeding for the revocation of a parole or probation, or seeking or assisting in such a prosecution or proceeding; or~~

~~[(c)] (3) Causing the arrest of a person in connection with a crime ; [;~~

~~] or [who hinders]~~

~~(b) *To hinder or [delays such a] delay the victim [, agent] of a crime, a person acting on behalf of the victim or a witness in an effort to carry out any of [those] the actions described in paragraph (a).*~~

~~2. *A person who violates this section:*~~

~~(a) *If the crime or possible crime involves sex trafficking, pandering or prostitution, including, without limitation, a violation of any provision of NRS 201.295 to 201.440, inclusive, 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 1 year and a maximum term of not more than 6 years.*~~

~~(b) *Unless a greater penalty is provided pursuant to paragraph (a), is guilty of a category [D] C felony and shall be punished as provided in NRS 193.130.*~~

~~[2.] 3. As used in this section, “victim of a crime” means a person against whom a crime has been committed.] (Deleted by amendment.)~~

Sec. 2.5. NRS 201.345 is hereby amended to read as follows:

201.345 1. The Attorney General has concurrent jurisdiction with the district attorneys of the counties in this State to prosecute any violation of NRS 201.300, 201.301, 201.320, 201.354 or 201.395.

2. *If the Attorney General charges a defendant pursuant to this section, the Attorney General may also charge related offenses if committed in the course of a violation of NRS 201.300, 201.301, 201.320, 201.354 or 201.395.*

3. When acting pursuant to this section, the Attorney General may commence an investigation and file a criminal action without leave of court and the Attorney General has exclusive charge of the conduct of the prosecution.

**Sec. 3.** 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 thereof, except in a licensed house of prostitution.

2. Any person who violates subsection 1 by soliciting for prostitution:

(a) A ~~peace officer who is posing as a~~ child; ~~or~~

(b) *A peace officer who is posing as a child; or*

*(c) A person who is assisting in an investigation on behalf of a peace officer by posing as ~~believed to be~~ a child,*

↪ is guilty of soliciting a child for prostitution.

3. A prostitute who violates subsection 1 is guilty of a misdemeanor. A peace officer who:

(a) Detains, but does not arrest or issue a citation to a prostitute for a violation of subsection 1 shall, before releasing the prostitute, provide information regarding and opportunities for connecting with social service agencies that may provide assistance to the prostitute. The Department of Health and Human Services shall assist law enforcement agencies in providing information regarding and opportunities for connecting with such social service agencies pursuant to this paragraph.

(b) Arrests or issues a citation to a prostitute for a violation of subsection 1 shall, before the prostitute is released from custody or cited:

(1) Inform the prostitute that he or she may be eligible for assignment to a preprosecution diversion program established pursuant to NRS 174.032; and

(2) Provide the information regarding and opportunities for connecting with social service agencies described in paragraph (a).

4. Except as otherwise provided in subsection 6. ~~5,~~ a customer who violates this section:

(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.

5. *In addition to any other penalty imposed, the court shall order a person who violates subsection 4 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.

6. A customer who violates this section by soliciting a child for prostitution:

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

(c) For a third or subsequent offense, 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 1 year and maximum term of not more than 6 years, and may be further punished by a fine of not more than \$15,000. The court shall not grant probation to or suspend the sentence of a person punished pursuant to this paragraph.

~~6. In addition to any other penalty imposed, the court shall order a person who violates:~~

~~(a) Subsection 4 to pay a civil penalty of not less than \$500 per offense.~~

~~(b) Subsection 5 to pay a civil penalty of not less than \$1,000 per offense.~~

~~7. The civil penalty described in subsection 6 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 subsection 6:~~

~~(a) Is not within the present ability of the person 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 present ability of the person 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.~~

~~8.~~ Any civil penalty collected by a district attorney or city attorney pursuant to subsection 5 ~~7~~ must be deposited in the county or city treasury, as applicable, ~~to fund must~~ 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. ~~to fund a program to provide support to children who are victims of crime in the city or county, as applicable.~~

8. ~~10.~~ 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.

9. ~~10.~~ Except as limited by subsection 10. ~~11.~~ if a person is discharged and the proceedings against the person are dismissed pursuant to subsection 8. ~~10.~~ the court shall, without a hearing, order sealed all documents, papers and exhibits in that person's record, minute book entries and entries on dockets, 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.

10. ~~11.~~ 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.

~~11. ***1121***~~ If, at any time before the trial of a prostitute charged with a violation of subsection 1, the prosecuting attorney has reason to believe that the prostitute is a victim of sex trafficking, the prosecuting attorney shall dismiss the charge. As used in this subsection, “sex trafficking” means a violation of subsection 2 of NRS 201.300.

Sec. 4. ~~NRS 201.430 is hereby amended to read as follows:~~

~~201.430 1. [It] ***Except as otherwise provided in subsection 3, in any county, city or town where prostitution is prohibited by local ordinance or where the licensing of a house of prostitution is prohibited by state statute,*** it is unlawful for any person [engaged in conduct which is unlawful pursuant to paragraph (b) of subsection 1 of NRS 207.030, or any owner, operator, agent or employee of a house of prostitution, or anyone acting on behalf of any such person, to advertise the unlawful conduct or any house of prostitution:~~

~~(a) In any public theater, on the public streets of any city or town, or on any public highway; or~~

~~(b) In any county, city or town where prostitution is prohibited by local ordinance or where the licensing of a house of prostitution is prohibited by state statute.~~

~~2. It is unlawful for any person knowingly to prepare or print an advertisement concerning a house of prostitution not licensed for that purpose pursuant to NRS 244.345, or conduct which is unlawful pursuant to paragraph (b) of subsection 1 of NRS 207.030, in any county, city or town where prostitution is prohibited by local ordinance or where the licensing of a house of prostitution is prohibited by state statute.~~

~~3. Inclusion in any display, handbill or publication of the address, location or telephone number of a house of prostitution or of identification of a means of transportation to such a house, or of directions telling how to obtain any such information, constitutes prima facie evidence of advertising for the purposes of this section.~~

~~4. ***to knowingly advertise:***~~

~~(a) ***For prostitution; or***~~

~~(b) ***In a manner that induces a person to engage in prostitution.***~~

~~2. Any person [company, association or corporation] violating the provisions of this section : [shall be punished:]~~

~~(a) For the first violation [within a 3 year period, by imprisonment in the county jail for not more than 6 months, or], ***is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140, and*** by a fine of not [more] ***less than \$1,000, or by both fine and imprisonment.] \$1,300.***~~

~~(b) For a second violation [within a 3 year period, by imprisonment in the county jail for not less than 30 days nor more than 6 months,], ***is guilty of a category D felony and shall be punished as provided in NRS 193.130, and*** by a fine of not [less than \$250 nor] ***more than \$1,000.] \$5,000.***~~

~~(c) For a third or subsequent violation [within a 3 year period,], ***is guilty of a category B felony and shall be punished*** by imprisonment in the [county jail for 6 months] ***state prison for a minimum term of not less than 1 year and a***~~

~~maximum term of not more than 6 years, and may be further punished by a fine of not [less than \$250 nor] more than [\$1,000.] \$15,000.~~

~~3. This section does not apply to a person who is a victim of pandering or sex trafficking pursuant to NRS 201.300.~~

~~4. For the purposes of this section, a person shall be deemed to know that the advertising was for prostitution or would induce a person to engage in prostitution if, in light of all the facts and surrounding circumstances which are known to the person at the time, a reasonable person would believe, under those facts and circumstances, that the advertising was for prostitution or would induce a person to engage in prostitution.~~

~~5. As used in this section, “advertise” or “advertising” means the commercial use of any medium, including, without limitation, any brochure or business card, the Internet, radio or television, or a newspaper, magazine, sign or other printed or electronic communication, by any person for the purpose of bringing prostitution or the inducement of prostitution to the attention of the general public. As used in this subsection, “electronic communication” means the communication of any written, verbal or pictorial information through the use of an electronic device, including, without limitation, a telephone, cellular telephone, computer or any similar means of communication.] (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. 75.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 19.

AN ACT relating to measurement standards; establishing “field reference standards” and “transfer standards” as additional measurement standards; creating a new rebuttable presumption relating to field reference standards; requiring the State Sealer of Consumer Equitability to make available to all users of field reference standards and transfer standards certain calibration and certification capabilities; requiring the State Sealer of Consumer Equitability to adopt certain regulations for field reference standards and transfer standards; removing the requirement that the State Sealer of Consumer Equitability establish requirements for information relating to open dating of packaged food; revising certain rebuttable presumptions relating to weights, measures and weighing or measuring devices; and providing other matters properly relating thereto.

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

Existing law sets forth provisions governing weights and measures and their usage in this State. (Chapter 581 of NRS) Existing law establishes two types

of standards for such weights and measures: primary standards, which serve as the legal reference from which all other standards are derived, and secondary standards, which are traceable to primary standards through comparison or laboratory procedures and used for enforcement purposes. (NRS 581.012, 581.016) **Sections 2 and 3** of this bill create two additional standards: field reference standards and transfer standards. Specifically, **section 2** defines the term “field reference standards” to mean standards which are traceable to primary standards through comparison or laboratory procedures and used for installation, adjustment, repair or calibration of certain devices, and **section 3** defines the term “transfer standards” to mean certain items used for a short period of time in certain conditions to check the accuracy of commercial weighing and measuring equipment. **Section 4** of this bill provides that: (1) transfer standards may be used as temporary measurement references to check the accuracy of commercial weighing and measuring equipment; and (2) such use does not satisfy certain standards of the National Institute of Standards and Technology.

**Section 5** of this bill creates a new rebuttable presumption that the presence of a field reference standard in the possession of any person who is paid to install, make adjustments to, repair or calibrate commercial weighing and measuring equipment is regularly used by that person in the installation, adjustment, repair or calibration of commercial weighing and measuring equipment.

Existing law provides that the presence of a weight or measure, or of a weighing or measuring device in or about any place where buying or selling commonly occurs, creates a rebuttable presumption that the weight or measure, or weighing or measuring device is regularly used for the business purposes of that place. (NRS 581.395) **Section 9** of this bill provides that the rebuttable presumption created is that the weight or measure, or weighing or measuring device, is regularly used for the commercial business purposes of that place.

Existing law sets forth the duties of the State Sealer of Consumer Equitability. (NRS 581.065, 581.067) Existing law requires the State Sealer of Consumer Equitability to make available to all users of physical standards the precision calibration and related metrological certification capabilities of the facilities of the Division of Consumer Equitability of the State Department of Agriculture. (NRS 581.065) **Section 7** of this bill requires the State Sealer of Consumer Equitability to make available such calibration and certification capabilities to all users of field reference standards and transfer standards. Existing law requires the State Sealer of Consumer Equitability to adopt regulations establishing such primary standards and secondary standards for weights and measures for use in this State as the State Sealer of Consumer Equitability determines appropriate. (NRS 581.067) **Section 8** of this bill requires the State Sealer of Consumer Equitability to also adopt such regulations for field reference standards and transfer standards.

Existing law requires the State Sealer of Consumer Equitability to establish requirements for information relating to open dating of packaged food. (NRS

581.067) Existing regulations carry out this requirement by adopting by reference the Uniform Open Dating Regulation, as set forth in the *National Institute of Standards and Technology Handbook 130: Uniform Laws and Regulations*, 2003 edition. (NAC 581.030) **Section 8** removes the requirement that the State Sealer of Consumer Equitability establish such requirements.

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

**Section 1.** Chapter 581 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

**Sec. 2.** *“Field reference standards” means the physical standards that are traceable to the primary standards through comparisons or by using acceptable laboratory procedures, and that are used in the installation, adjustment, repair or calibration of devices for weights and measures, and weighing and measuring devices.*

**Sec. 3.** *“Transfer standards” means a physical artifact, a static or dynamic measurement device or a reference material that is used for a short period of time in limited environmental and operational conditions to check the accuracy of commercial weighing and measuring equipment and that is stable during such a period of time.*

**Sec. 4.** *Transfer standards may be used as temporary measurement references to check the accuracy of commercial weighing and measuring equipment. A transfer standard used in such a manner does not satisfy the standards expressed in Appendix A: Fundamental Considerations to the National Institute of Standards and Technology Handbook 44: Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices, ~~2020 edition,~~ as adopted by reference by regulation of the State Sealer of Consumer Equitability.*

**Sec. 5.** *The presence of a field reference standard in the possession of any person who is paid to install, make adjustments to, repair or calibrate commercial weighing and measuring equipment creates a rebuttable presumption that the field reference standard is regularly used by that person in the installation, adjustment, repair or calibration of commercial weighing and measuring equipment.*

**Sec. 6.** NRS 581.001 is hereby amended to read as follows:

581.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 581.002 to 581.022, inclusive, **and sections 2 and 3 of this act** have the meanings ascribed to them in those sections.

**Sec. 7.** NRS 581.065 is hereby amended to read as follows:

581.065 The State Sealer of Consumer Equitability shall:

1. Ensure that weights and measures used in commercial services within this state are suitable for their intended use, are properly installed and accurate, and are so maintained by their owner or user.

2. Prevent unfair or deceptive dealing by weight or measure in any commodity or service advertised, packaged, sold or purchased within this state.

3. Make available to all users of ~~physical~~ **field reference standards and transfer** standards, or of weighing and measuring equipment, the precision calibration and related metrological certification capabilities of the facilities of the Division.

4. Promote uniformity, to the extent practicable and desirable, between the requirements relating to weights and measures of this state and similar requirements of other states and federal agencies.

5. Adopt regulations establishing such requirements relating to weights and measures as are necessary to ensure equity between buyers and sellers, and thereby encourage desirable economic growth while protecting consumers.

**Sec. 8.** NRS 581.067 is hereby amended to read as follows:

581.067 The State Sealer of Consumer Equitability shall:

1. Adopt regulations establishing such primary standards, ~~and~~ secondary standards, **field reference standards and transfer standards** for weights and measures for use in this State as the State Sealer of Consumer Equitability determines appropriate.

2. Maintain traceability of the state standards to the national standards of the National Institute of Standards and Technology.

