
ASSEMBLY BILL NO. 260—ASSEMBLYMEN BEERS, GIBBONS,
CHRISTENSEN, GOLDWATER, GRADY, GUSTAVSON,
HARDY, HORNE, MANENDO AND SHERER

MARCH 7, 2003

Referred to Committee on Government Affairs

SUMMARY—Authorizes use of machine-readable media for
preservation of certain public records. (BDR 19-7)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public records; authorizing the use of machine-
readable media for the preservation of certain public
records; and providing other matters properly relating
thereto.

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

- 1 **Section 1.** NRS 239.005 is hereby amended to read as follows:
2 239.005 As used in this chapter, unless the context otherwise
3 requires:
4 1. “Actual cost” means the direct cost related to the
5 reproduction of a public record. The term does not include a cost
6 that a governmental entity incurs regardless of whether or not a
7 person requests a copy of a particular public record.
8 2. “Committee” means the Committee to Approve Schedules
9 for the Retention and Disposition of Official State Records.
10 3. “Division” means the Division of State Library and Archives
11 of the Department of Cultural Affairs.
12 4. “Governmental entity” means:
13 (a) An elected or appointed officer of this state or of a political
14 subdivision of this state;



1 (b) An institution, board, commission, bureau, council,
2 department, division, authority or other unit of government of this
3 state or of a political subdivision of this state;

4 (c) A university foundation, as defined in NRS 396.405; or

5 (d) An educational foundation, as defined in NRS 388.750, to
6 the extent that the foundation is dedicated to the assistance of public
7 schools.

8 **5. “Machine-readable medium” means a medium for the**
9 **storage of records electronically that requires a machine to access**
10 **the information contained within the medium. The term includes,**
11 **without limitation, magnetic and optical media.**

12 **Sec. 2.** NRS 239.015 is hereby amended to read as follows:

13 239.015 1. A custodian of records may remove books of
14 records, maps, charts, surveys and other papers for storage in an
15 appropriate facility if he believes that the removal of such records is
16 necessary for their protection or permanent preservation, or he may
17 arrange for their transfer to another location for duplication or
18 reproduction.

19 2. If a county recorder receives a request for a particular item
20 which has been stored pursuant to subsection 1, he shall produce a
21 ~~microfilmed~~ copy of ~~such~~ *the* item or the original within 3
22 working days.

23 **Sec. 3.** NRS 239.051 is hereby amended to read as follows:

24 239.051 1. Unless destruction of a particular record without
25 reproduction is authorized by a schedule adopted pursuant to NRS
26 239.080 or 239.125, any custodian of public records in this state
27 may destroy documents, instruments, papers, books and any other
28 records or writings in his custody ~~only if those~~ *if the* records or
29 writings have been ~~placed~~ :

30 (a) *Placed* on microphotographic film ; or ~~if the information~~
31 ~~they contain has been entered into a computer system which permits~~
32 ~~the retrieval and reproduction of that information.~~

33 (b) *Transferred to a machine-readable medium.*

34 A reproduction of that film or that information *from the machine-*
35 *readable medium* shall be deemed to be the original.

36 2. Microphotographs made pursuant to this section must be
37 made on film which complies with minimum standards of quality
38 approved by the American National Standards Institute.

39 3. The custodian of the records or writings shall:

40 (a) Promptly store at least one copy of the microphotographic
41 film , ~~for the~~ tape, disc or other *machine-readable* medium used for
42 the storage of ~~that information by the computer~~ *the records or*
43 *writings* in such a manner and place as to protect it reasonably from
44 loss or damage; and



1 (b) Maintain for the use of authorized persons a copy of a
2 reproduction of the film or the information ~~stored by the computer.]~~
3 *that was transferred to a machine-readable medium.*

4 **Sec. 4.** NRS 239.070 is hereby amended to read as follows:

5 239.070 1. In lieu of or in addition to the method of
6 recording required or allowed by statute, the county recorder may
7 use microfilm *or a machine-readable medium* for such recording.

8 2. The Division, in cooperation with the State Printing Division
9 of the Department of Administration, shall provide microfilming
10 service to any local government. The charge for the service must not
11 exceed the actual cost.

12 3. If microfilming is used:

13 (a) The microphotographs or micronegative films must be
14 properly indexed and placed in conveniently accessible files.

15 (b) Each film must be designated and numbered.

16 (c) Provision must be made for preserving, examining and using
17 the films.

18 4. A duplicate of each such film must be made and kept safely
19 in a separate place.

