

**THE ONE HUNDRED-NINETEENTH DAY**

---

CARSON CITY (Sunday), May 30, 2021

Senate called to order at 4:02 p.m.

President Marshall presiding.

Roll called.

All present.

Prayer by Senator Pat Spearman.

The prayer I will be reading today is one that was sent to us Reverend Dr. Karen Anderson, Pastor of First African Methodist Episcopal Church in North Las Vegas.

Creator God, who is known by many names, we come today to pause and thank You for this day. We come to this Session acknowledging the full dignity and humanity of all people. We come acknowledging our responsibility to uphold the founding tenets of our Constitution to work to establish justice, to ensure domestic tranquility, to provide for the common defense and to promote the general welfare of all people.

Today, we pause to remember and honor the memories of the many brave men and women of the armed services who gave their lives in service to this Nation. God, we pray that they have found rest with You.

Spirit of Life, be present in this Chamber today as discussions are held and decisions made which will impact the lives of the citizens of this Great State. God of justice, be present in this Chamber today reminding all that the call to public service is a sacred trust which requires a willingness to listen and consider points of view different than our own. May a spirit of cooperation and collaboration fill this room as the words of Dr. Martin Luther King, Jr. echo in our ears reminding us that "We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly." May we always be reminded that we are a nation of diverse people who are better together than we are when we are divided.

Today, may the voices of those who often go unheard be heard in this Chamber. May the cries of those who are suffering be heard in this Chamber today. May the voices of those seeking justice be heard in this Chamber today in a way which guides the work to ensure that all people may live a life of dignity and respect.

God of all Creation, grant us courage to do the hard work of working and building together. Spirit of peace and power be present today.

AMEN.

Pledge of Allegiance to the Flag.

By previous order of the Senate, the reading of the Journal is dispensed with, and the President and Secretary are authorized to make the necessary corrections and additions.

**REPORTS OF COMMITTEE**

*Madam President:*

Your Committee on Finance, to which were re-referred Senate Bills Nos. 286, 397, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS BROOKS, *Chair*

*Madam President:*

Your Committee on Growth and Infrastructure, to which was referred Assembly Bill No. 383, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DALLAS HARRIS, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 29, 2021

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 451, 459.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 706 to Assembly Bill No. 45; Senate Amendment No. 525 to Assembly Bill No. 66; Senate Amendment No. 759 to Assembly Bill No. 121; Senate Amendment No. 577 to Assembly Bill No. 148; Senate Amendment No. 644 to Assembly Bill No. 153; Senate Amendments Nos. 646, 747 to Assembly Bill No. 211; Senate Amendment No. 586 to Assembly Bill No. 326; Senate Amendment No. 621 to Assembly Bill No. 330; Senate Amendment No. 649 to Assembly Bill No. 335; Senate Amendment No. 663 to Assembly Bill No. 342; Senate Amendments Nos. 554, 730 to Assembly Bill No. 366; Senate Amendment No. 583 to Assembly Bill No. 374; Senate Amendment No. 719 to Assembly Bill No. 385; Senate Amendment No. 495 to Assembly Bill No. 405; Senate Amendments Nos. 494, 511 to Assembly Bill No. 426; Senate Amendments Nos. 558, 705 to Assembly Bill No. 444; Senate Amendment No. 755 to Assembly Bill No. 459.

CAROL AIELLO-SALA

*Assistant Chief Clerk of the Assembly*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Assembly Bills Nos. 126, 149, 156, 165, 189, 196, 220, 225, 247, 262, 270, 319, 357, 358, 365, 371, 411, 422, 427, 441, 464, 468, 487, 492, 493, 494 be taken from the General File and placed on the General File on the last Agenda.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 267.

Bill read third time.

The following amendment was proposed by Senator Spearman:  
Amendment No. 838.

**SUMMARY**—Authorizes the University of Nevada, Las Vegas, to conduct a study concerning diversity and equality in the workplace. (BDR S-461)

AN ACT relating to workplace diversity; authorizing the University of Nevada, Las Vegas, to conduct a study concerning diversity and equality in the workplace and to conduct a survey to collect data and information concerning diversity and equality in the workplace from certain business entities and state and local governmental agencies in this State; revising the prospective expiration of an existing survey of businesses conducted by the Secretary of State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Secretary of State to design and conduct an annual survey of businesses in this State to collect data and information pertaining to issues of gender equality in the workplace; however, the provisions relating to

the survey are currently only effective through December 31, 2022. (NRS 75A.400-75A.430; section 7 of chapter 434, Statutes of Nevada 2017, at page 2896) This bill: (1) authorizes the University of Nevada, Las Vegas, to conduct a study concerning diversity and equality in the workplace and to conduct a survey to collect data and information from certain business entities and state and local governmental agencies in this State; and (2) revises the prospective expiration of the existing provisions of law relating to the annual survey of businesses conducted by the Secretary of State by making those provisions expire by limitation on December 31, 2021, instead of on December 31, 2022.

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

Section 1. As used in this act:

1. "Business entity" means a corporation, partnership, limited-liability company, business association, joint venture, limited-liability partnership, business trust, professional association, joint stock company or holding company that is required to pay an annual commerce tax pursuant to chapter 363C of NRS.

2. "Entity" means a business entity, local governmental agency or state governmental agency.

3. "Local governmental agency" has the meaning ascribed to it in NRS 242.061.

4. "State governmental agency" has the meaning ascribed to the term "state agency" in NRS 237.350 and includes, without limitation, the Nevada System of Higher Education and all institutions operated by the System.

5. "UNLV" means the University of Nevada, Las Vegas.

Sec. 2. 1. UNLV may elect to conduct a study concerning diversity and equality in the workplace. If UNLV elects to conduct the study:

(a) UNLV must conduct a survey for the purpose of collecting data and information concerning diversity and equality in the workplace, including, without limitation, data and information specifically relating to women and women of color, from business entities that do business in this State, state governmental agencies and local governmental agencies; and

(b) A business entity, state governmental agency or local governmental agency may elect to complete the survey and submit it to UNLV.

2. If UNLV elects to conduct the study, the survey conducted by UNLV must request the entity completing the survey to provide, without limitation, the following information, as applicable to the entity:

(a) The name of the entity.

(b) The number of employees of the entity who are:

(1) Located in this State.

(2) Women located in this State.

(3) Women of color located in this State.

(c) The number of people in the entity who are:

(1) If the entity is a corporation:

- (I) On the board of directors.
  - (II) Women who are on the board of directors.
  - (III) Women of color who are on the board of directors.
  - (IV) Employed in an executive position.
  - (V) Women who are employed in an executive position.
  - (VI) Women of color who are employed in an executive position.
- (2) Women.
  - (3) Women of color.
- (d) The number of:
    - (1) People who are employed in a management position.
    - (2) Women who are employed in a management position.
    - (3) Women of color who are employed in a management position.
  - (e) Whether the entity has employee development initiatives in place for administrative or skilled staff who are interested in advancing their career paths, including, without limitation, tuition reimbursement, professional development, payment for conferences, business interest groups or a public commitment to gender inclusion.
  - (f) Whether the entity has undertaken a pay equity analysis and, if so, whether the results indicated that there were any discernable differences in pay.
  - (g) With regard to the 20 highest-paid people in the entity as determined by salary, bonuses and any other incentives, such as stock options, the number of those people who are:
    - (1) Women.
    - (2) Women of color.
  - (h) With regard to the hiring practices of the entity, whether the entity:
    - (1) Participates in diversity job fairs.
    - (2) Has a diverse hiring committee.
    - (3) Assesses the skill sets of candidates without regard to gender.
    - (4) Uses gender-neutral job descriptions.
  - (i) With regard to the issue of anti-harassment, including, without limitation, sexual harassment, whether the entity:
    - (1) Has an anti-harassment policy in place.
    - (2) Offers formal anti-harassment training.
  - (j) With regard to cultural training, whether the entity provides training relating to diversity and inclusion and, if so, whether such training includes specific training regarding:
    - (1) Implicit bias.
    - (2) Unconscious bias.
    - (3) Microaggressions.
    - (4) Fostering an inclusive environment.
    - (5) Improving engagement.
  - (k) With regard to workplace policies and benefits:
    - (1) Whether the entity offers:
      - (I) Employer-paid family leave and, if so, the number of weeks offered.

(II) Variable work schedules for caregivers.

(III) Options to work from home.

(IV) On-site child care, off-site child care or employer-paid child care subsidies.

(2) Whether there are any policies or benefits the entity is currently pursuing but has not yet implemented and, if so, a list of such policies or benefits.

(l) With regard to health care, whether the entity's policies cover:

(1) Birth control.

(2) Maternity.

(3) In vitro fertilization.

(m) The number and types of positions within the entity that are currently vacant.

(n) The rate of attrition within the entity.

↪ A completed survey must be signed by a person who is authorized to complete the survey on behalf of the entity.

3. As used in this section:

(a) "Executive position" means a position in which a person is employed as a vice president, senior vice president or executive vice president or in a role that is superior to such positions.

(b) "Management position" means a position in which a person is employed as a manager or in a role that is superior to a manager.

(c) "Pay equity analysis" means a formal study regarding equity in salaries.

(d) "Woman" means a person who self-identifies as a woman, without regard to the person's designated sex at birth.

(e) "Woman of color" means a woman who self-identifies as Black, African-American, Hispanic, Latino, Asian, Pacific Islander, Native American, Native Hawaiian or Alaska Native.

Sec. 3. If UNLV elects to conduct the study pursuant to section 2 of this act:

1. To assist UNLV in facilitating outreach to business entities that do business in this State and encouraging participation in the survey, the Department of Taxation shall provide to UNLV information about the identity of business entities in this State and the contact information for such business entities. The Department shall not, pursuant to this subsection, provide to UNLV or to any other person any information relating to a business entity other than the name of the business entity and its contact information. Any information provided by the Department pursuant to this subsection is not a public record for the purposes of chapter 239 of NRS. UNLV shall keep confidential any information provided by the Department pursuant to this subsection and shall not release any information provided by the Department pursuant to this subsection to any other person.

2. The provisions of NRS 360.255 do not apply to any records or files of the Department or other information or data that is obtained, maintained or disclosed by the Department pursuant to this section.

Sec. 4. If UNLV elects to conduct the study pursuant to section 2 of this act:

1. UNLV must:

(a) Submit annual reports relating to the results of the survey to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Legislative Commission; and

(b) Make such periodic reports available on its Internet website.

2. UNLV shall not include any personally identifiable information in a report submitted to the Governor and the Director of the Legislative Counsel Bureau pursuant to this section.

Sec. 5. Section 7 of chapter 434, Statutes of Nevada 2017, at page 2896, is hereby amended to read as follows:

Sec. 7. This act becomes effective on July 1, 2017, and expires by limitation on December 31, ~~2022~~ 2021.

Sec. 6. 1. This section and section 5 of this act become effective upon passage and approval.

2. Sections 1 to 4, inclusive, of this act become effective:

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

(b) On January 1, 2022, for all other purposes.

3. Sections 1 to 4, inclusive, of this act expire by limitation on January 1, 2026.

Senator Spearman moved the adoption of the amendment.

Remarks by Senators Spearman and Kieckhefer.

SENATOR SPEARMAN:

Amendment No. 838 to Senate Bill No. 267 clarifies that UNLV shall keep confidential any information provided by the Department pursuant to this subsection. Additionally, UNLV shall not release any information provided by the Department pursuant to this subsection to any other person.

SENATOR KIECKHEFER:

I would like to thank my colleague from Senate District 1 for coming back with this additional amendment to clarify that taxpayer information under this bill remains confidential. That makes me comfortable with the bill as a whole and lets us move forward with this positive policy.

Amendment adopted.

Bill read third time.

Remarks by Senator Spearman.

Senate Bill No. 267 creates an opportunity for UNLV to do a diversity survey regarding the number of women who are in management and other top positions in corporations as well as in the State. It is a good bill, and I urge my colleagues to pass it.

Roll call on Senate Bill No. 267:

YEAS—20.

NAYS—Hansen.

Senate Bill No. 267 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 460.

Bill read third time.

Remarks by Senator Denis.

Senate Bill No. 460 appropriates General Funds of \$200,000 to the Division of Museums and History of the Department of Tourism and Cultural Affairs to restore the school bus program to reimburse transportation costs for public-school students to visit State museums.

Roll call on Senate Bill No. 460:

YEAS—21.

NAYS—None.

Senate Bill No. 460 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 461.

Bill read third time.

Remarks by Senator Brooks.

Senate Bill No. 461 requires the transfer of federal Coronavirus State and Local Fiscal Recovery Funds to the General Fund in an amount determined to be equal to a reduction in general revenue of the State resulting from the COVID-19 pandemic. After the transfer to the General Fund is made, Senate Bill No. 461 sets forth priorities for expending remaining Coronavirus State and Local Fiscal Recovery Funds as follows: \$335 million to repay federal advances to the Unemployment Compensation Fund; \$20.9 million for mental-health treatment, substance-use disorder treatment and other behavioral-health services; construction costs and other capital improvements in public facilities to meet the needs of the public-health emergency; \$7.6 million to address increased food insecurity and other authorized purposes, including increasing access to health-care and community-based services; strengthening public education and Nevada's workforce, supporting small business and revitalizing the State's economy, investing in infrastructure, supporting disadvantaged communities and modernizing and enhancing State government services.

Roll call on Senate Bill No. 461:

YEAS—21.

NAYS—None.

Senate Bill No. 461 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

#### REMARKS FROM THE FLOOR

Senator Cannizzaro requested that the following remarks be entered in the Journal.

SENATOR CANNIZZARO:

At this time, I would like to recognize one of our most esteemed colleagues, Senator Moises (Mo) Denis, a man of integrity and leadership who has faithfully represented Senate District 2 since 2010. As you all know, Mo is nearing the end of his final term as a member of the Senate.

Mo is the son of Cuban immigrants, Armando and Dolores. Born in Brooklyn, New York, he was the first in his family to have been born in the United States. After his family spent a short time in Miami, they moved to Las Vegas when he was still a young child, where he has resided for the last four decades.

His commitment to his community is evident in the various roles he has held: president of the Nevada PTA; Chair of the Las Vegas-Clark County Library District; Chair of the City of Las Vegas Community Development Block Grant Committee; Chair of the Nevada Commission on Educational Technology; regional vice president of the Association for Library Trustees and Advocates; member of the North Vista Hospital Governing Board and, of course, member of the Nevada State Assembly and Senate.

After graduating from Rancho High School in Las Vegas, Mo obtained a bachelor's degree in music from Brigham Young University (BYU). After one year of study, he served a two-year mission in Uruguay for the Church of Jesus Christ of Latter-day Saints. Upon returning to BYU, Mo met the lovely Susan Cook, who he married soon after at just 21 years old. Shortly after, he and his friend opened a music store where he learned valuable lessons in entrepreneurship and business management. After closing his business and moving back to Las Vegas to raise his family, Mo was introduced to a computer-technology group at the library, which led to a long computer-technical career.

These experiences provided him with the skills necessary to be a successful policymaker. Those of us in this Body probably remember some of the key legislation Senator Denis has championed. In his 17 years of service to the State Legislature, one thing that is truly special about Mo is his approach to policy and his focus on listening to others and involving as many stakeholders as possible in the policymaking process. He strives to work across the aisle to find compromise among varying perspectives, even if he does not necessarily agree with everyone involved.

In 2019, Mo carried Senate Bill 543 of the 80th Session, one of the most significant education bills of the last few Sessions. It started the process of replacing the Nevada Plan funding formula and most of the categorical funding for K-12 education with the Pupil-Centered Funding Plan. The revised formula allows for a funding system that follows each student, resulting in a more equitable, innovative and transparent system that supports better academic outcomes for the diverse student population we have in this State. This policy supports one of Mo's most enduring and fundamental values, that all children, no matter their situation, should have an equal opportunity to receive a quality education.

Mo was first elected to the Assembly in 2004, and during his time there, he served on numerous Committees including Education and Ways and Means. After being elected to the Senate in 2010, he quickly rose to prominent leadership positions, including Assistant Majority Whip for the 2011 Session. In his first Senate term, his caucus elected him as Senate Majority Floor Leader for the 2013 Session, becoming the first Hispanic Majority Leader of the Nevada Senate. Mo was one of the pioneers of the Nevada Hispanic Legislative Caucus. Mo worked to ensure Nevada cultivated the entrepreneurial spirit of our immigrant communities while promoting Nevada as a State that values diversity.

In 2017, the Senate chose him as President pro Tempore, and he has held that position for each regular and special Session since. During his ten years of Senate service, Senator Denis has been a Chair, Vice Chair and member of several policy and fiscal Committees, including Education and Finance.

During the interim, when the business of the Legislature requires numerous committees to study topics and prepare for the next Session, Senator Denis has stepped up to serve in various capacities, mainly on education policy groups and on the Legislative Commission and Interim Finance Committee. He has represented Nevada in various national forums including the Education Commission of the States and the Council of State Governments, West.

Most of us can agree on his exceptional ability to balance not only family life but also service to his community and his church. One constant throughout his service in this building has been his excitement in talking about his kids and grandkids. While Mo is focused on public service and the responsibilities as an elected official, he always makes time to be there for his family, even if it means sacrificing sleep. Family and his spiritual principles are his guiding star. Over a decade ago, while he was still serving in the Assembly, he was quoted as saying that "Family values are why I am in the Legislature."

Not only has Mo dedicated his life to his family but also has devoted his efforts in public service towards education matters, consumer rights and the economy by passing legislation and chairing committees to address these issues for Nevada families.

Additionally, Senator Denis's other personal and professional accomplishments are a testament to his commitment to the improvement of Nevada's communities. It is a common occurrence to see Mo flying to and from Las Vegas and Reno in the same day to attend anything from his kids' concerts and school events to community events. On a quick day trip last Session, he attended the grand opening of the East Las Vegas Library. The establishment of this library was a dream come true for him because his neighborhood, in desperate need of those services, finally had access to a library.

In addition to his commitment to his family and Nevada's communities, Senator Denis is a talented singer and musician, playing guitar, piano and drums. He received the prestigious Eagle Scout award and once said that the program taught him valuable leadership skills that he still uses today. The significance this award had on his life is one reason he continues volunteering his time with the Boy Scouts. This is one attribute many of us think about when we think of our friend Mo, he pays it forward to the next generation of kids. In recognition of his many years of service and dedication to the Scouting program, he was recently presented with the Silver Beaver award.

Most importantly, Mo is a true family man at heart, a caring husband to Susan, his wife of 38 years. He is a dedicated father to Diana, Dustin, Daniel, Denae and Dallin and a loving grandfather to five grandsons and one granddaughter on the way.

Mo is loved and respected by his three sisters, Micki, Margaret and Michelle, who have said that their brother is not only the peacemaker of the siblings but also the most appreciated for his patience and ability to listen without judgment. I, for one, am not surprised in the least, since this unique skill is something he has demonstrated in his time with the Legislature.

Please join me in celebrating Mo's many personal and professional accomplishments and in expressing heartfelt appreciation for his faithful service and tireless efforts on behalf of the citizens of Nevadans, especially for those who are often overlooked and underserved. Mo, I think I can speak for all of us here by saying that you have truly made Nevada a better place for everyone. We wish you and your wonderful family the very best in all of your future endeavors.

SENATOR HAMMOND:

I would like to recognize one of our distinguished colleagues who has served this institution tirelessly for two decades, the Senator, and doctor, representing District 12, Joseph P. Hardy.

This inquisitive, sincere and caring family man has left his mark as much on his legislative colleagues, past and present, as he has on health, human services and education policy in this State. Whether providing free advice or emergency medical care to those of us in the Legislative Building or never failing to ask a clarifying question in Committee, Dr. Hardy has improved the lives of many in these halls and the greater community.

A native Nevadan, he was born in Reno and graduated from Sparks High School, after which he began a whirlwind tour for his educational studies. He served a mission for the Church of Jesus Christ of Latter-Day Saints in France. He earned his bachelor of science from the University of Nevada, Reno School of Medicine and received his doctor of medicine from Washington University School of Medicine in St. Louis, Missouri. He then completed his family practice residency in Phoenix, Arizona.

Upon finishing his formal education, he served in the military in South Dakota, achieving the rank of Major in the United States Air Force. From there, he returned home to Nevada where he joined a private, family-medical practice in Boulder City, the town he still lives in today. After 22 years with this private practice, he jumped at a career opportunity with HealthCare Partners, and he later joined the College of Osteopathic Medicine at Touro University Nevada as an associate professor to help train the next generation of physicians in Nevada.

While one of his earliest elected offices was as student body president of Sparks High, in 1999, the call to serve led to a position on the Boulder City Council, including time as mayor pro tempore, where he served until his first election to the Nevada Assembly in 2002. He served four consecutive terms in the Assembly and in 2010, successfully secured a seat here in this Senate.

Since his election to the Legislature, he has held many leadership positions including as President pro Tempore of the Senate, Senate Assistant Minority Leader, Senate Minority Whip, Assembly Minority Whip, as well as Chair of the Senate Committee on Health and Human Services. While he served on numerous policy and interim committees over the years, his tireless dedication to health and human services has always been clear, serving on the Senate or Assembly Committees on Health and Human Services every Session and the Legislative Committee on Health Care every interim since first being elected. That is ten regular Sessions and nine interims of analyzing health-and-human-services issues, asking critical questions and helping shape essential policies that affect the lives of all Nevadans.

His dedication and passion for pursuing policies to address the shortage of health-care providers in this State by reducing barriers to licensure, improving the workforce pipeline and increasing access to care for all Nevadans led to his desire to serve on the Senate Committee on Commerce, Labor and Energy for most of his tenure in this House.

His public service is not limited to these four walls. He is actively involved in numerous community and professional organizations. The list of his awards is just as lengthy and includes, among many others, in 1998 and 2010, being named "Nevada Family Physician of the Year."

As busy in his personal life as he is in the legislative realm, he is first and foremost dedicated to his family. Married to Jill Sweningsen Hardy, a familiar face in the Legislative Building, for more than 48 years, together they have 8 children and 21 grandchildren. I am sure it will surprise no one that despite keeping an extremely busy schedule, he always manages to find time to attend his kids' activities and sporting events. With his final regular Session of the Nevada Legislature nearly complete, he will surely welcome the additional time to do the same for his grandchildren as doting Grandpa Joe.

Please join me in expressing our deepest gratitude to a genuine public servant, a thoughtful person who has dedicated two decades to this institution and has truly left his mark on health policy and the people of Nevada.

SENATOR SEEVERS GANSERT:

Today, I am honored to recognize one of our esteemed colleagues who has served in this Body with distinction for 12 years. As we all know, that is the magic number that will end his illustrious career in the Nevada Senate. Senator Ben Kieckhefer was elected to Senate District 4 in 2010 and then spent the next ten years representing District 16. Before we recap his Senate accomplishments, let us go back to the start in Springfield, Illinois, where he spent his formative years in the Land of Lincoln. Ben attended DePaul University in Chicago where he received a bachelor of arts degree in English and then went on to his master's degree in Public Affairs Reporting from the University of Illinois in Springfield.

Like many Nevadans, he moved west and found work as a government and politics reporter for the Associated Press. His ability to explain complex issues in a concise way led to a job with Nevada's DHHS as its public information officer. Recognizing his talent, Governor Jim Gibbons appointed him as communications director.

During that time, thanks to a Legislator's invite to a birthday party, Ben met and married April West. Although the chances of having two sets of twins is said to be 1 in 700,000, Ben and April are the proud parents of two sets of fraternal boy-girl twins, Aspen, Austin, Lincoln, and Lucerne. We have watched the Kieckhefer kids grow up and seen firsthand that Ben always puts his family first.

When a Senate seat opened up in 2010, Ben ran for public office. His talent and work ethic got him an assignment to Senate Finance, a coveted spot for a freshman. His aptitude and interest in the arcane but critical issues of putting together a State budget would shape his legislative career and legacy.

Ben's leadership skills were recognized early in his appointment as the Assistant Minority Floor Leader in his second term and as Assistant Majority Leader in 2015. He has served on the Legislative Commission and more than 20 different interim committees and studies, while also serving on the Interim Finance Committee for five interims.

His work was recognized nationally when he was one of 24 elected officials awarded an Aspen-Rodel Fellowship in Public Leadership in 2013 by the Aspen Institute.

Ben served on Senate Finance for all six terms and as Chair in the 2015 Session. He steadfastly fought for good government and fiscal integrity, believing that the Legislature needed to retain its authority and oversight over State agencies to ensure taxpayer money was spent wisely and thoughtfully.

In fact, it was Ben who sponsored a bill in his very first Session in 2011 to create the Sunset Subcommittee of the Legislative Commission to review boards and commissions in this State each interim. Before this legislation, these entities went without any real oversight for decades.

During his term as Chair of Senate Finance, with the philosophy of "money is policy," he would oversee education reforms linked to increased funding and accountability for education, including the first, needs-based scholarship for community college students, the Silver State Opportunity Grant Program.

Ben also devoted much of his time to significant legislation aimed at diversifying Nevada's economy and was the first to recognize the importance of blockchain technology to the State. He was a featured speaker at the National Conference of State Legislatures' annual meeting in 2019 to speak about the nascent technology.

Another focus for Ben was his constituents and their issues, including a bill to protect Washoe Valley homeowners from increased property taxes after they rebuilt homes burned in a wildfire caused by a controlled burn of a State agency, and ways to improve emergency response times for constituents in south Reno and Duck Hill north of Carson City. He did not stop there. He sponsored successful legislation on subjects as varied as updating statutes to include electronic transactions and digital currency, opening up the historic Nevada State Prison for tours, addressing sexual abuse of children and revising the boundary between Washoe and Storey Counties.

His ability to work with legislators from both parties on many issues has earned him the respect and admiration of his peers. By adhering to his belief in principled and effective government, Ben has been responsible for a significant body of legislation despite being in the Minority Party for 10 out of 12 years.

Understanding and shaping the State budget requires patience and an attention to detail, and the importance of the task is not often appreciated by the public or the press. The State of Nevada and its finances are better off thanks to the hard work and unrelenting focus of Ben Kieckhefer.

Please join me in showing our appreciation to a true steward of good governance, a lifelong Cubs fan, loving husband and father of four, with a commitment to policy above all else, as he returns to private life in 2022 and completes a memorable and productive 12 years in the Nevada State Senate.

SENATOR GOICOECHEA:

I rise today, along with my colleagues, to honor a treasured colleague, a conscientious public servant, and a personal friend to many in this Chamber, the Senator representing District 17, James Settelmeyer.

He is what I consider an old-school Senator in the best way. He not only takes time to learn the issues but also he understands how to explain the importance of the policies we work on in Carson City to his constituency. His colleagues, friends and constituents can easily pick him out in a crowd because more than likely, he will be wearing his signature white cowboy hat. If you hear the familiar phrases, "Hi, boss," "That being said," or a signature phrase from the *Back to the Future* movie trilogy, "Hey, think McFly, think," you likely know that Senator Settelmeyer has entered the room.

Senator Settelmeyer is a fourth-generation rancher who grew up on a ranch just south of the capital city in the Carson Valley. During his formative years, he participated in 4-H and Future Farmers of America, today known as the National FFA Organization, including coaching livestock teams. He graduated from Douglas High School as a member of the 1989 class of approximately 180 students, the same school his grandfather graduated from several decades earlier as one of only 3 students.

His family was prominent and active in agriculture and politics. He follows two relatives who served in the Nevada Legislature, Senator Fred H. Settelmeyer, representing Douglas County from 1946 through 1962, and Assemblyman William "Bill" Settelmeyer who represented Elko County from 1924 through 1926.

Senator Settelmeyer attended California Polytechnic State University in San Luis Obispo, California, and earned a Bachelor of Science in agricultural education. He would return home in the summers and during vacations to work at the family ranch and apply what he learned at school. He continued his education by taking courses in legal studies, and he graduated from the Leadership Douglas County program.

He served and interacted with his community through his appointment by Governor Kenny Guinn to Nevada's State Conservation Commission in 2011, where he was Vice Chair his first year and was elevated by election to Chair his second year. He was also elected to the conservation district for Carson Valley in 1999 by the Valley's landowners.

In 2006, Senator Settelmeyer was first elected to the Assembly and would go on to serve two consecutive terms. Moving up the hallway of the Legislative Building with his November 2010 election to the Senate, he would go on to win two more elections.

He has held many leadership roles in the Legislature, including serving as Co-Minority Whip and Co-Majority Whip. Currently, he serves as the Senate Minority Leader, a position he first held during the 80th Session of the Legislature.

Senator Settelmeyer's passion for serving his constituency is evident in the numerous Committees he has served on, including Commerce and Labor, to which he has actively contributed throughout the entire tenure of his time in the Senate, and for which he served as Chair during the 2015 Session. He has served on several Committees: Natural Resources, Legislative Operations and Elections, Finance, Government Affairs, Growth and Infrastructure and Judiciary, among others.

As we all know, the job of being a Legislator does not end after the 120 days of a regular Session. Senator Settelmeyer has diligently served on various interim committees: the Legislative Commission, the Interim Finance Committee, the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System, the Sunset Subcommittee of the Legislative Commission and the Legislative Committee on Energy, to name a few.

During his time in these legislative halls, he has been a man of quiet action but strong convictions. He carried legislation, Senate Bill 117 of the 79th Session, to ensure reasonable accommodations for voters with disabilities to ensure access to polling locations for all Nevadans. He worked with California State Senator Ted Gaines to pass legislation, Senate Bill 414 of the 78th Session, in both California and Nevada to make higher education more affordable for residents in close proximity to the State's border by encouraging the reinstatement of a long-standing Good Neighbor Policy. In short, he listened to his constituents, and he passed common-sense legislation.

Today, we honor and recognize James Settelmeyer and thank him for his service to the legislative process. We wish him our best and much continued success and happiness with his family and daughters, Caitlyn and Sabrina, as he feeds the cattle, fixes irrigation leaks, as well as many of the other tasks required to keep a ranch up and running. We just hope he is able to find that tool he put away for his next job on the ranch.

#### REPORTS OF COMMITTEE

*Madam President:*

Your Committee on Finance, to which was referred Assembly Bill No. 486, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS BROOKS, *Chair*

*Madam President:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 116, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELANIE SCHEIBLE, *Chair*

## SECOND READING AND AMENDMENT

Assembly Bill No. 116.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 774.

ASSEMBLYMEN NGUYEN, YEAGER, FRIERSON, TORRES, MONROE-MORENO; ANDERSON, BENITEZ-THOMPSON, BILBRAY-AXELROD, BROWN-MAY, CARLTON, COHEN, CONSIDINE, DURAN, FLORES, GONZÁLEZ, GORELOW, JAUREGUI, KRASNER, MARTINEZ, MARZOLA, BRITTNEY MILLER, C.H. MILLER, ORENTLICHER, PETERS, SUMMERS-ARMSTRONG, THOMAS AND WATTS JOINT SPONSORS: SENATORS CANNIZZARO, SCHEIBLE; ~~(AND)~~ BROOKS, HAMMOND, D. HARRIS, OHRENSCHALL AND PICKARD.

SUMMARY—Revises provisions relating to traffic offenses. (BDR 43-491)

AN ACT relating to vehicles; establishing civil penalties for certain traffic and related violations; defining certain traffic and vehicle violations as misdemeanors; creating procedures for civil infractions for traffic and related violations to be adjudicated; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a violation of any provision of existing law relating to driver's licenses, any traffic law or ordinance, any provision of existing law governing motorcycles or any provision of existing law relating to off-highway vehicles is a misdemeanor, unless a different penalty is prescribed for the violation by a specific statute. (NRS 483.530, 483.620, 484A.900, 486.381, 490.520) Sections 14, 22, 40, 71 and 72 of this bill provide that a violation of any provision of these existing laws is a civil infraction unless a criminal penalty is prescribed for the violation by a specific statute. Sections 5, 15-21, 41-41.7, 44, 45, 47.3, 47.7, 49, 60.5, 67.2-67.8, 69 and 72 of this bill maintain the designation of certain traffic and related offenses as misdemeanors. Sections 51 and 53-56 of this bill revise the penalties for speeding. Sections 46, 47, 47.5, 48, 50, 57, 59, 60, 61, 64, 65 and 67 of this bill specifically designate certain traffic and related violations as civil infractions. Sections 37, 69.5 and 71.5 of this bill prohibit a local authority from enacting any ordinance that provides a criminal penalty for certain traffic and related offenses for which the penalty prescribed by law is a civil penalty.

Sections 1.5, 4, 6-8, 10, 13, 37, 39, 42, 43, 58, 68, 70, 76, 77, ~~and~~ 78 and 79.2 of this bill make conforming changes by including references to the new civil infraction system where necessary. Sections 2, 3, 55, 62, 63 and 66 of this bill make conforming changes by substituting the term "civil penalty" for "fine" and the term "civil infraction citation" for "citation." Section 1 of this bill defines the term "civil infraction" for purposes of the provisions of law relating to certain traffic and related offenses.

Sections 9, 11 and 12 of this bill provide that, for the purposes of a person's driving record, the commission of a traffic or related violation that is

punishable as a civil infraction pursuant to this bill is treated the same as a conviction for a traffic or related violation under existing law.

Sections 24-36.7 of this bill enact procedures for the imposition of a civil penalty against a person who violates a provision of law that is punishable as a civil infraction pursuant to this bill.

Section 24 of this bill requires each traffic enforcement agency in this State to provide civil infraction citations that a ~~peace officer~~ member of the traffic enforcement agency or, in certain circumstances, a prosecuting attorney, may issue to a person who has allegedly committed the civil infraction. Section 26 of this bill authorizes a peace officer who has reasonable cause to believe that a person has violated a provision of law punishable as a civil infraction pursuant to this bill to halt and detain the person as is reasonably necessary to investigate the alleged violation and issue a civil infraction citation for the alleged violation, and section 28 of this bill requires a peace officer who has stopped a driver for such an alleged violation to demand proof of the insurance required to be maintained by existing law. Section 26 also provides that after a person is halted and detained for such purposes, the peace officer is authorized to: (1) detain the person if the person is suspected of criminal behavior or of violating conditions of parole or probation; (2) search the person to determine whether the person has a weapon and take any other lawful action; and (3) arrest the person if probable cause exists for the arrest. Section 26 additionally provides that if the person is arrested for an offense that arises out of the same facts and circumstances as the civil infraction and is punishable as a misdemeanor, the offense and civil infraction may be included on the same criminal complaint. Section 27 of this bill specifies the information that is required to be provided in the civil infraction citation issued to the person who allegedly committed the civil infraction. Sections 25 and 29 of this bill provide that when the original or a copy of the civil infraction citation is manually or electronically filed with a court having jurisdiction over the alleged violation or with its traffic violations bureau, the citation is a complaint for the purposes of initiating a civil case.

Section 30 of this bill requires a person to respond to a civil infraction citation not later than 90 calendar days after it has been issued by not contesting the citation and paying all monetary penalties and assessments specified in the citation or requesting a hearing to contest whether the person committed the violation set forth in the citation. Under section 30, the court is required to send to the person, not less than 30 days before the deadline for the person to respond to the civil infraction citation, a reminder that the person must respond within 90 days after the date on which the civil infraction citation is issued. Section 30 also provides that if a person does not respond to a civil infraction citation within 90 calendar days after it has been issued, the court is required to find that the person committed the civil infraction and assess a monetary penalty and administrative assessments against the person and require the person to pay certain expenses for witnesses that are authorized by section 77.5 of this bill. Section 31 of this bill establishes the procedures for a

hearing at which a person may contest whether he or she committed the violation and generally requires the person to post a bond in an amount equal to the monetary penalty, administrative assessments and fees specified in the civil infraction citation or alternatively deposit such an amount in cash with the court. Section 38.5 of this bill authorizes a person who was issued a civil infraction citation and certain peace officers to use a system established by a court or its traffic violations bureau to perform certain authorized actions such as making a plea, stating a defense or mitigating circumstances or submitting a written statement, as applicable, by mail, electronic mail, over the Internet or by other electronic means in lieu of taking such actions or making a statement at the hearing.

Section 34 of this bill: (1) establishes a maximum civil penalty of \$500 for a violation of law punishable as a civil infraction pursuant to this bill and generally requires that any such civil penalty collected for a violation of a law of this State must be paid to the treasurer of the city in which the civil infraction occurred or, if the civil infraction did not occur in a city, the treasurer of the county in which the civil infraction occurred; (2) requires the court to order the person who committed the civil infraction to pay an administrative assessment in the same amount that the person would have been required to pay if the violation were a criminal offense; (3) authorizes a court to waive or reduce civil penalties and administrative assessments imposed for a civil infraction or enter into a payment plan under certain circumstances; (4) authorizes a court to order a person to attend a course of traffic safety approved by the Department of Motor Vehicles; and (5) authorizes a court to reduce any moving violation for which a person was issued a civil infraction citation to a nonmoving violation under certain circumstances. Section 35 of this bill authorizes the court to order a person who has committed a violation of law punishable as a civil infraction pursuant to this bill to perform community service under certain circumstances. Section 36 of this bill authorizes a court and the appropriate city or county to take certain actions to collect a civil penalty or any administrative assessment or fee associated with the civil penalty.

Section 36.3 of this bill authorizes a prosecuting attorney to elect to treat certain traffic and related offenses that are punishable as a misdemeanor instead as a civil infraction and establishes the actions a prosecuting attorney is required to take when making such an election. Section 36.7 of this bill provides that if a person commits certain traffic or related offenses while the person is under the influence of alcohol or a controlled substance, the person may instead be charged with a misdemeanor.

Section 38 of this bill prohibits a governmental entity or any agent thereof from using photographic, video or digital equipment for the purpose of gathering evidence for the issuance of a civil infraction citation for a violation of a traffic law unless such equipment is: (1) a portable event recording device worn or held by a peace officer; (2) installed in a vehicle or a facility of a law enforcement agency; or (3) privately owned by a nongovernmental entity.

Sections 74 and 75 of this bill grant to justice and municipal courts jurisdiction to hear and dispose of violations of law that are punishable as civil infractions pursuant to this bill. Sections 73 and 74.5 of this bill, respectively, authorize certain justice courts and municipal courts to appoint referees and hearing masters, as applicable, to take testimony and recommend orders and judgments to the justice of the peace or municipal court in cases involving a violation of law that is punishable as a civil infraction pursuant to this bill. Section 80.5 of this bill requires justice courts and municipal courts, on or before January 1, 2023, to adopt rules governing the practice and procedure for any action initiated relating to a provision of law that is punishable as a civil infraction pursuant to this bill.

Section 80 of this bill provides that the amendatory provisions of this bill generally apply to any offense committed on or after January 1, 2023, however, the provisions of section 36.3 apply to any offense committed before, on or after January 1, 2023. Section 80 also provides that if a person commits an offense before January 1, 2023, that is punishable as a civil infraction on or after January 1, 2023, the person who committed the offense cannot be arrested for the offense on or after January 1, 2023. Section 80 further requires: (1) each court in this State to cancel each outstanding bench warrant issued by the court for a person who failed to appear in the court in response to a citation issued for an offense for which this bill establishes a civil penalty; and (2) the Central Repository for Nevada Records of Criminal History to remove from each database or compilation of records of criminal history maintained by the Central Repository all records of bench warrants issued for a person who failed to appear in court in response to a citation for an offense for which this bill establishes a civil penalty.

Section 79.7 of this bill makes an appropriation to the Department of Public Safety to make system upgrades and provide training to personnel to carry out the provisions of this bill.

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

Section 1. NRS 481.015 is hereby amended to read as follows:

481.015 1. Except as otherwise provided in this subsection, as used in this title, unless the context otherwise requires, "certificate of title" means the document issued by the Department that identifies the legal owner of a vehicle and contains the information required pursuant to subsection 2 of NRS 482.245. The definition set forth in this subsection does not apply to chapters 488 and 489 of NRS.

2. Except as otherwise provided in chapter 480 of NRS, NRS 484C.600 to 484C.640, inclusive, 486.363 to 486.375, inclusive, and chapter 488 of NRS, as used in this title, unless the context otherwise requires:

- (a) "Department" means the Department of Motor Vehicles.
- (b) "Director" means the Director of the Department.

3. As used in this title ~~[, the term "full"]~~ :

(a) "Civil infraction" means a violation of any provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is not punishable as a misdemeanor, gross misdemeanor or felony.

(b) "Full legal name" means a natural person's first name, middle name and family name or last name, without the use of initials or a nickname. The term includes a full legal name that has been changed pursuant to the provisions of NRS 483.375 or 483.8605.

Sec. 1.5. NRS 483.2521 is hereby amended to read as follows:

483.2521 1. Except as otherwise provided in subsection 4, the Department may issue a driver's license to a person who is 16 or 17 years of age if the person:

(a) Except as otherwise provided in subsection 2, has completed:

- (1) A course in automobile driver education pursuant to NRS 389.090; or
- (2) A course provided by a school for training drivers which is licensed pursuant to NRS 483.700 to 483.780, inclusive, and which complies with the applicable regulations governing the establishment, conduct and scope of automobile driver education adopted by the State Board of Education pursuant to NRS 389.090;

(b) Except as otherwise provided in subsection 3, has at least 50 hours of supervised experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280, including, without limitation, at least 10 hours of experience in driving a motor vehicle during darkness;

(c) Except as otherwise provided in subsection 3, submits to the Department, on a form provided by the Department, a log which contains the dates and times of the hours of supervised experience required pursuant to this section and which is signed:

- (1) By his or her parent or legal guardian; or
- (2) If the person applying for the driver's license is an emancipated minor, by a licensed driver who is at least 21 years of age or by a licensed driving instructor,

↳ who attests that the person applying for the driver's license has completed the training and experience required pursuant to paragraphs (a) and (b);

(d) Submits to the Department:

(1) A written statement signed by the principal of the public school in which the person is enrolled or by a designee of the principal and which is provided to the person pursuant to NRS 392.123;

(2) A written statement signed by the parent or legal guardian of the person which states that the person is excused from compulsory attendance pursuant to NRS 392.070;

(3) A copy of the person's high school diploma or certificate of attendance; or

(4) A copy of the person's certificate of general educational development or an equivalent document;

(e) Has not been found to be responsible for a motor vehicle crash during the 6 months before applying for the driver's license;

(f) Has not been convicted of *or found by a court to have committed* a moving traffic violation or *convicted of* a crime involving alcohol or a controlled substance during the 6 months before applying for the driver's license; and

(g) Has held an instruction permit for not less than 6 months before applying for the driver's license.

2. If a course described in paragraph (a) of subsection 1 is not offered within a 30-mile radius of a person's residence, the person may, in lieu of completing such a course as required by that paragraph, complete an additional 50 hours of supervised experience in driving a motor vehicle in accordance with paragraph (b) of subsection 1.

3. In lieu of the supervised experience required pursuant to paragraph (b) of subsection 1, a person applying for a Class C noncommercial driver's license may provide to the Department proof that the person has successfully completed:

(a) The training required pursuant to paragraph (a) of subsection 1; and

(b) A hands-on course in defensive driving that has been approved by the Department pursuant to NRS 483.727.

4. A person who is 16 or 17 years of age, who has held an instruction permit issued pursuant to subsection 4 of NRS 483.280 authorizing the holder of the permit to operate a motorcycle and who applies for a driver's license pursuant to this section that authorizes him or her to operate a motorcycle must comply with the provisions of paragraphs (d) to (g), inclusive, of subsection 1 and must:

(a) Except as otherwise provided in subsection 5, complete a course of motorcycle safety approved by the Department;

(b) Have at least 50 hours of experience in driving a motorcycle with an instruction permit issued pursuant to subsection 4 of NRS 483.280; and

(c) Submit to the Department, on a form provided by the Department, a log which contains the dates and times of the hours of experience required pursuant to paragraph (b) and which is signed by his or her parent or legal guardian who attests that the person applying for the motorcycle driver's license has completed the training and experience required pursuant to paragraphs (a) and (b).

5. If a course described in paragraph (a) of subsection 4 is not offered within a 30-mile radius of a person's residence, the person may, in lieu of completing the course, complete an additional 50 hours of experience in driving a motorcycle in accordance with paragraph (b) of subsection 4.

Sec. 2. NRS 483.2523 is hereby amended to read as follows:

483.2523 1. A person to whom a driver's license is issued pursuant to NRS 483.2521 shall not, during the first 6 months after the date on which the driver's license is issued, transport as a passenger a person who is under 18 years of age, unless the person is a member of his or her immediate family.

2. A person who violates the provisions of this section:

(a) For a first offense, must be ordered to comply with the provisions of this section for 6 months after the date on which the driver's license is issued.

(b) For a second or subsequent offense, must be ordered to:

(1) Pay a ~~fine~~ *civil penalty* in an amount not to exceed \$250;

(2) Comply with the provisions of this section for such additional time as determined by the court; or

(3) Both pay such a ~~fine~~ *civil penalty* and comply with the provisions of this section for such additional time as determined by the court.

3. A violation of this section:

(a) Is not a moving traffic violation for the purposes of NRS 483.473; and

(b) Is not grounds for suspension or revocation of the driver's license for the purposes of NRS 483.360.

Sec. 3. NRS 483.2525 is hereby amended to read as follows:

483.2525 1. A peace officer shall not stop a motor vehicle for the sole purpose of determining whether the driver is violating a provision of NRS 483.2523. Except as otherwise provided in subsection 2, a *civil infraction* citation may be issued *pursuant to sections 24 to 36.7, inclusive, of this act* for a violation of NRS 483.2523 only if the violation is discovered when the vehicle is halted or its driver is arrested for another alleged violation or offense.

2. A peace officer shall not issue a *civil infraction* citation *pursuant to sections 24 to 36.7, inclusive, of this act* to a person for operating a motor vehicle in violation of NRS 483.2523 if the person provides satisfactory evidence that the person has held the driver's license for the period required pursuant to NRS 483.2523.

Sec. 4. NRS 483.330 is hereby amended to read as follows:

483.330 1. The Department may require every applicant for a driver's license, including a commercial driver's license issued pursuant to NRS 483.900 to 483.940, inclusive, to submit to an examination. The examination may include:

(a) A test of the applicant's ability to understand official devices used to control traffic;

(b) A test of the applicant's knowledge of practices for safe driving and the traffic laws of this State;

(c) Except as otherwise provided in subsection 2, a test of the applicant's eyesight; and

(d) Except as otherwise provided in subsection 3, an actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type or class of vehicle for which he or she is to be licensed.

↪ The examination may also include such further physical and mental examination as the Department finds necessary to determine the applicant's fitness to drive a motor vehicle safely upon the highways. If the Department requires an applicant to submit to a test specified in paragraph (b), the

Department shall ensure that the test includes at least one question testing the applicant's knowledge of the provisions of NRS 484B.165.

2. The Department may provide by regulation for the acceptance of a report from an ophthalmologist, optician, optometrist, physician or advanced practice registered nurse in lieu of an eye test by a driver's license examiner.

3. If the Department establishes a type or classification of driver's license to operate a motor vehicle of a type which is not normally available to examine an applicant's ability to exercise ordinary and reasonable control of such a vehicle, the Department may, by regulation, provide for the acceptance of an affidavit from a:

- (a) Past, present or prospective employer of the applicant; or
- (b) Local joint apprenticeship committee which had jurisdiction over the training or testing, or both, of the applicant,  
↳ in lieu of an actual demonstration.

4. The Department may waive an examination pursuant to subsection 1 for a person applying for a Nevada driver's license who possesses a valid driver's license of the same type or class issued by another jurisdiction unless that person:

(a) Has not attained 21 years of age, except that the Department may, based on the driving record of the applicant, waive the examination to demonstrate the applicant's ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the same type or class of vehicle for which he or she is to be licensed;

(b) Has had his or her license or privilege to drive a motor vehicle suspended, revoked or cancelled or has been otherwise disqualified from driving during the immediately preceding 4 years;

(c) Has been convicted of a violation of NRS 484C.130 or, during the immediately preceding 7 years, of a violation of NRS 484C.110, 484C.120 or 484C.430 or a law of any other jurisdiction that prohibits the same or similar conduct;

(d) Has restrictions to his or her driver's license which the Department must reevaluate to ensure the safe driving of a motor vehicle by that person;

(e) Has had three or more convictions of , *or findings by a court of having committed*, moving traffic violations on his or her driving record during the immediately preceding 4 years; or

(f) Has been convicted of any of the offenses related to the use or operation of a motor vehicle which must be reported pursuant to the provisions of Part 1327 of Title 23 of the Code of Federal Regulations relating to the National Driver Register Problem Driver Pointer System during the immediately preceding 4 years.

5. The Department shall waive the fee prescribed by NRS 483.410 not more than one time for administration of the examination required pursuant to this section for a homeless child or youth under the age of 25 years who submits a signed affidavit on a form prescribed by the Department stating that the child or youth is homeless and under the age of 25 years.

6. As used in this section, "homeless child or youth" has the meaning ascribed to it in 42 U.S.C. § 11434a.

Sec. 5. NRS 483.340 is hereby amended to read as follows:

483.340 1. The Department shall, upon payment of the required fee, issue to every qualified applicant a driver's license indicating the type or class of vehicles the licensee may drive.

2. The Department shall adopt regulations prescribing the information that must be contained on a driver's license.

3. The Department may issue a driver's license for purposes of identification only for use by officers of local police and sheriffs' departments, agents of the Investigation Division of the Department of Public Safety while engaged in special undercover investigations relating to narcotics or prostitution or for other undercover investigations requiring the establishment of a fictitious identity, federal agents while engaged in undercover investigations, investigators employed by the Attorney General while engaged in undercover investigations, criminal investigators employed by the Secretary of State while engaged in undercover investigations and agents of the Nevada Gaming Control Board while engaged in investigations pursuant to NRS 463.140. An application for such a license must be made through the head of the police or sheriff's department, the Chief of the Investigation Division of the Department of Public Safety, the director of the appropriate federal agency, the Attorney General, the Secretary of State or his or her designee or the Chair of the Nevada Gaming Control Board. Such a license is exempt from the fees required by NRS 483.410. The Department, by regulation, shall provide for the cancellation of any such driver's license upon the completion of the special investigation for which it was issued.

4. Except as otherwise provided in NRS 239.0115, information pertaining to the issuance of a driver's license pursuant to subsection 3 is confidential.

5. It is ~~unlawful~~ a *misdemeanor* for any person to use a driver's license issued pursuant to subsection 3 for any purpose other than the special investigation for which it was issued.

6. At the time of the issuance or renewal of the driver's license, the Department shall:

(a) Give the holder the opportunity to have indicated on his or her driver's license that the holder wishes to be a donor of all or part of his or her body pursuant to NRS 451.500 to 451.598, inclusive, or to refuse to make an anatomical gift of his or her body or part thereof.

(b) Give the holder the opportunity to have indicated whether he or she wishes to donate \$1 or more to the Anatomical Gift Account created by NRS 460.150.

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract

with a donor registry that is in compliance with the provisions of NRS 451.500 to 451.598, inclusive.

(d) If the Department has established a program for imprinting a symbol or other indicator of a medical condition on a driver's license pursuant to NRS 483.3485, give the holder the opportunity to have a symbol or other indicator of a medical condition imprinted on his or her driver's license.

(e) Provide to the holder information instructing the holder how to register with the Next-of-Kin Registry pursuant to NRS 483.653 if he or she so chooses.

7. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

8. The Department shall submit to the donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection 6 information from the records of the Department relating to persons who have drivers' licenses that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 6. NRS 483.400 is hereby amended to read as follows:

483.400 1. The Department shall maintain files of applications for licenses. Such files shall contain:

(a) All applications denied and on each thereof note the reasons for such denial.

(b) All applications granted.

(c) The name of every licensee whose license has been suspended or revoked by the Department and after each such name note the reasons for such action.

2. The Department shall also file all crash reports and abstracts of court records of convictions *or findings of the commission of civil infractions pursuant to sections 24 to 36.7, inclusive, of this act* received by it under the laws of this State, and in connection therewith maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions *or findings* of such licensee and the traffic crashes in which the licensee was involved ~~[shall be]~~ *are* readily ascertainable and available for the consideration of the Department upon any application for renewal of license and at other suitable times.

Sec. 7. NRS 483.430 is hereby amended to read as follows:

483.430 1. The privilege of driving a motor vehicle on the highways of this State given to a nonresident under NRS 483.010 to 483.630, inclusive, ~~[shall be]~~ *is* subject to suspension or revocation by the Department in like manner and for like cause as a driver's license issued under NRS 483.010 to 483.630, inclusive, may be suspended or revoked.

2. The Department is further authorized, upon receiving a record of the *entrance of an order pursuant to sections 24 to 36.7, inclusive, of this act finding that a nonresident driver of a motor vehicle committed a civil*

*infraction in this State or the conviction in this State of a nonresident driver of a motor vehicle of any criminal offense under the motor vehicle laws of this State, to forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so found or convicted is a resident.*

3. When a nonresident's driving privilege is suspended or revoked in this State, the Department shall forward a copy of the record of such action to the motor vehicle administrator in the state where such driver resides.

Sec. 8. NRS 483.443 is hereby amended to read as follows:

483.443 1. The Department shall, upon receiving notification from a district attorney or other public agency collecting support for children pursuant to NRS 425.510 that a court has determined that a person:

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

(b) Is in arrears in the payment for the support of one or more children,  
 ↪ send a written notice to that person that his or her driver's license is subject to suspension.

2. The notice must include:

(a) The reason for the suspension of the license;

(b) The information set forth in subsections 3, 5 and 6; and

(c) Any other information the Department deems necessary.

3. If a person who receives a notice pursuant to subsection 1 does not, within 30 days after receiving the notice, comply with the subpoena or warrant or satisfy the arrearage as required in NRS 425.510, the Department shall suspend the license without providing the person with an opportunity for a hearing.

4. The Department shall suspend immediately the license of a defendant if so ordered pursuant to NRS 62B.420 or 176.064 ~~[-] or section 36 of this act.~~

5. The Department shall reinstate the driver's license of a person whose license was suspended pursuant to this section if it receives:

(a) A notice from ~~the~~ any of the following:

(1) The district attorney or other public agency pursuant to NRS 425.510 that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to that section. ~~[-, from a]~~

(2) A traffic commissioner, referee, hearing master, municipal judge, justice of the peace or district judge, as applicable, that a delinquency for which the suspension was ordered pursuant to NRS 176.064 or section 36 of this act, as applicable, has been discharged. ~~[-, from a]~~

(3) A judge of the juvenile court that an unsatisfied civil judgment for which the suspension was ordered pursuant to NRS 62B.420 has been satisfied; and

(b) Payment of the fee for reinstatement of a suspended license prescribed in NRS 483.410.

6. The Department shall not require a person whose driver's license was suspended pursuant to this section to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of the reinstatement of the license.

Sec. 9. NRS 483.447 is hereby amended to read as follows:

483.447 A person who does not hold a valid license issued by this State or any other state and who operates a vehicle in this State shall be deemed to have future driving privileges that may be suspended if the person is *found to have committed a civil infraction in this State pursuant to sections 24 to 36.7, inclusive, of this act* or is convicted of any *criminal* traffic offense in this State.

Sec. 10. NRS 483.448 is hereby amended to read as follows:

483.448 1. Except as otherwise provided in this subsection, when a person deemed to have future driving privileges pursuant to NRS 483.447 has accumulated 3 or more demerit points, but less than 12, the Department shall notify the person of this fact. If, after the Department mails the notice, the person presents proof to the Department that he or she has successfully completed a course of traffic safety approved by the Department and a signed statement which indicates that the successful completion of the course was not required pursuant to a *court order entered pursuant to section 34 of this act* or a plea agreement, the Department shall cancel not more than 3 demerit points from the person's driving record. If such a person accumulates 12 or more demerit points before completing the course of traffic safety, the person will not be entitled to have demerit points cancelled upon the completion of the course but must have future driving privileges suspended. A person deemed to have future driving privileges may attend a course only once in 12 months for the purpose of reducing demerit points. The 3 demerit points may only be cancelled from the driver's record of the person during the 12-month period immediately following the driver's successful completion of the course of traffic safety. The provisions of this subsection do not apply to a person deemed to have future driving privileges whose successful completion of a course of traffic safety was required pursuant to a *court order entered pursuant to section 34 of this act* or a plea agreement.

2. Any reduction of demerit points pursuant to this section applies only to the demerit record of the person deemed to have future driving privileges and otherwise does not affect the person's driving record with the Department or insurance record.

3. Notwithstanding any provision of this title to the contrary, if a person deemed to have future driving privileges accumulates demerit points, the Department shall suspend those future driving privileges:

(a) For the first accumulation of 12 demerit points during a 12-month period, for 6 months. Such a person is eligible for a restricted license during this 6-month period.

(b) For the second accumulation within 3 years of 12 demerit points during a 12-month period, for 1 year. Such a person is eligible for a restricted license during this 1-year period.

(c) For the third accumulation within 5 years of 12 demerit points during a 12-month period, for 1 year. Such a person is not eligible for a restricted license during this 1-year period.

4. The Department shall suspend for 1 year the future driving privileges of a person *who has been* convicted of a sixth traffic offense within a 5-year period, *is found to have committed a sixth civil infraction pursuant to sections 24 to 36.7, inclusive, of this act within a 5-year period or has accumulated a combined total of six civil infractions and traffic offenses within a 5-year period*, if all six *civil infractions or traffic* offenses have been assigned a value of 4 or more demerit points. Such a person is not eligible for a restricted license during this 1-year period.