3. Enforce the provisions of this chapter.

4. Adopt other reasonable regulations for the enforcement of this chapter.

5. Establish requirements for:

(a) Labeling;

(b) The presentation of information relating to cost per unit; **and**

(c) Standards of weight, measure or count, and reasonable standards of fill, for any packaged commodity. ~~and~~

~~(d) Information relating to open dating of packaged food.~~

6. Grant such exemptions from the provisions of this chapter or any regulations adopted pursuant thereto as the State Sealer of Consumer Equitability determines appropriate to the maintenance of good commercial practices within this State.

7. Conduct investigations to ensure compliance with this chapter.

8. Delegate to appropriate personnel any of the responsibilities of the Division as needed for the proper administration of the Division.

9. Adopt regulations establishing a schedule of civil penalties for any violation of NRS 581.415 and for any point-of-sale system or cash register determined not to be in compliance with the provisions of subsection 19.

10. Inspect and test commercial weights and measures that are kept, offered or exposed for sale.

11. Inspect and test, to ascertain if they are correct, weights and measures that are commercially used to:

(a) Determine the weight, measure or count of commodities or things that are sold, or offered or exposed for sale, on the basis of weight, measure or count; or

(b) Compute the basic charge or payment for services rendered on the basis of weight, measure or count.

12. Test all weights and measures used in checking the receipt or disbursement of supplies by entities funded by legislative appropriations.

13. Approve for use such commercial weights and measures as the State Sealer of Consumer Equitability determines are correct and appropriate. The State Sealer of Consumer Equitability may mark such commercial weights and measures. The State Sealer of Consumer Equitability shall reject and order to be corrected, replaced or removed any commercial weights and measures found to be incorrect. Weights and measures that have been rejected may be seized if they are not corrected within the time specified or if they are used or disposed of in a manner not specifically authorized. The State Sealer of Consumer Equitability shall remove from service and may seize weights and measures found to be incorrect that are not capable of being made correct.

14. Weigh, measure or inspect packaged commodities that are kept, offered or exposed for sale, sold or in the process of delivery to determine whether the packaged commodities contain the amounts represented and whether they are kept, offered or exposed for sale in accordance with this chapter or the regulations adopted pursuant thereto. In carrying out the provisions of this subsection, the State Sealer of Consumer Equitability shall employ recognized sampling procedures, including, without limitation, sampling procedures adopted by the National Conference on Weights and Measures.

15. Adopt regulations prescribing the appropriate term or unit of weight or measure to be used whenever the State Sealer of Consumer Equitability determines that an existing practice of declaring the quantity of a commodity, or of setting charges for a service by weight, measure, numerical count or time, or any combination thereof, does not facilitate value comparisons by consumers or may confuse consumers.

16. Allow reasonable variations from the stated quantity of contents that entered intrastate commerce, which must include those variations caused by loss or gain of moisture during the course of good distribution practices or by unavoidable deviations in good manufacturing practices.

17. Provide for the training of persons employed by any governmental entity within this State, including, without limitation, state, county and municipal personnel, who enforce the provisions of this chapter and chapter 582 of NRS, and any regulations adopted pursuant thereto, relating to weights and measures. The State Sealer of Consumer Equitability may establish by regulation minimum training and performance requirements which must be met by all such persons.

18. Verify advertised prices and price representations, as necessary, to determine their accuracy.

19. Without charging and collecting a fee, conduct random tests of point-of-sale systems and cash registers to determine the accuracy of prices, including advertised prices and price representations, and computations and the correct use of the equipment, and, if such systems utilize scanning or coding means in lieu of manual entry, the accuracy of prices printed or recalled from a database.

20. Employ recognized procedures for making verifications and determinations of accuracy, including, without limitation, any appropriate procedures designated by the National Institute of Standards and Technology.

21. Adopt regulations and issue orders regarding standards for the accuracy of advertised prices and automated systems for retail price charging, point-of-sale systems and cash registers, and for the enforcement of those standards.

22. Conduct investigations to ensure compliance with the regulations adopted pursuant to subsection 21.

**Sec. 9.** NRS 581.395 is hereby amended to read as follows:

581.395 The presence of a weight or measure, or weighing or measuring device in or about any place in which or from which buying or selling is commonly carried on, creates a rebuttable presumption that the weight or measure, or weighing or measuring device is regularly used for the *commercial* business purposes of that place.

**Sec. 10.** NRS 561.412 is hereby amended to read as follows:

561.412 1. In addition to the inspection fees and other money transferred pursuant to NRS 590.120, all fees and other money collected pursuant to the provisions of NRS 581.001 to 581.395, inclusive, *and sections 2 to 5, inclusive, of this act* and 582.001 to 582.210, inclusive, must be deposited in the State Treasury and credited to a separate account in the State General Fund for the use of the Department.

2. Expenditures from the account must be made only for carrying out the provisions of this chapter and chapters 581 and 582 of NRS and NRS 590.010 to 590.330, inclusive.

3. Money in the account does not lapse to the State General Fund at the end of a fiscal year. The interest and income earned on the money in the account, after deducting any applicable charges, must be credited to the account.

**Sec. 11.** This act becomes effective upon passage and approval.

Assemblyman Watts moved the adoption of the amendment.

Remarks by Assemblyman Watts.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 76.

Bill read second time and ordered to third reading.



Assembly Bill No. 89.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 37.

AN ACT relating to wildlife; authorizing the Board of Wildlife Commissioners to establish a program which authorizes a person to transfer his or her tag to hunt a big game mammal to a qualified organization for use by certain persons; **authorizing, under certain circumstances, a family member of a deceased big game hunter to transfer a tag to hunt a big game mammal;** and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires, with certain exceptions, a person who hunts or fishes any wildlife in this State to obtain a license for such activities and, if he or she wishes to hunt certain designated big game mammals, to obtain an additional license, known as a tag, to do so. (NRS 502.010, 502.130) Any such ~~license~~ **tag** is not transferrable unless the person to whom the ~~license~~ **tag** was issued can demonstrate, in accordance with regulations adopted by the Board of Wildlife Commissioners, the existence of an extenuating circumstance which causes the person to be unable to use the tag. (NRS 502.100, 502.103)

**Section 4.5 of this bill provides that the death of a big game hunter is an extenuating circumstance and authorizes the Commission to establish a process by which a family member of the deceased big game hunter may transfer the tag of the deceased big game hunter to another person.**

**Section 1** of this bill authorizes the Commission to adopt regulations establishing a program that allows a person to transfer his or her tag to hunt a big game mammal to an eligible qualified organization for use by a person who: (1) has a disability or life-threatening medical condition; or (2) is 16 years of age or younger and is otherwise eligible to hunt in this State. Any regulations adopted by the Commission are required to include provisions setting forth how a qualified organization may apply for eligibility to participate in such a program. Section 4 of this bill makes conforming changes to provide that the transfer of a tag under this program is an exception to the general prohibition on the transfer of tags.

Existing law prohibits a child under the age of 12 from hunting big game mammal in this State and provides that an apprentice hunting license issued to a person 12 years of age or older does not authorize the person to hunt any animal for which a tag is required. (NRS 502.010, 502.066) **Sections 2 and 3** of this bill ~~provides~~ **provide** that a person under 16 years of age who participates in a program established by the Commission pursuant to **section 1** may hunt a big game mammal for which a tag is required.

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

**Section 1.** Chapter 502 of NRS is hereby amended by adding thereto a new section to read as follows:

**1.** *The Commission may adopt regulations establishing a program which authorizes a person to transfer his or her tag to hunt a big game mammal to an eligible qualified organization for use by a person who:*

- (a) Has a disability or life-threatening medical condition; or*
- (b) Is 16 years of age or younger and who is otherwise eligible to hunt in this State.*

**2.** *Any regulations adopted pursuant to subsection 1 must include, without limitation, provisions setting forth the manner in which a qualified organization may apply for eligibility to participate in the program and allow a person to use a tag to hunt a big game mammal pursuant to subsection 1.*

**3.** *As used in this section:*

*(a) "Disability" means a permanent physical impairment that substantially limits one or more major life activities and requires the assistance of another person or a mechanical device for physical mobility.*

*(b) "Qualified organization" means a nonprofit organization that ~~is~~ (1) demonstrates to the Commission in its application to participate in the program established pursuant to subsection 1 that it is recognized as exempt under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3) ~~and~~*

~~(2) :~~

*(1) Provides opportunities to engage in various experiences to a person, regardless of age, who has a disability or life-threatening medical condition;*

*or*  
*(2) Provides opportunities to engage in various experiences to a person who is 16 years of age or younger, with a preference for a person:*

*(I) With a disability or life-threatening medical condition; or*

*(II) Whose household income is not more than 150 percent of the federally designated level signifying poverty.*

**Sec. 2.** NRS 502.010 is hereby amended to read as follows:

502.010 1. A person who hunts or fishes any wildlife without having first procured a license or permit to do so, as provided in this title, is guilty of a misdemeanor, except that:

(a) A license to hunt or fish is not required of a resident of this State who is under 12 years of age, unless required for the issuance of tags as prescribed in this title or by the regulations of the Commission.

(b) A license to fish is not required of a nonresident of this State who is under 12 years of age, but the number of fish taken by the nonresident must not exceed 50 percent of the daily creel and possession limits as provided by law.

(c) Except as otherwise provided in subsection 6 or 7 of NRS 202.300 and NRS 502.066, it is unlawful for any child who is under 18 years of age to hunt any wildlife with any firearm, unless the child is accompanied at all times by the child's parent or guardian or is accompanied at all times by an adult person authorized by the child's parent or guardian to have control or custody of the child to hunt if the authorized person is also licensed to hunt.

(d) A child under 12 years of age, whether accompanied by a qualified person or not, shall not hunt big game in the State of Nevada ~~††~~ ***unless he or she participates in a program established pursuant to section 1 of this act.*** This section does not prohibit any child from accompanying an adult licensed to hunt.

(e) The Commission may adopt regulations setting forth:

(1) The species of wildlife which may be hunted or trapped without a license or permit; or

(2) The circumstances under which a person may fish without a license, permit or stamp in a lake or pond that is located entirely on private property and is stocked with lawfully acquired fish.

(f) The Commission may declare 1 day per year as a day upon which persons may fish without a license to do so.

2. This section does not apply to the protection of persons or property from unprotected wildlife on or in the immediate vicinity of home or ranch premises.

**Sec. 3.** NRS 502.066 is hereby amended to read as follows:

502.066 1. The Department shall issue an apprentice hunting license to a person who:

(a) Is 12 years of age or older;

(b) Has not previously been issued a hunting license by the Department, another state, an agency of a Canadian province or an agency of any other foreign country, including, without limitation, an apprentice hunting license; and

(c) Except as otherwise provided in subsection 5, is otherwise qualified to obtain a hunting license in this State.

2. The Department shall charge and collect a fee in the amount of \$15 for the issuance of an apprentice hunting license.

3. An apprentice hunting license authorizes the apprentice hunter to hunt in this State as provided in this section.

4. It is unlawful for an apprentice hunter to hunt in this State unless a mentor hunter accompanies and directly supervises the apprentice hunter at all times during a hunt. During the hunt, the mentor hunter shall ensure that:

(a) The apprentice hunter safely handles and operates the firearm or weapon used by the apprentice hunter; and

(b) The apprentice hunter complies with all applicable laws and regulations concerning hunting and the use of firearms.

5. A person is not required to complete a course of instruction in the responsibilities of hunters as provided in NRS 502.340 to obtain an apprentice hunting license.

6. The issuance of an apprentice hunting license does not:

(a) Authorize the apprentice hunter to obtain any other hunting license;

(b) Authorize the apprentice hunter to hunt any animal for which a tag is required pursuant to NRS 502.130 ~~†~~ *unless he or she participates in a program established pursuant to section 1 of this act*; or

(c) Exempt the apprentice hunter from any requirement of this title.

7. The Commission may adopt regulations to carry out the provisions of this section.

8. As used in this section:

(a) “Accompanies and directly supervises” means maintains close visual and verbal contact with, provides adequate direction to and maintains the ability readily to assume control of any firearm or weapon from an apprentice hunter.

(b) “Apprentice hunter” means a person who obtains an apprentice hunting license pursuant to this section.

(c) “Mentor hunter” means a person 18 years of age or older who holds a hunting license issued in this State and who accompanies and directly supervises an apprentice hunter. The term does not include a person who holds an apprentice hunting license pursuant to this section.

**Sec. 4.** NRS 502.100 is hereby amended to read as follows:

502.100 Except as otherwise provided in NRS 502.103 ~~†~~ *and section 1 of this act*:

1. No license provided by this title shall be transferable or used by any person other than the person to whom it was issued.

2. Every person lawfully having such licenses who transfers or disposes of the same to another person to be used as a hunting, trapping or fishing license shall forfeit the same.

**Sec. 4.5. NRS 502.103 is hereby amended to read as follows:**

502.103 1. The Commission may adopt regulations establishing:

(a) Conditions or events which are extenuating circumstances;

(b) A process through which a big game hunter who claims an extenuating circumstance may provide documentation to the Department which shows that his or her condition or event qualifies as an extenuating circumstance; ~~and~~

(c) A program through which a big game hunter who has proven that he or she qualifies for an extenuating circumstance pursuant to paragraph (b) may:

(1) Transfer his or her tag to another person who is otherwise eligible to hunt a big game mammal in this State;

(2) Defer his or her use of the tag to the next applicable open season; or

(3) Return his or her tag to the Department for restoration by the Department of any bonus points that he or she used to obtain the tag that is being returned ~~†~~; *and*

(d) A process through which a family member of a deceased big game hunter may provide documentation to the Department of the death of the big game hunter and transfer the tag of the deceased big game hunter to another person who is otherwise eligible to hunt a big game mammal in this State.

2. If a big game hunter transfers his or her tag to another person pursuant to subparagraph (1) of paragraph (c) of subsection 1, the big game hunter may not charge a fee or receive any compensation for such a transfer.

3. As used in this section:

(a) “Big game hunter” means a person who holds a tag.

(b) “Extenuating circumstance” means any injury, illness or other condition or event, as determined by the Commission, of a big game hunter or a family member of a big game hunter that causes the big game hunter to be unable to use his or her tag. **The term includes, without limitation, the death of the big game hunter.**

(c) “Family member” means:

(1) A spouse of the big game hunter;

(2) A person who is related to the big game hunter within the first degree of consanguinity; or

(3) A stepchild of the big game hunter.

