

ASSEMBLY BILL NO. 31—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE CITY OF LAS VEGAS)

PREFILED FEBRUARY 4, 2005

Referred to Committee on Government Affairs

SUMMARY—Makes confidential certain records of local governmental entities relating to use of recreational facilities and participation in certain instructional and recreational activities and events. (BDR 19-602)

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

CONTAINS UNFUNDED MANDATE (§ 1)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

~

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

AN ACT relating to public records; making certain records of local governmental entities containing personally identifying information confidential if such information was provided to the local governmental entity in relation to the use of recreational facilities of the local governmental entity or participation in instructional or recreational activities of the local governmental entity; requiring the disclosure of such information for certain purposes; prohibiting a local governmental entity from requiring a social security number to be provided for certain purposes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires certain books and records of a governmental entity to be
2 open for public inspection. (NRS 239.010) Books and records of a governmental
3 entity are not required to be open for public inspection if they are deemed by statute
4 to be confidential or if the governmental entity determines pursuant to a balancing
5 test that disclosure is not required. (*Donrey v. Bradshaw*, 106 Nev. 630 (1990))

6 This bill makes the records of a local governmental entity confidential if the
7 records contain the address, telephone number or other personally identifying
8 information of a natural person who provided the information to the local



9 governmental entity to: (1) register or apply to use a recreational facility of the
10 local governmental entity that is available by reservation; or (2) register or enroll
11 himself or his child in instructional or recreational activities or events conducted,
12 operated or sponsored by the local governmental entity. This bill, however, requires
13 a local governmental entity to disclose certain information pursuant to a lawfully
14 issued subpoena or court order, pursuant to affidavits of attorneys relating to
15 investigations in anticipation of litigation, and pursuant to requests from certain
16 reporters and editorial employees for use for journalistic purposes. This bill also
17 expressly prohibits a local governmental entity from requiring the social security
18 number of a natural person from being included in any information submitted to the
19 local governmental entity for certain purposes.

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

1 **Section 1.** Chapter 239 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 ***1. Records of a local governmental entity are confidential and***
4 ***not public books or records within the meaning of NRS 239.010 if:***

5 ***(a) The records contain the name, address, telephone number***
6 ***or other identifying information of a natural person; and***

7 ***(b) The natural person whose name, address, telephone***
8 ***number or other identifying information is contained in the***
9 ***records provided such information to the local governmental entity***
10 ***for the purpose of:***

11 ***(1) Registering with or applying to the local governmental***
12 ***entity for the use of any recreational facility or portion thereof***
13 ***that the local governmental entity offers for use through the***
14 ***acceptance of reservations; or***

15 ***(2) On his own behalf or on behalf of a minor child,***
16 ***registering or enrolling with or applying to the local governmental***
17 ***entity for participation in an instructional or recreational activity***
18 ***or event conducted, operated or sponsored by the local***
19 ***governmental entity.***

20 ***2. The records described in subsection 1 must be disclosed by***
21 ***a local governmental entity only pursuant to:***

22 ***(a) A subpoena or court order, lawfully issued, requiring the***
23 ***disclosure of such records;***

24 ***(b) An affidavit of an attorney setting forth that the disclosure***
25 ***of such records is relevant to an investigation in anticipation of***
26 ***litigation; or***

27 ***(c) A request by a reporter or editorial employee for the***
28 ***disclosure of such records, if:***

29 ***(1) The reporter or editorial employee is employed by or***
30 ***affiliated with a newspaper, press association or commercially***
31 ***operated, federally licensed radio or television station;***



1 (2) *The records will be used for a journalistic purpose; and*
2 (3) *The local governmental entity has removed from the*
3 *records any personally identifying information concerning a*
4 *natural person, unless the natural person whom the personally*
5 *identifying information concerns, or the parent or legal guardian*
6 *of that person, as applicable, has consented to the release of such*
7 *information. If a request for the disclosure of records pursuant to*
8 *this paragraph meets the requirements of subparagraphs (1) and*
9 *(2) but consent to the release of personally identifying information*
10 *has not been obtained pursuant to this subparagraph, the local*
11 *governmental entity shall remove the personally identifying*
12 *information from the records and provide the records as*
13 *requested.*
14 3. *Except as otherwise provided by specific statute or federal*
15 *law, a natural person shall not provide, and a local governmental*
16 *entity shall not require, the social security number of any natural*
17 *person for the purposes described in subparagraphs (1) and (2) of*
18 *paragraph (b) of subsection 1.*
19 4. *As used in this section, unless the context otherwise*
20 *requires, "local governmental entity" has the meaning ascribed to*
21 *it in NRS 239.121.*
22 **Sec. 2.** The provisions of NRS 354.599 do not apply to any
23 additional expenses of a local government that are related to the
24 provisions of this act.