5. If the Department determines by its records that a person deemed to have future driving privileges is not eligible for a driver's license pursuant to this section, the Department shall notify the person by mail of that fact.

6. Except as otherwise provided in subsection 7, the Department shall suspend the future driving privileges of a person pursuant to this section 30 days after the date on which the Department mails the notice to the person required by subsection 5.

7. If a written request for a hearing is received by the Department:

(a) The suspension of the future driving privileges of the person requesting the hearing is stayed until a determination is made by the Department after the hearing.

(b) The hearing must be held, within 45 days after the request is received, in the county in which the person resides unless the person and the Department agree that the hearing may be held in some other county. The scope of the hearing must be limited to whether the records of the Department accurately reflect the driving history of the person.

Sec. 11. NRS 483.450 is hereby amended to read as follows:

483.450 1. A record of *each conviction and each finding that a person has committed a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act* must be made in a manner approved by the Department. The court shall provide sufficient information to allow the Department to include accurately the information regarding ~~the~~ *each conviction and finding* in the driver's record.

2. The Department shall adopt regulations prescribing the information necessary to record ~~the~~ *each conviction and finding* in the driver's record.

3. Every court, including a juvenile court, having jurisdiction over violations of the provisions of NRS 483.010 to 483.630, inclusive, or any other law of this State or municipal ordinance regulating the operation of motor vehicles on highways, shall forward to the Department:

(a) If the court is other than a juvenile court, ~~the~~ *each* record of the conviction of any person in that court for a violation of any such laws other than regulations governing standing or parking ~~the~~ *and each record of the finding that any person has committed a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act*; or

(b) If the court is a juvenile court, a record of any finding that a child has violated a traffic law or ordinance other than one governing standing or parking,

↪ within 5 days after the conviction or finding, and may recommend the suspension of the driver's license of the person convicted *or found to have committed a civil infraction* or the child found in violation of a traffic law or ordinance.

4. If a record forwarded to the Department pursuant to subsection 3 is a record of the conviction of , *or a record of a finding of the commission of a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act against,* a person who holds a commercial driver's license, the Department shall, within 5 days after the date on which it receives such a record, transmit notice of the conviction *or finding* to the Commercial Driver's License Information System.

5. For the purposes of NRS 483.010 to 483.630, inclusive ~~;~~  
~~(a) "Conviction"~~, "conviction" has the meaning prescribed by regulation pursuant to NRS 481.052.

~~[(b) A forfeiture of bail or collateral deposited to secure a defendant's appearance in court, if the forfeiture has not been vacated, is equivalent to a conviction.]~~

6. ~~[The]~~ *If a court mails records of conviction or of findings of the commission of a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act, the necessary expenses of mailing such records* ~~[of conviction]~~ to the Department as required by this section must be paid by the court charged with the duty of forwarding those records . ~~[of conviction.]~~

7. As used in this section, "Commercial Driver's License Information System" has the meaning ascribed to it in NRS 483.904.

Sec. 12. NRS 483.473 is hereby amended to read as follows:

483.473 1. As used in this section, "traffic violation" means conviction of a moving traffic violation in any municipal court, justice court or district court in this State ~~;~~ *or a finding by any municipal court or justice court in this State that a person has committed a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act.* The term includes a finding by a juvenile court that a child has violated a traffic law or ordinance other than one governing standing or parking. The term does not include a conviction or a finding by a juvenile court of a violation of the speed limit posted by a public authority under the circumstances described in subsection 1 of NRS 484B.617.

2. The Department shall establish a uniform system of demerit points for various traffic violations occurring within this State affecting the driving privilege of any person who holds a driver's license issued by the Department and persons deemed to have future driving privileges pursuant to NRS 483.447. The system must be based on the accumulation of demerits during a period of 12 months.

3. The system must be uniform in its operation, and the Department shall set up a schedule of demerits for each traffic violation, depending upon the gravity of the violation, on a scale of one demerit point for a minor violation

of any traffic law to eight demerit points for an extremely serious violation of the law governing traffic violations. If a conviction of two or more traffic violations committed on a single occasion is obtained, points must be assessed for one offense ~~[-]~~ or *civil infraction*, and if the point values differ, points must be assessed for the offense or *civil infraction* having the greater point value. Details of the violation must be submitted to the Department by the court where the conviction or *finding* is obtained. The Department may provide for a graduated system of demerits within each category of violations according to the extent to which the traffic law was violated.

Sec. 13. NRS 483.475 is hereby amended to read as follows:

483.475 1. Except as otherwise provided in this subsection, when a person who holds a driver's license has accumulated 3 or more demerit points, but less than 12, the Department shall notify the person of this fact. If, after the Department mails the notice, the driver presents proof to the Department that he or she has successfully completed a course of traffic safety approved by the Department and a signed statement which indicates that the successful completion of the course was not required pursuant to a plea agreement ~~[-]~~ or *court order entered pursuant to section 34 of this act*, the Department shall cancel not more than 3 demerit points from the person's driving record. If the driver accumulates 12 or more demerit points before completing the course of traffic safety, the person will not be entitled to have demerit points cancelled upon the completion of the course, but must have his or her license suspended. A person may attend a course only once in 12 months for the purpose of reducing demerit points. The 3 demerit points may only be cancelled from a driver's record during the 12-month period immediately following the driver's successful completion of the course of traffic safety. The provisions of this subsection do not apply to a person whose successful completion of a course of traffic safety was required pursuant to a plea agreement ~~[-]~~ or *court order entered pursuant to section 34 of this act*.

2. Any reduction of demerit points applies only to the demerit record of the driver and does not affect the person's driving record with the Department or insurance record.

3. The Department shall use a cumulative period for the suspension of licenses pursuant to subsection 1. The periods of suspension are:

(a) For the first accumulation of 12 demerit points during a 12-month period, 6 months. A driver whose license is suspended pursuant to this paragraph is eligible for a restricted license during the suspension.

(b) For the second accumulation within 3 years of 12 demerit points during a 12-month period, 1 year. A driver whose license is suspended pursuant to this paragraph is eligible for a restricted license during the suspension.

(c) For the third accumulation within 5 years of 12 demerit points during a 12-month period, 1 year. A driver whose license is suspended pursuant to this paragraph is not eligible for a restricted license during the suspension.

4. The Department shall suspend for 1 year the license of a driver who is convicted of a sixth traffic offense within 5 years , *is found to have committed*

*a sixth civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act within 5 years or has accumulated a combined total of six civil infractions and offenses within 5 years, if all six civil infractions or offenses have been assigned a value of ~~four~~ 4 or more demerit points. A driver whose license is suspended pursuant to this subsection is not eligible for a restricted license during the suspension.*

5. If the Department determines by its records that the license of a driver must be suspended pursuant to this section, it shall notify the driver by mail that his or her privilege to drive is subject to suspension.

6. Except as otherwise provided in subsection 7, the Department shall suspend the license 30 days after it mails the notice required by subsection 5.

7. If a written request for a hearing is received by the Department:

(a) The suspension of the license is stayed until a determination is made by the Department after the hearing.

(b) The hearing must be held within 45 days after the request is received in the county where the driver resides unless the driver and the Department agree that the hearing may be held in some other county. The scope of the hearing must be limited to whether the records of the Department accurately reflect the driving history of the driver.

Sec. 14. NRS 483.530 is hereby amended to read as follows:

483.530 1. Except as otherwise provided in subsection 2, it is a misdemeanor for any person:

(a) To display or cause or permit to be displayed or possess any cancelled, revoked, suspended, fictitious, fraudulently altered or fraudulently obtained driver's license;

(b) To alter, forge, substitute, counterfeit or use an unvalidated driver's license;

(c) To lend his or her driver's license to any other person or knowingly permit the use thereof by another;

(d) To display or represent as one's own any driver's license not issued to him or her;

(e) To fail or refuse to surrender to the Department, a peace officer or a court upon lawful demand any driver's license which has been suspended, revoked or cancelled;

(f) To permit any unlawful use of a driver's license issued to him or her; *or*

(g) ~~{To do any act forbidden, or fail to perform any act required, by NRS 483.010 to 483.630, inclusive; or~~

~~—(h)}~~ To photograph, photostat, duplicate or in any way reproduce any driver's license or facsimile thereof in such a manner that it could be mistaken for a valid license, or to display or possess any such photograph, photostat, duplicate, reproduction or facsimile unless authorized by this chapter.

2. Except as otherwise provided in this subsection, a person who uses a false or fictitious name in any application for a driver's license or identification card or who knowingly makes a false statement or knowingly conceals a material fact or otherwise commits a fraud in any such application is guilty of

a category E felony and shall be punished as provided in NRS 193.130. If the false statement, knowing concealment of a material fact or other commission of fraud described in this subsection relates solely to the age of a person, including, without limitation, to establish false proof of age to game, purchase alcoholic beverages or purchase cigarettes or other tobacco products, the person is guilty of a misdemeanor.

Sec. 15. NRS 483.550 is hereby amended to read as follows:

483.550 1. It is unlawful for any person to drive a motor vehicle upon a public street or highway in this State without being the holder of a valid driver's license. *A person who violates this section is guilty of a misdemeanor.*

2. The court shall require any person convicted of violating ~~this section~~ *subsection 1* to obtain a valid driver's license or produce a notice of disqualification from the Department.

Sec. 16. NRS 483.570 is hereby amended to read as follows:

483.570 No person whose driving privilege as a nonresident has been cancelled, suspended or revoked, as provided in NRS 483.010 to 483.630, inclusive, shall drive any motor vehicle upon the highways of this State while such privilege is cancelled, suspended or revoked. *It is a misdemeanor for any person to violate this section.*

Sec. 17. NRS 483.575 is hereby amended to read as follows:

483.575 1. A person with epilepsy shall not operate a motor vehicle if that person has been informed by a physician or an advanced practice registered nurse pursuant to NRS 629.047 that his or her condition would severely impair his or her ability to safely operate a motor vehicle. *A violation of this subsection is a misdemeanor.*

2. If a physician or an advanced practice registered nurse is aware that a person has violated subsection 1 after the physician or advanced practice registered nurse has informed the person pursuant to NRS 629.047 that the person's condition would severely impair his or her ability to safely operate a motor vehicle, the physician or advanced practice registered nurse may, without the consent of the person, submit a written report to the Department that includes the name, address and age of the person. A report received by the Department pursuant to this subsection:

(a) Is confidential, except that the contents of the report may be disclosed to the person about whom the report is made; and

(b) May be used by the Department solely to determine the eligibility of the person to operate a vehicle on the streets and highways of this State.

3. The submission by a physician or an advanced practice registered nurse of a report pursuant to subsection 2 is solely within his or her discretion. No cause of action may be brought against a physician or an advanced practice registered nurse based on the fact that he or she did not submit such a report.

4. No cause of action may be brought against a physician or an advanced practice registered nurse based on the fact that he or she submitted a report pursuant to subsection 2 unless the physician or advanced practice registered

nurse acted with malice, intentional misconduct, gross negligence or intentional or knowing violation of the law.

Sec. 18. NRS 483.580 is hereby amended to read as follows:

483.580 A person shall not cause or knowingly permit his or her child or ward under the age of 18 years to drive a motor vehicle upon any highway when the minor is not authorized under the provisions of NRS 483.010 to 483.630, inclusive, or is in violation of any of the provisions of NRS 483.010 to 483.630, inclusive, or if the minor's license is revoked or suspended pursuant to title 5 of NRS or NRS 392.148. *It is a misdemeanor for a person to violate this section.*

Sec. 19. NRS 483.590 is hereby amended to read as follows:

483.590 No person shall authorize or knowingly permit a motor vehicle owned by the person or under his or her control to be driven upon any highway by any person who is not authorized under NRS 483.010 to 483.630, inclusive, or in violation of any of the provisions of NRS 483.010 to 483.630, inclusive. *It is a misdemeanor for a person to violate this section.*

Sec. 20. NRS 483.600 is hereby amended to read as follows:

483.600 No person shall employ as a driver of a motor vehicle any person not then licensed as provided in NRS 483.010 to 483.630, inclusive. *It is a misdemeanor for a person to violate this section.*

Sec. 21. NRS 483.610 is hereby amended to read as follows:

483.610 1. No person shall rent a motor vehicle to any other person unless the latter person is then duly licensed under NRS 483.010 to 483.630, inclusive, or, in the case of a nonresident, then duly licensed under the laws of the state or country of his or her residence except a nonresident whose home state or country does not require that a driver be licensed.

2. No person shall rent a motor vehicle to another until the person has inspected the driver's license of the person to whom the vehicle is to be rented and compared and verified the signature thereon with the signature of such person written in his or her presence.

3. Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the license of the latter person and the date and place when and where the license was issued. Such record shall be open to inspection by any police officer or officer of the Department.

4. *It is a misdemeanor for a person to violate any provision of this section.*

Sec. 22. NRS 483.620 is hereby amended to read as follows:

483.620 It is a ~~misdemeanor~~ *civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act* for any person to violate any of the provisions of NRS 483.010 to 483.630, inclusive, unless such violation is, by NRS 483.010 to 483.630, inclusive, or other law of this State, declared to be a *misdemeanor, gross misdemeanor or felony.*

Sec. 23. Chapter 484A of NRS is hereby amended by adding thereto the provisions set forth as sections 24 to 36.7, inclusive, of this act.

Sec. 24. 1. Every traffic enforcement agency in this State shall provide in appropriate form civil infraction citations containing notice of the civil infraction which must meet the requirements of sections 24 to 36.7, inclusive, of this act and be:

(a) Issued in books; or

(b) Available through an electronic device used to prepare such citations.

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

Sec. 25. A civil infraction citation, when filed with a court of competent jurisdiction, shall be deemed to be a lawful complaint for the purpose of initiating a civil case pursuant to sections 24 to 36.7, inclusive, of this act, if the civil infraction citation includes information whose truthfulness is attested as required for a complaint in a civil case or is prepared electronically.

Sec. 26. 1. Except as otherwise provided by law, a peace officer in this State who has reasonable cause to believe that a person has violated a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is a civil infraction may halt and detain the person as is reasonably necessary to investigate the alleged violation and issue a civil infraction citation for the alleged violation. A peace officer who has halted and detained a person pursuant to this section may also:

(a) Detain the person in accordance with NRS 171.123 if circumstances exist that warrant such a detention;

(b) Search the person to ascertain the presence of a weapon in accordance with NRS 171.1232 and take any other action authorized pursuant to that section or any other provision of law; and

(c) Arrest the person in accordance with NRS 171.1231 if probable cause for the arrest exists.

2. If a person is arrested pursuant to paragraph (c) of subsection 1 for an offense that arises out of the same facts and circumstances as the civil infraction and is punishable as a misdemeanor, the offense and the civil infraction may be included in the same criminal complaint.

Sec. 27. 1. When a person is halted by a peace officer in this State for any violation of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is a civil infraction, or a prosecuting attorney elects to treat a violation of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a misdemeanor instead as a civil infraction in accordance with section 36.3 of this act, the peace officer or prosecuting attorney, as applicable, may prepare a civil infraction citation manually or electronically in the form of a complaint issuing in the name of "The State of Nevada," containing, except as otherwise provided in paragraph (a) of subsection 2 of section 36.3 of this act:

(a) A statement that the citation represents a determination by a peace officer or prosecuting attorney that a civil infraction has been committed by the person named in the citation and that the determination will be final unless contested as provided in sections 24 to 36.7, inclusive, of this act;

(b) A statement that a civil infraction is not a criminal offense;

(c) The name, date of birth, ~~social security number,~~ residential address and mailing address, if different from the residential address, telephone number and electronic mail address of the person who is being issued the citation and an indication as to whether the person has agreed to receive communications relating to the civil infraction by text message;

(d) The state registration number of the person's vehicle, if any;

(e) The number of the person's driver's license, if any;

(f) The civil infraction for which the citation was issued;

(g) The ~~first initial, last name and~~ personnel number or other unique agency identification number of the peace officer issuing the citation and the address and phone number of the agency which employs the peace officer or, if a prosecuting attorney is issuing the citation, the personnel number or other unique agency identification number of the peace officer who halted the person for the violation ~~+~~ or the volunteer appointed pursuant to NRS 484B.470 who issued the citation and the address and phone number of the agency which employs the peace officer or volunteer, preprinted or printed legibly ~~+~~ on the citation;

(h) A statement of the options provided pursuant to sections 24 to 36.7, inclusive, of this act for responding to the citation and the procedures necessary to exercise these options;

(i) A statement that, at any hearing to contest the determination set forth in the citation, the facts that constitute the infraction must be proved by a preponderance of the evidence and the person may subpoena witnesses, including, without limitation, the peace officer or duly authorized member or volunteer of a traffic enforcement agency who issued the citation or halted the person; and

(j) A statement that the person must respond to the citation as provided in sections 24 to 36.7, inclusive, of this act within 90 calendar days.

2. A peace officer who issues a civil infraction citation pursuant to subsection 1 shall sign the citation and deliver a copy of the citation to the person charged with the civil infraction. If the citation is prepared electronically, the peace officer shall sign the copy of the citation that is delivered to the person charged with the violation.

3. A civil infraction citation may be served by delivering a copy of the citation to the person charged with the civil infraction pursuant to this section or section 36.3 of this act. The acceptance of a civil infraction citation by the person charged with the civil infraction shall be deemed personal service of the citation and a copy of the citation signed by the peace officer or prosecuting attorney, as applicable, constitutes proof of service. If a person charged with a civil infraction refuses to accept a civil infraction citation, the

copy of the citation signed by the peace officer or prosecuting attorney, as applicable, constitutes proof of service.

Sec. 28. 1. Whenever the driver of a vehicle is stopped by a peace officer for violating a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is a civil infraction, except for violating a provision of NRS 484B.440 to 484B.523, inclusive, the peace officer shall demand proof of the insurance required by NRS 485.185 or 490.0825 and issue a citation as provided in NRS 484A.630 if the peace officer has probable cause to believe that the driver of the vehicle is in violation of NRS 485.187 or subsection 5 of NRS 490.520.

2. When the evidence of insurance provided by the driver of the vehicle upon the demand of the peace officer is in an electronic format displayed on a mobile electronic device, the peace officer may view only the evidence of insurance and shall not intentionally view any other content on the mobile electronic device.

Sec. 29. 1. Every peace officer, upon issuing a civil infraction citation to an alleged violator of any provision of the motor vehicle laws of this State or of any traffic ordinance, shall file manually or, if the provisions of subsection 2 are satisfied, file electronically the original or a copy of the citation with a court having jurisdiction over the alleged offense or with its traffic violations bureau.

2. A copy of a civil infraction citation that is prepared electronically and issued to an alleged violator of any provision of the motor vehicle laws of this State or of any traffic ordinance may be filed electronically with a court having jurisdiction over the alleged civil infraction or with its traffic violations bureau if the court or traffic violations bureau, respectively:

- (a) Authorizes such electronic filing;
- (b) Has the ability to receive and store the citation electronically; and
- (c) Has the ability to physically reproduce the citation upon request.

3. Upon the filing of the original or a copy of the civil infraction citation with a court having jurisdiction over the alleged infraction or with its traffic violations bureau, the citation may be disposed of only by an official action of a judge of the court, an online program of dispute resolution established by the court, the prosecuting attorney or by the payment of a civil penalty to the court or its traffic violations bureau by the person to whom the civil infraction citation has been issued by the peace officer.

4. It is unlawful and official misconduct from any peace officer or other officer or public employee to dispose of a civil infraction citation or copies of it or of the record of the issuance of a civil infraction citation in a manner other than as required in this section.

5. The chief administrative officer of every traffic enforcement agency shall require the return to him or her of a physical copy or electronic record of every civil infraction citation issued by an officer under his or her supervision to an alleged violator of any traffic law or ordinance and of all physical copies and electronic records of every civil infraction citation which

*has been spoiled or upon which any entry has been made and not issued to an alleged violator.*

*6. The chief administrative officer of every traffic enforcement agency shall maintain or cause to be maintained a record of every civil infraction citation issued by any peace officer under his or her supervision. The record must be retained for at least 2 years after issuance of the citation.*

*Sec. 30. 1. Any person who receives a civil infraction citation pursuant to section 27 or 36.3 of this act shall respond to the citation as provided in this section not later than 90 calendar days after the date on which the citation is issued.*

*2. If a person receiving a civil infraction citation does not contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond to the citation by indicating that the person does not contest the determination and submitting full payment of the monetary penalty, the administrative assessment and any fees to the court specified in the citation, or its traffic violations bureau, in person, by mail or through the Internet or other electronic means.*

*3. If a person receiving a civil infraction citation wishes to contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond by requesting in person, by mail or through the Internet or other electronic means a hearing for that purpose. The court shall notify the person in writing of the time, place and date of the hearing, but the date of the hearing must not be earlier than 9 calendar days after the court provides notice of the hearing.*

*4. Except as otherwise provided in this subsection, not less than 30 days before the deadline for a person to respond to a civil infraction citation, the court must send to the address or electronic mail address of the person, as indicated on the civil infraction citation issued to the person, a reminder that the person must respond to the civil infraction citation within 90 calendar days after the date on which the civil infraction citation is issued. If the person agreed to receive communications relating to the civil infraction by text message, the court may send such a notice to the telephone number of the person as indicated on the civil infraction citation. If the person does not respond to the civil infraction citation in the manner specified by subsection 2 or 3 within 90 calendar days after the date on which the civil infraction citation is issued, the court must enter an order pursuant to section 34 of this act finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A person who has been issued a civil infraction citation and who fails to respond to the civil infraction citation as required by this section may not appeal an order entered pursuant to this section.*

*5. If any person issued a civil infraction citation fails to appear at a hearing requested pursuant to subsection 3, the court must enter an order pursuant to section 34 of this act finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments*

*prescribed for the civil infraction. A person who has been issued a civil infraction citation and who fails to appear at a hearing requested pursuant to subsection 3, may not appeal an order entered pursuant to this subsection.*

*6. In addition to any other penalty imposed, any person who is found by the court to have committed a civil infraction pursuant to subsection 5 shall pay the witness fees, per diem allowances, travel expenses and other reimbursement in accordance with NRS 50.225.*

*7. If a court has established a system pursuant to NRS 484A.615, any person issued a civil infraction citation may, if authorized by the court, use the system to perform any applicable actions pursuant to this section.*

*Sec. 31. 1. If, pursuant to subsection 3 of section 30 of this act, a person receiving a civil infraction citation requests a hearing to contest the determination that the person has committed the civil infraction set forth in the citation, the hearing must be conducted in accordance with this section.*

*2. Except as otherwise provided in this subsection, before a hearing to contest the determination that a person has committed a civil infraction, the court shall require the person to post a bond equal to the amount of the full payment of the monetary penalty, the administrative assessment and any fees specified in the civil infraction citation. In lieu of posting such a bond, the person may instead deposit cash with the court in the amount of the bond required pursuant to this subsection. Any bond posted or cash deposited with the court pursuant to this subsection must be forfeited upon the court's finding that the person committed the civil infraction. Any person whom the court determines is unable to pay the costs of defending the action or is a client of a program for legal aid in accordance with NRS 12.015 must not be required to post a bond or deposit cash with the court in accordance with this subsection.*

*3. The person who requested the hearing may, at his or her expense, be represented by counsel, and a city attorney or district attorney, in his or her discretion and as applicable, may represent the plaintiff.*

*4. A hearing conducted pursuant to this section must be conducted by the court without a jury. In lieu of the personal appearance at the hearing by the peace officer who issued the civil infraction citation, the court may consider the information contained in the civil infraction citation and any other written statement submitted under oath by the peace officer. If the court has established a system pursuant to NRS 484A.615, the peace officer may, if authorized by the court, use the system to submit such a statement. The person named in the civil infraction citation may subpoena witnesses, including, without limitation, the peace officer who issued the citation, and has the right to present evidence and examine witnesses present in court.*

*5. After consideration of the evidence and argument, the court shall determine whether a civil infraction was committed by the person named in the civil infraction citation. The court must find by a preponderance of the evidence that the person named in the civil infraction citation committed a civil infraction. If it has not been established by a preponderance of the evidence that the infraction was committed by the person named in the citation, the court*

must enter an order dismissing the civil infraction citation in the court's records. If it has been established by a preponderance of the evidence that the infraction was committed, the court must enter in the court's records an order pursuant to section 34 of this act.

6. An appeal from the court's determination or order may be taken in the same manner as any other civil appeal from a municipal court or justice court, as applicable, except that:

(a) The notice of appeal must be filed not later than 7 calendar days after the court enters in the court's records an order pursuant to section 34 of this act;

(b) If the appellant is the person charged with the civil infraction, any bond required to be given by the appellant in order to secure a stay of execution of the order of the court during the pendency of the appeal must equal the amount of the monetary penalty and administrative assessments which the court has ordered the appellant to pay pursuant to section 34 of this act. Any bond must be forfeited if the order of the court is affirmed on appeal; and

(c) If a prosecuting attorney does not represent the plaintiff during the proceedings in the justice court or municipal court, the appellate court shall review the record and any arguments presented by the person charged with the civil infraction and render a decision.

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 34. 1. Except as otherwise provided in this section, a person who is found to have committed a civil infraction shall be punished by a civil penalty of not more than \$500 per violation unless a greater civil penalty is authorized by specific statute. Except as otherwise provided in NRS 484A.792, any civil penalty collected pursuant to sections 24 to 36.7, inclusive, of this act must be paid to:

(a) The treasurer of the city in which the civil infraction occurred; or

(b) If the civil infraction did not occur in a city, the treasurer of the county in which the civil infraction occurred.

2. If a person is found to have committed a civil infraction, in addition to any civil penalty imposed on the person, the court shall order the person to pay the administrative assessments set forth in NRS 176.059, 176.0611, 176.0613 and 176.0623 in the amount that the person would be required to pay if the civil penalty were a fine imposed on a defendant who pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor. If, in lieu of a civil penalty, the court authorizes a person to successfully complete a course of traffic safety approved by the Department of Motor Vehicles, the court must order the person to pay the amount of the administrative assessment that corresponds to the civil penalty for which the defendant would have otherwise been responsible. The administrative assessments imposed pursuant to this subsection must be collected and distributed in the same manner as the administrative assessments imposed and collected pursuant to NRS 176.059, 176.0611, 176.0613 and 176.0623.

3. *If the court determines that a civil penalty or administrative assessment imposed pursuant to this section is:*

*(a) Excessive in relation to the financial resources of the defendant, the court may waive or reduce the monetary penalty accordingly.*

*(b) Not within the defendant's present financial ability to pay, the court may enter into a payment plan with the person.*

4. *A court having jurisdiction over a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act may:*

*(a) In addition to ordering a person who is found to have committed a civil infraction to pay a civil penalty and administrative assessments pursuant to this section, order the person to successfully complete a course of traffic safety approved by the Department of Motor Vehicles.*

*(b) Waive or reduce the civil penalty that a person who is found to have committed a civil infraction would otherwise be required to pay if the court determines that any circumstances warrant such a waiver or reduction.*

*(c) Reduce any moving violation for which a person was issued a civil infraction citation to a nonmoving violation if the court determines that any circumstances warrant such a reduction.*

Sec. 35. 1. *Except where the imposition of a specific civil penalty is mandatory, a court may order a person who is found to have committed a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act to perform community service that is supervised in accordance with subsection 2:*

*(a) In lieu of all or a part of any civil penalty or administrative assessment, or both, that may be imposed for the commission of the civil infraction; or*

*(b) As all or part of the punishment for the commission of the civil infraction.*

2. *The community service must be performed for and under the supervising authority of a county, city, town or other political subdivision or agency of the State of Nevada or a charitable organization that renders service to the community or its residents.*

3. *The court may require the person who committed the civil infraction to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which the person performs the community service, unless, in the case of industrial insurance, it is provided by the authority for which the person performs the community service.*

4. *The following conditions apply to any such community service imposed by the court:*

*(a) The court must fix the period of community service that is imposed and distribute the period over weekends or over other appropriate times that will allow the person to continue employment and to care for his or her family. The period of community service fixed by the court must not exceed 200 hours.*

*(b) A supervising authority listed in subsection 2 must agree to accept the person for community service before the court may require the person to*

*perform community service for that supervising authority. The supervising authority must be located in or be the town or city of the person's residence or, if that placement is not possible, one located within the jurisdiction of the court or, if that placement is not possible, the authority may be located outside the jurisdiction of the court.*

*(c) Community service that a court requires pursuant to this section must be supervised by an official of the supervising authority or by a person designated by the authority.*

*(d) The court may require the supervising authority to report periodically to the court the person's performance in carrying out the community service.*

*(e) A person performing community service in lieu of the payment of a civil penalty must receive credit toward the civil penalty at a rate per hour of community service performed that is equal to at least \$10 or the state minimum wage for an employee who is not provided health benefits by his or her employer, whichever is greater.*

*Sec. 36. 1. If a civil penalty, administrative assessment or fee is imposed upon a person who is found to have committed a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act, whether or not the civil penalty, administrative assessment or fee is in addition to any other punishment, and the civil penalty, administrative assessment or fee or any part of it remains unpaid after the time established by the court for its payment, the delinquent person is liable for a collection fee, to be imposed by the court at the time it finds that the civil penalty, administrative assessment or fee is delinquent, of:*

*(a) Not more than \$100, if the amount of the delinquency is less than \$2,000.*

*(b) Not more than \$500, if the amount of the delinquency is \$2,000 or greater, but is less than \$5,000.*

*(c) Ten percent of the amount of the delinquency, if the amount of the delinquency is \$5,000 or greater.*

*2. The city or county that is responsible for collecting a delinquent civil penalty, administrative assessment or fee may, in addition to attempting to collect the delinquent amounts through any other lawful means, contract with a collection agency licensed pursuant to NRS 649.075 to collect the delinquent amounts owed by a person who is found to have committed a civil infraction. The collection agency must be paid as compensation for its services an amount not greater than the amount of the collection fee imposed pursuant to subsection 1 in accordance with the provisions of the contract.*

*3. If a court finds that a person committed a civil infraction, the civil penalty, administrative assessments and fees prescribed for the civil infraction may be enforced in the manner provided by law for the enforcement of a judgment for money rendered in a civil action except that the judgment and any lien for the judgment expires 10 years after the date the judgment was docketed and may not be renewed. The court may:*

(a) Request that the city or county in which the court has jurisdiction undertake collection of the delinquency, including, without limitation, the original amount of the civil judgment entered pursuant to this subsection and the collection fee, by attachment or garnishment of the property, wages or other money receivable of the delinquent person.

(b) Order the suspension of the driver's license of the delinquent person. If the delinquent person does not possess a driver's license, the court may prohibit him or her from applying for a driver's license for a specified period. If the delinquent person is already the subject of a court order suspending or delaying the issuance of his or her driver's license, the court may order the additional suspension or delay, as appropriate, to apply consecutively with the previous order. At the time the court issues an order pursuant to this paragraph suspending the driver's license of a delinquent person or delaying the ability of a delinquent person to apply for a driver's license, the court shall, within 5 days after issuing the order, forward to the Department a copy of the order. The Department shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the delinquent person's driving record, but such a suspension must not be considered for the purpose of rating or underwriting.

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

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

(b) Except as otherwise provided in paragraph (c), if the money is collected by or on behalf of a justice court, the money must be deposited in a special fund in the appropriate county treasury. The county may use the money in the special fund only to:

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

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

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

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

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

Sec. 36.3. 1. A prosecuting attorney may elect to treat a violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is

*punishable as a misdemeanor, other than a violation of NRS 484C.110 or 484C.120, as a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act.*

2. *The prosecuting attorney shall make the election described in subsection 1 on or before the time scheduled for the first appearance of the defendant by:*

*(a) Preparing a civil infraction citation in accordance with subsection 1 of section 27 of this act that contains all applicable information that is known to the prosecuting attorney, signing the citation and filing the citation with a court having jurisdiction over the alleged offense or with its traffic violations bureau;*

*(b) Filing notice of the prosecuting attorney's election with the court having jurisdiction of the underlying criminal charge; and*

*(c) Delivering a copy of the notice and citation to the defendant.*

3. *Upon the filing of a notice pursuant to paragraph (b) of subsection 2, the court shall dismiss the underlying criminal charge.*

Sec. 36.7. *Notwithstanding any other provision of law, if a person commits a violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a civil infraction while the person is under the influence of alcohol or a controlled substance, the person may instead be charged with a misdemeanor.*

Sec. 37. NRS 484A.400 is hereby amended to read as follows:

484A.400 1. The provisions of chapters 484A to 484E, inclusive, of NRS are applicable and uniform throughout this State on all highways to which the public has a right of access, to which persons have access as invitees or licensees or such other premises as provided by statute.

2. Except as otherwise provided in subsection 3 and unless otherwise provided by specific statute, any local authority may enact by ordinance traffic regulations which cover the same subject matter as the various sections of chapters 484A to 484E, inclusive, of NRS if the provisions of the ordinance are not in conflict with chapters 484A to 484E, inclusive, of NRS, or regulations adopted pursuant thereto. It may also enact by ordinance regulations requiring the registration and licensing of bicycles.

3. A local authority shall not enact an ordinance:

(a) Governing the registration of vehicles and the licensing of drivers;

(b) Governing the duties and obligations of persons involved in traffic crashes, other than the duties to stop, render aid and provide necessary information;

(c) Providing a penalty for an offense for which the penalty prescribed by chapters 484A to 484E, inclusive, of NRS is greater than that imposed for a misdemeanor; ~~or~~

(d) *Providing a criminal penalty for a violation of chapters 484A to 484E, inclusive, of NRS for which the penalty prescribed by those chapters is a civil penalty; or*

(e) Requiring a permit for a vehicle, or to operate a vehicle, on a highway in this State.

4. No person convicted or adjudged guilty or guilty but mentally ill of, *or found to have committed a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act for*, a violation of a traffic ordinance may be charged or tried in any other court in this State for the same offense.

Sec. 38. NRS 484A.600 is hereby amended to read as follows:

484A.600 A governmental entity and any agent thereof shall not use photographic, video or digital equipment for gathering evidence to be used for the issuance of a traffic citation *or civil infraction citation pursuant to section 27 of this act* for a violation of chapters 484A to 484E, inclusive, of NRS unless the equipment is *a portable camera or event recording device worn or held in the hand or* by a peace officer, the equipment is otherwise installed temporarily or permanently within a vehicle or facility of a law enforcement agency ~~+~~ *or the equipment is privately owned by a nongovernmental entity.*

Sec. 38.5. NRS 484A.615 is hereby amended to read as follows:

484A.615 1. A court having jurisdiction over an offense for which a traffic citation may be issued pursuant to NRS 484A.630 *or that is punishable as a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act*, or its traffic violations bureau may establish a system by which, except as otherwise provided in subsection ~~{5.}~~ 6, the court or traffic violations bureau may allow ~~{a}~~ :

(a) A person who has been issued a traffic citation *or a civil infraction citation* that is filed with the court or traffic violations bureau to *perform certain actions approved by the court or traffic violations bureau, including, without limitation, to make a plea and state his or her defense or, if authorized, any mitigating circumstances,* by mail, by electronic mail, over the Internet or by other electronic means.

(b) *A peace officer who issued a civil infraction citation to a person or, if the provisions of section 36.3 apply, a peace officer who halted a person, to perform certain actions approved by the court or traffic violations bureau, including, without limitation, to submit a written statement under oath by mail, by electronic mail, over the Internet or by other electronic means in lieu of his or her personal appearance at the hearing held pursuant to section 31 of this act to contest the determination that the person who has been issued the civil infraction citation committed a civil infraction.*

2. Except as otherwise provided in subsection ~~{5.}~~ 6, if a court or traffic violations bureau has established a system pursuant to subsection 1, ~~{a}~~ *the court or traffic violations bureau may allow:*

(a) ~~A person [who has been issued a traffic citation that is filed with the court or traffic violations bureau may, if allowed by the court and] described in paragraph (a) of subsection 1 to use the system to perform certain actions approved by the court or traffic violations bureau, including without limitation, to make a plea or state his or her defense or, if authorized, any~~

*mitigating circumstances* in lieu of making a plea and statement of his or her defense or any mitigating circumstances in court . ~~{ make a plea and state his or her defense or any mitigating circumstances by using the system. }~~

(b) A peace officer described in paragraph (b) of subsection 1 to use the system to perform certain actions approved by the court or traffic violations bureau, including without limitation, to submit a written statement under oath in lieu of making a personal appearance in court.

3. Any ~~{such}~~ plea ~~{and}~~ or statement submitted through the system by a person or peace officer pursuant to subsection 2 must be received by the court before the date on which the person is required to appear in court pursuant to the traffic citation ~~{~~

~~—3.}~~ or civil infraction citation.

4. If a court or traffic violations bureau allows an eligible person to whom a traffic citation or civil infraction citation is issued to use a system established pursuant to subsection 1 to make a plea and state his or her defense or , if authorized, any mitigating circumstances and the person chooses to make a plea and state his or her defense or any mitigating circumstances by using such a system, the person waives his or her right to a trial and the right to confront any witnesses.

~~{4.}~~ 5. Any system established pursuant to subsection 1 must:

(a) For the purpose of authenticating that the person making the plea and statement of his or her defense or any mitigating circumstances or performing any other approved action is the person to whom the traffic citation or civil infraction citation was issued, be capable of requiring the person to submit any of the following information, as applicable, at the discretion of the court or traffic violations bureau:

- (1) The traffic citation number ~~{}~~ or civil infraction citation number;
- (2) The name and address of the person;
- (3) The state registration number of the person's vehicle, if any;
- (4) The number of the driver's license of the person, if any;
- (5) The offense charged ~~{}~~ or the civil infraction for which the citation was issued; and

(6) Any other information required by any rules adopted by the Nevada Supreme Court pursuant to subsection ~~{6.}~~ 7.

(b) For the purposes of authenticating that the peace officer submitting the written statement or performing any other approved action is the peace officer who issued the civil infraction citation, be capable of requiring the peace officer to submit any of the following information at the discretion of the court or traffic violations bureau:

- (1) The civil infraction citation number;
- (2) The civil infraction for which the citation was issued; and
- (3) The first initial, last name and personnel number of the peace officer.

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

~~{(e)}~~ (d) If a plea and statement of the defense or mitigating circumstances of a person or a written statement of a peace officer is submitted by electronic mail, over the Internet or by other electronic means ~~{, confirm}~~ :

(1) Confirm receipt of ~~{the}~~ :

(I) The plea and statement to the person making the plea; and

(II) The written statement to the peace officer; or ~~{make}~~

(2) Make available to ~~{the}~~ :

(I) The person making the plea a copy of the plea and statement ~~{}~~ ;

and

(II) The peace officer submitting the written statement a copy of the written statement.

~~{5}~~ 6. A person who has been issued a traffic citation for any of the following offenses may not make a plea and state his or her defense or any mitigating circumstances by using a system established pursuant to subsection 1:

(a) Aggressive driving in violation of NRS 484B.650;

(b) Reckless driving in violation of NRS 484B.653;

(c) Vehicular manslaughter in violation of NRS 484B.657; or

(d) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110, 484C.120 or 488.410, as applicable.

~~{6}~~ 7. The Nevada Supreme Court may adopt rules not inconsistent with the laws of this State to carry out the provisions of this section.

Sec. 39. NRS 484A.650 is hereby amended to read as follows:

484A.650 1. Whenever the driver of a vehicle is stopped by a peace officer for violating a provision of chapters 484A to 484E, inclusive, of NRS, except for violating a provision of NRS 484B.440 to 484B.523, inclusive, the officer shall demand proof of the insurance required by NRS 485.185 or 490.0825 and issue a citation as provided in NRS 484A.630 if the officer has probable cause to believe that the driver of the vehicle is in violation of NRS 485.187 or subsection ~~{4}~~ 5 of NRS 490.520. If the driver of the vehicle is not the owner, a citation must also be issued to the owner, and in such a case the driver:

(a) May sign the citation on behalf of the owner; and

(b) Shall notify the owner of the citation within 3 days after it is issued.

↪ The agency which employs the peace officer shall immediately forward a copy of the citation to the registered owner of the vehicle, by certified mail, at his or her address as it appears on the certificate of registration.

2. When the evidence of insurance provided by the driver of the vehicle upon the demand of the peace officer is in an electronic format displayed on a mobile electronic device, the peace officer may view only the evidence of insurance and shall not intentionally view any other content on the mobile electronic device.

Sec. 39.5. NRS 484A.680 is hereby amended to read as follows:

484A.680 1. Every peace officer upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this State or of any traffic ordinance of any city or town shall file manually or, if the provisions of subsection 2 are satisfied, file electronically the original or a copy of the traffic citation with a court having jurisdiction over the alleged offense or with its traffic violations bureau.

2. A copy of a traffic citation that is prepared electronically and issued to an alleged violator of any provision of the motor vehicle laws of this State or of any traffic ordinance of any city or town may be filed electronically with a court having jurisdiction over the alleged offense or with its traffic violations bureau if the court or traffic violations bureau, respectively:

- (a) Authorizes such electronic filing;
- (b) Has the ability to receive and store the citation electronically; and
- (c) Has the ability to physically reproduce the citation upon request.

3. Upon the filing of the original or a copy of the traffic citation with a court having jurisdiction over the alleged offense or with its traffic violations bureau, the traffic citation may be disposed of only by trial in that court or other official action by a judge of that court, including ~~forfeiture of the bail, or by the deposit of sufficient bail with, or~~ payment of a fine to ~~the~~ traffic violations bureau by the person to whom the traffic citation has been issued by the peace officer.

4. It is unlawful and official misconduct for any peace officer or other officer or public employee to dispose of a traffic citation or copies of it or of the record of the issuance of a traffic citation in a manner other than as required in this section.

5. The chief administrative officer of every traffic enforcement agency shall require the return to him or her of a physical copy or electronic record of every traffic citation issued by an officer under his or her supervision to an alleged violator of any traffic law or ordinance and of all physical copies or electronic records of every traffic citation which has been spoiled or upon which any entry has been made and not issued to an alleged violator.

6. The chief administrative officer shall also maintain or cause to be maintained a record of every traffic citation issued by officers under his or her supervision. The record must be retained for at least 2 years after issuance of the citation.

7. As used in this section, "officer" includes a volunteer appointed to a traffic enforcement agency pursuant to NRS 484B.470.

Sec. 40. NRS 484A.900 is hereby amended to read as follows:

484A.900 1. It is unlawful and, unless otherwise declared in chapters 484A to 484E, inclusive, of NRS with respect to a particular offense, it is a ~~misdemeanor~~ *civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act* for any person to do any act forbidden or fail to perform any act required in chapters 484A to 484E, inclusive, of NRS.

2. The court may order any person who, *within a 1-year period*, is twice convicted of violating , or *found to have committed a civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act for a violation of*, a provision of chapters 484A to 484E, inclusive, of NRS to pay tuition for and attend a school for driver training which is approved by the Department for retraining such drivers. The person so ordered may choose from those so approved the school which the person will attend. A person who willfully fails to comply with such an order is guilty of a misdemeanor.

Sec. 41. NRS 484B.100 is hereby amended to read as follows:

484B.100 It is ~~unlawful~~ *a misdemeanor* for any person willfully to fail or refuse to comply with any lawful order or direction of any police officer while the officer is performing the duties of the officer in the enforcement of chapters 484A to 484E, inclusive, of NRS.

Sec. 41.3. NRS 484B.117 is hereby amended to read as follows:

484B.117 1. Except as otherwise provided in subsection 2, the driver of a vehicle shall not drive upon or within any sidewalk area except at a permanent or temporary driveway or alley entrance. *A person who violates this subsection is guilty of a misdemeanor.*

2. The provisions of subsection 1 do not apply to a vehicle that is powered solely by electricity and designed to travel on three wheels when such a vehicle is operated:

(a) As an authorized emergency vehicle;

(b) By an officer or other authorized employee of a law enforcement agency, as that term is defined in NRS 239C.065, in the course of his or her official duties; or

(c) By a security guard, as that term is defined in NRS 648.016, in the course of his or her official duties.

Sec. 41.7. NRS 484B.127 is hereby amended to read as follows:

484B.127 1. The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

2. The driver of any truck or combination of vehicles 80 inches or more in overall width, which is following a truck, or combination of vehicles 80 inches or more in overall width, shall, whenever conditions permit, leave a space of 500 feet so that an overtaking vehicle may enter and occupy such space without danger, but this shall not prevent a truck or combination of vehicles from overtaking and passing any vehicle or combination of vehicles. This subsection does not apply to any vehicle or combination of vehicles while moving on a highway on which there are two or more lanes available for traffic moving in the same direction.

3. Motor vehicles being driven upon any highway outside of a business district in a caravan or motorcade, whether or not towing other vehicles, shall be operated to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle or combination of vehicles to enter and occupy such space without danger.

4. *A person who violates this section is guilty of a misdemeanor.*

5. This section does not apply to a vehicle which is using driver-assistive platooning technology, as defined in NRS 482A.032.

Sec. 42. NRS 484B.130 is hereby amended to read as follows:

484B.130 1. Except as otherwise provided in subsections 2 and 6, a person who is ~~convicted of~~ *found to have committed* a violation of a speed limit, or *convicted of or found to have committed a violation* of NRS 484B.150, 484B.163, 484B.165, 484B.200 to 484B.217, inclusive, 484B.223, 484B.227, 484B.300, 484B.303, 484B.317, 484B.320, 484B.327, 484B.330, 484B.403, 484B.587, 484B.600, 484B.603, 484B.650, 484B.653, 484B.657, 484C.110 or 484C.120, that occurred:

(a) In an area designated as a temporary traffic control zone; and

(b) At a time when the workers who are performing construction, maintenance or repair of the highway or other work are present, or when the effects of the act may be aggravated because of the condition of the highway caused by construction, maintenance or repair, including, without limitation, reduction in lane width, reduction in the number of lanes, shifting of lanes from the designated alignment and uneven or temporary surfaces, including, without limitation, modifications to road beds, cement-treated bases, chip seals and other similar conditions,

↪ shall, *if the violation is a criminal offense*, be punished by imprisonment or by a fine, or both, for a term or an amount equal to and in addition to the term of imprisonment or amount of the fine, or both, that the court imposes for the primary offense ~~or~~ *or shall, if the violation is a civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act, be punished by a civil penalty in an amount equal to and in addition to the civil penalty imposed that the court imposes for the primary civil infraction.* Any term of imprisonment imposed pursuant to this subsection runs consecutively with the sentence prescribed by the court for the crime. This subsection does not create a separate offense ~~or~~ *or civil infraction*, but provides an additional penalty for the primary offense ~~or~~ *or civil infraction*, whose imposition is contingent upon the finding of the prescribed fact.

2. ~~The~~ *If a violation described in subsection 1 is:*

(a) *A criminal offense*, the additional penalty imposed pursuant to subsection 1 must not exceed a total of \$1,000, 6 months of imprisonment or 120 hours of community service.

(b) *A civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act*, the additional penalty imposed pursuant to subsection 1 must not exceed a total of \$250.

3. Except as otherwise provided in subsection 5, a governmental entity that designates an area or authorizes the designation of an area as a temporary traffic control zone in which construction, maintenance or repair of a highway or other work is conducted, or the person with whom the governmental entity contracts to provide such service, shall cause to be erected:

(a) A sign located before the beginning of such an area stating "DOUBLE PENALTIES IN WORK ZONES" to indicate a double penalty may be imposed pursuant to this section;

(b) A sign to mark the beginning of the temporary traffic control zone; and

(c) A sign to mark the end of the temporary traffic control zone.

4. A person who otherwise would be subject to an additional penalty pursuant to this section is not relieved of any criminal liability *or liability for a civil infraction* because signs are not erected as required by subsection 3 if the violation results in injury to any person performing highway construction or maintenance or other work in the temporary traffic control zone or in damage to property in an amount equal to \$1,000 or more.

5. The requirements of subsection 3 do not apply to an area designated as a temporary traffic control zone:

(a) Pursuant to an emergency which results from a natural or other disaster and which threatens the health, safety or welfare of the public; or

(b) On a public highway where the posted speed limit is 25 miles per hour or less and that provides access to or is appurtenant to a residential area.

6. A person who would otherwise be subject to an additional penalty pursuant to this section is not subject to an additional penalty if the violation occurred in a temporary traffic control zone for which signs are not erected pursuant to subsection 5, unless the violation results in injury to any person performing highway construction or maintenance or other work in the temporary traffic control zone or in damage to property in an amount equal to \$1,000 or more.

Sec. 43. NRS 484B.135 is hereby amended to read as follows:

484B.135 1. Except as otherwise provided in subsections 2 and 4, a person who is ~~convicted of~~ *found to have committed* a violation of a speed limit, *or convicted of or found to have committed a violation* of NRS 484B.150, 484B.163, 484B.165, 484B.200 to 484B.217, inclusive, 484B.223, 484B.227, 484B.280, 484B.283, 484B.287, 484B.300, 484B.303, 484B.307, 484B.317, 484B.320, 484B.327, 484B.403, 484B.600, 484B.603, 484B.650, 484B.653, 484B.657, 484C.110 or 484C.120, that occurred in an area designated as a pedestrian safety zone may :

(a) *If the violation is a criminal offense*, be punished by imprisonment or by a fine, or both, for a term or an amount equal to and in addition to the term of imprisonment or amount of the fine, or both, that the court imposes for the primary offense.

(b) *If the violation is a civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act*, be punished by a civil penalty in an amount equal to and in addition to the civil penalty imposed that the court imposes for the primary infraction.

➡ Any term of imprisonment imposed pursuant to this subsection runs consecutively with the sentence prescribed by the court for the crime. This subsection does not create a separate offense ~~+~~ *or civil infraction* but provides an additional penalty for the primary offense ~~+~~ *or civil infraction*, whose

imposition is discretionary with the court and contingent upon the finding of the prescribed fact.

2. ~~The~~ If a violation described in subsection 1 is:

(a) A criminal offense, the additional penalty imposed pursuant to subsection 1 must not exceed a total of \$1,000, 6 months of imprisonment or 120 hours of community service.

(b) A civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act, the additional penalty imposed pursuant to subsection 1 must not exceed a total of \$250.

3. A governmental entity that designates a pedestrian safety zone shall cause to be erected:

(a) A sign located before the beginning of the pedestrian safety zone which provides notice that higher fines *and civil penalties* may apply in pedestrian safety zones;

(b) A sign to mark the beginning of the pedestrian safety zone; and

(c) A sign to mark the end of the pedestrian safety zone.

4. A person who would otherwise be subject to an additional penalty pursuant to this section is not subject to such an additional penalty if, with respect to the pedestrian safety zone in which the violation occurred:

(a) A sign is not erected before the beginning of the pedestrian safety zone as required by paragraph (a) of subsection 3 to provide notice that higher fines *and civil penalties* may apply in pedestrian safety zones; or

(b) Signs are not erected as required by paragraphs (b) and (c) of subsection 3 to mark the beginning and end of the pedestrian safety zone.

5. The governing body of a local government or the Department of Transportation may designate a pedestrian safety zone on a highway if the governing body or the Department of Transportation:

(a) Makes findings as to the necessity and appropriateness of a pedestrian safety zone, including, without limitation, any circumstances on or near a highway which make an area of the highway dangerous for pedestrians; and

(b) Complies with the requirements of subsection 3 and NRS 484A.430 and 484A.440.

Sec. 44. NRS 484B.150 is hereby amended to read as follows:

484B.150 1. It is ~~unlawful~~ a *misdemeanor* for a person to drink an alcoholic beverage while the person is driving or in actual physical control of a motor vehicle upon a highway.

2. Except as otherwise provided in this subsection, it is ~~unlawful~~ a *misdemeanor* for a person to have an open container of an alcoholic beverage within the passenger area of a motor vehicle while the motor vehicle is upon a highway. This subsection does not apply to:

(a) The passenger area of a motor vehicle which is designed, maintained or used primarily for the transportation of persons for compensation; or

(b) The living quarters of a house coach or house trailer,

↳ but does apply to the driver of such a motor vehicle who is in possession or control of an open container of an alcoholic beverage.

3. A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.

4. As used in this section:

(a) "Alcoholic beverage" has the meaning ascribed to it in NRS 202.015.

(b) "Open container" means a container which has been opened or the seal of which has been broken.

(c) "Passenger area" means that area of a vehicle which is designed for the seating of the driver or a passenger.

Sec. 45. NRS 484B.157 is hereby amended to read as follows:

484B.157 1. Except as otherwise provided in subsection 7, any person who is transporting a child who is less than 6 years of age and who weighs 60 pounds or less 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) 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) Is appropriate for the size and weight of the child; and

(c) Is installed within and attached safely and securely to the motor vehicle:

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

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

2. ~~{If a defendant pleads or is found guilty of violating}~~ *A person who violates the provisions of subsection 1 ~~{,}~~ is guilty of a misdemeanor and the court shall:*

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

(b) For a second offense, order the ~~{defendant}~~ *person* to pay a fine of not less than \$500 or more than \$1,000 or order the ~~{defendant}~~ *person* 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}~~ *person* for not less than 30 days or more than 180 days.

3. At the time of sentencing, the court shall provide the ~~{defendant}~~ *person who committed the offense* 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. If, within 60 days after sentencing, ~~{a defendant}~~ *the person* 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}~~ *person* was sentenced pursuant to paragraph (a) of subsection 2, waive the fine or community service previously imposed; or

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

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

4. 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 ~~of~~ *of Motor Vehicles*, establish a fee to be paid by ~~defendants~~ *persons* 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~~ *person* 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. For the purposes of NRS 483.473, a violation of this section is not a moving traffic violation.

6. 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. 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. 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. 46. NRS 484B.160 is hereby amended to read as follows:

484B.160 1. Except as otherwise provided in subsections 2 and 4, a driver shall not permit a person, with regard to a motor vehicle being operated on a paved highway, to ride upon or within any portion of the vehicle that is primarily designed or intended for carrying goods or other cargo or that is

otherwise not designed or intended for the use of passengers, including, without limitation:

- (a) Upon the bed of a flatbed truck; or
- (b) Within the bed of a pickup truck.

2. A driver may permit a person to ride upon the bed of a flatbed truck or within the bed of a pickup truck if the person is:

- (a) Eighteen years of age or older; or
- (b) Under 18 years of age and the motor vehicle is:
  - (1) Being used in the course of farming or ranching; or
  - (2) Being driven in a parade authorized by a local authority.

3. A *civil infraction* citation must be issued *pursuant to section 27 of this act* to a driver who permits a person to ride upon or within a vehicle in violation of subsection 1. A driver who is cited pursuant to this subsection shall be punished by a ~~fine~~ *civil penalty* of at least \$35 but not more than \$100.

4. The provisions of subsection 1 do not apply to the portion of the bed of a truck that is covered by a camper shell or slide-in camper.

5. A violation of this section:

- (a) Is not a moving traffic violation for the purposes of NRS 483.473; and
- (b) May not be considered as:
  - (1) Negligence or causation in a civil action; or
  - (2) Negligent or reckless driving for the purposes of NRS 484B.653.

6. As used in this section:

- (a) "Camper shell" has the meaning ascribed to it in NRS 361.017.
- (b) "Slide-in camper" has the meaning ascribed to it in NRS 482.113.

Sec. 47. NRS 484B.165 is hereby amended to read as follows:

484B.165 1. Except as otherwise provided in this section, a person shall not, while operating a motor vehicle on a highway in this State:

(a) Manually type or enter text into a cellular telephone or other handheld wireless communications device, or send or read data using any such device to access or search the Internet or to engage in nonvoice communications with another person, including, without limitation, texting, electronic messaging and instant messaging.

(b) Use a cellular telephone or other handheld wireless communications device to engage in voice communications with another person, unless the device is used with an accessory which allows the person to communicate without using his or her hands, other than to activate, deactivate or initiate a feature or function on the device.

2. The provisions of this section do not apply to:

(a) A paid or volunteer firefighter, emergency medical technician, advanced emergency medical technician, paramedic, ambulance attendant or other person trained to provide emergency medical services who is acting within the course and scope of his or her employment.

(b) A law enforcement officer or any person designated by a sheriff or chief of police or the Director of the Department of Public Safety who is acting within the course and scope of his or her employment.

(c) A person who is reporting a medical emergency, a safety hazard or criminal activity or who is requesting assistance relating to a medical emergency, a safety hazard or criminal activity.

(d) A person who is responding to a situation requiring immediate action to protect the health, welfare or safety of the driver or another person and stopping the vehicle would be inadvisable, impractical or dangerous.

(e) A person who is licensed by the Federal Communications Commission as an amateur radio operator and who is providing a communication service in connection with an actual or impending disaster or emergency, participating in a drill, test, or other exercise in preparation for a disaster or emergency or otherwise communicating public information.

(f) An employee or contractor of a public utility who uses a handheld wireless communications device:

(1) That has been provided by the public utility; and

(2) While responding to a dispatch by the public utility to respond to an emergency, including, without limitation, a response to a power outage or an interruption in utility service.

3. The provisions of this section do not prohibit the use of a voice-operated global positioning or navigation system that is affixed to the vehicle.

4. A person who violates any provision of subsection 1 is guilty of a ~~misdemeanor~~ *civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act* and:

(a) For the first ~~offense~~ *violation* within the immediately preceding 7 years, shall pay a ~~fine~~ *civil penalty* of \$50.

(b) For the second ~~offense~~ *violation* within the immediately preceding 7 years, shall pay a ~~fine~~ *civil penalty* of \$100.