(d) “Tag” means a tag to hunt a big game mammal in this State.

**Sec. 5.** 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~4.4~~ **4.5**, inclusive, of this act become effective:

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

(b) On July 1, 2021, for all other purposes.

Assemblyman Watts moved the adoption of the amendment.

Remarks by Assemblyman Watts.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 100.

Bill read second time and ordered to third reading.

Assembly Bill No. 107.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 81.

AN ACT relating to civil actions; revising the procedure for determining whether a person may prosecute or defend a civil action without paying costs; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law provides that any person who desires to prosecute or defend a civil action may: (1) file an affidavit with the court alleging that he or she is unable to prosecute or defend the action because he or she is unable to pay the costs of prosecuting or defending the action; or (2) submit a statement or otherwise indicate to the court that he or she is a client of a program for legal aid. If the court is satisfied that a person who files such an affidavit is unable to pay the costs of prosecuting or defending the action or if the court finds that

a person is a client of a program for legal aid, the court must order the clerk of the court to allow the person to commence or defend the action without costs and to file or issue any necessary writ, process, pleading or paper without charge. The court must also require that service of documents be made without charge. (NRS 12.015)

This bill revises this procedure to ~~instead (1)~~ require a person who wishes to prosecute or defend a civil action without paying costs to :(1) file an application to proceed as an indigent litigant; ~~and, or (2) establish~~ **if the person is a client of a program for legal aid, submit to the court a statement of legal representation or otherwise indicate to the court that the person is a client of a program for legal aid. This bill also establishes** certain criteria for the court to use in determining whether to grant ~~the~~ **an** application to proceed as an indigent litigant and prosecute or defend the civil action without paying costs.

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

**Section 1.** NRS 12.015 is hereby amended to read as follows:

12.015 1. Any person who desires to prosecute or defend a civil action ~~may:~~

~~(a) File an affidavit with the court setting forth with particularity facts concerning the person's income, property and other resources which establish that the person is unable to prosecute or defend the action because the person is unable to pay the costs of so doing; or~~

~~(b) Submit a statement or otherwise indicate to the court that the person is a client of a program for legal aid.] without paying the costs for prosecuting or defending the action may ~~file~~ :~~

(a) File, on a form provided by the court, an application to proceed as an indigent litigant ~~if~~, which must include a declaration that complies with the provisions of NRS 53.045; or

(b) If the person is a client of a program for legal aid, submit to the court a statement of representation or otherwise indicate to the court that the person is a client of a program for legal aid.

2. ~~The court shall grant an application to proceed as an indigent litigant] allow a person to commence or defend the action without costs and file or issue any necessary writ, process, pleading or paper without charge if ~~based~~ :~~

(a) Based on its review of ~~the~~ an application ~~if~~ filed pursuant to paragraph (a) of subsection 1, the court determines that the application should be granted and the person may proceed as an indigent litigant because the person:

~~(a) Is a client of a program for legal aid;~~  
~~(b) (1) Is receiving benefits provided by a federal or state program of public assistance;~~

~~##~~ (2) Has a household net income which is equal to or less than 150 percent of the federally designated level signifying poverty as provided in the most recent federal poverty guidelines published in the Federal Register by the United States Department of Health and Human Services;

~~##~~ (d) ~~Does not have sufficient liquid assets or assets which could be sold or borrowed against to pay the costs of prosecuting or defending the action without damaging his or her financial position;~~

~~##~~ (3) Has expenses for the necessities of life that exceed his or her income; or

~~##~~ (4) Has otherwise shown compelling reasons that he or she cannot pay the costs of prosecuting or defending the action.

(b) The person has submitted a statement of representation or otherwise indicated to the court that the person is a client of a program for legal aid pursuant to paragraph (b) of subsection 1.

↪ The sheriff or another appropriate public officer within this State shall make personal service of any necessary writ, process, pleading or paper without charge for an applicant whose application has been granted or a person who has submitted a statement of legal representation or otherwise indicated to the court that the person is a client of a program for legal aid.

~~3.~~ If the court is satisfied that a person who files an affidavit pursuant to subsection 1 is unable to pay the costs of prosecuting or defending the action or if the court finds that a person is a client of a program for legal aid, ~~grants the application of a person to proceed as an indigent litigant pursuant to subsection 2,~~ the court shall order:

~~(a) The clerk of the court:~~

~~(1) To allow the person to commence or defend the action without costs; and~~

~~(2) To file or issue any necessary writ, process, pleading or paper without charge.~~

~~(b) The sheriff or other appropriate public officer within this State to make personal service of any necessary writ, process, pleading or paper without charge.]~~

3. ## If the person is required to have proceedings reported or recorded, or if the court determines that the reporting, recording or transcription of proceedings would be helpful to the adjudication or appellate review of the case, the court shall order that the reporting, recording or transcription be performed at the expense of the county in which the action is pending but at a reduced rate as set by the county.

4. ## If the person prevails in the action, the court shall enter its order requiring the losing party to pay into court within 5 days the costs which would have been incurred by the prevailing party, and those costs must then be paid as provided by law.

5. [Where the affidavit establishes

~~6. If, based on its review of an application of a person to proceed as an indigent litigant, the court determines that the person is unable.] If an~~

applicant files an application to proceed as an indigent litigant pursuant to paragraph (a) of subsection 1 to defend an action, the running of the time within which to appear and answer or otherwise defend the action is tolled during the period between the filing of the ~~{affidavit}~~ application and the ~~{ruling}~~ decision of the court ~~{thereon}~~ to grant or deny the application.

~~6. {7.} An affidavit~~ The filing of an application to proceed as an indigent litigant ~~{filed}~~ pursuant to ~~{this section}~~ paragraph (a) of subsection 1 and any application or request ~~{for an order}~~ filed with the ~~{affidavit}~~ application ~~{does}~~ and the submission of a statement of legal representation or other indication to the court that the person is a client of a program for legal aid pursuant to paragraph (b) of subsection 1 do not constitute a general appearance before the court by the ~~{affiant}~~ applicant or person or give the court personal jurisdiction over the ~~{affiant}~~ applicant or person.

~~7. {applicant}~~

~~8. {~~ The ~~{order}~~ decision of ~~{the}~~ a court ~~{to which}~~ granting or denying an application ~~{is made}~~ to proceed as an indigent litigant filed pursuant to ~~{this section}~~ paragraph (a) of subsection 1 is not appealable.

~~8. {9.}~~ As used in this section, “client of a program for legal aid” means a person:

(a) Who is represented by an attorney who is employed by or volunteering for a program for legal aid organized under the auspices of the State Bar of Nevada, a county or local bar association, a county or municipal program for legal services or other program funded by this State or the United States to provide legal assistance to indigent persons; and

(b) Whose eligibility for such representation is based upon indigency.

**Sec. 2.** This act becomes effective ~~{on July 1, 2021}~~ 30 days after passage and approval.

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. 111.

Bill read second time.

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

Amendment No. 59.

ASSEMBLYMEN FRIERSON, MONROE-MORENO, YEAGER, NGUYEN, ~~{AND}~~ BENITEZ-THOMPSON ; **AND ROBERTS**

AN ACT relating to peace officers; revising provisions relating to the ~~{Executive Director}~~ membership of the Peace Officers’ Standards and Training Commission; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law creates the Peace Officers’ Standards and Training Commission, consisting of nine members appointed by the Governor ~~{, and~~



requires the Commission to appoint an Executive Director by a majority vote of its members. (NRS 289.500, 589.520) Under existing law, the Executive Director: (1) is prohibited from pursuing any other business or occupation, or performing any other duties of any other office of profit without the prior approval of the Commission; and (2) may be removed for cause by a majority vote of the members of the Commission. (NRS 289.520) This bill transfers to the Governor the duty to appoint, and the authority to approve outside employment or duties of or to remove, the Executive Director. **(NRS 289.500)** **This bill increases the membership of the Commission to 11 members and requires the Majority Leader of the Senate and the Speaker of the Assembly each to appoint one member who is not a peace officer and who has demonstrated expertise in one or more of the following areas: (1) implicit and explicit bias; (2) cultural competency; (3) mental health as it relates to policing and law enforcement; and (4) working with certain vulnerable populations. This bill also requires the Governor, the Majority Leader of the Senate and the Speaker of the Assembly to consider the racial, gender and ethnic diversity of the Commission when making appointments to the Commission.**

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

**Section 1.** ~~NRS 289.520 is hereby amended to read as follows:~~

~~289.520 The [Commission, by majority vote of its members.] **Governor** shall appoint an Executive Director of the Commission. The Executive Director:~~

~~1. Must be selected with special reference to the person's training, experience, capacity and interest in the field of administering laws and regulations relating to the training of peace officers.~~

~~2. Is in the unclassified service of the State.~~

~~3. Shall not pursue any other business or occupation, or perform any other duties of any other office of profit without the prior approval of the [Commission.] **Governor.**~~

~~4. May be removed by the [Commission, by a majority vote of its members.] **Governor** at any time for cause. **(Deleted by amendment.)**~~

**Sec. 2.** ~~[Notwithstanding the provisions of NRS 289.520, the Executive Director of the Peace Officers' Standards and Training Commission who is serving in that position on July 1, 2021, continues to serve until a successor is appointed by the Governor in accordance with NRS 289.520, as amended by section 1 of this act.] **(Deleted by amendment.)**~~

**Sec. 2.5.** **NRS 289.500 is hereby amended to read as follows:**

289.500 1. The Peace Officers' Standards and Training Commission, consisting of ~~[nine]~~ **11** members ~~[appointed by the Governor,]~~ is hereby created. The Governor shall appoint ~~[=]~~ **9 members to the Commission as follows:**

(a) Two members from Clark County, one of whom must be from a metropolitan police department created pursuant to chapter 280 of NRS if one exists in Clark County;

(b) One member from Washoe County;

(c) Three members from counties other than Clark and Washoe Counties;

(d) One member from a state law enforcement agency that primarily employs peace officers required to receive training as category I peace officers;

(e) One member who is a category II peace officer; and

(f) One member who is a category III peace officer.

2. **The Majority Leader of the Senate and the Speaker of the Assembly shall each appoint to the Commission one member who is not a peace officer. A member appointed pursuant to this subsection must have demonstrated expertise in one or more of the following areas:**

**(a) Implicit and explicit bias.**

**(b) Cultural competency.**

**(c) Mental health as it relates to policing and law enforcement engagement.**

**(d) Working with children, elderly persons, persons who are pregnant, persons experiencing mental health crises, persons with physical, intellectual or developmental disabilities or persons from other vulnerable populations.**

3. Members of the Commission serve terms of 2 years. Members serve without compensation, but are entitled to the per diem allowance and travel expenses provided for state officers and employees generally.

~~3.~~ 4. The Governor shall make the appointments to the Commission from recommendations submitted by Clark County, Washoe County, professional organizations of sheriffs and police chiefs of this State and employee organizations that represent only peace officers of this State who are certified by the Commission.

5. **In making the appointments to the Commission, the Governor, the Majority Leader of the Senate and the Speaker of the Assembly shall consider the racial, gender and ethnic diversity of the Commission.**

Sec. 3. 1. ~~This act~~ **section becomes effective ~~on~~ upon passage and approval.**

2. **Section 2.5 of this act becomes effective upon passage and approval for the purposes of appointing members to the Peace Officers' Standards and Training Commission pursuant to subsection 2 of NRS 289.500, as amended by section 2.5 of this act and on July 1, 2021 ~~to~~, for all other purposes.**

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. 118.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 56.

AN ACT relating to motor vehicles; revising provisions relating to the transportation of children in motor vehicles; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law generally requires a person transporting a child who is less than 6 years of age and who weighs 60 pounds or less in a motor vehicle to secure the child in a child restraint system that meets certain requirements. (NRS 484B.157) Existing law also generally requires any other person in a motor vehicle to wear a safety belt while the motor vehicle is being driven. (NRS 484D.495) **Section 2** of this bill: (1) increases the age requirement at which a child is required to be secured in a child restraint system from less than 6 years of age to less than 8 years of age; (2) removes the weight requirement; ~~and~~ (3) adds the requirement that the child be less than 57 inches tall ~~and~~; **and (4) adds the requirement that a child less than 2 years of age generally be secured in a rear-facing child restraint system in the back seat of the motor vehicle.** Additionally, **section 2** provides that if the child is at least 8 years of age but less than 13 years of age, then the child must be secured in a safety belt in the back seat unless the air bag on the passenger's side of the front seat, if any, is deactivated and: (1) special health care needs of the child require the child to ride in the front seat and a written statement signed by a physician certifying the requirement is carried in the motor vehicle; (2) all back seats are in use by other children who are less than 13 years of age; or (3) the motor vehicle is not equipped with back seats.

Existing law requires a citation to be issued to: (1) any driver or adult passenger who fails to wear a safety belt; or (2) any driver who fails to require a child to wear a safety belt if the child is not required to be secured in a child restraint system. However, under existing law, such violations are not primary offenses, which means that a citation for such violations may only be issued if the violations are discovered when the vehicle is halted or the driver arrested for another alleged violation or offense. (NRS 484D.495) **Section 3** of this bill provides that: (1) it remains a secondary offense, not a primary offense, for a driver or an adult passenger to fail to wear a safety belt himself or herself, but it is a primary offense for a driver to fail to require a child to wear a safety belt if the child is required by law to wear a safety belt; and (2) if the driver of the motor vehicle is not the parent or guardian of the child who is not wearing a safety belt, then the parent or guardian of the child must also be cited if the parent or guardian is a passenger in the motor vehicle.

Existing law requires a short-term lessor who offers or provides a waiver of damages to disclose certain information, including the existing law of this State relating to the use of safety belts. (NRS 482.3156) **Section 1** of this bill

makes conforming changes to that disclosure to reflect the changes made in this bill.

