

Amendment No. 844

Senate Amendment to Assembly Bill No. 188 Second Reprint (BDR 19-595)

Proposed by: Committee on Government Affairs**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend the bill as a whole by deleting section 1 and adding a new section designated section 1, following the enacting clause, to read as follows:

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

1. Except as otherwise provided in this section or by specific statute:

(a) If a person or his agent provides the electronic mail address or telephone number of the person to a governmental entity for the purpose of or in the course of communicating with that governmental entity, the governmental entity may maintain the electronic mail address or telephone number in a database.

(b) A database described in this subsection:

(1) Is confidential;

AM/MSM

Date: 5/23/2005

A.B. No. 188—Provides that certain databases which contain electronic mail addresses are confidential and not public records open for public inspection.



(2) Is not a public book or record within the meaning of NRS 239.010; and

(3) Must not be disclosed in its entirety as a single unit.

2. The individual electronic mail address or telephone number of a person is not confidential and may be disclosed individually in accordance with applicable law if the person or his agent provides the electronic mail address or telephone number to a governmental entity:

(a) In the course of an existing business or contractual relationship with the governmental entity; or

(b) In the course of seeking to establish a business or contractual relationship with the governmental entity, including, without limitation, in response to a request for proposals or invitation to bid from the governmental entity.

3. A governmental entity:

(a) Shall disclose in its entirety as a single unit a database described in subsection 1 in response to an order issued by a court of competent jurisdiction; and

(b) May disclose in its entirety as a single unit a database described in subsection 1 upon a finding by the governing body of the governmental entity that the disclosure of the database is necessary:

(1) To protect the public safety; or

(2) To assist in the investigation or prosecution of a crime.

4. The provisions of this section do not alter, limit or otherwise affect the operation of any statute or regulation of this State which provides greater or more stringent protections for the confidentiality of the electronic mail address or telephone number of a person.

5. As used in this section, “telephone number” includes, without limitation, the telephone number for a facsimile machine or telecopier.”.

Amend the title of the bill, second line, by deleting:

“electronic mail addresses” and inserting “certain information”.

Amend the summary of the bill to read as follows:

“SUMMARY—Provides under certain circumstances that certain databases which contain certain information are confidential and not public records open for public inspection.
(BDR 19-595)”.

**If this amendment is adopted, the Legislative
Counsel's Digest will be changed to read as follows:**

Legislative Counsel's Digest:

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

This bill provides that if a person or his agent provides the electronic mail address or telephone number of the person to a governmental entity for the purpose of or in the course of communicating with that entity, the governmental entity may maintain the address or number, as applicable, in a database. Such a database is confidential, is not a public book or record and may not be disclosed in its entirety as a single unit by the governmental entity which maintains the database except: (1) in response to an order from a court of competent jurisdiction; or (2) if the governing body of the governmental entity determines that disclosure of the database is necessary to protect the public safety or to assist in the investigation or prosecution of a crime.

This bill also provides that the individual electronic mail address or telephone number of a person is not confidential and may be disclosed in accordance with applicable law if the person or his agent provided the address or number, as applicable, to a governmental entity in the course of an existing business or contractual relationship or in the course of establishing such a relationship.

This bill defines the term “telephone number” to include the telephone number for a facsimile machine or telecopier.