(c) For the third or subsequent ~~offense~~ *violation* within the immediately preceding 7 years, shall pay a ~~fine~~ *civil penalty* of \$250.

5. A person who violates any provision of subsection 1 may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.

6. The Department of Motor Vehicles shall not treat a first violation of this section in the manner statutorily required for a moving traffic violation.

7. For the purposes of this section, a person shall be deemed not to be operating a motor vehicle if the motor vehicle is driven autonomously and the autonomous operation of the motor vehicle is authorized by law.

8. As used in this section:

(a) "Handheld wireless communications device" means a handheld device for the transfer of information without the use of electrical conductors or wires and includes, without limitation, a cellular telephone, a personal digital assistant, a pager and a text messaging device. The term does not include a device used for two-way radio communications if:

(1) The person using the device has a license to operate the device, if required; and

(2) All the controls for operating the device, other than the microphone and a control to speak into the microphone, are located on a unit which is used

to transmit and receive communications and which is separate from the microphone and is not intended to be held.

(b) "Public utility" means a supplier of electricity or natural gas or a provider of telecommunications service for public use who is subject to regulation by the Public Utilities Commission of Nevada.

Sec. 47.3. NRS 484B.267 is hereby amended to read as follows:

484B.267 1. Upon the immediate approach of an authorized emergency vehicle or an official vehicle of a regulatory agency, making use of flashing lights meeting the requirements of subsection 3 of NRS 484A.480, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of a highway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle or official vehicle has passed, except when otherwise directed by a law enforcement officer.

2. Upon approaching an authorized emergency vehicle or an official vehicle of a regulatory agency which is moving or preparing to move in any direction, including, without limitation, arriving at or leaving the scene of a crash or other incident, and making use of flashing lights meeting the requirements of subsection 3 of NRS 484A.480, the driver of any other vehicle shall, except when otherwise directed by a law enforcement officer:

(a) Decrease the speed of his or her vehicle to a speed that is reasonable and proper, pursuant to the criteria set forth in subsection 1 of NRS 484B.600;

(b) Proceed with caution;

(c) Be prepared to stop;

(d) If the authorized emergency vehicle or official vehicle of a regulatory agency is moving in the same direction of travel as the driver, not drive abreast of or overtake the authorized emergency vehicle or official vehicle of a regulatory agency;

(e) If possible, drive in a lane that is not adjacent to the lane in which the authorized emergency vehicle or official vehicle of a regulatory agency is moving, unless roadway, traffic, weather or other conditions make doing so unsafe or impossible; and

(f) If the authorized emergency vehicle or official vehicle of a regulatory agency:

(1) Approaches the driver's vehicle, proceed as required pursuant to subsection 1; or

(2) Stops, proceed as required pursuant to NRS 484B.607.

3. *A person who violates this section is guilty of a misdemeanor.*

4. As used in this section, "preparing to move" means any indication that is visible to an approaching driver that an authorized emergency vehicle or an official vehicle of a regulatory agency is about to move, including, without limitation:

(a) A movement of the vehicle; or

(b) The use of hand signals by the driver of the vehicle.

Sec. 47.5. NRS 484B.290 is hereby amended to read as follows:

484B.290 ~~[1.]~~ A person who is blind and who is on foot and using a service animal or carrying a cane or walking stick white in color, or white tipped with red, has the right-of-way when entering or when on a highway, street or road of this State. Any driver of a vehicle who approaches or encounters such a person shall yield the right-of-way, come to a full stop, if necessary, and take precautions before proceeding to avoid a crash or injury to the person.

~~[2.—Any] A person who violates [subsection 1 shall be punished by imprisonment in the county jail for not more than 6 months or by a fine of not less than \$100 nor more than \$500, or by both fine and imprisonment.] this section is guilty of a civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act.~~

Sec. 47.7. NRS 484B.317 is hereby amended to read as follows:

484B.317 1. A person shall not, without lawful authority, attempt to or alter, deface, injure, knock down or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insigne thereon, or any other part thereof.

2. A person who violates ~~[any provision of this section may]~~ *subsection 1:*  
(a) *Is guilty of a misdemeanor; and*  
(b) *May be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.*

Sec. 48. NRS 484B.323 is hereby amended to read as follows:

484B.323 1. A person shall not operate a vehicle in a lane designated for the use of high-occupancy vehicles except in conformity with the established conditions which are placed and maintained on signs and other official traffic-control devices pursuant to subsection 2 of NRS 484A.460 or established by regulation.

2. A person who violates subsection 1 is guilty of a ~~[misdemeanor]~~ *civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act* and shall be ~~[fined]~~ *punished by a civil penalty of \$250 for each offense.*

3. As used in this section, "high-occupancy vehicle" means:

- (a) A vehicle that is transporting more than one person;
- (b) A motorcycle, regardless of the number of passengers;
- (c) A bus, regardless of the number of passengers; and
- (d) Any other vehicle designated by regulation.

Sec. 49. NRS 484B.330 is hereby amended to read as follows:

484B.330 1. It is unlawful for a driver of a vehicle to fail or refuse to comply with any signal of an authorized flagger serving in a traffic control capacity in a clearly marked area of highway construction or maintenance or any other area which has been designated as a temporary traffic control zone.

2. A district attorney shall prosecute all violations of subsection 1 which occur in his or her jurisdiction and which result in injury to any person performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone unless the district

attorney has good cause for not prosecuting the violation. In addition to any other penalty, if a driver violates any provision of subsection 1 and the violation results in injury to any person performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone, or in damage to property in an amount of not less than \$1,000, the driver *is guilty of a misdemeanor and shall be punished by a fine of not less than \$1,000 or more than \$2,000, and* ordered to perform 120 hours of community service.

3. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in subsection 1 of NRS 484B.130.

4. As used in this section, "authorized flagger serving in a traffic control capacity" means:

(a) An employee of the Department of Transportation or of a contractor performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone for the Department of Transportation while the employee is carrying out the duties of his or her employment;

(b) An employee of any other governmental entity or of a contractor performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone for the governmental entity while the employee is carrying out the duties of his or her employment; or

(c) Any other person employed by a private entity performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone while the person is carrying out the duties of his or her employment if the person has satisfactorily completed training as a flagger approved or recognized by the Department of Transportation.

Sec. 50. NRS 484B.593 is hereby amended to read as follows:

484B.593 1. The Department of Transportation or a local authority, after considering the advice of the Nevada Bicycle and Pedestrian Advisory Board, may with respect to any controlled-access highway under its jurisdiction:

(a) Require a permit for the use of the highway by pedestrians, bicycles or other nonmotorized traffic or by any person operating a power cycle; or

(b) If it determines that the use of the highway for such a purpose would not be safe, prohibit the use of the highway by pedestrians, bicycles or other nonmotorized traffic.

2. Any person who violates any prohibition or restriction enacted pursuant to subsection 1 is guilty of a ~~misdemeanor~~ *civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act.*

Sec. 51. NRS 484B.600 is hereby amended to read as follows:

484B.600 1. It is unlawful for any person to drive or operate a vehicle of any kind or character at:

(a) A rate of speed greater than is reasonable or proper, having due regard for the traffic, surface and width of the highway, the weather and other highway conditions.

(b) Such a rate of speed as to endanger the life, limb or property of any person.

(c) A rate of speed greater than that posted by a public authority for the particular portion of highway being traversed.

(d) A rate of speed that results in the injury of another person or of any property.

(e) In any event, a rate of speed greater than 80 miles per hour.

2. If, while violating any provision of subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, an electric bicycle or an electric scooter, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

3. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in NRS 484B.130 or 484B.135.

4. Except as otherwise provided by law, if a person is issued a traffic citation for a violation of any provision of subsection 1, the court may, in its discretion, reduce the violation from a moving traffic violation to a violation that is not a moving traffic violation. There is a presumption in favor of reducing the violation if the person pays the entire amount of the fine and all fees due before the date on which the person is first required to make an appearance relating to the citation, whether by personal appearance or through his or her counsel, but such a presumption may be overcome if the driving record of the person demonstrates a pattern of moving traffic violations.

5. Any fine imposed pursuant to paragraph (a), (b), (c) or (e) of subsection 1 must not exceed \$20 for each mile per hour a person travels above the posted speed limit or the proper rate of speed at which the person should be traveling, as applicable. The provisions of this subsection apply regardless of whether a person pays the entire amount of the fine and all fees due in accordance with subsection 4.

6. *Except as otherwise provided in subsection 7, a person who commits a violation of any provision of this section that causes physical injury to a person or damage to property shall be punished by a civil penalty of not more than \$1,000.*

7. *A person who commits a violation of any provision of this section and, at the time the violation was committed, was operating a vehicle at a rate of speed that was 30 miles per hour or more over that posted by a public authority is guilty of a misdemeanor.*

Sec. 52. (Deleted by amendment.)

Sec. 53. NRS 484B.610 is hereby amended to read as follows:

484B.610 1. Except as otherwise provided in subsection 2 and pursuant to the power granted in NRS 269.185, the town board or board of county commissioners may, by ordinance, limit the speed of motor vehicles in any unincorporated town in the county as may be deemed proper.

2. The Department of Transportation may establish the speed limits for motor vehicles on highways within the boundaries of any unincorporated town which are constructed and maintained under the authority granted by chapter 408 of NRS.

3. A person who violates any speed limit established pursuant to this section may be subject to the additional penalty set forth in NRS 484B.130.

4. *Except as otherwise provided in subsection 5, a person who violates any speed limit established pursuant to this section for the particular portion of the highway being traversed shall be punished by a civil penalty of not more than \$500.*

5. *A person who commits a violation of any provision of this section that causes physical injury to a person or damage to property shall be punished by a civil penalty of not more than \$1,000.*

Sec. 54. NRS 484B.613 is hereby amended to read as follows:

484B.613 1. The Department of Transportation may establish the speed limits for motor vehicles on highways which are constructed and maintained by the Department of Transportation under the authority granted to it by chapter 408 of NRS.

2. Except as otherwise provided by federal law, the Department of Transportation may establish a speed limit on such highways not to exceed 80 miles per hour and may establish a lower speed limit:

(a) Where necessary to protect public health and safety.

(b) For trucks, overweight and oversized vehicles, trailers drawn by motor vehicles and buses.

3. A person who violates any speed limit established pursuant to this section may be subject to the additional penalty set forth in NRS 484B.130.

4. *Except as otherwise provided in subsection 5, a person who violates any speed limit established pursuant to this section for the particular portion of the highway being traversed shall be punished by a civil penalty of not more than \$500.*

5. *A person who commits a violation of any provision of this section that causes physical injury to a person or damage to property shall be punished by a civil penalty of not more than \$1,000.*

Sec. 55. NRS 484B.617 is hereby amended to read as follows:

484B.617 1. Except as otherwise provided in ~~subsection~~ *subsections 3 ~~+~~ and 4*, a person driving a motor vehicle during the hours of daylight at a speed in excess of the speed limit posted by a public authority for the portion of highway being traversed shall be punished by a ~~fine~~ *civil penalty* of \$25 if:

(a) The posted speed limit is 60 miles per hour and the person is not exceeding a speed of 70 miles per hour.

(b) The posted speed limit is 65 miles per hour and the person is not exceeding a speed of 75 miles per hour.

(c) The posted speed limit is 70 miles per hour and the person is not exceeding a speed of 75 miles per hour.

(d) The posted speed limit is 75 miles per hour and the person is not exceeding a speed of 80 miles per hour.

(e) The posted speed limit is 80 miles per hour and the person is not exceeding a speed of 85 miles per hour.

2. A violation of the speed limit under any of the circumstances set forth in subsection 1 must not be recorded by the Department on a driver's record and shall not be deemed a moving traffic violation.

3. *A person who commits a violation of any provision of this section that causes physical injury to a person or damage to property shall be punished by a civil penalty of not more than \$1,000.*

4. The provisions of this section do not apply to a violation specified in subsection 1 that occurs in a county whose population is 100,000 or more if the portion of highway being traversed is in:

(a) An urban area; or

(b) An area which is adjacent to an urban area and which has been designated by the public authority that established the posted speed limit for the portion of highway being traversed as an area that requires strict observance of the posted speed limit to protect public health and safety.

Sec. 56. NRS 484B.620 is hereby amended to read as follows:

484B.620 1. The Department of Transportation may prescribe speed zones, and install appropriate speed signs controlling vehicular traffic on the state highway system as established in chapter 408 of NRS through hazardous areas, after necessary studies have been made to determine the need therefor, and to eliminate speed zones and remove the signs therefrom whenever the need therefor ceases to exist.

2. After the establishment of a speed zone and the installation of appropriate signs to control speed, it is unlawful for any person to drive a motor vehicle upon the road and in the speed zone in excess of the speed therein authorized.

3. *A person who violates subsection 2 shall be punished by a civil penalty of not more than \$500.*

Sec. 57. NRS 484B.630 is hereby amended to read as follows:

484B.630 1. On a highway that has one lane for traveling in each direction, where passing is unsafe because of traffic traveling in the opposite direction or other conditions, the driver of a slow-moving vehicle, behind which five or more vehicles are formed in a line, shall, to allow the vehicles following behind to proceed, turn off the roadway:

(a) At the nearest place designated as a turnout by signs erected by the public authority having jurisdiction over the highway; or

(b) In the absence of such a designated turnout, at the nearest place where:

(1) Sufficient area for a safe turnout exists; and

(2) The circumstances and conditions are such that the driver is able to turn off the roadway in a safe manner.

2. A person who violates subsection 1 is guilty of a ~~misdemeanor~~ civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act.

3. As used in this section, "slow-moving vehicle" means a vehicle that is traveling at a rate of speed which is less than the posted speed limit for the highway or portion of the highway upon which the vehicle is traveling.

Sec. 58. NRS 484B.650 is hereby amended to read as follows:

484B.650 1. A driver commits an offense of aggressive driving if, during any single, continuous period of driving within the course of 1 mile, the driver does all the following, in any sequence:

(a) Commits one or more acts of speeding in violation of NRS 484B.363 or 484B.600.

(b) Commits two or more of the following acts, in any combination, or commits any of the following acts more than once:

(1) Failing to obey an official traffic-control device in violation of NRS 484B.300.

(2) Overtaking and passing another vehicle upon the right by driving off the paved portion of the highway in violation of NRS 484B.210.

(3) Improper or unsafe driving upon a highway that has marked lanes for traffic in violation of NRS 484B.223.

(4) Following another vehicle too closely in violation of NRS 484B.127.

(5) Failing to yield the right-of-way in violation of any provision of NRS 484B.250 to 484B.267, inclusive.

(c) Creates an immediate hazard, regardless of its duration, to another vehicle or to another person, whether or not the other person is riding in or upon the vehicle of the driver or any other vehicle.

2. A driver may be prosecuted and convicted of an offense of aggressive driving in violation of subsection 1 whether or not the driver is ~~prosecuted or convicted~~ *issued a civil infraction citation pursuant to section 27 of this act for committing, or is found to have committed, any of the acts described in paragraphs (a) and (b) of subsection 1 ~~that~~ that are punishable as a civil infraction.*

3. A driver who commits an offense of aggressive driving in violation of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense, shall be punished:

(1) By a fine of not less than \$250 but not more than \$1,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(b) For the second offense, shall be punished:

(1) By a fine of not less than \$1,000 but not more than \$1,500; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense, shall be punished:

(1) By a fine of not less than \$1,500 but not more than \$2,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

4. In addition to any other penalty pursuant to subsection 3:

(a) For the first offense within 2 years, the court shall order the driver to attend, at the driver's own expense, a course of traffic safety approved by the Department and may issue an order suspending the driver's license of the driver for a period of not more than 30 days.

(b) For a second or subsequent offense within 2 years, the court shall issue an order revoking the driver's license of the driver for a period of 1 year.

5. To determine whether the provisions of paragraph (a) or (b) of subsection 4 apply to one or more offenses of aggressive driving, the court shall use the date on which each offense of aggressive driving was committed.

6. If the driver is already the subject of any other order suspending or revoking his or her driver's license, the court shall order the additional period of suspension or revocation, as appropriate, to apply consecutively with the previous order.

7. If the court issues an order suspending or revoking the driver's license of the driver pursuant to this section, the court shall require the driver to surrender to the court all driver's licenses then held by the driver. The court shall, within 5 days after issuing the order, forward the driver's licenses and a copy of the order to the Department.

8. If the driver successfully completes a course of traffic safety ordered pursuant to this section, the Department shall cancel three demerit points from his or her driving record in accordance with NRS 483.448 or 483.475, as appropriate, unless the driver would not otherwise be entitled to have those demerit points cancelled pursuant to the provisions of that section.

9. This section does not preclude the suspension or revocation of the driver's license of the driver, or the suspension of the future driving privileges of a person, pursuant to any other provision of law.

10. A person who violates any provision of subsection 1 may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.

Sec. 59. NRS 484B.760 is hereby amended to read as follows:

484B.760 1. It is a ~~misdemeanor~~ *civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act* for any person to do any act forbidden or fail to perform any act required in NRS 484B.768 to 484B.790, inclusive.

2. The parent of any child and the guardian of any ward shall not authorize or knowingly permit the child or ward to violate any of the provisions of chapters 484A to 484E, inclusive, of NRS.

3. The provisions applicable to bicycles, electric bicycles and electric scooters apply whenever a bicycle, an electric bicycle or an electric scooter is operated upon any highway or upon any path set aside for the exclusive use of bicycles, electric bicycles and electric scooters subject to those exceptions stated herein.

Sec. 60. NRS 484B.900 is hereby amended to read as follows:

484B.900 No automobile rental agency shall be liable for any traffic violation arising out of the use of a leased or rented motor vehicle during the period such motor vehicle is not in the possession of the agency. This section

does not absolve any such agency from liability for any misdemeanor *or civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act* committed by an officer, employee or agent of the agency.

Sec. 60.5. NRS 484C.470 is hereby amended to read as follows:

484C.470 1. The court may extend the order of a person who is required to install a device pursuant to NRS 484C.210 or 484C.460, not to exceed one-half of the period during which the person is required to have a device installed, if the court receives from the Director of the Department of Public Safety or the manufacturer of the device or its agent a report that 4 consecutive months prior to the date of release any of the following incidents occurred:

(a) Any attempt by the person to start the vehicle with a concentration of alcohol of 0.04 or more in his or her breath unless a subsequent test performed within 10 minutes registers a concentration of alcohol lower than 0.04 and the digital image confirms the same person provided both samples;

(b) Failure of the person to take any random test unless a review of the digital image confirms that the vehicle was not occupied by the person at the time of the missed test;

(c) Failure of the person to pass any random retest with a concentration of alcohol of 0.025 or lower in his or her breath unless a subsequent test performed within 10 minutes registers a concentration of alcohol lower than 0.025, and the digital image confirms the same person provided both samples;

(d) Failure of the person to have the device inspected, calibrated, monitored and maintained by the manufacturer or its agent pursuant to subsection 4 of NRS 484C.460; or

(e) Any attempt by the person to operate a motor vehicle without a device or tamper with the device.

2. A person required to install a device pursuant to NRS 484C.210 or 484C.460 shall not operate a motor vehicle without a device or tamper with the device.

3. A person who violates any provision of subsection 2:

(a) Must have his or her driving privilege revoked in the manner set forth in subsection 4 of NRS 483.460; and

(b) ~~shall~~ *Is guilty of a misdemeanor and shall be:*

(1) Punished by imprisonment in jail for not less than 30 days nor more than 6 months; or

(2) Sentenced to a term of not less than 60 days in residential confinement nor more than 6 months, and by a fine of not less than \$500 nor more than \$1,000.

↪ No person who is punished pursuant to this section may be granted probation, and no sentence imposed for such a violation may be suspended. No prosecutor may dismiss a charge of such a violation in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless, in the judgment of the attorney, the charge is not supported by probable cause or cannot be proved at trial.

Sec. 61. NRS 484D.285 is hereby amended to read as follows:

484D.285 1. The driver of a vehicle which is equipped with a device for braking that uses the compression of the engine of the vehicle shall not use the device at any time unless:

(a) The device is equipped with an operational muffler; or

(b) The driver reasonably believes that an emergency requires the use of the device to protect the physical safety of a person or others from an immediate threat of physical injury or to protect against an immediate threat of damage to property.

2. A person who violates the provisions of this section is guilty of a ~~misdemeanor~~ *civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act.*

Sec. 62. NRS 484D.405 is hereby amended to read as follows:

484D.405 1. It is unlawful for any person to operate or cause to be operated upon the public highways of the State of Nevada any out-of-state or foreign privately owned motor vehicle equipped with a red light or siren attached thereto as a part of the equipment of the vehicle.

2. This section is not intended to repeal, amend or in any manner change the existing law insofar as it applies to domestic and foreign motor vehicles except in the particular instance set out in subsection 1 and this section does not apply to motor vehicles registered in foreign states having reciprocal arrangements made with the Department in relation to the use of red lights and sirens upon out-of-state motor vehicles.

3. A violation of the provisions of this section is punishable by a ~~fine~~ *civil penalty* of not more than \$250.

Sec. 63. 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 6 years of age or older; or

(b) Weighs more than 60 pounds, 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 *civil infraction* citation must be issued *pursuant to section 27 of this act* to any driver or to any adult passenger who fails to wear a safety belt as required by subsection 2. If the passenger is a child who:

(a) Is 6 years of age or older but less than 18 years of age, regardless of weight; or

(b) Is less than 6 years of age but who weighs more than 60 pounds,

→ a *civil infraction* citation must be issued *pursuant to section 27 of this act* 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 *civil infraction* citation may be issued to the driver for both violations. A *civil infraction* citation may be issued pursuant to ~~this subsection~~ *section 27 of this act* only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. Any person who violates the provisions of subsection 2 shall be punished by a ~~fine~~ *civil penalty* of not more than \$25 or by a sentence to perform a certain number of hours of community service.

4. 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.

5. The Department shall exempt those types of motor vehicles or seating positions from the requirements of subsection 1 when compliance would be impractical.

6. The provisions of subsections 2 and 3 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.

7. 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. 64. NRS 484D.540 is hereby amended to read as follows:

484D.540 Violation of the provisions of NRS 484D.535 is a ~~misdemeanor~~ civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act. Whenever any motor vehicle is found by any peace officer to be in violation of the provisions of NRS 484D.535, and a ~~notice to appear or~~ civil infraction citation is issued ~~[-, it]~~ pursuant to section 27 of this act, the citation may require that the person named therein shall produce in court proof that such vehicle or its equipment has been made to conform to the provisions of NRS 484D.535.

Sec. 65. NRS 484D.620 is hereby amended to read as follows:

484D.620 Any person operating or moving any vehicle or equipment over any highway who violates any length limitation in this chapter is guilty of a ~~misdemeanor~~ civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act.

Sec. 66. NRS 484D.680 is hereby amended to read as follows:

484D.680 1. Except as otherwise provided in subsection ~~[5,]~~ 4, a person ~~convicted of~~ found to have committed a violation of any limitation of weight imposed by NRS 484D.615 to 484D.675, inclusive, shall be punished by a ~~fine~~ civil penalty as specified in the following table:

Pounds of Excess Weight	<del>Fine</del> Civil Penalty
1 to 1,500 .....	\$10
1,501 to 2,500 .....	1 cent per pound of excess weight
2,501 to 5,000 .....	2 cents per pound of excess weight
5,001 to 7,500 .....	4 cents per pound of excess weight
7,501 to 10,000 .....	6 cents per pound of excess weight
10,001 and over .....	8 cents per pound of excess weight

2. If the resulting ~~fine~~ civil penalty is not a whole number of dollars, the nearest whole number above the computed amount must be imposed as the ~~fine~~ civil penalty.

3. The ~~finer~~ civil penalties provided in this section are mandatory, must be collected immediately upon ~~a determination of guilt~~ entry of an order imposing the penalty and must not be reduced under any circumstances by the court.

4. ~~Any bail allowed must not be less than the appropriate fine provided for in this section.~~

~~5.]~~ A person ~~convicted of~~ found to have committed a violation of a limitation of weight imposed by NRS 484D.615 to 484D.675, inclusive, shall be punished by a ~~fine~~ civil penalty that is equal to twice the amount of the ~~fine~~ civil penalty specified in subsection 1 if that violation occurred on or after February 1 but before May 1 on a highway designated by the Director of the Department of Transportation as restricted pursuant to NRS 408.214. This subsection does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

Sec. 67. NRS 484D.745 is hereby amended to read as follows:

484D.745 1. It is unlawful for any person to operate or move any vehicle or equipment described in NRS 484D.615 or 484D.685 to 484D.725, inclusive, over any highway without first obtaining a permit, or to violate or evade any of the terms or conditions of the permit when issued. A person violating any of the provisions of NRS 484D.685 to 484D.740, inclusive, is guilty of a ~~misdemeanor~~ *civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act.*

2. Any person operating or moving any vehicle or equipment described in NRS 484D.615 or 484D.685 to 484D.725, inclusive, over any highway under the authorization of a permit for continuous use or multiple trips over a limited time and who violates any weight limitation in excess of the weight authorized by the permit must be punished, upon ~~conviction~~ *being found to have committed the violation*, as provided in NRS 484D.680.

Sec. 67.2. NRS 484E.020 is hereby amended to read as follows:

484E.020 1. The driver of any vehicle involved in a crash resulting only in damage to a vehicle or other property which is driven or attended by any person shall:

~~1~~ (a) Immediately stop his or her vehicle at the scene of the crash; and

~~2~~ (b) If the driver's vehicle is creating a hazard or obstructing traffic and can be moved safely, move the vehicle or cause the vehicle to be moved out of the traffic lanes of the roadway to a safe location that does not create a hazard or obstruct traffic and, if applicable, safely fulfill the requirements of NRS 484E.030.

2. *A person who violates this section is guilty of a misdemeanor.*

Sec. 67.4. NRS 484E.030 is hereby amended to read as follows:

484E.030 1. The driver of any vehicle involved in a crash resulting in injury to or death of any person or damage to any vehicle or other property which is driven or attended by any person shall:

(a) Give his or her name, address and the registration number of the vehicle the driver is driving, and shall upon request and if available exhibit his or her license to operate a motor vehicle to any person injured in such crash or to the driver or occupant of or person attending any vehicle or other property damaged in such crash;

(b) Give such information and upon request manually surrender such license to any police officer at the scene of the crash or who is investigating the crash; and

(c) Render to any person injured in such crash reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary, or if such carrying is requested by the injured person.

2. If no police officer is present, the driver of any vehicle involved in such crash after fulfilling all other requirements of subsection 1 and NRS 484E.010, insofar as possible on his or her part to be performed, shall forthwith report

such crash to the nearest office of a police authority or of the Nevada Highway Patrol and submit thereto the information specified in subsection 1.

3. *A person who violates this section is guilty of a misdemeanor.*

Sec. 67.6. NRS 484E.040 is hereby amended to read as follows:

484E.040 1. Except as otherwise provided in subsection 2, the driver of any vehicle which is involved in a crash with any vehicle or other property which is unattended, resulting in any damage to such other vehicle or property, shall immediately stop and shall then and there locate and notify the operator or owner of such vehicle or other property of the name and address of the driver and owner of the vehicle striking the unattended vehicle or other property or shall attach securely in a conspicuous place in or on such vehicle or property a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking.

2. If the vehicle of a driver involved in a crash pursuant to subsection 1 is creating a hazard or obstructing traffic and can be moved safely, the driver shall, before meeting the requirements of subsection 1, move the vehicle or cause the vehicle to be moved out of the traffic lanes of the roadway to a safe location that does not create a hazard or obstruct traffic and minimizes interference with the free movement of traffic.

3. *A person who violates this section is guilty of a misdemeanor.*

Sec. 67.8. NRS 484E.050 is hereby amended to read as follows:

484E.050 1. The driver of a vehicle which is involved in a crash with any vehicle or other property which is unattended, resulting in any damage to such other vehicle or property, shall immediately by the quickest means of communication give notice of such crash to the nearest office of a police authority or of the Nevada Highway Patrol.

2. Whenever the driver of a vehicle is physically incapable of giving an immediate notice of a crash as required in subsection 1 and there was another occupant in the vehicle at the time of the crash capable of doing so, such occupant shall make or cause to be given the notice not given by the driver.

3. *A person who violates this section is guilty of a misdemeanor.*

Sec. 68. NRS 485.135 is hereby amended to read as follows:

485.135 The Department shall upon request furnish any person a certified abstract of the operating record of any person subject to the provisions of this chapter, which abstract must also fully designate the motor vehicles, if any, registered in the name of that person, and, if there is no record of any ~~conviction of~~ violations by that person of ~~violating~~ any law relating to the operation of a motor vehicle or of any injury or damage caused by that person, the Department shall so certify.

Sec. 69. NRS 486.171 is hereby amended to read as follows:

486.171 1. A person shall not authorize or knowingly permit a motorcycle, except a trimobile, owned by or under the control of the person to be driven upon any highway by any person who is not authorized pursuant to NRS 486.011 to 486.381, inclusive, to drive a motorcycle.

2. *A person who violates this section is guilty of a misdemeanor.*

Sec. 69.5. NRS 486.180 is hereby amended to read as follows:

486.180 1. The provisions of NRS 486.180 to 486.361, inclusive, are applicable and uniform throughout this State.

2. A local authority shall not enact an ordinance governing the operation and equipment of a motorcycle or moped which is in conflict with any of the provisions of NRS 486.180 to 486.361, inclusive.

3. *A local authority shall not enact an ordinance providing a criminal penalty for a violation of this chapter for which the penalty prescribed by this chapter is a civil penalty.*

Sec. 70. NRS 486.375 is hereby amended to read as follows:

486.375 1. A person who:

(a) Is a resident of this State or is a member of the Armed Forces of the United States stationed at a military installation located in Nevada;

(b) Is at least 21 years old;

(c) Holds a motorcycle driver's license or a motorcycle endorsement to a driver's license issued by the Department;

(d) Has held a motorcycle driver's license or endorsement for at least 2 years; and

(e) Is certified as an instructor of motorcycle riders by a nationally recognized public or private organization which is approved by the Director, may apply to the Department for a license as an instructor for the Program.

2. The Department shall not license a person as an instructor if, within 2 years before the person submits an application for a license:

(a) The person has accumulated three or more demerit points pursuant to the uniform system of demerit points established pursuant to NRS 483.473, or has been convicted of , *or found to have committed*, traffic violations of comparable number and severity in another jurisdiction; or

(b) The person's driver's license was suspended or revoked in any jurisdiction.

3. The Director shall adopt standards and procedures for the licensing of instructors for the Program.

Sec. 71. NRS 486.381 is hereby amended to read as follows:

486.381 Any person violating any provisions of NRS 486.011 to 486.361, inclusive, is guilty of a ~~misdemeanor~~ *civil infraction unless a provision of those sections specifically provides that a particular violation is a misdemeanor, gross misdemeanor or felony.*

Sec. 71.5. Chapter 490 of NRS is hereby amended by adding thereto a new section to read as follows:

*A local authority shall not enact an ordinance providing a criminal penalty for a violation of this chapter for which the penalty prescribed by this chapter is a civil penalty.*

Sec. 72. NRS 490.520 is hereby amended to read as follows:

490.520 1. It is a gross misdemeanor for any person knowingly to falsify:

(a) An off-highway vehicle dealer's report of sale, as described in NRS 490.440; or

(b) An application or document to obtain any license, permit, certificate of title or registration issued under the provisions of this chapter.

2. *It is a misdemeanor for any person to violate any of the provisions of NRS 490.200 to 490.450, inclusive.*

3. Except as otherwise provided in subsections ~~{3}~~ 4 and ~~{4,}~~ 5, it is a ~~{misdemeanor}~~ *civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act* for any person to violate any of the provisions of this chapter unless the violation is by this section or other provision of this chapter or other law of this State declared to be a *misdemeanor*, gross misdemeanor or ~~{a}~~ felony.

~~{3,}~~ 4. Except as otherwise provided in subsection ~~{4,}~~ 5, a person who violates a provision of this chapter relating to the registration or operation of an off-highway vehicle is guilty of a ~~{misdemeanor}~~ *civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act* and shall be punished by a ~~{fine}~~ *civil penalty* not to exceed \$100.

~~{4,}~~ 5. Any person who registers a large all-terrain vehicle pursuant to NRS 490.0825 and who:

(a) Operates or knowingly permits the operation of the vehicle without having insurance as required by NRS 490.0825;

(b) Operates or knowingly permits the operation of the vehicle without having evidence of insurance of the vehicle in the possession of the operator of the vehicle; or

(c) Fails or refuses to surrender, upon demand, to a peace officer or to an authorized representative of the Department the evidence of insurance,   
 is guilty of a ~~{misdemeanor}~~ *civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act* and shall be punished by a ~~{fine}~~ *civil penalty* not to exceed \$100.

Sec. 73. NRS 4.355 is hereby amended to read as follows:

4.355 1. A justice of the peace in a township whose population is 40,000 or more may appoint a referee to take testimony and recommend orders and a judgment:

(a) In any action filed pursuant to NRS 73.010;

(b) In any action filed pursuant to NRS 33.200 to 33.360, inclusive;

(c) In any action for a misdemeanor constituting a violation of chapters 484A to 484E, inclusive, of NRS, except NRS 484C.110 or 484C.120; ~~{or}~~

(d) In any action for a misdemeanor constituting a violation of a county traffic ordinance ~~{,}~~; or

(e) *In any action to determine whether a person has committed a civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act.*

2. The referee must meet the qualifications of a justice of the peace as set forth in NRS 4.010.

3. The referee:

- (a) Shall take testimony;
- (b) Shall make findings of fact, conclusions of law and recommendations for an order or judgment;
- (c) May, subject to confirmation by the justice of the peace, enter an order or judgment; and
- (d) Has any other power or duty contained in the order of reference issued by the justice of the peace.

4. The findings of fact, conclusions of law and recommendations of the referee must be furnished to each party or his or her attorney at the conclusion of the proceeding or as soon thereafter as possible. Within 5 days after receipt of the findings of fact, conclusions of law and recommendations, a party may file a written objection. If no objection is filed, the court shall accept the findings, unless clearly erroneous, and the judgment may be entered thereon. If an objection is filed within the 5-day period, the justice of the peace shall review the matter by trial de novo, except that if all of the parties so stipulate, the review must be confined to the record.

5. A referee must be paid one-half of the hourly compensation of a justice of the peace.

Sec. 74. NRS 4.370 is hereby amended to read as follows:

4.370 1. Except as otherwise provided in subsection 2, justice courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed \$15,000.

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed \$15,000.

(c) Except as otherwise provided in paragraph (1), in actions for a fine, penalty or forfeiture not exceeding \$15,000, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed \$15,000, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed \$15,000.

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed \$15,000.

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed \$15,000 or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed \$15,000 or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed \$15,000.

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed \$15,000.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed \$15,000.

(l) In actions for a ~~fine~~ *civil penalty* imposed for a violation of NRS 484D.680.

(m) Except as otherwise provided in this paragraph, in any action for the issuance of a temporary or extended order for protection against domestic violence pursuant to NRS 33.020. A justice court does not have jurisdiction in an action for the issuance of a temporary or extended order for protection against domestic violence:

(1) In a county whose population is 100,000 or more and less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more; or

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court.

(n) Except as otherwise provided in this paragraph, in any action for the issuance of an ex parte or extended order for protection against high-risk behavior pursuant to NRS 33.570 or 33.580. A justice court does not have jurisdiction in an action for the issuance of an ex parte or extended order for protection against high-risk behavior:

(1) In a county whose population is 100,000 or more but less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more; or

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court.

(o) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.

(p) In small claims actions under the provisions of chapter 73 of NRS.

(q) In actions to contest the validity of liens on mobile homes or manufactured homes.

(r) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment.

(s) In any action pursuant to NRS 200.378 for the issuance of a protective order against a person alleged to have committed the crime of sexual assault.

(t) In actions transferred from the district court pursuant to NRS 3.221.

(u) In any action for the issuance of a temporary or extended order pursuant to NRS 33.400.

(v) In any action seeking an order pursuant to NRS 441A.195.

(w) *In any action to determine whether a person has committed a civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act.*

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real property or mining claims or questions affecting the boundaries of land are involved.

3. Justice courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. Upon approval of the district court, a justice court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 or, if the justice court has not established a program pursuant to NRS 176A.280, to a program established pursuant to that section.

4. Except as otherwise provided in subsections 5 and 6, in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

5. In the case of any arrest made by a member of the Nevada Highway Patrol, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.

6. Each justice court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.

Sec. 74.5. Chapter 5 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A municipal court may appoint a referee or hearing master to take testimony and recommend orders and a judgment in any action to determine whether a person has committed a civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act.*

2. *The referee or hearing master:*

(a) *Shall take testimony;*

(b) *Shall make findings of fact, conclusions of law and recommendations for an order or judgment;*

(c) *May, subject to confirmation by the court, enter an order or judgment; and*

(d) *Has any other power or duty contained in the order of reference issued by the court.*

3. *The findings of fact, conclusions of law and recommendations of the referee or hearing master must be furnished to each party or his or her*

*attorney at the conclusion of the proceeding or as soon thereafter as possible. Within 5 days after receipt of the findings of fact, conclusions of law and recommendations, a party may file a written objection. If no objection is filed, the court shall accept the findings, unless clearly erroneous, and the judgment may be entered thereon. If an objection is filed within the 5-day period, the court shall review the matter by trial de novo, except that if all of the parties so stipulate, the review must be confined to the record.*

Sec. 75. NRS 5.050 is hereby amended to read as follows:

5.050 1. Municipal courts have jurisdiction of civil actions or proceedings:

(a) For the violation of any ordinance of their respective cities.

(b) *To determine whether a person has committed a civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act.*

(c) To prevent or abate a nuisance within the limits of their respective cities.

2. Except as otherwise provided in subsection 2 of NRS 173.115, the municipal courts have jurisdiction of all misdemeanors committed in violation of the ordinances of their respective cities. Upon approval of the district court, a municipal court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 or, if the municipal court has not established a program pursuant to NRS 176A.280, to a program established pursuant to that section.

3. The municipal courts have jurisdiction of:

(a) Any action for the collection of taxes or assessments levied for city purposes, when the principal sum thereof does not exceed \$2,500.

(b) Actions to foreclose liens in the name of the city for the nonpayment of those taxes or assessments when the principal sum claimed does not exceed \$2,500.

(c) Actions for the breach of any bond given by any officer or person to or for the use or benefit of the city, and of any action for damages to which the city is a party, and upon all forfeited recognizances given to or for the use or benefit of the city, and upon all bonds given on appeals from the municipal court in any of the cases named in this section, when the principal sum claimed does not exceed \$2,500.

(d) Actions for the recovery of personal property belonging to the city, when the value thereof does not exceed \$2,500.

(e) Actions by the city for the collection of any damages, debts or other obligations when the amount claimed, exclusive of costs or attorney's fees, or both if allowed, does not exceed \$2,500.

(f) Actions seeking an order pursuant to NRS 441A.195.

4. Nothing contained in subsection 3 gives the municipal court jurisdiction to determine any such cause when it appears from the pleadings that the validity of any tax, assessment or levy, or title to real property, is necessarily an issue in the cause, in which case the court shall certify the cause to the

district court in like manner and with the same effect as provided by law for certification of causes by justice courts.

Sec. 76. NRS 17.150 is hereby amended to read as follows:

17.150 1. Immediately after filing a judgment roll, the clerk shall make the proper entries of the judgment, under appropriate heads, in the docket kept by the clerk, noting thereon the hour and minutes of the day of such entries.

2. A transcript of the original docket or an abstract or copy of any judgment or decree of a district court of the State of Nevada or the District Court or other court of the United States in and for the District of Nevada, the enforcement of which has not been stayed on appeal, certified by the clerk of the court where the judgment or decree was rendered, may be recorded in the office of the county recorder in any county, and when so recorded it becomes a lien upon all the real property of the judgment debtor not exempt from execution in that county, owned by the judgment debtor at the time, or which the judgment debtor may afterward acquire, until the lien expires. ~~The~~ *Except as otherwise provided in section 36 of this act, the* lien continues for 6 years after the date the judgment or decree was docketed, and is continued each time the judgment or decree is renewed, unless:

(a) The enforcement of the judgment or decree is stayed on appeal by the execution of a sufficient undertaking as provided in the Nevada Rules of Appellate Procedure or by the Statutes of the United States, in which case the lien of the judgment or decree and any lien by virtue of an attachment that has been issued and levied in the actions ceases;

(b) The judgment is for arrearages in the payment of child support, in which case the lien continues until the judgment is satisfied;

(c) The judgment is satisfied; or

(d) The lien is otherwise discharged.

↪ The time during which the execution of the judgment is suspended by appeal, action of the court or defendant must not be counted in computing the time of expiration.

3. The abstract described in subsection 2 must contain the:

(a) Title of the court and the title and number of the action;

(b) Date of entry of the judgment or decree;

(c) Names of the judgment debtor and judgment creditor;

(d) Amount of the judgment or decree; and

(e) Location where the judgment or decree is entered in the minutes or judgment docket.

4. In addition to recording the information described in subsection 2, a judgment creditor who records a judgment or decree for the purpose of creating a lien upon the real property of the judgment debtor pursuant to subsection 2 shall record at that time an affidavit of judgment stating:

(a) The name and address of the judgment debtor;

(b) If the judgment debtor is a natural person:

(1) The last four digits of the judgment debtor's driver's license number or identification card number and the state of issuance; or

- (2) The last four digits of the judgment debtor's social security number;
- (c) If the lien is against real property which the judgment debtor owns at the time the affidavit of judgment is recorded, the assessor's parcel number and the address of the real property and a statement that the judgment creditor has confirmed that the judgment debtor is the legal owner of that real property; and
- (d) If a manufactured home or mobile home is included within the lien, the location and serial number of the manufactured home or mobile home and a statement that the judgment creditor has confirmed that the judgment debtor is the legal owner of the manufactured home or mobile home.

↪ All information included in an affidavit of judgment recorded pursuant to this subsection must be based on the personal knowledge of the affiant, and not upon information and belief.

5. As used in this section:

- (a) "Manufactured home" has the meaning ascribed to it in NRS 489.113.
- (b) "Mobile home" has the meaning ascribed to it in NRS 489.120.

Sec. 77. NRS 17.214 is hereby amended to read as follows:

17.214 1. ~~[A]~~ *Except as otherwise provided in section 36 of this act, a judgment creditor or a judgment creditor's successor in interest may renew a judgment which has not been paid by:*

(a) Filing an affidavit with the clerk of the court where the judgment is entered and docketed, within 90 days before the date the judgment expires by limitation. The affidavit must be titled as an "Affidavit of Renewal of Judgment" and must specify:

- (1) The names of the parties and the name of the judgment creditor's successor in interest, if any, and the source and succession of his or her title;
- (2) If the judgment is recorded, the name of the county and the document number or the number and the page of the book in which it is recorded;
- (3) The date and the amount of the judgment and the number and page of the docket in which it is entered;
- (4) Whether there is an outstanding writ of execution for enforcement of the judgment;
- (5) The date and amount of any payment on the judgment;
- (6) Whether there are any setoffs or counterclaims in favor of the judgment debtor and the amount or, if a setoff or counterclaim is unsettled or undetermined it will be allowed as payment or credit on the judgment;
- (7) The exact amount due on the judgment;
- (8) If the judgment was docketed by the clerk of the court upon a certified copy from any other court, and an abstract recorded with the county clerk, the name of each county in which the transcript has been docketed and the abstract recorded; and

(9) Any other fact or circumstance necessary to a complete disclosure of the exact condition of the judgment.

↪ All information in the affidavit must be based on the personal knowledge of the affiant, and not upon information and belief.

(b) If the judgment is recorded, recording the affidavit of renewal in the office of the county recorder in which the original judgment is filed within 3 days after the affidavit of renewal is filed pursuant to paragraph (a).

2. The filing of the affidavit renews the judgment to the extent of the amount shown due in the affidavit.

3. The judgment creditor or the judgment creditor's successor in interest shall notify the judgment debtor of the renewal of the judgment by sending a copy of the affidavit of renewal by certified mail, return receipt requested, to the judgment debtor at his or her last known address within 3 days after filing the affidavit.

4. Successive affidavits for renewal may be filed within 90 days before the preceding renewal of the judgment expires by limitation.

Sec. 77.5. NRS 50.225 is hereby amended to read as follows:

50.225 1. For attending the courts of this State in any criminal case, ~~for~~ civil suit, *hearing to contest the determination that a person has committed a civil infraction* or proceeding before a court of record, master, commissioner, justice of the peace, or before the grand jury, in obedience to a subpoena, each witness is entitled:

(a) To be paid a fee of \$25 for each day's attendance, including Sundays and holidays.

(b) Except as otherwise provided in this paragraph, to be paid for attending a court of the county in which the witness resides at the standard mileage reimbursement rate for which a deduction is allowed for the purposes of federal income tax for each mile necessarily and actually traveled from and returning to the place of residence by the shortest and most practical route. A board of county commissioners may provide that, for each mile so traveled to attend a court of the county in which the witness resides, each witness is entitled to be paid an amount equal to the allowance for travel by private conveyance established by the State Board of Examiners for state officers and employees generally. If the board of county commissioners so provides, each witness at any other hearing or proceeding held in that county who is entitled to receive the payment for mileage specified in this paragraph must be paid mileage in an amount equal to the allowance for travel by private conveyance established by the State Board of Examiners for state officers and employees generally.

2. In addition to the fee and payment for mileage specified in subsection 1, a board of county commissioners may provide that, for each day of attendance in a court of the county in which the witness resides, each witness is entitled to be paid the per diem allowance provided for state officers and employees generally. If the board of county commissioners so provides, each witness at any other hearing or proceeding held in that county who is a resident of that county and who is entitled to receive the fee specified in paragraph (a) of subsection 1 must be paid, in addition to that fee, the per diem allowance provided for state officers and employees generally.

3. If a witness is from without the county or, being a resident of another state, voluntarily appears as a witness at the request of the Attorney General or the district attorney and the board of county commissioners of the county in which the court is held, the witness is entitled to reimbursement for the actual and necessary expenses for going to and returning from the place where the court is held. The witness is also entitled to receive the same per diem allowance provided for state officers and employees generally.

4. Any person in attendance at a trial *or hearing to contest the determination that a person has committed a civil infraction* who is sworn as a witness is entitled to the fees, the per diem allowance, if any, travel expenses and any other reimbursement set forth in this section, irrespective of the service of a subpoena.

5. Witness fees, per diem allowances, travel expenses and other reimbursement in civil cases, *including, without limitation, a hearing to contest the determination that a person has committed a civil infraction*, must be taxed as disbursement costs against the defeated party upon proof by affidavit that they have been actually incurred. Costs must not be allowed for more than two witnesses to the same fact or series of facts, and a party plaintiff or defendant must not be allowed any fees, per diem allowance, travel expenses or other reimbursement for attendance as a witness in his or her own behalf. *Witness fees, per diem allowances, travel expenses and other reimbursement must not be taxed against a county or incorporated city after a hearing to contest the determination that a person has committed a civil infraction unless the court determines, after a hearing, that the civil infraction citation was issued maliciously and without probable cause.*

6. A person is not obligated to appear in a civil action, *hearing to contest the determination that a person has committed a civil infraction* or other proceeding unless the person has been paid an amount equal to 1 day's fees, the per diem allowance provided by the board of county commissioners pursuant to subsection 2, if any, and the travel expenses reimbursable pursuant to this section.

Sec. 78. NRS 62A.220 is hereby amended to read as follows:

62A.220 "Minor traffic offense" means a violation of any state or local law or ordinance governing the operation of a motor vehicle upon any highway within this State other than:

1. A violation of chapters 484A to 484E, inclusive, or 706 of NRS that causes the death of a person;
2. A violation of NRS 484C.110 or 484C.120; ~~or~~
3. A violation declared to be a felony ~~[-]~~; *or*
4. A violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act.

Sec. 79. (Deleted by amendment.)

Sec. 79.2. NRS 171.123 is hereby amended to read as follows:

171.123 1. Any peace officer may detain any person whom the officer encounters under circumstances which reasonably indicate that the person has committed, is committing or is about to commit a crime ~~or~~ or civil infraction.

2. Any peace officer may detain any person the officer encounters under circumstances which reasonably indicate that the person has violated or is violating the conditions of the person's parole or probation.

3. The officer may detain the person pursuant to this section only to ascertain the person's identity and the suspicious circumstances surrounding the person's presence abroad. Any person so detained shall identify himself or herself, but may not be compelled to answer any other inquiry of any peace officer.

4. A person must not be detained longer than is reasonably necessary to effect the purposes of this section, and in no event longer than 60 minutes. The detention must not extend beyond the place or the immediate vicinity of the place where the detention was first effected, unless the person is arrested.

5. As used in this section, "civil infraction" has the meaning ascribed to it in NRS 481.015.

Sec. 79.5. NRS 176.0647 is hereby amended to read as follows:

176.0647 Any delinquent fine, administrative assessment or fee owed by a defendant pursuant to NRS 176.064 who commits a minor traffic offense as defined in NRS 176.0643 is deemed to be uncollectible if after ~~8~~ 10 years it remains impossible or impracticable to collect the delinquent amount.

Sec. 79.7. 1. There is hereby appropriated from the State Highway Fund to the Department of Public Safety the sum of \$310,000 to make system upgrades and provide training to personnel — to carry out the provisions of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 15, 2023.

Sec. 80. 1. The Legislature hereby finds and declares that:

(a) In *Lapinski v. State*, 84 Nev. 611, 613 (1968), the Nevada Supreme Court held that "the power to define crimes and penalties lies exclusively in the legislature."

(b) The Nevada Supreme Court has further held in *Tellis v. State*, 84 Nev. 587, 591 (1968), *Sparkman v. State*, 95 Nev. 76, 82 (1979) and *State v. Dist. Ct. (Pullin)*, 124 Nev. 564, 567-68 (2008), that the penalty for a crime is determined by the law in effect at the time the offender committed the crime and not the law in effect at the time the offender is sentenced unless the Legislature has expressed its clear intent that a statute ameliorating the penalty apply retroactively.

(c) The imposition of criminal penalties for certain minor traffic and related offenses is overly burdensome because it threatens persons with criminal penalties, including imprisonment in county jail, for failure to pay fines, assessments and fees imposed in connection with relatively minor offenses.

(d) For those reasons, the Legislature is exercising its exclusive power to define the acts which subject a person to criminal penalties by making certain minor traffic and related offenses no longer subject to criminal penalties and, instead, imposing civil penalties for those offenses.

2. Except as otherwise provided in this section, the provisions of this act apply to a violation of any provision of law that pursuant to a provision of this act is punishable as a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act if the violation occurs on or after January 1, 2023. However, the provisions of section 36.3 of this act, which authorize a prosecuting attorney to elect to treat certain traffic and related offenses that are punishable as a misdemeanor instead as a civil infraction, apply to any such violation that occurs before, on or after January 1, 2023.

3. If a person commits a violation of a provision of law before January 1, 2023, and the violation is punishable as a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act if the violation occurs on or after January 1, 2023, the person cannot be arrested for the violation on or after January 1, 2023.

4. Each court in this State shall cancel each outstanding bench warrant issued for a person who failed to appear in court in response to a traffic citation issued before January 1, 2023, for a violation of law that pursuant to the provisions of this act is punishable as a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act.

5. The Central Repository for Nevada Records of Criminal History shall remove from each database or compilation of records of criminal history maintained by the Central Repository all records of bench warrants issued for a person who failed to appear in court in response to a traffic citation issued before January 1, 2023, for a violation of law that pursuant to the provisions of this act is punishable as a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act.

Sec. 80.5. Before January 1, 2023, the justice courts and municipal courts in this State shall adopt rules governing the practice and procedure for any action initiated pursuant to sections 24 to 36.7, inclusive, of this act.

Sec. 81. 1. This section becomes effective upon passage and approval.

2. Section 79.7 of this act becomes effective on July 1, 2021.

3. Sections 1 to 79.5, inclusive, and sections 80 and 80.5 of this act become effective:

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

(b) On January 1, 2023, for all other purposes.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 774 to Assembly Bill No. 116 removes a person's social security number from a list of information to be included on a citation. It replaces the first initial and last name of an issuing officer with a personnel number or other unique agency identification number of an officer, volunteer or prosecuting attorney who issues a citation and inserts new language relating to the information that is provided on a citation issued to an offender. It adds an online dispute-resolution program as an option for satisfying the requirements of a civil citation. It adds committing a civil infraction as a reason that a person is detained by a peace officer along with an internal reference to the definition of civil infraction. It requires that a residential address and a mailing address must be included in a citation if the two addresses are different. It also adds several Senators as cosponsors of the bill.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 383.

Bill read second time and ordered to third reading.

Assembly Bill No. 486.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 835.

SUMMARY—Establishes provisions relating to property. (BDR S-1041)

AN ACT relating to property; defining certain terms; temporarily authorizing tenants subject to designated eviction proceedings to assert certain affirmative defenses relating to rental assistance and establishing procedures relating thereto; temporarily establishing procedures relating to claims for wrongful eviction; temporarily requiring a court to stay designated eviction proceedings in order to facilitate alternative dispute resolution; temporarily requiring notices for ~~for certain proceedings for~~ designated eviction proceedings to contain certain information; establishing temporary procedures relating to the provision of rental assistance to certain landlords of single family residences with at least one tenant who has defaulted in the payment of rent; requiring the disbursement of certain federal money in certain circumstances relating to rental assistance; providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes provisions which govern landlords and tenants of dwelling units and manufactured homes. (Chapters 118A and 118B of NRS) Existing law establishes provisions relating to summary proceedings for the eviction of such tenants. (NRS 40.215-40.425) Section ~~1.5~~ 1.5 of this bill defines certain terms for purposes of this bill, including the term "designated eviction proceeding," which refers to certain proceedings relating to the eviction of tenants who have defaulted in the payment of rent. Section 1 of this bill provides that the provisions of this bill do not apply to proceedings for evictions relating to: (1) commercial provisions of this premises; or (2) the sale of a premises or a nuisance.

Section 2 of this bill authorizes a tenant to claim as an affirmative defense to a designated eviction proceeding that: (1) the tenant has a pending application for rental assistance; or (2) the landlord of the tenant refused to participate in the application for rental assistance or accept rental assistance provided on behalf of the tenant.

Section 2 requires the court to stay the proceedings upon the assertion of such an affirmative defense unless the landlord receives an exemption. Section 2 also authorizes the landlord to file a motion to rebut the affirmative defense.

~~\_\_ In assessing the affirmative defense, if such a motion is filed by a landlord,~~ section 2 authorizes ~~for~~ the court to: (1) refer the designated eviction proceedings to mediation; (2) hold a hearing; or (3) maintain the stay of the proceedings.

\_\_ If the claim relates to a pending application for rental assistance, section 2 requires the court to stay the proceedings until such time as a determination is made on the application for rental assistance. Moreover, if the court stays such proceedings, section 2 requires the court to dismiss the proceedings for eviction upon the granting of the application for rental assistance and receipt of the rental assistance by the landlord.

If a tenant proves the claim that the landlord refused to participate in the application for rental assistance or accept rental assistance on behalf of the tenant, section 2: (1) requires the court to deny the designated eviction proceeding; and (2) authorizes the court to award damages to the tenant. Additionally, in determining the award of such damages, section 2 requires the court to consider the degree of harm caused to the tenant by the refusal of the landlord to participate in the application for rental assistance or accept the rental assistance.

Section 3 of this bill provides that if a landlord accepted rental assistance on behalf of a tenant who has defaulted in the payment of rent and the landlord pursued, continued to pursue or evicted the tenant for any reason that existed or arose during the period of default for which the rental assistance was received by the landlord, the tenant or the governmental entity who administered the rental assistance may file a claim of wrongful eviction against the landlord. Section 3 also authorizes a court to: (1) impose certain civil penalties on a landlord who is found to have wrongfully evicted a tenant; and (2) require the landlord to pay costs and attorney's fees of the plaintiff.

Section 3.5 of this bill establishes similar provisions which provide that if a governmental entity brings any other cause of action relating to a landlord who accepted rental assistance on behalf of a tenant who has defaulted in the payment of rent and the landlord pursued, continued to pursue or evicted a tenant for any reason that existed or arose during the period of default for which the rental assistance was received by the landlord, the governmental entity may be entitled to damages in an amount not to exceed the amount of rental assistance obtained by the landlord and is entitled to costs and attorney's fees.

Existing law authorizes a court to stay proceedings for eviction against a tenant of any dwelling unit, apartment, mobile home, recreational vehicle or part of a low-rent housing program operated by a public housing authority for a period of not more than 30 days to facilitate a program of alternative dispute resolution under certain circumstances. (NRS 40.2544) Section 8.5 of this bill repeals those provisions and instead section 4 of this bill establishes similar provisions with expanded applicability to designated eviction proceedings.

Existing law requires a landlord to provide notice of proceedings for evictions to tenants. (NRS 40.215-40.425) In addition to the existing requirements, section 5 of this bill requires the notice of a designated eviction proceeding to include information relating to rental assistance and the provisions of sections 2, 3 and 4.