20 5. Duplicates of each such film must be made available by the
21 county recorder for sale at a price not exceeding cost upon the
22 request of any person, firm or organization. Subject to the approval
23 of the board of county commissioners, the county recorder may, at
24 any time, make additional duplicates of each such film available for
25 sale to the public at a price not exceeding cost.

26 6. The Division shall provide services for recording other than
27 microfilming to any local government if the Division has the
28 equipment necessary to provide the services. The services provided
29 are subject to the requirements of this section relating to
30 microfilming.

31 **Sec. 5.** NRS 239.080 is hereby amended to read as follows:

32 239.080 1. An official state record may be disposed of only
33 in accordance with a schedule for retention and disposition which is
34 approved by the Committee.

35 2. In cooperation with the Division, each agency, board and
36 commission shall develop a schedule for the retention and
37 disposition of each type of official state record.

38 3. The Division shall submit the schedules described in
39 subsection 2 to the Committee for final approval.

40 4. As used in this section, "official state record" includes,
41 without limitation, any:

42 (a) Papers, unpublished books, maps and photographs;

43 (b) Information stored on magnetic tape or computer, laser or
44 optical disc ~~;~~



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1 ~~—(c) Materials which are capable of being read by a machine,] or~~
2 ~~other machine-readable media,~~ including , ~~without limitation,~~
3 microforms and audio and visual materials; and

4 ~~[(d)] (c)~~ Materials which are made or received by a state agency
5 and preserved by that agency or its successor as evidence of the
6 organization, operation, policy or any other activity of that agency
7 or because of the information contained in the material.

8 **Sec. 6.** NRS 239.110 is hereby amended to read as follows:

9 239.110 1. The Clerk of the Supreme Court, a county clerk,
10 deputy clerk of a justice's court or clerk of a municipal court may
11 destroy all documents, records, instruments, books, papers,
12 depositions and transcripts in any action or proceeding in the
13 Supreme Court, district court, justice's court or municipal court,
14 respectively, or otherwise filed in his office pursuant to law,
15 including transcripts of coroners' inquests and depositions, if the
16 records of the Clerk do not show that the action or proceeding is
17 pending on appeal or review in any court, except that:

18 (a) If the written consent of the district attorney is first obtained,
19 transcripts of preliminary hearings may be destroyed as provided in
20 this section; and

21 (b) Minutes of the Supreme Court, district court, justice's court
22 or municipal court, affidavits supporting applications for marriage
23 licenses, after those licenses have been issued, and certificates of
24 fictitious names of businesses may be destroyed immediately
25 subject to the provisions of subsections 2 and 3.

26 2. The Clerk shall maintain for the use of the public a
27 microphotographic film print or copy *in a machine-readable*
28 *medium* of each document, record, instrument, book, paper,
29 deposition or transcript so destroyed, if the print or copy is placed
30 and kept in a sealed container under certificate of the Clerk and
31 properly indexed. This print or copy shall be deemed to be the
32 original.

33 3. The Clerk shall promptly seal and store at least one original
34 negative of each microphotographic film *or one copy of the*
35 *machine-readable medium* in such manner and place as may
36 reasonably ensure its preservation indefinitely against loss, theft,
37 defacement or destruction.

38 4. The Supreme Court may provide by rule for the destruction,
39 without prior microfilming ~~[(h)]~~ *or transfer to a machine-readable*
40 *medium,* of such other documents of the several courts of this state
41 as are held in the offices of the clerks but which:

42 (a) No longer serve any legal, financial or administrative
43 purpose; and

44 (b) Do not have any historical value.



1 5. The Court Administrator may request the Division to advise
2 and assist the Supreme Court in its establishment of the rules.

3 **Sec. 7.** NRS 239.125 is hereby amended to read as follows:
4 239.125 1. A local governmental entity may establish a
5 program for the management of records, including the adoption of
6 schedules for the retention of records and procedures for
7 microfilming ~~or~~ *or preservation in a machine-readable medium,*
8 which must be approved by the governing body and comply with the
9 applicable provisions of this chapter and any regulations adopted
10 pursuant thereto.

11 2. The State Library and Archives Administrator shall adopt
12 regulations to carry out a program to establish and approve
13 minimum periods of retention for records of local governments. The
14 proposed regulations or any amendment thereto must be submitted
15 to the *Committee on* Local Government ~~[Advisory Committee,~~
16 ~~established pursuant to NRS 354.594,]~~ *Finance, created by NRS*
17 *354.105,* for its advice and recommendations.

18 **Sec. 8.** NRS 78.027 is hereby amended to read as follows:
19 78.027 The Secretary of State may microfilm *or transfer to a*
20 *machine-readable medium* any document which is filed in his
21 office by a corporation pursuant to this chapter and may return the
22 original document to the corporation.

