SENATE BILL NO. 398–COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 28, 2011

Referred to Committee on Government Affairs

SUMMARY—Authorizes certain persons to request that personal information contained in certain public records be kept confidential. (BDR 20-1149)

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 public records; authorizing certain persons to request that personal information contained in the records of a county assessor be kept confidential; and providing other matters properly relating thereto.

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 agency 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 authorizes code enforcement officers to request that a county assessor keep confidential certain personal information about such officers and employees.

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

Section 1. NRS 250.140 is hereby amended to read as follows:

250.140 1. The following persons may request that personal information contained in the records of a county assessor be kept confidential:

(a) Any justice or judge in this State.

(b) Any peace officer or retired peace officer.

(c) ***Any code enforcement officer.***

(d) The spouse or minor child of a person described in paragraph (a) ~~[or (b).~~
~~(d)]~~ ***, (b) or (c).***

(e) The surviving spouse or minor child of a person described in paragraph (a) ~~[or (b)]~~ ***, (b) or (c)*** who was killed in the performance of his or her duties.

2. As used in this section ~~[, "peace]~~ ***:***

(a) "Code enforcement officer" means:

(1) Any officer or employee designated pursuant to NRS 171.17751 to prepare, sign and serve written citations.

(2) Any county officer or employee whose primary duties include the enforcement of a fire code or regulations established pursuant to NRS 244.2961.

(3) Any county officer or employee whose primary duties include the enforcement of building, electrical, housing, plumbing or safety codes adopted pursuant to NRS 244.3675.

(4) Any city officer or employee whose primary duties include the enforcement of building, electrical, plumbing or safety codes adopted pursuant to NRS 268.413.

(5) Any officer or employee of a city or county whose primary duties include the enforcement of a building code adopted by the governing body of the city or county pursuant to NRS 278.580.

(6) A health authority as defined in NRS 446.050.

(7) A health authority as defined in NRS 447.007.

(8) Any officer or employee of the Division of Industrial Relations of the Department of Business and Industry whose primary duties include enforcement of regulations adopted pursuant to NRS 455C.110.

(9) The Administrator of the Manufactured Housing Division of the Department of Business and Industry or any person authorized by the Administrator to enforce the provisions of chapter 461 of NRS.

(10) The State Health Officer or any designee of the State Health Officer whose primary duties include the enforcement of any law, code, ordinance or regulation that relates to public health.

(11) The State Fire Marshal and the State Forester Firewarden or any designee of the State Fire Marshal and State Forester Firewarden whose primary duties include the enforcement of any law, code, ordinance or regulation that relates to fire safety.

(b) "Peace officer" means:

~~[(a)]~~ ***(1)*** Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and

~~[(b)]~~ ***(2)*** Any person:

~~[(1)]~~ ***(I)*** Who resides in this State;

~~[(2)]~~ ***(II)*** Whose primary duties are to enforce the law; and

~~[(3)]~~ ***(III)*** Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret Service, United States Department of Homeland Security or United States Department of the Treasury.

Sec. 2. This act becomes effective on July 1, 2011.

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