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

**Section 1.** NRS 482.3156 is hereby amended to read as follows:

482.3156 A short-term lessor who offers or provides a waiver of damages for any consideration in addition to the rate for lease of a passenger car shall clearly and conspicuously disclose the following information in the lease or a holder in which the lease is placed and on a sign posted at the place where the lessee signs the lease:

1. The nature and extent of the short-term lessee's liability.
2. A statement that the short-term lessee's personal insurance policy may provide coverage for all or a portion of the lessee's potential liability.
3. A statement that the short-term lessee should consult with his or her insurer to determine the scope of insurance coverage.
4. A statement that the short-term lessee may purchase an optional waiver of damages to cover all liability subject to any exception that the short-term lessor includes and that is permitted by NRS 482.31555.

5. The charge for the waiver of damages.

6. A statement that Nevada law requires ~~any~~, **with certain exceptions:**

**(a) Any** driver of a passenger car and any passenger ~~15~~ **13** years of age or older who rides in the front or back seat of a passenger car to wear a safety belt if one is available for that seating position ~~1~~;

**(b) Any passenger who is 8 years of age or older but less than 13 years of age to be secured by a safety belt in the manner set forth in subsection 2 of NRS 484B.157; ~~and~~**

**(c) Any passenger who is less than 8 years of age and less than 57 inches tall to be secured in a child restraint system described in paragraph (a) of subsection 1 of NRS 484B.157 ~~1~~; and**

**(d) Any passenger who is less than 2 years of age to be secured in a rear-facing child restraint system in the back seat of the motor vehicle pursuant to paragraph (b) of subsection 1 of NRS 484B.157.**

**Sec. 2.** NRS 484B.157 is hereby amended to read as follows:

484B.157 1. Except as otherwise provided in subsection ~~7~~ **8**, any person who is transporting ~~a~~;

**(a) A** child who is less than ~~6~~ **8** years of age and ~~who weighs 60 pounds or~~ **less than 57 inches tall** in a motor vehicle operated in this State which is equipped to carry passengers shall secure the child in a child restraint system which:

~~(a)~~ **(1)** Has been approved by the United States Department of Transportation in accordance with the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. Part 571;

~~(b)~~ **(2)** Is appropriate for the size and weight of the child; and

~~[(c)]~~ (3) Is installed within and attached safely and securely to the motor vehicle:

~~[(1)]~~ (I) In accordance with the instructions for installation and attachment provided by the manufacturer of the child restraint system; or

~~[(2)]~~ (II) In another manner that is approved by the National Highway Traffic Safety Administration.

**(b) A child who is less than 2 years of age in a motor vehicle operated in this State which is equipped to carry passengers shall secure the child in a rear-facing child restraint system in the back seat of the motor vehicle in accordance with subparagraphs (1), (2) and (3) of paragraph (a) unless the child is secured in a rear-facing child restraint system on the passenger side of the front seat in accordance with subparagraphs (1), (2) and (3) of paragraph (a), the air bag on the passenger's side of the front seat, if any, is deactivated and:**

**(1) Special health care needs of the child require the child to ride in the front seat of the motor vehicle and a written statement signed by a physician certifying the requirement is carried in the motor vehicle;**

**(2) All back seats in the motor vehicle are in use by other children who are less than 2 years of age; or**

**(3) The motor vehicle is not equipped with back seats.**

2. Except as otherwise provided in subsection 8, any person who is transporting a child who is not required to be secured in a child restraint system pursuant to subsection 1 and who is less than 13 years of age in a motor vehicle operated in this State which is equipped to carry passengers shall secure the child in a safety belt in the back seat of the motor vehicle unless the air bag on the passenger's side of the front seat, if any, is deactivated and:

(a) Special health care needs of the child require the child to ride in the front seat of the motor vehicle and a written statement signed by a physician certifying the requirement is carried in the motor vehicle;

(b) All back seats in the motor vehicle are in use by other children who are less than 13 years of age; or

(c) The motor vehicle is not equipped with back seats.

3. If a defendant pleads or is found guilty of violating the provisions of subsection 1 ~~†~~ or 2, the court shall:

(a) For a first offense, order the defendant to pay a fine of not less than \$100 or more than \$500 or order the defendant to perform not less than 10 hours or more than 50 hours of community service;

(b) For a second offense, order the defendant to pay a fine of not less than \$500 or more than \$1,000 or order the defendant to perform not less than 50 hours or more than 100 hours of community service; and

(c) For a third or subsequent offense, suspend the driver's license of the defendant for not less than 30 days or more than 180 days.

~~†~~ 4. At the time of sentencing, the court shall provide the defendant with a list of persons and agencies approved by the Department of Public Safety to

conduct programs of training and perform inspections of child restraint systems. The list must include, without limitation, an indication of the fee, if any, established by the person or agency pursuant to subsection ~~4-1~~ 5. If, within 60 days after sentencing, a defendant provides the court with proof of satisfactory completion of a program of training provided for in this subsection, the court shall:

(a) If the defendant was sentenced pursuant to paragraph (a) of subsection ~~2-1~~ 3, waive the fine or community service previously imposed; or

(b) If the defendant was sentenced pursuant to paragraph (b) of subsection ~~2-1~~ 3, reduce by one-half the fine or community service previously imposed.

↪ A defendant is only eligible for a reduction of a fine or community service pursuant to paragraph (b) if the defendant has not had a fine or community service waived pursuant to paragraph (a).

~~4-1~~ 5. A person or agency approved by the Department of Public Safety to conduct programs of training and perform inspections of child restraint systems may, in cooperation with the Department, establish a fee to be paid by defendants who are ordered to complete a program of training. The amount of the fee, if any:

(a) Must be reasonable; and

(b) May, if a defendant desires to acquire a child restraint system from such a person or agency, include the cost of a child restraint system provided by the person or agency to the defendant.

↪ A program of training may not be operated for profit.

~~5-1~~ 6. For the purposes of NRS 483.473, a violation of this section is not a moving traffic violation.

~~6-1~~ 7. A violation of this section may not be considered:

(a) Negligence in any civil action; or

(b) Negligence or reckless driving for the purposes of NRS 484B.653.

~~7-1~~ 8. This section does not apply:

(a) To a person who is transporting a child in a means of public transportation, including a taxi, school bus or emergency vehicle.

(b) When a physician or an advanced practice registered nurse determines that the use of such a child restraint system for the particular child would be impractical or dangerous because of such factors as the child's weight, physical unfitness or medical condition. In this case, the person transporting the child shall carry in the vehicle the signed statement of the physician or advanced practice registered nurse to that effect.

~~8-1~~ 9. As used in this section, "child restraint system" means any device that is designed for use in a motor vehicle to restrain, seat or position children. The term includes, without limitation:

(a) Booster seats and belt-positioning seats that are designed to elevate or otherwise position a child so as to allow the child to be secured with a safety belt;

(b) Integrated child seats; and

(c) Safety belts that are designed specifically to be adjusted to accommodate children.

**Sec. 3.** NRS 484D.495 is hereby amended to read as follows:

484D.495 1. It is unlawful to drive a passenger car manufactured after:

(a) January 1, 1968, on a highway unless it is equipped with at least two lap-type safety belt assemblies for use in the front seating positions.

(b) January 1, 1970, on a highway unless it is equipped with a lap-type safety belt assembly for each permanent seating position for passengers. This requirement does not apply to the rear seats of vehicles operated by a police department or sheriff's office.

(c) January 1, 1970, unless it is equipped with at least two shoulder-harness-type safety belt assemblies for use in the front seating positions.

2. Any person driving, and any passenger who:

(a) Is ~~16~~ 8 years of age or older; or

(b) ~~Weights more than 60 pounds,~~ **Is 57 inches tall or more**, regardless of age,

↳ who rides in the front or back seat of any vehicle described in subsection 1, having an unladen weight of less than 10,000 pounds, on any highway, road or street in this State shall wear a safety belt if one is available for the seating position of the person or passenger.

3. A citation must be issued to any driver or to any adult passenger who fails to wear a safety belt as required by subsection 2. ***A citation may be issued pursuant to this subsection only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense.***

4. If the passenger ***who fails to wear a safety belt as required by subsection 2*** is a child who:

(a) Is ~~16~~ 8 years of age or older but less than 18 years of age, regardless of ~~weight,~~ **height;** or

(b) Is less than ~~16~~ 8 years of age but ~~who weighs more than 60 pounds,~~ **is 57 inches tall or more,**

↳ a citation must be issued to the driver for failing to require that child to wear the safety belt ~~but if both the driver and that child are not wearing safety belts, only one citation may be issued to the driver for both violations. A citation may be issued pursuant to this subsection only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense.~~ ***and, if the driver is not the parent or guardian of the child, to the parent or guardian of the child if the parent or guardian is a passenger.***

5. Any person who violates the provisions of subsection 2 shall be punished by a fine of not more than \$25 or by a sentence to perform a certain number of hours of community service.

~~4.~~ 6. A violation of subsection 2:

(a) Is not a moving traffic violation under NRS 483.473.

(b) May not be considered as negligence or as causation in any civil action or as negligent or reckless driving under NRS 484B.653.

(c) May not be considered as misuse or abuse of a product or as causation in any action brought to recover damages for injury to a person or property resulting from the manufacture, distribution, sale or use of a product.

~~§ 7.~~ 7. The Department shall exempt those types of motor vehicles or seating positions from the requirements of subsection 1 when compliance would be impractical.

~~§ 8.~~ 8. The provisions of subsections 2 ~~and 3~~ **to 5, inclusive**, do not apply:

(a) To a driver or passenger who possesses a written statement by a physician or an advanced practice registered nurse certifying that the driver or passenger is unable to wear a safety belt for medical or physical reasons;

(b) If the vehicle is not required by federal law to be equipped with safety belts;

(c) To an employee of the United States Postal Service while delivering mail in the rural areas of this State;

(d) If the vehicle is stopping frequently, the speed of that vehicle does not exceed 15 miles per hour between stops and the driver or passenger is frequently leaving the vehicle or delivering property from the vehicle; or

(e) Except as otherwise provided in NRS 484D.500, to a passenger riding in a means of public transportation, including a school bus or emergency vehicle.

~~§ 9.~~ 9. It is unlawful for any person to distribute, have for sale, offer for sale or sell any safety belt or shoulder harness assembly for use in a motor vehicle unless it meets current minimum standards and specifications of the United States Department of Transportation.

**Sec. 4.** This act becomes effective on January 1, 2022.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Remarks by Assemblywoman Monroe-Moreno.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 121.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 33.

AN ACT relating to elections; requiring the Secretary of State to allow an elector with a disability to register to vote and a registered voter with a disability to request and cast an absent ballot using the system of approved electronic transmission established for certain uniformed military and overseas voters; setting forth certain requirements for such an elector or registered voter to use the system of approved electronic transmission; **revising the deadline by which certain uniformed military and overseas voters may submit an**



**application to register to vote or a request for a military-overseas ballot;** and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the Secretary of State to establish a system of approved electronic transmission through which certain uniformed military and overseas voters may register to vote, apply for a military-overseas ballot and cast a military-overseas ballot. (NRS 293D.200) **Section 1** of this bill requires the Secretary of State to allow the system of approved electronic transmission to be used by: (1) an elector with a disability to register to vote; and (2) a registered voter with a disability to apply for and cast an absent ballot. **Section 1** also requires the system of approved electronic transmission to allow such an elector or registered voter to provide his or her digital or electronic signature on any document or other material that is necessary for the elector to register to vote or the registered voter to apply for and cast an absent ballot. **Section 1** further requires the Secretary of State to prescribe procedures to be used by local elections officials in accepting, handling and counting absent ballots received from a registered voter with a disability using the system of approved electronic transmission.

**Sections 2-12** of this bill make conforming changes related to allowing the use of the system of approved electronic transmission by an elector with a disability to register to vote and a registered voter with a disability to request and cast an absent ballot.

**Existing law authorizes certain uniformed military and overseas voters to: (1) use a federal postcard application or the application's electronic equivalent to apply to register to vote; or (2) use the declaration accompanying the federal write-in absentee ballot to apply to register to vote simultaneously with the submission of the federal write-in absentee ballot if the application or the declaration, as applicable, is received by the appropriate elections official by the seventh day before the election. (NRS 293D.230) Existing law further authorizes certain uniformed military and overseas voters to submit an application for a military-overseas ballot by the seventh day before the election. (NRS 293D.300, 293D.310) Existing law also requires a military-overseas ballot to be received by the appropriate local elections official not later than the close of the polls. (NRS 293D.400) Sections 13-16 of this bill provide that the deadline for certain uniformed military and overseas voters to: (1) submit a federal postcard application or the application's electronic equivalent to apply to register to vote; (2) submit the federal write-in absentee ballot and register to vote simultaneously using the declaration accompanying the federal write-in absentee ballot; or (3) apply for a military-overseas ballot and return the military-overseas ballot to the appropriate local elections official is the time set for closing the polls on election day pursuant to NRS 293.273, which is currently 7 p.m. As a result of the changes made by sections 13-16, a person with a disability may also use the system of approved electronic transmission to register to vote, request**

**an absent ballot and cast an absent ballot until the time set for closing the polls on election day.**

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

**Section 1.** Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

**1. The Secretary of State shall allow:**

*(a) An elector with a disability to use the system of approved electronic transmission established pursuant to NRS 293D.200 to register to vote in every election where the system of approved electronic transmission is available to a covered voter to register to vote, including, without limitation, an affected election. The deadline for an elector with a disability to use the system of approved electronic transmission to register to vote is the same as the deadline set forth in NRS 293D.230 for a covered voter ~~to use the system~~ to register to vote.*

*(b) A registered voter with a disability to use the system of approved electronic transmission established pursuant to NRS 293D.200 to apply for and cast an absent ballot in every election where the system of approved electronic transmission is available to a covered voter to request and cast a military-overseas ballot, including, without limitation, an affected election. The deadlines for a registered voter with a disability to use the system of approved electronic transmission to request and cast an absent ballot ~~are~~ are the same as the deadlines set forth in NRS 293D.310 and 293D.400 for a covered voter ~~to use the system~~ to request and cast a military-overseas ballot.*

**2. The Secretary of State shall ensure that an elector with a disability or a registered voter with a disability may provide his or her digital signature or electronic signature on any document or other material that is necessary for the elector or registered voter to register to vote, apply for an absent ballot or cast an absent ballot, as applicable.**

**3. The Secretary of State shall prescribe the form and content of a declaration for use by an elector with a disability or a registered voter with a disability to swear or affirm specific representations pertaining to identity, eligibility to vote, status as such an elector or registered voter and timely and proper completion of an absent ballot.**

**4. The Secretary of State shall prescribe the duties of the county clerk upon receipt of an absent ballot sent by a registered voter with a disability using the system of approved electronic transmission, including, without limitation, the procedures to be used in accepting, handling and counting the absent ballot.**

**5. The Secretary of State shall make available to an elector with a disability or a registered voter with a disability information regarding instructions on using**

*the system for approved electronic transmission to register to vote and apply for and cast an absent ballot.*

**6. The Secretary of State shall adopt any regulation necessary to carry out the provisions of this section.**

**7. As used in this section:**

**(a) “Affected election” has the meaning ascribed to it in NRS 293.8811.**

**(b) “Covered voter” has the meaning ascribed to it in NRS 293D.030.**

**(c) “Digital signature” has the meaning ascribed to it in NRS 720.060.**

**(d) “Electronic signature” has the meaning ascribed to it in NRS 719.100.**

**(e) “Military-overseas ballot” has the meaning ascribed to it in NRS 293D.050.**

**Sec. 2.** NRS 293.250 is hereby amended to read as follows:

293.250 1. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall, in a manner consistent with the election laws of this State, prescribe:

(a) The form of all ballots, absent ballots, diagrams, sample ballots, certificates, notices, declarations, applications to preregister and register to vote, lists, applications, registers, rosters, statements and abstracts required by the election laws of this State.