23 **Sec. 9.** NRS 80.005 is hereby amended to read as follows:
24 80.005 The Secretary of State may microfilm *or transfer to a*
25 *machine-readable medium* any document which is filed in his
26 office by a foreign corporation pursuant to this chapter and may
27 return the original document to the corporation.

28 **Sec. 10.** NRS 82.526 is hereby amended to read as follows:
29 82.526 The Secretary of State may microfilm *or transfer to a*
30 *machine-readable medium* any document which is filed in his
31 office by a corporation pursuant to this chapter and may return the
32 original document to the corporation.

33 **Sec. 11.** NRS 88.340 is hereby amended to read as follows:
34 88.340 The Secretary of State may microfilm *or transfer to a*
35 *machine-readable medium* any document which is filed in his
36 office by or relating to a limited partnership pursuant to this chapter
37 and may return the original document to the filer.

38 **Sec. 12.** NRS 106.260 is hereby amended to read as follows:
39 106.260 1. Any mortgage or lien, that has been or may
40 hereafter be recorded, may be discharged or assigned by an entry on
41 the margin of the record thereof, signed by the mortgagee or his
42 personal representative or assignee, acknowledging the satisfaction
43 of or value received for the mortgage or lien and the debt secured
44 thereby, in the presence of the recorder or his deputy, who shall
45 subscribe the same as a witness, and ~~[such entry shall have]~~ *the*



1 *entry has* the same effect as a deed of release or assignment duly
2 acknowledged and recorded. Such *a* marginal discharge or
3 assignment ~~[shall]~~ *must* in each case be properly indexed by the
4 recorder.

5 2. In the event that the mortgage or lien has been recorded by a
6 microfilm or other photographic process ~~[]~~ *or in a machine-*
7 *readable medium*, a marginal release may not be used and a duly
8 acknowledged discharge or release of ~~[such]~~ *the* mortgage or lien
9 must be recorded.

10 **Sec. 13.** NRS 107.073 is hereby amended to read as follows:

11 107.073 1. Except as otherwise provided in subsection 2, a
12 recorded deed of trust may be discharged by an entry on the margin
13 of the record thereof, signed by the trustee or his personal
14 representative or assignee in the presence of the recorder or his
15 deputy, acknowledging the satisfaction of or value received for the
16 deed of trust and the debt secured thereby. The recorder or his
17 deputy shall subscribe the entry as witness. The entry has the same
18 effect as a reconveyance of the deed of trust acknowledged and
19 recorded as provided by law. The recorder shall properly index each
20 marginal discharge.

21 2. If the deed of trust has been recorded by a microfilm or other
22 photographic process ~~[]~~ *or in a machine-readable medium*, a
23 marginal release may not be used and an acknowledged
24 reconveyance of the deed of trust must be recorded.

25 3. If the recorder or his deputy is presented with a certificate
26 executed by the trustee or his personal representative or assignee,
27 specifying that the deed of trust has been paid or otherwise satisfied
28 or discharged, the recorder or his deputy shall discharge the deed of
29 trust upon the record.

30 **Sec. 14.** NRS 108.2433 is hereby amended to read as follows:

31 108.2433 1. Except as otherwise provided in subsection 2, a
32 lien of record upon real property provided for in NRS 108.221 to
33 108.246, inclusive, may be discharged by an entry on the margin of
34 the record thereof, signed by the lienor or his personal representative
35 or assignee in the presence of the recorder or his deputy,
36 acknowledging the satisfaction of or value received for the lien and
37 the debt secured thereby. The recorder or his deputy shall subscribe
38 the entry as witness. The entry has the same effect as a discharge or
39 release of the lien acknowledged and recorded as provided by law.
40 The recorder shall properly index each marginal discharge.

41 2. If the lien has been recorded by a microfilm or other
42 photographic process ~~[]~~ *or in a machine-readable medium*, a
43 marginal release may not be used and an acknowledged discharge or
44 release of the lien must be recorded.



1 3. If the recorder or his deputy is presented with a certificate
2 executed by the lienor or his personal representative or assignee,
3 specifying that the lien has been paid or otherwise satisfied or
4 discharged, the recorder or his deputy shall discharge the lien upon
5 the record.

6 **Sec. 15.** NRS 247.070 is hereby amended to read as follows:
7 247.070 1. A county recorder may purchase a subscription
8 for not more than three newspapers printed and published in the
9 county where the county recorder holds office.

10 2. The county recorder may microfilm *or transfer to a*
11 *machine-readable medium* each issue of the newspaper or
12 newspapers subscribed for as provided in subsection 1.

