

Amendment No. 337

Senate Amendment to Senate Bill No. 400

(BDR 20-1143)

Proposed by: Senate Committee on Government Affairs**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

BFG/BAW



Date: 4/22/2011

S.B. No. 400—Establishes a process by which a state agency may obtain certain information in county records at no charge for the purpose of assisting the economic development and population research of this State. (BDR 20-1143)



SENATE BILL NO. 400—SELECT COMMITTEE ON
ECONOMIC GROWTH AND EMPLOYMENT

MARCH 28, 2011

Referred to Committee on Government Affairs

SUMMARY—Establishes a process by which a state agency may obtain certain information in county records at no charge for the purpose of assisting the economic development and population research of this State. (BDR 20-1143)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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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 records; establishing a process by which a state agency may obtain certain county records at no charge for the purpose of economic development and population estimate research; prohibiting certain uses of confidential information contained in such county records; providing civil and criminal penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill establishes a process by which a state agency engaged in activities related to economic development and population research may obtain at no charge the digital parcel base of a county and electronic county assessor files. **Section 1** of this bill requires a county assessor to provide each year to the demographer employed by the Department of Taxation, at no charge, the ~~electronic~~ **fiscal year-end** datasets of the county **electronic** assessor files. **Section 5** of this bill requires a county which maintains or possesses a digital parcel base of the county to provide the **fiscal year-end** digital parcel base to the demographer each year at no charge. **Under sections 1 and 5 of this bill, the demographer may not require a county to provide electronic assessor files or a digital parcel base in any particular format or to use any specific software to provide such information.** Not more than once each year, the demographer must provide the digital parcel base and the ~~assessor's~~ **electronic assessor** files at no charge to a state agency engaged in economic development and population research that submits a written request for the information. The state agency receiving the digital parcel base and the ~~assessor's~~ **electronic assessor** files must provide a summary of the research produced from the information to the county providing the information and the Commission on Economic Development at no charge. **Under sections 1 and 5, a state agency receiving electronic assessor files or a digital parcel base for a county must keep such information confidential and must not knowingly redistribute the information to any other person or governmental agency.**

Under existing law, the personal information of certain persons which is contained in the records of a county assessor is deemed confidential, except that a county assessor is authorized to release this confidential information for certain limited purposes. (NRS 250.100-250.230) Existing law provides criminal and civil penalties for improper acts related to obtaining or disclosing these confidential records. (NRS 250.210-250.230) **Section 1** of this

bill makes these civil and criminal penalties applicable to an employee or agent of a state agency obtaining confidential information from the demographer.

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

Section 1. Chapter 250 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of law, ~~on or before January 1~~ not later than September 1 of each year, a county assessor shall provide to the State Demographer at no charge the ~~electronic~~ fiscal year-end datasets of the county electronic assessor files. The State Demographer may not require a county assessor to provide information pursuant to this subsection in a particular format or to use any specific software to provide the information. The State Demographer shall keep confidential the information provided to him or her pursuant to this subsection, except that the State Demographer shall provide such information at no charge to a state agency which satisfies the requirements of this section.

2. A state agency engaged in activities related to economic development or population estimate research may request the electronic datasets of the ~~county~~ electronic assessor files by submitting a written request to the State Demographer. The written request must include, without limitation:

(a) The name and address of the state agency;

(b) A statement of the purpose for which the state agency is seeking the ~~assessor's~~ electronic assessor files; and

(c) A summary of the research or statistical reports which will be produced from the ~~assessor's~~ electronic assessor files.

3. Except as otherwise provided in subsection 4, if the State Demographer finds that a written request complies with subsection 2, the State Demographer shall provide to the state agency at no charge the ~~assessor's~~ electronic assessor files provided to the State Demographer pursuant to subsection 1.

4. The State Demographer may refuse a request submitted by a state agency pursuant to subsection 2 if the State Demographer has provided the requested information to the state agency during the calendar year in which the request is made.

5. A state agency receiving ~~an assessor's~~ electronic assessor files pursuant to this section shall provide to the county that provided the files and the Commission on Economic Development, at no charge, a summary of the research produced from that information.

6. The State Demographer or any employee or other agent of a state agency receiving ~~an assessor's~~ electronic assessor files pursuant to this section shall not knowingly:

(a) Publish or otherwise disclose any information made confidential pursuant to NRS 250.100 to 250.230, inclusive; or

(b) Use any information made confidential pursuant to NRS 250.100 to 250.230, inclusive, to contact any person.

7. A person who violates subsection 6 is guilty of a misdemeanor and, in addition, the court may order a person who violates subsection 6 to pay a civil penalty in an amount not to exceed \$2,500 for each act.

8. A state agency receiving electronic assessor files pursuant to this section shall keep the electronic assessor files confidential, and except as otherwise

provided in subsection 5, the State Demographer, or any employee or other agent of a state agency receiving electronic assessor files pursuant to this section, shall not provide the electronic assessor files to any person or governmental agency.