(b) The procedures to be followed and the requirements of:

(1) A system established pursuant to NRS 293.506 for using a computer to register voters and to keep records of registration.

(2) The system established by the Secretary of State pursuant to NRS 293.671 for using a computer to register voters.

**(3) *The use of the system of approved electronic transmission established pursuant to NRS 293D.200 by electors and voters with disabilities pursuant to section 1 of this act.***

2. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall prescribe with respect to the matter to be printed on every kind of ballot:

(a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State.

(b) The listing of all other candidates required to file with the Secretary of State, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his or her county.

3. The Secretary of State shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter’s choice.

4. The fiscal note for, explanation of, arguments for and against, and rebuttals to such arguments of each proposed constitutional amendment or statewide measure must be included on all sample ballots.

5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Attorney General. The

arguments and rebuttals for or against constitutional amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in NRS 293.252. The fiscal notes for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau. The condensations, explanations, arguments, rebuttals and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible must be completed by August 1 of the year in which the general election is to be held. The explanations must include a digest. The digest must include a concise and clear summary of any existing laws directly related to the constitutional amendment or statewide measure and a summary of how the constitutional amendment or statewide measure adds to, changes or repeals such existing laws. For a constitutional amendment or statewide measure that creates, generates, increases or decreases any public revenue in any form, the first paragraph of the digest must include a statement that the constitutional amendment or statewide measure creates, generates, increases or decreases, as applicable, public revenue.

6. The names of candidates for township and legislative or special district offices must be printed only on the ballots furnished to voters of that township or district.

7. A county clerk:

(a) May divide paper ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.

(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.

**Sec. 3.** NRS 293.313 is hereby amended to read as follows:

293.313 1. Except as otherwise provided in *subsection 2 and* NRS 293.272, 293.316, 293.3165 and 293.502, a registered voter may request an absent ballot if, before 5 p.m. on the 14th calendar day preceding the election, the registered voter:

(a) Provides sufficient written notice to the county clerk; and

(b) Has identified himself or herself to the satisfaction of the county clerk.

2. *A registered voter with a disability may use the system for approved electronic transmission established by the Secretary of State pursuant to subsection 2 of NRS 293D.200 to request an absent ballot in accordance with section 1 of this act.*

3. A registered voter may request an absent ballot for all elections held during the year he or she requests an absent ballot.

~~3.~~ 4. A county clerk shall consider a request from a voter who has given sufficient written notice on a form provided by the Federal Government as a request for an absent ballot for the primary and general elections immediately following the date on which the county clerk received the request.

~~4.~~ 5. It is unlawful for a person fraudulently to request an absent ballot in the name of another person or to induce or coerce another person

fraudulently to request an absent ballot in the name of another person. A person who violates this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

**Sec. 4.** NRS 293.317 is hereby amended to read as follows:

293.317 1. Except as otherwise provided in this section, subsection 2 of NRS 293.323 and NRS 293D.200, **and section 1 of this act**, absent ballots, including special absent ballots, must be:

(a) Delivered by hand to the county clerk before the time set for closing of the polls pursuant to NRS 293.273; or

(b) Mailed to the county clerk and:

(1) Postmarked on or before the day of election; and

(2) Received by the county clerk not later than 5 p.m. on the seventh day following the election.

2. If an absent ballot is received by mail not later than 5 p.m. on the third day following the election and the date of the postmark cannot be determined, the absent ballot shall be deemed to have been postmarked on or before the day of the election.

**Sec. 5.** NRS 293.325 is hereby amended to read as follows:

293.325 1. Except as otherwise provided in NRS 293D.200, **and section 1 of this act**, when an absent ballot is returned by or on behalf of an absent voter to the county clerk through the mail, by facsimile machine or other approved electronic transmission or in person, and a record of its return is made in the absent ballot record for the election, the county clerk or an employee in the office of the county clerk shall check the signature used for the absent ballot in accordance with the following procedure:

(a) The county clerk or employee shall check the signature used for the absent ballot against all signatures of the voter available in the records of the county clerk.

(b) If at least two employees in the office of the county clerk believe there is a reasonable question of fact as to whether the signature used for the absent ballot matches the signature of the voter, the county clerk shall contact the voter and ask the voter to confirm whether the signature used for the absent ballot belongs to the voter.

2. For purposes of subsection 1:

(a) There is a reasonable question of fact as to whether the signature used for the absent ballot matches the signature of the voter if the signature used for the absent ballot differs in multiple, significant and obvious respects from the signatures of the voter available in the records of the county clerk.

(b) There is not a reasonable question of fact as to whether the signature used for the absent ballot matches the signature of the voter if:

(1) The signature used for the absent ballot is a variation of the signature of the voter caused by the substitution of initials for the first or middle name or the use of a common nickname and it does not otherwise differ in multiple, significant and obvious respects from the signatures of the voter available in the records of the county clerk; or

(2) There are only slight dissimilarities between the signature used for the absent ballot and the signatures of the voter available in the records of the county clerk.

3. Except as otherwise provided in subsection 4, if the county clerk determines that the absent voter is entitled to cast the absent ballot and:

(a) No absent ballot central counting board has been appointed, the county clerk shall neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and deliver, or cause to be delivered, that container to the appropriate election board.

(b) An absent ballot central counting board has been appointed, the county clerk shall deposit the absent ballot in the proper ballot box or place the absent ballot, unopened, in a container that must be securely locked or under the control of the county clerk at all times. At the end of each day before election day, the county clerk may remove the absent ballots from each ballot box, neatly stack the absent ballots in a container and seal the container with a numbered seal. Not earlier than 15 days before the election, the county clerk shall deliver the absent ballots to the absent ballot central counting board to be processed and prepared for counting pursuant to the procedures established by the Secretary of State to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293.273 or 293.305.

4. If the county clerk determines when checking the signature used for the absent ballot that the absent voter failed to affix his or her signature or failed to affix it in the manner required by law for the absent ballot or that there is a reasonable question of fact as to whether the signature used for the absent ballot matches the signature of the voter, but the voter is otherwise entitled to cast the absent ballot, the county clerk shall contact the voter and advise the voter of the procedures to provide a signature or a confirmation that the signature used for the absent ballot belongs to the voter, as applicable. For the absent ballot to be counted, the voter must provide a signature or a confirmation, as applicable, not later than 5 p.m. on the seventh day following the election or, if applicable, the ninth day following an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive.

5. The county clerk shall prescribe procedures for an absent voter who failed to affix his or her signature or failed to affix it in the manner required by law for the absent ballot, or for whom there is a reasonable question of fact as to whether the signature used for the absent ballot matches the signature of the voter, in order to:

(a) Contact the voter;

(b) Allow the voter to provide a signature or a confirmation that the signature used for the absent ballot belongs to the voter, as applicable; and

(c) After a signature or a confirmation is provided, as applicable, ensure the absent ballot is delivered to the appropriate election board or the absent ballot central counting board, as applicable.

6. The procedures established pursuant to subsection 5 for contacting an absent voter must require the county clerk to contact the voter, as soon as possible after receipt of the absent ballot, by:

- (a) Mail;
- (b) Telephone, if a telephone number for the voter is available in the records of the county clerk; and
- (c) Electronic mail, if the voter has provided the county clerk with sufficient information to contact the voter by such means.

**Sec. 6.** NRS 293.330 is hereby amended to read as follows:

293.330 1. Except as otherwise provided in this section, subsection 2 of NRS 293.323, NRS 293.329 and chapter 293D of NRS, **and section 1 of this act**, in order to vote an absent ballot, the absent voter must, in accordance with the instructions:

- (a) Mark and fold the absent ballot;
- (b) Deposit the absent ballot in the return envelope and seal the return envelope;
- (c) Affix his or her signature on the return envelope in the space provided for the signature; and
- (d) Mail or deliver the return envelope in a manner authorized by law.

2. Except as otherwise provided in subsection 3, if a voter who has requested an absent ballot by mail applies to vote the absent ballot in person at:

- (a) The office of the county clerk, the voter must mark and fold the absent ballot, deposit it in the return envelope and seal the return envelope and affix his or her signature in the same manner as provided in subsection 1, and deliver the return envelope to the clerk.
- (b) A polling place, including, without limitation, a polling place for early voting, the voter must surrender the absent ballot and provide satisfactory identification before being issued a ballot to vote at the polling place. A person who receives a surrendered absent ballot shall mark it "Cancelled."

3. If a voter who has requested an absent ballot by mail applies to vote in person at the office of the county clerk or a polling place, including, without limitation, a polling place for early voting, and the voter does not have the absent ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:

- (a) Provides satisfactory identification;
- (b) Is a registered voter who is otherwise entitled to vote; and
- (c) Signs an affirmation under penalty of perjury on a form prepared by the Secretary of State declaring that the voter has not voted during the election.

4. Except as otherwise provided in subsection 5, at the request of a voter whose absent ballot has been prepared by or on behalf of the voter for an election, a person authorized by the voter may return the absent ballot on behalf of the voter by mail or personal delivery to the county clerk.

5. Except for an election board officer in the course of the election board officer's official duties, a person shall not willfully:

(a) Impede, obstruct, prevent or interfere with the return of a voter's absent ballot;

(b) Deny a voter the right to return the voter's absent ballot; or

(c) If the person receives the voter's absent ballot and authorization to return the absent ballot on behalf of the voter by mail or personal delivery, fail to return the absent ballot, unless otherwise authorized by the voter, by mail or personal delivery:

(1) Before the end of the third day after the day of receipt, if the person receives the absent ballot from the voter four or more days before the day of the election; or

(2) Before the deadline established by the United States Postal Service for the absent ballot to be postmarked on the day of the election or before the polls close on the day of the election, as applicable to the type of delivery, if the person receives the absent ballot from the voter three or fewer days before the day of the election.

6. A person who violates any provision of subsection 5 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

**Sec. 7.** NRS 293.333 is hereby amended to read as follows:

293.333 1. Except as otherwise provided in NRS 293D.200, **and section 1 of this act**, on the day of an election, the election boards receiving the absent ballots from the county clerk shall, in the presence of a majority of the election board officers, remove the absent ballots from the ballot box and the containers in which the absent ballots were transported pursuant to NRS 293.325 and deposit the absent ballots in the regular ballot box in the following manner:

(a) The name of the voter, as shown on the return envelope or approved electronic transmission, must be checked as if the voter were voting in person;

(b) The signature used for the absent ballot must be checked in accordance with the procedure set forth in NRS 293.325;

(c) If the board determines that the voter is entitled to cast the absent ballot, the return envelope must be opened, the numbers on the absent ballot and return envelope or approved electronic transmission compared, the number strip or stub detached from the absent ballot and, if the numbers are the same, the absent ballot deposited in the regular ballot box; and

(d) The election board officers shall indicate in the roster "Voted" by the name of the voter.

2. The board must complete the count of all absent ballots on or before the seventh day following the election or, if applicable, the ninth day following an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive.

**Sec. 8.** NRS 293.335 is hereby amended to read as follows:

293.335 When all absent ballots delivered to the election boards have been voted or rejected, except as otherwise provided in NRS 293D.200, **and section 1 of this act**, the empty envelopes and the envelopes and approved electronic transmissions containing rejected ballots must be returned to the county clerk. On all envelopes and approved electronic transmissions containing rejected



ballots the cause of rejection must be noted and the envelope or approved electronic transmission signed by a majority of the election board officers.

**Sec. 9.** NRS 293.340 is hereby amended to read as follows:

293.340 1. In counties in which an absent ballot central counting board is appointed the county clerk shall provide a ballot box in the county clerk's office for each different ballot listing in the county.

2. On each such box there must appear a statement indicating the precincts and district for which such box has been designated.

3. Except as otherwise provided in NRS 293D.200, **and section 1 of this act**, each absent ballot voted must be deposited in a ballot box according to the precinct or district of the absent voter voting such ballot.

**Sec. 10.** NRS 293.469 is hereby amended to read as follows:

293.469 Each county clerk is encouraged to:

1. Not later than the earlier date of the notice provided pursuant to NRS 293.203 or the first notice provided pursuant to subsection 3 of NRS 293.560, notify the public, through means designed to reach members of the public who are elderly or disabled, of the provisions of NRS 293.2955, 293.296, 293.313, 293.316 and 293.3165 **and section 1 of this act**.

2. Provide in alternative audio and visual formats information concerning elections, information concerning how to preregister or register to vote and information concerning the manner of voting for use by a person who is elderly or disabled, including, without limitation, providing such information through a telecommunications device that is accessible to a person who is deaf.

3. Not later than 5 working days after receiving the request of a person who is elderly or disabled, provide to the person, in a format that can be used by the person, any requested material that is:

(a) Related to elections; and

(b) Made available by the county clerk to the public in printed form.