13 **Sec. 16.** NRS 281.380 is hereby amended to read as follows:
14 281.380 If any business, institution or member of a profession
15 or calling has kept or recorded any memorandum, writing, entry,
16 print, representation or combination thereof, of any act, transaction,
17 occurrence or event and has caused any or all of such records to be
18 recorded, copied or reproduced *in a machine-readable medium or*
19 *by any photographic, photostatic, microfilm, microcard, miniature*
20 *photographic* ~~or~~ or other process which accurately reproduces or
21 forms a durable medium for so reproducing the original, such *a*
22 reproduction ~~shall~~ *must* be accepted by all public officers and
23 employees for examination, filing, copying or any other purpose as
24 if it were the original, whether or not the original is then in
25 existence.

26 **Sec. 17.** NRS 293.537 is hereby amended to read as follows:
27 293.537 1. The county clerk of each county shall maintain a
28 file of the applications to register to vote of electors who have
29 canceled their registration. The file must be kept in alphabetical
30 order. The county clerk shall mark the applications "Cancelled," and
31 indicate thereon the reason for cancelation. If the county clerk finds
32 that the registration of an elector was canceled erroneously, the
33 county clerk shall reregister the elector or on election day allow the
34 elector whose registration was erroneously canceled to vote
35 pursuant to NRS 293.304, 293.525, 293C.295 or 293C.525.

36 2. The county clerk may:
37 (a) Microfilm the applications to register to vote of an elector
38 who cancels his registration and destroy the originals at any time.

39 (b) Record canceled applications to register to vote ~~by~~
40 ~~computer~~ *in a machine-readable medium* and destroy the originals
41 at any time.

42 (c) Destroy any application to register to vote of an elector who
43 cancels his registration after the expiration of 3 years after the date
44 of cancellation.



1 **Sec. 18.** NRS 408.215 is hereby amended to read as follows:
2 408.215 1. The Director has charge of all the records of the
3 Department, keeping records of all proceedings pertaining to the
4 Department and keeping on file information, plans, specifications,
5 estimates, statistics and records prepared by the Department, except
6 those financial statements described in NRS 408.333 and the
7 financial or proprietary information described in paragraph (d) of
8 subsection 5 of NRS 408.3886, which must not become matters of
9 public record.

10 2. The Director may photograph, microphotograph, ~~film~~ film ,
11 *transfer to a machine-readable medium* or dispose of the records of
12 the Department referred to in subsection 1 as provided in NRS
13 239.051, 239.080 and 239.085.

14 3. The Director shall maintain an index or record of deeds or
15 other references of title or interests in and to all lands or interests in
16 land owned or acquired by the Department.

17 4. The Director shall adopt such regulations as may be
18 necessary to carry out and enforce the provisions of this chapter.

19 **Sec. 19.** NRS 597.800 is hereby amended to read as follows:

20 597.800 1. The right of publicity established by NRS
21 597.790 is freely transferable, in whole or in part, by contract,
22 license, gift, conveyance, assignment, devise or testamentary trust
23 by a person or his successor in interest.

24 2. If a deceased person has not transferred his rights as
25 provided by subsection 1, and he has no surviving beneficiary or
26 successor in interest upon his death, the commercial use of his
27 name, voice, signature, photograph or likeness does not require
28 consent.

29 3. A successor in interest or a licensee of a deceased person
30 may file in the Office of the Secretary of State, on a form prescribed
31 by the Secretary of State and upon the payment of a filing fee of
32 \$25, a verified application for registration of his claim. The
33 application must include:

- 34 (a) The legal and professional name of the deceased person;
- 35 (b) The date of death of the deceased person;
- 36 (c) The name and address of the claimant;
- 37 (d) The basis of the claim; and
- 38 (e) A description of the rights claimed.

39 4. A successor in interest or a licensee of a deceased person
40 may not assert any right against any unauthorized commercial use of
41 the deceased person's name, voice, signature, photograph or
42 likeness that begins before the filing of an application to register his
43 claim.

44 5. A person, firm or corporation seeking to use the name,
45 voice, signature, photograph or likeness of a deceased person for



1 commercial purposes must first make a reasonable effort, in good
2 faith, to discover the identity of any person who qualifies as a
3 successor in interest to the deceased person. A person claiming to be
4 a successor in interest to a deceased person must, within 6 months
5 after the date he becomes aware or should reasonably have become
6 aware of an unauthorized commercial use of the deceased person's
7 name, voice, signature, photograph or likeness, register a claim with
8 the Secretary of State pursuant to subsection 3. Failure to register
9 shall be deemed a waiver of any right of publicity.

