

SENATE BILL NO. 411—COMMITTEE ON JUDICIARY

MARCH 19, 2001

Referred to Committee on Judiciary

SUMMARY—Enacts provisions governing confidentiality of certain information.
(BDR 3-36)

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 confidentiality; prohibiting a court from entering an order or judgment that has the purpose or effect of concealing a public hazard or information concerning a public hazard; providing that any portion of an agreement or a contract that has the purpose or effect of concealing a public hazard or information concerning a public hazard is void; providing that if the labor commissioner enters into, effects or approves any compromise or settlement concerning an alleged violation of labor laws, the terms and conditions of the compromise or settlement are not confidential; 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.** Title 3 of NRS is hereby amended by adding thereto a new
2 chapter to consist of the provisions set forth as sections 2 to 9, inclusive, of
3 this act.
4 **Sec. 2.** *As used in this chapter, unless the context otherwise*
5 *requires, the words and terms defined in sections 3 to 6, inclusive, of this*
6 *act have the meanings ascribed to them in those sections.*
7 **Sec. 3.** *“Court” means a district court in this state.*
8 **Sec. 4.** *“Information concerning a public hazard” means any*
9 *information concerning a public hazard that may be useful to members*
10 *of the public in protecting themselves from injury which may result from*
11 *the public hazard.*
12 **Sec. 5.** *“Protected information” includes:*
13 1. *Any information that is confidential pursuant to federal or state*
14 *law.*
15 2. *A trade secret. As used in this subsection, “trade secret” has the*
16 *meaning ascribed to it in NRS 600A.030.*



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1 **Sec. 6.** *“Public hazard” means any instrumentality, device, person,*
2 *procedure, product or condition of any instrumentality, device, person,*
3 *procedure or product that has caused or is likely to cause injury.*

4 **Sec. 7.** *Except as otherwise provided in section 9 of this act:*

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

7 (a) *A public hazard; or*

8 (b) *Information concerning a public hazard.*

9 2. *Any portion of an agreement or a contract that has the purpose or*
10 *effect of concealing a public hazard or information concerning a public*
11 *hazard is void as against the public policy of this state.*

12 **Sec. 8.** 1. *Any person who is substantially affected by an order or a*
13 *judgment that allegedly has the purpose or effect of concealing a public*
14 *hazard or information concerning a public hazard, including, without*
15 *limitation, a member of the media, has standing to contest the order or*
16 *judgment by filing a motion in the court which entered the order or*
17 *judgment.*

18 2. *Any person who is substantially affected by an agreement or a*
19 *contract that allegedly has the purpose or effect of concealing a public*
20 *hazard or information concerning a public hazard, including, without*
21 *limitation, a member of the media, has standing to contest the agreement*
22 *or contract by bringing an action for declaratory judgment pursuant to*
23 *chapter 30 of NRS.*

24 3. *As used in this section, “member of the media” includes, without*
25 *limitation, a reporter or an editorial employee of any organization that*
26 *reports general news, including, without limitation, any wire service or*
27 *news service, newspaper, periodical, press association or radio or*
28 *television station.*

29 **Sec. 9.** 1. *The provisions of this chapter must not be construed to*
30 *allow the disclosure of protected information.*

31 2. *A person may seek to prevent disclosure pursuant to this chapter*
32 *of information that allegedly constitutes protected information by filing*
33 *with the court a motion to prevent disclosure of the information. Upon*
34 *the filing of such a motion, the court shall examine, in camera, the*
35 *information that is the subject of the motion.*

36 3. *If, after examining the information, the court finds that all or part*
37 *of the information that is the subject of the motion constitutes protected*
38 *information, the court shall enter an order prohibiting public disclosure*
39 *of the information to the extent that it constitutes protected information.*

40 **Sec. 10.** Chapter 607 of NRS is hereby amended by adding thereto a
41 new section to read as follows:

42 *If the labor commissioner enters into, effects or approves any*
43 *compromise or settlement of a claim or dispute concerning or arising out*
44 *of an alleged violation of the labor laws of this state, the terms and*
45 *conditions of the compromise or settlement:*

46 1. *Must be made available to the public upon request; and*

47 2. *Must not include any confidentiality clause, gag clause or similar*
48 *clause, and any such clause that is included in the terms and conditions*



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1 *of the compromise or settlement is void as against the public policy of*
2 *this state.*

3 **Sec. 11.** 1. The amendatory provisions of sections 1 to 9, inclusive,
4 of this act apply to:

5 (a) An order or judgment entered on or after the effective date of this
6 act.

7 (b) An agreement or a contract executed on or after the effective date of
8 this act.

9 2. The amendatory provisions of section 10 of this act apply to any
10 compromise or settlement that is executed on or after the effective date of
11 this act.

12 **Sec. 12.** This act becomes effective upon passage and approval.

