

ASSEMBLY BILL NO. 251—ASSEMBLYMEN HANSEN, ELLISON,
HAMBRICK; FIORE, GRADY, HARDY, HICKEY, KIRNER,
LIVERMORE AND WHEELER

MARCH 13, 2013

Referred to Committee on Government Affairs

SUMMARY—Requires disclosure to the public of certain contact
information for a member of certain public bodies.
(BDR 19-159)

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; requiring the disclosure to the
public, under certain circumstances, of the individual
electronic mail address or telephone number, or both, of a
member of certain public bodies; providing exceptions;
and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides for the disclosure by a governmental entity of a person's
2 individual electronic mail address or telephone number if the person provides the
3 address or telephone number to that entity in the course of an existing business or
4 contractual relationship with the entity, or in the course of seeking to establish such
5 a relationship. In addition, if a person provides his or her electronic mail address or
6 telephone number to a governmental entity for the purpose of or in the course of
7 communicating with that entity, existing law authorizes the entity to maintain this
8 information in a database. Except as provided by specific statute, any such database
9 is generally confidential, is not a public record and must not be disclosed in its
10 entirety. (NRS 239B.040)

11 **Section 1** of this bill requires a governmental entity, upon the request of any
12 person and with certain exceptions, to disclose the individual electronic mail
13 address or telephone number, or both, of a member of certain public bodies, if the
14 person who is the subject of the request has previously provided that information to
15 the governmental entity. Pursuant to **section 1**, the governmental entity's record of
16 the information is a "public record" for purposes of the statutory provisions
17 governing public records. (Chapter 239 of NRS) **Section 1** defines the term "public
18 body" to mean a public body subject to the Open Meeting Law (chapter 241 of
19 NRS), but also specifically includes the Legislature of the State of Nevada, the
20 Legislative Commission, the Interim Finance Committee and other legislative



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21 committees and commissions and specifically excludes any court or other judicial
22 or quasi-judicial body.

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

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

3 1. *Except as otherwise provided in this section:*

4 (a) *Upon the request of any person, the individual electronic*
5 *mail address or individual telephone number, or both, of a*
6 *member of a public body must be disclosed by a governmental*
7 *entity if the member has, personally or through his or her agent,*
8 *previously provided the electronic mail address or telephone*
9 *number, or both, to that governmental entity.*

10 (b) *If the individual electronic mail address or individual*
11 *telephone number, or both, of a member of a public body has*
12 *previously been provided to a governmental entity as described in*
13 *paragraph (a):*

14 (1) *The governmental entity's record of the address or*
15 *telephone number, or both, is a public record within the meaning*
16 *of NRS 239.010.*

17 (2) *The governmental entity does not comply with the*
18 *requirements of this section by providing the general electronic*
19 *mail address of the public body.*

20 2. *Notwithstanding his or her status as a member of any*
21 *public body, the provisions of this section are not applicable to the*
22 *individual electronic mail address or individual telephone number*
23 *of the Governor, the Lieutenant Governor, the Secretary of State,*
24 *the Attorney General, the State Treasurer, the State Controller or*
25 *any judge, magistrate or justice of any court of this State or the*
26 *United States.*

27 3. *As used in this section:*

28 (a) *"General electronic mail address" means an electronic*
29 *mail address at which a public body receives items of electronic*
30 *mail generally intended for receipt by the public body.*

31 (b) *"Individual electronic mail address" means an electronic*
32 *mail address at which a member of a public body receives items of*
33 *electronic mail generally intended for receipt by the member.*

34 (c) *"Individual telephone number" means a telephone number*
35 *at which a member of a public body may ordinarily be contacted*
36 *directly, on business days, between the hours of 9 a.m. and 5 p.m.*

37 (d) *"Public body" has the meaning ascribed to it in NRS*
38 *241.015, except that the term:*



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1 *(1) Includes the Legislature of the State of Nevada, any*
2 *committee of the Legislature, the Legislative Commission, the*
3 *Interim Finance Committee and any committee or commission*
4 *established by the Legislature to conduct an interim legislative*
5 *study or investigation.*

6 *(2) Does not include any court or other judicial or quasi-*
7 *judicial body or any committee or other body created by a court or*
8 *other judicial or quasi-judicial body.*

9 **Sec. 2.** NRS 603.070 is hereby amended to read as follows:

10 603.070 Except as otherwise provided in NRS 239.0115, *and*
11 *section 1 of this act*, a governmental agency which obtains a
12 proprietary program or the data stored in a computer must keep the
13 program or data confidential. The governmental agency may only
14 use the program or data for the purpose for which it was obtained,
15 and may not release the program or data without the prior written
16 consent of the owner.

17 **Sec. 3.** This act becomes effective on July 1, 2013.

