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PROPOSED AMENDMENT TO  
SENATE BILL NO. 251

PREPARED FOR SENATOR TITUS  
APRIL 4, 2003

PREPARED BY THE LEGAL DIVISION

NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE OFFICIAL AMENDMENT MAY DIFFER.

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red-strikethrough~~ is deleted language in the original bill; (4) ~~green bold double-strikethrough~~ is language proposed to be deleted in this amendment and (5) green bold dashed underlining is deleted language in the original bill that is proposed to be retained in this amendment.

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

1 Section 1. Title 3 of NRS is hereby amended by adding thereto a new chapter to consist of the  
2 provisions set forth as sections 2 to 11, inclusive, of this act.

3  
4 Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined*  
5 *in sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.*

6  
7 Sec. 3. "Court" means a district court in this state.

8  
9 Sec. 4. "Information concerning a serious public hazard" means any information concerning a  
10 serious public hazard that may be useful to members of the public in protecting themselves from  
11 physical injury or death which may result from the serious public hazard.

12  
13 Sec. 5. "Person" includes a government, governmental agency or political subdivision of a  
14 government.

NOTE: The definition of physical injury contained in this proposed amendment incorporates the  
definition of substantial bodily harm contained in NRS 0.060.

15 Sec. 6. "Physical injury" means:

16 ~~1. Permanent or temporary disfigurement of any part of the body; or~~

17 ~~2. Impairment of any bodily function or organ of the body.~~

18 1. Bodily injury which creates a substantial risk of death or which causes serious, permanent  
19 disfigurement or protracted loss or impairment of the function of any bodily member or organ; or

20 2. Prolonged physical pain.

21  
22 Sec. 7. "Protected information" includes:

23 1. Any information that is confidential pursuant to federal or state law.

24 2. A trade secret. As used in this subsection, "trade secret" has the meaning ascribed to it in NRS  
25 600A.030.

26  
27 Sec. 8. "~~Public~~ Serious public hazard" means any instrumentality, device, procedure, product or  
28 condition of any instrumentality, device, procedure or product that has caused or is likely to cause  
29 physical injury or death.

30  
31 Sec. 9. Except as otherwise provided in section 11 of this act:

EXHIBIT F Senate Committee on Judiciary

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\*PROPOSED AMENDMENT TO SB251\*

1 1. A court shall not knowingly enter an order or a judgment that has the purpose or effect of  
2 concealing:

- 3 (a) A serious public hazard; or  
4 (b) Information concerning a serious public hazard.

5 2. Any portion of an agreement or a contract that has the purpose or effect of concealing a serious  
6 public hazard or information concerning a serious public hazard is void as against the public policy of  
7 this state.

8  
9 Sec. 10. 1. Any person has standing to contest an order or a judgment that allegedly has the  
10 purpose or effect of concealing a serious public hazard or information concerning a serious public  
11 hazard by filing a motion in the court which entered the order or judgment.

12 2. Any person has standing to contest an agreement or a contract that allegedly has the purpose or  
13 effect of concealing a serious public hazard or information concerning a serious public hazard by  
14 bringing an action for declaratory judgment pursuant to chapter 30 of NRS.

15  
16 Sec. 11. 1. The provisions of this chapter must not be construed to allow the disclosure of  
17 protected information.

18 2. A person may seek to prevent disclosure pursuant to this chapter of information that allegedly  
19 constitutes protected information by filing with the court a motion to prevent disclosure of the  
20 information. Upon the filing of such a motion, the court shall examine, in camera, the information  
21 that is the subject of the motion.

22 3. If, after examining the information, the court finds that all or part of the information that is the  
23 subject of the motion constitutes protected information, the court shall enter an order prohibiting  
24 public disclosure of the information to the extent that it constitutes protected information.

25 Sec. 12. The amendatory provisions of this act apply to:

- 26 1. An order or judgment entered on or after the effective date of this act.  
27 2. An agreement or a contract executed on or after the effective date of this act.

28  
29 Sec. 13. This act becomes effective upon passage and approval.

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