Section 6 of this bill requires: (1) Home Means Nevada, Inc., or its successor organization, to create an electronic form which may be completed by a landlord who wishes to obtain rental assistance on behalf of a tenant who has defaulted in the payment of rent; and (2) the form to collect certain information relating to such landlords and tenants. Upon submission of the form by the landlord, section 6 requires Home Means Nevada, Inc., or its successor organization, to determine whether the landlord is an eligible landlord, meaning that the landlord: (1) owns a single family residence; (2) is seeking rental assistance for least one dwelling unit in the single family residence; (3) is domiciled in this State or employs a property manager in this State; and (4) has an annual gross revenue from the rental of all premises in this State of less than \$4,000,000. If Home Means Nevada, Inc., or its successor organization, determines that the landlord is an eligible landlord, section 6 requires Home Means Nevada, Inc., or its successor organization, to forward relevant information relating to the landlord and tenant to an appropriate housing or social service agency. Section 6 then requires the housing or social service agency to attempt to contact the tenant to provide information relating to a program for rental assistance. If the tenant is unresponsive or fails to apply to the program for rental assistance, section 6 requires the housing or social service agency to inform the eligible landlord of that fact and authorizes the eligible landlord to receive rental assistance, without the application of the tenant, if the eligible landlord agrees to certain conditions.

Section 7 of this bill requires the disbursement of certain federal money in the amount of \$5,000,000 for the purpose of providing rental assistance directly to landlords.

Section 9 of this bill expires the provisions of sections 1-3.5, 5 and 6 on June 5, 2023. Section 9 expires the provisions of section 4 on the earlier of: (1) the date that the Nevada Supreme Court determines that there are insufficient funds for the programs of alternative dispute resolution; or (2) June 5, 2023.

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

*Section 1.* Sections 1.5 to 6, inclusive, of this act do not apply to any proceeding for eviction relating to:

1. A commercial premises; or  
2. An unlawful detainer pursuant to subsection 4 of NRS 40.2514 or NRS 40.255.

~~{Section 1.}~~ *Sec. 1.5.* As used in sections ~~{2}~~ 1.5 to 6, inclusive, of this act, unless the context otherwise requires:

1. "Designated eviction proceeding" means:
  - (a) A proceeding for summary eviction pursuant to NRS 40.253;
  - (b) A proceeding for summary eviction pursuant to NRS 40.254 where the tenant has defaulted in the payment of rent ; ~~[- except for those proceedings relating to an unlawful detainer pursuant to subsection 4 of NRS 40.2514;]~~
  - (c) A proceeding for eviction for an unlawful detainer pursuant to NRS 40.2512; or
  - (d) A proceeding for eviction relating to paragraph (a) of subsection 1 of NRS 118B.200.
2. "Landlord" means a landlord governed by chapter 118A or 118B of NRS.
3. "Rent" means all periodic payments to be made by a tenant to a landlord for occupancy of a premises.
4. "Rental assistance" includes, without limitation, federal, state or local funds:
  - (a) Provided by a governmental entity; and
  - (b) Administered for the purpose of paying any amount of delinquent rent.
5. "Tenant" means a tenant governed by chapter 118A or 118B of NRS.

Sec. 2. Notwithstanding any other provision of law:

1. In any designated eviction proceeding, the tenant may, at any point in the proceeding, claim as an affirmative defense that:
  - (a) The tenant has a pending application for rental assistance; or
  - (b) The landlord has refused to:
    - (1) Participate in the application process for rental assistance; or
    - (2) Accept rental assistance on behalf of the tenant.
2. If an affirmative defense described in subsection 1 is asserted by the tenant:
  - (a) Except as otherwise provided in subsection 6, the court shall stay the designated eviction proceeding until the applicable time described in subsection 4; and
  - (b) The landlord may file a motion to rebut the affirmative defense asserted by the tenant.
3. ~~{In assessing an affirmative defense}~~ If a landlord files the motion described in subsection ~~{1}~~ 2, the court may:
  - (a) Refer the designated eviction proceeding to mediation;
  - (b) Schedule a hearing on the motion ; ~~filed pursuant to paragraph (b) of subsection 2, if any;~~ or
  - (c) Maintain the stay until the applicable time described in subsection 4.
4. The stay of the designated eviction proceeding must be maintained by the court:

(a) Until the designated eviction proceeding is referred to mediation ~~and~~, if applicable:

(b) If the affirmative defense asserted was that described in paragraph (a) of subsection 1, until such time as a determination is made on the pending application for rental assistance, and if the application for rental assistance is granted, the court must dismiss the designated eviction proceeding at the time that the rental assistance is received by the landlord; or

(c) If the affirmative defense asserted was that described in paragraph (b) of subsection 1, until such time as the tenant proves the validity of the claim, in which case the court:

- (1) Must deny the eviction; and
- (2) May award damages to the tenant.

5. In determining the amount of damages to award to a tenant pursuant to subsection 4, the court shall consider the degree of harm caused to the tenant by the refusal of the landlord to:

- (a) Participate in the application process for rental assistance; or
- (b) Accept rental assistance on behalf of the tenant.

6. The court may grant a landlord an exemption from the requirement to stay a designated eviction proceeding pursuant to this section if:

(a) The landlord:

(1) Provides written notice to the tenant of the exemption sought at the same time that notice relating to the designated eviction proceeding is served upon the tenant pursuant to NRS 40.280; and

(2) Files a motion with the court for an exemption from the requirement to stay the designated eviction proceeding; and

(b) The court finds:

- (1) That there is a pending designated eviction proceeding; and
- (2) Evidence that the landlord faces a realistic threat of the foreclosure of the premises if the landlord is not able to evict the tenant.

7. As used in this section, "pending application for rental assistance" means an application for rental assistance ~~filed~~ submitted in good faith by a tenant. The term ~~does not include~~ includes, without limitation, an application which is inactive due to any technical difficulty on the part of the tenant in the filing of the application for rental assistance. The term does not include an application for rental assistance that was started by the tenant but is not being actively pursued by the tenant.

Sec. 3. Notwithstanding any other provision of law:

1. If a tenant has defaulted in the payment of rent and the landlord pursues, continues to pursue or otherwise evicts the tenant for any reason that existed or arose during the period of default for which the landlord received rental assistance on behalf of the tenant, the tenant or the governmental entity administering the program for the rental assistance may file a claim of wrongful eviction against the landlord.

2. The claim of wrongful eviction must be filed with the court with jurisdiction over the underlying designated proceeding for eviction.

3. If the court finds that the landlord accepted rental assistance on behalf of the tenant and pursued, continued to pursue or otherwise evicted the tenant for any reason that existed or arose during the period of default for which the landlord received rental assistance on behalf of the tenant:

(a) The court may:

(1) Impose a civil penalty:

(I) If the claim was filed by the governmental entity administering the program for rental assistance, in an amount equal to the amount of rental assistance obtained by the landlord; or

(II) If the claim was filed by the tenant, in an amount equal to 25 percent of the amount described in sub-subparagraph (I); and

(2) Order the landlord to pay costs and attorney's fees of the tenant or governmental entity, as applicable.

(b) The landlord may not file any claim against the tenant for any delinquent amount of rent paid with the rental assistance.

Sec. 3.5. Notwithstanding any other provision of law, and in addition to the remedy described in section 3 of this act, if a governmental entity administering a program for rental assistance brings a cause of action relating to a landlord who accepted rental assistance on behalf of a tenant and pursued, continued to pursue or otherwise evicted a tenant for any reason that existed or arose during the period of default for which the landlord received rental assistance on behalf of the tenant:

1. Any damages awarded to the governmental entity must not exceed an amount equal to the amount of rental assistance obtained by the landlord; and

2. The governmental entity is entitled to costs and attorney's fees.

Sec. 4. Any designated eviction proceeding must be stayed for not more than 30 days to facilitate a program of alternative dispute resolution established by rule by the Supreme Court or a district court or justice court.

Sec. 5. In addition to any requirement for a notice of any designated eviction proceeding, ~~[for eviction pursuant to NRS 40.215 to 40.425, inclusive]~~ each notice must contain information relating to:

1. The availability of rental assistance; and

2. The procedures described in sections 2, 3 and 4 of this act.

Sec. 6. 1. Home Means Nevada, Inc., or its successor organization, shall create an electronic form which may be completed by a landlord who seeks to secure rental assistance for a tenant who has defaulted in the payment of rent.

2. The form described in subsection 1 must include, without limitation:

(a) Verification that the tenant:

(1) Has defaulted in the payment of rent; and

(2) Has not enrolled in a program for rental assistance or has not otherwise been responsive to any communication of the landlord relating to a program for rental assistance;

(b) A description of the premises affected by the defaulting tenant, including, without limitation, the total number of dwelling units on the premises;

(c) A description of the landlord, including, without limitation:

(1) The domicile of the landlord;

(2) Whether the landlord employs a property manager for a premises in this State; and

(3) Whether the annual gross revenue obtained from all premises rented by the landlord in this State totals \$4,000,000 or more; and

(d) The contact information of the landlord and tenant.

3. Upon the submission of the electronic form described in subsection 1, Home Means Nevada, Inc., or its successor organization, shall determine whether the landlord is an eligible landlord.

4. If Home Means Nevada, Inc., or its successor organization, determines that the landlord is an eligible landlord, Home Means Nevada, Inc., or its successor organization, shall forward any relevant information relating to the defaulting tenant and the landlord to an appropriate housing or social service agency.

5. Upon the receipt of the information forwarded by Home Means Nevada, Inc., or its successor organization, pursuant to subsection 4, the housing or social service agency shall attempt to contact the tenant who defaulted in the payment of rent in order to relay any relevant information relating to programs for rental assistance.

6. Any action described in subsection 3, 4 or 5 must be taken within 60 days after the receipt of the form described in subsection 1 by Home Means Nevada, Inc., or its successor organization.

7. Except as otherwise provided by federal law, if the defaulting tenant does not respond to the housing or social service agency or otherwise does not apply for rental assistance within the time prescribed by subsection 6, the housing or social service agency shall inform the eligible landlord of that fact and determine whether the eligible landlord will accept the rental assistance on behalf of the tenant who defaulted in the payment of rent. If the landlord accepts rental assistance on behalf of the tenant pursuant to this subsection, the eligible landlord must sign a document which states that the landlord:

(a) Agrees to accept 100 percent of the total delinquent amount of rent from the rental assistance; and

(b) Is prohibited from commencing an action for eviction against the tenant for at least 90 days after receipt of the rental assistance.

8. The State Treasurer, an administrator of a program for rental assistance and any other person involved in the distribution of rental assistance in this State shall promote or otherwise provide information to persons relating to the procedures established in this section.

9. As used in this section:

(a) "Dwelling unit" has the meaning ascribed to it in NRS 40.215.

(b) "Eligible landlord" means a landlord who:

(1) Owns a single family residence;

(2) Is seeking rental assistance for least one dwelling unit in the single family residence;

(3) Is domiciled in this State or employs a property manager in this State; and

(4) Has an annual gross revenue obtained from all premises rented in this State of less than \$4,000,000.

(c) "Single family residence" means a structure that comprises not more than four dwelling units.

Sec. 7. If the State of Nevada receives money from the Federal Government on or after the effective date of this act that the State of Nevada is authorized to use for the direct payment of rental assistance to landlords on behalf of tenants who have defaulted in the payment of rent in this State, the Chief of the Budget Division of the Office of Finance in the Office of the Governor created by NRS 223.400 shall disburse \$5,000,000 of that money for the direct payment of rental assistance to landlords.

Sec. 8. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after March 22, 2021.

Sec. 8.5. NRS 40.2544 is hereby repealed.

Sec. 9. 1. This act becomes effective upon passage and approval.

2. Sections 1 to 3.5, inclusive, 5 and 6 of this act expire by limitation on June 5, 2023.

3. Section 4 of this act expires by limitation on the earlier of:

(a) The date that the Supreme Court determines that the programs of alternative dispute resolution established by rule by the Supreme Court or a district court or justice court do not have sufficient funds to administer the programs; or

(b) June 5, 2023.

#### TEXT OF REPEALED SECTION

40.2544 Unlawful detainer: Stay of eviction proceeding to facilitate program of alternative dispute resolution. If the Supreme Court or a district court or justice court establishes by rule an expedited program of alternative dispute resolution concerning the eviction of a tenant of any dwelling unit, apartment, mobile home, recreational vehicle or part of a low-rent housing program operated by a public housing authority, any such eviction proceedings pursuant to this chapter may be stayed for not more than 30 days to facilitate the program of alternative dispute resolution.

Senator Brooks moved the adoption of the amendment.

Remarks by Senator Brooks.

Senate Amendment No. 835 amends Assembly Bill No. 486 to clarify that in section 1, the provisions of this bill do not apply to proceedings for evictions relating to commercial premises or the sale of premises or a nuisance. It also revises section 2 to update if a property owner files a motion. In section 5 of the bill, it requires the notice of a "designated eviction proceeding."

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## GENERAL FILE AND THIRD READING

Senate Bill No. 286.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 836.

SUMMARY—Revises provisions relating to public employees. (BDR 23-1012)

AN ACT relating to public employees; deeming a bailiff or deputy marshal to be a local government employee of the county in which he or she is appointed for the purposes of collective bargaining for local government employees; setting forth certain restrictions on collective bargaining between a county and an employee organization which represents bailiffs or deputy marshals; revising the definition of "supervisory employee" for purposes of collective bargaining for local government and state employees to include persons who provide civilian support services to a law enforcement agency; ~~revising the definition of "employee" for purposes of collective bargaining for state employees to include category II peace officers who are agents of the Nevada Gaming Control Board;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires collective bargaining between local government employers and local government employees and sets forth various requirements and procedures for such collective bargaining. (NRS 288.131-288.280) Existing law requires, in general, a local government employer to engage in good faith in collective bargaining with the recognized employee organization, if any, for each bargaining unit among its employees. Existing law also establishes the scope of bargaining in collective bargaining negotiations between a local government employer and a recognized employee organization. (NRS 288.150)

Existing law authorizes the judge of each district court to appoint a bailiff. In a county whose population is 700,000 or more (currently Clark County), such a judge is authorized to appoint a deputy marshal instead of a bailiff. Under existing law, a bailiff or deputy marshal serves at the pleasure of the judge, but his or her salary is fixed and paid by the county wherein he or she is appointed. (NRS 3.310) Existing law similarly authorizes a justice of the peace for a justice court in a county whose population is 700,000 or more to appoint a deputy marshal. Under existing law, the deputy marshal serves at the pleasure of the justice of the peace, but his or her salary is fixed and paid by the county wherein he or she is appointed. (NRS 4.353)

Section 1 of this bill deems a bailiff or deputy marshal to be a local government employee of the county in which he or she is appointed for the purposes of provisions governing collective bargaining negotiations between local government employers and local government employees. Sections 1 and 1.7 of this bill limit the scope of mandatory bargaining for negotiations between a county and an employee organization which represents bailiffs or

deputy marshals appointed in that county to certain subjects which are entirely within the control of the county. Section 1 prohibits negotiations between those parties concerning any subject matter within the control of the judiciary.

Existing law prohibits employees who exercise certain duties under a paramilitary command structure from being deemed supervisory employees solely due to the exercise of such duties. (NRS 288.138) Section ~~1.1~~ 1.5 of this bill also excludes from being deemed supervisory employees solely due to the exercise of certain duties under a paramilitary command structure certain Executive Department and local government employees who provide civilian support services to a law enforcement agency.

~~[ Existing law defines "employee" for purposes of collective bargaining with the Executive Department to mean a person who is: (1) employed in the classified service of the State; or (2) employed by the Nevada System of Higher Education in the classified service of the State or required to be paid in accordance with the pay plan for the classified service of the State. (NRS 288.425) Section 2 of this bill includes in the definition of "employee" persons who are employed in the unclassified service of the State as agents of the Nevada Gaming Control Board with the powers of category II peace officers. ]~~

Section 4 of this bill provides that the amendatory provisions of this bill do not apply during the current term of any collective bargaining agreement entered into before October 1, 2021.

Section 1.3 of this bill makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes.

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

Section 1. Chapter 288 of NRS is hereby amended by adding thereto a new section to read as follows:

1. For the purposes of this chapter, a bailiff or deputy marshal shall be deemed to be a local government employee of the county in which the bailiff or deputy marshal is appointed.

2. The scope of mandatory bargaining for negotiations between a local government employer which is a county and an employee organization which represents bailiffs or deputy marshals appointed in that county is limited to the subjects set forth in subsection 2 of NRS 288.150 which are entirely within the control of the county.

3. A local government employer which is a county and an employee organization which represents bailiffs or deputy marshals appointed in that county shall not negotiate concerning any subject matter which is within the control of the judiciary.

4. As used in this section:

(a) "Bailiff" means a bailiff appointed pursuant to NRS 3.310.

(b) "Deputy marshal" means a deputy marshal appointed pursuant to NRS 3.310 or 4.353.

Sec. 1.3. NRS 288.131 is hereby amended to read as follows:

288.131 As used in NRS 288.131 to 288.280, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 288.132 to 288.138, inclusive, have the meanings ascribed to them in those sections.

~~Section 1.~~ *Sec. 1.5.* NRS 288.138 is hereby amended to read as follows:

288.138 1. "Supervisory employee" includes:

(a) Any individual having authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees or responsibility to direct them, to adjust their grievances or effectively to recommend such action, if in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. The exercise of such authority shall not be deemed to place the employee in supervisory employee status unless the exercise of such authority occupies a significant portion of the employee's workday. If any of the following persons perform some, but not all, of the foregoing duties under a paramilitary command structure, such a person shall not be deemed a supervisory employee solely because of such duties:

- (1) A police officer, as defined in NRS 288.215;
- (2) A firefighter, as defined in NRS 288.215; ~~or~~
- (3) A person who:

(I) Has the powers of a peace officer pursuant to NRS 289.150, 289.170, 289.180 or 289.190; and

(II) Is a local government employee who is authorized to be in a bargaining unit pursuant to the provisions of this chapter ~~+~~; *or*

(4) *A person who:*

(I) *Provides civilian support services to a law enforcement agency;*  
*and*

(II) *Is ~~not~~ a local government employee who is authorized to be in a bargaining unit pursuant to the provisions of this chapter.*

(b) Any individual or class of individuals appointed by the employer and having authority on behalf of the employer to:

(1) Hire, transfer, suspend, lay off, recall, terminate, promote, discharge, assign, reward or discipline other employees or responsibility to direct them, to adjust their grievances or to effectively recommend such action;

(2) Make budgetary decisions; and

(3) Be consulted on decisions relating to collective bargaining,

↪ if, in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. The exercise of such authority shall not be deemed to place the employee in supervisory employee status unless the exercise of such authority occupies a significant portion of the employee's workday.

2. Nothing in this section shall be construed to mean that an employee who has been given incidental administrative duties shall be classified as a supervisory employee.

*Sec. 1.7. NRS 288.150 is hereby amended to read as follows:*

288.150 1. Except as otherwise provided in subsection 5, ~~and~~ ~~NRS 354.6241~~ ~~and section 1 of this act~~, every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:

- (a) Salary or wage rates or other forms of direct monetary compensation.
- (b) Sick leave.
- (c) Vacation leave.
- (d) Holidays.
- (e) Other paid or unpaid leaves of absence.
- (f) Insurance benefits.
- (g) Total hours of work required of an employee on each workday or workweek.
- (h) Total number of days' work required of an employee in a work year.
- (i) Except as otherwise provided in subsections 7 and 10, discharge and disciplinary procedures.
- (j) Recognition clause.
- (k) The method used to classify employees in the bargaining unit.
- (l) Deduction of dues for the recognized employee organization.
- (m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.
- (n) No-strike provisions consistent with the provisions of this chapter.
- (o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.
- (p) General savings clauses.
- (q) Duration of collective bargaining agreements.
- (r) Safety of the employee.
- (s) Teacher preparation time.
- (t) Materials and supplies for classrooms.
- (u) Except as otherwise provided in subsections 8 and 10, the policies for the transfer and reassignment of teachers.
- (v) Procedures for reduction in workforce consistent with the provisions of this chapter.
- (w) Procedures consistent with the provisions of subsection 5 for the reopening of collective bargaining agreements for additional, further, new or supplementary negotiations during periods of fiscal emergency.

3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:

(a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.

(b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph (v) of subsection 2.

(c) The right to determine:

(1) Appropriate staffing levels and work performance standards, except for safety considerations;

(2) The content of the workday, including without limitation workload factors, except for safety considerations;

(3) The quality and quantity of services to be offered to the public; and

(4) The means and methods of offering those services.

(d) Safety of the public.

4. If the local government employer is a school district, any money appropriated by the State to carry out increases in salaries or benefits for the employees of the school district is subject to negotiations with an employee organization.

5. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to:

(a) Reopen a collective bargaining agreement for additional, further, new or supplementary negotiations relating to compensation or monetary benefits during a period of fiscal emergency. Negotiations must begin not later than 21 days after the local government employer notifies the employee organization that a fiscal emergency exists. For the purposes of this section, a fiscal emergency shall be deemed to exist:

(1) If the amount of revenue received by the general fund of the local government employer during the last preceding fiscal year from all sources, except any nonrecurring source, declined by 5 percent or more from the amount of revenue received by the general fund from all sources, except any nonrecurring source, during the next preceding fiscal year, as reflected in the reports of the annual audits conducted for those fiscal years for the local government employer pursuant to NRS 354.624; or

(2) If the local government employer has budgeted an unreserved ending fund balance in its general fund for the current fiscal year in an amount equal to 4 percent or less of the actual expenditures from the general fund for the last preceding fiscal year, and the local government employer has provided a written explanation of the budgeted ending fund balance to the Department of Taxation that includes the reason for the ending fund balance and the manner in which the local government employer plans to increase the ending fund balance.

(b) Take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or

civil disorder. Those actions may include the suspension of any collective bargaining agreement for the duration of the emergency.

↪ Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

6. The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

7. If the sponsor of a charter school reconstitutes the governing body of a charter school pursuant to NRS 388A.330, the new governing body may terminate the employment of any teachers or other employees of the charter school, and any provision of any agreement negotiated pursuant to this chapter that provides otherwise is unenforceable and void.

8. The board of trustees of a school district in which a school is designated as a turnaround school pursuant to NRS 388G.400 or the principal of such a school, as applicable, may take any action authorized pursuant to NRS 388G.400, including, without limitation:

(a) Reassigning any member of the staff of such a school; or

(b) If the staff member of another public school consents, reassigning that member of the staff of the other public school to such a school.

9. Any provision of an agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of subsection 8 or imposes consequences on the board of trustees of a school district or the principal of a school for taking any action authorized pursuant to subsection 8 is unenforceable and void.

10. The board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 or an equivalent registry maintained by a governmental agency in another jurisdiction for the purposes authorized by NRS 388A.515, 388C.200, 391.033, 391.104 or 391.281, as applicable. Such purposes may include, without limitation, making a determination concerning the assignment, discipline or termination of an employee. Any provision of any agreement negotiated pursuant to this chapter which conflicts with the provisions of this subsection is unenforceable and void.

11. This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

12. Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

13. As used in this section, "abuse or neglect of a child" has the meaning ascribed to it in NRS 392.281.

Sec. 2. ~~[NRS 288.425 is hereby amended to read as follows:~~

~~288.425 1. "Employee" means a person who:~~

~~(a) Is employed in the classified service of the State pursuant to chapter 284 of NRS; [or]~~

~~(b) Is employed as an agent of the Nevada Gaming Control Board with the powers of a category II peace officer, as described in subsection 9 of NRS 289.470, in the unclassified service of the State; or~~

~~(c) Is employed by the Nevada System of Higher Education in the classified service of the State or is required to be paid in accordance with the pay plan for the classified service of the State.~~

~~2. The term does not include:~~

~~(a) A managerial employee whose primary function, as determined by the Board, is to administer and control the business of any agency, board, bureau, commission, department, division, elected officer or any other unit of the Executive Department and who is vested with discretion and independent judgment with regard to the general conduct and control of that agency, board, bureau, commission, department, division, elected officer or unit;~~

~~(b) An elected official or any person appointed to fill a vacancy in an elected office;~~

~~(c) A confidential employee;~~

~~(d) A temporary employee who is employed for a fixed period of 4 months or less;~~

~~(e) A commissioned officer or an enlisted member of the Nevada National Guard;~~

~~(f) Any person employed by the Nevada System of Higher Education who is not in the classified service of the State or required to be paid in accordance with the pay plan of the classified service of the State; or~~

~~(g) Any person employed by the Public Employees' Retirement System who is required to be paid in accordance with the pay plan of the classified service of the State.] (Deleted by amendment.)~~

Sec. 3. (Deleted by amendment.)

Sec. 4. Insofar as they conflict with the provisions of such an agreement, the amendatory provisions of this act do not apply during the current term of any collective bargaining agreement entered into before October 1, 2021, but do apply to any extension or renewal of such an agreement and to any collective bargaining agreement entered into on or after October 1, 2021.

Senator Harris moved the adoption of the amendment.

Remarks by Senators Harris, Pickard and Hardy.

SENATOR HARRIS:

Senate Amendment No. 836 amends Senate Bill No. 286 to add new provisions to chapter 288 of NRS and deletes section 2 of the bill. Amendment No. 836 adds a new provision to chapter 288

of NRS deeming a bailiff or deputy marshal appointed pursuant to NRS 3.310 or 4.353 be a local government employee of the county in which he or she is appointed for the purposes of collective bargaining for local government employees. It sets forth restrictions on collective bargaining between a county and an employee organization that represents bailiffs or deputy marshals. Section 1 prohibits negotiations between those parties concerning any subject matter within the control of the judiciary. Amendment No. 836 adds "a local government" to the revision of the definition of "supervisory employee" in section 1.5.

SENATOR PICKARD:

I oppose Amendment No. 836 because it would attempt to codify what the Supreme Court of the State of Nevada has already determined to be improper. These are employees of the Judiciary, not employees of the county; however, they do have an interlocal agreement whereby the county will pay their paycheck and handle their human resources. Since they are not employees of the county, it would be improper to authorize this. There have been arguments to the contrary, but that is what the Supreme Court said. I tend to believe them. I will be a "no" on this and urge my colleagues to vote the same.

SENATOR HARDY:

In section 1.7 of the amendment, it alludes to NRS 288.150. In looking at that portion of NRS, there are subsections "a" through "w." Is this intended to get each of those scopes of mandatory bargaining things that are limited to that? Are there other things in addition to that, or is it inclusive of all of subsections "a" through "w" in NRS 288.150?

SENATOR HARRIS:

What would be bargainable is in categories "a" through "w" that are not under the control of the Court.

SENATOR HARDY:

I do not know which ones those are. Could that be clarified?

SENATOR HARRIS:

This is a sensitive issue that my colleague from District 20 was mentioning in regards to the Supreme Court case. The bill is silent as to which subjects those would be but would make it clear that any subject that would be in the Court's discretion would not be bargainable.

**Bill read third time.**

**Remarks by Senator Harris.**

Senate Bill No. 286 revises the definition of "supervisory employee" for purposes of collective bargaining for local government to include persons who provide civilian support services to a law enforcement agency and local government employees authorized to be in a bargaining unit pursuant to chapter 288 of NRS.

Senate Bill No. 286 adds a new provision to chapter 288 of NRS deeming a bailiff or deputy marshal appointed pursuant to NRS 3.310 or 4.353 to be a local government employee of the county in which he or she is appointed for the purposes of collective bargaining for local government employees. It sets forth certain restrictions on collective bargaining between a county and an employee organization that represents bailiffs or deputy marshals. Section 1 prohibits negotiations between those parties concerning any subject matter within the control of the judiciary.

Insofar as they conflict with the provisions of such an agreement, the amendatory provisions of Senate Bill No. 286 do not apply during the current term of any collective-bargaining agreement entered into before October 1, 2021. It applies to any extension or renewal of such an agreement and to any collective-bargaining agreement entered into on or after October 1, 2021.

**Roll call on Senate Bill No. 286:**

YEAS—12.

NAYS—Buck, Goicoechea, Hammond, Hansen, Hardy, Kieckhefer, Pickard, Seevers Gansert, Settlemeyer—9.

Senate Bill No. 286 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 397.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 826.

SUMMARY—Revises provisions relating to certain persons who remain in foster care beyond the age of 18 years. (BDR 38-502)

AN ACT relating to protection of children; requiring the Division of Child and Family Services of the Department of Health and Human Services to establish the Extended Young Adult Support Services Program to provide extended youth support services to certain persons between 18 and 21 years of age; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a child whom a court places with a person or entity other than a parent and who reaches 18 years of age to request the court to retain jurisdiction over the child until the child reaches the age of 21 years. If a court retains jurisdiction over a child in such circumstances, the child is required to enter into an agreement with the agency which provides child welfare services. Such an agreement is required to provide that the child is entitled to: (1) continue receiving services from the agency which provides child welfare services; and (2) receive monetary payments directly or to have such payments provided to another entity in an amount not to exceed the rate of payment for foster care. (NRS 432B.594) Existing law additionally requires the agency which provides child welfare services to develop a written plan to assist the child in transitioning into independent living. (NRS 432B.595) The federal Fostering Connections to Success and Increasing Adoptions Act of 2008 allows states to receive federal Title IV-E reimbursement for costs associated with providing support services for persons to remain in foster care up to age 21. (Pub. L. No. 110-351)

Sections 23, 27 and 30 of this bill revise terminology so that a person who is between 18 and 21 years of age whose plan for permanent placement on his or her 18th birthday was a permanent living arrangement other than reunification with his or her parents is referred to as a young adult rather than a child. Section 24 of this bill provides that a young adult remains under the jurisdiction of the court until he or she reaches 21 years of age, but has the same ability to make decisions as an adult who is not subject to the jurisdiction of the court. Section 25 of this bill requires the Division of Child and Family Services of the Department of Health and Human Services to establish the Extended Young Adult Support Services Program to provide extended youth support services to young adults who would have been eligible previously to receive services upon electing to remain under the jurisdiction of the court. Section 25 also provides for reporting and the adoption of regulations relating

to such a program. Section 34.5 of this bill requires the Division: (1) to consult with and solicit the input of certain stakeholders to develop a budgetary enhancement for the Division to implement the Extended Young Adult Support Services Program; and (2) to the extent federal or other funding is available, to request inclusion of the enhancement in the 2023-2025 proposed budget for the Executive Department of the State Government. Section 22 of this bill defines the term "Program" to refer to the Program, and section 28 of this bill provides that a person or governmental organization that provides services to a participant in the Program is not the custodian of that participant.

Existing law requires a court to refer a child who is 17 years of age and in the custody of an agency which provides welfare services to an attorney upon determining that the child is not likely to be returned to the custody of his or her parent before reaching the age of 18 years. (NRS 432B.592) Section 31 of this bill requires such an attorney to counsel the child concerning the legal consequences of remaining under the jurisdiction of the court, as required by section 24. Section 31 also requires the attorney to counsel the child concerning the legal consequences of participating in the Program and assist the child in deciding whether to participate. Section 32 of this bill requires the agency which provides child welfare services to provide information concerning the Program to such a child and determine whether the child intends to request to participate in the Program at least 120 days before the child reaches 18 years of age. Section 32 authorizes a young adult to decide to participate in the Program any time before his or her 21st birthday, notwithstanding any previous decision not to participate or to terminate participation.

Section 33 of this bill requires a participant in the Program to: (1) enter into a written agreement with the agency which provides child welfare services; and (2) be employed or enrolled in certain educational programs or programs to promote employment, if he or she is capable of doing so. Section 34 of this bill requires the agency which provides child welfare services to develop a written extended youth support services plan to assist a participant in the Program in transitioning to self-sufficiency, and section 33 requires the participant to make a good faith effort to achieve the goals set forth in the plan. Section 26 of this bill requires a court that has jurisdiction over a participant to hold an annual hearing to: (1) review the plan developed for the participant; and (2) determine whether the agency which provides child welfare services has made reasonable efforts to assist the participant in meeting the goals prescribed by the plan. Section 33 also sets forth the conditions under which participation in the Program may be terminated. Section 33 additionally provides that a participant in the Program is entitled to continue to: (1) receive services from the agency which provides child welfare services; and (2) receive monetary payments from that agency or have those payments provided to another entity. Section 33 provides that those monetary payments must be in an amount that is sufficient to assist the young adult to achieve self-sufficiency but does not exceed the rate of payment for foster care.

Section 33 authorizes an agency which provides child welfare services or the attorney assigned to the case to request a hearing before the court to address any issue with a participant. Section 34 prescribes certain additional duties of an agency which provides child welfare services with respect to a participant in the Program. Sections 1-19 of this bill make various changes so that the provisions of Nevada Revised Statutes relating to a child who is in foster care are consistent and apply to a person who remains in foster care while participating in the Program in the same manner as a child in foster care who is less than 18 years of age.

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

Section 1. Chapter 424 of NRS is hereby amended by adding thereto a new section to read as follows:

*"Child" means a person who is less than 18 years of age or who participates in the Extended Young Adult Support Services Program established pursuant to section 25 of this act.*

Sec. 2. NRS 424.010 is hereby amended to read as follows:

424.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 424.011 to 424.018, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.

Sec. 3. NRS 424.013 is hereby amended to read as follows:

424.013 "Family foster home" means a family home in which one to six children ~~[who are under 18 years of age or who remain under the jurisdiction of a court pursuant to NRS 432B.594 and]~~ who are not related within the first degree of consanguinity or affinity to the person or persons maintaining the home are received, cared for and maintained, for compensation or otherwise, including the provision of free care. The term includes a family home in which such a child is received, cared for and maintained pending completion of proceedings for the adoption of the child by the person or persons maintaining the home.

Sec. 4. NRS 424.015 is hereby amended to read as follows:

424.015 "Group foster home" means a foster home which provides full-time care and services for 7 to 15 children who are:

1. ~~[Under 18 years of age or who remain under the jurisdiction of a court pursuant to NRS 432B.594;~~

~~—2.]~~ Not related within the first degree of consanguinity or affinity to any natural person maintaining or operating the home; and

~~{3.}~~ 2. Received, cared for and maintained for compensation or otherwise, including the provision of free care.

Sec. 5. NRS 424.0153 is hereby amended to read as follows:

424.0153 "Independent living foster home" means a foster home which provides assistance with the transition to independent living for children who have entered into an agreement to transition to independent living and for children who:

1. Are at least 16 years of age ; ~~{but less than 18 years of age or who remain under the jurisdiction of a court pursuant to NRS 432B.594;}~~

2. Are not related within the first degree of consanguinity or affinity to any natural person maintaining or operating the home; and

3. Are received, cared for and maintained for compensation or otherwise, including the provision of free care.

Sec. 6. NRS 424.018 is hereby amended to read as follows:

424.018 "Specialized foster home" means a foster home which provides full-time care and services for one to six children who:

1. Require special care for physical, mental or emotional issues;

2. ~~{Are under 18 years of age or who remain under the jurisdiction of a court pursuant to NRS 432B.594;}~~

~~—3.}~~ Are not related within the first degree of consanguinity or affinity to any natural person maintaining or operating the home; and

~~{4.}~~ 3. Are received, cared for and maintained for compensation or otherwise, including the provision of free care.

Sec. 7. NRS 424.031 is hereby amended to read as follows:

424.031 1. The licensing authority or a person or entity designated by the licensing authority shall obtain from appropriate law enforcement agencies information on the background and personal history of each applicant for a license to conduct a foster home, person who is licensed to conduct a foster home, employee of that applicant or licensee, and resident of a foster home who is 18 years of age or older, other than a ~~{resident who remains under the jurisdiction of a court}~~ *participant in the Extended Young Adult Support Services Program established pursuant to ~~{NRS 432B.594,}~~ section 25 of this act*, to determine whether the person investigated has been arrested for, has charges pending for or has been convicted of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon;

(c) Assault with intent to kill or to commit sexual assault or mayhem;

(d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime or a felony relating to prostitution;

(e) Abuse or neglect of a child or contributory delinquency;

(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(g) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years;

(i) Any offense relating to pornography involving minors, including, without limitation, a violation of any provision of NRS 200.700 to 200.760, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(j) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punishable as a misdemeanor, within the immediately preceding 7 years;

(k) A crime involving domestic violence that is punishable as a felony;

(l) A crime involving domestic violence that is punishable as a misdemeanor, within the immediately preceding 7 years;

(m) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

(n) Any offense involving the sale, furnishing, purchase, consumption or possession of alcoholic beverages by a minor including, without limitation, a violation of any provision of NRS 202.015 to 202.067, inclusive, or driving a vehicle under the influence of alcohol or a controlled substance in violation of chapter 484C of NRS or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years; or

(o) An attempt or conspiracy to commit any of the offenses listed in this subsection within the immediately preceding 7 years.

2. A licensing authority or a person or entity designated by the licensing authority may conduct an investigation of the background and personal history of a person who is 18 years of age or older who routinely supervises a child in a foster home in the same manner as described in subsection 1.

3. The licensing authority or its approved designee may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

4. Unless a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history has been conducted pursuant to NRS 424.039, a person who is required to submit to an investigation pursuant to subsection 1 shall not have contact with a child in a foster home without supervision before the investigation of the background and personal history of the person has been conducted.

5. The licensing authority or its designee:

(a) Shall conduct an investigation of each licensee, employee and resident pursuant to this section at least once every 5 years after the initial investigation; and

(b) May conduct an investigation of any person who is 18 years of age or older who routinely supervises a child in a foster home at such times as it deems appropriate.

Sec. 8. NRS 424.033 is hereby amended to read as follows:

424.033 1. Each applicant for a license to conduct a foster home, person who is licensed to conduct a foster home, employee of that applicant or licensee, resident of a foster home who is 18 years of age or older, other than a ~~resident who remains under the jurisdiction of a court~~ participant in the

*Extended Young Adult Support Services Program established pursuant to ~~[NRS 432B.594.]~~ section 25 of this act, or a person who is 18 years of age or older who routinely supervises a child in a foster home for whom an investigation is conducted pursuant to subsection 2 of NRS 424.031, must submit to the licensing authority or its approved designee:*

(a) A complete set of fingerprints and written permission authorizing the licensing authority or its approved designee to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report to enable the licensing authority or its approved designee to conduct an investigation pursuant to NRS 424.031; and

(b) Written permission to conduct a child abuse and neglect screening.

2. For each person who submits the documentation required pursuant to subsection 1, the licensing authority or its approved designee shall conduct a child abuse and neglect screening of the person in every state in which the person has resided during the immediately preceding 5 years.

3. The licensing authority or its approved designee may exchange with the Central Repository or the Federal Bureau of Investigation any information respecting the fingerprints submitted.

4. The Division shall assist the licensing authority of another state that is conducting a child abuse and neglect screening of a person who has resided in this State by providing information which is necessary to conduct the screening if the person who is the subject of the screening has signed a written permission authorizing the licensing authority to conduct a child abuse and neglect screening. The Division may charge a fee for providing such information in an amount which does not exceed the actual cost to the Division to provide the information.

5. When a report from the Federal Bureau of Investigation is received by the Central Repository, it shall immediately forward a copy of the report to the licensing authority or its approved designee.

6. Upon receiving a report pursuant to this section, the licensing authority or its approved designee shall determine whether the person has been convicted of a crime listed in NRS 424.031.

7. The licensing authority shall immediately inform the applicant for a license to conduct a foster home or the person who is licensed to conduct a foster home whether an employee or resident of the foster home, or any other person who is 18 years of age or older who routinely supervises a child in the foster home for whom an investigation was conducted pursuant to subsection 2 of NRS 424.031, has been convicted of a crime listed in NRS 424.031. The information provided to the applicant for a license to conduct a foster home or the person who is licensed to conduct a foster home must not include specific information relating to any such conviction, including, without limitation, the specific crime for which the person was convicted.

8. The licensing authority may deny an application for a license to operate a foster home or may suspend or revoke such a license if the licensing authority

determines that the applicant or licensee has been convicted of a crime listed in NRS 424.031 or has failed to terminate an employee, remove a resident of the foster home who is 18 years of age or older or prevent a person for whom an investigation was conducted pursuant to subsection 2 of NRS 424.031 from being present in the foster home, if such a person has been convicted of any crime listed in NRS 424.031.

Sec. 9. NRS 424.039 is hereby amended to read as follows:

424.039 1. A licensing authority or its approved designee may, in accordance with the procedures set forth in 28 C.F.R. §§ 901 et seq., conduct a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history of a resident who is 18 years of age or older of a foster home in which the licensing authority wishes to place a child in an emergency situation, other than a ~~resident who remains under the jurisdiction of a court~~ *participant in the Extended Young Adult Support Services Program established pursuant to ~~[NRS 432B.594,]~~ section 25 of this act*, to determine whether the person investigated has been arrested for or convicted of any crime.

2. Upon request of a licensing authority that wishes to place a child in a foster home in an emergency situation, or upon request of the approved designee of the licensing authority, a resident who is 18 years of age or older of the foster home in which the licensing authority wishes to place the child, other than a ~~resident who remains under the jurisdiction of a court~~ *participant in the Extended Young Adult Support Services Program established pursuant to ~~[NRS 432B.594,]~~ section 25 of this act*, must submit to the licensing authority or its approved designee a complete set of fingerprints and written permission authorizing the licensing authority or its approved designee to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The licensing authority or its approved designee shall forward the fingerprints to the Central Repository for Nevada Records of Criminal History within the time set forth in federal law or regulation.

3. If a resident who is 18 years of age or older of a foster home in which a licensing authority places a child in an emergency situation, other than a ~~resident who remains under the jurisdiction of a court~~ *participant in the Extended Young Adult Support Services Program established pursuant to ~~[NRS 432B.594,]~~ section 25 of this act*, refuses to provide a complete set of fingerprints to the licensing authority or its approved designee upon request pursuant to subsection 2, the licensing authority must immediately remove the child from the foster home.

Sec. 10. NRS 424.220 is hereby amended to read as follows:

424.220 1. A foster care agency which places children in an independent living foster home shall develop and implement written policies and procedures relating to children placed in independent living foster homes which must include, without limitation:

(a) A process for ensuring that a potential location for an independent living arrangement meets any standards required by the licensing authority and is evaluated on a regular basis to ensure that it continues to meet such standards;

(b) A procedure for approving a location for an independent living arrangement;

(c) Criteria and procedures for intake and admission into the independent living foster home and discharge from the independent living foster home, including, without limitation, procedures to ensure that the child will be discharged into the care of his or her legal guardian if he or she is less than 18 years of age at the time of his or her discharge;

(d) The conditions under which a child may be discharged from the independent living foster home, including, without limitation, criteria and procedures for implementing an emergency discharge of the child;

(e) Criteria and procedures for terminating the approval of a location for an independent living arrangement;

(f) A detailed plan for determining and maintaining the supervision and visitation of each child after he or she has been placed in a location for an independent living arrangement; and

(g) The types of services that the provider of foster care will obtain or provide to meet the needs of the child during the placement.

2. A foster care agency which places children in an independent living foster home shall coordinate with the provider of foster care to:

(a) Ensure that each child is enrolled in academic, vocational education or career and technical education services appropriate to meet the needs of the child;

(b) Monitor the educational progress of each child as often as necessary;

(c) Assist each child in obtaining routine and emergency medical care and dental care;

(d) Evaluate the needs of each child for financial assistance upon intake and monthly thereafter or more often if necessary;

(e) Provide the resources to meet the basic needs of each child, including, without limitation, clothing, food and shelter;

(f) Provide assistance to each child in locating, securing and maintaining employment;

(g) Provide training in life skills to meet the needs of each child;

(h) Support each ~~child who remains under the jurisdiction of a court~~ participant in the Extended Young Adult Support Services Program established pursuant to ~~[NRS 432B.594;]~~ section 25 of this act; and

(i) Obtain and provide a system for responding to a crisis that is accessible to the child 24 hours a day, 7 days a week, including holidays, and provide training to each child on how to access and use the system.

3. A foster care agency which places children in an independent living foster home shall provide an orientation and training to each child admitted to its program for independent living.

Sec. 11. NRS 432.010 is hereby amended to read as follows:

432.010 As used in this chapter, except as otherwise defined by specific statute or unless the context otherwise requires:

1. "Administrator" means the Administrator of the Division.
2. "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.
3. "Child" means a person who is less than 18 years of age or who ~~remains under the jurisdiction of a court~~ *participates in the Extended Young Adult Support Services Program* pursuant to ~~[NRS 432B.594.]~~ *section 25 of this act.*
4. "Department" means the Department of Health and Human Services.
5. "Director" means the Director of the Department.
6. "Division" means the Division of Child and Family Services of the Department.
7. "Maintenance" means general expenses for care such as board, shelter, clothing, transportation and other necessary or incidental expenses, or any of them, or monetary payments therefor.
8. "Special services" means medical, hospital, psychiatric, surgical or dental services, or any combination thereof.

Sec. 12. NRS 432.0395 is hereby amended to read as follows:

432.0395 1. Before an agency which provides child welfare services requests and examines a copy of any credit report pursuant to subsection 2, the agency which provides child welfare services shall, to the greatest extent practicable:

- (a) Inform the child of the requirement to request and examine a copy of any credit report that may exist for the child;
- (b) Explain to the child the process for resolving any inaccuracy discovered on any such credit report; and
- (c) Explain to the child the possible consequences of an inaccuracy on a credit report of the child.

2. An agency which provides child welfare services shall request and examine a copy of any credit report that may exist for each child who remains in the custody of the agency which provides child welfare services for 60 or more consecutive days:

- (a) When the child reaches the age of 14 years, and then at least once annually thereafter as required pursuant to 42 U.S.C. § 675(5)(I); or
- (b) If the child has reached the age of 14 years before the child is placed in the custody of the agency which provides child welfare services, within 90 days after the placement of the child in the custody of the agency which provides child welfare services, and then at least once annually thereafter as required pursuant to 42 U.S.C. § 675(5)(I).

3. An agency which provides child welfare services shall determine from the examination of a credit report pursuant to this section whether the credit report contains inaccurate information and whether the credit report indicates that identity theft or any other crime has been committed against the child.

4. If the agency which provides child welfare services determines that an inaccuracy exists in the credit report of a child, the agency which provides child welfare services must:

- (a) Report any information which may indicate identity theft or other crime to the Attorney General;
- (b) Make a diligent effort to resolve the inaccuracy as soon as practicable; and
- (c) If an inaccuracy remains unresolved after the child has left the custody of the agency which provides child welfare services, notify the child or, if the child has not attained the age of majority, the person responsible for the child's welfare:
  - (1) That an inaccuracy exists in the credit report of the child;
  - (2) Of the manner in which to correct the inaccuracy; and
  - (3) Of any services that may be available in the community to provide assistance in correcting the inaccuracy.

5. An agency which provides child welfare services may, upon consent of a child who ~~remains under the jurisdiction of a court~~ *participates in the Extended Young Adult Support Services Program* pursuant to ~~[NRS 432B.594.]~~ *section 25 of this act*, continue to request and examine a credit report of the child and provide assistance to the child if an inaccuracy is discovered.

6. The Attorney General may investigate each potential instance of identity theft or crime reported pursuant to subsection 4 and prosecute in accordance with law each person responsible for any identity theft identified in the investigation.

Sec. 13. NRS 432A.0245 is hereby amended to read as follows:

432A.0245 1. "Child care institution" means a facility which provides care and shelter during the day and night and provides developmental guidance to 16 or more children who do not routinely return to the homes of their parents or guardians. Such an institution may also provide, without limitation:

- (a) Education to the children according to a curriculum approved by the Department of Education;
- (b) Services to children who have been diagnosed as severely emotionally disturbed as defined in NRS 433B.045, including, without limitation, services relating to mental health and education; or
- (c) Emergency shelter to children who have been placed in protective custody pursuant to chapter 432B of NRS.

2. As used in this section, "child" includes a person who is less than 18 years of age or who ~~remains under the jurisdiction of a court~~ *participates in the Extended Young Adult Support Services Program established* pursuant to ~~[NRS 432B.594.]~~ *section 25 of this act*.

Sec. 14. NRS 432A.160 is hereby amended to read as follows:

432A.160 1. Except as otherwise provided in this section, the Division may issue a provisional license, effective for a period not exceeding 1 year, to a child care facility which:

(a) Is in operation at the time of adoption of standards and other regulations pursuant to the provisions of this chapter, if the Division determines that the facility requires a reasonable time under the particular circumstances, not to exceed 1 year from the date of the adoption, within which to comply with the standards and other regulations;

(b) Has failed to comply with the standards and other regulations, if the Division determines that the facility is in the process of making the necessary changes or has agreed to effect the changes within a reasonable time; or

(c) Is in the process of applying for a license, if the Division determines that the facility requires a reasonable time within which to comply with the standards and other regulations.

2. The provisions of subsection 1 do not require the issuance of a license or prevent the Division from refusing to renew or from revoking or suspending any license in any instance where the Division considers that action necessary for the health and safety of the occupants of any facility or the clients of any outdoor youth program.

3. A provisional license must not be issued pursuant to this section unless the Division has completed an investigation into the qualifications and background of the applicant and the employees of the applicant pursuant to NRS 432A.170 to ensure that the applicant and each employee of the applicant, or every resident of the child care facility who is 18 years of age or older, other than a ~~resident who remains under the jurisdiction of a court~~ *participant in the Extended Young Adult Support Services Program established pursuant to ~~NRS 432B.594,~~ section 25 of this act,* or participant in any outdoor youth program who is 18 years of age or older, has not been convicted of a crime listed in subsection 2 of NRS 432A.170 and has not had a substantiated report of child abuse or neglect made against him or her.

Sec. 15. NRS 432A.170 is hereby amended to read as follows:

432A.170 1. The Division may, upon receipt of an application for a license to operate a child care facility, conduct an investigation into the:

(a) Buildings or premises of the facility and, if the application is for an outdoor youth program, the area of operation of the program;

(b) Qualifications and background of the applicant or the employees of the applicant;

(c) Method of operation for the facility; and

(d) Policies and purposes of the applicant.

2. Subject to the provisions of subsection 7, the Division shall secure from appropriate law enforcement agencies information on the background and personal history of every applicant, licensee, operator of a small child care establishment, employee of an applicant, licensee or small child care establishment, resident of a child care facility or small child care establishment who is 18 years of age or older, other than a ~~resident who remains under the jurisdiction of a court~~ *participant in the Extended Young Adult Support Services Program established pursuant to ~~NRS 432B.594,~~ section 25 of this*

*act*, or participant in an outdoor youth program who is 18 years of age or older, to determine whether the person has been convicted of:

- (a) Murder, voluntary manslaughter or mayhem;
- (b) Any other felony involving the use of a firearm or other deadly weapon;
- (c) Assault with intent to kill or to commit sexual assault or mayhem;
- (d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;
- (e) Any crime against a child, including, without limitation, abuse, neglect or endangerment of a child, contributory delinquency or pornography involving a minor;
- (f) Arson;
- (g) Assault;
- (h) Battery, including, without limitation, battery which constitutes domestic violence;
- (i) Kidnapping;
- (j) Any offense relating to the possession or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS within the immediately preceding 5 years;
- (k) Any offense relating to the distribution or manufacture of any controlled substance or any dangerous drug as defined in chapter 454 of NRS, including, without limitation, possession of a controlled substance for the purpose of sale;
- (l) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;
- (m) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years;
- (n) A crime that constitutes domestic violence pursuant to NRS 33.018;
- (o) A violation of NRS 484C.430; or
- (p) A violation of NRS 484C.110 or 484C.120 within the immediately preceding 5 years.

3. Subject to the provisions of subsection 7, the Division shall request information concerning every applicant, licensee, operator of a small child care establishment, employee of an applicant, licensee or small child care establishment, resident of a child care facility or small child care establishment who is 18 years of age or older, other than a ~~resident who remains under the jurisdiction of a court~~ participant in the *Extended Young Adult Support Services Program* established pursuant to ~~[NRS 432B.594,]~~ section 25 of this *act*, or participant in an outdoor youth program who is 18 years of age or older, from:

- (a) The Central Repository for Nevada Records of Criminal History for its report concerning a conviction in this State of any of the crimes set forth in subsection 2 and for submission to the Federal Bureau of Investigation for its report pursuant to NRS 432A.175; and

(b) The Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 to determine whether there has been a substantiated report of child abuse or neglect made against any of them.

4. The Division may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

5. The information required to be obtained pursuant to subsections 2 and 3 must be requested concerning an:

(a) Employee of an applicant, licensee or small child care establishment, resident of a child care facility or small child care establishment who is 18 years of age or older, other than a ~~resident who remains under the jurisdiction of a court~~ participant in the Extended Young Adult Support Services Program established pursuant to ~~NRS 432B.594,~~ section 25 of this act, or participant in an outdoor youth program who is 18 years of age or older for an initial background check not later than 3 days after the employee is hired, the residency begins or the participant begins participating in the program and before the employee, resident or participant has direct contact with any child at the child care facility, and then at least once every 5 years thereafter.

(b) Applicant at the time that an application is submitted for licensure, and then at least once every 5 years after the license is issued.

(c) Operator of a small child care establishment before the operator begins operating the establishment, and then at least once every 5 years after the establishment begins operating.

6. A person who is required to submit to an investigation required pursuant to this section shall not have contact with a child in a child care facility without supervision before the investigation of the background and personal history of the person has been conducted.

7. The provisions of subsections 2, 3 and 5 apply to a small child care establishment and an operator of a small child care establishment if the operator of such an establishment has applied or registered with the Division of Welfare and Supportive Services of the Department pursuant to NRS 432A.1756.

Sec. 16. NRS 432A.175 is hereby amended to read as follows:

432A.175 1. Subject to the provisions of subsection 2:

(a) Every applicant for a license to operate a child care facility, licensee, operator of a small child care establishment, employee of an applicant, licensee or small child care establishment, resident of a child care facility or small child care establishment who is 18 years of age or older, other than a ~~resident who remains under the jurisdiction of a court~~ participant in the Extended Young Adult Support Services Program established pursuant to ~~NRS 432B.594,~~ section 25 of this act, or participant in an outdoor youth program who is 18 years of age or older, shall submit to the Division, or to the person or agency designated by the Division, to enable the Division to conduct an investigation pursuant to NRS 432A.170, a:

(1) Complete set of fingerprints and a written authorization for the Division or its designee to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report and for submission to the Federal Bureau of Investigation for its report;

(2) Written statement detailing any prior criminal convictions; and

(3) Written authorization for the Division to obtain any information that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100.

(b) If an employee of an applicant for a license to operate a child care facility, licensee or small child care establishment, a resident of a child care facility or small child care establishment who is 18 years of age or older, other than a ~~resident who remains under the jurisdiction of a court~~ participant in the Extended Young Adult Support Services Program established pursuant to ~~[NRS 432B.594,]~~ section 25 of this act, or participant in an outdoor youth program who is 18 years of age or older, has been convicted of any crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect filed against him or her, the Division shall immediately notify the applicant, licensee or small child care establishment who shall then comply with the provisions of NRS 432A.1755.

(c) An applicant for a license to operate a child care facility, licensee or operator of a small child care establishment shall notify the Division as soon as practicable but not later than 24 hours after hiring an employee, beginning the residency of a resident who is 18 years of age or older, other than a ~~resident who remains under the jurisdiction of a court~~ participant in the Extended Young Adult Support Services Program established pursuant to ~~[NRS 432B.594,]~~ section 25 of this act, or beginning the participation of a participant in an outdoor youth program who is 18 years of age or older.

(d) An employee of an applicant for a license to operate a child care facility, licensee or operator of a small child care establishment shall notify the applicant, licensee or operator not later than 24 hours after:

(1) Being charged with or convicted of a crime listed in subsection 2 of NRS 432A.170;

(2) Receiving notice that he or she is the subject of an investigation for child abuse or neglect; or

(3) Receiving notice that a report of abuse or neglect has been substantiated against him or her.

(e) A resident of a child care facility or small child care establishment who is 18 years of age or older, other than a ~~resident who remains under the jurisdiction of a court~~ participant in the Extended Young Adult Support Services Program established pursuant to ~~[NRS 432B.594,]~~ section 25 of this act, or participant in an outdoor youth program who is 18 years of age or older shall notify the licensee of the child care facility, operator of the small child care establishment or outdoor youth program, as applicable, not later than 24 hours after:

- (1) Being charged with or convicted of a crime listed in paragraph (b);
- (2) Receiving notice that he or she is the subject of an investigation for child abuse or neglect; or
- (3) Receiving notice that a report of abuse or neglect has been substantiated against him or her.

(f) An applicant for a license to operate a child care facility, licensee or operator of a small child care establishment shall notify the Division within 2 days after receiving notice that:

(1) The applicant, licensee or operator, an employee of the applicant, licensee or small child care establishment, a resident of the child care facility or small child care establishment who is 18 years of age or older, other than a ~~resident who remains under the jurisdiction of a court~~ participant in the *Extended Young Adult Support Services Program* established pursuant to ~~NRS 432B.594,~~ section 25 of this act, or participant in an outdoor youth program who is 18 years of age or older, or a facility, establishment or program operated by the applicant, licensee or operator is the subject of a lawsuit or any disciplinary proceeding; or

(2) The applicant, licensee or operator or an employee, a resident or a participant has been charged with a crime listed in subsection 2 of NRS 432A.170 or is being investigated for child abuse or neglect.

2. The provisions of this section apply to a small child care establishment and an operator of a small child care establishment if the operator of such an establishment has applied or registered with the Division of Welfare and Supportive Services of the Department pursuant to NRS 432A.1756.

3. The Division shall adopt regulations to establish civil penalties to be imposed against any person, state or local government unit or agency thereof that fails to comply with the requirements of this section.