**Sec. 11.** NRS 293.517 is hereby amended to read as follows:

293.517 1. Any person who meets the qualifications set forth in NRS 293.4855 residing within the county may preregister to vote and any elector residing within the county may register to vote:

(a) Except as otherwise provided in NRS 293.560 and 293C.527, by appearing before the county clerk, a field registrar or a voter registration agency, completing the application to preregister or register to vote, giving true and satisfactory answers to all questions relevant to his or her identity and right to preregister or register to vote, and providing proof of residence and identity;

(b) By completing and mailing or personally delivering to the county clerk an application to preregister or register to vote pursuant to the provisions of NRS 293.5235;

(c) Pursuant to the provisions of NRS 293.5727 or 293.5742 or chapter 293D of NRS **and section 1 of this act**;

(d) At his or her residence with the assistance of a field registrar pursuant to NRS 293.5237;

(e) By submitting an application to preregister or register to vote by computer using the system:

(1) Established by the Secretary of State pursuant to NRS 293.671; or

(2) Established by the county clerk, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters; or

(f) By any other method authorized by the provisions of this title.

↪ The county clerk shall require a person to submit official identification as proof of residence and identity, such as a driver's license or other official document, before preregistering or registering the person. If the applicant preregisters or registers to vote pursuant to this subsection and fails to provide proof of residence and identity, the applicant must provide proof of residence and identity before casting a ballot in person or by mail or after casting a provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive. For the purposes of this subsection, a voter registration card does not provide proof of the residence or identity of a person.

2. In addition to the methods for registering to vote described in subsection 1, an elector may register to vote pursuant to NRS 293.5772 to 293.5887, inclusive.

3. Except as otherwise provided in NRS 293.5732 to 293.5757, inclusive, the application to preregister or register to vote must be signed and verified under penalty of perjury by the person preregistering or the elector registering.

4. Each person or elector who is or has been married must be preregistered or registered under his or her own given or first name, and not under the given or first name or initials of his or her spouse.

5. A person or an elector who is preregistered or registered and changes his or her name must complete a new application to preregister or register to vote, as applicable. The person or elector may obtain a new application:

(a) At the office of the county clerk or field registrar;

(b) By submitting an application to preregister or register to vote pursuant to the provisions of NRS 293.5235;

(c) By submitting a written statement to the county clerk requesting the county clerk to mail an application to preregister or register to vote;

(d) At any voter registration agency; or

(e) By submitting an application to preregister or register to vote by computer using the system:

(1) Established by the Secretary of State pursuant to NRS 293.671; or

(2) Established by the county clerk, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.

↪ If the elector fails to register under his or her new name, the elector may be challenged pursuant to the provisions of NRS 293.303 or 293C.292 and may be required to furnish proof of identity and subsequent change of name.

6. Except as otherwise provided in subsection 8 and NRS 293.5742 to 293.5757, inclusive, 293.5767 and 293.5772 to 293.5887, inclusive, an elector who registers to vote pursuant to paragraph (a) of subsection 1 shall be deemed to be registered upon the completion of an application to register to vote.

7. After the county clerk determines that the application to register to vote of a person is complete and that, except as otherwise provided in NRS 293D.210, the person is eligible to vote pursuant to NRS 293.485, the county clerk shall issue a voter registration card to the voter.

8. If a person or an elector submits an application to preregister or register to vote or an affidavit described in paragraph (c) of subsection 1 of NRS 293.507 that contains any handwritten additions, erasures or interlineations, the county clerk may object to the application if the county clerk believes that because of such handwritten additions, erasures or interlineations, the application is incomplete or that, except as otherwise provided in NRS 293D.210, the person is not eligible to preregister pursuant to NRS 293.4855 or the elector is not eligible to vote pursuant to NRS 293.485, as applicable. If the county clerk objects pursuant to this subsection, he or she shall immediately notify the person or elector, as applicable, and the district attorney of the county. Not later than 5 business days after the district attorney receives such notification, the district attorney shall advise the county clerk as to whether:

(a) The application is complete and, except as otherwise provided in NRS 293D.210, the person is eligible to preregister pursuant to NRS 293.4855 or the elector is eligible to vote pursuant to NRS 293.485; and

(b) The county clerk should proceed to process the application.

9. If the district attorney advises the county clerk to process the application pursuant to subsection 8, the county clerk shall immediately issue a voter registration card to the applicant, unless the applicant is preregistered to vote and does not currently meet the requirements to be issued a voter registration card pursuant to NRS 293.4855.

**Sec. 12.** NRS 293.560 is hereby amended to read as follows:

293.560 1. Except as otherwise provided in NRS 293.502, 293.5772 to 293.5887, inclusive, 293D.230 and 293D.300 ~~+~~ **and section 1 of this act:**

(a) For a primary or general election, or a recall or special election that is held on the same day as a primary or general election, the last day to register to vote:

(1) By mail is the fourth Tuesday preceding the primary or general election.

(2) By appearing in person at the office of the county clerk or, if open, a county facility designated pursuant to NRS 293.5035, is the fourth Tuesday preceding the primary or general election.

(3) By computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters, is the Thursday preceding the primary or general election, unless the system is used to register voters for the election pursuant to NRS 293.5842 or 293.5847.

(4) By computer using the system established by the Secretary of State pursuant to NRS 293.671, is the Thursday preceding the primary or general election, unless the system is used to register voters for the election pursuant to NRS 293.5842 or 293.5847.

(b) If a recall or special election is not held on the same day as a primary or general election, the last day to register to vote for the recall or special election by any method of registration is the third Saturday preceding the recall or special election.

2. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive, after the deadlines for the close of registration for a primary or general election set forth in subsection 1, no person may register to vote for the election.

3. Except for a recall or special election held pursuant to chapter 306 or 350 of NRS:

(a) The county clerk of each county shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the county indicating:

(1) The day and time that each method of registration for the election, as set forth in subsection 1, will be closed; and

(2) If the county clerk has designated a county facility pursuant to NRS 293.5035, the location of that facility.

↪ If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest county in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the day that the last method of registration for the election, as set forth in subsection 1, will be closed.

4. The offices of the county clerk, a county facility designated pursuant to NRS 293.5035 and other ex officio registrars may remain open on the last Friday in October in each even-numbered year.

5. A county facility designated pursuant to NRS 293.5035 may be open during the periods described in this section for such hours of operation as the county clerk may determine, as set forth in subsection 3 of NRS 293.5035.

**Sec. 13. NRS 293D.230 is hereby amended to read as follows:**

293D.230 1. In addition to any other method of registering to vote set forth in chapter 293 of NRS, a covered voter may use a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301(b)(2), or the application's electronic equivalent, to apply to register to vote, if the federal postcard application or the application's electronic equivalent is received by the appropriate local elections official ~~{by the seventh day}~~ before the ~~[election.]~~ time set pursuant to NRS 293.273 for closing the polls on election day. If the federal postcard application or the application's electronic equivalent is received after the ~~{seventh day before the election.}~~ time set for closing the polls, it must be treated as an application to register to vote for subsequent elections.

2. A covered voter may use the declaration accompanying the federal write-in absentee ballot, as prescribed under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20303, to apply to register to vote simultaneously with the submission of the federal write-in

absentee ballot, if the declaration ~~is~~ **and the federal write-in absentee ballot are** received ~~[by the seventh day]~~ before the ~~[election.]~~ **time set pursuant to NRS 293.273 for closing the polls on election day.** If the declaration is received after the ~~[seventh day before the election.]~~ **time set for closing the polls,** it must be treated as an application to register to vote for subsequent elections.

3. The Secretary of State shall ensure that the system of approved electronic transmission described in subsection 2 of NRS 293D.200 is capable of accepting:

(a) Both a federal postcard application and any other approved electronic registration application sent to the appropriate local elections official; and

(b) A digital signature or an electronic signature of a covered voter on the documents described in paragraph (a).

4. The covered voter may use the system of approved electronic transmission or any other method set forth in chapter 293 of NRS to register to vote.

**Sec. 14. NRS 293D.300 is hereby amended to read as follows:**

293D.300 1. A covered voter who is registered to vote in this State may apply for a military-overseas ballot by submitting a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301(b)(2), or the application's electronic equivalent, if the federal postcard application **or the application's electronic equivalent** is received by the appropriate local elections official ~~[by the seventh day]~~ before the ~~[election.]~~ **time set pursuant to NRS 293.273 for closing the polls on election day.**

2. A covered voter who is not registered to vote in this State may use the federal postcard application or the application's electronic equivalent simultaneously to apply to register to vote pursuant to NRS 293D.230 and to apply for a military-overseas ballot, if the federal postcard application **or the application's electronic equivalent** is received by the appropriate local elections official ~~[by the seventh day]~~ before the ~~[election.]~~ **time set pursuant to NRS 293.273 for closing the polls on election day.** If the federal postcard application is received after the ~~[seventh day before the election.]~~ **time set for closing the polls,** it must be treated as an application to register to vote for subsequent elections.

3. The Secretary of State shall ensure that the system of approved electronic transmission described in subsection 2 of NRS 293D.200 is capable of accepting the submission of:

(a) Both a federal postcard application and any other approved electronic military-overseas ballot application sent to the appropriate local elections official; and

(b) A digital signature or an electronic signature of a covered voter on the documents described in paragraph (a).

4. A covered voter may use approved electronic transmission or any other method approved by the Secretary of State to apply for a military-overseas ballot.

5. A covered voter may use the declaration accompanying the federal write-in absentee ballot, as prescribed under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20303, as an application for a military-overseas ballot simultaneously with the submission of the federal write-in absentee ballot, if the declaration ~~is~~ **and the federal write-in absentee ballot are** received by the appropriate local elections official ~~by the seventh day~~ before the ~~election~~ **time set pursuant to NRS 293.273 for closing the polls on election day.**

6. To receive the benefits of this chapter, a covered voter must inform the appropriate local elections official that he or she is a covered voter. Methods of informing the appropriate local elections official that a person is a covered voter include, without limitation:

(a) The use of a federal postcard application or federal write-in absentee ballot;

(b) The use of an overseas address on an approved voting registration application or ballot application; and

(c) The inclusion on an application to register to vote or an application for a military-overseas ballot of other information sufficient to identify that the person is a covered voter.

7. This chapter does not prohibit a covered voter from applying for an absent ballot pursuant to the provisions of chapter 293 or 293C of NRS or voting in person.

**Sec. 15. NRS 293D.310 is hereby amended to read as follows:**

293D.310 An application for a military-overseas ballot is timely if received ~~by the seventh day~~ before the ~~election~~ **time set pursuant to NRS 293.273 for closing the polls on election day.** An application for a military-overseas ballot for a primary election, whether or not timely, is effective as an application for a military-overseas ballot for the general election.

**Sec. 16. NRS 293D.400 is hereby amended to read as follows:**

293D.400 A military-overseas ballot must be received by the appropriate local elections official not later than the ~~close of~~ **time set pursuant to NRS 293.273 for closing** the polls ~~on~~ **on election day.**

~~{Sec. 13.}~~ **Sec. 17.** 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~12~~ **16**, inclusive, of this act become effective:

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

(b) On January 1, 2022, for all other purposes.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 138.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 35.

ASSEMBLYWOMAN MARTINEZ ; **BENITEZ-THOMPSON AND YEAGER**

**JOINT SPONSORS: SENATORS CANNIZZARO, D. HARRIS, OHRENSCHALL, RATTI AND SPEARMAN**

AN ACT relating to public assistance; revising provisions relating to the eligibility of certain convicted persons for public assistance; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing federal law provides that ~~under certain circumstances,~~ a person who has been convicted of certain felony drug offenses is **generally** not eligible for benefits under the Temporary Assistance for Needy Families (TANF) program, which is a federal program pursuant to which the federal government provides grants of money to states to provide financial assistance to certain families, or the Supplemental Nutrition Assistance Program (SNAP), which is a federal program to provide assistance to certain families for the purchase of food. (21 U.S.C. § ~~862a~~) **862a(a)** Existing federal law authorizes a state to opt out of this limitation and allow a person who was convicted of a felony drug offense to be eligible for TANF and SNAP benefits in that state. (21 U.S.C. § ~~862a(d)~~) **862a(d)(1)(A)** Similarly, existing Nevada law provides that a person who has been convicted of felony possession, use or distribution of a controlled substance is not eligible for TANF or SNAP benefits, unless the convicted person is participating in or has completed a program for the treatment of a substance use disorder approved by the Division of Welfare and Supportive Services of the Department of Health and Human Services and the person either: (1) demonstrates that he or she has not possessed, used or distributed controlled substances since he or she began the program; or (2) is pregnant and a physician certifies that TANF or SNAP benefits are required to ensure the health and safety of the mother and the unborn child. (NRS 422A.345)

This bill ~~[(1)]~~ removes the ~~requirement~~ **provisions** that **make** the convicted person ~~[be participating in or complete such a program before becoming eligible]~~ **ineligible** for TANF or SNAP benefits ~~[(2) provides that to be eligible for TANF or SNAP benefits, the person must demonstrate that he or she is not currently possessing, using or distributing controlled substances in a manner that is prohibited by law.]~~ **for felony possession, use or distribution of a controlled substance, thereby authorizing such a convicted person to receive TANF and SNAP benefits.**

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

**Section 1.** NRS 422A.345 is hereby amended to read as follows:

422A.345 1. ~~Except as otherwise provided in subsection 2, a~~ 1 person who has been convicted of a felony, ~~after August 22, 1996,~~ an element of which is the possession, use or distribution of a controlled substance, ~~is not eligible to~~ may receive any public assistance for which ~~denial is required by~~ he or she is otherwise eligible. Pursuant to 21 U.S.C. § 862a(d)(1)(A), all persons domiciled in this State are exempt from the application of 21 U.S.C. § ~~862a.~~ 862a(a).