9. As used in this section:

(a) "State agency" means:

(1) The State of Nevada, or any agency, instrumentality or corporation thereof; and

(2) ~~The~~ Faculty belonging to the Nevada System of Higher Education or any branch or facility thereof.

(b) "State Demographer" means the demographer employed pursuant to NRS 360.283.

Sec. 2. NRS 250.150 is hereby amended to read as follows:

250.150 If a person listed in NRS 250.140 requests confidentiality, the confidential information of that person may only be disclosed as provided in NRS 239.0115, 250.160 or 250.180 ~~H~~ or section 1 of this act.

Sec. 3. NRS 250.160 is hereby amended to read as follows:

250.160 1. A county assessor may provide confidential information for use:

(a) By any governmental entity, including, without limitation, any court or law enforcement agency, in carrying out its functions, or any person acting on behalf of a federal, state or local governmental agency in carrying out its functions.

(b) In connection with any civil, criminal, administrative or arbitration proceeding before any federal or state court, regulatory body, board, commission or agency, including, without limitation, use for service of process, investigation in anticipation of litigation, and execution or enforcement of judgments and orders or pursuant to an order of a federal or state court.

(c) By a private investigator, private patrol officer or security consultant who is licensed pursuant to chapter 648 of NRS, for any use authorized pursuant to this section.

(d) In connection with an investigation conducted pursuant to NRS 253.0415 or 253.220.

(e) In activities relating to research and the production of statistical reports, if the address or information will not be published or otherwise disclosed or used to contact any person.

(f) In the bulk distribution of surveys, marketing material or solicitations, if the assessor has adopted policies and procedures to ensure that the information will be used or sold only for use in the bulk distribution of surveys, marketing material or solicitations.

(g) By a reporter or editorial employee who is employed by or affiliated with any newspaper, press association or commercially operated, federally licensed radio or television station.

(h) In accordance with section 1 of this act.

2. Except for a reporter or editorial employee described in paragraph (g) of subsection 1, a person who obtains information pursuant to this section and sells or discloses that information shall keep and maintain for at least 5 years a record of:

(a) Each person to whom the information is sold or disclosed; and

(b) The purpose for which that person will use the information.

Sec. 4. NRS 250.210 is hereby amended to read as follows:

250.210 1. A person shall not:

(a) Make a false representation to obtain any information pursuant to NRS 250.100 to 250.180, inclusive; or

(b) Knowingly obtain or disclose information pursuant to NRS 250.100 to 250.180, inclusive, for any use not authorized pursuant to NRS 250.100 to 250.180, inclusive ~~H~~, or section 1 of this act.

2. A person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 5. Chapter 237 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of law, ~~on or before January 1~~ not later than September 1 of each year, each county which possesses or maintains a digital parcel base for the county shall provide the fiscal year-end digital parcel base for the county to the State Demographer at no charge. The State Demographer may not require a county to provide a digital parcel base in a particular format or to use any specific software to provide the digital parcel base. The State Demographer shall keep confidential the information provided to him or her pursuant to this subsection, except that the State Demographer shall provide such information at no charge to a state agency which satisfies the requirements of this section.

2. A state agency engaged in activities related to economic development or population estimate research may request the digital parcel bases for each county that possesses or maintains a digital parcel base by submitting a written request to the State Demographer. The written request must include, without limitation:

(a) The name and address of the state agency;

(b) A statement of the purpose for which the state agency is seeking the digital parcel bases; and

(c) A summary of the research or statistical reports which will be produced from the digital parcel bases.

3. Except as otherwise provided in subsection 4, if the State Demographer finds that a written request complies with subsection 2, the State Demographer shall provide to the state agency at no charge the digital parcel bases provided to the State Demographer pursuant to subsection 1.

4. The State Demographer may refuse a request submitted by a state agency pursuant to subsection 2 if the State Demographer has provided the requested information to the state agency during the calendar year in which the request is made.

5. A state agency receiving digital parcel bases pursuant to this section shall provide to the county that provided the digital parcel bases and the Commission on Economic Development, at no charge, a summary of the research produced from that information.

6. A state agency receiving a digital parcel base pursuant to this section shall keep the digital parcel base confidential, and except as otherwise provided in subsection 5, the State Demographer, or any employee or other agent of a state agency receiving a digital parcel base for a county pursuant to this section, shall not provide the digital parcel base to any person or governmental agency.

7. As used in this section:

(a) "State agency" means:

(1) The State of Nevada, or any agency, instrumentality or corporation thereof; and

(2) ~~The~~ Faculty belonging to the Nevada System of Higher Education or any branch or facility thereof.

(b) "State Demographer" means the demographer employed pursuant to NRS 360.283.

Sec. 6. This act becomes effective on July 1, 2011.