Sec. 17. NRS 432A.1755 is hereby amended to read as follows:

432A.1755 1. Subject to the provisions of subsection 2:

(a) Except as otherwise provided in paragraph (c), upon receiving information pursuant to NRS 432A.175 from the Central Repository for Nevada Records of Criminal History or the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 or from an employee of an applicant for a license to operate a child care facility, a licensee or a small child care establishment, a resident of a child care facility or small child care establishment who is 18 years of age or older, other than a ~~resident who remains under the jurisdiction of a court~~ participant in the *Extended Young Adult Support Services Program* established pursuant to ~~NRS 432B.594,~~ section 25 of this act, or participant in an outdoor youth program who is 18 years of age or older or from any other source that such an employee, resident or participant has been convicted of a crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect made against him or her, the applicant, licensee or operator of the small child care establishment shall terminate the employment of the employee or remove the

resident from the facility or establishment or participant from the outdoor youth program after allowing the employee, resident or participant time to correct the information as required pursuant to paragraph (b).

(b) If an employee, resident or participant believes that the information provided to the applicant, licensee or operator pursuant to paragraph (a) is incorrect, the employee, resident or participant must inform the applicant, licensee or operator immediately. The applicant, licensee or operator shall give any such employee, resident or participant 30 days to correct the information.

(c) The Division may establish by regulation a process by which it may review evidence upon request to determine whether an employee of an applicant for a license to operate a child care facility, a licensee or operator of a small child care establishment, a resident of a child care facility who is 18 years of age or older, other than a ~~resident who remains under the jurisdiction of a court~~ participant in the *Extended Young Adult Support Services Program* established pursuant to ~~NRS 432B.594,~~ section 25 of this act, or a participant in an outdoor youth program who is 18 years of age or older has been convicted of a crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect made against him or her may remain employed or continue to reside in the facility or establishment, as applicable, despite the conviction. Any such review must be conducted in a manner which does not discriminate against a person in violation of 42 U.S.C. § 2000e et seq.

(d) If a process for review is established pursuant to paragraph (c), an employee, resident or participant, as applicable, may request such a review in the manner established by the Division. Any determination made by the Division is final for purposes of judicial review.

(e) During any period in which an employee, resident or participant seeks to correct information pursuant to paragraph (b) or requests a review of information pursuant to paragraph (d), it is within the discretion of the applicant, licensee or operator whether to allow the employee, resident or participant to continue to work for or reside at the child care facility or small child care establishment or participate in the outdoor youth program, as applicable, except that the employee, resident or participant shall not have contact with a child without supervision during such a period.

2. The provisions of this section apply to a small child care establishment and an operator of a small child care establishment if the operator of such an establishment has applied or registered with the Division of Welfare and Supportive Services of the Department pursuant to NRS 432A.1756.

3. The Division shall adopt regulations to establish civil penalties to be imposed against any person, state or local government unit or agency thereof that fails to comply with the requirements of this section.

Sec. 18. NRS 432A.1785 is hereby amended to read as follows:

432A.1785 1. Subject to the provisions of subsection 3, each applicant for a license to operate a child care facility, licensee and operator of a small child care establishment shall maintain records of the information concerning

employees of the child care facility or small child care establishment and any residents of the child care facility or small child care establishment who are 18 years of age or older, other than ~~residents who remain under the jurisdiction of a court~~ participants in the Extended Young Adult Support Services Program established pursuant to ~~NRS 432B.594,~~ section 25 of this act, or participants in any outdoor youth program who are 18 years of age or older that is collected pursuant to NRS 432A.170 and 432A.175, including, without limitation:

(a) A copy of the fingerprints that were submitted to the Central Repository for Nevada Records of Criminal History;

(b) Proof that the applicant, licensee or operator submitted fingerprints to the Central Repository for Nevada Records of Criminal History; and

(c) The written authorization to obtain information from the Central Repository and the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100.

2. The records maintained pursuant to subsection 1 must be:

(a) Maintained for the period of the employee's employment with or the resident's presence at the child care facility or small child care establishment or the participant's presence in the outdoor youth program; and

(b) Made available for inspection by the Division at any reasonable time and copies thereof must be furnished to the Division upon request.

3. The provisions of this section apply to a small child care establishment and an operator of a small child care establishment if the operator of such an establishment has registered with the Division of Welfare and Supportive Services of the Department pursuant to NRS 432A.1756.

Sec. 19. NRS 432A.190 is hereby amended to read as follows:

432A.190 1. The Division may deny an application for a license to operate a child care facility or may suspend or revoke such a license upon any of the following grounds:

(a) Violation by the applicant or licensee or an employee of the applicant or licensee of any of the provisions of this chapter or of any other law of this State or of the standards and other regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the child care facility for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the child care facility, or the clients of the outdoor youth program.

(e) Conviction of any crime listed in subsection 2 of NRS 432A.170 committed by the applicant or licensee or an employee of the applicant or licensee, or by a resident of the child care facility or participant in the outdoor youth program who is 18 years of age or older.

(f) Failure to comply with the provisions of NRS 432A.178.

(g) Substantiation of a report of child abuse or neglect made against the applicant or licensee.

(h) Conduct which is found to pose a threat to the health or welfare of a child or which demonstrates that the applicant or licensee is otherwise unfit to work with children.

(i) Violation by the applicant or licensee of the provisions of NRS 432A.1755 by continuing to employ a person, allowing a resident who is 18 years of age or older, other than ~~[-a resident who remains under the jurisdiction of a court]~~ participant in the Extended Young Adult Support Services Program established pursuant to ~~[NRS 432B.594,]~~ section 25 of this act, to continue to reside in the child care facility or allowing a participant in an outdoor youth program to continue to participate in the program if the employee, or the resident or participant who is 18 years of age or older, has been convicted of a crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect made against him or her.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a child care facility if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a child care facility pursuant to subsection 2. The Division shall provide to a child care facility:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

↪ The facility shall make the information available to the public pursuant to NRS 432A.178.

4. In addition to any other disciplinary action, the Division may impose an administrative fine for a violation of any provision of this chapter or any regulation adopted pursuant thereto. The Division shall afford to any person so fined an opportunity for a hearing. Any money collected for the imposition of such a fine must be credited to the State General Fund.

Sec. 20. Chapter 432B of NRS is hereby amended by adding thereto the provisions set forth as sections 21 to 26, inclusive, of this act.

Sec. 21. *As used in NRS 432B.591 to 432B.595, inclusive, and sections 21 to 26, inclusive, of this act, unless the context otherwise requires, the words*

and terms defined in NRS 432B.591 and sections 22 and 23 of this act have the meanings ascribed to them in those sections.

Sec. 22. "Program" means the Extended Young Adult Support Services Program established pursuant to section 25 of this act.

Sec. 23. "Young adult" means a person who is at least 18 years of age but less than 21 years of age and whose plan for permanent placement adopted pursuant to NRS 432B.553 was, on his or her 18th birthday, a permanent living arrangement other than reunification with his or her parents.

Sec. 24. 1. A court shall retain jurisdiction over a young adult until the young adult reaches 21 years of age.

2. While under the jurisdiction of the court, a young adult has the same authority to make decisions as a person who is over 18 years of age and who is not subject to the jurisdiction of the court.

Sec. 25. 1. The Division of Child and Family Services shall establish and administer the Extended Young Adult Support Services Program to provide extended support services to young adults pursuant to the provisions of NRS 432B.591 to 432B.595, inclusive, and sections 21 to 26, inclusive, of this act and the Fostering Connections to Success and Increasing Adoptions Act of 2008, Pub. L. No. 110-351, 42 U.S.C. § 675.

2. On or before September 1 of each year, the Division of Child and Family Services shall submit a report regarding the Program, including, without limitation, the number of participants and the costs for providing the extended support services, for submittal to:

(a) The Interim Finance Committee if the report is received during an odd-numbered year; or

(b) The next regular session of the Legislature if the report is received during an even-numbered year.

3. The Division of Child and Family Services shall adopt regulations governing the Program. Such regulations, must, without limitation, ensure that the Program complies with the Fostering Connections to Success and Increasing Adoptions Act of 2008, Pub. L. No. 110-351, 42 U.S.C. § 675.

Sec. 26. 1. Except as otherwise provided in subsection 4, the court shall, within 12 months after the date on which a participant entered into a written agreement pursuant to NRS 432B.594 and each year thereafter, hold a hearing to:

(a) Review the plan developed pursuant to NRS 432B.595; and

(b) Determine whether the agency which provides child welfare services has made reasonable efforts to assist the participant in meeting the goals prescribed in the plan.

2. Except as otherwise provided in this subsection, notice of the hearing must be given by regular or certified mail. Notice may be given to the participant or his or her attorney by electronic mail if the participant or his or her attorney, as applicable, agrees to receive notice in this manner.

3. Unless required by the court or panel, the young adult is not required to be present at the hearing.

4. *The court may enter an order directing the hearing required by this section be conducted by a panel of three or more persons appointed by mutual consent of the judge or judges of the court. The persons so appointed shall serve without compensation at the pleasure of the court.*

Sec. 27. NRS 432B.040 is hereby amended to read as follows:

432B.040 "Child" means a person under the age of 18 years or, if in school, until graduation from high school. ~~[The term does not include a child who remains under the jurisdiction of the court pursuant to NRS 432B.594.]~~

Sec. 28. NRS 432B.060 is hereby amended to read as follows:

432B.060 "Custodian" means a person or a governmental organization, other than a parent or legal guardian, who has been awarded legal custody of a child. The term does not include a person or governmental organization who continues to provide services to a ~~[child that remains under the jurisdiction of a court pursuant to NRS 432B.594.]~~ participant in the *Extended Young Adult Support Services Program established pursuant to section 25 of this act.*

Sec. 29. NRS 432B.391 is hereby amended to read as follows:

432B.391 1. An agency which provides child welfare services or its approved designee may, in accordance with the procedures set forth in 28 C.F.R. §§ 901 et. seq., conduct a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history of a resident who is 18 years of age or older of a home in which the agency which provides child welfare services wishes to place a child in an emergency situation, other than a ~~[resident who remains under the jurisdiction of a court]~~ participant in the *Extended Young Adult Support Services Program established pursuant to ~~[NRS 432B.594,]~~ section 25 of this act*, to determine whether the person investigated has been arrested for or convicted of any crime.

2. Upon request of an agency which provides child welfare services that wishes to place a child in a home in an emergency situation, or upon request of the approved designee of the agency which provides child welfare services, a resident who is 18 years of age or older of the home in which the agency which provides child welfare services wishes to place the child, other than a ~~[resident who remains under the jurisdiction of a court]~~ participant in the *Extended Young Adult Support Services Program established pursuant to ~~[NRS 432B.594,]~~ section 25 of this act*, must submit to the agency which provides child welfare services or its approved designee a complete set of fingerprints and written permission authorizing the agency which provides child welfare services or its approved designee to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The agency which provides child welfare services or its approved designee shall forward the fingerprints to the Central Repository for Nevada Records of Criminal History within the time set forth in federal law or regulation.

3. If a resident who is 18 years of age or older of a home in which an agency which provides child welfare services places a child in an emergency

situation, other than a ~~resident who remains under the jurisdiction of a court~~ participant in the Extended Young Adult Support Services Program established pursuant to ~~NRS 432B.594,~~ section 25 of this act, refuses to provide a complete set of fingerprints to the agency which provides child welfare services or its approved designee upon request pursuant to subsection 2, the agency which provides child welfare services must immediately remove the child from the home.

Sec. 30. NRS 432B.591 is hereby amended to read as follows:

432B.591 ~~[As used in NRS 432B.591 to 432B.595, inclusive, "child"]~~  
 "Child" means a person who is ~~[-~~  
~~1. Under] under the age of 18 years . ~~[- and~~  
~~2. Over the age of 18 years and who remains under the jurisdiction of the court pursuant to NRS 432B.594.]~~~~

Sec. 31. NRS 432B.592 is hereby amended to read as follows:

432B.592 1. A court shall refer a child who is in the custody of an agency which provides child welfare services to an attorney in the county who provides legal services without a charge to abused or neglected children if the court determines that the child:

- (a) Has reached the age of 17 years; and
- (b) Is not likely to be returned to the custody of his or her parent before reaching the age of 18 years.

2. The court shall request the attorney to whom such a child is referred to ~~[counsel]~~ :

(a) Counsel the child regarding the legal consequences of ~~[remaining]~~ :

(1) Remaining under the jurisdiction of the court ~~[after reaching 18 years of age]~~ pursuant to section 24 of this act, regardless of whether the child elects to participate in the Program; and

(2) Participating in the Program; and ~~[assist]~~

(b) Assist the child in deciding whether to ~~[remain under the jurisdiction of the court.]~~ participate in the Program.

Sec. 32. NRS 432B.593 is hereby amended to read as follows:

432B.593 1. At least 120 days before the date on which a child who is in the custody of an agency which provides child welfare services reaches the age of 18 years, the agency which provides child welfare services shall meet with the child to ~~[determine]~~ :

(a) Provide information to the child regarding the Program, including, without limitation, eligibility requirements for participation in the Program and extended young adult support services available to participants in the Program; and

(b) Determine whether the child intends to request ~~[that the court retain jurisdiction over the child pursuant to NRS 432B.594 after the child reaches the age of 18 years.]~~ to participate in the Program.

2. ~~[If the child indicates during the meeting held pursuant to subsection 1 that the child does not intend to request that the court retain jurisdiction over the child, the agency which provides child welfare services shall recommend~~

~~that the court terminate jurisdiction over the child when the child reaches the age of 18 years.~~

~~—3.] Notwithstanding a determination made by a child during a meeting held pursuant to subsection 1, and notwithstanding any previous decision to terminate participation in the Program, any time before reaching the age of [18] 21 years, [the child] a young adult may [:~~

~~—(a) Inform the agency which provides child welfare services that the child intends to request that the court continue jurisdiction over the child pursuant to NRS 432B.594, and the agency shall revise its recommendation to the court accordingly; or~~

~~—(b) Request that the court retain jurisdiction over the child pursuant to NRS 432B.594, and the court shall accept jurisdiction.] request to participate in the Program.~~

3. *The agency which provided child welfare services to a young adult before his or her 18th birthday:*

(a) *Shall, upon the request of the young adult to participate in the Program made on or after his or her 18th birthday, assist the young adult to enroll in the Program.*

(b) *May refer the young adult to an attorney who provides legal services without a charge to assist the young adult to enroll in the Program.*

4. A child who enters into an agreement with an agency which provides child welfare services before the child reaches the age of 18 years to allow the child to live independently is not prohibited from ~~[requesting that the court retain jurisdiction over the child pursuant to NRS 432B.594,]~~ *electing to participate in the Program, and [such a child is] would be entitled to the same rights and protections set forth in NRS 432B.591 to 432B.595, inclusive, and sections 21 to 26, inclusive, of this act, as provided to any other [child.] young adult under the Program.*

Sec. 33. NRS 432B.594 is hereby amended to read as follows:

432B.594 1. ~~[A court which orders a child to be placed other than with a parent and which has jurisdiction over the child when the child reaches the age of 18 years shall retain jurisdiction over the child if the child so requests.]~~  
*To be eligible to participate in the Program, a young adult must:*

(a) *Enter into a written agreement with the agency that provides child welfare services that satisfies the requirements prescribed in subsection 3;*

(b) *Be:*

(1) *Enrolled in a program of secondary education or an educational program leading to a general educational development certificate or an equivalent document;*

(2) *Enrolled in a program of postsecondary or vocational education;*

(3) *Enrolled or participating in a program or activity designed to promote employment or remove obstacles to employment;*

(4) *Employed at least 80 hours per month; or*

(5) Incapable of satisfying any of the requirements prescribed in paragraphs (1) through (4), inclusive, due to a documented medical or cognitive condition; and

(c) Make a good faith effort to achieve the goals set forth in the plan developed pursuant to NRS 432B.595.

2. Except as otherwise provided in this section, ~~jurisdiction over a child that is retained pursuant to subsection 1 continues~~ a young adult may continue to participate in the Program until:

(a) The agency which provides child welfare services, the ~~child~~ young adult and the attorney of the ~~child~~ young adult agree to terminate ~~the jurisdiction;~~ participation in the Program;

(b) The court determines that:

(1) The ~~child~~ young adult has achieved the goals set forth in the plan developed pursuant to NRS 432B.595;

(2) The ~~child~~ young adult is not making a good faith effort to achieve the goals set forth in the plan developed pursuant to NRS 432B.595; or

(3) The circumstances of the ~~child~~ young adult have changed in such a manner that it is infeasible for the ~~child~~ young adult to achieve the goals set forth in the plan developed pursuant to NRS 432B.595;

(c) The ~~child~~ young adult requests that ~~jurisdiction~~ participation in the Program be terminated; or

(d) The ~~child~~ young adult reaches the age of 21 years,  
↪ whichever occurs first.

3. ~~If the court that retains jurisdiction over a child pursuant to this section transfers jurisdiction to another court in this State, the court which accepts jurisdiction must retain jurisdiction over the case for the period provided pursuant to this section.~~

~~4. A child who requests that the court retain jurisdiction over the child pursuant to this section must, upon reaching the age of 18 years, enter into a~~ The written agreement ~~with the agency which provides child welfare services. The agreement, which~~ to participate in the Program required by subsection 1 must be filed with the court ~~and~~ and must include, without limitation, ~~the following~~ provisions ~~and~~ which ~~must~~ specify that:

(a) The ~~child~~ young adult voluntarily requested ~~that the court retain jurisdiction over the child;~~ to participate in the Program;

(b) While ~~under the jurisdiction of the court,~~ participating in the Program, the ~~child~~ young adult is entitled to continue to receive services from the agency which provides child welfare services and to receive monetary payments ~~directly or to have such payments provided to another entity as designated~~ in the manner prescribed in the plan developed pursuant to NRS 432B.595 in an amount sufficient to assist the young adult to achieve self-sufficiency which does not ~~to~~ exceed the rate of payment for foster care;

(c) While ~~under the jurisdiction of the court,~~ participating in the Program, the ~~child~~ young adult will no longer be under the legal custody of the agency which provides child welfare services, and ~~the~~ any proceedings ~~concerning~~

~~the child~~ conducted pursuant to NRS 432B.410 to 432B.590, inclusive, will terminate;

(d) The ~~child~~ *young adult* may, at any time, request that ~~jurisdiction over the child~~ *his or her participation in the Program* be terminated; and

(e) If there is an issue concerning the ~~child while under the jurisdiction of the court,~~ the ~~child~~ *participant, the participant* and the agency which provides child welfare services agree to attempt to resolve the issue before requesting a hearing before the court to address the issue.

~~{5.}~~ 4. If an issue arises concerning a ~~child who remains under the jurisdiction of the court, the child,~~ *participant,* the agency which provides child welfare services or the attorney assigned to the case may request a hearing before the court to address the issue. Before requesting such a hearing, the ~~child~~ *participant* and the agency which provides child welfare services must attempt to resolve the issue.

~~{6.}~~ 5. If the agency which provides child welfare services wishes to ~~have the court~~ terminate ~~jurisdiction over~~ the ~~child,~~ *participation of a young adult in the Program,* the agency which provides child welfare services must send a notice to the ~~child~~ *participant* and ~~the~~ *his or her* attorney ~~of the child informing the child and the attorney of the child~~ that the ~~child~~ *participant* has 15 days after receipt of the notice in which to request an informal administrative review. If, during the administrative review, a resolution is not reached, the ~~child~~ *participant* or the attorney of the ~~child~~ *participant* may request a hearing before the court pursuant to subsection ~~{5.}~~ 4. If the ~~child~~ *young adult* and the attorney of the ~~child~~ *young adult* agree to ~~have jurisdiction terminated~~ *terminate participation* or do not request an informal administrative review, ~~the jurisdiction of the court~~ *participation in the Program* must terminate upon notice to the court by the agency which provides child welfare services.

~~{7.}~~ 6. A ~~child, while under the jurisdiction of the court pursuant to this section,~~ *participant* is entitled to continue to receive services and monetary payments from the agency which provides child welfare services ~~directly or to have such payments provided to another person or entity as designated~~ *in the manner prescribed* in the plan developed pursuant to NRS 432B.595 in an amount *sufficient to assist the young adult to achieve self-sufficiency which does not* ~~to~~ exceed the rate of payment for foster care.

~~{8.}~~ 7. The court may issue any order which it deems appropriate or necessary to ensure:

(a) That the agency which provides child welfare services provides the services and monetary payments which the ~~child~~ *participant* is entitled to receive ~~;~~ *as prescribed by the plan developed pursuant to NRS 432B.595;* and

(b) That the ~~child who remains under the jurisdiction of the court~~ *participant* is working towards achieving the goals of the plan developed pursuant to NRS 432B.595.

Sec. 34. NRS 432B.595 is hereby amended to read as follows:

432B.595 1. ~~[[ If the court retains jurisdiction over a child pursuant to NRS 432B.594.]] Upon the request of a young adult who satisfies the requirements of subsection 1 of NRS 432B.594 to participate in the Program, the agency which provides child welfare services shall develop a written extended youth support services plan to assist the ~~[[child]]~~ young adult in transitioning to ~~[[independent living.]]~~ self-sufficiency. Such a plan must include, without limitation ~~[[the following goals.]]~~ :~~

(a) *The persons or entities that will receive payments from the agency which provides child welfare services and the manner in which such payments will be allocated. The agency which provides child welfare services may make payments to more than one person or entity authorized to receive payments pursuant to subsection 2.*

(b) *The goals set forth in subsection 3.*

2. *The plan developed pursuant to subsection 1 may provide for the agency which provides child welfare services to make direct payments to:*

(a) *A foster home.*

(b) *A qualified residential treatment program.*

(c) *A child care institution.*

(d) *A person or entity, including, without limitation, a relative or fictive kin, who provides a supervised arrangement for independent living where the participant resides.*

(e) *A landlord, property manager or other entity that collects rental payments for housing.*

(f) *A participant.*

(g) *Any combination of the persons or entities listed in paragraphs (a) to (g), inclusive.*

3. *The plan developed pursuant to subsection 1 must include, without limitation, the following goals:*

(a) *That the ~~[[child]]~~ young adult save enough money to pay for his or her monthly expenses for at least 3 months;*

(b) *If the child has not graduated from high school or obtained a general equivalency diploma or an equivalent document, that the ~~[[child remain enrolled in high school or a program to]]~~ young adult obtain a high school diploma or general equivalency diploma ; ~~[[for an equivalent document until graduation or completion of the program.]]~~*

(c) *If the ~~[[child]]~~ young adult has graduated from high school or obtained a general equivalency diploma or an equivalent document, that the ~~[[child.]]~~ young adult:*

(1) ~~[[Enroll in]]~~ *Complete a program of postsecondary or vocational education;*

(2) ~~[[Enroll or participate in]]~~ *Complete a program or activity designed to promote employment or remove obstacles to employment; or*

(3) ~~[[Obtain or actively seek employment which is]]~~ *Be employed at least 80 hours per month;*

- (d) That the ~~{child}~~ *young adult* secure housing;
- (e) That the ~~{child}~~ *young adult* have adequate income to meet his or her monthly expenses;
- (f) That the ~~{child}~~ *young adult* identify an adult who will be available to provide support to the ~~{child};~~ *young adult*; and
- (g) If applicable, that the ~~{child}~~ *young adult* have established appropriate supportive services to address any mental health or developmental needs of the ~~{child}; and~~  
~~{child}~~ *young adult*.

4. If a ~~{child}~~ *young adult* is not capable of achieving one or more of the goals set forth in paragraphs (a) to (g), inclusive, that the ~~{child}~~ *young adult* have goals which are appropriate for the ~~{child}~~ *young adult* based upon the needs of the ~~{child}~~.

~~2. During the period in which the court retains jurisdiction over the child, the~~ *young adult*.

5. *Based upon the needs of a participant, the agency which provides child welfare services may, at any time, after consulting with the participant, revise:*

(a) *The persons or entities to whom a payment is made pursuant to subsection 2.*

(b) *The manner in which payments are allocated between persons or entities to whom payments are made pursuant to subsection 2.*

6. *The plan developed pursuant to subsection 1 must be annually reviewed and mutually agreed upon by the young adult and the agency which provides child welfare services at the hearing required by section 26 of this act.*

7. *The agency which provides child welfare services shall:*

(a) Monitor the plan developed pursuant to subsection 1 and adjust the plan as necessary;

(b) Contact the ~~{child}~~ *young adult* by telephone at least once each month and in person at least quarterly;

(c) Ensure that the ~~{child}~~ *young adult* meets with a person who will provide guidance to the child and make the child aware of the services which will be available to the ~~{child};~~ *young adult*; and

(d) Conduct a meeting with the ~~{child}~~ *young adult* at least 30 days, but not more than 45 days, before ~~{the jurisdiction of the court is terminated}~~ *he or she reaches the age of 21 years* to determine whether the ~~{child}~~ *young adult* requires any additional guidance.

8. *As used in this section:*

(a) *"Child care institution" has the meaning ascribed to it in NRS 432A.0245.*

(b) *"Foster home" has the meaning ascribed to it in NRS 424.014.*

(c) *"Qualified residential treatment program" has the meaning ascribed to it in 42 U.S.C. § 672.*

Sec. 34.5. The Division of Child and Family Services of the Department of Health and Human Services shall:

1. Consult with and solicit the input of agencies which provide child welfare services, as defined in NRS 432B.030, nonprofit organizations, persons with expertise in issues concerning child welfare and other interested stakeholders to develop a budgetary enhancement for the Division to implement the Extended Young Adult Support Services Program established pursuant to section 25 of this act; and

2. To the extent federal or other funding is available, request the inclusion of the enhancement in the proposed budget for the 2023-2025 biennium for the Executive Department of the State Government.

Sec. 35. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 36. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee, other than the Assembly Standing Committee on Ways and Means and the Senate Standing Committee on Finance, may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after March 22, 2021.

Sec. 37. 1. This section and sections 34.5 and 36 of this act ~~becomes~~ become effective upon passage and approval.

2. Sections 1 to 34, inclusive, and 35 of this act become effective on January 1, 2024.

Senator Ohrenschall moved the adoption of the amendment.

Remarks by Senator Ohrenschall.

Amendment No. 826 to Senate Bill No. 397 changes the effective date of the bill to January 1, 2024, and requires, to the extent funding is available, the Division of Child and Family Services and other stakeholders to develop and submit to the 2023 Legislature a budget-enhancement unit to implement the federal extended foster-care program for all agencies that provide child-welfare services within the State.

Amendment adopted.

Bill read third time.

Remarks by Senator Ohrenschall.

Senate Bill No. 397 requires the Division of Child and Family Services (DCFS) of DHHS to establish the Extended Young Adult Support Services Program to provide extended youth-support services to certain individuals between 18 and 21 years of age whose plan for permanent placement on their 18th birthday is a permanent living arrangement other than family reunification. Such young adults remain under the jurisdiction of the court until they reach 21 years of age, have the same ability to make decisions as adults who are not subject to the jurisdiction of the court and are entitled to continue receiving services and monetary payments from a child-welfare agency.

Eligible young adults may decide to participate in the Program any time before their 21st birthday. In addition, the bill requires child-welfare agencies to provide information about the Program to children and determine whether they intend to request to participate at least 120 days before the child reaches 18 years of age.

Senate Bill No. 397 further outlines eligibility criteria for the Program, requires child-welfare agencies to develop a written plan to assist each participant in transitioning to self-sufficiency, describes the role of the court and sets forth conditions under which participation may be terminated. Senate Bill No. 397 requires, to the extent funding is available, DCFS and other

stakeholders to develop and submit an extended foster-care program budget enhancement to the 2023 Legislature.

Senate Bill No. 397 builds upon the work of Speaker Buckley and Assemblywoman Mastroluca during the 2011 Session when they sponsored Assembly Bill 350 of the 76th Session which established a program where children age out and are in foster care are eligible to receive a monthly stipend to help them land on their feet, whether it is money for an apartment, money for school or job-training programs. As part of the bargain, those children have to either work towards their diploma, be looking for work, be involved in counseling or therapy that the agency recommends. This will, hopefully, allow federal funds to supplement county funds used for those children. There was great cooperation between Legal Aid, Clark County, DCFS and the State. I urge your support.

Roll call on Senate Bill No. 397:

Yeas—21.

Nays—None.

Senate Bill No. 397 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senator Cannizzaro moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 5:02 p.m.

#### SENATE IN SESSION

At 9:08 p.m.

President Marshall presiding.

Quorum present.

#### REPORTS OF COMMITTEE

*Madam President:*

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 280, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, *Chair*

*Madam President:*

Your Committee on Finance, to which were referred Senate Bill No. 463; Assembly Bills Nos. 230, 321, 376, 416, 432, 443, 445, 489 has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which was re-referred Assembly Bill No. 256, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which was re-referred Assembly Bill No. 266, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Finance, to which were referred Assembly Bills Nos. 224, 241, 341, 349, 355, 387 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS BROOKS, *Chair*

*Madam President:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 219, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELANIE SCHEIBLE, *Chair*

*Madam President:*

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bills Nos. 65, 315, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES OHRENSCHALL, *Chair*

*Madam President:*

Your Committee on Revenue and Economic Development, to which was referred Assembly Bill No. 363, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DINA NEAL, *Chair*

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Assembly Bills Nos. 126, 156, 165, 189, 196, 220, 225, 247, 256, 262, 266, 270, 319, 357, 358, 371, 411, 427, 441, 492 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

#### SECOND READING AND AMENDMENT

Senate Bill No. 463.

Bill read second time and ordered to third reading.

Assembly Bill No. 65.

Bill read second time and ordered to third reading.

Assembly Bill No. 219.

Bill read second time and ordered to third reading.

Assembly Bill No. 224.

Bill read second time and ordered to third reading.

Assembly Bill No. 230.

Bill read second time and ordered to third reading.

Assembly Bill No. 241.

Bill read second time and ordered to third reading.

Assembly Bill No. 280.

Bill read second time and ordered to third reading.

Assembly Bill No. 315.

Bill read second time and ordered to third reading.

Assembly Bill No. 321.

Bill read second time and ordered to third reading.

Assembly Bill No. 341.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 834.

SUMMARY ~~Provides for the licensure and regulation of~~ Revises provisions relating to cannabis consumption lounges. (BDR 56-583)

AN ACT relating to cannabis; providing for the licensure and regulation by the Cannabis Compliance Board of cannabis consumption lounges; setting forth certain requirements for the licensure of cannabis consumption lounges; setting forth certain requirements for the operation of retail cannabis consumption lounges and independent cannabis consumption lounges; requiring the Board to adopt regulations establishing certain fees; revising provisions relating to certain cannabis products; revising provisions relating to the consumption of cannabis in a public place; establishing provisions relating to the civil liability of a person who serves, sells or furnishes cannabis or cannabis products to another person; revising provisions relating to the excise tax on retail sales of cannabis and cannabis products; exempting ~~in a cannabis consumption lounge~~ certain persons from certain provisions prohibiting a person from maintaining a place for the purpose of unlawfully selling, giving away or using any controlled substance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of persons and establishments in the cannabis industry in this State by the Cannabis Compliance Board. (Title 56 of NRS) Under existing law, a cannabis establishment is prohibited from allowing a person to consume cannabis on the property or premises of the establishment. (NRS 678B.510) Existing law also makes it a misdemeanor to consume cannabis or a cannabis product in a public place, in an adult-use cannabis retail store or in a vehicle. (NRS 678D.310) This bill provides for the licensure and regulation by the Board of certain businesses at which the consumption of certain cannabis and cannabis products is allowed. Section 2 of this bill designates such businesses generally as "cannabis consumption lounges."

Sections 3 and 5 of this bill designate two types of cannabis consumption lounges. Section 5 of this bill defines "retail cannabis consumption lounge" to mean a business at which the consumption of single-use or ready-to-consume cannabis products is allowed and which is attached or immediately adjacent to an adult-use cannabis retail store. Section 3 of this bill defines "independent cannabis consumption lounge" to mean a business at which the consumption of single-use or ready-to-consume cannabis products is allowed and which is not attached or immediately adjacent to an adult-use cannabis retail store.

Section 5.5 of this bill defines "single-use cannabis product" to generally mean a type of cannabis or adult-use cannabis product that the Board has determined to be appropriate for consumption in a cannabis consumption lounge. Section 4 of this bill defines "ready-to-consume cannabis product" to

mean an adult-use edible cannabis product that is presented as a foodstuff or beverage and is intended for immediate consumption. Section 28 of this bill requires the Board to adopt regulations designating types of cannabis and cannabis products as single-use cannabis products and establishing requirements for the preparation and sale of ready-to-consume cannabis products. Sections 19 and 30 of this bill provide that certain requirements for cannabis products established under existing law do not apply to ready-to-consume cannabis products to the extent that such requirements are inconsistent with the regulations adopted by the Board.

Existing law prohibits a person from engaging in the business of an adult-use cannabis establishment unless the person has been issued an adult-use cannabis establishment license by the Board. Existing law sets forth certain requirements to obtain such a license. (NRS 678B.250) Section 7 of this bill includes a retail cannabis consumption lounge and an independent cannabis consumption lounge within the definition of "adult-use cannabis establishment" provided under existing law, thereby requiring persons who wish to operate such establishments to obtain an adult-use cannabis establishment license in the manner provided in existing law. (NRS 678A.035)

Sections 13.5 and 14 of this a bill prohibit a cannabis establishment, including a cannabis consumption lounge, from being located on the property of an airport.

Section 10 of this bill prohibits the Board from issuing an adult-use cannabis establishment license for a retail cannabis consumption lounge unless: (1) the applicant holds an adult-use cannabis establishment license for an adult-use cannabis retail store ~~that~~ which is operational; and (2) the location of the proposed retail cannabis consumption lounge is attached or immediately adjacent to the adult-use cannabis retail store. Sections 10 and 14 of this bill exempt a proposed retail cannabis consumption lounge from certain restrictions relating to the location of an adult-use cannabis establishment.

Section 11 of this bill requires the Board to adopt regulations establishing criteria to determine whether an applicant for the issuance or renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge qualifies as a social equity applicant, which is defined by section 9 of this bill generally as an applicant that has been adversely affected by previous laws that criminalized activity relating to cannabis. Section 12 of this bill requires the Board to adopt regulations establishing criteria of merit and scoring guidelines to be used in evaluating applications for an adult-use cannabis establishment license for a retail cannabis consumption lounge or an independent cannabis consumption lounge. Section 17 of this bill establishes fees for the issuance and renewal of such licenses. Section 17 authorizes the Board to reduce certain fees associated with an adult-use cannabis establishment license for an independent cannabis consumption lounge for social equity applicants. Section 16 of this bill makes a conforming change to reflect the addition of the requirements of section 12.

Section 12.4 of this bill prohibits the Board, with certain exceptions, from issuing more than 20 adult-use cannabis establishment licenses for an independent cannabis consumption lounge. However, if on or before June 30, 2022, the Board issues 20 such licenses, section 12.4 authorizes the Board to issue additional licenses, so long as the total number of adult-use cannabis establishment licenses for an independent cannabis consumption lounge does not, at any time, exceed the number of adult-use cannabis establishment licenses for a retail cannabis consumption lounge issued by the Board. Section 12.4 also requires that at least 10 of the first 20 adult-use cannabis establishment licenses for an independent cannabis consumption lounge issued by the Board be issued to social equity applicants. Section 12.5 of this bill sets forth certain requirements for the issuance of adult-use cannabis establishment licenses for retail cannabis consumption lounges and independent cannabis consumption lounges in a local governmental jurisdiction that limits the number of business licenses issued to cannabis consumption lounges, which include, among other requirements, that a certain number of adult-use cannabis establishment licenses for independent cannabis consumption lounges be issued to social equity applicants.

Existing law prohibits the Board from issuing more than a certain number of adult-use cannabis establishment licenses to any one person, group of persons or entity in certain counties. (NRS 678B.270) Section 15 of this bill provides that this prohibition does not apply to adult-use cannabis establishment licenses for retail cannabis consumption lounges or independent cannabis consumption lounges. Instead, section 12.7 of this bill generally prohibits the Board from issuing more than one such license to any one person ~~or group of persons or entity in any county.~~ Section 12.7 provides an exception to this prohibition for certain transfers of such licenses. Section 12.3 of this bill prohibits the Board from issuing to any one person ~~or group of persons or entity~~ both an adult-use cannabis establishment license for an adult-use cannabis retail store and an adult-use cannabis establishment license for an independent cannabis consumption lounge. Section 20 of this bill requires the Board to adopt regulations prescribing the manner in which it will determine whether a person who holds an adult-use cannabis establishment license is ineligible to hold additional licenses pursuant to sections 12.3 and 12.7.

Existing law requires the Board to adopt regulations regarding the transfer of licenses issued by the Board. (NRS 678B.380) Section 16.5 of this bill requires those regulations to impose certain requirements and restrictions on the transfer an adult-use cannabis establishment license for an independent cannabis consumption lounge.

~~Section 17.5 of this bill prohibits a local government from adopting or enforcing any ordinance or rule pertaining to zoning or land use which imposes restrictions on retail cannabis consumption lounges, unless such restrictions also apply to adult-use cannabis retail stores. Section 30.3 of this bill makes a conforming change to reflect the addition of the provisions of section 17.5.~~

Sections 22 and 24 of this bill set forth certain requirements and restrictions relating to the operation of a cannabis consumption lounge. Section 24 prohibits, among other things, the consumption of any cannabis or cannabis product at a cannabis consumption lounge that is not a single-use cannabis product or ready-to-consume cannabis product. Section 23 of this bill authorizes a cannabis consumption lounge to engage in certain activities. Section 20 ~~of this bill~~ requires the Board to adopt certain regulations concerning the operation of cannabis consumption lounges.

Section 25 of this bill authorizes a retail cannabis consumption lounge to obtain single-use cannabis products from the adult-use cannabis retail store to which the lounge is attached or adjacent and sell such products to customers of the lounge. Section 25 also authorizes a retail cannabis consumption lounge to prepare and sell ready-to-consume cannabis products.

Section 27 of this bill requires an independent cannabis consumption lounge to enter into a contract with one or more adult-use cannabis retail stores to obtain single-use cannabis products for resale and cannabis or cannabis products for use in the preparation of ready-to-consume cannabis products. Section 27 authorizes an independent cannabis consumption lounge that has entered into such a contract to: (1) sell single-use cannabis products to customers of the lounge; and (2) prepare and sell ready-to-consume cannabis products to customers of the lounge.

Existing law prohibits a board of county commissioners, the governing body of an incorporated city or a town board from licensing or otherwise allowing a person to operate a business that allows cannabis or cannabis products to be consumed on the premises of the business. (NRS 244.335, 268.095, 269.170) Existing law eliminates this prohibition effective July 1, 2021. (Section 246 of chapter 595, Statutes of Nevada 2019, at page 3896) Sections 36.7 and 36.9 of this bill remove the prospective elimination of this prohibition. Instead, sections 30.6-30.9 of this bill prohibit, with certain exceptions, such a local government from licensing or otherwise allowing the operation of a business that allows cannabis or cannabis products to be consumed on the premises of the business, other than a cannabis consumption lounge, in accordance with the provisions of this bill.

Section 30.5 of this bill establishes provisions relating to the civil liability of a person who serves, sells or furnishes cannabis or a cannabis product to another person for damages caused as a result of the consumption of the cannabis or cannabis product, which are based on similar provisions of existing law concerning alcoholic beverages. (NRS 41.1305)

Existing law imposes an excise tax on each retail sale of cannabis or cannabis products by an adult-use cannabis retail store. (NRS 372A.290) Section 34 of this bill applies this excise tax to retail sales of cannabis and cannabis products by a cannabis consumption lounge. Sections 31 and 33 of this bill make conforming changes to reflect the imposition of the excise tax on such sales.

~~{Sections} Section 18 {and 29}~~ of this bill ~~{revise}~~ revises provisions of existing law prohibiting the consumption of cannabis and cannabis products ~~{in a public place or}~~ in a cannabis establishment for the purpose of authorizing a person to engage in such activities in a cannabis consumption lounge. (NRS ~~{678B.510, 678D.310}~~) 678B.510)

Existing law prohibits, in general, the consumption of cannabis or cannabis products in a public place. (NRS 678C.300, 678D.300, 678D.310) Section 12.9 of this bill authorizes the Board to adopt regulations setting forth circumstances under which a person is authorized to consume cannabis or cannabis products in a public place. Sections 20.5, 28.5 and 29 of this bill revise provisions of existing law prohibiting a person from consuming cannabis or cannabis products in a public place for the purpose of authorizing a person to engage in such activities in a public place in accordance with the regulations adopted by the Board pursuant to section 12.9.

Existing law prohibits a person from opening or maintaining a place for the purpose of unlawfully selling, giving away or using any controlled substance. (NRS 453.316) Section 36 of this bill exempts from the application of this provision: (1) a cannabis consumption lounge whose activities are confined to those authorized under the provisions of this bill ~~{from the application of this provision}~~; and (2) any person who opens or maintains a public place at which a person is authorized to consume cannabis or cannabis products pursuant to regulations adopted by the Board pursuant to section 12.9 and whose activities are confined to those authorized by such regulations.

Section 36.3 of this bill ~~{authorizes a}~~ requires the Board to provide each person who, on ~~{October}~~ July 1, 2021, holds an adult-use cannabis establishment license for an adult-use cannabis retail store ~~{to submit to the Board an application for the issuance of}~~ a written notification informing the person that the person may be eligible to hold an adult-use cannabis establishment license for a retail cannabis consumption lounge. ~~{Section 36.3 prohibits the Board from issuing such a license to such an applicant, unless the applicant has satisfied all applicable requirements for the issuance of the license.}~~

Section 36.5 of this bill requires the Board, on or before January 1, 2023, to submit to the Legislature a report containing certain information regarding the effect of certain violations of the Nevada Unfair Trade Practice Act on independent cannabis consumption lounges.

Sections 2-5.5 and 9 of this bill define words and terms applicable to the provisions of this bill. Sections 6 and 32 of this bill make conforming changes to properly place new language in the Nevada Revised Statutes. Section 35 of this bill makes a conforming change to reflect the addition of the provisions of section 17.

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

Section 1. Chapter 678A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5.5, inclusive, of this act.

Sec. 2. *"Cannabis consumption lounge" means:*

1. *A retail cannabis consumption lounge; or*
2. *An independent cannabis consumption lounge.*

Sec. 3. *"Independent cannabis consumption lounge" means a business that:*

1. *Is licensed by the Board pursuant to NRS 678B.250;*
2. *Is not attached or immediately adjacent to an adult-use cannabis retail store; and*
3. *Allows single-use cannabis products or ready-to-consume cannabis products to be consumed on the premises of the business by persons 21 years of age or older.*

Sec. 4. *"Ready-to-consume cannabis product" means an adult-use edible cannabis product that is:*

1. *Prepared on the premises of a cannabis consumption lounge;*
2. *Presented in the form of a foodstuff or beverage;*
3. *Sold in a heated or unheated state; and*
4. *Intended for immediate consumption.*

Sec. 5. *"Retail cannabis consumption lounge" means a business that:*

1. *Is licensed by the Board pursuant to NRS 678B.250;*
2. *Is attached or immediately adjacent to an adult-use cannabis retail store; and*
3. *Allows single-use cannabis products or ready-to-consume cannabis products to be consumed on the premises of the business by persons 21 years of age or older.*

Sec. 5.5. *"Single-use cannabis product" means a type of cannabis or adult-use cannabis product, other than a ready-to-consume cannabis product, that the Board has determined to be appropriate for consumption in a cannabis consumption lounge pursuant to section 28 of this act.*

Sec. 6. NRS 678A.010 is hereby amended to read as follows:

678A.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 678A.020 to 678A.240, inclusive, and sections 2 to 5.5, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 7. NRS 678A.035 is hereby amended to read as follows:

678A.035 "Adult-use cannabis establishment" means:

1. An adult-use cannabis independent testing laboratory;
2. An adult-use cannabis cultivation facility;
3. An adult-use cannabis production facility;
4. An adult-use cannabis retail store; ~~{or}~~
5. An adult-use cannabis distributor ~~{-}~~;
6. *A retail cannabis consumption lounge; or*
7. *An independent cannabis consumption lounge.*

Sec. 8. Chapter 678B of NRS is hereby amended by adding thereto the provisions set forth as sections 9 to ~~{12.7}~~ 12.9, inclusive, of this act.

Sec. 9. "Social equity applicant" means an applicant for the issuance or renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge who has been adversely affected by provisions of previous laws which criminalized activity relating to cannabis, as determined by the Board in accordance with the regulations adopted pursuant to section 11 of this act. Such adverse effects may include, without limitation, adverse effects on an owner or officer of the applicant.

Sec. 10. 1. The Board shall not issue an adult-use cannabis establishment license for a retail cannabis consumption lounge pursuant to NRS 678B.250 unless:

(a) The applicant holds an adult-use cannabis establishment license for an adult-use cannabis retail store; ~~and~~

(b) The adult-use cannabis retail store for which the applicant holds an adult-use cannabis establishment license is operational; and

(c) The location of the proposed retail cannabis consumption lounge is attached or immediately adjacent to the adult-use cannabis retail store for which the applicant holds an adult-use cannabis establishment license.

2. The location of a proposed retail cannabis consumption lounge:

(a) Except as otherwise provided in paragraph (b), is not subject to the restrictions set forth in sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3 of NRS 678B.250 so long as the adult-use cannabis retail store to which the proposed retail cannabis consumption lounge is to be attached or immediately adjacent was in compliance with such requirements at the time it was issued an adult-use cannabis establishment license; and

(b) Must not be on the property of an airport.

Sec. 11. 1. The Board shall adopt regulations establishing criteria to be used by the Board for determining whether an applicant for the issuance or renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge qualifies as a social equity applicant for the purposes of this chapter.

2. The regulations adopted pursuant to subsection 1 must establish the minimum percentage of ownership in a proposed independent cannabis consumption lounge which will be held by a person or group of persons who have been adversely affected by provisions of previous laws which criminalized activity relating to cannabis for the applicant to qualify as a social equity applicant.

Sec. 12. 1. The Board shall adopt regulations establishing criteria of merit and scoring guidelines to be used by the Board in evaluating applications for the issuance of an adult-use cannabis establishment license for a retail cannabis consumption lounge or an independent cannabis consumption lounge pursuant to NRS 678B.250.

2. In determining whether to issue an adult-use cannabis establishment license for a retail cannabis consumption lounge or an independent cannabis consumption lounge pursuant to NRS 678B.250, the Board shall, in addition

to the factors set forth in that section, consider the criteria of merit and scoring guidelines established pursuant to subsection 1.

3. The scoring guidelines established pursuant to subsection 1 must establish a minimum required score for the issuance of an adult-use cannabis establishment license for a retail cannabis consumption lounge or an independent cannabis consumption lounge.

4. The criteria of merit established pursuant to subsection 1 must include, without limitation:

(a) For a proposed independent cannabis consumption lounge:

(1) The diversity on the basis of race, ethnicity or gender of the applicant or the persons who are proposed to be owners or officers of the proposed independent cannabis consumption lounge; and

(2) Whether the applicant qualifies as a social equity applicant; and

(b) Any other criteria of merit that the Board determines to be relevant.

Sec. 12.3. The Board shall not issue to any one person ~~or group of persons or entity~~ both an adult-use cannabis establishment license for an adult-use cannabis retail store and an adult-use cannabis establishment license for an independent cannabis consumption lounge.

Sec. 12.4. 1. Except as otherwise provided in subsection 2, the Board shall not issue more than 20 adult-use cannabis establishment licenses for an independent cannabis consumption lounge.

2. If, on or before June 30, 2022, the Board issues 20 adult-use cannabis establishment licenses for an independent cannabis consumption lounge, the Board may thereafter issue adult-use cannabis establishment licenses for independent cannabis consumption lounges in amounts that exceed the limit set forth in subsection 1, so long as the total number of such licenses issued by the Board does not, at any time, exceed the total number of adult-use cannabis establishment licenses for a retail cannabis consumption lounge issued by the Board.

3. At least 10 of the first 20 adult-use cannabis establishment licenses for an independent cannabis consumption lounge issued by the Board must be issued to social equity applicants.

Sec. 12.5. 1. The Board shall, for each local governmental jurisdiction that limits the number of business licenses which may be issued to cannabis consumption lounges, determine the number of licenses allocated to the jurisdiction for retail cannabis consumption lounges and independent cannabis consumption lounges.

2. Not more than 50 percent of the licenses allocated by the Board pursuant to subsection 1 may be issued to retail cannabis consumption lounges.

3. Except as otherwise provided in this subsection, at least 50 percent of the licenses allocated to a local governmental jurisdiction pursuant to subsection 1 must be issued to independent cannabis consumption lounges. At least 50 percent of the licenses issued to independent cannabis consumption lounges must be issued to social equity applicants. If there are an insufficient

number of social equity applicants to distribute licenses in that manner, the local governmental jurisdiction shall issue business licenses to all qualified social equity applicants and hold the remaining business licenses in reserve for future issuance to social equity applicants.

4. If the number of qualified applicants in a local governmental jurisdiction exceeds the number of licenses allocated to that jurisdiction pursuant to subsection 1, the Board shall issue adult-use cannabis establishment licenses for retail cannabis consumption lounges and independent cannabis consumption lounges in the local governmental jurisdiction to qualified applicants who are not social equity applicants using a separate lottery system for each type of license.

5. As used in this section, "local governmental jurisdiction" means a city or unincorporated area within a county.

Sec. 12.7. 1. Except as otherwise provided in subsection 2, the Board shall not issue:

(a) More than one adult-use cannabis establishment license for an independent cannabis consumption lounge to any one person ~~;~~ ~~group of persons or entity;~~

(b) More than one adult-use cannabis establishment license for a retail cannabis consumption lounge to any one person ~~;~~ ~~group of persons or entity;~~ or

(c) Both an adult-use cannabis establishment license for a retail cannabis consumption lounge and an adult-use cannabis establishment license for an independent cannabis consumption lounge to any one person ~~;~~ ~~group of persons or entity;~~

2. The Board may approve a transfer of an adult-use cannabis establishment license for a retail cannabis consumption lounge or an independent cannabis consumption lounge to a person ~~;~~ ~~group of persons or entity;~~ that acquires a 100 percent ownership interest in a cannabis consumption lounge in a county in which the person ~~;~~ ~~group of persons or entity;~~ holds another such license, if the transfer:

(a) Complies with all requirements for the transfer of a license established by the Board pursuant to NRS 678B.380; and

(b) Will not result in the person ~~;~~ ~~group of persons or entity;~~ holding more than two adult-use cannabis establishment licenses for a retail cannabis consumption lounge, adult-use cannabis establishment licenses for an independent cannabis lounge or any combination of the two.

Sec. 12.9. The Board may adopt regulations setting forth circumstances under which a person is authorized to consume cannabis or cannabis products in a public place.

Sec. 13. NRS 678B.020 is hereby amended to read as follows:

678B.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 678B.030 to 678B.070, inclusive, and section 9 of this act have the meanings ascribed to them in those sections.

Sec. 13.5. NRS 678B.210 is hereby amended to read as follows:

678B.210 1. A person shall not engage in the business of a medical cannabis establishment unless the person holds a medical cannabis establishment license issued by the Board pursuant to this section.

2. A person who wishes to engage in the business of a medical cannabis establishment must submit to the Board an application on a form prescribed by the Board.

3. Except as otherwise provided in NRS 678B.220, 678B.230 and 678B.240, not later than 90 days after receiving an application to engage in the business of a medical cannabis establishment, the Board shall register the medical cannabis establishment and issue a medical cannabis establishment license and a random 20-digit alphanumeric identification number if:

(a) The person who wishes to operate the proposed medical cannabis establishment has submitted to the Board all of the following:

(1) The application fee, as set forth in NRS 678B.390;

(2) An application, which must include:

(I) The legal name of the proposed medical cannabis establishment;

(II) The physical address where the proposed medical cannabis establishment will be located and the physical address of any co-owned additional or otherwise associated medical cannabis establishments, the locations of which may not be *on the property of an airport*, within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board, within 300 feet of a community facility that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board or, if the proposed medical cannabis establishment will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board;

(III) Evidence that the applicant controls not less than \$250,000 in liquid assets to cover the initial expenses of opening the proposed medical cannabis establishment and complying with the provisions of this title;

(IV) Evidence that the applicant owns the property on which the proposed medical cannabis establishment will be located or has the written permission of the property owner to operate the proposed medical cannabis establishment on that property;

(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed medical cannabis establishment, a complete set of the person's fingerprints and written permission of the person authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed medical cannabis establishment;

(3) Operating procedures consistent with rules of the Board for oversight of the proposed medical cannabis establishment, including, without limitation:

(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an electronic verification system and an inventory control system pursuant to NRS 678C.420 and 678C.430;

(4) If the proposed medical cannabis establishment will sell or deliver medical cannabis products, proposed operating procedures for handling such products which must be preapproved by the Board;

(5) If the city or county in which the proposed medical cannabis establishment will be located has enacted zoning restrictions, proof that the proposed location is in compliance with those restrictions and satisfies all applicable building requirements; and

(6) Such other information as the Board may require by regulation;

(b) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment have:

(1) Served as an owner, officer or board member for a cannabis establishment that has had its medical cannabis establishment license or adult-use cannabis establishment license revoked;

(2) Previously had a cannabis establishment agent registration card revoked; or

(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; and

(d) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed medical cannabis establishment, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6, if an application for registration as a medical cannabis establishment satisfies the requirements of this section, is qualified in the determination of the Board pursuant to NRS 678B.200 and the establishment is not disqualified from being registered as a medical cannabis establishment pursuant to this section or other applicable law, the Board shall issue to the establishment a medical cannabis establishment license. A medical cannabis establishment license expires 1 year after the date of issuance and may be renewed upon:

- (a) Submission of the information required by the Board by regulation; and
- (b) Payment of the renewal fee set forth in NRS 678B.390.

6. In determining whether to issue a medical cannabis establishment license pursuant to this section, the Board shall consider the criteria of merit set forth in NRS 678B.240.

7. For the purposes of sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3, the distance must be measured from the front door of the proposed medical cannabis establishment to the closest point of the property line of a school, community facility or gaming establishment.

8. As used in this section, "community facility" means:

- (a) A facility that provides day care to children.
- (b) A public park.
- (c) A playground.
- (d) A public swimming pool.
- (e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.
- (f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

Sec. 14. NRS 678B.250 is hereby amended to read as follows:

678B.250 1. A person shall not engage in the business of an adult-use cannabis establishment unless the person holds an adult-use cannabis establishment license issued pursuant to this section.

2. A person who wishes to engage in the business of an adult-use cannabis establishment must submit to the Board an application on a form prescribed by the Board.

3. Except as otherwise provided in NRS 678B.260, 678B.270 and 678B.280, *and sections 10 and 12 to 12.7, inclusive, of this act*, the Board shall issue an adult-use cannabis establishment license to an applicant if:

(a) The person who wishes to operate the proposed adult-use cannabis establishment has submitted to the Board all of the following:

- (1) The application fee, as set forth in NRS 678B.390;
- (2) An application, which must include:

(I) The legal name of the proposed adult-use cannabis establishment;

(II) The physical address where the proposed adult-use cannabis establishment will be located and the physical address of any co-owned additional or otherwise associated adult-use cannabis establishments, the locations of which may not be *on the property of an airport*, within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board, within 300 feet of a community facility that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board or, if the proposed adult-use cannabis establishment will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds

a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board;

(III) Evidence that the applicant controls liquid assets in an amount determined by the Board to be sufficient to cover the initial expenses of opening the proposed adult-use cannabis establishment and complying with the provisions of this title;

(IV) Evidence that the applicant owns the property on which the proposed adult-use cannabis establishment will be located or has the written permission of the property owner to operate the proposed adult-use cannabis establishment on that property;

(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed adult-use cannabis establishment, a complete set of the person's fingerprints and written permission of the person authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed adult-use cannabis establishment;

(3) Operating procedures consistent with rules of the Board for oversight of the proposed adult-use cannabis establishment, including, without limitation:

(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an inventory control system;

(4) If the proposed adult-use cannabis establishment will sell or deliver adult-use cannabis products, proposed operating procedures for handling such products which must be preapproved by the Board; and

(5) Such other information as the Board may require by regulation;

(b) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment have:

(1) Served as an owner, officer or board member for a cannabis establishment that has had its adult-use cannabis establishment license or medical cannabis establishment license revoked;

(2) Previously had a cannabis establishment agent registration card revoked; or

(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; and

(d) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed adult-use cannabis establishment, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6, if an applicant for licensure to operate an adult-use cannabis establishment satisfies the requirements of this section, is qualified in the determination of the Board pursuant to NRS 678B.200 and is not disqualified from being licensed pursuant to this section or other applicable law, the Board shall issue to the applicant an adult-use cannabis establishment license. An adult-use cannabis establishment license expires 1 year after the date of issuance and may be renewed upon:

- (a) Submission of the information required by the Board by regulation; and
- (b) Payment of the renewal fee set forth in NRS 678B.390.

6. In determining whether to issue an adult-use cannabis license pursuant to this section, the Board shall consider the criteria of merit *and scoring guidelines* set forth in NRS 678B.280 ~~or section 12 of this act, as applicable~~.

7. For the purposes of sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3, the distance must be measured from the front door of the proposed adult-use cannabis establishment to the closest point of the property line of a school, community facility or gaming establishment.

