

ASSEMBLY BILL NO. 371—ASSEMBLYMAN DALY

MARCH 20, 2019

Referred to Committee on Government Affairs

SUMMARY—Temporarily requires the reporting of certain information relating to requests for public records by certain governmental entities. (BDR S-16)

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 person responsible for responding to public records requests for certain governmental entities to report for a temporary period certain information relating to requests for public records; requiring the Director of the Legislative Counsel Bureau to compile and provide that information to the Legislature and, upon request, a member of the public; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, all public books and records of a governmental entity are required to be open at all times during office hours for inspection and copying or receipt of a copy unless the records are otherwise declared by law to be confidential. (NRS 239.010) This bill requires the person responsible for responding to a request to inspect, copy or receive a copy of a public book or record for certain governmental entities in the counties of Clark, Douglas, Elko, Washoe and Carson City and the cities of Elko, Henderson, Las Vegas, Reno and Sparks to compile certain information relating to each request for a public record received by the governmental entity for a period of 120 days beginning on January 15, 2020. Additionally, this bill requires each such entity to submit the information to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director. Finally, this bill requires the Director to compile the information received from each governmental entity and: (1) provide the report to a member of the public upon request; (2) post notice of the availability of the report on an Internet website maintained by the Legislative Counsel Bureau; and (3) transmit the report to the Legislative Commission and to the next regular session of the Legislature.



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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 2.5. 1. The person responsible for responding to public records requests for the following governmental entities shall perform the duties prescribed in subsection 2:

(a) In the counties of Clark, Douglas, Elko, Washoe and Carson City:

- (1) The office of the county assessor;
- (2) The department responsible for public works;
- (3) The office of the district attorney;
- (4) The office of a county coroner or medical examiner; and
- (5) The office of registrar of voters or county clerk, as applicable, with respect to elections;

(b) In the cities of Elko, Henderson, Las Vegas, Reno and Sparks:

- (1) The department responsible for public works;
 - (2) The office of the city attorney; and
 - (3) The office responsible for planning;
- (c) Clark County School District, Douglas County School District, Elko County School District, Lyon County School District and Washoe County School District; and
- (d) The Department of Corrections.

2. For a period of 120 days beginning on January 15, 2020, the person responsible for responding to public records requests for the governmental entities described in subsection 1 shall compile the information listed in subsection 3 for the governmental entity for which he or she is responsible and submit the information to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director.

3. The information compiled pursuant to subsection 2 must include, without limitation, for each request for a public record received by the governmental entity:

(a) The type of requester, if known, including, without limitation, whether the person who made the request was a private citizen or a representative of a media organization, nonprofit organization, corporation based in this State, corporation based outside this State, political party or labor union;

(b) Whether the request was:

- (1) Provided in complete form without any redactions;
- (2) Provided with redactions; or
- (3) Denied in whole or in part;



(c) If the request was denied in whole or in part, the reason provided for the denial, including, without limitation, if the governmental entity determines that:

(1) The record or portion thereof is deemed confidential by statute or regulation, a citation to that statute or regulation;

(2) The requested record or portion thereof is privileged, a statement of that determination and the type of privilege cited for the denial;

(3) The governmental entity does not have legal custody or control of the requested record or portion thereof, or the requested record does not exist, a statement of that determination; or

(4) Common law requires the denial, a statement of the common-law reason cited for the denial, including, without limitation, that a balancing of interests necessitated the denial;

(d) The number of days that elapsed between the date on which the governmental entity received the request and the date on which the governmental entity provided the request or denied the request in whole or in part;

(e) The fee charged for providing the requested record; and

(f) The medium in which the requested record was provided.

4. A request by a pupil or by his or her parent or legal guardian for the record of a pupil is not a request for a public record for purposes of subsection 2.

5. On or before July 1, 2020, the Director of the Legislative Counsel Bureau shall compile the information received pursuant to subsection 2 into a report and:

(a) Provide the report to a member of the public upon request;

(b) Post notice of the availability of the report on an Internet website maintained by the Legislative Counsel Bureau; and

(c) Transmit the report to the Legislative Commission and to the next regular session of the Legislature.

Sec. 3. This act becomes effective on July 1, 2019.

