

Amendment No. 177

Assembly Amendment to Assembly Bill No. 251 (BDR 19-159)

Proposed by: Assembly Committee on Government Affairs

Amends: Summary: Yes Title: Yes 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.

TMC/JWP



Date: 4/19/2013

A.B. No. 251—Requires disclosure to the public of certain contact information for a member of certain public bodies. (BDR 19-159)



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}~~ **a public body to make available to the** public ~~{of}~~ certain contact information for ~~{a member of certain public bodies}~~ **its members.** (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}~~ **bodies;** 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}~~ **a public body to make available to the general public certain contact information for each member of the public body;** providing exceptions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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

Section 1 of this bill requires **,with certain exceptions,** a governmental entity, upon the request of any person and with certain exceptions, to disclose the individual electronic mail address or telephone number, or both, of a member of certain public bodies, if the person who is the subject of the request has previously provided that information to the governmental entity. Pursuant to section 1, the governmental entity's record of the information is a "public record" for purposes of the statutory provisions governing public records. ~~(Chapter 239 of NRS)~~ **public body to make available to the general public certain contact information pursuant to which each member of the public body may be personally contacted by a member of the general public.** Section 1 defines the term "public body" to mean a public body subject to the Open Meeting Law (chapter 241 of NRS), but also specifically includes the Legislature of the State of Nevada, the Legislative Commission, the Interim Finance Committee and other legislative committees and commissions and specifically excludes any court or other judicial or quasi-judicial body.

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

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

1. ~~Except as otherwise provided in this section:~~

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

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

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

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

Except as otherwise provided in this section, a public body shall make available to the general public contact information pursuant to which each member of the public body may be personally contacted by a member of the general public through a telephone number, mailing address or electronic mail address which is:

(a) Maintained by the public body or the member of the public body for the personal use of the member;

(b) Not a general telephone number, mailing address or electronic mail address of the public body; and

(c) Not monitored by the public body or accessible by any other member of the public body.

2. ~~Notwithstanding his or her status as a member of any public body, the provisions of this section are not applicable to the individual electronic mail address or individual telephone number of~~ If the Governor, the Lieutenant Governor, the Secretary of State, the Attorney General, the State Treasurer, the or State Controller for any ~~serves as a member of a public body, the provisions of subsection 1 shall be deemed to be satisfied by the public body if it makes available to the general public the general office telephone number, mailing address or electronic mail address of that member.~~

3. ~~The provisions of subsection 1 do not apply with respect to a judge, magistrate or justice of any court of this State or the United States~~

~~who is a member of a public body.~~

4. This section does not require a public body to make available to the general public contact information for a member of the public body that is provided by the member to the public body strictly for the use of the public body in contacting the member.

5. As used in this section:

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

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

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

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

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

~~(2) (b) Does not include any court or other judicial or quasi-judicial body or any committee or other body created by a court or other judicial or quasi-judicial body.~~

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

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

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