8. As used in this section, "community facility" means:

- (a) A facility that provides day care to children.
- (b) A public park.
- (c) A playground.
- (d) A public swimming pool.
- (e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.
- (f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

Sec. 15. NRS 678B.270 is hereby amended to read as follows:

678B.270 1. Except as otherwise provided in ~~subsection 2,~~ *this section*, to prevent monopolistic practices, the Board shall ensure, in a county whose population is 100,000 or more, that it does not issue, to any one person, group of persons or entity, the greater of:

- ~~1.~~ (a) One adult-use cannabis establishment license; or
- ~~2.~~ (b) More than 10 percent of the adult-use cannabis establishment licenses otherwise allocable in the county.

2. *The provisions of this section do not apply to an adult-use cannabis establishment license for a retail cannabis consumption lounge or an independent cannabis consumption lounge.*

Sec. 16. NRS 678B.280 is hereby amended to read as follows:

678B.280 1. In determining whether to issue an adult-use cannabis establishment license pursuant to NRS 678B.250, *other than an adult-use cannabis establishment license for a retail cannabis consumption lounge or an independent cannabis consumption lounge*, the Board shall, in addition to the factors set forth in that section, consider criteria of merit established by regulation of the Board. Such criteria must include, without limitation:

(a) Whether the applicant controls liquid assets in an amount determined by the Board to be sufficient to cover the initial expenses of opening the proposed adult-use cannabis establishment and complying with the provisions of this title;

(b) Whether the owners, officers or board members of the proposed adult-use cannabis establishment have direct experience with the operation of a cannabis establishment in this State and have demonstrated a record of operating such an establishment in compliance with the laws and regulations of this State for an adequate period of time to demonstrate success;

(c) The educational and life experience of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment;

(d) Whether the applicant has an integrated plan for the care, quality and safekeeping of cannabis from seed to sale;

(e) The experience of key personnel that the applicant intends to employ in operating the type of adult-use cannabis establishment for which the applicant seeks a license;

(f) The diversity on the basis of race, ethnicity or gender of the applicant or the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment, including, without limitation, the inclusion of persons of backgrounds which are disproportionately underrepresented as owners, officers or board members of adult-use cannabis establishments; and

(g) Any other criteria of merit that the Board determines to be relevant.

2. The Board shall adopt regulations for determining the relative weight of each criteria of merit established by the Board pursuant to subsection 1.

Sec. 16.5. NRS 678B.380 is hereby amended to read as follows:

678B.380 1. Except as otherwise provided by regulations adopted by the Board pursuant to subsection 2, the following are nontransferable:

(a) A cannabis establishment agent registration card.

(b) A cannabis establishment agent registration card for a cannabis executive.

(c) A medical cannabis establishment license.

(d) An adult-use cannabis establishment license.

2. The Board shall adopt regulations which prescribe procedures and requirements by which a holder of a license may transfer the license to another party who is qualified to hold such a license pursuant to the provisions of this chapter.

3. The regulations adopted pursuant to subsection 2 must:

(a) Prohibit the holder of an adult-use cannabis establishment license for an independent cannabis consumption lounge from transferring the license until at least 2 years from the date on which the independent cannabis consumption lounge for which the license was issued became operational;

(b) Require the holder of an adult-use cannabis establishment license for an independent cannabis consumption lounge and who wishes to cease operations before the independent cannabis consumption lounge for which the license was issued has been operational for at least 2 years to surrender the license to the Board; and

(c) Require the Board to hold a license surrendered pursuant to paragraph (b) in reserve for issuance to an applicant for such a license in the future.

Sec. 17. NRS 678B.390 is hereby amended to read as follows:

678B.390 1. Except as otherwise provided in subsection ~~{2}~~ 3, the Board shall collect not more than the following maximum fees:

For the initial issuance of a medical cannabis establishment license for a medical cannabis dispensary .....	\$30,000
For the renewal of a medical cannabis establishment license for a medical cannabis dispensary .....	5,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis cultivation facility .....	3,000
For the renewal of a medical cannabis establishment license for a medical cannabis cultivation facility .....	1,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis production facility .....	3,000
For the renewal of a medical cannabis establishment license for a medical cannabis production facility .....	1,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis independent testing laboratory .....	5,000
For the renewal of a medical cannabis establishment license for a medical cannabis independent testing laboratory .....	3,000
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis retail store .....	20,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis retail store .....	6,600
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis cultivation facility .....	30,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis cultivation facility .....	10,000

For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis production facility .....	10,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis production facility .....	3,300
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis independent testing laboratory .....	15,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis independent testing laboratory .....	5,000
<i>For the initial issuance of an adult-use cannabis establishment license for a retail cannabis consumption lounge .....</i>	<i>10,000</i>
<i>For the renewal of an adult-use cannabis establishment license for a retail cannabis consumption lounge .....</i>	<i>10,000</i>
<i>For the initial issuance of an adult-use cannabis establishment license for an independent cannabis consumption lounge .....</i>	<i>10,000</i>
<i>For the renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge .....</i>	<i>10,000</i>
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis distributor .....	15,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis distributor .....	5,000
For each person identified in an application for the initial issuance of a cannabis establishment agent registration card .....	150
For each person identified in an application for the renewal of a cannabis establishment agent registration card .....	150
2. <del>HA</del> <i>The Board may by regulation establish reduced fees for:</i>	
(a) <i>The initial issuance and renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge; and</i>	
(b) <i>The application fee set forth in subsection 3, for a social equity applicant. Such a reduction must not reduce the fee paid by a social equity applicant by more than 75 percent of the fee paid by an applicant who is not a social equity applicant.</i>	
3. <i>Except as otherwise provided in subsection 2, in addition to the fees described in subsection 1, each applicant for a medical cannabis establishment license or adult-use cannabis establishment license must pay to the Board:</i>	
(a) <del>LA</del> <i>For an application for a license other than an adult-use cannabis establishment license for a retail cannabis consumption lounge or independent</i>	

*cannabis consumption lounge, a one-time, nonrefundable application fee of \$5,000; and*

*(b) For an application for an adult-use cannabis establishment license for a retail cannabis consumption lounge, a one-time, nonrefundable application fee of \$100,000;*

*(c) For an application for an adult-use cannabis establishment license for an independent cannabis consumption lounge, a one-time, nonrefundable application fee of \$10,000; and*

*(d) The actual costs incurred by the Board in processing the application, including, without limitation, conducting background checks.*

~~{3}~~ 4. Any revenue generated from the fees imposed pursuant to this section:

(a) Must be expended first to pay the costs of the Board in carrying out the provisions of this title; and

(b) If any excess revenue remains after paying the costs described in paragraph (a), such excess revenue must be paid over to the State Treasurer to be deposited to the credit of the State Education Fund.

Sec. 17.5. ~~NRS 678B.500 is hereby amended to read as follows:~~

~~678B.500 1. Each cannabis establishment must comply with all local ordinances and rules pertaining to zoning, land use and signage.~~

~~2. A cannabis establishment may move to a new location under the jurisdiction of the same local government as its original location and regardless of the distance from its original location if the operation of the cannabis establishment at the new location has been approved by the local government. A local government may approve a new location pursuant to this subsection only in a public hearing for which written notice is given at least 7 working days before the hearing.~~

~~3. A local government shall not adopt or enforce any ordinance or rule pertaining to zoning or land use which imposes restrictions on retail cannabis consumption lounges, unless such restrictions also apply to adult-use cannabis retail stores. (Deleted by amendment.)~~

Sec. 18. NRS 678B.510 is hereby amended to read as follows:

678B.510 1. The operating documents of a cannabis establishment must include procedures:

(a) For the oversight of the cannabis establishment; and

(b) To ensure accurate recordkeeping.

2. Except as otherwise provided in this subsection, a cannabis establishment:

(a) That is a cannabis sales facility must have a single entrance for patrons, which must be secure, and shall implement strict security measures to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis.

(b) That is not a cannabis sales facility must have a single secure entrance and shall implement strict security measures to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis.

↪ The provisions of this subsection do not supersede any state or local requirements relating to minimum numbers of points of entry or exit, or any state or local requirements relating to fire safety.

3. Except as otherwise provided in NRS 678D.400, all cultivation or production of cannabis that a cannabis cultivation facility carries out or causes to be carried out must take place in an enclosed, locked facility at the physical address provided to the Board during the licensing process for the cannabis cultivation facility. Such an enclosed, locked facility must be accessible only by cannabis establishment agents who are lawfully associated with the cannabis cultivation facility, except that limited access by persons necessary to perform construction or repairs or provide other labor is permissible if such persons are supervised by a cannabis establishment agent.

4. A cannabis establishment *that is not a cannabis consumption lounge* shall not allow any person to consume cannabis on the property or premises of the establishment.

5. Cannabis establishments are subject to reasonable inspection by the Board at any time, and a person who holds a license must make himself or herself, or a designee thereof, available and present for any inspection by the Board of the cannabis establishment.

6. Each cannabis establishment shall install a video monitoring system which must, at a minimum:

(a) Allow for the transmission and storage, by digital or analog means, of a video feed which displays the interior and exterior of the cannabis establishment; and

(b) Be capable of being accessed remotely by a law enforcement agency in real-time upon request.

7. A cannabis establishment shall not dispense or otherwise sell cannabis or cannabis products from a vending machine or allow such a vending machine to be installed at the interior or exterior of the premises of the cannabis establishment. As used in this subsection, "vending machine" has the meaning ascribed to it in NRS 209.229.

Sec. 19. NRS 678B.520 is hereby amended to read as follows:

678B.520 1. Each cannabis establishment shall, in consultation with the Board, cooperate to ensure that all cannabis products offered for sale:

(a) Are labeled clearly and unambiguously:

(1) As cannabis or medical cannabis with the words "THIS IS A MEDICAL CANNABIS PRODUCT" or "THIS IS A CANNABIS PRODUCT," as applicable, in bold type; and

(2) As required by the provisions of this chapter and chapters 678C and 678D of NRS.

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

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

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

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

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

(g) Are not labeled or marketed as candy.

2. A cannabis production facility shall not produce cannabis products in any form that:

(a) Is or appears to be a lollipop.

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

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

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

3. A cannabis production facility shall:

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

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

(1) The words "Keep out of reach of children";

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

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

(4) The total content of THC measured in milligrams.

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

(d) Require each person who handles cannabis products to restrain his or her hair, wear clean clothing and keep his or her fingernails neatly trimmed.

(e) Package all cannabis products produced by the cannabis production facility on the premises of the cannabis production facility.

4. A cannabis establishment shall not engage in advertising that in any way makes cannabis or cannabis products appeal to children, including, without limitation, advertising which uses an image of a cartoon character, mascot, action figure, balloon, fruit or toy.

5. Each cannabis sales facility shall offer for sale containers for the storage of cannabis and cannabis products which lock and are designed to prohibit children from unlocking and opening the container.

6. A cannabis sales facility shall:

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

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

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

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

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

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

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

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

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

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

7. A cannabis sales facility shall allow any person who is at least 21 years of age to enter the premises of the cannabis sales facility.

8. If the health authority, as defined in NRS 446.050, where a cannabis production facility, ~~or~~ cannabis sales facility or *cannabis consumption lounge* which sells edible cannabis products is located requires persons who handle food at a food establishment to obtain certification, the cannabis production facility, ~~or~~ cannabis sales facility or *cannabis consumption lounge* shall ensure that at least one employee maintains such certification.

9. A cannabis production facility may sell a commodity or product made using hemp, as defined in NRS 557.160, or containing cannabidiol to a cannabis sales facility.

10. In addition to any other product authorized by the provisions of this title, a cannabis sales facility may sell:

(a) Any commodity or product made using hemp, as defined in NRS 557.160;

(b) Any commodity or product containing cannabidiol with a THC concentration of not more than 0.3 percent; and

(c) Any other product specified by regulation of the Board.

11. A cannabis establishment:

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

- (1) Is false or misleading;
- (2) Promotes overconsumption of cannabis or cannabis products;
- (3) Depicts the actual consumption of cannabis or cannabis products; or
- (4) Depicts a child or other person who is less than 21 years of age consuming cannabis or cannabis products or objects suggesting the presence of a child, including, without limitation, toys, characters or cartoons, or contains any other depiction which is designed in any manner to be appealing to or encourage consumption of cannabis or cannabis products by a person who is less than 21 years of age.

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

(c) Shall not place an advertisement:

- (1) Within 1,000 feet of a public or private school, playground, public park or library, but may maintain such an advertisement if it was initially placed before the school, playground, public park or library was located within 1,000 feet of the location of the advertisement;
- (2) On or inside of a motor vehicle used for public transportation or any shelter for public transportation;
- (3) At a sports event to which persons who are less than 21 years of age are allowed entry; or
- (4) At an entertainment event if it is reasonably estimated that 30 percent or more of the persons who will attend that event are less than 21 years of age.

(d) Shall not advertise or offer any cannabis or cannabis product as "free" or "donated" without a purchase.

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

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

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

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

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

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

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

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

14. *To the extent that they are inconsistent or otherwise conflict with the regulations adopted by the Board pursuant to section 28 of this act, the requirements of this section pertaining to cannabis products do not apply to ready-to-consume cannabis products prepared and sold by a cannabis consumption lounge.*

15. In addition to any other penalties provided for by law, the Board may impose a civil penalty upon a cannabis establishment that violates the provisions of subsection 11 or 13 as follows:

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

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

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

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

~~15.~~ 16. As used in this section, "motor vehicle used for public transportation" does not include a taxicab, as defined in NRS 706.124.

Sec. 20. NRS 678B.650 is hereby amended to read as follows:

678B.650 The Board shall adopt such regulations as it determines to be necessary or advisable to carry out the provisions of this chapter. Such regulations are in addition to any requirements set forth in statute and must, without limitation:

1. Prescribe the form and any additional required content of applications for licenses or registration cards issued pursuant to this chapter;

2. Establish procedures for the suspension or revocation of a license or registration card or other disciplinary action to be taken against a licensee or registrant;

3. Set forth rules pertaining to the safe and healthful operation of cannabis establishments, including, without limitation:

(a) The manner of protecting against diversion and theft without imposing an undue burden on cannabis establishments or compromising the confidentiality of consumers and holders of registry identification cards and letters of approval, as those terms are defined in NRS 678C.080 and 678C.070, respectively;

- (b) Minimum requirements for the oversight of cannabis establishments;
  - (c) Minimum requirements for the keeping of records by cannabis establishments;
  - (d) Provisions for the security of cannabis establishments, including without limitation, requirements for the protection by a fully operational security alarm system of each cannabis establishment; and
  - (e) Procedures pursuant to which cannabis establishments must use the services of cannabis independent testing laboratories to ensure that any cannabis or cannabis product or commodity or product made from hemp, as defined in NRS 557.160, sold by a cannabis sales facility to an end user is tested for content, quality and potency in accordance with standards established by the Board;
4. Establish circumstances and procedures pursuant to which the maximum fees set forth in NRS 678B.390 may be reduced over time to ensure that the fees imposed pursuant to NRS 678B.390 are, insofar as may be practicable, revenue neutral;
5. Establish different categories of cannabis establishment agent registration cards, including, without limitation, criteria for issuance of a cannabis establishment agent registration card for a cannabis executive and criteria for training and certification, for each of the different types of cannabis establishments at which such an agent may be employed or volunteer or provide labor as a cannabis establishment agent;
6. As far as possible while maintaining accountability, protect the identity and personal identifying information of each person who receives, facilitates or delivers services in accordance with this chapter;
7. Establish procedures and requirements to enable a dual licensee to operate a medical cannabis establishment and an adult-use cannabis establishment at the same location;
8. Determine whether any provision of this chapter or chapter 678C or 678D of NRS would make the operation of a cannabis establishment by a dual licensee unreasonably impracticable; ~~and~~
9. Prescribe the manner in which the Board will determine whether a person who holds an adult-use cannabis establishment license is ineligible to hold additional licenses pursuant to sections 12.3 and 12.7 of this act;
10. Set forth rules pertaining to the safe and healthful operation of cannabis consumption lounges, including, without limitation:
- (a) Standards for the air quality in a cannabis consumption lounge;
  - (b) Procedures and requirements for the collection and disposal of cannabis and cannabis products which are left at a cannabis consumption lounge; and
  - (c) Requirements for the training of employees of a cannabis consumption lounge in the sale and safe consumption of single-use cannabis products and ready-to-consume cannabis products; and
- ~~#10~~ 11. Address such other matters as the Board deems necessary to carry out the provisions of this title.

*Sec. 20.5.* NRS 678C.300 is hereby amended to read as follows:

678C.300 1. A person who holds a registry identification card or letter of approval issued to him or her pursuant to NRS 678C.230 or 678C.270 is not exempt from state prosecution for, nor may the person establish an affirmative defense to charges arising from, any of the following acts:

(a) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of cannabis.

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420, 488.425 or 493.130.

(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.

(d) Possessing cannabis in violation of NRS 453.336 or possessing paraphernalia in violation of NRS 453.560 or 453.566:

(1) If the possession of the cannabis or paraphernalia is discovered because the person engaged or assisted in the medical use of cannabis in:

(I) ~~Any~~ Except as otherwise provided by regulations adopted by the Board pursuant to section 12.9 of this act, any public place or in any place open to the public or exposed to public view; or

(II) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders; or

(2) If the possession of the cannabis or paraphernalia occurs on school property.

(e) Delivering cannabis to another person who he or she knows does not lawfully hold a registry identification card or letter of approval issued by the Division or its designee pursuant to NRS 678C.230 or 678C.270.

(f) Delivering cannabis for consideration to any person, regardless of whether the recipient lawfully holds a registry identification card or letter of approval issued by the Division or its designee pursuant to NRS 678C.230 or 678C.270.

2. Except as otherwise provided in NRS 678C.240 and in addition to any other penalty provided by law, if the Division determines that a person has willfully violated a provision of this chapter or any regulation adopted by the Division to carry out the provisions of this chapter, the Division may, at its own discretion, prohibit the person from obtaining or using a registry identification card or letter of approval for a period of up to 6 months.

3. Nothing in the provisions of this chapter shall be construed as in any manner affecting the provisions of chapter 678D of NRS relating to the adult use of cannabis.

4. As used in this section, "school property" means the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

Sec. 21. Chapter 678D of NRS is hereby amended by adding thereto the provisions set forth as sections 22 to 28, inclusive, of this act.

Sec. 22. 1. *A cannabis consumption lounge shall:*

(a) *Install a ventilation and exhaust system which is capable of sufficiently expelling odors generated in the cannabis consumption lounge, reducing volatile organic compounds and maintaining the standards for air quality in the cannabis consumption lounge as set forth by regulation of the Board;*

(b) *Train each employee of the cannabis consumption lounge concerning paraphernalia, single-use cannabis products and ready-to-consume cannabis products, including, without limitation, the proper use of paraphernalia, the potency, absorption time and effects of single-use cannabis and products and ready-to-consume cannabis products, the recognition of impairment from and overconsumption of cannabis and the safe handling of a customer who is impaired;*

(c) *Submit a security plan to the Board which, without limitation, provides for adequate security and lighting at the cannabis consumption lounge and for each entrance and exit of the cannabis consumption lounge to be adequately secured, and submit to the Board such updates to the plan as the Board may require;*

(d) *Submit a plan to the Board setting forth protocols and procedures to deter customers from driving under the influence of cannabis, and submit to the Board such updates to the plan as the Board may require;*

(e) *Submit a plan to the Board setting forth protocols and procedures to ensure that cannabis and cannabis products are not sold or otherwise distributed in the cannabis consumption lounge other than as authorized in this chapter, and submit to the Board such updates to the plan as the Board may require;*

(f) *Dispose of cannabis or cannabis products which are left at the cannabis consumption lounge in accordance with the procedures for disposal set forth by the regulations of the Board;*

(g) *Comply with all local ordinances and rules; and*

(h) *Comply with any requirements set forth by regulation of the Board.*

2. *As used in this section, "volatile organic compound" has the meaning ascribed to it in 40 C.F.R. § 51.100(s).*

Sec. 23. *A cannabis consumption lounge may:*

1. *Sell food and beverages to customers of the cannabis consumption lounge;*

2. *Sell any other item which does not contain cannabis or cannabis products and is not intended for use with cannabis or cannabis products to customers of the cannabis consumption lounge; and*

3. *Provide live entertainment at the cannabis consumption lounge.*

Sec. 24. *A cannabis consumption lounge shall not allow:*

1. *The consumption of cannabis or cannabis products at any place which is within view of a public place;*

2. *The entry of any person who is less than 21 years of age to the cannabis consumption lounge;*

3. *The consumption of any cannabis or cannabis product in the cannabis consumption lounge that is not a single-use cannabis product or ready-to-consume cannabis product; or*

4. *A single-use cannabis product or ready-to-consume cannabis product that was purchased at the cannabis consumption lounge to be removed from the premises of the cannabis consumption lounge.*

Sec. 25. 1. *A retail cannabis consumption lounge may:*

*(a) Obtain from the adult-use cannabis retail store to which the retail cannabis consumption lounge is attached or immediately adjacent:*

*(1) Single-use cannabis products for the purposes of resale; and*

*(2) Cannabis or cannabis products for the purposes of producing ready-to-consume cannabis products;*

*(b) Sell single-use cannabis products obtained pursuant to paragraph (a) to customers of the retail cannabis consumption lounge; and*

*(c) Prepare ready-to-consume cannabis products using cannabis obtained pursuant to paragraph (a) and sell such products to customers of the cannabis consumption lounge.*

2. *A retail cannabis consumption lounge shall ensure that only single-use cannabis products or ready-to-consume cannabis products that were purchased from the retail cannabis consumption lounge are consumed in the lounge.*

Sec. 26. (Deleted by amendment.)

Sec. 27. 1. *An independent cannabis consumption lounge shall enter into a contract with one or more adult-use cannabis retail stores to sell to the independent cannabis consumption lounge:*

*(a) Single-use cannabis products for the purpose of resale; and*

*(b) Cannabis and products for the purpose of preparing ready-to-consume cannabis products.*

2. *An independent cannabis consumption lounge which has entered into a contract pursuant to subsection 1 may:*

*(a) Sell single-use cannabis products obtained pursuant to subsection 1 to customers of the independent cannabis consumption lounge; and*

*(b) Prepare ready-to-consume cannabis products using cannabis and cannabis products obtained pursuant to subsection 1 and sell such products to customers of the independent cannabis consumption lounge.*

3. *An independent cannabis consumption lounge shall ensure that only single-use cannabis products or ready-to-consume cannabis products that were purchased from the independent cannabis consumption lounge are consumed in the lounge.*

4. *The Board may require an independent cannabis consumption lounge to submit a contract entered into pursuant to subsection 1 to the Board for review.*

Sec. 28. *The Board shall adopt regulations governing the sale and consumption of single-use cannabis products and ready-to-consume cannabis products at a cannabis consumption lounge. Such regulations must, without limitation:*

1. *Prescribe a list of a single-use cannabis products comprising each type of cannabis and adult-use cannabis product that the Board has determined to be appropriate for consumption at a cannabis consumption lounge;*

2. *Establish standards for the content, quality and potency of ready-to-consume cannabis products, including, without limitation, the maximum THC concentration for such products;*

3. *Prescribe procedures and protocols for the preparation and safe handling of ready-to-consume cannabis products to ensure that each such prepared product meets the standards established pursuant to subsection 1;*

4. *Establish requirements relating to the sale of ready-to-consume cannabis products, including, without limitation, requirements relating to notifications that must be provided to a purchaser of such a product at the time of sale; and*

5. *Set forth any other requirements concerning the preparation of ready-to-consume cannabis products and sale of single-use cannabis products and ready-to-consume cannabis products that the Board determines are necessary.*

Sec. 28.5. NRS 678D.300 is hereby amended to read as follows:

678D.300 1. A person is not exempt from state prosecution for any of the following acts:

(a) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of cannabis.

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420, 488.425 or 493.130.

(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.

(d) Possessing cannabis in violation of NRS 453.336 or possessing paraphernalia in violation of NRS 453.560 or 453.566:

(1) If the possession of the cannabis or paraphernalia is discovered because the person engaged in the adult use of cannabis in:

(I) ~~Any~~ Except as otherwise provided by regulations adopted by the Board pursuant to section 12.9 of this act, any public place or in any place open to the public or exposed to public view; or

(II) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders; or

(2) If the possession of the cannabis or paraphernalia occurs on school property.

(e) Knowingly delivering cannabis to another person who is not 21 years of age or older unless:

(1) The recipient holds a valid registry identification card or letter of approval issued to the person by the Division of Public and Behavioral Health of the Department of Health and Human Services or its designee pursuant to NRS 678C.230 or 678C.270.

(2) The person demanded and was shown bona fide documentary evidence of the age and identity of the recipient issued by a federal, state, county or municipal government, or subdivision or agency thereof.

2. As used in this section, "school property" means the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

Sec. 29. NRS 678D.310 is hereby amended to read as follows:

678D.310 1. Except as otherwise provided in chapter 678C of NRS, any person shall not:

(a) Cultivate cannabis within 25 miles of an adult-use cannabis retail store licensed pursuant to chapter 678B of NRS, unless the person is an adult-use cannabis cultivation facility or is a cannabis establishment agent volunteering at, employed by or providing labor to an adult-use cannabis cultivation facility;

(b) Cultivate cannabis plants where they are visible from a public place by normal unaided vision; or

(c) Cultivate cannabis on property not in the cultivator's lawful possession or without the consent of the person in lawful physical possession of the property.

2. A person who violates the provisions of subsection 1 is guilty of:

(a) For a first violation, a misdemeanor punished by a fine of not more than \$600.

(b) For a second violation, a misdemeanor punished by a fine of not more than \$1,000.

(c) For a third violation, a gross misdemeanor.

(d) For a fourth or subsequent violation, a category E felony.

3. ~~Except as otherwise provided in subsection 9 or by regulations adopted by the Board pursuant to section 12.9 of this act,~~ a person who smokes or otherwise consumes cannabis or a cannabis product in a public place, in an adult-use cannabis retail store or in a vehicle is guilty of a misdemeanor punished by a fine of not more than \$600.

4. A person under 21 years of age who falsely represents himself or herself to be 21 years of age or older to obtain cannabis is guilty of a misdemeanor.

5. A person under 21 years of age who knowingly enters, loiters or remains on the premises of an adult-use cannabis establishment shall be punished by a fine of not more than \$500 unless the person is authorized to possess cannabis pursuant to chapter 678C of NRS and the adult-use cannabis establishment is a dual licensee.

6. A person who manufactures cannabis by chemical extraction or chemical synthesis, unless done pursuant to an adult-use cannabis establishment license for an adult-use cannabis production facility issued by the Board or authorized by this title, is guilty of a category E felony.

7. A person who knowingly gives cannabis or a cannabis product to any person under 21 years of age or who knowingly leaves or deposits any cannabis or cannabis product in any place with the intent that it will be procured by any person under 21 years of age is guilty of a misdemeanor.

8. A person who knowingly gives cannabis to any person under 18 years of age or who knowingly leaves or deposits any cannabis in any place with the intent that it will be procured by any person under 18 years of age is guilty of a gross misdemeanor.

9. *A person may smoke or otherwise consume cannabis or a cannabis product in a cannabis consumption lounge.*

Sec. 30. NRS 678D.420 is hereby amended to read as follows:

678D.420 1. An adult-use edible cannabis product or an adult-use cannabis-infused product must be labeled in a manner which indicates the number of servings of THC in the product, measured in servings of a maximum of 10 milligrams per serving.

2. An adult-use cannabis product must be sold in a single package. A single package must not contain:

(a) More than 1 ounce of usable cannabis or one-eighth of an ounce of concentrated cannabis.

(b) For an adult-use cannabis product sold as a capsule, more than 100 milligrams of THC per capsule or more than 800 milligrams of THC per package.

(c) For an adult-use cannabis product sold as a tincture, more than 800 milligrams of THC.

(d) For an adult-use edible cannabis product, more than 100 milligrams of THC.

(e) For an adult-use cannabis product sold as a topical product, a concentration of more than 6 percent THC or more than 800 milligrams of THC per package.

(f) For an adult-use cannabis product sold as a suppository or transdermal patch, more than 100 milligrams of THC per suppository or transdermal patch or more than 800 milligrams of THC per package.

(g) For any other adult-use cannabis product, more than 800 milligrams of THC.

3. *To the extent that they are inconsistent or otherwise conflict with the regulations adopted by the Board pursuant to section 28 of this act, the requirements of this section do not apply to a ready-to-consume cannabis product prepared and sold by a cannabis consumption lounge.*

Sec. 30.3. NRS 678D.510 is hereby amended to read as follows:

678D.510 1. The provisions of this chapter do not prohibit:

(a) A public or private employer from maintaining, enacting and enforcing a workplace policy prohibiting or restricting actions or conduct otherwise permitted under this chapter;

(b) A state or local governmental agency that occupies, owns or controls a building from prohibiting or otherwise restricting the consumption,

cultivation, processing, manufacture, sale, delivery or transfer of cannabis in that building;

(c) A person who occupies, owns or controls a privately owned property from prohibiting or otherwise restricting the smoking, cultivation, processing, manufacture, sale, delivery or transfer of cannabis on that property; or

(d) ~~▲ [Except as otherwise provided in section 17.5 of this act, a]~~ local government from adopting and enforcing local cannabis control measures pertaining to zoning and land use for adult-use cannabis establishments ~~[-]~~ including, without limitation, a measure which prohibits the operation of adult-use cannabis establishments.

2. Nothing in the provisions of this chapter shall be construed as in any manner affecting the provisions of chapter 678C of NRS relating to the medical use of cannabis.

Sec. 30.5. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A person who serves, sells or otherwise furnishes cannabis or a cannabis product to another person who is 21 years of age or older is not liable in a civil action for any damages caused by the person to whom the cannabis or cannabis product was served, sold or furnished as a result of the consumption of the cannabis or cannabis product.*

2. *Except as otherwise provided in this section, a person who:*

(a) *Knowingly serves, sells or otherwise furnishes cannabis or a cannabis product to an underage person; or*

(b) *Knowingly allows an underage person to consume cannabis or a cannabis product on premises or in a conveyance belonging to the person or over which the person has control,*

*is liable in a civil action for any damages caused by the underage person as a result of the consumption of the cannabis or cannabis product.*

3. *The liability created pursuant to subsection 2 does not apply to a person who is licensed to serve, sell or furnish cannabis or cannabis products or to a person who is an employee or agent of such a person for any act or failure to act that occurs during the course of business or employment and any such act or failure to act may not be used to establish proximate cause in a civil action and does not constitute negligence per se.*

4. *A person who prevails in an action brought pursuant to subsection 2 may recover the person's actual damages, attorney's fees and costs and any punitive damages that the facts may warrant.*

5. *As used in this section:*

(a) *"Cannabis" has the meaning ascribed to it in NRS 678A.085.*

(b) *"Cannabis product" has the meaning ascribed to it in NRS 678A.120.*

(c) *"Underage person" means a person who is less than 21 years of age.*

Sec. 30.6. NRS 244.335 is hereby amended to read as follows:

244.335 1. Except as otherwise provided in subsections 2, 3, 4 and 9, and NRS 244.33501, 244.35253 and 244.3535, a board of county commissioners may:

(a) Except as otherwise provided in NRS 244.331 to 244.3345, inclusive, 598D.150 and 640C.100, regulate all character of lawful trades, callings, industries, occupations, professions and business conducted in its county outside of the limits of incorporated cities and towns.

(b) Except as otherwise provided in NRS 244.3359 and 576.128, fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on such trades, callings, industries, occupations, professions and business.

2. The county license boards have the exclusive power in their respective counties to regulate entertainers employed by an entertainment by referral service and the business of conducting a dancing hall, escort service, entertainment by referral service or gambling game or device permitted by law, outside of an incorporated city. The county license boards may fix, impose and collect license taxes for revenue or for regulation, or for both revenue and regulation, on such employment and businesses.

3. A board of county commissioners shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

4. The board of county commissioners or county license board shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. The county license board shall provide upon request an application for a state business license pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:

(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or

(b) Provides to the county license board the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:

(a) Presents written evidence that:

(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or

(b) Provides to the county license board the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied for the purposes of NRS 244.3358 or 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months after the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

- (1) The amount of tax due and the appropriate year;
- (2) The name of the record owner of the property;
- (3) A description of the property sufficient for identification; and
- (4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against the property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

8. The board of county commissioners may delegate the authority to enforce liens from taxes levied for the purposes of NRS 244A.597 to 244A.655, inclusive, to the county fair and recreation board. If the authority is so delegated, the board of county commissioners shall revoke or suspend the license of a business upon certification by the county fair and recreation board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 244.3357, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of such license taxes or as the result of any audit or examination of the books by any authorized employee of a county fair and recreation board of the county for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, officer or employee of the county fair and recreation board or the county imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or Secretary of State for the exchange of information concerning taxpayers.

9. ~~1A~~ Except as otherwise provided by regulations adopted by the Cannabis Compliance Board pursuant to section 12.9 of this act, a board of county commissioners shall not license or otherwise allow a person to operate

a business that allows cannabis, as defined in NRS 678A.085, or cannabis products, as defined in NRS 678A.120, to be consumed on the premises of the business ~~[-]~~, *other than a cannabis consumption lounge, as defined in section 2 of this act, in accordance with the provisions of chapter 678B of NRS.*

Sec. 30.7. NRS 268.095 is hereby amended to read as follows:

268.095 1. Except as otherwise provided in subsections 4 and 9 and NRS 268.0951, 268.0977 and 268.0979, the city council or other governing body of each incorporated city in this State, whether organized under general law or special charter, may:

(a) Except as otherwise provided in subsection 2 and NRS 268.0968 and 576.128, fix, impose and collect for revenues or for regulation, or both, a license tax on all character of lawful trades, callings, industries, occupations, professions and businesses conducted within its corporate limits.

(b) Assign the proceeds of any one or more of such license taxes to the county within which the city is situated for the purpose or purposes of making the proceeds available to the county:

(1) As a pledge as additional security for the payment of any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(2) For redeeming any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(3) For defraying the costs of collecting or otherwise administering any such license tax so assigned, of the county fair and recreation board and of officers, agents and employees hired thereby, and of incidentals incurred thereby;

(4) For operating and maintaining recreational facilities under the jurisdiction of the county fair and recreation board;

(5) For improving, extending and bettering recreational facilities authorized by NRS 244A.597 to 244A.655, inclusive; and

(6) For constructing, purchasing or otherwise acquiring such recreational facilities.

(c) Pledge the proceeds of any tax imposed on the revenues from the rental of transient lodging pursuant to this section for the payment of any general or special obligations issued by the city for a purpose authorized by the laws of this State.

(d) Use the proceeds of any tax imposed pursuant to this section on the revenues from the rental of transient lodging:

(1) To pay the principal, interest or any other indebtedness on any general or special obligations issued by the city pursuant to the laws of this State;

(2) For the expense of operating or maintaining, or both, any facilities of the city; and

(3) For any other purpose for which other money of the city may be used.

2. The city council or other governing body of an incorporated city shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of

contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

3. The proceeds of any tax imposed pursuant to this section that are pledged for the repayment of general obligations may be treated as "pledged revenues" for the purposes of NRS 350.020.

4. The city council or other governing body of an incorporated city shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. The city licensing agency shall provide upon request an application for a state business license pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:

(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or

(b) Provides to the city licensing agency the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the city may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:

(a) Presents written evidence that:

(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or

(b) Provides to the city licensing agency the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the city may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied under the provisions of this section constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months following the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against such property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

8. The city council or other governing body of each incorporated city may delegate the power and authority to enforce such liens to the county fair and recreation board. If the authority is so delegated, the governing body shall revoke or suspend the license of a business upon certification by the board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 268.0966, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of those license taxes or as the result of any audit or examination of the books of the city by any authorized employee of a county fair and recreation board for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, official or employee of the county fair and recreation board or the city imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or the Secretary of State for the exchange of information concerning taxpayers.

9. ~~The~~ Except as otherwise provided by regulations adopted by the Cannabis Compliance Board pursuant to section 12.9 of this act, the city council or other governing body of an incorporated city shall not license or otherwise allow a person to operate a business that allows cannabis, as defined in NRS 678A.085, or cannabis products, as defined in NRS 678A.120, to be consumed on the premises of the business ~~+~~, other than a cannabis consumption lounge, as defined in section 2 of this act, in accordance with the provisions of chapter 678B of NRS.

10. The powers conferred by this section are in addition and supplemental to, and not in substitution for, and the limitations imposed by this section do not affect the powers conferred by, any other law. No part of this section repeals or affects any other law or any part thereof, it being intended that this section provide a separate method of accomplishing its objectives, and not an exclusive one.

Sec. 30.9. NRS 269.170 is hereby amended to read as follows:

269.170 1. Except as otherwise provided in subsections 5, 6 and 7 and NRS 576.128, 598D.150 and 640C.100, the town board or board of county commissioners may, in any unincorporated town:

(a) Fix and collect a license tax on, and regulate, having due regard to the amount of business done by each person so licensed, and all places of business and amusement so licensed, as follows:

(1) Artisans, artists, assayers, auctioneers, bakers, banks and bankers, barbers, boilermakers, cellars and places where soft drinks are kept or sold, clothes cleaners, foundries, laundries, lumberyards, manufacturers of soap, soda, borax or glue, markets, newspaper publishers, pawnbrokers, funeral directors and wood and coal dealers.

(2) Bootmakers, cobblers, dressmakers, milliners, shoemakers and tailors.

(3) Boardinghouses, hotels, lodging houses, restaurants and refreshment saloons.

(4) Barrooms, gaming, manufacturers of liquors and other beverages, and saloons.

(5) Billiard tables, bowling alleys, caravans, circuses, concerts and other exhibitions, dance houses, melodeons, menageries, shooting galleries, skating rinks and theaters.

(6) Corrals, hay yards, livery and sale stables and wagon yards.

(7) Electric light companies, illuminating gas companies, power companies, telegraph companies, telephone companies and water companies.

(8) Carts, drays, express companies, freight companies, job wagons, omnibuses and stages.

(9) Brokers, commission merchants, factors, general agents, mercantile agents, merchants, traders and stockbrokers.

(10) Drummers, hawkers, peddlers and solicitors.

(11) Insurance analysts, adjusters and managing general agents and producers of insurance within the limitations and under the conditions prescribed in NRS 680B.020.

(b) Fix and collect a license tax upon all professions, trades or business within the town not specified in paragraph (a).

2. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license presents written evidence that:

(a) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(b) Another regulatory agency of the State has issued or will issue a license required for this activity.

3. Any license tax levied for the purposes of NRS 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien must be enforced in the same manner as liens for ad valorem taxes on real and personal property. The town board or other governing body of the unincorporated town may delegate the power to enforce such liens to the county fair and recreation board.

4. The governing body or the county fair and recreation board may agree with the Department of Taxation for the continuing exchange of information concerning taxpayers.

5. The town board or board of county commissioners shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060, or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

6. The town board or board of county commissioners shall not require a person to obtain a license or pay a license tax pursuant to this section for a cannabis establishment, as defined in NRS 678A.095.

7. ~~The~~ Except as otherwise provided by regulations adopted by the Cannabis Compliance Board pursuant to section 12.9 of this act, the town board or board of county commissioners shall not license or otherwise allow a person to operate a business that allows cannabis, as defined in NRS 678A.085, or cannabis products, as defined in NRS 678A.120, to be consumed on the premises of the business ~~+~~, *other than a cannabis consumption lounge, as defined in section 2 of this act, in accordance with the provisions of chapter 678B of NRS.*

Sec. 31. Chapter 372A of NRS is hereby amended by adding thereto a new section to read as follows:

*"Cannabis consumption lounge" has the meaning ascribed to it in section 2 of this act.*

Sec. 32. NRS 372A.200 is hereby amended to read as follows:

372A.200 As used in NRS 372A.200 to 372A.380, inclusive, *and section 31 of this act*, unless the context otherwise requires, the words and terms defined in NRS 372A.205 to 372A.250, inclusive, *and section 31 of this act* have the meanings ascribed to them in those sections.

Sec. 33. NRS 372A.250 is hereby amended to read as follows:

372A.250 "Taxpayer" means a:

1. Cannabis cultivation facility; ~~+~~
2. Adult-use cannabis retail store ~~+~~; *or*
3. *Cannabis consumption lounge.*

Sec. 34. NRS 372A.290 is hereby amended to read as follows:

372A.290 1. An excise tax is hereby imposed on each wholesale sale in this State of cannabis by a medical cannabis cultivation facility to another cannabis establishment at the rate of 15 percent of the fair market value at wholesale of the cannabis. The excise tax imposed pursuant to this subsection is the obligation of the medical cannabis cultivation facility.

2. An excise tax is hereby imposed on each wholesale sale in this State of cannabis by an adult-use cannabis cultivation facility to another cannabis

establishment at the rate of 15 percent of the fair market value at wholesale of the cannabis. The excise tax imposed pursuant to this subsection is the obligation of the adult-use cannabis cultivation facility.

3. An excise tax is hereby imposed on each retail sale in this State of cannabis or cannabis products by an adult-use cannabis retail store *or cannabis consumption lounge* at the rate of 10 percent of the sales price of the cannabis or cannabis products. The excise tax imposed pursuant to this subsection:

(a) Is the obligation of the ~~adult-use cannabis retail store.~~ *seller of the cannabis or cannabis product;*

(b) Is separate from and in addition to any general state and local sales and use taxes that apply to retail sales of tangible personal property.

4. The revenues collected from the excise tax imposed pursuant to subsection 1 must be distributed:

(a) To the Cannabis Compliance Board and to local governments in an amount determined to be necessary by the Board to pay the costs of the Board and local governments in carrying out the provisions of chapter 678C of NRS; and

(b) If any money remains after the revenues are distributed pursuant to paragraph (a), to the State Treasurer to be deposited to the credit of the State Education Fund.

5. The revenues collected from the excise tax imposed pursuant to subsection 2 must be distributed:

(a) To the Cannabis Compliance Board and to local governments in an amount determined to be necessary by the Board to pay the costs of the Board and local governments in carrying out the provisions of chapter 678D of NRS; and

(b) If any money remains after the revenues are distributed pursuant to paragraph (a), to the State Treasurer to be deposited to the credit of the State Education Fund.

6. For the purpose of subsections 4 and 5, a total amount of \$5,000,000 of the revenues collected from the excise tax imposed pursuant to subsection 1 and the excise tax imposed pursuant to subsection 2 in each fiscal year shall be deemed sufficient to pay the costs of all local governments to carry out the provisions of chapters 678C and 678D of NRS. The Board shall, by regulation, determine the manner in which local governments may be reimbursed for the costs of carrying out the provisions of chapters 678C and 678D of NRS.

7. The revenues collected from the excise tax imposed pursuant to subsection 3 must be paid over as collected to the State Treasurer to be deposited to the credit of the State Education Fund.

8. As used in this section:

(a) "Adult-use cannabis cultivation facility" has the meaning ascribed to it in NRS 678A.025.

(b) ~~"Adult-use cannabis retail store" has the meaning ascribed to it in NRS 678A.065.~~

~~(c)}~~ "Cannabis product" has the meaning ascribed to it in NRS 678A120.

~~{(d)}~~ (c) "Local government" has the meaning ascribed to it in NRS 360.640.

~~{(e)}~~ (d) "Medical cannabis cultivation facility" has the meaning ascribed to it in NRS 678A.170.

~~{(f)}~~ (e) "Medical cannabis establishment" has the meaning ascribed to it in NRS 678A.180.

Sec. 35. NRS 387.1212 is hereby amended to read as follows:

387.1212 1. The State Education Fund is hereby created as a special revenue fund to be administered by the Superintendent of Public Instruction for the purpose of supporting the operation of the public schools in this State. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund.

2. Money which must be deposited for credit to the State Education Fund includes, without limitation:

(a) All money derived from interest on the State Permanent School Fund, as provided in NRS 387.030;

(b) The proceeds of the tax imposed pursuant to NRS 244.33561 and any applicable penalty or interest, less any amount retained by the county treasurer for the actual cost of collecting and administering the tax;

(c) The proceeds of the tax imposed pursuant to subsection 1 of NRS 387.195;

(d) The portion of the money in each special account created pursuant to subsection 1 of NRS 179.1187 which is identified in paragraph (d) of subsection 2 of NRS 179.1187;

(e) The money identified in subsection 1 of NRS 328.450;

(f) The money identified in subsection 1 of NRS 328.460;

(g) The money identified in paragraph (a) of subsection 2 of NRS 360.850;

(h) The money identified in paragraph (a) of subsection 2 of NRS 360.855;

(i) The money required to be paid over to the State Treasurer for deposit to the credit of the State Education Fund pursuant to subsection 4 of NRS 362.170;

(j) The portion of the proceeds of the tax imposed pursuant to subsection 1 of NRS 372A.290 identified in paragraph (b) of subsection 4 of NRS 372A.290;

(k) The proceeds of the tax imposed pursuant to subsection 3 of NRS 372A.290;

(l) The proceeds of the fees, taxes, interest and penalties imposed pursuant to chapter 374 of NRS, as transferred pursuant to subsection 3 of NRS 374.785;

(m) The money identified in paragraph (b) of subsection ~~{3}~~ 4 of NRS 678B.390;

(n) The portion of the proceeds of the excise tax imposed pursuant to subsection 1 of NRS 463.385 identified in paragraph (c) of subsection 5 of NRS 463.385;

(o) The money required to be distributed to the State Education Fund pursuant to subsection 3 of NRS 482.181;

(p) The portion of the net profits of the grantee of a franchise, right or privilege identified in NRS 709.110;

(q) The portion of the net profits of the grantee of a franchise identified in NRS 709.230;

(r) The portion of the net profits of the grantee of a franchise identified in NRS 709.270; and

(s) The direct legislative appropriation from the State General Fund required by subsection 3.

3. In addition to money from any other source provided by law, support for the State Education Fund must be provided by direct legislative appropriation from the State General Fund in an amount determined by the Legislature to be sufficient to fund the operation of the public schools in this State for kindergarten through grade 12 for the next ensuing biennium for the population reasonably estimated for that biennium. Money in the State Education Fund does not revert to the State General Fund at the end of a fiscal year, and the balance in the State Education Fund must be carried forward to the next fiscal year.

4. Money in the Fund must be paid out on claims as other claims against the State are paid.

5. The Superintendent of Public Instruction may create one or more accounts in the State Education Fund for the purpose of administering any money received from the Federal Government for the support of education and any State money required to be administered separately to satisfy any requirement imposed by the Federal Government. The money in any such account must not be considered when calculating the statewide base per pupil funding amount or appropriating money from the State Education Fund pursuant to NRS 387.1214. The interest and income earned on the money in any such account, after deducting any applicable charges, must be credited to the account.

Sec. 36. NRS 453.316 is hereby amended to read as follows:

453.316 1. A person who opens or maintains any place for the purpose of unlawfully selling, giving away or using any controlled substance is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. If a person convicted of violating this section has previously been convicted of violating this section, or if, in the case of a first conviction of violating this section, the person has been convicted of an offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under this section, the person 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, and may be further punished by a fine of not more than \$10,000.

3. This section does not apply to ~~any~~ :

(a) Any rehabilitation clinic established or licensed by the Division of Public and Behavioral Health of the Department.

(b) Any cannabis consumption lounge, as defined in section 2 of this act, whose activities are confined to those authorized in title 56 of NRS.

(c) Any person who opens or maintains any public place in which a person is authorized to consume cannabis, as defined in NRS 678A.085, or cannabis products, as defined in NRS 678A.120, pursuant to regulations adopted by the Cannabis Compliance Board pursuant to section 12.9 of this act, and whose activities are confined to those authorized by such regulations.

Sec. 36.1. Section 246 of chapter 595, Statutes of Nevada 2019, at page 3896, is hereby amended to read as follows:

Sec. 246. 1. This section and sections 199.3, 216.3 and 239.5 of this act become effective upon passage and approval.

2. Sections 197.5 and 198.5 of this act become effective upon passage and approval. ~~[and expire by limitation on June 30, 2021.]~~

3. Section 216.7 of this act becomes effective on November 23, 2019.

4. Sections 1 to 197, inclusive, 198, 199, 199.5, 201 to 216, inclusive, 217 to 239, inclusive, and 240 to 245, inclusive, of this act become effective:

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

(b) On July 1, 2020, for all other purposes.

5. ~~[Section 199.7 of this act becomes effective on July 1, 2021.]~~

~~—6.]~~ Sections 108 and 109 of this act expire by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

(b) Are in arrears in the payment for the support of one or more children,

↪ are repealed by the Congress of the United States.

Sec. 36.3. 1. ~~[Any]~~ The Cannabis Compliance Board shall provide to each person who, on ~~[October]~~ July 1, 2021, holds an adult-use cannabis establishment license for an adult-use cannabis retail store ~~[may, on or after October 1, 2021, submit to the Cannabis Compliance Board an application for the issuance of]~~ a written notification informing the person that the person may be eligible to hold an adult-use cannabis establishment license for a retail cannabis consumption lounge. ~~[in accordance with NRS 678B.250, as amended by section 14 of this act.]~~

2. The ~~[Cannabis Compliance Board shall not issue an]~~ notification required to be provided pursuant to subsection 1 must include, without limitation:

(a) A statement indicating that the person may be limited to holding one adult-use cannabis establishment license for a retail cannabis consumption lounge ~~to a person who submits an application pursuant to subsection 1, unless the Board has determined that the person has satisfied all applicable~~ pursuant to section 12.7 of this act; and

(b) A description of the procedures and requirements for the issuance of ~~such a~~ an adult-use cannabis establishment license ~~for~~ for a retail cannabis consumption lounge, as set forth in chapter 678B of NRS, as amended by this act, and the regulations adopted pursuant thereto.

Sec. 36.5. 1. On or before January 1, 2023, the Cannabis Compliance Board shall prepare and submit to the Director of the Legislative Counsel Bureau for transmission to the Legislature, a report regarding the effect of violations of NRS 598A.060 on independent cannabis consumption lounges. The report must include any recommendations for legislation that the Cannabis Compliance Board determines is necessary to ensure that such violations do not inhibit the growth of independent cannabis consumption lounges in this State.

2. As used in this section, "independent cannabis consumption lounge" has the meaning ascribed to it in section 3 of this act.

Sec. 36.7. Section 199.7 of chapter 595, Statutes of Nevada 2019, at page 3863 is hereby repealed.

Sec. 36.9. 1. This section and sections 36.1, 36.3 and 36.7 of this act become effective upon passage and approval.

2. Sections 1 to 36, inclusive, ~~36.3~~ and 36.5 of this act become effective on October 1, 2021.

#### TEXT OF REPEALED SECTION

Section 199.7 of chapter 595, Statutes of Nevada 2019:

Sec. 199.7. NRS 269.170 is hereby amended to read as follows:

269.170 1. Except as otherwise provided in subsections 5 ~~and~~ and 6 ~~and 7~~ and NRS 269.183, 576.128, 598D.150 and 640C.100, the town board or board of county commissioners may, in any unincorporated town:

(a) Fix and collect a license tax on, and regulate, having due regard to the amount of business done by each person so licensed, and all places of business and amusement so licensed, as follows:

(1) Artisans, artists, assayers, auctioneers, bakers, banks and bankers, barbers, boilermakers, cellars and places where soft drinks are kept or sold, clothes cleaners, foundries, laundries, lumberyards, manufacturers of soap, soda, borax or glue, markets, newspaper publishers, pawnbrokers, funeral directors and wood and coal dealers.

(2) Bootmakers, cobblers, dressmakers, milliners, shoemakers and tailors.

(3) Boardinghouses, hotels, lodging houses, restaurants and refreshment saloons.

(4) Barrooms, gaming, manufacturers of liquors and other beverages, and saloons.

(5) Billiard tables, bowling alleys, caravans, circuses, concerts and other exhibitions, dance houses, melodeons, menageries, shooting galleries, skating rinks and theaters.

(6) Corrals, hay yards, livery and sale stables and wagon yards.

(7) Electric light companies, illuminating gas companies, power companies, telegraph companies, telephone companies and water companies.

(8) Carts, drays, express companies, freight companies, job wagons, omnibuses and stages.

(9) Brokers, commission merchants, factors, general agents, mercantile agents, merchants, traders and stockbrokers.

(10) Drummers, hawkers, peddlers and solicitors.

(11) Insurance analysts, adjusters and managing general agents and producers of insurance within the limitations and under the conditions prescribed in NRS 680B.020.

(b) Fix and collect a license tax upon all professions, trades or business within the town not specified in paragraph (a).

2. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license presents written evidence that:

(a) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(b) Another regulatory agency of the State has issued or will issue a license required for this activity.

3. Any license tax levied for the purposes of NRS 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien must be enforced in the same manner as liens for ad valorem taxes on real and personal property. The town board or other governing body of the unincorporated town may delegate the power to enforce such liens to the county fair and recreation board.

4. The governing body or the county fair and recreation board may agree with the Department of Taxation for the continuing exchange of information concerning taxpayers.

5. The town board or board of county commissioners shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060, or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

6. The town board or board of county commissioners shall not require a person to obtain a license or pay a license tax pursuant to this section for a cannabis establishment, as defined in section 22 of this act.

~~{7. The town board or board of county commissioners shall not license or otherwise allow a person to operate a business that allows cannabis, as defined in section 18 of this act, or cannabis products, as defined in section 27 of this act, to be consumed on the premises of the business.}~~

Senator Brooks moved the adoption of the amendment.

Remarks by Senator Brooks.

Amendment No. 834 to Assembly Bill No. 341 makes a few minor adjustments to the bill. Section 10 clarifies it is an operational cannabis facility. Section 20 requires the Board to adopt regulations prescribing how to determine whether a person who holds an adult-use cannabis establishment license is ineligible to hold additional licenses. Section 18 clarifies existing law prohibits the consumption of cannabis or cannabis products in a public place. It authorizes the Board to adopt regulations setting forth circumstances under which a person is authorized to consume cannabis in a public place and makes other clarifying changes.

Conflict of interest declared by Senator Ohrenschall.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 349.

Bill read second time and ordered to third reading.

Assembly Bill No. 355.

Bill read second time and ordered to third reading.

Assembly Bill No. 363.

Bill read second time and ordered to third reading.

Assembly Bill No. 376.

Bill read second time and ordered to third reading.

Assembly Bill No. 387.

Bill read second time and ordered to third reading.

Assembly Bill No. 416.

Bill read second time and ordered to third reading.

Assembly Bill No. 432.

Bill read second time and ordered to third reading.

Assembly Bill No. 443.

Bill read second time and ordered to third reading.

Assembly Bill No. 445.

Bill read second time and ordered to third reading.

Assembly Bill No. 489.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 149.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 149 requires the Cannabis Compliance Board to develop, implement and maintain an electronic database containing certain information relating to the testing of cannabis and cannabis products by cannabis independent-testing laboratories. The database must contain the final results of all testing performed on cannabis or cannabis products that have been collected through computer software used for the seed-to-sale tracking of cannabis and cannabis products. In addition, the data must be easily accessible to the public and in an exportable format. Lastly, the Board must submit a biennial report to the Director of the Legislative Counsel Bureau for transmittal to the next regular Session of the Legislature that details the amount of data uploaded to the database and the statistical relevance of such data as it pertains to cannabis independent-testing laboratories in this State.

Conflict of interest declared by Senator Ohrenschall.

Roll call on Assembly Bill No. 149:

YEAS—20.

NAYS—None.

NOT VOTING—Ohrenschall.

Assembly Bill No. 149 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 365.

Bill read third time.

Remarks by Senators Lange, Seevers Gansert and Ohrenschall.

SENATOR LANGE:

Assembly Bill No. 365 declares the public policy of this State is that persons employed by the State be afforded respect, dignity and equity in the workplace. The bill requires the departments of the State government to prepare and submit to the Governor and the Legislature an annual report concerning equity in the workplace. This report will include a summary of each complaint filed by an employee in the immediately preceding calendar year that alleges conduct that is not unlawful, but against declared public policy of the State and any action taken in response to such a complaint. The annual report relating to the Judicial Branch of State government must be submitted to the Chief Justice of the Supreme Court of Nevada.

The bill requires the Administrator of the Division of Human Resource Management of the Department of Administration to evaluate annually the effectiveness of any policy of the Division intended to encourage equity in the workforce for persons of color and other persons of marginalized identities and to prepare and submit a report to the Governor and the Legislature concerning the results of the evaluation.

Finally, the bill requires the Personnel Commission within the Division of Human Resource Management to adopt regulations for training of supervisors and managerial employees concerning implicit bias.

SENATOR SEEVERS GANSERT:

I oppose this legislation. We had quite a bit of discussion in the hearing, and while the policy is as presented as far as ensuring people are treated with respect, dignity and equity in the workplace is what we absolutely need to do. What this bill does is provide for a complaint system

for issues that are not unlawful, but there are no protections for those who make complaints concerning retribution, confidentiality and so forth. There is no process set up across the board to be able to provide complaints, respond to complaints and to report the complaints. There is no structure around this. When you are talking about personnel issues and we are talking about someone making a complaint about a fellow employee, it is important that those are treated carefully, confidentially and the individual who is making the complaint has assurances that there will not be retribution. This language is extremely loose. Again, these are for acts that are not unlawful. I urge opposition.