2. ~~A person who has been convicted of a felony described in subsection 1 may be determined to be eligible for assistance if that the person is participating in or has successfully completed a program for the treatment of a substance use disorder that has been approved by the Division and:~~

~~(a) Demonstrates to the satisfaction of the Division that he or she has is not possessed, used or distributed currently possessing, using or distributing controlled substances since he or she began the program; in a manner that is prohibited by law; or~~

~~(b) Is pregnant and a physician has certified in writing that the health and safety of the mother and the unborn child are dependent upon the receipt of benefits.~~

~~3.~~ As used in this section, “controlled substance” has the meaning ascribed to it in 21 U.S.C. § 802(6).

**Sec. 2.** This act becomes effective on July 1, 2021.

Assemblywoman Nguyen moved the adoption of the amendment.

Remarks by Assemblywoman Nguyen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 147.

Bill read second time and ordered to third reading.

Assembly Bill No. 157.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 85.

ASSEMBLYMEN MONROE-MORENO, BRITTNEY MILLER, C.H. MILLER;  
ANDERSON, BILBRAY-AXELROD, BROWN-MAY, COHEN, CONSIDINE, DURAN,  
FLORES, GONZÁLEZ, GORELOW, MARZOLA, ORENTLICHER, PETERS,  
ROBERTS, SUMMERS-ARMSTRONG, THOMAS, TORRES, WATTS AND YEAGER

JOINT SPONSORS: SENATORS D. HARRIS AND BROOKS

AN ACT relating to civil liability; authorizing a person who is the victim of certain discriminatory conduct relating to an incident involving a peace officer



to bring a civil action under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides that if a person commits certain crimes because of a victim's actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression: (1) the person who committed the crime is subject to an additional penalty; (2) unless a greater penalty is provided by law, the person who committed the crime is guilty of a gross misdemeanor; and (3) a person injured by the crime may bring a civil action against the person who committed the crime. (NRS 41.690, 193.1675, 207.185) Existing law also provides that a public agency may bring a civil action to recover the expense of an emergency response by the public agency against any person who knowingly: (1) makes a false report to a public agency that a felony or misdemeanor has been committed or that an emergency exists; or (2) creates the false appearance that a felony or misdemeanor has been committed or that an emergency exists, and that false appearance causes a false report to be made to a public agency that a felony or misdemeanor has been committed or that an emergency exists. (NRS 41.508)

This bill authorizes a person to bring a civil action for damages if another person, **without reasonable cause and** because of the actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression of the person, knowingly causes a peace officer to respond to a location with the intent to: (1) infringe on the constitutional rights of the person; (2) cause the person to feel harassed, humiliated or embarrassed; (3) cause the person to be removed from a location where he or she is lawfully located; or (4) damage the reputation or economic interests of the person.

WHEREAS, There have been numerous incidents across the country in which a person has, apparently because of his or her prejudice concerning the actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression of another person, contacted a law enforcement agency to report innocuous behavior by another person as suspicious or to falsely report that the other person has committed a crime; and

WHEREAS, These unjust incidents cause serious harm to the person who is the victim of this type of discrimination and waste the finite time and resources of law enforcement agencies; and

WHEREAS, Such misuse of law enforcement agencies to discriminate against members of our communities creates distrust of peace officers, law enforcement agencies and the criminal justice system; and

WHEREAS, The creation of a specific, targeted remedy for persons who are victimized by this type of discrimination will assist in rebuilding trust in peace officers, law enforcement agencies and the criminal justice system; and

WHEREAS, It is not the intent of this act or the Legislature to discourage sincere persons who are not motivated by prejudice from contacting law

enforcement agencies when crimes have actually been committed, emergencies actually exist or behavior is actually suspicious and requires a response by a peace officer; and

WHEREAS, It is the intent of this act and the Legislature to provide to persons who are victimized by this type of discrimination a specific, effective, targeted, statutory remedy to receive, at a minimum, monetary compensation for the injuries that they have suffered; now therefore,

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

**Section 1.** Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. A person may bring a civil action for damages against any person who, without reasonable cause and because of the actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression of another person, knowingly causes a peace officer to arrive at a location to contact that other person with the intent to:*

*(a) Infringe on the constitutional rights of the person under the Nevada Constitution or the United States Constitution;*

*(b) Cause the person to feel harassed, humiliated or embarrassed;*

*(c) Cause the person to be expelled from a place where he or she is lawfully located; or*

*(d) Damage the reputation or economic interests of the person.*

*2. Upon prevailing in a civil action brought pursuant to this section, the person bringing the civil action may recover:*

*(a) The greater of:*

*(1) Compensatory damages, including, without limitation, damages for emotional distress; or*

*(2) Statutory damages of \$1,000 for each act that gives rise to liability pursuant to this section;*

*(b) Any punitive damages that the facts may warrant; and*

*(c) Costs and reasonable attorney's fees incurred in bringing the action.*

*3. A civil action may be brought against a person pursuant to this section regardless of whether the person has been convicted of any crime based upon the same facts and circumstances giving rise to liability pursuant to this section.*

*4. The remedy under this section is not exclusive and does not abrogate any other remedy available under the laws of this State.*

*5. As used in this section, "peace officer" means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.*

**Sec. 2.** The amendatory provisions of section 1 of this act apply to a cause of action that accrues on or after October 1, 2021, based upon acts that occurred on or after October 1, 2021.

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. 171.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 108.

AN ACT relating to natural resources; providing certain protections for a certain population of Rocky Mountain junipers; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, it is unlawful to cut, destroy, mutilate, pick or remove any flora on any: (1) private lands without a written permit from the owner, occupant or authorized agent of the owner or occupant; or (2) state lands under the jurisdiction of the Division of State Parks of the State Department of Conservation and Natural Resources except in accordance with regulations of the Division. (NRS 527.050) Further, no flora on the list of fully protected species may be removed or destroyed from any other land except pursuant to a special permit issued by the State Forester Firewarden. (NRS 527.050, 527.270) **Section 1** of this bill declares that it is the policy of this State to protect the Spring Valley population of Rocky Mountain junipers, known as "swamp cedars," that occur in White Pine County within the Bahsahwahbee Traditional Cultural Property. **Sections 1 and 2** of this bill make it unlawful for any swamp cedar within that property to willfully or negligently be cut, destroyed, mutilated or removed without first obtaining a special permit from the State Forester Firewarden.

**Section 2 also revises the existing exemption for Indians native to Nevada who gather flora for certain reasons to remove the requirement that such Indians be native to Nevada.**

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

**Section 1.** Chapter 527 of NRS is hereby amended by adding thereto a new section to read as follows:

***1. It is hereby declared to be the policy of the State of Nevada to protect the Spring Valley population of Rocky Mountain junipers (Juniperus scopulorum), known as "swamp cedars," that occur in White Pine County within the Bahsahwahbee Traditional Cultural Property as such swamp cedars are a rare occurrence of low-elevation Rocky Mountain junipers and are considered sacred by certain Native American tribes in the State.***

***2. It is unlawful for any person, firm, company or corporation, his, her, its or their agent or agents, willfully or negligently to cut, destroy, mutilate***

*or remove any swamp cedar described in subsection 1 without first obtaining a special permit from the State Forester Firewarden and complying with any other applicable requirements set forth in NRS 527.050.*

**3. Except as otherwise provided in this subsection, the State Forester Firewarden may adopt regulations necessary to carry out the provisions of this section. The State Forester Firewarden may not charge a fee for a special permit to cut, destroy, mutilate or remove any swamp cedar described in subsection 1.**

**Sec. 2.** NRS 527.050 is hereby amended to read as follows:

527.050 1. It is unlawful for any person, firm, company or corporation, his, her, its or their agent or agents, willfully or negligently:

(a) To cut, destroy, mutilate, pick or remove any tree, shrub, plant, fern, wild flower, cacti, desert or montane flora, or any seeds, roots or bulbs of either or any of the foregoing from any private lands, without obtaining:

(1) A written permit therefor from the owner or occupant or the duly authorized agent of the owner or occupant; and

(2) If the flora ~~has~~ :

**(I) Has** been placed on the list of fully protected species pursuant to NRS 527.270, a special permit ~~from~~ **issued by** the State Forester Firewarden ~~+~~ **pursuant to NRS 527.270; and**

**(II) Is a swamp cedar described in section 1 of this act, a special permit issued by the State Forester Firewarden pursuant to section 1 of this act.**

(b) To cut, destroy, mutilate, pick or remove any flora on any state lands under the jurisdiction of the Division of State Parks of the State Department of Conservation and Natural Resources without:

(1) Complying with regulations of the Division of State Parks; and

(2) If the flora ~~has~~ :

**(I) Has** been placed on the list of fully protected species pursuant to NRS 527.270, obtaining a special permit ~~from~~ **issued by** the State Forester Firewarden ~~+~~ **pursuant to NRS 527.270; and**

**(II) Is a swamp cedar described in section 1 of this act, a special permit issued by the State Forester Firewarden pursuant to section 1 of this act.**

(c) To cut, destroy, mutilate, pick or remove any flora ~~that has been placed on the list of fully protected species pursuant to NRS 527.270~~ from any lands within the State of Nevada not otherwise described in paragraphs (a) and (b) without obtaining :

**(1) If the flora has been placed on the list of fully protected species pursuant to NRS 527.270, a special permit ~~from~~ issued by the State Forester Firewarden ~~+~~ pursuant to NRS 527.270; and**

**(2) If the flora is a swamp cedar described in section 1 of this act, a special permit issued by the State Forester Firewarden pursuant to section 1 of this act.**

↪ For the purposes of this subsection, the State Forester Firewarden may establish regulations for enforcement, including the issuance of collecting permits and the designation of state and federal agencies from which such permits may be obtained.

2. Every person violating the provisions of this section is guilty of a public offense proportionate to the value of the plants, flowers, trees, seeds, roots or bulbs cut, destroyed, mutilated, picked or removed, and in no event less than a misdemeanor.

3. The State Forester Firewarden and his or her representatives, public officials charged with the administration of reserved and unreserved lands belonging to the United States, and peace officers shall enforce the provisions of this section.

4. Except as to flora that has been placed on the list of fully protected species of native flora pursuant to NRS 527.270 or as to flora on state park lands regulated by the Division of State Parks, the provisions of this section do not apply to Indians ~~[-, native to Nevada,]~~ who gather any such article for food or *for* medicinal ~~[use for themselves or for any other person being treated by Indian religious ceremony,] or ceremonial use.~~

**Sec. 3.** This act becomes effective on July 1, 2021.

Assemblyman Watts moved the adoption of the amendment.

Remarks by Assemblyman Watts.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 189.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 36.

SUMMARY—~~[Establishes presumptive]~~ **Expands** Medicaid ~~[eligibility for certain]~~ **coverage for postpartum care and other services for** pregnant women. (BDR 38-130)

AN ACT relating to Medicaid; requiring ~~[-, to the extent authorized by federal law,]~~ the Director of the Department of Health and Human Services to ~~[include in the State Plan for Medicaid presumptive Medicaid eligibility for certain]~~ **expand coverage under the State Plan for Medicaid for postpartum care and other services for** pregnant women; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the Department of Health and Human Services to develop and administer a State Plan for Medicaid which includes a list of specific medical services required to be provided to Medicaid recipients. (NRS 422.063, 422.270; 42 U.S.C. § 1396a) **Existing law requires the Department to amend the State Plan for Medicaid to seek a waiver of certain provisions of federal law for the purpose of including certain services in**

**the State Plan for Medicaid. (NRS 422.27247, 422.396, 422.3962) Section 1 of this bill requires the ~~[Director of the] Department [, to the extent authorized by federal law, to include in the State Plan a provision] to expand coverage under the State Plan for Medicaid for pregnant women by: (1) providing coverage for pregnant women whose household income is between 165 percent and 200 percent of the federally designated level signifying poverty; (2) providing that pregnant women who are determined by certain entities to qualify for Medicaid are presumptively eligible for Medicaid for a prescribed period of time, without submitting an application for enrollment in Medicaid which includes additional proof of eligibility [,]; and (3) prohibiting the imposition of a requirement that a pregnant woman who is otherwise eligible for Medicaid must reside in the United States for a prescribed period of time before enrolling in Medicaid. Section 1 also requires the Department to apply for a waiver of certain federal requirements so that the Department may expand coverage under Medicaid for a pregnant woman and her child from 60 days to 12 months following childbirth. Section 2 of this bill makes a conforming change to indicate that section 1 will be administered in the same manner as the provisions of existing law governing the State Plan for Medicaid.~~**

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

**Section 1.** Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

***1. The Director shall, to the extent authorized by federal law, include in the State Plan for Medicaid authorization for ~~for~~ :***

***(a) A pregnant woman whose household income is at or below 200 percent of the federally designated level signifying poverty to enroll in Medicaid.***

***(b) A pregnant woman who is determined by a qualified provider to be presumptively eligible for Medicaid to enroll in Medicaid until the last day of the month immediately following the month of enrollment without submitting an application for enrollment in Medicaid which includes additional proof of eligibility.***

***2. Unless otherwise required by federal law, the Director shall not include in the State Plan for Medicaid a requirement that a pregnant woman who is otherwise eligible for Medicaid must reside in the United States for a prescribed period of time before enrolling in Medicaid.***

***3. The Department shall apply to the Secretary of the United States Department of Health and Human Services for a waiver granted pursuant to 42 U.S.C. § 1315 to authorize the Department to provide coverage under Medicaid to a pregnant woman and her child until 12 months after the date on which the child is born. The Department shall fully cooperate in good faith with the Federal Government during the application process to satisfy***

*the requirements for the Federal Government for obtaining a waiver pursuant to this subsection.*

*4. As used in this section, “qualified provider” has the meaning ascribed to it in 42 U.S.C. § 1396r-1.*

**Sec. 2.** NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

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

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

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

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

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

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

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, **and section 1 of this act**, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

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

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

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

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

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

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

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

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

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

**Sec. 3.** This act becomes effective on July 1, 2021.

Assemblywoman Nguyen moved the adoption of the amendment.

Remarks by Assemblywoman Nguyen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 202.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 88.