10 6. The Secretary of State may microfilm , *transfer to a*
11 *machine-readable medium* or reproduce by other techniques any
12 document filed pursuant to this section and thereafter destroy the
13 original of the document. The microfilm , *copy of information that*
14 *was transferred to a machine-readable medium* or other
15 reproduction is admissible in any court of record. The Secretary of
16 State may destroy the microfilm , *copy* or other reproduction 50
17 years after the death of the person whose identity is the subject of
18 the claim.

19 7. A claim registered pursuant to this section is a public record.

20 **Sec. 20.** NRS 612.260 is hereby amended to read as follows:

21 612.260 1. Each employing unit shall keep true and accurate
22 work records, containing such information as the Administrator may
23 prescribe. Such records must be open to inspection and may be
24 copied by the Administrator or his authorized representatives or the
25 Department of Taxation at any reasonable time and as often as may
26 be necessary.

27 2. The Administrator, the Board of Review, or any appeal
28 tribunal may require from any employing unit any sworn or
29 unsworn reports, with respect to persons employed by it, which he
30 or the Board of Review deems necessary for the effective
31 administration of this chapter.

32 3. Except as limited by this subsection, the Administrator may:

33 (a) Destroy any letter of the Unemployment Compensation
34 Service or *State* Employment Service and any form, benefit
35 determination or redetermination, ruling, employer's status or
36 contribution report, wage slip report, claim record, wage list or any
37 auxiliary computer file related thereto at the expiration of 4 years
38 after the record was originated or filed with the Service; or

39 (b) Destroy such records at any time after having *transferred*
40 *them to a machine-readable medium or* microphotographed them
41 in the manner and on film or paper that complies with the minimum
42 standards of quality approved for such photographic records by the
43 American National Standards Institute. The microphotographed
44 records *or the machine-readable format to which the records were*
45 *transferred* must be retained for not less than 4 years.



1 This subsection does not apply to records pertaining to grants,
2 accounts or expenditures for administration, or to the records of the
3 Unemployment Compensation Administration Fund.

4 **Sec. 21.** NRS 616B.024 is hereby amended to read as follows:

5 616B.024 1. Upon written approval of the Administrator, the
6 insurer may destroy accumulated and noncurrent detail records such
7 as payroll reports, checks, claims ~~and~~ and other records of similar
8 importance for the period *from* July 1, 1913, to January 1, 1947, if:

9 (a) Claims from January 1, 1940, and after are first
10 microphotographed; and

11 (b) A brief inventory of the destroyed records is retained.

12 2. The insurer may dispose of or destroy any record which has
13 been microphotographed or filmed if the procedure ~~required by~~ *for*
14 *microphotography set forth in* NRS 239.051 has been followed.

15 3. The principal records, such as the general and regular
16 journals and the general ledgers, must be retained intact until
17 audited and then must be microfilmed *or transferred to a machine-*
18 *readable medium* for retention until their destruction pursuant to
19 NRS 239.051.

20 **Sec. 22.** NRS 683A.0873 is hereby amended to read as
21 follows:

22 683A.0873 1. Each administrator shall maintain at his
23 principal office adequate books and records of all transactions
24 between himself, the insurer and the insured. The books and records
25 must be maintained in accordance with prudent standards of
26 recordkeeping for insurance and with regulations of the
27 Commissioner for a period of 5 years after the transaction to which
28 they respectively relate. After the 5-year period, the administrator
29 may remove the books and records from the State, store their
30 contents on microfilm *or in a machine-readable medium* or return
31 them to the appropriate insurer.

32 2. The Commissioner may examine, audit and inspect books
33 and records maintained by an administrator under the provisions of
34 this section to carry out the provisions of NRS 679B.230 to
35 679B.300, inclusive.

36 3. The names and addresses of insured persons and any other
37 material which is in the books and records of an administrator are
38 confidential except when used in proceedings against the
39 administrator.

40 4. The insurer may inspect and examine all books and records
41 to the extent necessary to fulfill all contractual obligations to insured
42 persons, subject to restrictions in the written agreement between the
43 insurer and administrator.



1 **Sec. 23.** NRS 686A.400 is hereby amended to read as follows:
2 686A.400 1. A company shall maintain records of each
3 transaction for 3 years after making the final entry with respect to
4 the transaction. The records may be preserved in photographic form,
5 on microfilm or microfiche , *in a machine-readable medium* or in
6 ~~[-]~~ *any other* form approved by the Commissioner.
7 2. The records must be open to the Commissioner at all times.
8 The Commissioner may require a company to furnish to him in any
9 form he requires any information maintained in the company's
10 records.
11 **Sec. 24.** This act becomes effective on July 1, 2003.

