

ASSEMBLY BILL NO. 511—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE COMMISSION ON TOURISM)

MARCH 29, 2005

Referred to Committee on Government Affairs

SUMMARY—Provides requirements relating to release and use of certain publications and certain information in files and records of Commission on Tourism. (BDR 18-382)

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

~

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

AN ACT relating to tourism; authorizing the Executive Director of the Commission on Tourism to provide for the release and use of official publications of the Commission and certain information in the records and files of the Commission; authoring the Executive Director to charge and collect reasonable fees for the release and use of such publications and information; allowing the Executive Director to deny a request for certain information under certain circumstances; 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 231.240 is hereby amended to read as follows:
2 231.240 1. The Executive Director of the Commission on
3 Tourism may charge *and collect* reasonable fees for ~~materials~~
4 ~~prepared for distribution.~~ :
5 *(a) Official publications of the Commission and materials*
6 *prepared by the Commission for distribution; and*
7 *(b) The release, in accordance with subsections 3 to 6,*
8 *inclusive, of information in the files and records of the*



1 *Commission or its divisions that was obtained from persons who*
2 *have contacted or submitted inquiries to the Commission relating*
3 *to travel or tourism in this State.*

4 2. All such fees must be deposited with the State Treasurer for
5 credit to the Commission. The fees must first be expended
6 exclusively for materials and labor incident to preparing ~~and~~
7 ~~printing those materials for distribution.~~ , *printing or otherwise*
8 *making available those publications, files and records.* Any
9 remaining fees may be expended, in addition to any other money
10 appropriated, for the support of the Commission.

11 3. *Except as otherwise provided in subsections 4 and 5, the*
12 *Executive Director may release information from the publications,*
13 *files and records of the Commission or its divisions to a person*
14 *who, or a governmental entity that, provides a description of the*
15 *information requested.*

16 4. *The Executive Director may deny a request for:*

17 (a) *Personally identifiable information concerning a person*
18 *and other information pertaining to a person if the information*
19 *was obtained by the Commission or one of its divisions because*
20 *the person:*

21 (1) *Submitted a request for marketing materials; or*

22 (2) *Completed or participated in a marketing survey.*

23 (b) *An internal document or internal communication that was*
24 *prepared or received by the Commission or one of its divisions, if*
25 *the Executive Director determines that the release of the document*
26 *or communication would:*

27 (1) *Enable another person or entity to obtain a competitive*
28 *advantage over the Commission or one of its divisions, as*
29 *applicable; or*

30 (2) *Tend to affect adversely the competitive position of the*
31 *Commission or one of its divisions, as applicable.*

32 5. *Before the Executive Director releases information*
33 *pursuant to subsection 3, he must adopt policies and procedures to*
34 *ensure that:*

35 (a) *The information will be used or sold only for use in the*
36 *distribution of surveys, marketing material or solicitations to*
37 *benefit tourism in Nevada;*

38 (b) *Each person about whom the information is requested has*
39 *clearly been provided with an opportunity to authorize such a use;*
40 *and*

41 (c) *If the person about whom the information is requested does*
42 *not authorize such a use, the distribution will not be directed*
43 *toward that person.*



1 6. *A person or governmental entity that receives information*
2 *pursuant to subsection 3 shall not sell or disclose that information*
3 *to another person or governmental entity.*

4 7. *The Commission shall adopt such regulations as it*
5 *determines to be necessary or advisable to carry out the provisions*
6 *of this section.*