AN ACT relating to gaming; revising provisions relating to the registration of a qualified organization to operate a charitable lottery or charitable game; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, a qualified organization must register with the Chair of the Nevada Gaming Control Board before operating a charitable lottery. (NRS 462.140) Existing law defines a "qualified organization" as an alumni, charitable, civic, educational, fraternal, patriotic, religious or veterans' organization or a state or local bar association that does not operate for profit. (NRS 462.125) Also, existing law requires the Nevada Gaming Commission, upon recommendation by the Board, to adopt regulations establishing the fees that a qualified organization must submit to the Chair to operate a charitable lottery or charitable game. (NRS 462.160) This bill provides that ~~the regulations adopted by the Commission must not impose an annual fee that exceeds \$10 on a qualified organization~~ if the total value of the prizes offered by the qualified organization in the same calendar year is ~~not more~~ **less** than \$100,000 ~~or~~ **: (1) the qualified organization must register annually with the Board; and (2) the regulations adopted by the Commission must not impose an annual fee that exceeds \$10 on such a qualified organization.**



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

**Section 1.** NRS 462.160 is hereby amended to read as follows:

462.160 1. ~~To~~ **Except as otherwise provided in subsection 3, to** register with the Chair to operate a charitable lottery or charitable game, a qualified organization must submit to the Chair:

(a) A written application containing:

(1) The name, address and nature of the organization.

(2) Proof that the organization is a qualified organization.

(3) The names of the officers or principals of the organization, and of any person responsible for the management, administration or supervision of the organization's charitable lotteries or charitable games and any activities related to those charitable lotteries or charitable games.

(4) A listing of vendors who will assist with each charitable lottery or charitable game operated by the organization and the services that will be provided.

(5) A description of all the prizes to be offered in each charitable lottery or charitable game operated by the organization.

(6) A summary of the anticipated expenses of conducting each charitable lottery or charitable game, including copies of any proposed agreements between the organization and any suppliers of material for the operation of each charitable lottery or charitable game.

(7) A description of the intended use of the net proceeds of each charitable lottery or charitable game operated by the organization.

(8) The address of the location where each charitable lottery or charitable game will be conducted by the organization.

(9) The operational controls for each charitable lottery or charitable game, including, without limitation:

(I) The methods proposed for ticket sales and, if proposing mobile, online or telephone sales, the procedures for such sales;

(II) The audit controls for all ticket sales in this State to ensure compliance with NRS 462.180;

(III) The rules which will be presented to the public for each charitable lottery or charitable game;

(IV) The method of awarding all prizes and announcing all winners to the public; and

(V) The rules and time frames for the collection of all prizes.

(10) A statement verifying that all charitable lotteries or charitable games will be conducted in accordance with the standards of honesty and integrity applicable to licensed gambling games in this State and that any prizes that would be deemed illegal under state or federal law will not be offered.

(11) Any other information the Chair deems appropriate.

(b) All applicable fees established by the Commission by regulation pursuant to subsection ~~3~~ **4**.

2. A qualified organization shall submit such additional information as necessary to correct or complete any information submitted pursuant to this section that becomes inaccurate or incomplete. The registration of a qualified organization is suspended during the period that any of the information is inaccurate or incomplete. The Chair may reinstate the registration of the organization only after all information has been corrected and completed.

3. **If the total value of the prizes offered by a qualified organization in the same calendar year is less than \$100,000:**

**(a) The qualified organization must register annually with the Board; and**

**(b) The regulations adopted by the Commission pursuant to subsection 4 must not impose an annual fee that exceeds \$10 on such a qualified organization.**

~~4. The Commission, upon recommendation by the Board, shall adopt regulations establishing the fees that a qualified organization must submit to the Chair pursuant to this section. The regulations adopted pursuant to this subsection must not impose an annual fee that exceeds \$10 on a qualified organization if the total value of the prizes offered by the qualified organization in the same calendar year is not more than \$100,000.~~

~~4.] 5.~~ The money collected pursuant to this section must be expended to administer and enforce the provisions of this chapter.

**Sec. 2.** This act becomes effective upon passage and approval.

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. 206.

Bill read second time and ordered to third reading.

Assembly Bill No. 214.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 90.

~~[ASSEMBLYWOMAN]~~ **ASSEMBLYWOMEN CONSIDINE AND KRASNER**

AN ACT relating to sexual assault; revising the definition of sexual assault by replacing gendered language with gender-neutral language; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides that a person is guilty of sexual assault if he or she: (1) subjects another person to sexual penetration, or forces another person to make a sexual penetration on himself or herself or another, or on a beast, against the will of the victim or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his or her conduct; or (2) commits a sexual penetration upon a child under the age of 14 years or causes a child

under the age of 14 years to make a sexual penetration on himself or herself or another, or on a beast. (NRS 200.366) This bill revises the definition of sexual assault by replacing the gendered language in the statute with gender-neutral language.

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

**Section 1.** NRS 200.366 is hereby amended to read as follows:

200.366 1. A person is guilty of sexual assault if ~~he or she~~ **the person:**

(a) Subjects another person to sexual penetration, or forces another person to make a sexual penetration on ~~himself or herself~~ **that person themselves** or another, or on a beast, against the will of the victim or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of ~~this or her~~ **the perpetrator's** conduct; or

(b) Commits a sexual penetration upon a child under the age of 14 years or causes a child under the age of 14 years to make a sexual penetration on ~~himself or herself~~ **the child** or another, or on a beast.

2. Except as otherwise provided in subsections 3 and 4, a person who commits a sexual assault is guilty of a category A felony and shall be punished:

(a) If substantial bodily harm to the victim results from the actions of the defendant committed in connection with or as a part of the sexual assault, by imprisonment in the state prison:

(1) For life without the possibility of parole; or

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served.

(b) If no substantial bodily harm to the victim results, 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.

3. Except as otherwise provided in subsection 4, a person who commits a sexual assault against a child under the age of 16 years is guilty of a category A felony and shall be punished:

(a) If the crime results in substantial bodily harm to the child, by imprisonment in the state prison for life without the possibility of parole.

(b) Except as otherwise provided in paragraph (c), if the crime does not result in substantial bodily harm to the child, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 25 years has been served.

(c) If the crime is committed against a child under the age of 14 years and does not result in substantial bodily harm to the child, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 35 years has been served.

4. A person who commits a sexual assault against a child under the age of 16 years and who has been previously convicted of:

(a) A sexual assault pursuant to this section or any other sexual offense against a child; or

(b) An offense committed in another jurisdiction that, if committed in this State, would constitute a sexual assault pursuant to this section or any other sexual offense against a child,

→ is guilty of a category A felony and shall be punished by imprisonment in the state prison for life without the possibility of parole.

5. The provisions of this section do not apply to a person who is less than 18 years of age and who commits any of the acts described in paragraph (b) of subsection 1 if the person is not more than 2 years older than the person upon whom the act was committed unless:

(a) The person committing the act uses force or threatens the use of force; or

(b) The person committing the act knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of ~~this or her~~ *the person's* conduct.

6. For the purpose of this section, “other sexual offense against a child” means any act committed by an adult upon a child constituting:

(a) Incest pursuant to NRS 201.180;

(b) Lewdness with a child pursuant to NRS 201.230;

(c) Sado-masochistic abuse pursuant to NRS 201.262; or

(d) Luring a child using a computer, system or network pursuant to NRS 201.560, if punished as a felony.

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. 216.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 65.

AN ACT relating to Medicaid; requiring the State Plan for Medicaid to include coverage for certain cognitive assessment and care planning services; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the Department of Health and Human Services to develop and administer a State Plan for Medicaid which includes, without limitation, a list of specific medical services required to be provided to Medicaid recipients. (NRS 422.270-422.27495) **Section 1** of this bill requires the Director of the Department to include in the State Plan for Medicaid coverage for cognitive assessment and care planning services for persons who ~~exhibit~~ **experience** signs or symptoms of cognitive impairment. **Section 2** of this bill makes a conforming change to indicate that **section 1** would be

administered in the same manner as other provisions of existing law governing the State Plan for Medicaid.

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

**Section 1.** Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

**1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for cognitive assessment and care planning services provided to a person who ~~exhibits~~ experiences signs or symptoms of cognitive impairment.**

**2. As used in this section “cognitive impairment” ~~includes, without limitation,~~ means a deficiency in:**

- (a) ~~Short~~ Short-term or long-term memory;**
- (b) Orientation as to person, place and time; or**
- (c) Deductive or abstract reasoning. ~~It is or~~**
- ~~(d) Judgment as it relates to safety awareness.~~**

**↪ The term does not include any condition with temporary or reversible effects.**

**Sec. 2.** NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

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

- (1) The Administrator of the Aging and Disability Services Division;
- (2) The Administrator of the Division of Welfare and Supportive Services;
- (3) The Administrator of the Division of Child and Family Services;
- (4) The Administrator of the Division of Health Care Financing and Policy; and

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

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, **and section 1 of this act**, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

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

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

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

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

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

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

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

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

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

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

**Sec. 3.** This act becomes effective on July 1, 2021.

Assemblywoman Nguyen moved the adoption of the amendment.

Remarks by Assemblywoman Nguyen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 236.

Bill read second time and ordered to third reading.

Assembly Bill No. 258.

Bill read second time and ordered to third reading.

Assembly Bill No. 302.

Bill read second time and ordered to third reading.

Assembly Bill No. 304.

Bill read second time and ordered to third reading.

Assembly Bill No. 308.  
Bill read second time and ordered to third reading.

Assembly Bill No. 366.  
Bill read second time and ordered to third reading.

Assembly Bill No. 390.  
Bill read second time and ordered to third reading.

Assembly Bill No. 392.  
Bill read second time and ordered to third reading.

Assembly Bill No. 395.  
Bill read second time and ordered to third reading.

Assembly Bill No. 396.  
Bill read second time and ordered to third reading.

Assembly Bill No. 404.  
Bill read second time and ordered to third reading.

Assembly Bill No. 409.  
Bill read second time and ordered to third reading.

Assembly Bill No. 421.  
Bill read second time and ordered to third reading.

Assembly Bill No. 435.  
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer, Assembly Bills Nos. 121, 189, 202, 214, and 216 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Carlton moved that Assembly Bills Nos. 147, 206, 392, 404, and 435 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. 86 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 84.  
Bill read third time.  
Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Assembly Bill 84 authorizes the State Forester Firewarden, with the approval of the Director of the State Department of Conservation and Natural Resources, to enter into certain public-private partnerships for the purpose of addressing the threat of catastrophic wildfires.

Roll call on Assembly Bill No. 84:

YEAS—42.

NAYS—None.

Assembly Bill No. 84 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 119.

Bill read third time.

Remarks by Assemblywoman Thomas.

ASSEMBLYWOMAN THOMAS:

Assembly Bill 119 revises the duties of the Maternal Mortality Review Committee to include identifying and reviewing disparities in the incidence of maternal mortality by analyzing the race, ethnicity, age, and geographic region of the residence of mothers who experience maternal mortality. The bill also requires the Committee to collaborate with the Advisory Committee on Minority Health and Equity, Office of Minority Health and Equity of the Department of Health and Human Services, in developing its biennial report.

Roll call on Assembly Bill No. 119:

YEAS—42.

NAYS—None.

Assembly Bill No. 119 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 182.

Bill read third time.

Remarks by Assemblywoman Tolles.

ASSEMBLYWOMAN TOLLES:

Assembly Bill 182 revises the elements of the crime of advancing prostitution by 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 due to having 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 fails to take reasonable steps to abate such illegal prostitution within 30 days after receipt of such written notice. This measure further revises the elements of the crime of advancing prostitution by removing provisions concerning involuntary servitude and the promotion of ongoing education for employees about illegal prostitution. This bill is effective on October 1, 2021.

Roll call on Assembly Bill No. 182:

YEAS—41.

NAYS—Black.

Assembly Bill No. 182 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.



Assembly Bill No. 217.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Assembly Bill 217 requires the administrator or other person in charge of designated medical facilities, facilities for the dependent, and other licensed facilities to ensure that each unlicensed caregiver at the facility completes certain training, including training on the topic of the control of infectious diseases. The measure requires the State Board of Health to adopt regulations prescribing training for unlicensed caregivers who provide care at such facilities. The administrator or other person in charge of such a facility shall ensure the implementation of best practices taught in the required training and shall develop, annually update, and provide to certain persons a written plan for the control of infectious diseases at the facility. Finally, this bill requires the Division of Health Care Financing and Policy of the Department of Health and Human Services to post on the Internet a list of nationally recognized organizations that offer free or low-cost training that meets the requirements of those regulations.

Roll call on Assembly Bill No. 217:

YEAS—26.

NAYS—Black, Dickman, Ellison, Hafen, Hansen, Hardy, Kasama, Krasner, Leavitt, Matthews, McArthur, O’Neill, Roberts, Titus, Tolles, Wheeler—16.

Assembly Bill No. 217 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 290.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 290 revises the definition of a fiduciary to provide that a trust company or a savings bank that acts as a custodian for an individual retirement account is not a fiduciary for the purposes of certain provisions of law governing the business of a trust company. The bill also applies to savings banks certain rules relating to bank deposits and required collateralization of fiduciary funds that are applicable to bank charters other than savings banks.

Roll call on Assembly Bill No. 290:

YEAS—41.

NAYS—Brittney Miller.

Assembly Bill No. 290 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 426.

Bill read third time.

Remarks by Assemblywoman Krasner.

ASSEMBLYWOMAN KRASNER:

Assembly Bill 426 authorizes a child welfare agency to request that the court issue a warrant to place a child in protective custody if there is reasonable cause to believe that the child needs protection, but the threat is not imminent in the time it would take to obtain a warrant. The bill also sets forth certain requirements for such a warrant.

Roll call on Assembly Bill No. 426:

YEAS—42.

NAYS—None.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 430.

Bill read third time.

Remarks by Assemblywoman Brown-May.

ASSEMBLYWOMAN BROWN-MAY:

Assembly Bill 430 revises or removes certain obsolete terms used in statutes to describe the provision of certain services to persons with intellectual disabilities and persons with developmental disabilities.

Roll call on Assembly Bill No. 430:

YEAS—42.

NAYS—None.

Assembly Bill No. 430 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 1:38 p.m.

ASSEMBLY IN SESSION

At 1:41 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn  
until Tuesday, April 13, 2021 at 12 noon.

Motion carried.

Assembly adjourned at 1:41 p.m.

Approved:

JASON FRIERSON  
*Speaker of the Assembly*

Attest: SUSAN FURLONG  
*Chief Clerk of the Assembly*