ASSEMBLY BILL NO. 39–COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE DEPARTMENT OF PUBLIC SAFETY)

PREFILED NOVEMBER 18, 2020
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Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to public records. (BDR 19-333)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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; clarifying the records of a governmental entity that are required to be made available to the public to inspect, copy or receive a copy thereof; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1   Existing law provides that all public books and public records of a
2 governmental entity, unless otherwise declared by law to be confidential, are
3 required to be open at all times during office hours for the public to inspect, copy or
4 receive a copy thereof. (NRS 239.010) For purposes of existing law, this bill
5 defines "public book or record" as all recorded information, regardless of form or
6 characteristics, made or received by a governmental entity under law or in
7 connection with the transaction of public business and preserved or appropriate for
8 preservation by the governmental entity or its successor as evidence of the
9 organization, functions, policies, decisions, procedures, operations or other
10 activities of the governmental entity or because of the informational value of data in
11 the recorded information. This bill specifically excludes from the definition: (1) a
12 record that reflects interagency or intraagency predecisional deliberations; or (2)
13 notes and working papers prepared by or for a public officer or employee used
14 solely for that officer's or employee's own personal use and other materials that do
15 not have an official purpose.

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

1   **Section 1.** NRS 239.005 is hereby amended to read as follows:
2   239.005   As used in this chapter, unless the context otherwise
3 requires:
4   1. "Actual cost" means the direct cost incurred by a
5 governmental entity in the provision of a public record, including,
6 without limitation, the cost of ink, toner, paper, media and postage.
7 The term does not include a cost that a governmental entity incurs
8 regardless of whether or not a person requests a copy of a particular
9 public record.
10   2. "Agency of the Executive Department" means an agency,
11 board, commission, bureau, council, department, division, authority
12 or other unit of the Executive Department of the State Government.
13 The term does not include the Nevada System of Higher Education.
14   3. "Committee" means the Committee to Approve Schedules
15 for the Retention and Disposition of Official State Records.
16   4. "Division" means the Division of State Library, Archives
17 and Public Records of the Department of Administration.
18   5. "Governmental entity" means:
19   (a) An elected or appointed officer of this State or of a political
20 subdivision of this State;
21   (b) An institution, board, commission, bureau, council,
22 department, division, authority or other unit of government of this
23 State, including, without limitation, an agency of the Executive
24 Department, or of a political subdivision of this State;
25   (c) A university foundation, as defined in NRS 396.405;
26   (d) An educational foundation, as defined in NRS 388.750, to
27 the extent that the foundation is dedicated to the assistance of public
28 schools; or
29   (e) A library foundation, as defined in NRS 379.0056, to the
30 extent that the foundation is dedicated to the assistance of a public
31 library.
32   6. "Official state record" includes, without limitation:
33   (a) Papers, unpublished books, maps and photographs;
34   (b) Information stored on magnetic tape or computer, laser or
35 optical disc;
36   (c) Materials that are capable of being read by a machine,
37 including, without limitation, microforms and audio and visual
38 materials; and
39   (d) Materials that are made or received by a state agency and
40 preserved by that agency or its successor as evidence of the
41 organization, operation, policy or any other activity of that agency
42 or because of the information contained in the material.

1 7. "Privatization contract" means a contract executed by or on
2 behalf of a governmental entity which authorizes a private entity to
3 provide public services that are:

4 (a) Substantially similar to the services provided by the public
5 employees of the governmental entity; and

6 (b) In lieu of the services otherwise authorized or required to be
7 provided by the governmental entity.

8 *8. "Public book or record" or "public record":*

9 *(a) Means all recorded information, regardless of form or*
10 *characteristics, made or received by a governmental entity under*
11 *law or in connection with the transaction of public business and*
12 *preserved or appropriate for preservation by the governmental*
13 *entity or its successor as evidence of the organization, functions,*
14 *policies, decisions, procedures, operations or other activities of the*
15 *governmental entity or because of the informational value of data*
16 *in the recorded information.*

17 *(b) Does not include, without limitation:*

18 *(1) A record that reflects the internal predecisional*
19 *deliberations of a governmental entity or its officers or employees*
20 *or predecisional deliberations between officers and employees of*
21 *one governmental entity and another governmental entity,*
22 *including, without limitation, any research, memoranda or other*
23 *documents used in predecisional deliberations.*

24 *(2) Notes and working papers prepared by or for a public*
25 *officer or employee used solely for that officer's or employee's*
26 *own personal use and other materials that do not have an official*
27 *purpose, including, without limitation, text and electronic mail*
28 *messages sent or received for personal purposes.*

29 **Sec. 2.** This act becomes effective upon passage and approval.

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