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SECOND REPRINT **A.B. 128**

ASSEMBLY BILL NO. 128–COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE JOINT INTERIM STANDING COMMITTEE ON GOVERNMENT AFFAIRS)

PREFILED JANUARY 28, 2025

Referred to Committee on Government Affairs

SUMMARY—Creates the Public Records Task Force. (BDR S-400)

FISCAL NOTE: Effect on Local Government: No.
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; creating the Public Records Task Force; setting forth the membership and duties of the Task Force; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that, unless otherwise declared by law to be confidential, all public books and records of a state or local governmental entity are required to be open at all times during office hours for the public to inspect, copy or receive a copy thereof. Existing law also authorizes a person to request a copy of a public book or record in any medium in which the book or record is available. (NRS 239.010) This bill creates the Public Records Task Force to evaluate certain topics relating to requests for public records and make certain recommendations. This bill also: (1) prescribes the membership and duties of the Task Force; and (2) requires the Task Force to submit a written report describing its work and recommendations for transmittal to the Joint Interim Standing Committee on Government Affairs and the Senate and Assembly Standing Committees on Government Affairs for the 84th Session of the Legislature.

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. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. 1. The Public Records Task Force is hereby created. The Task Force consists of the following 10 members:

(a) One government representative and two transparency advocates appointed by the Majority Leader of the Senate;

(b) Two government representatives and one transparency advocate appointed by the Speaker of the Assembly;

(c) One government representative appointed by the Minority Leader of the Senate;

(d) One transparency advocate appointed by the Minority Leader of the Assembly; and

(e) One government representative and one transparency advocate appointed by the Governor.

2. The Task Force shall:

(a) Evaluate:

(1) Current exemptions to chapter 239 of NRS;

(2) The policies relating to public records of any review board created pursuant to NRS 289.380 or 289.383;

(3) The impact of broad requests for public records on governmental entities;

(4) The cost, burden and time constraint on governmental entities to redact confidential information;

(5) The financial burden on a person who requests a public record;

(6) Mechanisms to resolve disputes involving requests for public records, including, without limitation, mediation and other types of alternative dispute resolution; and

(7) Methods for collecting and sharing data related to requests for public records.

(b) Make recommendations, including, without limitation:

(1) To clarify the custodianship and control of public records;

(2) To protect sensitive information while promoting government transparency;

(3) To identify situations in which access to public records should be granted or denied;

(4) For penalties to impose against governmental entities for providing delayed or incomplete responses to a request for public records;

(5) For protocols to protect personal information and criminal investigations;

(6) For a standardized fee schedule; and

(7) For mechanisms to protect governmental entities from retaliatory litigation.

3. The members of the Task Force serve without compensation.

4. Each member of the Task Force who is an officer or employee of the State or local government must be relieved from his or her duties without loss of regular compensation so that the member may prepare for and attend meetings of the Task Force and perform any work necessary to carry out the duties of the Task Force in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Task Force to make up the time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual, vacation or compensatory time for the absence.

5. The Task Force shall, at its first meeting, elect a Chair from the members who are transparency advocates and a Vice Chair from the members who are government representatives.

6. The Task Force shall meet:

(a) Upon the call of the Chair or a majority of the members of the Task Force; and

(b) At least four times.

7. A majority of the members of the Task Force constitutes a quorum for the transaction of business, and a majority of those members present at the meeting is sufficient for any official action taken by the Task Force.

8. The Task Force may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the duties of the Task Force.

9. On or before October 31, 2026, the Task Force shall prepare and submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Government Affairs and the Senate and Assembly Standing Committees on Government Affairs for the 84th Session of the Legislature. The report must include, without limitation, a summary of the work and recommendations of the Task Force.

10. As used in this section:

(a) "Governmental entity" has the meaning ascribed to it in NRS 239.005.

(b) "Government representative" includes, without limitation, a representative:

(1) From the Nevada Association of Counties or a county;

(2) From the Nevada League of Cities or a local government;

(3) Who is a district attorney or city attorney;

(4) From a law enforcement agency;

(5) From a school district;

(6) From the Office of the Attorney General;

(7) From a public utility that is not regulated by the Public Utilities Commission of Nevada; and

(8) From the Division of State Library, Archives and Public Records of the Department of Administration.

(c) "Transparency advocate" includes, without limitation, a representative:

(1) From the Nevada Broadcasters Association;

(2) From the Nevada Press Association;

(3) From the Nevada Open Government Coalition;

(4) From the American Civil Liberties Union;

(5) Who is an attorney that specializes in requests for public records;

(6) From the Legal Aid Center of Southern Nevada; and

(7) Who is a member of the public and has experience related to public records.

Sec. 8. The members of the Public Records Task Force must be appointed pursuant to section 7 of this act not later than October 31, 2025.

Sec. 9. This act becomes effective on July 1, 2025, and expires by limitation on June 30, 2027.

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