SENATOR OHRENSCHALL:

I understand the concerns of the Senator from District 15, and I cannot say they are not valid. I do not see this bill changes the current state of affairs. If someone is harassed in the workplace in a way that does not rise to the level of breaking any laws, the information contained in these reports remain nameless, confidential and not reveal personal information. I do not see anything changing in current law to support what my colleague is concerned about.

SENATOR SEEVERS GANSERT:

I have worked in a couple of different areas of government. The sponsor is trying to address what are cultural issues and ensuring a respectful workplace. When there were problems in the past and those issues were brought to supervisors, there was a process to have an external investigation and someone come in and investigate the issues and attempt to address those problems. We need a supportive work environment for our employees. This bill is laudable, but there are no processes or protections around it. We had an earlier bill around harassment and things that are unlawful, and we worked diligently to ensure individuals who were victims had protections.

Roll call on Assembly Bill No. 365:

YEAS—12.

NAYS—Buck, Goicoechea, Hammond, Hansen, Hardy, Kieckhefer, Pickard, Seevers Gansert, Settelmeyer—9.

Assembly Bill No. 365 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 422.

Bill read third time.

The following amendment was proposed by Senator Ohrenschall:

Amendment No. 813.

SUMMARY—Makes various changes relating to elections. (BDR 24-1040)

AN ACT relating to elections; requiring the Secretary of State to create a centralized database that collects and stores voter preregistration and registration information from all of the counties; requiring each county clerk to use the database created by the Secretary of State to collect and store preregistration and registration information; making various other changes related to the creation and use of the database created by the Secretary of State; revising provisions governing risk-limiting audits of elections; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Secretary of State to establish and maintain an official statewide voter registration list in consultation with each county and

city clerk which serves as the official list of registered voters in this State. (NRS 293.675) Section 32 of this bill requires the Secretary of State to establish and maintain a centralized, top-down database that collects and stores information relating to voter preregistration and registration from all counties. Section 32 further requires: (1) the county clerks to use the database to collect and maintain all information related to voter preregistration and registration; and (2) the Secretary of State to use the voter registration information contained in the database to create the official statewide voter list. Sections 1-31, 33-37 and 39 of this bill make conforming changes to existing provisions relating to elections, voter preregistration and voter registration to account for the required use of the centralized database.

Section 39.5 of this bill requires the Secretary of State to, beginning on January 1, 2022, and ending on January 1, 2024, submit a semi-annual report to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee detailing the progress made by the Secretary of State in implementing the provisions of this bill ~~+~~ related to the centralized, top-down database.

Existing law: (1) requires the Secretary of State to develop a pilot program for conducting a risk-limiting audit of the results of the 2020 general election; and (2) authorizes the Secretary of State to require each county clerk to participate in the pilot program and conduct a risk-limiting audit of the results of the 2020 general election. (Section 86 of chapter 546, Statutes of Nevada 2019, at page 3426) Effective January 1, 2022, existing law requires each county clerk to conduct a risk-limiting audit of the results of an election prior to the certification of the results of the election. (NRS 293.394) Section 37.3 of this bill delays the effective date of this requirement until January 1, 2024. Section 37.7 of this bill: (1) requires the Secretary of State to develop a pilot program for conducting a risk-limiting audit of the results of the 2022 general election; and (2) authorizes the Secretary of State to require each county clerk to participate in the pilot program and conduct a risk-limiting audit of the results of the 2022 general election.

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

Section 1. NRS 293.017 is hereby amended to read as follows:

293.017 "Active registration" means a current registration of a voter in the ~~official register,~~ *statewide voter registration list*, entitling such voter to vote in the manner provided by this title.

Sec. 2. NRS 293.1277 is hereby amended to read as follows:

293.1277 1. If the Secretary of State finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, the Secretary of State shall immediately so notify the county clerks. After the notification, each of the county clerks shall determine the number of registered voters who have signed the documents submitted in the county clerk's county and, in the case of a petition for initiative or referendum proposing a

constitutional amendment or statewide measure, shall tally the number of signatures for each petition district contained or fully contained within the county clerk's county. This determination must be completed within 9 days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 293.128, 295.056, 298.109 or 306.110, within 20 days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 306.035, and within 3 days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 293.172 or 293.200. For the purpose of verification pursuant to this section, the county clerk shall not include in his or her tally of total signatures any signature included in the incorrect petition district.

2. Except as otherwise provided in subsections 3 and 4, if more than 500 names have been signed on the documents submitted to a county clerk, the county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerk is given an equal opportunity to be included in the sample. The sample must include an examination of:

(a) Except as otherwise provided in paragraph (b), at least 500 or 5 percent of the signatures, whichever is greater.

(b) If the petition is for the recall of a public officer who holds a statewide office, at least 25 percent of the signatures.

↪ If documents were submitted to the county clerk for more than one petition district wholly contained within that county, a separate random sample must be performed for each petition district.

3. If a petition district comprises more than one county and the petition is for an initiative or referendum proposing a constitutional amendment or a statewide measure, and if more than 500 names have been signed on the documents submitted for that petition district, the appropriate county clerks shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerks within the petition district is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures presented in the petition district, whichever is greater. The Secretary of State shall determine the number of signatures that must be verified by each county clerk within the petition district.

4. If a petition is for the recall of a public officer who does not hold a statewide office, each county clerk:

(a) Shall not examine the signatures by sampling them at random for verification;

(b) Shall examine for verification every signature on the documents submitted to the county clerk; and

(c) When determining the total number of valid signatures on the documents, shall remove each name of a registered voter who submitted a request to have his or her name removed from the petition pursuant to NRS 306.015.

5. In determining from the records of registration the number of registered voters who signed the documents, the county clerk may use the signatures contained in the file of applications to register to vote. If the county clerk uses that file, the county clerk shall ensure that every application in the file is examined, including any application in his or her possession which may not yet be entered into the county clerk's records. Except as otherwise provided in subsection 6, the county clerk shall rely only on the appearance of the signature and the address and date included with each signature in making his or her determination.

6. If:

~~(a) Pursuant to NRS 293.506, a county clerk establishes a system to allow persons to register to vote by computer;~~

~~(b)~~ A person registers to vote using the system established by the Secretary of State pursuant to NRS 293.671;

~~(c)~~ (b) A person registers to vote pursuant to NRS 293D.230 and signs his or her application to register to vote using a digital signature or an electronic signature; or

~~(d)~~ (c) A person registers to vote pursuant to NRS 293.5742,

↳ the county clerk may rely on such other indicia as prescribed by the Secretary of State in making his or her determination.

7. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, when the county clerk is determining the number of registered voters who signed the documents from each petition district contained fully or partially within the county clerk's county, he or she must use the statewide voter registration list available pursuant to NRS 293.675.

8. Except as otherwise provided in subsection 10, upon completing the examination, the county clerk shall immediately attach to the documents a certificate properly dated, showing the result of the examination, including the tally of signatures by petition district, if required, and transmit the documents with the certificate to the Secretary of State. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, if a petition district comprises more than one county, the appropriate county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the certificate. A copy of this certificate must be filed in the clerk's office. When the county clerk transmits the certificate to the Secretary of State, the county clerk shall notify the Secretary of State of the number of requests to remove a name received by the

county clerk pursuant to NRS 295.055 or pursuant to NRS 306.015 for a petition to recall a public officer who holds a statewide office, if applicable.

9. A person who submits a petition to the county clerk which is required to be verified pursuant to NRS 293.128, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be allowed to witness the verification of the signatures. A public officer who is the subject of a recall petition must also be allowed to witness the verification of the signatures on the petition.

10. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not transmit to the Secretary of State the documents containing the signatures of the registered voters.

11. The Secretary of State shall by regulation establish further procedures for carrying out the provisions of this section.

Sec. 3. 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~~ the system established by the Secretary of State pursuant to NRS 293.671 for using a computer to register voters.

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. 4. NRS 293.3165 is hereby amended to read as follows:

293.3165 1. Except as otherwise provided in this section, a registered voter who provides sufficient written notice to the county clerk may request that the registered voter receive an absent ballot for all elections at which the registered voter is eligible to vote. The written notice is effective for all elections that are conducted after the registered voter provides the written notice to the county clerk, except that the written notice is not effective for the next ensuing election unless the written notice is provided to the county clerk before the time has elapsed for requesting an absent ballot for the election pursuant to subsection 1 of NRS 293.313.

2. Except as otherwise provided in this section or for an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive, upon receipt of the written notice provided by the registered voter pursuant to subsection 1, the county clerk shall:

(a) Issue an absent ballot to the registered voter for each primary election, general election and special election, other than a special city election, that is conducted after the written notice is effective pursuant to subsection 1.

(b) Inform the applicable city clerk of receipt of the written notice provided by the registered voter. Upon being informed of the written notice by the

county clerk, the city clerk shall issue an absent ballot for each primary city election, general city election and special city election that is conducted after the written notice is effective pursuant to subsection 1.

3. The county clerk must not mail an absent ballot requested by a registered voter pursuant to subsection 1 if, after the request is submitted:

(a) The registered voter is designated inactive pursuant to NRS 293.530;

(b) The county clerk cancels the registration of the person pursuant to NRS ~~293.527,~~ 293.530, 293.535 or 293.540; ~~for~~

(c) *The registered voter has moved to another county and the county clerk of that county has updated the voter's registration on the statewide voter registration list pursuant to NRS 293.527; or*

(d) An absent ballot is returned to the county clerk as undeliverable, unless the registered voter has submitted a new request pursuant to subsection 1.

4. The procedure authorized pursuant to this section is subject to all other provisions of this chapter relating to voting by absent ballot to the extent that those provisions are not inconsistent with the provisions of this section.

Sec. 5. NRS 293.4855 is hereby amended to read as follows:

293.4855 1. Every citizen of the United States who is 17 years of age or older but less than 18 years of age and has continuously resided in this State for 30 days or longer may preregister to vote by any of the methods available for a person to register to vote pursuant to this title. A person eligible to preregister to vote is deemed to be preregistered to vote upon the submission of a completed application to preregister to vote.

2. If a person preregisters to vote, he or she shall be deemed to be a registered voter on his or her 18th birthday unless:

(a) The person's preregistration has been cancelled as described in subsection 7; or

(b) Except as otherwise provided in NRS 293D.210, on the person's 18th birthday, he or she does not satisfy the voter eligibility requirements set forth in NRS 293.485.

3. The county clerk shall issue to a person who is deemed to be registered to vote pursuant to subsection 2 a voter registration card as soon as practicable after the person is deemed to be registered to vote, but the issuance of a voter registration card to the person is not a prerequisite to vote in an election.

4. On the date that a person who preregisters to vote is deemed to be registered to vote, his or her application to preregister to vote is deemed to be his or her application to register to vote.

5. If a person preregistered to vote:

(a) By mail or computer, he or she shall be deemed to have registered to vote by mail or computer, as applicable.

(b) In person, he or she shall be deemed to have registered to vote in person.

6. The preregistration information of a person may be updated by any of the methods for updating the voter registration information of a person pursuant to this chapter.

7. The preregistration to vote of a person may be cancelled by any of the means and for any of the reasons for cancelling voter registration pursuant to this chapter.

8. Except as otherwise provided in this subsection, all preregistration information relating to a person is confidential and is not a public record. Once a person's application to preregister to vote is deemed to be an application to register to vote, any voter registration information related to the person must be disclosed pursuant to any law that requires voter registration information to be disclosed.

9. The Secretary of State shall adopt regulations providing for preregistration to vote. The regulations:

(a) Must include, without limitation, provisions to ensure that once a person is deemed to be a registered voter pursuant to subsection 2, the person is issued a voter registration card as soon as practicable and is immediately added to the statewide voter registration list ; ~~and the registrar of voters' register;~~ and

(b) Must not require a county clerk to provide to a person who preregisters to vote sample ballots or any other voter information provided to registered voters unless the person will be eligible to vote at the election for which the sample ballots or other information is provided.

Sec. 6. NRS 293.503 is hereby amended to read as follows:

293.503 1. The county clerk of each county where a registrar of voters has not been appointed pursuant to NRS 244.164:

(a) Is ex officio county registrar and registrar for all precincts within the county.

(b) Shall have the custody of all books, documents and papers pertaining to preregistration or registration provided for in this chapter.

2. All books, documents and papers pertaining to preregistration or registration are official records of the office of the county clerk.

3. The county clerk shall maintain records of any program or activity that is conducted within the county to ensure the accuracy and currency of the ~~registrar of voters' register~~ *statewide voter registration list* for not less than 2 years after creation. The records must include the names and addresses of any person to whom a notice is mailed pursuant to NRS 293.5235, 293.530, or 293.535 and whether the person responded to the notice.

4. Any program or activity that is conducted within the county for the purpose of removing the name of each person who is ineligible to vote in the county from the ~~registrar of voters' register~~ *statewide voter registration list* must be complete not later than 90 days before the next primary or general election.

5. Except as otherwise provided by subsection 6, all records maintained by the county clerk pursuant to subsection 3 must be available for public inspection.

6. Except as otherwise provided in NRS 239.0115, any information relating to where a person preregisters or registers to vote must remain confidential and is not available for public inspection. Such information may

only be used by an election officer for purposes related to preregistration and registration.

Sec. 7. NRS 293.506 is hereby amended to read as follows:

293.506 ~~1. A county clerk may, with approval of the board of county commissioners, establish a system for using a computer to register voters and to keep records of registration.~~

~~2. A system established pursuant to subsection 1 must:~~

~~(a) Comply with any procedures and requirements prescribed by the Secretary of State pursuant to NRS 293.250; and~~

~~(b) Allow a person to preregister to vote and the county clerk to keep records of preregistration by computer.~~

~~3.] Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive, [regardless of whether a county clerk establishes a system pursuant to subsection 1,] the county clerk shall accept applications to preregister and register to vote submitted by computer to the Secretary of State through the system established by the Secretary of State pursuant to NRS 293.671.~~

Sec. 8. NRS 293.510 is hereby amended to read as follows:

293.510 1. ~~[Except as otherwise provided in subsection 3, in counties where computers are not used to register voters, the] Each county clerk shall [:~~

~~(a) Segregate original applications to register to vote according to the precinct in which the registered voters reside and arrange the applications in each precinct or district in alphabetical order. The applications for each precinct or district must be kept separately] use the database created by the Secretary of State pursuant to NRS 293.675 to prepare a roster for each precinct or district. [These applications must be used to prepare the rosters.~~

~~(b) Arrange the duplicate applications of registration in alphabetical order for the entire county and keep them in binders or a suitable file which constitutes the registrar of voters' register.~~

~~2. Except as otherwise provided in subsection 3, in any county where a computer is used to register voters, the county clerk shall:~~

~~(a) Arrange the original applications to register to vote for the entire county in a manner in which an original application may be quickly located. These original applications constitute the registrar of voters' register.~~

~~(b) Segregate the applications to register to vote in a computer file according to the precinct or district in which the registered voters reside, and for each precinct or district have printed a computer listing which contains the applications to register to vote in alphabetical order. These listings of applications to register to vote must be used to prepare the rosters.~~

~~3. From the applications to register to vote received by each county clerk, the county clerk shall:~~

~~(a) Segregate the applications electronically transmitted by the Department of Motor Vehicles pursuant to subsection 1 of NRS 293.5747 in a computer file according to the precinct or district in which the registered voters reside; and~~

~~—(b) Arrange the applications in each precinct or district in alphabetical order.~~

~~—4.]~~ 2. Each county clerk shall keep the applications to preregister to vote separate from the applications to register to vote until such applications are deemed to be applications to register to vote pursuant to subsection 2 of NRS 293.4855.

Sec. 9. NRS 293.513 is hereby amended to read as follows:

293.513 If at any time ~~[the registrar of voters' register]~~ voter registration is closed for one election, but open for some other election, any elector must be permitted to register *to vote* for the other election. ~~[, but the county clerk shall retain the elector's application to register to vote in a separate file until the registrar of voters' register is again open for filing of applications at which time all applications in the temporary file must be placed in their proper position in the registrar of voters' register.]~~

Sec. 10. 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;

(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]~~

~~established~~ 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† 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. 11. NRS 293.518 is hereby amended to read as follows:

293.518 1. Except as otherwise provided in NRS 293.5737 and 293.5742, at the time a person preregisters or an elector registers to vote, the person or elector must indicate:

(a) A political party affiliation; or

(b) That he or she is not affiliated with a political party.

↪ A person or an elector who indicates that he or she is "independent" shall be deemed not affiliated with a political party.

2. If a person or an elector indicates that he or she is not affiliated with a political party, or is independent, the county clerk or field registrar of voters shall list the person's or elector's political party as nonpartisan.

3. If a person or an elector indicates an affiliation with a major political party or a minor political party that has filed a certificate of existence with the Secretary of State, the county clerk or field registrar of voters shall list the person's or elector's political party as indicated by the person or elector.

4. If a person or an elector indicates an affiliation with a minor political party that has not filed a certificate of existence with the Secretary of State, the county clerk or field registrar of voters shall:

(a) List the person's or elector's political party as the party indicated in the application to preregister or register to vote, as applicable.

(b) When compiling data related to preregistration and voter registration for the county, report the person's or elector's political party as "other party."

5. Except as otherwise provided in subsection 6, if a person or an elector does not make any of the indications described in subsection 1, the county clerk or field registrar of voters shall:

(a) List the person's or elector's political party as nonpartisan; and

(b) Mail to the person or elector a notice setting forth that the person has been preregistered or the elector has been registered to vote, as applicable, as a nonpartisan because he or she did not make any of the indications described in subsection 1.

6. Except as otherwise provided in subsection 7, if a person who is preregistered or registered to vote:

(a) Submits a new paper application to preregister or register to vote ; ~~in the same county in which the person is preregistered or registered to vote;~~ and

(b) Does not make any of the indications described in subsection 1 on the new paper application,

↳ the county clerk or field registrar of voters shall not change the person's existing political party affiliation that was established by his or her prior application pursuant to this section and is listed in the ~~current records of the county clerk.~~ *statewide voter registration list.*

7. The provisions of subsection 6 do not apply to a voter who registers to vote using the National Mail Voter Registration Application promulgated by the United States Election Assistance Commission pursuant to the National Voter Registration Act, 52 U.S.C. §§ 20501 et seq., as amended.

Sec. 12. NRS 293.5235 is hereby amended to read as follows:

293.5235 1. Except as otherwise provided in NRS 293.502 and chapter 293D of NRS, a person may preregister or register to vote by:

(a) Mailing an application to preregister or register to vote to the county clerk of the county in which the person resides.

(b) A computer using ~~;~~

~~—(1) The~~ *the* system established by the Secretary of State pursuant to NRS 293.671 . ~~;~~

~~—(2) A system established by the county clerk, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to preregister or register to vote.~~

(c) Any other method authorized by the provisions of this title.

2. The county clerk shall, upon request, mail an application to preregister or register to vote to an applicant. The county clerk shall make the applications available at various public places in the county.

3. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive:

(a) An application to preregister to vote may be used to correct information in a previous application.

(b) An application to register to vote may be used to correct information in the ~~registrar of voters' register.~~ *statewide voter registration list.*

4. An application to preregister or register to vote which is mailed to an applicant by the county clerk or made available to the public at various locations or voter registration agencies in the county may be returned to the county clerk by mail or in person. For the purposes of this section, an application which is personally delivered to the county clerk shall be deemed to have been returned by mail.

5. The applicant must complete the application, including, without limitation, checking the boxes described in paragraphs (b) and (c) of subsection 12 and signing the application.

6. The county clerk shall, upon receipt of an application, determine whether the application is complete.

7. If the county clerk determines that the application is complete, he or she shall, within 10 days after receiving the application, mail to the applicant:

(a) A notice that the applicant is preregistered or registered to vote, as applicable. If the applicant is registered to vote, the county clerk must also mail to the applicant a voter registration card; or

(b) A notice that the person's application to preregister to vote or the ~~registrar of voters' register~~ *statewide voter registration list* has been corrected to reflect any changes indicated on the application.

8. Except as otherwise provided in subsections 5 and 6 of NRS 293.518 and NRS 293.5767, if the county clerk determines that the application is not complete, the county clerk shall, as soon as possible, mail a notice to the applicant that additional information is required to complete the application. If the applicant provides the information requested by the county clerk within 15 days after the county clerk mails the notice, the county clerk shall, within 10 days after receiving the information, mail to the applicant:

(a) A notice that the applicant is:

(1) Preregistered to vote; or

(2) Registered to vote and a voter registration card; or

(b) A notice that the person's application to preregister to vote or the ~~registrar of voters' register~~ *statewide voter registration list* has been corrected to reflect any changes indicated on the application.

↪ If the applicant does not provide the additional information within the prescribed period, the application is void.

9. The applicant shall be deemed to be preregistered or registered or to have corrected the information in the application to preregister to vote or the ~~registrar of voters' register~~ *statewide voter registration list* on the date the application is postmarked or received by the county clerk, whichever is earlier.

10. If the applicant fails to check the box described in paragraph (b) of subsection 12, the application shall not be considered invalid, and the county clerk shall provide a means for the applicant to correct the omission at the time the applicant appears to vote in person at the assigned polling place.

11. The Secretary of State shall prescribe the form for applications to preregister or register to vote by:

(a) Mail, which must be used to preregister or register to vote by mail in this State.

(b) Computer, which must be used to preregister or register to vote by computer using ~~the~~

~~(1) The~~ *the* system established by the Secretary of State pursuant to NRS 293.671. ~~or~~

~~(2) A system established by the county clerk, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to preregister or register to vote.~~

12. The application to preregister or register to vote by mail must include:

(a) A notice in at least 10-point type which states:

NOTICE: You are urged to return your application to the County Clerk in person or by mail. If you choose to give your completed application to another person to return to the County Clerk on your behalf, and the person fails to deliver the application to the County Clerk, you will not be preregistered or registered to vote, as applicable. Please retain the duplicate copy or receipt from your application to preregister or register to vote.

(b) The question, "Are you a citizen of the United States?" and boxes for the applicant to check to indicate whether or not the applicant is a citizen of the United States.

(c) If the application is to:

(1) Preregister to vote, the question, "Are you at least 17 years of age and not more than 18 years of age?" and boxes to indicate whether or not the applicant is at least 17 years of age and not more than 18 years of age.

(2) Register to vote, the question, "Will you be at least 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be at least 18 years of age or older on election day.

(d) A statement instructing the applicant not to complete the application if the applicant checked "no" in response to the question set forth in:

(1) If the application is to preregister to vote, paragraph (b) or subparagraph (1) of paragraph (c).

(2) If the application is to register to vote, paragraph (b) or subparagraph (2) of paragraph (c).

(e) A statement informing the applicant that if the application is submitted by mail and the applicant is preregistering or registering to vote for the first time, the applicant must submit the information set forth in paragraph (a) of subsection 2 of NRS 293.2725 to avoid the requirements of subsection 1 of NRS 293.2725 upon voting for the first time.

13. Except as otherwise provided in subsections 5 and 6 of NRS 293.518, the county clerk shall not preregister or register a person to vote pursuant to this section unless that person has provided all of the information required by the application.

14. The county clerk shall mail, by postcard, the notices required pursuant to subsections 7 and 8. If the postcard is returned to the county clerk by the United States Postal Service because the address is fictitious or the person does not live at that address, the county clerk shall attempt to determine whether the person's current residence is other than that indicated on the application to preregister or register to vote in the manner set forth in NRS 293.530.

15. A person who, by mail, preregisters or registers to vote pursuant to this section may be assisted in completing the application to preregister or register to vote by any other person. The application must include the mailing address and signature of the person who assisted the applicant. The failure to provide

the information required by this subsection will not result in the application being deemed incomplete.

16. An application to preregister or register to vote must be made available to all persons, regardless of political party affiliation.

17. An application must not be altered or otherwise defaced after the applicant has completed and signed it. An application must be mailed or delivered in person to the office of the county clerk within 10 days after it is completed.

18. A person who willfully violates any of the provisions of subsection 15, 16 or 17 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

19. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 13. NRS 293.525 is hereby amended to read as follows:

293.525 1. Any elector who is presently registered and has changed residence after the last preceding general election and who fails to return or never receives a postcard mailed pursuant to NRS 293.5235, 293.530 or 293.535 who moved:

(a) From one precinct to another or from one congressional district to another within the same county must be allowed to vote in the precinct where the elector previously resided after providing an oral or written affirmation before an election board officer attesting to his or her new address.

(b) Within the same precinct must be allowed to vote after providing an oral or written affirmation before an election board officer attesting to his or her new address.

2. If an elector alleges that the ~~records in the registrar of voters' register~~ *statewide voter registration list* or the roster incorrectly indicate that the elector has changed residence, the elector must be permitted to vote after providing an oral or written affirmation before an election board officer attesting that he or she continues to reside at the same address.

3. If an elector refuses to provide an oral or written affirmation attesting to his or her address as required by this section, the elector may only vote at the special polling place in the county in the manner set forth in NRS 293.304.

4. The county clerk shall use any information regarding the current address of an elector obtained pursuant to this section to correct information in the ~~registrar of voters' register~~ *statewide voter registration list* and the roster.

Sec. 14. NRS 293.527 is hereby amended to read as follows:

293.527 When a person moves to another county and preregisters to vote therein, or an elector moves to another county and registers to vote therein, the county clerk of the county where the person or elector has moved shall ~~send a cancellation notice to the clerk of the county in which the person or elector previously resided. The county clerk receiving such a notice shall cancel the preregistration or registration of the person or elector and place it in a cancelled file.~~ *update the person's preregistration or elector's registration, as*

*applicable, in the database created by the Secretary of State pursuant to NRS 293.675.*

Sec. 15. NRS 293.533 is hereby amended to read as follows:

293.533 Any elector may bring and any number of electors may join in an action or proceeding in a district court to compel the county clerk to enter the name of such elector or electors in the ~~{registrar of voters' register}~~ *statewide voter registration list* and the roster.

Sec. 16. NRS 293.537 is hereby amended to read as follows:

293.537 1. The county clerk of each county shall maintain:

(a) A file of the applications to preregister to vote of persons who have cancelled their preregistration; and

(b) A file of the applications to register to vote of electors who have cancelled their registration, ~~{~~

~~}~~ *in the database created by the Secretary of State pursuant to NRS 293.675.*

The files must be kept in alphabetical order. The county clerk shall mark the applications "Cancelled," and indicate thereon the reason for cancellation.

2. If the county clerk finds that the preregistration of a person was cancelled erroneously, the county clerk shall reinstate the person's application to preregister to vote.

3. If the county clerk finds that the registration of an elector was cancelled erroneously, the county clerk shall reregister the elector or on election day allow the elector whose registration was erroneously cancelled to vote pursuant to NRS 293.304, 293.525, 293C.295 or 293C.525.

4. The county clerk ~~{may:~~

~~—(a) Microfilm the applications to preregister or register to vote of a person or an elector who cancels his or her preregistration or registration, as applicable, and destroy the originals at any time.~~

~~—(b) Record} shall record cancelled applications to preregister or register to vote {by computer} in the database created by the Secretary of State pursuant to NRS 293.675 and destroy the originals at any time.~~

~~{(c) Destroy any application to preregister or register to vote of a person or an elector who cancels his or her preregistration or registration, as applicable, after the expiration of 3 years after the date of cancellation.}~~

Sec. 17. NRS 293.541 is hereby amended to read as follows:

293.541 1. The county clerk shall cancel the preregistration of a person or the registration of a voter if:

(a) After consultation with the district attorney, the district attorney determines that there is probable cause to believe that information in the application to preregister or register to vote concerning the identity or residence of the person or voter is fraudulent;

(b) The county clerk provides a notice as required pursuant to subsection 2 or executes an affidavit of cancellation pursuant to subsection 3; and

(c) The person or voter fails to present satisfactory proof of identity and residence pursuant to subsection 2, 4 or 5.

2. Except as otherwise provided in subsection 3, the county clerk shall notify the person or voter by registered or certified mail, return receipt requested, of a determination made pursuant to subsection 1. The notice must set forth the grounds for cancellation. Unless the person or voter, within 15 days after the return receipt has been filed in the office of the county clerk, presents satisfactory proof of identity and residence to the county clerk, the county clerk shall cancel the person's preregistration or the voter's registration, as applicable.

3. If insufficient time exists before a pending election to provide the notice required by subsection 2 to a registered voter, the county clerk shall execute an affidavit of cancellation and ~~file the affidavit of cancellation with the registrar of voters' register and:~~

~~—(a) In counties where records of registration are not kept by computer, the county clerk shall~~ attach a copy of the affidavit of cancellation in the roster.

~~[(b) In counties where records of registration are kept by computer, the county clerk shall have the affidavit of cancellation printed on the computer entry for the registration and add a copy of it to the roster.]~~

4. If a voter appears to vote at the election next following the date that an affidavit of cancellation was executed for the voter pursuant to this section, the voter must be allowed to vote only if the voter furnishes:

(a) Official identification which contains a photograph of the voter, including, without limitation, a driver's license or other official document; and

(b) Satisfactory identification that contains proof of the address at which the voter actually resides and that address is consistent with the address listed on the roster.

5. If a determination is made pursuant to subsection 1 concerning information in the registration to vote of a voter and an absent ballot or a ballot voted by a voter who resides in a mailing precinct is received from the voter, the ballot must be kept separate from other ballots and must not be counted unless the voter presents satisfactory proof to the county clerk of identity and residence before such ballots are counted on election day.

6. For the purposes of this section, a voter registration card does not provide proof of the:

(a) Address at which a person actually resides; or

(b) Residence or identity of a person.

Sec. 18. NRS 293.547 is hereby amended to read as follows:

293.547 1. After the 30th day but not later than the 25th day before any election, a written challenge may be filed with the county clerk.

2. A registered voter may file a written challenge if:

(a) He or she is registered to vote in the same precinct as the person whose right to vote is challenged; and

(b) The challenge is based on the personal knowledge of the registered voter.

3. The challenge must be signed and verified by the registered voter and name the person whose right to vote is challenged and the ground of the challenge.

4. A challenge filed pursuant to this section must not contain the name of more than one person whose right to vote is challenged. The county clerk shall not accept for filing any challenge which contains more than one such name.

5. The county clerk shall:

(a) ~~File the challenge in the registrar of voters' register and:~~

~~—(1) In counties where records of registration are not kept by computer, he or she shall attach~~ Attach a copy of the challenge to the challenged registration in the roster.

~~[(2) In counties where records of registration are kept by computer, he or she shall have the challenge printed on the computer entry for the challenged registration and add a copy of it to the roster.]~~

(b) Within 5 days after a challenge is filed, mail a notice in the manner set forth in NRS 293.530 to the person whose right to vote has been challenged pursuant to this section informing the person of the challenge. If the person fails to respond or appear to vote within the required time, the county clerk shall cancel the person's registration. A copy of the challenge and information describing how to reregister properly must accompany the notice.

(c) Immediately notify the district attorney. A copy of the challenge must accompany the notice.

6. Upon receipt of a notice pursuant to this section, the district attorney shall investigate the challenge within 14 days and, if appropriate, cause proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay. The court shall give such proceedings priority over other civil matters that are not expressly given priority by law. Upon court order, the county clerk shall cancel the registration of the person whose right to vote has been challenged pursuant to this section.

Sec. 19. NRS 293.548 is hereby amended to read as follows:

293.548 1. A person who files a written challenge pursuant to NRS 293.547 or an affidavit pursuant to NRS 293.535 may withdraw the challenge or affidavit not later than the 25th day before the date of the election, by submitting a written request to the county clerk. Upon receipt of the request, the county clerk shall:

(a) Remove the challenge or affidavit from ~~the registrar of voters' register,~~ any roster and any other record in which the challenge or affidavit has been filed or entered;

(b) If a notice of the challenge or affidavit has been mailed to the person who is the subject of the challenge or affidavit, mail a notice and a copy of the request to withdraw to that person; and

(c) If a notice of the challenge has been mailed to the district attorney, mail a notice and a copy of the request to withdraw to the district attorney.

2. If the county clerk receives a request to withdraw pursuant to subsection 1, the county clerk shall withdraw the person's challenge or affidavit.

Sec. 20. 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:

(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. 21. NRS 293.5727 is hereby amended to read as follows:

293.5727 1. Except as otherwise provided in this section, the Department of Motor Vehicles shall provide a paper application to preregister or register to vote to each person who:

(a) Applies for the issuance or renewal of any type of driver's license or identification card issued by the Department; and

(b) Does not apply to register to vote pursuant to NRS 293.5742.

2. The county clerk shall use the paper applications to preregister or register to vote which are signed and completed pursuant to subsection 1 to preregister or register ~~[applicants]~~ *an applicant* to vote or to correct ~~[information in a person's previous application to preregister or the registrar of voters' register.]~~ *the preregistration or registration of the applicant, as applicable.* A paper application that is not signed must not be used to preregister or register or correct the preregistration or registration of the applicant.

3. For the purposes of this section, each employee specifically authorized to do so by the Director of the Department may oversee the completion of a paper application. The authorized employee shall check the paper application for completeness and verify the information required by the paper application. Each paper application must include a duplicate copy or receipt to be retained by the applicant upon completion of the form. The Department shall, except as otherwise provided in this subsection, forward each paper application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. The paper applications must be forwarded daily during the 2 weeks immediately preceding the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable.

4. The Department is not required to provide a paper application to register to vote pursuant to subsection 1 to a person who declines to apply to register to vote pursuant to this section and submits to the Department a written form that meets the requirements of 52 U.S.C. § 20506(a)(6). Information related to the declination to apply to register to vote must not be used for any purpose other than voter registration.

5. The county clerk shall accept any paper application to:

(a) Preregister to vote at any time.

(b) Register to vote which is obtained from the Department of Motor Vehicles pursuant to this section and completed by the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable, if the county clerk receives the paper application not later than 5 days after that date.

6. Upon receipt of a paper application, the county clerk or field registrar of voters shall determine whether the paper application is complete. If the county clerk or field registrar of voters determines that the paper application is complete, he or she shall notify the applicant and the applicant shall be deemed to be preregistered or registered as of the date of the submission of the paper application. If the county clerk or field registrar of voters determines that the paper application is not complete, he or she shall notify the applicant of the additional information required. The applicant shall be deemed to be preregistered or registered as of the date of the initial submission of the paper application if the additional information is provided within 15 days after the notice for the additional information is mailed. If the applicant has not provided the additional information within 15 days after the notice for the additional information is mailed, the incomplete paper application is void. Any notification required by this subsection must be given by mail at the mailing address on the paper application not more than 7 working days after the determination is made concerning whether the paper application is complete.

7. The county clerk shall use any form submitted to the Department to correct information on a driver's license or identification card to correct information on a previous application to preregister or ~~in the registrar of voters' register,~~ register unless the person indicates on the form that the correction is not to be used for the purposes of preregistration or voter registration. The Department shall forward each such form to the county clerk or, if applicable, to the registrar of voters of the county in which the person resides in the same manner provided by subsection 3 for paper applications to preregister or register to vote.

8. Upon receipt of a form to correct information, the county clerk shall compare the information to that contained in the ~~application to preregister to vote or the registrar of voters' register, as applicable,~~ database created by the Secretary of State pursuant to NRS 293.675. The county clerk shall correct the information to reflect any changes indicated on the form. After making any changes, the county clerk shall notify the person by mail that the records have been corrected.

9. The Secretary of State shall, with the approval of the Director, adopt regulations to:

(a) Establish any procedure necessary to provide a person who applies to preregister to vote or an elector who applies to register to vote pursuant to this section the opportunity to do so;

(b) Prescribe the contents of any forms or paper applications which the Department is required to distribute pursuant to this section; and

(c) Provide for the transfer of the completed paper applications of preregistration or registration from the Department to the appropriate county clerk.

Sec. 22. NRS 293.5732 is hereby amended to read as follows:

293.5732 1. The Secretary of State ~~and~~ and the Department of Motor Vehicles ~~and each county clerk~~ shall cooperatively establish a system by

which voter registration information that is collected pursuant to NRS 293.5742 by the Department from a person who submits an application for the issuance or renewal of or change of address for any type of driver's license or identification card issued by the Department must be transmitted electronically to *the database created by the Secretary of State* ~~and the county clerks~~ pursuant to NRS 293.675 for the purpose of registering the person to vote or updating the voter registration information of the person for the purpose of correcting the statewide voter registration list pursuant to NRS 293.530.

2. The system established pursuant to subsection 1 must:

(a) Ensure the secure electronic storage of information collected pursuant to NRS 293.5742, the secure transmission of such information to *the database created by the Secretary of State* ~~and county clerks~~ pursuant to NRS 293.675 and the secure electronic storage of such information ~~by the Secretary of State and county clerks~~ in the database;

(b) Provide for the destruction of records by the Department as required by subsection 2 of NRS 293.5747; and

(c) Enable the county clerks to receive, view and collate the information into individual electronic documents pursuant to paragraph (c) of subsection 1 of NRS 293.5742.

Sec. 23. NRS 293.5737 is hereby amended to read as follows:

293.5737 1. The Department of Motor Vehicles shall follow the procedures described in this section and NRS 293.5742 and 293.5747 if a person applies to the Department for the issuance or renewal of or change of address for any type of driver's license or identification card issued by the Department.

2. Before concluding the person's transaction with the Department, the Department shall notify each person described in subsection 1:

(a) Of the qualifications to vote in this State, as provided by NRS 293.485;

(b) That, unless the person affirmatively declines in writing to apply to register to vote or have his or her voter registration information updated, as applicable:

(1) The person is deemed to have consented to the transmission of information to *the database created by the Secretary of State* ~~and the county clerks~~ pursuant to NRS 293.675 for the purpose of registering the person to vote or updating the voter registration information of the person for the purpose of correcting the statewide voter registration list pursuant to NRS 293.530; and

(2) The Department will transmit to the ~~county clerk of the county in which the person resides~~ *database created by the Secretary of State* pursuant to NRS 293.675 all information required to register the person to vote pursuant to this chapter or to update the voter registration information of the person for the purpose of correcting the statewide voter registration list pursuant to NRS 293.530;

(c) That:

(1) Indicating a political party affiliation or indicating that the person is not affiliated with a political party is voluntary;

(2) The person may indicate a political party affiliation on a paper or electronic form provided by the Department; and

(3) The person will not be able to vote at a primary election or primary city election for candidates for partisan offices of a major political party unless the person updates his or her voter registration information to indicate a major political party affiliation; and

(d) Of the provisions of subsections 2 and 3 of NRS 293.5757.

3. The failure or refusal of the person to acknowledge that he or she has received the notice required by subsection 2:

(a) Is not a declination by the person to apply to register to vote or have his or her voter registration information updated; and

(b) Shall not be deemed to affect any duty of the Department, the Secretary of State or any county clerk:

(1) Relating to the application of the person to register to vote; or

(2) To update the voter registration information of the person.

4. The Department:

(a) Shall prescribe by regulation the form of the notice required by subsection 2 and the procedure for providing it; and

(b) Shall not require the person to acknowledge that he or she has received the notice required by subsection 2.

Sec. 24. NRS 293.5742 is hereby amended to read as follows:

293.5742 1. Unless the person affirmatively declines in writing to apply to register to vote or have his or her voter registration information updated, as applicable, if a person applies to the Department of Motor Vehicles for the issuance or renewal of or change of address for a driver's license or identification card issued by the Department, the Department shall collect from the person:

(a) A paper or electronic affirmation signed under penalty of perjury that the person is eligible to vote;

(b) An electronic facsimile of the signature of the person, if the Department is capable of recording, storing and transmitting to the ~~county clerk~~ database created by the Secretary of State pursuant to NRS 293.675 an electronic facsimile of the signature of the person;

(c) Any personal information which the person has not already provided to the Department and which is required for the person to register to vote or to update the voter registration information of the person, including:

(1) The first or given name and the surname of the person;

(2) The address at which the voter actually resides as set forth in NRS 293.486 and, if different, the address at which the person may receive mail, including, without limitation, a post office box or general delivery;

(3) The date of birth of the person;

(4) Except as otherwise provided in subsection 2, one of the following:

(I) The number indicated on the person's current and valid driver's license or identification card issued by the Department, if the person has such a driver's license or identification card; or

(II) The last four digits of the person's social security number, if the person does not have a driver's license or identification card issued by the Department and has a social security number; and

(5) The political party affiliation, if any, indicated by the person; and

(d) The paper or electronic form, if any, completed by the person and indicating his or her political party affiliation.

2. If the person does not have the identification described in subparagraph (4) of paragraph (c) of subsection 1, the person must sign an affidavit stating that he or she does not have a current and valid driver's license or identification card issued by the Department or a social security number. Upon receipt of the affidavit, the county clerk shall issue an identification number to the person which must be the same number as the unique identifier assigned to the person for the purpose of the statewide voter registration list.

Sec. 25. NRS 293.5747 is hereby amended to read as follows:

293.5747 1. Except as otherwise provided in this subsection, the Department of Motor Vehicles shall electronically transmit to the *database created by Secretary of State* ~~and the appropriate county clerk~~ pursuant to NRS 293.675 the information and any electronic documents collected from a person pursuant to NRS 293.5742:

(a) Except as otherwise provided in paragraph (b), not later than 5 working days after collecting the information; and

(b) During the 2 weeks immediately preceding the fifth Sunday preceding an election, not later than 1 working day after collecting the information.

2. The Department shall destroy any record containing information collected pursuant to NRS 293.5742 that is not otherwise collected by the Department in the normal course of business immediately after transmitting the information to the *database created by the Secretary of State* ~~and county clerk~~ pursuant to subsection 1.

3. The Department shall forward the following paper documents on a weekly basis to the ~~appropriate county clerk,~~ *database created by the Secretary of State pursuant to NRS 293.675* or daily during the 2 weeks immediately preceding the fifth Sunday preceding an election:

(a) Each signed affirmation collected pursuant to paragraph (a) of subsection 1 of NRS 293.5742;

(b) Any completed form indicating a political party affiliation collected pursuant to paragraph (d) of subsection 1 of NRS 293.5742; and

(c) Any affidavit signed pursuant to subsection 2 of NRS 293.5742.

Sec. 26. NRS 293.5752 is hereby amended to read as follows:

293.5752 1. Unless the person affirmatively declines in writing to apply to register to vote or have his or her voter registration information updated, as applicable, if a person applies to the Department of Motor Vehicles for the

issuance or renewal of or change of address for any type of driver's license or identification card issued by the Department:

(a) The person shall be deemed an applicant to register to vote.

(b) Any action taken by the person pursuant to NRS 293.5742 shall be deemed an act of applying to register to vote.

(c) Upon receipt of the information collected from the person and transmitted to ~~the county clerk~~ *the database created by the Secretary of State pursuant to NRS 293.675* by the Department of Motor Vehicles, the *appropriate* county clerk shall collate the information into an individual electronic document ~~in the database~~, which shall be deemed an application to register to vote.

(d) Unless the applicant is already registered to vote, the date on which the person applies to register to vote pursuant to NRS 293.5742 shall be deemed the date on which the applicant registered to vote.

2. If the county clerk determines that the application is complete and that the applicant is eligible to vote pursuant to NRS 293.485, *the county clerk shall ensure that* the name of the applicant ~~must appear~~ *appears* on the statewide voter registration list and the appropriate roster, and the person must be provided all sample ballots and any other voter information provided to registered voters. If the county clerk determines that the application is not complete, he or she shall notify the applicant that additional information is required in accordance with the provisions of NRS 293.5727.

3. For each applicant who applies to register to vote pursuant to NRS 293.5742:

(a) The electronic facsimile of the signature of the applicant shall be deemed to be the facsimile of the signature on the person's application to register to vote to be used for the comparison purposes of NRS 293.277 if ~~—~~

~~(1) An~~ *an* electronic facsimile of the signature has been collected and transmitted ~~to the county clerk of the county in which the applicant resides~~ pursuant to NRS 293.5742 and 293.5747, respectively; ~~and~~

~~(2) The county clerk is capable of receiving, storing and using the facsimile of the signature for that purpose;~~ or

(b) If the conditions described in paragraph (a) are not met, the signature of the applicant on the affirmation signed pursuant to paragraph (a) of subsection 1 of NRS 293.5742 shall be deemed to be the signature on the person's application to register to vote for the purpose of making a facsimile thereof to be used for the comparison purposes of NRS 293.277.

4. If an applicant is already registered to vote, the county clerk shall use the voter registration information of the applicant transmitted by the Department of Motor Vehicles to correct the statewide voter registration list pursuant to NRS 293.530, if necessary.

Sec. 27. NRS 293.5762 is hereby amended to read as follows:

293.5762 1. At the time the Department of Motor Vehicles notifies a person of the qualifications to vote in this State pursuant to NRS 293.5737, the

Department shall provide the person with a paper form on which the person may:

(a) Affirmatively decline to be registered to vote or have his or her voter registration updated; and

(b) Elect to indicate a political party affiliation.

2. The form provided by the Department pursuant to subsection 1:

(a) Must include a notice informing the person of the information required pursuant to paragraphs (b) and (c) of subsection 2 of NRS 293.5737, and that the person may:

(1) Return the completed form at the end of his or her transaction with the Department by depositing the form in the secured container provided by the Department pursuant to subsection 3; or

(2) Use the system established by the Secretary of State pursuant to NRS 293.671 to update his or her voter registration information, including, without limitation, the person's name, address and party affiliation.

(b) May include any other information that the Department determines is necessary to carry out the provisions of this section.

3. The Department shall provide a secured container within the Department designated for the return of any form provided to a person pursuant to this section.

4. For the purposes of NRS 293.5742 and 293.5747:

(a) If a person deposits the completed form in the secured container at the end of his or her transaction with the Department and has not affirmatively declined in the form to be registered to vote or have his or her voter registration updated:

(1) The Department shall be deemed to have collected the information contained in the form from the person during his or her transaction with the Department; and

(2) The person shall be deemed to have consented to the transmission of that information and the other information and documents collected during his or her transaction with the Department to the *database created by the Secretary of State* ~~and the appropriate county clerks~~ pursuant to NRS 293.675 for the purpose of registering the person to vote or updating the person's existing voter registration information in order to correct the statewide voter registration list pursuant to NRS 293.530, if necessary.

(b) If a person does not deposit the form in the secured container at the end of his or her transaction with the Department:

(1) The person shall be deemed to have consented to the transmission of the information and documents collected during his or her transaction with the Department to the *database created by the Secretary of State* ~~and the appropriate county clerks~~ pursuant to NRS 293.675 for the purpose of registering the person to vote or updating the person's existing voter registration information in order to correct the statewide voter registration list pursuant to NRS 293.530, if necessary.

(2) The appropriate county clerk shall list the person's political party as nonpartisan, unless the person is already a registered voter listed as affiliated with a political party in the person's existing voter registration information.

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

Sec. 28. NRS 293.5767 is hereby amended to read as follows:

293.5767 1. Each county clerk shall review the voter registration information transmitted by the Department of Motor Vehicles pursuant to NRS 293.5747 and 293.5762 to determine whether the person is eligible to register to vote in this State.

2. If the county clerk determines that a person is not eligible to register to vote pursuant to subsection 1:

(a) It shall be deemed that the transmittal is not a completed voter registration application;

(b) It shall be deemed that the person did not apply to register to vote; ~~and~~

(c) The county clerk must reject the application *and remove the information transmitted by the Department of Motor Vehicles from the database created by the Secretary of State pursuant to NRS 293.675*; and ~~may~~

(d) *May not register that person to vote.*

Sec. 29. NRS 293.5832 is hereby amended to read as follows:

293.5832 1. After the close of registration for an election pursuant to NRS 293.560 or 293C.527, a registered voter may update his or her voter registration information, including, without limitation, his or her name, address and party affiliation.

2. The county or city clerk shall authorize *at least one* ~~or more~~ of the following methods for a registered voter to update his or her voter registration information pursuant to this section:

(a) A paper application; *or*

(b) ~~A system established pursuant to NRS 293.506 for using a computer to register voters; or~~

~~(c) The system established by the Secretary of State pursuant to NRS 293.671.~~

↪ If the county or city clerk authorizes the use of ~~more than one method,~~ *both methods*, the county or city clerk may limit the use of ~~a particular~~ *one* method to circumstances when ~~another~~ *the other* method is not reasonably available.

3. If a registered voter updates his or her voter registration information pursuant to this section and applies to vote in the election, the county or city clerk may require the voter to cast a provisional ballot in the election if any circumstances exist that give the county or city clerk reasonable cause to believe that the use of a provisional ballot is necessary to provide sufficient time to verify and determine whether the voter is eligible to cast the ballot in the election based on his or her updated voter registration information.

4. If a registered voter casts a provisional ballot in the election pursuant to this section, the provisional ballot is subject to final verification in accordance

with the procedures that apply to other provisional ballots cast in the election pursuant to NRS 293.5772 to 293.5887, inclusive.

Sec. 30. NRS 293.5842 is hereby amended to read as follows:

293.5842 1. Notwithstanding the close of any method of registration for an election pursuant to NRS 293.560 or 293C.527, an elector may register to vote in person at any polling place for early voting by personal appearance in the county or city, as applicable, in which the elector is eligible to vote.

2. To register to vote in person during the period for early voting, an elector must:

(a) Appear before the close of polls at a polling place for early voting by personal appearance in the county or city, as applicable, in which the elector is eligible to vote.

(b) Complete the application to register to vote by a method authorized by the county or city clerk pursuant to this paragraph. The county or city clerk shall authorize *at least* one ~~for more~~ of the following methods for a person to register to vote pursuant to this paragraph:

(1) A paper application; *or*

(2) ~~A system established pursuant to NRS 293.506 for using a computer to register voters; or~~

~~—(3) The system established by the Secretary of State pursuant to NRS 293.671.~~

↪ If the county or city clerk authorizes the use of ~~more than one method,~~ *both methods*, the county or city clerk may limit the use of ~~a particular~~ *one* method to circumstances when ~~another~~ *the other* method is not reasonably available.

(c) Except as otherwise provided in subsection 3, provide his or her current and valid driver's license or identification card issued by the Department of Motor Vehicles which shows his or her physical address as proof of the elector's identity and residency.

3. If the driver's license or identification card issued by the Department of Motor Vehicles to the elector does not have the elector's current residential address, the following documents may be used to establish the residency of the elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:

(a) A military identification card;

(b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service;

(c) A bank or credit union statement;

(d) A paycheck;

(e) An income tax return;

(f) A statement concerning the mortgage, rental or lease of a residence;

(g) A motor vehicle registration;

(h) A property tax statement; or

(i) Any other document issued by a governmental agency.

4. Subject to final verification, if an elector registers to vote in person at a polling place pursuant to this section:

(a) The elector shall be deemed to be conditionally registered to vote at the polling place upon:

(1) The determination that the application to register to vote is complete; and

(2) The verification of the elector's identity and residency pursuant to this section.

(b) After the elector is deemed to be conditionally registered to vote at the polling place pursuant to paragraph (a), the elector:

(1) May vote in the election only at that polling place;

(2) Must vote as soon as practicable and before leaving that polling place; and

(3) Must vote by casting a provisional ballot, unless it is verified, at that time, that the elector is qualified to register to vote and to cast a regular ballot in the election at that polling place.

Sec. 31. NRS 293.5847 is hereby amended to read as follows:

293.5847 1. Notwithstanding the close of any method of registration for an election pursuant to NRS 293.560 or 293C.527, an elector may register to vote in person on the day of the election at any polling place in the county or city, as applicable, in which the elector is eligible to vote.

2. To register to vote on the day of the election, an elector must:

(a) Appear before the close of polls at a polling place in the county or city, as applicable, in which the elector is eligible to vote.

(b) Complete the application to register to vote by a method authorized by the county or city clerk pursuant to this paragraph. The county or city clerk shall authorize *at least one* ~~for more~~ of the following methods for a person to register to vote pursuant to this paragraph:

(1) A paper application; *or*

(2) ~~A system established pursuant to NRS 293.506 for using a computer to register voters; or~~

~~—(3) The system established by the Secretary of State pursuant to NRS 293.671.~~

↪ If the county or city clerk authorizes the use of ~~more than one method,~~ *both methods*, the county or city clerk may limit the use of ~~a particular~~ *one* method to circumstances when ~~another~~ *the other* method is not reasonably available.

(c) Except as otherwise provided in subsection 3, provide his or her current and valid driver's license or identification card issued by the Department of Motor Vehicles which shows his or her physical address as proof of the elector's identity and residency.

3. If the driver's license or identification card issued by the Department of Motor Vehicles to the elector does not have the elector's current residential address, the following documents may be used to establish the residency of the

elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:

- (a) A military identification card;
- (b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service;
- (c) A bank or credit union statement;
- (d) A paycheck;
- (e) An income tax return;
- (f) A statement concerning the mortgage, rental or lease of a residence;
- (g) A motor vehicle registration;
- (h) A property tax statement; or
- (i) Any other document issued by a governmental agency.

4. Subject to final verification, if an elector registers to vote in person at a polling place pursuant to this section:

(a) The elector shall be deemed to be conditionally registered to vote at the polling place upon:

- (1) The determination that the application to register to vote is complete; and
- (2) The verification of the elector's identity and residency pursuant to this section.

(b) After the elector is deemed to be conditionally registered to vote at the polling place pursuant to paragraph (a), the elector:

- (1) May vote in the election only at that polling place;
- (2) Must vote as soon as practicable and before leaving that polling place; and

(3) Must vote by casting a provisional ballot.

Sec. 32. NRS 293.675 is hereby amended to read as follows:

293.675 1. The Secretary of State shall establish and maintain ~~an~~ *a centralized, top-down database that collects and stores information related to the preregistration of persons and the registration of electors from all the counties in this State. The Secretary of State shall ensure that the database is capable of storing preregistration information separately until a person is qualified to register to vote. Each county clerk shall use the database created by the Secretary of State pursuant to this subsection to collect and maintain all records of preregistration and registration to vote.*

2. *The Secretary of State shall use the voter registration information collected in the database created pursuant to subsection 1 to create the official statewide voter registration list, which may be maintained on the Internet, in consultation with each county and city clerk.*

~~{2.}~~ 3. The statewide voter registration list must:

- (a) Be a uniform, centralized and interactive computerized list;
- (b) Serve as the single method for storing and managing the official list of registered voters in this State;
- (c) Serve as the official list of registered voters for the conduct of all elections in this State;

(d) Contain the name and registration information of every legally registered voter in this State;

(e) Include a unique identifier assigned by the Secretary of State to each legally registered voter in this State;

(f) Except as otherwise provided in subsection ~~{7.}~~ 8, be coordinated with the appropriate databases of other agencies in this State;

(g) Be electronically accessible to each state and local election official in this State at all times;

(h) Except as otherwise provided in subsection ~~{8.}~~ 9, allow for data to be shared with other states under certain circumstances; and

(i) Be regularly maintained to ensure the integrity of the registration process and the election process.

~~{3.}~~ 4. Each county and city clerk shall:

(a) ~~{Except for information related to the preregistration of persons to vote, electronically}~~ *Electronically* enter into the ~~{statewide voter registration list}~~ *database created pursuant to subsection 1* all information related to voter *preregistration and* registration obtained by the county or city clerk at the time the information is provided to the county or city clerk; and

(b) Provide the Secretary of State with information concerning the voter registration of the county or city and other reasonable information requested by the Secretary of State in the form required by the Secretary of State to establish or maintain the statewide voter registration list.

~~{4.}~~ 5. In establishing and maintaining the statewide voter registration list, the Secretary of State shall enter into a cooperative agreement with the Department of Motor Vehicles to match information in the database of the statewide voter registration list with information in the appropriate database of the Department of Motor Vehicles to verify the accuracy of the information in an application to register to vote.

~~{5.}~~ 6. The Department of Motor Vehicles shall enter into an agreement with the Social Security Administration pursuant to 52 U.S.C. § 21083, to verify the accuracy of information in an application to register to vote.

~~{6.}~~ 7. The Department of Motor Vehicles shall ensure that its database:

(a) Is capable of processing any information related to an application to register to vote, an application to update voter registration information or a request to verify the accuracy of voter registration information as quickly as is feasible; and

(b) Does not limit the number of applications to register to vote, applications to update voter registration information or requests to verify the accuracy of voter registration information that may be processed by the database in any given day.

~~{7.}~~ 8. Except as otherwise provided in NRS 481.063 or any provision of law providing for the confidentiality of information, the Secretary of State may enter into an agreement with an agency of this State pursuant to which the agency provides to the Secretary of State any information in the possession of

the agency that the Secretary of State deems necessary to maintain the statewide voter registration list.

~~{8-}~~ 9. The Secretary of State may:

(a) Request from the chief officer of elections of another state any information which the Secretary of State deems necessary to maintain the statewide voter registration list; and

(b) Provide to the chief officer of elections of another state any information which is requested and which the Secretary of State deems necessary for the chief officer of elections of that state to maintain a voter registration list, if the Secretary of State is satisfied that the information provided pursuant to this paragraph will be used only for the maintenance of that voter registration list.

Sec. 33. NRS 293C.318 is hereby amended to read as follows:

293C.318 1. Except as otherwise provided in this section, a registered voter who provides sufficient written notice to the city clerk may request that the registered voter receive an absent ballot for all elections at which the registered voter is eligible to vote. The written notice is effective for all elections that are conducted after the registered voter provides the written notice to the city clerk, except that the written notice is not effective for the next ensuing election unless the written notice is provided to the city clerk before the time has elapsed for requesting an absent ballot for the election pursuant to subsection 1 of NRS 293C.310.

2. Except as otherwise provided in this section or for an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive, upon receipt of the written notice provided by the registered voter pursuant to subsection 1, the city clerk shall:

(a) Issue an absent ballot to the registered voter for each primary city election, general city election and special city election that is conducted after the written notice is effective pursuant to subsection 1.

(b) Inform the county clerk of receipt of the written notice provided by the registered voter. Upon being informed of the written notice by the city clerk, the county clerk shall issue an absent ballot for each primary election, general election and special election, other than a special city election, that is conducted after the written notice is effective pursuant to subsection 1.

3. The city clerk must not mail an absent ballot requested by a registered voter pursuant to subsection 1 if, after the request is submitted:

(a) The registered voter is designated inactive pursuant to NRS 293.530;

(b) The county clerk cancels the registration of the person pursuant to NRS ~~{293.527,}~~ 293.530, 293.535 or 293.540; ~~{or}~~

(c) *The registered voter has moved to another county and the county clerk of that county has updated the voter's registration on the statewide voter registration list pursuant to NRS 293.527; or*

(d) An absent ballot is returned to the county clerk as undeliverable, unless the registered voter has submitted a new request pursuant to subsection 1.

4. The procedure authorized pursuant to this section is subject to all other provisions of this chapter relating to voting by absent ballot to the extent that those provisions are not inconsistent with the provisions of this section.

Sec. 34. NRS 293C.525 is hereby amended to read as follows:

293C.525 1. Any elector who is registered to vote and has changed residence after the last preceding general city election and who fails to return or never receives a postcard mailed pursuant to NRS 293.5235, 293.530 or 293.535 who moved:

(a) From one precinct to another within the same city must be allowed to vote in the precinct where the elector previously resided after providing an oral or written affirmation before an election board officer attesting to his or her new address.

(b) Within the same precinct must be allowed to vote after providing an oral or written affirmation before an election board officer attesting to his or her new address.

2. If an elector alleges that the records in ~~the registrar of voters' register or~~ the roster incorrectly indicate that the elector has changed residence, the elector must be allowed to vote after providing an oral or written affirmation before an election board officer attesting that he or she continues to reside at the same address.

3. If an elector refuses to provide an oral or written affirmation attesting to his or her address as required by this section, the elector may only vote at the special polling place in the city in the manner set forth in NRS 293C.295.

Sec. 35. NRS 293C.527 is hereby amended to read as follows:

293C.527 1. Except as otherwise provided in NRS 293.502, 293.5772 to 293.5887, inclusive, 293D.230 and 293D.300:

(a) For a primary city election or general city election, or a recall or special city election that is held on the same day as a primary city election or general city election, the last day to register to vote:

(1) By mail is the fourth Tuesday preceding the primary city election or general city election.

(2) By appearing in person at the office of the city clerk or, if open, a municipal facility designated pursuant to NRS 293C.520, is the fourth Tuesday preceding the primary city election or general city election.

(3) ~~By computer, if the county clerk of the county in which the city is located has established a system pursuant to NRS 293.506 for using a computer to register voters, is the Thursday preceding the primary city election or general city 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 city election or general city 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 city election is not held on the same day as a primary city election or general city election, the last day to register to vote for the

recall or special city election by any method of registration is the third Saturday preceding the recall or special city 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 city election or general city election set forth in subsection 1, no person may register to vote for the election.

3. Except for a recall or special city election held pursuant to chapter 306 or 350 of NRS:

(a) The city clerk of each city shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the city 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 city clerk has designated a municipal facility pursuant to NRS 293C.520, the location of that facility.

↪ If no newspaper is of general circulation in that city, the publication may be made in a newspaper of general circulation in the nearest city in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the day on which the last method of registration for the election, as set forth in subsection 1, will be closed.

4. A municipal facility designated pursuant to NRS 293C.520 may be open during the periods described in this section for such hours of operation as the city clerk may determine, as set forth in subsection 3 of NRS 293C.520.

Sec. 36. NRS 293C.540 is hereby amended to read as follows:

293C.540 Not later than 3 days before the day on which any regular or special city election is held, the county clerk shall *use the database created by the Secretary of State pursuant to NRS 293.675 to prepare and* deliver to the city clerk the official register for the city.

Sec. 37. NRS 266.022 is hereby amended to read as follows:

266.022 1. The county clerk shall invalidate the signature of any qualified elector if the signature is not signed in ink and dated or if the signature is executed before the notice to incorporate and the petition for incorporation are filed with the county clerk pursuant to NRS 266.018. The county clerk shall not invalidate a signature because it does not correspond exactly to the signature ~~on the registrar of voters' register~~ *in the database created by the Secretary of State pursuant to NRS 293.675* if the county clerk is able to determine the identity of the signer from the signature on the petition.

2. A petition for incorporation must contain a number of signatures equal to at least one-third of the qualified electors within the boundaries of the city proposed to be incorporated.

3. The petition containing the required number of signatures must be filed with the county clerk within 90 days after the notice to incorporate is filed pursuant to NRS 266.018.

Sec. 37.3. Section 88 of chapter 546, Statutes of Nevada 2019, at page 3426 is hereby amended to read as follows:

Sec. 88. 1. This section becomes effective upon passage and approval.

2. Sections 34, 43, 84.4 and 84.6 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations, passing any ordinances and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On January 1, 2020, for all other purposes.

3. Sections 1 to 8, inclusive, 10 to 33, inclusive, 35 to 42, inclusive, 43.5 to 83, inclusive, 85, 86 and 87 of this act become effective on July 1, 2019.

4. Section 84 of this act becomes effective on July 1, 2021.

5. Section 9 of this act becomes effective on January 1, ~~2022,~~  
2024.

Sec. 37.7. 1. The Secretary of State shall develop a pilot program for conducting a risk-limiting audit of the results of the 2022 general election.

2. The Secretary of State may require each county clerk to participate in the pilot program developed pursuant to subsection 1 and conduct a risk-limiting audit of the results of the 2022 general election.

3. As used in this section, "risk-limiting audit" means an audit protocol that:

(a) Makes use of statistical principles and methods; and

(b) Is designed to limit the risk of certifying an incorrect election outcome.

Sec. 38. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 39. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee, other than the Assembly Standing Committee on Ways and Means and the Senate Standing Committee on Finance, may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after March 22, 2021.

Sec. 39.5. Beginning with a report that is due on January 1, 2022, and ending with the submission of a final report that is due on January 1, 2024, the Secretary of State shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee every 6 months that details the progress made by the Secretary of State in implementing the provisions of sections 1 to 37, inclusive, of this act.

Sec. 40. NRS 293.0925 and 293.511 are hereby repealed.

Sec. 41. 1. This section and ~~section~~ sections 37.3, 37.7 and 39.5 ~~are~~ become effective upon passage and approval.

2. Sections 1 to ~~39,~~ 37, inclusive, 38, 39 and 40 of this act become effective:

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

(b) On January 1, 2024, for all other purposes.

TEXT OF REPEALED SECTIONS

293.0925 "Registrar of voters' register" defined. "Registrar of voters' register" means the record of registered voters kept by the county clerk.

293.511 Register or roster kept by computer to include certain information. If a registrar of voters' register or roster is kept by computer, the register or roster, as applicable, must include the name, address, precinct, political affiliation and signature or facsimile thereof of each voter and any additional information required by the county clerk.

Senator Ohrenschall moved the adoption of the amendment.

Remarks by Senator Ohrenschall.

Amendment No. 813 to Assembly Bill No. 422 adds language to change, from January 1, 2022, to January 1, 2024, the effective date of provisions in Senate Bill 123 of the 2019 Legislative Session that require the Secretary of State to implement risk-limiting audits of election results, which are protocols that make use of statistical principles and methods designed to limit the risk of certifying an incorrect election outcome. It requires the Secretary of State to develop a pilot program for conducting a risk-limiting audit of the results of the 2022 General Election.

Amendment adopted.

Bill read third time.

Remarks by Senator Seevers Gansert.

Assembly Bill No. 422 requires the Secretary of State to create a centralized, top-down database that collects and stores voter preregistration and registration information from all counties. County clerks must use the database to collect and maintain records of voter preregistration and registration. The Secretary of State is required to use the database to create the official Statewide voter registration list. Beginning on January 1, 2022, the Secretary of State is required to provide a progress report every six months to the Interim Finance Committee concerning its efforts to implement the provisions of the bill.

Finally, Assembly Bill No. 422 changes, from January 1, 2022, to January 1, 2024, the effective date of provisions in Senate Bill 123 of the 2019 Legislative Session that require the Secretary of State to implement risk-limiting audits of election results, which are protocols that make use of statistical principles and methods designed to limit the risk of certifying an incorrect election outcome. The Secretary of State must develop a pilot program for conducting a risk-limiting audit of the results of the 2022 General Election.

I urge your support of this legislation. We have needed a top-down registration system for quite some time. Part of the reason we had a difficult time during the last election was because some of the individual counties have different software than the Secretary of State, so the information is unable to be synchronized. In part, that led to delays in reporting. I urge your support on Assembly Bill No. 422.

Roll call on Assembly Bill No. 422:

YEAS—21.

NAYS—None.

Assembly Bill No. 422 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 464.

Bill read third time.

**Remarks by Senator Brooks.**

Assembly Bill No. 464 makes General Fund appropriations of \$32.3 million to replenish the balances of the following statutory accounts: the State Claims Account, \$3,570,578; the Emergency Account, \$239,791; the Reserve for Statutory Contingency Account, \$12,051,658; the Contingency Account of the Interim Finance Committee, \$16,434,805. Assembly Bill No. 464 is a budget implementation bill.

**Roll call on Assembly Bill No. 464:**

YEAS—21.

NAYS—None.

Assembly Bill No. 464 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 468.**

Bill read third time.

Remarks by Senators Brooks and Hansen.

**SENATOR BROOKS:**

Assembly Bill No. 468 appropriates Highway Funds totaling \$2,217,734 in Fiscal Year 2021 to various divisions of DMV to fund the following one-time expenditures. It appropriates: \$23,677 to the Division of Information Technology for the replacement of the DUO Digipass security application and one, UPS battery-backup unit; \$645,078 to the Division of Information Technology for the replacement of computer hardware and software and associated equipment; \$38,916 to the Motor Carrier Division for the replacement of computer hardware and software; \$561,647 to the Division of Field Services for the replacement of credit card readers, scanners, shredders, facsimile machines and a stylus marking system; \$61,614 to the Division of Field Services for the replacement of barcode scanners; \$745,632 to the Division of Field Services for the replacement of computer hardware and software; \$51,874 to the Division of Compliance Enforcement for the replacement of computer hardware and software; \$42,408 to the Office of the Director for the replacement of computer hardware and software, and \$46,888 to the Administrative Services Division for the replacement of computer hardware and software.

The bill appropriates Highway Funds of \$615,643 to the Interim Finance Committee, which may be allocated to DMV for the costs of computer programming related to legislation enacted by the 81st Session of the Nevada Legislature and approved by the Governor.

**SENATOR HANSEN:**

Someone told me we had already spent \$35 million last Session getting computer systems for DMV. I understand they did not work, and they were sold to another governmental agency. Can someone elaborate on that?

**SENATOR BROOKS:**

A few Sessions ago, a decision was made to abandon a project that was undertaken a few Sessions before that. The hardware for that project was repurposed and reused by another agency within the State government. Assembly Bill No. 468, however, does not address that. This is not a modernization effort; it is miscellaneous computer equipment throughout the agency.

**Roll call on Assembly Bill No. 468:**

YEAS—21.

NAYS—None.

Assembly Bill No. 468 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 487.

Bill read third time.

Remarks by Senators Brooks and Kieckhefer.

SENATOR BROOKS:

Assembly Bill No. 487 suspends the transfer from the State General Fund to the Account to Stabilize the Operation of the State Government of 1 percent of the total anticipated revenue for each fiscal year of the 2021-2023 biennium.

SENATOR KIECKHEFER:

I have vacillated on this bill. I voted "yes" to get it out of Committee and reserved my right to change my vote on the Floor. I think I told the Chair I would vote "yes," and now I am voting "no." This bill suspends one of the two automatic transfers from the General Fund to the Rainy Day Fund. It would account for around \$47 million a year that should transfer to the Rainy Day Fund and is not going to if we pass Assembly Bill No. 487. It is a balancing act between ensuring we have enough money in our General Fund to maintain a healthy ending-fund balance, while also wanting to ensure we have an account that will remain stable long-term for Nevada's fiscal health. In a joint session of the Ways and Means and Finance Committee, we just heard a bill that would deposit \$168 million into our General Fund, which would be more than this transfer would. We know we will receive some revenue-offset allowance from the American Recovery Plan funds. At this point, it looks favorable that we will have sufficient funds in our General Fund account to maintain a healthy ending-fund balance and this transfer from the Rainy Day Fund balance is unnecessary. I prefer to err on the side of stability and put money on the side of our savings account.

SENATOR BROOKS:

I share my colleague's concern about permanently suspending this transfer, but we find ourselves in an historic situation. Our revenue fell completely off a cliff. It is coming back, and there are usable federal funds that will help us fund governmental operations to a certain extent. It has been demonstrated we will restore that Rainy Day Fund to the level it needs to be, and the suspension of the transfer is only a temporary situation for the purposes of balancing the books coming out of this budget cycle. While I would not feel comfortable under regular circumstances with the suspension of this, these are not regular circumstances. I feel comfortable moving forward with Assembly Bill No. 487.

Roll call on Assembly Bill No. 487:

YEAS—12.

NAYS—Buck, Goicoechea, Hammond, Hansen, Hardy, Kieckhefer, Pickard, Seevers Gansert, Settelmeyer—9.

Assembly Bill No. 487 having received a constitutional majority, Madam President declared it passed.

Senator Cannizzaro moved that the action whereby the bill was passed be reconsidered.

Motion carried.

Senator Cannizzaro moved that the bill be taken from the General File and placed on the Secretary's Desk.

Motion carried.

Assembly Bill No. 493.

Bill read third time.

Remarks by Senators Dondero Loop, Seevers Gansert, Pickard, Kieckhefer, Ratti, Scheible and Settelmeyer.

SENATOR DONDERO LOOP:

Assembly Bill No. 493 establishes maximum allowable salaries for certain employees not in the classified service of the State. The bill makes General Fund appropriations of \$17.1 million and Highway Fund appropriations of \$3.1 million for salary increases for classified and unclassified State employees.

For State employees not represented by an approved collective-bargaining agreement pursuant to NRS 288.515 as of May 25, 2021, the bill provides funding for a 1-percent salary increase for Fiscal Year 2023, effective July 1, 2022. For State employees organized in the following collective-bargaining units, as defined in NRS 288.515, Assembly Bill No. 493 includes funding for a 3-percent salary increase for Fiscal Year 2023, effective July 1, 2022 as follows: Unit A, labor, maintenance, custodial and institutional employees; Unit E, professional employees who provide healthcare; Unit F, employees, other than professional employees, who provide health care and personal care; Unit I, category III peace officers, and Unit K, firefighters.

For Category II peace officers organized in Unit H, the bill also includes funding for a 2-percent salary increase in addition to the 1-percent salary increase for nonrepresented State employees for Fiscal Year 2023, effective July 1, 2022, as well as one-time bonus payments in July 2022 for personnel who have certain continuous State service levels.

Assembly Bill No. 493 authorizes DHSS and the Department of Corrections to provide callback pay for unclassified medical positions and pharmacists to perform on-call responsibilities to ensure 24-hour coverage in psychiatric and medical facilities. The bill authorizes the Gaming Control Board to continue the credential pay plan, which provides up to \$5,000 annually for unclassified employees who possess a current Nevada certified public accountant certificate, a license to practice law or are in a qualifying position as an electronic laboratory engineer and possess a bachelor of science or higher degree in engineering, electronic engineering or computer science.

SENATOR SEEVERS GANSERT:

I oppose Assembly Bill No. 493. During the Committee hearing, we learned the Governor provided an amendment to the budget to allow for a 1-percent cost of living increase for all employees. When the bill came through, those who had a collective bargaining agreement were able to get 3 percent. In the State of Nevada, 25 percent of the public employees are under collective bargaining so 25 percent would get 3 percent and the other 75 percent would be eligible for 1 percent. We have concerns about compression and individuals making more than their supervisors do. When asked the question whether there had been any work done around the compression study, the answer was there had not been at this time. Due to the inequity between the cost-of-living increases for those in the bargaining units and those who are not, and concerns about compression, I will be voting against Assembly Bill No. 493.

SENATOR PICKARD:

What is the rational basis between the 1-percent and 3-percent difference? Is it that some are more equal than others, or is it strictly a "give-me" to the union?

SENATOR KIECKHEFER:

This is the first time the pay bill is incorporated in the provisions of the collectively bargained contracts with the new bargaining units established through the law passed in 2019. This is the effectuation of the negotiations between the individual collective-bargaining units and the Executive Branch of government that have been ratified by the Board of Examiners and forwarded as a part of this. My concern is even in areas of local government when you have some collectively bargained contracts that are providing a certain increase, there is generally an effort to equalize those increases with employees that are not bargaining so people continue to be treated fairly and equally regardless of their status.

SENATOR RATTI:

I share some of the concerns held by my colleagues. Assembly Bill No. 493 allows us to pay all of our employees. I am voting "yes" because it is important to pay all of our employees. I appreciate the dialog, and we need to move it forward.

SENATOR PICKARD:

Am I entitled to an answer to my question, or is that just part of the discussion?

SENATOR RATTI:

Please repeat the question, and I will be happy to answer it.

SENATOR PICKARD:

What is the rational basis for the difference? If two people are doing the same job and one is a member of a collective bargaining unit and the other is not, is there a rational basis to pay them differently, or are we just playing favorites and telling the 75 percent their work is not valued?

SENATOR SCHEIBLE:

I understand that my colleague from Henderson is looking for a rational basis for the distinction and a rational-basis test is utilized in an equal protection case under the Fourth or Fifth or Fourteenth Amendment. These cases do not rise to this level.

I am reading the bill and trying to recall my constitutional law classes from school. It is important to note that we can throw out legal terminology all we want such as "rational basis," "strict scrutiny," or "narrowly tailored statutes," and that is all well and good. If it does not apply to the groups of people to whom we are referring, it does not matter. In this case, when we are talking about employing thousands of people across the State of Nevada, the rational-basis test is not the appropriate legal mechanism to determine whether the distinction is legal and appropriate. Assembly Bill No. 493 pays our State employees. It may not be perfect, but it is important we pay State employees. I support Assembly Bill No. 493.

SENATOR SETTELMAYER:

I will go with "cowboy" logic; this is wrong. I look at the people in front of us who have done good work for the entire timeframe I have been around this building and before I was in this building. The person I am thinking about is paid disproportionately less than the person is across the hall. It is just wrong.

Roll call on Assembly Bill No. 493:

YEAS—12.

NAYS—Buck, Goicoechea, Hammond, Hansen, Hardy, Kieckhefer, Pickard, Seevers Gansert, Settelmeyer—9.

Assembly Bill No. 493 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 494.

Bill read third time.

Remarks by Senator Seevers Gansert.

The General Fund appropriations included in the General Appropriations Act total \$2,924,750,372 in Fiscal Year 2022 and \$3,091,481,545 in Fiscal Year 2023, or \$6.026 billion over the 2021-2023 Biennium, an increase of approximately \$292.3 million when compared to General Fund appropriations approved by the 2019 Legislature for the 2019-2021 Biennium. The Act includes Highway Fund appropriations totaling \$146,678,364 in Fiscal Year 2022 and \$158,702,610 in Fiscal Year 2023, or \$305.4 million over the 2021-2023 Biennium, an increase of approximately \$41.1 million from the previous biennium.

Funding for public schools and K-12 education was considered separately in the K-12 Education Funding Bill, which contains funding for the Pupil-Centered Funding Plan and other programs related to K-12 education. In closing the Department of Education budgets, the money committees approved General Fund support totaling \$91.7 million over the 2021-2023 Biennium, which includes \$25.7 million to fund the administration of Statewide assessments.

In closing the NSHE budgets, the money committees approved total General Fund appropriations of \$1.280 billion over the 2021-2023 Biennium. In approving the NSHE budgets, the money committees continued funding the seven, State-supported instructional budgets with

the higher education funding formula and distributing General Fund appropriations based on the NSHE institutions' Fiscal Year 2020 Weighted Student Credit Hours.

In closing the Aging and Disability Services Division budgets, the money committees approved General Fund appropriations totaling \$413.2 million over the 2021-2023 Biennium. The funding supports ongoing services, caseload growth and/or waitlist reductions and associated staffing adjustments for various programs.

In closing the budgets within the Division of Health Care Financing and Policy, the money committees approved General Fund appropriations totaling \$2.110 billion over the 2021-2023 Biennium. The funding supports projected Medicaid average monthly caseload of approximately 831,000 in Fiscal Year 2022 and 822,000 in Fiscal Year 2023, and projected Check Up average monthly caseload of approximately 28,400 in Fiscal Year 2022 and 29,000 in Fiscal Year 2023.

The money committees approved General Fund appropriations of \$203.4 million over the 2021-2023 Biennium for the Division of Welfare and Supportive Services. Due to a projected increase in client transactions, the money committees approved the addition of 295 positions over the biennium with a General Fund cost of \$12.3 million over the 2021-2023 Biennium in the Field Services budget.

The money committees approved General Fund appropriations totaling \$274.2 million over the 2021-2023 Biennium for the Division of Child and Family Services.

The money committees approved Highway Fund appropriations of \$137.8 million over the 2021-2023 Biennium to support the operations of DMV. Included in this amount are Highway Fund appropriations totaling \$39.2 million over the 2021-2023 Biennium to continue the Department's system-transformation effort.

In closing the 2021-2023 Biennium budgets for the Public Employees' Benefits Program, the money committees approved General Fund appropriations of \$6 million in each fiscal year to fund the cost of a one-month premium holiday for State participants regardless of the plan or tier in which a participant is enrolled.

To restore funding for 795.57 full-time equivalent positions in various State agency budget accounts that were recommended to be held vacant or eliminated in the Executive Budget as General Fund savings measures, the money committees approved replacing General Fund appropriations of \$116.2 million over the 2021-2023 Biennium with federal American Rescue Plan Coronavirus State and Local Fiscal Recovery Funds.

Roll call on Assembly Bill No. 494:

YEAS—21.

NAYS—None.

Assembly Bill No. 494 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senator Cannizzaro moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 9:54 p.m.

SENATE IN SESSION

At 10:00 p.m.

President Marshall presiding.

Quorum present.

UNFINISHED BUSINESS  
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 369.

The following Assembly amendments were read:

Amendment No. 652.

SUMMARY—Revises provisions relating to criminal procedure. (BDR 14-375)

AN ACT relating to criminal procedure; removing the requirement that an arrested person show good cause before being released without bail; providing that a court may only impose bail or a condition of release, or both, on a person if the imposition is the least restrictive means necessary to protect the safety of the community ~~and~~ or to ensure the appearance of the person in court; requiring prosecuting attorneys under certain circumstances to prove by clear and convincing evidence that the imposition of bail or a condition of release, or both, on a person is necessary to protect the safety of the community ~~and~~ or to ensure the appearance of the person in court; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Constitution prohibits the imposition of excessive bail and requires all persons arrested for offenses other than murder of the first degree to be admitted to bail. (Nev. Const. Art. 1, §§ 6, 7)

Recently, the Nevada Supreme Court held that a provision of law requiring an arrested person to show good cause before being released without bail violated his or her constitutional right to nonexcessive bail. Specifically, the Nevada Supreme Court held that the provision of law was unconstitutional because it: (1) did not require the court to consider less restrictive conditions of release before determining that the imposition of bail was necessary; and (2) effectively relieved the State from its burden of proving that the imposition of bail on the person was necessary to protect the safety of the community ~~and~~ or to ensure the appearance of the person in court. (*Valdez-Jimenez v. Eighth Jud. Dist. Court*, 136 Nev. 155 (2020); Nev. Const. Art. 1, §§ 6, 7; NRS 178.4851) Section 3 of this bill removes the provision of law that was found unconstitutional and section 4 of this bill makes a conforming change.

Existing law sets forth separate procedures for releasing persons with bail and releasing persons without bail. (NRS 178.484, 178.4851) Specifically, existing law: (1) restricts persons from being released on bail under certain circumstances; and (2) mandates specific amounts of bail for offenses involving domestic violence and violations of certain orders for protections. (NRS 178.484) Section 2 of this bill retains the existing restrictions and specific amounts of bail while section 3 consolidates the existing procedures for releasing persons with bail and releasing persons without bail into a standard procedure for courts to follow in making pretrial custody determinations. Sections 1, 5 and 6 of this bill make conforming changes to reflect the consolidation of the procedures.

Section 3 requires the court to only impose bail or a condition of release, or both, on a person as it deems to be the least restrictive means necessary to protect the safety of the community ~~and~~ or to ensure that the person will appear at all times and places ordered by the court, with regard to certain factors.

Section 3 also requires a prosecuting attorney, if he or she requests the imposition of bail or a condition of release on a person, to prove by clear and convincing evidence that the imposition of bail is necessary to protect the safety of the community ~~and~~ or to ensure the appearance of the person in court. Finally, section 3 : (1) requires a court to make findings of fact for certain determinations relating to the imposition of bail or any condition of release, or both; and (2) provides that if a person used a firearm in the commission of the offense for which the person was arrested, there is a rebuttable presumption that the least restrictive means necessary to ensure the safety of the community includes the imposition of bail or a condition of release, or both.

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

Section 1. NRS 171.1845 is hereby amended to read as follows:

171.1845 1. If a person is brought before a magistrate under the provisions of NRS 171.178 or 171.184, and it is discovered that there is a warrant for the person's arrest outstanding in another county of this State, the magistrate may release the person in accordance with the provisions of NRS ~~{178.484 or}~~ 178.4851 if:

(a) The warrant arises out of a public offense which constitutes a misdemeanor; and

(b) The person provides a suitable address where the magistrate who issued the warrant in the other county can notify the person of a time and place to appear.

2. If a person is released under the provisions of this section, the magistrate who releases the person shall transmit the cash, bond, notes or agreement submitted under the provisions of NRS 178.502 or 178.4851, together with the person's address, to the magistrate who issued the warrant. Upon receipt of the cash, bonds, notes or agreement and address, the magistrate who issued the warrant shall notify the person of a time and place to appear.

3. Any bail set under the provisions of this section must be in addition to and apart from any bail set for any public offense with which a person is charged in the county in which a magistrate is setting bail. In setting bail under the provisions of this section, a magistrate shall set the bail in an amount which is sufficient to induce a reasonable person to travel to the county in which the warrant for the arrest is outstanding.

4. A person who fails to appear in the other county as ordered is guilty of failing to appear and shall be punished as provided in NRS 199.335. A sentence of imprisonment imposed for failing to appear in violation of this

section must be imposed consecutively to a sentence of imprisonment for the offense out of which the warrant arises.

Sec. 2. NRS 178.484 is hereby amended to read as follows:

178.484 1. Except as otherwise provided in this section, a person arrested for an offense other than murder of the first degree must be admitted to bail.

2. A person arrested for a felony who has been released on probation or parole for a different offense must not be admitted to bail unless:

- (a) A court issues an order directing that the person be admitted to bail;
- (b) The State Board of Parole Commissioners directs the detention facility to admit the person to bail; or
- (c) The Division of Parole and Probation of the Department of Public Safety directs the detention facility to admit the person to bail.

3. A person arrested for a felony whose sentence has been suspended pursuant to NRS 4.373 or 5.055 for a different offense or who has been sentenced to a term of residential confinement pursuant to NRS 4.3762 or 5.076 for a different offense must not be admitted to bail unless:

- (a) A court issues an order directing that the person be admitted to bail; or
- (b) A department of alternative sentencing directs the detention facility to admit the person to bail.

4. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.

5. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of intoxicating liquor must not be admitted to bail or released on the person's own recognizance unless the person has a concentration of alcohol of less than 0.04 in his or her breath. A test of the person's breath pursuant to this subsection to determine the concentration of alcohol in his or her breath as a condition of admission to bail or release is not admissible as evidence against the person.

6. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of a controlled substance, is under the combined influence of intoxicating liquor and a controlled substance, or inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle or vessel under power or sail must not be admitted to bail or released on the person's own recognizance sooner than 12 hours after arrest.

7. A person arrested for a battery that constitutes domestic violence pursuant to NRS 33.018 must not be admitted to bail sooner than 12 hours after arrest. If the person is admitted to bail more than 12 hours after arrest, without

appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

(a) Three thousand dollars, if the person has no previous convictions of battery that constitute domestic violence pursuant to NRS 33.018 and there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation;

(b) Five thousand dollars, if the person has:

(1) No previous convictions of battery that constitute domestic violence pursuant to NRS 33.018, but there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or

(2) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018, but there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or

(c) Fifteen thousand dollars, if the person has:

(1) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 and there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or

(2) Two or more previous convictions of battery that constitute domestic violence pursuant to NRS 33.018.

↪ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court, or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

8. A person arrested for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or for violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or for violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378 must not be admitted to bail sooner than 12 hours after arrest if:

(a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(b) The person has previously violated a temporary or extended order for protection of the type for which the person has been arrested; or

(c) At the time of the violation or within 2 hours after the violation, the person has:

(1) A concentration of alcohol of 0.08 or more in the person's blood or breath; or

(2) An amount of a prohibited substance in the person's blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 484C.110.

9. If a person is admitted to bail more than 12 hours after arrest, pursuant to subsection 8, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

(a) Three thousand dollars, if the person has no previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378;

(b) Five thousand dollars, if the person has one previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or

(c) Fifteen thousand dollars, if the person has two or more previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378.

↳The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to

NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378, if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

~~10. {The court may, before releasing a person arrested for an offense punishable as a felony, require the surrender to the court of any passport the person possesses.~~

~~11. Before releasing a person arrested for any crime, the court may impose such reasonable conditions on the person as it deems necessary to protect the health, safety and welfare of the community and to ensure that the person will appear at all times and places ordered by the court, including, without limitation:~~

~~—(a) Requiring the person to remain in this State or a certain county within this State;~~

~~—(b) Prohibiting the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on the person's behalf;~~

~~—(c) Prohibiting the person from entering a certain geographic area; or~~

~~—(d) Prohibiting the person from engaging in specific conduct that may be harmful to the person's own health, safety or welfare, or the health, safety or welfare of another person.~~

~~➤ In determining whether a condition is reasonable, the court shall consider the factors listed in NRS 178.4853.~~

~~12. If a person fails to comply with a condition imposed pursuant to subsection 11, the court may, after providing the person with reasonable notice and an opportunity for a hearing:~~

~~—(a) Deem such conduct a contempt pursuant to NRS 22.010; or~~

~~—(b) Increase the amount of bail pursuant to NRS 178.499.~~

~~13. An order issued pursuant to this section that imposes a condition on a person admitted to bail must include a provision ordering any law enforcement officer to arrest the person if the officer has probable cause to believe that the person has violated a condition of bail.~~

~~14. Before a person may be admitted to bail, the person must sign a document stating that:~~

~~—(a) The person will appear at all times and places as ordered by the court releasing the person and as ordered by any court before which the charge is subsequently heard;~~

~~—(b) The person will comply with the other conditions which have been imposed by the court and are stated in the document; and~~

~~—(e) If the person fails to appear when so ordered and is taken into custody outside of this State, the person waives all rights relating to extradition proceedings.~~

~~→ The signed document must be filed with the clerk of the court of competent jurisdiction as soon as practicable, but in no event later than the next business day.~~

~~—15. If a person admitted to bail fails to appear as ordered by a court and the jurisdiction incurs any cost in returning the person to the jurisdiction to stand trial, the person who failed to appear is responsible for paying those costs as restitution.~~

~~—16.} For the purposes of subsections 8 and 9, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.~~

~~{17.} 11. As used in this section, "strangulation" has the meaning ascribed to it in NRS 200.481.~~

Sec. 3. NRS 178.4851 is hereby amended to read as follows:

178.4851 1. ~~{Upon a showing of good cause, a court may release without bail any person entitled to bail if it appears to the court that it can impose conditions on the person that will adequately protect the health, safety and welfare of the community and ensure that the person will appear at all times and places ordered by the court.~~

~~—2. In releasing a person without bail, the court may impose such conditions} Except as otherwise provided in subsections ~~{3} 4~~ and ~~{4} 5~~, the court shall only impose bail or a condition of release, or both, on a person as it deems to be the least restrictive means necessary to protect the ~~{health,} safety {and welfare}~~ of the community ~~{and}~~ or to ensure that the person will appear at all times and places ordered by the court, ~~{including, without limitation, any condition set forth in subsection 11 of NRS 178.484.}~~ with regard to the factors set forth in NRS 178.4853 and 178.498. Such conditions of release may include, without limitation:~~

(a) Requiring the person to remain in this State or a certain county within this State;

(b) Prohibiting the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on the person's behalf;

(c) Prohibiting the person from entering a certain geographic area; or

(d) Prohibiting the person from engaging in specific conduct that may be harmful to the person's own health, safety or welfare, or the health, safety or welfare of another person.

2. A prosecuting attorney may request that a court impose bail or a condition of release, or both, on a person. If the request includes the imposition of bail, the prosecuting attorney must prove by clear and convincing evidence that the imposition of bail is necessary to protect the safety of the community

~~and~~ or to ensure that the person will appear at all times and places ordered by the court, with regard to the factors set forth in NRS 178.4853 and 178.498.

3. If a court imposes bail or any condition of release, or both, other than release on recognizance with no other conditions of release, the court shall make findings of fact for such a determination and state its reasoning on the record, and, if the determination includes the imposition of a condition of release, the findings of fact must include why the condition of release constitutes the least restrictive means necessary to protect the safety of the community or to ensure the person will appear at the times and places ordered by the court.

4. If a person used a firearm in the commission of the offense for which the person was arrested, there is a rebuttable presumption that the least restrictive means necessary to protect ~~ensure~~ the safety of the community includes the imposition of bail or a condition of release, or both.

~~4.~~ 5. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.

~~3-5. Upon a showing of good cause, a sheriff or chief of police may release without bail any person charged with a misdemeanor pursuant to standards established by a court of competent jurisdiction.~~

~~4. Before a person may be released without bail, the~~

6. The person must ~~file with the clerk of the court of competent jurisdiction a signed~~ sign a document before the person's release stating that:

(a) The person will appear at all times and places as ordered by the court releasing the person and as ordered by any court before which the charge is subsequently heard;

(b) The person will comply with the other conditions which have been imposed by the court and are stated in the document;

(c) If the person fails to appear when so ordered and is taken into custody outside of this State, the person waives all rights relating to extradition proceedings; and

(d) The person understands that any court of competent jurisdiction may revoke the order of release without bail and may order the person into custody or require the person to furnish bail or otherwise ensure the protection of the ~~health,~~ safety ~~and welfare~~ of the community or the person's appearance ~~+~~ ~~5.~~ , if applicable.

7. The document signed pursuant to subsection 6 must be filed with the clerk of the court of competent jurisdiction ~~+~~

~~(a) Before the person is released, if the person is released without bail, or~~

~~(b) As soon as practicable, but in no event later than the next business day, if bail is imposed by the court,] and becomes effective upon the signature of the person to be released.~~

8. *If a person fails to comply with a condition of release imposed pursuant to this section, the court may, after providing the person with reasonable notice and an opportunity for a hearing:*

(a) *Deem such conduct a contempt pursuant to NRS 22.010; ~~and~~*

(b) *Increase the amount of bail pursuant to NRS 178.499, if applicable ~~and~~*

*; or*

*(c) Revoke bail and remand the person into custody.*

9. *If a person fails to appear as ordered by the court and a jurisdiction incurs any costs in returning a person to the jurisdiction to stand trial, the person failing to appear is responsible for paying those costs as restitution.*

~~6.~~ 10. *An order issued pursuant to this section that imposes a condition on a person ~~[who is released without bail]~~ must include a provision ordering a law enforcement officer to arrest the person if the law enforcement officer has probable cause to believe that the person has violated a condition of release.*

11. *Nothing in this section shall be construed to require a court to receive the request of a prosecuting attorney before imposing a condition of release.*

Sec. 4. NRS 178.4853 is hereby amended to read as follows:

178.4853 *In ~~[deciding whether there is good cause to release]~~ reviewing the custody status of a person, ~~[without bail]~~ the court at a minimum shall consider the following factors concerning the person:*

1. The length of residence in the community;
2. The status and history of employment;
3. Relationships with the person's spouse and children, parents or other family members and with close friends;
4. Reputation, character and mental condition;
5. Prior criminal record, including, without limitation, any record of appearing or failing to appear after release on bail or without bail;
6. The identity of responsible members of the community who would vouch for the reliability of the person;
7. The nature of the offense with which the person is charged, the apparent probability of conviction and the likely sentence, insofar as these factors relate to the risk of not appearing;
8. The nature and seriousness of the danger to the alleged victim, any other person or the community that would be posed by the person's release;
9. The likelihood of more criminal activity by the person after release; and
10. Any other factors concerning the person's ties to the community or bearing on the risk that the person may willfully fail to appear.

Sec. 5. NRS 178.498 is hereby amended to read as follows:

178.498 *~~[If the defendant is admitted to bail, the bail must be set at an amount which in the judgment of the magistrate will reasonably ensure the appearance of the defendant and the safety of other persons and of the community, having regard to:] In deciding the amount of bail to impose on a person, the court shall consider:~~*

1. The nature and circumstances of the offense charged;
2. The financial ability of the defendant to give bail;

3. The character of the defendant; and
4. The factors listed in NRS 178.4853.

Sec. 6. NRS 178.502 is hereby amended to read as follows:

178.502 1. A person required or permitted to give bail shall execute a bond for the person's appearance. The magistrate or court or judge or justice, having regard to the considerations set forth in NRS ~~[178.498,]~~ 178.4851, may require one or more sureties or may authorize the acceptance of cash or bonds or notes of the United States in an amount equal to or less than the face amount of the bond.

2. Any bond or undertaking for bail must provide that the bond or undertaking:

(a) Extends to any action or proceeding in a justice court, municipal court or district court arising from the charge on which bail was first given in any of these courts; and

(b) Remains in effect until exonerated by the court.

↪ This subsection does not require that any bond or undertaking extend to proceedings on appeal.

3. If an action or proceeding against a defendant who has been admitted to bail is transferred to another trial court, the bond or undertaking must be transferred to the clerk of the court to which the action or proceeding has been transferred.

4. Except as otherwise provided in subsection 5, the court shall exonerate the bond or undertaking for bail if:

(a) The action or proceeding against a defendant who has been admitted to bail is dismissed; or

(b) No formal action or proceeding is instituted against a defendant who has been admitted to bail.

5. The court may delay exoneration of the bond or undertaking for bail for a period not to exceed 30 days if, at the time the action or proceeding against a defendant who has been admitted to bail is dismissed, the defendant:

(a) Has been indicted or is charged with a public offense which is the same or substantially similar to the charge upon which bail was first given and which arises out of the same act or omission supporting the charge upon which bail was first given; or

(b) Requests to remain admitted to bail in anticipation of being later indicted or charged with a public offense which is the same or substantially similar to the charge upon which bail was first given and which arises out of the same act or omission supporting the charge upon which bail was first given.

↪ If the defendant has already been indicted or charged, or is later indicted or charged, with a public offense arising out of the same act or omission supporting the charge upon which bail was first given, the bail must be applied to the public offense for which the defendant has been indicted or charged or is later indicted or charged, and the bond or undertaking must be transferred to the clerk of the appropriate court. Within 10 days after its receipt, the clerk of the court to whom the bail is transferred shall mail or electronically transmit

notice of the transfer to the surety on the bond and the bail agent who executed the bond.

6. Bail given originally on appeal must be deposited with the magistrate or the clerk of the court from which the appeal is taken.

Amendment No. 676.

SUMMARY—Revises provisions relating to criminal procedure. (BDR 14-375)

AN ACT relating to criminal procedure; removing the requirement that an arrested person show good cause before being released without bail; providing that a court may only impose bail or a condition of release, or both, on a person if the imposition is the least restrictive means necessary to protect the safety of the community or to ensure the appearance of the person in court; requiring prosecuting attorneys under certain circumstances to prove by clear and convincing evidence that the imposition of bail or a condition of release, or both, on a person is necessary to protect the safety of the community or to ensure the appearance of the person in court; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Constitution prohibits the imposition of excessive bail and requires all persons arrested for offenses other than murder of the first degree to be admitted to bail. (Nev. Const. Art. 1, §§ 6, 7)

Recently, the Nevada Supreme Court held that a provision of law requiring an arrested person to show good cause before being released without bail violated his or her constitutional right to nonexcessive bail. Specifically, the Nevada Supreme Court held that the provision of law was unconstitutional because it: (1) did not require the court to consider less restrictive conditions of release before determining that the imposition of bail was necessary; and (2) effectively relieved the State from its burden of proving that the imposition of bail on the person was necessary to protect the safety of the community or to ensure the appearance of the person in court. (*Valdez-Jimenez v. Eighth Jud. Dist. Court*, 136 Nev. 155 (2020); Nev. Const. Art. 1, §§ 6, 7; NRS 178.4851) Section 3 of this bill removes the provision of law that was found unconstitutional and section 4 of this bill makes a conforming change.

Existing law sets forth separate procedures for releasing persons with bail and releasing persons without bail. (NRS 178.484, 178.4851) Specifically, existing law: (1) restricts persons from being released on bail under certain circumstances; and (2) mandates specific amounts of bail for offenses involving domestic violence and violations of certain orders for protections. (NRS 178.484) Section 2 of this bill retains the existing restrictions and specific amounts of bail while section 3 consolidates the existing procedures for releasing persons with bail and releasing persons without bail into a standard procedure for courts to follow in making pretrial custody determinations. Sections 1, 5 and 6 of this bill make conforming changes to reflect the consolidation of the procedures.

Section 3 requires the court ~~:(1) to only impose bail or a condition of release, or both, on a person as it deems to be the least restrictive means necessary to protect the safety of the community or to ensure that the person will appear at all times and places ordered by the court, with regard to certain factors, ~~1~~; and (2) to make certain findings of fact relating to the imposition of bail or any condition of release, or both.~~

Section 3 also requires a prosecuting attorney, if he or she requests the imposition of bail or a condition of release on a person, to prove by clear and convincing evidence that the imposition of bail is necessary to protect the safety of the community or to ensure the appearance of the person in court. ~~Finally, section 3 :(1) requires a court to make findings of fact for certain determinations relating to the imposition of bail or any condition of release, or both; and (2) provides that if a person used a firearm in the commission of the offense for which the person was arrested, there is a rebuttable presumption that the least restrictive means necessary to ensure the safety of the community includes the imposition of bail or a condition of release, or both.]~~

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

Section 1. NRS 171.1845 is hereby amended to read as follows:

171.1845 1. If a person is brought before a magistrate under the provisions of NRS 171.178 or 171.184, and it is discovered that there is a warrant for the person's arrest outstanding in another county of this State, the magistrate may release the person in accordance with the provisions of NRS ~~178.484 or~~ 178.4851 if:

(a) The warrant arises out of a public offense which constitutes a misdemeanor; and

(b) The person provides a suitable address where the magistrate who issued the warrant in the other county can notify the person of a time and place to appear.

2. If a person is released under the provisions of this section, the magistrate who releases the person shall transmit the cash, bond, notes or agreement submitted under the provisions of NRS 178.502 or 178.4851, together with the person's address, to the magistrate who issued the warrant. Upon receipt of the cash, bonds, notes or agreement and address, the magistrate who issued the warrant shall notify the person of a time and place to appear.

3. Any bail set under the provisions of this section must be in addition to and apart from any bail set for any public offense with which a person is charged in the county in which a magistrate is setting bail. In setting bail under the provisions of this section, a magistrate shall set the bail in an amount which is sufficient to induce a reasonable person to travel to the county in which the warrant for the arrest is outstanding.

4. A person who fails to appear in the other county as ordered is guilty of failing to appear and shall be punished as provided in NRS 199.335. A sentence of imprisonment imposed for failing to appear in violation of this

section must be imposed consecutively to a sentence of imprisonment for the offense out of which the warrant arises.

Sec. 2. NRS 178.484 is hereby amended to read as follows:

178.484 1. Except as otherwise provided in this section, a person arrested for an offense other than murder of the first degree must be admitted to bail.

2. A person arrested for a felony who has been released on probation or parole for a different offense must not be admitted to bail unless:

- (a) A court issues an order directing that the person be admitted to bail;
- (b) The State Board of Parole Commissioners directs the detention facility to admit the person to bail; or
- (c) The Division of Parole and Probation of the Department of Public Safety directs the detention facility to admit the person to bail.

3. A person arrested for a felony whose sentence has been suspended pursuant to NRS 4.373 or 5.055 for a different offense or who has been sentenced to a term of residential confinement pursuant to NRS 4.3762 or 5.076 for a different offense must not be admitted to bail unless:

- (a) A court issues an order directing that the person be admitted to bail; or
- (b) A department of alternative sentencing directs the detention facility to admit the person to bail.

4. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.

5. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of intoxicating liquor must not be admitted to bail or released on the person's own recognizance unless the person has a concentration of alcohol of less than 0.04 in his or her breath. A test of the person's breath pursuant to this subsection to determine the concentration of alcohol in his or her breath as a condition of admission to bail or release is not admissible as evidence against the person.

6. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of a controlled substance, is under the combined influence of intoxicating liquor and a controlled substance, or inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle or vessel under power or sail must not be admitted to bail or released on the person's own recognizance sooner than 12 hours after arrest.

7. A person arrested for a battery that constitutes domestic violence pursuant to NRS 33.018 must not be admitted to bail sooner than 12 hours after arrest. If the person is admitted to bail more than 12 hours after arrest, without

appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

(a) Three thousand dollars, if the person has no previous convictions of battery that constitute domestic violence pursuant to NRS 33.018 and there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation;

(b) Five thousand dollars, if the person has:

(1) No previous convictions of battery that constitute domestic violence pursuant to NRS 33.018, but there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or

(2) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018, but there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or

(c) Fifteen thousand dollars, if the person has:

(1) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 and there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or

(2) Two or more previous convictions of battery that constitute domestic violence pursuant to NRS 33.018.

↪ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court, or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

8. A person arrested for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or for violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or for violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378 must not be admitted to bail sooner than 12 hours after arrest if:

(a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(b) The person has previously violated a temporary or extended order for protection of the type for which the person has been arrested; or

(c) At the time of the violation or within 2 hours after the violation, the person has:

(1) A concentration of alcohol of 0.08 or more in the person's blood or breath; or

(2) An amount of a prohibited substance in the person's blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 484C.110.

9. If a person is admitted to bail more than 12 hours after arrest, pursuant to subsection 8, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

(a) Three thousand dollars, if the person has no previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378;

(b) Five thousand dollars, if the person has one previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or

(c) Fifteen thousand dollars, if the person has two or more previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378.

↪ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to

NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378, if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

~~10. {The court may, before releasing a person arrested for an offense punishable as a felony, require the surrender to the court of any passport the person possesses.~~

~~11. Before releasing a person arrested for any crime, the court may impose such reasonable conditions on the person as it deems necessary to protect the health, safety and welfare of the community and to ensure that the person will appear at all times and places ordered by the court, including, without limitation:~~

~~—(a) Requiring the person to remain in this State or a certain county within this State;~~

~~—(b) Prohibiting the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on the person's behalf;~~

~~—(c) Prohibiting the person from entering a certain geographic area; or~~

~~—(d) Prohibiting the person from engaging in specific conduct that may be harmful to the person's own health, safety or welfare, or the health, safety or welfare of another person.~~

~~➤ In determining whether a condition is reasonable, the court shall consider the factors listed in NRS 178.4853.~~

~~12. If a person fails to comply with a condition imposed pursuant to subsection 11, the court may, after providing the person with reasonable notice and an opportunity for a hearing:~~

~~—(a) Deem such conduct a contempt pursuant to NRS 22.010; or~~

~~—(b) Increase the amount of bail pursuant to NRS 178.499.~~

~~13. An order issued pursuant to this section that imposes a condition on a person admitted to bail must include a provision ordering any law enforcement officer to arrest the person if the officer has probable cause to believe that the person has violated a condition of bail.~~

~~14. Before a person may be admitted to bail, the person must sign a document stating that:~~

~~—(a) The person will appear at all times and places as ordered by the court releasing the person and as ordered by any court before which the charge is subsequently heard;~~

~~—(b) The person will comply with the other conditions which have been imposed by the court and are stated in the document; and~~

~~—(e) If the person fails to appear when so ordered and is taken into custody outside of this State, the person waives all rights relating to extradition proceedings.~~

~~→ The signed document must be filed with the clerk of the court of competent jurisdiction as soon as practicable, but in no event later than the next business day.~~

~~—15. If a person admitted to bail fails to appear as ordered by a court and the jurisdiction incurs any cost in returning the person to the jurisdiction to stand trial, the person who failed to appear is responsible for paying those costs as restitution.~~

~~—16.} For the purposes of subsections 8 and 9, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.~~

~~{17.} 11. As used in this section, "strangulation" has the meaning ascribed to it in NRS 200.481.~~

Sec. 3. NRS 178.4851 is hereby amended to read as follows:

178.4851 1. ~~{Upon a showing of good cause, a court may release without bail any person entitled to bail if it appears to the court that it can impose conditions on the person that will adequately protect the health, safety and welfare of the community and ensure that the person will appear at all times and places ordered by the court.~~

~~—2. In releasing a person without bail, the court may impose such conditions} Except as otherwise provided in ~~{subsections}~~ subsection 4, ~~and 5,} the court shall only impose bail or a condition of release, or both, on a person as it deems to be the least restrictive means necessary to protect the {health,} safety {and welfare} of the community {and} or to ensure that the person will appear at all times and places ordered by the court, {including, without limitation, any condition set forth in subsection 11 of NRS 178.484.~~~~

~~—3. Upon a showing of good cause, a sheriff or chief of police may release without bail any person charged with a misdemeanor pursuant to standards established by a court of competent jurisdiction.~~

~~—4. Before a person may be released without bail, the} with regard to the factors set forth in NRS 178.4853 and 178.498. Such conditions of release may include, without limitation:~~

*(a) Requiring the person to remain in this State or a certain county within this State;*

*(b) Prohibiting the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on the person's behalf;*

*(c) Prohibiting the person from entering a certain geographic area; or*

*(d) Prohibiting the person from engaging in specific conduct that may be harmful to the person's own health, safety or welfare, or the health, safety or welfare of another person.*

2. A prosecuting attorney may request that a court impose bail or a condition of release, or both, on a person. If the request includes the imposition of bail, the prosecuting attorney must prove by clear and convincing evidence that the imposition of bail is necessary to protect the safety of the community or to ensure that the person will appear at all times and places ordered by the court, with regard to the factors set forth in NRS 178.4853 and 178.498.

3. If a court imposes bail or any condition of release, or both, other than release on recognizance with no other conditions of release, the court shall make findings of fact for such a determination and state its reasoning on the record, and, if the determination includes the imposition of a condition of release, the findings of fact must include why the condition of release constitutes the least restrictive means necessary to protect the safety of the community or to ensure the person will appear at the times and places ordered by the court.

4. ~~If a person used a firearm in the commission of the offense for which the person was arrested, there is a rebuttable presumption that the least restrictive means necessary to protect the safety of the community includes the imposition of bail or a condition of release, or both.~~

~~5.~~ A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.

~~6.~~ 5. The person must ~~file with the clerk of the court of competent jurisdiction a signed~~ sign a document before the person's release stating that:

(a) The person will appear at all times and places as ordered by the court releasing the person and as ordered by any court before which the charge is subsequently heard;

(b) The person will comply with the other conditions which have been imposed by the court and are stated in the document;

(c) If the person fails to appear when so ordered and is taken into custody outside of this State, the person waives all rights relating to extradition proceedings; and

(d) The person understands that any court of competent jurisdiction may revoke the order of release without bail and may order the person into custody or require the person to furnish bail or otherwise ensure the protection of the ~~health,~~ safety ~~and welfare~~ of the community or the person's appearance ~~;~~ ~~5.~~ , if applicable.

~~7.~~ 6. The document signed pursuant to subsection ~~6.~~ 5 must be filed with the clerk of the court of competent jurisdiction and becomes effective upon the signature of the person to be released.

~~8.~~ 7. If a person fails to comply with a condition of release imposed pursuant to this section, the court may, after providing the person with reasonable notice and an opportunity for a hearing:

(a) Deem such conduct a contempt pursuant to NRS 22.010;

(b) Increase the amount of bail pursuant to NRS 178.499, if applicable; or  
 (c) Revoke bail and remand the person into custody.

~~9.~~ 8. If a person fails to appear as ordered by the court and a jurisdiction incurs any costs in returning a person to the jurisdiction to stand trial, the person failing to appear is responsible for paying those costs as restitution.

~~6-10.~~ 9. An order issued pursuant to this section that imposes a condition on a person ~~[who is released without bail]~~ must include a provision ordering a law enforcement officer to arrest the person if the law enforcement officer has probable cause to believe that the person has violated a condition of release.

~~11.~~ 10. Nothing in this section shall be construed to require a court to receive the request of a prosecuting attorney before imposing a condition of release.

Sec. 4. NRS 178.4853 is hereby amended to read as follows:

178.4853 In ~~[deciding whether there is good cause to release]~~ reviewing the custody status of a person, ~~[without bail,]~~ the court at a minimum shall consider the following factors concerning the person:

1. The length of residence in the community;
2. The status and history of employment;
3. Relationships with the person's spouse and children, parents or other family members and with close friends;
4. Reputation, character and mental condition;
5. Prior criminal record, including, without limitation, any record of appearing or failing to appear after release on bail or without bail;
6. The identity of responsible members of the community who would vouch for the reliability of the person;
7. The nature of the offense with which the person is charged, the apparent probability of conviction and the likely sentence, insofar as these factors relate to the risk of not appearing;
8. The nature and seriousness of the danger to the alleged victim, any other person or the community that would be posed by the person's release;
9. The likelihood of more criminal activity by the person after release; and
10. Any other factors concerning the person's ties to the community or bearing on the risk that the person may willfully fail to appear.

Sec. 5. NRS 178.498 is hereby amended to read as follows:

178.498 ~~[If the defendant is admitted to bail, the bail must be set at an amount which in the judgment of the magistrate will reasonably ensure the appearance of the defendant and the safety of other persons and of the community, having regard to:]~~ In deciding the amount of bail to impose on a person, the court shall consider:

1. The nature and circumstances of the offense charged;
2. The financial ability of the defendant to give bail;
3. The character of the defendant; and
4. The factors listed in NRS 178.4853.

Sec. 6. NRS 178.502 is hereby amended to read as follows:

178.502 1. A person required or permitted to give bail shall execute a bond for the person's appearance. The magistrate or court or judge or justice, having regard to the considerations set forth in NRS ~~[178.498,]~~ *178.4851*, may require one or more sureties or may authorize the acceptance of cash or bonds or notes of the United States in an amount equal to or less than the face amount of the bond.

2. Any bond or undertaking for bail must provide that the bond or undertaking:

(a) Extends to any action or proceeding in a justice court, municipal court or district court arising from the charge on which bail was first given in any of these courts; and

(b) Remains in effect until exonerated by the court.

↪ This subsection does not require that any bond or undertaking extend to proceedings on appeal.

3. If an action or proceeding against a defendant who has been admitted to bail is transferred to another trial court, the bond or undertaking must be transferred to the clerk of the court to which the action or proceeding has been transferred.

4. Except as otherwise provided in subsection 5, the court shall exonerate the bond or undertaking for bail if:

(a) The action or proceeding against a defendant who has been admitted to bail is dismissed; or

(b) No formal action or proceeding is instituted against a defendant who has been admitted to bail.

5. The court may delay exoneration of the bond or undertaking for bail for a period not to exceed 30 days if, at the time the action or proceeding against a defendant who has been admitted to bail is dismissed, the defendant:

(a) Has been indicted or is charged with a public offense which is the same or substantially similar to the charge upon which bail was first given and which arises out of the same act or omission supporting the charge upon which bail was first given; or

(b) Requests to remain admitted to bail in anticipation of being later indicted or charged with a public offense which is the same or substantially similar to the charge upon which bail was first given and which arises out of the same act or omission supporting the charge upon which bail was first given.

↪ If the defendant has already been indicted or charged, or is later indicted or charged, with a public offense arising out of the same act or omission supporting the charge upon which bail was first given, the bail must be applied to the public offense for which the defendant has been indicted or charged or is later indicted or charged, and the bond or undertaking must be transferred to the clerk of the appropriate court. Within 10 days after its receipt, the clerk of the court to whom the bail is transferred shall mail or electronically transmit notice of the transfer to the surety on the bond and the bail agent who executed the bond.

6. Bail given originally on appeal must be deposited with the magistrate or the clerk of the court from which the appeal is taken.

Senator Scheible moved that the Senate do not concur in Assembly Amendments Nos. 652, 676 to Senate Bill No. 369.

Motion carried.

Bill ordered transmitted to the Assembly.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 409, 411, 412, 413, 414, 415, 418, 421, 422, 426, 427, 446, 447; Senate Concurrent Resolutions Nos. 11, 13.

Senator Cannizzaro moved that the Senate adjourn until Monday, May 31, 2021, at 11:00 a.m.

Motion carried.

Senate adjourned at 10:03 p.m.

Approved:

KATE MARSHALL  
*President of the Senate*

Attest: CLAIRE J. CLIFT  
*Secretary of the Senate*